

**Administrative Segregation,  
Degrees of Isolation, and Incarceration:  
A National Overview of State and  
Federal Correctional Policies**

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## The Project and Its Goals

This report provides an overview of state and federal policies related to long-term isolation of inmates, a practice common in the United States and one that has drawn attention in recent years from many sectors. All jurisdictions in the United States provide for some form of separation of inmates from the general population. As correctional policies explain, prison administrators understand the ability to separate inmates as central to protecting the safety of both inmates and staff. Yet many correctional systems are reviewing their use of segregated confinement, as controversy surrounds this form of control, its duration, and its effects.

The debates about these practices are reflected in the terms used, with different audiences taking exceptions to each. Much of the recent public discussion calls the practice “solitary confinement” or “isolation.” For example, in June of 2012, the Subcommittee on the Constitution, Civil Rights, and Human Rights of the United States Senate’s Judiciary Committee held a hearing, “Reassessing Solitary Confinement: The Human Rights, Fiscal, and Public Safety Consequences.”<sup>1</sup> A report from the New York Civil Liberties Union offered a more dramatic description: “Boxed In: The True Cost of Extreme Isolation in New York’s Prisons.”<sup>2</sup> Some commentators use the shorthand of “23/7.” In contrast, correctional facility policies use terms such as “segregation,” “restricted housing,” or “special management,”<sup>3</sup> and some corrections leaders prefer the term “separation.” A 2013 review of the Federal Bureau of Prisons’ policies, for example, called for “improvements” in the “monitoring and evaluation” of the effects of “segregated housing.”<sup>4</sup>

All agree that the practice entails separating inmates from the general population and restricting their participation in everyday activities such as recreation, shared meals, and religious, educational, and other programs. The degree of contact permitted — with staff, other inmates, or volunteers — varies. Some jurisdictions provide single cells and others double; in some settings, inmates find ways to communicate with each other. In other instances, the isolation can be profound. As Justice Anthony Kennedy described one system in 2005, it structured placement to make it “more restrictive than any other form” of incarceration available in that state.<sup>5</sup> The cells had “solid metal doors with metal strips . . . which prevent conversation or communication with other inmates. It is fair to say [that inmates in that facility] are deprived of almost all environmental or sensory stimuli and of almost all human contact . . . for an indefinite period of time, limited only by an inmate’s sentence.”<sup>6</sup> As reflected in this quote, the length of time spent in isolation can vary from a few days to many years. On the other hand, some corrections systems aim to separate inmates while enabling them to have regular contact with a variety of individuals and to reduce the degree of isolation entailed.

This report provides a window into these practices. This overview describes rules promulgated by prison officials to structure decisions on the placement of persons in “administrative segregation,” which is one form of separation of inmates from the general population. Working with the Association of State Correctional Administrators (ASCA), the Arthur Liman Program at Yale Law School launched an effort to review the written policies related to administrative segregation promulgated by correctional systems in the United States.

With ASCA's assistance, we obtained administrative segregation policies from 47 jurisdictions, including 46 states and the Federal Bureau of Prisons.

This overview has four goals. First, it provides a national portrait of policies governing administrative segregation for individuals in prisons. Second, by outlining the commonalities and variations among jurisdictions, the report facilitates comparisons across jurisdictions. Third, the comparisons enable consideration of how and when administrative segregation is and should be used. Fourth, the report invites a diverse group of readers, coming from different perspectives, to exchange views on how to create detention that is safe and that facilitates the reentry of incarcerated individuals into their communities.

As the policies detailed below make plain, correctional officials believe that protection of inmates and staff is enhanced through long-term separation policies. What cannot be known from this review is whether the policies are implemented as written, achieve the goals for which they are crafted, and at what costs. As we discuss in the conclusion, more detailed information is needed, including analysis of additional facets of the policies; demographic data on the populations held in various forms of segregated custody; review of the reasons for placement of individuals in and the duration of such confinement; surveys and interviews of inmates, of staff on site, and of central office personnel; examination of the degree of isolation attendant to the various forms of administrative segregation; and assessments of the long-term effects of administrative segregation on prison management and on individuals. Without such insights, one cannot assess the experiences of segregation from the perspectives of those who run, those who work in, and those who live in these institutions.

## The Scope of the Research

Several preliminary comments about the scope of this overview are in order.

First, most systems separate prisoners for three basic purposes: to protect an individual from particular threats (generally termed protective custody); to impose a sanction for a discrete act (punitive or disciplinary segregation); or to control an individual perceived to pose a current or future risk (administrative segregation). Overlap exists among the different kinds of segregation. For example, a few policies list an inmate's own protection as a reason to put him or her into administrative segregation.

Upon reviewing the policies in 48 jurisdictions regarding various forms of segregation, all but one expressly address some form of administrative segregation.<sup>7</sup> Therefore, this overview focuses on the 47 jurisdictions' policies governing long-term administrative segregation, defined as the placement of inmates in a cell (either alone or with a cellmate) for approximately 23 hours a day, and which can last for thirty days or more.

The policies reviewed and detailed here share the same basic features: a non-punitive purpose, open-ended duration, close confinement, and restricted activities and social contact.

In some instances, state policies address more than one version of administrative segregation and create different rules shaping different kinds of administrative segregation.

Despite their similarities, the policies are not uniform in their nomenclature and rely on a variety of terms: “administrative close supervision,” “administrative confinement,” “administrative maximum,” “administrative segregation,” “behavior modification,” “departmental segregation,” “inmate segregation,” “intensive management,” “locked unit,” “maximum control unit,” “restricted housing,” “security control,” “security housing unit,” “segregated housing,” “special housing unit,” and “special management.” Unlike popular commentary, the policies do not use the terms “solitary” or “isolation.”

Second, our focus has been on institutions run by the government, many of which provide their policies through public databases. Private prisons are becoming an increasingly large percentage of the detention facilities in the United States, but their practices are less readily available. This overview does not include policies from private prisons.

Third, the challenges in compiling and comparing policies are significant. As noted, correctional systems do not standardize the terms related to segregation, nor provide the same levels of detail, and many jurisdictions employ more than one kind of administrative segregation. Because of the different forms of administrative segregation, the divergent criteria, the array of processes for the initial and for ongoing placement, and the varying conditions and degrees of isolation, this overview necessarily generalizes and excludes some details of policies.

Fourth, we selected certain aspects of policies to compare. We looked at the criteria for entry; the process for placement; the opportunities for review over time; and the availability of visitors. Many more facets of the rules need to be explored, including regulations related to physical and mental health; the spaces in which individuals are confined; whether any personal effects and materials are permitted; the range of opportunities to be involved in programming while segregated; and the degree of contact with people outside prisons.

Fifth, because we focused on state-wide regulations, this overview does not include institution-level policies or daily post orders and special directives. Jurisdictions typically have several facilities, and many jurisdictions separate individuals by gender and age. This report does not provide information on distinctions at the institutional level and in facilities for men, women, or younger inmates. Further, we did not collect data from each jurisdiction on the actual use of the policies, nor did we obtain the numbers of individuals in segregation, the demographics of the population segregated, or the duration of time spent in segregation.

## **The Research Methodology**

The information in this report comes from two waves of research. First, working with students and faculty at Columbia Law School, we reviewed policies that were available by way of Departments of Corrections’ websites and on Westlaw, as well as two policies obtained through Freedom of Information Act requests. That effort resulted in a draft report discussing

43 jurisdictions, including the Federal Bureau of Prisons, but had the limitations of a less than full set of and varying degrees of details in policies. Those materials were presented at a conference convened by Columbia Law School in April 2012, at which corrections administrators, researchers, mental health experts, practitioners, and scholars gathered to discuss segregation and isolation in prisons.<sup>8</sup>

Second, working with the Association of State Corrections Administrators (ASCA), we requested materials from all fifty states. Through the efforts of ASCA and its responding members, 41 states provided current policies related to segregation; one policy was a draft.<sup>9</sup> Therefore, we were able to add analyses for those states on which we had had no prior information. In all, this overview reports on policies from 47 jurisdictions, including 46 states and the Federal Bureau of Prisons.<sup>10</sup> As noted, in a few instances, we analyzed policies that states reported were under revision.

In January of 2013, we reported the findings at an annual meeting of ASCA, and in February of 2013, we circulated — with ASCA’s assistance — a draft report to state correctional leaders and asked each jurisdiction to review the draft and to submit comments, corrections, or supplemental information. By the close of the comment period, we had received comments from 18 states. The responses included corrections, clarifications, and suggestions that improved this report.

## Overview of Findings

Provisions to place inmates into administrative segregation or otherwise to separate inmates and to isolate them to some degree exist in all of the policies we reviewed. Below we detail their common features, which are also summarized in Appendix A.

The policies all explain that their purpose is to ensure the safety and security of inmates and staff. In other words, a primary goal of administrative segregation is incapacitation. Many jurisdictions also employ additional grounds for placement, such as the kind of offense for which a person is incarcerated, the number of infractions a person has had, or a pending investigation. A few policies limit those criteria by requiring, for example, evidence of specific harms, such as evidence of the imposition of serious bodily harm or attempts at escape.

Reading the many policies makes plain the degree of discretion accorded to correctional officials. At the formal policy level, most permit placement in segregation based on a wide range of rationales. The elasticity suggests that administrative segregation may be used for goals other than incapacitation. In exchanges about our inquiry into administrative segregation, several commentators referred to the potential for its overuse based on what is colloquially known as being “mad” at a prisoner, as contrasted with being “scared” of that individual.

In terms of the processes for decision-making, all the policies authorize an immediate temporary placement in segregation. Thereafter, some but not all jurisdictions provide for



notice of the grounds for the placement and an opportunity for a hearing to continue the segregated detention. The kind of notice and hearing varies substantially, as do the decision-makers. Some systems leave decision-making at the unit-level, others place authority in committees, and others require oversight by the warden or the central office.

Further, all policies provide for some form of ongoing review, but again, with a great deal of diversity in terms of timing, level of oversight, and criteria. Moreover, given the breadth of discretion, whether review and oversight imposes constraints cannot be known from the policies.

Jurisdictions vary considerably in terms of the detail provided regarding the restrictions placed upon individuals once in segregation, in terms of the conditions of the confinement, access to programs and to visitors, and the criteria for return to the general population (sometimes termed “step-down” programs). Our review of one facet — visiting — documents that inmates in segregation have more restricted opportunities for visits in terms of whether contact is permitted and the frequency and duration. Further, opportunities depend on inmates’ behavior, and institutional-level actors have discretion to limit visits. Lawyers are generally treated distinctively to enable visits but, like other visitors, encounter the challenges that administrative segregation imposes, such as needing special permission to visit clients.

In sum, a wide net of authority permits inmates to be placed in segregation. Policies all outline procedures to do so, and a few jurisdictions make placements more difficult by imposing specific controls on such decisions. The criteria for keeping individuals in segregation and the directives on how to enable inmates to exit segregation are less well-defined. The findings detailed in this report need to be augmented by research about how the written policies are implemented at the institutional and system levels, how these policies are experienced by inmates and staff, the costs and effects, and the alternatives.

## Criteria for Placement in Administrative Segregation

We found a great deal of overlap in policy-based reasons for segregation. Many states define administrative segregation as a form of separation from the general population for an inmate who requires a higher degree of supervision because the inmate poses “a threat” or “a serious threat” to “the life, property, security, or orderly operation of the institution.”<sup>11</sup> Many jurisdictions also provide authority to separate an inmate because he or she poses a danger to “self, staff, or other inmates”<sup>12</sup> or to “protect the public.”<sup>13</sup> Several states further specify that the purpose of administrative segregation is not punitive.<sup>14</sup>

A window into the policy criteria for placement, their generality, and variability comes from looking first at the policy of one state — Nebraska. Thereafter, we have compiled specific criteria used in other policies. We also provide examples of general mandates for placement in segregation, of policies tying placement to the approval by a warden or the Director of a department, and of policies aiming to narrow the bases for placement.

## Illustrative Policies

### **Administrative Segregation — Criteria for Placement: Nebraska Department of Correctional Services**

“When considering the assignment to, continuation of, or removal from Administrative Segregation, the decision maker(s) must consider, but is not limited to:

1. The threat potential to staff and/or inmates posed by the inmate.
2. The behaviors leading to the inmate's referral or placement on Administrative Segregation status.
3. The inmate's history of or lack of predatory behavior.
4. The inmate's history of or lack of assaultive behavior.
5. The inmate's history of or lack of escape/attempted escapes.
6. The inmate's history of or lack of membership in a criminal threat group.
7. The injuries the inmate may have caused to others.
8. The inmate's use of weapon(s) in this or prior incidents.
9. The inmate's documented mental health issues.
10. The inmate's prior criminal history.
11. The inmate's prior disciplinary record (misconduct reports, etc.).
12. The inmate's history of or lack of illicit drug use within the Nebraska Department of Correctional Services.
13. The programming that the inmate has or has not completed.
14. The prior classification decisions involving the inmate's status.
15. The inmate's documented behavior (incident reports, etc.) and interactions with staff and other inmates.
16. The professional judgment and recommendations of Nebraska Department of Correctional Services staff regarding the classification of the inmate.
17. The real or perceived threat of harm to the inmate from other inmates.
18. The inmate's statements regarding admission of prior actions, a commitment to changing behavior, and accountability for prior acts.
19. Any other information regarding the inmate that the classification authority deems appropriate.”

– Nebraska, Admin. Reg. 201.05(V)(A)

## Examples of Additional Enumerated Factors

“[P]ending investigation for trial . . . or pending transfer.”

- Alaska, DOC Policy 804.01(V)

“[D]isruptive geographical group and/or gang-related activity.”

- Federal Bureau of Prisons, P5217.01(2) (SMUs)

“[J]eopardizes the integrity of an investigation of an alleged serious misconduct or criminal activity.”

- California, Cal. Code Regs. tit. 15 § 3335(a)

“A conviction of a crime repugnant to the inmate population.”

- Florida, Fla. Admin. Code r. 33-602.220(3)(c)(3)(e)

“Other factors such as physical size, build and age producing a risk from the general inmate population.”

- Florida, Fla. Admin. Code r. 33-602.220(c)(3)(g)

“[Inmate requests] admission.”

- Georgia, SOP IIB09-0001-1.D (many policies address this under protective custody)

“[T]hose who received unusual publicity because of the nature of their crime, arrest, or trial, or who are involved in criminal activity of a sophisticated nature, such as organized crime.”

- Montana, MSP 4.2.1(IV)(C)(d)

“[T]hose with special needs, including those defined by age, infirmity, mental illness, developmental disabilities, addictive disorders, and medical problems.”

- Montana, MSP 4.2.1(IV)(C)(f); *see also* Kentucky CPP 10.2(II)(g)(3)(i) (mental illness); Maryland, Case Management Manual, DOC.100.002-18B(§18)(B)(2)(e) (medical or mental health)

“Prisoner tests positive for HIV infection and is subsequently found guilty of a major misconduct for behavior which could transmit HIV infection.”

- Montana, 04.05 120 L(6)

“[A]s a 'cooling off measure.’”

- North Carolina, C.1201(A)(4)(e)

“[N]o records and/or essential information are available to determine the inmate’s custody level or housing needs.”

- Pennsylvania, DC-ADM 802.1(A)(1)(j)

“There is a history of unresponsiveness to counseling or conventional disciplinary sanctions and the inmate is flagrantly or chronically disruptive to the security and/or disciplined operation of the institution.”

- South Dakota, 1.3.D.4(B)(5)

“[Inmate is] pending prosecution and disposition in criminal court for felony charges incurred during incarceration.”

- Tennessee, 404.10(VI)(A)(d); *see also* Miss. SOP 19-01-01(77)

“The inmate is ending confinement in disciplinary segregation status, and return to the general population would threaten the safety, security, and orderly operation of a correctional facility, or public safety.”

- Federal Bureau of Prisons, BOP 541.23.

### **Examples of Policies with Few Enumerated Factors and General Authority**

“Non-punitive placement of an inmate in a cell whose continued presence in the general population poses a serious threat to life, property, security or the orderly operation of the institution.”

- Alabama, AR 436(III)(A)

“Any other circumstances where, in the judgment of staff, the offender may pose a threat to the security of the facility.”

- Arkansas, AR 836 DOC(VI)(A)(6)

“[T]he offender’s continued presence in the general population poses a threat to life, property, self, staff, other offenders, or to the safety/security or orderly operation of the facility.”

- Delaware, DOC Policy 4.3(IV)(A); *see also* Pennsylvania, DC-ADM 802(III); Oklahoma, OP-040204(1)(A)

“[T]he continued presence of the inmate in general population would pose a serious threat to the community, property, self, staff, other inmates, or the security or the good government of the facility.”

- Hawaii, COR.11.01.2.2(a)(2); *see also* North Dakota, DOC 5A-20(2)(A); Vermont, DOC 410.03(1)(e)

“ . . . [B]ased on: 1) the threat an offender’s continued presence in the general population poses to life, self, staff, other offenders, or property; 2) threat posed by the offender to the orderly operation and security of the facility; and 3) regulation of an offender’s behavior which was not within acceptable limits while in the general offender population.”

- Indiana, DOC 02-01-111(II)

“Administrative segregation admission results from a determination by the facility that the inmate’s presence in general population would pose a threat to the safety and security of the facility.”

- New York, 7 NYCRR 301.4(b)

“[W]hen their pattern of conduct demonstrates a chronic inability to adjust to the general population; indicates maximum personal protection is required; or constitutes a serious threat to the Adult Correctional Institutions.”

- Rhode Island, 15.11-3.DOC

## **Examples of Discretion Tied to Approval by Warden, Director, or Commissioner**

“Other circumstances may warrant placement in administrative segregation. Such placement will require approval by the Director of Prisons.”

- Colorado, AR 650-03(IV)(b)(6)

“The Watch Commander, or higher authority, may order immediate Administrative Segregation when it is necessary to protect the offender or others. This action is reviewed within 72 hours by the facility Warden.”

- Delaware, DOC Policy 4.3(VI)(A)

“An inmate may be placed or retained in a DSU [Departmental Segregation Unit] only after a finding by the Commissioner based on substantial evidence that, if confined in the general population of any state correctional facility: (1) The inmate poses a substantial threat to the safety of others; or (2) The inmate poses a substantial threat of damaging or destroying property; or (3) The inmate poses a substantial threat to the operation of a state correctional facility.”

– Massachusetts, 103 CMR 421.09

### **An Example of Narrowed Placement Criteria**

Virginia revised its criteria in 2012 to narrow the bases for placement in administrative segregation. To capture the changes, we have preserved the version with track changes that show the criteria that were added or deleted.

The following Segregation Qualifiers indicate that the offender should be considered for assignment to Security Level S:

S-1 – Aggravated Assault on staff

S-2 – Aggravated Assault on Inmate w/weapon or Resulting in Serious Injury w/o weapon

S-3 – ~~Repeated or Continuous Refusal to enter GP at a Security Level 4 or 5 facility for 12 months~~ Not Used

S-4 - Serious Escape Risk - requiring maximum security supervision

S-5 - Commission of Crime of Exceptional Violence and/or Notoriety

S-6 - Excessive **Violent** Disciplinary Charges – reflecting inability to adjust to a lower level of supervision

S-7 - Setting Fire Resulting in Injury to Persons or Extensive Damage to State Property

S-8 - Rioting resulting in Injury to Persons or Extensive Damage to State Property

S-9 - Seizing or Holding Hostages

S-10 - Possession of Firearms, Ammunition, Explosives, Weapons

S-11 - Knowingly Transferring HIV or other Disease to Another Person or Refusal to Submit to Testing

S-12 - Gang Activity Related to any Category I Offense or a Documented Gang Leadership Role

S-13 – Staff Manipulator / Predator

S-14 – Behavior that represents a threat level too great for the safety and security of a lower level institution.

– Virginia, Operating Procedure 830.2, Security Level Classification.

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To summarize, the admission criteria in most systems permit discretion to decision-makers on the behaviors that trigger placement. A common feature across jurisdictions is that the substantive criteria for placement include an invocation of the safety of inmates and staff as well as of institutional security. Incapacitation is the *leitmotif*. Many jurisdictions also employ more particularized grounds for placement, such as the kind of offense for which a person is incarcerated or the number of infractions a person has incurred, but these criteria are typically in addition to rather than in lieu of the more general safety and security justifications. In jurisdictions seeking to monitor more closely the use of administrative segregation, such as Colorado, policies may be revised to require a showing of serious bodily harm or other discrete acts.<sup>15</sup> Virginia is an example of a system that revised its policy to require specific predicate acts for admission to long-term segregation.<sup>16</sup>

## The Procedures and Processes for Placement

In addition to reviewing criteria for entry, we looked at how placement decisions were made by examining policies at two junctures — the first (non-emergency) placement and then what is generally termed “periodic review.” Our questions included whether jurisdictions provided a process that gave the inmate notice of the reasons for placement, an in-person hearing to assess information, and other procedures for review and reconsideration.

When reading policies, it was sometimes difficult to decide what to classify as a “hearing.” Some policies appear to include formal opportunities for presentations by inmates, while other policies mention the possibility of inmate statements but were unclear about whether such information was provided directly to the decision-makers. In the summary below, we take an expansive view of what constitutes a “hearing” and “evidence.” Specifically, as “hearing” we include processes by which inmates are afforded the opportunity to give a statement and to hear the alleged grounds for the segregation. “Evidence” for these purposes includes all forms of documentary or testimonial submissions. Because our review is limited to policies, we cannot report on whether the practices — for example, the timing of hearings and the information relied upon — comport with the specifications in the policies.

### Initial (Non-Emergency) Placement

#### *Notice and Hearings*

Thirty-eight jurisdictions specify a hearing upon initial placement.<sup>17</sup> All but seven of these jurisdictions also require that some form of written notice be provided to the inmate in advance of the hearing. Among states that provide hearings, nearly all provide for hearings to be held within 14 days of placement. Connecticut and Ohio call for hearings within 30 days,<sup>18</sup>

and Iowa specifies that a first hearing be held at 60 days.<sup>19</sup> Wyoming requires scheduling a hearing within five business days of placement.<sup>20</sup> Nine jurisdictions have policies that authorize administrative segregation and do not mention hearings.<sup>21</sup>

### ***Decision-Makers***

Most of the policies examined provide that a diverse set of institutional authorities — staff, shift commanders, deputy wardens, wardens — could make an initial decision to place a person immediately in segregation. Policies then call for additional procedures thereafter.

Thirty-one jurisdictions authorize decision-making by a committee. These states are: Alabama, Arkansas, Colorado, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Maryland, Massachusetts, Maine, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Virginia, Washington, Wisconsin, and Wyoming.<sup>22</sup> In some instances, as in New Jersey and Virginia, a hearing officer makes an initial recommendation to the committee.

In twelve jurisdictions, a hearing officer (or another individual official) decides whether to plan an inmate in administrative segregation. They are: Alaska, Arizona, California, Connecticut, Delaware, the Federal Bureau of Prisons, Illinois, Michigan, Mississippi, Ohio, Oregon, and Vermont.<sup>23</sup> In three jurisdictions, Hawaii, Kentucky, and Tennessee, the warden or his/her designee is responsible for making initial determinations.<sup>24</sup> West Virginia's policy does not specify the deciding authority.<sup>25</sup>

### ***Evidence***

Of the 38 jurisdictions that specify hearing procedures, 30 jurisdictions authorize inmates either to present evidence (by oral statements, written submissions, or documents) and/or to call witnesses, subject to security considerations. Those states are: Alaska, Arkansas, California, Colorado, the Federal Bureau of Prisons, Florida, Georgia, Hawaii, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Missouri, Montana, Nebraska, New Jersey, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, Washington, Wisconsin, and Wyoming.<sup>26</sup>

Eight state policies do not specify that inmates can present evidence. Those are Arizona, Connecticut, Idaho, Maine, Mississippi, Nevada, New Mexico, and New York.<sup>27</sup>

### ***Assistance of/Representatives for Inmates***

Of the 38 jurisdictions that specify hearing procedures, eight jurisdictions authorize inmates to have a representative, advocate, assistant, or counselor to assist with hearing proceedings. Those states are Alaska, Georgia, Iowa, Massachusetts, South Dakota, Vermont, Virginia, and Wisconsin.<sup>28</sup>



Nine additional jurisdictions provide for assistance or appoint representatives in specified circumstances — such as language barriers, illiteracy, or mental illness — so as to help in preparation for the hearing or to explain the rights and/or the proceedings. They are: California, Colorado, Idaho, Michigan, Nebraska, Nevada, Oregon, Washington, and Wyoming.<sup>29</sup> The Federal Bureau of Prisons provides that a “non-probationary staff member will be available to help the inmate compile documentary evidence and written witness statements to present at the hearing,” and the responsibility is “limited” to helping obtain relevant copies of documents.<sup>30</sup>

Twenty jurisdictions do not specify that inmates can be represented by individuals such as an advocate, assistant, or counselor at hearings. They are: Arizona, Arkansas, Connecticut, Florida, Hawaii, Indiana, Kansas, Kentucky, Maine, Mississippi, Missouri, Montana, New Jersey, New Mexico, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, and Tennessee.<sup>31</sup>

Most policies do not mention lawyers as participants. One state, Vermont, expressly bans lawyers; two others, Alaska and Massachusetts, expressly permit attendance by lawyers.<sup>32</sup>

### ***Review/Appeal of Initial (Non-Emergency) Placements***

In analyzing opportunities for review, we considered specific policies related to administrative segregation, and we do not examine general procedures that inmates can use to file grievances.

States employ several means to review the initial decision to place inmates in administrative segregation. In addition to “periodic review,” discussed in the next section, many states provide for prompt review (required as an institutional policy matter) or for an optional appeal by the inmate. Below we distinguish between automatic review and inmate appeals, as well as between review at the institutional level and that done at the jurisdiction’s central office. As reflected below, the policies vary a good deal, and ambiguities make some difficult to categorize. As with the discussions of notice, evidence, and hearings, we report on the policy provisions, and not on how often they are used in practice or on what outcomes result when reviews are undertaken.

Fifteen jurisdictions authorize automatic review by the warden (or designee): Alaska, Colorado, Delaware, Idaho, Indiana, Maryland, Missouri, New Hampshire, North Carolina, Nebraska, Ohio, Vermont, Washington, Wisconsin, and Wyoming.<sup>33</sup> For example, in Ohio, a hearing officer issues a report to the warden, who decides whether placement is appropriate.<sup>34</sup> Six of these states (Alaska, Colorado, Nebraska, Ohio, Vermont, and Washington) provide for another level of review, typically at the central office.<sup>35</sup> Nine jurisdictions provide for automatic review by the central office: Arizona, the Federal Bureau of Prisons, Maine, Massachusetts, Minnesota, Mississippi, New Mexico, Rhode Island, and Virginia.<sup>36</sup> North Dakota and Oklahoma state that reviews will be done by “the appropriate authority.”<sup>37</sup>

For states employing structured or “step-down” programs, initial decisions by hearing officers or classification committees typically must be approved by the warden or central

office.<sup>38</sup> For example, Washington relies on a two-tiered system for short- and long-term separations.<sup>39</sup> Washington has also come to use a distinctive nomenclature — intensive management and intensive treatment — coupled with distinctive procedures. For placement in administrative segregation for periods up to 47 days, a multi-disciplinary classification team reviews the placement and continuation.<sup>40</sup> After 47 days, the classification team must either return the inmate to general population or refer him or her for “Intensive Management Status” (IMS) or “Intensive Treatment Status,” (ITS) where the inmate would stay for a minimum period of 6 months. Following a hearing, the classification may recommend transfer to ITS/IMS; any such transfer must be approved by the Assistant Secretary for Prisons (or his or her designee).<sup>41</sup>

A fewer number of states specify an appeal process that inmates may initiate to challenge placement in administrative segregation. Five states permit inmates to appeal placement decisions to the warden: Kansas, Maine, Mississippi, Pennsylvania, and South Dakota.<sup>42</sup> Two of those states, Pennsylvania and South Dakota, provide for another level of review.<sup>43</sup> Arkansas provides for additional review by the warden, but it is unclear whether that process is required or inmate-initiated.<sup>44</sup> Four jurisdictions, Arizona, Michigan, New York, and Oregon, permit inmates to appeal to the central office.<sup>45</sup> The Federal Bureau of Prisons permits an inmate to appeal placements in the Special Management Unit (SMU) to the Bureau’s Office of General Counsel.<sup>46</sup> Several jurisdictions, including Mississippi, Virginia, and North Carolina, specify that inmates may seek review of placement decisions through regular grievance channels.<sup>47</sup>

Nine jurisdictions do not specify that review or appeal of the initial placement decision is available. They are: California, Connecticut, Georgia, Hawaii, Illinois, Kansas, New Mexico, Tennessee, and West Virginia.

## Periodic Review

In all of the policies examined, some form of ongoing evaluation is required to continue housing an inmate in administrative segregation. “Periodic review” is the general term, and it entails an automatic review at specified intervals of the continuing placement. The intervals range from weekly to yearly reviews. The location of the authority to continue to hold an individual likewise varies — from the unit itself to the central office, and in a few instances, the Commissioner. In some jurisdictions, inmates may appeal periodic review decisions.

The provisions for periodic review provide insight into how jurisdictions use administrative segregation. Some states structure the time in administrative segregation and impose obligations on inmates to complete particular programs, while other states do not detail structured criteria for determining whether, upon periodic review, to transfer inmates out of segregation. The less structured programs tend to correlate with obligations for more frequent periodic reviews. Whether and how the frequency of reviews and the structure of the programs correlate with the length of time spent in segregation are additional questions in need of research.

## Initial Post-Assignment Review

All of the jurisdictions analyzed specify processes for periodic review of placements in administrative segregation. The jurisdictions varied considerably with respect to the time frame for the first periodic review.

Seven Days or Less: The majority of jurisdictions (30) require an initial review within seven days.<sup>48</sup> Six states require an initial review of the placement decision in three days or less.<sup>49</sup>

Thirty to Ninety Days: Nine states require an initial review of administrative segregation placement within 30 days.<sup>50</sup> New York and New Jersey conduct the first review after 60 days,<sup>51</sup> and six states review placement each 90-day interval.<sup>52</sup>

Six Months or More: States that employ structured programs (variously called “intensive treatment,” “special management,” or, simply, “administrative segregation”) typically attach an obligation for review to completion of a particular program or after a minimum period of confinement. Arizona conducts an initial review of administrative segregation after six months.<sup>53</sup>

Some jurisdictions (California, Colorado, Connecticut, Connecticut, the Federal Bureau of Prisons, Indiana, Kentucky, Minnesota, Mississippi, New Jersey, New Mexico, Oklahoma, Virginia, Washington, and Wisconsin) employ two or more levels of administrative segregation: short-term segregation at a segregation unit (often referred to as “administrative segregation” or “facility segregation”) and long-term segregation at a dedicated facility (sometimes referred to as “departmental segregation,” “administrative control,” “intensive management,” and colloquially known as “supermax”).<sup>54</sup> In such instances, periodic review for the second category is often significantly later, typically after six months to one year of confinement. In Connecticut, for example, inmates must complete a 10-month program; monthly reviews are done once the inmate has completed a minimum time (90-120 days) in each phase.<sup>55</sup>

## Periodic Review Thereafter

Following an initial period of closer scrutiny (ranging from seven to 90 days), many states increase the time intervals for subsequent reviews. The most common arrangement (found in 18 states) requires periodic review of administrative segregation status every seven days for the first two months and at intervals of every 30 days thereafter.

States using an initial review period of 60 days or more either keep the same interval<sup>56</sup> for subsequent reviews or increase it.<sup>57</sup> New Jersey is unusual in using 60-day intervals for the first year and reviewing every six months thereafter.<sup>58</sup> Washington makes a final decision about assignments to administrative segregation at 47 days, soon after which the inmate is transferred to an Intensive Management Unit (IMU), to another facility, or is released into

general population; upon transfer to the IMU, reviews are held every 180 days.<sup>59</sup> The chart in Appendix B summarizes the periodic review processes in the 47 jurisdictions we analyzed.

## **Procedures for Periodic Review**

### ***Decision-Makers***

All but two jurisdictions that have periodic review specify the officials responsible for the review.<sup>60</sup> Those officials fall into four groups:

- (1) staff at a facility, such as unit managers, case managers, counselors, and, occasionally, mental health professionals;
- (2) warden/superintendent;
- (3) classification team/committee, generally including some personnel from central office; and
- (4) high-level administrators, *e.g.*, the commissioner, director, deputy commissioner, or deputy director of corrections.

Decisions are made in many jurisdictions by facility staff or by a specially designated committee. Some states employing unit-level reviews provide for additional review by either the warden or central classification personnel.

In general, the longer an inmate is in administrative segregation, the higher the level of authority that is involved in periodic review. Five states require approval by the Commissioner for placement in administrative segregation longer than six months (Maine, New Hampshire, and Ohio) or longer than one year (Maryland and North Dakota).<sup>61</sup> Colorado mandates that for placements over one year, the deputy director must meet personally with the inmate.<sup>62</sup> In Missouri, placement in administrative segregation for longer than 12 months requires approval by the deputy division director.<sup>63</sup> The Federal Bureau of Prisons requires approval by the Regional Director for all continuing placements in the SMU.<sup>64</sup>

Four states require that the warden personally review (including a face-to-face meeting with the inmate) longer periods of segregation, typically defined as six months to one year. Specifically, Arkansas, Colorado, and Kansas provide that that no inmate shall remain in segregation for more than a year unless the warden has personally interviewed the inmate and approved the classification.<sup>65</sup> In Michigan, the warden must provide written approval after 30 days and must personally interview an inmate every six months.<sup>66</sup> If an inmate is in segregation for 12 months, the Michigan Regional Prison Administrator must provide approval following a personal interview, and that process occurs yearly thereafter.<sup>67</sup>

### ***Hearings and Appeals***

Details in policies vary about how information is gathered and evaluated for periodic review. Twenty-nine jurisdictions authorize some type of hearing, with varying levels of formality.<sup>68</sup> Most states do not specify that the inmate is to be notified in advance of the hearing; fourteen states require some kind of notice — ranging from 24 hours to 72 hours in

advance of the hearing.<sup>69</sup> A few states specifically permit an inmate to be present at a hearing — with the caveat that exclusion is permissible if an inmate is seen to pose a threat to safety and security.<sup>70</sup> Many policies do not detail the sources of information used, the inmate’s opportunities to submit information, whether reasons are provided, or how subsequent decision-makers evaluate the decisions made.

Variation exists as to whether and how periodic review decisions are themselves either reviewed or appealed. Twenty-four states provide specific methods for review or appeals of decisions about continued placement,<sup>71</sup> while other states permit appeals through regular grievance processes.<sup>72</sup> Jurisdictions that make appeals available may limit appeals to only those inmates who have served longer periods in segregation. For example, Kentucky provides appeals for continued assignment to administrative control but not administrative segregation, which tends to be shorter-term.<sup>73</sup> In several states, an inmate’s appeal goes to the warden, and those policies do not specify if any centralized authority reviews the decision.

## Conditions, Step-Down Programs, Visitation, and Degrees of Isolation

The policies varied widely in the amount of information contained about the day-to-day experiences of long-term confinement in a segregation unit. For example, some policies set out specific conditions such as minimum square footage,<sup>74</sup> standards for amount and type of light (artificial or natural),<sup>75</sup> the number and type of personal effects permitted,<sup>76</sup> access to library services,<sup>77</sup> and phone privileges.<sup>78</sup> Another approach, taken by a number of states (Florida is an example), provides that “administrative confinement status may limit conditions and privileges . . . [but] treatment of inmates . . . shall be as near to that of the general population” as the separation “shall permit.”<sup>79</sup>

How isolating segregation is depends in part on whether and under what circumstances persons so confined can speak with and interact with other people. In general, policies did not detail the degree of social interaction permitted, either with other inmates and/or with staff or third parties.

### Structured (“Step-Down”) Programs

Reflective of concerns about the effects of long-term confinement in segregation units, some states are seeking to reduce the number detained in such settings. In addition, some efforts are underway to increase opportunities for contact. Commonly referred to as “Step-Down,” “Intensive Management,” or “Behavioral Management” programs, these systems tie an inmate’s departure from segregation to the completion of certain goals, such as behavioral plans or classes. Generally speaking, these systems use fairly robust entry procedures but require that inmates stay for a minimum of six months to a year. Some systems explicitly state that disciplinary infractions, of any kind, can extend the length the time in segregation.<sup>80</sup>

Several states, including Connecticut, Massachusetts, Mississippi, New Jersey, New Mexico, Virginia, have devised structured programs described to target behavior issues in some way.<sup>81</sup> For example, New Mexico has a “behavior-driven progressive incentive system consisting of steps that encourages appropriate behavior.”<sup>82</sup> Mississippi’s program is unusual in that it focuses on inmates who are currently in administrative segregation and who will be released within six months. Those inmates receive reentry-focused programming in a segregated setting.<sup>83</sup>

Washington is among several states, including Colorado, Massachusetts, Mississippi, and Virginia, that are exploring ways to separate prisoners safely in combination with greater opportunities for group activities and for therapy.<sup>84</sup> Working in conjunction with Disability Rights Washington and the Vera Institute, Washington has developed what it terms “intensive management” or “intensive treatment” to provide structured group activities and/or various therapies for those in segregation.<sup>85</sup> Staff assign inmates to specific programs based on individual assessments, in terms of mental health and behavior.<sup>86</sup> To return to general population, inmates are required to participate.<sup>87</sup>

### **Visitation During Segregation**

Contact with persons outside the facilities is another aspect of sociability, and visitation is addressed by all the policies we reviewed.<sup>88</sup> The policies varied with respect to the types of visitors permitted, whether visits could be contact or not, what discretion to limit visitation existed, and the frequency and duration of the visits allowed. Some policies noted that wardens had discretion about visiting, or that visits can be limited based on security concerns or in relationship to performance by inmates, including those in step-down programs. Aside from such provisions, state-wide policies did not address the criteria to be used to limit visits as a disciplinary matter. In this arena as in others, decisions at the facility-level both fill gaps and may create site-specific practices.

#### ***Categories of Visitors***

The policies vary a good deal in terms of detailing visitation rules. All appear to assume lawyer access to clients, but a few specify requirements or note opportunities for contact visits. For example, several states require attorneys to obtain advance approval from a superintendent or warden.<sup>89</sup> Maine permits “professional visits” if approved by the Unit Management Team.<sup>90</sup> Ten states provide that limitations on contact visits in segregation do not apply to legal counsel.<sup>91</sup>

Twenty states specifically provide inmates in administrative segregation units with access to religious personnel.<sup>92</sup> In some instances, the focus is on institutional employees, such as chaplains. Arkansas, for example, specifies that chaplains visit “regularly and on request.”<sup>93</sup> Iowa provides that religious personnel may visit “upon request.”<sup>94</sup> Illinois, Indiana, Kentucky, Maine, and New York advise that the chaplain is to visit at least once a week.<sup>95</sup> Minnesota

authorizes a facility's religious coordinator to make visits once a month.<sup>96</sup> Nevada provides that visitation by religious personnel "will be encouraged and allowed."<sup>97</sup>

All of the jurisdictions reviewed also provide for inmates to have personal visits while in administrative segregation. A handful of jurisdictions provide that visitation regulations are the same for prisoners in administrative segregation as for those in general population.<sup>98</sup>

In terms of the type or number of visitors for inmates in administrative segregation, a few states specify categories of permissible visitors. Connecticut, New Jersey, Tennessee, and Washington limit visitors, for some kinds of segregation, to "immediate family" or "relatives."<sup>99</sup> Oregon limits an inmate to two people on the visitation list at any given time, while Mississippi limits an inmate to ten visitors.<sup>100</sup>

Two states have special provisions for visits between inmates and their children. In Oregon, an inmate's children are exempt from the total of the two listed visitors permitted, a set whose composition can change at six-month intervals.<sup>101</sup> In New Hampshire, inmates who give birth are allowed two additional visits per week with their newborn children for a period of time after the birth.<sup>102</sup>

### ***Contact/Non-Contact Visits***

Seventeen jurisdictions do not specify whether visits are contact or non-contact.<sup>103</sup> Twenty-two states bar contact visits for all or part of the administrative segregation population.<sup>104</sup> California and Nebraska bar contact visits for inmates in the "Secured Housing Unit" or "Intensive Management Unit" but provide for contact visits in other forms of administrative segregation.<sup>105</sup>

Eleven states permit personal contact visits for inmates in administrative segregation.<sup>106</sup> Ten of those states authorize the warden or designee to determine whether the visit is contact or non-contact.<sup>107</sup> Vermont ties contact visits to progression through the phases of a step-down program for those in administrative segregation.<sup>108</sup> Minnesota's Administrative Control Unit conducts visits over a closed-circuit television monitor for a minimum of four hours per month.<sup>109</sup>

### ***Additional Requirements and Restrictions***

Many states set out possible restrictions on visitation based on broad institutional concerns. A formulation found in six states is that "offenders have opportunities for visitation unless there are substantial reasons for withholding such privileges."<sup>110</sup> In Florida, "those inmates who are a threat to the security of the institution shall be denied visiting privileges."<sup>111</sup> Massachusetts provides that "the length and number of visits may be limited due to space, schedules, personnel constraints, or when there is a substantial reason to justify limitation."<sup>112</sup>

Twenty-five jurisdictions expressly authorize the superintendent, warden, or other designee to limit visitation at his/her discretion or upon a determination that visits would be a

security risk.<sup>113</sup> Twelve of those states further require that, for inmates in administrative segregation, advance permission for personal visits be requested from the warden, superintendent, or other correctional officer.<sup>114</sup> Those policies typically do not provide guidelines for making such decisions.

Some policies focus on inmate behavior as a criterion for visiting, and some specify presumptions for visits. In Alaska, for example, the warden may restrict access to visitation “only if an individualized determination is made that an inmate’s participation threatens the order and security of the facility.”<sup>115</sup> Kentucky provides that inmates who pose a security threat may be required to have visits in a different and more secure visiting area.<sup>116</sup>

All policies address the frequency of visits. Twenty-seven states leave that decision to the facility and, typically, the warden, sometimes under guidelines.<sup>117</sup> For example, Indiana authorizes individual facilities to reduce the frequency of visitation, but not below two visits per month.<sup>118</sup> Five states expressly provide that inmates in administrative segregation shall have the same number of visits as the general population.<sup>119</sup> When visitation is restricted, most policies provide somewhere between one and two visits, lasting one to two hours, each month. In Hawaii’s Maximum Control Unit, one 45-minute non-contact visit every 14 days is permitted.<sup>120</sup> North Carolina permits two non-contact visits every thirty days.<sup>121</sup> Pennsylvania permits one visit, for a duration of one hour, every thirty days.<sup>122</sup>

Five states permit increasing the frequency and intervals of visits based on inmate behavior and as other restrictions are decreased.<sup>123</sup> For example, in Colorado, inmates in the most restrictive placement, Level I, may have one hour-and-a-half non-contact visit per month.<sup>124</sup> For Level II, visitation access increases to two hour-and-a-half non-contact visits, and so on up to Level IV, in which inmates may have six two-hour non-contact visits per month.<sup>125</sup> In Connecticut, phased visitation access ranges from one 30-minute non-contact visit per week for Phase I to three 30-minute non-contact visits per week for Phase III.<sup>126</sup> New Jersey permits one 60-minute non-contact visit per month in Level 1, and one 60-minute non-contact visit per week in Level 2.<sup>127</sup>

One state — Indiana — mentions the role of visits in relation to leaving prison. Indiana provides that “consideration shall be extended for additional visiting privileges to aid in the offender’s Re-Entry planning and programming.”<sup>128</sup>

## **Additional Research Agendas**

Any review of formal policies always raises questions of implementation and variation. Written rules are often implemented differently, and the context in which they operate informs their meaning. Thus, our discussion cannot capture the experiences of inmates subjected to rules, staff charged with administering and implementing the rules, and the institutional contexts in which these individuals operate. Our hope is that this overview invites more analyses of segregation in prisons.



We thought it helpful, by way of conclusion, to sketch a few of the many research areas that remain to be explored. First, research is needed to analyze two other common forms of segregation — disciplinary/punitive segregation and protective custody. In the materials currently available to us, some 30 jurisdictions provided policies addressing punitive/disciplinary segregation, and about a dozen specified rules on protective custody. Once such information is compiled, one could learn whether the various forms of segregation are governed differently at the formal level.

Second, questions abound about the costs of long-term segregation, the degrees to which it isolates individuals, and its utilities. Dollars and cents are one facet. How much investment by correctional institutions is required to maintain segregation facilities, and how does the size and scale affect the expense? What effect does working in segregation units have on staff? How does staff understand the utility of segregation, the degree of isolation entailed, the kinds of training needed, and the effect of such environments on prison management?

Other areas to explore are the effects of segregation on inmates and on institutions. For example, how do individuals function in segregation? How isolating is it? What levels of stimulation, contact, and forms of sociability are provided, what contact is necessary to prevent deterioration, and what activities facilitate reentry to the population and/or the community? Does segregation of some inmates make an institution safer for others, serve to heighten tensions, or both? What impact on general institutional behavior does the practice of segregation have? Do conditions in the general population, such as overcrowding, produce over-reliance on segregation as a means of control? Further, what impact does segregation have on inmates' subsequent performance in general population, on reentry to the community, and on recidivism?

Third, we do not know the distribution of the use of segregation by age, ethnicity, gender identity, race, and religion. Given wide-spread appreciation of racial disparities in the criminal justice system and the ongoing efforts by correctional authorities (such as the Racial Disparity Committee of ASCA), understanding the demographics is an important aspect of evaluating the impact of segregation.

Fourth, we also do not know the numbers of inmates with identified cognitive or mental health issues, or physical health issues, who are in segregation. The interaction of mental health and of segregation policies is an important area for further evaluation, and, as noted, some jurisdictions, such as Massachusetts, are devising special programs to provide treatment in settings that are safe for inmates and for staff.

Fifth, the policies cannot be understood without gaining information on their implementation. Gaps are inevitable between policies and actual practice. Some policy directives may be more readily implementable than others. The use of segregation is affected by many factors — the institutional setting, the population density of a facility, the staff-to-inmate ratio, the makeup of the inmate population, and the physical plant and its proximity to outside services. Many documents report that some individuals are kept in segregation for

decades. What is not known is whether such long periods of segregation are common and what the degree of isolation in such conditions is. Nor do we know how systems monitor their own programs, both to ensure that inmates receive basic services, nutrition, and exercise and to evaluate the impact of their programs.

Case studies are needed to learn about the actual ways in which segregation functions. Specific questions include the bases in practice for placement, duration, actual conditions of confinement (i.e., space, single or double cells, personal effects, access to contact via telephones, the kind and nature of programs available), degrees of isolation, transfer and return, release opportunities, and support for reentry, all of which would need to be analyzed in relationship to the demographic variation of prison populations. Also required is information on the many dimensions of conditions within segregation as well as access to programming and provisions related to mental health.

Further, as we noted at the outset, this review has focused on policies provided by state and federal governments. The shift of many prisoners to the custody of private corporations providing services under contracts requires another set of inquiries, focused on private prison management. The questions include whether rules are different when a prison is managed privately, whether rules ought to vary based on whether the institution is publicly or privately run, and how rules of either the public or private sectors influence each other.

In short, we have much more to learn.

## Endnotes

\* All rights reserved, June 2013. The project and report on isolation is sponsored by the Arthur Liman Public Interest Program at Yale Law School. Hope Metcalf is Director of the Liman Program and Lecturer at Yale Law School. Judith Resnik is the Arthur Liman Professor of Law at Yale Law School. Yale Law student co-authors are Jamelia Morgan (class of 2013), Samuel Olikier-Friedland (class of 2014), Julia Spiegel (class of 2013), Haran Tae (class of 2014), Alyssa Work (class of 2013), and Brian Holbrook (class of 2012).

Founded in 1997, the Liman Program at Yale Law School was created to forward the commitments of Arthur Liman as an exemplary lawyer dedicated to public service in the furtherance of justice. The Program supports the work of law students, law school graduates, and students from six universities, all of whom work to respond to problems of inequality and to improve access to justice for those without resources. The Program offers fellowships for Yale Law School graduates to spend a year working on issues such as welfare rights, elder law, indigent criminal defense, immigration, and juvenile justice. The Program awards summer fellowships to students at Barnard, Brown, Harvard, Princeton, Spelman, and Yale to pursue public interest-themed projects at organizations across the country.

A particular focus of the Liman Program is research on the law and policy of detention, and the Liman Program has worked with Association of State Correctional Administrators (ASCA) on projects of mutual interest. For example, in 2010-2011, the Liman Program examined correctional policies on visitation in state facilities. See Chesa Boudin, Aaron Littman, and Trevor Stutz, *Prison Visitation Policies: A 50 State Survey* (2012), available at <http://www.law.yale.edu/intellecualife/limanpubs.htm>.

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<sup>1</sup> See Subcommittee on the Constitution, Civil Rights, and Human Rights of the United States Senate Judiciary Committee, *Hearing on Reassessing Solitary Confinement: The Human Rights, Fiscal, and Public Safety Consequences*, 158 CONG. REC. D617-01, 2012 WL 2326847 (Cong.Rec.) (June 19, 2012), available at <http://www.judiciary.senate.gov/hearings/hearing.cfm?id=6517e7d97c06eac4ce9f60b09625ebe8>.

<sup>2</sup> New York Civil Liberties Union, *Boxed In: The True Cost of Extreme Isolation in New York's Prisons* (2012), <http://www.boxedinny.org/>.

<sup>3</sup> See, e.g., California, Cal. Code Regs. tit. 15 § 3335(a) (“administrative segregation”); Kansas, 501 KAR 6:020 (“special management”); Massachusetts, 103 CMR 423 (“special management”); Vermont, DOC 410.03 (“restricted housing”).

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<sup>4</sup> U.S. Government Accounting Office, Bureau of Prisons: Improvements Needed in Monitoring and Evaluation of Impact of Segregated Housing, GAO 13-13-429 (May 2013).

<sup>5</sup> *Wilkinson v. Austin*, 545 U.S. 209, 214-15 (2005).

<sup>6</sup> *Wilkinson*, 545 U.S. at 214-15.

<sup>7</sup> Utah provided policies specifically on segregation that did not clearly address administrative segregation. Utah appears to rely primarily upon classification procedures to determine inmate placements as well disciplinary segregation. Utah, DIOGO 09-020. The classification process, which considers a range of factors such as offense, length of sentence, criminal history, and mental health needs, is performed at intake and at least yearly thereafter. Utah, FC 04/04.01, FC 04/06.04. The system permits “overrides” for specified reasons, such as what is termed “severe management.” That override, which may result in restricted housing placement, includes posing “an undue threat to self or others.” FC 04/05.03. The policy does not reference a hearing for or opportunity to appeal such decisions. In practice the “severe management” policy may share common features with administrative segregation policies in other states. Given the apparent divergence in definitions and procedures, we have excluded Utah from this study. See also note 10, about the three other states not included in this analysis.

<sup>8</sup> The Liman Program joined Professors Brett Dignam and Jeffrey Fagan at Columbia Law School in convening the session, entitled “Incarceration and Isolation, A Colloquium.”

<sup>9</sup> The policy we received from Iowa was labeled “draft.”

<sup>10</sup> We did not have sufficient information on administrative segregation policies for Louisiana, South Carolina, Texas, and Utah. South Carolina neither provided policies in response to ASCA’s request nor makes them available publicly. Texas makes public what it terms an inmate “handbook,” which references an “administrative segregation plan” that was not available. Louisiana’s provision of policies to ASCA focused on discipline but without specifying administrative segregation policies, which appear to be made at the facility-level. Utah’s policy does not specify that it governs administrative segregation and, as noted above (see note 7), we did not include it.

<sup>11</sup> *See, e.g.*, Alaska, DOC 804.01(v); Alabama, AR 436; Arizona, DO 801.09.1.2.3; California, Cal. Code Regs. tit. 15 § 3335(a); Colorado, AR 650-03(IV)(A); Connecticut, AD 9.4(3)(B); Delaware, DOC Policy 4.3; Florida, Fla. Admin. Code r. 33-602.220; Hawaii, COR.11.01.2.2(a)(2); Idaho, DOC 319.02.01.001; Illinois, 20 Ill. Admin. Code §504.660(b)(2); Iowa, IO-HO-05(IV)(A)(3)(b); Indiana, DOC 02-01-111; Kentucky, PP 10.2; Maryland, DOC.100.0002; Massachusetts, 103 CMR 421; Michigan, DOC 04.05.120; Minnesota, DD 301.085; Mississippi, SOP 19-01-01; New Mexico, CD-143.000.A; New York, 7 NYCRR 301.4(6); North Dakota, DOC 5A-20; Ohio, DOC 5120:1-10-15; Oklahoma, OP 040204; Oregon, DOC 291-046-0030; Pennsylvania, DC-ADM 802;

Rhode Island, DOC 15.11-3; Tennessee, DOC 404-10(VI)(A)(1); Vermont, DOC 410.03(1)(e); Wisconsin, Wis. Admin. Code DOC § 308.04(2); Wyoming, P&P 3.302(II)(A).

<sup>12</sup> See, e.g., Alaska, DOC 804.01(v); Arizona, DOC 804.01(1.1.1); California, Cal. Code Regs. tit. 15 § 3335(a); Delaware, DOC Policy 4.3(IV)(A); Hawaii, COR.11.01.2.2(a)(2); Idaho, DOC 319.02.01.001; Indiana, DOC 02-01-111; Kentucky, PP 10.2; Maine, DOC 15.1; Maryland, DOC.100.0002; Minnesota, DD 301.085; Mississippi, SOP 19-01-01; North Dakota, DOC 5A-20; Oklahoma, OP 040204; Pennsylvania, DC-ADM 802; Rhode Island, DOC 15.11-3; Vermont, DOC 410.03(1)(d); Washington, DOC 320.200; Wisconsin, Wis. Admin. Code DOC § 308.04(2).

<sup>13</sup> Federal Bureau of Prisons, BOP 541.23.

<sup>14</sup> See, e.g., Alabama, AR 436(III)(A); Colorado, AR 650-03(II); KS IMPP 20-103; Hawaii, COR.11.01.2.2(a)(2); Iowa, IA-HO-05(IV)(A); Illinois, Ill. Admin. Code tit. 20, § 504; Massachusetts, 103 CMR 421.09; Mississippi, SOP 19-01-01; Nebraska, AR 201.05(II)(E); Nevada, AR 507.01 (I)(D); South Dakota, DOC I.3.D.4 (III); Wisconsin, DOC 308.04, Note; Wyoming, P&P 3.302(II)(A).

<sup>15</sup> Colorado 650-03.IV.B.

<sup>16</sup> Virginia, Operating Procedure 830.2, Security Level Classification.

<sup>17</sup> Alaska, DOC 804.01(VII)(B)(1)(c); Arizona, DO 801.10; Arkansas, AS 11-42(III)(A)(1); California, Cal. Code Regs. tit. 15 §3338(a); Colorado, AR 650.03(4)(D); Connecticut (within 30 days), AD 9.4(12)(A); Federal Bureau of Prisons, BOP 541.439(b); Florida, Fla. Admin. Code r. 33-601.800(3)(g); Georgia, SOP IIB09-0001(VI)(B); Hawaii, COR.11.01(3)(1)(b); Idaho, DOC 319.02.01.001(13); Indiana, DOC 02-01-111(VI)(B)(1) (only for department-wide administrative segregation); Iowa, IA-HO-05(IV)(A) (after 2 months); Kansas, IMPP 20-105 (I); Kentucky, PP 10.2(H)(3); Maine, DOC 15.1.1(VI)(C); Massachusetts, 103 CMR 421.10; Michigan, DOC 04.05.120(O); Mississippi, SOP 19-01-01(k); Missouri, IS21-1.2(III)(A); Montana, DOC 4.2.1(IV)(E); Nebraska, AR 201.05(VII)(B); Nevada, AR 507.01(2)(C); New Jersey, IMM.012.001(III); New Mexico, CD-143.001.4(J); New York, 7 NYCRR 301.4(a); North Carolina, DOC .0302(c); Ohio (local control), DOC 5120:1-10-15(D); Oregon (after 30 days), OAR DOC 291-046-0030; Pennsylvania, DC-ADM 802(2); Rhode Island, Procedure for Classification to Category C; South Dakota, DOC 1.3.D.4(IV); Tennessee, DOC 404.10(2)(c); Vermont, DOC 410.03(3); Virginia, OP 861.3(IV); Washington, DOC 320.200 (III); Wisconsin, Wis. Admin. Code DOC § 308.04(3); Wyoming P&P 3.302(IV)(B)(4).

<sup>18</sup> Connecticut, AD 9.4(12)(A); Ohio Admin. Code 5120-9-13.1 (local control); 55 SPC-02 (special management).

<sup>19</sup> Iowa, IA-HO-05(IV)(A)(8) (after two months).

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<sup>20</sup> Wyoming, P&P 3.302 (IV)(B)(4).

<sup>21</sup> Alabama, AR 436; Delaware, DOC Policy 4.3(VI)(A); Illinois, 20 Ill. Admin. Code § 504.660; Maryland, DOC.100.0002(18)(B)(2); Minnesota, DD 301.085; New Hampshire, DOC 5.89, 7.49; North Dakota, DOC 5A-20; Oklahoma, OP-040204; West Virginia, PD 326.00. Another provision of Illinois law, Ill. Admin. Code §505.60, outlines processes for transfers to the Tamms Correctional Center; since we began this research, Illinois has closed that facility. Thus, we do not include that provision in this report.

<sup>22</sup> Arkansas, AR 11-42(II); Colorado, AR 650-03(B)(2)(e); Florida Admin. Code r.33.602.220(2)(c); Georgia, SOP IIB09-001(IV)(B); Idaho, 319.02.01.001(15); Indiana, Policy 02-01-0111(VIII); Iowa, IA-HO-05(IV)(A); Kansas, IMPP 20-106; Massachusetts, 103 C.M.R. 421.07; Maine, DOC 15.1; Missouri, MO IS21-1.2(III)(B); Nebraska, AR 201.05(IV)(A); Nevada, AR 507.01(2)(E); New Jersey, IMM.012.001; New Mexico, CD 143001.4(J)(3)(a); New York, 7 NYCRR 301.4(a); North Carolina, C.0302(d) (facility-level committee reviews placements up to 60 days); North Carolina, C.0302(d) (“Director’s Classification Committee” reviews longer-term referrals to intensive control); Pennsylvania, DC-ADM 802(3)(A)(1); South Dakota, DOC 1.3.D.4(iii); Virginia, OP 830.2(G)(3); Washington, DOC 320.220(I)(A); Wisconsin, DOC 308.04(3); Wyoming, P&P 3.302.

<sup>23</sup> Alaska, DOC 804.01(VII)(C); Arizona, DO 801.10; California, Cal. Code Regs. tit. 15 §3337; Connecticut, AD 9.4(12)(A); Delaware, DOC Policy 4.3(VI)(A); Federal Bureau of Prisons, BOP 541.23 (administrative detention); Michigan, Mich. Admin. Code R. 791.3315(5)(F); Mississippi, SOP 19-01-01; Oregon, DOC 291-046-0030; and Vermont, DOC 410.03(3).

<sup>24</sup> Hawaii, COR.11.01(3)(1); Kentucky, PP 10.2(H)(3); and Tennessee, DOC 404-10-(VI)(A)2).

<sup>25</sup> West Virginia, PD 326.00.

<sup>26</sup> Alaska, DOC 804.01(VII)(C); Arkansas, AD 11-42; Federal Bureau of Prisons, BOP 541.439(B)(1); California, Cal. Code Regs. tit. 15 §3337(b); Colorado, AR 600.02(IV)(K)(2); Florida, Fla. Admin. Code r. 33-601.800(3)(g); Georgia, SOP IIB09-001(IV)(B); Hawaii, COR.11.01(3)(1); Idaho, 319.02.01.001; Indiana, 02-01-111(VI)(B)(allows hearing but does not specify admission of evidence); Iowa, IA-HO-05(IV)(A); Kansas, IMPP 2-106; Kentucky, PP 10.2(H)(3); Massachusetts, 103 C.M.R. 421.07; Michigan, Mich. Admin. Code R. 791.3315(1)(c); Missouri, IS21-1.2(III)(B)(4)(a); Montana, DOC 4.2.1(IV)(E); Nebraska, AR 201.05(VII)(B); New Jersey, IMM.012.ADSEG.001; North Carolina, C.302(d); Ohio, Admin. Code. 5120-9-13.1(C); Oregon DOC 291-046-0030; Pennsylvania, DC-ADM 802(2)(6); Rhode Island, Procedure for Classification to Category C; South Dakota, DOC 1.3.D.4(iii); Tennessee, DOC 404-10-(VI)(A)2); Vermont, DOC 410.03; Virginia, OP 830.1(V); Washington, DOC 320.200(III)(I); Wisconsin, DOC 30604(4)(e); Wyoming, P&P 3.302(5).

<sup>27</sup> Connecticut, AD 9.4(12); Idaho, 319.02.01.001(3)(Table 3-13); Maine, DOC 15.1; Mississippi, SOP 19-01-01, 19-01-03; New Mexico, CS 143001.4(J); Nevada, AR 507.01(2)(E); New York, 7 NYCRR 301.4(a).

<sup>28</sup> Alaska, DOC 804.01(VII)(C); Georgia, SOP IIB09-001(IV)(B); Iowa, IA-HO-05(IV)(A); Massachusetts, 103 C.M.R. 421.10; South Dakota, DOC 1.3.D.4(iii); Vermont, DOC 410.03(3)(d); Virginia, OP 830.1(V); Wisconsin, DOC 30604(4)(e).

<sup>29</sup> California, Cal. Code Regs. tit. 15 §3336(b); Colorado, AR 600.02(IV)(K)(2); Idaho, 319.02.01.001(13); Michigan, Mich. Admin. Code R. 791.3315(1)(c); Nebraska, AR 201.05(VII)(B)(5); Nevada, AR 507.01(2)(E)(4); Oregon, DOC 291-046-0045; Washington, DOC 320.200(III); Wyoming, P&P 3.302(5)(VII).

<sup>30</sup> Federal Bureau of Prisons, P5217.01(3)(b)(1).

<sup>31</sup> Arizona, DO 801.10; Arkansas, AD 11-42; Connecticut, AD 9.4(12); Florida, Fla. Admin. Code r. 33-601.800(3); Hawaii, COR.11.01; Indiana, DOC Policy 02.01.111; Kansas, IMPP 2-106; Kentucky, PP 10.2(H); Maine, DOC 15-1.1; Missouri, IS21-1.2(III)(B); Mississippi, SOP 19-01-01(k); Missouri, IS21-1.2(III)(B)(4)(a); Montana, DOC 4.2.1(IV)(E); New Jersey, IMM.012.ADSEG.001; New Mexico, CD-143.001.4(J); New York, 7 NYCRR 301.4(a); North Carolina, DOC 0.0302; Ohio Admin. Code 5120:1-10-15; Pennsylvania, DC-ADM 802(2); Rhode Island, Procedure for Classification to Category C; Tennessee, DOC 404.10.

<sup>32</sup> Alaska, DOC 804.01; Massachusetts, 103 C.M.R. 421.16; Vermont, DOC 410.03(3)(d)(i).

<sup>33</sup> Alaska, DOC 804.01(VII)(C); Colorado, AR 650-03(IV)(D)(2)(3); Delaware, DOC Policy 4.3(VI)(A); Idaho, 319.02.01.001(3)(Table 3-13); Indiana, 02-01-111(VI)(B); Maryland, DOC.100.0002(18)(B)(2); Missouri, IS21.1.2(III)(B)(9); North Carolina, C.0302(b); Nebraska, AR 201.05(VII)(C); New Hampshire, DOC 5.89, 7.49; Ohio Admin. Code 5120-9-13.1 (B); Oregon, DOC 291-046-0075; Vermont, 410.03(2)(c); Virginia, OP 830.1(V); Washington, DOC 320.200(I)(B); Wisconsin, DOC 308.04(8)(c) (only if committee's ruling is not unanimous); Wyoming, P&P 3302(5)(IV).

<sup>34</sup> Ohio Admin. Code 5120-9-13.1 (B).

<sup>35</sup> Alaska, DOC 804.01(VII)(C); Colorado, AR 650-03(IV)(D)(2)(3); Nebraska, AR 201.05(VII)(B)(5); Ohio Admin. Code 5120-9-13(D); Vermont, 410.03(2)(c); and Washington, DOC 320.200(I)(B).

<sup>36</sup> Arizona, DO 801.10; Federal Bureau of Prisons, BOP 541.23 (for placement in special management units — SMUs — only); Maine, DOC 15.1(B); Massachusetts, 103 CMR 421.10; Minnesota, DD 301.087 (for placement in administrative control only); Mississippi, SOP 19-01-03; New Mexico, CD-143001.4(J)(4) (for placement in Level V and VI only); Rhode Island,

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Procedure for Classification to Category C; Virginia, OP 830.1(V)(for placement in segregation facility).

<sup>37</sup> North Dakota, DOC 5A-20; Oklahoma, OP-040204.

<sup>38</sup> See, e.g., California, Cal. Code Regs. tit. 15 §3341.5(2); Colorado, 650-03.IV; Connecticut, AD 9.4, Connecticut, Northern Correctional Institution Administrative Segregation Program; Federal Bureau of Prisons, BOP BOP 541.439B; Federal Bureau of Prisons, Inmate Handbook Florence ADX; Indiana, 02-01-111; Kentucky, CPP 10.2; Minnesota, DD 301.083 and 301.087; Mississippi, SOP 19-01-01 (“Administrative Segregation Step-Down Unit”); New Jersey, IMM.012.001; New Mexico, CD-143002.3; Oklahoma, OP-04204(B); Virginia, OP 830.2; Washington, DOC 320.255; Wisconsin, Wis. Admin. Code DOC § 308.04(10).

<sup>39</sup> Washington, DOC 320.220(I)(10).

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> Kansas, IMPP 2-106; Maine, DOC 15-1.1; Mississippi, SOP 19-01-03; Pennsylvania, DC-ADM 802(2)(C); South Dakota, DOC 1.3.D.4(iii).

<sup>43</sup> Pennsylvania, DC-ADM 802(2); South Dakota, DOC 1.3.D.4.

<sup>44</sup> Arkansas, AD 11-42(III)(D).

<sup>45</sup> Arizona, DO 801.11; Michigan, Mich. Admin. Code R. 791.3315(1); New York, 7 NYCRR 301.4(d); Oregon, DOC 291-046-0100.

<sup>46</sup> Federal Bureau of Prisons, BOP 541.439B.

<sup>47</sup> See, e.g., Mississippi, SOP 19-01-03; Virginia, OP 830.1(X).

<sup>48</sup> Alabama, AR 436(V)(A)(1); Arkansas, AD 11-42; Federal Bureau of Prisons, BOP 541.26; Colorado, AR 650.03(VI)(J)(2); Connecticut, AD 9.4(12); Delaware, DOC Policy 4.3(VI)(A); Georgia, SOP IIB09-0001(VI)(H); Hawaii, COR.11.01(3); Iowa, IO-HO-05(IV)(A); Kansas, IMPP 20-106(I)(A); Kentucky, DOC 10.2(II)(H); Maine, DOC 15-1.1(VI)(C); Massachusetts, 103 CMR 421.10; Michigan, DOC 04.05.120(O); Minnesota, DD 301.085; Mississippi, SOP 19-01-01(k); Nebraska, AR 201.05(VI); New Hampshire, DOC 7.49(III); New Mexico, CD-143001.4.5; North Carolina, DOC 0.0302; North Dakota, DOC 5A-20(3)(B); Ohio Admin. Code 5120:1-10-15(D); Oklahoma, OP 040204(III); Pennsylvania, DC-ADM 802(A); Tennessee, DOC 404.10(VI)(A)(2); Vermont, DOC 410.03; Washington, DOC 320.200(II)(B); West Virginia, PD 326.00(V)(B).



<sup>49</sup> Florida, Fla. Admin. Code r. 33-602.220(c); Indiana, 02.01.111(V)(A); Maine, DOC 15-1.1(VI)(C) (72 hours); Minnesota, DD 301.085 (24 hours); Mississippi, SOP 19-01-01(k) (72 hours); Nevada, AR 507.01(2) (72 hours).

<sup>50</sup> Arkansas, AD 11-42(III)(D); Idaho, DOC 319.02.01.001(15); Maryland, DOC.100.0002(18)(B); Missouri, DOC 1521-1.2(III)(B); Minnesota, DD 301.085; Oregon, DOC 291-046-0030; Rhode Island, Procedure for Classification to Category C; Wyoming, P&P 3.302(IV)(E)(4).

<sup>51</sup> New York, 7 NYCRR 301.4(d); New Jersey, DOC IMM.012.001(III).

<sup>52</sup> California, Cal. Code Regs. tit. 15 § 3335(d); Illinois, Ill. Admin. Code tit. 20, § 504.660; Massachusetts, 103 CMR 421.10; Rhode Island, Procedure for Classification to Category C; South Dakota, DOC 1.3.D.4(IV) (reviews must occur within 90 days or sooner); Virginia, OP 861.3(9).

<sup>53</sup> AZ DO 801.10.1.8.

<sup>54</sup> California, Cal. Code Regs. tit. 15 §3341.5(2); Colorado, 650-03.IV; Connecticut, AD 9.4, Connecticut, Northern Correctional Institution Administrative Segregation Program; Federal Bureau of Prisons, BOP 541.439B; Federal Bureau of Prisons, Inmate Handbook Florence ADX; Indiana, 02-01-111; Kentucky, CPP 10.2; Minnesota, DD 301.083 and 301.087; Mississippi, SOP 19-01-01 (“Administrative Segregation Step-Down Unit”); New Jersey, IMM.012.001; New Mexico, CD-143002.3; Oklahoma, OP-04204(B); Virginia, OP 830.2; Washington, DOC 320.255; Wisconsin, Wis. Admin. Code DOC § 308.04(10).

<sup>55</sup> Connecticut, Northern Correctional Institution Administrative Segregation Program; *see also* New Jersey, IMM.012.ADSEG.001 (providing for review on six month increments if assignment to administrative segregation is for a period greater than one year).

<sup>56</sup> California, Cal. Code Regs. tit. 15 § 3335(d); Illinois, Ill. Admin. Code tit. 20, § 504.660(c); Massachusetts, 103 CMR 421.18; New York, 7 NYCRR 301.4(d); Rhode Island, Procedure for Classification to Category C; South Dakota, DOC policy 1.3.D.4; Virginia, OP 861.3; Washington, DOC 320.250(V)(B) (for Intensive Management and Treatment Units).

<sup>57</sup> New Jersey, IMM.012.ADSEG.02(IV)(5).

<sup>58</sup> New Jersey, IMM.012.ADSEG.001.

<sup>59</sup> Washington, DOC 320.200(III)(C).

<sup>60</sup> The two that do not specify the officials responsible for periodic review are: Minnesota, DD 301.085(C)(Unit Ad. Seg.); and Montana, MSP 3.5.1(H)(1).

<sup>61</sup> Maine, DOC 15.1; Maryland, DOC.100.0002(5)(F)(9); New Hampshire, PPD 7.14; North Dakota, 5A-20(3)(E); Ohio, AR 55-SPC-02(IV), (VI)(B)(4).

<sup>62</sup> Colorado, AR 650-03(IV)(J)(4).

<sup>63</sup> Missouri, IS21-1.2(III)(A).

<sup>64</sup> Federal Bureau of Prisons, P5217.01.

<sup>65</sup> Arkansas, AD 11-42(III)(D)(3); Colorado, AR 650-03(IV)(J)(4) (Deputy Director of Prison Operations must interview and approve); Kansas, IMPP 20-106(IV).

<sup>66</sup> Michigan, 04.05.120(GGG).

<sup>67</sup> Michigan, PD 04.05.120(GGG).

<sup>68</sup> Alaska, DOC 804.01(VII)(D), Arizona, DO 801.10; California, Cal. Code Regs. Tit. 15 § 3338; Connecticut, AD 9.4(12); Idaho, SOP 319.02.01.001(15); Illinois, Iowa, IO-HO-05(IV)(A)(8); Kentucky, DOC 10.2(II)(H)(3); Maine, DOC 15-1.1(VI); Maryland, DOC 100.0002(18)(B)(2); Massachusetts, 103 CMR 421.18; Michigan, PD 04.05.120(EEE)-(FFF); Mississippi, SOP 19-01-01(k), at 3; Missouri, IS21-1.2(III)(B); Minnesota, DD 301.085; Nebraska, AR 201.05(VI)(C); Nevada, AR 507.01(2)(E); New Hampshire, PPD 7.14(III)(M); New York, 7 NYCRR 301.4(d)(2); North Carolina, C.0302; North Dakota, 5A-20(3)(F); Oklahoma, OP-O40204(III)(A)(13); Oregon, AR 291-046-0025; Pennsylvania, DC-ADM 802, Sec. 2(D); South Dakota, DOC Policy 1.3.D.4(IV); Tennessee, DOC Policy 404.10(VI)(B)(3); Vermont, 410.03(6); Virginia, OP 861.3(V)(B)(3); Washington, DOC 320.200(III); Wyoming, P&P 3.302(IV)(E). Some states, such as West Virginia, provide for review, but not a hearing. West Virginia, PD 326.00(V)(B)(4).

<sup>69</sup> Arizona, DO 801.10.1.1; California, Cal. Code Regs. Tit. 15 § 3339(b)(1) (48 hours); Kentucky, CPP 10.2(II)(H)(3)(A) (48 hours); Maine, DOC Policy 15.1(VII) (48 hours); Maryland, DOC.100.0002(18)(B)(2)(a) (24 hours); Massachusetts, 103 CMR 421.10(2) (72 hours); Michigan, Mich. Admin. Code. R. 791.3315(1) (24 hours); Missouri, IS21-1.2(III)(B) (24 hours); Minnesota, DD 301.087(B)(2) (48 hours for administrative control); Nebraska, AR 201.05(VII)(A)(3) (48 hours); New Hampshire, PPD 7.14(III)(M) (48 hours); Oklahoma, (III)(A)(13) (48 hours); South Dakota, DOC Policy 1.3.D.4 (24 hours); Washington, DOC 320.200(III)(C)(2) (48 hours).

<sup>70</sup> *See, e.g.*, Alabama, AR 436; Maine, DOC Policy 15.1; Missouri, IS21-1.2(III)(B)(4)(c); Montana, DOC Policy 4.2.1(IV)(E)(3).

<sup>71</sup> Alaska, DOC 804.01(VII)(E); Arizona, DO 801.10; Georgia, SOP IIB09-0001(VI)(I); Iowa, IO-HO-05(IV)(A)(12); Kentucky, CPP 10.2(II)(H)(3); Maine, DOC 15-1.1(VI), at 7; Massachusetts, 103 CMR 421.18; Michigan, PD 04.05.120(T); Minnesota, DD 301.085; Mississippi, SOP 19-01-01(k); Nebraska, AR 201.05(VI)(C); New Hampshire, PPD b7.14(III)(O); New Jersey,

IMM.012.ADSEG.03(IV)(B); New York, 7 NYCRR 301.4(d); Nevada, AR 507.01(2)(H)-(I); Oregon, AR 291-046-0030; Pennsylvania, DC-ADM 802, Sec. 2(D); South Dakota, DOC Policy 1.3.D.4 (IV); Tennessee, DOC Policy 404.10(IV)(B)(3); Vermont, 410.03(6); Wisconsin, Wis. Admin. Code DOC § 308.04(9); Wyoming, P&P 3.302(VI)(E). Included in this list are states that provide automatic review of placement in administrative segregation after specified intervals of periodic review noted above. For example, in Wyoming automatic review by supervising officers within the facility is permitted, but such review is not specifically called an "appeal." *See* Wyoming, P&P 3.302(VI)(E). *See also* Idaho, SOP 319.02.01.001; Tennessee, DOC Policy 404.10.

<sup>72</sup> Virginia and North Carolina are two examples of systems that permit the appeal of classification decisions through regular grievance channels. *See, e.g.,* Virginia, OP 830.1(X).

<sup>73</sup> Kentucky provides appeals for administrative control status, but does not specify whether appeals are required for administrative segregation. *See* Kentucky, CPP 10.2(G)(1).

<sup>74</sup> The size of cells is detailed in New Mexico, CD 14-3000(H) (requiring 80 square feet, of which 35 must be unencumbered) and Wyoming, P&P 5.302 at 20 (2011) (same).

<sup>75</sup> States with policies that specified access to light were Connecticut, AD 9.4(4)(A) (requiring that cells be "adequately lighted"); Florida, Fla. Admin. Code r. 33-602.220(4)(d) (providing that "when sufficient natural light is unavailable, interior cell lights shall be left on during day and evening hours"); Georgia, SOP IIB09-0001(VI)(E)(1)(requiring cell be "adequately lighted"); Hawaii, Maximum Control Unit Handbook II(d) (mandating that light and air fixtures shall not be obstructed); Illinois, 20 Ill. Admin Code §504.620(b)(4) ("Adequate lighting for reading and observation purposes"); Maine, DOC 15.1(VI) (specifying "living conditions that approximate those of general population prisoners" regarding light, among other conditions); Mississippi, SOP 19-01-01(k), at 11 (requiring 20 Candle Powers of lighting in every administrative segregation cell); Montana, DOC 3.5.1(III)(C)(2) (requiring that locked housing cells be "adequately lighted"); Ohio, AR 55-SPC-02(IV)(12) (requiring adequate lighting for reading); Tennessee, DOC Policy 506.16(IV)(B)(1) (requiring "adequate lighting"); Virginia, OP 861.3 (requiring special housing units to be "adequately lighted"); Washington, DOC 320.260(I)(e)(1) (requiring an "adequately lighted" environment).

<sup>76</sup> Alaska, DOC 804.1(G); Arizona, DO 909; Arkansas, AD 11-42; California, Cal. Code Regs. tit. 15 § 3343; Colorado, AR 650-03(F); Connecticut, AD 9.4(4); Delaware, DOC Policy 4.3(VI)(C); Florida, Fla. Admin. Code r. 33-602.220(8); Georgia, SOP IIB0901-0001(VI)(E); Hawaii, Maximum Control Unit Handbook; Idaho, 319.02.01.001; Illinois, 20 Ill. Admin Code §504.620(b)(4); Indiana, Policy 02-01-111; Iowa, IA-HO-05 (IV)(H)(2)(f); Kansas, IMPP 12-133; Maine, DOC 15.1(VI); Maryland, DOC 100.0002(18)(F); Massachusetts, 103 CMR 421.20; Michigan, PD 04.05.120; Minnesota, DD 301.083; Mississippi, SOP 19-01-01(k); Missouri, IS21-1.2(III)(E); Montana, DOC 3.5.1(III)(C)(4); Nebraska, AR 210.01(III)(C); Nevada, AR 507.01(4)(F) & (H); New Hampshire, PPD 7.49(IV)(D)(4); New Jersey, ACSU Administration Segregation Handbook; New Mexico, CD 14-3001.A(R); North Carolina, C.1210, C.1212; North Dakota, DOC 5A-20(G); Ohio,

55-SPC-02; Oklahoma, OP-040204(V); Oregon, AR 291-011-0005; Pennsylvania, DC-ADM 802; Rhode Island, PP 15.11-3; Tennessee, DOC Policy 506.16(VI)(D)(1); Vermont, DOC Policy 410.06 (Attachment 1); Virginia, OP 802.1; Washington, DOC 320.260(IV)(D)(3); West Virginia, OP 326.00(I)(V)(B)(12); Wisconsin, Wis. Admin. Code DOC § 308.04 (1)(12)(a); Wyoming, P&P 3.302.

<sup>77</sup> Alaska, DOC 804.1(F); Arizona, ADC 909; Arkansas, AD 11-42(C); California, Cal. Code Regs. tit. 15 § 3343(i); Colorado, AR 650-03(IV)(F); Delaware, DOC Policy 4.3(VI)(B)(12); Florida, Fla. Admin. Code r. 33-602.220; Hawaii, COR.11.01(3)(I)(h); Idaho, SOP 319.01.01.001; Illinois, 20 Ill. Admin Code §504.620(s); Indiana, Policy 02-01-111; Iowa, IA-HO-05 (IV)(H)(2)(i); Kansas, IMPP 12-133; Maine, DOC Policy 15.1(VI); Maryland, DOC.100.0002(18)(F); Massachusetts, 103 CMR 421.20; Michigan, PD 04.05.120(5); Minnesota, DD 301.085; Mississippi, SOP 19-01-01(k); Missouri, IS21-1.2(III)(E)(12); Montana, MSP 3.5.1; Nebraska, AR 210.01(III)(M); Nevada, AR 507(4)(J)-(L); New Hampshire, PPD 7.49(IV)(D)(13); New Jersey, ACSU Administrative Segregation Handbook; New Mexico, CD 14-3000.A(Y); North Carolina, C.1221; North Dakota, DOC 5A-20(G); Ohio, AR 55-SPC-02 (IV); Oklahoma, OP-040204(V); Oregon, AR 291-11-0005; Pennsylvania, DC-ADM 802; Rhode Island, PP 15.11-3; South Dakota, DOC Policy 1.3.D.4 (IV); Tennessee, TDOC 506.16(VI)(E)(B); Vermont, DOC 410.06(Attachment 1); Virginia, OP 861.3; West Virginia, PD 326.00(1)(B)(2)); Wyoming, P&P 3.304(II)(A).

<sup>78</sup> Alabama, AR 431; Alaska, DOC 804.1(F); Arizona, DO 809 (Attachment B: Incentive Matrix – Store, Phone and Visitation); Arkansas, AD 11-42(c)(18); California, Cal. Code Regs. tit. 15 § 3343(j); Colorado, AR 650-03(IV)(F); Connecticut, Northern Correctional Institution Administrative Segregation Program Description; Delaware, DOC 4.3(VI)(D)(5); Florida, Fla. Admin. Code r. 33-602.220; Georgia, SOP IIBO901-001; Hawaii, COR.11.01(3)(1); Idaho, SOP 319.02.01.001(18); Illinois, 20 Ill. Admin Code §504.620(g); Indiana, IN 02-01-111(IX)(F); Iowa, IA-HO-05(IV)(H)(2); Kansas, KS IMPP 12-133; Kentucky, CPP 10.2(I)(7); Maine, DOC 15.1; Massachusetts, 103 CMR 423.09; Michigan, PD 04.05.120; Minnesota, DD 301.083; Mississippi, SOP 19-01-01(k); Missouri, IS21-1.2(III)(E)(11); Montana, MSP 3.5.1(III)(G); Nebraska, AR 205.03(IV)(B); Nevada, AR 507.01(4)(I); New Hampshire, PPD 7.49; New Mexico, CD 14-3000.A(AA); North Carolina, C.1214(b); North Dakota, DOC 5A-20(G); Oklahoma, OP-040204(V); Oregon, AR 291-130-0016; Pennsylvania, DC-ADM 802, 818; Rhode Island, PP 15.11-3; South Dakota, DOC 1.5.D.1 (IV); Tennessee, DOC Policy 506.16(VI)(E)(3); Vermont, DOC 410.06 (Attachment 1); Virginia, OP 861.3; Washington, DOC 320.060(I)(B)(6); West Virginia, PD 326.00(I)(V)(B)(22); Wisconsin, Wis. Admin. Code DOC § 309.39; Wyoming, P&P 5.402.

<sup>79</sup> Fla. Admin. Code r. 33-602.220(2)(a).

<sup>80</sup> New Jersey, IMM.012.ADSEG.03.

<sup>81</sup> California, Cal. Code Regs. tit. 15 §3341.5(2); Colorado, 650-03.IV; Connecticut, AD 9.4, Connecticut, Northern Correctional Institution Administrative Segregation Program; Federal Bureau of Prisons, BOP BOP 541.439B; Federal Bureau of Prisons, Inmate Handbook Florence

ADX; Indiana, 02-01-111; Kentucky, CPP 10.2; Minnesota, DD 301.083 and 301.087; Mississippi, SOP 19-01-01 (“Administrative Segregation Step-Down Unit”); New Jersey, IMM.012.001; New Mexico, CD-143002.3; Oklahoma, OP-04204(B); Virginia, OP 830.2; Washington, DOC 320.255; Wisconsin, Wis. Admin. Code DOC § 308.04(10).

<sup>82</sup> New Mexico, CD-143002.3; *see also*, New Jersey, IMM.012.ADSEG.03 (“This two-level system is designed to encourage inmates to improve their patterns of behavior through gradual reduction of restrictions”).

<sup>83</sup> Mississippi, SOP 19-01-01.

<sup>84</sup> *See, e.g.*, Colorado, 650-03.IV; Mississippi, SOP 19-01-01 (“Administrative Segregation Step-Down Unit”); Virginia, OP 830.2; Washington, DOC 320.255.

<sup>85</sup> The discussion of these programs comes from materials in addition to the policies of the state. *See* Washington, DOC 320.200, DOC 320.255; *see also*, Washington State, Department of Corrections, Program Overview, [http://www.asca.net/system/assets/attachments/5452/Secretary\\_Warner\\_ASCA%203.pdf?1360688604](http://www.asca.net/system/assets/attachments/5452/Secretary_Warner_ASCA%203.pdf?1360688604).

<sup>86</sup> *Id.*

<sup>87</sup> *Id.*

<sup>88</sup> Institutional provisions for visiting in general are summarized in *Prison Visitation Policies: A 50 State Survey*. Chesa Boudin, Aaron Littman, and Trevor Stutz, *Prison Visitation Policies: A 50 State Survey* (2012), available at <http://www.law.yale.edu/intellecualife/limanpubs.htm>. The specific rules for individuals in administrative segregation are found in Alaska, DOC 804.01(VII)(F)(1) (access to visitation restricted only after individualized determination that participation threatens order and security); Arizona, DO 804.01.1.2.13 (non-contact visitation except when precluded by disciplinary sanctions); Arkansas, AD 11-42 (III)(C)(7)-(8) (stipulating visits in a separate visiting room and in the presence of an officer); Federal Bureau of Prisons, BOP 540.50 (permitting visiting privileges as in general population unless individualized disciplinary finding); California, Cal. Code Regs. tit. 15 § 3343(f) (inmates assigned to segregated housing permitted same visitation as general population, except for inmates in security housing units who are restricted to non-contact visitation); Colorado, AR 650-03(IV)(F)(1)(j) (permitting opportunities for non-contact and attorney visiting unless there are documented substantial reasons for withholding such privileges); Connecticut, Northern Correctional Institution Administrative Segregation Program Description (describing visiting privileges according to privilege level); Delaware, DOC Policy 4.3 (VI)(D)(1) (“Administrative Segregation offenders have opportunities for visitation, unless there are substantial reasons for withholding such privileges”); Florida, Fla. Admin. Code r. 33-602.220(5)(i) (permitting visitation upon advance approval by warden or designee, and allowing warden or designee to determine whether such

visit will be contact or non-contact; visitation denied to inmates “who are a threat to the security of the institution”) and Fla. Admin. Code r. 33-601.820(5)(e) (only specifying legal visits for inmates in maximum management); Georgia, SOP IIB09-0001(VI)(E)(5) (“visiting and correspondence privileges accorded the general population shall be allowed to inmates in Administrative Segregation”); Hawaii, Maximum Control Unit Functions (allowing one 45-minute personal non-contact visit every 14 days for maximum custody inmates) and COR.11.01(3.1)(f) (allowing non-contact personal visits but contact official visits); Idaho, SOP 319.02.01.001(18) (allowing one visit per month upon request, excluding attorney visits, after twenty days of detention); Illinois, Ill. Admin. Code tit. 20 § 505.80 (permitting non-contact visits upon advance approval for all non-attorney visitors); Indiana, DOC Policy 02-01-111 (IX)(E) (allowing a minimum of two visits per month, with opportunity for contact determined by facility); Iowa, IO-HO-05(IV)(H)(2)(o)(i) (specifying “opportunities for visitation unless there are substantial reasons for withholding privileges”); Kansas, IMPP 20-101 (III)(B) (“visitation shall be allowed on a restricted basis unless there are substantial reasons for withholding the privilege”); Kentucky, CPP 10.2(II)(I)(6) (providing visitation “unless a documented reason for withholding exists”), 16.1(II)(G)(2) (“inmates in Special Management may be allowed normal visiting hours but may be restricted to a more secure visiting area” if a threat to security or order exists); Maine, DOC 15.1(VI)(E)(2)(C) (allowing non-contact regular visits once per week and professional visits as permitted); Maryland, DOC.100.0002(18)(F)(12) (permitting same number and duration of visits as general population, preferably in separate visiting room, “consistent with security staffing and institutional needs”); Massachusetts, 103 CMR 421.20(7) (“inmates in segregation shall be afforded visiting privileges which are, as much as practicable, the same as those available to inmates in the general population”); Michigan, PD 05.03.140(CC) (permitting non-contact visits only except for with an attorney); Minnesota, DD 301.087(E)(11) (requiring that inmates in administrative segregation status have access to visiting, and specifying CCTV visits four hours per month for Oak Park Heights Administrative Control Unit, with increased visitation opportunities at warden’s discretion); Mississippi, SOP 19-01-01 (permitting non-contact visits by ten visitors unless there are substantial reasons for withholding); Missouri, IS21-1.2(III)(E)(10)(a) (permitting two hour non-contact visits with possibility of additional privileges); Montana, MSP 3.5.1(III)(G)(2)(I) (social and legal visits must be permitted “provided the inmate is not under a properly imposed visiting restriction”); Nebraska, AR 210.01(III)(J) (allowing non-contact visits for inmates in intensive management, contact for administrative confinement unless in a unit with televisiting capability); Nevada, AR 507(4)(E) (“administrative segregation inmates will be allowed contact visits unless security of the institution dictates otherwise”); New Hampshire, PPD 7.09(IV)(D)(9) (permitting two visits per week besides attorney and clergy visits); New Jersey, ACSU Administrative Segregation Inmate Handbook (defining levels of program and corresponding non-contact visit privileges); New Mexico, CD-143000(X) (“inmates in segregation shall have opportunities for visitation unless there are substantial reasons for withholding such privileges”); New York, 7 NYCRR 1704.7(d) (permitting one non-legal visit per week, subject to further restriction); North Carolina, C.1215 (permitting two non-contact visits every thirty days); North Dakota, 5A-20(3)(H)(2) (permitting administrative segregation inmates one hour of visiting time on each authorized day and up to 10 hours per month); Ohio, AR 55-SPC-02(VI)(A)(14) (permitting

“same access to visitation as general population unless security or safety considerations dictate otherwise”); Oklahoma, OP-040204(V)(A)(12) (permitting visiting privileges in accordance with level assignment); Oregon, OAR 291-127-0260(6) (permitting one non-contact one-hour visit/week with two visitors); Pennsylvania, DC-ADM 802(§3)(A)(2)(d) (“all visits are non-contact” and governed by program phases); Rhode Island, 12.02-2 DOC(III)(E)(2) (one visit per week, if detainee’s behavior permits, excluding visit with attorney); South Dakota, DOC Policy 1.3.D.4 & 1.5.D.1 (permitting non-contact visits); Tennessee, DOC Policy 506.16(IV)(E)(1) & 507.01.1 (allowing visits by family, attorney, and minister only; opportunity for contact visits determined by facility); Vermont, DOC Policy 410.06 (permitting one visit per week, non-contact or contact according to facility and step-down status); Virginia, OP 861.3(V)(D)(16) (establishing non-contact visitation, one one-hour visit per week with no more than five persons); Washington, DOC 320.260(III)(A)(2) (providing for no-contact visits with immediate family members); West Virginia, PD 326.00(V)(B)(18) (“inmates in segregation shall have opportunities for visitation unless there are substantial reasons for withholding such privileges”); Wisconsin, Wis. Admin. Code DOC §§ 309.09(4) & DOC 309.11(1) (allowing one hour per week, permitting warden to impose non-contact visiting on inmates in administrative segregation); Wyoming, P&P #5.400(IV)(K)(1)(iv) (requiring pre-arranged visits for inmates in long-term administrative segregation and varying hours of non-contact visitation per month depending on level of isolation).

<sup>89</sup> Florida, Fla. Admin. Code r. 33-602.220(5)(i); Maine, DOC 15.1(VI)(E)(2)(C); Oregon, OAR 291-127-0260; Washington, DOC 320.260(III)(A)(2).

<sup>90</sup> Maine, DOC Policy 15.1(VI)(E).

<sup>91</sup> Georgia, SOP IIB09-0001(VI)(E)(5); Hawaii, COR.11.01(3.1)(f); Idaho, SOP 319.02.01.001(18); Illinois, Ill. Admin. Code tit. 20, §505.80; Iowa, HO-05(H)(2)(h)(i), Kansas, IMPP 20-101 (II)(b); New Hampshire, PPD 7.09(IV)(A)(1); New York, 7 NYCRR 302.2(i)(1)(i); Rhode Island, 12.02-2(III)(E)(2); Tennessee, DOC 506.16(VI)(E)(1).

<sup>92</sup> Alaska, DOC Policy 804.01(VII)(G)(2)(b)(4); Arizona, AR 911.05.1.4; Arkansas, AD 11-42(III)(C)(7)-(8); Iowa, HO-05(H)(2)(o)(i); Kansas, IMPP 10-110; Kentucky, CPP 10.2(II)(O); Maine, DOC 15.1(VI)(E)(2)(O); Maryland, DOC.100.0002(18)(F)(13)(a); Massachusetts, 103 CMR 421.20(7); Minnesota, DD 301.087(E)(18), 301.085(E); Missouri, IS21-1.2(E)10(a); Nevada, AR 507 4(Q); New Hampshire, PPD 7.09 (IV)(L); New Jersey, ACSU Administrative Segregation Inmate Handbook; New Mexico, CD-143005(A)(CC); North Dakota, 5A-20(I)(2); Rhode Island, 12.02-2(III)(E)(7); South Dakota, DOC Policy 1.3.D.4(IV); Tennessee, DOC 506.16(VI)(E)(12); Virginia, OP 861.3(V)(D)(22)(a).

<sup>93</sup> Arkansas, AD 11-42(III)(C)(7).

<sup>94</sup> Iowa, IA DOC HO-05((IV)(F)(7).

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<sup>95</sup> Illinois, 20 Ill. Admin Code §504.620(m); Indiana, DOC Policy 02-01-111(IX)(N); Kentucky, CPP 10.2(II)(O); Maine, DOC 15.1(E)(2)(C); New York, NYCRR 304.9.

<sup>96</sup> Minnesota, DD 301.087(E)(8).

<sup>97</sup> Nevada, AR 507 4(Q).

<sup>98</sup> Federal Bureau of Prisons, BOP 540.50; Georgia, SOP IIB09-0001(VI)(E)(5); Massachusetts, 103 CMR 421.20(7); Maryland, DOC.100.0002(18)(F)(12).

<sup>99</sup> Connecticut, Northern Correctional Institution Administrative Segregation Program Description; New Jersey, ACSU Administrative Segregation Inmate Handbook; Tennessee, DOC 506.16(VI)(E)(1); Washington, DOC 320.260(III)(A)(2).

<sup>100</sup> Oregon, OAR 291-127-0260(6); Mississippi, SOP 19-01-01.

<sup>101</sup> Oregon, OAR 291-127-0260.

<sup>102</sup> New Hampshire, PPD 7.09(IV)(A)(2).

<sup>103</sup> Alabama, AR 303(V)(C); Federal Bureau of Prisons, P5217.01(5)(a)(10) (“inmates may be provided non-contact visits, through the use of videoconferencing or other technology”); Delaware, DOC Policy 4.3(VI)(D); Georgia, SOP IIB09-0001(VI)(E)(5); Idaho, SOP 319.02.01.001(18); Kansas, IMPP 20-101 (III)(B); Kentucky, CPP 10.2(II)(I)(6), 16.1(II)(G)(2); Massachusetts, 103 CMR 421.20(7); Maryland, DOC.100.0002(18)(F)(12); Montana, MSP 3.5.1(III)(G)(2)(I); New Hampshire, PPD 7.09 & PPD 7.49(IV)(Q); North Dakota, 5A-20(H)(2); Ohio, AR 55-SPC-02(VI)(A)(14); Oklahoma, OP-040204(V)(A)(12); Rhode Island, 12.02-2(III)(E)(2); West Virginia, PD 326.00(V)(B)(18).

<sup>104</sup> Arizona, DO 911.05.1.3.1; California, Cal. Code Regs. tit. 15 § 3343(f)(SHU only); Colorado, AR 650-03(IV)(F)(1)(j); Connecticut, Northern Correctional Institution Administrative Segregation Program Description; Hawaii, Maximum Control Unit Functions; Illinois, Ill. Admin. Code tit. 20, § 505.80; Maine, DOC 15.1(VI)(E)(2)(C); Michigan, PD 05.03.140(CC); Minnesota, DD 301.087(E)(11); Mississippi, SOP 19-01-01; Missouri, IS21-1.2(III)(E)(10)(a); Nebraska, AR 210.01(J)(intensive management only); New Jersey, ACSU Administrative Segregation Inmate Handbook; New Mexico, CD-143005(D)(5)(A); North Carolina, C.1215; New York, 7 NYCRR 1704.7(d); Oregon, OAR 291-127-0260(6); Pennsylvania, DC-ADM 802(§3)(A)(2)(d); Rhode Island, 15.11-3 DOC (III)(D)(Category C inmates); South Dakota, DOC Policy 1.3.D.4 & 1.5.D.1; Virginia, OP 861.3(V)(D)(16); Vermont, DOC 410.06(Phase I, “where facility design allows”); Washington, DOC 320.260(III)(A)(2); Wyoming, P&P 5.400(IV)(K)(1)(iv).

<sup>105</sup> California, Cal. Code Regs. tit. 15 §3343(f); Nebraska, AR 210.01(J)



<sup>106</sup> Alaska, DOC 810.02(VII)(C)(2); California, Cal. Code Regs. tit. 15 § 3343(f)(unless SHU); Florida, Fla. Admin. Code r. 33-602.220(5)(i); Indiana, DOC Policy 02-01-111(IX)(E); Iowa, IO-HO-05(IV)(H)(2)(o)(ii); Kentucky, CPP 16.1; Nebraska, AR 210.01(J)(unless intensive management/SMU); Nevada, AR 507(4)(E); Tennessee, DOC Policy 506.16(Procedures)(E)(1) & 507.01.1; Vermont, DOC 410.06 (Phase II, at facilities with non-contact capability); Wisconsin, Wis. Admin. Code DOC §§ 309.09(4) & DOC 309.11(1).

<sup>107</sup> Alaska, DOC 810.02(VII)(C)(2); Florida, Fla. Admin. Code r. 33-602.220(5)(i); Indiana, DOC Policy 02-01-111(IX)(E); Iowa, IO-HO-05(IV)(H)(2)(o)(ii); New York, 7 NYCRR 302.2(i)(1)(ii); Nevada, AR 507(4)(E); Tennessee, DOC Policy 506.16(E)(1) & 507.01.1; Vermont, DOC Policy 410.06 (Phase II only); Wisconsin, Wis. Admin. Code DOC §§ 309.09(4) & DOC 309.11(1).

<sup>108</sup> Vermont, DOC 410.06 (Attachment 1).

<sup>109</sup> Minnesota, DD 301.087(E)(11).

<sup>110</sup> Delaware, DOC 4.3(VI)(D)(1); Iowa, IA-HO-05(IV)(H)(2)(o)(i); Kansas, IMPP 20-101 (III)(B); New Mexico, CD-143000(X); Virginia, OP 861.3 (16)(a); Wyoming, P&P 5.400(IV)(K).

<sup>111</sup> Florida, Fla. Admin. Code r. 33-602.220(5)(i).

<sup>112</sup> Massachusetts, MA 423.09 (1)(e).

<sup>113</sup> Alaska, DOC 804.1(VII)(F)(1); Federal Bureau of Prisons, BOP 540.50(c); Arizona, DOC 911.04.1.2.1; Colorado, CO AR 650-3(F)(1)(j); Connecticut, Northern Correctional Institution Administrative Segregation Program Description; Florida, Fla. Admin. Code r. 33-602.220(5)(i); Illinois, Ill. Admin. Code tit. 20, § 525.20; Indiana, DOC 02-01-111(IX)(E); Iowa, DOC HO-05(IV)(H)(2)(o); Kansas, IMPP 20-101 (III)(B); Kentucky, CPP 16.1(G)(2); Louisiana, Visitors Code of Conduct and General Information; Massachusetts, 103 CMR 421.20(7); Maryland, DOC.100.0002(18)(F)(12); Michigan, PD 05.03.140 (CC)-(EE); Mississippi, SOP 19-01-01(k); Montana, DOC 3.3.8 (IV)(A); Nevada, AR 507 4(E); New York, 7 NYCRR 1704.7(d); Oregon, OAR 291-127-0260 (3)(c) Rhode Island, 12.02-2(E)(2); Tennessee DOC 507.1(VI)(B)(6)(h); Virginia, DOC OP 861.3 (16); West Virginia, PD 326.00(V)(B)(18); Wyoming, P&P 5.400 (IV)(B)(1).

<sup>114</sup> Florida, Fla. Admin. Code r. 33-602.220(5)(i); Indiana, DOC 02-01-111 (IX)(E); Illinois, Ill. Admin. Code tit. 20, § 505.80; Maine, DOC 15.1(E)(2)(C); Minnesota, DD 301.087 (11) & 301.085(E); Mississippi, MS SOP 19-01-01(k); New Hampshire, PPD 7.09(IV)(I); New Jersey, IMM.012.001(IV)(I); New Mexico, CD-143000(X); Oregon, OAR 291-127-0260; Washington, DOC 320.260(III)(A)(2); Wyoming, DOC 5.400(IV)(K).

<sup>115</sup> Alaska, DOC 804.1 (VII)(F).

<sup>116</sup> Kentucky, CPP 16.1(G)(2).

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<sup>117</sup> Alabama, AR 303(V)(A)(4); Alaska, DOC 804.1(VII)(F); Arizona, DOC 911.04.1.12; Arkansas, AD 11-42(III)(C)(8); Federal Bureau of Prisons, BOP 540.50(c); California, Cal. Code Regs. tit. 15 § 3343(f); Delaware, DOC 4.3(VI)(D)(1); Florida, Fla. Admin. Code r. 33-602.220(5)(i); Georgia, SOP IIB01-0005(IV)(c); Illinois, Ill. Admin. Code tit. 20, § 505.80; Iowa, IA-HO-05(H)(2)(o)(i); Indiana, DOC 02-01-111(IX)(E); Kansas, IMPP 20-101(III)(B); Kentucky, CPP 16.1(G); Maryland, DOC.100.0002(18)(F)(12); Massachusetts, 103 CMR 421.20(7); Michigan, PD 05.03.140; Mississippi, SOP 19-01-01(k); Montana, MSP 3.5.1 (III)(G)(2)(1); Nebraska, AR 210.01(J); Nevada, AR 507(4)(E); Ohio, AR 55-SPC-02(IV); Oklahoma, OP 040204(IV)(A)(12); South Dakota, DOC 1.5.D.1; Tennessee, 507.1, 506(16)(E); Wisconsin, Wis. Admin. Code DOC § 309.11(1); Wyoming, P&P 5.400 (Wyoming has noted that in practice, inmates are afforded visitation per the limits in the policy assuming good behavior. The policy, however, does not require the facility to allow visitation.)

<sup>118</sup> Indiana, IN DOC 02-01-111 (IX)(E).

<sup>119</sup> Maryland, DOC.100.0002(18)(F)(12); Mississippi, MS SOP 19-01-01(k); Montana, MT DOC 3.3.8; New Hampshire, PPD 7.09(IV)(D)(9), Wis. Admin. Code DOC § 308.04 (12)(c).

<sup>120</sup> Hawaii Maximum Control Unit Handbook, at 5.

<sup>121</sup> North Carolina, C.1215.

<sup>122</sup> Pennsylvania, DC-ADM 812(1-4); DC-ADM 801(6).

<sup>123</sup> Colorado, AR 650-3(H); Connecticut, Northern Correctional Institution Administrative Segregation Program Description; New Jersey, IMM.012.001(IV)(I); New Mexico, CD-143000, Attachment CD-143002.A and CD-143002.B; Washington, DOC 320.255, Attachment 1.

<sup>124</sup> Colorado, AR 650-03(VI)(H).

<sup>125</sup> Colorado, AR 650-03(VI)(H) (Administrative Segregation Privilege Levels).

<sup>126</sup> Connecticut, Northern Correctional Institution Administrative Segregation Program Description.

<sup>127</sup> New Jersey, IMM.012.001(IV)(I).

<sup>128</sup> Indiana, DOC 02-01-111(IX)(E).

## Appendix A

# Summary of the Report

## Administrative Segregation, Degrees of Isolation, and Incarceration: A National Overview of State and Federal Correctional Policies in the United States

### The Goals

- Provide a national portrait of policies on the uses of administrative segregation
- Understand commonalities and variations across jurisdictions
- Invite consideration about how, when, and whether to use isolating settings
- Encourage conversations across perspectives on these practices

### Methodology: Collecting Policies

Phase I: Review publicly available policies  
43 reviewed, including via FOIA

Phase II: Solicit policies via ASCA;  
42 received as of December 31, 2012

Current Status:  
Policies from 50 jurisdictions, including Federal BoP  
47 policies on administrative segregation

### Challenges of Comparisons

Various terms:

administrative close supervision, administrative confinement, administrative segregation, behavior modification, departmental segregation, inmate segregation, intensive management, locked unit, maximum control unit, restricted housing, security control, security housing unit, segregated housing, special housing unit, and special management

Differing levels of specificity

Interstate and intra-jurisdiction variation

## Defining Administrative Segregation

Separation of prisoners from general population typically in a cell (double or single), for 23 hours/day

Generally long-term: not fixed, either indefinite or renewable, and 30 days or more

Not punitive, disciplinary, or protective

## Policies with General Authority/ Few Enumerated Factors

“Non-punitive placement of an inmate in a cell whose continued presence in the general population poses a serious threat to life, property, security or the orderly operation of the institution.”

- Alabama, AR 436.3A

“Any other circumstances where, in the judgment of staff, the offender may pose a threat to the security of the facility.”

<sup>8</sup> Arkansas, AR836 DOC 4.6

“Continued presence in the general population poses a threat to life, property, self, staff, other offenders or to the safety/security or orderly operation of the facility.”

- Delaware, DOC IV.2 4A; *see also* Pennsylvania, DC-ADM 802, III; Oklahoma, OP-040204.1

“Presence of the inmate in general population would pose a serious threat to the community, property, self, staff, other inmates, or the security or the good government of the facility.”

- Hawaii, COR.11.01.2.2.a.2; *see also* North Dakota, DOC 5A-20.2.a; Vermont, DOC 410.03

“Based on: 1) threat an offender’s continued presence in the general population poses to life, self, staff, other offenders, or property; 2) threat posed by the offender to the orderly operation and security of the facility; and 3) regulation of an offender’s behavior which was not within acceptable limits while in the general offender population.”

- Indiana, DOC 02-01-111 –II

“Administrative segregation admission results from a determination by the facility that the inmate’s presence in general population would pose a threat to the safety and security of the facility.”

- New York, 7 NYCRR 301.4(b)

## Example of Enumerated Criteria

Nebraska Department of Correctional Services, Admin. Reg. 201.05

1. The threat potential to staff and/or inmates posed by the inmate.
2. The behaviors leading to the inmate's referral or placement on Administrative Segregation status.
3. The inmate's history of or lack of predatory behavior.
4. The inmate's history of or lack of assaultive behavior.
5. The inmate's history of or lack of escape/attempted escapes.
6. The inmate's history of or lack of membership in a criminal threat group.
7. The injuries the inmate may have caused to others.
8. The inmate's use of weapon(s) in this or prior incidents.
9. The inmate's documented mental health issues.
10. The inmate's prior criminal history.
11. The inmate's prior disciplinary record (misconduct reports, etc.).
12. The inmate's history of or lack of illicit drug use within the Nebraska Department of Correctional Services.
13. The programming that the inmate has or has not completed.
14. The prior classification decisions involving the inmate's status.
15. The inmate's documented behavior (incident reports, etc.) and interactions with staff and other inmates.
16. The professional judgment and recommendations of Nebraska Department of Correctional Services staff regarding the classification of the inmate.
17. The real or perceived threat of harm to the inmate from other inmates.
18. The inmate's statements regarding admission of prior actions, a commitment to changing behavior, and accountability for prior acts.
19. Any other information regarding the inmate that the classification authority deems appropriate.

## Examples of Additional Criteria

"Pending investigation for trial . . . or a pending transfer."

- Alaska, 804.01

"Disruptive geographical group and/or gang-related activity."

- Bureau of Prisons, P5217.01(2)

"Jeopardizes the integrity of an investigation of an alleged serious misconduct or criminal activity."

- California, Article 7, 3335(a)

"A conviction of a crime repugnant to the inmate population."

- Florida, Fla. Admin. Code r. 33-602.220(3)(e)

“Those who received unusual publicity because of the nature of their crime, arrest, or trial, or who are involved in criminal activity of a sophisticated nature, such as organized crime.”

- Montana, 04.05 120 C(d)

“Those with special needs, including those defined by age, infirmity, mental illness, developmental disabilities, addictive disorders, and medical problems.”

- Montana, 04.05 120C(f); *see also* Kentucky, 501KAR6:020; Maryland DOC.100.002-18B(2)(e)

“Prisoner tests positive for HIV infection and is subsequently found guilty of a major misconduct for behavior which could transmit HIV infection.”

- Montana, 04.05 120 L(6)

“As a ‘cooling off’ measure.”

- North Carolina, DOC Ch. C.1201(A)(4)(e)

“There is a history of unresponsiveness to counseling or conventional disciplinary sanctions and the inmate is flagrantly or chronically disruptive to the security and/or disciplined operation of the institution.”

- South Dakota, 1.3.D.4(B)(5)

“Pending prosecution and disposition in criminal court for felony charges incurred during incarceration.”

- Tennessee, VI(d); *see also* Miss., 19-01-01(77)

“No records and/or essential information are available to determine the inmate’s custody level or housing needs.”

- Pennsylvania, DC-ADM 802, Sec. 1(A)(1)(j)

### **Discretion Tied to Approval by Warden, Director, or Commissioner**

“Other circumstances may warrant placement in administrative segregation. Such placement will require approval by the Director of Prisons.”

- Colorado, Admin. Reg. 650-03(IV)(b)(6)

“The Watch Commander, or higher authority, may order immediate Administrative Segregation when it is necessary to protect the offender or others. This action is reviewed within 72 hours by the facility Warden.”

- Delaware, Policy No. 4.3(VI)(A)

“An inmate may be placed or retained in a DSU [Departmental Segregation Unit] only after a finding by the Commissioner based on substantial evidence that, if confined in the general population of any state correctional facility: (1) The inmate poses a substantial threat to the safety of others; or (2) The inmate poses a substantial threat of damaging or destroying property; or (3) The inmate poses a substantial threat to the operation of a state correctional facility.”

- Massachusetts, Policy No. 421.09

### **Example of Narrowed Criteria**

Virginia revised its criteria in 2012 to narrow the bases for placement in administrative segregation. Additions and deletions are shown below in track changes.

The following Segregation Qualifiers indicate that the offender should be considered for assignment to Security Level S:

S-1 – Aggravated Assault on staff

S-2 – Aggravated Assault on Inmate w/weapon or Resulting in Serious Injury w/o weapon

S-3 – ~~Repeated or Continuous Refusal to enter GP at a Security Level 4 or 5 facility for 12-~~  
~~months~~ Not Used

S-4 - Serious Escape Risk - requiring maximum security supervision

S-5 - Commission of Crime of Exceptional Violence and/or Notoriety

S-6 - Excessive **Violent** Disciplinary Charges – reflecting inability to adjust to a lower level of supervision

S-7 - Setting Fire Resulting in Injury to Persons or Extensive Damage to State Property

S-8 - Rioting resulting in Injury to Persons or Extensive Damage to State Property

S-9 - Seizing or Holding Hostages

S-10 - Possession of Firearms, Ammunition, Explosives, Weapons

S-11 - Knowingly Transferring HIV or other Disease to Another Person or Refusal to Submit to Testing

S-12 - Gang Activity Related to any Category I Offense or a Documented Gang Leadership Role

S-13 – Staff Manipulator/Predator

S-14 – Behavior that represents a threat level too great for the safety and security of a lower level institution.

--Virginia, Operating Procedure 830.2, Security Level Classification.

## Initial Placement in Administrative Segregation

### Processes for Placement

#### Decision-Makers

Committee:	31	jurisdictions
Hearing officer:	12	jurisdictions
Warden/designee:	3	jurisdictions

#### Notice and Hearings (broadly defined)

- 38 jurisdictions specify hearings
- 29 jurisdictions require hearings within 14 days
- 9 jurisdictions do not specify that hearings are to be provided

#### Evidence (broadly defined)

- 30 jurisdictions authorize inmate presentation of evidence
- 8 jurisdictions do not specify

#### Inmate Assistance/Representatives

- 8 jurisdictions authorize assistance or representatives
- 10 additional jurisdictions provide for assistance in specified circumstances
- 20 jurisdictions do not specify that inmates can have assistance
- 2 jurisdictions authorize lawyers/1 prohibits lawyers

### Review and Appeal

#### Review

Automatic review by warden:	15 jurisdictions
Automatic review by central office:	9 jurisdictions

#### Appeal – inmate initiation

9 jurisdictions: inmates appeal either to central office or to warden

7 jurisdictions do not specify appeal or review processes specific to administrative segregation

Some jurisdictions use regular grievance procedures

Rate of approval/reversal unknown



## Periodic Review

Every jurisdiction provides periodic review

### First periodic review

- 27 jurisdictions: 28 days or less
- 14 jurisdictions: 30 - 90 days or less
- 6 jurisdictions: 6 months - 1 year or less

### Subsequent Reviews

- 4 jurisdictions: 28 days or less
- 37 jurisdictions: 30-90 days or less
- 6 jurisdictions: 6 months - 1 year or less
- 2 jurisdictions: minimum time before periodic review (120 days - 1 year)
  
- 6 jurisdictions require approval by commissioner/deputy for 6 months - 1 year
- 4 jurisdictions require approval by warden for longer than 1 year

Unknown whether the timing and frequency of reviews correlate with duration in administrative segregation

## Visitation

Many decisions are at facility level

### Legal Visits

- All jurisdictions permit
- 10 jurisdictions provide that no limitations may be placed on contact with lawyers

### Religious visits

- 20 states expressly provide visits

### Personal Visits

- All jurisdictions permit personal visits
- 4 states limit to immediate family/relatives

Degree of contact:

- 22 bar contact visits (depending on kind of segregation)
- 11 permit contact visits
- 10 require permission from warden
- 14 policies do not specify
- 1 state ties to progression in program
- 1 state allows visits only via closed circuit video

## Research Questions Raised

### Implementation

- Bases for placement
- Program opportunities
- Duration of segregation
- Degrees of isolation
- Mental health implications
- Transfer and return
- Release opportunities
- Support for reentry
- Recidivism

Demographic data: age, ethnicity, gender, LGBT, race, religion

Inmates' perspectives on and experiences of isolation

Staff perspectives on, training for, and experiences of implementing isolation

Utilities and costs

Alternatives

## Appendix B

# Summary of Periodic Review Processes

## Administrative Segregation, Degrees of Isolation, and Incarceration: A National Overview of State and Federal Correctional Policies in the United States

The intervals listed below are the maximum durations permitted; reviews may happen sooner.

State	Interval No. 1	Interval No. 2	Interval No. 3	Reviewing Authority	Review/ Appeal
Alabama	Weekly	Weekly	Weekly	Institutional Segregation Review Board, comprised of Warden, Chaplain, and Classification Supervisor. <sup>1</sup>	No
Alaska	Monthly	Monthly	Monthly	Institutional Probation Officer makes initial recommendation to Superintendent. <sup>2</sup>	Yes
Arizona	Six months	Yearly	Yearly	Correctional Officer, Unit's Deputy Warden, and Warden. Central Classification Administrator makes final decision. <sup>3</sup>	Yes
Arkansas	Weekly (first two months)	Monthly	Monthly	"Classification Committee or authorized staff". <sup>4</sup>	No

State	Interval No. 1	Interval No. 2	Interval No. 3	Reviewing Authority	Review/ Appeal
California	180 days	180 days	180 days	Institutional Classification Committee or Classification Staff Representative <sup>5</sup>  (indeterminate SHU)	No
	180 days	180 days	180 days	Institutional Classification Committee <sup>6</sup>  (administrative segregation to investigate gang affiliation)	No
	90 days	90 days	90 days	Institutional Classification Committee; Departmental Review Board can grant release. <sup>7</sup>  (administrative segregation pending investigation of “non-disciplinary reasons for segregation”)	No
Colorado	Weekly (first two months)	Monthly	Monthly	Internal Classification Committee and Appointing Authority, subject to approval from the Deputy Director and Central Classification Committee <sup>8</sup>	No
Connecticut	Weekly (first two months)	Monthly	Monthly	Unit Manager, Classification Counselor Supervisor, Major of Programs and Services, and endorsed by the Unit	No

State	Interval No. 1	Interval No. 2	Interval No. 3	Reviewing Authority	Review/ Appeal
	10 month minimum program	Monthly	Monthly	Administrator. Removal must be approved by the Director of Offender Classification and Population Management. <sup>9</sup>	No
Delaware	7 days	30 days	30 days	Warden (beyond 30 days); Commissioner (beyond 1 year). <sup>10</sup>	No
Federal Bureau of Prisons	Weekly (first month)	Monthly	Monthly	Segregation Review Officer (Administrative Detention) <sup>11</sup>	Yes
	28 days	90 days	90 days	Disciplinary Hearing Officer; must be approved by Regional Director. <sup>12</sup>  (Special Management Unit)  Note: entire program expected to take 18-24 months	Yes
Florida	Weekly	Monthly	Monthly	Weekly initial reviews by Institutional Classification Team; monthly reviews by State Classification Office. <sup>13</sup>	No
Georgia	Weekly (first two months)	Monthly	Monthly	Counselor informally reviews and reports to warden the inmate's well-being for first two months, while Classification Committee reviews every thirty days. <sup>14</sup>	Yes

State	Interval No. 1	Interval No. 2	Interval No. 3	Reviewing Authority	Review/ Appeal
Hawaii	Weekly	Weekly	Weekly	Warden within first five days, then Facility Classification Committee thereafter. <sup>15</sup>	No
Idaho	Monthly (first 90 days)	120 days	120 days	Restrictive Housing Review Committee, normally the Case Management Team. <sup>16</sup>	No
Illinois	90 days	90 days	90 days	Chief Administrative Officer. <sup>17</sup>	No
Indiana	Weekly (first two months)	Monthly	Monthly	Classification Committee (facility-level segregation unit) or “staff designated by the Facility Head.” <sup>18</sup>	No
	Unspecified for “Department-Wide Segregation”				
Iowa	Weekly (first two months)	Monthly	Monthly	Committee, defined as “Unit Management Team, Classification Team, Treatment Team, or Segregation Review Team.” <sup>19</sup>	Yes

State	Interval No. 1	Interval No. 2	Interval No. 3	Reviewing Authority	Review/ Appeal
Kansas	Weekly (first month)	Monthly	Monthly	Administrative Segregation Review Board (one clinical staff member, one security staff member, and one classification staff member). Program Management Committee will review inmates in Administrative Segregation every 180 days. Warden submits report on all inmates in Administrative Segregation for more than 1 year. <sup>20</sup>	Yes  (placements over 1 year)
Kentucky	Weekly	Weekly	Weekly	Classification Committee. <sup>21</sup>  (Administrative Segregation)	No
	90 days	30 days	30 days	Classification Committee. <sup>22</sup>  (Administrative Control)	Yes
Maine	72 hours	Weekly (first two months)	Monthly	Chief Administrative Officer (initial review); Unit Management Team (monthly reviews); Commissioner (after 6 months). <sup>23</sup>	Yes
Maryland	Monthly	Monthly	Monthly	Case Management Team recommendation, and approval by managing official or designee; commissioner (more than 1 year). <sup>24</sup>	No

State	Interval No. 1	Interval No. 2	Interval No. 3	Reviewing Authority	Review/ Appeal
Massachusetts	Weekly (first two months)	Monthly	Monthly	Correctional Program Officer, approved by Director of Classification.  (Special Management Unit) <sup>25</sup>	Yes
	90 days	90 days	90 days	Departmental Segregation Unit (DSU) Board and approval by Commissioner. <sup>26</sup>	Yes
Michigan	Weekly (first two months)	Monthly	Monthly	Security Classification Committee (includes consultation with mental health professional); Warden (written approval 30 days or more; personal interview, 6 months or more); Regional Prison Administrator (personal interview 12 months or more). <sup>27</sup>	Yes
Minnesota	24 hours (unit ad. seg.)	Weekly (first two months)	Monthly	Unspecified <sup>28</sup>	Yes
	6 months (admin. control status)	6 months	6 months	Administrative Control Unit Quarterly Review Committee (includes Program Director, Unit Lieutenant, case manager, mental health professional, education staff member). <sup>29</sup>	Yes



State	Interval No. 1	Interval No. 2	Interval No. 3	Reviewing Authority	Review/ Appeal
Mississippi	72 hours	Weekly (first two months)	Monthly	Classification Hearing Officer; <sup>30</sup> may be appealed to Warden  (Segregation)	Yes
	90 days	90 days	90 days	Unit Review Team (Warden, Deputy Warden, Case Manager, Unit Administrator) makes recommendations to Deputy Administrator (retention); Administrator (release). <sup>31</sup>  (Long-term Segregation)	Yes
Missouri	30 days	90 days	90 days	Administrative Segregation Committee (chaired by the Functional Unit Manager with a caseworker and corrections officers); 12 months or more, Deputy Director. <sup>32</sup>	No
Montana	Monthly	Monthly	Monthly	Not specified. <sup>33</sup>	Yes
Nebraska	Weekly (first two months)	14 days	14 days	Warden. <sup>34</sup>	Yes
Nevada	72 hours	Monthly	Monthly	Classification Committee. <sup>35</sup>	No
New Hampshire	Weekly (first two months)	Monthly	Monthly	SHU Unit Team; Warden (3 months); Commissioner (6 months). <sup>36</sup>	No

State	Interval No. 1	Interval No. 2	Interval No. 3	Reviewing Authority	Review/ Appeal
New Jersey	Every 2 months (first year)	6 months	6 months	Special Administrative Segregation Review Committee. <sup>37</sup>	No
New Mexico	Weekly (first two months)	Monthly	Monthly	Review by Classification Committee (Classification Bureau Chief, Deputy Classification Bureau Chief, and Unit Management Team). <sup>38</sup>	No
New York	60 days	60 days	60 days	Committee consisting of “a member of facility executive staff, a security supervisor, and a member of the guidance and counseling staff.” <sup>39</sup>	Yes
North Carolina	7 days	30 days	60 days	Case Manager (7- and 30-day reviews); Facility Classification Committee (60-day review). After 60 days may be referred to Director’s Classification Committee for “intensive control assignment.” <sup>40</sup>	Yes  (standard grievance process)
North Dakota	Weekly (first two months)	Monthly	Four Months	Administrative Segregation Committee; Warden (four months); Director (yearly). <sup>41</sup>	No

State	Interval No. 1	Interval No. 2	Interval No. 3	Reviewing Authority	Review/ Appeal
Ohio	Weekly (first two months)	Monthly	180 days	Unit Team (unit manager, case managers, and correctional counselors (sergeants)); may consist of just one member. Director must approve past 180 days. <sup>42</sup>	No
Oklahoma	Weekly (first two months)	Monthly	Monthly	Classification Committee. <sup>43</sup>	No
Oregon	Monthly	Monthly	Monthly	Special Population Management Committee (SPM) (at least three department staff members, to include a representative from Institution Operations, Behavioral Health Services, and the Office of Population Management) (after first 30 days), then Special Needs Inmate Evaluation Committee. <sup>44</sup>	No
Pennsylvania	Weekly (first two months)	Monthly	Monthly	Counselor (interviews weekly); Program Review Committee (first two months); Unit Management Team (monthly). <sup>45</sup>	Yes
Rhode Island	90 days	90 days	90 days	Classification Board. Class C inmates <sup>46</sup>	No

State	Interval No. 1	Interval No. 2	Interval No. 3	Reviewing Authority	Review/ Appeal
South Dakota	90 days	90 days	90 days	Administrative Segregation Hearing Board (generally a Captain and two unit managers). <sup>47</sup>	Yes
Tennessee	Weekly (first two months)	Monthly	Monthly	Administrative Review Panel, approved by Warden; Director of Classification and Assistant Commissioner of Operations review if Warden continues segregation against Panel's recommendation for four consecutive months. <sup>48</sup>	No
Vermont	Weekly	30 days	60 days	Segregation Review Committee, approved by Superintendent; approved by Deputy Commissioner (after 60 days). <sup>49</sup>	No
Virginia	Weekly (first two months)	Monthly	Monthly	Special Housing Unit Supervisor. <sup>50</sup>	Yes  (standard grievance process)
	90 days	90 days	90 days	Institutional Classification Authority. <sup>51</sup>  (formal review)	Yes  (standard grievance process)

State	Interval No. 1	Interval No. 2	Interval No. 3	Reviewing Authority	Review/ Appeal
Washington	2 days	14 days	30 days	Classification Team.  (Administrative Segregation; limit of 47 days, then may be transferred to IMU)	No
	180 days	180 days	180 days	Classification Team; release from IMU/ITU must be approved by Assistant Secretary.  (Intensive Management/Treatment Unit) <sup>52</sup>	No
West Virginia	Weekly  (first two months)	Monthly	Monthly	Classification Committee "or other authorized staff group." <sup>53</sup>	No
Wisconsin	Weekly	Monthly	Monthly	Administrative Confinement Review Committee; Warden (more than 12 months). <sup>54</sup>	Yes
Wyoming	Weekly  (first two months)	Monthly	Monthly	Unit Management Team, approved or denied by Warden. Central Office Team review conducted every 180 days. <sup>55</sup>	Yes

APPENDIX B—ENDNOTES

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<sup>1</sup> Alabama, AR 436(V)(A)(2).

<sup>2</sup> Alaska, AK DOC 804.01(VII)(D).

<sup>3</sup> Arizona, AZ DO 801.10.

<sup>4</sup> Arkansas, AD 11-42(III)(D)(1).

<sup>5</sup> Cal. Code Regs. tit. 15, § 3335(e).

<sup>6</sup> Cal. Code Regs. tit. 15, §§ 3335 (d)(2), 3341.5(c)(5).

<sup>7</sup> Cal. Code Regs. tit. 15, § 3335 (d)(3).

<sup>8</sup> Colorado, AR 650-03, (IV)(J)(2).

<sup>9</sup> Northern Correctional Institution Administrative Segregation Program.

<sup>10</sup> Delaware, DOC Policy No. 4.3(VI)(A)(3).

<sup>11</sup> Federal Bureau of Prisons, BOP 541.23.

<sup>12</sup> Federal Bureau of Prisons, P5217.01.

<sup>13</sup> Fla. Admin. Code r. 33-602.220.8.

<sup>14</sup> Georgia, SOP IIB09-0001(VI)(H)-(I).

<sup>15</sup> Hawaii, COR.11.01(3.0)(b); COR.11.04(4.0)(5)(e).

<sup>16</sup> Idaho, SOP 319.02.01.001(10), (15).

<sup>17</sup> Ill. Admin. Code tit. 20, § 504.660(c).

<sup>18</sup> Indiana, Policy 02-01-111(VII).

<sup>19</sup> Iowa, IO-HO-05(III); IO-HO-05(IV)(A)(7).

<sup>20</sup> Kansas, IMPP 20-106.

- <sup>21</sup> Kentucky, CPP 10.2(II)(M)(2)(d).
- <sup>22</sup> Kentucky, CPP 10.2(II)(M)(3)(a)(5).
- <sup>23</sup> Maine, DOC 15.1.
- <sup>24</sup> Maryland, DOC.100.0002(5)(D)-(F); DOC.100.0002(18)(B).
- <sup>25</sup> Massachusetts, 103 CMR 423.08; 103 CMR 420.09.
- <sup>26</sup> Massachusetts, 103 CMR 421.15-421.18.
- <sup>27</sup> Michigan, PD 04.05.120(BBB)-(GGG).
- <sup>28</sup> Minnesota, DD 301.085(C).
- <sup>29</sup> Minnesota, DD 301.087(G).
- <sup>30</sup> Mississippi, SOP 19-01-01.
- <sup>31</sup> Mississippi, SOP 19-01-03.
- <sup>32</sup> Missouri, IS21.-1.2(III)(B).
- <sup>33</sup> Montana, DOC 3.5.1(III)(H)(1).
- <sup>34</sup> Nebraska, AR 201.05(IV)(C), (VI)(A & B).
- <sup>35</sup> Nevada, AR 507.01(2)(I).
- <sup>36</sup> New Hampshire, PPD 7.14(III)(1)(H)(1), (VI)(2).
- <sup>37</sup> New Jersey, IMM.012.ADSEG.02(IV).
- <sup>38</sup> New Mexico, CD-143000.5(I)-(J).
- <sup>39</sup> 7 NYCRR 301.4(d)(1).
- <sup>40</sup> North Carolina, C.0302. The text states that a “designated staff member” will conduct the reviews; representatives from North Carolina DOC informed us that case managers typically perform these reviews.
- <sup>41</sup> North Dakota, 5A-20(3)(E).

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<sup>42</sup> Ohio Admin. Code 5120-9-13.1(H,I); 55-SPC-02(IV), (VI)(B)(4).

<sup>43</sup> Oklahoma, OP-O40204(III)(A)(7).

<sup>44</sup> Oregon, AR 291-046-0005; 291-046-0025; 291-046-0090.

<sup>45</sup> Pennsylvania, DC-ADM 802(2)(D).

<sup>46</sup> Rhode Island, Procedure for Classification to Category C.

<sup>47</sup> South Dakota, DOC Policy 1.3.D.4.

<sup>48</sup> Tennessee, DOC Policy 404.10(VI)(B).

<sup>49</sup> Vermont, 410.03(6).

<sup>50</sup> Virginia, OP 861.3(V)(B)(3).

<sup>51</sup> Virginia, OP 861.3(IX)(A)(5).

<sup>52</sup> Washington, DOC 320.200(III)(C); DOC 320.250.

<sup>53</sup> West Virginia, DOC 326.00(V)(B)(4).

<sup>54</sup> Wisconsin, Wis. Admin. Code DOC § 308.04(10)-(11). Inmates may appeal their placement after six months. The twelve-month review by the Warden is automatic.

<sup>55</sup> Wyoming, P&P 3.302(IV)(E)-(F). Note also that in cases where the Unit Management Team recommends release but the Warden disagrees, that disagreement gives the inmate the right to appeal to the Wyoming DOC Prison Division Administrator. Wyoming, P&P 3.302(IV)(E)(5)(ii).