



COLORADO

Department of Corrections

MOSES "ANDRE" STANCIL
EXECUTIVE DIRECTOR

SB 11-176 AND HB 23-1013 ANNUAL REPORT ADMINISTRATIVE SEGREGATION FOR COLORADO INMATES

A REPORT SUBMITTED TO THE
JUDICIARY COMMITTEES OF THE
SENATE AND HOUSE OF REPRESENTATIVES
DUE JANUARY 1, 2024, PURSUANT TO C.R.S. 17-1-113.9(1)

PREPARED BY
THE OFFICE OF PLANNING AND ANALYSIS
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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. With the passage of House Bill (HB) 23-1013, the reporting requirements were adjusted to include data on the placement of individuals in all settings with heightened restrictions. The requirements of this report as stated are:

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 individuals diagnosed with Behavioral health disorders or intellectual developmental disabilities, including duration of stay, reason for placement, and number and percentage discharged; and any internal reform efforts since July 1, 2011. The report must include data concerning the placement of individuals in all settings with heightened restrictions, including the total number of placements in each setting, the total number of placements in each setting involving an individual diagnosed with a behavioral health disorder or intellectual or developmental disability, the average duration of stay of an individual in each setting, the reasons for placement in each setting, and the total number of individuals discharged from each setting.

The purpose of this report is to describe the previous use of Administrative Segregation, also referred to as long-term solitary confinement, and to outline the development of reformatory policies and procedures that resulted in the elimination of long-term solitary confinement within the CDOC. As of Fiscal Year (FY) 2023, per HB 23-1013, this report also includes information on the use of the current heightened restriction statuses in Special Management Housing which were enacted after the elimination of long-term solitary confinement use.

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 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 released 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 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 depending on the offense type and offense severity, with multidisciplinary reviews being conducted every 30 days. This was a major change to the previous policy where 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 special management 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.

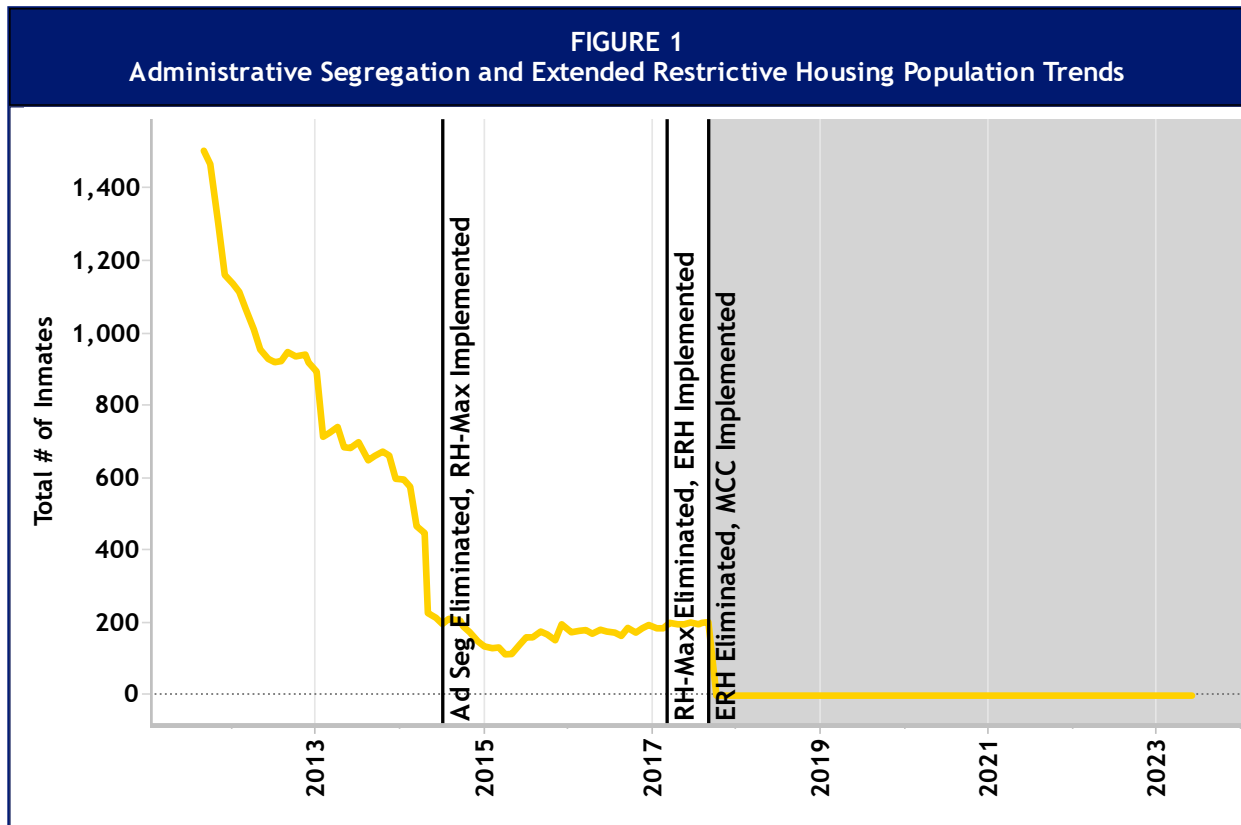
At the end of August 2017, the CDOC eliminated the use of ERH and long-term solitary confinement and created the Management Control Comprehensive (MCC) designation. Similar to ERH, placement in MCC is limited to violations of the 11 designated violent and dangerous offense types. Placement in MCC is 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 making 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.



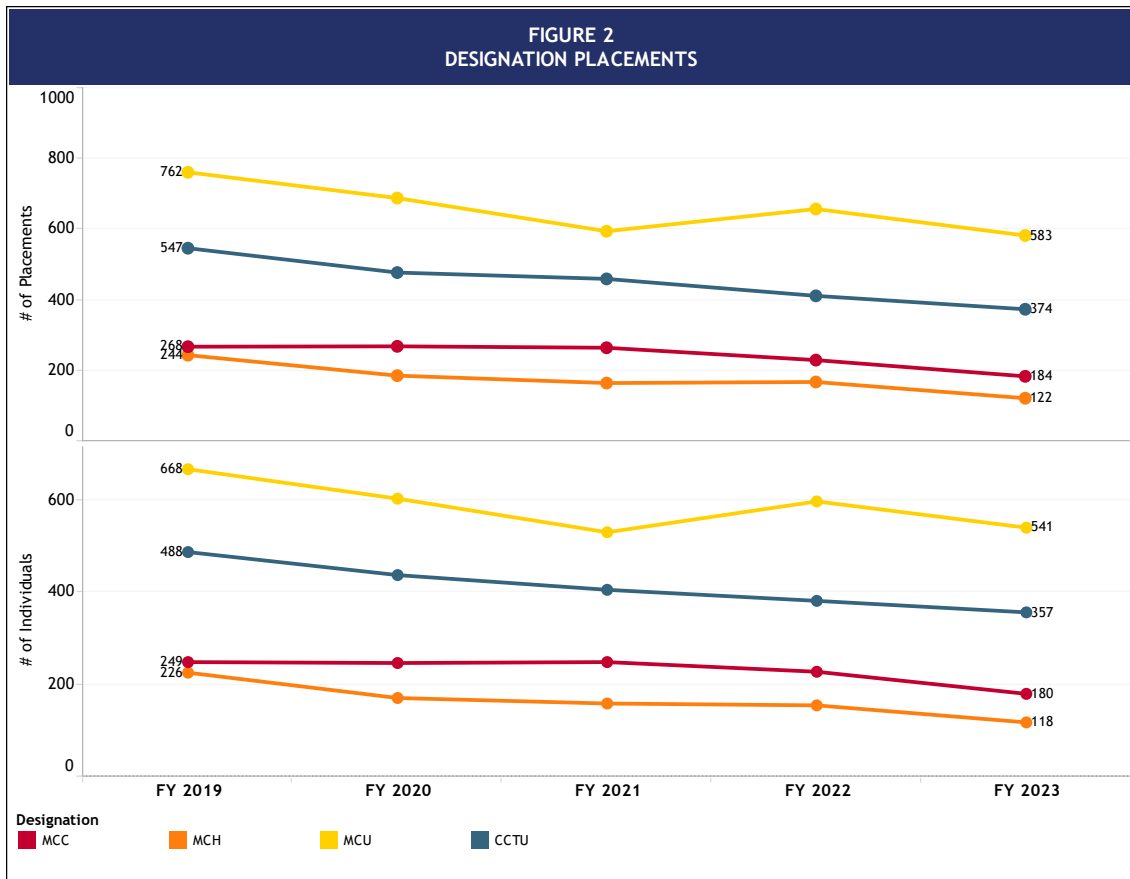
SPECIAL MANAGEMENT HOUSING

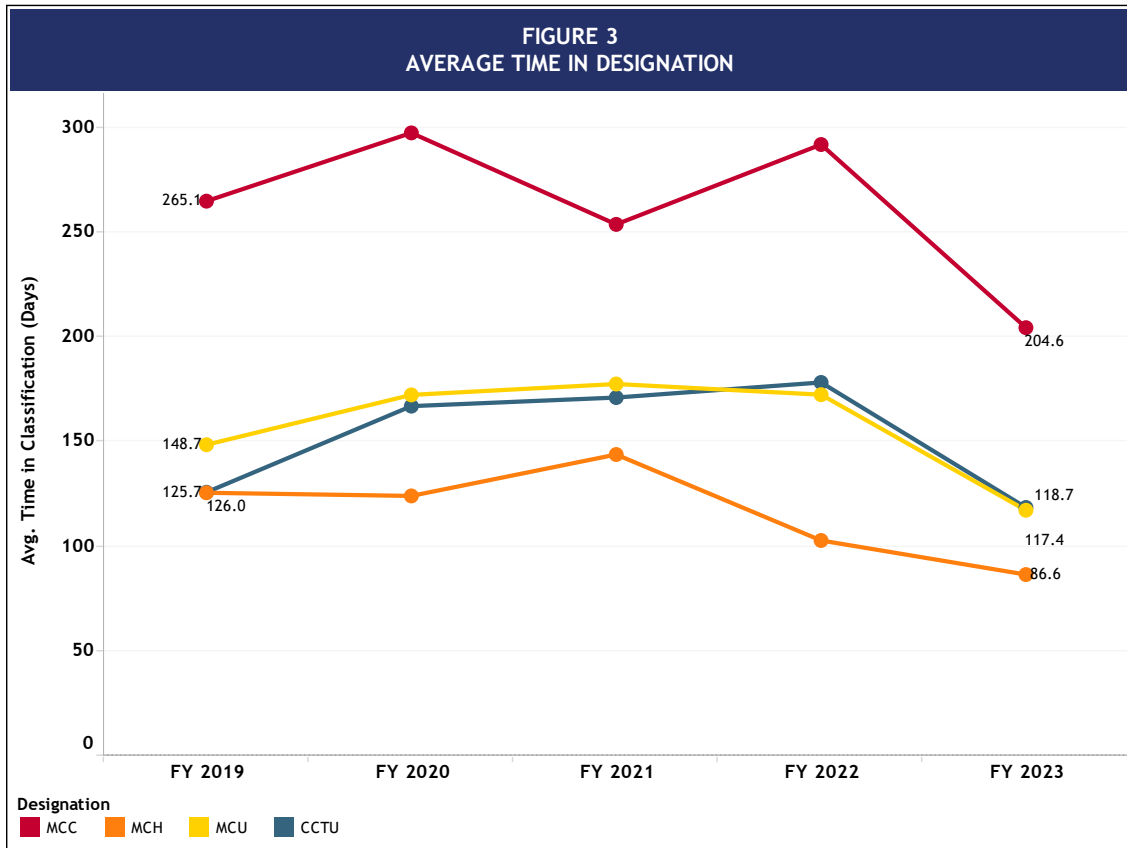
As of FY 2023, the special management housing units utilized within the Colorado Department of Corrections include all Close Custody Special Management Control (CCSMC) Units, as well as the Classification Units located at Denver Women's Correctional Facility, La Vista Correctional Facility, and the Youthful Offender System. The CCSMC Units are defined as Close custody designations that provide increased levels of housing, supervision, and control, based upon the totality of risk presented by the offender, to maintain the safety of the public, employees, volunteers, and offender. Assignment to a special management unit is not a punitive measure. The current CCSMC Unit designations are Close Custody Management Control Unit / Comprehensive (MCC), Close Custody Management Control Unit / High Risk (MCUH), Close Custody Management Control Unit (MCU), and Close Custody Transition Unit (CCTU). MCC is the close custody designation that provides the highest level of housing, supervision, and control necessary to maintain the safety of the public, employees, volunteers, and offenders. MCH and MCU are other close custody designations that provide an increased level of housing, supervision, and control to accomplish safety. Assignment to MCU is primarily used as a progressive management assignment for offenders who are progressing from an MCH or MCC unit. The CCTU is a temporary close custody designation that provides an increased level of housing, supervision, and control as a progressive management assignment for offenders who are progressing from an MCU or for newly arrived offenders who score "close custody" on their initial intake classification, and require an increased level of supervision and control. All special management units provide living conditions that approximate those of the general offender population; all exceptions are clearly documented.

PLACEMENTS

An offender may be placed in a CCSMC unit when assessment determines that alternate housing is necessary because the offender poses a risk to other offenders, employees, volunteers and the public, or they are determined to be at risk for serious harm if placed in a general population setting. During FY 2023, 861 individual inmates were

placed into special management housing units. Due to multiple placements by the same inmates, the total of unique placements was higher at 1,263. The average duration was 121 days per unique placement. **Figure 2** shows a breakdown of the placements by different designations and includes previous years for comparison. **Figure 3** shows the breakdown of average duration per placement by each designation.





Note: Length of time in designation can only be calculated for those that have ended. Values for the placements in the last fiscal year may be adjusted the following year after more designations have ended.

Concern has been noted that individuals with a Behavioral Health (BH) Disorder or an Intellectual Development (ID) Disorder are placed in a CCSMC unit at a rate disproportionate to which they are seen in the inmate population. **Table 1** shows the breakdown of special management housing unit placements by existing BH disorder group prior to placement in a CCSMC unit for the last five fiscal years. **Table 2** shows the breakdown of special management housing unit placements by existing ID disorder prior to placement in a CCSMC unit for the last five fiscal years. For reference, at the end of FY 2023, inmates with a BH disorder consisted of 40.4% of inmates housed at a state prison facility while inmates with an ID disorder consisted of 1.9% of inmates housed at a state prison facility.

TABLE 1
Breakdown of Behavioral Health Disorder Placements

		FY 2019			FY 2020			FY 2021			FY 2022			FY 2023		
Designation	Disorder	% of Placements	% of Individuals	Avg. Time (days)	% of Placements	% of Individuals	Avg. Time (days)	% of Placements	% of Individuals	Avg. Time (days)	% of Placements	% of Individuals	Avg. Time (days)	% of Placements	% of Individuals	Avg. Time (days)
MCC	No	45.1%	47.4%	262.9	49.1%	49.0%	301.9	45.3%	45.0%	273.0	43.5%	43.9%	307.2	45.7%	46.7%	232.0
	Yes	54.9%	54.2%	266.9	50.9%	51.0%	293.7	54.7%	55.4%	238.3	56.5%	56.6%	280.5	54.3%	53.3%	182.8
MCH	No	43.0%	44.2%	153.8	40.3%	40.9%	146.0	38.2%	37.7%	158.3	48.2%	47.7%	110.5	36.1%	35.6%	98.8
	Yes	57.0%	56.2%	104.7	59.7%	59.6%	109.5	61.8%	62.3%	135.2	51.8%	52.3%	96.0	63.9%	64.4%	80.6
MCU	No	41.2%	43.4%	152.4	50.1%	50.5%	168.8	46.2%	47.3%	179.7	45.9%	46.7%	179.4	40.7%	41.4%	137.9
	Yes	58.8%	57.0%	146.1	49.9%	50.7%	176.2	53.8%	53.5%	176.0	54.1%	53.5%	166.9	59.3%	58.8%	105.5
CCTU	No	50.5%	52.5%	131.4	56.3%	57.8%	176.0	56.3%	56.7%	170.8	46.6%	47.4%	188.6	47.9%	47.9%	121.2
	Yes	49.5%	48.6%	120.5	43.7%	42.5%	155.7	43.7%	43.6%	171.8	53.4%	52.6%	169.7	52.1%	52.4%	116.3

Note: Length of time in designation can only be calculated for those that have ended. Values for the placements in the last fiscal year may be adjusted the following year after more designations have ended.

TABLE 2
Breakdown of Intellectual Development Disorder Placements

		FY 2019			FY 2020			FY 2021			FY 2022			FY 2023		
Designation	Disorder	% of Placements	% of Individuals	Avg. Time (days)	% of Placements	% of Individuals	Avg. Time (days)	% of Placements	% of Individuals	Avg. Time (days)	% of Placements	% of Individuals	Avg. Time (days)	% of Placements	% of Individuals	Avg. Time (days)
MCC	No	98.9%	98.8%	265.7	99.6%	99.6%	297.5	98.5%	98.4%	253.2	99.1%	99.1%	292.4	96.7%	97.2%	206.1
	Yes	1.1%	1.2%	209.7	0.4%	0.4%	357.0	1.5%	1.6%	307.8	0.9%	0.9%	264.0	3.3%	2.8%	179.7
MCH	No	96.3%	96.5%	128.2	98.9%	98.8%	123.6	100.0%	100.0%	144.0	98.8%	98.7%	103.9	96.7%	96.6%	88.5
	Yes	3.7%	3.5%	61.2	1.1%	1.2%	176.5	0.0%	0.0%	N/A	1.2%	1.3%	23.0	3.3%	3.4%	11.0
MCU	No	96.9%	97.0%	149.4	98.5%	98.5%	173.3	100.0%	100.0%	177.7	98.3%	98.7%	173.7	98.5%	98.3%	118.0
	Yes	3.1%	3.3%	126.9	1.5%	1.5%	120.7	0.0%	0.0%	N/A	1.7%	1.5%	108.0	1.5%	1.7%	79.4
CCTU	No	97.6%	97.3%	127.2	99.6%	99.5%	167.5	99.8%	99.8%	171.2	99.5%	99.5%	179.0	98.9%	98.9%	118.3
	Yes	2.4%	2.7%	77.0	0.4%	0.5%	87.5	0.2%	0.2%	175.0	0.5%	0.5%	68.0	1.1%	1.1%	143.7

Note: Length of time in designation can only be calculated for those that have ended. Values for the placements in the last fiscal year may be adjusted the following year after more designations have ended.

DISCHARGES

Most inmates will progress out of a CCSMC unit before discharge. However, if a Mandatory Release or Sentence Discharge date comes up before an inmate has progressed, an individual may be released or discharged directly from a CCSMC unit. During FY 2023, 15 individuals were discharged directly from a CCSMC unit, 120 individuals were released to Parole directly from a CCSMC unit. These 135 releases constituted 10% of the 1,362 placements in a CCSMC unit that ended during FY 2023. **Table 3** shows a breakdown of the releases by type and special management designation for the last 5 fiscal years.

TABLE 3 Releases from Special Management						
Designation	Release Type	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
MCC	Discharged	8		1	1	
	Paroled	16	2	15	1	1
MCH	Discharged	6	2	4	2	1
	Paroled	11	17	12	11	15
MCU	Discharged	9	10	14	10	9
	Paroled	33	54	46	46	60
CCTU	Discharged	5	8	5	5	5
	Paroled	49	66	58	31	44
Total		137	159	155	107	135

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