



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, 2017, PURSUANT TO C.R.S. 17-1-113.9(1)

PREPARED BY
OFFICE OF PLANNING AND ANALYSIS
JANUARY 2017

TABLE OF CONTENTS

INTRODUCTION.....	1
BACKGROUND	2
RESTRICTIVE HOUSING - MAXIMUM SECURITY STATUS (RH-MAX)	5
PLACEMENT INTO RESTRICTIVE HOUSING.....	8
RELEASES FROM RESTRICTIVE HOUSING	10
FISCAL YEAR 2016 RESTRICTIVE HOUSING HIGHLIGHTS.....	12

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

Restrictive Housing to eliminate 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 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. A summary of the history of the change from Administrative Segregation to Restrictive Housing will be initially discussed. The included data reflect the RH-Max 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 is through FY 2016.

BACKGROUND

In September of 2011, CDOC reached its peak of offenders in Administrative Segregation at 1,505 individuals. In response to the increase in the Administrative Segregation population, 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, 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; 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 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

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

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

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 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 CDOC.

In January 2014, several internal working groups from throughout 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 Restrictive Housing - Maximum Security status 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 CODC's Residential Treatment Programs (RTP) or Management Control Units (MCU).
4. Offenders who did not require Administrative Segregation or "Restrictive Housing - Maximum Security" status housing, 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 RH-Max status for a maximum of 12 months dependent on the

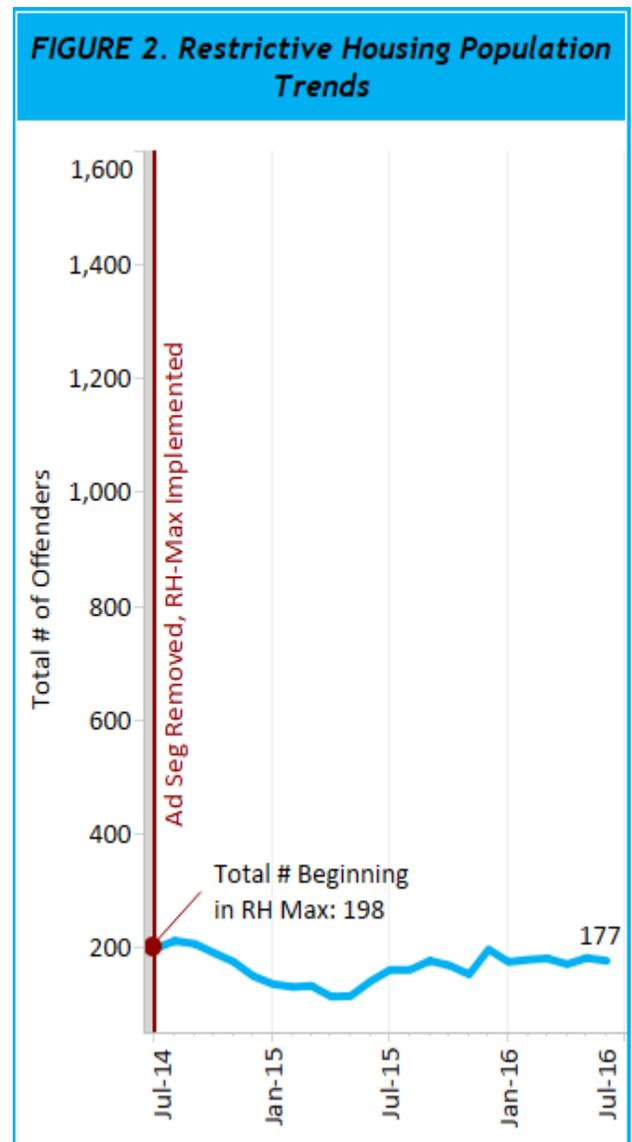
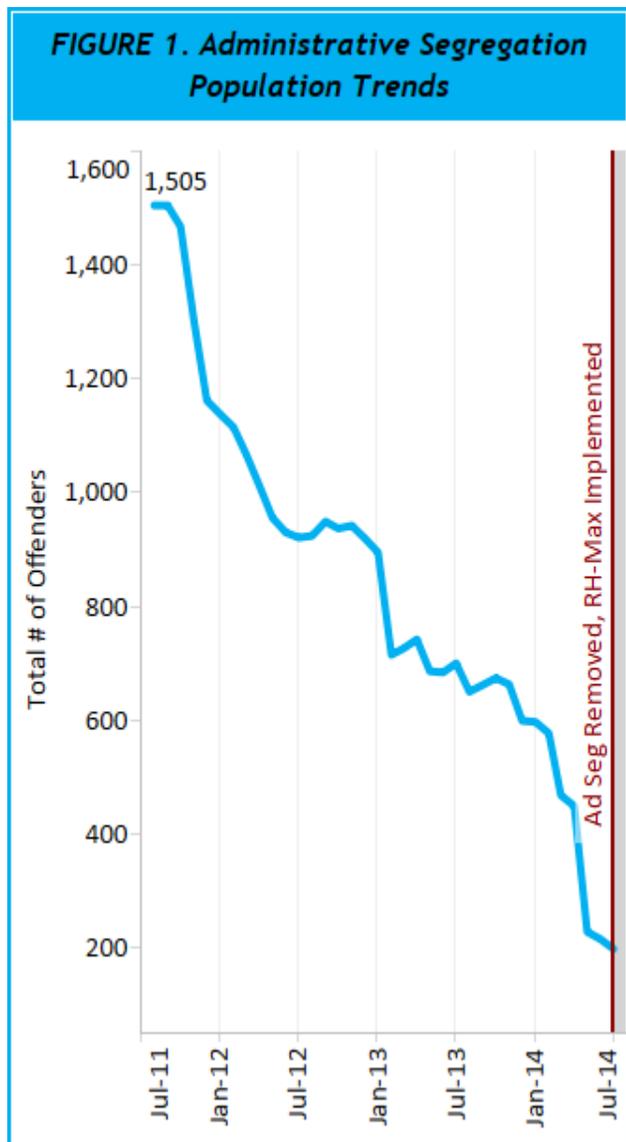
offense and offense severity, with multidisciplinary reviews being conducted every 30 days. This was a major change to previous policy whereas offenders housed in Administrative Segregation were placed for an indeterminate period of time with step-down contingent on program compliance.

To ensure progressive pro-social management of offenders from RH-Max status 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 Restrictive Housing. 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 RH-Max status. 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, 2016.



RESTRICTIVE HOUSING - MAXIMUM SECURITY STATUS (RH-MAX)

Since July 1, 2014 the Colorado Department of Corrections has collected and reported data for offenders classified as Restrictive Housing - Maximum Security status. All data in this report after July 1, 2014 pertains to the RH-Max 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 RH-Max. Data regarding offenders with mental illness can be found in the annual report *Offenders with Mental Illness in Centennial Correctional Facility Residential Treatment Program*.

There are several distinct differences between the use of Restrictive Housing - Maximum Security status and Administrative Segregation:

- No offender with a designation of serious mental illness can be placed into Restrictive Housing unless exigent circumstances exist and approval is obtained by the deputy executive director. If an offender in RH-Max 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 RH-Max, offenders are informed of the maximum length of stay in the status as well as the review process that will take place during the designated stay in RH-Max.
- Offenders may only be placed in RH-Max for up to twelve months.
- Offenders are offered a monthly out of cell meeting with Case Management and Mental Health.
- CDOC has a continuous goal to house less than 2.0% percent of the entire population in Restrictive Housing at any time. This goal has consistently been met since the inception of RH-Max in July of 2014 (Figure 3 and Figure 4).

FIGURE 3. Percent of Inmates in Administrative Segregation

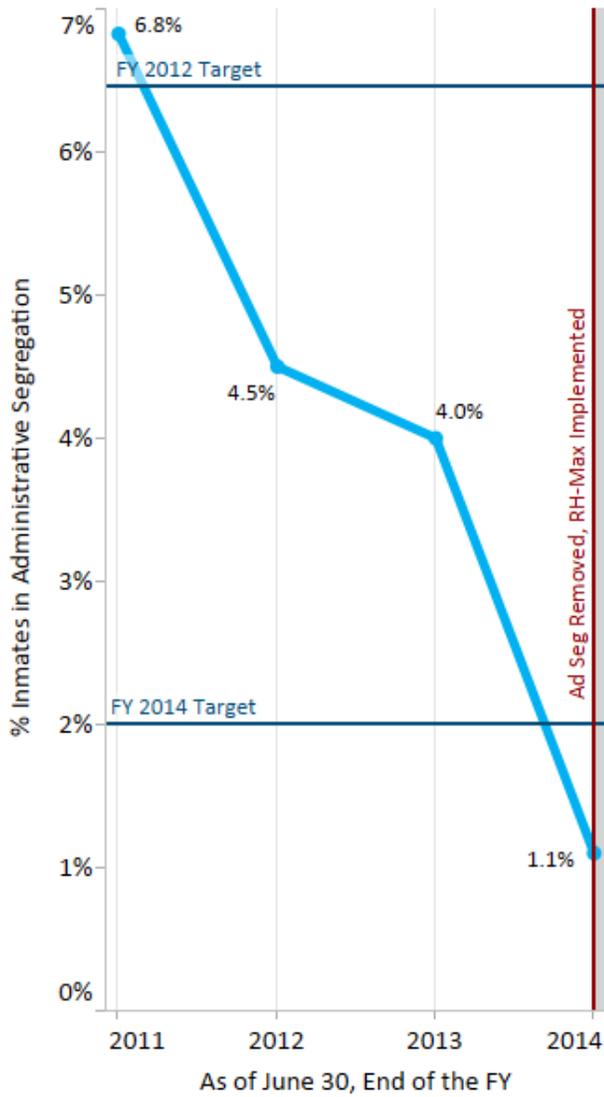
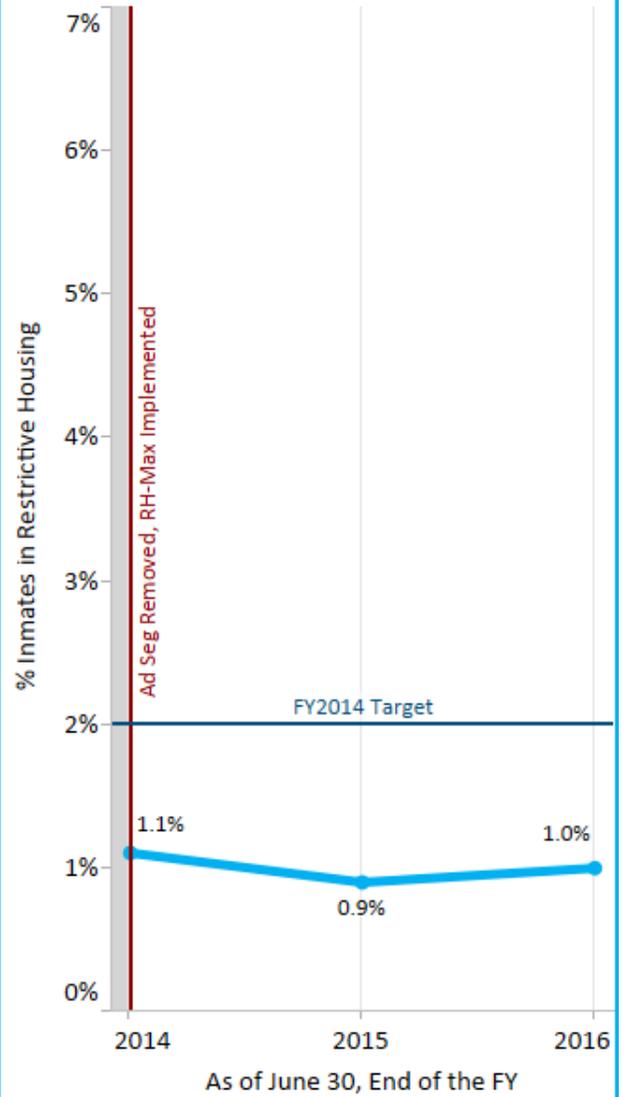


FIGURE 4. Percent of Inmates in Restrictive Housing



PLACEMENT INTO RESTRICTIVE HOUSING

Since July of 2014, the number of offenders placed into Restrictive Housing has remained around one percent of the total CDOC population. Offenders considered for placement into Restrictive Housing 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 RH-Max is limited to violation of 11 specific infractions. This includes a discretionary category that can be used by the Director of Prisons for limited and special circumstances. **Table 1** lists the 11 other reasons that an offender can be considered for RH-Max placement.

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)

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 2016, nine placement reasons were utilized for placement into Restrictive Housing, totaling 360 placements during the fiscal year. Of the 360 placements, 169 (47%) of the offenders were placed for an assault on another inmate. Another 113 offenders (31%) were placed for possession of dangerous contraband, while 38 offenders (11%) were placed for engagement in or inciting of a riot. Thirty-five offenders (10%) were placed for assaulting a staff member, and one offender each (Less than 1%) was placed for escape without force, possession of escape paraphernalia, and murder. The use of the discretionary category for placement was utilized for two offenders (less than 1%) during the fiscal year.

As **Figure 5** demonstrates, utilization of the RH-Max management step-down strategy is used only for offenders who commit serious infractions. In the last two years, an

average of 166 offenders per month have been housed into Restrictive Housing. Reduction in the number of offenders housed in RH-Max continues to be a primary goal for CDOC. On-going efforts to meet this goal are demonstrated in the continued decrease of placements and length of stay in Restrictive Housing.

The length of time offenders were in Restrictive Housing was reviewed as a result of the new goals of the step-down

system changes to Restrictive Housing. In FY 2014, prior to the change to Restrictive Housing, the average length of stay in Administrative Segregation was 28 months per offender. The change from Administrative Segregation to RH-Max significantly decreased the average length of stay per offender from 28 months per offender in FY 2014 to 8.5 months in FY 2015. This trend has continued with offenders in RH-Max for an average of 5.8 months in FY 2016.

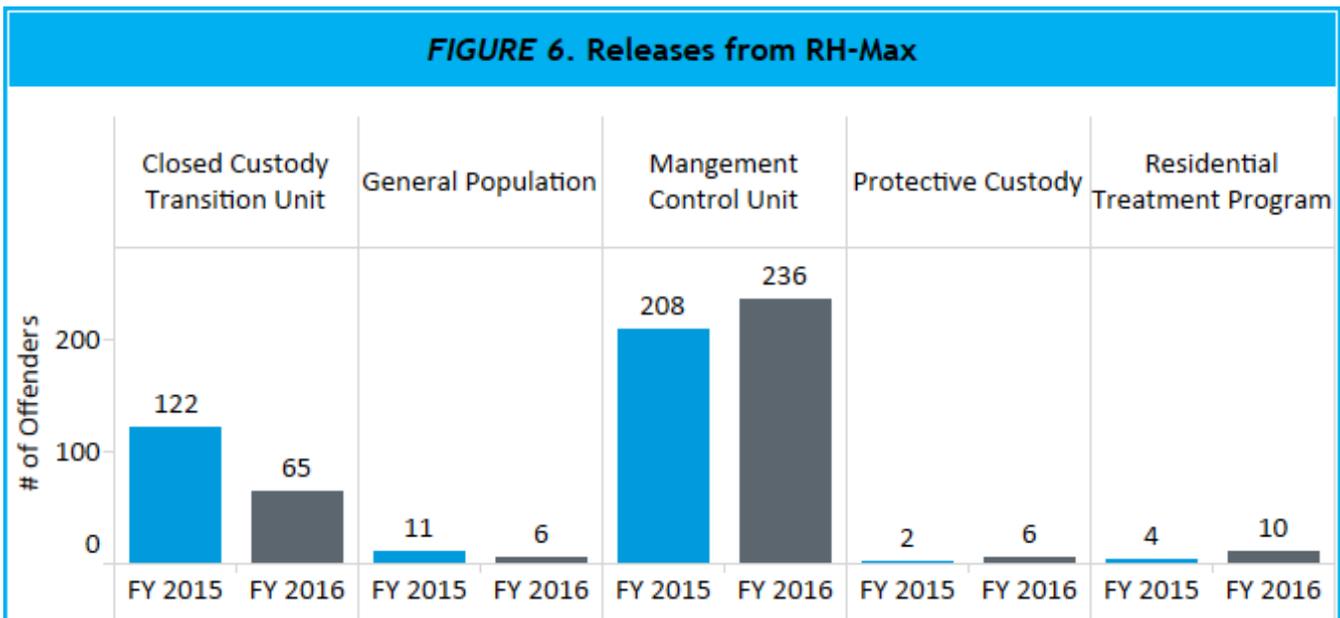


RELEASES FROM RESTRICTIVE HOUSING

CDOC incorporated a progressive step-down system as part of the continued effort to decrease the number of offenders in Restrictive Housing - Maximum Security status and improve offender progression. This step-down system focused on preventing offenders from circulating through Restrictive Housing placement multiple times throughout their sentence. This 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 in both MCU and CCTU, offenders have increased secure interaction

with other offenders. These staff supported interactions are intended to facilitate positive interactions and communication among the transitioning offenders. Offenders are also encouraged to participate in cognitive behavioral programming once moved into CCTU. This programming aims to decrease criminogenic needs while still increasing pro-social interactions with other offenders and staff.

Since implementation of Restrictive Housing in July 2014, most of the offenders housed in RH-Max have released to MCU and CCTU. Between FY 2015 and FY 2016, a total 670 offenders released or reclassified from RH-Max. Figure 6 shows the new placement of those offenders. For FY



2016, 323 offenders were reclassified to a lower security designation. Of the 323 offenders, 236 offenders (73%) progressed to a MCU and 65 offenders (20%) advanced into a CCTU. Of the remaining offenders, six (2%) were reclassified into general population, six (2%) were placed in protective custody, and ten (3%) were placed into residential treatment programs.

Part of the directive for change to Restrictive Housing - Maximum Security 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 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 that no offenders were released directly to the community from RH-Max in FY15 or FY16 and one offender was released to detainer each fiscal year.

FIGURE 7. Releases Direct to Community or Detainer from Administrative Segregation

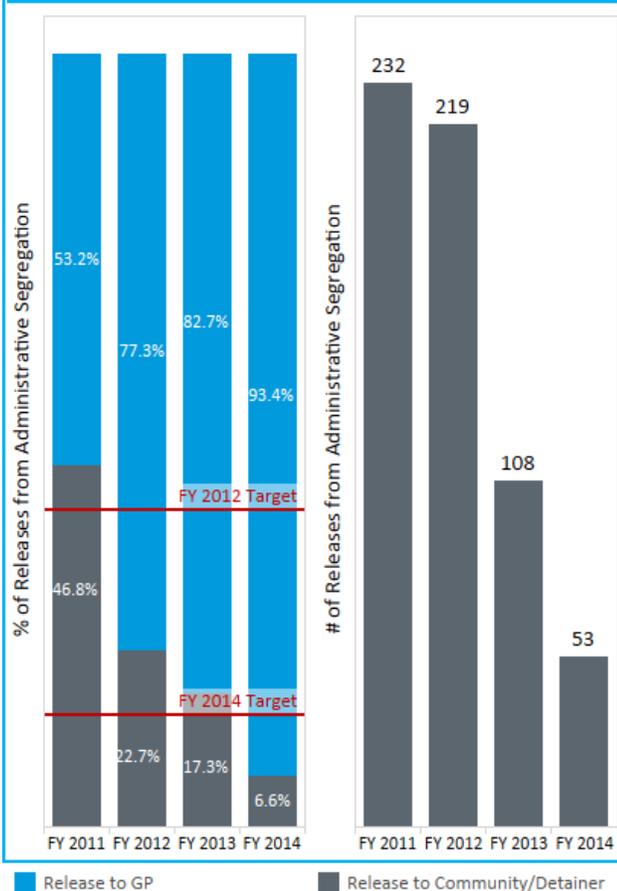
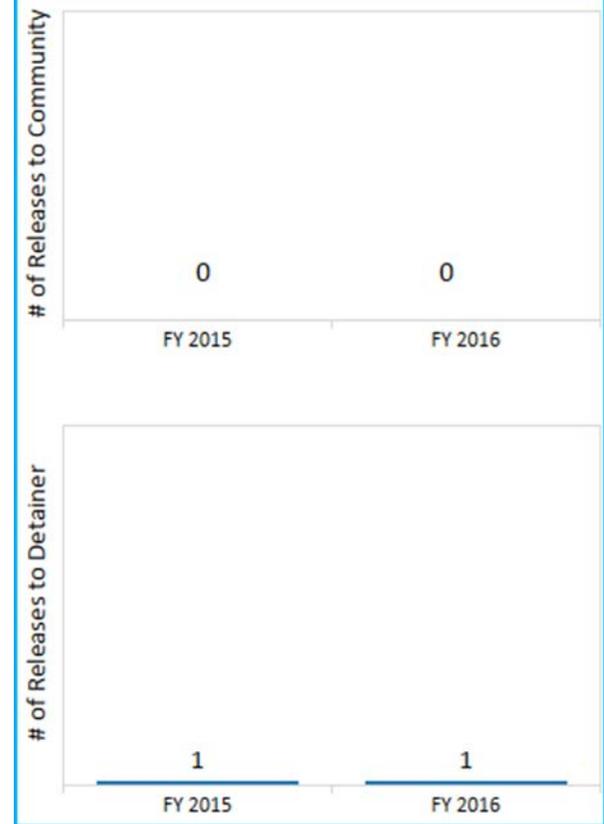


FIGURE 8. Releases to Community or Detainer from RH-Max



FISCAL YEAR 2016 RESTRICTIVE HOUSING HIGHLIGHTS

- The number of offenders classified as RH-Max has been reduced to a monthly average of 166 offenders over the last two years.
- Since FY 2015, offenders leaving RH-Max have primarily progressed into management control units (MCU) or close custody transition units (CCTU). For FY 2016, 236 offenders progressed to an MCU and 65 offenders progressed into a CCTU.
- New standards mandate that a continuous review of offender mental health designations take place to ensure that requirements for housing offenders in RH-Max are met. This includes movement of offenders whose mental health status change to serious mental illness designations while in RH Max. During FY 2016, ten offenders were moved to a residential treatment program from RH-Max upon change of their mental health status to a serious mental illness designation.
- Decreases in the amount of time offenders spend in Restrictive Housing demonstrate a continued effort to facilitate offender progression out of RH-Max. In FY 2016 the average length of stay for offenders in Restrictive Housing before a progress move was 5.8 months.

The Colorado Department of Corrections believes that the elimination of Administrative Segregation and implementation of the Restrictive Housing step-down system through reform efforts will lead to safer facilities for both offenders and staff, and in turn, safer communities.

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