

Advisory Memorandum

To: U.S. Commission on Civil Rights
From: Connecticut Advisory Committee to the U.S. Commission on Civil Rights
Date: December 20, 2017
Subject: Advisory Memorandum on Solitary Confinement in Connecticut
Connecticut State Advisory Committee to the USCCR

On February 7, 2017, the Connecticut State Advisory Committee to the U.S. Commission on Civil Rights (SAC) convened a public briefing in Hartford to hear testimony regarding civil rights concerns related to the use of solitary confinement in the state. The Committee held the briefing to examine whether there are disparities in solitary confinement practices and the underlying factors that contribute to such disparities.

At the February briefing, the SAC heard from the Commissioner of the Department of Correction (DOC), medical experts, advocates, and academicians. The SAC also had presentations from individuals previously incarcerated in Connecticut as well as statements read into the record by individuals currently incarcerated.

The following month, the Connecticut General Assembly's Joint Committee on the Judiciary introduced legislation to define and limit the use of solitary confinement in Connecticut prisons.¹ The proposed legislation would codify procedures concerning the placement of inmates into solitary confinement, provide training for correctional staff, and require greater transparency.

On May 10, 2017, the SAC issued a Press Release along with an Advisory Memorandum, recommending the Connecticut General Assembly enact legislation regarding solitary confinement.² The SAC called on the Legislature to provide a clear definition of what constitutes solitary confinement, ban the use of solitary confinement for all inmates under the age of 21 and for people with mental illness, add reporting requirements to ensure transparency, and provide training and wellness support for correction officers.

The final bill passed by the General Assembly and signed into law by Governor Dannel Malloy in July 2017, Public Act. No. 17-239, prohibits solitary confinement in administrative segregation status (the harshest form of solitary confinement) and includes a transparency provision that requires the DOC to submit an annual report with detailed information about the number of inmates placed in solitary confinement during the preceding 12 months and the

¹ Raised Bill No. 7302 "An Act Concerning Isolated Confinement and Correctional Staff Training and Wellness," was introduced in the General Assembly and referred to the Committee on the Judiciary. The Bill provided: "No child ... or individual with serious mental illness or other significant mental impairment or with a physical disability shall be subjected to isolated confinement." H.B. 7302, January Session (Conn. 2017)

² Press Release, U.S. Commission on Civil Rights, Connecticut Advisory Committee to U.S. Commission on Civil Rights Recommends Legislation on Solitary Confinement (May 10, 2018), <https://www.usccr.gov/press/2017/05-10-PR-Solitary-Confinement.pdf>. See Appendix I.

duration of the confinement.³ The information must disaggregate the information in the report based on an inmate's age, gender identity, ethnicity, and mental health status. Additionally, not later than January 1, 2019, the Commissioner of Correction shall study and submit a report regarding the use and oversight of all forms and phases of housing for prisoners on restrictive housing status.

The SAC recognizes that this legislation is a positive step in the right direction and that special efforts have been made by Connecticut to decrease the number of prisoners in solitary confinement, generally referred to as "administrative segregation." However, the SAC is concerned that eligibility criteria to be referred to administrative segregation remains broad and vague and that steps to be discharged from the program are also vague and do not guarantee successful completion. The SAC intends to continue its investigation and monitor the implementation of the 2017 legislation.

Background

Nationally and internationally, there is growing attention on the use of solitary confinement. In 2011, the U.N. special rapporteur on torture warned that solitary confinement "can amount to torture or cruel, inhuman, or degrading treatment or punishment when used as a punishment, during pre-trial detention, indefinitely or for a prolonged period, for persons with mental disabilities, or juveniles."⁴ In 2012, the American Psychiatric Association stated the "prolonged segregation of adult inmates with serious mental illness, with rare exceptions, should be avoided due to the potential for harm to such inmates." They defined prolonged segregation as a "duration of greater than 3-4 weeks."⁵

The DOC primarily authorizes the following correctional institutions for participation in the administrative segregation program: Garner, MacDougall-Walker, and Northern Correctional Institutions for adult males, Manson Youth Institution for youth males, and York Correctional Institution for females." Northern is the main site for adult males and has a current population of approximately 270 individuals, some of these prisoners are pretrial and held in a separate unit of the facility.⁶ The program consists of three phases, with a mandatory minimum length of 10 months. DOC Directive 9.4 provides the methodology and definitions for administrative segregation.⁷ This Directive provides that administrative segregation status is determined by "placement of an inmate on a restrictive housing status that results in segregation of the inmate whose behavior or management factors pose a threat to the security of the facility or a risk to the safety of staff or other inmates and that the

³ H.B. 7302, 2017 Gen. Assemb., Jan. Sess. (Conn. 2017).

⁴ Anti-Torture Initiative, "The Special Rapporteur's Thematic Report and Follow-up on Solitary Confinement," <http://antitorture.org/new-solitary-confinement/>.

⁵ American Psychiatric Association, *Position Statement on Segregation of Prisoners with Mental Illness*, December 2012, <https://www.psychiatry.org/file%20library/about-apa/organization-documents-policies/policies/position-2012-prisoners-segregation.pdf>.

⁶ Connecticut State Department of Correction, "Average Confined Inmate Population and Legal Status: June 2018," <https://portal.ct.gov/-/media/DOC/Pdf/MonthlyStat/Stat201807.pdf?la=en>.

⁷ See Appendix II; Connecticut State Department of Correction, *Administrative Directive 9.4*, <https://portal.ct.gov/-/media/DOC/Pdf/Ad/ad0904pdf.pdf?la=en>.

inmate can no longer be safely managed in general population.”⁸ This provision affords broad discretion for the referral of inmates to administrative segregation. Moreover, administrative segregation is just one of multiple “restrictive status” categories, including administrative detention, punitive segregation, transfer detention, chronic discipline, high security, security risk group affiliation, special needs management, and special circumstances.⁹

While an aim of the DOC administrative segregation program is therapeutic in nature, the SAC notes that there are questions about its efficacy and ability to provide counseling and therapeutic services.

The Directive also outlines a general process of determining whether an inmate should be referred to administrative segregation.¹⁰ This process requires written notification to the inmate in referral, as well as stipulates hearings, recommendations, and mental health clearance from a clinician. Yet, this formal process can take up to 30 days.¹¹ In the meantime, the inmate is placed in administrative detention, a proxy for formal administrative segregation, while the DOC determines if the inmate should be sent to administrative segregation.¹² Paradoxically, it can take 30 days in administrative detention to receive a mental health evaluation that the inmate in question should not be in administrative segregation.¹³

In sum, while the DOC has decreased its use of administrative segregation and has issued directives to clarify the use and criteria for administrative segregation, it is unclear whether there are strict criteria (such as codified, particular offenses or violations) for applying administrative segregation. Furthermore, the DOC possesses multiple restrictive status categories that may approximate administrative segregation in application. The process for evaluating administrative segregation may allow for mental health clearance, but inmates are nonetheless placed in administrative detention for a period that may exacerbate their health status.

Based on the briefing, the SAC submits the following Assertions and Themes. It should be noted that the 18 Assertions and Themes are not listed in order of importance; the SAC considers each equally important.

Assertions and themes from the February 7, 2017 Hartford Meeting:

1. **Constitutional Issues:** Constitutional challenges are evident with the use of solitary confinement. Solitary confinement may constitute cruel and unusual punishment, which would be a direct Eighth Amendment violation. Furthermore, the practice of solitary

⁸ *Id.*

⁹ *Id.* at 3.T.

¹⁰ See Appendix III; Connecticut State Department of Correction, *Northern Correctional Institution Administrative Segregation Program*, <https://portal.ct.gov/-/media/DOC/Pdf/NorthernASCCpdf.pdf?la=en>.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

confinement may be a “contingent Eighth amendment violation”; in other words, the DOC cannot use solitary confinement based on the crime the prisoner is convicted of committing. Special categories of prisoners may be subject to claims of Eighth Amendment violations: persons with mental illness, pregnant women, and juveniles.¹⁴ Given the discrepancy in race-based use of solitary confinement in Connecticut, violations of the Fifth and Fourteenth Amendments may arise due to violations of Equal Protection of the law and discrimination against certain races.¹⁵

2. **Codifying Policies:** Most of the reduction in prisoners placed into administrative segregation is through informal and formal policies, the latter being Administrative Directives that Commissioner Semple has created. This reduction in the use of administrative segregation has not translated into an increase in prison violence. Contrary to these concerns of increased violence, the facts show that the DOC has seen an all-time low regarding incident rates.¹⁶ Thus, the assertion that reducing solitary confinement makes the prison less safe is not supported by the data. The internal policies that have reduced the use of administrative segregation, however, could be reversed unless important policy changes are codified. A new Commissioner could reverse or change these policies because the policies are not codified in state statute. Current Administrative Directives may serve as a template for codification.
3. **Defining Solitary Confinement:** There is no standard definition of “solitary confinement” in Connecticut, either in formal policy or state statute. Administrative Directive 9.4 goes on to define multiple restrictive status categories, as mentioned previously.¹⁷ In December 2015, the United Nations adopted a resolution that defined solitary confinement as “confinement of prisoners for 22 hours or more a day without meaningful human contact. Prolonged solitary confinement shall refer to solitary confinement for a time period in excess of 15 consecutive days.¹⁸ Expert testimony provided several definitions. One physician defined solitary confinement as “isolation as being in a cell for most of the day, 20 plus hours of the day.”¹⁹ The SAC concludes that it is important to fully define solitary confinement and all it encompasses.
4. **Mental Health Implications:** Solitary confinement exacerbates and can cause mental illness.²⁰ Solitary confinement increases anxiety, depression and psychotic symptoms,

¹⁴ Judith Resnik, Testimony, *Hearing Before the Connecticut State Advisory Committee to the U.S. Commission on Civil Rights*, Hartford, CT, Feb. 7, 2017, Transcript, pp. 147-151.

¹⁵ *Id.*

¹⁶ Scott Semple, Testimony, *Hearing Before the Connecticut State Advisory Committee to the U.S. Commission on Civil Rights*, Hartford, CT, Feb. 7, 2017, Transcript, p. 85.

¹⁷ *Administrative Directive 9.4*, <https://portal.ct.gov/-/media/DOC/Pdf/Ad/ad0904pdf.pdf?la=en>.

¹⁸ Resolution adopted by the General Assembly on 17 December 2015, 70/175. United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), <https://cdn.penalreform.org/wp-content/uploads/1957/06/ENG.pdf> (last accessed July 23, 2018). See also Short cite testimony like this: Resnik Testimony, *Hartford Hearing Transcript*, p. 153.

¹⁹ Home Venters, Testimony, *Hearing Before the Connecticut State Advisory Committee to the U.S. Commission on Civil Rights*, Hartford, CT, Feb. 7, 2017, Transcript, p. 87.

²⁰ Bandy Lee, Testimony, *Hearing Before the Connecticut State Advisory Committee to the U.S. Commission on Civil Rights*, Hartford, CT, Feb. 7, 2017, Transcript, pp. 25-26.

and causes numerous other physical and psychological problems.²¹ A study at Rikers Island revealed that prisoners in solitary confinement were almost eight times more likely to engage in self-harm, compared to prisoners in general population.²² Almost half of the suicides occurring in New York State prisons occurred in solitary confinement.²³

5. **Racial Disparities:** While Connecticut has reduced administrative segregation, there are data that suggest the administration of its program is biased resulting in racial disparities. According to a 2016 report from the Marshall Project, Connecticut is the second worst in the nation for disproportionately placing Black men in solitary confinement.²⁴ Likewise Black women represent 27 percent of female inmates yet account for 63 percent of women in solitary confinement.²⁵ According to a joint report by the Association of State Correctional Administrators and the Arthur Liman Public Interest Program (ASCA-Liman) only Hawaii has a lower prevalence than Connecticut of the use of restricted housing (out of 48 reported jurisdictions and states).²⁶ The total of 128 inmates is broken down: 120 male inmates and 8 female inmates.²⁷ Of male inmates in restricted housing, 23 percent are White, 57 percent are Black, 19 percent are Hispanic, and 2 percent are Asian.²⁸ The total male inmate population is comprised of 32 percent White, 42 percent Black, 26 percent Hispanic (Asian is functionally 0 percent).²⁹ For female inmates, the restricted housing population is 38 percent White and 63 percent Black.³⁰ The total female inmate

²¹ *Id.* Dr. Lee noted that one specialist “has described a psychiatric syndrome in previously healthy individuals consisting of hypersensitivity to sternal stimuli, hallucinations, panic attacks, cognitive deficits, obsessive thinking, paranoia, and numerous other physical and psychological problems.”

²² *Id.* at 26.

²³ Michael Mushlin, Testimony, *Hearing Before the Connecticut State Advisory Committee to the U.S. Commission on Civil Rights*, Hartford, CT, Feb. 7, 2017, Transcript, p. 65. According to Professor Mushlin, the current rate is abnormally high, but now lower than 50 percent. Currently, “30 percent of the suicides in 2014-16 happened in solitary confinement, even though those units only account for 8 percent of the New York prison population, a rate that was almost six times higher than in New York prison’s general population.” Professor Mushlin added that the rates of suicide attempts and self-harm are “11 times higher in solitary than in the general prison population. For the first half of 2017, the suicide attempts in solitary remain high, representing 36 percent of the 80 attempts occurring during January through most of June 2017.” Personal communication, Professor Michael B. Mushlin, Dec. 17, 2018 (noting that the current data has been compiled by the Correctional Association of New York); *See also* Bandy X. Lee & Maya Prabhu, *A Reflection on the Madness in Prisons*, 26 *Stan. L. & Pol’y Rev.* 253, 255-56 (2014) (stating, “Those who end up in solitary confinement for punishment or management reasons are more likely to attempt or to commit suicide . . .”), <https://www-cdn.law.stanford.edu/wp-content/uploads/2017/11/lee.pdf>.

²⁴ Anna Flagg, Alex Tatusian & Christie Thompson, “Who’s in Solitary Confinement?,” Marshall Project, Nov. 30, 2016, <https://www.themarshallproject.org/2016/11/30/a-new-report-gives-the-most-detailed-breakdown-yet-of-how-isolation-is-used-in-u-s-prisons#.tcWErB4N0>.

²⁵ The Association of State Correctional Administrators and The Arthur Liman Public Interest Program at Yale Law School, *Aiming to Reduce Time-In-Cell: Reports from Correctional Systems on the Numbers of Prisoners in Restricted Housing and on the Potential of Policy Changes to Bring About Reforms*, at 41, (Nov. 2016), <https://law.yale.edu/system/files/area/center/liman/document/aimingtoreducetic.pdf>.

²⁶ *Id.* at 30-34. The report categorizes forms of solitary confinement as “restricted housing” and provides the prevalence of Connecticut inmates in restricted housing (128 inmates; 0.8 percent of the inmate population; restricted housing referring to 15 consecutive days or longer, 22 hours or more per day).

²⁷ *Id.* at 32, 34.

²⁸ *Id.* at 38.

²⁹ *Id.*

³⁰ *Id.* at 41.

population is 54 percent White, 27 percent Black, 17 percent Hispanic, and 1 percent “other.”³¹ These disparities suggest there is bias in which inmates are placed in restricted housing.

6. **Mental health evaluations:** Mental health evaluations for prisoners being placed into administrative segregation, or for those currently in administrative segregation, are not standardized and are frequently ignored.³²
7. **Dual Loyalties:** Mental health professionals in correctional systems are often overburdened by their workload, lack confidence to refuse administrative segregation placements submitted by corrections officers, and lack training to know the full scope and consequences of solitary confinement upon individuals.³³ Additionally, the security setting creates pressures, known as dual loyalty, on mental health staff to incorporate security concerns into their clinical decision making. This creates the potential for erosion of meaningful clinical care and turning a blind eye to neglect and abuse.³⁴
8. **Limited Options:** Alternatives for solitary confinement are not readily available; “in many corrections systems there’s simply nowhere other than segregation to put problematic inmates, particularly the kind who cut themselves, attack officers, flood their cells or smear human waste. Even in systems where these behaviors are acknowledged as legitimate mental health concerns, which is not universally the case, there is nowhere for inmates to go.”³⁵ These inmates have often failed in less restrictive housing placements in prison; moreover, psychiatric hospitals are either unavailable or uninterested in treating this type of inmate. “Only recently have correctional systems like Pennsylvania and the Rikers Island jail ... developed model programs that can be used as alternatives to isolation.”³⁶
9. **Data Collection and Reporting:** Better documentation and data reporting is needed regarding: gender, race, age, length of placement, and which official made the decision to place a prisoner into solitary confinement.³⁷ This documentation should be available and publicly reported. Underlying decisions and incidents that yield placement into solitary confinement need to be recorded, collected, and publicly reported. Following documentation, standard review, such as every 30 days, of solitary placements should occur in order to limit the length of stay that a prisoner is in solitary confinement. No limitations currently exist. While the administrative segregation program at Northern consists of three-phases, successful completion of this program does not ensure that a prisoner will be placed back into general population. In fact, getting out of solitary confinement is extremely difficult once placed into it.³⁸ There should be a presumptive term of which a prisoner is placed into solitary confinement, after which no isolation is permitted. Furthermore, reporting and data collection regarding mental illnesses needs to be instituted. Expert

³¹ *Id.*

³² Reena Kapoor, Testimony, *Hearing Before the Connecticut State Advisory Committee to the U.S. Commission on Civil Rights*, Hartford, CT, Feb. 7, 2017, Transcript, pp. 71-77.

³³ *Id.*

³⁴ Venters testimony, *Hartford Hearing Transcript*, p. 60.

³⁵ Kapoor Testimony, *Hartford Hearing Transcript*, pp. 75-76.

³⁶ *Id.*

³⁷ Resnik Testimony, *Hartford Hearing Transcript*, p. 155.

³⁸ Hope Metcalf, Testimony, *Hearing Before the Connecticut State Advisory Committee to the U.S. Commission on Civil Rights*, Hartford, CT, Feb. 7, 2017, Transcript, p. 234.

testimony provided possible outcomes and process measures for monitoring health outcomes related to mental health services.³⁹

10. **Disciplinary Tickets:** Placement into solitary operates on an extra-judicial system. Personal testimony revealed ways in which prisoners are incentivized to accept solitary rather than fight a disciplinary ticket for an infraction of the rules.⁴⁰ If a prisoner challenges a ticket he/she may spend 30 to 45 days in solitary confinement; if he/she pleads guilty to the ticket, the stay in solitary may only be a week.⁴¹
11. **Grievance System:** Prisoners may file formal grievances against corrections officers, but testimony revealed concerns that these grievances often are not taken seriously or are not investigated. Testimony from persons in solitary confinement reveal that corrections officers may have harassed or lied to prisoners in order to inflict emotional distress, but these grievances did not result in repercussions for the corrections officers.⁴² Again, prisoners are incentivized not to file grievances through actual or perceived obstacles in the grievance process.
12. **Forced Medication:** Concerns about forced medication were raised by former prisoners and families. Personal testimony revealed instances of diagnoses by psychiatric staff and forced medications once illnesses are diagnosed. Notification of changes in illness and medication may not be reported to family members or next of kin, and these individuals may still be placed into administrative segregation. These individuals may now be in cells with forced-restraints at all times.⁴³
13. **Provider Accountability:** UConn Health is the sole provider of mental health services in the state. This lack of diversity of providers may adversely affect the quality of care delivered to prisoners.⁴⁴ In May, state auditors reported that quality controls were substandard and found fault with the no-bid \$100 million-a-year agreement.⁴⁵
14. **Restraints:** Restraints are used by DOC but are only supposed to be used when the detainee is facing immediate harm.⁴⁶ While in-cell restraints are used in solitary confinement, there are other restraint methods, including chairs with chains. Once restraint is deemed necessary, it should only be for a short duration. Currently there is no reporting on the use of restraints. Better reporting and the collection of data would address potential bias and safety issues. The data collected should include age, gender identity, ethnicity, any mental health score

³⁹ Venters Testimony, *Hartford Hearing Transcript*, pp. 58-59.

⁴⁰ See Keishar Tucker, Testimony, *Hearing Before the Connecticut State Advisory Committee to the U.S. Commission on Civil Rights*, Hartford, CT, Feb. 7, 2017, Transcript, pp. 106-07.

⁴¹ *Id.* at 106-07.

⁴² *Id.* at 110; See also Traci Bernardi, Testimony, *Hearing Before the Connecticut State Advisory Committee to the U.S. Commission on Civil Rights*, Hartford, CT, Feb. 7, 2017, Transcript, p. 125.

⁴³ Barbara Fair, Testimony, *Hearing Before the Connecticut State Advisory Committee to the U.S. Commission on Civil Rights*, Hartford, CT, Feb. 7, 2017, Transcript, p. 114.

⁴⁴ Jennifer Bourn, Testimony, *Hearing Before the Connecticut State Advisory Committee to the U.S. Commission on Civil Rights*, Hartford, CT, Feb. 7, 2017, Transcript, p. 193.

⁴⁵ Josh Kovner, "Concerns Growing Over Inmates' Medical Care; 25 Cases Flagged, Including Eight Deaths," *Hartford Courant*, June 15, 2017, <http://www.courant.com/news/connecticut/hc-inmate-deaths-medical-care-20170615-story.html> (last accessed July 23, 2018).

⁴⁶ Administrative Directive 9.4 provides that "An inmate on restrictive housing status shall be served the same quality and quantity of food as that available to inmates in general population." Nonetheless, concerns were raised that the only way a shackled inmate is able to consume this food is when it is served in a bag. See Appendix II.

calculated by DOC, and reason for restraint. There was also a concern that rules on restraints could be easily thwarted by removing the restraints for a period of time to reset the clock.

15. **Independent Oversight:** There is no statutory provision or policy for independent oversight of Connecticut Correctional facilities. New York is one of two states that has a statutory right to visit prisons—unannounced—which provides key oversight and insight to New York state prisons.⁴⁷ Independent oversight is critical to evaluating the prison system in Connecticut and holding all stakeholders accountable in their actions. The Child Advocate in Connecticut has this ability to conduct investigations into juvenile facilities.⁴⁸
16. **Juveniles:** Juvenile facilities have similar terms that encapsulate solitary confinement: “room confinement,” “self-confinement,” “seclusion,” “solitary confinement,” “restrictive measures,” or “security risk.”⁴⁹ Due to the vulnerable aspect of this population, solitary confinement poses extra threats to the long-term wellness and health of children; “up to 70 percent, if not more, of confined adolescents have a diagnosable psychiatric disorder often compounded by learning disabilities and a history of trauma and abuse.”⁵⁰
17. **Community Reintegration:** Over 90 percent of prisoners in Connecticut return to society.⁵¹ Connecticut DOC used to release prisoners directly from isolation into society, but that practice has stopped under Commissioner Semple. The Marshall Project found that prisoners released directly out of administrative segregation to the street pose a danger to the public safety.⁵² The mission of the DOC is as follows: “The Connecticut Department of Correction shall protect the public, protect staff and provide safe, secure and humane supervision of offenders with opportunities that support successful community reintegration.”⁵³ Given the testimony received by this committee, the use of solitary confinement appears incompatible with the professed mission of the DOC.
18. **Murder with Special Circumstances:** While the Connecticut Supreme Court eliminated the death sentence, persons formerly convicted of murder with special circumstances now face solitary confinement for life under Connecticut General Statute 18-10b. Furthermore, if people are convicted in the future of murder with special circumstances, they will be placed into solitary confinement for life.⁵⁴ DOC does not, currently, have discretion for placement of these individuals.

⁴⁷ Mushlin Testimony, *Hartford Hearing Transcript*, p. 63.

⁴⁸ Sarah Eagan, Testimony, *Hearing Before the Connecticut State Advisory Committee to the U.S. Commission on Civil Rights*, Hartford, CT, Feb. 7, 2017, Transcript, p. 9.

⁴⁹ *Id.* at 12.

⁵⁰ *Id.* at 13.

⁵¹ Robyn Porter, Testimony, *Hearing Before the Connecticut State Advisory Committee to the U.S. Commission on Civil Rights*, Hartford, CT, Feb. 7, 2017, Transcript, p. 204.

⁵² Christie Thompson, “From Solitary to the Street,” The Marshall Project, June 11, 2015, <https://www.themarshallproject.org/2015/06/11/from-solitary-to-the-street>, (last accessed July 23, 2018). According to the Marshall project, individuals who go from complete isolation to complete freedom end up jobless, homeless, or back in prison.

⁵³ See Connecticut State Department of Correction, “History of the Connecticut Department of Correction,” <https://portal.ct.gov/DOC/History/History-Department-of-Correction> (last accessed July 23, 2018).

⁵⁴ Bourn Testimony, *Hartford Hearing Transcript*, p. 169-71.

For more information, please contact the Eastern Regional Office.

APPENDIX I

Memorandum

To: The U.S. Commission on Civil Rights
From: The Connecticut Advisory Committee
Date: May 2, 2017
Subject: Advisory Memorandum Recommending Legislation

Per its statutory mandate, the U.S. Commission on Civil Rights establishes advisory committees and charges them with collecting and providing information, findings and recommendations about civil rights matters in their states to the Commission. In keeping with these responsibilities, based on reports of discrimination, the Connecticut Advisory Committee held a briefing on February 7, 2017, to examine whether there are racial disparities in the use of solitary confinement in Connecticut correctional facilities. In consideration of the testimony heard at its briefing, the Connecticut Advisory Committee provides the following information and recommendations to the Commission. The Committee recommends that Connecticut enact legislation regarding solitary confinement. This memorandum was adopted unanimously by the Connecticut Advisory Committee on May 2, 2017.

The Committee notes that while it is currently working on a more comprehensive advisory memorandum, which it hopes to release over the summer, it wants to advise the Commission of the positive developments in the General Assembly and its support for this needed legislation in Connecticut.

The Connecticut Advisory Committee's Briefing, Background and Initial Findings

The Connecticut Advisory Committee to the U.S. Commission on Civil Rights (Committee) held a briefing on February 7, 2017, to examine the use of solitary confinement in Connecticut correctional facilities. The Committee convened this briefing because of reports that Blacks and Latinos are overrepresented in solitary confinement and that solitary confinement can be particularly harmful for vulnerable people, such as juveniles, young adults, and people with mental illness and other disabilities. The Committee wanted to learn whether there are disparities in solitary confinement practices and also examine the underlying factors that may contribute to such disparities in the Connecticut correctional system. The Committee heard from the Commissioner of the Department of Correction (DOC), legal and medical experts, advocates, and academics. The Committee also heard presentations from individuals previously incarcerated in Connecticut as well as statements read for the record for individuals currently incarcerated.

The Committee understands that directly following its February 7th briefing, the Connecticut General Assembly's Joint Committee on the Judiciary introduced legislation to define and limit the use of solitary confinement in Connecticut prisons. The proposed legislation would codify procedures concerning the placement of inmates into solitary confinement, provide training for correctional staff, and require greater transparency.

The Committee heard that there is growing attention on the use of solitary confinement and the recognition that Blacks and Latinos are overrepresented in solitary confinement compared to the general prison population. There is also increasing agreement that solitary confinement is harmful and that it can be particularly devastating for vulnerable people, such as juveniles, young adults, and people with mental illness and other disabilities.

During the briefing, the Committee learned that there is no universally accepted definition of solitary confinement. The witnesses who testified before the Committee focused on situations where inmates spend a significant number of hours alone in their cell each day for consecutive weeks or months. The DOC maintains several different classifications of restrictive housing under which a prisoner could experience isolation to a degree that these witnesses considered solitary confinement concerning. However, most of the testimony focused on Connecticut's "administrative segregation" housing designation.

In addition to concerns about the psychological effects of isolation, witnesses also noted that there is an alarming racial disparity in the use of administrative segregation in Connecticut. According to a 2016 report from the Marshall Project, Connecticut is the second worst in the nation for disproportionately placing Black men in solitary confinement.¹ Likewise, Black women represent 27 percent of female inmates yet account for 63 percent of women in solitary confinement.²

Under the current DOC leadership, special efforts have been made to decrease the number of inmates in administrative segregation. Overall, these efforts have been successful and, based on testimony heard at this hearing, the percentage of Connecticut inmates in administrative segregation is lower than the percentage of inmates in similar types of restrictive housing in all other states except Hawaii. Witnesses agreed that the DOC's internal policy changes have been a step in the right direction. Notwithstanding these positive policy changes and all-time low incident rates in Connecticut prisons, Connecticut does not have any existing laws regulating or restricting the use of administrative segregation or other forms of restrictive housing that might be considered solitary confinement.

The Committee is encouraged that the General Assembly is considering legislation on this important subject. The Committee recognizes the risk that the internal policies that appear to have contributed to the dramatic decrease in the use of administrative segregation could be reversed or revised in the future. It applauds the General Assembly and encourages its careful consideration of whether and to what extent important policy changes should be codified into law and whether other legal provisions should be enacted to regulate the use of restrictive housing in Connecticut.

¹ Marshall Project, Anna Flagg, Alex Tatusian, Christie Thompson, Who's in Solitary Confinement? (Nov. 30, 2016), available at <https://www.themarshallproject.org/2016/11/30/a-new-report-gives-the-most-detailed-breakdown-yet-of-how-isolation-is-used-in-u-s-prisons#.tcWErB4N0><https://www.themarshallproject.org/2016/11/30/a-new-report-gives-the-most-detailed-breakdown-yet-of-how-isolation-is-used-in-u-s-prisons#.tcWErB4N0> (last visited May 10, 2017).

² The Association of State Correctional Administrators and The Arthur Liman Public Interest Program at Yale Law School, Aiming to Reduce Time-In-Cell: Reports from Correctional Systems on the Numbers of Prisoners in Restricted Housing and on the Potential of Policy Changes to Bring About Reforms (November 2016), available at <https://law.yale.edu/system/files/area/center/liman/document/aimingtoreducetic.pdf><https://law.yale.edu/system/files/area/center/liman/document/aimingtoreducetic.pdf> (last visited May 10, 2017).

The Committee recommends to the Commission that any law regarding solitary confinement includes the following:

1. *A clear definition of what constitutes solitary confinement in Connecticut.* Given the widely varying definitions of this term and the significant implications that restrictions on confinement can have on the correctional community, the definition of solitary confinement is a critical first step in formulating a policy that protects inmates and correction officers while allowing prisons to serve their rehabilitative mission for all inmates.

2. *Ban on solitary confinement for all inmates ages 21 and younger.* A large body of scientific research indicates that solitary confinement is particularly damaging to adolescents and young adults because their brains are still developing. Since the use of solitary confinement of young people has potentially devastating and long lasting impacts, the Committee encourages Connecticut to follow the lead of other states and ban solitary confinement, subject to rare exceptions, for any inmate ages 21 and younger.



3. *Ban on the use of solitary confinement for people with mental illness.* Solitary confinement is traumatic for individuals without mental illness, but studies have shown that prolonged isolation in solitary can exacerbate mental illness, be dangerous, and may have tragic consequences. The Committee encourages Connecticut ban solitary confinement, subject to rare exceptions, for mentally ill inmates.

4. *Reporting Requirements.* Given the racial disparity in the use of solitary confinement, reporting should be required including race and ethnicity, age, and gender identity of the inmate; whether the inmate has a disability; length of placement; incident(s) that caused segregation; and who made the decision to place a prisoner into solitary confinement.

5. *Training and Wellness Support for Correction Officers.* There should be sufficient training as well as wellness support for DOC officers on the long and short-term psychological effects of isolation. Officers should also be taught de-escalation techniques particularly for safely managing individuals with mental illness.

The Committee is reviewing the testimony and materials submitted for the record and intends to release a report to the Commission, including additional findings and recommendations, at the conclusion of this project.

APPENDIX II

 <p>State of Connecticut Department of Correction</p> <p>ADMINISTRATIVE DIRECTIVE</p>	<p>Directive Number 9.4</p>	<p>Effective Date 6/16/2016</p>	<p>Page 1 of 20</p>
	<p>Supersedes Restrictive Status, dated 1/1/2010</p>		
<p>Approved By</p> 	<p>Title Restrictive Status</p>		

1. Policy. The Department of Correction shall provide restrictive conditions as required to preserve the order, safety and security of correctional facilities to comply with the law, and to manage inmate behavior.

2. Authority and Reference.
 - A. Connecticut General Statutes, Section 18-81, 18-10b, 53a-54b, 53a-46a.
 - B. Administrative Directives 4.1, Inmate Records; 4.2A, Risk Reduction Earned Credits (RREC); 6.1, Tours and Inspections; 6.2, Facility Post Orders and Logs; 6.6, Reporting of Incidents; 6.10, Inmate Property; 6.14, Security Risk Groups; 9.2, Offender Classification; 9.5, Code of Penal Discipline; 9.6, Inmate Administrative Remedies; and 10.3, Inmate Legal Assistance.
 - C. American Correctional Association, Standards for Adult Correctional Institutions, Fourth Edition, January 2003, Standards 4-4140, 4-4235, 4-4249 through 4273, and 4-4400.
 - D. American Correctional Association, Performance-Based Standards for Adult Local Detention Facilities, Fourth Edition, June 2004, Standards 4-ALDF-2A-44, 4-ALDF-2A-46 through 4-ALDF-2A-66, and 4-ALDF-5C-04.

3. Definitions and Acronyms. For the purposes stated herein, the following definitions and acronyms apply:
 - A. Abbreviated Special Monitoring. A designation for inmates that were classified as Administrative Segregation or Chronic Discipline Status upon discharge and returned to custody after more than 30 days.
 - B. Administrative Detention. Placement of an inmate in a restrictive housing unit that results in segregation of the inmate:
 1. Pending the completion of a disciplinary hearing in accordance with Administrative Directive 9.5, Code of Penal Discipline when it is felt that failure to remove the inmate from population would present a danger to staff, the inmate or any other inmate, or cause an immediate threat of disruption to the facility;
 2. For investigation of an allegation or information involving the inmate in the commission of a crime, or of activities jeopardizing the security of the facility or the safety of staff or inmates that could result in placement on punitive or administrative segregation or transfer to high security; or,
 3. For temporary protection of an inmate pending a decision to place the inmate on Protective Custody status or an evaluation by health services staff.
 - B. Administrative Segregation Status. Placement of an inmate on a restrictive housing status that results in segregation of the inmate

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whose behavior or management factors pose a threat to the security of the facility or a risk to the safety of staff or other inmates and that the inmate can no longer be safely managed in general population.

- C. Administrative Segregation Hearing Officer. A supervisor appointed by the Director of Offender Classification and Population Management to conduct Administrative Segregation placement hearings.
- D. Administrative Segregation Transition Phases. Interim placement on a specialized restrictive housing status program while on Administrative Segregation to prepare an inmate for placement back to general population.
- E. Advocate. An employee tasked in assisting the inmate in preparing a defense, and appearing at and assisting in making a presentation at an Administrative Segregation or Special Needs hearings.
- F. Behavioral Observation Status. An intervention, determined by a qualified mental health professional, to extinguish maladaptive behaviors while maintaining safety and security of the inmate.
- G. CC. Correctional Center.
- H. Chronic Discipline. A restrictive housing status that results in management of an inmate whose behavior, while incarcerated, poses a threat to the security and orderly operation of the facility, or a risk to the safety of staff or other inmates due to repetitive disciplinary infractions.
- I. CI. Correctional Institution.
- J. DOC. Department of Correction.
- K. Facility Hearing Officer. A staff member appointed by the Unit Administrator to conduct hearings to consider classification assignments to Chronic Discipline.
- L. Facility Intelligence Coordinator. A staff member appointed by the Unit Administrator to assess all information in any given facility relating to Security Risk Group activity.
- M. High Security. A designation which provides for increased supervision of inmates who pose a threat to the safety and security of the facility, staff, inmates or the public.
- N. Monitored Movement. The following of an inmate's movement using:
 1. Personal visual observation;
 2. Visual observation with the aid of video equipment; and/or
 3. Communication between staff initiated at the starting point of movement, along the inmate's route of travel and commencing at the authorized destination with the verification of the inmate's arrival.
- O. Punitive Segregation. Placement of an inmate on a restrictive housing status who is found guilty of violating the Code of Penal Discipline, as sanctioned in accordance with Administrative Directive 9.5, Code of Penal Discipline.
- P. Restraint Status I. The securing of an inmate with hand cuffs behind the back and leg irons.
- Q. Restraint Status II. The securing of an inmate with hand cuffs in front.
- R. Restrictive Housing Status. A designation which provides for closely regulated management and separation of an inmate.
- S. Restrictive Housing Unit (RHU). An inmate housing unit which is physically separated from other inmate housing where inmates on restrictive housing status, Administrative Detention, or Transfer Detention are placed.

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- T. Restrictive Status. Restrictive status shall consist of the following categories: Administrative Detention, Punitive Segregation, Transfer Detention, Administrative Segregation, Special Needs Management, Chronic Discipline, High Security, Security Risk Group Affiliation (Security Risk Group Member) and Special Circumstances.
- U. Special Monitoring. A designation which provides for increased supervision and monitoring upon an inmate's completion of a special management program or for reasons of safety and security.
- V. Special Needs Management. A placement status for inmates who have demonstrated behavioral qualities either through the serious nature of their crime, behavior, or through reasonable belief that they pose a threat to the safety and security of staff, other inmates, themselves, or the public.
- W. Special Needs Management Hearing Officer. A supervisor appointed by the Director of Offender Classification and Population Management to conduct Special Needs Management placement hearings.
- X. SRG. Security Risk Group.
- Y. STARS. Statistical Tracking Analysis Reporting System.
- Z. Station Log. A hardbound book or automated chronological record of day-to-day events in a restrictive housing unit.
- AA. Transfer Detention. Placement of an inmate in a restrictive housing unit that results in segregation of the inmate who has been reclassified to a security level higher than the facility at which the inmate is housed and is awaiting transfer, or is awaiting transfer to another facility for the inmate's own protection or the protection of others.
- BB. YI. Youth Institution.
- CC. Special Circumstances Status. A placement status for inmates who have been convicted of:
1. The class A felony of murder with special circumstances committed on or after April 25, 2012, under the provisions of section 53a-54b in effect on or after April 25, 2012, and sentenced to a term of life imprisonment without the possibility of release.
 2. A capital felony committed prior to April 25, 2012, where the inmate is in the custody of the Commissioner of Correction whose of death has been reduced or commuted to a sentenced of life without the possibility of release.
 3. A capital felony committed prior to April 25, 2012, under the provisions of section 53a-54b in effect prior to April 25, 2012, the inmate is in the custody of the Commissioner of Correction, and a sentence of death is imposed in accordance with section 53a-46a and such inmate's sentence is reduced to a sentence of life imprisonment without the possibility of release, or commuted to a sentence of life imprisonment without the possibility of release.
4. General Conditions for Restrictive Housing Status. The basic level of conditions described in this section shall apply to an inmate on restrictive housing status. These conditions are for normal unit management. However, individual inmates may require additional restrictions for order and/or control based upon their past history or current behavior. Any such restrictions shall be noted in the housing station log and through the completion of an incident report in accordance with Administrative Directive 6.6, Reporting of Incidents. An inmate on restrictive housing status shall be limited to the specific provisions and

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standards outlined in Attachment A, Restrictive Housing Status - Provisions and Management Standards and Attachment C, Chronic Discipline Status - Provisions and Management Standards.

- A. Housing Conditions. Housing areas for inmates on restrictive housing status shall be well-ventilated, adequately lighted, appropriately heated and maintained in a sanitary condition at all times. Each cell shall normally be equipped with beds, which may be securely fastened to the wall or floor, and furnished in a manner consistent with cells in general population.
 - B. Clothing. Each inmate shall be provided appropriate clothing in accordance with Administrative Directive 6.10, Inmate Property.
 - C. Hygiene. Each inmate on restrictive housing status shall be provided opportunities for personal hygiene and hair care services.
 - D. Food. An inmate on restrictive housing status shall be served the same quality and quantity of food as that available to inmates in general population.
 - E. Linen and Laundry. An inmate on restrictive housing status shall normally be provided the same bedding items and laundry schedule as provided to inmates in general population.
5. Sentence Credits. An inmate shall not earn or receive statutory good time, seven-day work credit, restoration of lost good time, outstanding meritorious performance awards or Risk Reduction Earned Credit while on Special Circumstances Status, Administrative Segregation, while a designated Security Risk Group Member in Phase 1 or 2 of the Security Risk Group Member Phase Program, or while on Chronic Discipline Status or Special Needs Management Status.
6. Access to Programs and Services. An inmate on restrictive housing status shall not be entitled access to programs or privileges afforded an inmate in general population. An inmate on restrictive housing status shall be given access to available programs and services in accordance with Attachment A, Restrictive Housing Status - Provisions and Management Standards and Attachment C, Chronic Discipline Status - Provisions and Management Standards as follows:
- A. Courts. An inmate shall retain rights of access to the courts. Access shall include attorney/client visits and access to legal assistance in accordance with Administrative Directive 10.3, Inmate Legal Assistance.
 - B. Mail. An inmate shall be provided the same opportunities for writing and receipt (not retention) of letters available to inmates in general population.
 - C. Counseling. An inmate shall continue to receive the services of a counselor when on restrictive housing status.
 - D. Education. An inmate in Administrative Segregation, Administrative Segregation Transition Phases, Special Needs Management or Chronic Discipline may have access to educational and library programs consistent with the security needs of the housing unit and/or facility. Individual education plans shall be maintained for those inmates under the age of 21 who are deemed appropriate by the Education Department. Such inmates shall, at a minimum, receive a comprehensive educational plan review to determine the scope of needed services. Recommendations from the Education Department shall be accommodated by the facility consistent with the security needs of the housing unit. The programs offered to inmates on Administrative Segregation, Administrative Segregation Transition

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- Phases, Special Needs Management or Chronic Discipline shall be approved by the Director of Programs and Treatment (Division).
- E. Health Services. Each inmate shall have access to and be provided required medical, mental health and dental services.
- F. Religion. Facility chaplains shall schedule, at a minimum, weekly visits to inmates on restrictive housing status.
- G. Recreation. Recreation for an inmate on restrictive housing status shall be conducted outside the inmate's cell for a minimum of one (1) hour daily, five (5) days a week including holidays. A supervisor may deny recreation when releasing the inmate for recreation if the inmate presents a threat to the unit's safety and security. The reason for denial shall be noted in the station log and an incident report completed.
7. Designation of Restrictive Housing Units. Where possible, and as appropriate, the Unit Administrator shall designate specific housing unit(s) that shall be used solely to house any inmate placed on restrictive housing status, Administrative Detention or Transfer Detention. Only staff or inmates with official business to conduct shall be allowed to enter the Restrictive Housing Unit.
8. Staffing. Specifically screened staff shall be assigned to work a Restrictive Housing Unit in accordance with established facility guidelines. Some factors to be considered shall be: the nature of the inmates in the unit; the ability of the respective candidate to manage such inmates; and, the employee's performance record.
- A. Selection. An employee assigned to work in a Restrictive Housing Unit as specified in Section 7 of this Directive, shall be a permanent status employee who has demonstrated maturity, good judgment and an ability to work in a difficult environment as reflected in acceptable performance rating in each job element of any service rating conducted during the previous 12 month period.
- B. Training and Supervision. Special orientation for each employee shall be provided prior to placement on the unit to include:
1. the function of the unit;
 2. the requirements of this Directive;
 3. rules governing the unit's operation; and,
 4. the needs and problems typical of inmates in the unit.
9. Restrictive Housing Status. The initial placement requirements for inmates placed on restrictive housing status, Administrative Detention or Transfer Detention shall be in accordance with Attachment B, Restrictive Housing Status Matrix.
- A. Placement Order. In order to protect the inmate or others, the Unit Administrator or designee may order an inmate's placement on restrictive housing status, Administrative Detention or Transfer Detention by completing CN 9401, Restrictive Housing Unit Status Order, stating the specific reasons for placement. Copies shall be distributed as designated on CN 9401, Restrictive Housing Unit Status Order. The Unit Administrator shall receive the original copy of the order within 24 hours or the following business day after placement. The Unit Administrator shall see that the required reviews are performed and documented on CN 9401, Restrictive Housing Unit Status Order.

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- B. Health Services Consultation. Custody staff shall immediately notify facility health services staff when an inmate is identified for placement into a restrictive housing unit. In the event that any contraindications exist, custody staff shall be notified verbally and in writing utilizing CN 6602, Medical Incident Report. In addition, health services staff shall complete Attachment E, Health Evaluation for Restrictive Housing Unit (RHU) Placement (HR-006) and forward to custody staff for signature indicating receipt. This evaluation and notification shall be documented in the inmate's health record.
- C. Status Removal. When the inmate is removed from restrictive housing status, Administrative Detention or Transfer Detention the original order shall be placed in the inmate's master file and Section 4 of the order shall be completed. An inmate assigned to the Garner C.I. Youth Development Unit who is removed from restrictive housing status may continue to be managed in the Youth Development Unit until completion of the current school year.
- D. Inmate Notification. The inmate should normally receive a copy of CN 9401, Restrictive Housing Unit Status Order at the time of placement in the Restrictive Housing Unit, unless there is an emergency situation or major disturbance involving a substantial number of inmates. In such cases, the inmate shall receive a copy not later than 48 hours after placement on restrictive housing status.

10. Chronic Discipline Status. Chronic Discipline programs shall be established and maintained at all level 4 facilities as authorized by the Deputy Commissioner of Operations and Rehabilitative Services. Inmates between the ages of 14 and 17 years of age shall not be placed on Chronic Discipline Status regardless of housing location or behavior. Such inmates will be placed on an individual treatment plan.

Assignment to Chronic Discipline Status shall be dependent upon the seriousness and repetitiveness of disciplinary behavior. Other classification alternatives (e.g., risk level increases) shall be attempted where appropriate, prior to consideration for Chronic Discipline. Automatic consideration for Chronic Discipline shall occur under any of the following conditions:

- A. two (2) or more incidental assaults of staff (as defined by form CN 6603, Report of Assault on Staff) within the past year of confinement;
- B. three (3) or more class A disciplinary offenses within 180 days; and,
- C. three (3) or more class A/B combination of disciplinary offenses within 120 days.

Automatic consideration does not imply an automatic classification increase to Chronic Discipline. If, in the professional judgment of the reviewer, an inmate may continue to benefit from sanctions imposed and inmate management techniques at a given facility, assignment to Chronic Discipline may not occur. Other inmates with a documented chronic history of disciplinary behavior and an inability to remain in level 4 confinement without disciplinary infractions may be considered for classification to Chronic Discipline.

11. Chronic Discipline Review and Hearing. Each review and hearing for Chronic Discipline shall be in accordance with this section. An inmate shall not

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be placed in Chronic Discipline without a hearing.

- A. Hearing. The Unit Administrator shall designate a Facility Hearing Officer. The Facility Hearing Officer shall conduct a hearing to consider classification assignment to Chronic Discipline. The Facility Hearing Officer shall examine evidence to support the classification including the inmate's and/or any witness statements.
- C. Hearing Notice. A written notice of the hearing and the reasons for the hearing shall be given to the inmate a minimum of two (2) business days prior to the hearing utilizing CN 9402, Notification of Hearing. The notice shall state, as explicitly as possible, consistent with the protection of any informant, why such classification is being considered. The notice shall contain information that the inmate may be represented by an advocate and that the inmate may request witness statements. The inmate may waive the notice provision in writing by completing CN 9403, Waiver of 48-Hour Hearing Notice and/or Attendance; however, the Facility Hearing Officer may choose not to honor the waiver.
- D. Recommendation. The Facility Hearing Officer shall provide a written recommendation, to the Unit Administrator, utilizing CN 9404, Restrictive Status Report of Hearing for Placement or Removal form, including the information which was relied upon and the reasons for or against placement in Chronic Discipline. Any confidential information shall be maintained in a file which is not accessible to any inmate. The use of confidential information, along with any assessment of its reliability, shall be included with CN 9404, Restrictive Status Report of Hearing for Placement or Removal form, as a separate attachment.
- D. Decision. The Unit Administrator shall review any recommendation for assignment to Chronic Discipline. Any recommendation for assignment and placement, to include the completed CN 9404, Restrictive Status Report of Hearing for Placement or Removal form, and all supporting documentation, shall be forwarded to the Director of Offender Classification and Population Management within five (5) business days. A decision shall be made by the Director of Offender Classification and Population Management, who shall complete and forward CN 9405, Notification of Decision to the Unit Administrator submitting the recommendation, the inmate, and the Unit Administrator responsible for the respective Chronic Discipline Unit.
- E. Placement. No inmate shall be transferred to a Chronic Discipline Unit (Phase I) prior to completion of any Punitive Segregation sanction.
- F. Classification. All classification and status change decisions within the unit, unless otherwise directed by the Administrative Directives, shall be made by the Unit Administrator or designee.
- G. Progression. Progression through Chronic Discipline Phases shall be contingent upon successful completion of specific program components in accordance with unit policies. Should an inmate be unable to make progress through the Chronic Discipline Phases the Unit Administrator may present an alternative course of action to the District Administrator. Upon concurrence and approval from the District Administrator, a recommendation for transfer will be forwarded to the Director of Offender Classification and Population Management to facilitate transfer of the inmate.

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- H. Removal and Reclassification. The Unit Administrator shall complete, sign and submit the Restrictive Status Report of Hearing for Placement or Removal, CN 9404, to the Director of Offender Classification and Population Management. A removal from Chronic Discipline shall only be made by the Director of Offender Classification and Population Management or higher authority. A written decision shall be made on the Inmate Classification Form (ICF) and forwarded to the Unit Administrator.
12. Administrative Segregation Status. Administrative Segregation shall be authorized at the Northern, Garner and MacDougall-Walker (Walker Building) Correctional Institutions for adult males, Manson Youth Institution for youth males, and York Correctional Institution for females. Other Administrative Segregation program Phases shall be authorized at level 4 facilities designated by the Commissioner. Inmates on Administrative Segregation status who are attending court, may be housed at Bridgeport CC, New Haven CC, Hartford CC and Corrigan-Radgowski CC with the authorization of the Director of Offender Classification and Population Management. Any facility not authorized to house inmates on Administrative Segregation shall place the inmate on Administrative Detention in accordance with this Directive and notify the Director of Offender Classification and Population Management to transfer the inmate to the appropriate facility and conduct an Administrative Segregation hearing.
- A. Placement. Placement of an inmate on Administrative Segregation Status shall be at the discretion of the Director of Offender Classification and Population Management in accordance with this Directive. An inmate shall not be placed in Administrative Segregation Status without notice and a hearing. For adult male inmates being recommended for placement on Administrative Segregation Status at Northern CI, Attachment F, Mental Health Clearance Form (HR-523) shall be completed by the requesting facility's mental health clinician who shall forward it to the DOC Director of Psychological Services. Upon the review and approval by the DOC Director of Psychological Services, the completed form shall be forwarded to the Offender Classification and Population Management Unit for action, as indicated by the DOC Director of Psychological Services.
- B. Hearing. The Director of Offender Classification and Population Management shall designate an Administrative Segregation Hearing Officer. The Administrative Segregation Hearing Officer shall conduct a hearing to consider classification assignment to Administrative Segregation Status. The Administrative Segregation Hearing Officer shall examine evidence to support the classification including the inmate's and/or any witness statements. The Administrative Segregation Hearing shall be conducted not later than 30 days after the completion of Administrative Detention pending an investigation or after the completion of Punitive Segregation sanctions.
- C. Hearing Notice. A written notice of the hearing and the reasons for the hearing shall be given to the inmate a minimum of two (2) business days prior to the hearing utilizing CN 9402, Notification of Hearing. The notice shall state as explicitly as possible, consistent with the protection of any informant, why Administrative Segregation is being considered. The notice shall contain information that the inmate may be assisted by an advocate and that the inmate may request witness statements. The inmate may waive the notice provision in writing by completing CN 9403, Waiver of 48-Hour Hearing Notice and/or Attendance; however, the Administrative Segregation Hearing Officer may choose not to honor the waiver.

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- D. Recommendation. The Administrative Segregation Hearing Officer shall provide a written recommendation utilizing CN 9404, Restrictive Status Report of Hearing for Placement or Removal form, including the information which was relied upon and the reasons for or against placement in Administrative Segregation. Any confidential information shall be maintained in a file, which is not accessible to any inmate. The use of confidential information, along with any assessment of its reliability, shall be included with CN 9404, Restrictive Status Report of Hearing for Placement or Removal form, as a separate attachment.
- E. Decision. The completed CN 9404, Restrictive Status Report of Hearing for Placement or Removal form, shall be forwarded to the Director of Offender Classification and Population Management within five (5) business days following the hearing. A decision shall be made by the Director of Offender Classification and Population Management, who shall complete and forward CN 9405, Notification of Decision, to the Unit Administrator and the inmate within 15 days.
- F. Automatic Review. Automatic review of an inmate for placement on Administrative Segregation Status or Special Needs Management Status in accordance with Administrative Directive 9.2, Offender Classification shall require a hearing to be conducted in accordance with the provisions of this section.
- G. Progression. Progression through the Administrative Segregation program phases shall be contingent upon successful completion of specific program components in accordance with unit policies.
- H. Release. Release from Administrative Segregation/Special Needs Management shall be in accordance with Attachment B, Restrictive Housing Status Matrix by completing the appropriate section of CN 9404, Restrictive Housing Report of Hearing for Placement or Removal form.
13. Special Needs Management Status. Inmates on Special Needs Management Status may be housed at any level 4 or 5 facility when approved by the Deputy Commissioner of Operations and Rehabilitative Services or designee. Any facility not authorized to house inmates on Special Needs Management Status shall place the inmate on Administrative Detention in accordance with this Directive and notify the Director of Offender Classification and Population Management to transfer the inmate to an appropriate facility and conduct a hearing. An inmate may be removed from any restrictive status category as defined in Section 3(T) of this Directive at any time for assignment to Special Needs Management Status, with the exception of Special Circumstances Status. An inmate shall not be placed in Special Needs Management without notice and a hearing. Request for placement hearing shall be made by the Unit Administrator in consultation with the DOC Director of Psychological Services.
- A. Hearing. The Special Needs Management Hearing Officer shall conduct a hearing to consider classification assignment to Special Needs Management. The Special Needs Management Hearing Officer shall examine evidence to support the classification including the inmate's and/or any witness statements as well as a recommendation from the DOC Director of Psychological Services and the Unit Administrator. The Special Needs Management Hearing shall be conducted:
1. not later than 30 days after the completion of Administrative Detention pending an investigation;

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2. not later than 30 days from the date the Director of Offender Classification and Population Management approves the inmate's release from Administrative Segregation; or,
 3. not later than 30 days after the completion of Punitive Segregation sanctions.
- B. Hearing Notice. A written notice of the hearing and the reasons for the hearing shall be given to the inmate a minimum of two (2) business days prior to the hearing utilizing CN 9402, Notification of Hearing. The notice shall state as explicitly as possible, consistent with the protection of any informant, why Special Needs Management is being considered. The notice shall contain information that the inmate may be assisted by an advocate and that the inmate may request witness statements. The inmate may waive the notice provision in writing by completing CN 9403, Waiver of 48-Hour Hearing Notice and/or Attendance; however, the Special Needs Management Hearing Officer may choose not to honor the waiver.
- C. Recommendation. The Special Needs Management Hearing Officer shall provide a written recommendation utilizing CN 9404, Restrictive Status Report of Hearing for Placement or Removal form, including the information which was relied upon and the reasons for or against placement in Special Needs Management. Any confidential information shall be maintained in a file, which is not accessible to any inmate. The use of confidential information, along with any assessment of its reliability, shall be included with CN 9404, Restrictive Status Report of Hearing for Placement or Removal form, as a separate attachment.
- D. Decision. The completed CN 9404, Restrictive Status Report of Hearing for Placement or Removal form shall be forwarded to the Director of Offender Classification and Population Management for review and decision. Placement on Special Needs Management status or participation in the Special Needs Management Behavioral Treatment Program shall be determined by the Director of Offender Classification and Population Management in consultation with the Deputy Commissioner of Operations and Rehabilitative Services or designee as outlined in Attachment B, Restrictive Housing Status Matrix. Written notification of approval or denial for placement to Special Needs Management status shall be forwarded to the appropriate Unit Administrator, as well as to the inmate. If approved for Special Needs Management, the Director of Offender Classification and Population Management shall authorize the appropriate management sub code for the inmate.
- E. Management. Inmates placed on Special Needs Management status shall be managed in accordance with Attachment A, Restrictive Housing Status - Provisions and Management Standards. An individualized facility management plan for each inmate on Special Needs Management status shall be developed collaboratively by the facility custody and mental health staff, and reviewed and approved by the DOC Director of Psychological Services in consultation with the Deputy Commissioner of Operations and Rehabilitative Services. The individualized facility management plan shall include recommendations to assist the inmate in achieving removal from Special Needs Management status.
- F. Review. A classification hearing for each inmate classified to Special Needs Management status shall be held at a minimum of every six (6) months. Each inmate classified to Special Needs Management status shall be reviewed by a mental health professional after 30

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days of initial placement and every 90 days thereafter. All such reviews shall be documented in the inmate's health record.

- G. Release. The Unit Administrator in consultation with the DOC Director of Psychological Services shall review and make recommendations to the Director of Offender Classification and Population Management regarding an inmate's release from Special Needs Management status by completing the appropriate section of CN 9404, Restrictive Housing Report of Hearing for Placement or Removal form. Release from Special Needs Management status shall be determined by the Director of Offender Classification and Population Management in consultation with the Commissioner or designee as outlined in Attachment B, Restrictive Housing Status Matrix.
14. Placement on High Security Status. An investigation shall be conducted by the Unit Administrator or designee to determine if an inmate may be considered for a High Security Monitoring Hearing, if such inmate meets one of the criteria listed in this section. The Unit Administrator, in consultation with the Director of Offender Classification and Population Management, may consider an inmate as a High Security Inmate if the inmate meets one or more of the criteria listed below. An inmate on High Security Monitoring shall be classified as an overall risk level 4 or above and shall be housed in a level 4 or 5 facility. Placement of an inmate on High Security Monitoring shall not preclude, and may be used in conjunction with, placement on any other restrictive status.
- A. Review Procedures. Each facility shall establish procedures to review each inmate, consistent with classification practices, to determine if an inmate shall be considered for a High Security Monitoring Hearing.
- B. Criteria for Placement. An inmate may be reviewed for classification as a high security inmate for any of the following reasons:
1. Has a staff threat profile, including but not limited to, hostage taking, intentional/direct assault (as defined by form CN 6603, Report of Assault on Staff), and/or murder of a Department of Correction or other law enforcement staff member.
 2. Has a documented history of serious disruptive behavior including but not limited to, history of leading food strikes or work stoppages and/or associated with the design or construction of a correctional facility.
 3. Has a level 4 escape profile objective classification score.
 4. Has an instant serious escape, attempted serious escape, or a history of serious escape(s).
 5. Any information that indicates inmate may attempt to escape, to include, but not limited to:
 - a. threats to escape;
 - b. information discovered on mail or phone review indicating plans for an escape;
 - c. possession of escape related contraband (tools, civilian clothing, maps, etc.);
 - d. cell damage that indicates an attempt or probable attempt to escape;
 - e. significant change in inmate's legal, institutional, or personal status; or,

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- f. additional detainers, denial of a release application, or new charges.
 - 6. Inmate's experience, special skills and/or knowledge which may present security or safety concerns.
 - 7. Other documented criteria to include confidential law enforcement intelligence information.
- C. Documentation. Information relating to Section 14(B) of this Directive, shall be documented on CN 9406, High Security Inmate Form. Copies of the completed form shall be forwarded to the Unit Administrator, Director of Offender Classification and Population Management Unit and the Director of Security.
- D. Notification. The Offender Classification and Population Management Unit shall be notified of any placement of an inmate on High Security Monitoring and shall make appropriate classification/profile changes. The Unit Administrator shall ensure that a green file flag card, designating the inmate as a 'High Security Inmate', is placed as the top page in Section 5 of the inmate's master file in accordance with Administrative Directive 4.1, Inmate Records.
- E. Housing. An inmate placed on High Security Monitoring shall be housed in a secured cell. The inmate shall be moved to a new cell at a minimum of every 90 days.
- F. Staff Awareness. Each unit that houses an inmate on High Security status shall maintain information related to the inmate's High Security status for unit staff review. An inmate who is on High Security status shall be issued a green inmate identification card.
- G. Management of High Security Inmates. A high security inmate shall be managed in accordance with general population standards with the following exceptions:
- 1. escorted or monitored movement only;
 - 2. cell searches, at a minimum of two (2) times a week;
 - 3. in unit work assignments only;
 - 4. in unit or monitored programs;
 - 5. non-contact social visits only;
 - 6. mail retention, same as general population and automatic mail review; and,
 - 7. telephones, same as general population and automatic call review.
- H. Review. The status of each inmate placed on High Security Monitoring shall be reviewed, at a minimum, every six (6) months. The review shall be in conjunction with a classification review. Recommendation for removal shall be made to the Unit Administrator who may endorse the recommendation and forward it to Director of Offender Classification and Population Management.
- I. Removal from High Security Status. The Unit Administrator, in consultation with the Director of Security, shall forward recommendations for removal to the Director of Offender Classification and Population Management, who may consider removal of an inmate from High Security Monitoring, if one (1) or more of the following criteria becomes applicable:
- 1. the inmate's physical condition changes enough to significantly reduce or no longer pose a threat of escape;

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2. relevant, valid and documented new information that exculpates the inmate or contradicts the initial information used for placement;
3. the belief that an inmate may no longer presents a high-risk due to length of time served or changes in circumstances originally used to classify the inmate as a high security inmate; or,
4. the passage of an extended period of exemplary institutional performance.

15. Special Monitoring Status.

- A. Placement. Any inmate upon completion of a special management program (i.e., Administrative Segregation, Chronic Discipline, Security Risk Group or Special Needs Management) or who has been identified as a safety and security concern may be placed on Special Monitoring status as determined by the Unit Administrator. If approved for Special Monitoring status, the Unit Administrator shall authorize the appropriate management subcode for the inmate.

All Special Monitoring designations shall be documented in Section 5 of the inmate's master file using CN 9202, Offender Classification History Form. The Unit Administrator shall ensure that a blue file flag card, designating the inmate as a 'Special Monitoring Inmate', is placed as the top page in Section 5 of the inmate's master file in accordance with Administrative Directive 4.1, Inmate Records.

Should an inmate be placed simultaneously on High Security status and Special Monitoring status, the High Security status shall take precedence (the inmate's RT-77 shall indicate the High Security). Should the inmate be removed from High Security status, the inmate's RT-77 shall reflect the status change from high security to special monitoring.

- B. Inmate Notification. The Counselor Supervisor of Classification, the Deputy Warden of Operations, the Unit Manager/Supervisor of the assigned unit (where applicable) and any other staff as determined by the Unit Administrator, shall conduct a meeting with the inmate within the first week of placement in order to notify the inmate of his/her placement on Special Monitoring status. The Counselor Supervisor of Classification shall review the inmate's history and reasons for placement on Special Monitoring status. The inmate shall be advised of the conditions related to Special Monitoring in accordance with CN 9407, Special Monitoring Status - Inmate Notification. The inmate shall sign and be given a copy of CN 9407, Special Monitoring Status - Inmate Notification. The signed CN 9407, Special Monitoring Status - Inmate Notification shall be placed in Section 5 of the inmate's master file.
- C. Management of Special Monitoring Inmates. An inmate on Special Monitoring status shall be managed in accordance with general population standards with the following exceptions:

1. in unit work assignments only;
2. random cell searches, at a minimum of once a week;
3. mail and telephone calls shall be reviewed;
4. inmate account activity shall be reviewed;

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5. unit staff shall monitor and report who the inmate interacts with during recreation, meal and tier activities;
 6. All disciplinary infractions shall be reported and reviewed; and,
 7. inmate's visits and visiting list shall be reviewed.
- D. Reporting. The requirements of Section 15(C) above shall be documented on CN 9408, Special Monitoring Review Form by the Unit Manager/Supervisor in conjunction with unit staff input. The completed form shall be forwarded to the Deputy Warden of Operations on a monthly basis. CN 9408, Special Monitoring Review Form shall be maintained while the inmate is on Special Monitoring status.
- E. Monthly Review. The Unit Manager/Supervisor shall meet with the inmate on a monthly basis to review the inmate's transition, activities and actions. The meeting shall be documented on CN 9408, Special Monitoring Review Form. The facility shall create and maintain a file for each inmate on Special Monitoring. All monthly reviews shall be placed in this file.
- F. Staff Awareness. Each unit that houses an inmate on Special Monitoring status shall maintain information related to the inmate's Special Monitoring status for unit staff review. An inmate who is on Special Monitoring status shall be issued a light blue inmate identification card.
- G. Transfers. Each inmate on Special Monitoring status who transfers from the designating facility shall be reviewed by the receiving facility in order to determine the continuation of Special Monitoring. If the receiving facility elects to continue the Special Monitoring status, a meeting shall be conducted as outlined in Section 15(B) of this Directive. If the receiving facility elects to discontinue the Special Monitoring status, the appropriate management sub code shall be removed by the receiving facility.
- H. Removal from Special Monitoring Status. After six (6) months, the Unit Manager/Supervisor may recommend the removal of the inmate from Special Monitoring status using CN 9408, Special Monitoring Review Form. All removals from Special Monitoring shall be documented in Section 5 of the inmate's master file using CN 9202, Offender Classification History Form. The last Special Monitoring Review Form shall be placed in Section 5 of the inmate's master file upon removal from Special Monitoring Status. All other Special Monitoring documents may be destroyed in accordance with AD 4.7, Records Retention.
16. Placement on Special Circumstances Status.
An inmate placed on Special Circumstances Status shall be housed in Administrative Segregation until a reclassification process is completed. The reclassification process shall include an assessment of the risk the inmate poses to staff and other inmates, and an assessment of whether such risk requires the inmate's placement in Administrative Segregation or Protective Custody. If the inmate is placed on Administrative Segregation pursuant to such assessment, the inmate shall be required to complete the Administrative Segregation program.
- A. Continuation of Special Circumstances Status. An inmate's classification as Special Circumstances Status may be continued if it is determined that such placement is appropriate after completion of the reclassification process. An inmate whose classification is maintained as Special Circumstances Status shall be housed in a maximum

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security housing unit and kept separate from inmates who are not on Special Circumstances Status.

- B. Conditions of Confinement. Conditions of confinement for inmates remaining on Special Circumstances Status after reclassification assessment shall include, but not be limited to the following:
1. The inmate's movements shall be escorted or monitored
 2. The inmate shall be moved to a new cell at least every ninety days
 3. The inmate's cell shall be searched at least twice each week
 4. No contact is permitted during the inmate's social visits
 5. The inmate shall only be assigned to work assignments that are within the assigned housing unit
 6. The inmate shall be allowed no more than two hours of recreational activity per day.
- C. Review. Each inmate classified to Special Circumstances Status shall be reviewed by a mental health professional after 30 days of initial placement and every 90 days thereafter. All such reviews shall be documented in the inmate's health record.
- D. Annual Commissioner's Review. The Commissioner, or designee, shall conduct an annual review of such inmate's conditions of confinement within such housing unit and the Commissioner may, for compelling correctional management or safety reasons modify any condition of confinement, subject to the requirements of section 16, subsection B of this directive.

17. Restrictive Status Review.

- A. Periodic Assessment. Each inmate on restrictive housing status shall be reviewed in accordance with Attachment B, Restrictive Housing Status Matrix.
- B. Unit Administrator Inspection. An inspection of each Restrictive Housing Unit shall be conducted at least twice a week by the Unit Administrator in accordance with Administrative Directive 6.1, Tours and Inspections and recorded in the station log. The Unit Administrator of any facility that houses inmates on Administrative Segregation Status shall tour the unit where such inmates are housed a minimum of twice per week.
- C. Staff Inspections. Each Restrictive Housing Unit shall be visited, at a minimum, by:
1. Correctional staff at least every 15 minutes on an irregular schedule and on a more frequent basis for problematic inmates. Inmates on Restrictive Status, with the exception of Special Circumstances Status, may be housed in general population housing units, but shall be subject to 15 minutes observation by correctional staff as outlined above. Security Risk Group Members shall be observed by correctional staff in accordance with Administrative Directive 6.14, Security Risk Groups.
 2. a custody supervisor and/or Unit Manager each shift;
 3. a member of the Health Services Unit at least once per shift. For facilities without a 24-hour Health Services Unit, tours shall be conducted when health services personnel are on duty; and,
 4. a counselor at least daily and upon request.

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All visits shall be recorded in the station log in accordance with Administrative Directive 6.2, Facility Post Orders and Logs. Requests to see other staff shall be made in writing by the inmate.

- D. Health Assessment. Each inmate shall be assessed by health services staff prior to placement in a Restrictive Housing Unit in order to determine housing suitability. Health services staff shall document the health assessment by completing CN 6602, Medical Incident Report. The original report shall be placed in the inmate's health record and a copy forwarded to the Shift Commander.

Health services staff shall check inmates on Punitive Segregation, Administrative Detention and Transfer Detention status on a daily basis and shall check inmates on Administrative Segregation status three times a week.

When an inmate remains on restrictive housing status beyond 30 days, a psychologist or psychiatrist shall conduct a personal interview with the inmate and document the inmate's mental status in the inmate's health record. If confinement continues for an extended period of time, the aforementioned psychiatric assessment shall be made every three (3) months or as clinically necessary. In the event that continued placement is contraindicated, health services staff shall promptly notify the Unit Administrator. For inmates who are using maladaptive behaviors, such as threatening self harm without intent or destroying property to avoid compliance with custody requirements such as housing or disciplinary actions, Behavioral Observation Status shall be initiated. Behavioral Observation Status shall be utilized in areas other than an infirmary/hospital Unit but shall be limited to housing areas in which custody staff routinely conduct 15 minute tours.

18. Readmission. Upon readmission, all inmates who were previously on Special Needs Management, or designated as a Security Risk Group Member shall be placed on Administrative Detention status pending placement to appropriate housing. Inmates who were previously on Administrative Segregation Status or Chronic Discipline Status shall be placed on abbreviated Special Monitoring Status and managed in accordance with the following procedures:

- A. Administrative Segregation Status. An inmate who has discharged while on Administrative Segregation Status (AS) and is readmitted to the Department of Correction shall be managed according to the following procedures.
1. An inmate who discharges from AS and is readmitted within 30 days of discharge shall be recommended for reinstatement of AS by the receiving facility to the District Administrator and the Director of Offender Classification and Population Management. If approved, a hearing shall be required in accordance with section 12 (A) of this Directive.
 2. An inmate who discharges from AS and is readmitted after 30 days from discharge shall have their AS Status suspended. The inmate shall be placed on abbreviated Special Monitoring Status (SM) for a period of 15 days and shall be housed in general population. During this period the inmate will not be transferred to another facility unless medical or mental health issues warrant such transfer.

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3. The inmate shall be interviewed during orientation, shall be advised of their placement on abbreviated Special Monitoring Status and shall be provided with a copy of CN9407 Special Monitoring Status-Inmate Notification advising the inmate of the conditions of this status. The original copy of this form shall be placed in the inmate's master file.
 4. Should the inmate receive a Class A or Class B Disciplinary Report during this 15 day period, the inmate shall be reviewed for reinstatement of Administrative Segregation Status.
 5. An inmate whose AS Status is suspended shall have their overall score lowered from a 5 to a 4. The suspension of AS will be documented appropriately in accordance with the classification manual.
 6. At the conclusion of the 15 day period of Special Monitoring the inmate may be either; removed from SM; continued on SM, or considered for reinstatement to AS Status. If the inmate is found guilty of a Class A or B Disciplinary Report soon after removal from Special Monitoring the Unit Administrator may place the inmate on a Custody Management Plan.
 - a. Removal from SM: If the inmate is approved for release from SM the Unit Administrator shall send a copy of the SM release form to the Office of Classification and Population Management for removal of the inmate from AS Status. If the inmate meets the criteria for a lower classification level and is suitable, the facility may lower the inmate's classification and submit the inmate for transfer.
 - b. Continuation on SM: The Unit Administrator may continue the inmate on SM Status for a specified period of time for further evaluation of the inmate's adjustment to readmission.
 - c. The inmate may be considered for reinstatement to AS Status if the inmate's adjustment warrants such action.
- B. Chronic Discipline Status. An inmate who has discharged while on Chronic Discipline Status (CD) and is readmitted to the Department of Correction shall be managed according to the following procedures.
1. An inmate who discharges from CD and is readmitted within 30 days of discharge shall be recommended for reinstatement of CD by the receiving facility to the District Administrator and the Director of Offender Classification and Population Management. If approved a hearing shall be conducted by the facility and the package shall be forwarded to OCPM for review.
 2. An inmate who discharges from CD and is readmitted after 30 days from discharge shall have their CD Status suspended. The inmate shall be placed on abbreviated Special Monitoring Status (SM) for a period of 15 days and shall be housed in general population. During this period the inmate will not be transferred to another facility unless medical or mental health issues warrant such transfer.
 3. The inmate shall be interviewed during orientation, shall be advised of their placement on abbreviated Special Monitoring Status and shall be provided with a copy of CN9407 Special

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Monitoring Status - Inmate Notification advising the inmate of the conditions of this status. The original copy of this form shall be placed in the inmate's master file.

4. Any new disciplinary sanctions that are incurred during the 15 day period of SM shall be enforced.
5. Should the inmate receive a Class A or Class B Disciplinary Report during this 15 day period, the inmate shall be reviewed for reinstatement of Chronic Discipline Status.
6. An inmate whose CD Status is suspended shall have their CD sub code removed. The suspension of CD will be documented appropriately in accordance with the classification manual.
7. At the conclusion of the 15 day period of Special Monitoring the inmate may be either; removed from SM; continued on SM, or considered for reinstatement to Chronic Discipline Status. If the inmate is found guilty of a Class A or B Disciplinary Report soon after removal from Special Monitoring the Unit Administrator may place the inmate on a Custody Management Plan.
 - a. Removal from SM: If the inmate is approved for release from SM the Unit Administrator shall send a copy of the SM release form to the Office of Classification and Population Management for removal of the inmate from CD Status. If the inmate meets the criteria for a lower classification level and is suitable, the facility may lower the inmate's classification and submit the inmate for transfer.
 - b. Continuation on SM: The Unit Administrator may continue the inmate on SM Status for a specified period of time for further evaluation of the inmate's adjustment to readmission.
 - c. The inmate may be considered for reinstatement to CD Status if the inmate's adjustment warrants such action.

C. Special Needs Management Status. The Unit Administrator or designee shall contact the Director of Offender Classification and Population Management, who shall consult with the DOC Director of Psychological Services and the Deputy Commissioner of Operations and Rehabilitative Services regarding the inmate's readmission in order to determine whether or not to return the inmate to Special Needs Management status in accordance with this Directive and the Classification Manual. If it is determined to continue the inmate on Special Needs Management status, the Administrative Segregation/Special Needs Management Hearing Officer shall conduct a hearing within 30 days from the date it is determined to return the inmate to Special Needs Management status. The inmate shall be notified of the pending hearing by utilizing CN 9402, Notification of Hearing. If it is determined not to continue the inmate on Special Needs Management status, a hearing shall not be required. At that time the Director of Offender Classification and Population Management shall sign the Release Section (page 2) of CN 9404, Restrictive Status Report of Hearing for Placement or Removal.

D. Security Risk Group Member. The Unit Administrator or designee shall notify the Director of Security and the Director of Offender Classification and Population Management of any Security Risk Group Member readmission by the next business day. The inmate's status

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shall be reviewed by the Facility Intelligence Coordinator/Unit Manager within 90 days of readmission. Prior to meeting with the inmate, the Facility Intelligence Coordinator/Unit Manager shall review the inmate's SRG file and notify the inmate of the pending meeting regarding the inmate's SRG status utilizing CN 61410, Security Risk Group 90-Day Review Notification. The Facility Intelligence Coordinator/Unit Manager shall meet with the inmate and advise the inmate of the results of the review utilizing CN 61408, Security Risk Group Member 90-Day Review. The original CN 61408, Security Risk Group Member 90-Day Review shall be forwarded to the Director of Security or designee and a completed copy of the form shall be forwarded to the inmate upon completion of the review. A recommendation regarding the Security Risk Group status for each readmitted inmate shall be made by the Unit Administrator and reviewed by the Security Division. The final disposition of continued Security Risk Group status shall be made by the Director of Security.

19. Designation and Management of Security Risk Group Members. Designation and management of Security Risk Group—shall be in accordance with Administrative Directive 6.14, Security Risk Groups.
20. Extensions of Time. Notwithstanding the time frames established in this Directive, the Unit Administrator and/or the Director of Offender Classification and Population Management may extend such time frames for good cause shown. Any such extensions of time shall be documented together with the reasons for the extension on CN 9409, Notification of Extension of Status. No inmate shall be confined on Administrative Detention status for more than 30 days without notice as to the reasons for such placement and an informal opportunity to be heard, either by a facility counselor, or a designee of the Unit Administrator or Director of Classification and Population Management. Any such informal notice and hearing shall be documented on CN 9409, Notification of Extension of Status.
21. Appeal of a Special Management Decision. An inmate may file an appeal regarding a special management (restrictive status) decision in accordance with Administrative Directive 9.6, Inmate Administrative Remedies.
22. Restrictive Status Reporting. Each Unit Administrator shall include restrictive status information in the monthly STARS report to the appropriate District Administrator.
 - A. Restrictive Status Categories. For the purposes of this Directive, the following restrictive status categories shall be included in the monthly STARS report:
 1. Administrative Detention;
 2. Punitive Segregation;
 3. Transfer Detention;
 4. Administrative Segregation;
 5. Chronic Discipline;
 6. (SRG Member); and,
 7. Special Needs Management.
 8. Special Circumstances Status

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- B. Reporting Requirements. The report shall provide the following information for each category as required in accordance with Section 21(A) of this Directive:
1. Number of placements during the month;
 2. Number of removals during the month; and,
 3. Total number at the end of the month.
23. Log Maintenance. Staff assigned to a Restrictive Housing Unit shall maintain the permanent station log in accordance with Attachment D, Restrictive Housing Unit - Log Entries and Administrative Directive 6.2, Facility Post Orders and Logs.
24. Forms and Attachments. The following forms and attachments are applicable to this Administrative Directive and shall be utilized for the intended function.
- A. CN 9401, Restrictive Housing Unit Status Order;
 - B. CN 9402, Notification of Hearing;
 - C. CN 9403, Waiver of 48-Hour Hearing Notice and/or Attendance;
 - D. CN 9404, Restrictive Status Report of Hearing for Placement or Removal;
 - E. CN 9405, Notification of Decision;
 - F. CN 9406, High Security Information Report;
 - G. CN 9407, Special Monitoring Status - Inmate Notification;
 - H. CN 9408, Special Monitoring Review Form;
 - I. CN 9409, Notification of Extension of Status;
 - J. CN 9410, Special Circumstances Status - Inmate Notification;
 - K. Attachment A, Restrictive Housing Status - Provisions and Management Standards;
 - L. Attachment B, Restrictive Housing Status Matrix;
 - M. Attachment C, Chronic Discipline Status - Provisions and Management Standards;
 - N. Attachment D, Restrictive Housing Unit - Log Entries; and,
 - O. Attachment E, Health Evaluation for Restrictive Housing Unit (RHU) Placement (HR-006).
25. Exceptions. Any exceptions to the procedures in this Administrative Directive shall require prior written approval from the Commissioner.

**Northern Correctional Institution
Administrative Segregation Program**

Administrative Segregation (A.S.): Placement of an inmate on a Restrictive Housing Status that results in a segregation of the inmates whose behavior while incarcerated poses a threat to the security of the facility or a risk to the safety of staff or other inmates. This inmate has demonstrated through his behavior that he is not appropriate for continued placement in general population and that he can no longer be safely managed in general population.

A.S. Placement: Inmates that are transferred to Northern will be afforded a hearing to determine if they will be placed on Administrative Segregation Status. Upon arrival, the inmate will be placed on Administrative Detention pending the Administrative Segregation investigation and hearing. The hearing will be conducted by a Hearing Officer assigned by the Director of Offender Classification and Population Management. A recommendation will be forwarded to the Director of Offender Classification and Population Management. This process can take up to thirty days.

Appeals: An inmate may appeal the decision to be placed on Administrative Segregation Status to the Deputy Commissioner of Operations.

Administrative Segregation Program: The Administrative Segregation Program at Northern is organized as a Transitional Phase Program. There are three phases that inmates must complete before any recommendation is made by the Unit Administrator for return into general population. The entire program shall at a minimum be a 10-month period. Phase I of the program is held at Northern CI and Phase 2/3 is held at Cheshire CI.

Program Philosophy: The three phase Administrative Segregation Program at Northern operates on the basic assumption that inmates who engage in aggressive, violent, disruptive behavior, or who pose an imminent risk to the public, staff, or other inmates require a highly structured and secure environment. Within this environment, inmates are held accountable for their action while learning coping skills necessary to allow their safe return to general population.

Phase I: This is the beginning phase of the Administrative Segregation Program held at Northern CI. This portion of the program is a minimum of 120 days before any review for progression to Phase II. Below is a summary of the program restrictions and privileges.

- Inmates are removed from their cells in **full restraints** at all times.
- Inmates are allowed to spend a maximum of **\$25.00 per week for commissary items** (if not on any sanctions).
- Inmates are allowed **one 15-minute telephone call per week** (if not on any sanctions).
- Inmates are allowed **one 30-minute non-contact visit per week** with immediate family only (if not on any sanctions).
- Inmates receive **recreation** one hour per day seven days a week.
- Inmates receive **three** showers per week.
- Inmates are precluded from any **work** assignments.
- Inmates are allowed a radio. There are no televisions permitted.
- Inmates participate in following programs while on A.S. Status: In cell programming "Making the Most of Your Time." Out of Cell Programming "Start Now" Unit 1 an evidence-informed skills therapy designed to treat offenders with behavioral disorders and associated behavioral problems; "Smarts" a program to address inmate basic functioning needs like impulse control and sleep issues. In addition, inmates under **21** who are managed in accordance with Connecticut General Statutes on Special Education are provided with Special Education Classes.
- A multidisciplinary team comprised of Unit Administrator, Deputy Warden, Unit Manager, Unit Staff and Mental Health Staff shall develop individualized management plans for inmates in Phase 1 to identify benchmarks and motivators to progress to Phase 2.
- All meals are served inside the cell.

Phase II: Inmates that successfully complete Phase I at Northern CI are reviewed for progression to Phase II at Cheshire CI by a committee made up at Northern CI of: the Unit Administrator, Deputy Warden, Unit Managers, Shift Commanders, Counselor Supervisors, Correctional Counselors, Correctional Treatment Officers, Correctional Officers, Mental Health Providers, Intelligence Officer, Disciplinary Coordinator. To progress to Phase II the inmate must have: completed 4-months in Phase I, all Punitive Segregation time, remained Class "A" disciplinary report free for 60 days, remained Class "B" disciplinary report free for 30 days, and remained Class "C" disciplinary report free for 30 days. Phase II is a minimum of 90-days. Below is a summary of the program restrictions, privileges and groups.

- Inmates for the first thirty days when released from their cell shall be **hand cuffed** in the front. After thirty days restraints are not authorized unless for movement outside the unit or while waiting placement back into Administrative Segregation Phase I or Punitive Segregation.
- Inmates are housed two per cell.
- Inmates are allowed to spend a maximum of **\$30.00 per week for commissary items** (if not on any sanctions).
- Inmates are allowed **two 15-minute telephone calls per week** (if not on any sanctions).

- Inmates are allowed **two** 30-minute **non-contact visits** per week with immediate family only (if not on any sanctions).
- Inmates receive one hour of **recreation** per day per seven days a week without any restraints.
- Inmates receive three **showers** per week.
- Inmates may **work** in the unit at the discretion of the Unit Manager. However, they are not eligible for seven-day jobs.
- Inmates are allowed a radio. There are no televisions permitted.
- **Special Education Programming** continues in Phase II.
- During Phase II, inmates must complete two groups: **Orientation/Communication and Anger Management**.
- All meals are served inside the cell.

Phase III: Inmates that successfully complete Phase II at Cheshire CI are reviewed for progression to Phase III at Cheshire CI by: the Deputy Warden of Programs and Services, the Unit Manager, Counselor Supervisor, Correctional Counselor, Correctional Treatment Officer and the Unit Correctional Officers. To progress to Phase III the inmate must have: been in Phase II for 90- days, completed all programs in Phase II, remained Class "B" disciplinary report free for 90-days, Class "C" disciplinary report free for 60-days, completed all disciplinary sanctions and maintained a positive attitude towards staff and the program. This last phase of the program is a minimum of 90-days.

- Restraints are not authorized unless for movement outside the unit or while waiting placement back into Administrative Segregation Phase I or Punitive Segregation.
- Inmates are housed two per cell.
- Inmates are allowed to spend a maximum of **\$35.00 per week for commissary items** (if not on any sanctions).
- Inmates are allowed **three** 15-minute **telephone** calls per week (if not on any sanctions).
- Inmates are allowed **three** 30-minute **non-contact** visits per week with family that has been approved to visit (if not on any sanctions).
- Inmates receive one hour of **recreation** per day seven days a week without any restraints. During Phase III, the inmates also participate in recreational sponsored programs: **Interactive Skill Building and Passive Recreation**.
- Inmates receive three **showers** per week.
- Inmates may **work** in the unit at the discretion of the Unit Manager. However, they are not eligible for seven-day job credit.
- Inmates are allowed a radio. There are no televisions permitted.
- **Special Education Programming** continues to Phase III.
- During Phase III inmates must participate and complete the following groups: **Relapse Prevention, How to Deal With Your Problems and Do Your Bid, Bridge Group and Interactive Skill Building**.
 - Meals may be served out of cell.

Criteria for return to Phase I: Phase II inmates may be returned to Phase I at Northern CI for the following reasons after review by the Unit Administrator and consultation with the District Administrator:

- Class "A" disciplinary report.
- Class "B" or "C" multiple disciplinary reports.
- Punitive Segregation received as a sanction on a disciplinary report.
- Refusal to participate in any Phase II Programming.
- Poor attitude
- Lack of Motivation

Criteria for return of Phase III: Phase III inmates may be returned to either Phase I at Northern CI or Phase II at Cheshire CI for the following reasons after review by the Unit Administrator and consultation with the District Administrator:

- Class "A" disciplinary reports (Phase I).
- Punitive Segregation received as a disciplinary sanction (Phase II or I).
- Refusal to participate in Phase III programming (Phase II or I).
- Class "B" disciplinary reports (Phase II).
- Multiple Class "C" or informal reports (Phase II).
- Poor Attitude (either Phase II or I).
- Lack of motivation (either Phase II or I).
- Poor work reports (either Phase II or I).
- Multiple class "B" or "C" disciplinary reports including poor work report (Phase II or I).

Inmates that Discharge from Administrative Segregation at Northern: If an inmate discharged on Administrative Segregation status, the admitting facility has 15 days to review the inmate for continued A.S. status, the inmate will not automatically be returned to his classification of "AS" status, or be housed at NCI immediately when he re-offends and returns to the Department of Corrections jurisdiction. The intake facility will conduct a review for both the initial placement and determination of continued A.S. status. The inmate shall be maintained on Administrative Detention status at the facility pending the review.

Return to General Population: Inmates that complete 90-days in Phase III, remained Class "B" disciplinary report free for 90 days, Class "C" disciplinary report free for 60-days, completed all programming and maintained a positive attitude toward staff and the program may be considered for return into general population. To return to general population, inmates must have successfully completed all three phases of the Administrative Segregation Program. A recommendation for removal is generated by the Unit Manager, reviewed by the Deputy Warden of Programs and Services and endorsed by the Unit Administrator. The removal package is forwarded to the Director of Offender Classification and Population Management.

Northern Correctional Institution Special Needs Management Program

Special Needs (SN): A placement status for inmate who have demonstrated behavioral qualities either through the serious nature of their crime, behavior, or through reasonable belief that they pose a threat to the safety and security of staff, other inmates, themselves or the public.

SN Placement: Special Needs Management shall be authorized at the Northern, Garner and MacDougall-Walker (Walker Building) Correctional Institutions for adult males, Manson Youth Institution for youth males, and York Correctional Institution for females. The Special Needs Management Hearing Officer shall conduct a hearing to consider classification assignment to Special Needs Management. The Special Needs Management Hearing Officer shall examine evidence to support the classification including the inmate's and/or any witness statements as well as a recommendation from the DOC Director of Psychiatric Services and the Unit Administrator.

SN Management: Inmates placed on Special Needs Management status shall be managed in accordance with the Restrictive Housing Status - Provisions and Management Standards. An individualized facility management plan for each inmate on Special Needs Management Status shall be developed collaboratively by the facility custody and mental health staff, and reviewed and approved by the DOC Director of Psychiatric Services. The individualized facility management plan shall include recommendations to assist the inmate in achieving removal from Special Needs Management status.

- Inmates assigned on Special Needs Management shall be housed in the 1-East, 1-West Units
- Inmates' restraint status shall be determined by the inmate's mental health treatment plan and appropriate custody protocols.
- Inmates are allowed to spend a maximum of \$50.00 per week for commissary item (if not on any sanctions).
- Inmates shall be allowed three (3) One Hour non-contact visits per week with immediate family only (if no on any sanctions).
- Inmates receive two (2) hours per day six (6) days a week that may include access to the Unit Dayrooms, Exterior Recreation Enclosures or Gymnasium; based upon an individual's restraint status.
- Inmates shall receive showers Monday thru Saturday
- Inmates may be assigned a work assignment as determined by the Unit Administrator.
- Inmates may be allowed to retain a radio and/or a television or as otherwise directed by the inmate's mental health treatment plan.
- All meals are served inside the cell.

SN Review & Release: A classification hearing for each inmate classified to Special Needs Management status shall be held at a minimum of every six (6) months. Each inmate classified to Special Needs Management status shall be reviewed by a mental health professional after 30 days of initial placement and every 90 days thereafter. Release from Special Needs Management status shall be determined by the Director of Offender Classification and Population Management in consultation with the Commissioner or designee.

**Northern Correctional Institution
High Bond Unit**

High Bond (HB) Unit: The High Bond unit is a specialized unit that houses inmates who are awaiting disposition of charges and who carry a high bond of usually \$850,000 and higher, serious felony charges, inactive court dates, or a combination of these criteria.

HB Placement: High Bond offenders at NCI are placed due to inactive court dates extending well into the future thereby freeing up bed space at Correctional Centers for inmates with active cases. Additionally, the High Bond Unit will be utilized to house un-sentenced inmates who are considered a high profile or whose alleged crimes have a high level of media attention.

HB Management: At Northern High Bond inmates will be housed in the 3-East & 3-West Housing Units and will be managed as those in a Level-4 General Population Unit or facility.