



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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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 inmates 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 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 inmates 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 and elimination of long-term solitary confinement is detailed in this report. 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 is current through June 30, 2022.

BACKGROUND

In September 2011, the CDOC reached its peak number of inmates 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 2010, the Colorado Judiciary Committee became concerned about the placement of inmates with mental illness in Administrative Segregation and enacted Senate Bill 11-176. This bill mandated a review of the changes to Administrative Segregation concerning inmates 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 inmates releasing directly from Administrative Segregation to parole or the community, high-level reviews of the inmates 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 inmates in Colorado's prison system.

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

The recommendations from the NIC review focused on changing the criteria for placement of inmates 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. 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 inmates 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 inmates housed in Administrative Segregation, with 17.2% of those inmates still releasing directly from Administrative Segregation into the community. In addition, the newly implemented 5-level Administrative Segregation system resulted in a revolving door. Inmates 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 inmates who had proven, through their behavior, to be the most violent, dangerous, or disruptive inmates in the CDOC.

In January 2014, several working groups throughout the CDOC were assembled to assist with the on-going Administrative Segregation reform efforts. These groups worked toward the following goals: 1) revise current policies to move from an Administrative Segregation policy to a restrictive housing policy and 2) identify and review every

inmate who had been housed in Administrative Segregation longer than 12 months. During this process, four groups of inmates were identified:

1. Inmates who required Administrative Segregation or extended restrictive housing because of violent, dangerous, and disruptive behaviors.
2. Inmates who had real or perceived protective custody issues.
3. Inmates whose mental health needs could be better managed within one of the CDOC's Residential Treatment Programs (RTP) or Management Control Units (MCU).
4. Inmates who did not require Administrative Segregation but favored the environment and the single cell that it provided.

The CDOC's AR 650-03 was revised to eliminate all previous Administrative Segregation definitions, terms, and practices, and replace them with Restrictive Housing (RH) definitions, terms, and practices. Further revisions involved identifying a set of 11 violent and dangerous offense types for which an inmate could be housed in RH: murder, manslaughter, kidnapping, assault on staff, assault on inmate, rape, arson, escape, possession of dangerous contraband, possession of escape paraphernalia, and engaging in or inciting a riot.

Under the policy, inmates were placed in RH-Max status for a maximum of 12 months dependent on the offense type and offense severity, with multidisciplinary reviews being conducted every 30 days. This was a major change to previous policy whereas inmates 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 inmates from restrictive housing back into the general population, AR 600-09 *Management of Close Custody Offenders* was revised. These revisions address the significant public, staff, and inmate safety concerns present when stepping down inmates 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).

MCUs were used as progressive socialization management assignments for high-risk inmates who were progressing out of restrictive housing. CCTUs were used as a temporary progressive management assignment for close custody inmates 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 ACA standards.

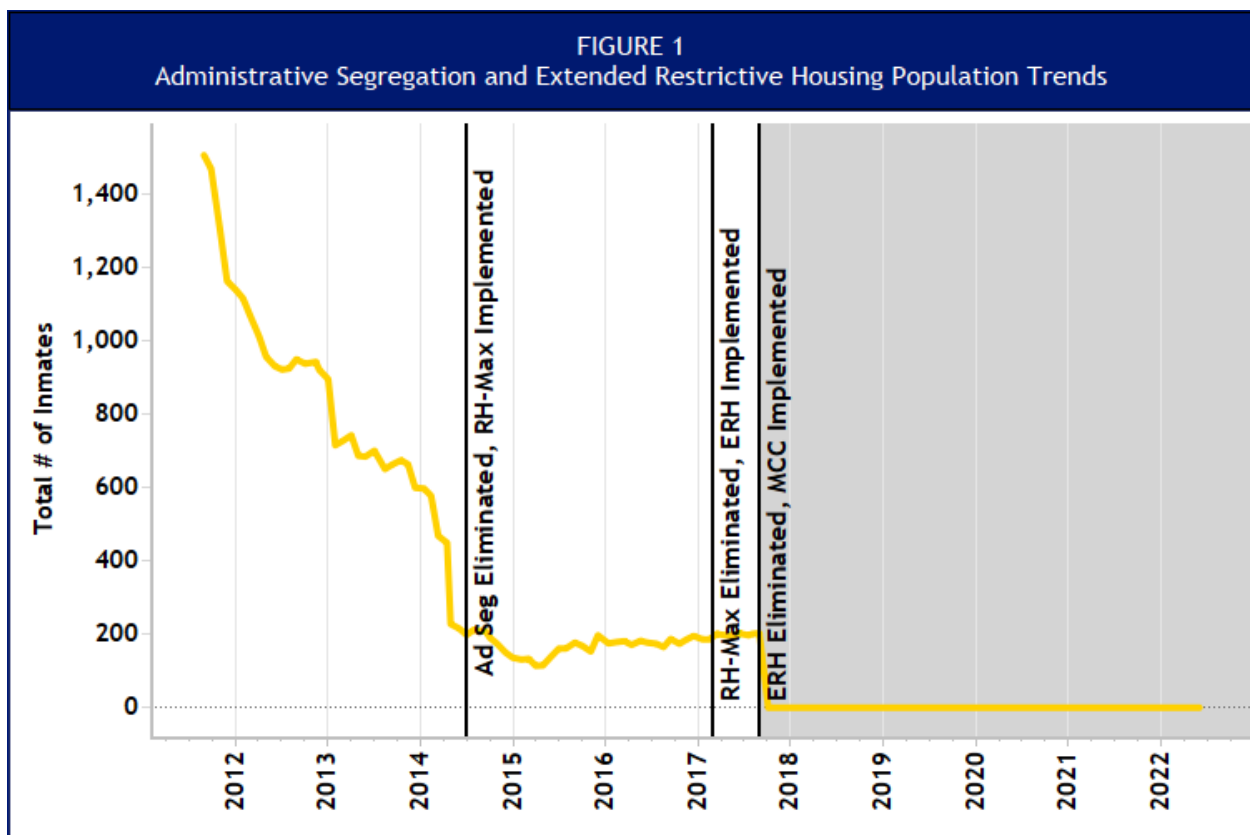
At the end of August 2017, the CDOC eliminated the use of ERH and long-term solitary confinement and created the Management Control Comprehensive (MCC) designation. Similar to ERH, placement in MCC is limited to violations of the 11 designated violent and dangerous offense types. Placement in MCC is limited to a maximum of 12 months, with the exception of murder and staff assault, dependent on the offense type and offense severity 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 inmates. Inmates in MCC are offered a minimum of 4 hours per day out of their assigned cells, 7 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 inmates in opportunities to make positive pro-social changes and promotes inmate success.

To ensure safe progression from MCC back to the general population, MCC inmates are stepped down through the previously implemented MCUs and CCTUs. At the present time, MCUs are utilized for high-risk inmates who are progressing out of MCC. Inmates assigned to MCUs are offered a minimum of 4 hours of out-of-cell time per day, 7 days per week. Up to eight inmates 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 remain utilized as assignments for close custody inmates who are progressing out of MCUs. Inmates assigned to CCTUs are offered a minimum of 6 hours of out-of-cell time per day, 7 days per week. Up to 16 inmates 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 as the CDOC has implemented Administrative Segregation reform and eliminated the use of long-term solitary confinement. RH-Max was eliminated in March 2017 and ERH was implemented. Since the elimination of ERH in August 2017, the population subject to these measures has remained zero.



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