

Delaware

1

Department of Correction

The Path to Eliminating Restrictive Housing in Delaware

ICRN/NCRP SEPTEMBER 2019



Overview



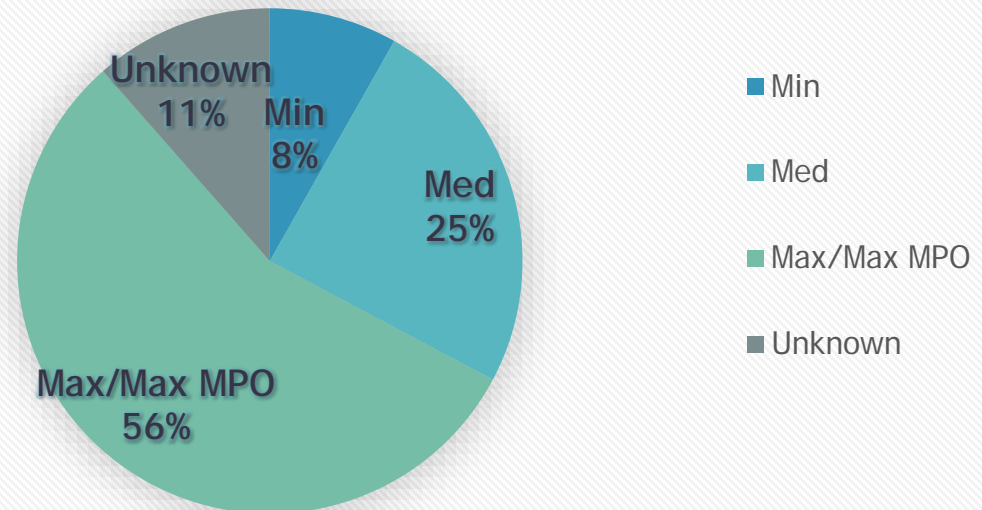
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- ▶ **Need for Change**
- ▶ **Change Process**
- ▶ **Current Operations**
- ▶ **Evidence of Change**

Delaware Context

- ▶ **Unified System- No County Jail System**
- ▶ **Mix of Security Levels at Each Prison Poses Challenges**
 - ▶ **Example: Residential Treatment Unit for Mentally Ill Inmates**

Security Levels in Residential Treatment Unit



Delaware Context

- ▶ **Which inmates were considered to be in Restrictive Housing?**
 - ▶ 8 Housing Units among 4 Prisons

- ▶ **What were the pathways to RH?**
 - ▶ Classification (to Max)
 - ▶ Disciplinary Detention
 - ▶ Administrative Status
 - ▶ Pre-Hearing Detention

Delaware Context

- ▶ Information Management
 - ▶ Delaware Automated Corrections System (DACS)
 - ▶ Oracle-based offender management system
 - ▶ Modules track all offender movement/supervision
 - ▶ Used at all levels of corrections

Need for Change

- ▶ **What prompted the lawsuit?**
- ▶ **Was there an opportunity to improve conditions and implement industry best practices?**

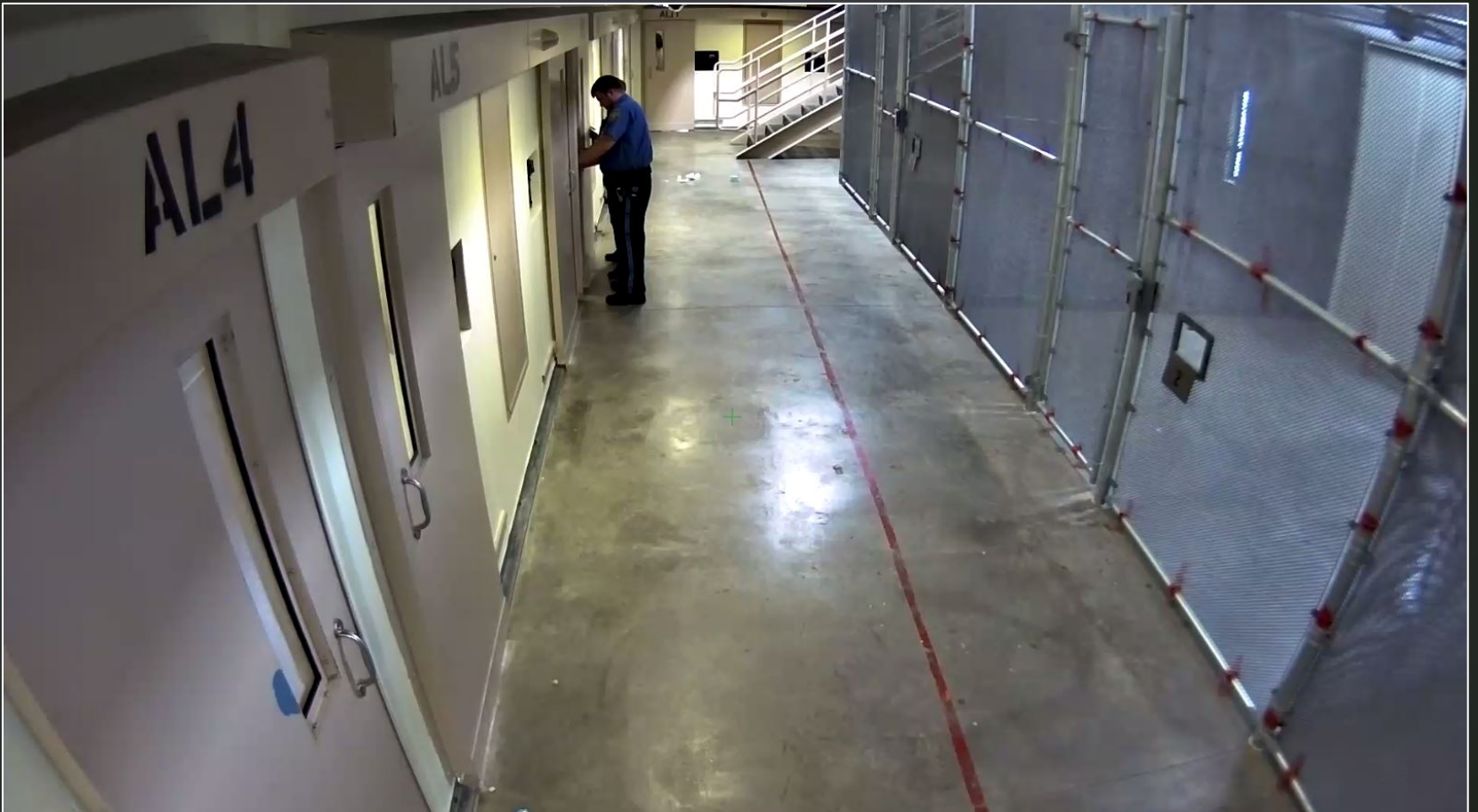
Background on the Settlement

- ▶ **What prompted the lawsuit?**
 - ▶ National context of Restrictive Housing and Solitary Confinement
 - ▶ Local concern: treatment of seriously mentally ill inmates in “solitary confinement”
 - ▶ Class action – CLASI acting on behalf of ACLU
 - ▶ Settlement vs. going to Court- considerations

Before: Restrictive Housing (RH)

- ▶ RH consisted of “23 & 1”
 - ▶ 1 hour of rec time included yard and shower
- ▶ Disciplinary detention could be 90 days or more (no limit- Warden’s discretion)

Caption: RH units, indoor recreation yards



Caption: Additional view of RH unit in our largest facility



Change Process

- ▶ What did we change?

Settlement Implications

12

▶ Important Considerations

- ▶ The settlement terms align with national industry best practices affirmed by NIC, ACA, etc.
 - ▶ Exception: We exceeded the national 30 day standard for limit on Disciplinary Detention (ours is 15 days)
- ▶ We have now eliminated RH according to the industry definition

Settlement Implications

13

▶ **Disciplinary Detention for any Inmate**

- ▶ DD cannot be in excess of 15 consecutive days
- ▶ Must have “break” in between of 15 days
- ▶ SMI will not be placed in DD for any amount of time unless they present an immediate danger or there is no reasonable alternative

▶ **Alternative Meal Plans**

- ▶ Per existing policy, AMPS may only be used to manage disruptive behavior that “threatens the safety and security of the institution, staff members, and other offenders.”
 - ▶ AMP Forms must include a description of what the safety and security threat is- be detailed.

▶ **Creation of Special Needs Unit (SNU) at Women’s Prison**

- ▶ For female offenders needing an RTU

Settlement Implications

- ▶ **Use treatment chairs and equipment** for dangerous offenders to receive treatment
- ▶ **Train staff on working with MI offenders**
 - ▶ Completed through CIT and other training
- ▶ **Female inmates on PCO must have access to menstrual products**
 - ▶ Absent safety concerns (must document)
- ▶ **Create Quality of Life matrix for RH**

Caption: RH treatment chairs described in previous slide (faces de-identified)



Settlement Implications

16

- ▶ **Wardens must issue report to Bureau Chief to justify any RH placement in excess of 6 months**
- ▶ **RH placements must be reviewed every 90 days by MDT**
- ▶ **Construct programming/treatment space at largest men's prison and develop plan to use existing space to provide MH treatment to MI and SMI offenders in RH**

Definitions Changed

17

UNSTRUCTURED REC

NOT To Be Counted as Unstructured Rec

- Showers
- Meals
- Appointments

CAN Be Counted as Unstructured Rec

- Indoor/outdoor rec and gym
- Religious practices outside cell
- Library, law library
- Dayroom, board games/cards/reading
- TV or other leisure activities outside cell
- Telephone
- Visitation

Definitions Changed

STRUCTURED THERAPEUTIC HOURS

Therapeutic Hours

- Group treatment and individual counseling (as determined by each inmate's individualized treatment plan)
- Subject to staffing & security
- Does not need to be “made up”

Current Operations

- ▶ What do routine operations look like?
- ▶ What are we tracking?

Data Collected

Data Collected	Where it Comes From
Demographic information	DACS individual profile; tied to SBI (used by all CJ agencies in state)
Security Level	DACS; updated by security staff
Mental Health Security Codes	DACS; updated by facility staff
Housing Unit	DACS; updated by security staff as part of classification
Unstructured activity time	DACS; updated by security staff daily
Structured therapeutic time	DACS; transcribed from contract medical provider paper records

Security Codes

(Mental Health Designation)

21

- ▶ **What are the security codes of inmates and how are they established?**
 - ▶ Order requires DOC to continue conducting a mental health evaluation/assessment within 24 hours of admission into RH (must be a Qualified Mental Health Professional and must occur in confidential setting)
 - ▶ Keep in mind... Inmates already screened upon intake into facility
 - ▶ Behavioral health code options: NMI, MI, SMI, SMI-RTU

Facility	MI	SMI	SMI-RTU	Total	% of Total Facility Population
BWCI	85	120	10	215	68.5%
HRYCI	176	273	7	456	33.0%
JTVCC	232	368	17	617	35.0%
SCI	115	59	0	174	17.3%

Time Requirements by Designation

Inmate Security Code	Unstructured Hours (Rec)	Structured Hours (Therapeutic)
Not Mentally Ill (NMI)	17.5	N/A
Mentally Ill (MI)	17.5	Varies According to ITP
Seriously Mentally Ill (SMI)	17.5	Varies According to ITP
Seriously Mentally Ill needing Residential Treatment Unit (SMI-RTU)	10	10

Out of Cell Activity

23

- ▶ **Out of Cell Time must meet minimum thresholds for certain offenders**
 - ▶ Two types of out of cell time:
 - ▶ Recreation (“Unstructured”)
 - ▶ Therapeutic/Treatment (“Structured”)

What does “OFFERED” mean?
→ Meaningful offer
→ Inmate does not need to accept

Compliance Reporting

- ▶ **Reporting required for 5 years (2017-2021)**
- ▶ **DOC submits two reports to CLASI every month**
 - ▶ Statistical report
 - ▶ Demographics for overall population set
 - ▶ Disciplinary detention data as applicable
 - ▶ Audit report
 - ▶ Includes details of individual's out of cell activity reports for all residents of designated housing units
 - ▶ Can require additional information if requested

Reports Submitted Monthly

27

SEARCH CRITERIA

Location:

Stay Date From: To:

Length of Stay From: To:

SBI#:

Restrictive Housing (Building)

Restrictive Housing (Unit)

Reason for RH
 Classification
 Pre-hearing Detention
 Disciplinary Detention
 Administrative Status
 Protective Custody

MH Status
 MI SMI SMI-RTU All

RESTRICTIVE HOUSING DETAILS

Select All

Select	SBI#	Offender Name	Age	Gender	Last Housing Location	RH Admission Date	RH Movement Date	RH Release Date	Reason for RH	MH Status
<input type="checkbox"/>			38	Female	Building 8 - Medical	07/05/2019	07/09/2019	07/12/2019	Psychiatric Close Observation (PCO), RTU	
<input type="checkbox"/>			23	Female	Building 8 - Medical	07/22/2019		07/24/2019	Disciplinary Detention	Mental illness (MI)
<input type="checkbox"/>			66	Female	Building 8 - Tier 2	07/20/2019	07/20/2019	07/20/2019		
<input type="checkbox"/>			26	Female	Building 8 - Isolation	07/03/2019		07/09/2019	Psychiatric Close Observation (PCO)	
<input type="checkbox"/>			24	Female	Building 8 - Tier 2	08/31/2018	01/16/2019	07/18/2019	RTU	Seriously Mentally
<input type="checkbox"/>			23	Female	Building 8 - Tier 2	06/27/2019		07/04/2019	Administrative Status, Confinement to Qu	
<input type="checkbox"/>			71	Male	Bldg 19 - Lower - Tier C	05/08/2019	05/23/2019	09/07/2019		
<input type="checkbox"/>			71	Male	Bldg 21 - Lower - Tier C	05/05/2017	09/13/2018		RTU	Seriously Mentally
<input type="checkbox"/>			65	Male	Bldg 19 - Upper - Tier B	11/27/2018	05/08/2019	09/07/2019	Administrative Status, Classification	Seriously Mentally
<input type="checkbox"/>			64	Male	Bldg 19 - Lower - Tier C	07/25/2019		08/01/2019	Classification	
<input type="checkbox"/>			67	Male	Bldg 19 - Upper - Tier A	03/25/2019	07/25/2019	08/05/2019	Administrative Status, Classification	Seriously Mentally
<input type="checkbox"/>			66	Male	Bldg 21 - Lower - Tier B	09/13/2018			RTU	Seriously Mentally
<input type="checkbox"/>			54	Male	Bldg 19 - Lower - Tier B	12/05/2018	06/21/2019	09/07/2019	Classification	
<input type="checkbox"/>			55	Male	Bldg 17 - Lower - Tier A	06/25/2019		08/14/2019	Administrative Status, Classification, Dis	Mental illness (MI)
<input type="checkbox"/>			57	Male	Bldg 19 - Upper - Tier B	09/04/2018	01/02/2019	09/07/2019	Classification	

Total Records: 553

Statistical Report

28



STATE OF DELAWARE
DEPARTMENT OF CORRECTION
Office of the Commissioner
245 McKEE ROAD
DOVER, DELAWARE 19904

A1.

For the reporting period of **07/01/2019 - 07/31/2019**, there were **525** offenders within the Bureau of Prisons, Level V facilities who were housed in a Restrictive Housing unit.

RESTRICTIVE HOUSING UNITS BY INSTITUTION			
BWCI	JTVCC	SCI	HRYCI
UNIT 8	SH17,SH18,SH19,MH21	BMOD,DDA	2L
53	410	28	34
Other units*	Other units*	Other units*	Other units*
4	3	0	0

*Other Units' refers to inmates who were in restrictive housing during the last reporting period but who were assigned to an area other than restrictive housing (ex: infirmary, psychiatric close observation, outside hospital) during the current reporting period. Because they will return to an area formerly considered restrictive housing upon their discharge from the temporary housing assignment, their 'stay' in restrictive housing is reflected here despite their physical location not being considered restrictive housing currently.

Audit Report

29



STATE OF DELAWARE
DEPARTMENT OF CORRECTION
Office of the Commissioner

245 McKee Road
Dover, DE 19904

Claire DeMatteis
Commissioner

Telephone: (302)857-5234
Fax: (302)622-4457

Audit Report for Period of July 01 - July 31, 2019

Inmate Name: XX
Inmate SBI Number: XX
Institution: BWCI
Housing Unit: UNIT 8(06/11/2019-07/08/2019), [DPC\(07/08/2019-07/18/2019\)](#), UNIT 8(07/27/2019-08/15/2019)
On Behavioral Health Roster: YES
Behavioral Health Category: SMI-RTU
Behavioral Health Code: BH4

Unstructured Recreational Out-of-Cell Time:

Offered during the week of 07/01/19-07/06/19 4.5 hours
Offered during the week of 07/28/19-07/31/19 0 hours
Offered during the week of 07/21/19-07/27/19 0 hours
Offered during the week of 07/28/19-07/31/19 5.5 hours

Structured Therapeutic Out of Cell Time:

Offered during the week of 07/01/19-07/06/19 8.08 hours
Offered during the week of 07/07/19-07/13/19 0 hours
Offered during the week of 07/14/19-07/20/19 0 hours
Offered during the week of 07/21/19-07/27/19 0 hours
Offered during the week of 07/28/19-07/31/19 5.18 hours

Inmate Name: XX
Inmate SBI Number: XX
Institution: JTVCC
Housing Unit: SH19(06/11/2019-09/07/2019)
On Behavioral Health Roster: YES
Behavioral Health Category: Seriously Mentally Ill (SMI)
Behavioral Health Code: N/A

Unstructured Recreational Out-of-Cell Time:

Offered during the week of 07/01/19-07/06/19 15 hours
Offered during the week of 07/28/19-07/31/19 16.28 hours
Offered during the week of 07/14/19-07/20/19 17.5 hours
Offered during the week of 07/21/19-07/27/19 17.5 hours
Offered during the week of 07/28/19-07/31/19 10 hours

Structured Therapeutic Out of Cell Time:

Offered during the week of 07/01/19-07/06/19 0 hours
Offered during the week of 07/07/19-07/13/19 .25 hours
Offered during the week of 07/14/19-07/20/19 0 hours
Offered during the week of 07/21/19-07/27/19 0 hours
Offered during the week of 07/28/19-07/31/19 0 hours



Link to July
Report

What about Disciplinary Sanctions?

▶ Discipline of MI, SMI, and SMI-RTU Inmates

▶ Before Class 1 Disciplinary sanction can be imposed, Form D-MHAF (BOP Policy 4.2) must be completed which contemplates:

- ▶ Whether mental health issues may have contributed to the conduct in question
- ▶ Input from a **Qualified Mental Health Professional**
- ▶ NCCHC took a position that MH professionals should not make recommendations about patient being in RH. The D-MHAF provides information from the provider, and SECURITY makes the decision.

What about Disciplinary Sanctions?

- ▶ **Disciplinary Sanctions**

- ▶ NMI and MI inmates must receive 5 hours of unstructured rec while in disciplinary detention

- ▶ **DOC shall not release inmates to the “street” directly from RH**

- ▶ To the extent possible

- ▶ Unless unavoidable due to court order

Disciplinary Mental Health Assessment Form

DISCIPLINARY Case No.:
Offender S.B.I. Number:

Offender Name:

Date Request Received:

Date Completed and Submitted (Must be within 72 hours):



SECTION I

TO BE COMPLETED BY A QUALIFIED MENTAL HEALTH PROFESSIONAL

- Is the offender currently on a mental health case load? Yes No
- What is the current mental health identification of the offender (SMI, MI, NMI)? SMI MI NMI
- Does the offender know where he/she is? Yes No
- Does the offender know what date it is? Yes No
- Does the offender know why he/she is seeing a hearing officer? Yes No
- Is the offender appropriately dressed? Yes No
- Is the offender able to speak coherently? Yes No
- Are the offender's statements logical and organized? Yes No
- Does the offender avoid eye contact? Yes No
- Should the offender be referred for Mental Health Services evaluation? Yes No

SECTION II

TO BE COMPLETED BY A QUALIFIED MENTAL HEALTH PROFESSIONAL

1. Have you, the Qualified Mental Health Professional, reviewed the incident/charged offenses and BOP Policy 4.2 Rules of Conduct for an understanding of the disciplinary process regarding offenses contained within the disciplinary report? Yes No
2. Does the offender have the capacity to participate in the hearing? If NO, why does the offender not have the capacity to participate? Yes No
3. Would the offender need assistance to participate in a disciplinary hearing? If YES, what assistance would be needed and/or recommended? Yes No
4. Are there any medication issues that may have impacted the behavior of the offender related to this incident? If YES, please describe Yes No
5. Are there mental health issues that may have impacted the offender's behavior at the time of the charge? If YES, briefly describe those issues. Yes No
6. Are there mental health issues that should be considered regarding disposition of the offender if found guilty? If YES, briefly describe those issues and their possible relation to the disposition. Yes No

QMHP Member of Treatment Team Name/Title/Signature:

Date:

NOTE: Mental Health is responsible to scan the completed form into iCHRT and to document the completion of the form in the

Discipline of MI, SMI, and SMI-RTU Inmates

D-MHAF Form BOP Policy 4.2

DOC MENTAL HEALTH/PSYCHIATRY OBSERVATION LEVEL SHEET

Form to be posted on inmate's door and then filed in the medical chart when released from watch

Name: _____ SBI: _____ Location: _____

Date/Time: _____ Ordering Provider: _____

Nurse Signature: _____ Date: _____

Shift Commander Signature: _____ Date: _____

The authorized provider has ordered the patient to be placed on (Please circle level; housing recommendation, restrictions that apply, and backup recommendation):

LEVEL I (High Risk)	LEVEL II (Moderate Risk)	LEVEL III (Low Risk)
May or May not house alone	May or May not house alone	May or May not house alone
Permitted Materials: 1 Suicide gown; 1 blanket; 1 mattress 1 Styrofoam plate 1 Styrofoam cup 1 Styrofoam bowl 1 plastic utensil (or other utensil approved by facility and mental health staff) BH Statewide Director or Chief Psychologist must approve ANY reading (soft cover) and/or writing materials (security safe writing implements). Warden/his/her designee can override the above.	Permitted Materials: 1 Suicide gown; 1 blanket; 1 mattress 1 Styrofoam plate 1 Styrofoam cup 1 Styrofoam bowl 1 plastic utensil (or other utensil approved by facility and mental health staff) MH Site Director must approve ANY reading (soft cover) and/or writing materials. (safe security writing implements) Warden/his/her designee can override the above.	Permitted Materials: 1 DOC inmate uniform or 1 gown; 1 blanket; 1 mattress 1 Styrofoam plate 1 Styrofoam cup 1 Styrofoam bowl 1 plastic utensil (or other utensil approved by facility and mental health staff) MH Site Director must approve ANY reading (soft cover) and/or writing materials. (security safe writing implements) Warden/his/her designee can override the above.
1:1 Observation 15 minute interval documentation 1:1 Observations when bathing/shaving 6 minute interval documentation 1:1 Observation when bathing/shaving	15 minute checks (staggered intervals no greater than 15 minutes) 1:1 Observation when bathing/shaving	15 minute checks (staggered intervals no greater than 15 minutes) 1:1 Observation when bathing/shaving
2/3 man back up YES/NO PINK FORM	2/3 man back up YES/NO GREEN FORM	2/3 man backup YES/NO BLUE FORM

A mental health evaluation is required to downgrade suicide level. A new sheet is required for each level change.**Security Override:**

Reading materials/writing ARE NOT permitted in PCO cell.

Reason Provided: _____

Special Conditions Permitted (i.e. feminine hygiene/menstrual products): _____

Shift Commander Signature: _____ Date: _____

▶ Inmates on PCO must have access to reading/writing materials

▶ Absent safety concerns

▶ Must use Form BCHS G-05 to document veto

Proof of Change

- ▶ What indicators do we use to measure performance?
- ▶ How has performance changed?

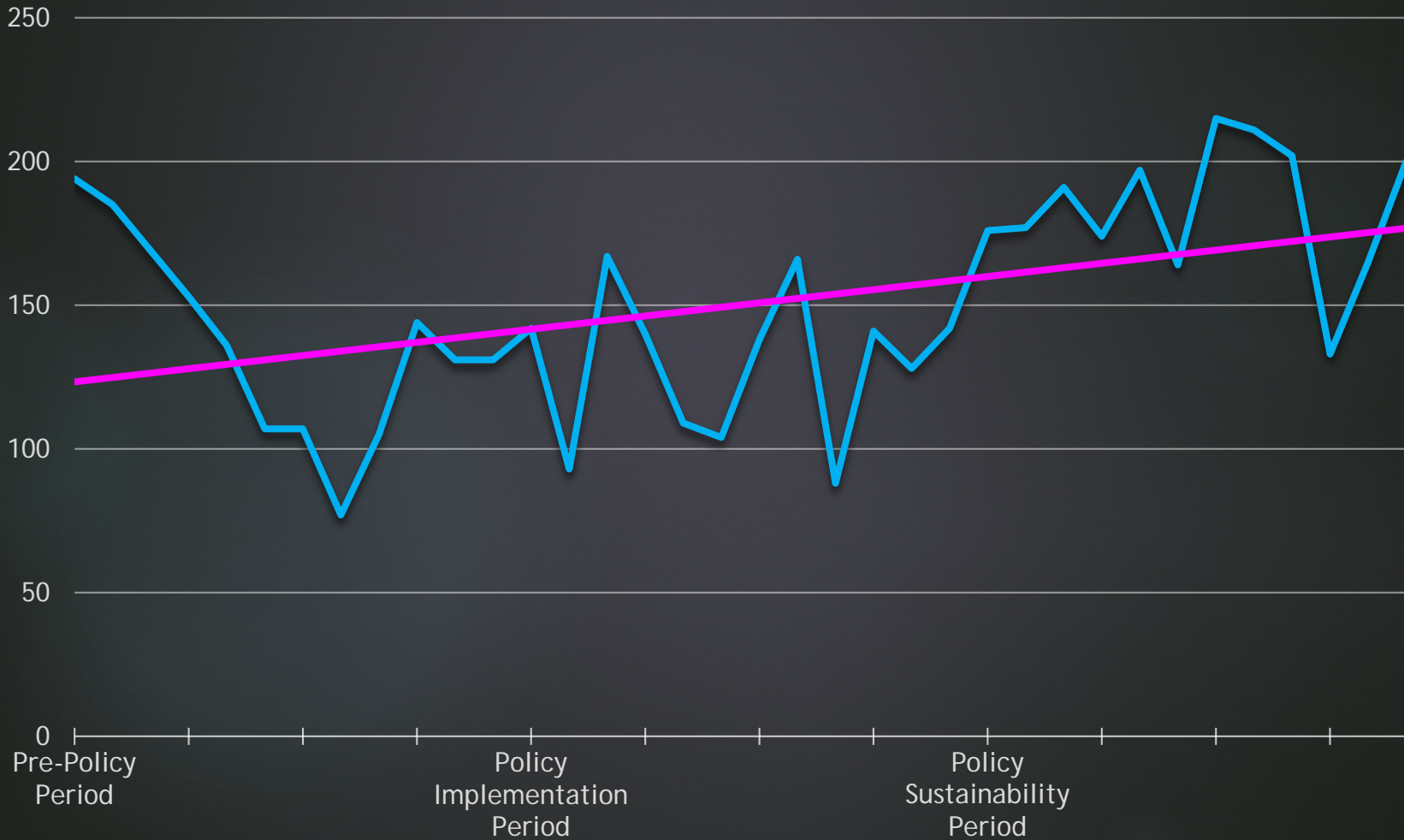
How do we measure climate?

- ▶ Overall Climate in These Housing Units
 - ▶ Examine 3 Climate Indicators.....
 1. Number of Class 1 Disciplinarys
 2. Number of Incidents
 3. Number of Grievances
- ▶ Diversion of MI/SMI Inmates from Disciplinary Detention

How Are We Doing?

37

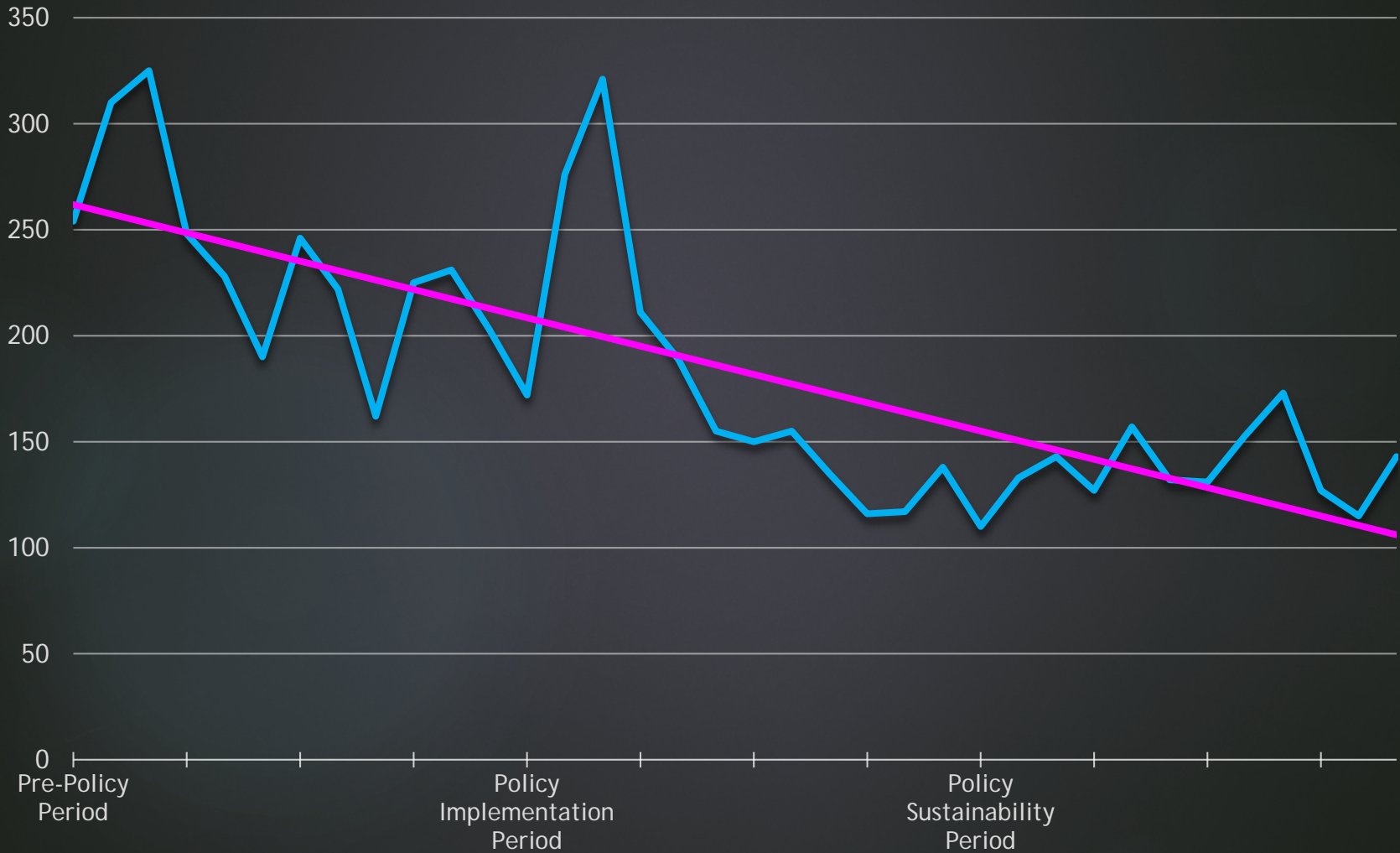
Incidents



How Are We Doing?

38

Grievances



How Are We Doing?

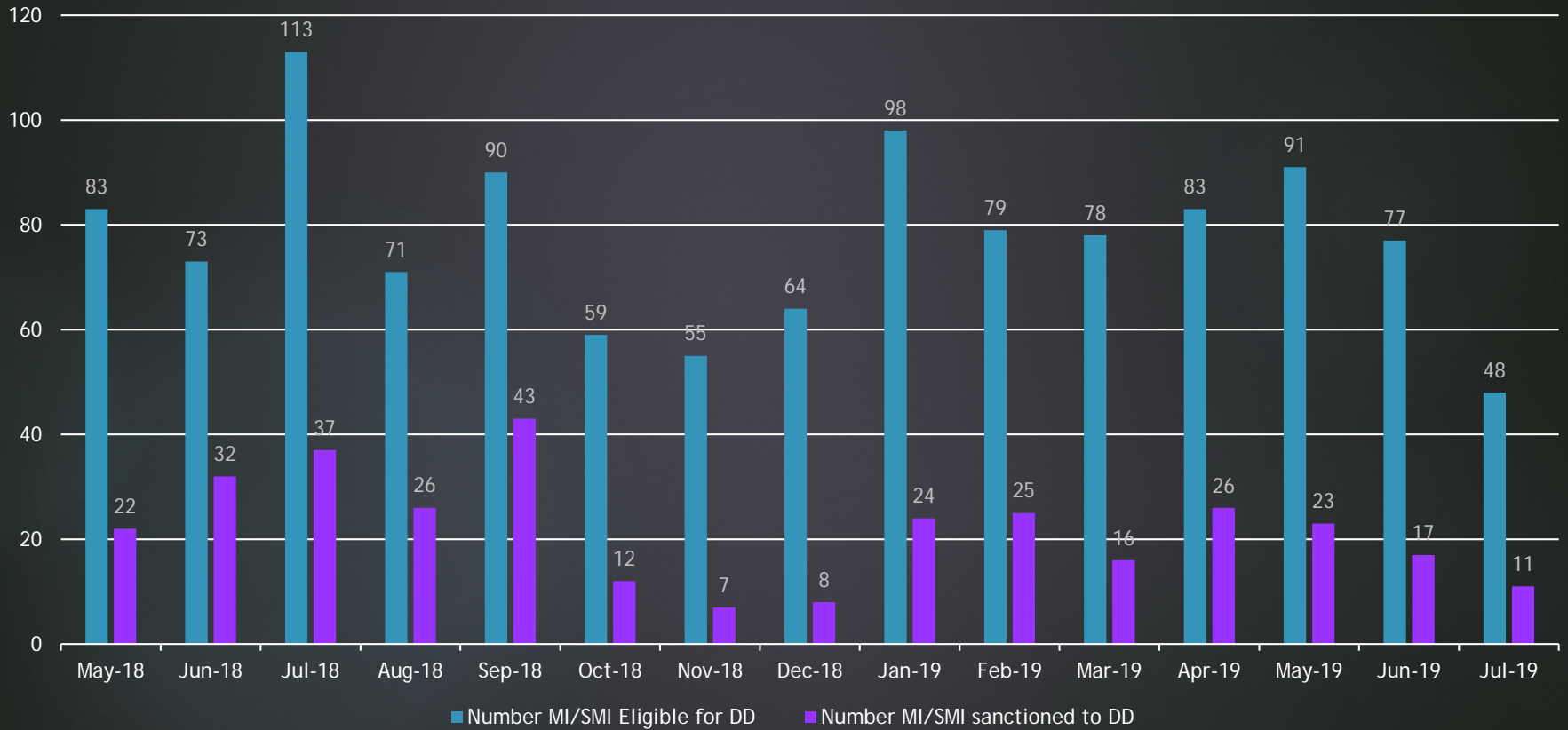
39

- ▶ Class 1 Disciplinary- Decrease
- ▶ Incidents— Slight Increase
- ▶ Grievances- Decrease

Next... How are we doing with diverting mentally ill inmates from Disciplinary Detention?

How Are We Doing?

Level V MI/SMI Inmates Receiving DD (Compared to Those Eligible)

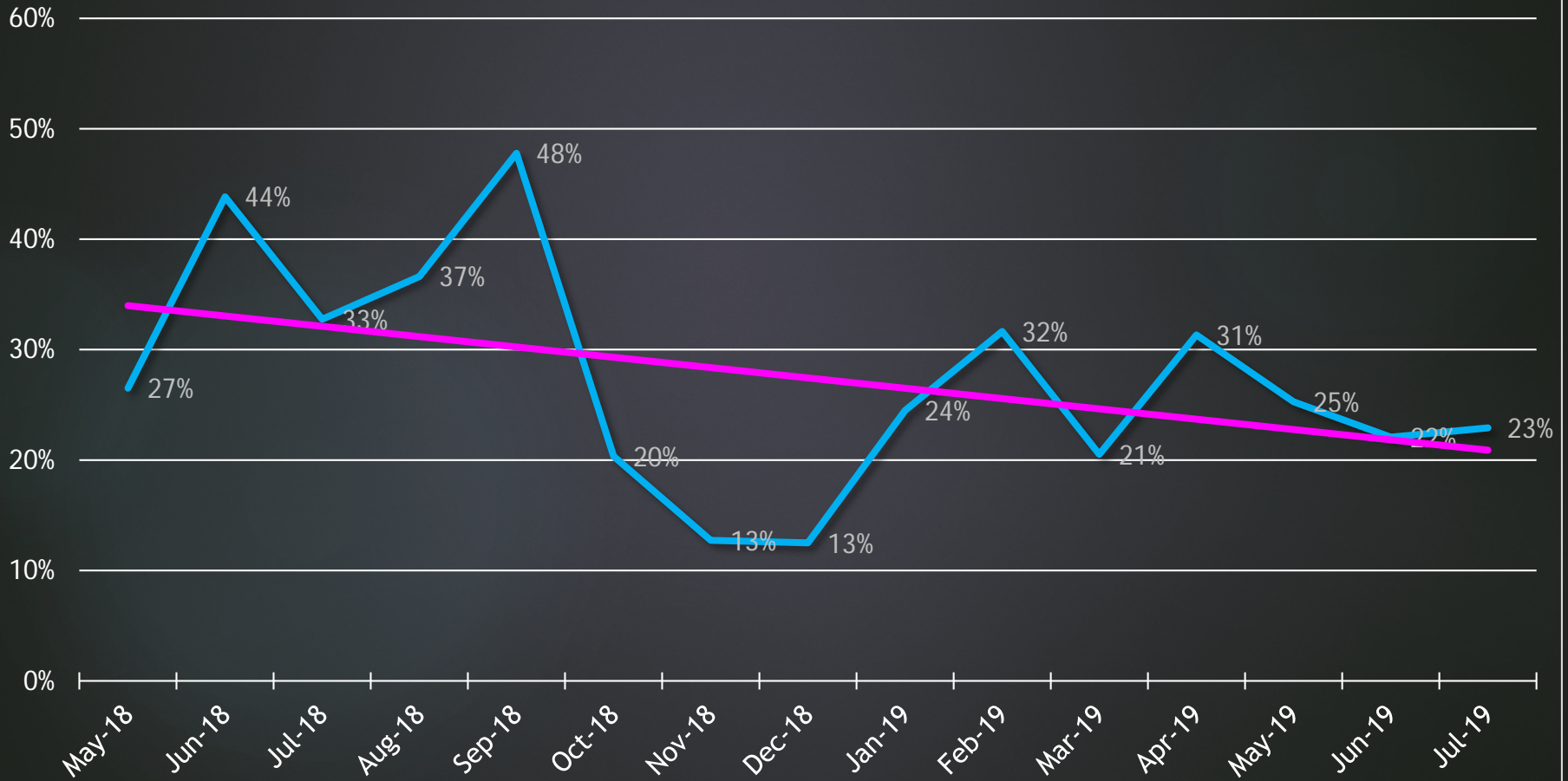


Goal: To see the proportion of MI/SMI
Inmates Sanctioned to DD Decrease Over
Time

How Are We Doing?

41

Level V Percent MI/SMI Eligible for DD Who Were Sanctioned to DD



Wait... *Why Monitor Restrictive Housing if You've Now Eliminated It?*

- ▶ “Designated Housing Units” vs. “Restrictive Housing Units”
- ▶ Why monitor out of cell time if you don't have RH anymore?

Sustainability Post-Settlement

43

- ▶ Meetings ongoing with CLASI- greater collaboration & transparency
- ▶ Sharing data with field staff
- ▶ Reinforcing & culture change at Wardens Meetings

Ideas for Your Jurisdiction

- ▶ Determine which climate indicators would be meaningful for your staff (*with* your staff)
- ▶ Clearly communicate to your security staff and behavioral health teams which metrics you want to see changed
- ▶ Monitor the data monthly and frequently update field staff on progress

Questions?

45



Thank You!

46

Philisa Weidlein-Crist

Lead Data Analyst

Philisa.Weidlein-Crist@delaware.gov

Miranda Mal

RNR Planner

Miranda.Mal@delaware.gov

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