



COLORADO

Department of Corrections

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Executive Director

SB 11-176 ANNUAL REPORT: ADMINISTRATIVE SEGREGATION FOR COLORADO INMATES

A REPORT SUBMITTED TO THE
JUDICIARY COMMITTEES OF THE
SENATE AND HOUSE OF REPRESENTATIVES
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PREPARED BY

OFFICE OF PLANNING AND ANALYSIS

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INTRODUCTION

This annual report outlines the prior use of administrative segregation, as well as the current status of on-going administrative segregation reform within the Colorado Department of Corrections (CDOC) pursuant to Senate Bill (SB) 11-176, which states:

On or before January 1, 2012, and each January 1 thereafter, the executive director shall provide a written report to the Judiciary Committees of the Senate and House of Representatives, or any successor committees, concerning the status of administrative segregation; reclassification efforts for offenders with mental illness or developmental disabilities, including duration of stay, reason for placement, and number and percentage discharged; and any internal reform efforts since July 1, 2011.

The purpose of this report is to describe the use of administrative segregation, also referred to as long term solitary confinement, within the CDOC, since SB 11-176 was enacted.

In June 2014, the use of administrative segregation was eliminated within CDOC and replaced with newly developed Restrictive Housing policies and practices that were implemented in accordance with the 13 guiding “Restrictive Housing” principles developed by the Association of State Corrections Administrators (ASCA).

Much of this report will show data across this transition; from administrative segregation to “Restrictive Housing”. Figures that contain data prior to June of 2014 will be labeled using administrative segregation, and data that is exclusively in FY 2015 will be labeled using “Restrictive Housing - Maximum Security” status. All internal reform efforts are publicly available in the form of the Department's Administrative Regulations (AR) including: ARs 650-03 - Restrictive Housing, 600-09-Management of Close Custody Offenders, and 650-04 - Residential Treatment Program for Offenders with Mental Illness and Intellectual and Developmental Disabilities (Please refer to the Residential Treatment Program Legislative report RFI #1). The data contained in this report is through FY 2015.

BACKGROUND

In April 2011 there were 1,476 offenders (6.8%) of CDOC offender population housed within administrative segregation. This number climbed to a high of 1,505 offenders in September 2011. In response to the increase in administrative segregation population, CDOC began formulating an outcome-based strategic plan with long-term goals and objectives designed to reduce the reliance upon the use of administrative segregation. Recognizing the concerns raised by SB 11-176, CDOC identified a strategic initiative to critically examine the policies, procedures, and practices of administrative segregation to make improvements consistent with an independent study¹ and to decrease the number of offenders releasing directly from administrative segregation to parole or the community. This strategic objective included high-level Deputy Director reviews of offenders who had been housed in administrative segregation for longer than one year, and the commission of an independent analysis of administrative segregation policies, procedures, and practices with the support of the National Institute of Corrections (NIC) and the U.S. Department of Justice.

The objective of the NIC analysis was to ensure that administrative segregation beds were being used to house only the most dangerous and disruptive offenders in Colorado's prison system. The recommendations from the NIC review focused on the criteria for placement of offenders in administrative segregation (e.g., narrower criteria, use of punitive segregation prior to placement in administrative segregation, mental health reviews), modifying the quality of life system, and implementing centralized management of administrative segregation. Policy changes were made accordingly and are described fully in the January 2013 SB11-176 report.

Effective February 2013, as part of the changes resulting from the NIC study, administrative segregation became a status separate from custody level. Also implemented as part of the classification study recommendations, a protective custody unit was created. This enabled offenders with verified custody issues to be removed from administrative segregation and placed in a protective custody unit.

While many of the initial reform efforts were successful, in July 2013 there were still 700 offenders housed within administrative segregation, with 17.2% of the offenders releasing directly to the community. The newly implemented five levels of administrative segregation had resulted in a revolving door, with offenders progressing and then being regressed for minor rule infractions. Administrative segregation was still long term solitary confinement - as placement into administrative segregation was not sanction based nor was it set for determinate periods of time.

¹ Austin, James, and Emmitt Sparkman. *Colorado Department of Corrections Administrative Segregation and Classification Review*. National Institute of Corrections, Prisons Division, 2011.

CDOC initiated a number of on-going administrative segregation reform efforts focused upon eliminating the use of administrative segregation or long term solitary confinement, and developing a new determinate Restrictive Housing policy by implementing and adhering to the 13 guiding "Restrictive Housing" principles developed by the ASCA, for those offenders who had proven, through their behavior, to be the most violent, dangerous, and disruptive offenders in CDOC.

In January 2014, several internal working groups of facility staff from throughout CDOC were convened to assist with the on-going administrative segregation reform efforts, with the following goals of: 1) Revise current policies to move from an administrative segregation to a Restrictive Housing policy, and 2) Identify and review every offender who had been housed in administrative segregation longer than 12 months.

During this process four distinctive groups of offenders were identified:

1. Those offenders who needed to be housed in administrative segregation or "Restrictive Housing - Maximum Security" status as a result of their violent, dangerous, and disruptive behaviors.
2. Those offenders who had either real or perceived protective custody issues.
3. Those offenders who had mental health needs and could be better managed within one of CDOC's Residential Treatment Programs (RTP) or Management Control Units (MCU).
4. Those offenders who did not need to be housed in administrative segregation, yet preferred the environment and the single cell that it provided.

AR 650-03 - Restrictive Housing, was completely revised eliminating all previous administrative segregation definitions, terms and practices, and replaced with Restrictive Housing definitions, terms and practices. Further revisions to AR 650-03 identified a list of punitive offenses to include 13 of the most violent and dangerous offense types (e.g., murder, manslaughter, kidnapping, assault, rape, arson, escape, possession of dangerous contraband, engaging in/inciting a riot), for which an offender could be housed within "Restrictive Housing - Maximum Security" status, and for how long. With the changes to the new Restrictive Housing policy, offenders sanctioned to "Restrictive Housing - Maximum Security" status received a specified time limit. Offenders were previously placed in administrative segregation for an indeterminate period of time with step down contingent on program compliance. Under the new policy offenders are placed in "Restrictive Housing - Maximum Security" status for a maximum of 12 months dependent on their offense and offense severity, with multidisciplinary reviews being conducted every 30 days.

The revisions reflected the ASCA resolution for *Restrictive Status Housing Policy Guidelines* that provide a framework for each correctional agency to develop their own policies and practices consistent with the 13 ASCA “Guiding Principles”.²

To ensure for the progressive pro-social management, or step-down, of offenders from “Restrictive Housing - Maximum Security” status back into general population, AR 600-09 - Management of Close Custody Offenders, was revised to address the significant public, staff and offender safety concerns that are present when managing this population. This resulted in the development and implementation of two new Close custody units; Management Control Units (MCU’s), and Close Custody Transition Units (CCTU’s).

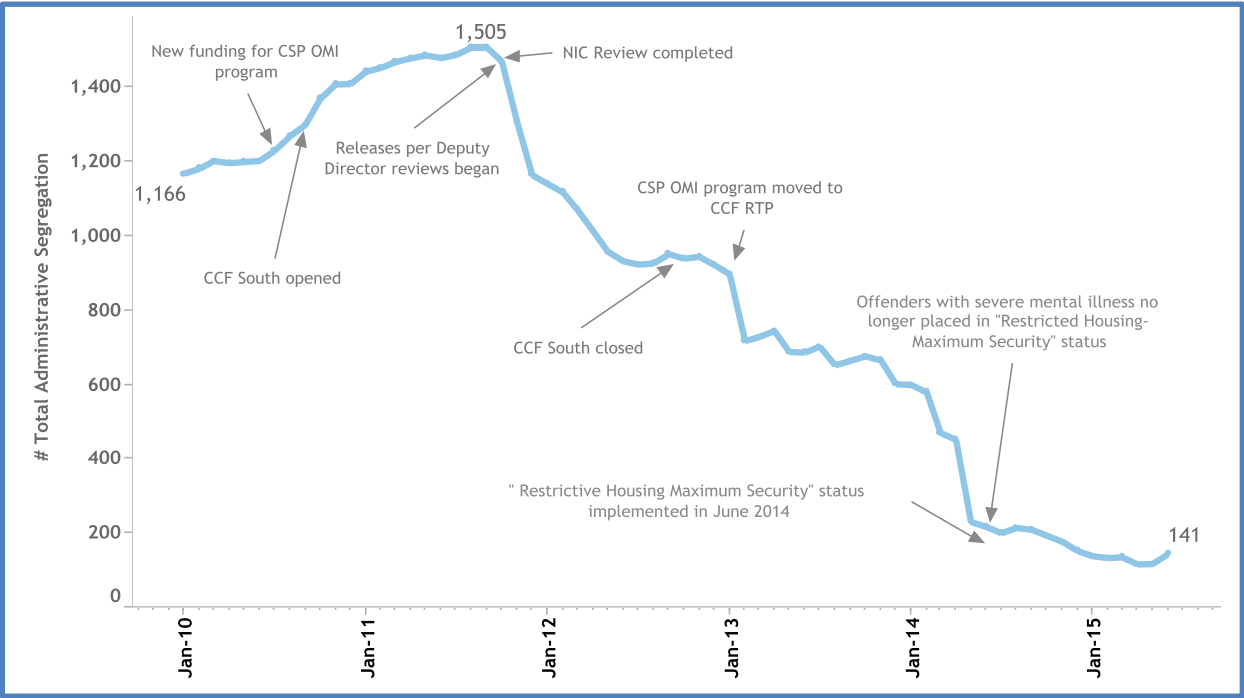
MCU’s are designed to serve as a progressive, socialization management assignment for high risk offenders who are progressing out of “Restrictive Housing - Maximum Security” status. Offenders assigned to MCUs are allowed out of their cell for a minimum of four hours per day, seven days per week, with up to eight other offenders, to participate in small group controlled pro-social pod/day hall, recreational, and programming activities.

CCTUs are primarily used as a temporary (six month) progressive management assignment for close custody offenders who are either progressing out of MCUs or for newly arrived offenders who score close custody on their initial intake classification. Offenders assigned to CCTUs are allowed out of their cell for a minimum of six hours per day, seven days per week with up to 16 other offenders, to participate in pro-social group pod/day hall, recreational, and *Thinking for a Change* cognitive intervention programming activities.

While the MCUs and CCTUs are more restrictive than the general population, they are far less restrictive than previous levels of administrative segregation housing or current “Restrictive Housing - Maximum Security” status. **Figure 1** shows administrative segregation population trends along with key timeline events, through June 30, 2015.

² See Addendum A

Figure 1. Administrative segregation population trends with timeline of key reform initiatives



ON-GOING EFFORTS TO ADDRESS THE NEEDS OF OFFENDERS WITH SERIOUS MENTAL ILLNESSES

As required under AR 650-03, offenders with a serious mental illness cannot be placed into “Restrictive Housing - Maximum Security” status. To determine who these individuals are, CDOC uses a coding process to identify and track offenders who have mental health treatment needs. Because the P code identifies broad need levels, a definition was created in February 2013 to identify those with a major mental illness. Major mental illness was defined by clinical diagnoses; qualifying disorders included schizophrenia, bipolar disorders, major depressive disorders, and delusional or psychotic disorders. Beginning in April 2013, an *M* qualifier was used to designate offenders with *major* mental illness. In FY 2014, CDOC determined that the definition of major mental illness was too exclusive and began using the term serious mental illness. Furthermore, qualifying disorders were expanded. An *M* qualifier continues to identify those offenders recognized as having a *serious* mental illness.

In June 2014, the newly implemented “Restrictive Housing - Maximum Security” status policy was put in place. Furthermore, in response to policy and SB 14-064, which prohibits offenders diagnosed with a serious mental illness from being placed in long-term isolated confinement, offenders with serious mental illness were no longer placed in “Restrictive Housing - Maximum Security” status.

PLACEMENTS

Offender files are reviewed monthly by researchers to code reasons for placement of offenders into “Restrictive Housing - Maximum Security” status. During this review, the primary reason for placement is obtained for each offender, even if there were multiple factors affecting the placement decision. Because a brief narrative cannot provide enough detail to convey the seriousness of the incident, a placement severity rating is coded for each offender. For example, a less serious assault could entail throwing an item at staff versus a more serious assault which might result in serious bodily injury to or death of staff or offender. It should be noted that placement severity ratings of 1 are serious, just less serious than those with higher severity ratings. For FY 2015, **Table 1** shows placement reasons for all offenders entering administrative segregation and “Restrictive Housing - Maximum Security” status.

Table 1. Placements into “Restrictive Housing - Maximum Security” status during FY 2015.

Placement Reason	Placement Severity			
	1	2	3	4
Assault on inmate		3	81	
Assault on staff		6	10	
Escape	1	2		
Inciting a riot		14		
Murder/manslaughter				4
Other		2		
Possession of dangerous contraband		110	2	
Rape				1
STG activity		3	38	

RELEASES

Two performance outcome measures were identified for FY 2012 as part of CDOC's strategic plan. These measures were intended to evaluate the success of CDOC's reform efforts: 1) to reduce the rate of offenders in administrative segregation and 2) to reduce the percent of offenders who release directly from administrative segregation to parole/community. The FY 2012 goals were exceeded for both measures, and therefore, the measures were discontinued for FY 2013. However, due to renewed efforts to reform administrative segregation, new targets were set on these same measures for FY 2014 and carried on into FY 2015. Figures 2 and 3 present the FY 2012 and 2014 targets along with actual performance on each measure.

Figure 2: Percentage of total prison population in administrative segregation / Restrictive Housing - Maximum Security

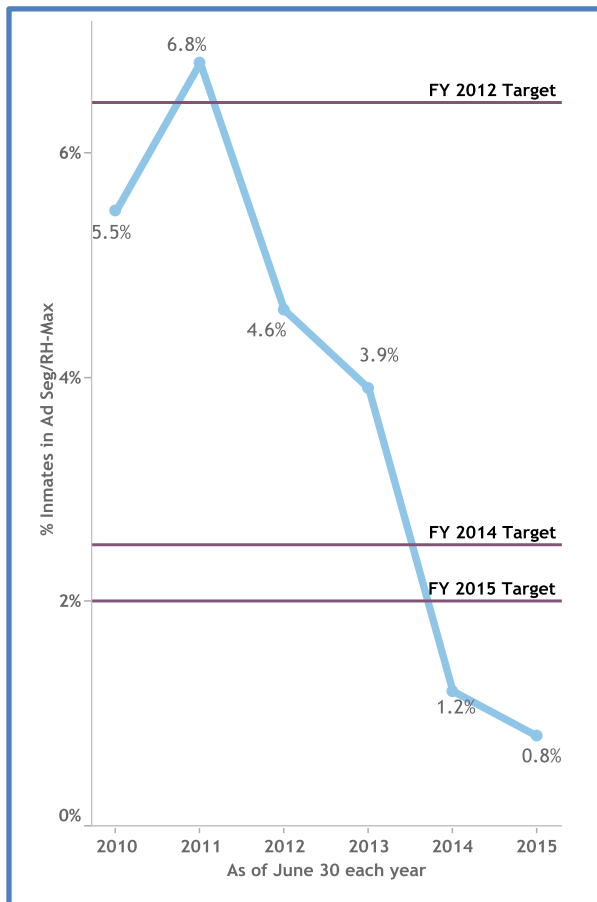


Figure 3: Releases directly to community from administrative segregation / Restrictive Housing - Maximum Security

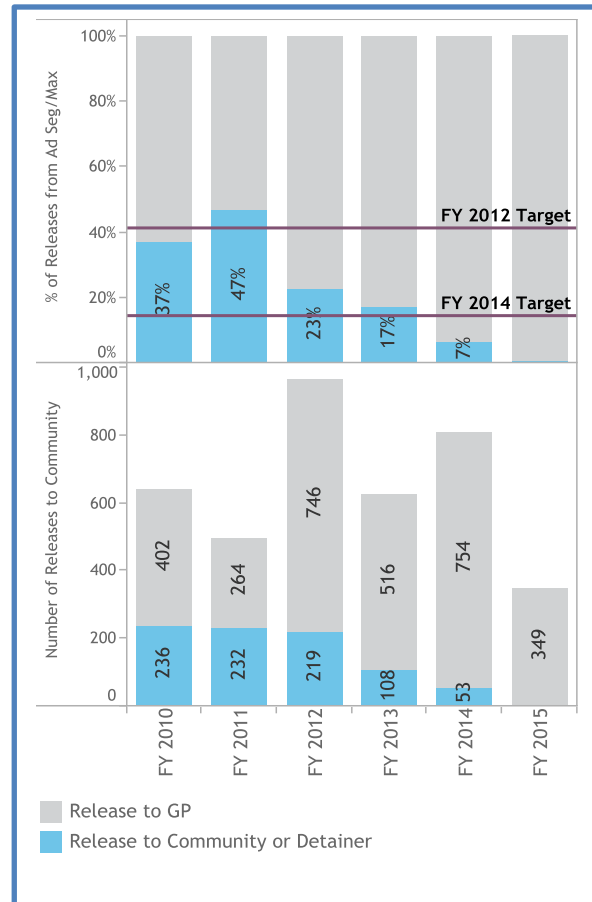
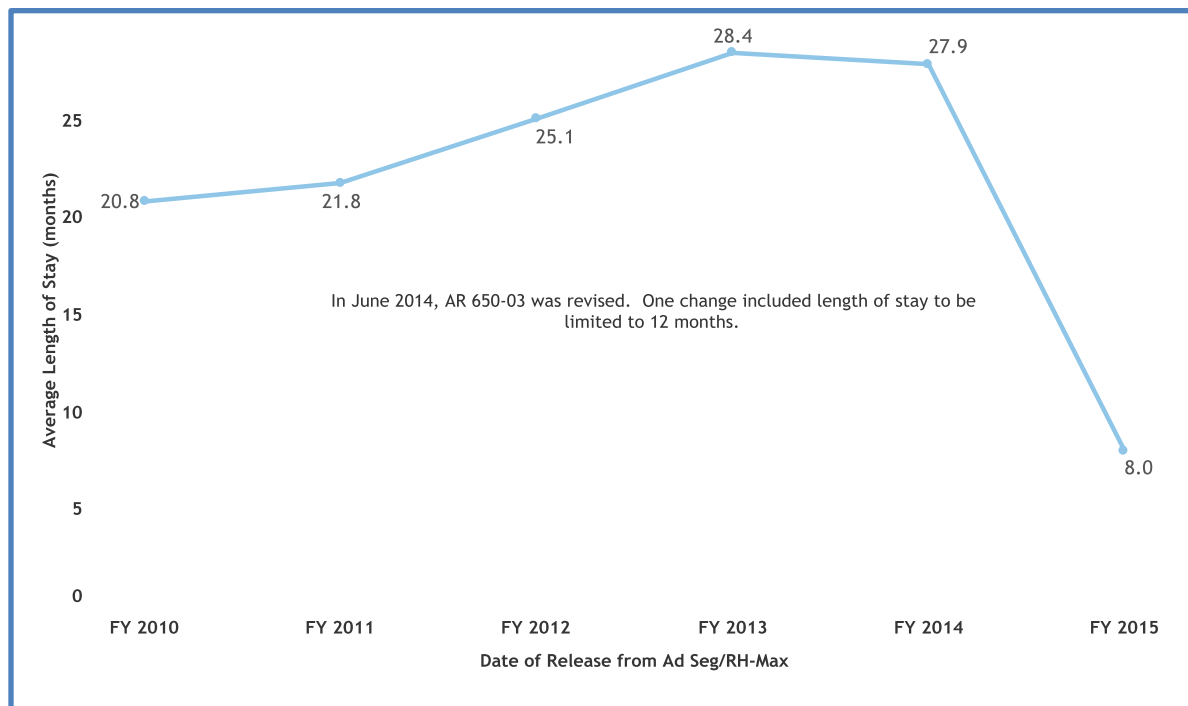


Figure Note: During FY15, one offender was released from Restricted Housing-Maximum Security directly to a detainer. Due to the circumstances, the offender was approved for RH-Max because he was being released directly to a jail.

As a result of the continued and on-going efforts to limit the use of long-term solitary confinement/administrative segregation, the average length of stay in months for offenders releasing from administrative segregation increased during FY 2013 and FY 2014. As offenders who were in administrative segregation for extended periods of time released, the average length of stay increased. However, in FY 2015 the average length of stay decreased for offenders in “Restrictive Housing - Maximum Security” status by more than half. The sharp decrease in FY 2014 into FY 2015 is a result of changes regarding maximum length of stay in restrictive housing.

Figure 4: The average length of stay for offenders in administrative segregation / Restricted Housing-Maximum Security - Total Population



FISCAL YEAR 2015 RESTRICTIVE HOUSING HIGHLIGHTS

- The number of offenders housed within administrative segregation (now referred to as “Restrictive Housing -Maximum Security” status) has been reduced to a monthly average of 158 offenders.
- The average length of stay in administrative segregation or “Restrictive Housing-Maximum Security” status has been reduced from 28 months to 8 months.
- Previous practices of releasing offenders directly from administrative segregation environments to the community have been eliminated, thereby enhancing public safety.
- FY 2012 = 188 offenders were released directly from administrative segregation
- FY 2013 = 91 offenders were released directly from administrative segregation.
- FY 2014 = 40 offenders were released directly from administrative segregation
- Since March 2014 - There have been zero offenders released directly to the community from administrative segregation or “Restrictive Housing - Maximum Security” status.

The Department believes that our staff, our institutions and ultimately our communities will be safer as a result of these on-going administrative segregation reform efforts.

ADDENDUM A

ASSOCIATION OF STATE CORRECTIONAL ADMINISTRATORS

Executive Officers

<i>President</i> Ashbel T. Wall, II	<i>Vice President</i> Christopher Epps
<i>Treasurer</i> Leann Bertsch	<i>Past President</i> Harold Clarke



Regional Representatives

<i>Midwest</i> Bob Houston	<i>Northeast</i> Luis Spencer
<i>Southern</i> Gary Maynard	<i>Western</i> Brad Livingston

Restrictive Status Housing Policy Guidelines

Purpose

The Association of State Correctional Administrators [ASCA] recognizes the importance and challenges associated with managing inmates who pose a serious threat to staff, other inmates or to the safe and orderly operation to correctional facilities. The use of restrictive housing is a necessary tool for correctional systems to utilize to ensure a safe environment for staff and inmates. ASCA is committed to the universal classification principle of managing inmates in the least restrictive way necessary to carry out its mission.

As a result, ASCA established a sub-committee for the purpose of creating guiding principles that might be used by member agencies for the purpose of developing policies related to restrictive status housing. ASCA recognizes that individual jurisdictions have specific issues, unique legislation, judicial orders, and varying physical plant configurations that must be considered locally and addressed by policies specific to those individual jurisdictions. Based on the complexity of managing this population, some universal principles provide this general framework for agencies in the development of their policies. We hope this document is helpful to jurisdictions in designing policies to safely manage this population in a manner that promotes their positive transition to less restrictive settings while supporting an environment where other inmates may safely and actively participate in pro-social programs and activities.

Defining Restrictive Housing

Restrictive status housing is a term used by correctional professionals to encompass a larger number of agency specific nomenclatures. In general terms, restrictive status housing is a form of housing for inmates whose continued presence in the general population would pose a serious threat to life, property, self, staff or other inmates, or to the security or orderly operation of a correctional facility. This definition does not include protective custody. Restrictive status housing is designed to

support a safe and productive environment for facility staff and inmates assigned to general population as well as to create a path for those inmates in this status to successfully transition to a less restrictive setting.

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ASSOCIATION OF STATE CORRECTIONAL ADMINISTRATORS

The following guiding principles for the operation of restrictive status housing are recommended for consideration by correctional agencies for inclusion in agency policy. They are to:

1. Provide a process, a separate review for decisions to place an offender in restrictive status housing;
2. Provide periodic classification reviews of offenders in restrictive status housing every 180 days or less;
3. Provide in-person mental health assessments, by trained personnel within 72 hours of an offender being placed in restrictive status housing and periodic mental health assessments thereafter including an appropriate mental health treatment plan;
4. Provide structured and progressive levels that include increased privileges as an incentive for positive behavior and/or program participation;
5. Determine an offender's length of stay in restrictive status housing on the nature and level of threat to the safe and orderly operation of general population as well as program participation, rule compliance and the recommendation of the person[s] assigned to conduct the classification review as opposed to strictly held time periods;
6. Provide appropriate access to medical and mental health staff and services;
7. Provide access to visiting opportunities;
8. Provide appropriate exercise opportunities;
9. Provide the ability to maintain proper hygiene;
10. Provide program opportunities appropriate to support transition back to a general population setting or to the community;
11. Collect sufficient data to assess the effectiveness of implementation of these guiding principles;

12. Conduct an objective review of all offenders in restrictive status housing by persons independent of the placement authority to determine the offenders' need for continued placement in restrictive status housing; and
13. Require all staff assigned to work in restrictive status housing units receive appropriate training in managing offenders on restrictive status housing status.

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