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## New Report on Prisoners in Administrative Segregation Prepared by the Association of State Correctional Administrators and the Arthur Liman Public Interest Program at Yale Law School

Prolonged isolation of individuals in jails and prisons is a grave problem in the United States. The insistence on change comes not only from legislators across the political spectrum, judges, and a host of private sector voices, but also from the directors of correctional systems at both state and federal levels.

Even as a national outcry has arisen about isolation, relatively little information exists about the actual number of people held in restrictive housing, the policies determining their placement, and whether and how conditions vary in different jurisdictions. Indeed, the figures cited on the number of people held in isolation vary from 25,000 to more than 80,000. But that information comes from a decade and more ago.

To rectify the absence of data and to pave the way for changes, the Association of State Correctional Administrators (ASCA) joined with the Arthur Liman Public Interest Program at Yale Law School to develop a national database of the policies and practices on what correctional officials call “restricted housing” and is frequently referred in the media as “solitary confinement.” ASCA is the only national organization of persons directly responsible for the administration of correctional systems and includes the heads of each state’s corrections agencies, as well as the Federal Bureau of Prisons, the District of Columbia, New York City, Philadelphia and Los Angeles County.

The result is the new report *Time-in-Cell: The Liman-ASCA 2014 National Survey of Administrative Segregation in Prison*, which is the first to provide updated information, as of the fall of 2014, on both the numbers and the conditions in restrictive housing nationwide. This Report represents the commitments of correctional leaders to make such changes. But without a baseline, it is not possible to know the impact of the many efforts underway. *Time-in-Cell* provides one way to measure and to learn whether the hoped-for changes are taking place, to reduce and to eliminate the isolation of prisoners, so as to enable prisoners and staff to live and work in safe environments, respectful of human dignity.

Getting the numbers is a piece of the news; the other is that changes are underway at both the state and federal levels. Correctional leaders across the country are committed to reducing the number of people in restrictive housing and altering what it means to be there. Thus, prison system directors insist that the 2014 figures are or will soon be out-of-date because they are placing new limits on putting prisoners into restrictive housing and developing activities to change what restricted housing means. In a few jurisdictions, for example, new programs mandate out-of-cell time (of up to 20 hours) for subpopulations, such as those with significant mental illness.

Thirty-four jurisdictions -- housing about 73% of the more than 1.5 million people incarcerated in U.S. prisons - provided data on all the people in restricted housing, whether termed “administrative segregation,” “disciplinary segregation,” or “protective custody.” In that subset, more than 66,000 prisoners were in restricted housing. If that number is illustrative of the whole, some 80,000 to 100,000 people were, in 2014, in restrictive housing settings in prisons (and these numbers do not include jails, juvenile facilities, or immigration and military detention).

The 2015 *Time-In-Cell* Report analyzes the results of a survey of more than 130 questions, again sent to the directors of all the prison systems. Forty-six jurisdictions responded with details on a subset of restricted housing, the 31,500 male prisoners reported held in administrative segregation. Across the country, in many jurisdictions, prisoners are required to spend 23 hours in their cells on weekdays, and in many, 24 hours in their cells on weekends. The permitted hours out-of-cell ranged from 3 to 7 a week in many jurisdictions. Phone calls and social visits ranged from one per month in several jurisdictions; in others, more opportunities existed. In virtually all jurisdictions, the possessions that prisoners can keep in their cells, the programs, visits, and telephone calls they might be able to have access to could be cut back or stopped as sanctions for misbehavior.

Most jurisdictions had no fixed time limits on administrative segregation; only one state imposed a one-year limit. Several jurisdictions did not track the numbers of continuous days a person has been held. In the 24 jurisdictions that did, the time spent varied widely. In a substantial number, people remained in segregation for more than three years. For those released, the 30 jurisdictions tracking information estimated that, in 2013, 4,400 prisoners were directly released from administrative segregation to the community.

Prison directors also described the challenges of staffing administrative segregation, and the need for additional training, flexible schedules, rotating staff, or more benefits. Many directors reported on the many incentives for changing the current policies – citing prisoner and staff well-being, litigation, and the costs and, as a few put it, because it “is the right thing to do.”

By facilitating cross-jurisdictional comparisons of the rules and practices that surround administrative segregation, the two Report both reflect and support ongoing efforts to limit or end extended isolation. In some states, new legislation limits administrative segregation for subpopulations, such as the mentally ill, juveniles, and individuals with disabilities; many more proposals are pending at the state and national level. Litigation has addressed segregation in specific state, and some advocates call for abolition. The 2015 “Mandela Rules,” shaped with input from leaders of ASCA and promulgated two months ago by the Committee on Crime Prevention and Criminal Justice of the United Nations, have called confinement of prisoners for 22 hours or more for longer than 15 days a form of “cruel, inhuman or degrading treatment.”

By way of background, the 2015 Report is the second in a series. In 2012, the Liman Program and ASCA asked the directors of state and federal corrections systems to provide their policies governing administrative segregation, defined as removing a prisoner from general population to spend 22-23 hours a day in a cell for 30 days or more. Thus, *Administrative Segregation, Degrees of Isolation, and Incarceration: A National Overview of State and Federal Correctional Policies (2013)* is based on responses from 47 jurisdictions.

That report details how broad the criteria for being put into administrative segregation were – staff has wide discretion to do so if perceiving that the prisoner posed “a threat” to institutional safety or was a danger to “self, staff, or other inmates.” The kind of notice and what constituted a “hearing” varied substantially, as did the level of staff with the authority to make the decision. In short, at the formal level, getting into segregation was relatively easy, and few policies focused on how people got out.

For additional information, please contact George and Camille Camp, Co-Executive Directors of ASCA at 301-791-2722 and, at Yale Law School, please contact Judith Resnik, Arthur Liman Professor of Law 203-436-1447; [Judith.Resnik@yale.edu](mailto:Judith.Resnik@yale.edu); Johanna Kalb, Visiting Professor and Director of the Liman Program, 203-436-3520; [Johanna.Kalb@yale.edu](mailto:Johanna.Kalb@yale.edu); and Sarah Baumgartel, Senior Liman Fellow-in-Residence, 203-436-3532, [sarah.baumgartel@yale.edu](mailto:sarah.baumgartel@yale.edu). The full Report may be downloaded, free of charge at [www.asca.net](http://www.asca.net) or at [www.law.yale.edu/intellectuallife](http://www.law.yale.edu/intellectuallife), at the Yale Law School. This project has been generously supported by the Yale Law School, the Liman Program, the Oscar M. Ruebhausen Fund at Yale Law School, and the Vital Projects Fund.

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