

## Segregation Housing, Use not Abuse

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At the recent conference of the International Corrections and Prison Association (ICPA) in Colorado Springs, CO, attended by nearly 700 senior officials from across the globe, a plenary session featuring the heads of Departments of Corrections for three US states focused on emerging best practices in the use of disciplinary segregation of inmates. Currently approximately 5% of inmates worldwide are estimated to be housed separately from general population, some 500,000 people in conditions ranging from progressive to horrific. In a compelling sequence of remarks, Bernie Warner of Washington State, Rick Raemisch of Colorado, and Colette Peters of Oregon discussed the innovations they have implemented to reduce the use of segregation, and to improve its effectiveness.

Current US practices in segregation of individuals are divided into two broad categories, administrative and punitive. Administrative segregation is generally employed to protect individuals who may be at risk from other inmates, and the segregation is intended to protect them from harm. The conditions of confinement may be similar to those of the General Population, with access to recreation, education, work, and outside contact.

Disciplinary segregation is employed as a response to rule infractions, and to protect other inmates and staff from violence prone inmates. It is Disciplinary Segregation where privileges may be reduced to constitutionally mandated minimums, often expressed as one hour a day out of the cell, restricted communications including family visits, and little or no contact with other inmates. This severe treatment was characterized as “not a good thing” by Commissioner Warner, for a variety of reasons described as:

- There is little good research on the effects of solitary confinement, but much anecdotal evidence of negative psychological and physical effects.
- With Mental Health symptoms evident in some 50% of inmates brought to Punitive Segregation, the potential for further deterioration in sensory and socially deprived conditions is evident.
- It is a knee jerk response to rules infractions, a response that does little to address underlying causes of the deviant behavior.

Commissioner Warner’s response to those who would call for a ban in its use is an admonition from Socrates to focus energies on the new, not to fighting the old order. He described new guidelines from the Association of State Correctional Administrators in the use of Disciplinary Segregation based on the principles that the institution should:

- Manage the inmate in the least restrictive setting
- Accompany placement of the inmate with a strategy to return that person to General Population
- Duration of placement should not be predetermined, but by response to treatment
- Release to the outside should not be from Segregation, but from a Transition unit

The Guidelines to use of segregation should include:

- Provide a process to regularly review status
- These reviews should take place at a maximum of 180 day intervals, preferably much more frequently
- Provide a mental health assessment within 72 hours of placement, preferably much sooner
- Provide for increase in level of privileges as an incentive to compliance
- These privileges should include access to medical, visiting, exercise, outdoors, hygiene, and programs
- Data and metrics should be gathered to assess program effectiveness
- Allow outside review of this effectiveness
- Provide special training of staff to motivate inmates to initiate change

Commissioner Warner stated that it is clear that change is required to move from the current high restriction/low programming one size fits all approach. The specific profiles of the individuals placed in Disciplinary Segregation suggest programs targeted at violence prone gang members, and the mentally ill.

In addition to Core programs in Motivating Offender Change (MOC) for all inmates, these groups will receive intensive counseling in anger management, and therapies and medication to address mental health needs. These techniques, along with active Transition planning to return to General Population and then to their communities are the keys to reducing overall populations, length of stay, and improved outcomes. The result of these innovations is reductions in three key metrics: use of force, grievances, and bed needs.

These programs are linked to an Intensive Transition Program (ITP) for “frequent flyers” prior to release, that has an 80% success rate, demonstrating the value of this investment in planning and programs. Changing the paradigm from Suppression/Constraint to Intensive Programming lead to policies that link Risk and Need to Response in a deliberate, evidence based way.

Some keys to fostering the Cultural change necessary to implement this new regime include:

- Greater transparency,
- Collaboration with advocates and researchers,
- Allowing the public to see the results,
- Remaining curious and willing to try new approaches
- Be unafraid to ask tough questions and take responsibility

Rick Raemish, the new Executive Officer in the Colorado Department of Corrections characterized solitary confinement as their solution to a problem for which they have no solution. He is leading change in policies that will be more tolerant of minor rules violations, especially in the Mental Health

population. They are revisiting their programs to focus on how an inmate gets out of Segregation more quickly, with decisions about placement and release centralized in the Executive Office for consistency across their facilities.

The final presenter, Colette Peters, Commissioner from the State of Oregon, oversees a system of 14,000 inmates in 14 facilities, with over 1,200 in segregation, both Disciplinary and At Risk, sometimes double bunked. They implement programs such as Anger Management and Thinking for Change. They are placing emphasis on a program intensive approach and have reduced the maximum length of stay in disciplinary segregation from 2 years to 120 days.

As the largest mental health services provider in the state, they place great emphasis on mental health programming, including step down units prior to release, to provide the inmate with tools for successful reentry. Armed with research that demonstrates the effectiveness of sanctions/privileges incentives over segregation, they have greatly expanded access to visits, including remote video visits to increase family contact. They aim to increase the frequency of visits with family and friends, noting that 59% of the inmates in segregation receive no visits at all.

Some of the barriers to increasing contact with loved ones are the remote distances of prisons from the communities that they serve, and the lengthy delays necessitated by security screening. Video visitation, from community based facilities allows family ties to be strengthened, by its convenience and low barriers to access, while even allowing intelligence gathering about gang families. They are now scheduling special events to attract visitation during holidays, including family barbecues. Text messaging, email, MP3 exchange encourage maintenance of family ties, improving outcomes for the offenders upon release.

The commitment of these commissioners to employ best practice innovations that lead their departments from traditional Suppression/Constraint approaches to Program Intensive policies show the way to reduce the knee jerk reliance on harsh solitary confinement. The continuum that leads from General Population back to Segregation and forward to Transition/ Pre Release housing can provide a path to a more effective response to deviant behavior and a safer society, more just and sustainable for all.

A poignant counterpoint to this discussion was provided at the outset, with a memorial service in tribute to Tom Clements, former Executive of the Department of Corrections in Colorado recruited by Governor Hickenlooper from his native Missouri to implement the reforms that he had spearheaded there. He was shot and killed in the front doorway of his home, by a Parolee that he did not know, several months before the conference. The ICPA conference was in Colorado because of his efforts, and the heartfelt testimony from colleagues and family to his leadership and commitment to positive change placed the discussion in a heightened context.