



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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**Hilton Crystal City at Washington Reagan
National Airport
2399 Jefferson Davis Highway
Arlington, VA 22202**

October 22-23, 2015



NIJ

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October 22–23, 2015 Arlington, VA

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 (infirmarium, 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. Maaik 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. Maaïke 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 Jeffery 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,

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 Fetting: 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 paper³ 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 paper⁴ 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

²The 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 Fetting: 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. Maaik 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. Maaiké 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.