# DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

## Report on Restrictive Housing – Fiscal Year 2020

Fulfilling Reporting Requirements Correctional Services Article, § 9-614, Annotated Code of Maryland

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Governor Lawrence J. Hogan
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# Table of Contents

**Executive Summary** 2

**Introduction** 3

**Overview – Restrictive and Special Housing** 4

**DPSCS Population and Use of Restrictive Housing** 5

Figure 1: Inmates on Restrictive Housing Since 2018 (Revised) 5

Figure 2: Placements on Restrictive Housing Since 2018 (Revised) 7

Length of Placements 7

Table 1: Restrictive Housing Placement Lengths (Days) 7

Figure 3: Placement Length Since FY 2018 8

**Restrictive Housing Demographics** 8

Race and Gender Breakdown 8

Table 4: Men in Restrictive Housing by Race 8

Table 5: Women in Restrictive Housing by Race 9

Age and Gender Breakdown 9

Table 6: Men in Restrictive Housing by Age 9

Table 7: Women in Restrictive Housing by Age 10

**Restrictive Housing by Facility** 10

Table 8: FY 2020 Year End Sentenced Population by Facility 10

**Specialty Populations** 11

Direct Releases from Restrictive Housing 11

Figure 4: Direct Releases from Restrictive Housing 2018-2020 12

Restrictive Housing During Pregnancy 12

Inmates with Serious Mental Illness 12

Inmate Deaths, Self-Harm and Attempted Self-Harm 13

Table 9: Inmate Deaths and Self Harm 13

Restrictive Housing Policy and Procedure 13

**Conclusion** 13

**Appendix A: Revision of Restrictive Housing Data Processing** 15

## Executive Summary

- There are fewer individuals impacted by restrictive housing than previously estimated. In 2020, continued revisions occurred in the method of calculating the number of inmates impacted by restrictive housing. This revision identified that the State's use of administrative segregation was nearly 60% lower than previously suggested, and disciplinary segregation was used nearly 24% less than historically reported.

- In FY 2020, 4,293 individuals were impacted by restrictive housing at some point in their time in custody, 891 more than the prior year's revised figures, but fewer than previous estimates.

- The Department's use of disciplinary segregation has risen in FY 2020, alongside an increase in the percentage of the population with a history of person-based offenses.

- Placement length has consistently decreased for both forms of restrictive housing, following implementation of COMAR revision. In FY 2020, the average length of placements on any form of restrictive housing was 43.5 days, with the median of 31 days. The Department has reduced the average length of time of disciplinary segregation placements by 43% in two years.

- Revised restrictive housing population counts indicate that the Department has far fewer inmates released directly from restrictive housing. In FY 2020, all of those releases were from administrative segregation, a non-punitive status that carries the same permissions as the general population.

- The Department still does not place pregnant women on restrictive housing.

- A small percentage (8.3%) of the population with serious mental illness (SMI) was placed on any restrictive housing in FY 2020.

- Despite the challenges of initial adjustment to detention during the COVID-19 pandemic, the Department saw fewer suicides, attempts, and gestures among the population on restrictive housing.

## Introduction

Chapter 596 of the Acts of the 2016 Maryland General Assembly enacted Senate Bill 946 (SB 946), Correctional Services – Restrictive Housing – Report as Correctional Services Article, § 9-614, Annotated Code of Maryland. This statutory requirement directs the Department of Public Safety and Correctional Services (Department) to submit a report containing the preceding year's restrictive housing data to the Governor's Office of Crime Prevention, Youth, and Victim Services (GOCPVYS) for publication on the agency's public website.

Correctional Services Article, § 9-614, Annotated Code of Maryland requires the Department to report the following restrictive housing data elements:

- The total population of the correctional facility;
- The number of inmates who have been placed in restrictive housing during the preceding year by age, race, gender, classification of housing, and the basis for the inmate's placement in restrictive housing;
- The Department's definition of "serious mental illness" and the number of inmates with serious mental illness that were placed in restrictive housing during the preceding year;
- The number of inmates known to be pregnant when placed in restrictive housing during the preceding year;
- The average and median lengths of stay in restrictive housing of the inmates placed in restrictive housing during the preceding year;
- The number of incidents of death, self-harm, and attempts at self-harm by inmates in restrictive housing during the preceding year;
- The number of inmates released from restrictive housing directly into the community during the preceding year;
- Any other data the Department considers relevant to the use of restrictive housing by correctional facilities in the State; and
- Any changes to written policies or procedures at each correctional facility relating to the use and conditions of restrictive housing, including steps to reduce reliance on restrictive housing.

This report includes restrictive and specialized housing data for fiscal year (FY) 2020, supplemental data points, and amended historical figures since FY 2018 to allow for historical trend comparison. Previous figures have been substantially amended, and prior year trends may have changed. Data validation substituted the use of data points that were in flux with more reliable restrictive housing indicators. To provide context, FY 2018 and FY 2019 figures are updated using the new methodology, discussed in **Appendix A**.

## Overview – Restrictive and Special Housing

The Department's correctional facilities use four types of restrictive housing.

- **Administrative Segregation** means that an inmate is confined to their assigned cell and retains many of the privileges allowed within the general population. Administrative segregation is used when an inmate requires close observation by correctional staff or limited segregation from the general population. Administrative segregation is utilized to ensure the safety and security of the inmate, staff, the general inmate population, and the facility. Administrative segregation pending adjustment hearing is a common use while inmates await a disciplinary hearing for an infraction.

- **Disciplinary Segregation** means that an inmate is removed from the general inmate population and confined to a cell in a restricted housing unit. Inmates assigned to disciplinary segregation have certain privileges restricted in an effort to modify behavior. Disciplinary segregation is used for inmates found guilty by a hearing officer at an adjustment hearing for violating Departmental rules, institutional rules, or both.

- **Maximum II Structured Housing (MIISH)** means a securely controlled four stage step-down program for the Department's most frequently violent and dangerous inmates who are repeatedly placed on disciplinary segregation. The structured program encourages a reduction in violent behaviors through incentive-based programming. As an inmate progresses through the program's stages, privileges are incrementally restored as an incentive for good behavior. The goal of the structured program is to prevent long-term assignment to disciplinary segregation by stabilizing violent inmates; and when possible, return them to the general population.

- **Serious Mental Illness (SMI) Structured Housing** is designed to provide a continuum of care and least restrictive environment consistent with institutional safety and security for those inmates with a diagnosed Serious Mental Illness (SMI), who might reasonably be expected to gain benefit from a structured program, and who earn repeated disciplinary segregation due to violent and/or dangerous behavior.

The Department uses two types of specialized housing for vulnerable inmates.

- **Protective Custody** is a special housing status for inmates who require protection for safety reasons, and includes separation from inmates assigned to general population. Inmates in protective custody have the same privileges as inmates in general population.

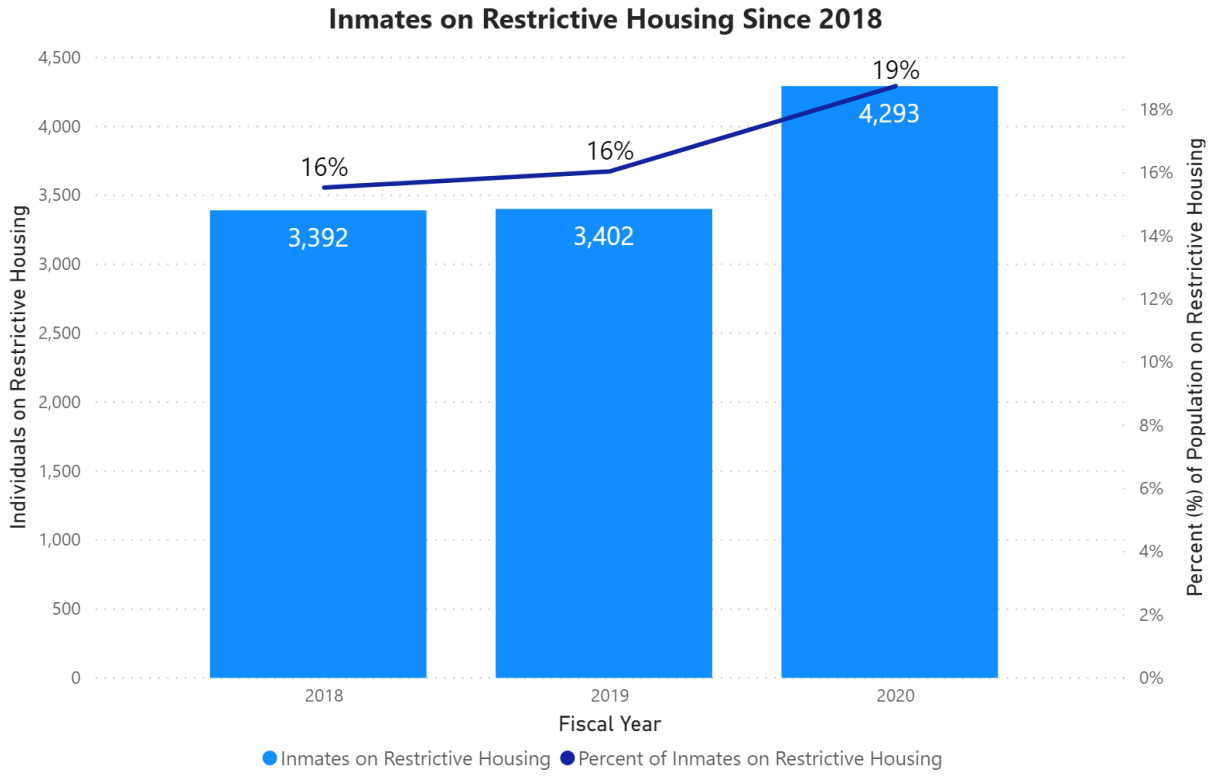
- **Special Needs Unit (SNU)** is a special housing status designed to manage inmates diagnosed with a serious mental illness in the least restrictive environment possible. The goal of the SNU is to stabilize and provide treatment to SMI inmates; and when possible, return the inmates to the general population with aftercare and ongoing support.

Special Needs Units are operated as general population tiers with a special designation. These units offer more intensive mental health services.

## DPSCS Population and Use of Restrictive Housing

Over the course of fiscal year (FY) 2020, the Department's Division of Correction housed a total of 22,895 inmates.[1] The Department's average daily inmate population (ADP) in fiscal year (FY) 2020 was 18,281, 2.7% lower than in FY 2019. The period in question was marked by the first four months of the Department's response to the COVID-19 pandemic, as programming and movement was interrupted or occurring on a modified schedule as monitoring and safety protocols were established. While the majority of the time period reflected in this report was under circumstances consistent with historic trends, the disruptive nature of such unprecedented changes to system behavior should not be underestimated as a factor in departures from trend.

Figure 1: Inmates on Restrictive Housing Since 2018 (Revised)



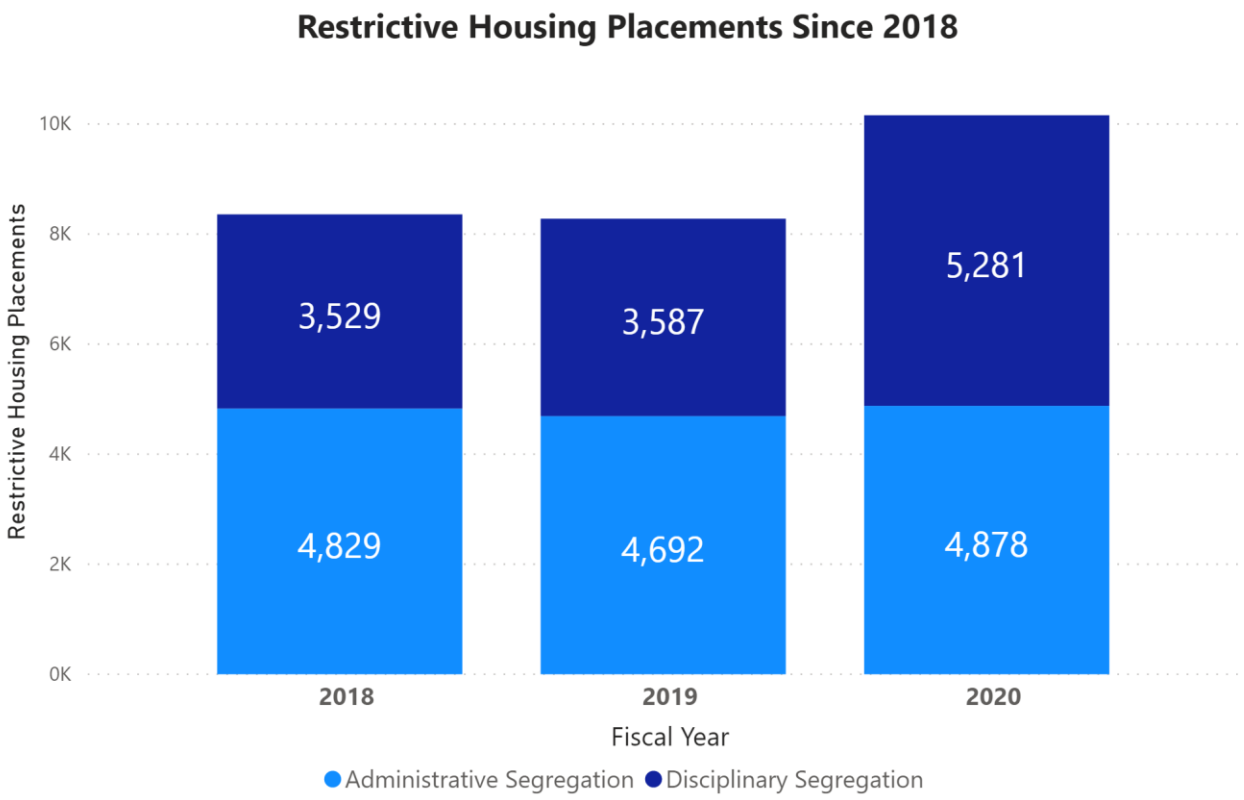

[1] For the purposes of this report, individuals housed include all possible sentenced inmates during FY 2020. This is calculated by combining individuals in custody at the end of FY 2019, all sentenced intakes processed within FY 2020, and all returns to custody within FY 2020. In order to maintain consistency in combined reporting, this report does not include individuals in federal detention or pretrial detainees within DPSCS' system.

In FY 2020, the Department placed 4,293 individual inmates on restrictive housing. Some of these inmates were placed on both administrative segregation and disciplinary segregation during the year. When a major rule violation is committed, an inmate is placed on administrative segregation pending adjustment until the hearing. When an inmate is found guilty of an infraction, their disciplinary segregation effective date is the first day of their administrative segregation pending adjustment. This practice minimizes the period of segregation by applying the time spent under administrative segregation to the sanction length received. Historically, both placements were included in reported figures. To make this report more accurate, administrative segregation placements for inmates who were found guilty of an infraction were excluded, as their instance and length were encompassed in disciplinary segregation figures. Inmates placed on administrative segregation that were found not guilty were included. This provides a more accurate accounting of the usage of administrative and disciplinary segregation.

Taking into account this new overlap factor, 3,892 individual inmates were placed on administrative segregation and 3,037 individual inmates were placed on disciplinary segregation. It is important to note that some inmates were placed on restrictive housing more than once during the reporting period. In total, the 4,293 individuals placed on any restrictive status represent 18.7% of the population in Division of Correction custody at any point in FY 2020.

In FY 2020, there were 10,159 placements on restrictive housing: 4,878 placements (48.0%) on administrative segregation and 5,281 placements (51.9%) on disciplinary segregation.

Figure 2: Placements on Restrictive Housing Since 2018 (Revised)




## Length of Placements

In FY 2020, the average length of disciplinary segregation decreased by 1.2 days from FY 2019, resulting in 40.8 days served per placement. This is a maintained decrease from the 43% longer stays in FY 2018 before the COMAR changes took effect. The following chart displays the average and median length of time, in days, for FY20 restrictive housing placements:

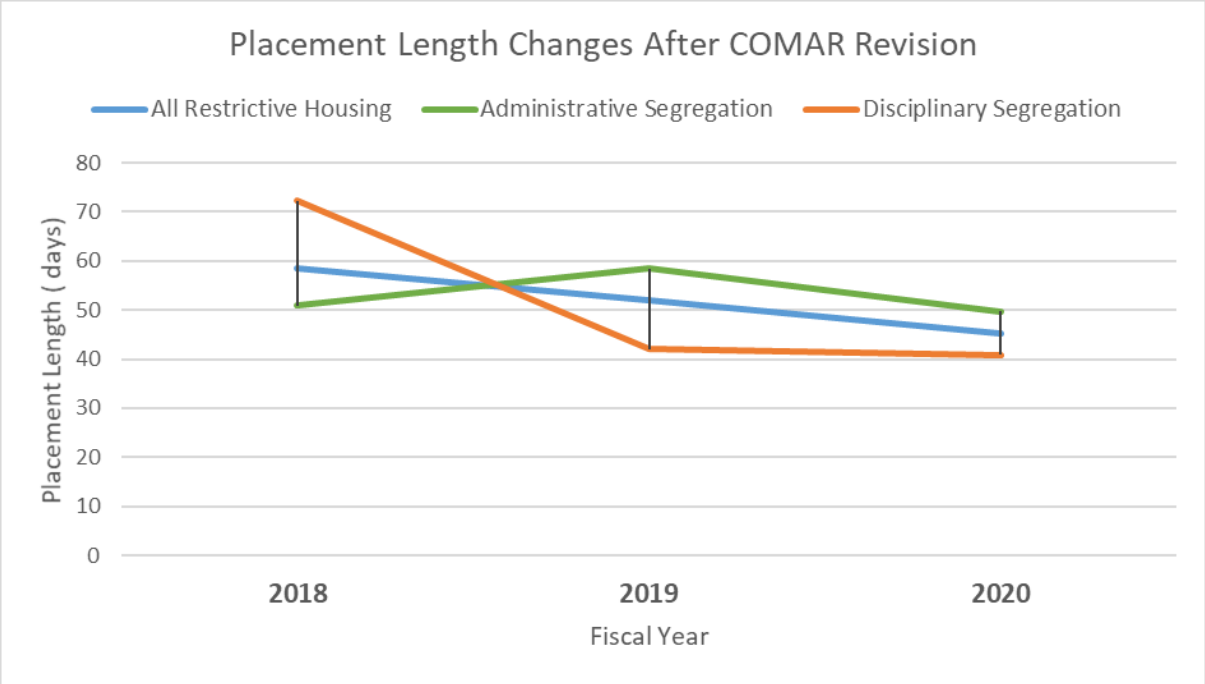
Table 1: Restrictive Housing Placement Lengths (Days)

| Placement Type | Average | Median |
|---|---|---|
| All Restrictive Housing | 45.3 | 30 |
| Administrative Segregation | 49.7 | 30 |
| Disciplinary Segregation | 40.8 | 30 |

In addition to allowing for 0 day duration sanctions that sidestep the use of restrictive housing, the COMAR changes made in FY 2019 were expected to reduce the average length of

placements on restrictive housing by both capping the time periods of placements, and crediting time spent on administrative placements toward disciplinary sanctions. Because of this credit, not all individuals with disciplinary segregation placements were subject to disciplinary restrictions for the duration of their placement stated above. For the second consecutive year, this can be seen in the overall length of placements, which have decreased by 22.6% since FY 2018, specifically the length of disciplinary placements.

Figure 3: Placement Length Since FY 2018




## Restrictive Housing Demographics

### Race and Gender Breakdown

The following charts present the racial summary and age summary by gender for the total FY 2020 inmate population in comparison to those inmates placed onto restrictive housing. In FY 2020, 96.1% of the average daily population were male and 3.9% were female. The male inmate ADP for FY 2020 was 17,560 and the female inmate ADP for FY 2020 was 721.

Table 4: Men in Restrictive Housing by Race

| Race | % of Total Population[2] *n*=21,789 | % Administrative Segregation *n*= 3,808 | % Disciplinary Segregation *n*= 2,944 |
|---|---|---|---|
| Black | 71.57% | 67.52% | 77.39% |

[2] The total men's housed population was 21,789 for FY 2020. Of those, 3,808 were on administrative segregation, and 2,944 were on disciplinary segregation.

| | | | |
|---|---|---|---|
| White | 22.60% | 27.00% | 17.52% |
| Latino | 3.96% | | |
| Other | 1.07% | | |
| Native American or Alaskan Native | 0.46% | 0.66% | 0.58% |
| Asian | 0.27% | 0.18% | 0.20% |
| Native Hawaiian or Pacific Islander | 0.06% | | |

Table 5: Women in Restrictive Housing by Race

| **Race** | **% of Total Population**[3] *n*= 1,106 | **% Administrative Segregation** *n*= 16 | **% Disciplinary Segregation** *n*= 93 |
|---|---|---|---|
| Black | 49.70% | 46.43% | 67.74% |
| White | 46.39% | 51.19% | 31.18% |
| Other | 2.00% | | |
| Latino | 1.31% | | |
| Native American or Alaskan Native | 0.35% | | 1.08% |
| Asian | 0.17% | | |
| Native Hawaiian or Pacific Islander | 0.09% | | |

## Age and Gender Breakdown

The following charts present the age category summaries by gender for the total FY 2020 inmate population in comparison to those inmates placed on restrictive housing. A majority of the Department's sentenced population is between the ages of 31 to 50. Among men, placements under administrative and disciplinary segregation are most common within the 26 to 30-year old cohort. Among women, the population on restrictive housing is generally older than the trends amongst men. Women between the ages of 31-35 are the majority of disciplinary segregation. The following charts present the age category summaries by gender for the total FY 2020 inmate population in comparison to those inmates placed on restrictive housing. Colors indicate where the highest percentage of the population falls by race, dark red indicates age cohorts with the highest percentage of the population, and dark blue indicates the lowest. Population subtotals are provided for each category as a reference.

Table 6: Men in Restrictive Housing by Age

| Age Ranges | % of Total Population | % Administrative Segregation | % Disciplinary Segregation |
|---|---|---|---|
| Under 18 | 0.0% | 0.0% | 0.0% |

[3] The total women's housed population was 1,106 for FY 2020. Of those, 16 were on administrative segregation, and 93 were on disciplinary segregation.

| | | | |
|---|---|---|---|
| 18 to 25 | 10.17% | 9.35% | 19.01% |
| 26 to 30 | 17.72% | 22.43% | 27.22% |
| 31 to 35 | 18.01% | 23.27% | 21.72% |
| 36 to 40 | 14.71% | 19.43% | 13.58% |
| 41 to 50 | 19.27% | 16.18% | 11.85% |
| 51 to 60 | 13.67% | 7.90% | 5.13% |
| Over 60 | 6.38% | 1.44% | 1.49% |

Table 7: Women in Restrictive Housing by Age

| Age Ranges | % of Total Population | % Administrative Segregation | % Disciplinary Segregation |
|---|---|---|---|
| 18 to 25 | 7.40% | 2.38% | 9.68% |
| 26 to 30 | 18.36% | 22.62% | 26.88% |
| 31 to 35 | 23.06% | 33.33% | 32.26% |
| 36 to 40 | 16.28% | 21.43% | 15.05% |
| 41 to 50 | 19.84% | 10.71% | 10.75% |
| 51 to 60 | 11.31% | 9.52% | 5.38% |
| Over 60 | 3.74% | | |

## Restrictive Housing by Facility

Some facilities due to their design and security classification, do not house individuals in a restrictive housing setting, and are not listed below. Facilities with higher security levels house individuals with a higher threat level and risk of committing infractions, and tend to have a higher percentage of restrictive housing. The table below represents a point in time snapshot of placements at FY 2020 end, which cannot be replicated in cumulative, year-long reporting. At the date of capture, which falls during seasonal population peaks, the total number of individuals on restrictive housing represented 9.7% of the total sentenced population.

Table 8: FY 2020 Year End Sentenced Population by Facility

| Facility | Security Level | EOM Population | Administrative Segregation | Percent Admin | Disciplinary Segregation | Percent Disciplinary |
|---|---|---|---|---|---|---|
| CMCF | Minimum | 306 | - | 0.00% | 2 | 0.65% |

| | | | | | | |
|---|---|---|---|---|---|---|
| ECI-E[4] | Medium | 1,379 | 138 | 10.01% | 10 | 0.73% |
| ECI-W | Medium | 1,230 | 8 | 0.65% | 85 | 6.91% |
| JCI | Administrative | 1,777 | 37 | 2.08% | 41 | 2.31% |
| MCIH | Medium | 709 | 34 | 4.80% | 9 | 1.27% |
| MCIJ | Medium | 693 | 50 | 7.22% | 9 | 1.30% |
| MCIW | Administrative | 558 | 5 | 0.90% | 8 | 1.43% |
| MCTC | Minimum | 2,668 | 209 | 7.83% | 80 | 3.00% |
| MRDCC | Administrative | 459 | 1 | 0.22% | 24 | 5.23% |
| NBCI | Maximum II | 1,298 | 127 | 9.78% | 153 | 11.79% |
| PATX | Maximum I | 916 | 40 | 4.37% | 21 | 2.29% |
| RCI | Medium | 1,689 | 138 | 8.17% | 35 | 2.07% |
| WCI | Maximum I | 1,614 | 122 | 7.56% | 93 | 5.76% |
| **Total** | | **15,296** | **909** | **5.94%** | **570** | **3.72%** |

Source: Offender Case Management System, June 30, 2020 Snapshot

## Specialty Populations

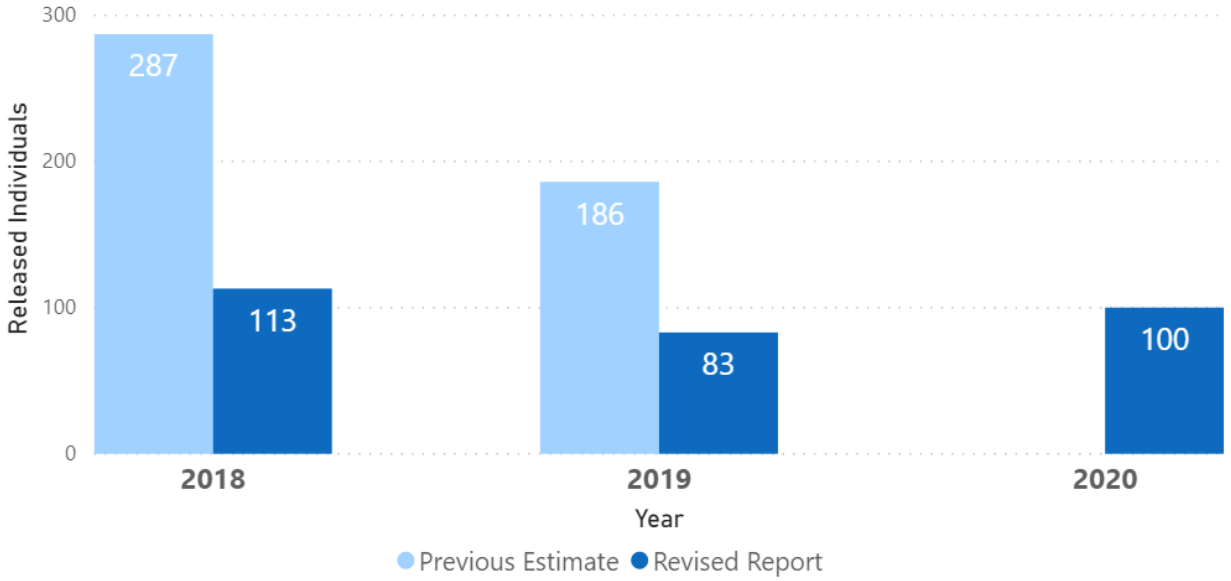
### Direct Releases from Restrictive Housing

Reexamination of prior year restrictive housing totals significantly refined the number of individuals who were released directly from restrictive status. The figure below displays the

[4] ECI is one facility broken into two separate compounds. For Security purposes ECI-E is used to house ECI Administrative and Admin PC inmates. ECI-W is used for Disciplinary Segregation. The small number of admins on the west and Disciplinary on the east is due to those awaiting hearings or who have not yet been moved.

difference between previous estimates and corrected figures, which no longer contain duplicative disciplinary segregation records. In FY 2020, there were no individuals released directly from disciplinary segregation, all releases were individuals on administrative segregation (100). The average placement length was 71.7 days, and the median placement length was 54 days.

Figure 4: Direct Releases from Restrictive Housing 2018-2020




As a matter of best practice in reentry case-planning, the Department has made concerted efforts to reduce the number of individuals who are released directly into the community from a period of restrictive housing. This practice is reflected in the low level of release from disciplinary segregation. In many cases, the Department's timeline of scheduled reentry planning is disrupted by court-ordered release which necessitates immediate release, regardless of home planning, program completion, or inmate behavior. In FY 2020, only 2% of all releases were directly from restrictive housing, and individual safety concerns may play a part in prolonged administrative segregation. In the initial months of the COVID-19 pandemic, inmates were released from maintaining facilities to avoid unnecessary inmate movement. This is a contributing factor to increases in direct releases from administrative segregation that commonly would have been avoided by return to the general population at a different facility before release.

## Restrictive Housing During Pregnancy

In FY 2020, there were no pregnant women placed on restrictive housing. It is the policy of DPSCS to never place a pregnant woman on restrictive housing.

## Inmates with Serious Mental Illness

The Department defines Serious Mental Illness (SMI) in accordance with the Code of Maryland Regulations (COMAR) 10.21.17.02 (76). In FY 2020, the Department treated approximately 814 inmates diagnosed with a SMI. In FY 2020, 68 individuals with SMI (8.3%) were placed on

restrictive housing. Of those, 29 were placed on administrative segregation, and 55 were placed on disciplinary segregation. Over the year, 16 inmates were placed on both.

### Inmate Deaths, Self-Harm and Attempted Self-Harm

The following chart displays suicidal gestures, attempts, and deaths occurring in FY 2020 while placed on restrictive housing:

Table 9: Inmate Deaths and Self Harm

| Population | Suicidal Gestures | Attempted Suicides | Suicides | Other Deaths |
|---|---|---|---|---|
| All Inmates | 83 | 36 | 4 | 50 |
| All Restrictive Housing | 42 | 13 | 1 | 3 |
| Administrative Segregation | 18 | 5 | 1 | 3 |
| Disciplinary Segregation | 24 | 8 | 0 | 0 |

### Restrictive Housing Policy and Procedure

The revisions to the inmate disciplinary process specified in *COMAR 12.03.01.24D* have had a continued impact on lowering the length of placements, specifically on disciplinary segregation, which have been a sustained trend in 2019 and 2020 even as overall placements increased. The Department has continued its operation of the Maximum II Structured Housing (MIISH) program and specialized housing unit for inmates with SMI to address those individuals most likely to engage in continual noncompliant behavior that are still impacted by graduated sanctions even under the revisions of COMAR.

In FY 2020, there were no changes to restrictive housing policy, but there were general changes to facility operations in the final quarter of the fiscal year as inmate movement was modified to limit exposure to COVID-19. While these changes did not impact restrictive housing procedure, they may have contributed to increases in time on administrative segregation, and releases from administrative segregation in the last quarter of the year, due to reduced inmate transfers. The implementation of no-cost Department-wide video visitation made remote visitation more accessible to the entire population, regardless of facility movement, and is an important benefit for inmates on restrictive housing.

## Conclusion

Improvements in tracking restrictive housing place the Department in a much better position to monitor outcomes of reforms and target changes effectively. The biggest change in FY 2020 is a much clearer understanding of the Department's actual usage of restrictive housing, which is dramatically less (60%) than what was previously thought. Continued steps toward data validation and attention to restrictive housing reporting have clarified that the trends in

restrictive housing mirror expected outcomes of changes in the Department's population, and expected impacts of changes in policy. The decreased use of disciplinary segregation is the keystone of restrictive housing reform, and lowering usage will remain a focus among leadership. With a clearer understanding of the smaller scale of restrictive housing's impact on release and re-entry, the Department can more effectively target procedural changes prior to release.

The continued impact of the COVID-19 pandemic will dictate the course of the Department's focus and resources over the next year to serve the paramount interest of inmate health. However, early experience has identified that the same advancements needed to remotely serve the needs of inmates can lay a necessary groundwork for enriching restrictive housing. Improvements in staffing and the implementation of remote visitation have both been necessary steps to expanding offerings for the population on restrictive housing and lay the groundwork for future time-in-cell reduction initiatives. The Department will continue to review and make enhancements to its policies and procedures to address the safety and security concerns of its inmates.

## Appendix A: Revision of Restrictive Housing Data Processing

In prior reporting years, the Offender Case Management System (OCMS) primary assignment history data was used to process administrative segregation and disciplinary segregation. When this report was originally prepared, the results included some records that prompted closer review of data validity. A lengthy in-depth analysis revealed that accurately processing primary assignment records for the purpose of measuring disciplinary segregation was impossible. Because of the way primary assignment records are modified when additional segregation is sanctioned due to new guilty infractions or reduced due to a warden's decisions, the previous methodology used in this annual report was abandoned. For this report, and all future reporting, disciplinary segregation is determined by processing an inmate's infraction history data, which is a more accurate method made available by additional data development. Administrative segregation can only be processed using the primary assignment history, and is still drawn from that source for annual reporting, but does not face the same modification issues.

The table below provides core report numbers processed using the new method for the previous fiscal years so that they can be consistently compared. These figures are referenced throughout the report.

| Measurement | FY 2018 | FY 2019 | FY 2020 |
|---|---|---|---|
| Total Inmates Housed During the Fiscal Year | 21,835 | 21,197 | 22,895 |
| Administrative Segregation Placements (Unique Inmates) | 3,602 | 3,613 | 3,892 |
| Disciplinary Placements (Unique Inmates) | 1,952 | 2,106 | 3,037 |
| Restrictive Housing (Unique Inmates) | 3,392 | 3,402 | 4,293 |
| Administrative Segregation Placements | 4,829 | 4,692 | 4,878 |
| Disciplinary Placements | 3,529 | 3,587 | 5,281 |
| Restrictive Housing- All Placements | 8,358 | 8,279 | 10,159 |
| Restrictive Housing Average Placement Length | 58.6 | 52 | 45.3 |
| Administrative Segregation Average Placement Length | 50.9 | 58.5 | 49.7 |
| Disciplinary Segregation Average Placement Length | 72.2 | 42 | 40.8 |
| Inmate Released from Restrictive Housing | 113 | 83 | 100 |