National Institute of Justice

Topical Working Group on the Use of Administrative Segregation in the U.S.

October 22-23, 2015

Hilton Crystal City at Washington Reagan National Airport

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2399 Jefferson Davis Highway

Arlington, VA 22202

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Purpose of Meeting

This topical working group meeting brought together stakeholders from a variety of research, practice and policy settings to allow the National Institute of Justice (NIJ) to assess the current state of knowledge in the use of administrative segregation in corrections institutions and to guide the development of a strategic and comprehensive research agenda on this policy. Panels provided current information from both researcher and practitioner perspectives on topics related to segregation, and breakout sessions allowed further discussion and ideas among attendees.

Day1 - Thursday, October 22, 2015

Welcome and Introduction

Seri Irazola, *Director, Office of Research and Evaluation, National Institute of Justice*

Dr. Irazola welcomed the meeting participants and introduced NIJ Director Nancy Rodriguez.

Opening Remarks

Nancy Rodriguez, *Director, NIJ*

Thanks to the organizers for bringing together so many leaders from various sectors on the issue of administrative segregation (also known as restrictive housing or solitary confinement). I also want to acknowledge the presence of federal partners from the U.S. Department of Justice (DOJ), including Assistant Attorney General Karol Mason; Denise O'Donnell, Director of the Bureau of Justice Assistance (BJA); Charles Samuels, Director of the Federal Bureau of Prisons; Jim Cosby, Director of the National Institute of Corrections; and Vanita Gupta, Principal Deputy Assistant Attorney General, Civil Rights Division. We need the broad expertise of the corrections officials, researchers, and other stakeholders present here at this critical juncture, when administrative segregation has been pushed to the national spotlight, notably by President Obama's recent request to review the use of solitary confinement. At the state and local levels, officials are seeking alternatives to administrative segregation and ways to improve inmate conditions while maintaining safety. However, a robust evidence base derived from rigorous methods is lacking. There is little data on how widespread the practice is, how and when it is used, and its long-term effects on inmates. We need research, especially on the most vulnerable subpopulations of inmates, correlates associated with segregation, the impact on inmates as well as staff, metrics of successful reentry into the general prison population, and the role of institutional culture. We have an obligation to be thoughtful and thorough when addressing this issue because of its real-life consequences for both inmates and staff.

NIJ is taking several steps to create a strategic research agenda on administrative segregation:

- Convening of this meeting to enhance NIJ's understanding of segregation, identify alternatives, and gather input from participants about the most crucial gaps in research. A meeting summary will be made available on NIJ's Web site.
- Commissioning of white papers to address how segregation is used, the conditions of confinement, and legal factors as well as the general effects of segregation on mental health, inmate misconduct, and institutional environment and the effects of prolonged segregation. These papers will be publicly available at the end of 2015 and throughout early next year.

I ask that you focus on the practice itself (i.e., removal for short or long periods of time), without being hindered by its ambiguous taxonomy, and to think of those in administrative segregation as individuals who are part of a complex system that includes inmates, staff and leadership. Lastly, I ask that research be both relevant to practitioners and seen as legitimate in conveying the nuances of prison life and prisoner needs and challenges.

Panel 1. Use of Segregation in Corrections

Denise O'Donnell, *Director, BJA*

- Reforming unnecessary use of administrative segregation in our correctional systems is a defining issue, an idea whose time has come, and BJA is proud to be a part of the effort.
- BJA began focusing on segregation about two years ago through the Safe Alternatives to Segregation Initiative to find smarter solutions that are safe and embrace human dignity.
  — Six state and local sites are gathering data on who is in segregated housing, why they are placed there, how long they are staying, how many have mental health illnesses, what activities are available to them, what their living conditions are like, how staff are trained and supported, and what plans exist to transition inmates back to the general prison population.
  — The Vera Institute of Justice and the six sites are analyzing the data and, guided by an advisory council, will then devise and implement strategies to reduce reliance on segregation.
  — BJA hopes to expand this effort in the future.
- Cultural and organizational changes in the approach to segregation require investments in many areas and will not happen overnight, but changes in some states show it is achievable.
- On a personal level, my interest in this topic began five years ago, when I received a frantic phone call from a mother who just wanted to make sure her son in a special housing unit (SHU) received his medications and had no way of achieving this — highlighting the need for major structural changes.

Brian Belleque, *Oregon Department of Corrections*

- Overview of Oregon Department of Corrections, one of the Vera sites:
  — Approximately 14,700 inmates, 9 percent female.
  — Five types of restrictive housing: disciplinary segregation unit (DSU); intensive management unit/supermax (IMU); death row; administrative segregation (protective custody and predatory units); and mental health housing (infirmary, interim care, and behavioral housing units).
- Prior to 1991, sentencing structure led to years in segregation, crowded units, and many staff assaults. Strategies to reduce the segregated population have included:
  — Revamped sentencing structure, resulting in maximum of 180 days in IMU.
  — Additional tools, such as additional programming and a noncash incentive system to encourage good behavior and participation.
  — Conversion of a supermax unit to mental health housing in 2009.
  — Now fewer requests for protective custody.
  — Additional informal methods of redirecting inmate behavior.
- Currently delivering a form of evidence-based programming in DSU.
- Oregon is trending in the right direction.

Terri McDonald, *Los Angeles County Sheriff's Department*

- Overview of Los Angeles County Jail.
  — Largest in the United States. Majority are inmates awaiting trial; about one-half of inmates are sentenced.
  — Segregation is the "jail within the jail":
    ▪ About 5 percent are in long-term segregation, typically hard-core gang members.
    ▪ About 3 percent are in short-term segregation for disciplinary reasons.

- Difficult to find reward/punishment systems in jails, so overreliance on disciplinary segregation occurs without checks and balances.
  — Now revamping disciplinary segregation: maximum stay is 30 days (average = 10 days); moving toward due process and case management.
  — Also trying to build a reward system into jail (e.g., renting a tablet).
- Challenges include:
  — Grossly ignoring segregation for women (e.g., segregated just for being "mouthy," a consequence of no oversight for segregation).
  — Facing death penalty in jail.
  — Overincarceration, overcrowding.
- Research must be realistic. We're managing a difficult population, and there must be consequences to acting up. We need a playbook about what works.
  — How to identify high-risk individuals?
  — What can we expect as we begin to depopulate segregation systems?
  — How to deal with mentally ill inmates and other populations that are too fragile for segregation (e.g., in detox)?
- We can stand shoulder to shoulder when we have bad outcomes.
- The time has come for a change in restricted housing, but it must be purposeful and thoughtful and can't endanger employees.
  — Not blaming and shaming, but evidence-based.
  — Not waiting for litigation, but saying this isn't right.
  — Don't confuse an inmate's ability to do time in segregation and adapt to his or her environment with the idea that it's OK. It's *not* OK.

Gregg Marcantel, *New Mexico Department of Corrections*

- When talking about reducing reliance on segregation, it's important to ground the discussion in the true sense of why: public safety. The people we serve must understand this so they can embrace change rather than have it forced upon them.
  — If 96 percent of inmates are going home, what we do in prisons on this topic is public safety on steroids.
  — Releasing straight from segregation into communities — why are inmates "too dangerous" for the general prison population but OK to release?
- A result of the tragic 1980 prison riot in New Mexico was decades of containment as a culture — a quiet prison was the single outcome for "success," so segregation was overused and recidivism increased.
  — Built for containment with very little space for programming.
  — When I arrived, more than 10 percent of inmates were held in segregation, 75 percent of those held to protect from predators.
  — Couldn't tell the difference between long-term and disciplinary segregation.
- Changes to reduce use of segregation:
  — Now 30-day maximum in disciplinary segregation.
    ▪ Discipline must be quick and personal to change behavior.
  — Instead of automatically putting gang members in segregation, taking an approach through a predatory optic (e.g., is an inmate exhibiting predatory behavior?).
  — Adding resources to encourage turning away from a gang.
  — Step-down programs (no longer released directly from segregation to community).
- Challenges:
  — Job vacancies and recruitment.
  — Inmate culture — trying to figure out qualitative changes in assaults.

— Community culture — trying to message the difference between punishment and resocialization approaches.
— Staff culture — all our programs and policies are only as good as staff at the ground level.
  ▪ Articulating core values, principles and mission with staff before taking on segregation issue worked well for us.
  ▪ Tech support could be useful regarding the science of organizational change (e.g., how to develop meaningful principles, recognize staff who are early embracers, etc.).

Discussion

Comment: I'm a psychiatrist and I want to reiterate something that Mr. Marcantel said. It's very important to distinguish conceptually the separation of inmates from danger of some sort and … deprivation from all kinds of stimulation. We may have to keep them separate, but we need to give opportunities for stimulation. Organizational structure and changing staff culture are also very critical.

> *Response by Mr. Marcantel:* Segregation will be a tool until we understand predatory behavior better. So if we must have this as a tool, the question is not only who needs to be in there, but when they do need to be there, what their environment needs to look like.

Question by Thomas Faust: One challenge I've seen is the variation in caps on time. Are those real maximum caps or caps in terms of personal change? Also, what happens at the end of that time? Could you comment on the process of reintegration or socialization back to the general population? Are you finding effective ways to address what happens at the end?

> *Response by Terri McDonald:* An inmate can pick up another 30 days, although it requires a chief to approve. We are looking at working toward a step-down. Our team wants to learn a model of due process.

> *Response by Brian Belleque:* In Oregon, 180 days is the cap regardless of whether the inmate continues to act out. They can earn time for early release. The IMU is a tiered system for progressive treatment. It is reviewed every three months; at level 4, release is considered. Protective custody and other units have due process to get into them and an appeals process, but inmates can go voluntarily or involuntarily; either way, there is a six-month review. Some continue if needed. Mental health units have no set length of time; it is determined by the mental health treatment team.

> *Response by Gregg Marcantel:* In New Mexico, 30 days is the maximum. It is difficult for staff who think, "Someone assaults a staff member and all they get is 30 days?" But they get 30 days to change behavior. I stayed in segregation to see what it felt like — 24 hours in administrative segregation and 24 hours in disciplinary segregation. It's awful. That 30 days in disciplinary segregation gets your attention. After 30 days, if you present a threat, you can go into administrative segregation. Then it becomes the difference between administering discipline and mitigating threat. You won't get more bang for the buck in changing behavior after 30 days, in my opinion.

Question: Ms. McDonald, you mentioned gross overuse of segregation for women. Talk about drivers and what you're looking at.

> *Response by Terri McDonald:* There is gross overreliance on segregation for women. Segregation should be used for violent, threatening people. But it's over-relied upon for women because they are "mouthy." We need to get staff to understand that because women are chirping at you doesn't justify the type of segregation we place them in. There are other solutions. But with jail, there aren't [many] people to do the work, so we must be creative in programming for women. Use of segregation for them should be far below men. It should be for violence, for the most part.

Question by Mike Atchison: I come from Illinois, a state that went through change in the 1990s when a notorious killer from Chicago was jailed. My question is, how does a state correctional system that went

through such a change (we turned 180 degrees and took gang control away, abandoning a policy of appeasement allowing them lavish lives, building a supermax) — how do we meet the needs of today's world without going backwards? That reflects staff concerns. We had success in controlling our inmate population and good control of movement, but we probably overdid it.

> *Response by Gregg Marcantel:* Our history in New Mexico is similar. We went into a fairly straight classification system and eliminated the gang threat by locking them down and controlling movement. The only thing we've been able to do with pervasive gang influence rather than a group approach is to adopt a predatory optic for how we deal with them. Selling [the idea] to staff is difficult. When we take risks, bad things can happen. We put nonactive gang members in their own housing unit and gave them wheelchairs to fix, and six or eight months later, there was an internal homicide. Some staff are early embracers; some say they are being put at risk. Capitalize on bad moments as well as good. We want to see big outcomes to measure success, but it's a slow process. Focus tech support on that culture — that's the success or failure of anything we're talking about.

> *Response by Terri McDonald:* Are we trying to arrest the body or the behavior? The reality is that when they are out, no one will make them walk lock-step with their hands in their pockets. After 12 corrections officers were killed in the 1970s, California engaged in lockdown, but it only created an environment where there was no talk about changing behavior and high recidivism. Sometimes you have to lock down. You did what you had to do to regain control — now you're ready for the next level. There are a lot of models to engage in safely. I agree with Mr. Marcantel — you need to find people in your team who "get" the deeper meaning in this business. Find those change agents, and light a fire under them.

Follow-up comment: Surviving two years after the closure of the treasured supermax. If we can keep control without the supermax, that's success in itself. This is a step further if we can eliminate overuse of segregation and come up with alternatives. We need to keep proving ourselves to staff and unions one step at a time.

> *Response by Terri McDonald:* Do we really have to lock them down so stringently in very restrictive environments? Do we really have to lock them down 23 hours per day? This train is coming. You'll get run over or get on it.

Question by Amy Fettig: We have never seen the type of leadership as we've seen around this issue. The ACLU recognizes that something like administrative segregation needs cultural change, and it doesn't have to come through court order (but sometimes it does). I'm happy that reform is happening. There's tons of energy at the state and local level for alternatives [to administrative segregation], but there isn't published research to cite. One barrier is that researchers say they can't get access. Another is the issue of funding. Panelists, how can we encourage more access to do this important level of analysis? How can we look for more funding sources? How can we get outside institutions, academic researchers, etc., into prisons and jails that are doing reforms to see what's working. Some things will work and some won't. There will be failures, and we know failures shut down. How do you deal with crisis? What are the unexpected bad outcomes? How do you help others know what didn't work?

> *Response by Brian Belleque:* It's a great issue. We must ask on every project what success looks like and build in a way to measure it. What results are we seeing? What is effective? Is one time enough? Is 30 days optimum? We try to see what data tells us, and we're disappointed when it's not there.

> *Response by Terri McDonald:* Bad things can happen. When something happens (e.g., court litigation, hunger strike), seize the moment for change. Put the message out early on that there will be bad outcomes. Get as much buy-in as possible with the leadership team. Find peer leaders in the rank and file. If you make a mistake, shut it down and pivot — don't push through bad policy. Challenge each other with peer pressure! Connect to other systems doing things, do

research as you go, talk. Bring your opposition to the table and make them part of the solution. Some change can be done quickly, but this needs to be tempered.

Response by Brian Belleque: We hope to approach the legislature in January or February. As we move forward, we hope to get resources to evaluate effectiveness. We have research students who send us ideas, but we haven't seen any who want to study restrictive housing. Maybe we need to plant that seed in universities.

Response by Terri McDonald: The Association of State Correctional Administrators (ASCA) is working with Yale on this issue. More work needs to be done.

Response by Seri Irazola: NIJ encourages partnerships with researchers. Many of you are gatekeepers — researchers would love to gain access to your facilities. Submit a strong memorandum of understanding to allow access.

Comment by Charles Samuels: I support being aggressive in trying to get inmates out of restrictive housing as quickly as we get them in, but we also need to discuss victimization of other inmates.

Response by Gregg Marcantel: That's why I think the predatory approach is so important. Our staff shouldn't go to work expecting to be killed, and neither should our inmates.

Response by Denise O'Donnell: Regarding funding issues and the correlation between reducing overreliance on administrative segregation and the importance of more programming, it is tied to reducing prison populations. There must be a combination of reducing unnecessary incarceration and reinvesting cost savings. I know it's hard to get that agreement for reinvestment, but that's a big piece of the picture.

Question by Judith Resnik: The draft report says there is no evidence of the usefulness of short-term sensory deprivation but that there's not as much harm in it as our discussion in this room suggests. It seems that the people closest to the process see it as harmful. So, is it of not much use but not much harm, or is it a bad idea because it doesn't get us to where we want to go? Also, how short is "short-term"?

Response by Brian Belleque: As far as short-term, for us it can be three to seven days.

Comment: There is a lot of evidence of harm. I disagree with the conclusions of the white paper. The harm is very consistent, theoretically coherent and common sense.

Response by Brian Belleque: For us, I wouldn't call our restrictive housing "solitary confinement." It allows for interactions with staff and inmates. But it is restrictive housing. We need to give staff in restrictive housing units more training. They should role model and redirect, and sometimes their interactions are very admirable, but sometimes frustrating. Long-term restrictive housing is probably not doing anything for that inmate, not getting their attention.

Comment: We need to measure and don't have resources. Grants are very competitive. Often universities are set up to push out graduate students in two or three years, so most students need projects that finish in a few years. So maybe to move forward, correctional facilities need automated tracking systems. If we can build the data, the academics will come. (Although grants are also nice.)

Response by Brian Belleque: For us, we've started on CORE (Correctional Outcomes through Research and Engagement) and I think there are benefits in lots of ways — staff find meaning in work, and we're building measures into a lot of things we do. We need to focus on restrictive housing as a next step — defining what success looks like and building internal systems to measure it. We're starting, but we have a long way to go.

Question: What relationship/partnership-building with local law enforcement leaders to address segregation is taking place at the same time as the national conversation on reducing mass incarceration?

Response by Terri McDonald: Partnering on mental health inmates has led to dialogue about who's in and who's out. They don't belong in jail — we've done something wrong to deinstitutionalize

state hospitals. We haven't specifically talked about segregation with law enforcement leaders, but it's a good point to talk to them because they see it as a risk for their communities if it leads to more crime.

Response by Gregg Marcantel: I have a unique perspective because I have meaningful connections with law enforcement. I present at their conferences, for example, about what we're doing and how that affects public safety and gang violence in the streets. Now there's more open dialogue about what we're doing to counter threats in prison.

Response by Brian Belleque: In Oregon, we did restructure sentencing and put fewer inmates in prison. That's why a couple of prisons closed. But efforts to divert from prison haven't translated to anything specific for funding on segregation issues. The good thing is it takes everyone's cooperation to work together.

Panel 2. Who Ends Up in Administrative Segregation? Predictors and Other Characteristics

Ryan Labrecque, *Portland State University*

- Unique perspective, since I worked as a correctional officer in a segregation unit — now studying effects of solitary confinement.
- Review of evidence regarding who ends up in administrative segregation.
  - Lacking a definition of "administrative segregation," taking a broad view using "substantial isolation."
  - Study represents first known meta-analytic review of studies on the predictors of administrative segregation. Only 16 studies met eligibility criteria — most done in the U.S./Canada and two in Europe — and most were done after 2000; 131 effect sizes.
  - Inmates in administrative segregation are younger and are more likely to be an ethnic minority, gang member, high risk, mentally ill, and involved in juvenile justice.
  - Are inmates in administrative segregation the "worst of the worst," or are they more a nuisance? This analysis best describes them as "difficult to manage" because across everything, they show more antisocial behavior.
  - Little evidence that administrative segregation improves behavior or reduces recidivism.
- Implications
  - One way to help reduce use of administrative segregation is to apply risk-need-responsivity.
  - Study shows preliminary evidence that needs of administrative segregation inmates differ from those of the general population, so include those needs when devising intervention strategies. Variables such as gender or reason for segregation (voluntary/involuntary) may also point to different needs.
  - High variability in effect size implies need for more research.

L. Maaike Helmus, *Forensic Assessment Group*

My work created a scale to predict who ends up in administrative segregation (in Canada).

- Tried to predict placement within two years of admission for six or more days for reason of "inmate in danger" or "jeopardizing security of institution."
  - One in four inmates placed in administrative segregation within two years (women less likely).
- Of 413 potential variables, 86 percent significantly predicted who goes into administrative segregation. Reduced to six for static scale Risk of Administrative Segregation Tool: age at admission, prior convictions, admission to administrative segregation in previous federal sentence, sentence length, criminal versatility in current convictions (diverse offending), and prior conviction for violence.
- Simple six-item scale had high predictive accuracy (especially for women), and all items are available at admission to the facility.

— Few differences in predictors based on the reason for being in segregation.
- Following risk-need-responsivity principles, identify those most likely to end up in administrative segregation and target them for diversion efforts.
- Scale could be tweaked for use in the United States (e.g., sentence length and policy differences).
- Take-home lesson: It is possible to predict who ends up in administrative segregation — it is easier than predicting reoffending in the community.

Judith Lang, *New Jersey Department of Corrections*
- Restrictive housing in New Jersey:
  — "Administrative segregation" refers to disciplinary/punitive segregation.
  — Management control unit (MCU) — for offenders who pose threat to other inmates.
  — Protective custody — both voluntary and involuntary.
  — Temporary closed custody — when offenders are removed from general population for investigative purposes, maximum 72 hours.
  — Gang unit and capital sentence unit abolished.
- We reviewed all restrictive housing because our commissioner did not want to be legislated — we wanted flexibility to do it the way we need to.
  — There is a difference between isolation, solitary confinement, and segregation. There are times when an inmate must be removed from the general population, but it doesn't mean solitary confinement or deprivation.
  — Look at individual units. Be proactive and make changes.
- Review of MCU.
  — Before review, 63 inmates in one maximum-security facility. All male, long sentences, very violent crimes.
    ▪ End up in MCU for serious assaults on staff/inmates, being manipulative, having violent history.
    ▪ No opportunity to work their way back to general population.
  — A task force developed four-phase process with reporting requirements so every inmate reviewed every 90 days; also more extensive and higher level reviews.
    ▪ Phase 1 — most restrictive, but still have visits, rec time, and mental health and social services.
    ▪ Phase 2 — starting to work their way out and socialize with other inmates.
    ▪ Phase 3 — can have work assignments (e.g., porter, mail runner).
    ▪ Phase 4 — monitored in general population for 60 days. If not doing well, can be moved back because still on MCU roster. After 60 days, off MCU roster.
    ▪ Of the 63 inmates mentioned above, we are still working with 35 of them. Some have already moved off MCU.

Discussion

Question by John Hagan: In Dr. Labrecque's study, there were two studies in Europe and one-half of the rest in Canada and the other one-half in the United States. More homogenous in Canada and more heterogeneous in the United States — does that say something about how we do things in the U.S.?

> *Response by Ryan Labrecque:* Most research in the United States has focused on supermax prisons, but in Canada, they are all coming from the Correctional Service of Canada, so probably more homogenous. But there are too few studies to make inferences.

> *Response by L. Maaike Helmus:* A lot of meta-analyses have compared the United States, the United Kingdom, and Canada. Everything predicts best in the United Kingdom then Canada, then the United States. Heterogeneity may be part of the explanation, but also the quality of data systems

to track information. Data quality in Canada and Europe is better than in the United States. Our research can only be as good as the quality of the information on which it's based.

Question by Jody Sundt: Talk more about the dependent variable. As I look at your results, are we seeing inmate behavior or organizational behavior?

> *Response by Ryan Labrecque:* For this meta-analysis, I looked at group differences. Who gets into segregation wasn't predicted if recidivism was an outcome. It was amazing how much inmates move between cells, which makes it hard to figure out how much time they spend in segregation in the way we collect data. When using models, it becomes complicated because they move so much.

> *Response by L. Maaike Helmus:* We focused on factors of individuals and haven't looked at factors of environment.

Question: What do you think are potential moderator effects?

> *Response by Ryan Labrecque:* I have enough information to look at type of segregation. Lots of other things, like gender and race, could be used to devise better treatment options. Unfortunately, looking back to criminogenic needs, there are not a lot of descriptives in these studies. It depends on what we start collecting and analyzing.

Panel 3. Relationship between Institutional Violence and Administrative Segregation

Benjamin Steiner, *University of Nebraska, Omaha*
- Not a lot of research done on this topic, and definitions of segregation vary widely, so this is very preliminary.
- Compiled data from national-level data collection efforts by Bureau of Justice Statistics (BJS).
  - Compared with the non-incarcerated general population, inmates are more likely to experience violence and sexual victimization while they are in correctional facilities.
  - 2.5 percent of inmate population is in administrative segregation, and 7 percent is in some type of restrictive housing — this is consistent with other estimates.
  - Compared with the general prison population, inmates in segregation are younger, male, nonwhite, violent offenders; they have greater prior records, longer sentences, gang involvement, more rule infractions, more mental health problems, and higher risk/need.
  - Prior violence is among the strongest predictors of what leads to supermax confinement — that is, what puts a person in segregation is often what brought him to prison in the first place.
- Effects of segregation on behavior.
  - For supermax segregation, higher odds of violent recidivism, but didn't seem to have effect on other outcomes. Mixed for direct release. Evidence suggests no reduction in system-wide violence.
  - For disciplinary segregation, one study found greater aggression in men who spent more days in segregation (but not in women); non-significant effect on subsequent misconduct.
  - A few studies looked at any type of segregation and found high odds of recidivism and self-harm.
- More research on who goes into segregation and its effects on behavior is needed.

Jeffrey Beard, *California Department of Corrections and Rehabilitation*
- Use of supermax in California.
  - Institution populations started skyrocketing in 1970s, and systems couldn't keep up with capacity, fewer resources. More idleness in prisons, double celling started. Also violence going up.
  - Out of that situation came the supermax, putting people in more restrictive environments.

- — California had actually begun earlier, due to rise in prison gangs and surge in prison violence in 1970s.
- SHU program.
  - — Determinate SHU — can serve time to get out.
  - — Indeterminate SHU — two classes of inmates: (1) very dangerous people who can't get out because of danger posed to staff/inmates and (2) gang members.
    - ▪ Gang members are the larger group.
    - ▪ Need gang validation (gang paraphernalia, tattoo, association with gang member). Reviewed after six years. Any evidence of gang activity means stay in SHU.
    - ▪ At peak, more than 3,000 inmates in SHU simply for gang validation; 500 had been in for 10+ years. Too many confined for too long.
  - — Effective? Violence in the 1980s and 1990s was reduced, but not sure of correlation.
  - — Our administrative segregation is not solitary confinement (alone without seeing anyone).
- Reduced use of administrative segregation.
  - — Percentage of population confined down from 8.5 percent to 6 percent, and still trending downward.
  - — Case reviews for gang members released more than 1,100 to general prison population.
    - ▪ No longer automatically put in SHU based on validation, only behavior. If validated after SHU, go into step-down program.
  - — Limited to two years. After two years, inmates go to restricted general population unit with less privileges.
  - — No more indeterminate SHU.
  - — Determinate SHU only for serious offenses.
- Other ways to reduce segregation: staff training; more programming, less idleness; get drugs out; make system run better so less need for segregation.
- Cautions.
  - — Be concerned with inmates coming out and their behavior. Bad things will happen, but keep moving forward.
  - — Can't move too quickly for staff.
  - — Difficult to compare states due to different circumstances.
- Research needs.
  - — Research is needed, but it must help us in practical ways.
  - — Research questions about reduced administrative segregation include: What effects does it have on violence? What other impacts does it have on institutions? Does it increase/decrease program participation? What about behavior of those released? Is our step-down effective? Does staff training help? What other things affect the use of segregation (e.g., drugs, overcrowding)?
  - — Studies can help us go to legislatures to get resources.

Discussion

Question: How much does staff treatment of inmates play into who goes into administrative segregation? How do perceptions of procedural fairness influence inmate behavior?

> *Response by Jeffrey Beard:* Like police in communities, we can train staff better to de-escalate situations. By not doing that, we add violence to the system. Previously, with massive overcrowding and a lack of resources, staff had to develop a control-oriented approach. But now we can train staff not to use force so quickly. I think inmates will respond that way, too.

Question: Regarding changes in SHU sentencing, have you noticed changes in the general population?

Response by Jeffery Beard: We released more than 1,100 so far and haven't yet seen increased gang violence, but we're watching closely. I'd like to see outside research on that. We have moved slowly with the process of releasing validated gang members because it is a significant change to what California had done for over thirty years. As such, there are no employees in the system today who know anything different. This gives them time to see that we can change the process and still maintain institutional safety. And it gives the union which is quite strong in California time to adjust to the change as well and reduce the chance that they may try to stop the process of significantly reducing the use of segregation.

Question by Amy Fettig: As you bring nonvalidated gang members out of segregation, what do you do regarding gang prevention in the general population? What can be learned from what is done in communities?

Response by Jeffrey Beard: We are trying a few things. First, drugs and contraband keep gangs strong, so we attack those first. Second, we're developing a concept of "safety areas." We create an "enhanced yard" where inmates can get additional privileges if they stay away from gangs, violence, and drugs. If not, they go somewhere else with less privileges. I think more inmates will gravitate toward safety areas because most want to just do time and go home. If you have a safe system, they don't have to go to gangs. Gang politics are very strong and sophisticated in California, and we won't make them go away overnight, but we must look for alternatives to break that up.

Comment by Stuart Grassian: I really agree that these terms "sensory deprivation" and "solitary confinement" lose meaning over time and develop pejorative ideas. I think what we're talking about is restrictive housing with other deprivations (occupational, social, etc.). We must talk about the degree of restrictions and be more specific. It's the deprivation of *meaningful* stimulation and occupation. Studies of sensory deprivation were taken as a model for POWs — [their captors] would bring in white noise to prevent them from experiencing anything meaningful.

Question by Gregg Marcantel: Regarding what can we learn about gang prevention — when it comes to gang recruitment, the majority go in an adolescence-limited way. But a small portion are the sustainers of gangs. If you take that model, how can we develop psychological constructs to marginalize those who are more at-risk from the sustainers and create special management units?

Comment by Denise O'Donnell: One of the most innovative approaches I've heard of is in Washington State, where they are using the David Kennedy model. This is a fertile area of research. They focus on leaders and try to divert members to try to reduce the control that leaders have in prison.

Panel 4. Mental Health and Administrative Segregation

Craig Haney, *University of California*

- Now at pivotal point where we realize what we've done in the past 40 years is not working and has done harm.
  - No blaming or shaming. We didn't invent administrative segregation or have a choice about implementing it.
  - Important to realize that *appearance* of adjustment to segregation doesn't mean an inmate is not being hurt/harmed.
  - President Obama, Justice Kennedy, and Pope Francis all understand that being in a small room without meaningful activity is not healthy for human beings.
- Geography of suffering.
  - Distance alienates inmates from the environment they've come from; creates a world unto itself with little input from the surrounding culture to counterbalance.
- Architecture of suffering.

- — The places to house people look like storage areas, not housing, affecting those who live and work there.
- — Inside, a very controlled environment makes movement difficult. Constant surveillance. Movement requires use of implements/restraints.
- — Cells are small, often deteriorated. Inmates have usually only one to one and a half hours/day of recreation.
- Social psychology of suffering.
  - — Practices and procedures in these environments have an effect.
  - — Meals passed through food tray; eating and sleeping within a few feet of open toilet.
  - — Restraints put on before cell opens. More layers of restraints before moved anywhere. Sometimes this is the only physical contact with another human being. "Man cages" used to transport, even for mentally ill getting therapy. Groups chained together.
  - — Yard not accommodating.
  - — Social interaction always mediated through bars, fences, grates, chains.
- Anatomy of suffering.
  - — Many studies conclude adverse effects (unless you worship at the altar of effect sizes).
  - — Symptoms of psychological pain include anxiety, headaches, etc., and a range of social pathologies develop (social anxiety/phobia, doubt as to whether they exist, social death).
  - — Isolation-related trauma also very high. More traumatized than general population — that is, they experience isolation more deeply.
  - — Loneliness scale not yet measured in prisons, but lots of research shows connectedness to others is a fundamental need. Lonely people are damaged psychologically and physically.
  - — Long-term social isolation leads to grief for loss of identity and social connections.
  - — Very important to include qualitative data in research. Most studies done with people otherwise psychologically healthy when entered segregation; for mentally ill, very harmful.

Lucas Malishchak, *Pennsylvania Department of Corrections*

- Current situation in Pennsylvania:
  - — All 26 facilities (24 male, two female) have restrictive housing; all have mental health services, some using telepsychiatry.
  - — Overall, 8.5 percent of inmates are diagnosed with serious mental illness (25 percent of all females); one out of four currently receives mental health services.
- Pennsylvania mental health classification system.
  - — Five years ago, 800 identified with serious mental illness, but they weren't tracked.
  - — In past few years, classification system revised with three components: diagnosis, functional impairment and diagnosis of intellectual disability.
  - — Result: serious mentally ill population grew by 500 percent. Need more staff.
- System changes.
  - — Revision of disciplinary process: Previously no interface with mental health, now prisoners reviewed for contraindications before placing in segregation. Also increase of violations that can be handled informally.
  - — No longer expose individuals with serious mental illness to segregation, but use alternatives.
    - ▪ We want to get them appropriate mental health care, not expose them to social death.
    - ▪ Historically alternatives have been alarmingly similar to restrictive housing, but we have made good progress on revising them. We developed 22 alternatives to segregation, with many new policies (e.g., art room, paint color, motivational language).
  - — Implementation of individual recovery plans.
  - — Improvement in central office oversight (quarterly audits of psychology departments, tracking methods).

Nicole Taylor, *Arizona Department of Corrections*

- In Arizona, more than 42,000 inmates, with 26.6 percent receiving mental health services.
  — Outpatient treatment includes psychotherapy, psychoeducational programming, and psychopharmacology, with frequency based on a subcode.
  — Inpatient treatment.
  — Residential treatment.
  — Serious mental illness designation in the community is retained in prison to ensure continuity of care.
- Due to recently settled litigation, inmates with serious mental illness in restrictive housing get at least 20.5 hours out of cell per week. Others also get a minimum number of out-of-cell hours (7.5 to 9.5 hours).
  — What is the "magic number" of hours? What should that time look like for these individuals (unstructured, group therapy, programming, etc.)? Would like to see research move us toward coming up with standards we can adhere to.
- Tiered incentive program used in maximum custody (restrictive housing) — inmates work up through three levels.
  — Recreation: Step 1 = concrete chutes;[1] Step 2 = individual enclosures; Step 3 = unrestrained.
  — Group programming: Step 1 = holding enclosures; Step 2 = maximum custody chairs; Step 3 = unrestrained at table.
  — Employment: Step 1 = none; Step 2 = job with officer present (or another inmate); Step 3 = unrestrained job in group.
- Definition of "seriously mentally ill."
  — Varies by state, so can't extrapolate data across states if definitions differ.
  — We have to spend resources on those who really need them — are we providing service to those who aren't in need? (For example, in Arizona, policy is to maintain designation of seriously mentally ill.)
  — How does this affect the community? We require a level of service for six months after release, but if we are overdesignating serious mental illness, we are flooding the community.

Discussion

Question: Craig Haney, you referred to "worshipping at the altar of effect size." Please clarify and speak to the challenges in presenting the kind of research you do in litigation.

> *Response by Craig Haney:* I'm an academic, so I'm sensitive to the importance of using multiple methods. We can't always design data collection the way we'd like. These are closed systems. I'm sometimes allowed to penetrate because of court orders. You collect quantitative data when you can, but you learn a lot by doing direct research with prisoners. Quantitative is at best half the story. Some sophisticated studies have impressive numbers and effect sizes, etc., but drill down, and there's a problem. These populations are not interested in revealing information to you. So your positioning is to improve your relationships, and sometimes we overlook this.

Question: A meaningful minority prefers segregation to being with the general prison population. They will say or do whatever they need to. How do you recommend moving forward with those?

> *Response by Craig Haney:* Look at the context in which it occurs. Not because they prefer isolation, but because confinement in the general population is so intolerable. So the problem is actually in the larger prison context. Maybe they don't feel safe — so find them a safe environment to interact with other prisoners. Or maybe the solution is with the intolerable general population. Also,

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[1] Concrete chutes are exercise rooms that are 24' long, 11' wide, and 18' high. The top of the exercise room is open which allows natural light to get in. While in this space, inmates are provided a racket ball. No other equipment is provided.

norms have changed. Double celling is now the norm, but it's not necessarily pathological to maintain to a norm that was a norm 40 years ago. We've changed how we think.

Question by Amy Fettig: Regarding the NIJ white paper we received, I was dismayed as a lawyer in this area at what seemed a lack of rigor. I hope it's a draft and not a failure to grapple with the literature out there in a sophisticated manner. Your reaction to the white paper?

> *Response by Craig Haney:* I don't want to pile on, but I had the same reaction. My presentation was an attempt to broaden the perspective on the issue. After I read the white paper,[2] I had a strong reaction and felt it necessary to establish a different basis of understanding regarding the harmfulness of these environments. The white paper[3] is very superficial, although it was only an executive summary. I was troubled because of the dismissive tone about what we know about putting people into these environments.

> *Response by Lucas Malishchak:* In Pennsylvania, the office of mental health advocate was recently established. She reports to the secretary and has a voice at central office oversight meetings. She is another check and balance in the changes to our mental health system.

Comment: I'm a psychiatrist. Knowledge in medicine grows differently than knowledge in other fields. For example, when HIV was first identified, there were no controlled experiments — it was an unusual set of symptoms. Not many patients were needed, either — it was identified through just four patients. The same is true of solitary confinement. I described a syndrome associated with solitary confinement deeply embedded in medicine (e.g., people in iron lungs, psychotic delirium, also ICU psychoses). We know when deprived of meaningful activity, the EEG will change. Even after seven days, brain waves move toward lethargy. Also, those in solitary confinement develop an inability to tolerate stimulation, and we now have EEG confirmation of that. Doctors know it to be true, and it's not just in the prison system. So I, too, find the white paper[4] disturbing.

Question: In Arizona and Pennsylvania, has an increase on assaults on inmates and staff materialized? Has enough time elapsed to put those concerns aside if it is not occurring?

> *Response by Nicole Taylor:* Ours hasn't been in place long enough for statistical analysis. Yes, we had some bad incidents. The knee-jerk reaction is to stop, but we are trending in the right direction. The more incentives you can throw at the population, the better. For example, visitation is not an incentive for someone who has no one to visit them, but maybe more recreation, more TVs, etc. It needs to be worth it to them. In a disturbance, we saw inmates thinking, "Do I want to be involved in this?" In the past, they didn't have much to lose, but the disturbance got under control quickly because they recognized they have a lot to lose. I think we all agree that harm happens, but where does the level of hours [out of cell] need to be for the harm to be ameliorated? We don't know what that programming needs to look like, either. We need to figure it out, otherwise we're all just agreeing that harm happens but not coming back to a solution.

> *Response by Lucas Malishchak:* I'll add enhanced specialized training for staff. All 16,000 employees and crisis intervention teams have training to use de-escalation techniques.

> *Response by Craig Haney:* Talking about the minimum amount of social contact is putting the question upside down. The question should be what is the minimum of deprivation of social contact before its effective? Start with what's a normal level of social interaction and program involvement and what's the minimum amount to take away to accomplish our goal. Not, how

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[2]The white paper referenced here is a draft executive summary of a white paper on administrative segregation that was provided to the meeting participants prior to the meeting. The final executive summary and white paper will be disseminated on NIJ's website in spring 2016.

[3] Ibid.

[4] Ibid.

much can we starve them before harm begins? This shouldn't be a model of deprivation but enrichment. We add resources, not take away. What I think confounds this is that we have a punishment-first model, and that interferes with responding to an individual's problems without calculating what it costs him or her as a human. That kind of model is a resource-rich model, not resource-deprivation model. So ask how much to inject into the environment to accomplish what we want.

Question: What outcomes have you seen with staff, inmates and institutions once changes were implemented in Pennsylvania and Arizona? Also, what lessons have been learned through the change process that could be applied or considered for other populations?

Response by Nicole Taylor: It really comes from the top down. We have a division director who is very involved and talks to staff. I've watched him talk casually to officers for 40 to 50 minutes to see what their concerns were and ask, "What if we do this?" That's the only way change can happen. It must be top-down and promoted that way.

Response by Lucas Malishchak: The effect on staff I alluded to in culture and how it wasn't immediately received. Culture is very security based. It's conversations like this where people come to understand we're all on the same team and this is for the right reasons. We emphasize these practices for seriously mentally ill inmates now, but Pennsylvania has reassessed how restrictive housing is used for other inmates, too. That's the next step — those with mental illness. The landscape I see is offering those accommodations for everyone.

Panel 5. Relationship between Correctional Officer Safety and Wellness and Administrative Segregation

Frank Ferdik, *University of West Florida*

- I was asked by NIJ to write a literature synthesis review on correctional officer safety and wellness and integrate it with administrative segregation.
  - Rightful focus on inmates in discussion of administrative segregation, but mental health and physical well-being of officers are vital to prison order.
  - Yet most of the literature did not look at officer safety and wellness in restrictive housing, where effects on officers may be amplified.
- Three typologies of dangers to officers.
  - Work-related dangers — violent individuals, diseased inmates.
  - Institutional — role ambiguity, how view job, supervisor relationships, pay and benefits (can lead to psychological distress, burnout, turnover).
  - Psychosocial — may feel disrespected and underappreciated for what they do.
    - Correctional officer suicides surpass law enforcement suicides; rates of injuries and fatalities surpass even other high-risk professions.
- Potential consequences for correctional officers.
  - Those working in restrictive housing may have danger elevated even more.
  - Vicarious traumatization (seen in mental health professionals and defense attorneys exposed to individuals who communicate tragedies of their lives) may also affect officers, but this has not been examined.
  - Risk that officers become desensitized and potentially violent themselves (implications for family well-being).
- Implications.
  - Potential resolutions may include: more staff, better training, more access to mental health care, and earlier identification of problematic inmates.
- Research considerations.
  - For researchers, access to officers may be easier than access to inmates.

— Prevalence of risks for officers.
— Include perspective of officers — we must do what we can to assist them and not neglect their role in administrative segregation.

Kenneth T. McKee, *Michigan Department of Corrections*

- I oversee 33 correctional facilities in Michigan. We have administrative segregation in 10 facilities; also temporary segregation (for notice of intent or hearing) and detention (when guilty of misconduct, max 15 days).
  — Focus is on prisoner reentry and success, considering 95 percent of inmates will go home someday.
- Safety and wellness based on solid policies and procedures, daily communication with individuals in restrictive housing, and handpicked staff who work in those units.
  — Always two officers escort when out of cell, prisoner in belly chains and possibly also leg irons.
  — Policy on appropriate use of restrictions in administrative segregation (e.g., electricity/water/paper restrictions, food loaf) — ranges from few days up to 14 days.
  — Rounds every 30 minutes in segregation units, plus a resident unit manager and assistant and/or prisoner counselor.
  — Daily rounds by health care and outpatient mental health staff.
    - If segregation exceeds 30 days, prisoner will be seen by mental health professional regardless of previous mental health history.
  — Strong review process — weekly review for first two months; warden required to personally interview prisoners in segregation for six months; if in segregation for 12 months, someone else comes to interview.
  — Prisoners provided three showers/week, hair care services, mail privileges, access to legal property, out-of-cell activity, some personal property, etc.
- Three facilities with administrative segregation units have incentive programs — positive reinforcement for behavior with goal to reduce length of placement.
  — Six stages of behavior expectations; prisoners may be taken to higher or lower stage.
  — Behavior evaluated daily on all three shifts.
  — Journaling and essays on why in administrative segregation and what it takes to get out help enhance two-way communication.
- Results from past six years.
  — Critical incidents reduced from 10 to three.
  — Programs, positive communication, and staff training have produced a much safer and less restrictive environment.

Discussion

Comment by Judith Resnik: ASCA asked questions related to challenges to staff in administrative segregation, so there is a little information available. It fits your picture and sketches in a broad way efforts to respond to these unusually demanding positions.

> *Response by Frank Ferdik:* We can also try to survey prison administrators to see what they're doing to improve safety for staff in these units.

Question: There is a compelling case for the toll taken on frontline staff, elevated even further in settings of administrative segregation. That squares with our experience, looking at domestic violence, suicide, vicarious trauma, etc. If we want to reduce reliance on administrative segregation, recognizing that it isn't good for inmates or staff, how do we overcome the anxiety of staff based on their lived experience? Without their buy-in, we'll get nowhere.

> *Response by Frank Ferdik:* Let them know there are alternatives to administrative segregation. Correctional officers know that, but it needs to be reinforced through findings and research. It's

our responsibility to hammer home that we can do other things besides rely on segregation. Staff interactions can influence inmate behavior in prison — how they treat them can lead to how inmates behave.

Response by Kenneth McKee: For prisoners who mouth off, we have different levels of misconduct. In Michigan, the only ones in administrative segregation are the Level 1 assaults, dangerous misconduct. Unless the [misconduct] is serious, the individual doesn't even go to administrative segregation, just does detention and returns to the general population.

Response by Frank Ferdik: Many findings show prolonged exposure to solitary confinement can lead to adverse behavior. Then the inmate comes out, and that can produce adverse outcomes for correctional officers. That's a temporary resolution … maybe rate goes down while they're in administrative segregation, but problem is when they come out.

Response by Kenneth McKee: We have transition units to help reintegrate at a slower pace.

Comment by Terry Carlson: I appreciate the focus on staff wellness; my thoughts are much the same. We do a lot to help staff do these difficult jobs — we train in crisis interventions, teamwork, and critical incidence stress management. Now a new generation to focus on fulfillment for those staff. I just want to say we need to pay attention to the power and challenge of changing a culture that starts with the correctional officers who are so very important to the work that happens in our facilities. I echo the anxiety of change. Whatever resources are expended, it's so important to the change that's so needed.

Comment by Jody Sundt: I became interested in this question when, as a new faculty member in Illinois, I had students going to Marion and Menard, where mentally ill violent inmates were held at the time, as well as at the newly opened Tamms supermax. So I heard every day what was happening because the students would tell me what it was like to pull someone out of [a] cell covered with feces and be spit on and the horrible brutality they experienced. So I wanted to study the aggregate effects of the supermax and did find it created a safer environment to some degree. In talking to correctional officers about changing the culture, we must communicate that those institutions may create a modicum of stability, but it comes at a high cost for people who are working there, and that cost gets hidden. Having lived in New Mexico, I was affected by that riot [in 1980], and having lived in Illinois, I know the trauma related to hits on wardens, etc. — those stories still resonate. But the challenge to change the culture is to honor that history but tell a different story.

Response by Frank Ferdik: You internalize what you see, and that can't have a positive impact on mental well-being. Few would disagree that there is a problem with retention of staff across the United States. Between 25 and 30 percent of officers leave, maybe because of what they see. So changing the culture could have other positive outcomes beyond well-being, such as retention.

Comment/question: We heard how important the commitment of leadership is. I want to make the pitch that it's bidirectional. Regarding how to bring staff along, I've heard through the work of the Vera Institute that some places are involving line staff, supervisors and even inmates in conversations about changes. What kinds of mechanisms will empower correctional officers to react differently? What incentives work to change behavior? In the richness of the officer and inmate experiences, they might know what works best to help them manage anxiety.

Response by Frank Ferdik: There was also a study about coping strategies of correctional officers to mediate and deal with elements on their jobs. Some officers who used these mechanisms (e.g., go for a run, seek mental health care) found them helpful. So maybe interview correctional officers and see what they do.

Question by Gregg Marcantel: In New Mexico, there's a 50 percent chance a correctional officer won't make it to the third year because our collective bargaining agreement is based on seniority, so it's the young ones, the most ill-prepared workforce, who end up working in segregation. These frontlines are

our most valuable for getting [change] done, and it is expensive if they are turning over. So I applaud the work that's being done.

Comment: One of my first assignments as a correctional officer in Tennessee, 32 years ago, was in restrictive housing, and I worked several years in that environment. For the people who work there, it becomes normal. We, as correctional officers, get accustomed to seeing this situation every day and don't realize we need something different. As warden, we reviewed staff in the segregated area every six months to see if they needed a change. However, the reality is that it doesn't always happen or they may say everything is good — so we need to be careful. We have to develop training for security staff to understand the importance of rehabilitation. That will help reduce their anxiety. And we have to educate our lawmakers. It's not always the correctional officers questioning whether you are making the right move. We released a lot of administrative segregation inmates over the past years and 94 percent did fine, but our lawmakers don't always hear that.

Panel 6. Civil Rights Enforcement and Administrative Segregation

*Vanita Gupta, **Principal Deputy Assistant Attorney General, Civil Rights Division, U.S. Department of Justice***

- Thanks to the organizers for bringing us together to have this important conversation to encourage evidence-based approaches to segregation.
  - Even 5-10 years ago, too few people were concerned about the way solitary confinement was used. Today's event reflects a tectonic shift in the conversation on these issues.
- All three branches of government have been talking about administrative segregation and how to do things differently while still ensuring safety for correctional officers and inmates.
  - Congress held two hearings in the past three years on how damaging administrative segregation has been. In the first hearing (2012), senators heard searing testimony from Anthony Graves, who had been wrongfully convicted and spent 16 years in solitary confinement.
  - Supreme Court Justice Kennedy has written about his deep reservations regarding solitary confinement.
  - President Obama spoke last July about the potential harm of solitary confinement on reentry and public safety and concluded it does not make us safer and is not smart.
  - Not just at the federal level, but some leaders on reform are state corrections officials who know the real day-to-day challenges.
- Others are also engaged in the issue: policy experts, scholars, media, and the public.
  - Conversation about prison/jail conditions spans political spectrum.
  - Not just an American conversation, but an international human rights issue.
- At Civil Rights Division, more than 20 years of work to stop excessive use of solitary confinement.
  - Through the Civil Rights of Institutionalized Persons Act, we have power to investigate violations of prisoners' rights. If we find a pattern or practice, we try to negotiate reform and offer technical assistance. Failing that, we can sue.
  - Most recently focused on harm caused to vulnerable populations, such as juveniles and mentally ill. Examples include:
    - We found seriously mentally ill prisoners in Pennsylvania were exposed to long-term solitary conditions; Pennsylvania has taken serious steps to reform.
    - In New York, juvenile inmates were placed in solitary confinement for weeks or months, often for nonviolent infractions, but now segregation is prohibited for those under 18 years (under 21 years starting next year). Other states in which we've worked on this issue include Ohio, California, and Alabama.
- The Civil Rights Division is committed to remedying problems such as the use of solitary confinement for minor offenses, resorting to segregation when lesser sanctions would be effective or where mental health care is needed, lack of regard for juvenile development, inadequate procedural protections, and insufficient attention to preparation for reentry into society.

— Strong partners around the country dedicated to humane correctional practices without compromising safety.
— We're counting on you, advocates and experts, to help us find solutions to the most challenging questions, including the identification of best alternatives to solitary confinement, tools rooted in human dignity.

Discussion

Question: Some of us are limited by our knowledge of your excellent work at DOJ, but when we have settlements in these cases, how does that impact practices as contrasted with actual court decisions that follow a case through to a conclusion? Comment on the use of settlements versus court outcomes.

> *Response by Vanita Gupta:* We prefer to reach agreements and settlements. They lead to greater buy-in and input of correction officials in ways we think necessary for implementation rather than something rammed down their throats. Rikers Island is an interesting example. During the course of our negotiations, the city went ahead and restricted use of solitary confinement to people under age 21, which was more than we had on the table. So settlements can be longer lasting. There are often bumps, but through independent monitoring, we're able to bring about reforms. They don't happen overnight, but phase-ins are built into settlement agreements. There are times we have to litigate, and we're not afraid to do that, but our preference is for agreements. We've found a lot of leadership.

Follow-up question: But I'm curious whether complete litigation can be more forceful.

> *Response by Vanita Gupta:* I don't know if we have examined that empirically … But I think it's much better to spend money in reforming a program than in spending it on expensive litigation. We'd rather spend it on building reforms.

Question by Judith Resnik: The way the landscape of filings and settlements address juveniles and the mentally ill… Some states are looking more broadly — I'm thinking of Massachusetts, for example. We want to think of making administrative segregation less isolating. Are there practices in its most restrictive form (not juvenile and mentally ill), in its constitutionality?

> *Response by Vanita Gupta:* We definitely have some investigations looking at that. We take baby steps, looking at juveniles first, then mentally ill inmates. Today's conversation is very important to us because we can only make findings where there are violations to the Constitution, because we speak for the entire DOJ, so we have to be careful regarding what is unconstitutional. This helps us find our footing for the future.

Question: You're doing great work. What prompts most of your investigations regarding the widespread use of administrative segregation?

> *Response by Vanita Gupta:* An investigation can be prompted in lots of ways. There may be a series of complaints or documentation by people in the field, or we may be called in by officials to examine practices. There is more demand than we can meet, so we're choosy about where to go. We hope agreements will be useful for the field and not just for a particular jurisdiction. Same for policing and corrections and jail work. Our hope is that these documents are instructive for reforms and remedies.

Question by Amy Fettig: Thanks for the tremendous leadership in solitary confinement reform. None of us would be here if DOJ hadn't catalyzed the issue in the past few years. Given the expertise of the Civil Rights Division, what role are you playing in the study that President Obama has called for?

> *Response by Vanita Gupta:* I can't comment on that because it is a closed-door process, but a lot of really robust conversation is happening on a deeper level now than before. I'm glad he made an explicit call for what was happening already. But I can give no more detail now; maybe down the road.

Comment by Lucas Malishchak: As a team member of Crescent, it needs to be publicly said that the work you and all in the Civil Rights Division have done with us — the advocacy and changes—have been welcome, and you need to be publicly applauded for that.

> *Response by Vanita Gupta:* I appreciate that. It's important to us that you feel that way. The partnership in Pennsylvania has showed tremendous leadership. That's the approach we want to take — working within a partnership.

Question: From the 50,000-foot view of a consent decree, what is the profile of organizations that find themselves in this situation?

> *Response by Vanita Gupta:* That will vary issue by issue. We do get called in by officials interested in analysis and investigations with extensive interviews by someone who has the access we do and the experts we have helping us do the work. So there's no formula. We've looked at vulnerable populations to create national conversations on the use of solitary confinement with juvenile and mentally ill inmates, and we look at other procedures and practices, but there isn't a cookie-cutter approach. Sometimes we go in, and there's a lot of resistance, and sometimes it's open arms if they have a problem and want assistance and get an agreement. My hope is that we can look at various agreements and draw lessons, because every jurisdiction is different and we're mindful of that. I think there is a national trend developing on the use of solitary confinement with juvenile and mentally ill inmates.

Recap and Summary of Day 1

Angela Moore, *Division Director, National Institute of Justice*

I head the Justice Systems Research Division at NIJ. We cover justice systems from policing to corrections — we are the social and behavioral science side of the house at NIJ. I thank my staff, Marie Garcia and Brett Chapman, for putting this meeting together. I've learned a lot as we've been talking throughout the day, and this has led me to six questions we need to consider:

1. *What is administrative segregation?* How we define it is critical. We have to be clear regarding what we are discussing. What we focus on is key to outcomes we examine as well as what we hope to achieve.
2. *Why is it used?* Corrections administrators must maintain order and safety for inmates, staff, volunteers, etc., within institutions. We remove individuals from communities and put them in jail/prison, but that's not where public safety ends. We're moving the area of responsibility from one place to another. We put substantial burden on administrators to deal with issues that need to be addressed upstream.
3. *Who is in administrative segregation?* We heard some research presented today [that those in administrative segregation tend to be] younger males, those with more criminal histories, men of color with antisocial behavior, serious offenders. But there's more to that question — it's much more nuanced. Research also suggests that we can predict who will end up in administrative segregation. If they can do it in Canada, we can do it! We can also potentially use this information to develop programming for individuals.
4. *What is the impact of segregation?* I don't think anyone would say it's good, but we need to understand the harm done and how to ameliorate that harm when we talk about impact, not only on inmates but also on correctional officers and the larger prison/jail community. It doesn't appear that we have much evidence of impacts on correctional officers, so more work needs to be done.
5. *How do we limit the overuse of administrative segregation?* I purposely say "overuse." I don't know where we are in terms of "use." We heard today that research must be purposeful, realistic and not endanger employees. Reform can't move too quickly — safety is critical. Corrections administrators need to know what works in order to address this issue. They need to know what

the best way to go about reform is and what is safest for all involved. To answer that question, we need to advance and enhance our evidence base.

6. *How do we enhance the evidence base?* Researchers, I talk to you: Your research must be realistic and pragmatic. If you ask corrections administrators to devote staff time and resources, you must address what's in it for them. How will their system benefit from your work? If they open the door to you and allow you access to data, how will it benefit them? Practitioners, corrections administrators and the like: Access is key. We can't boost the evidence base if researchers can't access data.

We also have to address this question: How do I deal with the uniqueness of my institution while at the same time trying to develop generalizable knowledge that will help other jurisdictions? That's what NIJ is about. While we want to help get information useful for your institution, we are the *National* Institute of Justice, and we have to think broadly. We need your help. It's clear from today's discussion that reform as it relates to administrative segregation or solitary confinement requires major culture change, but as we've also heard, we are at a pivotal moment. There is support at the highest levels of government and work going on at various jurisdictions. We have our marching orders on what we should do.

Day 2 - Friday, October 23, 2015

Recap of Day 1/Review of Day 2 Agenda

Nancy Rodriguez, *Director, National Institute of Justice*

I reflected last night that while we represent many disciplines and bring different knowledge, we've been able to talk across those lines while seeking to answer the six questions captured by Angela Moore yesterday. A common theme was change: change in the way we manage behavior and in the support we give to correctional officers as well as change in culture. We need to remember the corrections mission is critical and noble, grounded in public safety. Seeds of change have been planted at many levels of government, but evidence and education are needed to address the concerns of staff, lawmakers and inmates. We heard about obstacles to change, such as access, forging meaningful partnerships, lack of a roadmap to reform, and challenges to making reforms when bad outcomes occur. We also heard successes and opportunities, such as step-down programs, special units addressing the needs of mentally ill inmates, nonvalidated gang members integrated in the general population, and efforts to help correctional officers. We want to take the work even further today with two more panels and a breakout session.

Dr. Rodriguez introduced Karol Mason.

Opening Remarks

Karol V. Mason, *Assistant Attorney General, Office of Justice Programs, U.S. Department of Justice*

I'm delighted to kick off the second day of discussion. Yesterday was productive, and we expect more today, so thank you to all participants. The knowledge represented here in this diverse group is remarkable, and we need your expertise on this urgent and sensitive topic. We are learning a lot, but there's more we need to know. Some advocates argue that segregation is fundamentally inhumane, whereas others maintain it is necessary for order and security. We struggle to strike a balance and use segregation as sparingly and responsibly as possible. Most would agree that segregated housing is a measure of last resort and should be accompanied by programming that helps transition an inmate to reintegrate into the community. But when is it effective? For whom and under what conditions? What kind of programming best achieves results? How can we achieve safety goals without compromising humanitarian principles? We started on this work long before the President made a passionate case to restore proportionality in his NAACP speech. There are no easy answers, but we must look for ways to make segregation rare, fair and beneficial, and preserve the dignity of people in our care. Your discussions are already yielding insights to solutions, and I look forward to further progress.

Panel 7: Safe Alternatives to Segregation

Juliene James, *Bureau of Justice Assistance*
- My role at BJA is justice reform; I work with the Vera Institute of Justice as they work with state and local corrections institutions, as they look at their practices to reduce [reliance on administrative segregation], and change what happens to people in segregation.
- First theme: mission.
  — Paradigm shift away from risk containment and avoidance (a "quiet" institution) to embracing a system based on community safety and behavior change.
  — Effective and respectful strategies needed.
  — Both institutional and individual dynamics.
- Second theme: measurement.

— Beyond number of inmates admitted, important to track reasons for admission, length of stay, recidivism, number of releases direct to community, timeliness measures, staff wellness and more.
— Reform efforts have good early signs.
  ▪ In Virginia, efforts relied on risk-needs-responsivity framework, and administrative segregation was reduced by 53 percent, prison incidents were reduced 56 percent, staff stress was reduced, and morale is high.
  ▪ Colorado reported a decline from 1,505 in administrative segregation in 2011 to less than 1 percent (200) today while also reporting declines in use of special controls, forced cell entries and staff assaults.
  ▪ In Washington state, an intensive transition program had an 80 percent success rate.
— But no consistent measurement across efforts to give evidence-based practices of the future.
- Third theme: practicality.
  — What will be useful to practitioners?
  — Corrections leaders not waiting for more research on harm/effects.
  — What process of reform will be successful in improving safety while preserving human dignity?

Nicholas Turner, *Vera Institute of Justice*

- Historical overview of Vera's work on administrative segregation.
  — Conditions of confinement described by Arthur Liman in his 1974 report on the Attica uprising blazed a trail.
  — Ten years ago, launched Commission on Safety and Abuse in America's Prisons and tried to generate a national conversation that didn't happen in the 30 years after Attica.
  — That work led to Safe Alternatives to Segregation Initiative.
- Three components when Vera partners with a state to reduce use of segregation:
  — Assessment of who is in segregation and why.
    ▪ Review of department policies regarding who is housed, alternative sanctions, and conditions in each setting.
    ▪ Analysis of administrative statistics on who is in segregation, length of stay, how often used as discipline, etc. — used as a mirror to confirm/dispute self-understanding of how segregation is used.
    ▪ Facility visits and staff meetings to learn about culture, practice and any innovations.
  — Recommendations on strategies to reduce number of individuals going into segregation, their length of stay and recidivism.
    ▪ Examples include sanctioning grids, enhanced transitional programs, new alternative responses, individual plans.
  — Assistance with implementation of changes.
- Lessons and research ideas.
  — While segregation [was] initially constructed to handle dangerous prisoners, its use often has expanded — a "creep" in disciplinary response, often to inmates not necessarily a threat to other inmates/staff.
    ▪ Used for being out of place, talking back, failure to report, refusing to change cells, tattooing.
  — There is an absence of alternative tools/strategies.
  — Research needs: a detailed study on national use and prevalence (not snapshots), more meaningful metrics to capture true extent of use, process and outcome evaluation, building evidence base of step-down/transition programs, and impact of prison conditions on correctional officers and their role in reform.

Discussion

Question by Karol Mason: Can you talk more about what research you have done to measure success of alternatives?

> *Response by Nicholas Turner:* Thus far, we have relied on self-report by states in which we work. It's important to go back in, but we haven't yet.

Comment: In light of a lack of studies that show specific effects of step-down programs and other interventions, I think it's important to look at what we do know. We do have evidence regarding what prevents prison violence (e.g., work programs, education programs on prison adjustment). There's more evidence of what might be more effective at primary prevention to avoid needing segregation to begin with.

Question: Can you discuss data missing to do your studies?

> *Response by Sara Sullivan, Vera Institute of Justice:* One piece we tried to look at is what I would call recidivism — going back into segregation from the general population. That can be very difficult to measure based on the information provided. One thing we can do based on information provided, and what institutions don't know, is understanding length of time prisoners spend in segregation. Many times prison administrators know what the sanction is, and they may have ways to reduce time (e.g., earning time off), but it's not tracked how often it's used even though the policy allows for it. We can help draw that out, teaching an institution how to find and analyze that information.

> *Response by Juliene James:* Many systems don't have special flags for placement in segregation, so in Vera's work, they've looked at cell movement data rather than placement information and had to draw inferences. I've heard of at least two systems to create a more automated way to collect that data.

> *Response by Sara Sullivan:* It's hard to see if an appropriate response was received because the system to track people isn't linked with their sanctions and what programming they receive.

Comment by George Camp, ASCA: For those of you interested in doing more research, we stand ready to assist. If it's difficult to collect data, we can facilitate and help.

Question: How often did you find cases where an inmate is said to be in segregation for 30 days, but doesn't really leave because after 30 days it's called something different? How many of those cases did you see, and was there a big disjuncture between policy and practice when you saw that?

> *Response by Sara Sullivan:* Sometimes an inmate will receive a sanction for a particular violation and catch more violations once in segregation and get more sanctions, and time stacks up so the inmate ends up in segregation for a long time. But another thing you mentioned was rolling over from disciplinary segregation to administrative segregation, because maybe staff believes the inmate isn't ready to return to the general population even though segregation time is up. One strategy is applying programming in disciplinary segregation so you don't have to wait to start preparing for transitioning to general population. That said, we don't want to set up a process of programming in disciplinary segregation for a certain period of time because that can have a negative effect of increasing time spent in disciplinary segregation. It is a problem we've seen.

Question: How does that fit into the data?

> *Response by Sara Sullivan:* We do look at prehearing detention while waiting. Always look at a solution: Why spend time in prehearing detention? Is it an automatic response? Or is it determined on a case-by-case basis, to see who needs to go in prehearing detention and who can be safely housed in the general population while an investigation is pending?

Question by Frank Ferdik: You mentioned staff training and trying to change culture to reduce putting prisoners in solitary confinement for minor infractions. What about staff recruitment? What can be done from that perspective?

> *Response by Nicholas Turner:* I don't know the specific answer to that question. Maybe Gregg Marcantel can say from his New Mexico experience. There's unquestionably a culture change that must take place, and leadership needs to be able to set out clear policies and accountability structures so policies are followed. That means training. Sometimes commissioners are bumped against wardens and are unenthusiastic regarding changes. So in the abstract sense, yes, you have to look at different staff characteristics when hiring.

> *Response by Gregg Marcantel:* Middle management is where it gets choked up. What worked for us was we began fundamental strategic planning and reidentification of core values, and by accident, that set us up to hold middle management and make it harder to push back when there's agreement in these areas. Recruitment of young officers is always a challenge. I recently made a mistake because I didn't think that the fitness level coming out of academy was sufficient for a stressful environment. So we put a premium on fitness, but that became mission creep. We've recently seen too much focus on fitness and low-frequency, high-risk things, and not enough on everyday conflict resolution, and now we need to adjust. It's always a struggle — we need a purpose-driven approach but also people prepared for things that can happen.

> *Response by Juliene James:* One example from South Dakota, those of you in union settings will say can't happen, but they started a competitive process for those who could work in segregated housing. Nobility was infused, and they had more applicants than they could take.

Panel 8. Key Research Questions and Current Data Collection Efforts

Allen Beck, *Bureau of Justice Statistics*

- Drawing on data collected using inmate self-report (as opposed to administrative data) to get [a] profile of what occurs in prison/jail with respect to conditions and use of restrictive housing.
  - Report released this morning, available at www.bjs.gov.
  - Important to understand we are dealing with a continuum, from restrictions on privileges to solitary confinement with very little human contact.
  - Representing everything as deep-end solitary confinement confuses the issue.
- Substantial use of segregated housing, with inmates experiencing various episodes over time.
  - Estimate of prevalence of restrictive housing in a single day: 4.5 percent in prisons, 2.5 to 3 percent in jails.
  - In previous 12 months, at least one in five inmates had experienced some form of restrictive housing.
  - About 10 percent of prison inmates and 5 percent of jail inmates spent 30 days or more in restrictive housing.
- Covariates.
  - Gender [is] not a large covariate.
  - Race has slight impact but could vary with other covariates and not be about race.
  - Age can be substantial covariate, not surprisingly. Best predictor of recidivism is age; adapting to the environment takes time and maturity.
  - Higher rates of restrictive housing with less-educated inmates, those of gay/lesbian/bisexual orientation, and violent offenders.
  - Very strong relationship between prior record and experience of restrictive housing.
  - Some adaptation seen over time of incarceration, but 35 percent of inmates jailed one to five years had experienced restrictive housing within the previous 12 months.

- — Clear correlation with both past and current mental health problems — about 25 percent diagnosed with mental health problem had experienced restrictive housing.
    - Inmates with serious psychological distress have a high rate of restrictive housing experience.
    - One surprise was that length of time in restrictive housing was unrelated to prevalence of serious psychological distress. The difference was between being in restrictive housing or not rather than duration of time in restrictive housing.
  - — One very strong covariate was being in a fight with another inmate or staff.
- Measures related to facility.
  - — Correlation between high levels of facility disorder and use of restrictive housing.
  - — Composition of facilities (with high-risk inmates) correlates with use of restrictive housing.
  - — Institutional climate — little linkage with crowding (it's more about how you manage crowding), but high levels of misconduct in facilities with low levels of trust and fairness perceived by inmates.
- Conclusion: Must deal with issues of misconduct through management, staffing, alternatives to restrictive housing. Insofar as you can reduce chaos, you can impose order and do with less restrictive housing.

Dan Mears, *Florida State University*

- Background highlights.
  - — Worked at juvenile residential facility and learned to focus with new staff on de-escalation to avoid overuse of lockdown.
  - — At first supermax tour, warden talked about concerns that inmates were released straight to streets.
  - — Surveyed wardens and correctional officials regarding goals of supermax and reviewed other published work on recidivism and supermax incarceration in Florida.
- Major issues and research gaps.
  - — Definitional issues.
  - — Need for administrative segregation. A study was never done to determine how much need there was — or is today (i.e., what problems do we have? what outcomes are we concerned about? what's causing these problems?)
  - — Theory of administrative segregation and conditions under which it achieves its goals. One goal might be general deterrence, but can't be assumed (e.g., inmates know how far to push before lockdown; some actually try to get into segregation).
  - — Use of administrative segregation (for whom, duration, frequency, etc.). Normative experience is cycling in and out of segregation, but little is known about who's going in, for how long, for what infractions, what services, what it takes to get back out.
  - — Impact —need broad range of studies across range of outcomes and across spectrum of administrative segregation types. Include impact on inmates, staff, families, work, prison systems and communities.
  - — Efficiency — administrative segregation is expensive. Is it worth the cost? Can a comparable outcome be achieved with an alternative?
  - — Alternatives—how effective? Wardens have a list of options they think are effective, with staff training near the top.
  - — Views about administrative segregation. Public opinion survey needed. With tablets, monthly surveys of inmates, officers and wardens should be possible (what's happening at the facility? what problems? what can be done?).
  - — Gaps exist by state. Relevance from one state to another may be nil, depending on how segregation is used in each.
- Research is expensive, but it should be funded adequately with a substantial infusion of funding from state and national levels.

Discussion

Question: I am interested in Dr. Mears' attention to state variation and the generalizability of work in Florida and want to know whether the inmate survey data from Dr. Beck opens opportunities for looking at state variation.

> *Response by Allen Beck:* The study was not designed to provide state-level variation but facility-level variation. Good policies and leadership may be at the top, but a facility may have problems because how it's managed varies. I encourage facility-level examination.

Comment by Thomas Faust: It would be helpful to look at reducing use of administrative segregation. We also look at various accreditation bodies; for example, the American Correctional Association (ACA) defines a standard … [reads the standard] … "One hour of exercise outside cell five times per week unless safety dictates otherwise." It's helpful to talk not only about reducing the use of administrative segregation but also its parameters. What is it? Five hours out of cell or 7 hours? Are we looking at it the wrong way — what can we get away with at minimum? It would be great to provide practitioners with studies that talk about cutting-edge parameters, not just the need to reduce the use of administrative segregation. What's the bar we're trying to reach? Twenty years ago, when building a new facility in Arlington, we designed an administrative segregation unit, but right from the start, there was no assessment process about what administrative segregation was — it was just accepted that it meant 23/1, which was based on meeting the ACA standard. I'm not against ACA, but it would be helpful from an operational standpoint if looking at a new facility or whatever, to get away from saying "administrative segregation is this" as opposed to having some research-based assessment tools useful for administrators.

> *Response by Dan Mears:* It's exciting that Vera has done work with states, and some of the research is simple and powerful. I don't think you have to have high-level research but basic research (e.g., why and how administrative segregation is used). It could be an internal research function (e.g., finding that one warden has accounted for half of the segregated population). That's easy to do and would lead to quick changes compared with waiting for researchers to come in from outside.

Comment: We have to be careful as administrators that the physical plant is built on projected populations. We have to be careful of "if you build it, they will come." If you build a new prison with a 150-bed segregation unit, be mindful of that.

> *Response by Dan Mears:* How do you know the right number of beds? If we have *N* beds, the idea is that's the number of inmates we have to have in there. This goes back to mission creep and unclear operational definitions of who belongs in segregation.

Question: Dr. Mears, you refer to a business-like approach. As state governments move toward operating as a business model, do you have examples of business-model approaches?

> *Response by Dan Mears:* I would go outside corrections. Privatization is a big focus — private correctional facilities but also the corporate sector. The corporate sectors have lots to offer in terms of identifying where the bottleneck is (e.g., in manufacturing). We can easily survey and identify what's going on from officers and wardens. Expand the research infrastructure within the corrections industry to know what's going on inside it. See how corporations spend money on research.

> *Response by Allen Beck:* It's about information and developing information systems for operations. The only way to get good information is to have it tied to operation of the facility. It's a challenge because of the absence of uniformity in definitions, but if you want to manage a facility, you have to know what's going on inside it. You need to give that information more visibility than it's now given. Transparency solves a lot of issues. The absence of transparency creates notions that corrections has had to fight back on over the years. So there's a need to invest in good information to monitor.

Comment by Gregg Marcantel: The business sector focuses on outcome, we focus on process. I pride myself as a problem-solver, but that accidentally predisposes me to looking internally for my answers. The moment we decide to walk alongside researchers and other disciplines where innovation occurs, we realize there are other solutions we don't have.

Comment by Terri McDonald: Any administration ought to be able to put together basic management data on segregation — that's not complicated. But practitioners need help with evidence-based principles. Is there a risk assessment tool that will let practitioners know whether a person has a high risk of violence if let out? For Los Angeles County, is there some cohort of inmates at high risk for violence out of segregation? Practitioners need to know outcomes of alternatives. Which programs work? It doesn't matter what I think. I prefer research to tell me. "Cage Your Rage" works particularly well with this cohort but not with this one, for example. We need to know what has been found when alternatives are tried so the next practitioners that take that risk will do so with some empirical evidence. I need deeper work — not who's in segregation and for how long, because I can do that myself — but data to help make good decisions about what works to get inmates out and who is the highest risk group.

> *Response by Dan Mears:* I echo that. We should not just focus on inmates but on what is happening in facilities — officer training is the obvious one. Can we reduce problem behavior by focusing on prison staff? What happens with other factors that contribute to the problems seen?

Comment: One model we can use is community corrections. The University of Cincinnati developed tools to assess organizations and show variations in outcomes related to characteristics. That type of tool has made rapid progress in identifying best practices and trainings because it shows what's effective and what's not.

> *Response by Allen Beck:* I'm a firm believer in the power of transparency. Corrections needs to be more open to that and not fear the power of transparency. Sharing how you're doing your business of operating your facility can put pressure on people to change.

Comment by Terri McDonald: I don't disagree, but I don't want to get lost in who's in segregation, but to focus on how we can push the system to be as healthy as possible. I'm begging for deeper research, but I'm not saying we don't do one type versus the other.

Comment by Craig Haney: I give a ringing endorsement to Dr. Mears. We think in terms of the individual: The inmate is the cause of the problem. They are a component, of course, but segregation is an example of how we've only thought of individuals as the problem. Thus, putting individuals in segregation solves the problem. But we need to talk about the broader set of prison conditions that put people into segregation and connect that with what happens to inmates when we put them back into the general population. In part, it's a function of who the inmates are and what happens to them in segregation, but also, where are we returning them to? Can they all go back to the same environment, or should we match up who they are with where they're going?

Breakout Session

Participants were assigned to one of six breakout groups: Gangs, Mental Health, Safe Alternatives to Segregation, Safety and Wellness, and Violence and Misconduct (two groups). Each breakout group was asked to consider two discussion questions:

1. What are the major research questions and gaps in the topic area of your breakout group?
2. What strategies and research methods would address existing research gaps?

Representatives from each breakout group reported back to the entire group regarding prioritization of research issues, questions and gaps.

Reports from Breakout Groups

NIJ Director Nancy Rodriguez facilitated the reports from the breakout session.

Gangs

Presenter: **David Pyrooz,** *University of Colorado*

- Our group had an animated discussion, and it was hard to stay on topic. Eventually we came up with research questions on what happens in restrictive housing and what happens after restrictive housing:
  - In restrictive housing, are gang members overrepresented? Are they getting in for the same reasons as non-gang members? Regarding program classifications/restrictions related to the nature of restrictive housing (including protective and disciplinary housing) — are the consequences the same, or are gang members treated differently?
  - After restrictive housing, are there special pathways for gang members to get out, and how do they differ? Are there differences in step-down programs? What are the policies for getting gang members out, and how do they differ from other groups? Do we see individual changes when they get out? What sort of contamination effects do gang members have? Do we see a rise in gang activity/misconduct/security incidents/disturbances?
- We proposed to answer these questions by focusing on archival data with samples of populations. That could be done immediately with good analysts/researchers. Next, look at state-by-state differences across the research questions. Exploit natural experiments such as auto-enrollment compared with earned enrollment. Finally, use both qualitative and quantitative data.

Comment by Nancy Rodriguez: You are a current grantee hoping to shed light on gang status and what happens to gang members in prison. It is useful to hear about the conceptualization of your project and your expertise. You are working with Scott Decker on the overlap between street and prison gangs and what happens when they return, conducting interviews in prison and at multiple points when returning to the communities.

Question: Is there literature that speaks to the overlap between street and prison gangs?

> *Response by David Pyrooz:* No, there's not much literature; it's mostly anecdotal or one-off. We see gang members moving into prison or on the street, but there's not good research and that's why this project was funded.

Violence and Misconduct (I)

Presenter: **Brian Kowalski,** *Ohio Department of Rehabilitation and Correction*

- Research gaps and questions.
  - We need to:
    - Establish definitional consistency across states and even within prisons in the same jurisdiction.
    - Identify the range of causes of misconduct — moving beyond the prison level to systemic factors (staffing levels, architecture).
    - Establish best practices. Which responses are more broadly applicable compared with institution specific? Are there different operational missions within the same institution? How to take organization change into account? What lessons can we learn from other fields (e.g., hospitals) regarding bureaucracy and change?
  - The biggest challenge we see is that data research is important, but it doesn't always trickle down to line staff in their busy, chaotic workdays.
- Research strategies.
  - A lot of work is using archival data.
  - More survey-based research, both inmate surveys and staff surveys.
  - Case studies — we discussed their utility.
  - We thought a prediction instrument (like in Canada) would be useful.
  - Research on specific types of institutions (low-level security compared with high-level security).

— An overlooked need for funding is better information systems and IT infrastructure. Better IT will go a long way to answer these questions.

Question/comment by Nancy Rodriguez: Regarding what we can learn from other disciplines, was the discussion on how to have us embrace in a more cooperative way what other disciplines have to offer? It can be a challenge to make a convincing case that there are lessons we can learn from medicine or whatever. Correctional institutions are at different stages of evolution regarding monitoring data and the quality of data. Some don't have a research unit or staff to monitor regular metrics around the use of segregation and its length and purpose. Not everyone is ready to embrace and learn from others.

> *Response from Brian Kowalski*: We also focus on comparison to corporations where they take a longer view of needs assessment and staffing, as opposed to the challenges of working in government, with short-term budget considerations.

Mental Health

Presenter: **Kevin Wright,** *Arizona State University*

- Before segregation.
  - Definitions of administrative segregation are not agreed upon, but neither are definitions of mental illness — what does it mean when we say "mentally ill"? It may differ from one jurisdiction to another.
  - How is mental illness wrapped up with behaviors that will land an inmate in segregation? For nuisance/disruptive inmates, what relationship is there between their behavior and mental illness? What drives their inability to follow rules?
  - What can be done to divert the mentally ill, and what tools are there to identify those who don't belong or should be handled differently?
  - What types of mental illness training for officers work?
- During segregation.
  - Realistically, administrative segregation will still be used, so think more about how to maintain mental health.
    - What kind of programming ameliorates the effects of isolation (e.g., education programming or other opportunities)?
    - For staff working with inmates in administrative segregation, what can be done to mitigate the harmful effects on their mental health (e.g., rotating out, just talking and getting their input)?
- After segregation.
  - Want to assess health outcomes for those exposed to administrative segregation, especially after long-term exposure.
  - For staff, what can we do for mental health treatment? Only one study has been done on coping strategies correctional officers employ to mitigate risk (20 years ago). What do they do to deal with working in this environment?
  - Want to conduct cross-disciplinary research, collaborating with mental health professionals and even cost-efficiency experts. Presenting a collaborative partnership may produce more buy-in at institutions and benefit everyone.

Comment by Nancy Rodriguez: I heard and like that when we think about the mental health effects of segregation, it is not exclusive to inmates but also applies to staff. We need to be thoughtful in how we convey the adverse effects of administrative segregation on mental health and mental illness.

Comment: In addition to what officers do to respond to the negative impacts of working in administrative segregation, it may be worth looking also at what the system can do.

> *Response by Kevin Wright:* More training in these units. Also, if you have a psychologist working in the units, direct them to staff as well as inmates. Corrections is behind policing as far as staffing

with mental health professionals. Maybe we can learn from police officers and hire more mental health professionals.

Comment by Terri McDonald: I was at a conference some years ago where researchers were doing biometric tests of intake staff before and after physical plant modifications to a jail intake area. Intake is stressful — as bad as working in segregation –so the researchers and management were trying to find a way to reduce stress. The researchers found that soft music and pictures of trees brought the biometrics (heart rate and blood pressure) of the staff down. It was calming to them and to the inmates. Bottom line, it's traumatic working in administrative segregation, and we're not doing enough for those employees. Then when the staff act up; we think they're problematic and unprofessional, but we haven't paid attention to their needs. It's a cycle — the work and segregation environment creates incredible stress on staff and they, in turn, can take that stress out on inmates.

> *Response:* Research shows that staff treatment of inmates determines inmate behavior. In addition, a low staff retention rate contributes to fiscal problems (e.g., need for more training). Many staff are former war veterans and suffer PTSD. Maybe we need to address the problem at the recruitment level.

Comment by Terri McDonald: They are not all paid above Wal-Mart level. They also have economic problems away from work.

Comment: There is a change in perception by staff when the design of the physical space is changed to look like a library or sitting room as opposed to old institutionalized district offices. Also, if changing programming and space for inmates, also change space for staff (e.g., their day room). Get buy-in for these changes.

Comment: In Maryland, an interrupted time series design looked at staff stress levels and found they went down just by changing the physical space. It had a positive influence on staff mental well-being.

Safety and Wellness

Presenter: **L. Maaike Helmus,** *Forensic Assessment Group*

- Research challenges.
  - Staff survey response rates even lower than for inmate surveys. Ways to boost response:
    - Get buy-in from union and management.
    - Use transparency — summarize results, and do something (this builds trust).
    - Use incentives.
    - Assure them of anonymity — surveys won't be used against them.
- Research questions and methods.
  - There is no research on the impact of administrative segregation on staff, so what do we know from other fields (e.g., police, military)? Also what can we learn from literature on resiliency to stress?
    - Methods include literature reviews, meta-analyses.
  - Assessment of the problem. Who are these correctional officers, and what do we know about them and how the environment is affecting them? What mental health issues are they bringing with them to the job? How long before the environment affects you? Then compare these results with other professions to set up justification to provide them with better support.
    - Outcomes to look at include turnover, stress, sick leave, suicide, domestic violence, substance abuse, PTSD symptoms, etc.
    - Methods: administrative data, staff surveys to delve deeper.
  - Who do we want in this job (who to recruit)? What are the characteristics of people most resilient in this kind of environment? How do we nourish support for them?
    - Methods: staff surveys, pre-hire surveys. Which institutions/managers/staff are thriving, and what are their characteristics?

— How can we train them? It's hard to identify the ideal curriculum for staff — need to know mission, get buy-in, and develop curriculum to train to that. Important to recognize dual role of staff — not just containment, but also rehabilitation — as well as role of public safety. Easier to change when just starting as opposed to a hardened correctional officer. Need ongoing support after training (e.g., peer support).

- Methods: random controlled trials, return-on-investment studies. (Training is expensive, but include how training can influence misconduct and placement in administrative segregation in the cost analysis.)

— What services are needed for staff in administrative segregation to deal with an accumulation of stressors over time? Borrow from other fields to see services they provide. Peer support may have better impact on managing stress and overcoming macho culture, where it's not OK to ask for help. Research needed on use of resources and if not using, how to change culture to make it OK. Outcomes include suicide, turnover, alcoholism, wellness, domestic violence.

- Methods: random controlled trials, cost-benefit analysis.

— How do we change institutional culture? Discuss core values and goals through all levels.

- Surveys at all staff levels, inmate surveys to gauge trust of staff, use natural experiments to evaluate impact of changing policies on segregation and other outcomes.

Safe Alternatives

Presenter: **Jody Sundt, *Indiana University-Purdue University***

- We recognized the high stakes associated with this topic, both in terms of the lives of the people who work and live in these institutions and the political stakes to develop safe alternatives.
- There are significant constraints to developing alternatives to administrative segregation (e.g., cultural barriers, difficulty of change within an organization with architecture that was built for a different purpose, or constraints placed by litigation/legislation that prevents experimentation).
  — Methods: Process studies would be helpful to gain insights into the dynamics faced by institutions trying to change. Also basic research (e.g., prevalence of violence or mental illness in institutions) coming from organizational or survey data would help to inform.
- A necessary precondition to understanding alternatives is to identify what populations we are talking about, and what the goals are to manage them.
  — Methods: Preliminary research or organizational coaching/consulting to help develop a clear understanding of goals for different types of populations so that alternatives for each type can be distinguished.
- Research on the effect on correctional officer safety and inmate safety and understanding the limitations of the segregation strategy. How effective is it?
- Safe alternatives.
  — Practitioners want evidence-based practices as a way to provide legitimacy for changes, but not many evidence-based practices to point to. We thought about comparable programs and wondered if they were generalizable. Reminded that what works isn't a program but principles of risk-need-responsivity. Some possibilities: Swift and Certain, HOPE (Hawaii's Opportunity Probation with Enforcement) model (maybe not the whole thing), motivational interviewing, Crisis Intervention Teams and therapeutic communities
    - May have applicability to prevent problems from escalating to segregation or within segregation.
    - Research comparing existing practices with new practices.
  — Recognition of problems/challenges, including inability to innovate because of legal constraints, led to need to research discipline grids, policies, and barriers to innovation, and look at ways to develop a range of rewards and use what we know is effective about rewards and sanctions/consequences.
  — Also staff-inmate interactions and how important those dynamics are.

— Research on effectiveness of training and how training affects safety and operation in the institution.
  ▪ Multiple methods, including some consulting and assistance.
— Assessment as a way to get people to the right intervention.
— Need to understand predictors of problematic behavior and the need for classification tools to help identify risk factors and intervene earlier.
— Case management ideas — some states have data infrastructure and are experimenting with these practices.
— Effectiveness of step-down programs and their goals to integrate back into the general population — are there aspects of current programs that meet that goal or hurt the mission?

Comment: I like what we can learn from the community and the restorative justice example and how that can play a positive role in alternative sanctions for discipline. There are all kinds of restorative ways.

   Response: We need to listen to both inmates and staff and get their suggestions.

Comment: I don't know much about the effectiveness of step-down programs, but we know something about the risk principle. Most people in segregation are higher risk, but there are also subprinciples regarding treatment intensity and duration and completion of treatment. That doesn't fit together with trying to get people out. Treatment might start in segregation, then the inmate leaves segregation without completing treatment. Based on research with other populations, that would increase their odds of coming back, yet we don't want to keep someone in segregation just to complete treatment.

   Response by Jody Sundt: Yes, we talked about that. Our discussion of alternatives was really predicated on the idea of identifying people at intake who are at risk of segregation and start programming at that point. We want to think about prevention, and then good alternatives after they are in trouble, too. Really hard to have a clear research agenda around this because we lack an idea of what population we're talking about and what the goal is. For example, we need a clearer idea of what the purpose of sanctioning is — punitive or management or change?

Comment: Regarding intensity and when to give treatment, in Canada, prediction from intake is not increasing treatment — a lot of overlap. May need to adjust timelines. Often treatment is prioritized via parole dates, but the flip side is that those at high risk are at the bottom of the list for treatment. So we're trying to shift things. If you have intake assessment, you can prioritize them for treatment even if just to help them to adjust. But this does raise questions about optimal timing of treatment.

   Response by Jody Sundt: Some good case studies of experimentation and steps taken by people here will help us develop better research questions and get a base to support replication. We talked about North Dakota, where case managers are putting treatment plans right on the cell door — what target is being worked on, just like at the doctor's office with your chart at the door. Some experimentation is already happening — we just haven't collected it yet.

Violence and Misconduct (II)

Presenters: **Jeff Mellow,** *John Jay College of Criminal Justice, and* **Paula Smith,** *University of Cincinnati*

- The groups have a great deal of overlap, but it's good to have triangulation among groups, too.
- We identified eight research questions/gaps related to violence and misconduct:
  — What is the relationship between evidence-based training for staff and reduction in violence and misconduct?
  — How does culture affect levels of violence?
  — Descriptive analyses of due process procedures within a state's facilities and between states.
  — Are there adequate psychological evaluations prior to and during mental health hearings? What is mental health staff doing to identify inmates with mental health issues?

- — Review of violence and misconduct. When violence or assault occurs, focus not only on the "what" that happened but also the "why." That would be informative to identify levels of violence and the prevalence and nature of violence inside a facility. Perhaps a specific type of violence could be identified for those in administrative segregation.
- — Impact of contingency management within and out of administrative segregation compared with those who don't receive this kind of management (i.e., look at programming and its effects).
- — Less formal interventions and their effect.
- — Relationship between timing and dosage of interventions and institutional misconduct. For example, curricula often have a number of modules, but maybe only half of the modules are completed, or people move out too rapidly to complete them all — that will affect outcomes.
- Research methods.
  - — As other groups have stated, mixed methods research needed, both quantitative and qualitative, and surveys to increase depth of understanding.
  - — Applied behavior analysis — how we measure target behavior, and then applying behavior strategies to change behavior and see if the target behavior is increasing/decreasing.
  - — Process and outcome evaluation to look at effectiveness and cost-effectiveness.
  - — Longitudinal studies looking at behavior change over time.
  - — Using review of incidents to be proactive in prevention.
  - — Development of comparison groups. In some states implementing changes and piloting programs, there's a natural opportunity to look at differences between inmates who did/did not receive interventions and comparing them on outcomes. Also historical comparison groups — what were their incidence rates?
  - — For outcome variables, look at other indicators of institutional adjustment and demonstration of knowledge and skills to use coping strategies.

Comment: Need to provide not just the absence of negative behavior as a means of getting out but also positive behaviors to create positive contingencies — develop little incentives that give inmates the opportunity to do something and gain something from it.

Comment/question by Nancy Rodriguez: I am very committed to promoting researcher-practitioner partnerships; we've spent the past few days doing what many people aspire to do. During your discussions, did you talk about what might be elements of successful partnerships? Recall we want research to be legitimate, realistic and practical. How can we create a community where the expectation is to have successful partnerships?

> *Response:* A partnership must be mutually beneficial, a mutually reciprocal relationship. When I try to get data and it hasn't gone well, for example, maybe I haven't done a good job of selling why this is important for practitioners. Get the buy-in as much as possible.

Comment by Gregg Marcantel: I reached out to Arizona State University (ASU) and sat down with Nancy Rodriguez when she was at ASU. I was very interested to see if we were doing the right things for the right reasons and could expect the right outcomes, so I invited them to come in. ASU was excited about being a partner, and it's been an enjoyable working relationship — a win-win with collateral benefits. We've opened up internships, and they've been pleased with their experience. Also the Inside-Out program at a medical custody facility — it's a matter of reaching out and beginning a dialogue about your interest and outcomes and inviting them to be part of an organization for a successful program.

Comment: Inside-Out approached us several years ago and went a long way toward success. Much comes from universities, and we don't have the opportunity to pursue areas we'd like — sometimes a student already has a concept framed and the end result is, we might get benefits from the research as opposed to having that conversation in advance. More of that up-front dialogue would be helpful.

Comment by L. Maaike Helmus: I've had collaborative experience both good and bad. Some have a certain openness to change and reform. Reciprocity is important — if it's not there, that's a problem. They may say, "You can research, but we will decide if you will publish." I don't want to play with partners like that.

Partners must be willing to hear feedback that's not necessarily positive and relinquish some control. You can't control independent researchers completely.

Comment: We've had the benefit of partnerships with correctional facilities. We focus on how to use research to provide something tangible — what's in it for them — and to use the process to build capacity so we're not constantly needing to bring in outside researchers to assess the system. They can assess it themselves. Implications are helpful for them to want to participate.

Comment: In Texas and Florida, we meet with officials in person and craft a research agenda that works in both directions. First talk about ideas to establish rapport, then a two-way street. My advice is to talk to researchers and see what's possible.

Comment: One positive thing that worked for us in Nebraska has been to embed a Ph.D.-level student in the Department of Corrections (DOC). On a yearly basis, they provide data assistance to researchers at the DOC. It's low-cost labor for the DOC, and for students, it's a great experience. They get a view of agency research, and many get data for a dissertation and have answered good questions for the DOC. Now we're trying to expand this concept at a local jail. I share this strategy for others to consider. It's been a win for us.

Comment by Nancy Rodriguez: Thanks for sharing that good and bad experience. I've had many discussions with Director O'Donnell about how to have successful partnerships between researchers and practitioners. We can promote these partnerships, but we also recognize we don't know how often they'll be useful. For correctional institutions and their leadership, you are providing access to a world that few see as visitors/guests, and we must be mindful of how we engage with your staff and inmates if we are seeking to be embedded and assist you in monitoring your data. It is good to be aware we want to be great collaborators, but we're still learning how to do that.

Wrap-Up and Next Steps

Nancy Rodriguez, *Director, National Institute of Justice*

We will be synthesizing our discussion and include notes we've captured. Attendees will receive the notes and slides of presenters, along with contact information for meeting participants. You will also receive the final, full version of the white paper. I encourage you to read it — it addresses all the topics we've talked about at this meeting.

NIJ's plan is to move forward with making investments in critical areas, and administrative segregation is a critical area for me and for my federal partners, as well as for the Attorney General and the President. I encourage you to monitor the NIJ website. In the coming quarter, there will be many solicitations and room for many collaborations.

I hope you feel energized and will maintain contact with people here. We have created a community that will be spearheading research that we need and instrumental in guiding policies and practices that ultimately seek to reduce the overuse of administrative segregation. Thank you very much for your time, energy and expertise. It has been an honor to be with you.

Meeting adjourned at 3:20 p.m.

National Institute of Justice
Topical Working Group on the Use of Administrative Segregation in the U.S.
Thursday, October 22, 2015 – Friday, October 23, 2015

Agenda

Thursday, October 22, 2015

8:30-9:00 AM	Welcome and Introductions Opening remarks: Nancy Rodriguez, Director, National Institute of Justice
9:00–10:30 AM	Use of segregation in corrections Speakers: Denise O'Donnell, Director, Bureau of Justice Assistance Brian Belleque, Oregon Department of Corrections Terri McDonald, Los Angeles County Sherriff's Department Gregg Marcantel, New Mexico Department of Corrections
10:30-10:45 AM	Break
10:45-11:30 AM	Who ends up in administrative segregation? Predictors & other characteristics Speakers: Ryan Labrecque, Portland State University L. Maaike Helmus, Forensic Assessment Group Judith Lang, New Jersey Department of Corrections

11:30-12:15 PM	Relationship between institutional violence & administrative segregation Speakers: Benjamin Steiner, University of Nebraska, Omaha Jeffrey Beard, California Department of Corrections and Rehabilitation
12:15 – 1:30 PM	Lunch (on your own)
1:30-2:30 PM	Mental health and administrative segregation Speakers: Craig Haney, University of California, Santa Cruz Lucas Malishchak, Pennsylvania Department of Corrections Nicole Taylor, Arizona Department of Corrections
2:30-3:15 PM	Relationship between correctional officer safety and wellness & administrative segregation Speakers: Frank Ferdik, University of West Florida Kenneth T. McKee, Michigan Department of Corrections
3:15–3:30 PM	Break
3:30-4:00 PM	Civil rights enforcement and administrative segregation Speaker: Vanita Gupta, Principal Deputy Assistant Attorney General, Civil Rights Division, U.S. Department of Justice
4:00-4:30 PM	Recap and summary
4:30 PM	Adjourn

<u>Agenda</u>

Friday, October 23, 2015

8:30-8:45 AM   Recap of Day One/Review today's agenda - NIJ
                       Opening Remarks: Karol V. Mason, Assistant Attorney General, Office
                       of Justice Programs, U.S. Department of Justice

8:45-9:30 AM   Safe Alternatives to Segregation
                       Speaker:
                       Juliene James, Bureau of Justice Assistance
                       Nicholas Turner, Vera Institute of Justice

9:30-10:30 AM   Discussion: Key research questions and current data collection efforts
                       Speakers:
                       Allen Beck, Bureau of Justice Statistics
                       Dan Mears, Florida State University

10:30-10:45 AM   Break

10:45-12:30 PM   Break-out sessions

                       1. What are the major research questions and gaps in the topic area
                           of your breakout group?
                       2. What strategies and research methods would address existing
                           research gaps?

12:30-1:45 PM   Lunch (on your own)

1:45-3:30 PM   Report out from small group discussions: prioritization of research
                       issues, questions and gaps

3:30-4:15 PM   Wrap-Up, Summary and Next Steps

4:15 PM   Adjourn

National Institute of Justice
Topical Working Group on the Use of Administrative Segregation in the U.S.
Thursday, October 22, 2015 – Friday, October 23, 2015

Participant List

Mike Atchison
Deputy Chief of Operations
Illinois Department of Corrections

Chiraag Bains
Senior Counsel
Civil Rights Division
U.S. Department of Justice

Jim Basinger
Deputy Commissioner
Indiana Department of Correction

Jeffrey Beard
Secretary
California Dept of Corrections and
Rehabilitation

Allen Beck
Senior Statistical Advisor
Bureau of Justice Statistics
U.S. Department of Justice

Brian Belleque
Westside Institutions Administrator
Oregon Department of Corrections

Andre Bethea
Policy Advisor for Corrections
Bureau of Justice Assistance
U.S. Department of Justice

Andrew Bruck
Senior Counsel to the Deputy Attorney
General
U.S. Department of Justice

Patti Butterfield
Deputy Assistant Director
Federal Bureau of Prisons
U.S. Department of Justice

James Cadogan
Senior Counselor & Director of Policy and
Planning
Civil Rights Division
U.S. Department of Justice

George Camp
Co-Executive Director
Association of State Correctional
Administrators

Terry Carlson
Deputy Commissioner
Minnesota Department of Corrections

Brett Chapman
Social Science Analyst
National Institute of Justice
U.S. Department of Justice

Corrie Cockrell
Staff Attorney
Mississippi Department of Corrections

Jim Cosby
Director
National Institute of Corrections
U.S. Department of Justice

Dan Craig
Deputy Director
Iowa Department of Corrections

Sanzanna Dean
Senior Policy Advisor
Office of Juvenile Justice and Delinquency
Prevention
U.S. Department of Justice

Jefferson Dunn
Commissioner
Alabama Department of Corrections

Alan Earls
Deputy Division Director
Missouri Department of Corrections

Ike Eichenlaub
Deputy Director
Federal Bureau of Prisons
U.S. Department of Justice

Thomas Faust
Director
D.C. Department of Corrections

Frank Ferdik
Assistant Professor
University of West Florida

Amy Fettig
Senior Staff Counsel
American Civil Liberties Union

Greg Fizer
Complex Warden
Arizona Department of Corrections

William Ford
Research Division Director
National Institute of Justice
U.S. Department of Justice

Holly Foster
Associate Professor
Texas A&M University

Scott Frakes
Director
Nebraska Department of Correctional
Services

Natasha Frost
Associate Professor
Northeastern University

Gerry Gaes
Criminal Justice Consultant

Marie Garcia
Social Science Analyst
National Institute of Justice
U.S. Department of Justice

Judi Garrett
Assistant Director, IPPA
Federal Bureau of Prisons
U.S. Department of Justice

Louis Giorla
Commissioner
Philadelphia Prison System

Jon Gould
Director, Law and Social Sciences
Program
National Science Foundation

Stuart Grassian
Psychiatrist

Katie Gresham
Senior Communications Associate
(Contractor)
National Institute of Justice
U.S. Department of Justice

Vanita Gupta
Principal Deputy Assistant Attorney
General
Civil Rights Division
U.S. Department of Justice

John Hagan
MacArthur Professor of Sociology & Law
Northwestern University & American Bar
Foundation

Pelicia Hall
Chief of Staff
Mississippi Department of Corrections

Craig Haney
Distinguished Professor of Psychology
University of California, Santa Cruz

Jack Harne
Physical Scientist
National Institute of Justice
U.S. Department of Justice

L. Maaike Helmus
Forensic Assessment Group

Jolene Hernon
Director, Office of Communications
National Institute of Justice
U.S. Department of Justice

Seri Irazola
Director, Office of Research & Evaluation
National Institute of Justice
U.S. Department of Justice

Juliene James
Senior Policy Advisor
Bureau of Justice Assistance
U.S. Department of Justice

Jenni Katzman
Senior Policy Advisor
Executive Office of the President

Kathleen Kenney
Assistant Director, General Counsel
Federal Bureau of Prisons
U.S. Department of Justice

Brian Kowalski
Senior Researcher
Ohio Department of Rehabilitation and
Correction

Ryan Labrecque
Assistant Professor
Portland State University

Judith Lang
Chief of Staff
New Jersey Department of Corrections

Lucas Malishchak
Mental Health Program Manager
Pennsylvania Department of Corrections

Gregg Marcantel
Secretary
New Mexico Corrections Department

Karol Mason
Assistant Attorney General
Office of Justice Programs
U.S. Department of Justice

Terri McDonald
Assistant Sheriff
Los Angeles County Sheriff's Department

Kenneth McKee
Deputy Director
Michigan Department of Corrections

Daniel Mears
Mark C. Stafford Professor of Criminology
Florida State University

Jeff Mellow
Professor
John Jay College of Criminal Justice

Angela Moore
Division Director
National Institute of Justice
U.S. Department of Justice

Joseph Moorhead
Senior Deputy Assistant Director
Federal Bureau of Prisons
U.S. Department of Justice

Marlysha Myrthil
Senior Trial Attorney
Civil Rights Division
U.S. Department of Justice

Denise O'Donnell
Director
Bureau of Justice Assistance
U.S. Department of Justice

Amy Padden
Deputy Chief
Civil Division
U.S. Attorney's Office - Colorado

Tony Parker
Assistant Commissioner of Prisons
Tennessee Department of Correction

Judy Preston
Acting Chief
Civil Rights Division
U.S. Department of Justice

David Pyrooz
Assistant Professor
University of Colorado

Ruby Qazilbash
Associate Deputy Director
Bureau of Justice Assistance
U.S. Department of Justice

Don Redman
Director of Facility Operations
North Dakota Department of Corrections
and Rehabilitation

Keramet Reiter
Assistant Professor
University of California, Irvine

Judith Resnik
Arthur Liman Professor of Law
Yale Law School

Monica Rinaldi
Deputy Commissioner
Connecticut Department of Correction

Nancy Rodriguez
Director
National Institute of Justice
U.S. Department of Justice

Charles Samuels
Director
Federal Bureau of Prisons
U.S. Department of Justice

Deborah Schult
Senior Deputy Assistant Director
Federal Bureau of Prisons
U.S. Department of Justice

Dan Shannon
Prison Division Administrator
Wyoming Department of Corrections

Helena Silverstein
Program Director
National Science Foundation

Paula Smith
Associate Professor
University of Cincinnati

Amy Solomon
Director of Policy
Office of Justice Programs
U.S. Department of Justice

Howard Spivak
Deputy Director and Chief of Staff
National Institute of Justice
U.S. Department of Justice

Benjamin Steiner
Professor
University of Nebraska, Omaha

Tony Stines
Correctional Program Specialist
National Institute of Corrections
U.S. Department of Justice

Sara Sullivan
Project Manager
Vera Institute of Justice

Jody Sundt
Associate Professor
School of Public and Environmental
Affairs
Indiana University Purdue University
Indianapolis

Melinda Tasca
Assistant Professor
Sam Houston State University

Nicole Taylor
Mental Health Director
Arizona Department of Corrections

Nick Turner
President
Vera Institute of Justice

A.T. Wall
Director
Rhode Island Department of Corrections

Randy White
Warden
Kentucky State Penitentiary

Rae Woods
Senior Counsel to the Deputy Attorney
General
U.S. Department of Justice

Kevin Wright
Assistant Professor
Arizona State University

National Institute of Justice Topical Working Group on the Use of Administrative Segregation in the U.S.

Thursday, October 22, 2015

NIJ

Who Ends up in Administrative Segregation? Predictors & Other Characteristics

Ryan Labrecque
L. Maaike Helmus
Judith Lang

NIJ

Who Ends Up in Administrative Segregation?: A Meta-Analytic Review

Ryan M. Labrecque, Ph.D.
Assistant Professor, Portland State University

Presented at the NIJ Topical Working Group on the Use of AS in United States
on October 22, 2015 in Washington, DC

Portland State
UNIVERSITY

Administrative Segregation (AS)

- The use of AS involves the *housing of an inmate in conditions by substantial isolation from other inmates* (ABA, 2011).

- There is a *critical need* to better understand who ends up in AS.

- This study represents the first known meta-analytic review of the research on the predictors of AS.

- The results have important **policy implications** for the management of correctional institutions, as well as **practical applications** within the context of offender treatment.

Eligibility Criteria

- In order to be eligible for inclusion, studies were required to:
  - Be conducted on prisoners in custodial settings
  - Compare characteristics of inmates in AS settings to those in GP settings
  - Contain sufficient data to calculate an effect size (i.e., Pearson r or phi coefficient)

Group Comparisons

- **Inmate characteristics**
  - Age, race, mental disorder, gang, risk level

- **Criminal history**
  - Juvenile justice involvement, record of violence

- **Institutional behavior**
  - Prior segregation, misconduct history, initial security rating

- **Criminogenic needs**
  - Antisocial attitudes, antisocial associates, community functioning, education, employment, family/marital, personal/emotional, substance abuse, motivation for treatment

Effect Size Calculation and Interpretation

- Hedge's g was selected to estimate the magnitude of the effect size (ES).

- Studies could contribute more than one ES per category as long as each one represented an estimate for a unique sample of offenders.

- Random effects model results are reported.

- I^2 is used to evaluate the heterogeneity of the ES estimates.

Description of Studies

- Total # of studies included = 16
- Total # of effect size estimates = 131

- 88% of studies occurred in North America
- 75% of studies were produced after 2000
- 63% of studies were peer reviewed journal articles
- 25% of studies separated results by gender

Meta-Analysis of AS vs. GP Inmates by Characteristic

Characteristic	ES	95% CI	I^2	n	k
Age	-.36	[-.42, -.30]	75.30	91,610	10
					8
Mental disorder	.35	[.19, .51]	93.20	33,468	10
Gang	.47	[.14, .79]	96.73		7
High-risk	.43	[.34, .51]	89.31		11
Violent criminal history	.42	[.34, .49]	86.37		14
Juvenile justice involvement	.49	[.42, .56]	64.99		7
Initial security level	.48	[.26, .70]	62.81		
Prior segregation	.62	[.36, .87]	98.43	52,923	10

Note. ES = mean weighted effect size (Hedge's g); 95% CI = 95% confidence interval of ES; I^2 = percentage of variability across effect sizes; n = total sample size; k = number of effect sizes.

Meta-Analysis of AS vs. GP Inmates by Characteristic

Characteristic	ES	95% CI	I²	n	k
Antisocial attitudes	.37	[.29, .45]	76.17	14,212	7
	.28		90.37	13,993	
Community functioning/leisure	.21	[.12, .30]	43.07	3,927	3
Employment		[.10, .30]	92.34	31,733	8
Family/marital		[.06, .19]	0.00	4,076	3
Personal/emotional		[.23, .35]	0.00	4,032	3
Motivation for treatment					2

Note. ES = mean weighted effect size (Hedge's *g*); 95% CI = 95% confidence interval of ES; *I²* = percentage of variability across effect sizes; *n* = total sample size; *k* = number of effect sizes.

Conclusion

- Who ends up in administrative segregation?
  - "Worst of the worst" inmates
  - "Nuisance" inmates
  - **"Difficult to manage" inmates**

- There is little empirical evidence to suggest that AS is effective in improving subsequent inmate institutional behavior (see Labrecque, 2015; Morris, 2015).

- What are the alternatives to AS?

Implications

- One way to improve inmate behavior and reduce the use of AS is to apply the RNR framework to the management of inmates:
  - **Identifying at-risk inmates (RISK)**
  - **Treatment targets (NEEDS)**
    - Attitudes/cognitions
    - Personal/emotional
    - Substance abuse
    - Negative peer influences
    - Motivation for treatment
  - **Potential moderators (RESPONSIVITY)**
    - Variability in findings

Contact Information

Ryan M. Labrecque, Ph.D.

Assistant Professor

Criminology and Criminal Justice Department

Portland State University

Phone: 503-725-5164

E-mail: rml@pdx.edu

Web: www.ryanmlabrecque.com

Developing and Validating a Risk Assessment Scale to Predict Inmate Placements in Administrative Segregation in the Correctional Service of Canada

L. Maaike Helmus, Ph.D.

Carleton
UNIVERSITY

Canada's Capital University

- **Correctional Services of Canada**
  - All custodial sentences of 2 or more years
    - *Roughly 2% of convicted cases*
    - *Roughly 15,000 inmates at any given time*

- **Corrections and Conditional Release Act: 3 reasons for segregation**
  - Inmate jeopardizes security of the institution
  - Inmate is in danger
  - [Inmate's presence in general population may interfere with investigation]

- **16,701 CSC Offenders**
  - All men admitted FY 2007/2008 through 2009/2010
  - All women admitted from 1999/2000 through 2009/2010
  - 20% Aboriginal; 16% women

- **Randomly split into development (N = 11,110) and validation (N = 5,591) sample**

- **Administrative segregation placement**

  | Within 2 years of admission
  | For a period of 6 days or more
  | For reason of 'inmate in danger' (IMD) or 'jeopardizing security of the institution' (JS)

- **24% placed in administrative segregation within 2 years**

  | Aboriginal offenders more likely; women less likely

- **Scale items (Static Factors Assessment, Dynamic Factors Intake Assessment, Custody Rating Scale)**
- **Demographic information**
- **Current sentence information**
- **Flags/needs/alerts**
- **Gang affiliation information**
- **Previous sentence information (institutional incidents and prior segregations)**

- **Computerized file information**
  - Entry/exit in segregation is reliably documented
  - Predictor variables as assessed by front-line staff in policy-mandated assessments
    - *Vary in quality*
    - *Missing information*
   - *Mental health information particularly spotty*

- **86% of predictors were significant**
- **Limited differences in reason for segregation**
- **Many predicted better for women**
- **Reduced items considering:**
  | Magnitude of effect sizes, face validity concerns, practicality (ease of obtaining/coding), statistical analyses to reduce redundancies, robustness for gender and Aboriginal ancestry
- **Developed scales for static factors, dynamic, and both**

- **Static scale: Risk of Administrative Segregation Tool (RAST)**

  | Age at admission (0-3)

  | Prior convictions (0-2)

  | Admission to administrative segregation in previous federal sentence (0-1)

  | Sentence length (0-4)

  | Criminal versatility in current convictions (0-2)

  | Prior conviction for violence (0-1)

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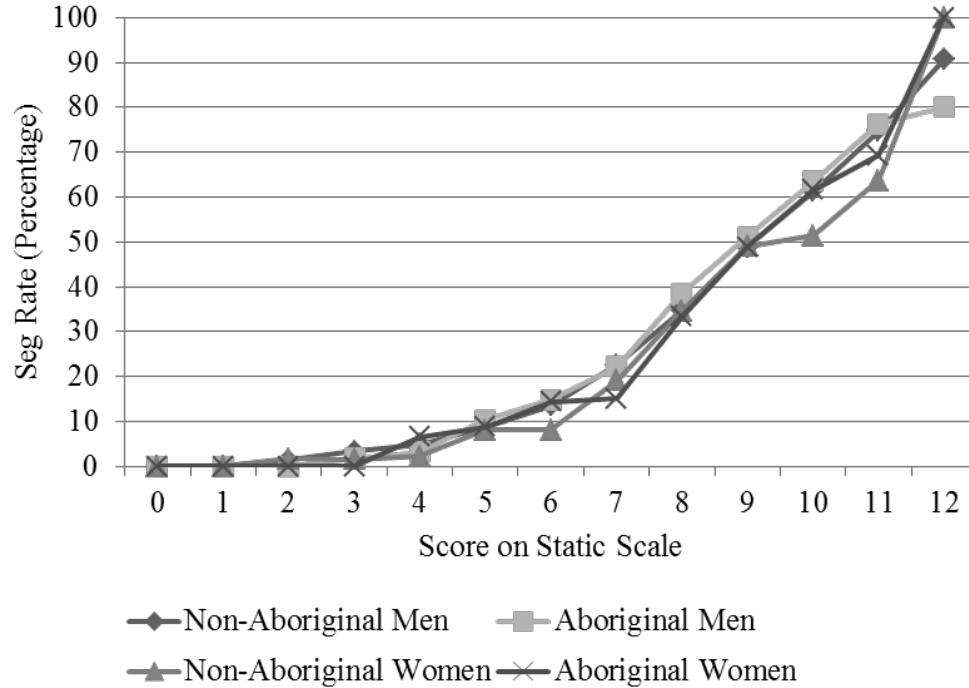
- **Simple, 6-item scale had very high predictive accuracy (AUC = .80 in validation sample)**
  - Higher than most risk scales in predicting recidivism
  - Worked great for women (sometimes better than men), well for Aboriginal (but not as well as non-Aboriginal)

- **Possible utility**
  - Risk principle of effective correctional practice
    - *Diversion efforts maximally effective when focused on highest risk offenders*

- **Could it be applied to the U.S.?**
  - Would require research and tweaking
    - *E.g., sentence length, potential policy differences*

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- **It is possible to predict segregation with high accuracy**
    - More predictable than community behaviour?
    - Data on 413 predictors separately for inmate in danger vs jeopardize security, or any segregation
- **Can be predicted with simple, static risk factors**
    - Dynamic risk factors also predict – may be informative
- **Few differences in predictors based on the reason for being in segregation**
- **Antisociality risk factors generally more prominent than vulnerability risk factors (e.g., mental health)**
    - CAVEAT: I did not have extensive mental health information
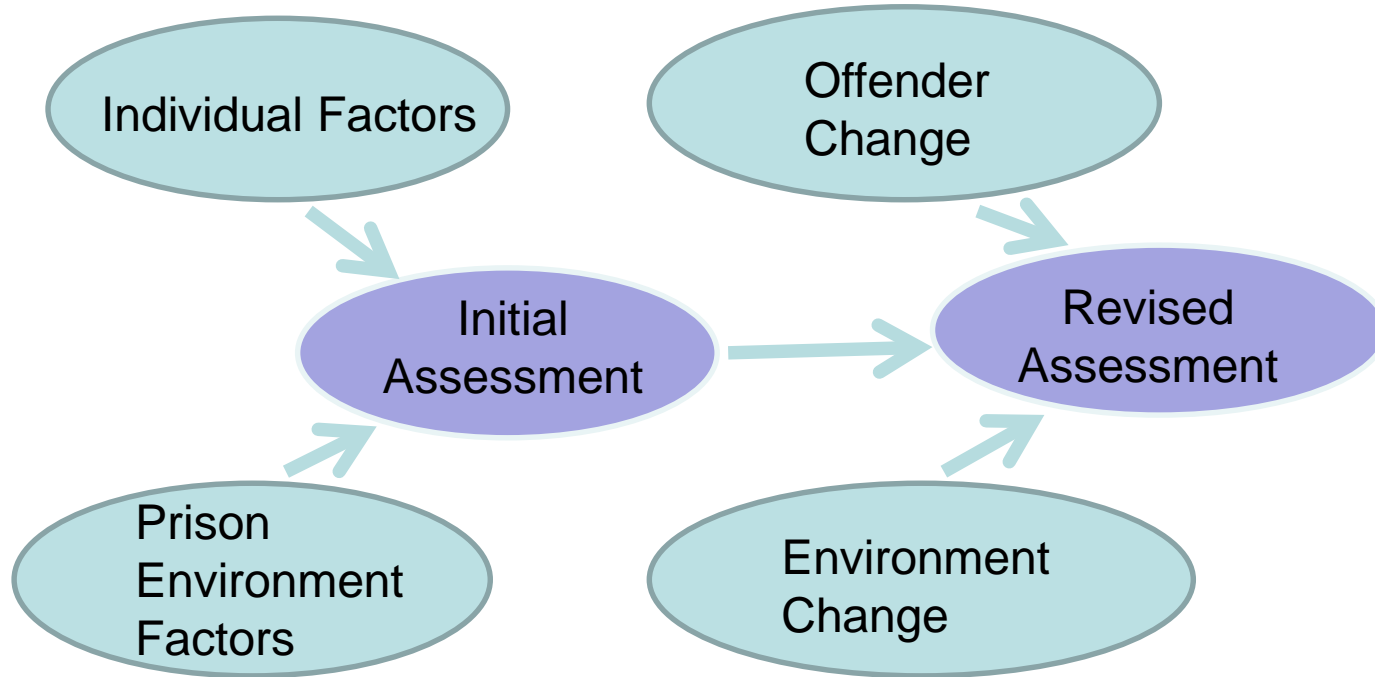
For more information: Lmaaikehelmus@gmail.com

The Relationship between Institutional Violence and Administrative Segregation

Benjamin Steiner, Ph.D.
University of Nebraska, Omaha

October 22, 2015

Introduction

- Maintaining safe and orderly institutions is a high priority for prison and jail administrators, but institutional misconduct and/or violence threatens the safety and order of an institution.

- The imposition of segregation is a common response to inmate misconduct and/or violence that corrections officials use to regulate inmate behavior and promote order and safety within their institutions.

Violence in Correctional Institutions

- In 2005, the within prison rate of assaults on inmates was 16.25 assaults per 1,000 inmates, whereas the rate of assaults per 1,000 persons in the general population was .44 (FBI, 2005).

- Studies of inmate victimization have revealed varied estimates:
    - 20% of inmates victimized by physical violence or threat of violence during a 6-month period (Wolff et al., 2007)
    - 14% of inmates victimized by personal crime during a 3-month period (Wooldredge, 1994)
    - 10% inmates victimized by physical assault or robbery during a 6-month period (Wooldredge, 1998)
    - 7% inmates victimized by physical assault during a 6-month period (Wooldredge & Steiner, 2014)
- Less than 2% of the general population experiences an assault in a given year (Catalano, 2005; 2006; Rand, 2009).

Violence in Correctional Institutions (cont.)

- Approximately 4.4% of inmates experienced one or more sexual victimizations in the past year (Beck & Harrison, 2010).
- Nearly 7.5% of former inmates were sexually victimized during their most recent period of imprisonment (Beck & Johnson, 2012).

- Less than 1% of persons in the general population were sexually assaulted in 2008 (Rand, 2009).

Segregation Use in Correctional Institutions

- Definitions of "administrative segregation"
- Typically, 2.5% of the custodial population within each state is held in administrative segregation (range = .1 - 7.5%), whereas 6.6% of the custodial population within each state is held in some form of restrictive housing (range = 2.1 - 14.2%) (Baumgartel et al., 2015).
- Between 5% and 8% of the state prison population is held in segregated housing (Shames et al., 2015).

Segregation Population Characteristics

- Compared to the general prison population, the population in segregation is more likely to contain inmates with the following characteristics:

  - Younger, male, and nonwhite

  - Incarcerated for violent offense, more significant prior record, and longer prison sentence

  - Served more time, involved in gang/STG, higher rate of rule infractions, and more mental health problems

  - Higher risk/need

    - (Baumgartel et al., 2015; Lovell et al., 2000; McGinnis et al., 2014; Mears & Bales, 2010; Motiuk & Blanchette, 1997; O'Keefe, 2008).

Predictors of Officials' use of Segregation

- Evidence from the existing studies of the predictors of placement in disciplinary segregation is mixed.
  - Researchers have found that inmates found guilty of more serious offenses and/or inmates with lengthier misconduct histories typically received more severe sanctions (e.g., Crouch, 1985; Flanagan, 1982; Lindquist, 1980), but others have not found such effects (Howard et al., 1994).
  - Researchers have found that younger inmates are sanctioned more severely than older inmates (Flanagan, 1982; Lindquist, 1980), but Howard et al. (1994) found a nonsignificant age effect.
  - Lindquist (1980) found that women were sanctioned less severely than men; Howard et al. (1994) found a nonsignificant sex effect.
  - No studies have uncovered significant race effects (Crouch, 1985; Flanagan, 1982; Howard et al., 1994; Lindquist, 1980).

Officials' use of Segregation (cont.)

- O'Keefe (2007) found the following factors predicted placement in administrative segregation:
  - Sex (male)
  - Ethnicity (Hispanic)
  - Incarcerated for violent offense
  - Mental illness
  - Security threat group
  - Higher # of disciplinary infractions
  - Higher # of disciplinary segregation placements

Officials' use of Segregation (cont.)

- Mears and Bales (2010) found the following factors predicted placement in supermax:
  - Age (younger)
  - Incarcerated for violent offense
  - Higher # of prior violent convictions
  - Higher # of prior escape convictions
  - More time served
  - Higher # of violent disciplinary infractions
  - Higher # of defiance disciplinary infractions
  - Higher # of contraband disciplinary infractions

Effects of Segregation on Behavior

- Supermax confinement
  - Individual level studies
    - Nonsignificant effect on recidivism (Lovell et al., 2007; Mears & Bales, 2009; Butler & Steiner, In Press, but see Lovell & Johnson, 2004)
    - Higher odds of violent recidivism (Lovell & Johnson, 2004; Mears & Bales, 2009)
    - Evidence mixed regarding effect of direct release from supermax confinement on recidivism (compare Lovell et al., 2007 to Mears & Bales, 2009)
    - Nonsignificant effect on odds of obtaining employment or completing treatment post-release (Butler & Steiner, In Press)
  - Aggregate level studies
    - Opening of supermax prisons had little to no effect on system wide inmate-inmate assaults (Briggs et al., 2003; Sundt et al., 2008).
    - Opening of supermax prison resulted in reduction in inmate-staff assaults in IL (Sundt et al., 2008).
    - Suicides more frequent in supermax prisons relative to minimum-security prisons (Dye, 2010).

Effects of Segregation on Behavior (cont.)

- Disciplinary Segregation
  - Individual level studies
    - Men who spent more days in segregation displayed increased aggression, but days spent in segregation had a nonsignificant effect on aggression among women (Wolff et al., 2013).
    - Nonsignificant effect on subsequent misconduct (Labrecque, 2015; Morris, In Press)
  - Aggregate level studies
    - Most studies have found nonsignificant effect on rates of violence (Steiner & Cain, In Press).

Effects of Segregation on Behavior (cont.)

- Any Segregation
    - Higher odds of recidivism (Motiuk & Blanchette, 2001)
    - Higher odds of self-harm (Lanes, 2009)
- Jail Segregation
    - Higher odds of self harm and potentially fatal self-harm (Kaba et al., 2014)

What do we know?

What do we need to know?

Thank you

Correspondence to:

Benjamin Steiner

bmsteiner@unomaha.edu

402-554-4057

The Relationship Between Institutional Violence & Administrative Segregation

Benjamin Steiner
Jeffrey Beard

NIJ

pennsylvania
DEPARTMENT OF CORRECTIONS

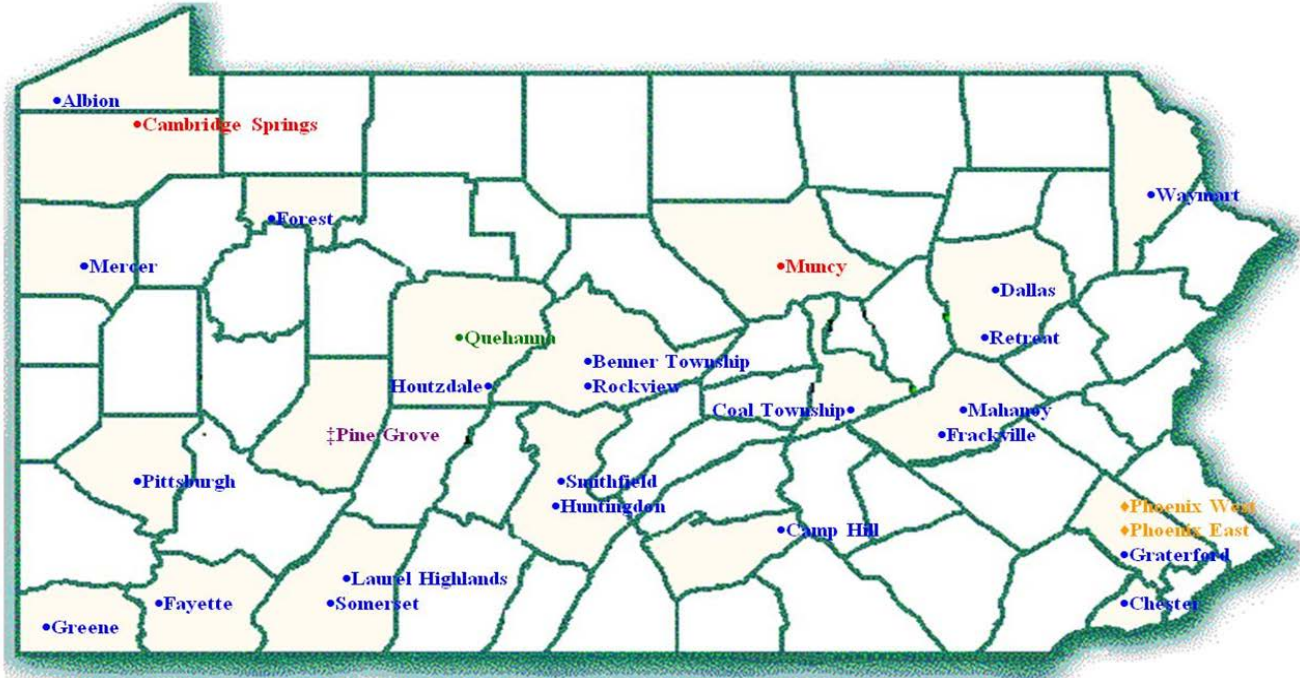# "Summary of Change:
The Pennsylvania Department of Corrections
Mental Health Care System"

Lucas D. Malishchak, M.A., NCP
PADOC Mental Health Program Manager

PA DOC Mental Health Population (today)

pennsylvania
DEPARTMENT OF CORRECTIONS

Total Male Population: **45,584 or**   95%
Total Female Population: **2,447 or**   5%

<u>Total Population **48,031**</u>

Total MH/ID Roster: 12,403/48,031   = **25.8%**

Males on MH/ID Roster: **10,758**/45,584   = **23.6%**

<u>**Females** on MH/ID Roster: **1645**/2447   = **67.2%**</u>

Total Seriously Mentally Ill Inmates: 4061/48,031   = **8.5%**

Seriously Mentally Ill **Males**:   3442/45,584   = **7.6%**

<u>Seriously Mentally Ill **Females**:   619/2447   = **25.3%**</u>

- *"The Pennsylvania Department of Corrections subjects prisoners with SERIOUS MENTAL ILLNESSES to prolonged periods of solitary confinement."*

- *"The Pennsylvania Department of Corrections does not adequately consider mental illness in its disciplinary and administrative processes."*

- *"The Pennsylvania Department of Corrections continues to lack key oversight mechanisms that would identify and address the harmful effects of solitary confinement and ensure the provision of adequate mental health care."*

- *"The Pennsylvania Department of Corrections does not track the number of prisoners with SMI in solitary confinement units; does not examine the role of solitary confinement in causing suicides; does not track self-injurious behavior; does not critically review serious self-injuries; and does not track or analyze the additional punitive responses that prisoners with SMI experience in solitary confinement units…"*

pennsylvania
DEPARTMENT OF CORRECTIONS

- Mental Health Classification System: identification, stability, & location.
- Disciplinary Process
- Inmates diagnosed with Serious Mental Illnesses
- Alternatives to Segregation
- Out of Cell time and programming
- Mental Health Rounds
- Individual Treatment Plans
- DOC Employees/Contractors/Volunteers
- Central Office Oversight
- Training and Mental Health Advocacy

Arizona Department of Corrections

Mental Health in Restrictive Housing

Nicole Taylor, J.D., Ph.D.

Thursday, October 22, 2015

Prevalence of Mental Illness in ADC

❖There are currently 42,241 inmates (as of 8/24/15)

❖11,236 (26.6%) inmates are receiving mental health services

 ❖10,697 inmates are receiving outpatient services

 ❖447 inmates are receiving residential services

 ❖92 inmates are receiving inpatient services

❖1,965 SMI (4.7% of total population, 17.5% of MH caseload)

Outpatient Treatment Services

❖Inmates are routinely seen based on their subcode
  ❖A = a minimum of every 30 days by a clinician and 90 days by a provider if on medications
  ❖B = a minimum of every 90 days by a clinician and every 90-180 days by a provider
  ❖C = a minimum of every 180 days by a provider
  ❖D = a minimum of every 90 days by a clinician for at least 6 months until removed from the MH caseload

❖Services include:
  ❖Psychotherapy
  ❖Psycho-educational programming
  ❖Psychopharmacology

Residential Treatment Services

❖ Programs are located in Medium, Close and Maximum custody

❖ Individual therapy = a minimum of every 30 days
❖ Group = a minimum of one mental health group per week
❖ Psychiatric services = a minimum of every 90 days if on medications

Inpatient Treatment Services

❖Placement for ongoing stabilization or for short-term evaluations
  -Petitions for commitment upon release are typically handled at the Inpatient Hospital

❖Individual therapy = a minimum of every 7 days
❖Groups = typically occur daily
❖Psychiatric services = a minimum of every 30 days if on medications

Maximum Custody

❖Parsons v. Ryan Litigation
  ❖All SMI inmates in our maximum custody (restrictive housing) will have a minimum amount of out-of-cell time each week
    ❖7.5 (up to 9.5) of out-of-cell time
    ❖10 hours of unstructured out-of-cell time
    ❖1 hour of psychotherapy group
    ❖1 hour of psycho-educational group
   ❖1 hour of additional programming

Maximum Custody (cont.)

❖Parsons v. Ryan Litigation

    ❖All other inmates in our maximum custody (restrictive housing) will have a minimum amount of out-of-cell time each week

        ❖Step 1 – 7.5 hours

        ❖Step 2 – 8.5 hours

            ❖One hour of group programming

        ❖Step 3 – 9.5 hours

            ❖One hour of group programming

Maximum Custody (cont.)

❖Tiered Incentive Program – **Recreation**
  ❖Step 1 – 6 hours per week in a standard enclosure
  ❖Step 2 – 7.5 hours per week with on in 10x10 enclosure per month
  ❖Step 3 (unrestrained) – 9 hours per week and all can be in 10x10 enclosure or rec field

Maximum Custody (cont.)
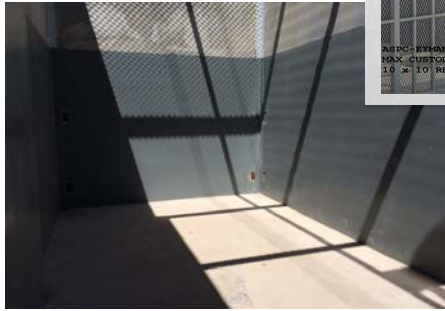
Maximum Custody (cont.)

❖Tiered Incentive Program – **Group Programming**

    ❖Step 1 – mental health and other programs in individual enclosures

    ❖Step 2 – mental health and other programs typically in max custody chairs

    ❖Step 3 (unrestrained) – mental health and other programs often around a large table

       ❖Group education and college courses

Maximum Custody (cont.)

ASPC-Florence
Central Unit
Mental Health Class

ASPC-EYMAN/SMU I
MAX CUSTODY –
GROUP THERAPY (1 OF 2)

Maximum Custody (cont.)

❖Tiered Incentive Program – **Employment**
  ❖Step 1 – no jobs available at this step
  ❖Step 2 – jobs as a porter or other position with an officer present (or another inmate)
  ❖Step 3 (unrestrained) – jobs in large groups such as yard crew or kitchen

Maximum Custody (cont.)

No Employment Available

Litigation Effects

❖Definition of Seriously Mentally Ill (SMI)

    ❖Some states have retained their definition of diagnosis plus functional capacity

    ❖Other states have had to change their definition to include categories of diagnoses

        ❖The "Standard 9 Diagnoses"

        ❖CA – includes Exhibitionism or those who merely expose themselves

Litigation Effects (cont.)

❖Are we providing the correct level of care to the inmate population?

❖Is the data reported on the prevalence of SMI in corrections accurate?

❖What effects will this have on reintegration into the community and their ability to provide services to this population?

Contact Information

Dr. Nicole Taylor

ntaylor@azcorrections.gov

602-531-2417

Topical Working Group on the Use of Administrative Segregation in the United States

A PRESENTATION PREPARED FOR THE NATIONAL INSTITUTE OF JUSTICE

FRANK VALENTINO FERDIK, PH.D.
UNIVERSITY OF WEST FLORIDA

Safety and Wellness Literature Synthesis Review

1)-Prevalence of Correctional Officer Wellness and Safety Risks

2)-Contributing Factors
- ◦ Work-Related Dangers
- ◦ Institutional-Related Dangers
- ◦ Psycho-Social Dangers

- ◦ 3)-Consequences of Exposure to the Dangers

Administrative Segregation and Implications for Officer Safety and Wellness

1)-Conditions
◦ Deprivation of Human Contact

2)-Consequences (found to be connected with inmates)
◦ Psychosis
◦ Sensory Deprivation
◦ Hallucinations
◦ Exacerbation of Violent Conduct
◦ Mental Breakdowns
◦ Failure to Socialize

3)-Potential Consequences for Correctional Line Staff
◦ Elevated Risk of Physical and Mental Health Ailments
◦ Exposure to Inmate Trauma (Vicarious Traumatization-McMann & Pearlman, 1990) (Levin & Griesburg, 2003; Peters, 2007)
◦ Officers Become Desensitized and Potentially Violent Themselves

Implications

◦ Potential Resolutions

◦ Early Identification of Potentially Problematic Inmates

◦ Additional Staff Required

◦ Expansion of Rehabilitation Programs

◦ Improved Training

◦ Re-formatting of Administrative Segregation Conditions

◦ Coping for Officers

◦ Psychiatric Professionals for Officers as well as Inmates

Future Research Considerations

◦ The Correctional Officer Perspective

◦ Prevalence of (Generalized) Risks for Officers

◦ Implications of Specific Risks (e.g., mentally ill; gang leaders; chronically violent, etc.)

Recap and Summary

National Institute of Justice Topical Working Group on the Use of Administrative Segregation in the U.S.

Thursday, October 22, 2015

NIJ

U.S. Department of Justice

Office of Justice Programs

Presented by
Allen J. Beck, Ph.D.
Senior Statistical Advisor
October 23, 2015

Use of Restrictive in U.S. Prisons and Jails, 2011-12

BUREAU OF JUSTICE STATISTICS

Overview

- Use of restrictive housing in difficult to measure
  - Absence of uniform definitions and information systems that classify inmates in comparable ways

- Based on the National Inmate Survey, 2011-12
  - conducted in 233 state and federal prisoners and 357 local jails
  - nationally-representative sample of 38,200 adult prison inmates and 52,900 jail inmates
  - conducted between February 2011 and May 2012
  - provides measures of prevalence on single day; prevalence in the past 12 months or since coming to the facility, if shorter; and total amount time they had spent in restrictive housing
  - provides individual-rates by inmate risk factor and facility-level rates by characteristics of facilities

- Findings available in a BJS Special Report, issued today, on-line from our web site

Where you spent last night ... in administrative segregation or solitary confinement

	Prison inmates	Jail inmates
Yes	1.9%	2.2%
No	95.6	97.3
Don't know	2.5	0.5

In past 12 months… *any time in disciplinary or administrative segregation or solitary confinement*

	Prison inmates	Jail inmates
Yes	18.1%	17.4%
No	79.3	82.1
Don't know	2.6	0.6

BJS

In past 12 months ...total time spent in disciplinary or administrative segregation or solitary confinement

	Prison inmates	Jail inmates
None	79.3%	82.2%
1 day or less	0.6	1.6
2-6 days	2.2	4.0
7-13 days	2.4	3.1
14-29 days	3.4	3.1
30 days or more	9.5	5.4
Don't know	2.6	0.5

Inmate characteristic	Percent who reported any time in restrictive housing	
	Prison inmates	Jail inmates
Sex		
Male*	17.9%	17.4%
Female	20.4	17.4
Race/Hispanic origin		
White*	16.0%	17.3%
Black	20.8**	17.4
Hispanic	16.0	15.5
Other	20.3**	21.5**
Age		
18-19	30.9%	24.8%
20-24*	28.3	23.4
25-29	23.7	19.4**
30-34	19.6**	17.1**
35-39	17.9**	14.9**
40-44	13.8**	12.1**
45-54	13.1**	11.4**
55 or older	8.9**	10.3**

*Comparison group.

Inmate characteristic	Prison inmates	Jail inmates
Education		
Less than high school	20.5%**	19.2%**
High school graduate or more*	15.1	15.4
Sexual orientation		
Heterosexual*	17.5%	17.2%
Gay, lesbian, bisexual or other	27.8**	21.6**
Current offense		
Violent sex offense	15.5%**	20.5%**
Other violent*	24.6	27.7
Property	19.1**	18.0**
Drug	14.4**	15.6**
Other	15.2**	13.5**

*Comparison group.

Percent who reported any time in restrictive housing

Criminal history	Prison inmates	Jail inmates
Number of times arrested		
1 time*	12.8%	12.6%
2–3	17.3**	14.8**
4–10	19.6**	18.4**
11 or more	23.9**	21.7**
Prior incarceration as adult or juvenile		
Yes	20.0%*	19.0%**
No*	13.4	13.4
Time in current facility since admission		
30 days or less	8.5%**	8.0%**
1–6 months*	13.5	16.8
6–12 months	23.0**	31.5**
1–5 years	21.5**	35.2**
5–10 years	19.3**	
10 years or more	15.6	

*Comparison group.

	Percent who reported any time in restrictive housing	
Current/past mental health problems	Prison inmates	Jail inmates
Ever told by mental health professional had disorder		
Yes	25.7%**	23.0%**
No*	14.4	13.2
Had overnight stay in a hospital in year before current admission		
Yes	30.6%**	24.9%**
No*	17.4	16.4
Used prescription medications at time of current offense		
Yes	26.5%**	23.3%**
No*	17.1	16.1
Ever received professional mental health therapy		
Yes	25.5%**	22.9%**
No*	14.7	14.0
Current mental health status		
No mental illness*	15.1%	14.5%
Anxiety or mood disorder	23.3**	19.5**
Serious psychological distress	28.9**	22.2**

*Comparison group.

www.bjs.gov

Percent of prison inmates

Time in restrictive housing	Total	No mental illness	Anxiety or mood disorder	Serious psychological distress
None*	100%	70.1%	17.2%	12.8%
1 day or less	100%	60.3**	17.2	22.5**
2–6	100%	60.5**	22.2**	17.3**
7–13	100%	55.5**	19.9	24.6**
14–29	100%	53.3**	24.4**	22.3**
30 or more	100%	53.2**	23.1**	23.7**

Percent of jail inmates

Time in restrictive housing	Total	No mental illness	Anxiety or mood disorder	Serious psychological distress
None*	100%	53.4%	21.7%	24.8%
1 day or less	100%	37.8**	27.2**	35.0**
2–6	100%	43.0**	23.5	33.5**
7–13	100%	45.1**	23.2	31.8**
14–29	100%	43.5**	27.4**	29.1**
30 or more	100%	41.0**	24	35.1**

*Comparison group.

BJS

Percent who reported any time in restrictive housing

Indicator of misconduct	Prison inmates	Jail inmates
Been in fight with another inmate	100%	100%
Yes	48.6**	43.4**
No*	14.2	12.3
Written up for physically assaulting another inmate	100%	100%
Yes	77**	78.6**
No*	15.8	14.5
Been in fight with a staff member	100%	100%
Yes	56.5**	51.8**
No*	17.1	15.6
Written up for physically assaulting a staff member	100%	100%
Yes	82.6**	82.7**
No*	17.9	17
Written up for verbally assaulting a staff member	100%	100%
Yes	74.5**	79.9**
No*	16.7	15.5

*Comparison group.

www.bjs.gov

Measure of facility disorder/b	Facility average	Correlation between facility condition and percent of inmates reporting time in restrictive housing	
		Any time	30 days or more
Percent of inmates in prison—			
who were frequently in fights	18.8%	0.52**	0.41**
who have been in fights with other inmates	10.7	0.65**	0.53**
who feared being assaulted by other inmates	7.3	0.55**	0.47**
who have seen inmates with weapons	18.6	0.44**	0.40**
who reported a lot of gang activity in facility	17.4	0.40**	0.36**
who have been in fights with staff	2.9	0.59**	0.61**
who had possessions taken by other inmates	16.1	0.30**	0.18**

**Correlation significant at the 95% confidence level.

BJS

Measure of facility composition	Facility average	Any time	30 days or more
Percent of inmates in prison—			
with serious psychological distress	13.8%	0.65**	0.51**
with a past mental health problem	44.9	0.48**	0.36**
who were held for a violent offensee	25.6	0.50**	0.46**
with 11 or more prior arrests	18.1	0.20**	0.16**
with a prior incarceration	78.0	0.12	0.17**
with less than a high school diploma or equivalent	57.2	0.16	0.18
who were lesbian, gay, or bisexual	7.6	0.33**	0.21**
who were ages 18 to 24	13.8	0.15	0.13

**Correlation significant at the 95% confidence level.

Measure of facility climate/b	Facility average	Any time	30 days or more
Prison facility percent of inmates who reported—			
the housing unit was very crowded	28.9%	-0.02	-0.09
areas outside of the housing unit were very crowded	28.9	0.09	-0.01
the facility did not have enough staff to provide for safety and security of inmates	38.8	0.31**	0.20**
negative perception of staff fairness and trust	45.7	0.38**	0.33**

**Correlation significant at the 95% confidence level.

Presented by

Allen J. Beck, Ph.D.
Senior Statistical Advisor
(202) 616-3277

October 23, 2015

Administrative Segregation Research: What Is (Not) Known

Daniel P. Mears, Florida State University

Topical Working Group on the Use of Administrative Segregation in the United States

National Institute of Justice

Washington, D.C.

October 23, 2015

COLLEGE OF CRIMINOLOGY AND CRIMINAL JUSTICE
Research Brought to Life.

Key points: Little is known about . . .

- **<u>Definition</u>** of ad seg (terminology issue; varied goals)

- **<u>Need</u>** for ad seg (conditions under which it is needed)

- **<u>Theory</u>** of ad seg and conditions under which it achieves goals

- **<u>Use</u>** of ad seg (for whom, duration, frequency, services, etc.)

- **<u>Impacts</u>** of ad seg on inmates, prisons, officers, system, society

- **<u>Efficiency</u>** of ad seg, as compared to alternatives

- **<u>Alternatives</u>** to ad seg (relative effectiveness and efficiency)

- **<u>Views</u>** about ad seg among officials, officers, and the public

- **<u>These research gaps</u>**, by state and nationally

JOURNAL
OF CRIMINAL
JUSTICE

an international journal

Break Out Sessions

1. What are the major research questions and gaps in the topic areas of your breakout group?

2. What strategies and research methods would address existing research gaps?

NIJ

Report Out from Group Discussions

Wrap-up, Summary, and Next Steps

NIJ

National Institute of Justice

Administrative Segregation in U.S. Prisons

Natasha A. Frost & Carlos E. Monteiro*
Northeastern University

March 2016

U.S. Department of Justice
Office of Justice Programs

810 Seventh St. N.W.
Washington, DC 20531

Loretta E. Lynch
Attorney General

Karol V. Mason
Assistant Attorney General

Nancy Rodriguez, Ph.D.
Director, National Institute of Justice

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INTRODUCTION

On September 1, 2015, newspapers across the country announced that a settlement agreement had been reached between the California Department of Corrections and Rehabilitation (CDCR) and inmates incarcerated at Pelican Bay State Prison, one of the most well-known supermaximum (supermax) security facilities in the country (St. John, 2015). The settlement agreement, which should result in the return of close to 2,000 inmates from supermax confinement back to the general population, is expected to end the CDCR's practices of housing inmates in supermax confinement indefinitely and of routinely incarcerating those with suspected gang affiliations in solitary confinement. Although California's practice of confining gang members in administrative segregation is certainly not the norm around the country, long-term segregation in restrictive housing units is more common, and the California settlement was announced amidst a more general and growing concern about the practice of solitary confinement (or near solitary confinement) through administrative segregation.

In a speech before the National Association for the Advancement of Colored People (NAACP) in July 2015, President Barack Obama questioned the practice of solitary confinement by calling for a Justice Department investigation into its use across the United States:

> I've asked my Attorney General to start a review of the overuse of solitary confinement across American prisons. The social science shows that an environment like that is often more likely to make inmates more alienated, more hostile, potentially more violent. Do we really think it makes sense to lock so many people alone in tiny cells for 23 hours a day, sometimes for months or even years at a time? That is not going to make us safer. That's not going to make us stronger. And if those individuals are ultimately released, how are they ever going to adapt? It's not smart. (White House Office of the Press Secretary, 2015)[1]

President Obama is not alone in his reservations about the practice. Supreme Court Justice Anthony Kennedy has repeatedly made clear his concern about solitary confinement across several venues, including by using largely unrelated cases to question the policies of long-term solitary confinement (Liptak, 2015). In May 2015, the United Nations (UN) passed the Mandela Rules, which represent the first modification to the UN's standards on the treatment of prisoners in 60 years (United Nations, 2015a). Rule 43 of the Mandela Rules prohibits both *indefinite* solitary confinement and *prolonged* solitary confinement (defined as lasting more than 15 days) (United Nations, 2015b). Human Rights Watch, Amnesty International and the American Civil Liberties Union (ACLU) have each published reports condemning the use of solitary confinement for both juvenile and adult correctional populations (American Civil Liberties Union, 2014; Amnesty International, 2012; Human Rights Watch, 2000; Human Rights Watch & American Civil Liberties Union, 2012). Individual state chapters of the ACLU have published

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[1] Although President Obama has called for a Justice Department review of solitary confinement practices nationally, two recent and substantial inquiries were made into the *federal* use of administrative segregation (Baker & Goode, 2015). In May 2013, the U.S. Government Accountability Office (GAO) issued its report on the use of segregated confinement across the federal prison system (United States Government Accountability Office, 2013). After the publication of that report, the CNA Institute for Public Research conducted an independent assessment with the cooperation of the Federal Bureau of Prisons (McGinnis et al., 2014).

fairly scathing critiques of more localized practices, for example, in Colorado and Texas (Butler & Simpson, 2015; Wallace, 2013). The perspective of these advocacy organizations is clear and unapologetic: They seek an end to the practice of solitary confinement in juvenile correctional settings and extensive restrictions on its use among adult correctional populations.

Across the political spectrum, there is growing concern about the efficacy and utility of administrative segregation practices, particularly those that involve extended solitary confinement, and growing support for finding ways to safely reduce its use across correctional systems. In 2006, the bipartisan Commission on Safety and Abuse in America's Prisons, co-chaired by the Honorable John J. Gibbons and the former U.S. Attorney General, Nicholas de B. Katzenbach, noted that the rapid increase in the use of solitary confinement across the country had outpaced the remarkable growth in overall correctional populations (Gibbons & Katzenbach, 2006). The Commission deemed solitary confinement both expensive and counterproductive and recommended limiting its use. After the publication of the commission's *Confronting Confinement* report, research organizations also turned their attention to solitary confinement. Researchers at the VERA Institute of Justice recently published a report on solitary confinement, identifying what they describe as 10 common misperceptions about solitary confinement (Shames, Wilcox & Subramanian, 2015). Among the misconceptions identified was the common belief that segregated housing deters violence and misbehavior and that segregation helps keep prisons and jails safer. The VERA Institute of Justice (Shames, Wilcox & Subramanian, 2015) has also launched the "Segregation Reduction Project," partnering with four states (Illinois, Maryland, New Mexico and Pennsylvania) to assess the criteria for placement in segregation with the explicit goal of reducing the use of segregation across those states. Several other states, including Arizona, California, Colorado, Indiana, Michigan, Nebraska, New Jersey, New York, Ohio and Wisconsin, have already begun working to reduce the number of inmates in administrative segregation, with more states passing reforms related to the use of solitary confinement in 2014 than in the previous 16 years combined (Hager & Rich, 2014).

Although the spotlight seems to be shining especially bright at this moment, the practice of solitary confinement has a long and storied history in corrections. Some of the earliest American correctional facilities — the early Quaker-inspired penitentiaries in Pennsylvania — were built on a model of extended solitary confinement intended to bring about penitence (Rothman, 1971/1990). Although the "Pennsylvania model" was abandoned relatively quickly in favor of a model based on the more congregate style of confinement that is still prominent, the use of solitary confinement — usually for behavioral control and management — never went away. All correctional systems (including those for men, women and juveniles) have cells or units and, in some cases, entire facilities designed to isolate some inmates in more restrictive housing units for administrative purposes. Segregated confinement is sometimes solitary. Whether they involve complete solitary confinement or not, segregation units are intended to offer a more secure alternative for those who cannot be safe toward others, be kept safe, or be adequately controlled in the traditional congregate correctional setting.

Within correctional contexts, the terms used to describe segregation policies and practices vary greatly across jurisdictions. Although they represent conceptually distinct practices, it is difficult to separate the literature on *disciplinary segregation* from the literature on *administrative segregation* because researchers have tended to study *solitary confinement* without carefully

distinguishing the various types of segregated restrictive housing units. As we became increasingly bewildered by the sheer number of terms used to describe various practices, we decided to avoid using "administrative segregation" as an umbrella term in this white paper, instead opting for either *segregation* or *segregation in restricted housing units*. Where possible, we will distinguish between (1) solitary confinement through *disciplinary segregation* and (2) solitary confinement through *administrative segregation*. As we will explain, the former refers to short-term confinement after a specific infraction and the latter to long-term classification to the supermax unit or facility within a correctional system. Most of our early discussion will focus on administrative segregation (rather than on disciplinary segregation), but when we begin discussing the empirical research, we will refer more broadly to the practice of solitary confinement. Although we recognize not all units and facilities used for disciplinary and administrative segregation follow a strict regimen of solitary confinement, we will describe the empirical research that has been conducted in settings that do (as it is clearly solitary confinement that most troubles those who have expressed grave concerns about correctional segregation policies).

BRIEF HISTORY OF ADMINISTRATIVE SEGREGATION

Developed as a strategy for separating problematic inmates from the general population, administrative segregation is one of two dominant behavioral control models used by correctional administrators to address any number of correctional management challenges that accompanied rapidly growing prison populations (Hershberger, 1998; Riveland, 1999). The dispersion and consolidation models represent contrasting strategies for handling inmates who are perceived to pose significant security challenges to the correctional system. With dispersion, administrators manage inmates through a "divide-and-conquer" approach, attempting to limit the impact of problematic inmates by dispersing them throughout the correctional system. Dispersion avoids the concentration of inmates classified as disruptive or unruly in one location, thereby allowing staff to control disorder more effectively throughout the system (Pizarro & Stenius, 2004). Conversely, consolidation, an approach more aligned with contemporary administrative segregation practices, consolidates disruptive or unruly inmates in highly restrictive settings. The presumed benefits of the consolidation model lie in its efficiency in directing resources toward a central location, be it a unit or stand-alone facility that can house individuals and groups identified as a threat to institutional security (Hershberger, 1998).

Historical accounts indicate that correctional administrators have alternated between these two approaches. The federal prison at Alcatraz, for example, operated under the consolidation model, housing some of America's most notorious and disruptive offenders for most of the early 1900s (Pizarro & Stenius, 2004). When Alcatraz shut its doors in 1963, with no viable alternative location for consolidating, the prisoners from Alcatraz were dispersed throughout the federal prison system. The federal system's return to the dispersion model, however, was short-lived because of increasing violence within the federal system between 1970 and 1980. After the number of assaults escalated throughout the Federal Bureau of Prisons (BOP) facilities, the federal prison in Marion, Illinois, was modified for increased security and became the first level 6 supermax facility in the United States (Ward & Werlich, 2003). Intended as a replacement for Alcatraz, the high-security prison at Marion gradually became the preferred facility not only for the BOP's most problematic inmates but also for inmates perceived to represent a grave threat to

institutional security across state correctional systems. In other words, Marion rapidly became the go-to institution for housing the "worst of the worst" (Richards, 2008).

Although increasing violence in prisons troubled correctional administrators, correctional historians often point to the killing of two correctional officers at Marion in 1983 as the trigger for the revival of total lockdown control units and facilities (King, 1999; Pizarro & Stenius, 2004). In the immediate aftermath of these killings, Marion administrators rapidly reintroduced highly restrictive procedures, beginning with the immediate removal of inmates' personal property from individual cells, followed by the placement of severe restrictions on inmates' movements within the prison, the use of handcuffs anytime an inmate was out of the cell area, and an increased use of solitary confinement (King, Steiner & Breach, 2008). Although the conditions at Marion sparked immediate pushback from prisoner rights groups, the use of control units received judicial endorsement when a federal court opined that the BOP had not violated inmates' constitutional rights in *Bruscino* v. *Carlson* (Olivero & Roberts, 1987). Eventually, the U.S. Supreme Court's denial of the petition for writ of certiorari in *Bruscino* only strengthened the sense among correctional administrators that the courts had formally sanctioned the use and expansion of control units similar to those at Marion. In the aftermath of these court decisions, supermax-style facilities, such as the Security Housing Unit at Pelican Bay in California that opened in 1989, became models for correctional jurisdictions across the country (Bosworth, 2004; King, 1991; Romano, 1996).

CONTEMPORARY USE OF ADMINISTRATIVE SEGREGATION

Since the 1980s, entire facilities in both the state and federal correctional systems have been constructed with isolation and segregation as their central purposes. Commonly referred to as supermax facilities, these facilities offer enhanced security and control, allowing for only minimal contact between inmates and staff. Where construction of a new facility was either not necessary or not feasible, whole sections of existing facilities were set aside to segregate the inmates deemed "the worst of the worst" (Butler, Griffin & Johnson, 2013). Although clear general consensus exists that supermax units and facilities are designed to isolate offenders that require the highest and most restrictive security classification, a universally accepted definition does not yet exist (Fellner & Mariner, 1997; Henningsen, Johnson & Wells, 1999; Riveland, 1999).

The lack of definitional consensus has made collecting information on this type of custody (including data on prevalence, goals, objectives and associated effects) difficult. The National Institute of Corrections (NIC) attempted to provide clarity around the practice of supermax incarceration through its 1997 national survey of state departments of corrections that focused on supermax-style housing (Riveland, 1999). Although the survey results from all 50 state departments of corrections offered a rich source of information on supermax by identifying more than 55 functioning supermax facilities or units in 1997, it also demonstrated the significant variation across jurisdictions. Some facilities, for example, were stand-alones, whereas others were sections or units within existing correctional facilities that had been repurposed and retrofitted to meet the strict control needs of the supermax model.

Moreover, across correctional systems, the units classified as supermax units might be referred to as administrative maximum units, administrative segregation units, special housing units, secure housing units, segregation units, isolation units, close custody units, control units, management units and adjustment centers, to name but a few (Kupers et al., 2009; Naday, Freilich & Mellow, 2008; National Institute of Corrections, 1997). Despite the many monikers, in a national survey of state wardens (Mears & Castro, 2006), greater than 95 percent of the state prison wardens surveyed agreed that the following modified definition put forth by the NIC was accurate: "[A] supermax is a stand-alone unit or part of another facility and is designated for violent or disruptive inmates. It typically involves up to 23-hour-per-day, single-cell confinement for an indefinite period of time. Inmates in supermax housing have minimal contact with staff and other inmates" (p. 40). Supermax units and facilities might house inmates being segregated for both administrative and disciplinary purposes (Browne, Cambier & Agha, 2011).

The lack of definitional clarity brings us to the first of many challenges to conducting research (or interpreting the existing research) on segregation and solitary confinement in correctional contexts: the use of overlapping terminologies for what are sometimes distinct correctional practices. As an umbrella term, "segregation" refers to placement in a restricted housing unit used by correctional administrators (for disciplinary segregation or protective custody) and temporary or long-term supermax security housing (McGinnis et al., 2014, 2008b; Shames et al., 2015). The primary purpose of this practice is to separate and isolate an inmate, or certain groups of inmates, from the general population for reasons mainly centered on security and safety within the facility or across the correctional system.

At least three distinct types of segregation exist: administrative segregation, disciplinary segregation and protective custody (see Shames et al., 2015, p. 4). Some inmates are segregated because they are identified as being at high risk for victimization. Inmates in *protective custody* are segregated for their own protection, and their placement in segregation is sometimes voluntary. Solitary confinement in a restrictive housing unit for a specified period of time to punish behavior is generally referred to as *disciplinary segregation* (or punitive segregation). Disciplinary segregation is typically imposed as a sanction after a disciplinary hearing related to a specific instance of misconduct. Crucially, disciplinary segregation is a form of punishment, so inmates subjected to it are afforded due process rights (O'Keefe, 2008). *Administrative segregation* is used to separate those deemed to pose a significant threat to institutional security from the general population. Inmates are often classified to administrative segregation or transferred to these units and facilities based on patterns of disruptive behavior, security threat group identifications, or designation as high-risk inmates.

In a recent review of segregation policies, Metcalf and colleagues (2013) noted that jurisdictions tended to invoke the safety of inmates and staff as well as overall institutional security as the primary criteria for placement in administrative segregation. In addition to safety and security, many states included more specific placement criteria (typically tied to either the offense that triggered the inmate's initial incarceration or the accumulation of disciplinary infractions). Unlike disciplinary segregation, which is time-limited, length of stay in administrative segregation is typically indefinite and largely at the discretion of correctional administrators. Although placement into this, often much longer term, form of segregation does not trigger the same due process rights and protections as disciplinary segregation (O'Keefe, 2008) according to

a recent review of correctional policies across the United States, almost all correctional systems have procedures for review of placements into administrative segregation (Metcalf et al., 2013).

Of course, with different pathways into the various restrictive housing units and different trajectories once there, one would anticipate substantial variations not only in prevalence but also in psychological and behavioral effects across the different types of restrictive housing units. Although segregation in restrictive housing units usually involves solitary, or near solitary, confinement, some of the early court cases related to administrative segregation centered on the double-celling of inmates being housed in segregation units. That brings us to our next important distinction.

Solitary Confinement vs. Administrative Segregation
Isolation through solitary confinement is prevalent across both administrative and disciplinary segregation. Solitary confinement practices vary across correctional systems, but a defining feature of current solitary confinement practice is the isolation of inmates for 22-24 hours a day in a small cell, with minimal contact with others, in areas of the facility designed for the purpose of restricting inmates' movement. Other distinct features of current solitary confinement practices include reduced natural light; limited lighting; little to no access to programming, classes, reading, radio and television as well as restrictions placed on visitation from friends and family (ACLU, 2014). Although it is this type of custody that researchers tend to be most interested in, correctional administrators rarely refer to solitary confinement in any context, perhaps seeking to avoid the controversy the phrase often invokes.[2] Scholars studying psychological and behavioral effects focus almost exclusively on solitary confinement, often with little regard for the varying contexts in which it occurs.

Prevalence of Administrative Segregation
Given the paucity of data on solitary confinement through administrative or disciplinary segregation, both types of segregation are difficult to quantify with any precision, and estimates from studies in individual states may not be representative of trends more generally. Prevalence estimates vary widely across sources, and many of those estimates are dated. Early estimates suggested somewhere between 1 percent and 3 percent of the total correctional population were incarcerated in highly restrictive administrative segregation units (King, 1999; O'Keefe et al., 2011). These data, however, have been criticized as underestimates, as prison systems have been accused of failing to report or of underreporting as a strategy for avoiding the controversy associated with solitary confinement and administrative segregation policies (Naday, Freilich & Mellow, 2008).[3]

As a result of several recent comprehensive reports on the use of administrative segregation in federal prisons, some of our most current and best estimates of prevalence and cost come from analyses of its use in the federal system (McGinnis et al., 2014; United States Government

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[2] A good example is the BOP, which has refused to acknowledge it uses solitary confinement. The recent U.S. GAO report on the federal use of administrative segregation included the following note: "According to BOP officials, the BOP does not hold anyone in solitary confinement because BOP staff frequently visit inmates held in single-bunked cells alone" (United States Government Accountability Office, 2013, p. 12).

[3] The BOP again serves as an example as it reported to the American Correctional Association in 2008 that it had no inmates in administrative segregation (cited in O'Keefe et al., 2011).

Accountability Office, 2013). At the federal level, administrative segregation covers three distinct types of restrictive housing (see Appendix Table A1). The BOP refers to these as special housing units (SHUs), special management units (SMUs), and administrative maximums (ADXs). All three types of administrative segregation share the same purpose, which is to separate inmates, identified for their disruptive or violent behavior, in a controlled setting that emphasizes the safety, security and orderly operation of BOP facilities. In the first report, the U.S. GAO (2013) reviewed the use of administrative segregation across the federal system. According to the GAO report, 7 percent of all federal inmates in BOP facilities are held in administrative segregation. The report notes that most segregated inmates in the federal system were in SHUs (81 percent), slightly less than 2,000 inmates (or approximately 16 percent) were in SMUs, and the ADX facility housed roughly 450 inmates. The GAO report found that per capita cost estimates for housing inmates in segregated housing were higher than in nonsegregated units or general population housing units. Specifically, the GAO report found that, for fiscal year 2012, the total cost of housing 1,987 inmates in SMUs was $87 million (whereas it would have cost approximately $42 million to house those same inmates in a medium-security facility or $50 million in a high-security facility).[4]

In addition to prevalence estimates from reviews of the federal system, staff members from the Liman Program and the Association of State Correctional Administrators (ASCA) recently collaborated on a survey of directors of correctional systems across 46 different jurisdictions (Liman Program & Association of State Correctional Administrators, 2015). In fall 2014, the survey specifically asked jurisdictions to account for the number of prisoners held in any form of segregated housing, including disciplinary segregation, protective custody and administrative segregation. The recent report sent to the Department of Justice, *Time-In-Cell*, offers a detailed current assessment of the prevalence of the use of restrictive housing across the country. Only 34 of the 46 responding jurisdictions provided counts of inmates across all forms of restricted housing, which included roughly 66,000 people (Appendix Table A2).[5]

The *Time-in-Cell* report also reported a relatively stable trend in the numbers of inmates housed in administrative segregation, noting an average decrease of less than 1 percent (0.59) of the percentage of prisoners in administrative segregation between 2011 and 2014. With regard to time spent in administrative segregation, 32 jurisdictions reported no fixed minimum time period for being in administrative segregation, and 42 jurisdictions reported no maximum limit at which point prisoners must be released into the general population. The survey also focused on continuous days that prisoners had spent in administrative segregation. Of the 24 jurisdictions reporting systemwide data on length of stay, 11 reported that most prisoners held in administrative segregation were there for fewer than 90 days (Liman Program & Association of State Correctional Administrators, 2015).

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[4] After the release of the GAO's fairly critical report, the BOP commissioned an independent evaluation of its operation of administrative segregated housing and sought strategies for improving policies, operations and overall services (McGinnis et al., 2014).

[5] It should be noted that California, one of the largest prisons systems in the country, was not one of the responding states and therefore is not included in the Liman/ASCA report.

ISSUES RELATED TO THE USE OF SOLITARY CONFINEMENT

Some of the most controversial issues related to the use of solitary confinement arise in the context of its use among special populations, most notably juveniles but also suspected or known security threat group members and the mentally ill.

Juveniles and Solitary Confinement
If research on solitary confinement through administrative segregation among adult correctional populations can best be described as scarce, the research on the use of solitary confinement among juvenile correctional populations is almost nonexistent. Moreover, the limited data we have on the solitary confinement of juveniles comes from just a handful of sources. Within juvenile corrections there has been even less empirical research, but more determined efforts have been made to end the practice of punitive isolation for juvenile inmates. In juvenile corrections, sometimes a distinction is drawn between punitive confinement and nonpunitive solitary confinement, where the latter is described as confinement for the protection and safety of others (Weiss, Kraner & Fisch, 2013). Most of what we know about juvenile solitary confinement comes from either the national Survey of Youth in Residential Placement (SYRP) or reports authored by advocacy organizations like Human Rights Watch and the ACLU (Human Rights Watch & American Civil Liberties Union, 2012; Sedlak & McPherson, 2010). In the recent SYRP, almost a third of all juveniles in custody reported having spent time in solitary confinement, with more than half of those reporting having spent more than 24 hours in solitary (Sedlak & McPherson, 2010).

In recent years, legislatures have been particularly active around the issue of solitary confinement of juveniles (Therolf, 2015). West Virginia became the first state to ban the solitary confinement of youth in custody in 1998; Alaska, Colorado, Mississippi and West Virginia followed with bans on juvenile solitary confinement in 2012; Nevada and Oklahoma passed restrictions on the use of juvenile solitary confinement in 2013; and a slew of states followed with bans on juvenile solitary confinement in 2014, including New York (Hager & Rich, 2014). After several scathing critiques of the treatment of inmates in New York City's Riker's Island jail in early 2015, in one of the most sweeping decisions, the New York City Department of Corrections announced it would no longer allow solitary confinement of anyone 21 years of age or younger (Winerip & Schwirtz, 2015).

Solitary Confinement to Control Gangs
In some jurisdictions, inmates have been isolated in administrative segregation simply because of a suspected or known gang affiliation. As noted in the Introduction, a settlement agreement reached between a group of inmates incarcerated at Pelican Bay and the CDCR is expected to bring about the gradual end to this practice in California (St. John, 2015). Although it is based on evidence suggesting that prison gangs bear responsibility for much of the prison violence experienced in some correctional systems (Griffin & Hepburn, 2006), this is among the most criticized of practices because no clear endpoint to the isolation exists. Some inmates classified to administrative segregation as a result of their status as having known or suspected gang affiliations have spent decades in isolation units (Baker & Goode, 2015). As noted, in California, the decision to release almost all gang members currently held in solitary confinement will result in the release of almost half of all those currently incarcerated in secure housing units across the

state. With this settlement occurring so recently, it is not yet clear what impact, if any, it will have on other jurisdictions that routinely incarcerate known or suspected gang members in administrative segregation.

Mental Illness and Solitary Confinement
Although the precise numbers are hard to come by, some have argued that most who end up in solitary confinement are mentally ill (Toch, 2001). The mentally ill, often by virtue of their mental illness, have trouble conforming to institutional rules and receive more disciplinary misconduct histories (Kurki & Morris, 2001). The Bureau of Justice Statistics (BJS) has reported that close to 45 percent of federal inmates and greater than half of all jail and state prison inmates suffer from mental health problems as measured by diagnosis and treatment of symptoms (James & Glaze, 2006). Earlier estimates, which focused narrowly on mental illness, tended to be much lower, with about 16 percent of prison inmates classified as suffering from serious mental illness (Ditton, 1999; Osher et al., 2012).

Some prevalence estimates of mental illness across populations in administrative segregation have been derived from the empirical research (O'Keefe, 2007). Lovell and colleagues have produced several estimates of the levels of psychosocial impairment (a construct that includes several measures of mental health deterioration) and serious mental illness among the supermax population in Washington state. Lovell (2008) randomly sampled inmates from all three of Washington's supermax housing units and found that 45 percent of supermax prisoners were suffering from serious mental illness. By using similar methods, Lovell and colleagues had previously found serious mental illness among approximately 13 percent of general population inmates (Lovell et al., 2000). Cloyes and colleagues similarly reported that almost 30 percent of inmates in supermax units meet the criteria for serious mental illness, and in their study of the supermax unit in Washington, they found that 22 percent of the inmates were actively experiencing high levels of "psychosocial distress" (Cloyes et al., 2006). Many researchers have used statistics like this to argue that the mentally ill are more likely to end up in solitary confinement.

The courts have also been particularly active around the issue of confining the mentally ill in administrative segregation, based in part on the accumulated evidence that confinement under such restrictive and isolating conditions is especially harmful for this already vulnerable population.

COURT DECISIONS AND CONSENT DECREES

A comprehensive review of all court cases and legal decisions relative to the use of solitary confinement is beyond the scope of this relatively brief white paper, so we review just a few of the more significant and directly relevant court decisions and consent decrees that have been issued (for a comprehensive review, see Collins, 2004).

The most notable litigation around the issue of administrative segregation has focused on supermax confinement or solitary confinement in administrative rather than disciplinary

segregation.[6] State and federal cases related to the use of solitary confinement have tended to focus on the overall conditions of confinement in supermax settings, and several have focused on the placement of the mentally ill in facilities that involve solitary confinement for extended periods of time.

An early federal case signaled that the courts were not likely to get involved in the administration of facilities used for administrative segregation. In 1984, a group of inmates housed at the Marion Federal Penitentiary filed a Section 1983 complaint alleging that federal prison officials were violating their constitutional rights. In *Bruscino* v. *Carlson* (1988), the primary complaints were related to arbitrary placements, conditions of confinement, extended solitary confinement, use of force, and cavity searches. The Supreme Court, in considering both the context and the complaint, found that the "ghastly" conditions at Marion, although "depressing in the extreme," did not amount to cruel and unusual punishment. After describing Marion's inmates as "among the most dangerous people in this nation," the Court was "not persuaded that any relaxation in the controls instituted in the fall of 1983 [was] constitutionally required, given the extraordinary security problems at the prison." The Court went on to note, "The controls are a unitary and integrated system for dealing with the nation's least corrigible inmates; piecemeal dismantling would destroy the system's rationale and impair its efficacy." The *Bruscino* decision signaled that the federal courts would be unlikely to interfere with the management of administrative segregation units. As Feeley and Rubin (1999) have noted in the comprehensive overview of correctional cases, "Whatever the reasons for the judiciary's positive response to Marion, the correctional establishment chose to interpret it as validating the concept of a supermaximum-security prison" (Feeley & Rubin, 1999, p. 142).

A few years later, in 1990, a group of prisoners being held in Pelican Bay State Prison similarly filed a Section 1983 claim against the CDCR. In the 1995 *Madrid* v. *Gomez* decision, the court found in favor of the inmates, ruling that:

> In particular, defendants have failed to provide inmates at Pelican Bay with constitutionally adequate medical and mental health care, and have permitted and condoned a pattern of using excessive force, all in conscious disregard of the serious harm that these practices inflict. With respect to the SHU, defendants cross the constitutional line when they force certain subgroups of the prison population, including the mentally ill, to endure the conditions in the SHU, despite knowing that the likely consequence for such inmates is serious injury to their mental health, and despite the fact that certain conditions in the SHU have a relationship to legitimate security interests that is tangential at best. (p. 1280)

Although its concern for the mentally ill was clear, the Court was less definitive when it came to those inmates not suffering from mental illness, noting, "while the conditions in the SHU may

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[6] Placements into disciplinary segregation for infractions are subject to the landmark U.S. Supreme Court case, *Wolff* v. *McDonnell* (1974). The *Wolff* decision established the minimal procedural due process rights that must be accorded inmates during prison disciplinary hearings, and these rights have since been reaffirmed in *Dixon* v. *Goord* (2002). The minimum procedural due process rights during disciplinary hearings include providing the inmate with an advance written notice of charges and an advance written statement of evidence on which the determination will be made, and the right to call witnesses and present his or her evidence.

press the outer bounds of what most humans can psychologically tolerate, the record does not satisfactorily demonstrate that there is a sufficiently high risk to all inmates of incurring a serious mental illness from exposure to conditions in the SHU to find that the conditions constitute a per se deprivation of a basic necessity of life" (p. 1267). As a result of the *Madrid* decision, a special marshal was appointed to work with the CDCR to develop a plan to remedy the conditions at Pelican Bay (Fathi, 2004). In many ways, the *Madrid* case provided the first in-depth look into the conditions of confinement in supermax settings, and the court monitoring continued for more than a decade until the court, finally satisfied that the conditions had been remedied, dismissed the case in 2011 (Simon, 2014).

Other prison systems have drawn the attention of the courts as well. In *Ruiz* v. *Johnson* (1999), it was the administrative segregation units of the Texas Department of Corrections that came under judicial scrutiny, and it was in this case that the federal courts came close to declaring the solitary confinement in administrative segregation unconstitutional per se. After describing the conditions of confinement in administrative segregation units across the Texas Department of Corrections, the court in *Ruiz* declared:

> Before the court are levels of psychological deprivation that violate the United States Constitution's prohibition against cruel and unusual punishment. It has been shown that defendants are deliberately indifferent to a systemic pattern of extreme social isolation and reduced environmental stimulation. These deprivations are the cause of cruel and unusual pain and suffering by inmates in administrative segregation, particularly in Levels II and III. (pp. 914-915)

The *Ruiz* decision was in many ways more sweeping than that of *Madrid* several years earlier. Most subsequent cases have resulted in settlements or consent decrees, but it is worth noting that conditions of confinement in administrative segregation have been challenged in Connecticut, Indiana, New Mexico, Ohio and Wisconsin, among other states (see Fathi, 2004).

Although the court in *Ruiz* came close to ruling solitary confinement unconstitutional, we can say with confidence that we are moving toward a general consensus (which can be found across the various court decisions, consent decrees, and settlement agreements reached) that these environments are not appropriate for the mentally ill and might constitute cruel and unusual punishment for this subset of the inmate population. The U.S. Supreme Court has regularly denied certiorari in administrative segregation cases, but with Justice Anthony Kennedy repeatedly expressing his concern about solitary confinement in recent months, it seems likely that there could be some U.S. Supreme Court movement on this front in the coming years (Hananel, 2015).

In addition to court cases and consent decrees, several notable, recent congressional and legislative hearings have been related to the use of solitary confinement.[7] The U.S. Senate Judiciary Subcommittee on the Constitution, Human Rights, and Civil Rights held two hearings

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[7] Written and oral testimony, as well as videos of the hearings discussed in this section, can be accessed on the advocacy group Solitary Watch's website (Solitary Watch, 2015).

on the use of solitary confinement in June 2012 and February 2014.[8] In California, where conditions of confinement in general and administrative segregation in particular have been the focus of ongoing litigation, several notable legislative hearings have also occurred. The California Assembly and Senate Public Safety Committee twice held hearings on the CDCR use of solitary confinement.[9] As noted, the CDCR recently reached a settlement agreement to end a class action lawsuit on behalf of inmates at Pelican Bay (500 of whom had been held in solitary confinement for more than 10 years at the time the suit was filed). The lawsuit was preceded by a series of well-publicized hunger strikes across CDCR facilities that also triggered the legislative hearings on the issue.

THE UTILITY AND EFFECTS OF ADMINISTRATIVE SEGREGATION

Proponents of administrative segregation and the supermax model argue that solitary confinement is necessary for maintaining the safety and security of the entire correctional system. Some inmates, it is argued, are so disruptive to the orderly running of a facility that they simply cannot or should not be maintained among the general population (O'Keefe, 2008; Pizarro & Narag, 2008; Pizarro & Stenius, 2004; Pizarro, Stenius & Pratt, 2006). This view is far from universal though. The most obvious division is between scholars (who study either incarceration in general or solitary confinement in particular) and the correctional administrators responsible for drafting and enforcing official correctional policies and practices.

Recent reviews of policies related to placement in administrative segregation also emphasize the official view that segregation exists to minimize threats to institutional security (Butler et al., 2013; O'Keefe, 2008). A recently published study reviewing official policies across 42 states reported that 98 percent of the states identified the catch-all "threats to institutional security" as a justification for placement in administrative segregation (Butler et al., 2013). The most commonly noted threats to institutional security triggering administrative segregation included repeated violent behavior (78 percent), escape risk (67 percent), riotous behavior (45 percent), and security threat group membership (36 percent). Concerns remain about the specific criteria used to determine that an inmate represents such a threat, particularly in the absence of full due process rights that typically accompany placement in disciplinary segregation after a discrete incident of violent or disruptive behavior (O'Keefe, 2008).

Despite a dearth of empirical evidence demonstrating effectiveness, those charged with running correctional facilities overwhelmingly believe that administrative segregation achieves its aims (particularly related to increasing the safety and security of the correctional system). In one of the largest studies of practitioner's views, Mears and Castro (2006) noted that prison wardens, who maintain primary responsibility for running the nation's correctional facilities, were not only "largely unanimous in saying that supermax prisons serve to increase safety, order, and control throughout the prison system and to incapacitate violent and disruptive inmates" (p. 407) but also "strongly believe that supermax prisons are effective in achieving these four goals"

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[8] The hearings on "Reassessing Solitary Confinement: The Human Rights, Fiscal, and Public Safety Consequence" each included oral and written testimony from heads of departments of corrections, researchers who have studied solitary confinement, and those engaged in advocacy against the practice (Solitary Watch, 2015).
[9] Both hearings before the California Assembly, held in February 2013 and February 2014, focused on the CDCR's proposed reforms to inmate segregation policies and to the use of secure housing units.

(Mears & Castro, 2006, pp. 407, 409). Those who argue for the effectiveness of administrative segregation units and supermax facilities often base those arguments on appeals to the self-evident rather than on an evidence base (Sundt, Castellano & Briggs, 2008, p. 115). By noting that these units and facilities house the "worst of the worst," they argue that these facilities will reduce violence in prison systems and assaults on other inmates and staff because those who are most likely to engage in such conduct have been isolated and further incapacitated (Butler et al., 2013; Lanes, 2011; Mears et al., 2013).

The public, at least as gauged by opinion in Florida, also overwhelmingly supports supermax prisons, even when their utility is less than clear. Mears and colleagues (2013) reported that 80 percent of the public supported supermax incarceration in general and that 60 percent maintained their support, even if there was no associated public safety benefit. Moreover, little public support seems to exist for the notion that these facilities are inhumane, with 70 percent of those surveyed indicating that they did not consider supermax facilities inhumane (Mears et al., 2013).

Evaluation Research
Mears and Watson (2006) identified several of the most frequently cited justifications for (and goals of) solitary confinement through administrative segregation, including (1) increasing prison safety, (2) increasing systemwide order and control of prisoners, (3) improving the behavior of violent and disruptive prisoners, (4) reducing gang influence, (5) punishment (of violent and disruptive prisoners), (6) increasing public safety, and (7) improving the efficiency of correctional system operations. Although some are easier to operationalize than others, each of these intended impacts could be evaluated. In their 2006 article, Mears and Watson even offered potential measurable indicators for each of these "performance measures," which are reproduced here (Appendix Table A3) as they may prove useful for those seeking to apply an evaluation framework. Alongside these intended goals, Mears and Watson also offered some observations around potentially unintended impacts (both positive and negative). Finally, they raised questions related to the mechanisms by which supermax confinement is expected to achieve these goals; identify barriers to achieving the goals; and offer some moral, political and fiscal dimensions that would need to be considered in any comprehensive assessment of supermax prisons.

When Mears (2008) tried to apply an evaluation framework to supermax incarceration, he struggled to find the research base necessary to answer key questions across five domains, ultimately concluding that:

> [T]here is (a) minimal indication that supermax prisons were needed as long-term solutions to any of a range of problems (e.g., order, safety, escapes, public safety); (b) no strong or consistent theoretical foundation for anticipating that they would exert any substantial effect on a range of outcomes, and, to the contrary, strong theoretical grounds to anticipate a worsening of these outcomes; (c) minimal documentation of their implementation (including the procedures and adherence to these procedures) for admitting and releasing inmates, monitoring of inmate behavior, or compliance with state and federal laws as well as constitutional requirements, juxtaposed against accounts showing that mentally ill and other inmates inappropriate for extended solitary confinement reside in supermaxes; (d) minimal evidence of any positive impact on any of

a range of outcomes, with considerable evidence of harmful, unintended effects; and (e) no evidence that they are cost-efficient. (Mears, 2008, p. 61)

If dangerous and violent inmates represent a real threat to others within the correctional environment, the options for containing them without resorting to isolation in restrictive housing units seem to be few. Correctional administrators often feel they are left with no other option than to isolate inmates who represent a threat to themselves, other inmates, or to staff. Moreover, the most ardent critics of solitary confinement often have little to say about alternatives to the practice if and when solitary confinement were to be eliminated on evidence-based grounds or outlawed on constitutional grounds. Those charged with running prisons, even those who have argued that there are problems with the practice of confining inmates in highly restrictive environments for extended periods of time, lament the lack of options at their disposal for those inmates who are truly dangerous to both the staff who work in prisons and the other inmates who have to live in them. Rick Raemisch, Executive Director of the Colorado Department of Corrections, for example, spent 20 hours in solitary confinement to understand the experience and has worked to reduce its use significantly in the Colorado system, but he still acknowledges the need for the practice in some instances (Goode, 2014; Raemisch, 2014). Raemisch recently argued, "If someone has committed a violent assault … until you can solve that problem, that person is going to need to be isolated" and then went on to note, "There are those who say this is bad, but when you look around for an alternative, people have left the room" (Baker & Goode, 2015, p. A16).

Violence in Correctional Institutions
As demonstrated by the earlier overview, it is difficult to say with any degree of precision how prevalent solitary confinement through administrative or disciplinary segregation is across U.S. correctional systems (Naday et al., 2008). Perhaps not surprisingly, few good estimates exist of either the levels of disruptive behavior among those sent to administrative segregation or of the impact of administrative segregation on reducing levels of violence in prisons.

Some of our estimates of violence within correctional institutions come from victimization surveys and research. Wolff and colleagues, for example, reported that in their study of inmates incarcerated in 1 of 14 institutions in a mid-Atlantic state, greater than 20 percent of inmates reported being the victim of physical violence in the previous 6 months (Wolff et al., 2007). Importantly, although rates of victimization were roughly equal for male and female inmates, prevalence rates of victimization varied substantially across facilities (even within this single state's correctional system). Although little hard data exist on the subject, some evidence shows that serious assaults against correctional officers are rare but tend to be more, not less, common in administrative segregation units (Sorenson et al., 2011).

One study that provided a profile comparing inmates in administrative segregation with general population inmates (in this case, in Colorado) suggested that the inmates in administrative segregation had significantly more disciplinary infractions, were significantly more likely to have been previously placed in punitive segregation, and were significantly more likely to have been identified as having a known or suspected security threat group affiliation (O'Keefe, 2008). When Lovell (2008) focused in on those supermax inmates in Washington state who could safely be considered to be suffering from mental illness, he found that these mentally ill inmates had

substantially higher infraction rates and that many of these infractions were indeed indicative of disruptive institutional behavior:

> These 60 inmates had committed 135 assaults: 45 aggravated and 65 (including five aggravated) on staff. Four of them had infractions for homicide. Less-violent forms of disruptiveness included 220 infractions for threatening, 168 for throwing objects (often urine or feces), 83 for destroying property, and 28 for flooding cells. Twelve men had been infracted for mutilating themselves, usually two or three times. (p. 990)

In addition to the work on levels of violence across inmates sent to segregated housing, some attempts have been made to assess the impact of SHUs on levels of correctional system violence.

Institutional Violence and Administrative Segregation
In the late 1980s and 1990s, a series of authors offered some (mostly speculative) evidence that the expanded use of administrative segregation seemed to be related to lower levels of violence across correctional systems. In their discussions of the effects of court-ordered changes to the Texas correctional system in the wake of the sweeping *Ruiz* v. *Estelle* (1980) decision, Marquart and colleagues tied reductions in prison violence and inmate murders, as well as increases in inmates' perceptions of safety, to the extensive use of administrative segregation, particularly of gang members, across the Texas Department of Corrections (Crouch & Marquart, 1989, 1990; Ralph & Marquart, 1991). Austin and Irwin (2001) similarly tied declines in prison violence in California's prison system to increased use of segregation. In both instances, the authors were looking back at declines in violence and speculating that an increased reliance on segregation might be a cause. More recently, attempts have been made to assess the impact of administrative segregation on levels of prison violence by using more sophisticated research designs, and those have typically reported mixed support for the thesis that the increased use of segregation has resulted in decreases in prison violence.

In a national study of inmate violence that used multilevel data from more than 4,000 inmates across 185 correctional institutions, Huebner (2003) found that the use of solitary confinement for disciplinary purposes, measured as "the percent of the total inmate population that received solitary confinement as a disciplinary response to the most recent rule infraction," was unrelated to levels of inmate assaults (Huebner, 2003, p. 110). By using data from three states (Arizona, Illinois and Minnesota) and one control state (Utah), and a multiple interrupted time-series design, Briggs, Sundt and Castellano (2003) found no evidence that the introduction of a supermax facility had any effect on inmate-on-inmate violence in any state. Their findings for inmate-on-staff violence were mixed, with no effect found in Minnesota, decreased inmate-on-staff assaults shown in Illinois, and a counterintuitive temporary increase in staff injuries seen in Arizona (Briggs, Sundt & Castellano, 2003). Briggs et al. (2003) concluded that "the bulk of the evidence presented here suggests that supermax is not effective at reducing system-wide levels of prison violence" (p. 1368).

By using a quasi-experimental interrupted time-series design, Sundt and colleagues (2008) examined the effect of the opening of a supermax facility on subsequent levels of inmate-on-inmate and inmate-on-staff violence in prisons in Illinois, and they found that the opening of the supermax did not significantly impact the number of inmate-on-inmate assaults but did result in a

"gradual permanent reduction in assaults against staff" and an "abrupt, permanent reduction in the use of system-wide lockdowns" (Sundt et al., 2008, pp. 115, 117). These findings lend credence to the notion that supermax facilities might increase the safety of the entire correctional system. However, because of the unique (and volatile) political context in which the Illinois supermax emerged, the results are not particularly generalizable to other states (Sundt et al., 2008). Overall, there is little evidence that the introduction of supermax facilities has reduced levels of violence across the correctional system. Given the paucity of research in this area, however, it seems fair to say that this, like so many things related to the use of administrative segregation, is still an open empirical question.

THE EFFECTS OF SOLITARY CONFINEMENT

Psychological Effects of Solitary Confinement

Two types of studies on the psychological effects of isolation have been used: (1) qualitative studies that have focused on providing rich descriptions of the effects of the experience on inmates who have typically spent lots of time in solitary confinement (often having spent many years incarcerated in isolation), and (2) quantitative studies that have tried to study the effects among larger groups of inmates, sometimes using matched comparison or control groups, but typically focusing on inmates in disciplinary units or serving shorter terms in administrative segregation.[10]

The only clear statement that can be made about the body of literature assessing the psychological effects of solitary confinement is that researchers using different methods to study different populations have come to different conclusions about the psychological effects on inmates (Arrigo & Bullock, 2008; Gendreau & Labrecque, 2015). A fair summary statement would say that there is a collection of scholars who have been studying solitary confinement for many years and that these scholars strongly believe that the experience can have lasting and substantial damaging psychological effects. The most well-known studies of the impact of extended solitary confinement on the mental health of prisoners have come from the accumulated work of Stuart Grassian and Craig Haney, both of whom have testified extensively on behalf of inmates in class action lawsuits (Grassian, 1983; Grassian & Friedman, 1986; Haney, 2002, 2003, 2008; Haney & Lynch, 1997). In one of his earliest studies, Grassian conducted extensive interviews with 14 prisoners challenging the conditions of their confinement in a lawsuit against the Massachusetts Department of Corrections, and he documented a long list of damaging psychopathological effects, including difficulty concentrating and thinking, perceptual distortions and affective distortions changes, and problems with impulse control (Grassian, 1983). Grassian concluded that the psychopathology he documented "strongly suggests that the use of solitary confinement carries major psychiatric risks" (p. 1454).

Many other studies employing the case study approach across a variety of settings have similarly documented far-reaching and long-lasting psychological effects (for more comprehensive

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[10] Although rarely acknowledged, the psychological/psychiatric effects research frequently relies on a large body of literature on the effects of sensory deprivation (Gendreau & Labrecque, 2015). Reviewing that literature is beyond the scope of this review of administrative segregation as a practice, but suffice to say, it is often taken for granted that isolation will have severe and lasting detrimental effects on the psychological well-being of all those exposed to it, even though the evidence in this area does not always bear out this assumption (for a comprehensive review, see Gendreau & Labrecque, 2015).

reviews of studies of the psychological effects, see Gendreau & Labrecque, 2015; Labrecque & Smith, 2013; Shalev, 2008; Smith, 2006). In summarizing the psychological literature in 2002, Haney reported that:

> [D]ocumented negative psychological consequences of long-term solitary-like confinement include: an impaired sense of identity; hypersensitivity to stimuli; cognitive dysfunction (confusion, memory loss, ruminations); irritability, anger, aggression, and/or rage; other directed violence, such as stabbings, attacks on staff, property destruction, and collective violence; lethargy, helplessness and hopelessness; chronic depression; self-mutilation and/or suicidal ideation, impulses, and behavior; anxiety and panic attacks; emotional breakdowns, and/or loss of control; hallucinations, psychosis and/or paranoia; overall deterioration of mental and physical health. (Haney, 2002, pp. 85-86)

Without question, a substantial body of work has established that solitary confinement can have damaging psychological effects, particularly when that confinement involves near complete isolation and sensory deprivation, or when the term of such confinement is extended. Moreover, despite the methodological limitations of some of the studies documenting these effects, most agree that extended confinement under extreme conditions of isolation in some segregation units is indeed harmful and should be avoided where possible. More questionable, however, is how representative the populations who were the subjects of study across this body of research are of inmates experiencing administrative segregation more generally. Although Haney is confident in his assertions regarding the psychological effects of long-term solitary confinement, other research involving in-depth case studies has reached an opposite conclusion in terms of the psychological effects of shorter-term solitary confinement.

In an early study based on the experience of just four inmates, Suedfeld and Roy (1975) argued that short-term solitary confinement (ranging from 1 week to 30 days) was beneficial to those inmates, resulting in a lower incidence of violence, aggression and self-injurious behavior as well as in improved adjustment. In later work, involving a much larger group of inmates incarcerated in five different facilities across the United States and Canada, Suedfeld and colleagues again found "no support to the claim that solitary confinement … is overwhelmingly aversive, stressful, or damaging to the inmates" (Suedfeld et al., 1982, p. 335). Several decades later, Zinger and colleagues (2001) compared inmates held in administrative segregation in Canada with those in the general population and found that the "segregated prisoners had poorer mental health and psychological functioning. There was no evidence, however, that, over a period of 60 days, the mental health and psychological functioning of segregated prisoners significantly deteriorated" (Zinger et al., 2001, p. 48). Other respected scholars have also been less than convinced by the accumulated evidence regarding psychological effects. Bonta and Gendreau (1990), for example, argued that little evidence exists of deteriorating mental health among inmates, emphasizing that "long-term imprisonment and specific conditions of confinement such as solitary, under limiting and humane conditions, fail to show any sort of profound detrimental effects" (Bonta & Gendreau, 1990, p. 364).

In another prospective longitudinal study, albeit for a more extended period of time (1 year as opposed to 60 days), O'Keefe and colleagues (2011) sought to improve understanding of the psychological effects of solitary confinement on inmates in administrative segregation in

Colorado. By relying primarily on assertions about the effects of solitary confinement made in earlier psychological research, the authors hypothesized that those who had served time in administrative segregation (1) would experience aggravated psychological symptoms while in administrative segregation, (2) would exhibit deteriorating mental health over time (with that effect exacerbated among those with preexisting mental health issues), and (3) would experience greater mental health deterioration than those in comparison groups of inmates who had not served time in segregation.

The researchers collected data through a series of interviews and assessments of inmates in administrative segregation, the general population, and a specialized mental health unit. To their apparent surprise, none of their initial hypotheses were borne out by their data (O'Keefe et al., 2011). Inmates in administrative segregation exhibited more mental health issues than "normative adult samples," but few differences existed between inmates in administrative segregation and those in comparison groups. In other words, the researchers documented elevated levels of mental health problems across each group but those problems were not significantly more pronounced among those in administrative segregation. Moreover, although inmates in administrative segregation did initially exhibit signs of elevated psychological distress, those tended to dissipate over time. Psychological problems tended to decrease between the first and the second testing period, and this was true across each group, not just the group in administrative segregation. Finally, the researchers reported that the mentally ill groups demonstrated greater psychological impairment across all groups, not just in the segregated setting, and did not deteriorate more rapidly as they had initially hypothesized (O'Keefe et al., 2011).

Perhaps what is most interesting about O'Keefe and colleagues' Colorado study was not that time in administrative segregation had no deleterious effects but that the deleterious effects experienced by those in administrative segregation were no different from those experienced by prison inmates in general. In some ways, this finding is equally, if not more, disturbing. O'Keefe and colleagues' findings could just as easily be interpreted as demonstrating that incarceration *in and of itself* has damaging effects on the mental health of individuals subjected to it, especially initially. Of course, because these findings undercut some of the earlier research and call into question the extent to which administrative segregation has distinct and distinguishable damaging psychological effects, the research has come under enhanced scrutiny (Bulman, Garcia & Hernon, 2012).

Shortly after it was published, the Colorado study was subjected to a series of methods critiques that called into question the validity of its results, and several attempts were made to undermine its potential impact (Grassian & Kupers, 2011; Rhodes & Lovell, 2011; Shalev & Lloyd, 2011). The various critiques had some merit but, as Gendreau and Theriault (2011) noted, work like the Colorado study (with controversial or unpopular findings in a highly contested domain) is frequently attacked on methods grounds, adding that "none of the work we are aware of that has been cited by those who contend that prisons produce serious psychological trauma comes close to the Colorado study in terms of its methodological rigor (e.g., repeated measures, comparison group design, and the choice of constructs to assess psychopathology)" (Gendreau & Theriault, 2011, p. 1). It is also worth noting that the findings in the Colorado study are not antithetical in

that other researchers have reported similar findings on the basis of previous research (Suedfeld et al., 1982; Zinger et al., 2001).

It should be noted that one key distinction between the separate bodies of work related to psychological effects is that those who have found marked psychological distress among inmates subjected to solitary confinement have tended to study those held in solitary confinement for extended periods of time, whereas those finding no convincing evidence of distress have tended to study those held in solitary confinement for far more abbreviated periods (for 30, 60 or 90 days, for example). It should also be noted that those finding excessive harm tended to employ an intensive qualitative case study approach, conducting extensive interviews with (and assessments of) inmates held, often indefinitely, in solitary confinement. In some instances, these have been experts, retained on the behalf of inmates filing claims against departments of corrections, preparing for written or oral testimony to be given in cases to be heard in state and federal courts.

Behavioral Effects of Solitary Confinement
Other researchers have sought to measure the effects of segregation on behavioral rather than psychological outcomes. Researchers seeking to better understand behavioral effects typically rely on deterrence theories to argue that, if effective, solitary confinement should reduce levels of institutional misconduct (both individual and systemwide) and should be expected to have some effect on post-release behavior (where one could argue for effects in either direction). These researchers have tended to focus on one of two behavioral outcomes — institutional misconduct or post-release recidivism — and they have typically studied inmates that have experienced solitary confinement, irrespective of the type of restrictive housing unit. For the most part, researchers' have found that inmates who spent time in solitary confinement through administrative or disciplinary segregation fare no better or worse than inmates never exposed to it.

The effects of solitary confinement on institutional misconduct
Relatively few studies have focused on the effect of solitary confinement on subsequent institutional misconduct, which is a somewhat surprising finding, given that a primary claim about administrative segregation is that it should restore order and lead to greater safety and security in correctional facilities.

Labrecque (2015) recently provided an assessment of the impact of solitary confinement on subsequent institutional misconduct among inmates incarcerated for at least one year between 2007 and 2010 who experienced at least one instance of solitary confinement in the Ohio Department of Corrections. The study focused solely on those who had experienced solitary confinement (14,311), and those inmates represented approximately 21 percent of the inmates in the overall sampling frame covered by the time period (69,149). Labrecque employed a pooled time-series panel design to "assess whether [the solitary confinement] experience has an influence on being found guilty of subsequent institutional misconduct" (p. 76).

In his assessment, Labrecque (2015) included all of the various types of misconduct, finding (1) that an experience of solitary confinement had no effect on subsequent levels of misconduct and (2) that the duration of solitary confinement (SC) also had no effect on subsequent institutional

misconduct. Labrecque concludes "that neither the experience of SC, nor the number of days spent in SC, had any effect on the prevalence or incidence of the finding of guilt for subsequent violent, nonviolent, or drug misconduct" (Labrecque, 2015, p. 122). As Labrecque notes, his findings related to institutional outcomes suggest that such confinement neither decreases nor increases subsequent institutional misconduct and adds to the growing body of literature that suggests that solitary confinement has few demonstrable effects on behavioral outcomes for those exposed to it.

Also recently, Morris (2015) studied the effect on violence of short periods of solitary confinement after misconduct. By acknowledging that short-term solitary confinement might be beneficial (reducing subsequent violence through deterrence), harmful (exacerbating problem behavior among inmates exposed to it), or inconsequential, Morris used a propensity score matching (PSM) technique to create treatment and control groups, in which the primary difference between the groups was exposure to solitary confinement. As Morris noted, "PSM approximates the conditions of an experiment by establishing 'synthetic' treatment and control groups, which are balanced across all available variables known or believed to potentially confound the effect of exposure to [solitary confinement]" (p. 6).[11] Morris hypothesized that those exposed to punitive solitary confinement (typically of up to 15 days) after an initial act of violent misconduct would be more likely to engage in subsequent violence, would engage in violence sooner than those not exposed, and would exhibit more antisocial tendencies than those in the control group. Morris's results indicated that "on average, the initial experience with SC alone (i.e., as a direct and independent effect) may not play a causal role in subsequent physical violence, its timing, or its downstream effect on misconduct development. In tandem these findings suggest neither a positive nor a negative relationship between SC and subsequent violent behavior, and for misconduct in general (post initial violence)" (Morris, 2015, p. 17).

Although certainly not without limitations, among studies of solitary confinement (and like O'Keefe et al., 2011), Morris's study represents an analytically sophisticated attempt to isolate the effect of solitary confinement on subsequent behavior (in this case, subsequent violence). The study overcame many of the methods limitations of earlier work by including a relatively large sample from a single state, measured over time; incorporating treatment and control groups (with controls for selection bias); and assessing effects across multiple outcome measures. Of course, Morris's study focuses on only those sentenced to solitary confinement in disciplinary segregation for a relatively short period of time and cannot speak to any behavioral effects of longer term confinement or of confinement for purposes other than punishment. That study has yet to be conducted.

The effects of solitary confinement on recidivism outcomes
Several attempts have been made to understand the impact of solitary confinement on post-release outcomes, usually recidivism rates. In one of the few studies of supermax incarceration in federal prisons, Ward and Werlich (2003) examined post-release outcomes for inmates who had been incarcerated at both Alcatraz and Marion and reported the extent to which inmates released were later returned to custody. They found that only 3 percent of prisoners returned to the

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[11] The PSM technique is increasingly used when random assignment to treatment and control groups is not possible. PSM results in a quasi-experimental counterfactual design and is generally considered to be the next best analytical approach when experimental designs are not feasible.

general prison population from Alcatraz and 16 percent of prisoners returned to the general prison population from Marion were returned to higher custody (with less than half of those returned being returned for violent or assaultive behavior). The post-release outcomes for those incarcerated in federal supermax suggested the reincarceration rate (for inmates who had spent time in Alcatraz or Marion) was approximately 49 percent. This study, although interesting, was largely descriptive and included no control or comparison group (Ward & Werlich, 2003).

In a more recently published study of recidivism outcomes, Pizarro, Zgoba and Haugebrook (2014) examined the covariates of recidivism among inmates who were in supermax custody in a northeastern state in 2004 and found that the covariates for these inmates were almost identical to those for inmates in general. Supermax inmates who recidivated post-release tended to be younger, have more extensive criminal histories, and were more likely to have histories of disciplinary misconduct than those supermax inmates who did not recidivate (Pizarro, Zgoba & Haugebrook, 2014). Although interesting, this study compared supermax inmates with other supermax inmates, so it said little about how inmates who have served time in supermaxes compare with inmates never exposed to extended solitary confinement.

Other research on recidivism outcomes has attempted to overcome the effects of selection bias inherent in much of the research on the effects of solitary confinement in general. In one such study, by using a retrospective matched control design, researchers examined recidivism outcomes for prisoners in Washington state and reported that, although no statistically significant differences were found in recidivism rates for supermax prisoners (compared with their matched controls), significantly higher recidivism rates were found among those released directly from supermax to the streets (Lovell, Johnson & Cain, 2007). In other words, those held in supermax confinement until the day of their release offended more quickly and more often than their counterparts who had either never served time in supermax or had been returned from supermax to the general population at least 3 months prior to their release. The supermax offenders released directly to the street also differed from the others in that they tended to be younger and to have more extensive criminal histories (that began at an earlier age). As age and criminal history are two of the most significant predictors of recidivism, Lovell and colleagues (2007) matched the direct-release offenders with those who were returned to the general population at least 3 months prior to release on age and criminal history. Although there were differences between the groups, when matched on age and criminal history, these were not statistically significant. The authors attribute the nonsignificance in part to the small sample sizes of the two groups. It is just as plausible that the finding may not be an artifact of sampling size but instead may reflect the lack of an effect of supermax exposure on recidivism outcomes when one controls for other relevant factors. Although provocative, these findings cannot be considered in any way definitive as a result of the nonexperimental retrospective research design and the small sample size when a matched control group was incorporated.

A second study to examine the impact of supermax confinement on recidivism, this time among inmates incarcerated in supermax settings in Florida, added to the evidence that supermax incarceration might have negligible effects on post-release recidivism (Mears & Bales, 2009). In their study of the impact of supermax incarceration on recidivism, Mears and Bales examined recidivism outcomes for more than 1,200 inmates who had been released after having served time in Florida's supermax prisons and found that, when compared with all Florida inmates,

those who had served time in supermax were much more likely to recidivate. However, and crucially, when they compared supermax inmates with a PSM control group, almost all of the differences in recidivism disappeared (with only violent recidivism remaining elevated), which suggests that the initial differences were likely an artifact of selection bias. Like Lovell and colleagues (2007), Mears and Bales also examined the potentially differential effects of amount of time spent in supermax and recency of supermax at the time of release, and they concluded that "neither the duration nor the recency of supermax incarceration seems to be consequential for recidivism" (p. 1153). In other words, although Lovell and colleagues had offered some preliminary evidence that those released directly to the streets might be at elevated risk for recidivism, Mears and Bales found no such evidence among Florida supermax populations.

Meta-Analyses

Recently, two sets of scholars have conducted meta-analyses. Meta-analyses essentially quantitatively synthesize research evidence by taking findings from existing research and calculating overall effect sizes across studies. In their recent meta-analysis, Smith, Gendreau and Labrecque (2015) used inclusion criteria that required a measure of solitary confinement as an independent variable, a research design that included either randomized selection or comparison and control groups, and sufficient data to calculate an effect size (Smith, Gendreau & Labrecque, 2015). Of the 150 studies of solitary confinement that the authors identified, 70 percent had been published in the past 15 years and only 14 could be included in the meta-analysis (in other words, about 90 percent of the studies they found did not meet the inclusion criteria). In their meta-analytic review, they found only weak effects of solitary confinement on inmate outcomes (most of which were psychological) and concluded that their meta-analytic review did not find support for the long-argued contention that solitary confinement has lasting psychological effects on those subjected to it (Smith et al., 2015). Significantly, the studies employing weaker research designs produced stronger effects than those employing the more rigorous research designs (Gendreau & Labrecque, 2015). A second meta-analysis reported similar results (Morgan et al., 2014, as cited in Labrecque, 2015), leading Labrecque (2015) to conclude that the findings from these recent meta-analyses: "cast some doubts about SC being as devastating to inmates as has often been portrayed in the media and by some human rights organizations, activists, and scholars who vehemently oppose the practice on moral/ethical grounds," adding, "these findings serve as a caution to reviewers about making judgments regarding the effects of SC too hastily, especially when they are based on qualitative rather than quantitative evidence" (Labrecque, 2015, p. 6).

THE FUTURE OF ADMINISTRATIVE SEGREGATION

Perhaps surprisingly, the research described in the previous three sections represents the bulk of the published empirical research related to the use of administrative segregation in U.S. prisons. The research evidence can easily be described in a short white paper, which suggests that much room exists for further research in this area.

At least three distinct perspectives emerge from a thorough review of the literature. Some researchers strongly believe that segregation, with its focus on isolation through solitary or near solitary confinement, is incredibly damaging, not only exacerbating mental health problems of inmates who already suffer from mental illness but also potentially creating mental illness where

there previously was none. These scholars find the practice to be morally and ethically objectionable, argue that it causes excessive harm, and frequently call for its immediate and absolute abolition. Most evidence supporting this perspective has emerged from research involving in-depth case studies with a few inmates incarcerated for long periods of time, usually in supermax prisons or settings.

Correctional administrators charged with running prisons daily represent a second perspective. Tasked with ensuring safety and security for all of those who live or work in correctional facilities (as well as contributing to the public safety mission more broadly), these experts tend to argue that restrictive housing units are necessary for the safety and security of the entire correctional system. Although the supporting evidence for enhanced institutional or systemwide safety and security as a result of the proliferation of restrictive housing units is thin, many correctional administrators strongly believe segregation has had positive effects, and public opinion tends to be on their side. Recently, as states have begun looking for ways to reduce reliance on incarceration more generally, correctional administrators have begun taking a critical look at their segregation policies and are increasingly seeking ways to safely reduce the use of administrative segregation across their systems as well.

A third group of correctional experts argues that we do not know enough about the utility and effects of administrative segregation to conclude with any degree of confidence that it is a harmful or necessary approach. These scholars typically point to the lack of an evidence base, highlighting the contradictory findings that can largely be explained by differences in methods. They tend to argue that the most analytically sophisticated studies, although certainly not perfect, have failed to document damaging long-term psychological effects or worse behavioral outcomes among those exposed to restrictive housing in all its varieties. It is crucial to note that these scholars do not therefore argue that solitary confinement through administrative or disciplinary segregation is sound, wise or worthwhile correctional policy. Indeed, they argue that the evidence that the practice achieves its intended or stated goals is equally lacking.

Although all three perspectives were given consideration, the focus here was on describing the empirical evidence, regardless of the perspective from which the evidence emerged. To be clear, we were not asked to draw conclusions about the harmfulness of the practice of *solitary confinement*; we were asked to review and describe the research on the practice of *administrative segregation* across the United States more broadly. Throughout this white paper, we have tried to remain cognizant of the numerous different types of confinement that fall under the moniker of administrative segregation and not focus exclusively on the most extreme versions of the practice. After a thorough review of the extant literature, it is clear that, in 2015, the answers continue to be few and the questions many. It is equally clear that when researchers have disagreed, and in this area they have tended to disagree passionately, they have not always been speaking the same language or conducting research with equivalent populations. What is more, for many researchers studying solitary confinement, the practice raises not only empirical questions but also moral and ethical concerns that will persist regardless of the breadth or depth of the evidence base. Across a literature replete with highly charged emotions, interpreting the evidence and separating evidence from strongly held beliefs have become exceptionally difficult. We turn now to some recommendations for future directions that research in this area might take. These recommendations are offered not to provide definitive answers but to launch an important

conversation about the future of research on administrative segregation. Developing an agenda for future research is important, given that the practice is increasingly facing scrutiny on the national and international stages.

What We Know — The Empirical Evidence
The review of the empirical evidence in the former sections demonstrates what many have been arguing for many years: that we know surprisingly little about the use of solitary confinement and its effects, particularly given the speed and extent to which the approach of segregating those deemed to be the "worst of the worst" in restrictive housing units proliferated across correctional systems around the country.[12] Indeed, the most concise summary would probably say that, although the jury is still out, some potentially devastating psychological effects seem to exist (especially for those who already suffer from mental illness and for those who are subjected to lengthy or indefinite terms of confinement in administrative segregation), but most existing research suggests that fewer negative effects of solitary confinement have been demonstrated when the term of confinement is relatively short. Critically, almost no literature documents the utility of the practice or demonstrates that the use of these units has achieved specific aims in demonstrable ways (Mears & Watson, 2006; Mears 2008).

What We Still Don't Know — Gaps in the Knowledge Base
Relatively few well-designed quantitative studies have been conducted, and those that have been have tended to produce either null or inconclusive findings. Without question, it is difficult to design and carry out empirically sound research in the restrictive housing environment. The basic issues of access and feasibility are difficult to overcome in this context. In the era of evidence-based policy and practice, where the gold standard for validating a practice would be the implementation of an experimental design, no existing "evidence-based" research reaches any definitive conclusions on the wisdom or utility of the practice of solitary confinement through administrative (or disciplinary) segregation.

Therefore, the gaps in the knowledge base are many. Most agree, at least in principle, that long-term solitary confinement in administrative segregation — for periods of years or decades — is likely detrimental to the individual, but it is not as clear that short-term solitary confinement through disciplinary or administrative segregation is equally detrimental. The qualitative research tells us that long-term segregation in solitary confinement seems to have some profound psychological effects, particularly on those who are mentally ill, but there is far less evidence that short-term segregation in solitary confinement has pronounced or lasting negative effects, either psychologically or behaviorally. We do not know how those general insights that can be gleaned from the literature might apply to different types of inmates across different contexts. Do inmates placed in solitary confinement for their protection fare better or worse than those placed there for the protection of others? Growing evidence seems to show that those who enter solitary confinement with a serious mental illness do not fare well, but are those who are not suffering

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[12] Even though the evidence for psychological effects is limited, the lack of a solid empirical evidence base leads even the most highly respected scholars to make assertions based on anecdotal evidence, with many agreeing that the experience is likely psychologically damaging in profound ways. For example, after reviewing the research, Kurki and Morris (2001) admitted that, "[a]lthough hard data and controlled clinical studies are lacking, we find it difficult not to believe that prolonged supermax conditions would cause serious psychological and social problems for anyone, whether mentally strong, weak, or something between" (p. 415).

from mental illnesses equally likely to deteriorate under such conditions, as some contend? Is it only extended isolation that results in negative effects? Are shorter periods of solitary confinement not damaging and, perhaps, even beneficial? If differential effects exist, how long is too long? The list of potential questions is endless. The key to the future of research on administrative segregation involves generating agreement around the right questions and the most appropriate methods for answering those questions.

Future Directions — Research and Funding Priorities
Given that some inmates spend months, years and even decades in administrative segregation, it is shocking how little we know about the contemporary use of this practice. The solitary confinement model associated with the early American penitentiaries was quickly abandoned as a result, in part, of concerns about the potential effects on inmates (but also in no small part to the far lower cost of keeping prison populations in congregate settings). Although concerns about costs and effects persist, the most that can be said is that researchers disagree about the effects of administrative segregation; they disagree about effects on violence levels within institutions and across correctional systems, on individuals psychologically, and on inmate outcomes behaviorally.

Establish agreed-upon definitions
With increasing calls for a hard look at solitary confinement and segregation in restrictive housing units, initial steps in formulating a research agenda for the future should, at a minimum, include coming to some agreement on terms and definitions. It is crucial that the field settle on generally agreed-upon terms and definitions so that scholars and practitioners can speak to each other in a common language. While reviewing the voluminous literature, it became clear that many of the apparent contradictions in the literature can be attributed to differences in what is being characterized, described and counted as administrative segregation. Rarely are those with opposing viewpoints describing the same thing.

Scholars almost exclusively refer to solitary confinement and use the term "supermax incarceration" as shorthand to characterize the restrictive housing units that use solitary confinement. Practitioners, including those who run supermax facilities, rarely use the term "solitary confinement" in either official policy or day-to-day practice, preferring to refer to the *types of units* that typically involve 22- to 24-hour isolation. But, in the correctional world, the term "administrative segregation" is sometimes used as an umbrella term capturing all sorts of types of confinement — some of which bear little resemblance to the solitary confinement that is generally described by scholars who conduct research in this area. These issues are not trivial. We invite those who run correctional facilities, together with those who fund or conduct correctional research, to begin a dialogue on how best to characterize and distinguish the various types of confinement in restrictive housing units and to develop definitions that would distinguish practices from units and would allow for a more refined understanding of the effects of varied correctional practices across contexts.

Collect and analyze data to establish reliable prevalence estimates
Once definitions are formulated, BJS might be encouraged to begin routinely collecting data regarding the prevalence of confinement in the various types of restrictive housing units around the country — whether through its annual effort to produce statistics related to the prevalence of

incarceration or through a separate program dedicated to the collection of data related to restrictive housing. State correctional systems should be encouraged to develop data systems that could track and distinguish placements in disciplinary segregation, administrative segregation, and protective custody. Despite a few recent reports offering some baseline estimates, we know little about the prevalence of any of these three types of confinement. Take, for example, the federal system. Most in the field are familiar with the ADX-Florence facility, the federal supermax, which houses some of the most notorious prisoners in the federal system. Through a review of the two recent reports on administrative segregation in the federal system, it becomes clear that those being held in ADX-Florence, while likely spending the most time in solitary confinement, hardly represent the bulk of inmates serving time in highly restrictive administrative segregation settings (McGinnis et al., 2014; United States Government Accountability Office, 2013).

Distinguish differential effects of short-term vs. long-term exposure to solitary confinement
Debates over the effects of administrative segregation tend to be so divisive that it is difficult to find an objective assessment of the evidence. A hard look at the available empirical evidence, though, makes clear that from the limited studies conducted to date, little good empirical evidence shows that time spent in isolation has demonstrable negative effects on psychological or behavioral outcomes for most inmates subjected to it. A crucial distinction that needs to be drawn as this debate continues, however, is that between time-limited segregation imposed for an infraction or series of infractions (typically referred to as disciplinary segregation) versus long-term segregation for management of prison populations (typically referred to as either supermax incarceration or administrative segregation).

It seems imperative that future research distinguish the findings related to the effects of short-term solitary confinement (as Morris, 2015, has done recently) from those related to long-term solitary confinement in supermax units or facilities. Both a qualitative and a quantitative difference exists in being incarcerated in a cell for 23 hours a day for a period of 1-90 days from being held under such conditions for months and years on end. Those appealing to the inhumane character of solitary confinement typically point to the latter, and they present devastating portraits of the relentless anguish and serious deterioration suffered by some of those incarcerated for years on end in supermax facilities. But those effects might not be representative, and certainly might not be reflective, of those confined for short periods of time as a more immediate behavioral management approach. That is not to say that the short-term solitary confinement of inmates is not harmful, but we do not know that, if it is harmful, for whom it is harmful and under what circumstances it is harmful. Little work has been done in this area, especially for distinct populations or in ways that would allow us to assess differences, controlling for what might be key explanatory variables like variations in time spent in solitary confinement or variations in the conditions of the confinement.

Establish standards for research access to populations in segregated housing units
We would be remiss if we did not point out that a big reason for the lack of an evidence base around anything related to solitary confinement comes from issues of access. Research within prisons is notoriously difficult. Until relationships are formed and trust is established between an external research team and correctional administrators, independent research is difficult to pursue. Much of what we know about supermax prisons and administrative segregation,

therefore, comes from official agency reports and statistics or research internal to corrections departments. If access to general prison populations has proven difficult for all but a few, access to those in isolation is almost, by definition, impossible. Inmates isolated in administrative segregation units or supermax facilities are permitted little contact with the inside world, let alone with the outside one.[13]

Without question, the use of administrative segregation has expanded, with limited evidence of its impacts on the operation of prisons or on the inmates subjected to it. Many researchers have argued that, given the extreme conditions sometimes associated with administrative segregation as it is currently practiced, the onus is on those advocating for the maintenance or expansion of administrative segregation and on those running such restrictive correctional units and facilities to prove their benefit, especially given their substantially greater cost. We tend to agree.

If we are to learn more about administrative segregation, whether it be its costs, benefits or impacts, it is incumbent on the research funding agencies to provide financial support for what will be costly research to conduct, and on the departments of corrections around the country to permit the access that would facilitate such research. This will require allowing independent researchers' access not only to data collected regarding use of these units but also unfettered access to the inmates being housed within these units. We recognize that this is easier said than done and that legitimate safety and security concerns exist that will likely be raised in the context of facilitating such access; nonetheless, an evidence base will never be established in the absence of empirically sound research that requires access.

Prioritize funding for research that can overcome the methods shortcomings
Access is not the only problem. The only way to escape the criticism that is sure to face research on controversial issues is to conduct research that gets as close as possible to experimental designs. Unfortunately, experimental designs are hard to come by and almost impossible to carry out in correctional settings, for both practical and ethical reasons (Clear, 2010). Several more recent quantitative studies of administrative segregation have employed PSM because it is not possible, nor would it be ethical, to assign inmates randomly to administrative segregation. Those that have used PSM have demonstrated that effects that exist with unmatched samples (e.g., prior to creating a matched comparison group) tend to diminish (and even disappear) when the potential selection effects are controlled for through PSM (Lovell et al., 2007; Mears & Bales, 2009; Morris, 2015). It is therefore highly recommended that funding be reserved for proposed research that can control for selection effects.

Evaluation research, particularly research that includes cost-benefit analyses, should also be prioritized. In 2008, when Mears applied an evaluation research framework to the emergence and growth in the use of supermax prisons, he concluded that only minimal evidence showed that such facilities were necessary, no evidence showed that they were designed on a sound theoretical base or were cost-effective, and minimal evidence showed that they were implemented in a consistent, principled manner or achieved their intended goals. In other words, the evidence was scant. His summary assessment remains relevant 7 years later.

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[13] As Kurki and Morris (2001) concluded at the end of their review of the thin research base around confinement in supermax prisons, "like so much else about a supermax prison, the walls of exclusion of knowledge are here, too, so much higher" (p. 418).

CONCLUSION

Few researchers would question that some prisoners being held in isolation are exceptionally dangerous and violent and might require some type of segregation. At the same time, few researchers would believe that all (or even most) of those held in isolation require the type of solitary confinement that is typical of such settings, especially for extended periods of time. Many have more fundamentally questioned whether administrative segregation requires the extreme isolation and sensory deprivation characteristics of some of these environments. Virtually all agree that the harm associated with extended solitary confinement could and should be avoided.

Notwithstanding the many gaps in the research base, the most important research going forward will be that which can lead to a substantial reduction in the need for solitary confinement through administrative segregation. It is incumbent on researchers and correctional administrators to work together to identify viable alternatives that can ensure institutional and public safety without compromising the occupational well-being of the correctional employees or the psychological well-being of the inmates in the care of departments of correction.

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ABOUT THE AUTHORS

Natasha A. Frost, Ph.D., is an associate professor in the School of Criminology and Criminal Justice at Northeastern University in Boston, Massachusetts, where she also currently serves as associate director. Dr. Frost holds a B.S. in psychology from Northeastern University and a Ph.D. in criminal justice from the CUNY Graduate School and University Center. Her research interests are in the area of punishment and corrections, with a particular focus on mass incarceration and its impact on individuals, families and communities. Her book, *The Punishment Imperative: The Rise and Failure of Mass Incarceration in America,* co-authored with Todd Clear, was published by NYU Press (2014).

Carlos E. Monteiro, Ph.D., is a senior research associate at the Institute of Race and Justice at Northeastern University. Dr. Monteiro earned a M.S. degree from the University of Connecticut and his Ph.D. in criminology and justice policy from Northeastern University. With combined expertise in education and criminal justice policy, Carlos's research interests have long centered on the factors affecting access to, and quality of, education for young adults of color. His scholarly interests are tied to race, ethnicity and educational access, but in particular, as those interact to produce disparate outcomes across the criminal justice system and within corrections specifically.

APPENDIX TABLE A1: Administrative Segregation in the Federal Bureau of Prisons (BOP)

	Special Housing Unit (SHU)	Special Management Unit (SMU)	Administrative Maximum (ADX)
Referral:	Inmates placed in SHU are in either administrative detention (AD) or disciplinary segregation (DS). AD is intended to be temporary and nonpunitive. DS is the possible sanction for inmates who violate the rules. Length of stay is based on severity of offense.	BOP may consider designating an inmate to an SMU who (1) participated in or had a leadership role in disruptive geographical group/gang-related activity; (2) has a history of serious disruptive disciplinary infractions; or (3) committed any greatest severity-level prohibited acts after being classified a member of a disruptive group, among other reasons.	Inmates whose placement in another facility poses a risk to the safety of inmates, staff, or the public or good order of the facility and/or inmates whose status before or after incarceration does not allow them to be safely housed in another facility.
Population:	• Number of cells: 7,381 • Population: 10,050 • 5.7% of BOP inmates	• Number of cells: 1,270 • Population: 1,960 • 1.1% of BOP inmates	• Number of cells: 623 • Population: 450 • 0.3% of BOP inmates
Confinement conditions:	• Mostly double-bunked. • 5 hours per week out-of-cell exercise. • May shower/shave at least 3 times per week. • Minimum 1 completed call per month. • Minimum 4 hours of visitation per month. • Inmates eat all meals inside cells.	• Conditions are to be made less restrictive when an inmate progresses from level 1 to level 4. • Mostly double-bunked. • 5 hours per week out-of-cell exercise. • May shower/shave at least 3 times per week. • Minimum 2 completed calls per month. • Mail and telephone calls subject to monitoring for intelligence purposes. • Minimum 4 hours of visitation per month. • Inmates eat all meals inside cells.	• Nearly all single cells. • Inmates eat all meals inside cells.

Compiled from Figures 1 and 2 in the GAO's report on segregation in the BOP (United States Government Accountability Office, 2013, pp. 7, 9).

APPENDIX TABLE A2: Percentage of Custodial Population (Both Sexes) in Administrative Segregation (Ad Seg) and Restrictive Housing **(Fall 2014) (*n* = 34)**

	Total	Ad Seg	% of Total	All Restrictive Housing	% of Total
Alabama	24,862	729	2.90%	1,253	5.00%
BOP	171,868	1,656	1.00%	11,387	6.60%
Colorado	20,944	207	1.00%	662	3.20%
Connecticut	16,564	74	0.40%	592	3.60%
Delaware	5,977	330	5.50%	847	14.20%
D.C.	2,067	62	3.00%	174	8.40%
Florida	100,869	2,416	2.40%	8,936	8.90%
Georgia	52,959	1,625	3.10%	1,658	3.10%
Indiana	28,318	692	2.40%	1,789	6.30%
Iowa	8,172	142	1.70%	542	6.60%
Kansas	9,529	557	5.90%	664	7.00%
Kentucky	12,103	794	6.60%	794	6.60%
Massachusetts	10,475	313	3.00%	518	4.90%
Michigan	44,925	1,122	2.50%	2,004	4.50%
Missouri	31,945	1,277	4.00%	3,929	12.30%
Montana	2,519	48	1.90%	52	2.10%
Nebraska	5,162	173	3.40%	685	13.30%
New Hampshire	2,714	17	0.60%	270	9.90%
New Jersey	18,968	1,092	5.80%	168	8.90%
New York	53,613	23	0.00%	4,198	7.80%
North Carolina	37,695	85	0.20%	3,052	8.10%
North Dakota	1,632	23	1.40%	63	3.90%
Ohio	50,554	1,553	3.10%	2,064	4.10%
Oklahoma	27,488	1,183	4.30%	1,317	4.80%
Oregon	14,591	239	1.60%	1,025	7.00%
Pennsylvania	49,051	1,060	2.20%	2,339	4.80%
South Carolina	21,575	483	2.20%	1,735	8.00%
South Dakota	3,627	105	2.90%	221	6.10%
Tennessee	21,030	445	2.10%	2,626	12.50%
Texas	150,569	6,301	4.20%	6,301	4.20%
Utah	6,995	95	1.40%	832	11.90%
Washington	16,554	296	1.80%	806	4.90%
Wisconsin	21,996	96	0.40%	1,363	6.20%
Wyoming	2,074	50	2.40%	110	5.30%
Total	**1,049,984**	**25,363**	**2.57%**	**64,976**	**6.91%**

Source: Liman Program and Association of State Correctional Administrators (2015, Table 1).

APPENDIX TABLE A3: Goals and Intended Impacts Associated With Supermax Prisons

Increase prison safety
- Fewer murders of staff and prisoners
- Fewer assaults on staff and prisoners
- Fewer riots
- Less concern and fear among inmates and staff about threats to personal safety

Increase systemwide prison order and control of prisoners
- Greater compliance with rules by prisoners
- Greater and more consistent fulfillment of daily routines and obligations by prisoners
- Fewer disruptions and outbursts
- Fewer lockdowns in general population prisons
- Fewer use-of-force incidents by staff
- Fewer warning shots fired by staff

Improve supermax prisoners' behavior
- More successful reintegration of supermax inmates into other prisons and society
- Greater rule compliance following release from supermax prison
- Less violence following release from supermax prison
- Fewer returns to supermax prisons

Reduce the influence of gangs
- Less gang involvement
- Less intimidation by gang members of fellow prisoners
- Less drug trafficking

Punish violent and disruptive prisoners
- Increase level of punishment for violent and disruptive inmates
- Increase perceived level of punishment among violent and disruptive inmates

Increase public safety
- Fewer escape attempts
- Fewer successful escapes
- Lower recidivism rates among supermax and general population prisoners
- Less crime
- Less fear of crime among residents

Improve operational efficiencies
- Reduce delays for prisoners awaiting placement into some type of segregation
- Reduce costs by operating fewer segregation cells and blocks in different facilities
- Reduce staff time devoted to transporting prisoners from facility to facility

Source: Table reproduced here from Mears and Watson (2006, p. 242).