

2016 RESTRICTIVE HOUSING ANNUAL REPORT

NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES

September 15, 2016

Prepared by NDCS Policy and Research Division

Introduction

One of the keys to success in any reform process in a large organization is monitoring of implementation so that the question “Where are we now and what is the next step?” can be answered and necessary adjustments made. Successful implementation also takes time and data collection and reporting can initially be a struggle. Tracking progress helps to engage staff in the process and provides stakeholders the confidence that reform is moving forward. This report documents the use of restrictive housing within the Nebraska Department of Correctional Services (NDCS) for FY 2016. This is the first restrictive housing annual report from the Nebraska Department of Correctional Services (NDCS) pursuant to Nebraska Revised Statute §83-4,114, which states:

The director shall issue an annual report on or before September 15 to the Governor and the Clerk of the Legislature. The report to the Clerk of the Legislature shall be issued electronically. For all inmates who were held in restrictive housing during the prior year, the report shall contain the race, gender, age, and length of time each inmate has continuously been held in restrictive housing. The report shall also contain:

- (a) The number of inmates held in restrictive housing;
- (b) The reason or reasons each inmate was held in restrictive housing;
- (c) The number of inmates held in restrictive housing who have been diagnosed with a mental illness or behavioral disorder and the type of mental illness or behavioral disorder by inmate;
- (d) The number of inmates who were released from restrictive housing directly to parole or into the general public and the reason for such release;
- (e) The number of inmates who were placed in restrictive housing for his or her own safety and the underlying circumstances for each placement;
- (f) To the extent reasonably ascertainable, comparable statistics for the nation and each of the states that border Nebraska pertaining to subdivisions (4)(a) through (e) of this section; and
- (g) The mean and median length of time for all inmates held in restrictive housing.

In addition to the statistical information regarding the use of restrictive housing, this report will also provide a summary of the restrictive housing reforms currently underway, including the new Title 72, Chapter 1 regulations, which went into effect on July 1, 2016, and the elimination of disciplinary segregation as punishment for violation of department rules.

Background: Restrictive Housing within NDCS

It is a reality that incarcerated individuals commit violent or disruptive acts in prison which require them to be separated from the general population for the safety of the inmate, others, and the security of the

institution. Restrictive housing serves a legitimate purpose when utilized appropriately for risk assessment and mitigation with the goal of returning individuals to general population as soon as it is safe to do so. Historically restrictive housing has been used as both punishment and a means to remove individuals from the general population due to threats to safety and security. There have been efforts in the last several years to reduce the time spent in restrictive housing, but it has not been enough. We have held people in restrictive housing as punishment in response to their behavior as opposed to utilizing it solely as a risk management tool.

The issue of restrictive housing reform has become a topic of national discussion in recent years. The focus of this discussion has been on the impacts of restrictive housing, available alternatives and the need to limit the duration and frequency of its use. The appointment of Scott Frakes as director of corrections in February 2015 coincided with an increased interest in restrictive housing reform in the Nebraska Legislature resulting in the adoption of LB 598 during the 2015 session. LB 598 required the Department to adopt restrictive housing rules and regulations and implement a 'least restrictive environment' standard for restrictive housing placements.

The reforms currently underway in NDCS fundamentally change the way restrictive housing operates and embody the concept that restrictive housing should be used to manage risk and not as punishment. Prior to the enactment of recent reforms, there were five categories of restrictive housing within NDCS:

1. Immediate Segregation (IS)- Short term placement as immediate response to disruptive act or security threat;
2. Disciplinary segregation (DS) - Punishment for violation of department rules, limited to 60 days per violation for Class I offense, 45 days for Class II offense; and 30 days for Class III offense. A maximum of 60 days of disciplinary segregation can be imposed for acts arising out of a single incident;
3. Administrative Confinement (AC) – Classification-based restrictive housing assignment of indefinite duration based on behavior and risk to safety and security of the institution;
4. Intensive Management (IM) – The most secure restrictive housing assignment. Similar to AC in that it was classification based and indefinite in duration . Intensive management was utilized sparingly during 2015 and was eliminated in the new restrictive housing rules and regulations; and
5. Protective custody (PC) - Restrictive housing assignment for protection of the inmate.

As required by LB 598, NDCS formally promulgated its restrictive housing rules and regulations, effective July 1, 2016, to establish the 'least restrictive environment' standard for all restrictive housing placements. The restrictive housing rules and regulations are located in Title 72, Chapter 1 of the Nebraska Administrative Code and can be found on the NDCS website. This standard requires that inmates in restrictive housing be housed in the least restrictive environment compatible with the safety of the inmate, others, and institutional security. These reforms also eliminated disciplinary segregation as punishment for violation of institutional rules and introduced the concept of mission specific housing.

An example of mission specific housing is the protective management unit at the Tecumseh State Correctional Institution which now houses over 340 protective custody inmates in a setting consistent with general population conditions. Very few protective custody inmates are being managed in restrictive housing, and only until bed space is available in the appropriate housing unit.

Pursuant to the new restrictive housing [rules and regulations](#), after July 1, 2016 there are two categories of restrictive housing:

1. Immediate Segregation (IS)– A short-term restrictive housing assignment of not more than 30 days in response to behavior that creates a risk to the inmate, others, or the security of the institution. Immediate Segregation is used to maintain safety and security while investigation are completed, risk and needs assessments are conducted, and appropriate housing is identified.
2. Longer Term Restrictive Housing (LT)- A classification-based restrictive housing assignment of over 30 days. Longer-term Restrictive Housing is used as a behavior management intervention for inmates whose behavior continues to pose a risk to the safety of themselves or others and includes inmate participation in the development of a plan for transition back to general population or mission based housing.

The restrictive housing rules also establish a new process for reviewing and authorizing the continuation of restrictive housing placement. The Central Office multidisciplinary review team (MDRT) reviews and authorizes all placements into longer-term restrictive housing. The MDRT is a five member team led by the Deputy Director of Operations with representatives from behavioral health, classification, research and the intelligence unit. The MDRT also reviews each inmate on restrictive housing at least every 90 days to assess compliance with behavioral and programming plans and to determine if promotion to a less restrictive setting is compatible with the safety of the inmate, others and security of the facility. Wardens at each facility must approve placements to immediate segregation within 24 hours (8 hours for juveniles and pregnant inmates) and must also authorize retaining inmates in immediate segregation past 15 days. For a more detailed description of the current reform efforts, the NDCS Long Term Plan for Restrictive Housing Reform can be found [here](#).

Restrictive Housing Placements

The race and sex of individuals placed in restrictive housing during FY 2016 are included in Table 1a. The same data for the entire population is listed in Table 1b. The age distribution of inmates placed in restrictive housing during FY 2016 can be found in Table 2. The total number of inmates in a restrictive housing classification as of July 1, 2016 was 304 and is found in Table 3. This represents 5.7% of the total population of 5,288 inmates. During FY2016, a total of 2,215 unique inmates spent time in restrictive housing, of which the largest percentage was white males between the ages of 22-36.

Table 1a - Restrictive Housing Demographics, FY 2015					Table 1b - NDCS Demographics August 2016				
Race	Male		Female		Race	Male		Female	
	Count	Percentage	Count	Percentage		Count	Percentage	Count	Percentage
White	956	43.16%	76	3.43%	White	2564	49.74%	272	5.28%
Black	627	28.31%	46	2.08%	Black	1305	25.32%	82	1.59%
Hispanic	339	15.30%	16	0.72%	Hispanic	595	11.54%	36	0.70%
Native American	105	4.74%	13	0.59%	Native American	189	3.67%	28	0.54%
Asian	13	0.59%	0	0.00%	Asian	38	0.74%	2	0.04%
Unknown	9	0.41%	0	0.00%	Unknown	19	0.37%	0	0.00%
Other	6	0.27%	8	0.36%	Other	11	0.21%	9	0.17%
Pacific Islander	1	0.05%	0	0.00%	Pacific Islander	5	0.10%	0	0.00%
Grand Total	2056	92.82%	159	7.18%	Grand Total	4726	91.68%	429	8.32%

Table 2 – Age of Restrictive Housing Inmates FY 2015				
Current Age	Male		Female	
	Count	Percentage	Count	Percentage
17 - 21	178	8.04%	12	0.54%
22 - 26	467	21.08%	39	1.76%
27 - 31	410	18.51%	28	1.26%
32 - 36	327	14.76%	37	1.67%
37 - 41	225	10.16%	16	0.72%
42 - 46	166	7.49%	8	0.36%
47 - 51	107	4.83%	11	0.50%
52 - 56	85	3.84%	3	0.14%
57 - 61	50	2.26%	4	0.18%
62+	41	1.85%	1	0.05%
Grand Total	2056	92.82%	159	7.18%

Table 3 RH Population July 1, 2016		
Facility	Type	# of Classifications
DEC	IS	2
DEC Total		2
LCC	AC	32
	DS	19
	IS	36
	PC	16
LCC Total		103
NCW	DS	2
	IS	2
NCW Total		4
NCY	DS	4
	IS	1
	PC	3
NCY Total		8
NSP	AC	21
	DS	25
	IS	22
	PC	16
NSP Total		84
OCC	IS	15
OCC Total		15
TSC	AC	67
	DS	47
	IS	22
	PC	15
TSC Total		151
Total Classifications		367
# of Unique Inmates		310

Reasons for placement

Many inmates spend time in more than one restrictive housing status because under the old policy, individuals always started in immediate segregation and then, if there was a need for continued placement, transitioned to disciplinary segregation, administrative confinement or protective custody. Additionally, individuals could receive disciplinary segregation while in restrictive housing resulting in

some inmates having multiple restrictive housing statuses simultaneously (i.e. an inmate may have been on administrative confinement and disciplinary segregation simultaneously)

Table 4 provides a breakdown of the total number of restrictive housing placements during FY 2015 by restrictive housing category. There were a total of 6,264 assignments to restrictive housing during FY 2015 distributed across 2,215 unique individuals with immediate segregation and disciplinary segregation being the two largest categories. Some individuals had multiple stays in restrictive housing as indicated by the number of IS placements and many were in multiple restrictive housing categories simultaneously.

Seg Conf CD	Male	Female	Grand Total
AC	592	11	603
DS	1600	96	1696
IM	13		13
IS	2872	270	3142
PC	802	8	810
Grand Total	5879	385	6264

The department’s data system does not allow for the aggregation of the specific reasons why individuals were placed into each category of restrictive housing for FY 2015. Changing this practice is part of the current reform effort. The new rules and regulations require all restrictive housing placements to be based one of the six categories:

1. A serious act of violent behavior (i.e., assaults or attempted assaults) directed at correctional staff and/or at other inmates;
2. A recent escape or attempted escape from secure custody;
3. Threats or actions of violence that are likely to destabilize the institutional environment to such a degree that the order and security of the facility is significantly threatened;
4. Active membership in a “security threat group” (prison gang), accompanied by a finding, based on specific and reliable information, that the inmate either has engaged in dangerous or threatening behavior directed by the security threat group, or directs the dangerous or threatening behavior of others;
5. The incitement or threats to incite group disturbances in a correctional facility; and
6. Inmates whose presence in the general population would create a significant risk of physical harm to staff, themselves and/or other inmates.

Table 5 provides a summary of the number of immediate segregation placements since July 1, 2016 and the rationale for each placement from the six reasons outlined above as an example of what our current system is tracking. The data indicates that a significant number of individuals who were placed in immediate segregation since July 1 have been transitioned back to general population within 30 days and never reach the next step of review by the MDRT. Table 6 provides the number of individuals the Central Office MDRT has reviewed for placement onto or continuation on Longer-Term Restrictive Housing between July 1 and September 1, 2016. Of the 254 individuals reviewed by the MDRT, 90 were

removed from restrictive housing and returned to general population or another housing unit. 154 were placed in longer-term restrictive housing and 10 were continued on longer-term restrictive housing.

Table 5 Placements on Immediate Segregation July 1 – August 31, 2016*

Facility	Serious Act of Violence	Escape/Attempted	Threatened Violence	Active STG	Group Disturbances	Significant Risk of Physical Harm	Totals
DEC	30	0	9	3	6	13	61
LCC	35	0	4	0	0	22	61
NCCW	22	0	5	0	0	2	29
NCYF	2	0	2	1	0	0	5
NSP	54	1	10	0	24	54	143
OCC	3	0	0	5	0	11	19
TSCI	64	0	17	1	13	127	222
Totals	210	1	47	10	43	229	540
Percent	38.9%	0.1%	8.7%	1.9%	8.0%	42.4%	100%

*This table represents the # of RH placements and not individuals.

Additional automation of the restrictive housing data entry and tracking are scheduled to be implemented once the department's sentence calculation project is completed this fall. Future editions of this report and NDCS restrictive housing information moving forward will include documentation of the reason the individual was placed into restrictive housing. A sample of the new tracking format is provided below.

Decision	Number	Percentage
Place	154	60.63%
Remove	90	35.43%
Continue	10	3.94%
Totals	254	100%

Name	ID #	Facility	Status IS, LTRH	Date Assigned	SMI Yes or No	Reason for Placement	180th Day	Days in RH
John Doe	XXXXX	TSCI	LTRH	9/4/2015	NO	Assault on another Inmate with a weapon causing serious bodily injury. LTRH Review scheduled: 08/02/2016	3/1/16	363

Mental illness and Behavioral Health

One of the primary areas of concern in the restrictive housing discussion nationally is how to address the needs of mentally ill individuals whose behavior presents a risk to themselves, others and/or the safety and security of the institution. Untreated seriously mentally ill individuals that present a high risk need secure residential mental health treatment rather than restrictive housing. To accomplish this goal, NDCS has expanded the secure mental health unit at the Lincoln Correctional Center and transferred seriously mentally ill individuals who had been held in restrictive housing in other facilities to this new unit. While the secure mental health unit currently meets the statutory definition of restrictive housing in terms of out of cell time, mental health staff are assigned to this unit to provide a higher level of care for these high risk inmates. The department's goal is to continue to develop additional programming options for the secure mental health unit with the objective of operating this unit in the least restrictive

manner possible. Tables 7 and 8 provide a breakdown of the behavioral health diagnoses of individuals assigned to restrictive housing during FY 2015. Table 7 includes all individuals diagnosed with a serious mental illness, while Table 8 provides a similar breakdown of all behavioral health diagnoses, including substance abuse.

Diagnosis	# of inmates
Bipolar Disorder NOS	198
Bipolar I Disorder - Most Recent Episode Depressed	18
Bipolar I Disorder - Most Recent Episode Hypomanic	15
Bipolar I Disorder - Most Recent Episode Manic	19
Bipolar I Disorder - Most Recent Episode Mixed	39
Bipolar I Disorder - Most Recent Episode Unspecified	36
Bipolar II Disorder	61
Delusional Disorder	14
Major Depressive Disorder	101
Major Depressive Disorder, Recurrent	159
Major Depressive Disorder, Single Episode	21
Major Depressive Disorder, Single Episode, Severe w/ Psychotic Features	3
Obsessive-Compulsive Disorder	51
Obsessive-Compulsive Personality Disorder	3
Schizoaffective Disorder	89
Schizophrenia, Catatonic Type	1
Schizophrenia, Disorganized Type	4
Schizophrenia, Paranoid Type	44
Schizophrenia, Residual Type	1
Schizophrenia, Undifferentiated Type	77
Grand Total	954

Diagnosis	# of Inmates	Diagnosis	# of Inmates
Acculturation Problem	3	Hallucinogen-Related Disorder NOS	3
Acute Stress Disorder	9	Histrionic Personality Disorder	4
Adjustment Disorder Unspecified	286	Impulse-Control Disorder NOS	54
Adjustment Disorder w/ Anxiety	66	Inhalant Abuse	7
Adjustment Disorder w/ Depressed Mood	74	Inhalant Dependence	2
Adjustment Disorder w/ Disturbance of Conduct	3	Insomnia	35
Adjustment Disorder w/ Mixed Anxiety and Depressed Mood	266	Intermittent Explosive Disorder	35
Adjustment Disorder w/ Mixed Disturbance of Emotions & Conduct	52	Learning Disorder NOS	1
Adult Antisocial Behavior	27	Major Depressive Disorder	101
Agoraphobia without History of Panic Disorder	3	Major Depressive Disorder, Recurrent	159
Alcohol Abuse	415	Major Depressive Disorder, Single Episode	21
Alcohol Dependence	586	Major Depressive Disorder, Single Episode, Severe w/ Psychotic Features	3
Alcohol Intoxication Delirium	1	Malingering	10

Diagnosis	# of Inmates	Diagnosis	# of Inmates
Alcohol Withdrawal	1	Mental Disorder NOS	7
Alcohol-Induced Anxiety Disorder	1	Mental Retardation, Severity Unspecified	4
Alcohol-Related Disorder NOS	33	Mild Mental Retardation	9
Amnesic Disorder NOS	3	Moderate Mental Retardation	3
Amphetamine Abuse	196	Mood Disorder Due to General Medical Condition	4
Amphetamine Dependence	570	Mood Disorder NOS	538
Amphetamine-Induced Anxiety Disorder	2	Narcissistic Personality Disorder	23
Amphetamine-Induced Mood Disorder	2	Nicotine Dependence	5
Amphetamine-Induced Psychotic Disorder w/ Delusions	2	No Diagnosis on Axis II	68
Amphetamine-Induced Psychotic Disorder w/ Hallucinations	2	No Diagnosis or Condition on Axis I	52
Amphetamine-Related Disorder NOS	36	Obsessive-Compulsive Disorder	51
Antisocial Personality Disorder	361	Obsessive-Compulsive Personality Disorder	3
Anxiety Disorder Due to General Medical Condition	1	Opioid Abuse	68
Anxiety Disorder NOS	475	Opioid Dependence	99
Anxiolytic Abuse	5	Opioid-Induced Mood Disorder	1
Anxiolytic Dependence	3	Opioid-Related Disorder NOS	3
Anxiolytic-Related Disorder NOS	1	Oppositional Defiant Disorder	11
Asperger's Disorder	1	Other Conduct Disorder	2
Attention-Deficit/Hyperactivity Disorder NOS	77	Other Substance Abuse	28
Attention-Deficit/Hyperactivity Disorder, Combined Type	50	Other Substance Dependence	36
Attention-Deficit/Hyperactivity Disorder, Predominantly Hyperactive-Impulsive Type	10	Other Substance-Induced Anxiety Disorder	3
Attention-Deficit/Hyperactivity Disorder, Predominantly Inattentive Type	15	Other Substance-Induced Mood Disorder	16
Autistic Disorder	2	Other Substance-Induced Psychotic Disorder w/ Delusions	3
Bereavement	56	Other Substance-Induced Psychotic Disorder w/ Hallucinations	1
Bipolar Disorder NOS	198	Other Substance-Related Disorder NOS	7
Bipolar I Disorder - Most Recent Episode Depressed	18	Pain Disorder Associated w/ Both Psychological Factors & General Medical Condition	1
Bipolar I Disorder - Most Recent Episode Hypomanic	15	Panic Disorder with Agoraphobia	17
Bipolar I Disorder - Most Recent Episode Manic	19	Panic Disorder without Agoraphobia	51
Bipolar I Disorder - Most Recent Episode Mixed	39	Paranoid Personality Disorder	13
Bipolar I Disorder - Most Recent Episode Unspecified	36	Paraphilia NOS	14
Bipolar II Disorder	61	Partner Relational Problem	7
Borderline Intellectual Functioning	35	Pathological Gambling	6
Borderline Personality Disorder	70	Pedophilia	24
Brief Psychotic Disorder	3	Personality Change Due to Medical Condition	1
Bulimia Nervosa	2	Personality Disorder NOS	89
Cannabis Abuse	498	Phase of Life Problem	1
Cannabis Dependence	801	Phencyclidine Abuse	7
Cannabis Intoxication	1	Phencyclidine Dependence	2
Cannabis-Induced Psychotic Disorder w/ Delusions	2	Phencyclidine-Induced Psychotic Disorder w/ Hallucinations	1
Cannabis-Related Disorder NOS	44	Physical Abuse of Adult	99
Catatonic Disorder Due to - General Medical Condition	1	Physical Abuse of Child	13
Cocaine Abuse	120	Polysubstance Dependence	288

Diagnosis	# of Inmates	Diagnosis	# of Inmates
Cocaine Dependence	168	Posttraumatic Stress Disorder	313
Cocaine-Related Disorder NOS	7	Psychotic Disorder Due to - w/ Delusions	6
Cognitive Disorder NOS	4	Psychotic Disorder Due to - w/ Hallucinations	5
Conduct Disorder, Adolescent-Onset Type	12	Psychotic Disorder NOS	176
Conduct Disorder, Childhood-Onset Type	4	Relational Problem NOS	58
Cyclothymic Disorder	11	Religious or Spiritual Problem	1
Delusional Disorder	14	Schizoaffective Disorder	89
Dependent Personality Disorder	7	Schizoid Personality Disorder	9
Depersonalization Disorder	2	Schizophrenia, Catatonic Type	1
Depressive Disorder NOS	253	Schizophrenia, Disorganized Type	4
Diagnosis Deferred	377	Schizophrenia, Paranoid Type	44
Diagnosis Left Blank	32	Schizophrenia, Residual Type	1
Disruptive Behavior Disorder NOS	4	Schizophrenia, Undifferentiated Type	77
Dissociative Disorder NOS	2	Schizophreniform Disorder	5
Dyssomnia NOS	6	Schizotypal Personality Disorder	13
Dysthymic Disorder	29	Sexual Abuse of Adult	17
Eating Disorder NOS	2	Sexual Abuse of Child	186
Exhibitionism	2	Sexual Sadism	1
Factitious Disorder NOS	2	Sleep Disorder Due to General Medical Condition, Insomnia Type	1
Factitious Disorder w/ Predominantly Psychological Signs & Symptoms	1	Social Phobia	31
Fetishism	1	Somatization Disorder	4
Gender Identity Disorder NOS	4	Somatoform Disorder NOS	1
Gender Identity Disorder in Adolescents or Adults	4	Specific Phobia	2
Generalized Anxiety Disorder	324	Tourette's Disorder	1
Hallucinogen Abuse	50	Trichotillomania	1
Hallucinogen Dependence	30	Unspecified Mental Disorder (nonpsychotic)	2
Hallucinogen Persisting Perception Disorder	1	Voyeurism	1
		Grand Total	10176

Over 90 percent of individuals (2034 inmates) who spent time in restrictive housing during FY 2016 had at least one behavioral health diagnosis, while 28%, or 698 individuals, held in restrictive housing during FY 2016 were diagnosed as having a serious mental illness. These numbers are significant and the goal is to reduce the assignment of individuals with mental illness to restrictive housing whenever possible and to limit the time spent in restrictive housing as much as possible by providing mental health treatment to individuals in restrictive housing and developing behavior and programming plans which will allow individuals to demonstrate that they can safely be housed in a less restrictive environment and transition to the mental health unit or general population.

Length of Stay

How long individuals spend in restrictive housing, referred to as the length of stay, is one of the primary areas of discussion in the area of restrictive housing reform. There is no one rule or a set number of days that can address every situation where an inmate's behavior poses an ongoing risk to the safety of themselves or others. This standard allows for an individualized examination of the risk presented in

each case while keeping the focus on the goal of transitioning people out of restrictive housing to the least restrictive environment as quickly as possible.

As noted above, prior to the recent reforms, our restrictive housing data system allowed for individuals to be entered on multiple statuses simultaneously, which significantly complicates calculating the average length of stay for each type of restrictive housing status as the time periods often overlap. Table 9 provides the average and median length of stay for individuals in restrictive housing for FY 2016 and also provides the average for individuals who spent less than 1 year in restrictive housing. Similar information for immediate and longer-term segregation will be reported in future reports.

Table 9 - Restrictive Housing Length of Stay (LOS) FY 2016		
	All RH Placements	RH Stays less than 1 year
Average	144.24 days	45.14 days
Median	327 day	157 days

The data system is able to track the amount of time a particular individual has spent in restrictive housing and this information has been provided to the Inspector General for Corrections on a monthly basis since July 1, 2016. Table 10 contains the current list of 57 inmates who have spent over 180 days in restrictive housing as of September 15, 2016. Information that could identify inmates or staff has been removed from this table for confidentiality purposes.

Table 10 Restrictive Housing Placements over 150 days - September 15, 2016						
Facility	Status IS, LTRH	Date Assigned	SMI Y or N	Reason for Placement	180th Day	Days in RH
LCC	LTRH	1/4/2003	YES	SMHU Treatment, Severely Mentally Ill, Staff Assaultive Behavior Initial LTRH Placement Date of 7/28/16, Review 10/28/16)	7/2/2003	5003
LCC	LTRH	10/12/2006	YES	SMHU Treatment, Assaults to Staff, Frequent Self-Harming Behavior. LTRH Placement Date of 8/18/16, LTRH Review Date of 11/16/16.	4/9/2007	3626
LCC	LTRH	2/15/2007	YES	SMHU Treatment, Staff assault at NSP, Currently Refusing to participate in treatment and SMHU Programming, Multiple attempts to sexually and physically assault staff.	8/13/2007	3500
LCC	LTRH	2/27/2007	YES	SMHU Treatment, History of assaults on staff	8/25/2007	3488
LCC	LTRH	1/17/2009	YES	SMHU Treatment, Assaulted Staff at LCC (OTC since 3/15/16)	7/15/2009	2798
LCC	IS	1/21/2009	YES	SMHU Treatment, Threats to harm Staff, pending transfer to MHU (D-Unit). IS date of 8/22/16.	7/19/2009	2794
LCC	LTRH	7/21/2010	YES	SMHU Treatment, Initial LTRH Placement date of 7/14/16, review date of 10/12/16. Currently non-compliant with treatment and is on an IMO for being non-medication compliant.	1/16/2011	2248
LCC	LTRH	8/5/2012	YES	SMHU Treatment, repeated assaults on other inmates, inappropriate sexual behavior towards female staff. LTRH Placement Date of 8/18/16, LTRH Review Date of 11/16/16.	1/31/2013	1502
LCC	LTRH	4/24/2013	YES	SMHU Treatment, Threats to staff, disruptive behavior, self-harming behavior.	10/20/2013	1240
LCC	LTRH	7/17/2014	YES	SMHU Treatment, Refused to lock down, threatening staff, refused to be restrained, Assaultive Behavior to Staff and Inmates, Attempted Escape on 05/27/2016. LTRH placement date of 8/11/16, with a review date of 11/9/16.	1/12/2015	791
LCC	LTRH	10/10/2014	YES	SMHU Treatment, Initial LTRH Placement date of 7/14/16, review date of 10/12/16. Physical Assaults on 3 staff.	4/7/2015	706

Facility	Status IS, LTRH	Date Assigned	SMI Y or N	Reason for Placement	180th Day	Days in RH
LCC	LTRH	10/21/2014	YES	SMHU Treatment, Pending a Regional Center review, Aggressive behavior towards staff.	4/18/2015	695
LCC	LTRH	11/21/2014	YES	Staff Assaultive, removed from SMHU Treatment.	5/19/2015	664
LCC	LTRH	2/12/2015	NO	Initial LTRH placement on 7/14/16. LTRH review on 10/12/16. Long history of threats to staff, barricading in cell/shower requiring extraction teams, non-compliance with staff directives.	8/10/2015	581
NSP	IS	3/10/2015	No	Safekeep awaiting sentencing	9/5/2015	555
LCC	LTRH	3/25/2015	YES	SMHU Treatment, Frequent Unprovoked Assaults on other inmates and Staff.	9/20/2015	540
TSCI	LTRH	5/12/2015	NO	Participated in large inmate disturbance/Refused housing/continuous threats to kill staff if moved to GP	11/7/2015	492
LCC	IS	5/29/2015	YES	SMHU Treatment, Assaulted Staff at NSP. Pending transition to D-Unit at this time.	11/24/2015	475
LCC	IS	6/5/2015	YES	SMHU Treatment, very paranoid about other inmates and staff wanting to harm him as part of his illness. IS Pending GP Bed Space on A1.	12/1/2015	468
LCC	LTRH	6/5/2015	YES	SMHU Treatment, transferred from NSP to participate in Treatment on 7/14/16.	12/1/2015	468
TSCI	LTRH	6/17/2015	NO	Continuous threats toward staff-Has agreed to participate in behavior plan. Removed from PC on 6/23/15 for placement on AC (LTRH) LTRH Review scheduled: 08/09/2016	12/13/2015	456
TSCI	LTRH	7/6/2015	NO	Multiple incidents of Staff assault at LCC. Transferred to NSP on 07/12/2016 from TSCI. Multiple staff assault at NSP. Transferred back to TSCI on 08/03/2016	1/1/2016	437
TSCI	LTRH	8/24/2015	NO	Staff assault (NSP)/STG activity/Threats toward 5-16-2016-"Stab that Pig"/VRP @TSCI LTRH Review scheduled: 07/12/2016	2/19/2016	388
TSCI	LTRH	9/4/2015	NO	Assault on another Inmate with a weapon causing serious bodily injury LTRH Review scheduled: 08/02/2016	3/1/2016	377
TSCI	LTRH	9/22/2015	NO	Staff assault (TSCI) Serious Assault- Ofc. Livezey	3/19/2016	359
LCC	LTRH	10/27/2015	YES	SMHU Treatment for Severe Mental Illness. LTRH Placement Date of 8/18/16, LTRH Review Date of 10/17/16.	4/23/2016	324
TSCI	LTRH	11/21/2015	NO	Staff assault (TSCI) Cpl. Briggs. UOF on 6/15/2016 refusal to lockdown	5/18/2016	299
LCC	LTRH	12/3/2015	YES	SMHU Treatment, Multiple Sexual/Physical Assaults on Staff, Sexual Activities. LTRH placement date of 8/11/16, with a review date of 11/9/16.	5/30/2016	287
TSCI	LTRH	12/18/2015	NO	Pending IMO hearing-Disruptive behavior in R.H. LTRH Review Scheduled: 07/26/2016	6/14/2016	272
LCC	LTRH	12/25/2015	YES	SMHU Treatment, Assaulted Staff at DEC. Initial LTRH placement on 7/28/16, Review date of 10/28/16. Currently OTC since 9/8/16.	6/21/2016	265
NSP	LTRH	1/12/2016	No	Serious assault on staff at TSCI	7/9/2016	247
TSCI	LTRH	1/12/2016	NO	Staff Assault (NSP); STG issues LTRH Review Scheduled: 07/19/2016	7/9/2016	247
TSCI	LTRH	1/20/2016	NO	Assault of Inmate in SMU West GP (3 on 1) LTRH Review Scheduled: 07/12/2016 (LTRH)	7/17/2016	239
TSCI	LTRH	1/20/2016	NO	Assault of Inmate in SMU West GP (3 on 1)	7/17/2016	239
LCC	LTRH	1/28/2016	YES	SMHU Treatment, Is on an Involuntary Medication Order (IMO) due to extremely disruptive behavior. LTRH placement date of 8/11/16, with a review date of 11/9/16.	7/25/2016	231
NCYF	LTRH	2/10/2016	NO		8/7/2016	218
TSCI	LTRH	2/18/2016	NO	Assault of Inmate at TSCI (2 on 1) (Recommend LTRH) LTRH Review Scheduled: 08/16/2016	8/15/2016	210
TSCI	IS	2/18/2016	NO	Assault of Inmate at TSCI (2 on 1) (Recommend LTRH) LTRH Review Scheduled: 08/16/2016	8/15/2016	210
NSP	LTRH	2/19/2016	No	Altercation and attempted assault on staff LTRH TRD 12/7/2016	8/16/2016	209
TSCI	LTRH	2/21/2016	NO	STG Activity (LTRH)	8/18/2016	207
TSCI	LTRH	2/21/2016	NO	STG Activity (LTRH)	8/18/2016	207
TSCI	LTRH	2/21/2016	NO	STG Activity (Possible out-of-state Transfer)	8/18/2016	207

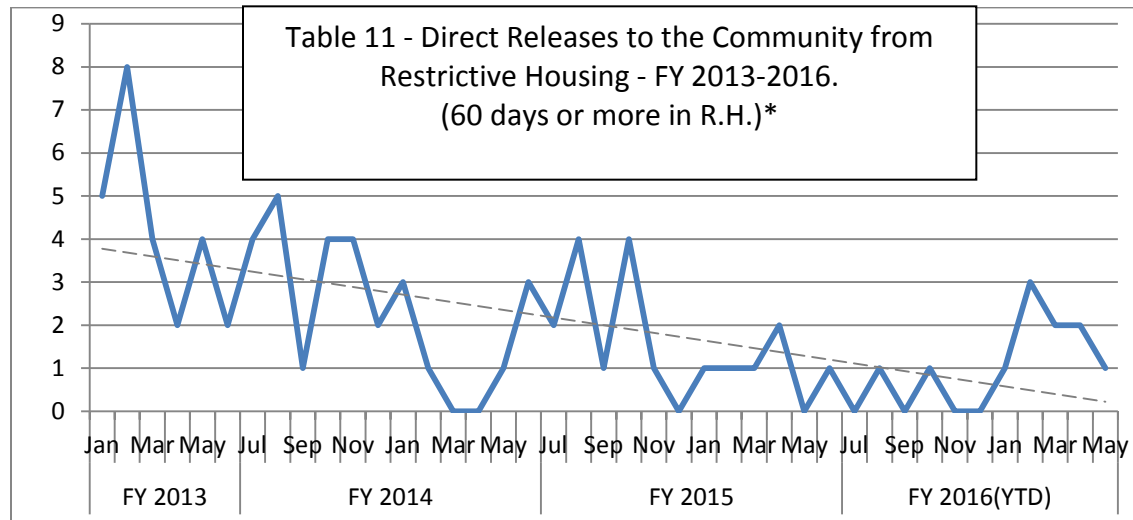
Facility	Status IS, LTRH	Date Assigned	SMI Y or N	Reason for Placement	180th Day	Days in RH
TSCI	LTRH	2/22/2016	NO	Assault of Inmate in SMU West GP (3 on 1) (LTRH) LTRH Review Scheduled: 08/16/2016	8/19/2016	206
TSCI	LTRH	2/27/2016	NO	Continuously refuses to move to HU1. Approved for HU1 placement on 3/25/16. Placed on PC 06/30/2016 Refused to Move to HU 1 on 08/02/2016	8/24/2016	201
TSCI	LTRH	2/28/2016	NO	Unable to live in any NDCS GP	8/25/2016	200
TSCI	LTRH	2/29/2016	NO	Assault of Inmate in SMU West GP (4 on 1) (LTRH) LTRH Review Scheduled: 08/02/2016	8/26/2016	199
TSCI	LTRH	3/4/2016	NO	Possession of a homemade weapon 6" Metal rod sharpend to a fine point (LTRH) LTRH Review Scheduled: 08/16/2016	8/30/2016	195
TSCI	LTRH	3/4/2016	NO	Possession of a homemade weapon 6" Metal rod sharpend to a fine point (LTRH)	8/30/2016	195
TSCI	LTRH	3/7/2016	NO	Staff assault in SMU West (4 on 1) (LTRH) LTRH Review Scheduled: 08/16/2016	9/2/2016	192
TSCI	LTRH	3/7/2016	NO	Staff assault in SMU West (4 on 1) (LTRH)	9/2/2016	192
TSCI	LTRH	3/7/2016	NO	Staff assault in SMU West (4 on 1) (LTRH)	9/2/2016	192
TSCI	LTRH	3/7/2016	YES	Staff assault in SMU West (4 on 1) (LTRH)	9/2/2016	192
TSCI	IS	3/9/2016	NO	Staff Assault at NSP. Kicked staff in the groin and stomach while being escorted. MDRT:Remove from LTRH-Pending appropriate Bed space in GP.	9/4/2016	190
LCC	LTRH	3/9/2016	NO	Physical Assault on Staff at NSP causing significant injury. LTRH Placement Date of 8/18/16, LTRH Review Date of 10/13/16.	9/4/2016	190
NSP	LTRH	3/14/2016	No	Assault on inmate LTRH review 11/30/2016	9/9/2016	185
NSP	LTRH	3/14/2016	No	Assault on inmate LTRH review 11/30/2016	9/9/2016	185
NSP	LTRH	3/14/2016	No	Assault on inmate LTRH review 11/30/2016	9/9/2016	185

Releases directly to the community

Another central objective of the department's ongoing restrictive housing reform is to reduce the number of individuals who discharge directly from restrictive housing to the community. Consistent with the department's mission to keep people safe, the new restrictive housing rules require individuals who are in restrictive housing 120 days prior to release to be reviewed by the Central Office MDRT. The Deputy Director of Operations works with the facility to develop a release plan to transition the person out of restrictive housing and into general population, mission specific housing or treatment/behavioral focused housing prior to release. Additional processes are being established to ensure that individuals who have spent over 60 days in restrictive housing in the 150 days prior to their release have specialized reentry plans developed to avoid mandatory discharge from restrictive housing. NDCS is also collaborating with the parole board to reduce mandatory discharges and provide opportunities for inmates who have spent significant time in restrictive housing to transition into the community on parole prior to release.

Table 11 provides a summary of the number of direct releases to the community from restrictive housing over the past three fiscal years. This table is limited to individuals who have spent 60 days or more in restrictive housing prior to release in order to highlight the focus on reducing the number of Longer Term Restrictive Housing inmates releasing directly to the community. The number of individuals released directly to the community after spending any amount of time in restrictive housing in FY 2016 was 49, down from 58 in FY 2015 and 78 in FY 2014. Inmates spend short periods of time in restrictive housing prior to release occur for a variety of reasons. Some inmates nearing release will request

placement in protective custody or engage in conduct to get placed in restrictive housing in order to avoid issues with other inmates, as a result of the stress of pending release, or because they think that there are no consequences due to their impending release. These placements are projected to decrease significantly moving forward under the new restrictive housing rules as alternatives to restrictive housing are put in place for these types of issues.



*This metric has changed since July 1, 2016 and the Department is now tracking all direct releases to the community regardless of length of stay.

Protective Custody

In the fall of 2015, NDCS reorganized protective custody using the mission specific housing philosophy to establish protective management units at TSCI and LCC. These units operate in a manner which provides programming on the unit, group recreation opportunities and other privileges which allow them to operate more like a general population unit. Over 90 percent of inmates who were previously in protective custody in other institutions have been moved into these protective management units. As NDCS continues to expand its mission specific housing options, such as faith based or veterans-only housing, the need for protective custody should decrease as these mission specific units can serve a secondary function as safe havens for vulnerable populations.

As of June 30, 2016, there were a total of 349 inmates housed in protective management units at TSCI and LCC. As noted above in Table 4, there were 810 total assignments to protective custody during FY 2016. The Department’s data system does not currently have the capability to aggregate the specific reasons why individuals were placed in protective custody. The vast majority of placements into protective custody are at the request of the inmate based upon fears for their own safety. NDCS is tracking placements into protective custody under the new rules and regulations and will be able to improve documentation in this area in future reports.

Comparable Statistics from other states

The most comprehensive comparison of state restrictive housing policies and practices over the last several years has been “Time in Cell: The Limon ASCA 2014 National Survey on Administrative Segregation in Prison”, conducted by the Arthur Limon Public Interest Program at the Yale Law School in cooperation with the Association of State Correctional Administrators. Published in August 2015, this report collected information from 46 jurisdictions on a number of topics and represents the most current comparison data available for the nation as a whole. The entire report can be downloaded from the Yale [website](#).

Table 12 presents a national comparison of the average length of stay for individuals in administrative segregation during 2014. Table 13 presents the number of inmates held in administrative segregation in 2011 and 2014 and as a percentage of the total inmate population for participating jurisdictions. The average demographics of administrative segregation inmates among 22 participating states in comparison to the total correctional population is found in Table 14.

Table 12 – Average Length of Stay in Administrative Segregation Fall 2014

	Less Than 90 Days		90 to 180 Days		6 Months to 1 Year		1 to 3 Years		More Than 3 Years		TOTAL
Alaska	189	83%	17	7%	12	5%	9	4%	1	0%	228
Arkansas	583	53%	199	18%	203	18%	81	7%	43	4%	1,109
Colorado	55	27%	46	22%	101	49%	5	2%	0	0%	207
Connecticut	71	30%	60	26%	47	20%	29	12%	26	11%	233
D.C.	159	94%	6	4%	3	2%	1	1%	0	0%	169
Iowa	128	90%	7	5%	5	4%	2	1%	0	0%	142
Kansas	156	28%	135	25%	118	21%	114	21%	26	5%	549
Kentucky	717	90%	61	8%	12	2%	4	1%	0	0%	794
Massachusetts	287	82%	48	14%	15	4%	2	1%	0	0%	352
Missouri	869	63%	261	19%	183	13%	58	4%	6	0%	1,377
Montana	45	94%	1	2%	2	4%	0	0%	0	0%	48
Nebraska	31	18%	53	30%	55	31%	29	17%	7	4%	175
New York	0	0%	0	0%	1	4%	3	13%	19	83%	23
North Carolina	76	89%	2	2%	4	5%	2	2%	1	1%	85
Oregon	56	23%	83	33%	79	32%	24	10%	6	2%	248
Pennsylvania	637	60%	159	15%	38	4%	56	5%	170	16%	1,060
Rhode Island	4	16%	7	28%	1	4%	11	44%	2	8%	25
South Carolina	304	63%	52	11%	52	11%	30	6%	45	9%	483
South Dakota	14	13%	11	11%	38	37%	25	24%	16	15%	104
Texas	353	5%	356	5%	755	12%	2,174	33%	2,853	44%	6,491
Virginia	119	35%	55	16%	71	21%	46	14%	47	14%	338
Washington	106	36%	37	12%	66	22%	56	19%	33	11%	298
Wisconsin	22	23%	12	13%	21	22%	35	36%	6	6%	96
Wyoming	2	4%	26	58%	4	9%	10	22%	3	7%	45

Source: Time in Cell: the Limon ASCA 2014 National Survey on Administrative Segregation in Prison, pg 29

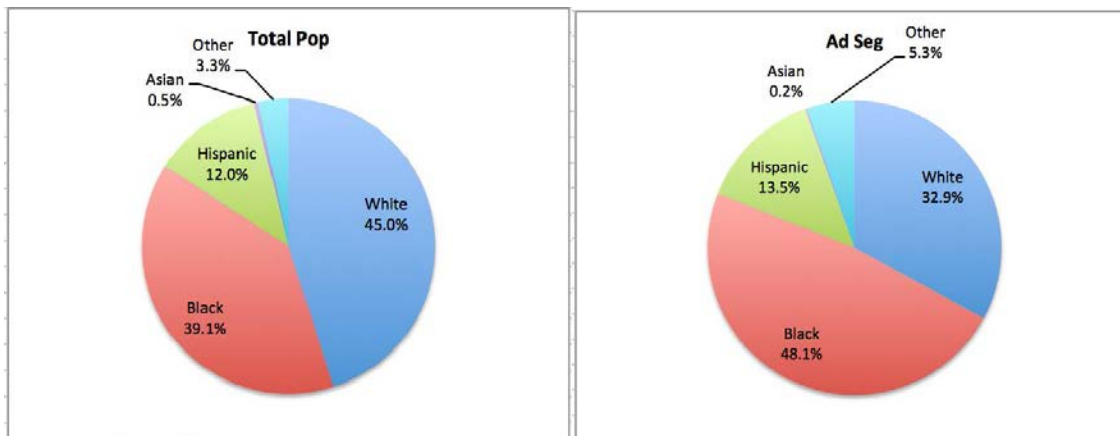
The benefit of the Yale study is that it was able to request states provide data in a comparable format and received participation from most jurisdictions in the US. The Yale group conducted an updated survey for 2015, but the data has not been published and will be included in the next edition of this report. NDCS has surveyed surrounding states to gather information on the use of restrictive housing, but each state defines restrictive housing slightly differently and excludes different populations (ie PC or a forensic mental health unit) from being considered as restrictive housing, making comparisons difficult.

Table 13 – Percentage of Custodial Population (Both Sexes) in Administrative Segregation Compared to Percentage of Custodial Population in Any Form of Restrictive Housing

	Total	Ad Seg		All Restrictive Housing	
Alabama	24862	729	2.9%	1253	5.0%
B.O.P.	171868	1656	1.0%	11387	6.6%
Colorado	20944	207	1.0%	662	3.2%
Connecticut	16564	74	0.4%	592	3.6%
Delaware	5977	330	5.5%	847	14.2%
D.C.	2067	62	3.0%	174	8.4%
Florida	100869	2416	2.4%	8936	8.9%
Georgia	52959	1625	3.1%	1658	3.1%
Indiana	28318	692	2.4%	1789	6.3%
Iowa	8172	142	1.7%	542	6.6%
Kansas	9529	557	5.9%	664	7.0%
Kentucky	12103	794	6.6%	794	6.6%
Massachusetts	10475	313	3.0%	518	4.9%
Michigan	44925	1122	2.5%	2004	4.5%
Missouri	31945	1277	4.0%	3929	12.3%
Montana	2519	48	1.9%	52	2.1%
Nebraska	5162	173	3.4%	685	13.3%
New Hampshire	2714	17	0.6%	270	9.9%
New Jersey	18968	1092	5.8%	1687	8.9%
New York	53613	23	0.0%	4198	7.8%
North Carolina	37695	85	0.2%	3052	8.1%
North Dakota	1632	23	1.4%	63	3.9%
Ohio	50554	1553	3.1%	2064	4.1%
Oklahoma	27488	1183	4.3%	1317	4.8%
Oregon	14591	239	1.6%	1025	7.0%
Pennsylvania	49051	1060	2.2%	2339	4.8%
South Carolina	21575	483	2.2%	1735	8.0%
South Dakota	3627	105	2.9%	221	6.1%
Tennessee	21030	445	2.1%	2626	12.5%
Texas	150569	6301	4.2%	6301	4.2%
Utah	6995	95	1.4%	832	11.9%
Washington	16554	296	1.8%	806	4.9%
Wisconsin	21996	96	0.4%	1363	6.2%
Wyoming	2074	50	2.4%	110	5.3%

Source: Time in Cell: the Limon ASCA 2014 National Survey on Administrative Segregation in Prison, pg15

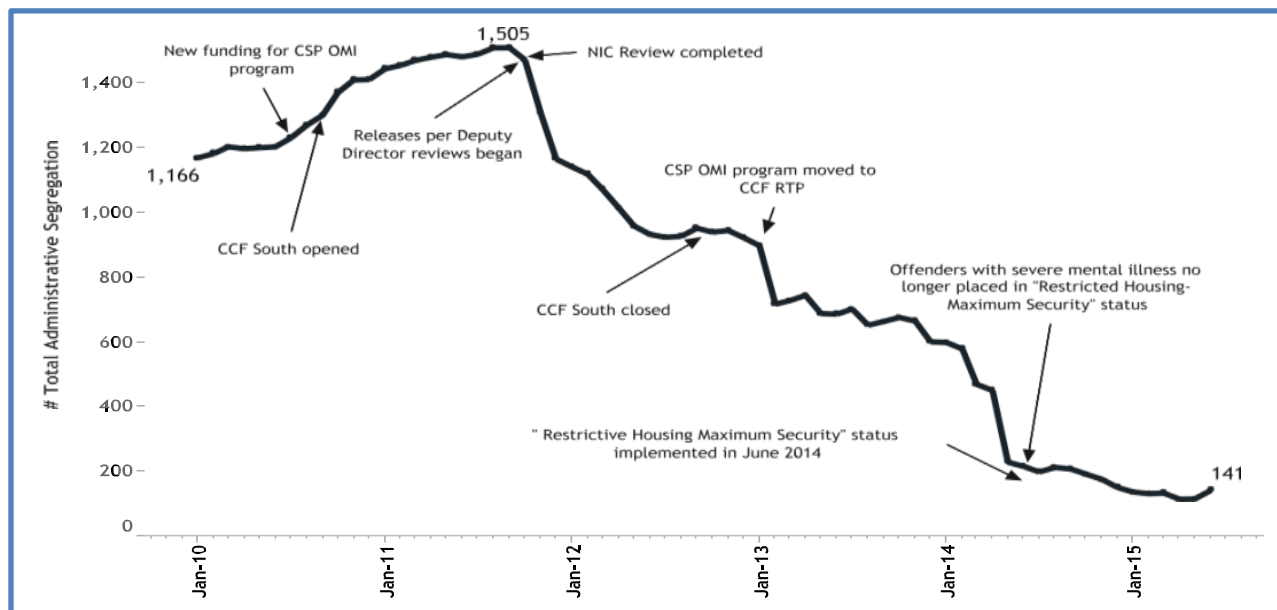
Table 14 – Average Demographic Composition of Total Male Population as Compared with Male Administrative Segregation Population (Fall 2014) (*n* = 22)¹³⁵



Source: Time in Cell: the Limon ASCA 2014 National Survey on Administrative Segregation in Prison, pg 24

Colorado has been implementing restrictive housing reform for several years and produces an annual restrictive housing [report](#). Figure 1 highlights the five year reform process that Colorado has been engaged in and the progress they have made in reducing the administrative segregation population over time. Figures 2 and 3 document the success Colorado has had in reducing the percentage of inmates held in administrative segregation and reducing discharges from restrictive housing to the community.

Figure 1. Administrative segregation population trends with timeline of key reform initiatives



Source: SB 11-176 Annual Report: Administrative Segregation for Colorado Inmates (Jan 1, 2016)

Figure 2: Percentage of total prison population in administrative segregation / Restrictive Housing - Maximum Security

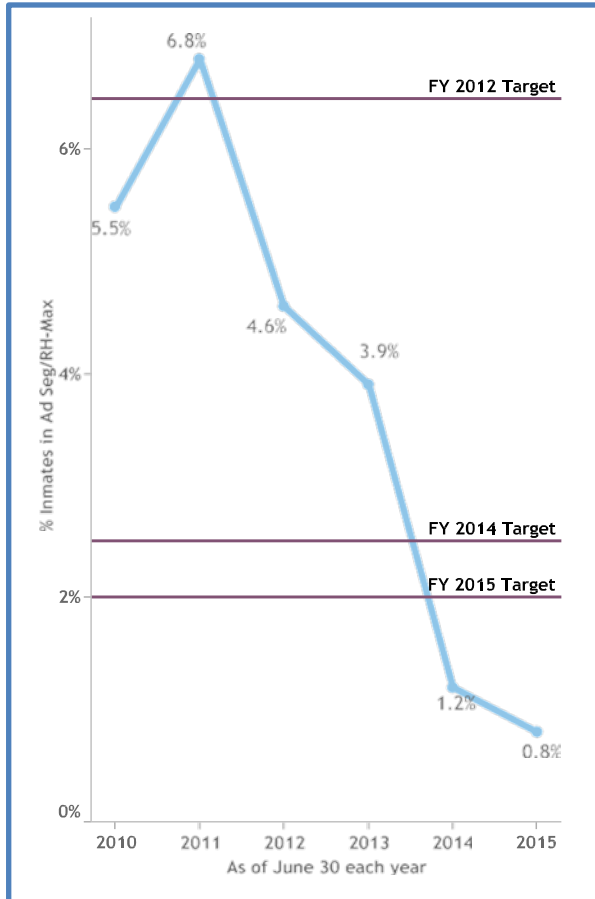
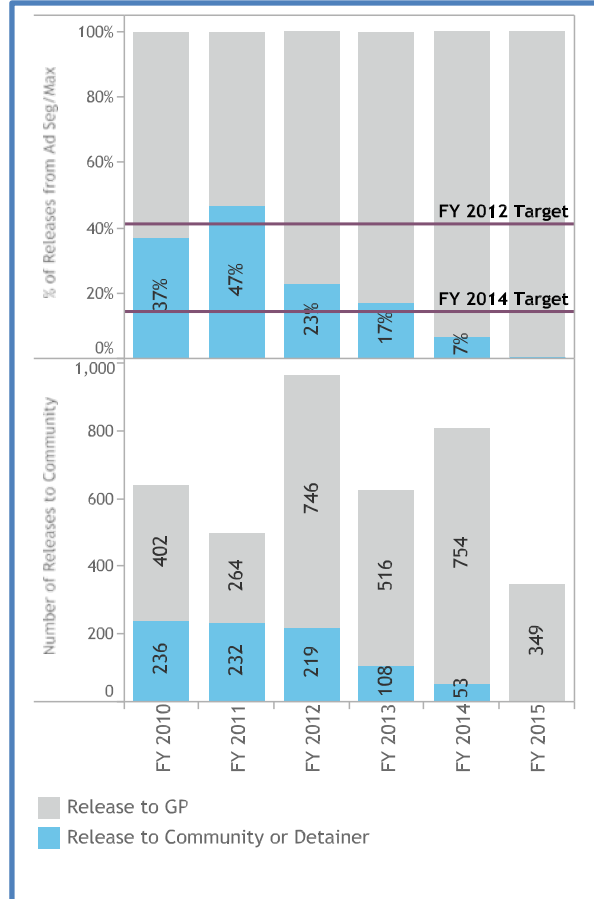


Figure 3: Releases directly to community from administrative segregation / Restrictive Housing - Maximum Security



Source: SB 11-176 Annual Report: Administrative Segregation for Colorado Inmates (Jan 1, 2016)

Conclusion

Nebraska is still in the beginning stages of the restrictive housing reform process. While NDCS has implemented significant changes to restrictive housing policies and procedures effective July 1, we are continuing to gather data and learning from experiences in other jurisdictions. A group of staff visited New Mexico earlier this year to learn about their approach to restrictive housing reform and security threat group populations. The recommendations from the VERA Safe Alternatives to Segregation Initiative, which is providing technical assistance to NDCS in its restrictive housing reform effort, are also expected this fall. There remains significant work to be done and NDCS is confident the goal of reducing the use of restrictive housing to those situations where it necessary for the safety and security of the inmate, others, and the institution can and will be achieved.

Managing the risk of our most challenging inmates is not simple or easy, and reforms take time to implement as the Colorado experience has demonstrated. When approached thoughtfully and implemented with fidelity while communicating with both inmates and staff, significant progress can be made. NDCS will continue to collect and analyze data on the implementation of restrictive housing reforms and share it with policymakers as it becomes available. We look forward to continuing to work with the Legislature, Governor and other stakeholders to reform the use of restrictive housing within NDCS and make our communities, prisons, inmates, staff and all Nebraskans safer.