

**Segregation Policy Checklist for
Maryland Department of Public Safety and Correctional Services**

***Vera Recommendations to Reduce Segregation Populations
Fall 2012***

Recommendations for Segregation Policies and Procedures:	
1 <input type="checkbox"/>	Increase significantly the use of alternative sanctions for 300- and 400- level violations, especially for prisoners with "Violation Free" and "Good" prior adjustment histories.
2 <input type="checkbox"/>	Develop procedures to assure uniformity in types of sanctions for rule violations (segregation vs. alternative sanctions) and length of DS sentences given by MDPSCS Hearing Officers. <input type="checkbox"/> Do not allow staff to exceed the prescribed ranges except in unusual cases with intensive documentation and review.
3 <input type="checkbox"/>	Ensure that disciplinary sentence lengths conform to sentencing ranges in COMAR and do not cluster at the maximum end of the range. <input type="checkbox"/> Monitor sentencing patterns and justifications for overrides.
4 <input type="checkbox"/>	Reduce the length of segregation sentences in COMAR. Ranges set forth by current guidelines exceed what is typical in other states and need to be adjusted.
5 <input type="checkbox"/>	Discontinue use of DS for any 400-level violations.
Recommendations for Special Populations in AS and DS:	
6 <input type="checkbox"/>	Eliminate placement of PC prisoners in segregation. Structure housing, procedures, and programming by type of prisoner, so security resources can be used <u>only as required</u> to maintain the safety and security of each population. Increase PC bed availability to prevent prisoners from remaining at higher custody levels than necessary over time. <input type="checkbox"/> Add two additional PC units for medium-security prisoners, geographically located to give opportunities for separation when needed. <input type="checkbox"/> Add one PC unit for higher security PC prisoners. <input type="checkbox"/> Redesign screening process for eligibility for PC housing, based on individual characteristics and risk factors. <input type="checkbox"/> Design strategy for protective housing of gang members who wish to disaffiliate. Vera can consult on formulating such a strategy.
7 <input type="checkbox"/>	Expand 'Missioned' (non-AS/DS) housing for mentally ill, developmentally delayed, and TBI prisoners who have ongoing needs segregation units are not designed to address. <input type="checkbox"/> Provide daily opportunities to interact with other prisoners and staff during meals, recreation, dayrooms, work, and out-of-cell group programming. <input type="checkbox"/> Schedule activities on the unit, or make facility resources available (e.g., for recreation). <input type="checkbox"/> Handle disciplinary violations on the unit whenever possible, to avoid circulation of these prisoners in disciplinary segregation units. <input type="checkbox"/> Place special management units in locations most likely to attract and maintain social work and mental health staff.



Preliminary Findings:

Review of Maryland Department of Public Safety and Correctional Services

Use of Segregation in Adult Prisons

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Fall 2012

EXECUTIVE SUMMARY

Maryland Department of Public Safety and Correctional Services Use of Segregation in Adult Prisons

Background

Vera's Segregation Reduction Project (SRP) uses a collaborative on-the-ground approach in its work with partner states, including site visits to key facilities, meetings with system and facility administrators, and policy and case reviews. The project also conducts comprehensive analyses of a system's administrative data. Findings on use of segregation and outcomes of that use inform recommendations on policy and practice and guide prison administrators as they tailor new initiatives to systems' unique challenges and needs. The Vera team continues to assist their partners as they plan and implement change. The SRP is currently partnering with the Illinois Department of Corrections, the Maryland Department of Public Safety and Correctional Services, the Washington State Department of Corrections, and New Mexico's Corrections Department.

In Maryland, Vera's charge was to assess MDPSCS' segregation policies and practices; analyze its use of administrative segregation (AS), disciplinary segregation (DS), and protective custody segregation (PC); identify mental health and programming issues related to segregation; and make recommendations for handling and reducing its administrative and disciplinary segregation populations.

Project Activities and Data Sources

The preliminary findings and recommendations reported here are based on three sources of data: (1) observations and information from in-depth meetings between the SRP team, MDPSCS system administrators, and facility wardens, security, mental health, intelligence, program, and other supervisory staff at eight key facilities¹; (2) policy and randomized case reviews; and (3) detailed analysis of MDPSCS administrative data.

Preliminary findings

Descriptive Findings

1. 8.5% of the MDPSCS population is held in segregated housing; the vast majority of these prisoners are assigned to disciplinary segregation.
2. Segregated and non-segregated prisoners have different demographic characteristics, security level classifications, and levels of gang affiliation.

¹ Facilities visited were: Jessup Correctional Institution, North Branch Correctional Institution, Western Correctional Institution, Maryland Correctional Institution for Women, Maryland Correctional Institution -- Hagerstown, Maryland Correctional Training Center, Roxbury Correctional Institution, and Eastern Correctional Institution.

Findings on MDPSCS' Use of Segregation

3. Maryland's use of disciplinary and administrative segregation is high compared to other states.
4. MDPSCS is using disciplinary segregation for 300- and 400-level offenses – and for some 100-level offenses – when alternative sanctions are available and might be as or more effective.
5. Many disciplinary segregation sentences exceed the maximum sentences specified in the Adjustment History Sentencing Matrix.
6. There are discrepancies in disciplinary segregation sentences given by hearing officers for similar violations and circumstances.
7. Mixed populations in administrative and disciplinary segregation result in ineffective use of costly resources.
8. Lack of mental health and special needs interventions and staff increases the size of the AS/DS population and burdens staff and prisoners.

Vera Recommendations to Reduce MDPSCS Segregation Populations

1. Increase significantly the use of alternative sanctions for 300- and 400- level violations, especially for prisoners with “Violation Free” and “Good” prior adjustment histories.
2. Develop procedures to assure uniformity in types of sanctions for rule violations (segregation vs. alternative sanctions) and length of DS sentences given by MDPSCS Hearing Officers. The practice of exceeding matrix guidelines needs to be corrected by not allowing staff to exceed the prescribed ranges except in unusual cases with intensive documentation and review.
3. Ensure that disciplinary sentence lengths conform to sentencing ranges in COMAR and do not cluster at the maximum end of the range. Monitor sentencing patterns and justifications for overrides.
4. Reduce the length of segregation sentences in COMAR. Ranges set forth by the current guidelines exceed what is typical in other states and need to be adjusted.
5. Discontinue use of DS for any 400-level violations.

Recommendations for Special Populations in AS and DS

6. Eliminate the placement of PC prisoners in segregation. Structure housing, procedures, and programming by type of prisoner, so security resources can be used only as required to maintain the safety and security of each population.

Increase PC bed availability to prevent prisoners from remaining at higher custody levels than necessary over time, e.g.:

- Add two additional PC units for medium-security prisoners, geographically located to give opportunities for separation when needed.
- Add one PC unit for higher security PC prisoners.
- Redesign screening process for eligibility for PC housing, based on individual characteristics and risk factors.
- Design strategy for protective housing of gang members who wish to disaffiliate. Vera's SRP is working with other states on this and can consult on formulating such a strategy.

PC units would provide opportunity for congregate activities and programming to help prisoners successfully return to the general non-PC population (if appropriate) or the community.

7. Expand 'Missioned' (non-AS/DS) housing for prisoners who are mentally ill, developmentally delayed, and who have Traumatic Brain Injury (TBI) who have ongoing needs segregation units are not designed to address. Place special management units in locations most likely to attract and maintain social work and mental health staff.
8. Revise AS and DS criteria to maintain developmentally delayed, mentally ill, and vulnerable at risk prisoners in special management units in general population rather than in AS/DS. Over time, these changes will move lower-functioning and vulnerable prisoners out of AS and DS to program-enhanced and more cost-effective general population housing, and free some AS/DS bed space for special and general population needs.
9. Prioritize increasing mental health and social work staff across facilities to enhance access to treatment and programs and enable prisoners to fully comply with Case Management plans.
10. Conduct new/refresher training for officers dealing with mentally ill and other special needs prisoners.

Acknowledgements

The Vera team wants to thank administrators and staff at MDPSCS central office and at each facility who took the time to meet and talk with us and who provided valuable information and insights. Special thanks to Thomas Wolfe, who facilitated our work and accompanied us on each facility site visit, and to Victoria Mostkova for provision of MDPSCS administrative data.

Preliminary Findings:

Maryland Department of Public Safety and Correctional Services Use of Segregation in Adult Prisons

I. Background

Vera's Segregation Reduction Project (SRP) uses a collaborative on-the-ground approach in its work with SRP partner states, including site visits to key facilities, meetings with system and facility administrators, and policy and case reviews. The project also conducts comprehensive analyses of a system's administrative data to assess numbers and types of prisoners held in segregation, violations for which prisoners are sent to segregation, sentence lengths for those violations, lengths of stay in segregation, and effects of the use of segregation on new violations and types of violations after release from segregation to the general prison population.

Findings on use of segregation and outcomes of that use inform recommendations on policy and practice and guide the SRP and prison administrators as they tailor new initiatives to systems' unique challenges and needs. The SRP continues to assist their partners as they plan and implement change.

MDPSCS Project Charge

The MDPSCS and the Vera Institute of Justice signed agreements in fall of 2010 for an assessment and review of MDPSCS' use of segregation. The charge was to:

Assess MDPSCS' segregation policies and practices; analyze effects of its use of administrative segregation (AS), disciplinary segregation (DS), and protective custody segregation (PC); identify mental health and programming issues related to segregation; and make recommendations for handling and reducing its administrative and disciplinary segregation populations.

Project Activities—2011-2012

Project activities to date include meeting with the MDPSCS Secretary, research, and other key administrative staff; review of MDPSCS policies and programs; site visits to eight MDPSCS facilities; reviews of randomly selected case files; and continuing analyses of MDPSCS administrative data.

Intensive site visits were made to the following institutions:

1. **Jessup Correctional Institution (JCI)** – medium/maximum security male facility, also a hub for parole violators.
2. **North Branch Correctional Institution (NBCI)** – maximum security male facility; houses a Behavioral Management Program for prisoners with a history of violence while incarcerated. SNU
3. **Western Correctional Institution (WCI)** – maximum security male facility; houses the only maximum security protective custody unit in MDPSCS.
4. **Maryland Correctional Institution for Women (MCIW)** – the only female facility in MDPSCS; serves as the female reception center and has all security and housing levels.

5. **Maryland Correctional Institution – Hagerstown (MCIH)** – the oldest medium security institution in Maryland; houses Maryland Correctional Enterprise (MCE) shops. Also a hub for ICE Deportation Hearings.
6. **Maryland Correctional Training Center (MCTC)** – the largest single compound correctional institution in Maryland; houses prisoners from pre-release to medium security status. The Segregation Addictions Program (SAP) for prisoners found guilty of drug/alcohol related violations while in MDPSCS is housed there.
7. **Roxbury Correctional Institution (RCI)** – MDPSCS's newest medium security facility; a Special Needs Unit (SNU) for mentally ill prisoners is housed there.
8. **Eastern Correctional Institution (ECI)** – the largest prison population in MDPSCS; houses the only medium security protective custody unit in MDPSCS. Includes medium and minimum security compounds and an external pre-release work unit (Poplar Hill).

Sources for Report Findings

- Observations and information from in-depth meetings between the SRP team, MDPSCS system administrators, and facility wardens, security, mental health, intelligence, program, and other supervisory staff;¹
- Policy and randomized case reviews;² and
- Population demographics and disciplinary histories from MDPSCS administrative data.

Use of Administrative Data

Quantitative findings reported here are largely based on administrative and disciplinary data on all MDPSCS prisoners who were in custody as (a snapshot) on May 15, 2011. Data in the snapshot file reflect a time period prior to changes to the *Code of Maryland Regulations (COMAR)* September 17, 2011, which changed the sentence range guidelines for disciplinary segregation. Analyses include data on male and female prisoners and cover all MDPSCS facilities with the exception of the Maryland Correctional Adjustment Center (MCAC) and Patuxent.³

Two caveats on the data used for quantitative analyses should be noted:

1. In the MDPSCS data received to date, segregation time is recorded in the aggregate for all rule violations for a single incident. For example, if an incident involves two charges of assault against another prisoner and possession of a weapon, the data only allow us to determine total segregation time for the two rule violations, not the segregation days given for each violation charge. Thus the only cases for which the amount of segregation time given for a specific rule violation can be established are incidents with only one rule violation; this report analyzes these incidents.
2. May 15, 2011 DPSCS snapshot data also do not indicate whether prisoners received reductions in segregation time (e.g., reductions by wardens or incentive-based cuts). Thus, analyses presented here reflect only the length of the segregation sentence given as a result of the formal hearing process, not actual time served.

¹ See Appendix A for a sample facility site visit agenda.

² Seven cases were selected from each facility visited for review. Facilities were asked to create a list of their total segregated population on a given day. Depending on the size of the segregated population, Vera provided each facility with the interval they should use to select cases from the list.

³ These facilities were excluded because MCAC houses primarily Federal prisoners and Patuxent is a dedicated treatment facility.

II. Preliminary Findings: MDPSCS' Use of Segregation

This section highlights key preliminary findings on the use of segregation in MDPSCS facilities⁴ based on the administrative data we have received to date, as well as three findings based primarily on the eight facility site visits and information shared by wardens and other key staff across the institutions visited.

In Maryland, like other state prison systems, there are three forms of segregation—disciplinary segregation (DS), administrative segregation (AS), and protective custody (PC).

Disciplinary segregation (DS) is used for prisoners who have been convicted of a rule infraction and have been sentenced to a segregation unit for a specific period of time. Administrative segregation is used where a prisoner is viewed as high risk to the safety and wellbeing of the prison and requiring placement in segregation for an indefinite period of time—usually much longer than a person placed in disciplinary segregation. For both disciplinary and administrative segregation the amount of time a prisoner is confined to his/her cell is intensive. Protective custody is reserved for individuals who are judged to require protection from other inmates for a number of reasons. Although these individuals may have no violations, they may be confined in the same units with the same restrictions as AS and DS prisoners.

FINDING 1: 8.5% of the MDPSCS Population Is Held in Segregated Housing; the Vast Majority are assigned to Disciplinary Segregation.

As of May 15, 2011, nearly 2,000 MDPSCS prisoners were in segregated housing: **8.5%** of the population on that day, with the vast majority of them held in disciplinary segregation. The figure below shows numbers and percentages by type of custody. A total of 1,864 prisoners were in some form of segregation. Of these, almost two-thirds (65%) were in DS units.

Figure 1. Confined Populations by Type of Custody

<i>TYPE OF CUSTODY</i>	<i>NUMBER</i>	<i>%</i>
General Population	20,067	91.5
Total Segregation*	1,864	8.5
▪ Disciplinary Segregation	1,214	5.5
▪ Administrative Segregation	520	2.4
▪ Protective Custody	130	0.6
Total	21,931	100.0%

* Includes DS/AS prisoners

Data Source: Administrative Data for 5/15/11 - MDPSCS population snapshot

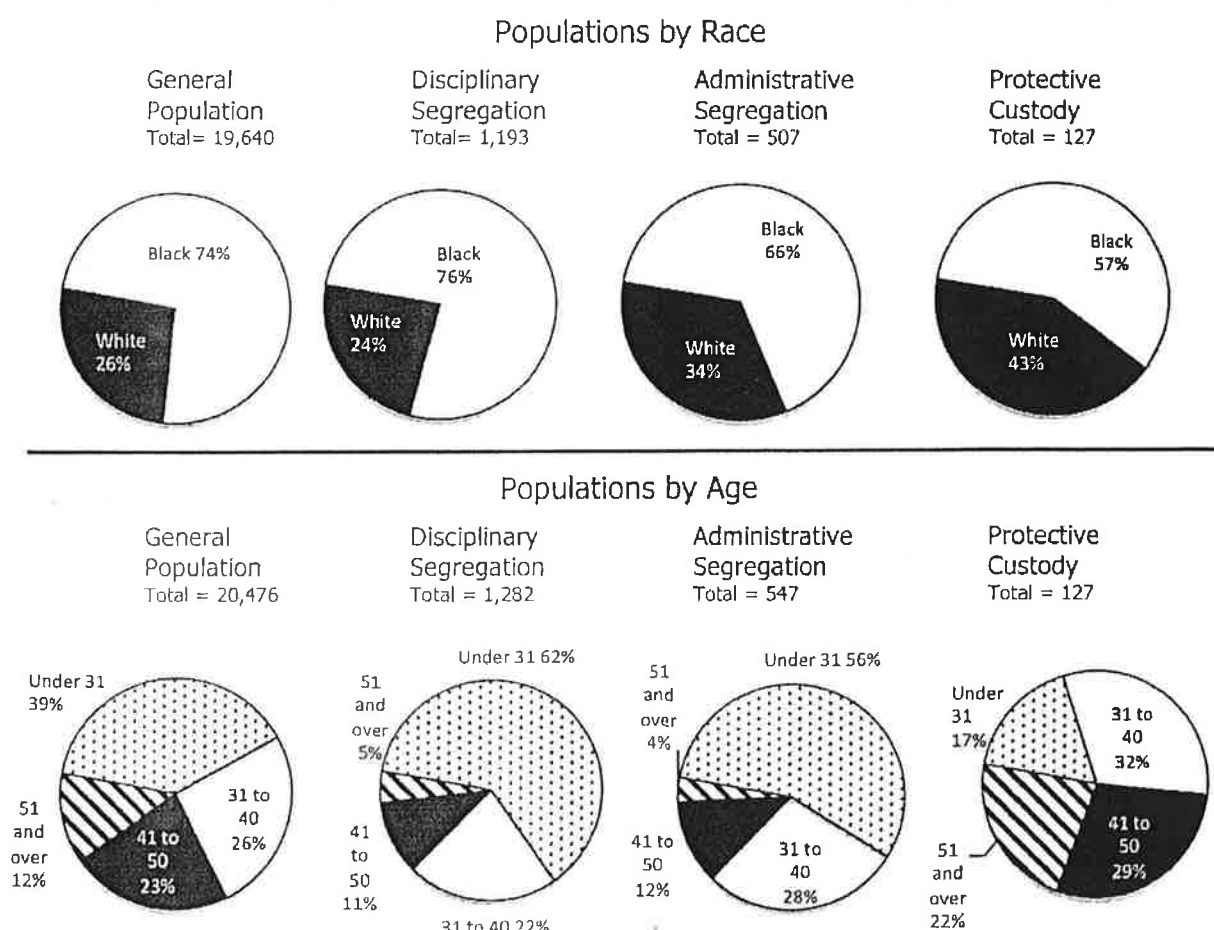
FINDING 2: Segregated and Non-segregated Prisoners Are Different.

As summarized below in Figure 2, although there are many similarities between segregated and non-segregated MDPSCS prisoners, comparisons between them reveal some key differences. There are also differences among segregated populations in DS, AS, and PC:

⁴ As noted, two facilities were excluded from the analyses.

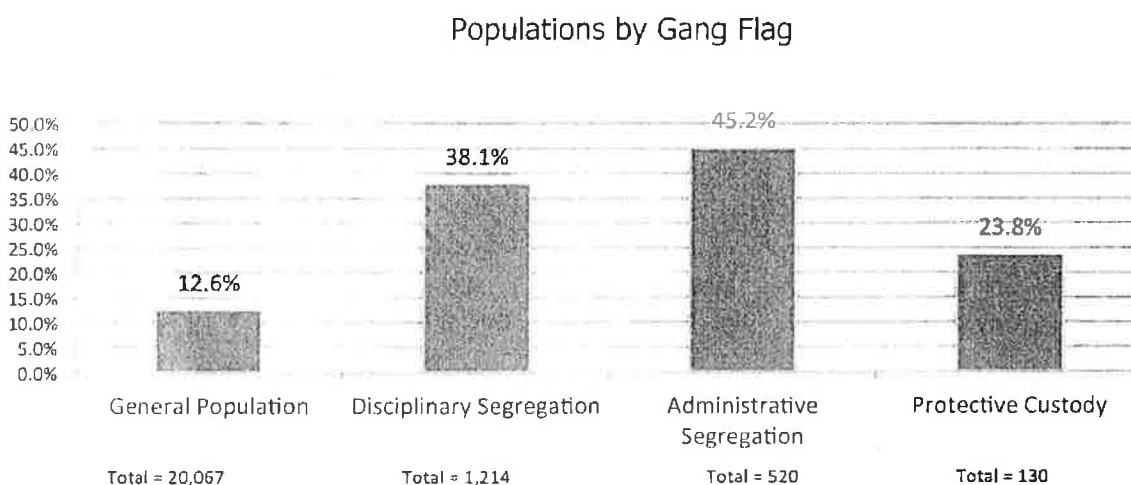
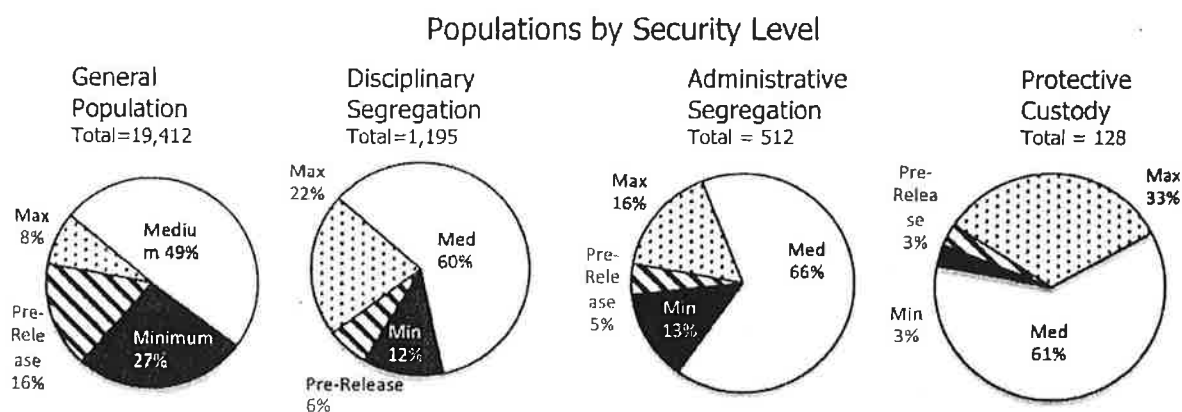
- **Sex.** Women account for only a small percent of prisoners across the groupings: 0.6% in AS, 2.3% in PC, and 2.9% in DS.
- **Race.** A slightly higher percentage of DS prisoners (75.1%) were Black than in the general prison population (72.2%). In contrast, a lower percent of AS prisoners (64.2%) and PC prisoners (56.2%) were Black than in the general prison population.
- **Age.** DS and AS prisoners were somewhat younger than the prisoners in the general population, with an average age of 30.4 for DS, 30.8 for AS, and 36.0 for general population prisoners. In contrast, the average age of PC prisoners (40 years) was somewhat older than the general prison population.
- **Security Level.** DS, AS, and PC prisoners were composed of a larger proportion of maximum- and medium-custody inmates than the general prison population.
- **Gang Affiliation.** DS, AS, and PC prisoners also were more likely to have a documented gang affiliation (45.2% in AS; 38.1% in DS; and 23.8% in PC) than general population prisoners (12.6%).

Figure 2. Demographic Characteristics of MDPSCS Prisoners by Type of Custody⁵



Data Source: Administrative Data for 5/15/11 - MDPSCS population snapshot
Appendix B contains all data upon which these figures are based.

⁵ Between 2% and 3% of each pie chart is "unknown"; this subgroup was excluded from the charts.

Figure 2. Demographic Characteristics of MDPSCS Prisoners by Type of Custody (Cont.)⁶

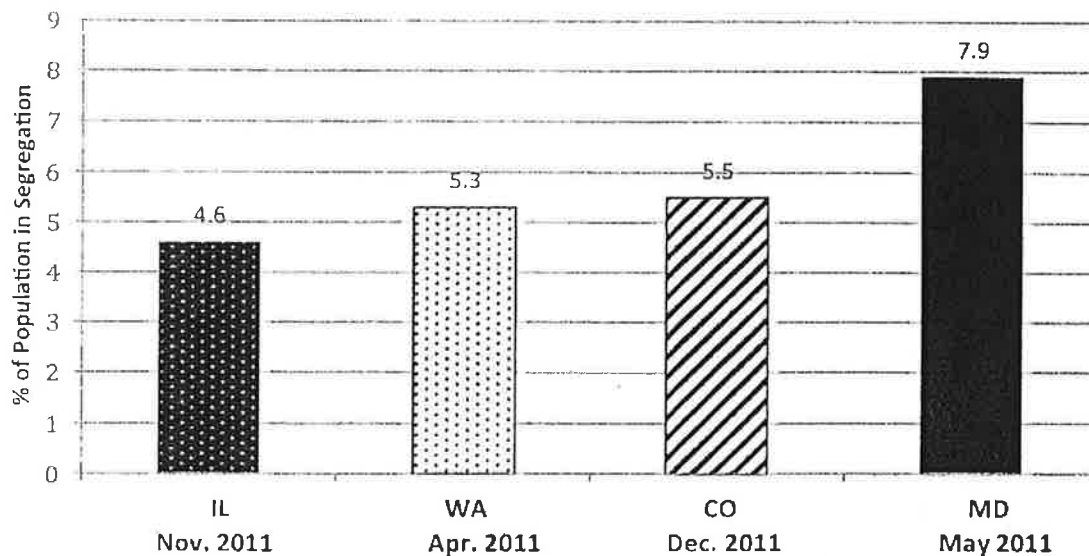
Data Source: Administrative Data for 5/15/11 - MDPSCS population snapshot
 Appendix B contains all data upon which these figures are based.

⁶ Between 2% and 3% of each pie chart is "unknown"; this subgroup was excluded from the charts.

FINDING 3: Maryland's Use of Disciplinary and Administrative Segregation Is High Compared to Other States.

Figure 3 below compares the proportion of the adult prison population housed in segregation in Illinois DOC, Washington State DOC, Colorado DOC, and Maryland DPSCS.⁷ As this chart demonstrates, although Illinois, Maryland, and Colorado have significant gang populations and prisoners serving time for violent crime, each state holds a substantially lower percentage of their prison populations in DS and AS – 4.6%, 5.3%, and 5.5% respectively – compared to Maryland's nearly 8%.

Figure 3. Percent of State DOC Populations in Segregation



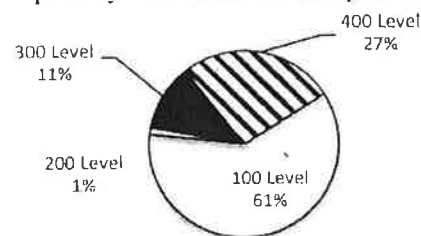
⁷ Categories of segregation selected are those that were most comparable across states. Washington DOC's "Intensive Management Units" are equivalent to Administrative Segregation units in other states and house a similar population. Prisoners housed in units specifically for protective custody are excluded from this chart. Notes on the specific populations included for each system are below:

- **IL [IDOC]** – Includes DS and AS populations as of May 2011. Excludes formal PC.
Data Source: IDOC Segregation Housing Utilization, Population Dissemination and Institutional Population Report, 11/30/11.
- **WA [WA DOC]** – Includes DS, AS, and Intensive Management Unit populations as of April 2011. Excludes formal PC. By June 19, 2012, WA DOC's IMU population had declined by 0.5% to 2.7%.
Data Source: Vera analysis of WA DOC administrative data; Reassessing Solitary Confinement: The Human Rights, Fiscal, and Public Safety Consequences: Hearing Before the Subcommittee on the Constitution, Civil Rights, & Human Rights of the S. Comm. on the Judiciary, 112th Congress (2012) (testimony of Vera Institute of Justice).
- **CO [CO DOC]** – Includes DS and AS populations, excludes PC as of December 30, 2011. **Data Source:** CO DOC.
- **MD [MDPSCS]** – Includes DS, AS, and DS/AS populations as of November 2011. Excludes formal PC (WCI and ECI).

FINDING 4: Disciplinary Segregation Is Being Used for 300- and 400-level Offenses – and for Some 100-level Offenses – When Alternative Sanctions Are Available and Might Be As or More Effective.

The MDPSCS disciplinary system categorizes rule violations into four major categories. For all prisoners in the snapshot data file, we were able to secure their entire history of disciplinary violations. Figure 4 summarizes the number and type of disciplinary violations for the population by four categories. As shown below, as expected, the majority of infractions were given for 100-level rule violations: the most serious of the categories. Over **one-quarter** of the violations were **400-level**: the least serious of the four categories. Only 11% of violations were for 300-level. The potential for reducing the extensive use of segregated housing for 400-level violations is discussed later.

Figure 4. Distribution of Disciplinary Violations for Snapshot Population (Total=5,358)



Data Source: Administrative Data for 5/15/11 - MDPSCS population snapshot

Figure 5 below summarizes MDPSCS' use of segregation and alternatives to segregation for the overall population by **prior adjustment histories**.⁸ It is important to remember that these charts incorporate only incidents involving only one violation and cannot be used to produce a complete count of cases receiving segregation time for violations. Cases with multiple violations – which might be considered more serious – are not included in these data. (For a breakdown by each type of violation see Appendix C, Table C1.)

As shown above, despite 300- and 400-level violations being defined as less serious, there is a substantial use of DS for these violations in MDPSCS. Particularly important are cases with fairly Good or Violation Free adjustment histories that still receive lengthy segregation time for less serious offenses. For example, **41%** of all 300-level violations – and nearly a third (**31%**) of all 400-level violations – received sanctions that include segregation time. This is true even for prisoners with **Violation Free** (no prior violations since 2005)⁹ adjustment histories.

For prisoners with Good adjustment histories (at least one year since the last violation) who received a 300-level violation, **one-quarter** of the sentences included the use of segregation. The most common violations leading to segregation sentences were violations 301 – *Possess or use alcohol without authorization*, 300 – *Administer or receive a tattoo or possess tattoo paraphernalia*, and 312 – *Interfere with or resist the performance of staff duties to include a search of a person, item, area, or location*. For prisoners with **Fair** adjustment histories (i.e. the most recent violation occurred more than three months but less than one year ago), nearly all – **90%**, or 118 cases – received segregation. The most common

⁸ Sanctions are based on the severity of the violation as well as the prisoner's adjustment history. The timing of the most recent violation determines a prisoner's adjustment history; a more recent prior violation results in a more serious adjustment history category.

⁹ The data we received on violation histories only went back to 2005, so cases classified as "violation free" in these analyses did not have any rule violations since their arrival at MDPSCS or at least since 2005.

violations leading to segregation sentences for this group were 300 – *Administer or receive a tattoo or possess tattoo paraphernalia* and 301 – *Possess or use alcohol without authorization*.

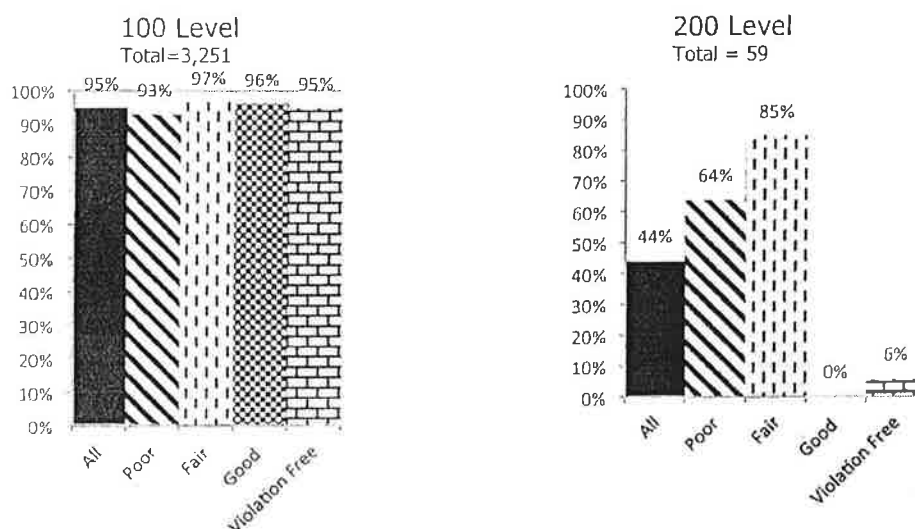
Considering only 400-level violations—the least serious category of rule violations in the chart—nearly one-fifth (18%, $n = 101$) of cases where prisoners had a **Violation Free** adjustment history received segregation time as a part of their sentence. Although this indicates that a significant proportion of these cases received alternative sanctions instead of segregation, this still constitutes a high use of segregation for lower-level rule violations by prisoners with no prior violation histories. The most common 400-level rule violations to receive segregation time in this group were 406 – *Possess or pass contraband (excludes weapons, implements that can be used in an escape, and drugs/other controlled substances)*, and 401 – *Refuses to work, carry out an assignment, or accept a housing assignment*. Violation 401 offers a particular opportunity to create policies for use of alternatives to this expensive and high-security form of housing.

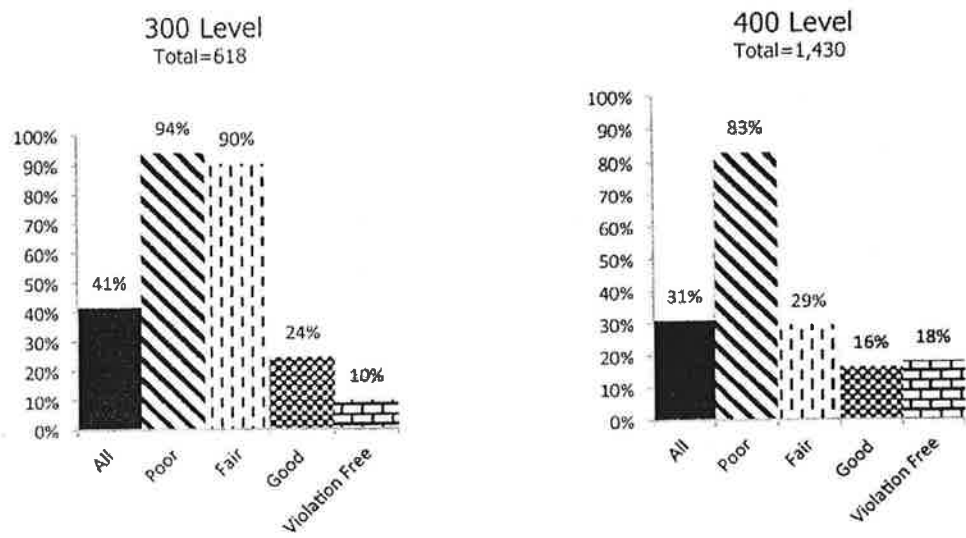
Among 400-level cases with a **Fair** adjustment history (less than 12 months but greater than 3 months since the last violation), almost one-third (29%) or 98 cases, received segregation time. The most common 400-level rule violations to receive segregation time in were 401 – *Refuses to work, carry out an assignment, or accept a housing assignment* and 405 – *Demonstrate disrespect or vulgar language*. Finally, in 400-level cases for prisoners with **Poor** adjustment histories (indicating that the most recent violation was in the past three months or involved an override), the vast majority – 83% – received segregation time. The most common rule violations receiving segregation time in this group were 401 – *Refuses to work, carry out an assignment, or accept a housing assignment* (43 cases) and 402 – *Unauthorized location / late / loitering / refuse order to move*.

Use of segregation when an alternative sanction may be safely used instead suggests an inefficient use of scarce resources. Violations 401 (*Refusal to work, carry out an assignment, or accept a housing assignment*); 402 (*Unauthorized location / late / loitering / refuses order to move*); and 405 (*Demonstrate disrespect or vulgar language*) represent opportunities to reduce overreliance on the use of segregated housing in the MDPSCS system.

Expanding the use of alternative sanctions when safe to do so would allow MDPSCS to moderate its heavy reliance on DS, thus reducing the increased fiscal costs associated with this form of housing. Over time, such a modification would also free additional tiers or units for special housing and general population use.

Figure 5. Percent of Cases Receiving Segregation Sentence by Level of Rule Violation and Adjustment History





Data Source: Administrative Data – 5/15/11 - MDPSCS population snapshot

FINDING 5: Many Disciplinary Segregation Sentences Exceed the Maximum Sentences Specified in the Adjustment History Sentencing Matrix.

The *Adjustment History Sentencing Matrix* is used by the Department to determine how many days of DS time should be assigned to a prisoner. This matrix reflects the severity of the charge and the past history of violations. Prisoners with more serious charges and with recent histories of segregation time receive longer disciplinary segregation sentences.

Figure 6 summarizes segregation sentences given for 100-, 300-, and 400-level rule violations¹⁰ and compares those sentences to sentence ranges specified in force during the period reflected in the May 2011 data.¹¹ (There are very few 200-level violations.) This matrix sets out sentence range guidelines (except for overrides) for specific rule violations. In addition to the sentencing ranges in the matrix, Figure 6 shows: (1) the average segregation sentence given for each category of rule violation and prior Adjustment History, (2) the percent of segregation sentences that were at the maximum allowable under the matrix, and (3) the percent of sentences that were above the maximum. (There were only three 500-level cases, so they are not included in the Figure.) The level of the rule violation is shown vertically in the left hand column. As with all findings presented here, sentence lengths in this chart only include incidents resulting in a single rule violation.

As Figure 6 demonstrates, average sentences exceeded the maximum indicated by the matrix in three categories. In several other categories, a proportion of the sentences given were at or above the maximum sentence. For category 100 violations, 515 cases received sentences that exceeded the matrix maximum. The average sentence (106 days) given for 100-level violations to prisoners with **Good** adjustment histories also was above the matrix maximum (90 days). Nearly half (45%) of prisoners with Good adjustment histories received sentences over the matrix maximum.

A similar pattern emerged for 400-level violations, the least serious violations in the table. (See Figure 6, above.) Although the maximum segregation sentence for Violation Free prisoners according to the matrix is 15 days, the average sentence was 23 days. Among prisoners with a **Violation Free** adjustment history, over one-third (39%) of segregation sentences for 400-level violations exceeded the maximum; half were at the maximum specified by the matrix. For prisoners with **Good** adjustment histories, the maximum sentence in the matrix was 30 days; the average sentence given was 33 days. Almost one-fifth (19%) of sentences were above the maximum; about half (49%) were at the maximum listed in the matrix.

¹⁰ For segregation sentences associated with specific offenses, see Appendix C, Table C1.

¹¹ *COMAR* came into effect in September 2011

why over max?

Figure 6. Adjustment History Sentencing Matrix with Average Segregation Sentences Given and Percent of Segregation Sentences Over Matrix*

		PRIOR ADJUSTMENT HISTORY			
<i>Category of Violation</i>		<i>Violation-Free</i>	<i>Good</i>	<i>Fair</i>	<i>Poor</i>
Matrix Seg Term		30-60 days	60-90 days	90-150 days	150-365 days
1	Total Cases	1,170	673	552	691
0	Avg Sentence	47 days	106 days	128 days	143 days
0	%/# at Max	18% (212)	4% (29)	26% (141)	4% (27)
	%/# Over Max	9% (107)	45% (303)	19% (105)	0% (0)
Matrix Seg Term		0 or 15-30 days	0 or 30-60 days	60-90 days	90-150 days
3	Total Cases	24	38	118	76
0	Avg Sentence	29 days	33 days	55 days	72 days
0	%/# at Max	33% (8)	11% (4)	10% (12)	1% (1)
	%/# Over Max	8% (2)	0%	0%	0%
Matrix Seg Term		0-15 days	15-30 days	30-60 days	60-90 days
4	Total Cases	101	47	98	194
0	Avg Sentence	23 days	33 days	45 days	57 days
0	%/# at Max	50% (50)	49% (23)	18% (18)	6% (12)
	%/# Over Max	39% (39)	19% (9)	8% (8)	3% (6)

While examining the average sentence length is valuable, it is also helpful to examine what underlies those averages. An average might be high because a small number of prisoners had very long sentences, or because a large number of sentences clustered near the high end of the range. Figure 7 summarizes sentences for 100-level rule violations and shows sentences exceeding the maximum in the matrix. For each violation type and adjustment history, the table notes the number of segregation days given and the number and percent of cases for which those days were given. As the table shows, for prisoners with **Violation Free** prior adjustment histories, most sentences over the maximum (indicated in gray) were in the 150-365 day range. For prisoners with **Good** adjustment histories, the largest category of sentences over the maximum was 150 days, accounting for over half (53%) of the cases. Among prisoners with **Fair** adjustment histories, the vast majority (83%) of cases over the maximum were for 151 to 364 days.

Figure 7. Segregation Sentences for 100-Level Violations by Adjustment History

		Violation Free		Good		Fair	
<i>Length of Sentence Given</i>		<i>Cases</i>	<i>%</i>	<i>Cases</i>	<i>%</i>	<i>Cases</i>	<i>%</i>
		<i>(30-60 days)</i>		<i>(60-90 days)</i>		<i>(90-150 days)</i>	
1-29	days	161	13.8%	29	4.3%	14	2.5%
30	days	533	45.6%	28	4.2%	10	1.8%
31-59	days	156	13.3%	53	7.9%	30	5.4%
60	days	212	18.1%	185	27.5%	26	4.7%
61-89	days	13	1.1%	46	6.8%	35	6.3%
90	days	19	1.6%	29	4.3%	142	25.7%
91-149	days	17	1.5%	60	8.9%	49	8.9%
150	days	33	2.8%	160	23.8%	141	25.5%
151-364	days	20	1.7%	73	10.8%	87	15.8%
365 +	days	6	0.5%	10	1.5%	18	3.3%
Total		1,170	100.0%	673	100.0%	552	100.0%
Total Over Matrix		108	9.2%	303	45.0%	105	19.0%

Note: Comparing the 2007 Adjustment History Matrix and the 2011 COMAR

Although some sentences exceeded (and sometimes doubled) matrix guidelines in the 2011 snapshot, COMAR changes that came into effect September 2011 cut the sentence range in half for 400-level violations for **Violation Free** (from 0-5 to 0 days), **Good** (from 15-30 days to 0-15 days), **Fair** (from 30-60 to 0-30 days), and **Poor** (from 60-90 to 45 days) adjustment histories.

In contrast, COMAR increased maximum segregation sentences for three categories: 100-level rule violations with **Good**, **Fair**, and **Poor** adjustment histories. (See Figure 8.) Conducting analyses like the ones above for sentences given after September 2011 would demonstrate the degree to which the new, adjusted guidelines are being followed.

Figure 8. Comparison of Disciplinary Segregation Time in 2007 and 2011* Sentencing Matrixes

Category of Rule Violation	PRIOR ADJUSTMENT HISTORY				Year
	Violation-Free	Good	Fair	Poor	
100	30 - 60	60 - 90	90 - 150	150 - 365	2007
	30 - 60	60 - 120	90 - 180	180 - 365	2011
200	0	0	15 - 30	30 - 60	2007
	0	0	0 or 15**	30	2011
300	15 - 30	30 - 60	60 - 90	90 - 150	2007
	0 or 15**	0 or 30**	0 or 45**	60	2011
400	0 - 15	15 - 30	30 - 60	60 - 90	2007
	0	0 or 15**	0 or 30**	45	2011
500	0	0	0 or 15	15 - 30	2007
	0	0	0 or 15**	30	2011

* 2011 Matrix went into effect September 2011

** "0 or" indicates that the sanctions are optional

FINDING 6: There Are Discrepancies in Disciplinary Segregation Sentences Given by Hearing Officers for Similar Violations and Circumstances.

In conversations with wardens and other administrators and staff across facilities, the SRP team regularly heard about discrepancies in (a) types of sanctions and (b) length of disciplinary segregation sentences given by hearing officers for the same types of violations and circumstances. (E.g., one violation receiving a 180-day sentence, while a violation with similar circumstances received a 90-day sentence). Some wardens reported reviewing these cases and dropping sentence lengths and/or restoring good time. We also had one report that the implementation of teleconference hearings appeared to result in longer disciplinary sentences, but did not have data to confirm this.

FINDING 7: Mixed Populations in Administrative and Disciplinary Segregation Result in Ineffective Use of Costly Resources.

Administrative Segregation (AS) Units in MDPSCS have a mix of prisoners, including:

- Prisoners placed in AS pending investigation, hearings, or psychological assessments;
- Chronically dangerous prisoners, believed to be a threat to safety and security if in the general prison population (e.g., deeply involved in gangs; shot-callers; instrumental but not directly involved in violence or trafficking activities);
- Vulnerable prisoners, believed to be at risk in the general prison population (e.g., witnesses, informants, former corrections or law enforcement officers; developmentally delayed, mentally ill, or other vulnerable prisoners; and gang members at risk from other gang members);
- Prisoners awaiting transfer to another custody level or to protective custody at ECI or WCI when no beds are available.

Disciplinary Segregation (DS) Units also have a mix of prisoners, including: (a) prisoners approved for protective custody for whom there are no beds, (b) prisoners who “self-pc” by committing violations in order to separate themselves from perceived or real risks in the general population (these are difficult to identify accurately in the administrative data), and (c) prisoners whose mental health or delayed emotional/intellectual development disrupts their ability to function appropriately in general prison population settings, leading to violations.

These different types of prisoners are managed the same, with the same intensive security procedures, levels of isolation, restriction in social interactions and activities, and restricted placement in programs. The inclusion of mentally ill, developmentally delayed, and vulnerable protective custody prisoners in MDPSCS’ AS and DS units:

- Creates security challenges with population mixing (e.g., due to deficits in physical/intellectual functioning and vulnerability to manipulation and abuse);
- Locks in the use of valuable security staff resources for all prisoners; and
- Results in prisoners in PC and other vulnerable prisoners – exposed to high levels of isolation and low levels of programming – being less prepared for successful return to the general prison population or the community upon release.

Factors contributing to the population mix in segregation include:

- Long waits for beds among prisoners ready to transition out of AS or DS;
- Lack of specialized units in the general prison population for developmentally/intellectually delayed and mentally ill prisoners;
- Lack of PC beds in the system. Wardens and administrative staff report that this is especially acute for medium security PC prisoners, resulting in AS – a more expensive and high-security type of housing – being used by default;
- Use of DS as a sanction for prisoners who refuse housing, increasing the proportion of vulnerable prisoners in DS;
- Lack of alternative strategies for gang members who want to disaffiliate, especially at the medium security level; and
- MDPSCS’ current policy to use PC beds only as a “last resort,” with the unintended consequence of the use of high-security/expensive resources for many prisoners who could be more effectively managed in settings better suited to their needs.

Although it varied across facilities, administrators and staff described causes and maintenance of this population mix:

Jessup Correctional Institution (JCI) – *“Many of the guys in our AS are there because they are afraid to be in the general pop. We have a ‘body waiver’ that they can sign when they are no longer scared to go into GP. Some refuse; that puts them in DS. If they sign a body waiver and get hurt they are put in AS again for their own protection.”*

“We don’t have a PC, but about half of our AS population could qualify for PC. They are in AS because they can’t be transferred for various reasons.”

Maryland Correctional Institution – Hagerstown (MCIH) – *“Our issue is long waiting lists in the North and at ECI. Once cleared for PC, [prisoners] might be here 30 to 90 to 120 days before they move. We wind up keeping them in Ad Seg, even when they have been approved for long-term PC.”*

Maryland Correctional Training Center (MCTC) – *“We currently have two awaiting transfer to PC, but no beds. We recently had a prisoner wait 18 months for a transfer. One of [the current ones] has waited seven months so far.”*

“Low IQ and at risk/vulnerable prisoners are subject to being victimized or forced do something or to bring something in; that puts them at risk for DS.”

“A lot of validated gang members in medium want to walk away. Problem is, there’s nowhere to put these guys to be safe, so that probably increases the Ad Seg populations across the state. They need somewhere to go to debrief and get out [of that affiliation] safely. Right now, they bounce from facility to facility. Then they’re in AS and DS. We don’t have a procedure for these guys.”

Lack of available programs and sufficient program capacity also result in extended waits in segregation if prisoners are unable to complete their case management plans. As reported by wardens and other administrative staff [e.g., at RCI], *“Many [prisoners] are ‘in partial compliance’ with their plans. Some are some held back because of getting new infractions, but there are also long waiting lists for programs – up to a year for some groups.”*

FINDING 8: Lack of Mental Health and Special Needs Interventions and Staff Increases MDPSCS’ AS and DS Populations and Burdens Staff and Prisoners.

Prisoners with developmental delays, traumatic brain injury (TBI), and/or serious mental health problems often have difficulty functioning in general population and are likely to migrate to segregation. Once in AS or DS, their presence may make it more difficult to manage other prisoners in the area and negatively alter conditions of confinement for others housed on the unit. Restricted out of cell mental health interventions, lack of contact with others, and conditions of isolation leave them at heightened risk for worsening physical and mental health outcomes. They may decompensate, withdraw, and/or act out – resulting in additional segregation time. Repurposing housing for this population in general population units provides greater access to mental health resources, programming, and opportunities for interaction.

Findings from facility site visits revealed dedicated staff who are concerned about mentally ill prisoners on their units; a startling lack of mental health and social work staff to respond to the needs of mentally ill and developmentally delayed prisoners in segregation; and a severe lack of programming for this population. Wardens and other key personnel indicate this is one of their greatest needs:

Eastern Correctional Institution (ECI) – “[We] have only one Ph.D.-level psychiatrist [employed by ECI] for 3,500 people (the total population across the compounds and work release). We don’t have enough mental health staff to meet mental health and special needs or to keep inmates out of seg who are inappropriate for seg.”

Roxbury Correctional Institution (RCI) – “Lots of problems with staffing, especially sufficient mental health staff – case managers, social workers, and psychologists. We do the best we can, but the positions are frozen.” “There are not enough resources to get everyone what they need: therapy, programs. We don’t even have a substance abuse counselor, although it’s a major need and the Segregation Addictions Program (SAP) at MCTC is one of their most effective programs.”

Lack of resources and housing in general population for mentally ill and developmentally delayed prisoners in the system also contribute to an increase in MDPSCS’ segregation population. As the ECI Warden noted: “We have guys here who don’t belong here. Some days they are fine, other days they are out of control. They’re in DS now, or sometimes in PC. It’s a challenge for security staff. Guys who are unstable [in those units] are used and manipulated by other guys on the unit. It results in them adding up their seg time. A few might go to max for this reason; if that happens, they stay [in segregation] even longer.”

The Vera team also heard reports across the system that Patuxent beds were not available or were hard to access; that there were long waits to transfer prisoners to Patuxent; and that prisoners sent to Patuxent returned quickly without much improvement or were returned if they prove especially problematic. As noted by the ECI Warden, “A number of guys qualify for Patuxent, but there are limited beds there. We can’t get them in.”

The above factors increase the size of the AS/DS populations in the system and lengths of stay in segregation, sometimes exponentially.

III. Vera Recommendations to Reduce MDPSCS Segregation Populations

Recommendations for Segregation Policies and Procedures

1. Increase significantly the use of alternative sanctions for 300- and 400- level violations, especially for prisoners with “Violation Free” and “Good” prior adjustment histories.
2. Develop procedures to assure uniformity in types of sanctions for rule violations (segregation vs. alternative sanctions) and length of DS sentences given by MDPSCS Hearing Officers. The practice of exceeding matrix guidelines needs to be corrected by not allowing staff to exceed the prescribed ranges except in unusual cases with intensive documentation and review.
3. Ensure that disciplinary sentence lengths conform to sentencing ranges in COMAR and do not cluster at the maximum end of the range. Monitor sentencing patterns and justifications for overrides.
4. Reduce the length of segregation sentences in COMAR. Ranges set forth by the current guidelines exceed what is typical in other states and need to be adjusted.
5. Discontinue any DS for any 400-level violations.

Recommendations for Special Populations in AS and DS

6. **Eliminate the placement of PC prisoners in segregation.** Structure housing, procedures, and programming by type of prisoner, so security resources can be used only as required to maintain the safety and security of each population. If mentally ill, vulnerable, and developmentally/ intellectually delayed prisoners are housed in special management units when unable to function effectively in the general prison population, the need to protect these types of prisoners will be reduced.

Increase PC bed availability to prevent prisoners from remaining at higher custody levels than necessary over time, e.g.:

- Add two additional PC units for medium-security prisoners, geographically located to give opportunities for separation when needed.
- Add one PC unit for higher security PC prisoners.
- Redesign screening process for eligibility for PC housing, based on individual characteristics and risk factors.
- Design strategy for protective housing of gang members who wish to disaffiliate. Vera's SRP is working with other states on this and can consult on formulating such a strategy.

PC units would provide opportunity for congregate activities and programming to help prisoners successfully return to the general non-PC population (if appropriate) or the community.

7. **Expand 'Missioned' (non-AS/DS) housing for mentally ill, developmentally delayed, and TBI prisoners who have ongoing needs segregation units are not designed to address.**
- Provide daily opportunities to interact with other prisoners and staff during meals, recreation, dayrooms, work, and out-of-cell group programming.
 - Schedule activities on the unit, or make facility resources available (e.g., for recreation).
 - Handle disciplinary violations on the unit whenever possible, to avoid circulation of these prisoners in disciplinary segregation units.
 - Place special management units in locations most likely to attract and maintain social work and mental health staff.
8. **Revise AS and DS criteria to maintain developmentally delayed, mentally ill, and vulnerable at risk prisoners in special management units in general population rather than in AS/DS.**

Over time, these changes will move lower-functioning and vulnerable prisoners out of AS and DS to program-enhanced and more cost-effective general population housing, and free some AS/DS bed space for special and general population needs.

9. **Prioritize increasing mental health and social work staff across facilities to enhance access to treatment and programs and enable prisoners to fully comply with Case Management plans.**
10. **Conduct new/refresher training for officers dealing with mentally ill and other special needs prisoners.**

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IV. Pending MDPSCS Data Analyses

The following analyses are pending and will be completed after receipt of MDPSCS data:

1. **Internal Recidivism Analysis:** The SRP conducts internal prison recidivism analysis to examine outcomes of the use of segregation for its partner states. This analysis includes: (1) the rate at which people released from segregation commit new rule violations within the prison system, (2) the nature of those violations (e.g., severity, violent, against persons), and (3) how often prisoners released from segregation return to segregation. The analyses have proven extremely valuable in assessing the effectiveness of the use of segregation in achieving system goals.
2. **Length of Stay in Segregation:** Although the preliminary analyses reported here provide important findings on current use of segregation in MDPSCS, there are key questions that cannot be addressed with the data provided to date. Most importantly, these data did not allow calculation of the actual lengths of stay in segregation. Vera has requested data that will allow us to calculate this key variable, which has importance for costs, use of bed space, and state-to-state comparisons.
3. **Trends in Use of Segregation by Type of Segregation:** We have also requested longitudinal data to assess trends over time in the number of prisoners in segregation overall, as well as in different types of housing (DS, AS, and PC).
4. **Assessing Compliance with COMAR Adjustment History Sentencing Matrix:** Findings presented in this report highlighted areas where segregation sentences fell outside the maximum parameters in the 2007 sentencing matrix. Given the importance of consistency and adherence to MDPSCS policy, similar analysis on more recent cases subject to the new COMAR regulations would demonstrate the degree to which the new, adjusted guidelines are being followed.
5. **Analyses on Women MDPSCS Prisoners:** Women account for a relatively small proportion of the general prison population (1.7%) and the segregated populations in MDPSCS, making up only 2.9% of the DS population, 0.6% of AS prisoners, and 2.3% of prisoners in PC housing. Despite their small numbers, experience in other states has shown that separate analysis of women in segregation can provide important insights into how segregation is used. Once all data mentioned above are received and we have completed pending analysis with the total population, we will consult with MDPSCS administrators on the types of additional analysis that would be most valuable to MDPSCS and conduct separate analyses for women prisoners as requested.
6. **Tracking Outcomes of Changes in Policy and Practice Over Time:** The SRP also helps its partner states design data collection strategies to follow people transferred out of segregation to the general prison population, track the outcomes of these moves, and measure long-term consequences of a reduced use of segregation on institutional safety and internal recidivism system wide.



APPENDIX

Preliminary Findings:

Review of Maryland Department of Public Safety and Correctional Services

Use of Segregation in Adult Prisons

Dr. Angela Browne
Dr. Suzanne Agha
Dr. James Austin, JFA Institute

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Fall 2012

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Appendix A. Sample Site Visit Agenda

Vera Site Visit MDPSCS Segregation Units [Month, Day, Year]

Agenda

I. Introductions - All Attendees

II. Review of Overall Goal of Project and Site Visits

- (a) Goal of Project: To review and reduce the use of segregation in MDPSCS and to assess conditions and alternatives – *MDPSCS & Vera*
- (b) Goal of Today's Site Visits: To learn more about segregation policies and practices, capacity, challenges, and provision of services at this facility – *Vera*

II. Facility Warden and Staff Review Segregation Practices/Policies

- (a) Warden gives overview of the facility, its mission, types of programming and housing, and the type(s) of segregation population(s) at the facility.
- (b) Warden and Staff provide a detailed description of the current approach to segregation at the facility including: (a) how the segregation unit(s) work(s) with respect to current admission processes, (b) types of violations resulting in segregation time, (c) sentencing structure, (d) lengths of stay, (e) reviews of segregation status, (f) programming for prisoners, (g) mental health services availability and range of interventions and how those are used, and (h) processes for release and how those are used.
- (c) Warden and Staff share any additional practices being tried and/or particular challenges at the facility as they relate to segregation.
- (d) Staff present 7 cases currently in segregation (randomly selected), discuss why those individuals are in segregation, sentence/lengths of stay, and potential alternatives. Warden and Staff select an additional 2 challenging cases they'd like to discuss with Vera.

IV. Tour of Institution, Segregation Unit(s), & Mental Health Units/MH Programming Areas

V. Brief Exit Meeting for Questions & Answers

Depart Facility

**Appendix B. Demographic Characteristics of MDPSCS Prisoners
by Type of Custody**

	<i>General Population</i>		<i>Disciplinary Segregation</i>		<i>Administrative Segregation</i>		<i>Protective Custody</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
Sex								
Male	18,943	94.4%	1,160	95.6%	505	97.1%	124	95.4%
Female	783	1.7%	35	2.9%	3	0.6%	3	2.3%
Unknown	341	1.7%	19	1.6%	12	2.3%	3	2.3%
Race								
Black	14,488	72.2%	912	75.1%	334	64.2%	73	56.2%
White	5,152	25.7%	281	23.1%	173	33.3%	54	41.5%
Other/ Unknown	427	2.1%	21	1.7%	13	2.5%	3	2.3%
Age								
14-16	11	0.1	0	0.0%	0	0.0%	0	0.0%
17-20	735	3.7	86	7.1%	39	7.5%	0	0.0%
21-25	3,107	15.5	344	28.3%	106	20.4%	8	6.2%
26-30	3,411	17.0	286	23.6%	123	23.7%	14	10.8%
31-35	2,847	14.2	164	13.5%	97	18.7%	22	16.9%
36-40	2,427	12.1	118	9.7%	58	11.2%	18	13.8%
41-45	2,539	12.7	76	6.3%	46	8.8%	20	15.4%
46-50	2,102	10.5	63	5.2%	20	3.8%	17	13.1%
51-55	1,326	6.6	37	3.0%	16	3.1%	18	13.8%
56-60	651	3.2	15	1.2%	2	0.4%	6	4.6%
61 +	574	2.9	7	0.6%	1	0.2%	4	3.1%
Unknown	337	0.0	18	1.5	12	2.3%	3	2.3
Average age	36.0		30.4		30.8		40.4	
Security Level								
Max.	1,596	8.0%	260	21.4%	83	16.0%	42	32.3%
Med.	9,539	47.5%	718	59.1%	337	64.8%	78	60.0%
Min.	5,115	25.5%	144	12%	69	13.3%	4	3.1%
Pre- release	3,162	15.8%	73	6%	23	4.4%	4	3.1%
Unknown	655	3.3%	19	1.6%	8	1.5%	2	1.5%
Gang flag	2,531	12.6%	462	38.1%	235	45.2%	31	23.8%

Data Source: Administrative Data for 5/15/11 - MDPSCS population snapshot

**Appendix C. Percent of Cases Receiving Segregation Sentences
by Violation and Adjustment History**

Table C1 describes MDPSCS' use of segregation and alternatives to segregation for the overall population by prior adjustment history. The table displays the percentage of cases receiving a segregation sentence by Adjustment History, sorted by Violation number. The most serious level of violations (100 Level) appears at the top of the table, followed by levels 200, 300, 400, and 500.

**Table 1. Percent of Cases Receiving Segregation Sentence by
Violation and Adjustment History ***

	All Cases		Violation Free		Good		Fair		Poor	
	N	% Seg Sent.	N	% Seg Sent.	N	% Seg Sent.	N	% Seg Sent.	N	% Seg Sent.
100 - Disruptive act	48	100%	16	100%	9	100%	17	100%	6	100%
101 - Assault/ battery, staff	91	96%	26	96%	19	100%	17	94%	29	94%
102 - Assault /battery, inmate	997	98%	388	99%	214	97%	197	99%	198	97%
103 - Assault/ battery, other/take hostage /kill person	4	100%	2	100%			1	100%	1	100%
104 - Intimidating/ coercive/threatening language	179	95%	54	96%	51	93%	36	100%	38	91%
105 - Possess/use/ manufacture a weapon	459	99%	164	99%	104	99%	102	97%	89	99%
106 - Escape when assigned maximum/ medium security status	1	100%	1	100%	0	0%	0	0%	0	0%
107 - Escape when assigned minimum security status	1	100%	0	0%	1	100%	0	0%	0	0%
108 - Escape when assigned pre-release security status	3	100%	3	100%	0	0%	0	0%	0	0%
110 - Possess an implement/article that may be used in an escape	9	100%	6	100%	1	100%	1	100%	1	100%

	All Cases		Violation Free		Good		Fair		Poor	
	N	% Seg Sent.	N	% Seg Sent.	N	% Seg Sent.	N	% Seg Sent.	N	% Seg Sent.
111 - Possess/use an unauthorized intoxicant	3	100%	1	100%	1	100%	1	100%	0	0%
112 - Possess/use a drug/ controlled dangerous substance	842	91%	323	91%	158	94%	91	92%	270	89%
113 - Possess/use drug paraphernalia	15	100%	5	100%	5	100%	4	100%	1	100%
114 - Possess controlled dangerous substance- intent to distribute	3	100%	0	0%	1	100%	0	0%	2	100%
115 - Refuse/fail to provide urine sample	41	93%	12	92%	11	92%	8	100%	10	91%
116 - Possess/misuse/ tamper with security equipment	58	92%	21	96%	13	87%	14	100%	10	83%
117 - Arrange/commit/ perform/ engage in a sexual act	14	82%	6	86%	1	50%	5	83%	2	100%
118 - Obtain/possess articles for financial account/currency in excess of authorized amount	5	100%	4	100%	1	100%	0	0%	0	0%
119 - Perform/engage in indecent exposure/ masturbation	97	98%	27	100%	28	100%	22	92%	20	100%
121 - Possess tobacco -intent to distribute	87	96%	50	93%	19	100%	13	100%	5	100%
122 - Possess a telecomm. device	129	87%	61	82%	36	92%	23	89%	9	90%
202 - Refuse to participate Residential Substance Abuse Treatment Program	3	50%	0	0%	0	0%	0	0%	3	60%

	All Cases		Violation Free		Good		Fair		Poor	
	N	% Seg Sent.	N	% Seg Sent.	N	% Seg Sent.	N	% Seg Sent.	N	% Seg Sent.
203 - Refuse to participate mandatory education program	3	25%	0	0%	0	0%	2	67%	1	50%
204 - Refuse to participate program not listed here	15	46%	0	0%	0	0%	6	86%	9	69%
205 - Refuse a required medical examination/ test/sample collection	5	71%	1	100%	0	0%	3	100%	1	50%
300 - Administer/ receive tatoo/possess tattoo paraphernalia	63	49%	1	2%	8	32%	34	94%	20	91%
301 - Possess/use alcohol without authorization	62	38%	5	7%	10	23%	30	86%	17	100%
302 - Possess equipment to manufacture alcohol	7	28%	0	0%	1	9%	4	100%	2	100%
304 - Possess/use/ accumulate medication without authorization	19	42%	2	10%	3	30%	8	100%	6	86%
305 - Violate law/ statute/ordinance/pos tal law	23	66%	1	9%	1	33%	10	100%	11	100%
306 - Gamble/possess gambling paraphernalia	1	17%	0	0%	0	0%	1	100%	0	0%
307 - Extortion/bribery/ coercion	8	62%	0	0%	2	40%	4	100%	2	100%
308 - Steal/possess stolen state property	13	18%	2	5%	0	0%	8	89%	3	100%
309 - Steal/possess other stolen property	8	62%	1	25%	2	67%	2	67%	3	100%
310 - Violate a rule not listed here	6	32%	4	36%	2	29%			0	0%

	All Cases		Violation Free		Good		Fair		Poor	
	N	% Seg Sent.	N	% Seg Sent.	N	% Seg Sent.	N	% Seg Sent.	N	% Seg Sent.
311 - Possess currency \$20 to \$50 more than authorized	7	44%	3	30%	0	0%	4	100%	0	0%
312 - Interfere with/resist staff duties (incl search)	37	51%	5	19%	7	41%	13	77%	12	92%
313 - Disobey facility Category III rule not listed here	2	67%	0	0%	2	67%	0	0%	0	0%
400 - Disobey an order	64	37%	12	21%	7	21%	19	38%	26	84%
401 - Refuse to work/carry out an assignment/accept a housing assignment	106	56%	30	42%	9	28%	24	57%	43	96%
402 - Unauthorized location/late/loitering/refuse order to move	79	29%	6	6%	5	13%	15	23%	53	90%
403 - Provide false information /alter/forged a document	9	27%	1	8%	2	33%	1	14%	5	71%
405 - Disrespect/vulgar language	66	27%	17	18%	10	18%	20	30%	19	70%
406 - Possess/pass contraband	88	20%	33	16%	14	12%	13	16%	28	67%
408 - Misuse/alter/tamper with/damage/destroy State property/property of another	24	40%	2	12%	0	0%	6	33%	16	84%
409 - Use a telephone without authorization/ call for a purpose not authorized	4	19%	0	0%	0	0%	0	0%	4	100%
501 - Reckless behavior/horseplay	2	33%	0	0%	0	0%	2	100%	0	0%

	All Cases		Violation Free		Good		Fair		Poor	
	N	% Seg Sent.	N	% Seg Sent.	N	% Seg Sent.	N	% Seg Sent.	N	% Seg Sent.
502 - Fail to maintain personal cleanliness/ cleanliness of facility / housing area/area outside facility	1	100%	0	0%	0	0%	0	0%	1	100%
Total	3,811	70%	1,296	62%	758	65%	781	74%	976	90%

Data Source: Administrative Data for 5/15/11 - MDPSCS population snapshot

Appendix D. Percent of Cases Receiving Segregation Sentence by Level of Rule Violation and Adjustment History

Figure D1 summarizes MDPSCS' use of segregation and alternatives to segregation for the overall population by their prior adjustment histories. Despite the categorization of 300- and 400-level violations as less serious, this figure documents a substantial use of segregated housing for these violations.

Table D1. Percent of Cases Receiving Segregation Sentence by Level of Rule Violation and Adjustment History

Adjustment History	Level of Rule Violation									
	100 Level		200 level		300 level		400 level		500 level	
	Total Viols	% Given Seg	Total Viols	% Given Seg	Total Viols	% Given Seg	Total Viols	% Given Seg	Total Viols	% Given Seg
Violation Free	1,234	95% (1,170)	18	6% (1)	250	10% (24)	569	18% (101)	18	0% (0)
Good	701	96% (673)	6	0% (0)	256	24% (38)	290	16% (47)	11	0% (0)
Fair	572	97% (552)	13	85% (11)	131	90% (118)	336	29% (98)	11	18% (2)
Poor	744	93% (691)	22	64% (14)	81	94% (76)	235	83% (194)	2	50% (1)
All Sentenced Violations	3,251	95% (3,086)	59	44% (26)	618	41% (256)	1,430	31% (440)	42	7% (3)
									5,401	71% (3,811)

Data Source: Administrative Data for single and most recent rule violation – 5/15/11 - MDPSCS population snapshot

**Appendix E. Average Segregation Days
by Violation and Adjustment History**

Table B1 displays average segregation days given by Adjustment History, sorted by Violation number. The most serious level of violations (100 Level) appears at the top of the table, followed by levels 200,300, 400, and 500.

Table E1. Segregation Days Given by Adjustment History by Violation Number*

	All Cases		Violation Free		Good		Fair		Poor	
	N	Avg Seg Days	N	Avg Seg Days	N	Avg Seg Days	N	Avg Seg Days	N	Avg Seg Days
100 - Disruptive act	48	122	16	7	9	103	17	147	6	213
101 - Assault/battery, staff	91	176	26	87	19	177	17	239	29	217
102 - Assault /battery, inmate	997	96	388	45	214	113	197	125	198	147
103 - Assault/battery, other/take hostage / kill another person	4	130	2	140	0	n/a	1	90	1	150
104 - Intimidating/coercive/threatening language	179	106	54	50	51	120	36	105	38	167
105 - Possess/use/manufacture a weapon	459	125	164	59	104	141	102	164	89	180
106 - Escape when assigned maximum/medium security status	1	90	1	90	0	n/a	0	n/a	0	n/a
107 - Escape when assigned minimum security status	1	75	0	n/a	1	75	0	n/a	0	n/a
108 - Escape when assigned pre-release security status	3	50	3	50	0	n/a	0	n/a	0	n/a
110 - Possess article/implement that may be used in an escape	9	134	6	65	1	300	1	365	1	150
111 - Possess/use an unauthorized intoxicant	3	65	1	60	1	75	1	60	0	n/a
112 - Possess/use a drug/ controlled dangerous substance	842	77	323	39	158	81	91	99	270	113

	All Cases		Violation Free		Good		Fair		Poor	
	N	Avg Seg Days	N	Avg Seg Days	N	Avg Seg Days	N	Avg Seg Days	N	Avg Seg Days
113 - Possess/use drug paraphernalia	15	102	5	63	5	114	4	143	1	75
114 - Possess controlled dangerous substance- intent to distribute	3	138	0	n/a	1	200	0	n/a	2	107
115 - Refuse/fail to provide urine sample	41	108	12	43	11	141	8	103	10	155
116 - Possess/misuse/ tamper with security equipment	58	66	21	43	13	50	14	78	10	119
117 - Arrange/commit/ perform/engage in sexual act	14	74	6	28	1	60	5	102	2	150
118 - Obtain/possess articles for financial account/currency in excess of authorized amount	5	48	4	53	1	30	0	n/a	0	n/a
119 - Perform/engage in indecent exposure/ masturbation	97	91	27	40	28	64	22	101	20	185
121 - Possess tobacco - intent to distribute	87	54	50	37	19	61	13	79	5	134
122 - Possess a telecomm device	129	73	61	43	36	75	23	134	9	112
202 - Refuse to participate Residential Substance Abuse Treatment Program	3	90	0	n/a	0	n/a	0	n/a	3	90
203 - Refuse to participate mandatory education program	3	20	0	n/a	0	n/a	2	15	1	30
204 - Refuse to participate program not listed here	15	24	0	n/a	0	n/a	6	18	9	29
205 - Refuse a required medical examination/ test/sample collection	5	37	1	20	0	n/a	3	35	1	60

300 - Administer/ receive tattoo/possess tattoo paraphernalia	63	54	1	15	8	30	34	57	20	61
301 - Possess/use alcohol without authorization	62	51	5	20	10	32	30	50	17	72
302 - Possess equipment to manufacture alcohol	7	59	2	23	1	24	4	52	2	93
304 - Possess/use/ accumulate medication without authorization	19	57	1	15	3	36	8	64	6	70
305 - Violate law/ statute/ordinance/posta l law	23	53	0	n/a	1	20	10	46	11	67
306 - Gamble/possess gambling paraphernalia	1	30	0	n/a	0	n/a	1	30	0	n/a
307 - Extortion/bribery/ coercion	8	57	0	n/a	2	30	4	60	2	78
308 - Steal/possess stolen state property	13	54	2	22			8	54	3	77
309 - Steal/possess other stolen property	8	79	1	90	2	60	2	60	3	100
310 - Violate a rule not listed here	6	44	4	51	2	30	0	n/a	0	n/a
311 - Possess currency \$20 to \$50 more than authorized	7	46	3	25	0	n/a	4	63	0	n/a
312 - Interfere with/resist staff duties (including search)	37	56	5	19	7	31	13	61	12	80
313 - Disobey facility Category III rule not listed here	2	44	0	n/a	2	44	0	n/a	0	n/a
400 - Disobey an order	64	54	12	24	7	27	19	64	26	68
401 - Refuse to work/carry out an assignment/accept a housing assignment	106	40	30	19	9	30	24	37	43	58
402 - Unauthorized location/late/loitering/r efuse order to move	79	44	6	29	5	30	15	33	53	51
403 - Provide false information /alter/forg	9	50	1	30	2	30	1	30	5	66

a document									
405 - Disrespect/vulgar language	66	46	17	23	10	32	20	44	19 75
406 - Possess/pass contraband	88	38	33	23	14	42	13	53	28 48
408 - Misuse/alter/tamper with/damage/destroy State property/property of another	24	48	2	23	0	n/a	6	40	16 54
409 - Use a telephone without authorization/call for a purpose not authorized	4	53	0	n/a	0	n/a	0	n/a	4 53
501 - Reckless behavior/horseplay	2	15	0	n/a	0	n/a	2	15	0 n/a
502 - Fail to maintain personal cleanliness/cleanliness of facility / housing area/area outside facility	1	30	0	n/a	0	n/a	0	n/a	1 30
Total	3,811	86	1,296	44	758	98	781	105	976 119

* Most recent incident including only one violation in disciplinary records for 5/15/11 snapshot. Incidents including more than one violation are excluded.

Data Source: Administrative Data for 5/15/11 - MDPSCS population snapshot

Table E2 shows the average segregation days given by Adjustment History. Rather than being sorted by violation number, this is sorted by length of segregation sentence given, with those violations associated with longer segregation sentences at the top.

Table E2. Segregation Days Given by Adjustment History Sorted by Length of Segregation Sentence Given*

	All Cases		Violation Free		Good		Fair		Poor	
	N	Avg Seg Days	N	Avg Seg Days	N	Avg Seg Days	N	Avg Seg Days	N	Avg Seg Days
101- Assault /battery on staff	91	176	26	87	19	177	17	239	29	217
114 - Possess a controlled dangerous substance- intent to distribute	3	138	0	n/a	1	200	0	n/a	2	107
110 - Possess an implement /article that may be used in an escape	9	134	6	65	1	300	1	365	1	150
103 - Assault /battery – other, take a hostage, kill another person	4	130	2	140	0	n/a	1	90	1	150
105 – Possess/use/ manufacture a weapon	459	125	164	59	10 4	141	10 2	165	89	180
100 - Disruptive act	48	122	16	71	9	103	17	147	6	213
115 - Refuse/fail to provide urine sample	41	108	12	43	11	141	8	103	10	155
104 - Intimidating, coercive /threatening language	179	106	54	50	51	120	36	105	38	167
113 - Possess/use drug paraphernalia	15	102	5	63	5	114	4	143	1	75
102 - Assault /battery on an inmate	997	96	388	45	21 4	113	19 7	125	19 8	147
119- Perform/engage in indecent exposure/ masturbation	97	91	27	40	28	64	22	101	20	185
106 - Escape when assigned maximum/ medium security status	1	90	1	90	0	n/a	0	n/a	0	n/a
202 - Refuse to participate Residential	3	90	0	n/a	0	n/a	0	n/a	3	90

	All Cases		Violation Free		Good		Fair		Poor	
	N	Avg Seg Days	N	Avg Seg Days	N	Avg Seg Days	N	Avg Seg Days	N	Avg Seg Days
Substance Abuse Treatment Program										
309 - Steal/possess other stolen property	8	79	1	90	2	60	2	60	3	100
112 - Possess /use a drug / controlled dangerous substance	842	77	323	39	15 8	81	91	99	27 0	113
107 - Escape when assigned minimum security status	1	75	0	n/a	1	75	0	n/a	0	n/a
117- Arrange/commit/ perform, /engage in a sexual act	14	74.21	6	28	1	60	5	102	2	150
122 - Possess a telecomm. Device	129	73	61	43	36	75	23	133	9	112
116 – Possess/misuse/ tamper with security equipment	58	66	21	43	13	50	14	78	10	119
111-Possess/use an unauthorized intoxicant	3	65	1	60	1	75	1	60	0	n/a
302 - Possess equipment used to manufacture alcohol	7	59	2	26	1	24	4	52	2	93
304 - Possess/use /accumulate medication without authorization	19	57	1	15	3	36	8	64	6	70
307-Extortion/bribery/ coercion	8	57	0	n/a	2	30	4	60	2	78
312 - Interfere with/resist staff duties (including search)	37	56	5	19	7	31	13	61	12	80
308 - Steal/possess stolen state property	13	54	2	23			8	54	3	77
121 - Possess tobacco - intent to distribute	87	54	50	37	19	61	13	80	5	134
300 - Administer/receive a tattoo, possess tattoo paraphernalia	63	54	1	15	8	30	34	57	20	61
400 - Disobey an order	64	54	12	24	7	27	19	64	26	68
305 - Violate a law/ / ordinance/postal law	23	53	0	n/a	1	20	10	46	11	67

	All Cases		Violation Free		Good		Fair		Poor	
	N	Avg Seg Days	N	Avg Seg Days	N	Avg Seg Days	N	Avg Seg Days	N	Avg Seg Days
409 - Use a telephone without authorization/call for a purpose not authorized	4	53	0	n/a	0	n/a	0	n/a	4	53
301 - Possess/use alcohol without authorization	62	51	5	20	10	33	30	50	17	72
108 - Escape when assigned pre-release security status	3	50	3	50	0	n/a	0	n/a	0	n/a
403 - Provide false information/alter/forged a document	9	50	1	30	2	30	1	30	5	66
118 - Obtain/possess articles for financial account/currency above the authorized amount	5	48	4	53	1	30	0	n/a	0	n/a
408 - Misuse/alter/tamper with/damage/destroy State property /property of another	24	48	2	23	0	n/a	6	40	16	54
311 - Possess currency \$20 to \$50 more than authorized	7	46	3	25	0	n/a	4	63	0	n/a
405 - Disrespect/vulgar language	66	46	17	23	10	32	20	44	19	75
402 - Unauthorized location/late/loitering/ref use order to move	79	45	6	29	5	30	15	33	53	51
310 - Violate a rule not listed here	6	44	4	51	2	30	0	n/a	0	n/a
313 - Disobey facility Category III rule not listed here	2	44	0	n/a	2	44	0	n/a	0	n/a
401-Refuse to work/carry out an assignment/accept a housing assignment	106	40	30	19	9	30	24	37	43	58
406 - Possess/pass contraband	88	38	33	23	14	42	13	53	28	48

	All Cases		Violation Free		Good		Fair		Poor	
	N	Avg Seg Days	N	Avg Seg Days	N	Avg Seg Days	N	Avg Seg Days	N	Avg Seg Days
205 - Refuse a required medical examination/ test/sample collection	5	37	1	20	0	n/a	3	35	1	60
306 - Gamble / possess gambling paraphernalia	1	30	0	n/a	0	n/a	1	30	0	n/a
502 - Fail to maintain personal cleanliness/ cleanliness of facility / housing area/area outside facility	1	30	0	n/a	0	n/a	0	n/a	1	30
204 - Refuse to participate program not listed here	15	24	0	n/a	0	n/a	6	18	9	29
203 - Refuse to participate mandatory education program	3	20	0	n/a	0	n/a	2	15	1	30
501 - Reckless behavior/horseplay	2	15	0	n/a	0	n/a	2	15	0	n/a
Total	3,811	86	1,296	44	758	98	781	105	976	119

* Most recent incident including only one violation in disciplinary records for 5/15/11 snapshot. Incidents including more than one violation are excluded.

Data Source: Administrative Data for 5/15/11 - MDPSCS population snapshot

Finally, Table E3 shows segregation days given by adjustment history sorted by how often each type of violation occurs, with the most frequently occurring violations at the top.

**Table. E3 Segregation Days Given by Adjustment History
Sorted by Frequency of Violation**

	All Cases		Violation Free		Good		Fair		Poor	
	N	Avg Seg Days	N	Avg Seg Days	N	Avg Seg Days	N	Avg Seg Days	N	Avg Seg Days
102 - Assault/battery on inmate	997	96	388	45	214	113	197	125	198	147
112 - Possess/use a drug/controlled dangerous substance	842	77	323	39	227	86	171	113	121	112
105 - Possess/use/manufacture a weapon	459	125	164	59	104	141	102	164	89	180
104 - Intimidating/coercive/threatening language	179	106	54	50	51	120	36	105	38	167
122 - Possess a telecommunication device	129	73	61	43	36	75	23	134	9	112
401 - Refuse to work/carry out an assignment/accept a housing assignment	106	40	30	19	9	30	24	37	43	58
119 - Perform/engage in indecent exposure / masturbation	97	91	27	40	28	64	22	101	20	185
101 - Assault /battery on staff	91	176	26	87	19	177	17	239	29	217
406 - Possess/pass contraband	88	38	33	23	14	42	13	53	28	48
121 - Possess tobacco - intent to distribute	87	54	50	37	19	61	13	80	5	134
402 - Unauthorized location/late/loitering/refuse order to move	79	44	6	29	5	30	15	33	53	51
405 - Disrespect/vulgar language	66	46	17	23	10	32	20	44	19	75
400 - Disobey an order	64	54	12	24	7	27	19	64	26	68
300 - Administer/receive a tattoo/possess tattoo paraphernalia	63	54	1	15	8	30	34	57	20	61

	All Cases		Violation Free		Good		Fair		Poor	
	N	Avg Seg Days	N	Avg Seg Days	N	Avg Seg Days	N	Avg Seg Days	N	Avg Seg Days
301 -Possess/use alcohol without authorization	62	51	5	20	10	33	30	50	17	72
116 – Possess/misuse/ tamper with security equipment	58	66	21	43	13	50	14	78	10	119
100 - Disruptive act	48	122	16	71	9	103	17	147	6	213
115 - Refuse/fail to provide urine sample	41	108	12	43	11	141	8	103	10	155
312 - Interfere with/resist staff duties (including search)	37	56	5	19	7	31	13	61	12	80
408 – Misuse/alter/tamper with/damage/destroy State property /property of another	24	48	2	23	0	n/a	6	40	16	54
305 - Violate a law/statute/ ordinance	23	53	1	15	1	20	10	46	11	67
304 -Possess/use/ accumulate medication without authorization	19	57	2	26	3	36	8	64	6	70
113 -Possess/use drug paraphernalia	15	102	5	63	5	114	4	143	1	75
204 - Refuse to participate program not listed here	15	24	0	n/a	0	n/a	6	18	9	29
117 – Arrange/commit/ perform/engage in a sexual act	14	74	6	28	1	60	5	102	2	150
308 - Steal/possess stolen state property	13	54	2	23	0	n/a	8	54	3	77
110 - Possess an implement /article that may be used in an escape	9	134	6	65	1	300	1	365	1	150
403 - Provide false information/alter/forged a document	9	50	1	30	2	30	1	30	5	66
307- Extortion/bribery/ coercion	8	57	0	n/a	2	30	2	60	3	100
309 - Steal/possess other stolen property	8	79	1	90	2	60	4	60	2	78

	All Cases		Violation Free		Good		Fair		Poor	
	N	Avg Seg Days	N	Avg Seg Days	N	Avg Seg Days	N	Avg Seg Days	N	Avg Seg Days
302 - Possess equipment used to manufacture alcohol	7	59	0	n/a	1	24	4	52	2	93
311-Possess currency \$20 to \$50 more than author.	7	46	3	25			4	63	0	n/a
310 - Violate a rule not listed here	6	44	4	51	2	30	0	n/a	0	n/a
118 - Obtain/possess articles for financial account/currency in excess of the authorized amount	5	48	4	53	1	30	0	n/a	0	n/a
205 - Refuse a required medical examination/test/sample collection	5	37	1	20	0	n/a	3	35	1	60
103 - Assault /battery – other, take a hostage, kill another person	4	130	2	140	0	n/a	1	90	1	150
409 - Use a telephone without authorization/call for a purpose not author.	4	53	0	n/a	0	n/a	0	n/a	4	53
108 - Escape when assigned pre-release security status	3	50	3	50	0	n/a	0	n/a	2	107
111 -Possess/use an unauthorized intoxicant	3	65	1	60	1	75	0	n/a	3	90
114 - Possess a controlled dangerous subst.- intent to distribute	3	138	0	n/a	1	200	1	60	0	n/a
202 - Refuse to participate Residential Substance Abuse Treatment Program	3	90	0	n/a	0	n/a	0	n/a	0	n/a
203 - Refuse to participate mandatory education prog	3	20	0	n/a	0	n/a	2	15	1	30
313 - Disobey facility Category III rule not listed	2	44	0	n/a	2	44	0	n/a	0	n/a
501 - Reckless behavior/horseplay	2	15	0	n/a	0	n/a	2	15	0	n/a

	All Cases		Violation Free		Good		Fair		Poor	
	N	Avg Seg Days	N	Avg Seg Days	N	Avg Seg Days	N	Avg Seg Days	N	Avg Seg Days
106 - Escape when assigned maximum/medium security status	1	90	1	90	0	n/a	0	n/a	0	n/a
107 - Escape when assigned minimum security status	1	75	0	n/a	1	75	0	n/a	0	n/a
306 - Gamble /possess gambling paraphernalia	1	30	0	n/a	0	n/a	1	30	0	n/a
502 - Fail to maintain personal cleanliness/of facility / housing area/area outside facility	1	30	0	n/a	0	n/a	0	n/a	1	30
Total	3,811	86	1,296	44	827	98	861	107	827	119

* Most recent incident including only one violation in disciplinary records for 5/15/11 snapshot. Incidents including more than one violation are excluded.

Data Source: Administrative Data for 5/15/11 - MDPSCS population snapshot