



COLORADO

Department of Corrections

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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
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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, the development of Extended Restrictive Housing (ERH) to eliminate the use of Administrative Segregation, and ultimately the elimination of 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 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 the American Correctional Association (ACA) standards. A summary of the changes from the use of Administrative Segregation to limited specialized use of restrictive housing and elimination of long-term solitary confinement will be detailed. The included data reflect the Administrative Segregation and restrictive housing population since the implementation of the change that began in Fiscal Year (FY) 2015. All information regarding 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 are through June 30, 2018.

BACKGROUND

In September of 2011, CDOC reached its peak number 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 on 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 a 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 them 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 and provide recommendations for change. The initiative implemented improvements that

were suggested by the independent study to facilitate the changes necessary to eliminate the dependency on Administrative Segregation. These improvements included decreasing the number of offenders releasing directly from Administrative Segregation to parole or the community, high-level reviews of the offenders who had been housed in Administrative Segregation for longer than one year, and 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 reviews), modifying the quality of life system, and implementing the centralized management of Administrative Segregation.

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

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

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 700 offenders still housed in Administrative Segregation, with 17.2% of those offenders still releasing directly from Administrative Segregation into 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 in 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.

Over the course of several years, the CDOC initiated a number of Administrative Segregation reform efforts focused on 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, or disruptive offenders in the CDOC.

In January 2014, several 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 policy 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 but 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, and replace them 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 policy, offenders were placed in RH-Max status 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 amount of time with step-down contingent on program compliance.

To ensure progressive pro-social management of offenders from restrictive housing 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 RH-Max status. 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). The MCUs were used as progressive socialization management assignments for high-risk offenders who were progressing out of restrictive housing, and the CCTUs were used as a temporary progressive management assignment for close custody offenders who were progressing out of an MCU. In March 2017, the RH-Max status was eliminated and Extended Restrictive Housing (ERH) was implemented to align with American Correctional Association (ACA) standards.

At the end of August 2017, the CDOC completely eliminated the use of ERH and long-term solitary confinement and created the Management Control Comprehensive (MCC) designation. Similar to ERH, placement in MCC is limited to violations of 11 of the most violent and dangerous offense types. Placement in MCC is limited to a maximum of 12 months dependent on the offense and offense severity, with the exception of murder, which is determined by a review conducted by the director of prisons.

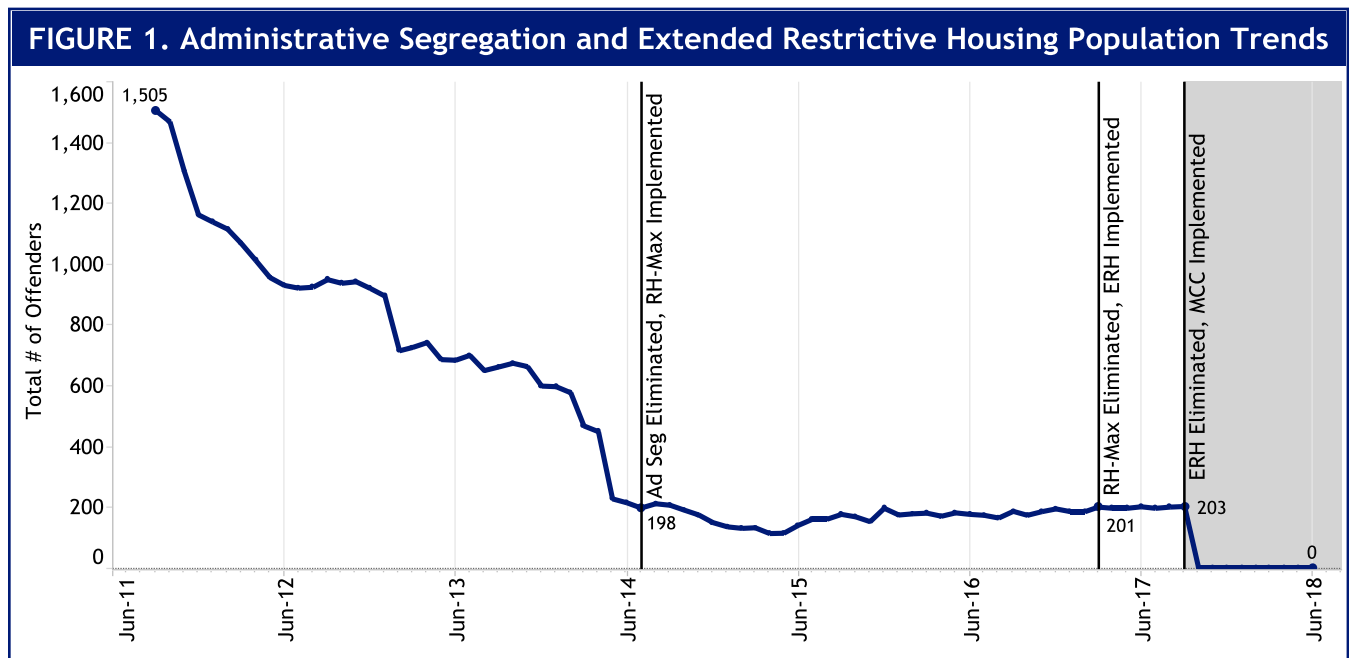
MCC provides the highest level of supervision and control to maintain the safety of the public, CDOC employees, volunteers, and offenders. Offenders in MCC are offered a minimum of four hours per day out of their

assigned cells, seven days per week. This out of cell time consists of passive recreation, outdoor recreation, and cognitive rehabilitative and educational classes in a group setting. MCC engages offenders in opportunities to make positive pro-social changes and promotes offender success. To ensure safe progression from MCC back to general population, MCC offenders are stepped down through the previously implemented MCUs and CCTUs.

MCUs are now utilized for high-risk offenders who are progressing out of MCC. Offenders assigned to MCUs are offered a minimum of four hours of out of cell 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 still utilized as temporary (six-month) assignments for close custody offenders who are progressing out of MCUs. Offenders assigned to CCTUs are offered a minimum of six hours of out of cell 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 programming activities.

Figure 1 shows the population trends resulting from reform efforts. CDOC has consistently led the nation in Administrative Segregation reform and to date remains the only State to have completely eliminated the use of long-term solitary confinement.



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