

CRIME AND JUSTICE INSTITUTE



Reshaping Restrictive Housing at South Dakota State Penitentiary

Crime and Justice Institute at CRJ

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Crime and Justice Institute (CJI)

at Community Resources for Justice strives to make criminal and juvenile justice systems more efficient and cost effective, and to promote accountability for outcomes.

We take pride in our ability to improve evidence-based practices in public safety agencies; gain organizational acceptance in difficult work environments; create realistic implementation plans; put these plans into practice; evaluate their effectiveness; and enhance the sustainability of sound corrections policies and practices.

CJI provides nonpartisan policy analysis and practice assessment, capacity- and sustainability-building technical assistance, research and program evaluation, and educational activities throughout the country.

In 1-year's time the South Dakota State Penitentiary saw its restrictive housing population drop by 18 percent, and its violent incident rate is now at its lowest point—lower than the rate in general population. These and other gains are significant for the State of South Dakota, particularly in light of the national push to reduce the use of restrictive housing, also known as administrative segregation or solitary confinement. This report tells the story of how the South Dakota Department of Corrections reshaped its approach to restrictive housing and is starting to achieve transformative results.

THE PROBLEM

Across the United States, the use of restrictive housing has come under intense scrutiny by the public, courts, and policymakers. The concerns focus on the potentially damaging effects of segregation on a person's physical and mental health, public safety risks posed by incarcerating people in restrictive housing for extended periods, and the sometimes subjective criteria used by corrections staff to determine the placement, length of stay, and conditions imposed on inmates in restrictive housing.

So far, courts have viewed the use of restrictive housing as constitutional; however, its prolonged use has been questioned. Questions about who is placed into restrictive housing and how; what they do while they are in this setting; how long they stay; and how they get out have been raised by courts and other interested parties. Part of the outcry over the use of segregation is focused on the possible effects imposed by restrictive housing environments on those with serious mental illness, as well as concerns that this level of confinement can cause or exacerbate a predisposition for mental illness. According to some experts, restrictive housing can have a negative impact on an inmate's mental health.^{1,2,3,4,5,6} However, there is debate about the rigor and relevance of the research that exists in this area.

Others are concerned about inmates released directly from restrictive housing to the community. With reentry programming becoming increasingly commonplace in prisons, the contrast with inmates being held in 22- to 23-hour lockdown with practically no programming one day and released to the community the next is particularly stark. Again, research in this area is scant, but some studies have shown that releasing inmates directly from a restrictive housing environment may increase recidivism.^{7,8}

"The national landscape is changing," said Cabinet Secretary Denny Kaemingk. "We need to be proactive in reforming restrictive housing so that we have safer facilities, fewer high risk releases from segregation, and ultimately safer communities. It's the right thing to do."

There are also ethical and moral concerns about the practice. Attention from the courts and prisoner rights advocates has been focused on the conditions and practices within these housing units and whether or not they are constitutionally permissible.

¹ Arrigo, B. A., & Bullock, J. L. (2008). Psychological effects of solitary confinement on prisoners in supermax units: Reviewing what we know and recommending what we should change. *International Journal of Offender Therapy and Comparative Criminology*, 52(6), 622-640.

² Grassian, S. (2006). Psychiatric effects of solitary confinement. *Washington University Journal of Law & Policy*, 22: 325-383.

³ Haney, C. (2003). Mental health issues in long-term solitary and "supermax" confinement. *Crime & Delinquency*, 49(1): 124-156.

⁴ Kupers, T. A. (2008). What to do with the survivors? Coping with the long-term effects of isolated confinement. *Criminal Justice and Behavior*, 35(8): 1005-1016.

⁵ Lovell, D. (2008). Patterns of disturbed behavior in a supermax population. *Criminal Justice and Behavior*, 35: 985-1004.

⁶ Roberts, J. V., & Gebotys, R. J. (2001). Prisoners of isolation: Research on the effects of administrative segregation. *Canadian Journal of Criminology*, 43(1): 85-97.

⁷ Lovell, D., Johnson, L. C., & Cain, K. C. (2007). Recidivism of supermax prisoners in Washington State. *Crime and Delinquency*, 53(4): 633-656.

⁸ Mears, D. P., & Bales, W. D. (2009). Supermax incarceration and recidivism. *Criminology*, 47(4): 1131-1166.

Although many questions and concerns about the practice come from outside the corrections field, it is corrections leaders taking the lead on the issue. And they are doing so with little guidance in terms of research on what works and evidence-based practices. What research there is mostly seeks to determine the effects of restrictive housing rather than to suggest better alternatives. Additionally, many departments want to change how they use restrictive housing but may not be well positioned to manage the process—given the time a significant policy and practice change requires and the lack of additional resources for taking on major reform.

As a result of the growing attention on restrictive housing and his own concerns about impacts on incarcerated people and institutional and public safety, the Cabinet Secretary for the Department of Corrections Denny Kaemingk determined that changes to the department's policies and practices were needed. Secretary Kaemingk wanted to build on the state's previous efforts to increase public safety. In 2012, South Dakota, with technical assistance from the Crime and Justice Institute (CJI) and the Pew Charitable Trusts' Public Safety Performance Project, joined the Justice Reinvestment Initiative, a program that provides assistance to help states increase public safety, hold individuals convicted of criminal offenses accountable, and reduce corrections costs. This effort culminated in the passage of the Public Safety Improvement Act in February 2013. Secretary Kaemingk sought to reach similar goals within the state penitentiary's segregation units, with a focus on nonpunitive restrictive housing—what the department used to call administrative segregation. In late 2013, the nonpunitive restrictive housing population at the South Dakota State Penitentiary (SDSP) consistently exceeded 100, the practice of releasing people directly from segregation to the community continued, and staffing was a constant challenge. With the nonpunitive restrictive housing population growing, the Secretary's greatest concerns were institutional safety and the potential risks of releasing people directly from restrictive housing into the community.

THE APPROACH

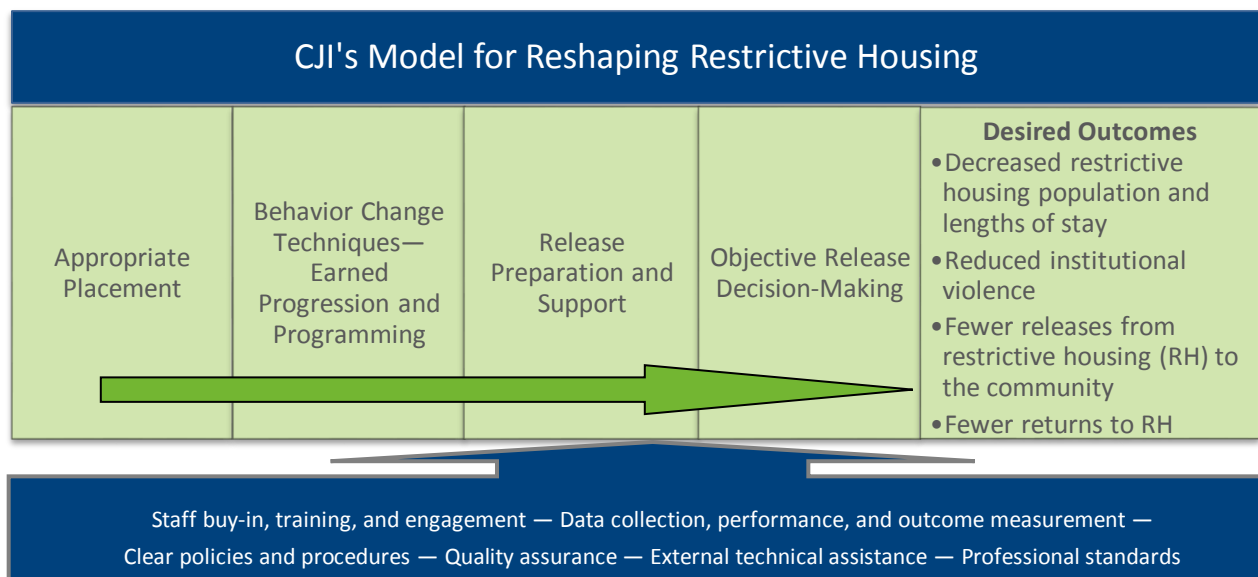
While the issue is receiving greater attention than ever before, corrections professionals have understood for years that restrictive housing is overused. They also understand that it may have a damaging impact on inmates and staff, with a concomitant weakening of public safety when people in restrictive housing cannot prepare appropriately for their return to the community. So, why has there been so little change? The reasons are many—the absence of clear and proven alternatives, lack of funding, difficulty managing a more acutely mentally ill population, limited physical space, and lack of resources for training staff to manage difficult situations and populations, to name a few.

With institutional and public safety at the forefront, the leadership in South Dakota decided in 2013 to overhaul the use of nonpunitive restrictive housing. Together, the South Dakota Department of Corrections (SD DOC) and the Crime and Justice Institute (CJI), with funding from the U.S. Department of Justice, Bureau of Justice Assistance, set out to apply CJI's model for reshaping restrictive housing and identify promising practices and better ways to achieve both institutional and public safety.

Crime and Justice Institute's Model for Reshaping Restrictive Housing

The graphic below depicts CJI's approach to reforming restrictive housing practices, and it guided the work with SDSP. At its most basic level, the model ensures that—

- appropriate placements are made into restrictive housing using a fair and objective process;
- activities and interactions during inmates' restrictive housing placement are geared towards behavior change;
- inmates are prepared for their transition to general population; and
- the process used to retain or release an individual from restrictive housing is fair, objective, and based on behavioral indicators.



The desired outcomes, which are specific to each jurisdiction, are to reduce the number of people in restrictive housing and their lengths of stay, to decrease institutional violence, to curtail releases from restrictive housing directly to the community, and to reduce returns to restrictive housing from the general prison population.

Lastly, experience and what we know about implementation indicate that this type of change is not possible without multiple types of administrative support, staff training, procedures for tracking progress and outcomes, outside guidance in the form of technical assistance, and consideration of professional standards and review of promising practices.

Applying the Model at the South Dakota State Penitentiary

SDSP is located in Sioux Falls and consists of three facilities:

- The 904-bed Main Penitentiary that houses male inmates classified as high-medium, as well as a Special Housing Unit for disciplinary segregation.
- A 245-bed minimum security and work release facility known as the Sioux Falls Community Work Center; and
- Jameson Annex (649 beds), which includes the penitentiary's Admissions and Orientation Unit, housing for high maximum security inmates, nonpunitive and punitive restrictive housing, and two sections for people with varying degrees of mental illness.

The focus of this work was the segregated populations within Jameson Annex, specifically those in nonpunitive restrictive housing.

As with any reform effort, this one began with identification of the issues. In December 2013, CJI conducted a comprehensive assessment of the department's policies and SDSP's nonpunitive restrictive housing practices. The assessment findings revealed issues similar to those found in many other jurisdictions:

- The criteria and process for entry into nonpunitive restrictive housing, and exit from that setting, were less objective than they could be.
- There was little to no focus on behavior modification, and few programming opportunities available.
- Allowable property was comparable to general population and not an earned privilege for positive behavior.
- There was no reintegration program for inmates returning to general population or other preparation for release to the community.
- No specialized training was provided for those working in restrictive housing, and properly staffing the unit was a challenge.
- No regular reporting and review of restrictive housing data was taking place.

After the assessment, a steering committee was formed to guide the design of a new program to address the assessment findings. This work culminated in a 5-month pilot of the new restrictive

housing program beginning in September 2014. The pilot began with the initial movement of a select group of 19 people into level 4 and implementation of the programmatic components for that level. Ultimately, the pilot served 37 participants, many of whom earned their way to the transition unit (level 5) during that time. By the end of January 2015, SDSP had assigned each inmate to a level, and begun full rollout of the restrictive housing program.

Below is a brief summary of the results 1 year after the pilot began, followed by a detailed description of SDSP's restrictive housing program and an explanation of how SD DOC and CJI structured implementation to ensure the greatest chance of success.

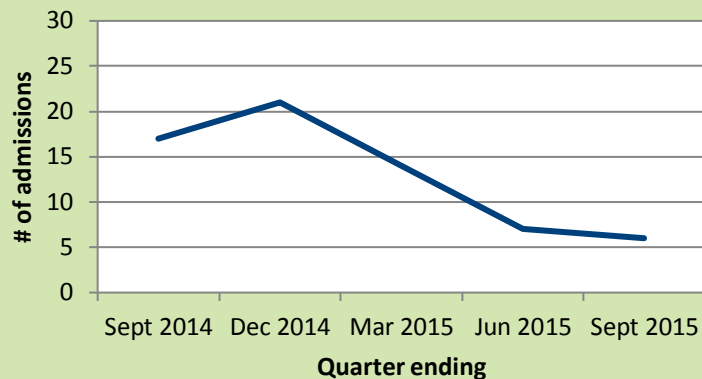
RESULTS – ONE YEAR IN

Following the assessment, SD DOC and CJJ designed and began to implement a new restrictive housing program. As a result, the restrictive housing population decreased 18 percent from 103 people in September 2014 when the restrictive housing pilot began to 85 a year later. This was driven by a 65 percent drop in the number of quarterly admissions over the course of the year.

SDSP's restrictive housing dropped 18% in one year and the environment is safer.

In addition, the rate of violent incidents in restrictive housing is on the decline and, at the end of September 2015, was lower than the rate in SDSP's general population. Releases from restrictive housing directly to the community are also down. The department's goal is to have no releases from restrictive housing to the street. In the year ending June 30, 2015 the average number of releases to the community per quarter was three. In the quarter ending September 30, 2015, there was just one such release.

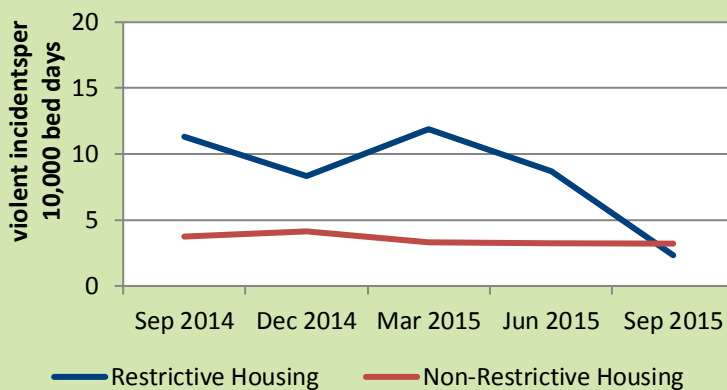
Quarterly admissions to restrictive housing are down 65% from one year ago



Visiting the restrictive housing units in the Jameson Annex now, it is difficult to imagine what it

was like before the reforms were put in place. Minor disruptions by inmates still occur but have decreased dramatically. Staff work in teams, know their roles, and regularly track inmate compliance with the rules. Inmates have regular status review hearings, are aware of how they are progressing through the program, and receive evidence-based cognitive behavioral programming. Inmates in the upper levels of the program

Rate of violent incidents in restrictive housing is lower than the rate in general population for the first time



walk unrestrained and unescorted from their cells to the recreation enclosures and lock the doors behind them. In a year's time, not one participant has violated the rules of this privilege. In the

transition unit, inmates leave restrictive housing and prepare for return to general population. They participate in congregate activities unrestrained, such as meals, programming, and recreation in the gymnasium and outside. Each day, there is 2 hours and 45 minutes of out-of-cell time, but, depending on the day and unit schedule, they may spend up to 6 ½ hours out of their cells.

There is also evidence that the early success of the program is having an impact beyond SDSP. In December 2015, the South Dakota Board of Pardons and Parole granted parole to someone who had only recently graduated from the restrictive housing program. Another participant was granted parole contingent upon his completion of program requirements. Secretary Kaemingk notes, “I was on the Parole Board for nine years and chaired the board for four of those years. I don’t remember any instances of parole granted to offenders in or right out of segregation. This is extraordinary.”

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THE SOLUTION

After the comprehensive assessment, CJI convened a steering committee to set the agenda for the redesign of nonpunitive restrictive housing at SDSP using the assessment recommendations as a guide. The steering committee included members of SD DOC's administration, penitentiary leadership, and a cross-section of staff, as well as representatives of the Department of Social Services (DSS). DSS provides behavioral health services to SD DOC facilities and is an integral partner in the restrictive housing environment.

Members of the steering committee were assigned to lead small teams in the development of proposals to improve restrictive housing practices. These teams focused on topics such as eligibility criteria, the level system (a structured program of incentives to move progressively to less restrictive settings), and monitoring inmate behavior. A subset of the steering committee also proposed a mission, a vision, and values to guide the reforms (see sidebar). This step was essential to setting the tone for the reforms and helping staff understand the direction the department was headed.

Appropriate Placement

SD DOC's former administrative segregation policy included criteria for placement that were marked by phrasing that could be open to different interpretations (e.g., "history of misuse of a less restrictive custody," "established pattern of ...") and were not tied directly to violent and dangerous behaviors (e.g., "reasonable belief that ..."). With the goals of focusing restrictive housing eligibility on those exhibiting violent and dangerous behavior and operating with greater objectivity and fairness, the new nonpunitive restrictive housing policy identified specific behaviors for which an inmate could be referred to restrictive housing and ensured that a rigorous review process accompanied the placement decision.

SD DOC Restrictive Housing Mission, Vision, and Values

Mission

To provide safe and secure facilities by successfully managing our offenders in restrictive housing with an incentive-based step program and cognitive behavioral programming. Empowering staff through continuous professional development and engagement to effectively supervise our most disruptive offenders.

Vision

To become a national leader in the successful management and reintegration of disruptive offenders through the use of evidence-based practices.

Values

Safety and Security
Professionalism
Accountability
Cooperation
Integrity

Eligibility Criteria

The revised restrictive housing policy now describes specific behaviors that drive eligibility, as follows:

- Assaulted, attempted to cause serious physical harm or death, or compelled or coerced by force or threat of serious physical harm or death another person to engage in any sexual act or sexual abuse, or compelled or coerced another person by force or threat of serious physical harm or death to perform an act or violate any rule;
- Led, organized, or incited a disturbance or riot resulting in the taking of a hostage, significant property damage, physical harm, or loss of life;
- Possessed, conspired, or attempted to introduce dangerous contraband;
- Is an identified security threat group member and committed designated major rule infractions, or is in a leadership position of a security threat group and has coerced another inmate to commit any acts or behaviors eligible for placement in restrictive housing;
- Escaped or attempted escape;
- Exposed others to the risk of a blood-borne pathogen;
- Inflicted or threatened serious harm upon DOC staff;
- Set a fire resulting in serious physical harm, risk of serious physical harm, or causing extensive damage to state property;
- On more than one occasion, compelled or coerced staff to engage in conduct prohibited by SD DOC policy; or
- Committed a crime of exceptional violence or notoriety proximate to incarceration.

Process for Placement

To ensure that the decision to place an inmate in nonpunitive restrictive housing⁹ is based on an objective, informed review, SD DOC uses the following process:

1. Correctional staff submit a referral and supporting documents for individuals they believe exhibit behavior warranting placement in restrictive housing, to be reviewed and approved (or denied) by an associate warden or administrator of equal rank.
2. A multidisciplinary staffing is held to review relevant details of the inmate's mental health, programmatic needs, behavior history, security risk level, and discharge date.
3. The restrictive housing board, consisting of a supervisory correctional officer and two unit managers, conducts a review and provides a recommendation to the warden regarding placement.
4. The warden approves or denies the board's recommendation.

⁹ This policy does not preclude an individual from being temporarily housed in short-term restrictive housing for safety reasons or investigative purposes.

Behavior Change Techniques – Earned Progression and Programming

Restrictive housing should be geared towards improving behavior to increase both institutional and public safety. However, it has historically been focused on incapacitation, which is not an effective way to modify behavior. The new program at SDSP focuses every day of a participant's stay in restrictive housing on positive behavior leading toward sustainable change. This is accomplished through a system whereby participants earn privileges and make progress by demonstrating positive behaviors and participating in programming.

Many nonpunitive restrictive housing settings across the country house people for indefinite periods and do not provide a clear set of expectations or a clear path towards release from these environments. Given the modern understanding of behavioral science, it is not reasonable to expect meaningful behavior change under these ambiguous conditions. SDSP's program addresses this issue head on and sets specific timeframes, articulates privileges that can be earned and lost, establishes program participation expectations, identifies behaviors that are expected on a daily basis, and includes regular reviews of individual progress.

Earned Progression

The states that are leading restrictive housing reform have put into place phase or level programs designed to reward positive behavior and discourage negative behavior and step people down to less restrictive settings.

Level System. The core of South Dakota's nonpunitive restrictive housing program is its level system. There are five levels, with level 1 being the most restrictive and level 5 being the least restrictive. Within each level is a set of privileges earned by following institutional and program rules and participating in programming. Although the full program includes five levels, participants enter the program at level 2, allowing SDSP to regress inmates for a short time (no more than 15 days) in an environment with few privileges, if their behavior is unacceptable. To date, SDSP has made no placements in level 1. The final level serves as a transition unit. This transition unit is part of the restrictive program; however, given the privileges, out-of-cell time, and freedom of movement afforded to this population, it is more akin to general population and does not meet the definition proposed by the American Correctional Association for restrictive housing.

Regression among levels is uncommon. Generally, if an individual in restrictive housing commits an offense that meets the restrictive housing placement criteria, he may be considered for regression (if he is serving the beginning part of his time on that level) or may be required to restart his level (if he is toward the end of his time on a level). To date, the only time this has occurred is with an assault on staff. Responses to other violations are considered on a case-by-case basis; low level major rule violators may serve their disciplinary time and return to the level they were on when the violation occurred.

Levels 1 through 4 are located in SDSP's restrictive housing area, while level 5—the transition unit—is located in a general population area of the facility. Locating this unit in a general

population part of the facility sends a message that those who are able to achieve this level through demonstrated positive behavior are making progress moving toward general population. It also allows the participants to be exposed to other staff and reoriented to general population operations.

In addition to the increased privileges and property allowed in the transition unit, those on level 5 eat and have out-of-cell time in the dayroom. They also recreate in small groups in the gymnasium and outside. When travelling off the unit, these inmates walk with a staff escort but without restraints. Depending on the day of the week and unit schedule, they may be out of their cells up to 6 ½ hours; however, each individual is out-of-cell at least 2 hours and 45 minutes every day.

The program design anticipates minimum lengths of time individuals need to stay in each level; however, exceptions are made when a person's release from custody is scheduled to occur during his time in restrictive housing. In keeping with the goal of reducing the number of releases from restrictive housing to the community, the policy allows staff to create amended case plans so a program participant can accelerate his progression and earn his way back to general population prior to release from custody.

“Our new restrictive housing program has really changed inmate behavior. We used to place inmates in administrative segregation for indefinite periods. There were a lot of things we should have done differently then. There was no accountability. They wouldn't follow the rules, they would misbehave. Things have changed. Now inmates are held accountable from day one. They know the expectations and exactly what they need to do to move to each level and get back to general population. There's a different mindset and it shows on the units.”

~ Troy Ponto, Associate Warden, SDSP

SDSP's level system is shown in table 1. It is designed to be 300 days in duration with participants entering at level 2, progressing through to level 4, and then moving into a transition unit for an additional 120 days. To provide context for the program length, prior to the implementation of the new program, typically an assault on a staff person would result in a 5-year restrictive housing stay without rehabilitative opportunities or chance for earlier release.

Table 1: SDSP Level System for Nonpunitive Restrictive Housing and the Transition Unit

NONPUNITIVE RESTRICTIVE HOUSING					TRANSITION UNIT
	Level 1	Level 2 - Entry Level	Level 3	Level 4	Level 5
Programming Expectations	None	Video programming and self-directed activities	Thinking for Good	Moral Reconciliation Therapy (start program)	Moral Reconciliation Therapy (finish program)
Behavioral Expectations		~ 50% compliant with behavior log	~ 75% compliant with behavior log	~ 90% compliant with behavior log	Compliant with general population rules
Duration	15 days maximum	90 days minimum	90 days minimum	120 days minimum	120 days minimum
Location	Unit A (section 3)	Unit A (section 3)	Unit A (section 4)	Unit A (section 5)	Unit D (section 6)
Recreation and Phone	3 days per week in recreation enclosure	5 days per week in recreation enclosure	7 days per week in recreation enclosure	7 days per week in recreation enclosure with <u>unrestrained movement</u> to/from rec and shower	7 days per week rotating between dayroom and gym/outdoor yard
Meals	In-cell	In-cell	In-cell	In-cell	Dayroom
Commissary	Hygiene, mail items only	\$10 weekly limit	\$15 weekly limit	\$20 weekly limit	\$30 weekly limit
Visits	None	1 noncontact visit per week, maximum of 3 visitors	2 noncontact visits per week, maximum of 3 visitors	2 noncontact visits per week per visitor	2 noncontact visits per week per visitor (with potential for contact visits)
Television	No TV in cell (TVs in section)	No TV in cell (TVs in section)	1 state issued TV per cell	1 state issued TV per cell	1 personal TV per inmate
Out-of-Cell Restraints	Handcuffs behind the back on unit Full-restraints off unit	Handcuffs behind the back on unit Full-restraints off unit	Handcuffs behind the back on unit Full-restraints off unit	Unrestrained movement to recreation enclosure and shower Handcuffed in the front of unit	No restraints
Work Assignments	None	None	None	Rotating non-paid work assignments in unit	Rotating non-paid work assignments in unit

Daily Behavior Tracking. With behavior as a primary driver of progression through the restrictive housing program, it is important to identify expected behaviors and regularly document them. To accomplish this, SDSP correctional officers identified a set of expectations for individuals in restrictive housing and created a Daily Behavior Log¹⁰ to track compliance with the behaviors on each shift. Behaviors tracked include leaving windows, doors, and lights uncovered; keeping cell walls clear; beds made during the day; standing for count; proper use of the call button in the cell; and respectful behavior.

The logs hang outside of each participant's cell. Officers credit the logs with immediate improvements in the restrictive housing units and significant changes to the types of interactions staff have with people in restrictive housing. The log provides immediate reinforcement for prosocial behavior and opens up dialogue about why someone struggled on a prior shift or a previous day, and how to address needs or concerns that may arise.

Programming

Along with daily behavior, participating in programming drives a person's progression through the level system. South Dakota's restrictive housing program was designed to include both in-cell and out-of-cell programming. SDSP has established a set of programming expectations at each level to provide another indicator of positive change while in restrictive housing. The goals are twofold—to provide prosocial, in-cell, and to provide behavior change opportunities and skills training out-of-cell through an evidence-based intervention in the upper levels of the restrictive housing program. This latter intervention is delivered in a classroom setting with four to six people at a time.

In-Cell Activities. The in-cell activities consist of video-based assignments made possible by a dedicated television channel in the facility and workbooks and other written materials. Participation is mandatory for progressing through the levels, but SDSP also offers an incentive (i.e., days off minimum duration of levels) when individuals demonstrate consistent, active participation.

	Programming for Moving to Next Level	Incentive
Level 2	<ul style="list-style-type: none"> Video programming; self-directed activities 	One week off the minimum level duration for every four weeks' worth of video or self-directed assignments completed and submitted
Level 3	<ul style="list-style-type: none"> Thinking for Good (planned) Video programming; self-directed activities 	
Level 4	<ul style="list-style-type: none"> MRT (start the program) Video programming; self-directed activities 	
Level 5—Transition	<ul style="list-style-type: none"> MRT (finish the program) Dialectical Behavior Therapy (optional) Video programming; self-directed activities 	

¹⁰ More information on and a screenshot of the Daily Behavior Log can be found on CJI's website: <https://www.cjinstitute.org/publication/promoting-positive-behavior-in-restrictive-housing/>

Out-of-Cell Cognitive Behavioral Intervention. Inmates in level 4 must begin Moral Reconciliation Therapy (MRT) and complete the first three steps to be eligible to move to level 5 (the transition unit). MRT is an evidence-based cognitive behavioral program designed to lead to “enhanced moral reasoning, better decision making, and more appropriate behavior.”¹¹ Participants engage in a minimum of 12 sessions and are required to complete homework assignments. The MRT program marks the first opportunity for congregate activity in the restrictive housing program. This is made possible by therapy desks that were constructed by correctional industries and installed in a newly created classroom just outside of the restrictive housing units. As the picture to the left shows, the desks provide requisite security while allowing people to fully participate in a congregate classroom setting.

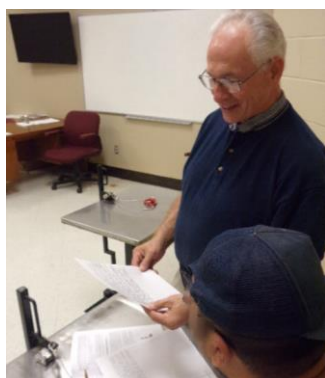


Figure 1: Classroom Instruction

Inmates in level 5 must complete the MRT curriculum before they can return to general population. In addition to MRT, programming such as GED and chemical dependency and mental health treatment or programming may be required at the direction of the case manager.

Case Manager Reviews. The restrictive housing case manager conducts monthly out-of-cell reviews with each participant. The review meetings have two purposes—to continue planning for return to general population and to reinforce positive behavior and address noncompliant or otherwise problematic behavior. The content of the meetings include, but is not limited to, the following:

- Review of the inmate’s behavior logs;
- Review of any compliance issues, disciplinary violations, or other sanctions;
- Discussion of program progress;
- Recommended programming or activities and program participation;
- Compliance with medical and mental health recommendations; and
- Discussion of any concerns regarding self-harm.



Figure 2: Out-of-Cell Case Manager Review

¹¹ <http://www.moral-reconciliation-therapy.com/aboutmrt.html>

Release Preparation and Support

SDSP's restrictive housing program provides a significant amount of structure and support to participants that is not necessarily provided in a general population setting. Recognizing this, SDSP staff put into place a graduate support system to assist participants in the initial months following placement into general population. The support system includes the following:

1. *Notification:* The unit manager for unit D, who oversees the transition unit, notifies the unit manager overseeing the unit to which the graduate will be assigned. The transition unit manager's notification conveys that the person graduated from restrictive housing and will require an initial contact as described below.
2. *Initial Contact:* The unit manager of the receiving general population unit makes initial contact with the restrictive housing program graduate within 2 business days of his return to general population to orient him to the unit. The orientation includes—
 - review of unit schedule and expectations;
 - review of the process for requesting cell changes and mental health services;
 - provision of the names of the case manager and unit coordinator; and
 - a copy of the unit plan and rules.

The date and content of the discussion are recorded in the department's offender management system.

3. *Case Manager Contact:* The case manager—
 - conducts one-on-one office meetings with the graduate every 2 weeks for the first 3 months of the return to general population (these meetings are recorded in the offender management system and include recognition of positive and prosocial behavior since graduation; discussion of any issues or challenges the graduate is having and potential solutions or strategies to address them; discussion of any changes to the graduate's release plan; and assistance with parole hearing and release preparation);
 - communicates any issues or challenges to the unit manager and the restrictive housing manager via email; and
 - reviews weekly the disciplinary reports for 2 months from the date of program graduation and reports the findings to the unit manager and the restrictive housing manager via email.
4. *Graduate Discussion Group:* The restrictive housing manager conducts an optional monthly discussion group with those who graduated from the restrictive housing program in the past 6 months. Topics covered in the group include—
 - use of skills learned while in the Restrictive Housing Program;
 - current challenges to success and how the graduates are addressing them; and
 - current goals and progress towards those goals.

In early graduate discussion groups, program graduates indicated that while the restrictive housing program's step down process allowing for fewer restrictions is beneficial, they still experienced discomfort being around others and had some difficulty adjusting to general population. They suggested that it may be useful to have discussion groups before graduating to help identify and address challenges they may face. Given the feedback and the desire to provide additional group activity in the transition unit, SDSP expanded the graduate support system to provide supports for people in the transition unit in addition to the period following return to general population.

Objective Release Decision-Making

Before implementing the new nonpunitive restrictive housing program, the decision to return someone from restrictive housing to general population had been fairly subjective—based on someone doing “enough time” or because staff thought “he’s ready.” SDSP recognized that this approach was not a good way to determine readiness for general population, so they shifted their decision-making to more objective criteria with a focus on behavior change. The decision to return someone to general population is now based on behavior that is tracked daily, participation in activities and programming, regular case manager reviews, and rule compliance.

“Review hearings are more meaningful now. More staff are providing input to inform decisions – from senior security staff to officers. And, during the hearings, there are more questions asked of the offender and real dialogue about what they’re learning.”

~Troy Ponto, Associate Warden, SDSP

As a participant moves through the levels, a progressively larger and higher level group evaluates his readiness to advance. The table below shows who reviews the person’s progress for movement to a subsequent level and to general population.

Progression	Reviewers
Level 1 to Level 2	Restrictive Housing Manager
Level 2 to Level 3	Restrictive Housing Manager
Level 3 to Level 4	Restrictive Housing Manager, Major, Sergeant or Corporal, and Associate Warden
Level 4 to Level 5	Restrictive Housing Manager, Major, Sergeant or Corporal, Associate Warden, and Deputy Warden
Level 5 to General Population	Restrictive Housing Manager, Major, Sergeant or Corporal, Associate Warden, Deputy Warden, and Warden

These progressively higher-level reviews ensure that SDSP leaders are active participants in the decision to move people into less restrictive settings and ultimately into general population. In addition to monthly program and data reviews at the highest levels, the restrictive housing policy requires annual in-depth case reviews by the SD DOC Director of Prison Operations or Cabinet Secretary for individuals whose stays in restrictive housing exceed 24 months.

Foundational Supports for the Restrictive Housing Reform Effort

The program described above would not have been possible without supports and processes in place to set expectations, create a sense of ownership, ensure the program is delivered as designed, and monitor progress. This section describes these supports and processes and how they were employed in SD DOC's reform effort.

Clear Policies and Procedures

Given the disconnect between current use of restrictive housing and where corrections leaders want to go with restrictive housing, policies and procedures that underpin restrictive housing decisions need a complete overhaul. SD DOC was no different. Rather than amend current policies, the department spent a significant amount of time designing, writing, revising, and rolling out to facility staff its nonpunitive restrictive housing policy. Policies are one of the many ways the department communicates its intent to staff as well as to those outside of the department who have an interest in restrictive housing and how it operates.

The new policy and procedures also set the expectations for people incarcerated at SDSP. SD DOC developed an orientation manual that it provides to individuals who come into restrictive housing. The manual communicates the new policy and the specific expectations of the program. This way, inmates are aware of behavioral expectations, how they can progress, and how much time it will take to work through the program.

Professional Standards and State Examples

During the design of its new program, SD DOC reviewed the guiding principles for restrictive housing established by the Association of State Correctional Administrators. The department also considered standards established by other national associations and explored examples from other states engaged in restrictive housing reforms. Not only were the state examples useful in the program design, but they also served as a reminder throughout that significant reform is possible and can yield positive results.

Staff Engagement, Buy-In, and Training

Recognizing that correctional staff are essential to the success of restrictive housing reform, SD DOC made sure they were engaged not only in implementing the reforms, but also in the their design. Staff developed the level system and process for tracking behavior, and continue to offer solutions to issues as the department works towards full implementation of its program.

The department also anticipated that officers in restrictive housing would be asked to operate very differently and utilize a different set of skills than they had used before. Because of this, SDSP instituted a unique staff-selection and incentive system¹² to ensure it attracted officers who were a good fit for the restrictive housing environment.

SD DOC sought to provide meaningful incentives not only to attract staff to restrictive housing but also to retain them. Towards this end, four incentives were instituted.

- A pay differential for restrictive housing staff;
- A unique work schedule ensuring staff work no more than 3 days in a row and allowing for every other Friday, Saturday, and Sunday off;
- A permanent team structure; and
- Specialized training to work in the restrictive housing environment.

With these incentives in place, the department instituted a new staff selection process. Restrictive housing positions were posted, and staff were invited to apply to participate in a panel interview process. The candidates were also evaluated by SDSP supervisory staff who indicated which staff they recommended and why. Staff leave in the prior 12-month period was also reviewed and considered on a case-by-case basis (but was not used to reject any applicant). This selection process was so vital to the restrictive housing program that it has been memorialized in policy.

Performance Measurement and Quality Assurance

From the beginning, SD DOC and CJJ set out, through performance measurement, to examine who is in restrictive housing and how this set of individuals differs from general population, demonstrate how the new restrictive housing policy and program is being implemented, track inmate progression through the program, and monitor how people behave upon release to a less restrictive correctional setting. DOC selected a set of measures that conveys relevant and important information about restrictive housing, aligns with SD DOC's goals, and relies on data already being collected.¹³ The measures include—

- number and percent admitted to and housed in restrictive housing;
- approval rate of referrals to restrictive housing;
- average length of stay;
- rate of violent incidents in restrictive housing and general population;
- returns to restrictive housing;
- timeliness of placement determinations, hearings, evaluations, and reviews;
- on-time progression through level system; and
- releases from restrictive housing to the community.

¹² For more information about SD DOC's approach to staff selection and incentives, see <https://www.cj institute.org/news-article/restrictive-housing-attracting-your-best-staff-where-they-are-needed-most/>

¹³ To read more about SD DOC's experience with performance measurement, see <https://www.cj institute.org/publication/restrictive-housing-performance-measures/>

The department made, and continues to make, an investment in automating the measures so they can be reviewed quarterly. The measures provide a foundation for improving practice and celebrating successes.

CJI worked with SD DOC to develop a process to ensure that the policy is being followed with fidelity, as best practice requires. Using the restrictive housing policy as a guide, CJI developed a fidelity tool to quantify the extent to which required paperwork is completed and decisions are made in a timely fashion and whether supporting documentation provides sufficient justification for the decisions made. Moving forward, SD DOC plans to utilize data from its offender management system to automate parts of the fidelity assessment, such as timeliness of required actions, and to monitor other aspects of policy compliance.

Technical Assistance

While technical assistance is not always necessary, jurisdictions that receive assistance report that they benefit from the expertise of others, experience with other systems, assistance with organizational change, and the extra staff time and project management support that outside assistance brings. The CJI team brought extensive restrictive housing expertise, as well as familiarity with the corrections system and criminal justice leaders in the state. The experience and expertise enabled a successful partnership with SD DOC to bring about restrictive housing reform.

CONCLUSION

Every jurisdiction that embarks on restrictive housing reform will go about it in its own way and on its own timeline. It is the hope that what is presented in this report, while unique to a single jurisdiction, will be informative to other states and localities. Below is a set of overarching lessons learned by the South Dakota Department of Corrections and a note about the time it takes to implement new approaches and implement them well.

Keys to Restrictive Housing Reform

Throughout the program design and implementation phases in South Dakota, many lessons were learned. This section presents an overview of those that are most important to successfully implementing restrictive housing reforms.

Ongoing planning is essential. From day 1, it is important to have a planning process in place that evolves as needed—and it will be needed. Ongoing implementation planning provides a framework for those leading the reform effort to regularly ask themselves “Where are we now and what needs to happen next?” “Are we ready for the next step?” “If not, what needs to be done to get ourselves and the staff ready?”

Throughout the design and rollout of the restrictive housing program, the restrictive housing manager and CJI worked closely to construct and modify plans for all areas of work. The plans detailed tasks, timelines, and the persons responsible for each step, and guided project communications.

Leadership is necessary and can be developed. Restrictive housing reform may be trendy in national forums, but the reality is that reform may be difficult and potentially risky at the state and local levels. Reform does not engender much support beyond the advocacy community and can be a political risk for leadership if nothing is done—or if something is done and there is a dangerous incident that is linked to the reforms. Managing these risks and pushing ahead requires authentic leadership.

For South Dakota, this leadership comes from the helm of the DOC. Secretary Kaemingk has quietly emerged as a national leader in criminal justice reform, and saw restrictive housing as unfinished business in his state. He understood the court challenges and the Department of Justice intervention into restrictive housing practices in other jurisdictions, is knowledgeable on the limited available research that is out there, and is aware of what other states are doing. However, ultimately his leadership in restrictive housing reform is based on a simple principle—“It’s the right thing to do.” When reform is a moral imperative, the risks of not doing anything outweigh any risks that may come along with doing something big for the right reasons.

As with any organizational change effort, leadership at the top is not enough. It needs to be developed at all levels of a department and facility for change to be sustainable. The toughest audience in South Dakota was senior security staff. Their main responsibility is institutional

safety, and to date, SDSP had been a safe facility for staff and incarcerated people. Getting them first to understand that change was needed and, second, that change could happen without jeopardizing staff safety was important. Further, they needed to understand that their leadership is crucial to the program's success. SD DOC leadership and CJI invested in relationships with key individuals; shared national trends and perspectives as well as practices and results from other states; and engaged them in every aspect of the program design and implementation. For a couple of senior staff, it wasn't until the pilot was rolled out that they really bought in, but now they are some of the best spokespeople for the restrictive housing program and are instrumental in finding solutions to issues that arise.

Leadership amongst corrections officers came naturally and quickly. They do the work day-to-day and knew something was not working, or at least that restrictive housing could be done better. Because of this, their early contributions to the effort significantly influenced what the program looks like today.

Restrictive housing reform must be a real and visible priority. The unpredictability of the day-to-day operations of a prison is enough to keep senior security, supervisory, and line staff busy. Introducing a major reform effort into the picture can seem unreasonable or just one more thing that will be introduced and then forgotten. To overcome these perceptions, leaders must convey that restrictive housing reform is a priority and why, make investments that convey its importance, and contribute to making it possible.

Given the responsibilities of the individuals on the restrictive housing steering committee, it became clear that if progress was going to be made it would require a full-time coordinator to manage implementation. SD DOC leadership was able to repurpose a full-time employee position to hire a restrictive housing manager. This unit manager level position is dedicated solely to implementation and the daily operations of the restrictive housing program. The decision to offer a pay differential for corrections officers working on the restrictive housing teams was another meaningful investment that demonstrated SD DOC's commitment to change.

Ownership sustains the reforms. Ongoing staff engagement drives the ownership needed for major organizational change. Engagement of staff at all levels in the planning and implementation process is vital to organizational change, but true engagement is not all that common. Deep engagement of staff requires management support for staff to step away from their day-to-day responsibilities, ensure that staff have sufficient background information to be equal contributors, and act on their input.

SD DOC's investment in a restrictive housing manager position was instrumental to engaging staff. She meets with staff to get their input and brings the views of those doing the work back to the steering committee so the input is used to develop solutions.

Accountability drives progress. Having an implementation plan and committed leadership and staff are not enough. An accountability structure must be in place. With SD DOC, what worked best were regular meetings with members of the steering committee. The meetings were

facilitated by CJI and included the SD DOC secretary, deputy secretary, and director of prisons; the SDSP warden, associate wardens, and restrictive housing manager; SD DOC legal, research, and best practices staff; and behavioral health staff from the Department of Social Services. At the start of implementation, the meetings were held weekly, then moved to biweekly and are now held monthly. The agendas include—

- reviewing SDSP restrictive housing operations, successes, and challenges;
- troubleshooting challenges that arise;
- assessing monthly and quarterly data and any actions that need to be taken as a result;
- making decisions on issues needing higher level approval; and
- updating the group on national activity around restrictive housing, legal challenges, and agreements in other states.

These regular meetings are credited with keeping implementation moving forward and ensuring that all are contributing to progress.

Time Needed for Implementation

Research tells us that the process of implementation takes from 2 to 4 years.¹⁴ This is certainly true in an environment like the South Dakota State Penitentiary where nonpunitive restrictive housing had been practiced the same way for the past 20 years.

The assessment and program design phase took 8 months. It could have been done faster, but in this case faster would not have been better. Time was needed to understand the problem, articulate the new direction, develop leadership, engage staff in the planning, ready the administrative supports, and prepare the staff to pilot the new program. And, most importantly, time was needed for SDSP staff at all levels to become comfortable with the perceived and actual risks they could encounter by engaging differently with people in prison and providing different opportunities for them.

The 5-month pilot period not only allowed for problem identification and adjustments to the design but also demonstrated to reluctant staff that setting expectations and providing incentives can have an immediate impact on the orderly running of the unit and on inmate behavior. All staff noted immediate improvement in noise level, cleanliness, rule compliance, and how inmates addressed staff.

The pilot also generated inmate interest in the new program. People who heard about the program and initially were uninterested were soon asking how to get into the program. They saw other inmates afforded privileges they were not and saw there was a path back to general population.

¹⁴ Fixsen et al. (2005). *Implementation Research: A Synthesis of the Literature*. Tampa, FL: University of South Florida, Louis de la Parte Florida Mental Health Institute, The National Implementation Research Network (FMHI Publication #231)

Each jurisdiction's timeline will be unique to their needs, culture, and circumstances. When this report was being written, South Dakota's program had been fully operational for almost a year and the preliminary results are very encouraging. The performance measures are moving in the right direction, and the SD DOC is well positioned to make sure each component of the program is in place and operating as designed. The new program is not a program anymore; it is now just business as usual.



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