



COLORADO

Department of Corrections

RICK RAEMISCH
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
DUE JANUARY 1, 2018, PURSUANT TO C.R.S. 17-1-113.9(1)

PREPARED BY
OFFICE OF PLANNING AND ANALYSIS
JANUARY 2018

TABLE OF CONTENTS

INTRODUCTION	1
BACKGROUND.....	2
EXTENDED RESTRICTIVE HOUSING (ERH)	6
PLACEMENT INTO EXTENDED RESTRICTIVE HOUSING	8
RELEASES FROM EXTENDED RESTRICTIVE HOUSING	10
FISCAL YEAR 2017 HIGHLIGHTS & NEW REFORMS	11

INTRODUCTION

This annual report outlines the prior use of Administrative Segregation, as well as the status of 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 previous use of Administrative Segregation, also referred to as long-term solitary confinement, and the development of Extended Restrictive Housing (ERH) to end the use of Administrative Segregation

within the CDOC since SB 11-176 was enacted.

In June 2014, the use of Administrative Segregation was eliminated within the CDOC and replaced with newly-developed Restrictive Housing policies and practices that included a new status, Restrictive Housing - Maximum Security (RH-Max). This change included policy standards mandating that no offenders with a serious mental illness (SMI) designation could be housed in Restrictive Housing - Maximum Security status. In March 2017 the term RH-Max was changed to Extended Restrictive housing (ERH) to align with American Correctional Association (ACA) standards. A summary of the history of the change from Administrative Segregation to Extended Restrictive Housing (ERH) will be initially discussed. The included data reflect the ERH population since the implementation of the change that began in Fiscal Year (FY) 2015. All information regarding Extended Restrictive Housing can be found in Administrative Regulations (AR) 650-03 *Restrictive Housing* and 600-09 *Management of Close Custody Offenders*. The data contained in this report is through FY 2017.

BACKGROUND

In September of 2011, the CDOC reached its peak of offenders in Administrative Segregation at 1,505 individuals. In response to the increase in the Administrative Segregation population, the CDOC began formulating an outcome-based strategic plan designed to reduce the reliance upon the use of Administrative Segregation. This plan included long-term goals and objectives. In December of 2011, the Colorado Judiciary Committee became concerned about the placement of offenders with mental illness in Administrative Segregation and enacted Senate Bill 11-176. This bill mandated review of the changes to Administrative Segregation concerning offenders with a serious mental illness. Recognizing the concerns raised by SB 11-176, the CDOC incorporated these concerns into its outcome-based plan to develop a strategic initiative that critically examined the policies, procedures, and practices of Administrative Segregation. One of the first steps the CDOC took was to bring in an independent research team¹ to review the policies of Administrative Segregation in order to yield recommendations for change.

The initiative implemented improvements consistent with the independent study to make the necessary changes required to eliminate the dependency on Administrative Segregation use. These improvements included: a decrease in the number of offenders releasing directly from Administrative Segregation to parole or the community, high-level Deputy Director reviews of the 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 only used to house the most dangerous and disruptive offenders in Colorado's prison system. The recommendations from the NIC review focused on changing 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

¹ Austin, James, and Emmitt Sparkman. *Colorado Department of Corrections Administrative*

Segregation and Classification Review. National Institute of Corrections, Prisons Division, 2011.

reviews), modifying the quality of life system, and implementing the centralized management of Administrative Segregation. Policy changes were made accordingly and are described fully in the January 2013 SB11-176 report. As part of the changes resulting from the NIC study, Administrative Segregation became a status separate from custody level in February 2013. The establishment of a protective custody unit was also recommended, which allowed 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 in Administrative Segregation, with 17.2% of those offenders still releasing directly from Administrative Segregation to the community. In addition, the newly implemented five level Administrative Segregation system resulted in a revolving door. Offenders would frequently progress out of Administrative Segregation but then regress back into Segregation for minor rule infractions. In effect, 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.

Over the course of several years the CDOC initiated a number of Administrative Segregation reform efforts focused upon eliminating the use of Administrative Segregation. A new determinate Restrictive Housing policy was developed which set clear expectations for housing offenders who had proven through behavior to be the most violent, dangerous, and disruptive offenders in the CDOC.

In January 2014, several internal working groups from throughout the CDOC were assembled to assist with the on-going Administrative Segregation reform efforts. These groups worked toward the following goals: A) Revise current policies to move from an Administrative Segregation to a Restrictive Housing policy, and B) 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. Offenders who required Administrative Segregation or Extended Restrictive Housing because of violent, dangerous, and disruptive behaviors.
2. Offenders who had real or perceived protective custody issues.

3. Offenders whose mental health needs could be better managed within one of CDOC's Residential Treatment Programs (RTP) or Management Control Units (MCU).
4. Offenders who did not require Administrative Segregation, yet favored the environment and the single cell that it provided.

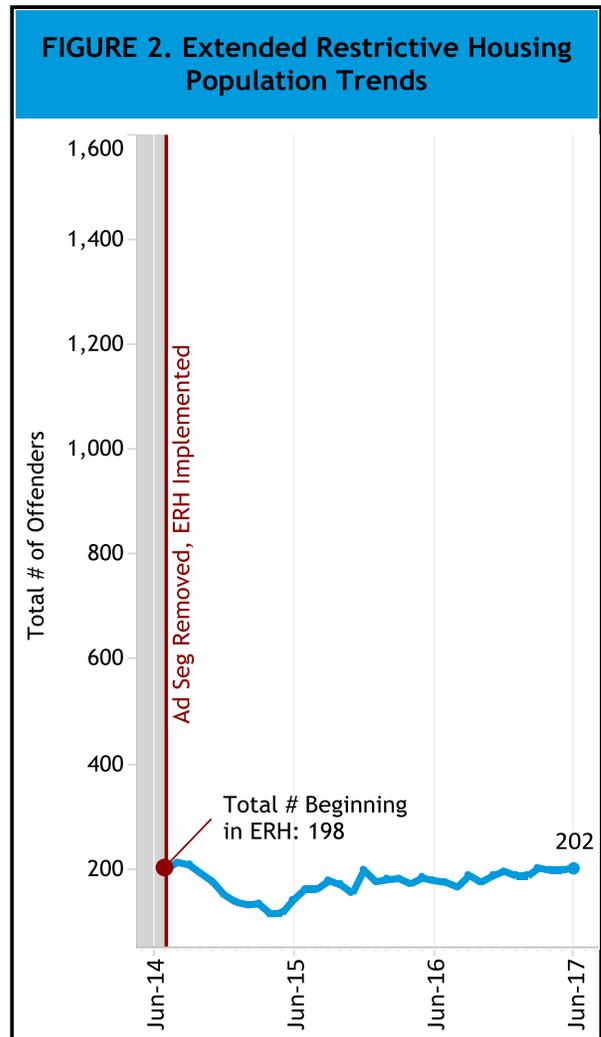
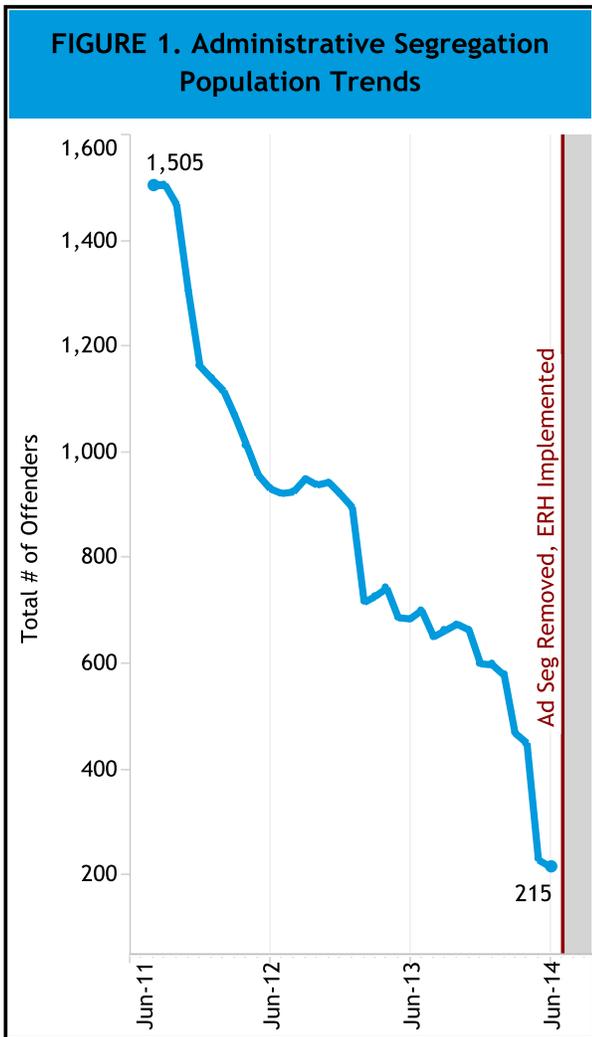
Thus, CDOC AR 650-03 was completely revised to eliminate all previous Administrative Segregation definitions, terms and practices. These were replaced with Restrictive Housing definitions, terms and practices. Further revisions to AR 650-03 identified a list of punitive offenses to include 11 of the 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 in Restrictive Housing. Under the new policy, offenders were placed in ERH for a maximum of 12 months dependent on the offense and offense severity, with multidisciplinary reviews being conducted every 30 days. This was a major change to previous policy whereas offenders housed in Administrative Segregation were placed for

an indeterminate period of time with step-down contingent on program compliance.

To ensure progressive pro-social management of offenders from ERH back into general population AR 600-09 *Management of Close Custody Offenders* was revised. These revisions addressed the significant public, staff and offender safety concerns present when stepping down offenders from ERH. These revisions resulted in the development and implementation of two new Close custody unit types; the Management Control Unit (MCU), and the Close Custody Transition Unit (CCTU). MCUs are primarily used as a progressive socialization management assignment for high risk offenders who are progressing out of ERH. Offenders assigned to MCUs are offered a minimum of four hours of out of cell time per day, seven days per week. Up to eight offenders are permitted out at the same time and are able to participate in small group controlled pro-social pod/day hall, recreational, and programming activities. CCTUs are intended 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 the initial intake classification. Offenders assigned to CCTUs are offered a minimum

of six hours of out of cell time per day, seven days per week. Up to 16 offenders are permitted out at the same time and are able to participate in pro-social group pod/day hall, recreational, and cognitive intervention programming activities.

Figure 1 shows Administrative Segregation population trends through June 30, 2014 and Figure 2 shows Restrictive Housing population trends through June 30, 2017.



EXTENDED RESTRICTIVE HOUSING (ERH)

Since July 1, 2014 the Colorado Department of Corrections has collected and reported data for offenders classified as Extended Restrictive Housing. All data in this report after July 1, 2014 pertains to the ERH population. This data does not include the treatment options or programs for offenders with serious mental illness as offenders identified with SMI are not housed in ERH.

There are several distinct differences between the criteria for the use of Extended Restrictive Housing and the use of Administrative Segregation. The Extended Restrictive Housing criteria are as follows:

- No offender with a designation of serious mental illness can be placed into Extended Restrictive Housing unless exigent circumstances exist and approval is obtained by the deputy executive director. If an offender in ERH has a change of mental health status to a serious mental illness, the offender is immediately moved to a residential treatment facility for evaluation and treatment.
- When reclassified to ERH, offenders are informed of the maximum length of stay possible as well as the review process that will take place during the

designated stay in ERH.

- Offenders may only be placed in ERH for up to twelve months.
- Offenders are offered a monthly out of cell meeting with Case Management and Mental Health.
- The CDOC has a continuous goal to house less than 2.0% percent of the entire population in ERH at any time. This goal has been exceeded since the inception of ERH in July of 2014 (**Figure 3 & Figure 4**).

FIGURE 3. Percent of Inmates in Administrative Segregation

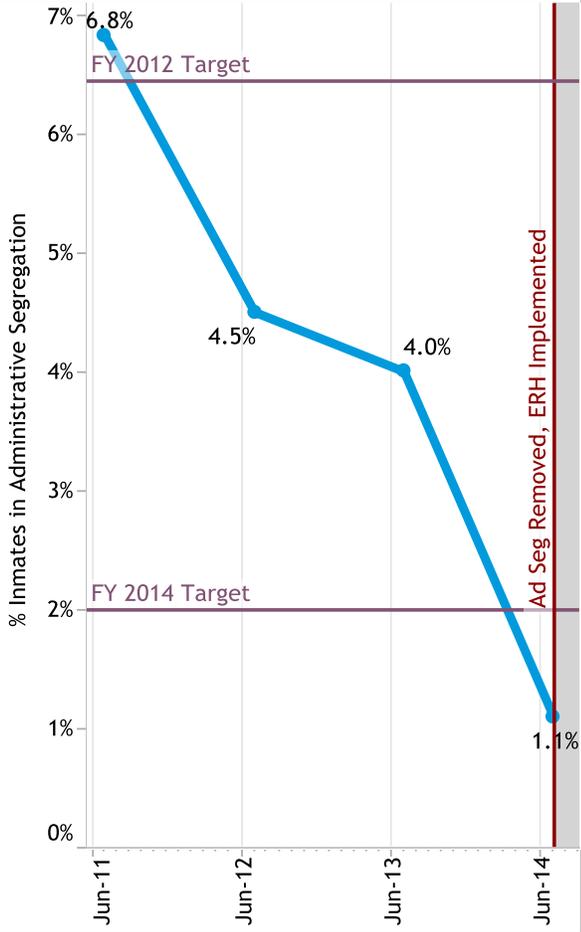
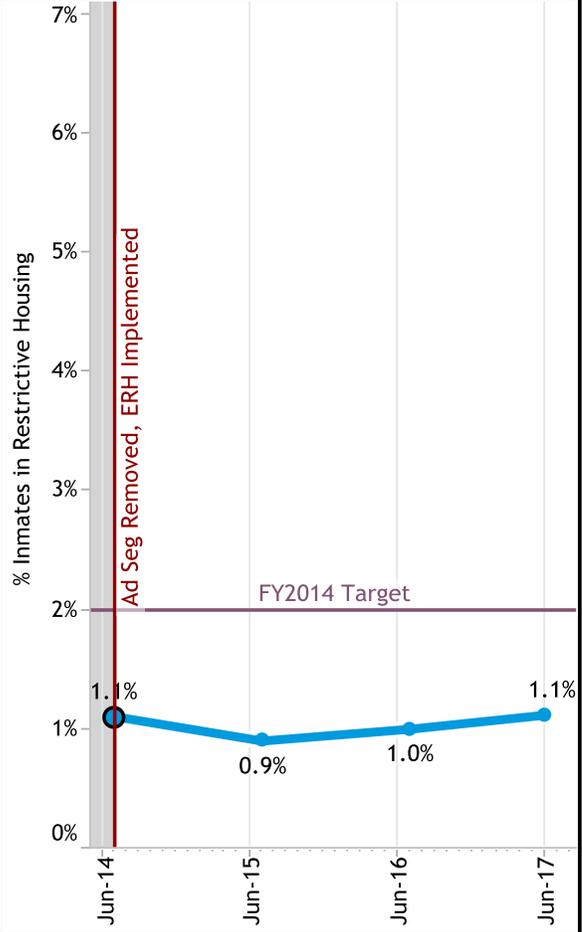


FIGURE 4. Percent of Inmates in Extended Restrictive Housing



PLACEMENT INTO EXTENDED RESTRICTIVE HOUSING

Since July of 2014, the number of offenders placed into Extended Restrictive Housing has remained around one percent of the total CDOC population. Offenders considered for placement into ERH must go through an intensive review process to ensure that mental, medical, and personal well-being are suitable for placement into the punitive management step-down system.

Placement into ERH is limited to 11 specific infractions and one discretionary category, which can be used by the Director of Prisons for limited and special circumstances. **Figure 5** lists the 11 specific reasons that an offender can be considered for ERH placement. These placement reasons represent a significant change from the old Administrative Segregation policy which contained a total of 38 reasons that an offender could be considered for segregation.

In FY 2017, seven placement reasons were utilized for movement into Extended Restrictive Housing, totaling 316 placements during the fiscal year. Of these placements, 143 (45.3%) of the offenders were placed for an assault on another

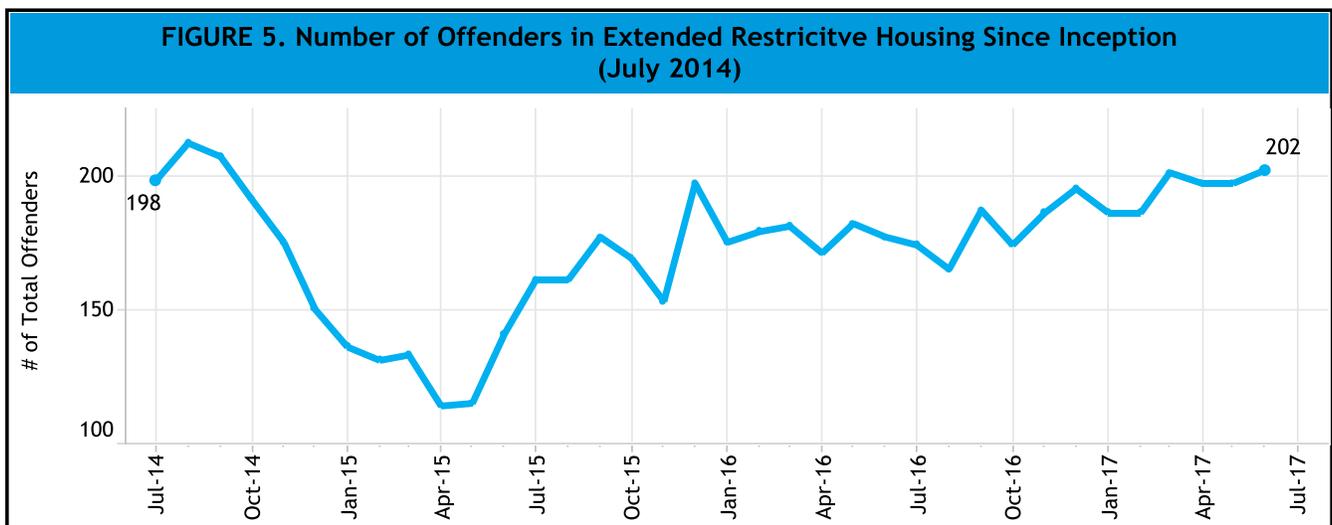
TABLE 1. Placement Reasons for Extended Restrictive Housing

1.	Arson
2.	Assault on Inmate (with intent to cause serious bodily injury)
3.	Assault on Staff (with intent to cause serious bodily injury)
4.	Escape (attempt or complicity)
5.	Manslaughter
6.	Inciting/Engaging in a Riot
7.	Kidnapping (attempt or complicity)
8.	Murder (attempt or complicity)
9.	Possession of Dangerous Contraband
10.	Possession of Escape Paraphernalia
11.	Rape (attempt or complicity)

inmate. Another 96 offenders (30.4%) were placed for possession of dangerous contraband, while 39 offenders (12.3%) were placed for assault on a staff member. Nineteen offenders (6.0%) were placed for inciting/engaging in a riot and eight offenders (2.5%) were placed for murder/manslaughter. Two offenders (Less than 1%) were placed for escape and the use of the discretionary category for placement was utilized for nine offenders (2.8%) during the fiscal year.

As Figure 5 demonstrates, utilization of the Extended Restrictive Housing management step-down strategy is only for offenders who commit serious infractions. In the last three years, an average of 173 offenders per month have been placed in Extended Restrictive Housing. Reduction in the number of offenders housed in ERH continues to be a primary goal for the CDOC. On-going efforts to meet this goal are demonstrated in the continued efforts to decrease placements and length of stay in Extended Restrictive Housing. As a result

of the new goals of the step-down system changes to Extended Restrictive Housing, offender length of stay is continually reviewed. In FY 2014, prior to the changes, the average length of stay in Administrative Segregation was 28 months per offender. The change from Administrative Segregation to ERH significantly decreased the average length of stay per offender from 27.5 months in FY 2014 to 5.8 months in FY 2016. Offenders stayed in ERH for an average of 7.4 months in FY 2017.

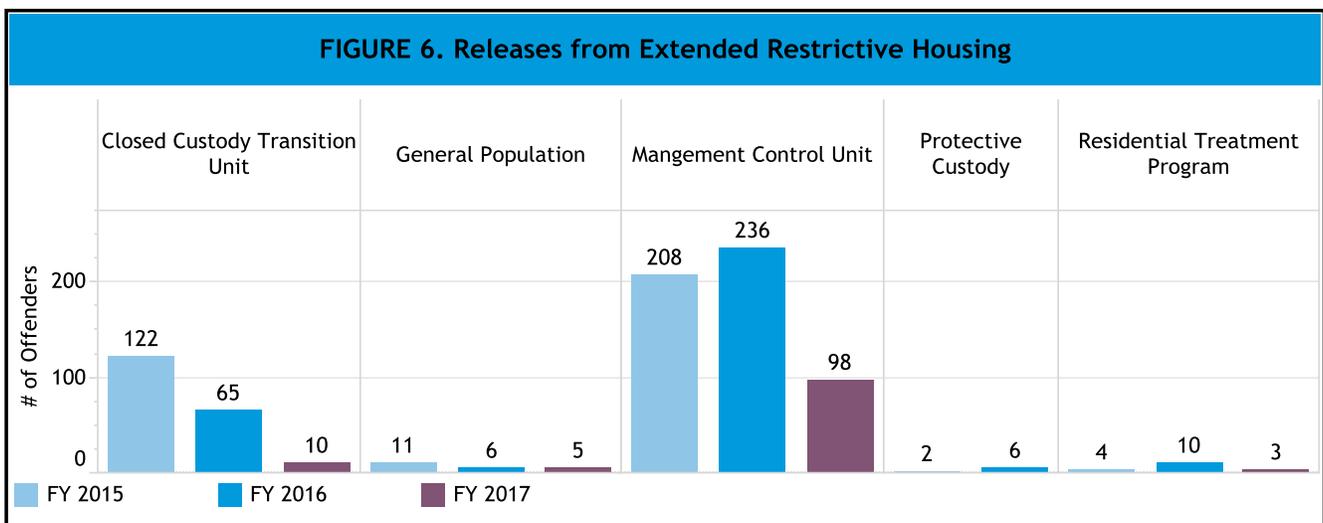


RELEASES FROM EXTENDED RESTRICTIVE HOUSING

The CDOC incorporated a progressive step-down system as part of the continued effort to decrease the number of offenders in Extended Restrictive Housing and improve offender progression. This step-down system focused on preventing offenders from circulating through ERH placement multiple times throughout their sentence and included the implementation of Management Control Units (MCU) and Close Custody Transition Units (CCTU). The system was designed to help offenders transition back into general population by utilizing pro-social techniques and incorporating more programming into the step-down structure. While housed in a MCU or a CCTU, offenders have an increase in the secure interaction with other offenders. These staff supported interactions are intended to facilitate positive communication among the

transitioning offenders. Offenders housed in a CCTU are also encouraged to participate in cognitive behavioral programming. This programming aims to decrease criminogenic needs while still increasing pro-social interactions with other offenders and staff.

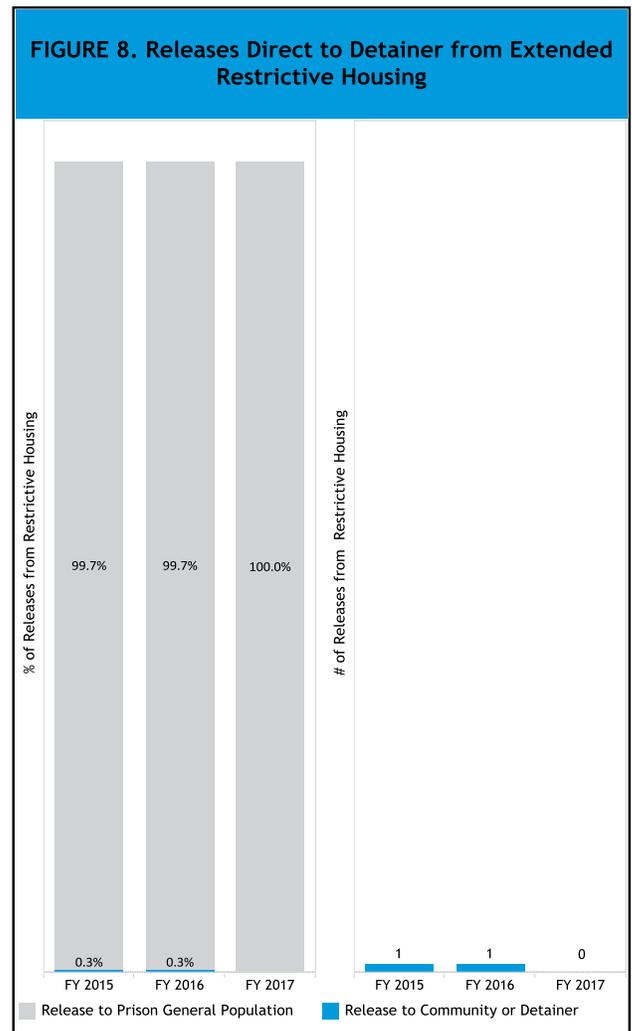
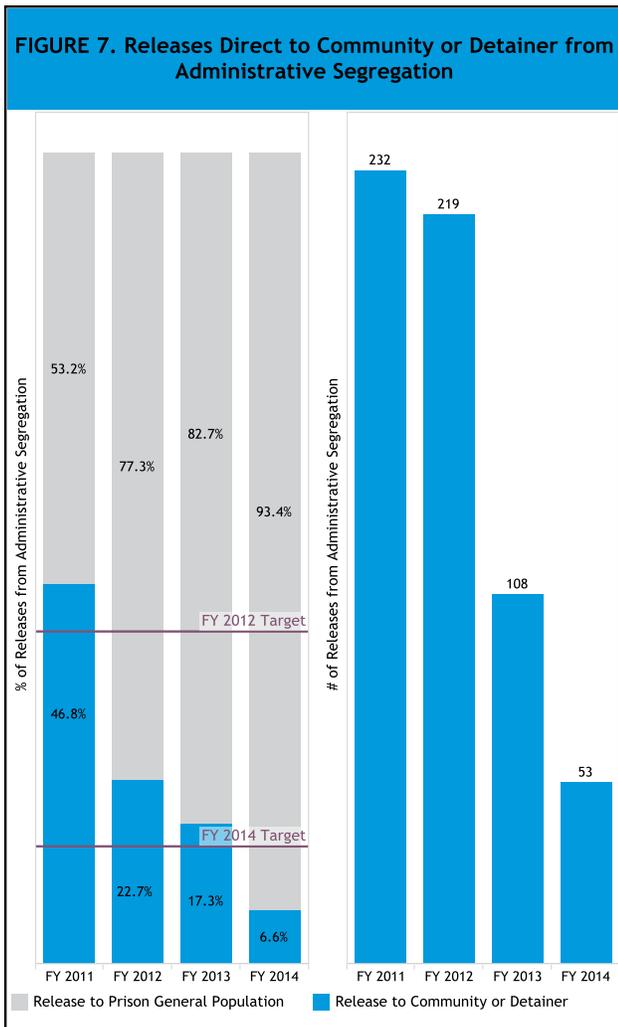
Since the implementation of Extended Restrictive Housing, most of the offenders housed in restriction have released to a MCU or a CCTU. Between FY 2015 and FY 2017, a total 786 offenders have released or reclassified from Extended Restrictive Housing. **Figure 6** shows the new placement of those offenders. In FY 2017, 116 offenders were reclassified to a lower security designation. Of these 116 offenders, 98 offenders (84.5%) progressed to a MCU and 10 offenders (8.6%) advanced into a CCTU. Of the remaining offenders,



five (4.3%) were reclassified into general population, three (2.6%) were placed into residential treatment programs, and none (0%) were placed in protective custody.

Part of the directive for change to Extended Restrictive Housing was to decrease the number of offenders releasing directly from Administrative Segregation to the community. Due to reform, when intermittent circumstances necessitate that an offender releases from Extended

Restrictive Housing to the community (or to a detainer) the cases must be reviewed by management staff and finalized by the Director of Prisons. **Figure 7** shows the number of offenders that released directly to the community or to detainer from Administrative Segregation. **Figure 8** shows the number of offenders that released directly to a detainer from Extended Restrictive Housing since Fiscal Year 2015.



FISCAL YEAR 2017 HIGHLIGHTS & NEW REFORMS

- The number of offenders classified as ERH has been reduced to a monthly average of 173 offenders over the last three years.
- Since FY 2015, offenders leaving ERH have primarily progressed into management control units (MCU) or close custody transition units (CCTU). For FY 2017, 98 offenders progressed to an MCU and 10 offenders progressed into a CCTU.
- New standards mandate that an initial review of offender mental health designations take place to ensure that requirements for housing offenders in ERH are met. This prevents offenders with a serious mental illness from entering ERH and ensures the movement of offenders whose mental health status changes to serious mental illness designations while in ERH.
- During FY 2017, three offenders were moved to a residential treatment program from ERH upon change of their mental health status to a serious mental illness designation.
- Decreases in the amount of time offenders spend in Extended Restrictive Housing demonstrate a continued effort to facilitate offender progression out of ERH. In FY 2017 the average length of stay for offenders in Extended Restrictive Housing before a progress move was 7.4 months.

Building upon the successful reform efforts of recent years, the Colorado Department of Corrections intends to eliminate the use of Extended Restrictive Housing in FY 2018. As such, the FY 2018 annual report will consist of an abbreviated dataset.

FOR MORE INFORMATION, CONTACT:
Office of Planning and Analysis
Department of Corrections
1250 Academy Park Loop
Colorado Springs, CO 80910
719-226-4373
DOC_OPA@state.co.us