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National Institute of Justice

# **Administrative Segregation in U.S. Prisons**

## **Executive Summary**

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## **EXECUTIVE SUMMARY**

As the use of administrative segregation has spread precipitously, particularly since the mid-1980s, so have concerns around its effects and utility (Arrigo & Bullock, 2008; Haney & Lynch, 1997; King, 1999; P. S. Smith, 2006). Some claim administrative segregation is a necessary tool for correctional population management, helping to keep those who run, work in and live in prisons safe (O'Keefe, 2008), while others argue it is used excessively and, when it involves isolation through solitary confinement, has damaging effects on inmates (Cloud et al., 2015; Haney, 2003, 2008; Haney & Lynch, 1997). Administrative segregation, the preferred term among correctional administrators, refers to both a classification and a type of unit. There are at least three distinct types of segregation: administrative segregation, disciplinary segregation, and protective custody (Cloud et al., 2015; Shames, Wilcox & Subramanian, 2015). Any of these types of segregation might involve a regimen of solitary (or near solitary) confinement. Importantly, it is the increased use of solitary confinement, not segregation per se, that troubles those with concerns about contemporary correctional practice, and it is solitary confinement that has received the most attention in the research literature. This paper, commissioned by the National Institute of Justice (NIJ), Office of Justice Programs (OJP), United States Department of Justice (DOJ), is focused on the use, the effects and the future research of solitary confinement.

Within the limited empirical knowledge base in this area, researchers have not always agreed on the areas of research that warrant review and evaluation, or they have been unable to draw conclusions from studies employing various methodologies. Further, for many researchers studying solitary confinement the practice raises not only empirical questions, but also moral and ethical concerns. In a literature base replete with highly charged emotions, interpreting the evidence base, and separating evidence from strongly held beliefs have become difficult. This paper attempts to describe the research in enough detail that the reader can reach his or her own conclusions around the current state of administrative segregation. Key findings are highlighted below.

### **Prevalence of Segregation**

It has been difficult to obtain reliable prevalence estimates of the use of administrative segregation, and even more difficult to get prevalence counts of short-term exposure to disciplinary segregation.

- Previous estimates varied widely, ranging from 25,000 to 80,000 inmates in segregation, and rarely distinguished across different types of restricted housing (Naday, Freilich & Mellow, 2008).
- At the end of August 2015, the Liman Program and the Association of State Correctional Administrators (ASCA) published the first restricted housing census in almost a decade. The report counted approximately 66,000 inmates in segregated housing units across the 34 states providing data and used these counts to estimate that somewhere between 80,000 and 100,000 inmates were likely being held in restricted housing units in 2014 (Liman Program & ASCA, 2015).

## **Contemporary Use of Solitary Confinement and Administrative Segregation**

The most provocative issues surrounding the use of solitary confinement are related to its use with juveniles and the mentally ill, and its use to isolate gang members or members of security threat groups.

- Some states use administrative segregation to isolate suspected or known members of gangs or security threat groups. In the wake of a recent settlement in California that will end the practice of sending gang members to supermax, it is unclear how other states with similar segregation policies will respond (St. John, 2015).
- There is very little empirical work on juvenile segregation but widespread agreement that solitary confinement should be used sparingly, if at all, with juveniles (Human Rights Watch & American Civil Liberties Union, 2012; Weiss, Kraner, & Fisch, 2013). Over the past several years, a number of states have banned the use of solitary confinement in juvenile corrections (The Marshall Project, 2015).
- Both mental health problems and serious mental illness are prevalent across correctional populations (James & Glaze, 2006; Osher et al., 2012), and there is some empirical evidence that these problems are more pronounced among segregated populations (O'Keefe, 2007).
- It has long been argued that confinement in segregation exacerbates mental health problems in those suffering from mental illness and may even create mental illness where there previously was none (Grassian, 1983; Grassian & Friedman, 1986; Haney, 2003, 2008; Haney & Lynch, 1997), but recent research has challenged that assumption (Gendreau & Labrecque, 2015; Gendreau & Theriault, 2011; O'Keefe et al., 2011).

## **Court Decisions and Consent Decrees**

Notwithstanding the recent research, the courts have also been particularly active around the issue of confining the mentally ill in administrative segregation, based in part on the accumulated evidence that confinement under such restrictive and isolating conditions is especially harmful for this already vulnerable population.

- There is a movement toward a general consensus (which can be found across the various court decisions, consent decrees and settlement agreements reached) that these environments are not appropriate for the mentally ill and might constitute cruel and unusual punishment for this subset of the inmate population.
- The U.S. Supreme Court has regularly denied certiorari in administrative segregation cases, but with Justice Anthony Kennedy repeatedly expressing his concern about solitary confinement in recent months, it seems likely that there could be some U.S. Supreme Court movement on this front in the coming years (Hananel, 2015).

## **Evaluation Research**

Remarkably, despite the high-cost of building and running segregated units, there have been few evaluation studies (Mears & Watson, 2006).

- There has been only one attempt to apply an evaluation research framework to the emergence and growth in the use of supermax prisons. Mears (2008) concluded that only minimal evidence showed that such facilities were necessary, no evidence showed that they were designed on a sound theoretical base or were cost-effective, and minimal evidence showed that they were implemented in a consistent, principled manner or achieved their intended goals.

- Although correctional administrators widely believe that administrative segregation and supermax units have effectively curtailed systemwide violence (Mears & Castro, 2006), there is little evidence that administrative segregation has had effects on overall levels of violence within individual institutions or across correctional systems (Briggs, Sundt & Castellano, 2003; Sundt, Castellano & Briggs, 2008).

### **Psychological Effects**

In the empirical research on effects, the most contentious debates have been around the psychological effects of solitary confinement.

- Most researchers agree that there have been damaging mental health effects for some number of inmates in segregation, particularly those serving lengthy terms in near-total isolation, and some argue that these effects are enough to call into question the utility of the practice more generally (Grassian, 1983; Haney & Lynch, 1997; Shalev, 2008).
- Given the limitations of the methods employed in the studies generating the evidence base, we cannot yet say with any degree of certainty how prevalent or aberrant these effects are (Gendreau & Labrecque, 2015).
- More recent and analytically robust studies, although not without their own limitations, suggest that the inmates who were the focus of earlier case studies might actually be anomalous, representing the extreme (O'Keefe et al., 2011).

### **Behavioral Effects**

The research evidence with regard to psychological effects, while certainly not definitive, is more voluminous than the research evidence around behavioral effects. Research examining these behavioral outcomes, however, has been less contentious and more consistent.

- For the most part, researchers have found that inmates who spent time in solitary confinement through administrative or disciplinary segregation fare no better or worse than inmates never exposed to it (Labrecque, 2015; Mears & Bales, 2009; Morris, 2015).

### **Meta-Analyses**

Two recent meta-analyses confirm that not only is the evidence base thin but also the effects tend to be weak (Morgan et al., 2014; P. Smith, Gendreau & Labrecque, 2015).

- The meta-analytic studies identified weak effects of solitary confinement on inmate outcomes — most of which were psychological — and concluded that their review did not find support for the long-argued contention that solitary confinement has lasting psychological effects on those subjected to it.
- Notably, in the meta-analytic studies, few research studies (less than 10 percent) actually met basic inclusion criteria, and studies with weaker designs tended to produce larger effects than those with more rigorous designs (Gendreau & Labrecque, 2015).

## **Conclusions and Future Directions**

Considering the accumulated evidence, it is clear that psychological effects seem to exist, especially for those who already suffer from mental illness and for those who are subjected to lengthy or indefinite terms of confinement in administrative segregation, but far fewer negative effects of solitary confinement have been demonstrated when the term of confinement is relatively short. Critically, almost no literature documents the utility of the practice or demonstrates that the use of these units has achieved specific aims in demonstrable ways. While limitations of the research have made it difficult to conclusively substantiate the harm often attributed to administrative segregation with almost no evaluation research, it is virtually impossible to find empirical evidence supporting its utility or efficacy.

Yet, it is difficult to design and carry out empirically sound and analytically sophisticated research among segregated prison populations. Most research in prisons excludes this population, in part because there are the basic issues of access and feasibility that are difficult to overcome in this context, but that does not mean that such research is not possible. Having reviewed the literature on administrative segregation and its effects, five suggestions follow for moving the research agenda forward:

- Establish agreed-upon definitions, distinguishing the defining characteristics of different types of restrictive housing.
- Collect and analyze data to establish reliable prevalence estimates across the various types of restricted housing.
- Establish standards for research access to populations in administrative segregation.
- Distinguish the potential differential effects of short-term versus long-term exposure to solitary confinement.
- Prioritize funding for proposed research that can overcome methodology shortcomings of existing research. In particular, evaluation research and research that includes pre- and post-test measures or carefully constructed control groups should be prioritized.

Many have argued that, given the extreme conditions and substantially greater costs associated with administrative segregation, the onus should be on those advocating for its maintenance or expansion to prove its benefit. In a moment where the wisdom of administrative segregation has increasingly come under fire, these suggestions for a research agenda are not intended to frame the discussion but, rather, to launch the conversation.

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