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May 21, 2018

William N. Brownsberger, Chairperson
Joint Committee on the Judiciary
State House
Room 504
Boston, MA 02133

Dear Chairperson Brownsberger:

Pursuant to FY18 the Department of Correction shall submit biannual reports to the joint committee on the judiciary, the joint committee on public safety and homeland security, and the house and senate committees on ways and means on the use of solitary confinement, also known as segregation, in state prisons; provided further, that 1 of the reports shall cover the period from July 1, 2017 to December 31, 2017, inclusive, and 1 of the reports shall cover the period from January 1, 2018 to June 30, 2018, inclusive; provided further, that such reports shall include, but not be limited to: (i) the number of prisoners subject to solitary confinement; (ii) the length of time spent in solitary confinement; (iii) the number of prisoners with serious mental illness subject to solitary confinement; (iv) the number of prisoners 21 years of age or younger subject to solitary confinement; (v) the number of prisoners subjected to multiple stays in solitary confinement in a given reporting period; (vi) the number of prisoners released directly into the community from solitary confinement or released into the community not more than 30 days after having been in solitary confinement; and (vii) the rate of recidivism for individuals that were subject to solitary confinement. Please review the attached reports and contact me if you have any questions.

Sincerely,

John A. O'Malley
Chief of Staff

cc: Nancy White
Kyra Silva

April 2, 2018

Department of Correction
Use of Restrictive Housing¹ Report July 1, 2017 to December 31, 2017
to the Joint Committee on the Judiciary, Public Safety, Homeland Security,
and the House and Senate Committees on Ways and Means

From July 1, 2017 to December 31, 2017 a total of 1,929 male inmates were placed in Restrictive Housing. The following data tables demonstrate a description of this cohort.

Table 1: Length of Stay in Restrictive Housing²

Length of Stay in Restrictive Housing		
Length of Stay	Frequency	Percent
30 Days or Less	1,198	71%
31-60 Days	253	15%
60+ days	232	14%
Total	1,683	100%

- Mean length of stay = 28.6 days
- Median length of stay = 13 days

Table 2: Length of Stay in Restrictive Housing of Inmates with Serious Mental Illness (SMI)³

SMI Inmates Length of Stay in Restrictive Housing		
Length of Stay	Frequency	Percent
30 Days or Less	114	78%
31-60 Days	19	13%
60+ days	13	9%
Total	146	100%

- Mean length of stay = 22 days
- Median length of stay = 9 days

¹ This analysis excludes the Department Disciplinary Unit (DDU).

² For this analysis, inmates with less than a day length of stay were counted as 1 day. Inmates with a discharge date after the above referenced time frame were excluded from this analysis (n=225), as well as inmates admitted during the above referenced time frame who have yet to discharge from Restrictive Housing (n=21).

³ This analysis excludes 11 cases due to not discharging or discharging after the referenced time frame.

Table 3: 21 Years of Age or Younger⁴ Length of Stay in Restrictive Housing⁵

21 Years of Age or Younger Length of Stay in Restrictive Housing		
Length of Stay	Frequency	Percent
30 Days or Less	27	64%
31-60 Days	5	12%
60+ days	10	24%
Total	42	100%

- Mean length of stay = 38.8 days
- Median length of stay = 15 days

Multiple Restrictive Housing Admissions Data not available for this reporting period

Table 5: Criminally Sentenced Releases to the Community within 30 Days of Restrictive Housing Discharge Date⁶

Criminally Sentenced Releases to the Community within 30 Days of Restrictive Housing Discharge Date		
Release Breakdown	Frequency	Percent
Released to Community within 30 Days	79	5%
Total	1,621	

⁴ Data is based on age at placement in Restrictive Housing.

⁵ This analysis excludes 9 cases due to not discharging or discharging after the referenced time frame.

⁶ Data is based on 1,861 criminally sentenced placements to Restrictive Housing with a release date from July 1, 2017 through January 31, 2018 and excluding 240 cases, of which 219 were discharged after the reporting time frame, and 21 who have not discharged.

April 2, 2018

Department of Correction

Use of Department Disciplinary Unit Report July 1, 2017 to December 31, 2017 to the Joint Committee on the Judiciary, Public Safety, Homeland Security, and the House and Senate Committees on Ways and Means

From July 1, 2017 to December 31, 2017 a total of 184 male inmates were placed in the Department Disciplinary Unit (DDU). The following data tables demonstrate a description of this cohort.

Table 1: Length of Stay in DDU¹

Length of Stay in DDU		
Length of Stay	Frequency	Percent
12 Months or Less	94	51.1
Greater than 12 Months	90	48.9
Total	184	100

- Mean length of stay = 22 months
- Median length of stay = 12 months

Table 2: Length of Stay in DDU Inmates with Serious Mental Illness (SMI)

SMI Inmates Length of Stay in DDU (N=2)		
Length of Stay	Frequency	Percent
12 Months or Less	2	100%
Greater than 12 Months	0	0%
Total	2	100%

- 1 inmate was placed in DDU for 125 days while awaiting Secure Treatment Unit (STU) bed
- 1 inmate was placed in DDU for 19 days while awaiting STU bed

¹ Appendix indicates the disciplinary offenses that led to placement in DDU.

Table 3: 21 Years of Age or Younger² Length of Stay in DDU

21 Years of Age or Younger Length of Stay in DDU (N=2)		
Length of Stay	Frequency	Percent
12 Months or Less	0	0%
Greater than 12 Months	2	100%
Total	2	100%

- 1 inmate was placed in DDU with a 16 month sentence due to a Category 2 offense (2-3, indicated in appendix)
- 1 inmate was placed in DDU with a 21 month sentence due to a Category 1 offense (1-2, indicated in appendix)

Table 4: Multiple DDU Admissions

Breakdown of Unique Admissions During July 1, 2017- December 31, 2017		
Admission Types	Frequency	Percent
Multiple Admissions	1	1%
One Time Admissions	183	99%
Total Admissions	184	100%

**Table 5: Criminally Sentenced Releases to the Community
Within 30 days of DDU Discharge Date**

Criminally Sentenced Releases to the Community within 30 Days of DDU Discharge Date		
Release Breakdown	Frequency	Percent
Released to Community within 30 Days	2	1%
Total	184	

² Based on age at admission to DDU.

Table 6: One Year Recidivism³ Rate for Inmates who were placed in DDU

2015 Male Releases to the Street One Year Recidivism Rate for Inmates who were Placed in DDU			
Placement in DDU	N=	Recidivist	Percent
Inmate Placed in DDU	46	5	11%
Inmate <i>not</i> Placed in DDU	1,930	305	16%
Total	1,976	310	16%

³ A recidivist is defined as any criminally sentenced inmate released to the community from the MA DOC during 2015 who is re-incarcerated for a new sentence or violation of parole or probation to a Massachusetts state, county facility or a federal facility within one year of his release.

Appendix

Disciplinary Offense	Disciplinary Offense Description	N=
1-1	Killing of Another	2
1-2	Aggravated Assault on a staff member, contract employee, member of the public, volunteer or animal	11
1-3	Aggravated Assault on another inmate	82
1-8	8 Possession, manufacture, or introduction of any gun, firearm, weapon, sharpened instrument, knife or poison or any component thereof	2
1-12	Rioting	13
1-17	Fighting with, assaulting or threatening another person, due to security threat group activities or gang activities	22
1-20 via 1-1	Attempting to kill another, making plans to kill another, or aiding another person in killing another	4
1-20 via 1-3	Attempting aggravated assault on another inmate, making plans to commit aggravated assault on another inmate, or aiding another person in an aggravated assault on another inmate	12
1-20 via 1-17	Attempting, making plans or aiding another in fighting with, assaulting or threatening another person, due to security threat group activities or gang activities	4
2-3	Assault on a staff member, contract employee, member of the public, volunteer or animal	23
2-4	Assault on another inmate or parolee	7
2-32	Attempting assault on another inmate, making plans to commit assault on another inmate, or aiding another person in an assault on another inmate	3

Table 6: One Year Recidivism⁷ Rate for Inmates who were placed in Restrictive Housing⁸

2015 Male Releases to the Community One Year Recidivism Rate for Inmates who were Placed in Restrictive Housing in CY14 or CY15			
Placement in Restrictive Housing	N=	Recidivist	Percent
Inmate Placed in Restrictive Housing	616	111	18%
Inmate <i>not</i> Placed in Restrictive Housing	1,360	199	15%
Total	1,976	310	16%

Ongoing Initiatives:

- Deputy Commissioner has attended national conferences regarding Restrictive Housing admissions and length of stay in Restrictive Housing.
- Enhancing the Inmate Management System (IMS) to improve data entry and reporting capabilities regarding Restrictive Housing admissions and length of stay.
- Established a monthly triage review process to assess inmates in Restrictive Housing for 45 days or more with the intent of reducing the length of stay in Restrictive Housing.

⁷ A recidivist is defined as any criminally sentenced inmate released to the community from the MA DOC during 2015 who is re-incarcerated for a new sentence or violation of parole or probation to a Massachusetts state, county facility or a federal facility within one year of his release.

⁸ Data is based on 2015 releases to the community who were placed in Restrictive Housing within calendar year 2014 or 2015.