Delaware Department of Correction

The Path to Eliminating Restrictive Housing in Delaware

ICRN/NCRP SEPTEMBER 2019
Overview

- 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

- Max/Max MPO: 56%
- Med: 25%
- Min: 8%
- Unknown: 11%
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

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

- **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

- 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

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
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

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

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

<table>
<thead>
<tr>
<th>Facility</th>
<th>MI</th>
<th>SMI</th>
<th>SMI-RTU</th>
<th>Total</th>
<th>% of Total Facility Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>BWCI</td>
<td>85</td>
<td>120</td>
<td>10</td>
<td>215</td>
<td>68.5%</td>
</tr>
<tr>
<td>HRYCI</td>
<td>176</td>
<td>273</td>
<td>7</td>
<td>456</td>
<td>33.0%</td>
</tr>
<tr>
<td>JTVCC</td>
<td>232</td>
<td>368</td>
<td>17</td>
<td>617</td>
<td>35.0%</td>
</tr>
<tr>
<td>SCI</td>
<td>115</td>
<td>59</td>
<td>0</td>
<td>174</td>
<td>17.3%</td>
</tr>
</tbody>
</table>
## Time Requirements by Designation

<table>
<thead>
<tr>
<th>Inmate Security Code</th>
<th>Unstructured Hours (Rec)</th>
<th>Structured Hours (Therapeutic)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Mentally Ill (NMI)</td>
<td>17.5</td>
<td>N/A</td>
</tr>
<tr>
<td>Mentally Ill (MI)</td>
<td>17.5</td>
<td>Varies According to ITP</td>
</tr>
<tr>
<td>Seriously Mentally Ill (SMI)</td>
<td>17.5</td>
<td>Varies According to ITP</td>
</tr>
<tr>
<td>Seriously Mentally Ill needing Residential Treatment Unit (SMI-RTU)</td>
<td>10</td>
<td>10</td>
</tr>
</tbody>
</table>
Out of Cell Activity

- 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
# Activity Data Collection

## Activity Report

BOP Policy 4.3

Previously ...
Filled out/submitted hard copy paper forms
Activity Data Collection

Now..... Completed in computerized Offender Management System, DACS

<table>
<thead>
<tr>
<th>Location</th>
<th>Restrictive Housing (Building)</th>
<th>Restrictive Housing (Unit)</th>
<th>Reason for RH</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**UNSTRUCTURED OUT OF CELL ACTIVITY**

<table>
<thead>
<tr>
<th>SB#</th>
<th>Offender Name</th>
<th>Activity Date</th>
<th>Shift</th>
<th>Housing Location</th>
<th>Status</th>
<th>(In Minutes)</th>
<th>Reason</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Search Criteria**

- Location:
- Activity Date From: 08/12/2019
- To: 08/12/2019

**Key:**
- A = Appointment
- M = Medical
- V = Visit
- L = Lockdown
- D = Released / Departed
- C = Court
- O = Other
- R = Refused
- P = POCO
- T = Transfer
- X = Inclement Weather
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

![Image of a software interface showing search criteria and restrictive housing details. The interface includes options for location, stay date, restrictive housing (building and unit), and reason for restrictive housing. It also lists restrictive housing details with columns for offender name, age, gender, last housing location, RH admission date, RH movement date, RH release date, and reason for RH. The list includes multiple entries with details like 'Building 8 - Medical' and 'Psychiatric Close Observation (PCO), RT'.]
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.

<table>
<thead>
<tr>
<th>BWCI</th>
<th>JTVCC</th>
<th>SCI</th>
<th>HRYCI</th>
</tr>
</thead>
<tbody>
<tr>
<td>UNIT 8</td>
<td>SH17,SH18,SH19,MH21</td>
<td>BMOD,DDA</td>
<td>2L</td>
</tr>
<tr>
<td>53</td>
<td>410</td>
<td>28</td>
<td>34</td>
</tr>
<tr>
<td>Other units*</td>
<td>Other units*</td>
<td>Other units*</td>
<td>Other units*</td>
</tr>
<tr>
<td>4</td>
<td>3</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

*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 for Period of July 01 - July 31, 2019

<table>
<thead>
<tr>
<th>Inmate Name:</th>
<th>XX</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inmate SBI Number:</td>
<td>XX</td>
</tr>
<tr>
<td>Institution:</td>
<td>JTVCC</td>
</tr>
<tr>
<td>Housing Unit:</td>
<td>SH19(06/11/2019-07/26/2019)</td>
</tr>
<tr>
<td>On Behavioral Health Roster:</td>
<td>YES</td>
</tr>
<tr>
<td>Behavioral Health Category:</td>
<td>Seriously Mentally Ill (SMI)</td>
</tr>
<tr>
<td>Behavioral Health Code:</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**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 07/07/19-07/13/19: 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: 5.5 hours
- Offered during the week of 07/28/19-08/03/19: 0 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 07/28/19-08/03/19: 5.18 hours
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
### Discipline of MI, SMI, and SMI-RTU Inmates

**D-MHAF Form**

**BOP Policy 4.2**

---

**Disciplinary Mental Health Assessment Form**

**D-MHAF Form, BOP Policy 4.2**

---

**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 (SML, MI, NML)? □ SML □ MI □ NML
- 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:**
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 Disciplinaries
  2. Number of Incidents
  3. Number of Grievances

- Diversion of MI/SMI Inmates from Disciplinary Detention
How Are We Doing?

Class 1 Disciplinaries

Pre-Policy Period
Policy Implementation Period
Policy Sustainability Period
How Are We Doing?

Incidents

Pre-Policy Period | Policy Implementation Period | Policy Sustainability Period

Graph showing the trend of incidents over different periods.
How Are We Doing?

Grievances

- Pre-Policy Period
- Policy Implementation Period
- Policy Sustainability Period
How Are We Doing?

- Class 1 Disciplinaries- Decrease
- Incidents– Slight Increase
- Grievances- Decrease

Next… How are we doing with diverting mentally ill inmates from Disciplinary Detention?
How Are We Doing?

Goal: To see the proportion of MI/SMI Inmates Sanctioned to DD Decrease Over Time
How Are We Doing?

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

- May-18: 27%
- Jun-18: 44%
- Jul-18: 33%
- Aug-18: 37%
- Sep-18: 48%
- Oct-18: 20%
- Nov-18: 13%
- Dec-18: 13%
- Jan-19: 24%
- Feb-19: 32%
- Mar-19: 31%
- Apr-19: 25%
- May-19: 29%
- Jun-19: 23%
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

- 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?

ANY QUESTIONS ??

IF NO, JUST CLAP 😊
Philisa Weidlein-Crist
Lead Data Analyst
Philisa.Weidlein-Crist@delaware.gov

Miranda Mal
RNR Planner
Miranda.Mal@delaware.gov

Want our presentation?
Follow the QR code!