

Evaluation of Programs that Increase Hours of Exposure to Programming in Restrictive Housing Units

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Overview

HB5005 (Budget Bill).Item 402. U. *The Department of Corrections shall evaluate options to increase programs that increase hours of exposure to mental health or behavioral health counseling, spiritual counseling, and or recreation, for persons in restrictive housing and report its findings to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by January 1, 2021.*¹

I. Background of Restrictive Housing in the Virginia Department of Corrections

The Virginia Department of Corrections (VADOC) has remained dedicated to developing a culture change and reducing the use of restrictive housing. Over the past 20 years, prison systems across the nation have relied on restrictive housing as a management status for inmates deemed as a risk to the safety of other inmates or prison staff. Typically, inmates were assigned to “Administrative Segregation” due to assaultive and disruptive behaviors at lower security level prisons, escape histories, or extremely violent and notorious crimes. Inmates were managed constitutionally, but traditionally with high security controls limiting socialization, and designed without a pathway for progression into lower security levels or general population. Since 2011, VADOC has made it a priority to reduce the use of restrictive housing. VADOC spearheaded an organizational shift and managed the initial risk in the institutional setting to accelerate reentry skill-building.

VADOC’s reform efforts have been nationally recognized. In 2013, the Southern Legislative Conference presented Virginia the State Transformation in Action Recognition (STAR) Award, for its diligent work toward reducing restrictive housing. In 2014, the General Assembly passed Senate Joint Resolution 184 “*commending the Virginia Department of Corrections for its outstanding leadership and dedication to public safety in administering the Step Down program.*”² In 2016, the U.S. Department of Justice, in its *Report and Recommendations Concerning the Use of Restrictive Housing*,³ highlighted five jurisdictions that have undertaken particularly significant reforms in recent years, featuring Red Onion State Prison. Virginia has served as a support to thirteen different states who have toured, observed, and applied aspects of the step-down operations in their own jurisdictions.

In December 2016, the Vera Institute of Justice (Vera), in partnership with the U.S. Department of Justice Programs, Bureau of Justice Assistance (BJA), selected Virginia as one of five new states to join the Safe Alternatives to Segregation Initiative (SAS Initiative). In recognition of the infrastructure that VADOC already had in place as part of its ongoing efforts to reduce the use of restrictive housing, Vera offered to provide targeted technical assistance to VADOC. Vera assisted VADOC with its reform efforts, provided recommendations, and developed a partnership of learning from cultural reform. Primary recommendations included:

- Expand strategies to further increase out-of-cell time in order to minimize the negative effects of segregation
- Expand programming in restrictive housing units
- Transform conditions in restrictive housing to be the least restrictive possible

¹ <https://budget.lis.virginia.gov/item/2020/2/hb5005/enrolled/1/402/>

² SJ 184 (<http://lis.virginia.gov/cgi-bin/legp604.exe?141+ful+SJ184ER>) patroned by Senator Ebbin and Delegate Hope

³ <https://www.justice.gov/archives/dag/report-and-recommendations-concerning-use-restrictive-housing>

- Eliminate the use of restrictive housing for inmates with serious mental illness

VADOC is proud to have fully adopted and implemented these recommendations proposed by Vera and the agency has benefited from its important partnership.

II. Current programs that increase hours of exposure to mental health or behavioral health counseling, spiritual counseling, and or recreation in restrictive housing.

The Virginia Department of Corrections continuously seeks innovative ways to enhance the overall conditions of confinement within restrictive housing units. The previous success of the incentivized step-down process with enhanced conditions of confinement resulted in a pathway to expand the program to all restrictive housing programs in the state. This progressive decision was made to offer more meaningful opportunities for inmates to participate in programming, interactive journaling and positive social interactions with peers and staff.

- April 2016 – Piloted expansion of restrictive housing program to four medium security facilities
- 2017/2018 – Established a section in the Division of Operations with three full-time employees to oversee the programmatic management of the restrictive housing unit program.
- January 2018 – Implemented Secure Diversionary Treatment Program
- May 2018 – Expanded to all level 2 and 3 male facilities (except Deerfield Correctional Center)⁴
- November 2018 – Expanded to all level 4 and 5 male facilities
- August 2019 – Increased the minimum out of cell time to 3 hours, 7 days a week
- January 2020 – Increased the minimum out-of-cell time to 4 hours a day, 7 days a week

To prepare for the Restrictive Housing Program to expand statewide, interactive journal facilitator trainings were conducted by certified VADOC staff. Town halls and information sessions were held in each institution to ensure all staff, not just staff assigned to the restrictive housing units, were educated on the purpose of reform as well as the operation.

In addition, eleven institutions were provided with a part-time Interactive Program Aide position for their restrictive housing units to assist with accomplishing the goal of providing 4 hours of out-of-cell activity, 7 days a week. These aides work with inmates individually and in small group settings to provide a number of pro-social activities, including interactive journaling, cognitive simulation, art activities, reading, TED talks and guided group discussion.

Secure Diversionary Treatment Program

In January 2018, VADOC implemented the Secure Diversionary Treatment Program (STDP), a comprehensive program, consistent with proposed restrictive housing national standards, that diverts inmates with Serious Mental Illness (SMI) from extended segregated environments. By providing appropriate housing while continuing to maintain safety and security, the STDP provides a pathway for inmates identified with SMI to break the cycle of placement in restrictive housing while receiving appropriate mental health treatment services and programs based on mental health evaluations and assessments.

⁴ Due to Deerfield Correctional Center's mission as an assisted living and medical unit.

The SDTP is designed to treat SMI inmates in secure settings to allow for increased self-control and appropriate behavior through various treatment and management interventions. Expanded services provide stimulating structured therapeutic activities and unstructured recreational out-of-cell opportunities to these individuals. Inmates are assessed to determine their individual readiness and level of safety as they progress towards less secure environments and towards greater contact with staff and inmates.

The expanded services are provided within three different correctional settings: Wallens Ridge Correctional Center, Marion Correctional Treatment Center and River North Correctional Center. The three facilities offer a total of 119 beds to meet the treatment needs of identified SMI inmates in the form of a High, Intensive, or Diversionary setting. These units aim to carry out the following initiatives:

- Provide SMI inmates with successful self-management of daily activities within a facility
- Increase the level of treatment services available for those confined in correctional facilities
- Increase the level of interaction of SMI inmates with CCIT (Correctional Crisis Intervention Training) certified staff
- Meet the robust goal of public safety while providing more intensive programming to restrictive housing inmates assessed as SMI
- Meet the American Correctional Association⁵ (ACA) standard of not placing an inmate with SMI in extended restrictive housing (no longer than 30 days)

Shared Allied Management Pods

The VADOC has also expanded alternative mission-driven general population units appealing to a mental health or vulnerable population in the form of Shared Allied Management (SAM) Pods. The overall intent of the SAM Pod is to promote safety and stability within the institution while avoiding the unnecessary use of restrictive housing or an unnecessarily high demand on Security, Mental Health, and/or Medical Staff. SAM Pods are currently at 11 VADOC facilities, including Augusta, Pocahontas, Greenville, Buckingham, Nottoway, Red Onion, River North, Wallens Ridge, Sussex I, Sussex II, and Green Rock. These 11 facilities offer a total of 772 beds to meet the treatment needs of this inmate population.

The SAM Pod is a residential pod intended to provide a safe environment for the delivery of intensive services to three inmate populations that typically require a high level of services from security, mental health, and/or medical department:

- Inmates with a mental health diagnosis that present management difficulties in general population or frequently cycle in and out of restrictive housing and/or the licensed mental health units
- Inmates with a medical condition requiring frequent nursing attention, but do not require admission to the infirmary
- Inmates vulnerable to predation, bullying, or manipulation due to characteristics such as an intellectual challenges, age, or size

⁵ The American Correctional Association is a professional organization that has developed internationally recognized standards based on valid, reliable research and exemplary correctional practices.

III. Evaluation of Future Options

Two significant aspects of the restrictive housing program are in focus as the agency seeks to evaluate its future options: COVID-19 and the female inmate population.

COVID-19

The COVID-19 pandemic has presented numerous challenges to every aspect of operations at the Virginia Department of Corrections. Specific considerations related to the restrictive housing program are as follows:

- Limited facility-to-facility transfers of inmates
- Temporary hold on group programming
- Designated red, yellow and green zones⁶ that require limited internal movement
- Use of some restrictive housing cells for medical quarantine

The VADOC has been able to maintain its policy of offering 4 hours of meaningful out-of-cell time daily despite these operational challenges. The use of outdoor recreation pods and individual exercises such as interactive journaling, puzzles, reading and crossword books have made up the majority of options for inmates in restrictive housing. Inmates are afforded individual mental health counseling sessions, socially distanced and with proper PPE worn by inmates and staff. In addition, Red Onion State Prison has successfully piloted a program where they offer religious programming via the institutional closed circuit system with pre-recorded materials.

The agency has developed a New Normal plan that outlines the operational steps needed to safely resume critical functions, which include treatment, mental health, and religious services group programming. A select group of institutions, including some with restrictive housing units, were selected to be pilot sites for this plan. In order to make this process successful, facilities are planning to use various physical methods of distancing, including installing plexiglass barriers and spacing out chairs and desks, as well as a robust sanitation program. Group programming in restrictive housing pods will resume in smaller, distanced settings, with inmates and staff wearing proper PPE. Male facilities will also begin to use reflection rooms for inmates to have a cool-down option during an emotionally charged or disruptive incident. The agency continues to explore technology options, such as the closed-circuit television system, virtual lessons, and the kiosk centers for program opportunities.

The New Normal pilot sites will have their programmatic templates completed in December 2020 with implementation planned for January 2021. An assessment of the pilot program implementation will take place in February 2021 before the remainder of the facilities resume group programming.

Female Inmates

Fluvanna Correctional Center for Women is proposing an Intensive Intervention Unit (IIU) with the primary objective of eliminating the historical practice of segregation, isolation and restrictive housing as a response to disruptive, dangerous, and security risk behavior. This proposal focuses on replacing these practices with an understanding of the motivations that drive these inmate behaviors and to

⁶ Areas of a correctional facility designated by levels of exposure risk to COVID-19 that include required PPE and movement restrictions. Green zones are low risk, yellow zones are moderate risk, and red zones are high risk.

provide evidence-based, gender responsive, trauma informed, and skills-based treatment approaches to bring about genuine change.

Inmates may be placed in a Behavior Assessment Period (BAP) from a reflection room due to disruptive behavior, or after a demonstrated pattern of disruptive behaviors. After a review from the Behavioral Intervention Team, inmates may be assigned to the IIU or released to general population. The conditions of IIU resemble a general population environment with access to the same services, with the inclusion of security protocols as needed. Once enrolled in the IIU, inmates will progress through various programming in order to return to mainstream general population.

IV. Conclusion

National standards continue to evolve in the realm of restrictive housing programs. The Vera Institute, the American Correctional Association, and the Correctional Leaders Association, have adopted similar definitions for extended restrictive housing which is generally characterized as housing that separates the inmate from contact with general population while restricting the inmate to their cell for at least 22 hour per day, and for more than consecutive 30 days. The Virginia Department of Corrections currently offers four hours of meaningful out-of-cell time daily to all inmates in the restrictive housing program, a practice which far exceeds these standards.

The agency is battling a pandemic while managing to use its creative and technology resources to continuously improve its services to inmates, including the expansion of opportunities for inmates with a serious mental illness and female inmates. The future of restrictive housing in the Virginia Department of Corrections is on a pathway to eliminating the practice all together.