

Colorado Department of Corrections  
Administrative Segregation and Classification Review

Technical Assistance # 11P1022

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## **Disclaimer**

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This technical assistance activity was funded by the Prisons Division of the National Institute of Corrections. The Institute is a Federal agency established to provide assistance to strengthen state and local correctional agencies by creating more effective, humane, safe and just correctional services.

The resource person who provided the on site technical assistance did so through a cooperative agreement, at the request of the Colorado Department of Corrections, and through the coordination of the National Institute of Corrections. The direct onsite assistance and the subsequent report are intended to assist the agency in addressing issues outlined in the original request and in efforts to enhance the effectiveness of the agency.

The contents of this document reflect the views of James Austin and Emmitt Sparkman. The contents do not necessarily reflect the official views or policies of the National Institute of Corrections.

## Background

The Colorado Department of Corrections (CDOC) made formal request to the National Institute of Corrections (NIC), U.S. Department of Justice, to have an external review of its offender classification system and its administrative segregation policies and practices. Once the request was received, the NIC selected two consultants (James Austin and Emmitt Sparkman) to complete the TA assignment.

The primary reasons for this request can be summarized as follows;

1. With respect to the offender classification system, there had not been a full re-validation of the offender classification for several years. It is recommended that all risk assessment systems be re-tested at least every five years to ensure the system is both reliable and valid. Further, there was the need to determine if the systems are equally effective for male and female offenders.
2. With respect to administrative segregation, there have been a number of important changes in the overall structure and procedures associated with administrative segregation within the CDOC. Here again, a comprehensive assessment of the current system was desired to determine if further changes were warranted.

Once the two consultants had been designated by NIC and agreed to by the CDOC, a three-day onsite visit was scheduled for August 8-10, 2011. In advance of the on-site activities a wide array of documents were forwarded to the consultants to help them become acquainted with the classification and administrative segregation systems. Although both consultants worked as a team, Emmitt Sparkman spent most of his time focused on the administrative segregation issued and Dr. Austin focused on the offender classification systems. However, this report's findings and recommendations represent the consensus of both consultants.

Some of the key documents and data files that were provided to the consultants were as follows:

1. A CCF/CSP power point describing the Quality of Life component of the Administrative Segregation system;
2. A detailed data file that listed all persons currently assigned to administrative segregation;
3. A detailed data file of the entire prison population containing the current classification record and disciplinary records;
4. A 2005 study completed by Maureen L. O'Keefe, Director of Research for the CDOC (Analysis of Colorado's Administrative Segregation);
5. All CDOC administrative regulations, policies and facility memorandums

- regarding administrative segregation;
- 6. Current classification forms (both male and female);
- 7. .Current Administrative Regulations regarding Security Threat Group Identification and Management; and
- 8. CDOC FY2011 Statistical Annual Report

What follows is a description of the on-site activities followed by analysis and recommendations regarding administrative segregation and the offender classification system. The short-term nature of this assignment (on-site for three days covering two complex subject matters) limits the extent of the analysis and subsequent recommendations. Additional analysis and review would be required to complete the level of work needed to make a complete assessment. However, the findings presented here are sufficiently grounded regarding the work completed under NIC.

### **On-Site Activities**

During the three-day site visit the following major meetings and activities were completed.

#### *Introductory Meeting*

An introductory meeting was held the morning of August 8, 2011, with Colorado Department of Corrections officials; Tony Carochi Director of Prisons, Karl Spiecker, Director of Finance and Administration, Maureen O'Keefe, Director of Planning and Research, Lou Archuleta, Assistant Director of Offender Services, Paul Hollenbeck, Associate Director of Offender Services, Larry Reid, Deputy Director Prisons, and Kevin Milyard, Deputy Director of Prisons. The overall scope of the TA was discussed and a tentative agenda for the on-site activities was agreed upon by the CDOC officials and NIC Consultants. The procedures for administrative segregation placement were discussed and the differences between administrative and disciplinary segregation reviewed by the meeting participants (There are approximately 1,500 offenders in administrative segregation and another 670 offenders designated for punitive segregation including state and private facilities.

In the discussion that follows it will be useful to refer to Table 1 which lists number of persons assigned to administrative segregation by each facility and by the Quality of Life (QOL) that an offender can be assigned to. This report describes in some detail the QOL system which basically allows offenders to receive higher and lower levels of privileges while confined to administrative segregation. One should note that the vast majority of the population is assigned to Levels 2 and 3.

#### *Administrative Segregation Unit Visits*

Following the introductory meeting, the NIC Consultants and CDOC officials; Tony Carochi, Director of Prisons, Larry Reid, Deputy Director of Prisons, and Kevin Milyard, Deputy Director of Prison traveled to Canon City, Colorado for site visits to the Colorado State Prison, Centennial North Prison and Centennial South Prison. Susan Jones is the

Chief Administrative Officer/Warden for the Colorado State Prison (CSP), Centennial North Prison (CCF North) and Centennial South Prison (CCF South) Complex.

**Table 1. Summary of Administrative Segregation Populations By Facility By Quality of Life Levels**

Quality of Level	CCF	CSP	Total CCF and CSP	Sterling	Denver Women	Totals
Level 1	10	13	23	5	2	30
Level 2	169	171	340	61	13	414
Level 3	298	427	725	69	12	806
Level 4	0	0	0	55	2	57
OMI	0	146	146	0	9	155
OMI Waitlist	0	51	51	90	0	90
Totals	477	757	1,234	280	38	1,552

Source: CDOC Facility Reports

A meeting was held with Warden Jones and her staff to review the use of administrative segregation at the complex. Upon the conclusion of the overview, all three sites were toured. At each housing unit the consultants completed brief interviews with offenders assigned to the unit.

#### *Colorado State Penitentiary*

The Colorado State Penitentiary (CSP) is a prison designated for administrative segregation with a capacity of approximately 756 offenders. The CSP has two types of administrative segregation; regular administrative segregation and mentally ill offenders in administrative segregation (OMI). Offenders in the regular administrative segregation unit participate in a behavior system with three levels. An offender begins in Level 1 and with positive behavior after 7 days can progress to Level 2. After 90 days with acceptable behavior at Level 2, the offender can progress to Level 3 the highest level. Progression in levels corresponds with an increase in privileges.

The consultants discovered that level progression was not related to an offender being released from administrative segregation. The behavior level system dictates the privileges of an offender, and the completion of cognitive learning and other programs is the means for an offender to be released from administrative segregation. In general, each program takes at least 90 days to complete and a male offender must successfully

complete three such programs (this is not a requirement for the female administrative segregation units). This amounts to a offender having an indeterminate sentence in administrative segregation. Once the offender completes required cognitive learning programs he is transferred to the Sterling Correctional Facility for review and transition to Level 4 and release to Close Custody-General Population (PRO Unit).

The CSP Behavior Level System for regular administrative segregation does not provide a reduction in security procedures to allow offenders to congregate with other offenders and/or participate in activities outside the cell without restraints. Interestingly, the majority of the CSP Administrative Segregation offenders were at the highest behavior level (Level 3 – 427 offenders). Only 13 were in Level 1; however, security procedures reducing use of restraints and congregating out of cell activities are not incorporated in the program. Almost all programs and activities are provided by staff at the cell side without removal of the offender from the cell. Offender assessments are limited to paper reviews without offender participation or conducted by staff at the cell side with the offender present.

The CSP OMI Administrative Segregation is an eight level behavior system that provides an increase in privileges and with a corresponding reduction in security procedures. The OMI Program allows group congregating and outside of the cell activities without restraints at the highest behavior level of the behavior program. The CSP OMI Program has 146 offenders participating with the majority in the higher levels; Level 1-1, Level 2-1, Level 3-28, Level 4-26, Level 5-20, Level 6-34, Level 7-34, Level 8-2. Security module tables have been constructed enabling OMI offenders to participate in group activities in restraints that reduce offender isolation.

The CSP physical plant has space for group activities including a multipurpose gymnasium that is minimally utilized by OMI offenders. There is program and non-contact visitation space available for assigned offenders. CSP regular administrative segregation offenders are not allowed access to the multipurpose gymnasium. The individual exercise areas for regular and OMI administrative segregation offenders are inside with direct sunlight only through windows.

A debriefing was held with the prison after the tour of CSP. The debriefing included a file review of selected offenders interviewed by the NIC Consultants during the tour.

### *Centennial Correctional Facility-South*

CCF-South is located adjacent to CSP. CCF-South is the CDOC's newest prison utilized for administrative segregation. Warden Susan Jones is also the Chief Administrative Officer for the CCF-South, a prison with a capacity for approximately 948 offenders with 632 beds open. The other 632 beds have not been opened for budget reasons. CCF-South is a high tech prison with almost all services provided the offender in his cell using a kiosk. The CSP three level behavior system for regular administrative segregation and eight level behavior system for OMI administrative segregation is utilized at CCF-South. CCF-South administrative segregation offenders completing the

program are transferred to Sterling Correctional Facility the same as CSP. Visitation, programs, case management, etc. for offenders is via the kiosk inside the offender cell. The kiosk allows an offender easier access to communication based services; however, it increases his isolation from human contact. The tour of CCF-South revealed the prison was designed with the intent for almost all services to be provided by kiosk in the cell. Program, visitation and recreation space is extremely limited. The physical plant is not conducive for an offender to receive programs and activities outside his cell because space was not included in the prison design. CCF South offenders are allowed outside their cells for showers three times per week and exercise five times per week. Outside exercise areas are not truly outside the building, but do offer outside views and indirect sunlight. The consultants interviewed offenders during the tour of the prison and selected several for file review for administrative segregation appropriateness.

### *Centennial Correctional Facility-North*

CCF-North is located in the perimeter with CCF South and is the older of the two facilities. NIC consultants toured the prison and interviewed a small number of offenders. Warden Jones is also the Chief Administrative Officer for the CCF-North that has a capacity for 336 offenders. The three level behavior system for regular Administrative Segregation and four level behavior transitional system for OMI program offenders is utilized at CCF-North. CCF-North Administrative Segregation offenders completing the program are transferred to Sterling Correctional Facility the same as CSP and CCF-South.

Unlike CCF-South, CCF North has significant program space and the exercise area is outside the building. The CCF North physical plant has program and outside exercise areas that promote out of cell activities for offenders. The CCF-North OMI Close Custody has an additional four levels (9 through 12) where offenders are in a step down program and are classified as OMI Close Custody general population.

### *San Carlos Correctional Facility*

Mr. Sparkman toured the San Carlos Correctional Facility (SCCF) and interviewed staff the afternoon of August 8, 2011. San Carlos serves the CDOC by providing specialized treatment and programming for male offenders that exhibit the most severe and persistent mental health issues. CDOC has 6100 offenders that are diagnosed mentally ill and SCCF has a capacity for 255 offenders, with 24 cells designated as Administrative Segregation. CDOC Associate Director of Clinical Services Kellie Wasko and Associate Warden Laurie Tafoya guided the tour of the 24 bed Mental Health Administrative Segregation Unit.

The SCCF Administrative Segregation is operated on a three level behavior system; Level 1-2 weeks, Level 2-2 weeks, and Level 3-indeterminate. SCCF OMI Administrative Segregation Level 3 offenders are permitted to participate in group activities outside the cell without restraints. The SCCF Administrative Segregation

exercise area is outside the building. Once SCCF OMI Administrative Segregation offenders become stable they are moved to the general population to participate in treatment programs at SCCF or other CDOC prisons. A small number because of severe mental illness remain in the SCCF OMI Administrative Segregation Program. CDOC Mental Health officials at headquarters determine what offenders will be placed at SCCF. Assessment of offenders in Administrative Segregation with mental illness is standardized throughout CDOC by Clinical Standards and Procedures "Mental Health Evaluations of Offenders classified as Administrative Segregation 700-3.840.

#### *Denver Women's Correctional Facility-DWCF*

Both consultants toured the DWCF with CDOC officials Tony Carochi, Director of Prisons, Larry Reid, Deputy Director of Prisons, and Kevin Milyard, Deputy Director of Prison on August 9, 2011. The tour was guided by Warden Dona Zavislin and her staff. DWCF has 32 regular administrative segregation beds and 32 punitive segregation beds. The offenders in regular administrative segregation participate in four level behavior system. An offender can reach level 4 in one year with positive behavior. Most programs are provided the offender at cell side. Administrative Segregation offenders are given out of cell behavior level reviews; however, CDOC Administrative Regulations do not require out of cell reviews. Case Managers have weekly contacts with the offender at the cell and monthly reviews are paper without offender participation. DWCF has 24 bed housing unit designated for OMI offenders; 12 beds administrative segregation and 12 beds special needs. OMI offenders in this program have programming activities two days per week outside the cell. Additional outside of cell time is provided five days per week for showers, dayroom and telephone.

#### *Sterling Correctional Facility-SCF*

Mr. Sparkman met with SCF Acting Warden John Chapdelaine and his staff the afternoon of August 9, 2011. Acting Warden Chapdelaine and his staff provided an overview of SCF. The prison has an interior of 75 acres with a capacity of 2545 offenders. The SCF East housing is dormitories with a capacity of 1056 offenders. The SCF West has cells and a capacity of 1201. Administrative Segregation is located in SCF West 6,7, and 8 housing units and has a 192 bed capacity. Punitive Segregation is in SCF 5 and has a 92 bed capacity.

SCF Administrative Segregation has 4 behavior levels. The Case Manager ratio is one to approximately 96 offenders. Case Managers contact with offenders is primarily at cell side. Those offenders who are within 6 months of release at SCF receive Pre-Release staff services from one staff member half a day a week. It was reported other program positions for the administrative segregation offenders were vacant. This is a concern because SCF was designated as the transition point for offenders released from administrative segregation to the general population or community.

SCF administrative segregation offender's typical day is one hour out of cell for showers and exercise. This is five days per week and does not include weekends. Eligible



administrative segregation offenders are delayed release from Housing Unit 6, 7, and 8 due to unavailable PRO Unit bed space in the general population. SCF is not designated for Administrative Segregation OMI offenders; however, there are 90 OMI offenders in Housing unit 5, 6, 7, and 8 waiting CSP or CCF placement. SCF Housing Unit 6, 7, and 8 only have one out of cell exercise area for 16 offenders which is insufficient. For example, it would take 16 hours to provide required out of cell exercise and showers if requested by all the 16 offenders. The out of cell exercise area is inside the building with a view to the outside.

SCF Unit 1 has two of three pods designated for the STAR and IMP Programs. Both programs would be defined as diversion prior to placement into Administrative Segregation or general population. The STAR and IMP Programs are not managed by CDOC Administrative Regulations. They are managed by SCF Operation Memorandums. The STAR Program provides offenders one hour out of cell a day five days a week for showers and exercise without restraints. Offenders are double bunked and typically are overflow from punitive segregation and identified security threat group members. The STAR Program is typically 90 days in length. The IMP Program is six months to one year and allows an offender four hours per day out of cell seven days a week; 1 hour in the a.m., 1 ½ hours in the afternoon and 1 ½ hours in the evening. Offenders meet with their Case Manager monthly in an office setting.

SCF Unit 2 Pod C is designated for the PRO Unit. The unit has a 102 capacity and the population for the PRO is approximately 65-70 offenders. PRO Unit offenders are Close Custody-General Population mixed with other Close Custody General Population. Offenders assigned to PRO attend the “Thinking for Change” program two hours a day two times per week.

## **Other Site Activities**

### *Advocates Opposed to Administrative Segregation Meeting*

Following the tour of the DWCF a meeting was held with invited advocates opposed to the CDOC use of Administrative Segregation (see attendee list). The advocates voiced their concerns and were encouraged to submit comments to CDOC officials for inclusion in the NIC Consultant Report (see attachments). The primary concerns presented were;

- The number of CDOC offenders in Administrative Segregation is considerably higher than the national average;
- Numbers in Administrative Segregation are actually even higher if you include the Sterling Correctional Facility STAR and IMP Programs;
- About 40% of offenders are released directly to the community from CDOC Administrative Segregation (verified with CDOC);
- Placement is arbitrary (vague and subjective) and needs to be more restrictive reducing the numbers in Administrative Segregation;

- Offenders with mental illness by default are placed in administrative segregation due to dwindling treatment resources;
- Administrative Segregation Placement Committees needs to include a Mental Health Professional;
- Mentally Ill offenders in Administrative Segregation has increased from 10 percent in 1999 to 41% in 2010 (verified with CDOC);
- Mental Health Offenders need thorough assessments prior to and after placement in Administrative Segregation to determine appropriateness or continued confinement in the status;
- Administrative Segregation does not have acceptable step down programs;
- Programs for Administrative Segregation offenders that are out of cell time and congregate activities need to be increased; and,
- The use of force by staff is excessive.
- Offenders should not be released from Administrative Segregation straight to the streets without some sort of step-down, assimilation program.
- Administrative Segregation should not be used as a permanent placement for offenders. An 18-month average length of stay is unacceptable.
- Providing treatment services to those in Administrative Segregation seems promising, but also seems an odd incentive. Do offenders who are not in Administrative Segregation receive as robust treatment services as they do while in Administrative Segregation? If so, great. If not, it seems that in order to get treatment, one would actually want to be placed in Administrative Segregation.
- It is concerning to hear that mental health assessments are conducted as a simple pass through and only consist of some basic questions... A mental health assessment should be conducted in person and with some level of confidentiality, so that others do not hear what the offender is saying.

### *Reception Center*

After this meeting, Dr. Austin met with the CDOC Reception staff to review the intake process. The intake process is quite comprehensive and efficient. The average time spent in the center is about two weeks during which comprehensive education, drug use, mental health and medical screening and assessments are completed. There were only two areas of concern regarding the intake process that were noted.

First, the CDOC has been implementing a commercially available risk assessment system commonly known as the LSI-R (Level of Service Inventory- Revised). That system consists of a 54 item rating system to measure a offender's risk to recidivate and a number of "criminogenic" factors believed to be associated with the risk level (e.g., substance abuse, use of leisure time, etc.).

To its credit, the CDCOC conducted three initial studies of the LSI-R starting in 1998 on a limited number of offenders. The evaluations found the LSI overall scale was predictive of various measures of recidivism. However, the evaluations did not report the level of predictiveness for each of the 54 items or the major domains. Other studies have found that only a limited number of the LSI have strong associations with

recidivism but many of the other items are either not associated or have a weak association. The reliability study done with mixed results. The reliability study also did not show the individual item reliability results which again could have pinpointed those specific items that are problematic.

It's fair to say that many of the LSI-R risk items are also generally covered or addressed by the other aspects of the CDOC reception center process. And, the current LSI needs to have a more current evaluation both in terms of its reliability and validity. Such studies should assess each item and the major domains as well as the overall scale.

The current process provides a very complete assessment of the offender's needs. Specifically, the Diagnostic Narrative Summary provides a very adequate assessment of the person's employment, academic/vocational (with IQ and TABE testing results), mental health, substance abuse, sexual adjustment, anger, medical, prior correctional conduct, social summary, current and prior offense history and leisure activities.

For sex offenders, a very complete psychosexual evaluation is completed by a licensed SOMB evaluator. That assessment uses numerous assessment instruments including the Static-99, SORAG, and VRAG. It's not clear how the LSI-R can enhance this already thorough assessment.

What the LSI-R does or should provide is a risk assessment score that would help prioritize the need for the offender to participate in and complete meaningful programs that would serve to reduce risk and enhance the offender's chances for parole at the time of his/her parole eligibility date.

Secondly, and on a more minor level, the recommendation for substance abuse treatment cannot be made unless a licensed substance abuse worker can complete the assessment. Since there is not a sufficient number of such professionals available at the Reception Center, many offenders who clearly have a drug abuse problem do not receive such a diagnosis. This gap between assessment and treatment is further aggravated by the lack of treatment resources.

#### *Exit Briefing with Executive Director Tom Clements*

The NIC consultants held an exit briefing with CDOC Executive Director Tom Clements and Management staff on August 10, 2011. Prior to the meeting a summary of the major findings and recommendations were drafted. During the meeting these findings and recommendations were discussed with Executive Director Clements and his management team. It was explained that a draft of the report would be forwarded to him within two weeks and that a final draft would be submitted to NIC and the CDOC shortly thereafter. There are no substantial differences between the findings/recommendations presented in this report and the ones presented to the CDOC during this meeting.

## *Administrative Segregation Placement and Review Policies*

In this section of the report, we attempt to summarize the key official policies and regulations that govern the use of administrative segregation by the CDOC.

CDOC Administrative Regulation (AR) 600-02 *Offender Classification-Administrative Segregation* establishes the guidelines for segregating high security risks offenders and members of security threat groups from facility general population offenders.

Factors and evidence relied upon to recommend administrative segregation must be clearly documented in a “Notice for Administrative Segregation”. Placement in administrative segregation is justified for only the following reasons:

1. Conduct that poses a serious threat to security of a facility;
2. To prevent imminent injury to an offender(s) or an employee(s)
3. To contain or prevent or quell a riot;
4. To prevent serious property damage; and,
5. To prevent escape and/or 6) other (must be specified).

While these five reasons have “face” validity they can be hard to apply to specific offenders and their behavior. For example, just what constitutes “serious threat” or “serious property damage”. How does one know that placement in administrative segregation has prevented an escape or “imminent injury”?

The official process for initiating placement in administrative segregation typically begins when a CDOC employee completes the “Notice for Administrative Segregation”. This document includes a summary report setting forth the facts relied upon and reason(s) why the offender should be considered for placement into administrative segregation. The notice is served to the offender by a CDOC employee with a copy to the facility Classification Committee. The Classification Committee then conducts a hearing and the offender has the right be present unless security precludes presence. The offender is given 48 hours notice prior to the hearing. The Facility/Prison Administrative Head designates the Classification Committee, which is defined in AR 600-02 Section III. E. AR 600-02 specifies the chairperson of the committee will be a CDOC employee at or above the level of Correctional Officer III.

The Classification Committee hearing for administrative segregation is held no later than five days after the “Notice of Administrative Hearing” and is served unless good cause is documented in the record. A delay in the hearing cannot exceed 30 days. The CDOC has the burden of proof to demonstrate the offender should continue placement in Segregation and requires the standard of proof to be “substantial”. The offender is provided the opportunity to offer an explanation or rebuttal of the circumstances and any additional information related to the incident as documented in the “Notice for Administrative Segregation”.

The Classification Committee recommends specific actions to the Warden/Administrative Head. The Warden/Administrative Head is required to review the Classification Committee's decision within five days of receipt. The Warden/Administrative Head may confer with the Offender Services Associate Director to affirm, deny or reverse the decision of the Classification Committee to place the offender in Administrative Segregation. It was reported the Offender Service Associate Director rarely rejected the recommendation of the Warden/Chief Administrative Head.

In cases where the Warden/Administrative Head denies Administrative Segregation placement, the documentation is forwarded to the Offender Services Associate Director stating whether the offender can be managed at the facility or should be transferred to another facility and/or security level.

A offender with known mental health problems (P3 or higher) for whom the Classification Committee recommends administrative segregation receives a mental health evaluation by the mental health staff to determine where the offender will serve administrative segregation. But the Mental Health staff is not involved in the initial decision to place an offender in administrative segregation.

The Offender may appeal the administrative segregation recommendation to the Warden/Administrative Head. The appeal must be in writing and submitted within seven days after receipt of the decision. The Warden/Administrative Head must respond to the offender's appeal within 30 days.

An offender in administrative segregation receives a review every seven days for the first two months of confinement and every thirty days thereafter. The reviews are conducted by the Case Manager. Such reviews are primarily done cell side or by paper without the offender present. Rarely is the offender given a review in an office setting. *Toevs v Reid et al*: 2011 WL 2437782 (C.A. 10 (Colo.)), found the CDOC did not provide meaningful periodic reviews for administrative segregation offenders. However, the Court ruled the CDOC defendants were entitled to qualified immunity because it was not clearly established in 2005 through 2009 that the review process was inadequate.

We reviewed Administrative Segregation confinement at CSP, Centennial North, Centennial South, San Carlos Correctional Facility, Denver Women's Facility, and Sterling Correctional Facility. All the sites were found to have Quality of Life (QOL) Programs for offenders in Administrative Segregation. QOL Programs varied from regular administrative segregation offenders participating in three level behavior based programs with graduated privileges at each level to offenders with significant mental health problems (OMI) in administrative segregation participating in an eight level behavior based program.

Offenders with severe mental illness in administrative segregation at San Carlos participate in a three level behavior based program. Variations to the regular and OMI Quality of Life Programs were found at all of the facilities. Regular Administrative Segregation offenders do not receive lessened security procedures with the progression in behavior levels. Even at the highest privilege level, an Administrative Segregation offender must be in restraints and escorted by staff outside his/her cell. A regular

administrative segregation offender is not allowed at any stage of the QOL Program to participate in congregate activities with other offenders. OMI Administrative Segregation offenders' security procedures do lessen with progression through behavior levels and allow group activities at the highest level. The variation in the QOL Programs at the facilities was confusing to the us and could be confusing to staff and offenders.

CDOC QOL Programs has minimal bearing on the offender release from Administrative Segregation and is primarily associated with privileges. An offender can become eligible for release only by completing designated cognitive learning programs. Completion of the programs does not guarantee the offender his release from administrative segregation and resources prevent required treatment programs from being offered and completed by offenders. Time frames for administrative segregation release eligibility are not defined as they are in the CDOC QOL Programs. Essentially, an offender placed in CDOC Administrative Segregation can be held for an indeterminate period with strict security procedures although his positive behavior has warranted maximum privileges.

## **Offender Classification**

The CDOC has been operating an objective prison classification system for a number of years. That system consists of an initial and reclassification process and forms. Separate classification forms have been established for the male and female populations. The items used on the initial and reclassification forms are fairly typical of the items used on other state prison classification systems. Over-rides are also available to over-ride the scored custody level and must be properly documented. In terms of classification structure, the entire classification process is governed and monitored by the centralized classification unit that is staffed with experienced CDOC personnel. So in terms of the basic structure and design of the CDOC system it is basically sound. However, there are several areas where the system can be improved upon and modified to enhance its current operations.

### *Under and Over-Classification*

Table 2 summarizes the current custody levels of the female and male populations for the current prison population. The CDOC uses a four level custody system for the general population. For the males, there is a fairly even distribution for all four levels with the smallest percentage being for Close custody (15%). This % in close is fairly typical for the male population as found in other states. However, the same percentage exists for females which is highly unusual. Most states either have no or very few women in the close custody category.

For the males, there is only 23% in the medium custody level but a combined 50% in the Minimum and Minimum Restricted levels. The Minimum Restricted group seems to be a mixture of true mediums and true minimums. The small number of "unclassified" offenders verifies that the reception process is being conducted in a timely manner.

**Table 2. Current Colorado Custody Classification Levels**

<b>Custody Level</b>	<b>Males</b>	<b>Females</b>	<b>Total</b>
Administrative Segregation	7.3%	2.1%	6.8%
Close	14.8%	14.0%	14.7%
Medium	23.4%	11.4%	22.4%
Minimum Restricted	26.2%	27.8%	26.3%
Minimum	27.7%	43.8%	29.1%
Unclassified	0.7%	1.0%	0.7%

Source: CDOC

For this report there is not sufficient time to conduct a formal validation study. This will be conducted later in the year. However, there is some preliminary analysis that suggests the system is working well but for which there could be some improvements.

As noted earlier, the classification system allows for over-rides. As shown in Table 3, the level of over-rides is quite low for most categories (2-4%). The highest is 8% for cases that are in minimum restrictive but are over-ridden to minimum. The recommended standard is that the over-rides be between 5% and 15% so the 4% is a bit low. There should be an audit of the very few cases (3) that are scored as close but have been placed in minimum custody. Similarly, and audit should be made of cases that are scored minimum but are assigned to Close custody.

**Table 3. Final and Scored Custody Levels – Current Prison Population**

	<b>Missing</b>	<b>Close</b>	<b>Medium</b>	<b>Minimum Restrict</b>	<b>Minimum</b>	<b>Total</b>
Scored						
Close	106	2,946	75	5	3	3,135
Medium	169	58	4,515	74	44	4,860
Minimum Restrict	305	29	20	5,139	267	5,760
Minimum	161	37	10	23	3,494	3,725
Total	741	3,070	4,620	5,241	3,808	17,480
Over-Ride	NA	4%	2%	2%	8%	4%

Source: CDOC Data File, Administrative Segregation Cases are Deleted. If there was no final custody level, the case is deleted from the analysis.

In terms of the scoring items and their influence on the overall score, Tables 4 and 5 show the results for the male population. First, it should be noted that the vast majority of the current prison population is under the reclassification instrument (13,243 offenders) as opposed to the initial instrument (1,801 offenders). Second, four items on the initial classification form drive the total average point score (13.59 points) – severity of current offense, detainer, prior felony record, and parole eligibility date.

**Table 4. Initial Classification Scoring Results – Males**

<b>Items</b>	<b>Data Code</b>	<b>Ave. Score</b>	<b>Std. Deviation</b>
Total Score	Total	13.59	7.301
History of Inst Violence	A01	0.08	0.588
<b>Severity of Current Offense</b>	<b>A02</b>	<b>3.68</b>	<b>2.316</b>
Multiplier	A03	0.19	0.593
Death Involved	A04	0.05	0.319
Severity Prior Offense	A05	1.01	1.967
Escape History	A06	0.52	1.219
Alcohol/Drug	B01	2.53	1.038
<b>Detainer</b>	<b>B02</b>	<b>2.03</b>	<b>2.943</b>
<b>Prior Felony Convictions</b>	<b>B03</b>	<b>3.34</b>	<b>2.411</b>
Current Age	B04	1.44	0.900
Education	B05	0.39	0.487
Employment Status	B06	0.11	0.313
<b>PED</b>	<b>B07</b>	<b>2.10</b>	<b>5.401</b>

Source: CDOC Data File.



**Table 5 Reclassification Scoring Results – Males**

<b>Items</b>	<b>Data Code</b>	<b>Ave. Score</b>	<b>Std. Deviation</b>
Total Score	Total	20.06	22.752
History of Inst Violence	A01	0.16	0.871
Last 12 Months	A02	0.02	0.255
<b>Severity Current Offense</b>	<b>A03</b>	<b>4.99</b>	<b>2.164</b>
Multiple Convictions	A04	0.52	0.88
Involved Death	A05	0.2	0.6
Severity Prior Offense	A06	1.2	1.63
<b>Prior Felony Convictions</b>	<b>B01</b>	<b>2.54</b>	<b>1.764</b>
1 or more at highest	B02	0.73	0.963
Involving Death	B03	0.02	0.192
Detainer	B04	1.28	3.343
Escape History	B05	0.57	1.302
<b>Disciplinaries</b>	<b>B06</b>	<b>1.26</b>	<b>4.308</b>
<b>Last 12 Months - Class I</b>	<b>B07</b>	<b>2.87</b>	<b>7.184</b>
<b>Last 12 Months - Class II</b>	<b>B08</b>	<b>1.24</b>	<b>4.085</b>
<b>Hist of Disciplinaries</b>	<b>B09</b>	<b>2.92</b>	<b>2.852</b>
<b>PED</b>	<b>B10</b>	<b>5.39</b>	<b>18.398</b>

For the reclassification instrument, the driving factors are offense severity, prior felony convictions, PED and several measures of disciplinary infractions (past and current). This emphasis on offender conduct is as designed and consisted with objective classification systems. Offenders move to higher or lower custody levels largely based on their conduct.

What is unusual for today's systems is the use of the PED and detainer *for scoring purposes (emphasis added)*. Most states are now using PED or time left to serve or detainer as mandatory over-rides to restrict placement in minimum security facilities. Removal of these two items in the scoring process may reduce the extent of over-classification for people now in the Close and Medium custody levels.

Related to this issue, there is some degree of placing "true" close custody offenders at the four major Level 3 facilities that needs to be addressed immediately. By "true" close we mean offenders who have become close custody through their disciplinary infractions and are being housed in a close security unit within a multi-level security (Level 3) prisons. As much as possible, these "true" close custody offenders should be transferred to a pure Level 4 prison.

Finally, unlike all other states, there is no dedicated protective custody unit nor are offenders called Protective Custody. Offenders who require such protection are either transferred out of state or are handled internally using special management flags. The CDOC should undertake an assessment to determine how many offenders would qualify for a dedicated PC unit.

## Major Findings and Recommendations

Based on the documents received, the data collected while on-site and follow-up information the following major findings and recommendations are being made to the CDOC.

### *Administrative Segregation Findings*

1. Prison population is declining slightly but not as fast as projected. Despite the decline in the prison population, the administrative segregation population is increasing as well as the proportion listed as having a significant mental health condition.
2. In 1999, 22% were P3 or higher; by 2010 it had increased to 40%; 15% had serious mental illness in 1999; by 2010 it had increased to 22%.
3. Currently about 7% (1,427) of the prison population is in administrative segregation, which is significantly above the national average of 1-2 %.
4. This does not include the Intensive Management Pod (100 beds), PRO (70 beds), and STAR (100 beds) programs which are not GP offenders. Further there another 670 some offenders in punitive segregation.
5. Most of the administrative segregation population is in Quality of Life Level 3 and have been at that level for some time. Very few are in Level 1 which suggests that most are not being disruptive and have not been disruptive for some time.
6. There is considerable confusion in the operational memorandums and regulations on how the administrative segregation units are to function.
7. The vast majority (about 80%) of administrative segregation offenders do not return to administrative segregation within two years of release.
8. About 25% are in administrative segregation for injury to other offenders and/or staff with most being injury to other offenders.
9. The decision to refer an offender to administrative segregation is largely controlled at the various facilities with some oversight by Central Office.

10. The average length of stay (LOS) in administrative segregation is about two years with a median LOS of 14 months.
11. However, about 40% of the offenders are released from administrative segregation directly to the community.
12. The current units are exceptionally clean, quiet, and safe as compared to other state administrative segregation units.
13. Access to outdoor recreation is deficient at all of the units except for CCF-North, SCF, and SCCF.
14. The kiosk communication system (with cameras) at CCF-South is excellent but the absence of program and recreation space is extremely problematic.
15. The requirement (only at CCF/CSP) that they complete 3 programs of questionable value and of limited availability is extending the time unnecessarily in administrative segregation.
16. The only programming presently received at the Sterling Administrative Segregation Unit is one half day pre-release services provided by a Pre-Release Specialist.
17. Administrative Segregation Level 4 offenders at Sterling are delayed release to the PRO Unit due to lack of bed space.
18. Sterling has a backlog of Administrative Segregation OMI offenders (approximately 90) awaiting transfer to CSP or Centennial.

#### *Administrative Segregation Recommendations*

1. The criteria for which a person can be admitted to Administration Segregation is basically sound but needs to be narrowed to reflect recent developments in Ohio and Mississippi.
2. Require offenders to first complete Punitive Segregation and then be reviewed for placement in Administrative Segregation rather than using Ad Seg to serve as a substitute for Disciplinary Segregation.

3. Require a mental health review before placement in Administrative Segregation and monthly reviews thereafter. The mental health review must be an out of cell interview.
4. Require at a minimum a 30 minute out of cell contact with the offender each month with his caseworker.
5. Create a simplified four level system that has specific rules and privileges associated with each phase. This would be a substitute for the current 3 Level Quality of Life system.
6. The four level system would have (in general) 90-day periods, which would allow the offender to be returned to GP within 9 months if compliant with the program (Offenders would start at Level 2).
7. The current practice of automatic review to administrative segregation for persons re-admitted to prison should be discontinued. These cases should be decided on a case-by-case basis.
8. Strengthen Central Office role and influence on who is admitted and released from administrative segregation.
9. The above changes would significantly reduce the current administrative segregation population.
10. The reduction in the administrative segregation population would allow the agency to re-configure the use of Sterling, CSP and CCF.
11. One scenario would be to concentrate the administrative segregation units at CCF South and North and have CSP and Sterling function as close custody general population facilities.
12. The responsibility for setting regulations and policies governing administrative segregation should rest with Offender Services.

### *Classification Findings*

1. The current system consists of an initial and reclassification instruments. These have been separately developed for males and females.

2. The system also provides for a number of discretionary and management over-rides. Further analysis of the scoring process including the application of over-rides will be done once the requested data files are received.
3. In terms of current custody levels, the percent of male offenders in close custody is about 15%, which is comparable to other states.
4. However, this number would increase slightly if the Administrative Segregation population is reduced as recommended above.
5. Conversely, about 30% are minimum, which is comparable to other states as well. There is a large percentage (26%) in the “minimum restricted” which could also be defined as “Low Medium”.
6. There appears to be a higher proportion of females classified as close custody than one would expect (14% -the same as males).
7. As observed previously, the use of PED and Detainers as scoring items is producing some level of over-classification.
8. There is some degree of placing “true” close custody offenders at the four major Level 3 facilities that needs to be addressed immediately.
9. Unlike other states, there is no dedicated protective custody unit nor are offenders called PC.

#### *Classification Recommendations*

1. Eliminate PED and detainers and use them as mandatory over-rides.
2. This should “purify” and reduce the close custody population thus allowing the Level 3 facilities to not hold “true” close custody offenders.
3. Make other appropriate changes to the male and female systems based on the validation study to be completed in October.

4. A Colorado risk and case management system can be easily engineered using current assessment procedures.
5. Develop a new risk and assessment system that is based on various components of the current system but anchored in a standardized case management plan that follows the offender from prison admission through release from parole supervision.
6. Such a seamless system would be coordinated with the Parole Board decision making process so that offenders are compliant with the case management plan have a high probability of being paroled at the PED.
7. Eliminate the need for a clinician to certify a offender as having a substance abuse problem.
8. Evaluate the need to establish a small but much needed PC unit.