



# TIME-IN-CELL: A 2021 SNAPSHOT OF RESTRICTIVE HOUSING

Based on a Nationwide Survey of U.S. Prison Systems

CORRECTIONAL LEADERS ASSOCIATION

ARTHUR LIMAN CENTER  
FOR PUBLIC INTEREST LAW  
AT YALE LAW SCHOOL

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The Correctional Leaders Association &  
The Arthur Liman Center for Public Interest Law  
at Yale Law School

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CLA, formerly the Association of State Correctional Administrators (ASCA), was founded in the 1980s and is comprised of the directors of correction systems throughout the United States. CLA members lead over 400,000 correctional professionals and are responsible for approximately eight million people in prisons and on probation and parole. CLA's mission is to "promote the profession of corrections, support CLA members, and influence policy and practices that affect public safety."

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The series of CLA-Liman reports began under the leadership of George and Camille Camp, and in this and other collaborative projects, we honor Camille Camp and mark George Camp's legacy.

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## Overview of Findings

This Overview previews some of the findings in this Report. Before turning to key facets, the contours and limits of the data collection need to be explained. First, as in the other volumes in the CLA-Liman series, this Report compiles information that prison systems provided in response to a survey questionnaire (“the Survey”) and does not rely on other sources, such as interviews of incarcerated people or research based on public data. Second, the Survey defined “restrictive housing” as isolation in a cell for an average of twenty-two or more hours per day for fifteen or more consecutive days. Thus, this data collection cannot inform discussions about other forms of isolation, such as conditions that restrict incarcerated individuals to their cells for seventeen to less-than-twenty-two hours per day.

Third, jurisdictions responded to the 2021 CLA-Liman Survey during the global COVID-19 pandemic—a public health emergency that upended life around the globe, including within U.S. prisons. The density of prisons meant that many facilities became “hotspots”; as public health experts reported, the rates of infections and deaths of incarcerated people and prison staff due to COVID-19 were higher than for people outside prisons.<sup>1</sup> Concerns have been raised that COVID-19 prompted greater use of isolation and altered the housing options within facilities.<sup>2</sup> However, the July 2021 timing of the CLA-Liman Survey’s “snapshot” fell outside the “waves” of high rates of COVID-19 infections that surged in the United States and therefore may not reflect the impact of the pandemic on isolation in prisons.<sup>3</sup>

Fourth, the Survey’s questions were addressed to the statewide correctional officials, very few of whom oversee jails or other detention facilities besides prisons. As a result, this Report is about people in prisons, and not about individuals held in jails, immigration facilities, or other forms of detention.

With these caveats, this Report documents important changes over the course of data collection. In 2012, the first year the CLA-Liman Survey was conducted, all responding jurisdictions reported using restrictive housing in their facilities. In contrast, as detailed below, three of the thirty-five jurisdictions responding to the 2021 Survey reported that they did not hold *any* people in conditions matching the Survey definition of restrictive housing. Two more jurisdictions reported holding fewer than ten people in restrictive housing, and ten jurisdictions—including these five—reported holding no one in restrictive housing in their women’s prisons. These reported practices, along with ongoing reforms implemented by correctional departments and legislative bodies in many states and the federal system, demonstrate a growing consensus that limiting or ending the use of restrictive housing is a worthwhile and attainable goal.

This Report also records a major shift in the legislative role in limiting restrictive housing. When this series began in 2012, few statutes focused on the use of restrictive housing. Between 2018 and 2020, when the last report was published, legislators in more than twenty-five states introduced bills to limit the use of restrictive housing, and some fifteen enacted legislation. This Report provides an update of bills, resolutions, and executive orders introduced and enacted in more than thirty states. These proposals and enactments address duration of confinement,

subpopulations, staff training, and more. As of this writing, more legislative activity focused on the use of isolation is underway.

### **The Numbers and Demographics of People Held in Restrictive Housing**

Thirty-four state prison systems and the Federal Bureau of Prisons (BOP) responded to the 2021 CLA-Liman Survey with information about the number of people in restrictive housing as of July 2021. Their responses identified 25,083 people in restrictive housing, out of an aggregate total custodial population of 731,202 people under their direct control. According to data collected by the Vera Institute of Justice (“Vera”), as of March of 2021, 1,193,934 people were held in prisons across the United States. The thirty-five responding jurisdictions thus provided information about approximately 61.2% of the total U.S. prison population. In addition to these thirty-five jurisdictions, a thirty-sixth jurisdiction answered questions about the number of people in its total custodial population and rules governing restrictive housing but not about the number of people in restrictive housing.

Across the thirty-five jurisdictions that provided restrictive housing data, the percentage of people in restrictive housing ranged from 0% to 14.8% of the total custodial population. Aggregating these jurisdictions’ responses, 3.4% of people were reported to be held in restrictive housing (25,083 out of 731,202 people). The median was 3.2% (excluding the three jurisdictions that reported holding no one in restrictive housing, the median was 3.3%).

The 2021 Survey also sought to learn about how long individuals were held in restrictive housing. Thirty-four jurisdictions provided such data on 25,029 people. More than 75% of these individuals were reported to have been held in restrictive housing for between fifteen days and one year. Specifically, 4,792 people (19.1% of 25,029) were in for fifteen to twenty-nine days; 4,678 (18.7% of 25,029) were in for thirty to sixty days; 6,888 (27.5% of 25,029) were in for sixty-one to 180 days; and 2,631 (10.5% of 25,029) were in for between six months and a year.

The remaining quarter—6,040 individuals—were reported to have been isolated in restrictive housing for more than one year. Specifically, 3,595 people (14.4% of 25,029) were in for one to three years; 996 (4.0% of 25,029) were in for three to six years; 525 (2.1% of 25,029) were in for six to ten years; and 924 individuals (3.7% of 25,029) were in restrictive housing for over a decade.

Another set of questions focused on the demographic makeup of the restrictive housing population in relationship to the total custodial population. A first divide was on gender. In thirty-five jurisdictions, 3.6% of people in men’s prisons and 0.8% of people in women’s prisons were in restrictive housing.

Several categories of people, often referred to as subpopulations, have been subjects of concern with regard to the use of restrictive housing. The thirty-two jurisdictions responding to whether pregnant people were in restrictive housing indicated that none held a pregnant person in restrictive housing. More generally, relatively few pregnant people were reported in prisons. Of thirty-three jurisdictions reporting information about their total custodial populations, six jurisdictions said that they housed no pregnant people. The other twenty-seven reported holding a total of 234 pregnant individuals in their custodial populations.

Thirty-two jurisdictions provided information about the number of transgender people in their restrictive housing and total custodial populations. One jurisdiction reported that it held no transgender people in its total custodial population. The remaining thirty-one, including the three jurisdictions reporting no one in restrictive housing, reported a total of 5,822 transgender people in their custodial populations, and 293 transgender people in restrictive housing.

In terms of race and ethnicity, Black and Hispanic or Latino/a people comprised a somewhat larger percentage of restrictive housing populations than they did in total custodial populations. The largest racial and ethnic differences were found in facilities for women. In the thirty-three jurisdictions that provided data on the race/ethnicity of people in restrictive housing in women's prisons, Black people comprised 30.1% of restrictive housing populations, as compared to 20.0% of total custodial populations. Hispanic or Latina people comprised 16.6% of the restrictive housing population in women's prisons, as compared to 16.8% of the total custodial population. Similarly small percentages of people identified as Asian, Native Hawaiian or Pacific Islander, or "Other" were reported in the total custodial and restrictive housing populations. Native American or Alaskan Native people comprised 6.8% of restrictive housing populations in women's prisons, as compared to 3.4% of total custodial populations.

Across the thirty-three jurisdictions that provided data on the race/ethnicity of those in restrictive housing in men's prisons, Black people accounted for 37.7% of the restrictive housing population, as compared to 37.2% of the total custodial population. In twenty-two of these thirty-three jurisdictions, the percentage of Black people was higher in restrictive housing than in the total custodial population. Hispanic or Latino people comprised 23.8% of the people in restrictive housing in men's prisons in these jurisdictions, as compared to 22.6% of the jurisdictions' total custodial populations. Jurisdictions reported small percentages of Asian, Native American or Alaskan Native, and Native Hawaiian or Pacific Islander people in their total custodial populations and similarly small percentages in restrictive housing. Those categorized as "Other" appeared to be comparable in percentages both in total custodial and restrictive housing populations.

Age is another focus of the Survey's inquiry, as some have voiced growing concern about the placement of youth and the elderly into restrictive housing. Survey responses indicated that a higher percentage of younger people were in restrictive housing compared to older age groups. Aggregating responses from thirty-two jurisdictions, 3.6% of all people in men's prisons (24,143 of 664,810) were in restrictive housing. In contrast, 4.9% of people in men's prisons ages twenty-five and younger (2,928 of 59,430) were in restrictive housing. Thirty-three jurisdictions provided data indicating that 0.8% of all people in women's prisons (385 of 46,491) were in restrictive housing. In contrast, 2.0% of people ages twenty-five and younger in women's prisons (81 of 4,150) were in restrictive housing.

Another long-standing concern is the impact of restrictive housing on mental health. The policies of the American Correctional Association (ACA) and of many jurisdictions call for limits on the placement of individuals with "serious mental illness" (SMI) in isolation. Because definitions of "serious mental illness" varied across jurisdictions, the 2021 Survey asked each responding jurisdiction to provide both its definition of SMI and the number of people in

restrictive housing under its own definition. Using their own definitions of SMI, twenty-eight jurisdictions identified a total of 1,138 seriously mentally ill people in restrictive housing.

As detailed in the Liman Center's 2016 report, *Rethinking "Death Row"*, some prison systems require that officials separate people serving capital sentences from the general population. Seventeen jurisdictions with at least one capital-sentenced person in their total custodial populations held 2,817 capital-sentenced individuals in general population settings, 1,254 in restrictive housing, and 1,459 in separated areas (housing units that were not part of general population) that did not meet the Survey's definition of restrictive housing.

### **Ten Years of Collecting Data: Developing the Capacity for Longitudinal Assessments**

Because the surveys have collected data for a decade, the 2022 Report can provide some comparisons over time. In 2013, the Liman Center and the Association of State Correctional Administrators (ASCA, the previous name for CLA) produced a first report, *Administrative Segregation, Degrees of Isolation, and Incarceration: A National Overview of State and Federal Correctional Policies*, based on a review of the policies in place in forty-six states and the BOP. Through this research, ASCA and the Liman Center learned that correctional officials had broad discretion when deciding to put people into "administrative segregation," which the report defined as the practice of isolating a person in a cell for "approximately 23 hours a day," for "a non-punitive purpose," and with "open-ended duration, close confinement, and restricted activities and social contact."

*Time-In-Cell*, published in 2015 with data from 2014, compiled survey responses from thirty-four jurisdictions holding 74% of the U.S. prison population. Those jurisdictions reported more than 66,000 individuals in some form of restrictive housing. *Time-In-Cell* estimated that, in the fall of 2014, between 80,000 and 100,000 individuals were in restrictive housing in prisons across the United States.

The next survey, sent in 2015, refined the definition of "restrictive housing" by asking about the practice of separating an individual from the general population and isolating that individual in a cell for twenty-two hours or more per day and for fifteen or more continuous days. As detailed in a third report, *Aiming to Reduce Time-in-Cell*, published in 2016, forty-eight jurisdictions—holding 96.4% of the U.S. prison—responded to this survey and identified a total of 67,442 people held under that definition of restrictive housing.

For the 2017 ASCA-Liman Survey, forty-three jurisdictions holding 80% of the country's incarcerated population responded. That survey clarified the definition of "restrictive housing" by inquiring about people isolated in a cell for *an average of* twenty-two hours or more per day, for fifteen or more continuous days. The resulting report, *Reforming Restrictive Housing*, published in 2018, estimated that approximately 61,000 individuals were in restrictive housing. The 2017 Survey also sought demographic data, inquiring about the gender, ethnicity, and ages of people held in restrictive housing; the length of stay; and the isolation of those that the jurisdictions holding them deemed "seriously mentally ill." Survey responses showed that people in men's prisons were much more likely than people in women's prisons to be in isolation, that Black people comprised a greater percentage of the restrictive housing population than they did

of the total custodial population, and that people between the ages of eighteen and thirty-six were more likely to be placed in restrictive housing than were older individuals.

The 2019 CLA-Liman Survey collected data from thirty-nine jurisdictions incarcerating 65% of the U.S. prison population. *Time-in-Cell 2019: A Snapshot of Restrictive Housing*, published in 2020, estimated that prisons across the United States were holding between 55,000 and 62,500 individuals in restrictive housing as of the summer of 2019. Within the thirty-two jurisdictions that reported data on the race and ethnicity of individuals in restrictive housing, the percentage of people in both men's and women's prisons who were Black, Native American, or Alaskan Native was higher in restrictive housing than in the total custodial population, and the same was reported for Hispanic people in men's prisons. In both men's and women's prisons, the percentage of individuals between the ages of eighteen and thirty-five was higher in restrictive housing than in total custodial populations.

Responses to the 2021 CLA-Liman Survey invite assessment of changes throughout the past decade. As in past years, this Report uses survey data from responding jurisdictions to calculate a national estimate of the number of people in restrictive housing in all U.S. prisons. This Report estimates that, as of July 2021, approximately 41,000 to 48,000 people were in restrictive housing in prisons across the United States. In addition, this Report compares survey data from the twenty-five jurisdictions that responded to the full set of 2015, 2017, 2019, and 2021 Surveys. From 2015 to 2021, both the aggregate number and percentage of people these jurisdictions reported held in restrictive housing decreased: from 27,697 people (4.6% of 606,801) in 2015, to 13,371 people (2.9% of 456,183) in 2021.

Nineteen of these jurisdictions, which provided data on length of time people spent in restrictive housing, responded to all four surveys. Aggregating their data, the reported numbers of individuals in restrictive housing across almost all time periods decreased between 2015 and 2021. These decreases were not uniform across the nineteen jurisdictions and the time intervals. However, the numbers of people in restrictive housing for all lengths of time decreased in more jurisdictions than it increased between 2015 to 2017, 2017 to 2019, and 2019 to 2021.

A decline in reported numbers invites exploration of the factors that resulted in lowering the restrictive housing populations. Many potential sources for such a change exist, including decreases in the overall number of people imprisoned in these jurisdictions; changes in the facilities used for incarceration; new policies, regulations, legislation, and judicial decisions; the impact of COVID-19; and staffing within prison systems. In addition, some responding jurisdictions provided policy documents reflecting multiple forms of isolation. Thus, it is possible that some of the apparent decrease in the number of people held in restrictive housing may correspond with increases in the numbers of people held in forms of isolation that closely approximate restrictive housing—for example, confinement in a cell for an average of twenty or twenty-one hours per day. Different forms of research are needed to parse the variables and understand the changes.

### **Dimensions of Living in Restrictive Housing**

As the term implies, living in restrictive housing limits interaction with other people and activities. The 2021 Survey sought to understand rules governing access to personal items, use of

the commissary, and activities in cell; how out-of-cell time was spent; and opportunities for interpersonal contact. The Survey also asked about staffing, processes governing release from restrictive housing, and incidents of violence.

For this category of information, an additional caveat is in order: formal policies do not necessarily describe the actual experiences of individuals held in restrictive housing. The 2021 Survey focused on the *official rules* set forth by corrections departments. A different kind of research is needed to learn what transpires in practice for people in restrictive housing. Moreover, the 2021 Survey asked each jurisdiction to report the formal rules for its facility with the largest restrictive housing population, and some jurisdictions indicated that rules varied by facility. Thus, responses to these survey questions provide a rough, preliminary sketch of the rules governing life in restrictive housing.

A major concern of this part of the Survey is lighting. Historically, “dark cells” were used as punishment, while a later form of punishment was to fill cells with artificial light at all times. Thirty jurisdictions responded to some of the Survey’s questions about artificial and direct natural lighting in restrictive housing cells. Of those, ten jurisdictions reported that the lights in restrictive housing cells stayed on at night and that people in restrictive housing did not have control over cell lighting for all hours of the day.

Another concern is sociability. Twenty-nine jurisdictions reported that they permitted people in restrictive housing to leave their cells between three and seven times per week to exercise individually; the median was five times per week. Thirty jurisdictions responded that they limited the number of showers a person living in restrictive housing could take, and nineteen capped this number at three per week. Six jurisdictions reported that people in restrictive housing were not allowed to be in a group during any out-of-cell time.

The Survey also queried jurisdictions about restrictive housing polices related to items such as books, reading materials, writing materials, worksheets, puzzles, board games, music, and television. Most jurisdictions reported that they permitted some opportunities to have access to educational resources such as books (30 jurisdictions), writing materials (29 jurisdictions), and worksheets (27 jurisdictions); fewer reported making available televisions (16 jurisdictions), video games (4 jurisdictions), and puzzles and board games (13 jurisdictions). Almost all jurisdictions reported that staff had the authority to revoke access to any of these items as a punishment and to permit access as a reward.

Violence within prisons is a grave concern that has been invoked both as a justification for separating people from general population settings and as a critique of isolation. Federal laws such as the Death in Custody Reporting Act and the Prison Rape Elimination Act, which address both state and federal facilities and call for information on deaths and sexual violence (respectively) require reporting. As a preliminary step toward data collection efforts, the 2021 CLA-Liman Survey asked about incidents of self-harm and interpersonal harm, including sexual violence. As this set of questions was a new addition to this series, and due to the preliminary nature of the Survey’s inquiries into violence, this Report does not aggregate the data. Yet, for the time period between July 1, 2020, and July 1, 2021, nearly a quarter (23.9%, or 188 of 785)

of attempted or completed suicides reported in response to the Survey by twenty-one jurisdictions occurred in restrictive housing.

In order to learn about the rules and procedures for exiting restrictive housing, the Survey asked about the use of what are termed “step-down” or “transition” programs. Reflecting concerns that isolation is debilitating and that to resume normal interactions requires help, these programs are designed to reduce the challenges of reentry and mitigate the adverse physical and psychological effects of segregated housing. Thirteen of twenty-nine responding jurisdictions reported using transition programs for exiting restrictive housing and reentering general population settings. Seven of these jurisdictions reported that such programs could last from a minimum of one month to a maximum of one year; the median was ninety days. Eleven jurisdictions reported using transition programs for when people are released directly from restrictive housing to outside of prisons.

Given the challenges of working in prisons, the Survey asked questions aimed at gaining a preliminary understanding of qualifications and training for staff working in restrictive housing units. Sixteen of twenty-nine responding jurisdictions said that working in restrictive housing units did not require any additional qualifications. Of the thirteen jurisdictions that required additional qualifications, the specific requirements reflected the challenges of restrictive housing. Several jurisdictions required special training on mental health; five required training on conflict management; and six required training on de-escalation techniques.

### **Correctional Regulations Addressing Restrictive Housing**

Another window into restrictive housing is through published correctional policies. This Report analyzed a subset of materials available as of December 2021 from the ten states with the largest prison systems, measured as of March 31, 2021, and from the four states that reported in the 2019 CLA-Liman Survey that they held no one in restrictive housing. The goal was to analyze published criteria for entering and exiting restrictive housing. Because terminology varies and the term “restrictive housing” is not always used in correctional policies, this segment of the Report uses the term “segregated housing” to encompass the range of isolation practices reviewed.

Nine of the ten jurisdictions with the highest prison populations had a “catch-all provision,” which appeared to give prison staff broad discretionary authority to place an individual in segregated housing. For example, one 2021 policy stated that a person could be placed in segregated housing if deemed a “threat to the orderly operation of the facility.” By contrast, three of the four states with few or no reported individuals in segregated housing specified which rule violations or other narrowly defined circumstances could serve as bases for placement. All fourteen of the jurisdictions had policies that used transition programs to move individuals from segregated housing to the general prison population or into the community.

### **Federal and State Legislation Addressing Restrictive Housing**

When this series began in 2012, few statutes focused on the use of restrictive housing. A major change has taken place since then. As chronicled in the 2020 report, between 2018 and 2020, legislators in more than twenty-five states had introduced bills to limit the use of restrictive housing; some fifteen had enacted legislation. This Report provides an update on bills,



resolutions, and executive orders introduced and enacted in more than thirty states. These legislative actions address many topics, including the duration of confinement, subpopulations, and staff training. As of this writing, more legislative activity on the use of isolation is underway.

Some statutes have been high-profile efforts at broad reform. The 2020 report discussed examples including Colorado, Minnesota, Montana, New Jersey, and New Mexico. New York's 2021 enactment of the HALT Act is another example; effective April 2022, the law defined "segregated confinement" as "any form of cell confinement for more than seventeen hours a day other than in a facility-wide emergency or for the purpose of providing medical or mental health treatment." The HALT Act prohibits the placement of any person in one of several subpopulations, such as people "fifty-five years of age or older," in segregated confinement and caps the duration of segregated confinement at "no more than fifteen consecutive days or twenty total days within any sixty-day period."

Colorado's recent enactment forbids local jails from placing individuals in "restrictive housing involuntarily" if they suffer from specified types of impairments, including "serious mental illness." In the spring of 2022, as this Report was being finalized, Connecticut enacted the PROTECT ACT, which limits the number of days a person can spend in "isolated confinement" to no more than fifteen consecutive days or thirty total days within any sixty-day period. The PROTECT Act also requires "not less than two hours out of cell per day, including at least one hour for recreational purposes."

Several prior statutes imposed reporting requirements. For example, in the federal system, the First Step Act of 2018 (FSA) requires the BOP to report certain information about the number of people in "solitary confinement" in federal prisons and jails. A 2022 report published pursuant to this mandate indicated that the BOP had held 11,703 people "in segregated housing units at any time during" 2020.

Below, the Report amplifies the bases for this sketch and provides more information about the use of restrictive housing as of the summer of 2021.

## I. CLA-Liman Research on Restrictive Housing

This Report, based on responses from thirty-six jurisdictions to the 2021 CLA-Liman Survey, sketches a composite picture of restrictive housing practices in prisons across the United States. The 2021 Survey defined “restrictive housing” as the practice of isolating an incarcerated person in a cell for an average of twenty-two hours or more per day, for fifteen or more consecutive days. The Survey sought information on a range of topics including: the number of people held in restrictive housing; their demographics; the length of time they were confined in restrictive housing; and prison policies governing conditions in restrictive housing, from lighting to access to activities. Also included were inquiries on data about incidents of violence in restrictive housing. Thirty-five jurisdictions responded with information about the number of people in restrictive housing, and a thirty-sixth jurisdiction answered questions about the number of people in its total custodial population and the rules governing restrictive housing but did not report the number of people in restrictive housing.<sup>4</sup>

As noted in the Overview, during the past decade, CLA and the Arthur Liman Center for Public Interest Law at Yale Law School have together conducted a series of nationwide surveys that yield longitudinal data on restrictive housing’s role in prison systems across the United States. These reports reflect that, while once a regular tool of discipline, restrictive housing—also commonly referred to as “solitary confinement” or “segregated confinement”—has become a matter of grave concern.

The 2020 and this Report exemplify that shift. As of July of 2021, three of the thirty-five jurisdictions that submitted responses reported holding no one in restrictive housing as defined by the Survey. Another two jurisdictions reported holding fewer than ten people in restrictive housing. Ten jurisdictions in total, including the five mentioned, reported holding no one in restrictive housing in women’s prisons. These reported practices, along with ongoing legal and policy reforms implemented by correctional departments and legislatures in many states and the federal system, demonstrate ongoing efforts to reduce and to end the use of restrictive housing.

Another context for this report is that jurisdictions responded to the 2021 CLA-Liman Survey during the COVID-19 pandemic—a public health emergency. The density of prisons meant that many became identified as “hotspots”; as public health experts reported, the rates of infections and deaths of incarcerated people and of prison staff were higher than for people not in detention.<sup>5</sup> Concerns have been raised that COVID prompted greater use of isolation.<sup>6</sup> The Survey therefore asked about COVID-19 as a basis for restrictive housing. Thirty-one responding jurisdictions reported that, as of July 2021, fewer than two dozen total people were in restrictive housing for COVID-19 isolation or quarantine. That number was less than some commentators anticipated. It may reflect that the request for data keyed to July 2021 for this “snapshot” fell outside the waves of high COVID-19 infection rates and did not capture the full impact of the pandemic on restrictive housing. Further, the types of isolation used in response to the pandemic may have differed from the Survey definition of restrictive housing. COVID-19 underscored the challenges of health care and of working in prisons. Access to regular and needed medical assistance was burdened and in some instances cut off, and the crisis exacerbated staffing shortages.<sup>7</sup>

### **Understanding Restrictive Housing over Time and Across Jurisdictions**

Since 2012, the Liman Center and CLA have worked together on a variety of projects designed to gain insight into interactions among imprisoned people, correctional agencies, communities, and courts. Together, CLA and the Liman Center have hosted workshops, presented at conferences,<sup>8</sup> undertaken research, and produced widely-read reports. The research has included the design and dissemination of a series of surveys to correctional agencies across the United States. These studies have addressed family and social visiting policies, rules governing administrative segregation, the use of segregation on people serving capital sentences, and the use of restrictive housing.<sup>9</sup>

To inform discussions of restrictive housing, CLA and the Liman Center have since 2013 conducted national surveys biennially by distributing detailed questionnaires to all fifty states' correctional agencies, the Federal Bureau of Prisons (BOP), and, in some years, a few jail systems. Given the diverse institutions and varied nomenclature (such as "the SHU" for "special housing units," administrative segregation, punitive isolation, and more), the surveys have asked respondents to rely on a standardized definition, detailed below, of "restrictive housing."

The results provide a composite picture of the reported use of restrictive housing; by repeating the surveys, CLA and the Liman Center have built a longitudinal database. When read together, the surveys provide a window into reported changes in the use of restrictive housing and enable readers to consider the impact on incarcerated people, correctional staff, and the public.

#### **The 2021 Survey Design and Methodology**

For this effort, CLA's Restrictive Housing Committee joined with Liman Center researchers to draft, streamline, and clarify questions for the 2021 CLA-Liman Survey. The drafting committee ran a pilot, and feedback from correctional agencies was incorporated into a revised 170-question questionnaire that aimed to make answers simpler through dropdown menu boxes.

That questionnaire (the 2021 CLA-Liman Survey) was distributed to all CLA members and the BOP on July 1, 2021, via Qualtrics survey software. The software provided survey respondents with a link that brought them to an online, fillable version of the questionnaire. Most respondents answered by typing into the online version of the questionnaire. A few respondents opted to print out a blank copy of the questionnaire, fill in answers by hand, then scan and email completed surveys to the research team. Given the need for clarifications in some instances, Liman Center researchers followed up and integrated answers into the data set; thereafter, layers of review aimed to ensure an accurate compilation. As was the process for past reports, during the summer of 2022, after compiling and analyzing the Survey data, the research team circulated a draft through the CLA for comments and corrections; that feedback contributed to the published Report.

This research method did not provide direct access to jurisdictions' internal data and recordkeeping systems; instead, it relied on self-reports through survey responses from each jurisdiction. As discussed in Section II, the 2021 Survey asked about how jurisdictions collected

the data they reported as well as how they reviewed data on restrictive housing in the course of regular operations. The full 2021 CLA-Liman Survey is reproduced in Appendix A.

The 2021 Survey asked jurisdictions to report, as of July 1, 2021 (or, in the alternative, July 15 or another date in July of 2021), both their total custodial populations in prisons under their *direct control* and the number of people held in restrictive housing in those facilities. The Survey defined people under a jurisdiction's "direct control" as people "sentenced to and received by" a jurisdiction, meaning that the Survey asked jurisdictions to exclude from their responses "people who are sent out of the jurisdiction or held under local or county authority." This distinction was drawn because jurisdictions have limited or no information about the use of restrictive housing when people are sent to another place or are held by local authorities, such as in jails.

Thus, the total number of people described by the thirty-five jurisdictions is less than the total number of people incarcerated under the *legal authority* of these jurisdictions. As detailed in Section II, thirty-five responding jurisdictions reported a total of 731,202 people under their direct control as of July 2021, while data from the Vera Institute of Justice ("Vera") indicated that these jurisdictions had legal authority over 802,821 incarcerated people as of March 2021.

To provide comparisons across years, many questions in the 2021 Survey used the same wording as prior surveys. Specifically, the 2021 Survey reproduced the "restrictive housing" definition from the 2017 and the 2019 Surveys:

"Separating prisoners from the general population and holding them in cell for an average of 22 or more hours per day, for 15 or more continuous days."

The 2021 Survey defined "total custodial population" as "the total number of people sentenced to and received by your department." (As noted above, the Survey specified that respondents should limit their responses to people under jurisdictions' "direct control.")

To be clear, in this report, *total custodial population* includes all imprisoned people and is not synonymous with the term "general population." People in restrictive housing, general population, and any levels of custody falling between those two settings (*e.g.*, people in cells for twenty-one hours per day or some other amount of time) are all part of the total custodial population.

### **Research Challenges and Caveats**

As explained above and as in previous years, this Report's analysis is drawn from self-reported information that responding jurisdictions submitted. No third-party site visits or surveys of incarcerated individuals were done. Also, as in the past, responses sometimes made cross-jurisdictional comparisons and aggregation challenging. This Report summarizes the answers provided, and endnotes contain explanatory caveats when needed. As in prior reports, to inform the national picture, this Report draws on a range of materials including public regulations, legislation, and other analyses of restrictive housing.

Another important caveat is that this Report does not account for restrictive housing in custodial settings other than the state and federal prison systems. Therefore, no information is provided on local jails, immigration detention, military confinement, and juvenile facilities. By way of comparison, as of the spring of 2021, Vera estimated that approximately 1,193,930 people were held in state and federal prisons, while some 647,200 people were held in jails across the United States.<sup>10</sup> Isolation is used in all forms of detention. Vera estimated that, as of late 2019, 5.64% of people detained in jail across the United States were isolated in cells for at least twenty-two hours per day.<sup>11</sup>

In addition, given the Survey's definition of "restrictive housing," this Report cannot provide a complete picture of isolation within prisons. The 2021 Survey did not seek data about people held in cells for twenty-two hours or more per day for *less* than fifteen days, nor did the Survey ask about people held in cells for an average of *less* than twenty-two hours per day. Indeed, one of the three jurisdictions that reported holding no people in restrictive housing under the Survey's definition as of July 2021 noted that it held some people in a form of "restrictive housing/segregation" that allowed up to six hours of out-of-cell time per day.<sup>12</sup>

A special note about "serious mental illness" is also in order. Given the variation in definitions of "serious mental illness" (SMI) used by prison systems, the Survey invited jurisdictions to provide their own definitions of the term. Appendix D lists those definitions.

## II. The Data: People in Restrictive Housing in Prisons as of July 2021

The 2021 CLA-Liman Survey asked jurisdictions to report the number of people held in restrictive housing, the duration of their confinement, their demographics, and how jurisdictions categorized the reasons for placement, such as “safety” or “punishment.” As detailed above, the 2021 Survey defined “restrictive housing” as the practice of “separating prisoners from the general population and holding them in cell for an average of 22 or more hours per day, for 15 or more continuous days.” Thirty-six jurisdictions responded, albeit not to all the questions, and the data on the number of people in restrictive housing comes from thirty-five jurisdictions.

### **The Numbers and Percentages of People in Restrictive Housing: Counting and Comparing General and Restrictive Populations**

Baselines are critical. As noted above, the 2021 Survey asked jurisdictions to report two figures: the number of people in their total custodial populations and in their restrictive housing populations as of July 1, 2021 (or, in the alternative, July 15 or another date in July 2021). Thirty-five jurisdictions (the “restrictive housing responding jurisdictions”) provided information on both populations.<sup>13</sup> These jurisdictions reported housing a total of 731,202 people in prisons under their direct control.<sup>14</sup> Out of that total, 25,083 people—or 3.4%—were in restrictive housing.

Three of these jurisdictions responded that, as of July 2021, they held no people in restrictive housing.<sup>15</sup> An additional two jurisdictions reported that they held fewer than ten people in restrictive housing.<sup>16</sup> Ten jurisdictions responded that their women’s prisons held no one in restrictive housing.<sup>17</sup> Four jurisdictions—the three that reported holding no one in restrictive housing and one that reported holding four men and no women in restrictive housing<sup>18</sup>—had previously indicated in response to the 2019 CLA-Liman Survey that they held no one in restrictive housing.<sup>19</sup>

Figures 1 and 2 and Table 1 provide jurisdiction-specific data on the numbers of people in restrictive housing in prison by gathering responses to the questions:

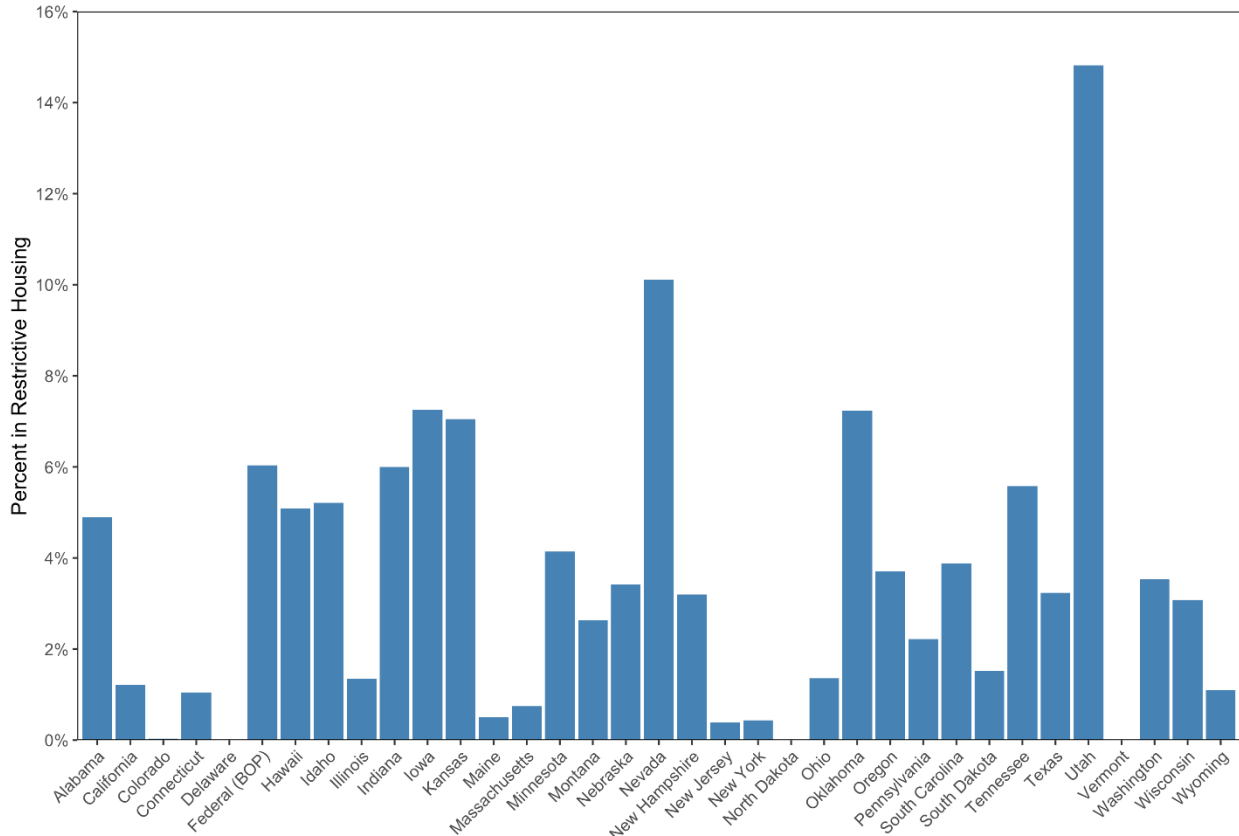
How many people are in your jurisdiction’s total custodial population, including people who are held in restrictive housing? Total custodial population is defined as all individuals sentenced to and received by your department.

How many people are in restrictive housing, defined as being in cell for an average of 22 hours or more a day for 15 or more continuous days? Include all individuals in restrictive housing, whether the placement is provisional pending investigation and decision-making, or whether placement has been confirmed for any of a variety of reasons. Note: these numbers should include individuals held in restrictive housing for whatever reasons, including COVID-19 concerns.

In the thirty-five responding jurisdictions, the percentage of people in restrictive housing in prisons ranged from 0% to 14.8%.<sup>20</sup> The median percentage of the population held in

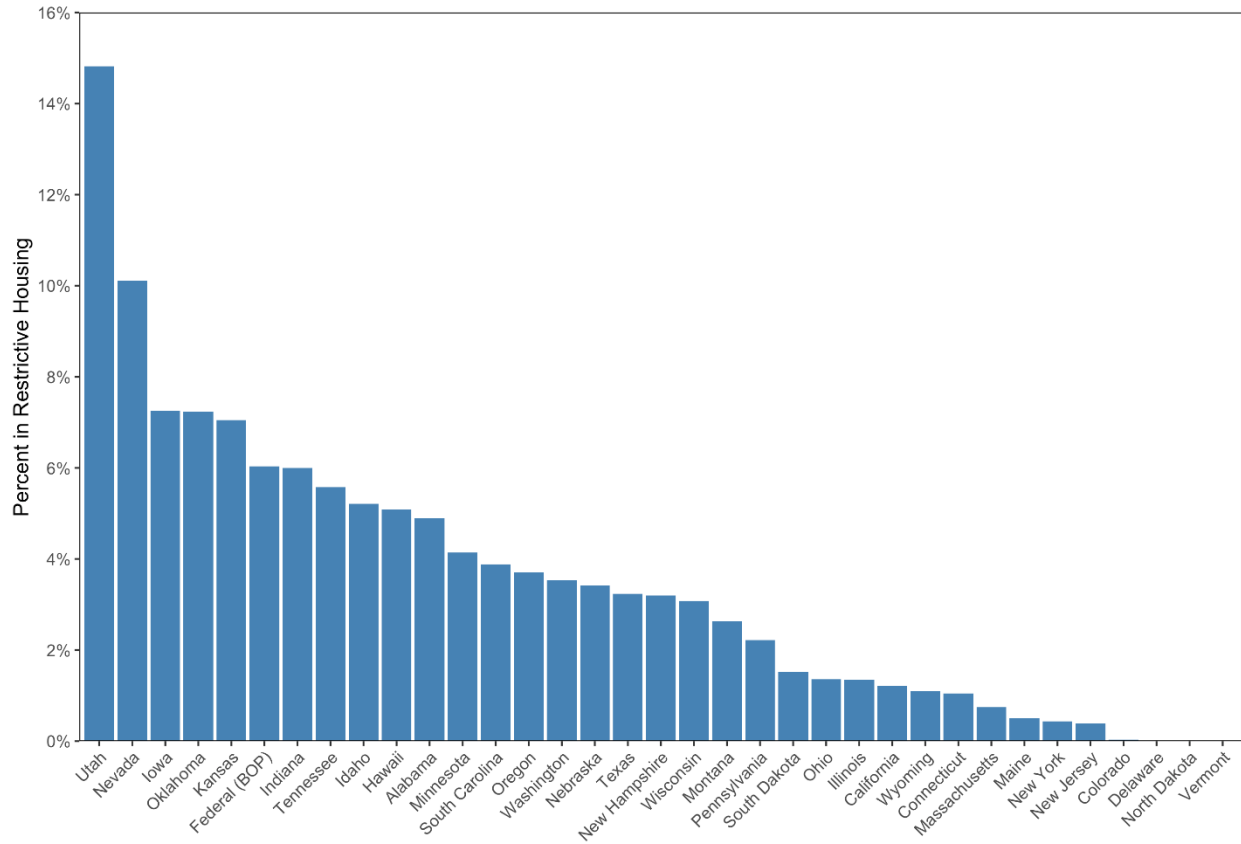
restrictive housing was 3.2%. When the three jurisdictions that reported holding no people in restrictive housing are excluded, the median was 3.3%.<sup>21</sup> As noted above, these jurisdictions collectively reported holding 3.4% (25,083 of 731,202) of people in prisons under their direct control in restrictive housing. Figure 1 presents the percentages of people in restrictive housing ordered alphabetically by jurisdiction; Figure 2 presents the same information organized by percentage.

**Figure 1 Percentage of People in Restrictive Housing Ordered by Jurisdiction\* (n = 35)**



\* Utah is one of a few jurisdictions that has a significant post-conviction population in jails or sent out of state. These individuals were not under the Utah’s “direct control” and therefore were not counted as part of Utah’s total custodial population for the 2021 CLA-Liman Survey. If the Survey counted these individuals toward Utah’s total custodial population, the percentage of people in restrictive housing in Utah would be lower. Moreover, as of July 2022, with a new facility open, Utah’s use of restrictive housing has decreased substantially.

**Figure 2 Percentage of People in Restrictive Housing Ordered by Percentage\*  
(n = 35)**



\* Utah is one of a few jurisdictions that has a significant post-conviction population in jails or sent out of state. These individuals were not under the Utah’s “direct control” and therefore were not counted as part of Utah’s total custodial population for the 2021 CLA-Liman Survey. If the Survey counted these individuals toward Utah’s total custodial population, the percentage of people in restrictive housing in Utah would be lower. Moreover, as of July 2022, with a new facility open, Utah’s use of restrictive housing has decreased substantially.



**Table 1 People in Restrictive Housing (n = 35)**

Jurisdiction	Total Restrictive Housing Population	Percentage in Restrictive Housing
Alabama	879	4.9%
Federal (BOP)	7,851	6%
California	1,182	1.2%
Colorado	4	0%
Connecticut	96	1.1%
Delaware	0	0%
Hawaii	245	5.1%
Iowa	562	7.2%
Idaho	400	5.2%
Illinois	372	1.3%
Indiana	1,427	6%
Kansas	604	7%
Massachusetts	47	0.7%
Maine	8	0.5%
Minnesota	297	4.1%
Montana	47	2.6%
North Dakota	0	0%
Nebraska	186	3.4%
New Hampshire	64	3.2%
New Jersey	49	0.4%
Nevada	1,059	10.1%
New York	140	0.4%
Ohio	585	1.4%
Oklahoma	266	7.2%
Oregon	447	3.7%
Pennsylvania	912	2.2%
South Carolina	600	3.9%
South Dakota	51	1.5%
Tennessee	1,134	5.6%
Texas	3,819	3.2%
Utah*	640	14.8%
Vermont	0	0%
Washington	492	3.5%
Wisconsin	594	3.1%
West Virginia	—	—
Wyoming	24	1.1%
<b>TOTAL</b>	<b>25,083</b>	<b>3.4%</b>

\* Utah is one of a few jurisdictions that has a significant post-conviction population in jails or sent out of state. These individuals were not under the Utah's "direct control" and therefore were not counted as part of Utah's total custodial population for the 2021 CLA-Liman Survey. If the Survey counted these individuals toward Utah's total custodial population, the percentage of people in restrictive housing in Utah would be lower. Moreover, as of July 2022, with a new facility open, Utah's use of restrictive housing has decreased substantially.

### **Duration of Time Individuals Spend in Restrictive Housing**

The 2021 CLA-Liman Survey asked whether jurisdictions "keep length-of-stay data on the time each individual spends in restrictive housing," and, if so, how frequently jurisdictions collect and review this information. Thirty-four jurisdictions answered,<sup>22</sup> and twenty-six reported

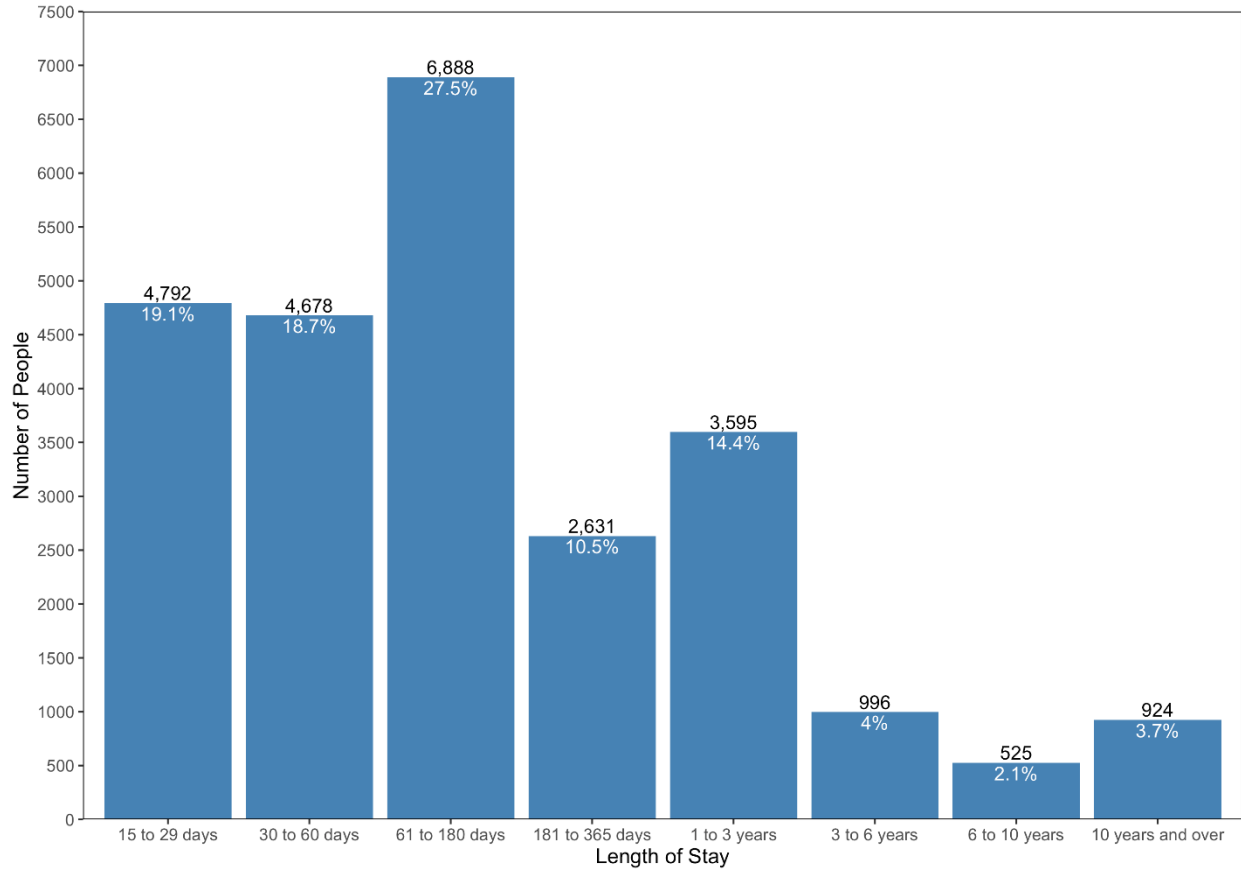
regularly collecting data on length of time.<sup>23</sup> Eighteen jurisdictions reported collecting this information daily,<sup>24</sup> including ten that review this information daily.<sup>25</sup> The Survey specified a series of time intervals in restrictive housing. Answers came from thirty-four jurisdictions.<sup>26</sup> In total, these jurisdictions held 25,029 people in restrictive housing,<sup>27</sup> or about 99.8% of the 25,083 people in restrictive housing identified by the full set of thirty-five restrictive housing responding jurisdictions.

A caveat is in order. Some jurisdictions began to track data on length of time more recently than others, which can affect composite data on lengths of stay.<sup>28</sup> Some jurisdictions included in their responses time that people spent in restrictive housing before these jurisdictions formally tracked restrictive housing data (*e.g.*, describing people in restrictive housing for six or more years in a jurisdiction that began formally tracking data after 2017), while other jurisdictions did not. In the jurisdictions that did not include time spent in restrictive housing that predated formal tracking, the reports on duration may be pegged to when data began to be gathered rather than to the *actual* length of time that individuals were in restrictive housing.

Out of the 25,029 people counted for length-of-stay data, 19.1% (4,792 of 25,029) were in restrictive housing for fifteen to twenty-nine days; 18.7% (4,678 of 25,029) were in for thirty to sixty days; 27.5% (6,888 of 25,029) were in for sixty-one to 180 days; and 10.5% (2,631 of 25,029) were held for between 181 and 365 days. Nearly a quarter were isolated in restrictive housing for a year or more (24.1%, or 6,040 of 25,029). Within this group, 3,595 people (14.4%) were held for one to three years, 996 people (4.0%) for three to six years, 525 people (2.1%) for six to ten years, and 924 people (3.69%) for a decade or more.

Figure 3 presents the numbers of people in restrictive housing by length-of-time intervals. Tables 2 and 3 present the numbers and percentages of people in restrictive housing by length of time, ordered by jurisdiction. Table 4 details responses from the twenty-seven jurisdictions that provided information on when they began to collect length-of-time data.

**Figure 3 People in Restrictive Housing by Length of Stay (n = 34)**



**Table 2 Length of Time in Restrictive Housing (n = 34)**

Jurisdiction	Total RH	15-29 days	30-60 days	61-180 days	181- 365 days	1-3 years	3-6 years	6-10 years	10+ years
Alabama	879	130	135	286	116	46	10	14	142
Federal (BOP)	7,851	1778	2,073	2,393	540	759	116	68	124
California	1,182	261	328	373	114	100	6	0	0
Colorado	4	4	0	0	0	0	0	0	0
Connecticut	96	11	15	23	18	24	3	1	1
Delaware	0	0	0	0	0	0	0	0	0
Hawaii	245	27	32	29	54	97	6	0	0
Iowa	562	423	47	59	22	11	0	0	0
Idaho	400	75	71	37	61	123	23	3	7
Illinois	372	94	86	120	41	29	2	0	0
Indiana	1,427	236	291	627	152	93	18	10	0
Kansas	604	135	152	212	59	46	0	0	0
Massachusetts	47	9	17	19	2	0	0	0	0
Maine	8	4	3	1	0	0	0	0	0
Minnesota	297	80	84	98	19	16	0	0	0
Montana	47	8	11	19	5	4	0	0	0
North Dakota	0	0	0	0	0	0	0	0	0
Nebraska	186	27	32	65	28	18	16	0	0
New Hampshire	64	10	19	17	13	4	0	0	1
New Jersey	49	—	—	—	—	—	—	—	—
Nevada	1,059	114	209	381	163	96	23	16	57
New York	140	72	47	19	0	2	0	0	0
Ohio	585	49	48	192	139	109	26	19	3
Oklahoma	266	37	77	133	19	0	0	0	0
Oregon	447	130	97	172	16	32	0	0	0
Pennsylvania	912	211	166	274	128	110	18	1	4
South Carolina	600	111	102	187	117	70	13	0	0
South Dakota	51	0	7	18	11	13	1	1	0
Tennessee	1,134	229	136	307	171	206	64	15	6
Texas	3,819	95	103	317	399	1,356	606	370	573
Utah	635	90	21	236	131	136	21	0	0
Vermont	0	0	0	0	0	0	0	0	0
Washington	492	125	78	148	73	56	8	2	2
Wisconsin	594	205	185	124	19	36	16	5	4
West Virginia	—	—	—	—	—	—	—	—	—
Wyoming	24	12	6	2	1	3	0	0	0
TOTAL*	25,029	4,792	4,678	6,888	2,631	3,595	996	525	924

\*Excludes New Jersey; uses 635 as restrictive housing total for Utah.

**Table 3 Length of Time in Restrictive Housing as Percentages (n = 34)**

Jurisdiction	Total RH	% 15- 29 days	% 30- 60 days	% 61- 180 days	% 181- 365 days	% 1-3 years	% 3-6 years	% 6- 10 years	% 10+ years
Alabama	879	14.8%	15.4%	32.5%	13.2%	5.2%	1.1%	1.6%	16.2%
Federal (BOP)	7851	22.6%	26.4%	30.5%	6.9%	9.7%	1.5%	0.9%	1.6%
California	1182	22.1%	27.7%	31.6%	9.6%	8.5%	0.5%	0%	0%
Colorado	4	100%	0%	0%	0%	0%	0%	0%	0%
Connecticut	96	11.5%	15.6%	24%	18.8%	25%	3.1%	1%	1%
Delaware	0	—	—	—	—	—	—	—	—
Hawaii	245	11%	13.1%	11.8%	22%	39.6%	2.4%	0%	0%
Iowa	562	75.3%	8.4%	10.5%	3.9%	2%	0%	0%	0%
Idaho	400	18.8%	17.8%	9.2%	15.2%	30.8%	5.8%	0.8%	1.8%
Illinois	372	25.3%	23.1%	32.3%	11%	7.8%	0.5%	0%	0%
Indiana	1427	16.5%	20.4%	43.9%	10.7%	6.5%	1.3%	0.7%	0%
Kansas	604	22.4%	25.2%	35.1%	9.8%	7.6%	0%	0%	0%
Massachusetts	47	19.1%	36.2%	40.4%	4.3%	0%	0%	0%	0%
Maine	8	50%	37.5%	12.5%	0%	0%	0%	0%	0%
Minnesota	297	26.9%	28.3%	33%	6.4%	5.4%	0%	0%	0%
Montana	47	17%	23.4%	40.4%	10.6%	8.5%	0%	0%	0%
North Dakota	0	—	—	—	—	—	—	—	—
Nebraska	186	14.5%	17.2%	34.9%	15.1%	9.7%	8.6%	0%	0%
New Hampshire	64	15.6%	29.7%	26.6%	20.3%	6.2%	0%	0%	1.6%
New Jersey	49	—	—	—	—	—	—	—	—
Nevada	1059	10.8%	19.7%	36%	15.4%	9.1%	2.2%	1.5%	5.4%
New York	140	51.4%	33.6%	13.6%	0%	1.4%	0%	0%	0%
Ohio	585	8.4%	8.2%	32.8%	23.8%	18.6%	4.4%	3.2%	0.5%
Oklahoma	266	13.9%	28.9%	50%	7.1%	0%	0%	0%	0%
Oregon	447	29.1%	21.7%	38.5%	3.6%	7.2%	0%	0%	0%
Pennsylvania	912	23.1%	18.2%	30%	14%	12.1%	2%	0.1%	0.4%
South Carolina	600	18.5%	17%	31.2%	19.5%	11.7%	2.2%	0%	0%
South Dakota	51	0%	13.7%	35.3%	21.6%	25.5%	2%	2%	0%
Tennessee	1134	20.2%	12%	27.1%	15.1%	18.2%	5.6%	1.3%	0.5%
Texas	3819	2.5%	2.7%	8.3%	10.4%	35.5%	15.9%	9.7%	15%
Utah	635	14.2%	3.3%	37.2%	20.6%	21.4%	3.3%	0%	0%
Vermont	0	—	—	—	—	—	—	—	—
Washington	492	25.4%	15.9%	30.1%	14.8%	11.4%	1.6%	0.4%	0.4%
Wisconsin	594	34.5%	31.1%	20.9%	3.2%	6.1%	2.7%	0.8%	0.7%
West Virginia	—	—	—	—	—	—	—	—	—
Wyoming	24	50%	25%	8.3%	4.2%	12.5%	0%	0%	0%
Reporting Jurisdictions*	25,029	19.1%	18.7%	27.5%	10.5%	14.4%	4.0%	2.1%	3.7%

\*Excludes New Jersey; uses 635 as restrictive housing total for Utah.

**Table 4** When Jurisdictions Began Tracking Length of Time in Restrictive Housing (n = 27)<sup>29</sup>

Jurisdiction	Year Tracking Began
Alabama	2017
Federal (BOP)	2013
California	2013
Colorado	1985
Connecticut	1970
Iowa	2003
Illinois	2020
Kansas	1980
Massachusetts	2002
Maine	2020
Minnesota	2019
Montana	1985
North Dakota	2018
Nebraska	2017
New Hampshire	2008
Nevada	1990
New York	1985
Oregon	2016
Pennsylvania	2016
South Carolina	2016
South Dakota	2014
Texas	2015
Utah	2016
Vermont	2018
Washington	2015
Wisconsin	2011
Wyoming	2015

### **Categories for Placements in Restrictive Housing**

The 2021 CLA-Liman Survey asked jurisdictions to categorize the reasons for placements in restrictive housing according to the following labels: Administrative, Safety, Punishment, Personal Choice of the Prisoner, COVID-19 Isolation, or Other. The Survey instructed jurisdictions to “choose only the primary reason a person is in restrictive housing.” Thirty-one jurisdictions answered this question.<sup>30</sup> Table 5 details responses from the thirty-one jurisdictions that provided information on categories of placements in restrictive housing.

In these jurisdictions, the largest group of people was held under the category of Administrative (60.6%, or 14,587 of 24,074). Almost 17% (16.9%, or 4,069 of 24,074) were held for Punishment. Another 10.7% (2,580 of 24,074) were confined for Other Reasons, 8.9% (2,144 of 24,074) for Safety, and 2.8% (669 of 24,074) for Personal Choice of the Prisoner. As noted above, COVID-19 Isolation was given as a reason for very few people (0.001%, or 25 of 24,074).

A caveat is in order about this account as well. What one jurisdiction called “Safety” may be what another jurisdiction referred to as “Administrative.” Moreover, several jurisdictions

indicated “No Data” in response to certain categories, reflecting differences between jurisdictions in the categories used.<sup>31</sup>

**Table 5 Categories of Reasons for Placements in Restrictive Housing (n = 31)<sup>32</sup>**

Jurisdiction	Restrictive Housing Total	Administrative	Safety	Punishment	Personal Choice	COVID-19	Other
Alabama	879	127	281	302	—	—	169
Federal (BOP)	7,851	6,621	—	—	—	—	1,230
California	1,182	203	126	807	0	0	46
Colorado	4	—	—	—	—	—	—
Connecticut	96	30	55	11	0	0	0
Delaware	0	0	0	0	0	0	0
Hawaii	245	106	53	55	19	12	0
Iowa	562	159	68	267	68	—	—
Idaho	401	277	124	0	0	0	0
Illinois	372	—	—	—	—	—	—
Indiana	1,427	561	284	495	—	—	87
Kansas	604	380	1	55	166	2	0
Massachusetts	47	46	1	0	0	0	0
Maine	8	2	1	4	0	0	1
Minnesota	297	28	—	227	—	—	42
Montana	47	30	0	16	1	0	0
North Dakota	0	0	0	0	0	0	0
Nebraska	186	0	156	0	27	0	3
New Hampshire	64	22	35	0	4	3	0
New Jersey	49	—	—	—	—	—	—
Nevada	1,059	387	230	99	274	3	66
New York	140	1	10	106	0	5	18
Ohio	585	—	—	—	—	—	—
Oklahoma	266	37	16	6	69	0	138
Oregon	447	15	0	432	0	0	0
Pennsylvania	912	338	222	123	19	0	210
South Carolina	600	400	185	15	0	—	—
South Dakota	51	—	50	—	—	—	1
Tennessee	1,134	539	226	153	—	—	216
Texas	3,819	3,819	0	0	0	0	0
Utah	640	149	5	386	0	0	100
Vermont	0	0	0	0	0	0	0
Washington	492	253	0	0	20	0	219
Wisconsin	594	57	15	487	2	—	33
West Virginia	—	—	—	—	—	—	—
Wyoming	24	0	0	23	0	0	1
TOTAL*	24,074	14,587	2,144	4,069	669	25	2,580

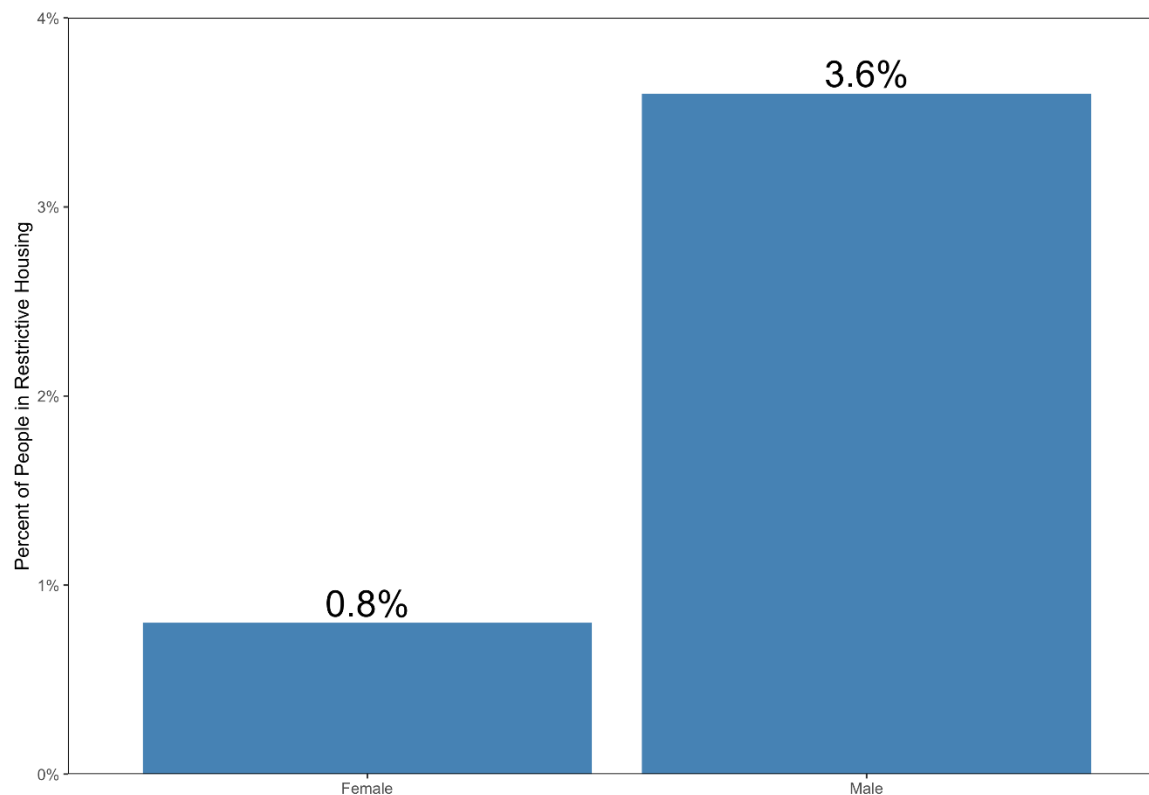
\*Excludes Colorado, Illinois, New Jersey, and Ohio; uses 401 as restrictive housing total for Idaho.

### Sex/Gender of People in Restrictive Housing

*Male/Female:* Thirty-five jurisdictions provided data on the sex or gender of people in restrictive housing, using the categories of male or female (in other words, categorizing data by people in men's and women's prisons).<sup>33</sup> As shown in Figure 4 below, 3.6% (24,679 of 683,638) of the total male custodial population was in restrictive housing, and 0.8% (404 of 47,564) of the total female custodial population was in restrictive housing in these jurisdictions.

As noted above, three jurisdictions reported that they did not hold any person in restrictive housing, and another seven (a total of ten jurisdictions) reported holding no women in restrictive housing.<sup>34</sup> Using only the thirty-two jurisdictions that had people in restrictive housing as the Survey defined it, the percentage of the total male custodial population reported in restrictive housing was 3.6% (24,679 of 678,360). Using only jurisdictions that had women in restrictive housing, the percentage of the total female custodial population reported in restrictive housing increased to 1.0% (404 of 40,489).

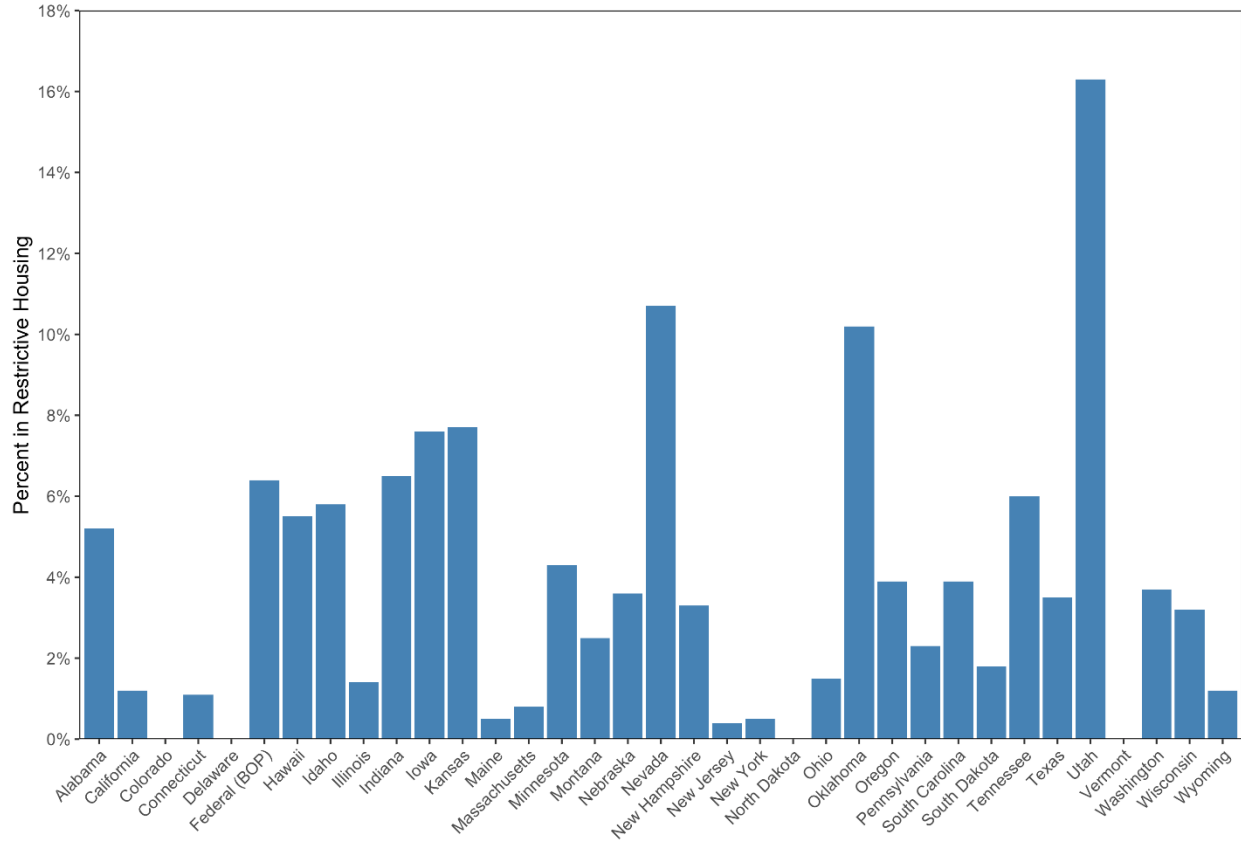
**Figure 4** Percentage of People in Restrictive Housing by Sex/Gender (n = 35)



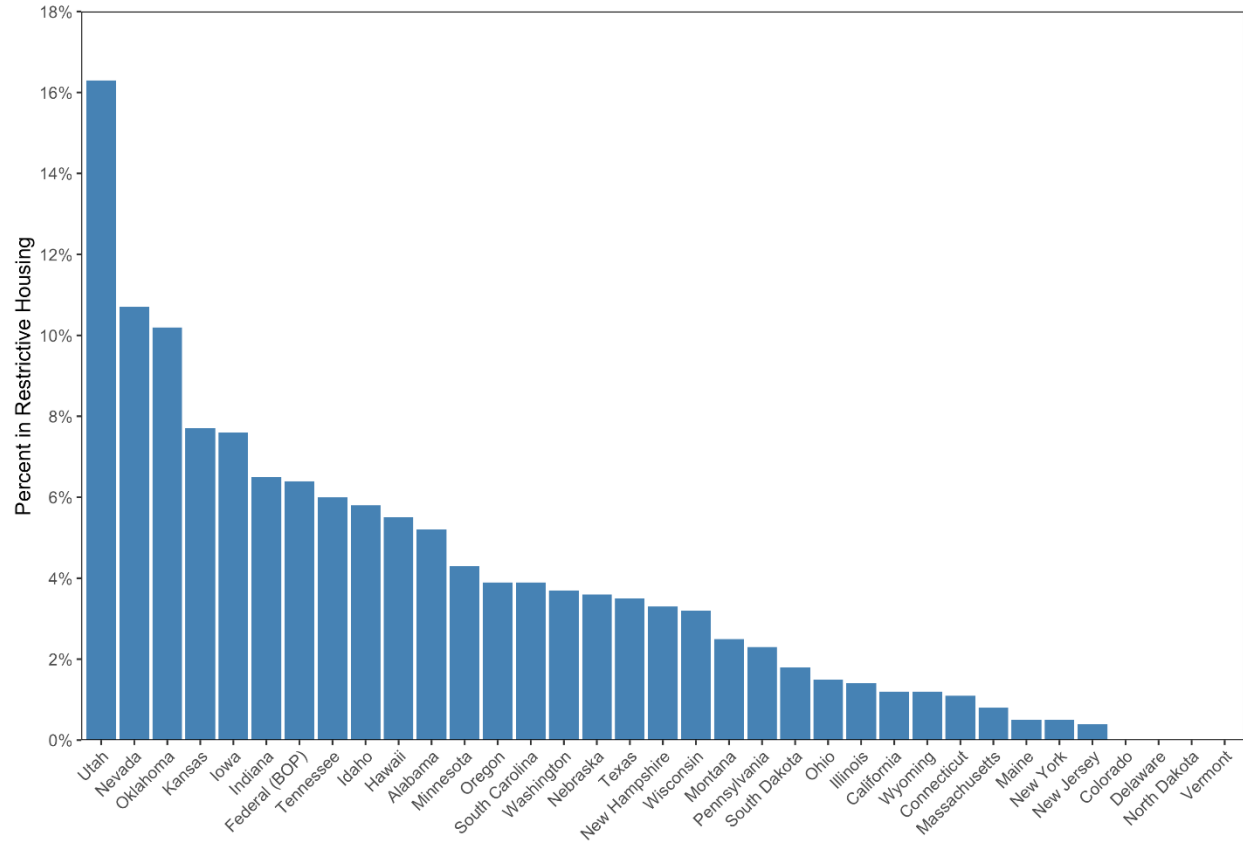
Figures 5 and 6, and Table 6 provide jurisdiction-by-jurisdiction information about the number of men in restrictive housing. The thirty-five jurisdictions reporting this data indicated that a total of 24,679 men were in restrictive housing. The median percentage of men in restrictive housing among these jurisdictions was 3.3%.<sup>35</sup> The reported percentages of men held in restrictive housing ranged from 0%<sup>36</sup> of the male custodial population to 16.3%.<sup>37</sup>



**Figure 5 Percentage of Men in Restrictive Housing Ordered by Jurisdiction (n = 35)**



**Figure 6 Percentage of Men in Restrictive Housing Ordered by Percentage (n = 35)**



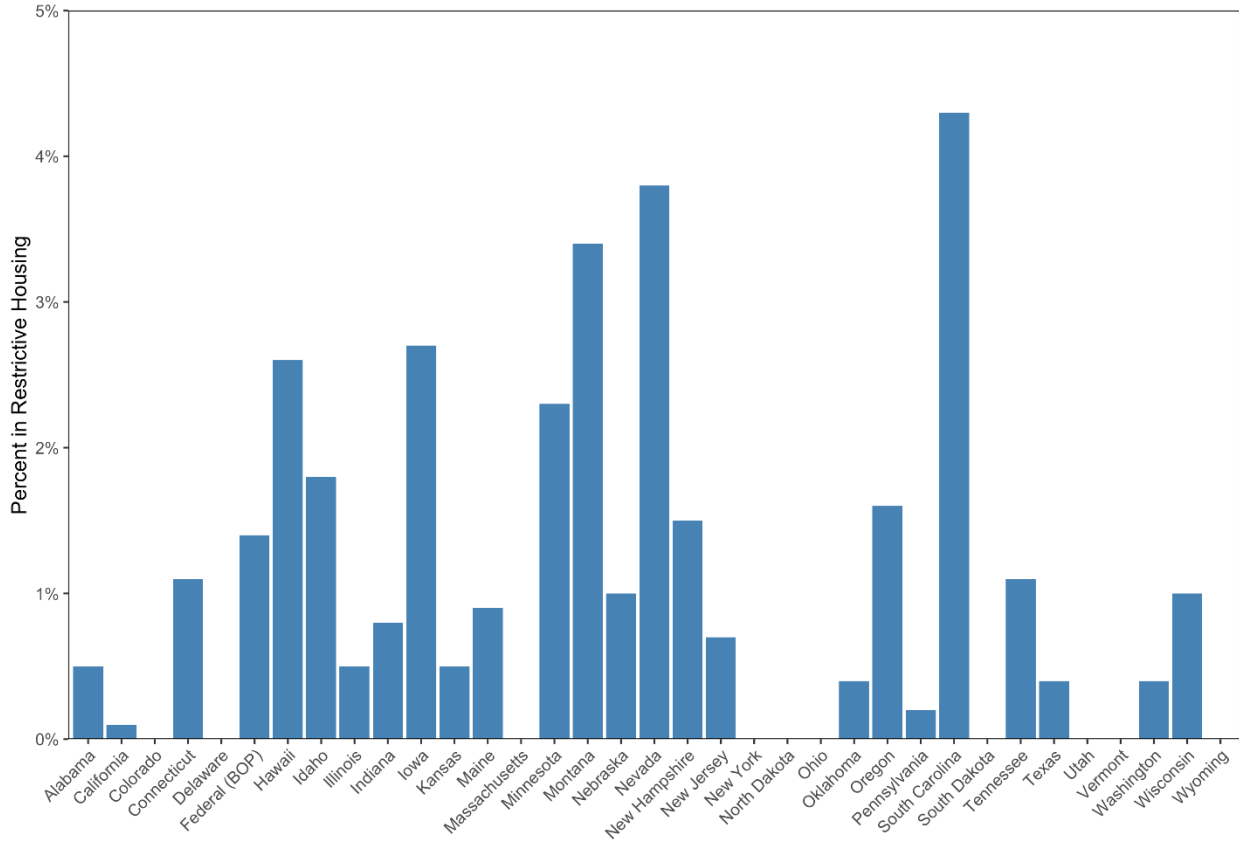
**Table 6 Men in Restrictive Housing (n = 35)**

Jurisdiction	Male Total Custodial Population	Male Restrictive Housing Population	Male Percent in Restrictive Housing
Alabama	16,949	874	5.2%
Federal (BOP)	121,833	7,738	6.4%
California	94,286	1,177	1.2%
Colorado	13,041	4	0%
Connecticut	8,566	90	1.1%
Delaware	2,784	0	0%
Hawaii	4,194	229	5.5%
Iowa	7,160	546	7.6%
Idaho	6,567	380	5.8%
Illinois	26,291	366	1.4%
Indiana	21,580	1,409	6.5%
Kansas	7,834	600	7.7%
Massachusetts	6,122	47	0.8%
Maine	1,483	7	0.5%
Minnesota	6,775	288	4.3%
Montana	1,585	40	2.5%
North Dakota	1,455	0	0%
Nebraska	5,042	182	3.6%
New Hampshire	1,863	62	3.3%
New Jersey	12,074	46	0.4%
Nevada	9,630	1,027	10.7%
New York	30,891	140	0.5%
Ohio	39,662	585	1.5%
Oklahoma	2,559	261	10.2%
Oregon	11,252	434	3.9%
Pennsylvania	38,961	907	2.3%
South Carolina	14,492	558	3.9%
South Dakota	2,893	51	1.8%
Tennessee	18,427	1,113	6%
Texas	109,353	3,783	3.5%
Utah	3,919	640	16.3%
Vermont	1,039	0	0%
Washington	13,092	489	3.7%
Wisconsin	18,053	582	3.2%
West Virginia	8,681	—	—
Wyoming	1,931	24	1.2%
Reporting Jurisdictions*	683,638	24,679	3.6%

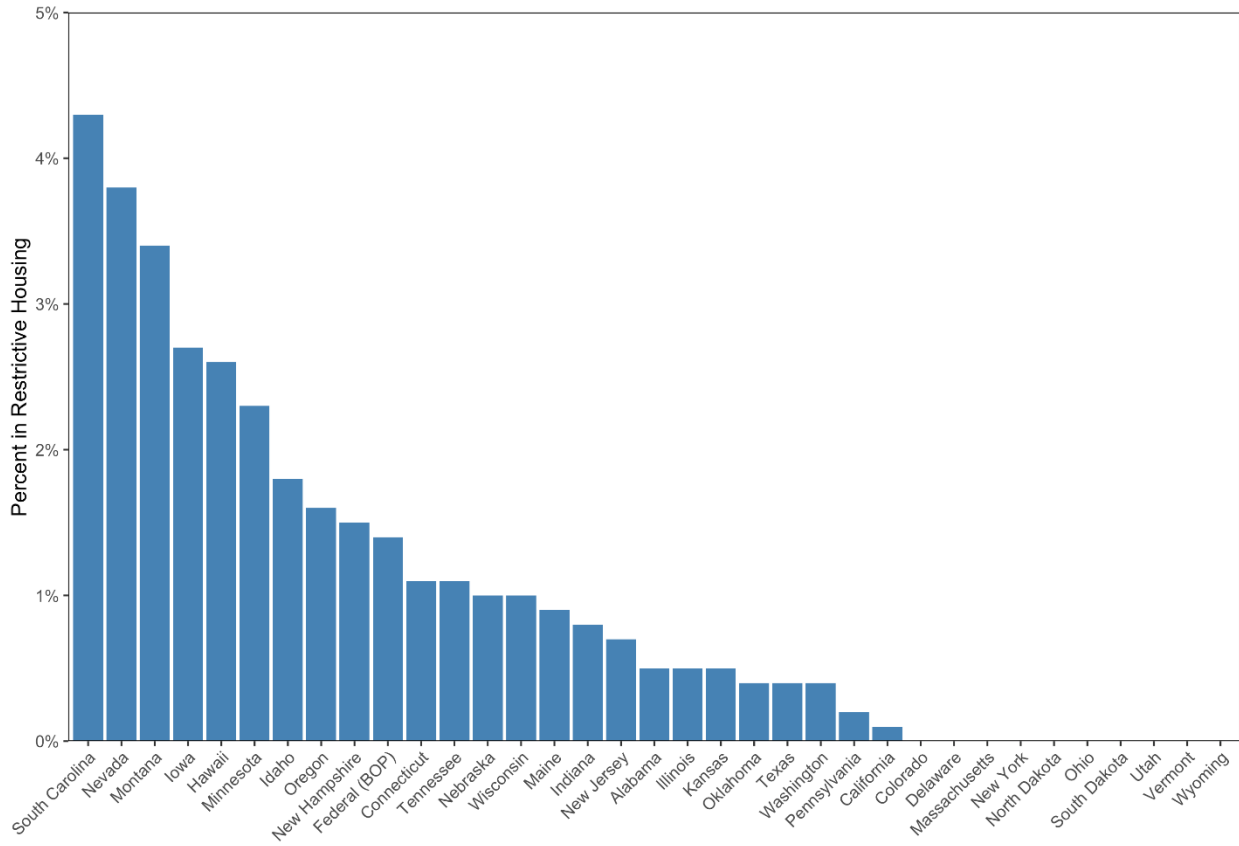
\*Excludes West Virginia.

The thirty-five jurisdictions that provided data about the number of women in restrictive housing indicated that a total of 404 women were in restrictive housing. The median percentage of women in restrictive housing among these jurisdictions was 0.5%.<sup>38</sup> The percentage of women held in restrictive housing ranged from 0%<sup>39</sup> of the female custodial population to 4.3%.<sup>40</sup> Table 7 lists jurisdiction-by-jurisdiction information, and Figures 7 and 8 arrange this information by jurisdiction and by percentage.

**Figure 7 Percentage of Women in Restrictive Housing Ordered by Jurisdiction (n = 35)**



**Figure 8** Percentage of Women in Restrictive Housing Ordered by Percentage (n = 35)



**Table 7 Women in Restrictive Housing (n = 35)**

Jurisdiction	Female Total Custodial Population	Female Restrictive Housing Population	Female Percent in Restrictive Housing
Alabama	1,026	5	0.5%
Federal (BOP)	8,358	113	1.4%
California	3,580	5	0.1%
Colorado	869	0	0%
Connecticut	563	6	1.1%
Delaware	96	0	0%
Hawaii	626	16	2.6%
Iowa	594	16	2.7%
Idaho	1,105	20	1.8%
Illinois	1,292	6	0.5%
Indiana	2,224	18	0.8%
Kansas	737	4	0.5%
Massachusetts	170	0	0%
Maine	113	1	0.9%
Minnesota	399	9	2.3%
Montana	203	7	3.4%
North Dakota	190	0	0%
Nebraska	406	4	1%
New Hampshire	137	2	1.5%
New Jersey	447	3	0.7%
Nevada	844	32	3.8%
New York	1,227	0	0%
Ohio	3,313	0	0%
Oklahoma	1,119	5	0.4%
Oregon	816	13	1.6%
Pennsylvania	2,178	5	0.2%
South Carolina	967	42	4.3%
South Dakota	459	0	0%
Tennessee	1,908	21	1.1%
Texas	8,786	36	0.4%
Utah	399	0	0%
Vermont	86	0	0%
Washington	808	3	0.4%
Wisconsin	1,253	12	1%
West Virginia	1,444	—	—
Wyoming	266	0	0%
Reporting Jurisdictions*	47,564	404	0.8%

\*Excludes West Virginia.

*Transgender People:* Concerns about the harms of restrictive housing have motivated corrections officials, legislators, and others to limit or prohibit the use of restrictive housing in general and for specific subpopulations. For example, the American Correctional Association (ACA), the accrediting body for correctional agencies in the United States, promulgated Restrictive Housing Performance Based Standards in 2016. These Standards included measures to prohibit or limit placements of specific subpopulations in “Restrictive Housing,” which the ACA defined as “a placement that requires an inmate to be confined to a cell at least 22 hours per day.” Other measures addressed “Extended Restrictive Housing,” which the ACA defined as “[h]ousing that separates the offender from contact with general population while restricting an offender/inmate to his/her cell for at least 22 hours per day and for more than 30 days.”<sup>41</sup>

Transgender individuals are one subpopulation on which efforts to limit the use of isolation have focused, and in some instances, such placements have been explained as “protective” because transgender individuals can be at risk of injury in the institution. The ACA’s 2016 Performance Based Standards state that people should not be “placed in Restrictive Housing on the basis of Gender Identity alone.”<sup>42</sup>

The 2021 CLA-Liman Survey asked jurisdictions about how many transgender individuals were in their total custodial and restrictive housing populations, as well as how jurisdictions identified people as transgender. Thirty-five jurisdictions responded about how they identified transgender people. Thirty-one jurisdictions indicated that they relied on self-identification by imprisoned people. Appendix C details the methods of identification reported by jurisdictions.

Twenty-nine jurisdictions provided information about the number of transgender people in both total custodial and restrictive housing populations,<sup>43</sup> and an additional three jurisdictions reported the number of transgender people within only their total custodial populations.<sup>44</sup> Among the thirty-two jurisdictions that provided information on their total custodial populations, one jurisdiction reported holding no transgender people.<sup>45</sup> Aggregating the data, the remaining jurisdictions (including the three reporting no people in restrictive housing) responded that they held 5,822 transgender people in their total custodial populations and 293 transgender people in restrictive housing. The percentage of transgender people in restrictive housing within these jurisdictions ranged from 0%<sup>46</sup> to 40.0% (18 of 45).<sup>47</sup> Table 8 lists the reported numbers of transgender people in total custodial and restrictive housing populations by jurisdiction.

**Table 8 Transgender People in Restrictive Housing (n = 29)**

Jurisdiction	Transgender Total Custodial Population	Transgender Restrictive Housing Population
Alabama	78	—
Federal (BOP)	1,124	147
California	1,371	6
Colorado	173	0
Connecticut	35	0
Delaware	18	0
Hawaii	3	1
Iowa	40	—
Idaho	57	12
Illinois	—	—
Indiana	67	5
Kansas	32	6
Massachusetts	48	0
Maine	9	0
Minnesota	—	—
Montana	11	0
North Dakota	6	0
Nebraska	10	0
New Hampshire	17	2
New Jersey	26	0
Nevada	45	18
New York	169	4
Ohio	—	—
Oklahoma	8	0
Oregon	120	2
Pennsylvania	291	12
South Carolina	39	0
South Dakota	38	1
Tennessee	71	0
Texas	1,516	54
Utah	0	0
Vermont	16	0
Washington	154	11
Wisconsin	189	12
West Virginia	41	—
Wyoming	—	—
Reporting Jurisdictions*	5,822	293



*Pregnant People:* As with transgender people, “protection” has sometimes been used as a basis for holding pregnant people in restrictive housing. The 2016 ACA Performance Based Standards state that “[f]emale inmates determined to be pregnant” should not be held in “Extended Restrictive Housing.”<sup>48</sup> As detailed in Section VI, statutes in Arkansas, Colorado, Kentucky, and New York limit or prohibit the use of isolation for people who are pregnant or postpartum.

All thirty-two jurisdictions that responded to the question in the 2021 Survey reported holding no pregnant people in restrictive housing.<sup>49</sup> Thirty-three jurisdictions provided information on their total custodial populations,<sup>50</sup> and six of these jurisdictions indicated that they held no pregnant people in prison at all.<sup>51</sup> Collecting all the answers from the other twenty-seven jurisdictions, they reported holding 234 pregnant people in their total custodial populations.<sup>52</sup> Table 9 lists this information by jurisdiction.

**Table 9 Pregnant People (n = 32)**

Jurisdiction	Pregnant Total Custodial Population	Pregnant Restrictive Housing Population
Alabama	6	0
Federal (BOP)	13	0
California	9	0
Colorado	3	0
Connecticut	6	0
Delaware	0	0
Hawaii	3	0
Iowa	—	—
Idaho	0	0
Illinois	7	0
Indiana	17	0
Kansas	1	0
Massachusetts	0	0
Maine	0	0
Minnesota	—	—
Montana	1	0
North Dakota	1	0
Nebraska	7	0
New Hampshire	0	0
New Jersey	1	0
Nevada	5	0
New York	6	0
Ohio	13	0
Oklahoma	10	0
Oregon	2	0
Pennsylvania	7	0
South Carolina	0	0
South Dakota	30	0
Tennessee	12	0
Texas	37	0
Utah	10	0
Vermont	2	0
Washington	2	0
Wisconsin	2	0
West Virginia	21	—
Wyoming	—	—
Reporting Jurisdictions	234	0

### Race/Ethnicity of People in Restrictive Housing

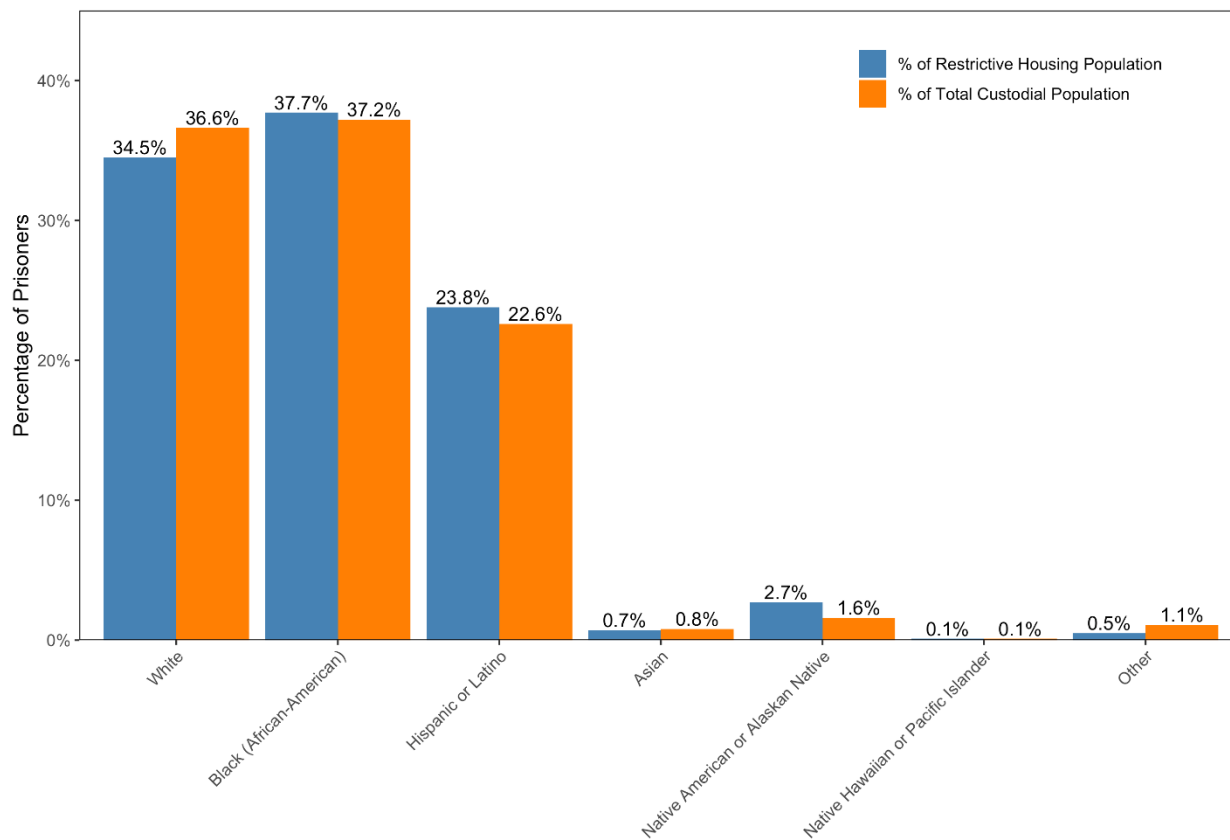
The 2021 CLA-Liman Survey asked for race and ethnicity data by sex/gender for total custodial and restrictive housing populations. The Survey asked for data as of July 2021 and did not request annual admissions data by race. Thirty-three jurisdictions responded to these questions, providing information about 24,789 people reported in restrictive housing (98.8% of the Survey's total reported population of 25,083 people in restrictive housing).<sup>53</sup>

The 2021 Survey asked jurisdictions to report numbers of people in the following categories: White (non-Hispanic or Latino/a), Black or African-American, Hispanic or Latino/a, Asian, Native American or Alaskan Native, Native Hawaiian or Pacific Islander, and Other. Table 10 details the number of jurisdictions that responded with data for each category. Jurisdictions varied in their approaches to identifying race and ethnicity. Some jurisdictions relied on self-reports, and others on official records or on appearance. Figure 9 presents the percentages of men by sex/gender in each race/ethnicity category in total custodial and restrictive housing populations.

**Table 10** Numbers of Jurisdictions Reporting Race/Ethnicity Categories

Category	Number of Jurisdictions Reporting for Total Custodial Population	Number of Jurisdictions Reporting for Restrictive Housing Population
White	35	33
Black (African American)	35	33
Hispanic or Latino/a	33	31
Asian	33	31
Native American or Alaskan Native	34	32
Native Hawaiian or Pacific Islander	27	25
Other	32	30

**Figure 9 Race/Ethnicity of Men in Total Custodial and Restrictive Housing Populations (n = 33)**



In the thirty-three jurisdictions that provided data on the race/ethnicity of men in restrictive housing, Black men comprised 37.7% (9,201 of 24,404) of the total male restrictive housing population, as compared to 37.2% (248,496 of 667,367)<sup>54</sup> of the total male custodial population. In twenty-two of these thirty-three jurisdictions, the percentage of Black men was higher in restrictive housing than in the total custodial population. In eight of the thirty-three jurisdictions, the percentage of Black men was lower in restrictive housing than in the total custodial population. The remaining three jurisdictions did not have any people in restrictive housing under the 2021 CLA-Liman Survey definition. This data is depicted in Table 11. Across jurisdictions, the difference between the percentage of Black men in restrictive housing and total custodial population ranged from +18.8 percentage points to -10.3 percentage points.

In these thirty-three jurisdictions, Hispanic or Latino men comprised 23.8% (5,803 of 24,404) of the male restrictive housing population, as compared to 22.6% (150,898 of 667,367) of the total male custodial population. In eighteen of these jurisdictions, the percentage of Hispanic or Latino men was higher in restrictive housing than in the total custodial population. In ten of these jurisdictions, the percentage of Hispanic or Latino men was lower in restrictive housing than in the total custodial population. Two jurisdictions reported that they did not hold any Hispanic or Latino men in their total custodial or restrictive housing populations.<sup>55</sup> The

remaining three jurisdictions did not hold any person in restrictive housing under the 2021 CLA-Liman Survey definition. Across jurisdictions, the difference between the percentage of Hispanic or Latino men in restrictive housing and total custodial population ranged from +18.6 percentage points to -12.6 percentage points.

**Table 11 Black and Hispanic or Latino Men in Restrictive Housing (n = 33)**

	Black Men	Hispanic or Latino Men
% of total custodial population	37.2%	22.6%
% of restrictive housing	37.7%	23.8%
Median % of total custodial population	29.4%	12.4%
Median % of restrictive housing	31.3%	14%
Jurisdictions with higher % in restrictive housing than total custodial population	22	18*
Jurisdictions with higher % in total custodial population than restrictive housing	8**	10**

\*Alabama and Maine indicated “No Data” for Latino/a people in their total custodial populations. Maine tracked Hispanic or Latino/a ethnicity separate from race, and therefore reported data on race but not Hispanic or Latino/a ethnicity in order to avoid double-counting. Maine indicated by email that it held a total of nine Hispanic or Latino/a people in its total custodial population as of July 2021. Alabama did not track data on Hispanic or Latino/a ethnicity.

\*\*Excludes jurisdictions that reported holding no people in restrictive housing (Delaware, North Dakota, Vermont).

In twenty-five of the thirty jurisdictions that responded to the Survey with information about the race and ethnicity of people in restrictive housing and reported holding at least one person in restrictive housing, the percentage of White men was lower in restrictive housing than in the total custodial population. As detailed below, jurisdictions reported a small percentage of Asian, Native American or Alaskan Native, and Native Hawaiian or Pacific Islander people in their total prison populations and a similarly small percentage in their populations in restrictive housing. Those categorized as “Other” appeared to be comparable in percentages both in the general and in the restrictive housing populations. Given the small numbers of individuals, this Report does not include further analysis. Table 12 lists by race/ethnicity the number of men in total custodial and restrictive housing populations. Table 13 presents this information in percentages. Table 14 provides the differences between the percentages of Black and Hispanic or Latino men in total custodial and restrictive housing populations for each jurisdiction.

**Table 12 Race/Ethnicity of Men in Total Custodial and Restrictive Housing Populations (n = 33)**

Jurisdiction	White (non-Hispanic or Latino/a)		Black or African American		Hispanic or Latino/a		Asian		Native American or Alaska Native		Native Hawaiian or Pacific Islander		Other	
	Total	RH	Total	RH	Total	RH	Total	RH	Total	RH	Total	RH	Total	RH
Alabama	6,723	211	10,070	656	—	—	3	0	3	0	—	—	150	7
Federal (BOP)	36,282	2,240	48,585	3,013	32,343	2,084	1,694	68	2,929	333	—	—	—	—
California	18,388	188	27,128	218	42,575	706	1,073	16	1,090	6	299	5	3,733	38
Colorado	5,559	1	2,517	1	4,094	2	151	0	465	0	11	0	244	0
Connecticut	2,310	12	3,772	63	2,416	14	42	0	26	1	0	0	0	0
Delaware	860	0	1,786	0	135	0	3	0	0	0	0	0	—	—
Hawaii	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Iowa	4,546	314	1,876	163	521	56	—	—	144	9	—	—	73	4
Idaho	4,846	274	215	11	1,039	67	29	2	250	18	0	0	188	8
Illinois	8,144	49	14,369	269	3,571	45	92	0	35	1	—	—	80	2
Indiana	12,967	814	7,363	495	982	74	51	4	48	5	8	1	161	16
Kansas	4,279	315	2,235	183	1,041	95	66	0	213	7	—	—	—	—
Massachusetts	2,504	10	1,802	19	1,601	17	104	0	39	0	0	0	72	1
Maine	1,189	6	164	1	—	—	10	0	39	0	1	0	80	0
Minnesota	3,120	89	2,545	137	374	14	178	3	546	44	0	0	12	1
Montana	1,160	22	44	2	40	0	0	0	336	16	0	0	5	0
North Dakota	875	0	174	0	95	0	7	0	302	0	2	0	0	0
Nebraska	2,522	74	1,445	50	745	39	44	0	241	18	2	0	43	1
New Hampshire	1,537	50	135	7	126	4	5	0	10	1	0	0	50	0
New Jersey	2,565	—	7,400	—	1,999	—	86	—	11	—	2	—	1,995	—
Nevada	3,845	377	3,153	375	2,169	219	268	23	178	33	—	—	17	0
New York	6,882	23	15,489	76	7,472	39	192	0	286	2	0	0	570	0
Ohio	19,609	209	18,391	347	1,150	23	61	1	79	1	0	0	372	4

Oklahoma	1,128	150	946	84	242	13	9	0	219	14	0	0	15	0
Oregon	8,096	294	1,089	43	1,535	72	161	4	335	20	34	1	2	0
Pennsylvania	16,120	257	18,759	542	3,803	100	100	1	33	1	0	0	146	6
South Carolina	4,988	175	8,976	377	401	5	17	0	14	0	0	0	96	1
South Dakota	1,546	18	263	5	134	2	23	0	916	26	1	0	10	0
Tennessee	9,895	579	7,975	515	471	19	55	0	31	0	0	0	0	0
Texas	35,211	956	36,618	1,071	36,900	1,744	—	—	—	—	—	—	624	12
Utah	2,330	278	336	65	769	193	127	33	213	48	0	0	144	23
Vermont	802	0	92	0	101	0	1	0	7	0	2	0	34	0
Washington	7,138	268	2,344	72	2,067	93	414	11	837	31	163	10	129	4
Wisconsin	7,629	158	7,748	340	1,746	61	214	5	707	18	—	—	9	0
West Virginia	7,284	—	1,254	—	62	—	5	—	5	—	1	—	70	—
Wyoming	1,441	18	92	1	240	3	6	0	140	2	6	0	3	0
TOTAL*	244,471	8,429	248,496	9,201	150,898	5,803	5,200	171	10,711	655	529	17	7,062	128

\*Excludes Hawaii, New Jersey, and West Virginia.

**Table 13 Race/Ethnicity of Men in Total Custodial and Restrictive Housing Populations (Percentages) (n = 33)**

Jurisdiction	White (non-Hispanic or Latino/a)		Black or African American		Hispanic or Latino/a		Asian		Native American or Alaska Native		Native Hawaiian or Pacific Islander		Other	
	Total	RH	Total	RH	Total	RH	Total	RH	Total	RH	Total	RH	Total	RH
Alabama	39.7%	24.1%	59.4%	75.1%	—	—	0%	0%	0%	0%	—	—	0.9%	0.8%
Federal (BOP)	29.8%	28.9%	39.9%	38.9%	26.5%	26.9%	1.4%	0.9%	2.4%	4.3%	—	—	—	—
California	19.5%	16%	28.8%	18.5%	45.2%	60%	1.1%	1.4%	1.2%	0.5%	0.3%	0.4%	4%	3.2%
Colorado	42.6%	25%	19.3%	25%	31.4%	50%	1.2%	0%	3.6%	0%	0.1%	0%	1.9%	0%
Connecticut	27%	13.3%	44%	70%	28.2%	15.6%	0.5%	0%	0.3%	1.1%	0%	0%	0%	0%
Delaware	30.9%	—	64.2%	—	4.8%	—	0.1%	—	0%	—	0%	—	—	—
Hawaii	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Iowa	63.5%	57.5%	26.2%	29.9%	7.3%	10.3%	—	—	2%	1.6%	—	—	1%	0.7%
Idaho	73.8%	72.1%	3.3%	2.9%	15.8%	17.6%	0.4%	0.5%	3.8%	4.7%	0%	0%	2.9%	2.1%
Illinois	31%	13.4%	54.7%	73.5%	13.6%	12.3%	0.3%	0%	0.1%	0.3%	—	—	0.3%	0.5%
Indiana	60.1%	57.8%	34.1%	35.1%	4.6%	5.3%	0.2%	0.3%	0.2%	0.4%	0%	0.1%	0.7%	1.1%
Kansas	54.6%	52.5%	28.5%	30.5%	13.3%	15.8%	0.8%	0%	2.7%	1.2%	—	—	—	—
Massachusetts	40.9%	21.3%	29.4%	40.4%	26.2%	36.2%	1.7%	0%	0.6%	0%	0%	0%	1.2%	2.1%
Maine	80.2%	85.7%	11.1%	14.3%	—	—	0.7%	0%	2.6%	0%	0.1%	0%	5.4%	0%
Minnesota	46.1%	30.9%	37.6%	47.6%	5.5%	4.9%	2.6%	1%	8.1%	15.3%	0%	0%	0.2%	0.3%
Montana	73.2%	55%	2.8%	5%	2.5%	0%	0%	0%	21.2%	40%	0%	0%	0.3%	0%
North Dakota	60.1%	—	12%	—	6.5%	—	0.5%	—	20.8%	—	0.1%	—	0%	—
Nebraska	50%	40.7%	28.7%	27.5%	14.8%	21.4%	0.9%	0%	4.8%	9.9%	0%	0%	0.9%	0.5%
New Hampshire	82.5%	80.6%	7.2%	11.3%	6.8%	6.5%	0.3%	0%	0.5%	1.6%	0%	0%	2.7%	0%
New Jersey	21.2%	—	61.3%	—	16.6%	—	0.7%	—	0.1%	—	0%	—	16.5%	—
Nevada	39.9%	36.7%	32.7%	36.5%	22.5%	21.3%	2.8%	2.2%	1.8%	3.2%	—	—	0.2%	0%
New York	22.3%	16.4%	50.1%	54.3%	24.2%	27.9%	0.6%	0%	0.9%	1.4%	0%	0%	1.8%	0%
Ohio	49.4%	35.7%	46.4%	59.3%	2.9%	3.9%	0.2%	0.2%	0.2%	0.2%	0%	0%	0.9%	0.7%
Oklahoma	44.1%	57.5%	37%	32.2%	9.5%	5%	0.4%	0%	8.6%	5.4%	0%	0%	0.6%	0%



Oregon	72%	67.7%	9.7%	9.9%	13.6%	16.6%	1.4%	0.9%	3%	4.6%	0.3%	0.2%	0%	0%
Pennsylvania	41.4%	28.3%	48.1%	59.8%	9.8%	11%	0.3%	0.1%	0.1%	0.1%	0%	0%	0.4%	0.7%
South Carolina	34.4%	31.4%	61.9%	67.6%	2.8%	0.9%	0.1%	0%	0.1%	0%	0%	0%	0.7%	0.2%
South Dakota	53.4%	35.3%	9.1%	9.8%	4.6%	3.9%	0.8%	0%	31.7%	51%	0%	0%	0.3%	0%
Tennessee	53.7%	52%	43.3%	46.3%	2.6%	1.7%	0.3%	0%	0.2%	0%	0%	0%	0%	0%
Texas	32.2%	25.3%	33.5%	28.3%	33.7%	46.1%	—	—	—	—	—	—	0.6%	0.3%
Utah	59.5%	43.4%	8.6%	10.2%	19.6%	30.2%	3.2%	5.2%	5.4%	7.5%	0%	0%	3.7%	3.6%
Vermont	77.2%	—	8.9%	—	9.7%	—	0.1%	—	0.7%	—	0.2%	—	3.3%	—
Washington	54.5%	54.8%	17.9%	14.7%	15.8%	19%	3.2%	2.2%	6.4%	6.3%	1.2%	2%	1%	0.8%
Wisconsin	42.3%	27.1%	42.9%	58.4%	9.7%	10.5%	1.2%	0.9%	3.9%	3.1%	—	—	0%	0%
West Virginia	83.9%	—	14.4%	—	0.7%	—	0.1%	—	0.1%	—	0%	—	0.8%	—
Wyoming	74.6%	75%	4.8%	4.2%	12.4%	12.5%	0.3%	0%	7.3%	8.3%	0.3%	0%	0.2%	0%
Reporting Jurisdictions*	36.6%	34.5%	37.2%	37.7%	22.6%	23.8%	0.8%	0.7%	1.6%	2.7%	0.08%	0.07%	1.1%	0.5%

\*Excludes Hawaii, New Jersey, and West Virginia.

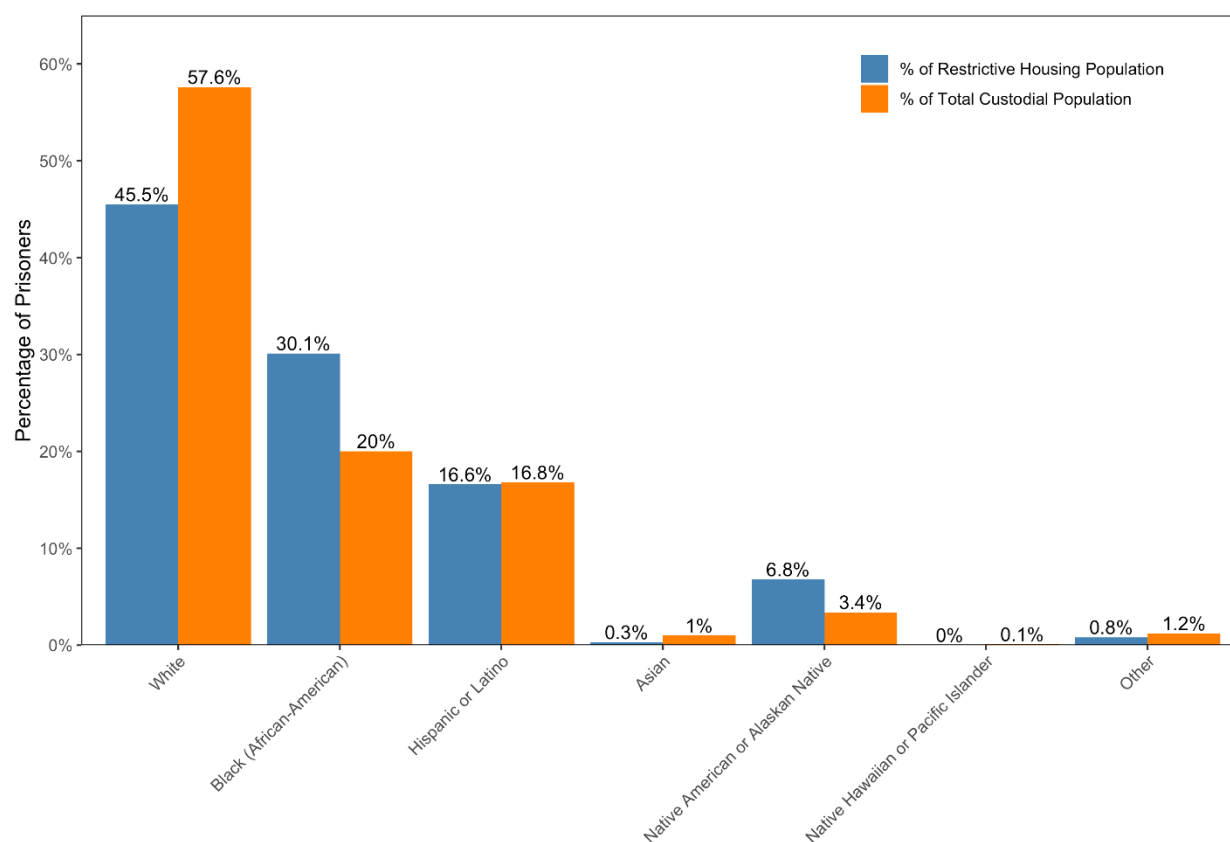
**Table 14 Race/Ethnicity of Men: Differences Between Total Custodial and Restrictive Housing Populations (n = 33)**

Jurisdiction	Difference in Black or African American Prison Populations (% in restrictive housing - % in total custodial population)	Difference in Hispanic or Latino/a Prison Populations (% in restrictive housing - % in total custodial population)
Alabama	15.6% (75.1% - 59.4%)	—
Federal (BOP)	-0.9% (38.9% - 39.9%)	0.4% (26.9% - 26.5%)
California	-10.3% (18.5% - 28.8%)	14.8% (60% - 45.2%)
Colorado	5.7% (25% - 19.3%)	18.6% (50% - 31.4%)
Connecticut	26% (70% - 44%)	-12.6% (15.6% - 28.2%)
Delaware	No RH population	No RH population
Hawaii	—	—
Iowa	3.7% (29.9% - 26.2%)	3% (10.3% - 7.3%)
Idaho	-0.4% (2.9% - 3.3%)	1.8% (17.6% - 15.8%)
Illinois	18.8% (73.5% - 54.7%)	-1.3% (12.3% - 13.6%)
Indiana	1% (35.1% - 34.1%)	0.7% (5.3% - 4.6%)
Kansas	2% (30.5% - 28.5%)	2.5% (15.8% - 13.3%)
Massachusetts	11% (40.4% - 29.4%)	10% (36.2% - 26.2%)
Maine	3.2% (14.3% - 11.1%)	—
Minnesota	10% (47.6% - 37.6%)	-0.7% (4.9% - 5.5%)
Montana	2.2% (5% - 2.8%)	-2.5% (0% - 2.5%)
North Dakota	No RH population	No RH population
Nebraska	-1.2% (27.5% - 28.7%)	6.7% (21.4% - 14.8%)
New Hampshire	4% (11.3% - 7.2%)	-0.3% (6.5% - 6.8%)
New Jersey	—	—
Nevada	3.8% (36.5% - 32.7%)	-1.2% (21.3% - 22.5%)
New York	4.1% (54.3% - 50.1%)	3.7% (27.9% - 24.2%)
Ohio	12.9% (59.3% - 46.4%)	1% (3.9% - 2.9%)
Oklahoma	-4.8% (32.2% - 37%)	-4.5% (5% - 9.5%)
Oregon	0.2% (9.9% - 9.7%)	2.9% (16.6% - 13.6%)
Pennsylvania	11.6% (59.8% - 48.1%)	1.3% (11% - 9.8%)
South Carolina	5.6% (67.6% - 61.9%)	-1.9% (0.9% - 2.8%)

South Dakota	0.7% (9.8% - 9.1%)	-0.7% (3.9% - 4.6%)
Tennessee	3% (46.3% - 43.3%)	-0.8% (1.7% - 2.6%)
Texas	-5.2% (28.3% - 33.5%)	12.4% (46.1% - 33.7%)
Utah	1.6% (10.2% - 8.6%)	10.5% (30.2% - 19.6%)
Vermont	No RH population	No RH population
Washington	-3.2% (14.7% - 17.9%)	3.2% (19% - 15.8%)
Wisconsin	15.5% (58.4% - 42.9%)	0.8% (10.5% - 9.7%)
West Virginia	—	—
Wyoming	-0.6% (4.2% - 4.8%)	0.1% (12.5% - 12.4%)

In the thirty-three jurisdictions that provided data on the race/ethnicity of women in restrictive housing, Black women comprised 30.1% (116 of 385) of the female restrictive housing population, as compared to 20.0% (9,318 of 46,491) of the total female custodial population. Hispanic or Latina women comprised 16.6% (64 of 385) of the female restrictive housing population, as compared to 16.8% (7,791 of 46,491) of the total female custodial population. Table 15 depicts this data. Figure 10 presents the percentages of women by sex/gender in each race/ethnicity category in total custodial and restrictive housing populations. Table 16 lists by race/ethnicity the number of women in total custodial and restrictive housing populations, and Table 17 presents this information in percentages.

**Figure 10 Race/Ethnicity of Women in Total Custodial and Restrictive Housing Populations (n = 33)**



**Table 15 Black and Hispanic or Latina Women in Restrictive Housing (n = 33)**

	Black Women	Hispanic or Latina Women
% of total custodial population	20.0%	16.8%
% of restrictive housing population	30.1%	16.6%
Median % of total custodial population	16.3%	6.4%
Median % of restrictive housing population	25.7%	10.0%
Jurisdictions with higher % in restrictive housing than total custodial population	14	12*
Jurisdictions with higher % in total custodial population than restrictive housing	9**	9*

\*Alabama and Maine indicated “No Data” for Latino/a people in their total custodial populations. Maine tracked Hispanic or Latino/a ethnicity separate from race, and therefore reported data on race but not Hispanic or Latino/a ethnicity in order to avoid double-counting. Maine indicated by email that it held a total of nine Hispanic or Latino/a people in its total custodial population as of July 2021. Alabama did not track data on Hispanic or Latino/a ethnicity.

\*\*Excludes jurisdictions that reported holding no people in restrictive housing in women’s prisons (Colorado, Delaware, Massachusetts, North Dakota, New York, Ohio, South Dakota, Utah, Vermont, Wyoming).

**Table 16 Race/Ethnicity of Women in Total Custodial and Restrictive Housing Populations (n = 33)**

Jurisdiction	White (non-Hispanic or Latino/a)		Black or African American		Hispanic or Latino/a		Asian		Native American or Alaska Native		Native Hawaiian or Pacific Islander		Other	
	Total	RH	Total	RH	Total	RH	Total	RH	Total	RH	Total	RH	Total	RH
Alabama	685	4	340	1	—	—	0	0	0	0	—	—	1	0
Federal (BOP)	3,844	38	1,360	29	2,647	39	197	1	310	6	—	—	—	—
California	1,087	1	911	4	1,297	0	65	0	61	0	13	0	146	0
Colorado	436	0	108	0	252	0	11	0	37	0	1	0	24	0
Connecticut	285	0	146	3	124	3	4	0	4	0	0	0	0	0
Delaware	57	0	35	0	4	0	0	0	0	0	0	0	—	—
Hawaii	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Iowa	431	7	92	7	30	2	—	—	35	0	—	—	6	0
Idaho	793	12	25	0	106	2	2	0	75	4	0	0	104	2
Illinois	711	0	431	4	116	1	8	0	7	0	—	—	19	1
Indiana	1,872	7	288	9	39	2	2	0	4	0	2	0	17	0
Kansas	569	4	114	0	30	0	4	0	20	0	—	—	—	—
Massachusetts	103	0	31	0	15	0	3	0	0	0	0	0	18	0
Maine	96	1	6	0	—	—	0	0	7	0	0	0	4	0
Minnesota	225	3	66	3	23	0	12	0	73	3	0	0	0	0
Montana	116	2	2	0	17	0	0	0	67	5	0	0	1	0
North Dakota	98	0	12	0	3	0	0	0	74	0	3	0	0	0
Nebraska	252	2	63	0	45	1	1	0	30	1	0	0	15	0
New Hampshire	124	1	5	1	3	0	0	0	0	0	0	0	5	0
New Jersey	168	—	211	—	64	—	8	—	0	—	0	—	60	—
Nevada	465	10	196	13	130	6	29	0	22	3	—	—	2	0
New York	580	0	418	0	180	0	9	0	12	0	0	0	28	0
Ohio	2,458	0	765	0	42	0	7	0	8	0	0	0	33	0
Oklahoma	618	4	235	0	79	1	3	0	181	0	1	0	2	0

Oregon	678	11	37	1	39	0	14	0	45	1	3	0	0	0
Pennsylvania	1,446	4	532	1	139	0	14	0	6	0	0	0	41	0
South Carolina	649	35	284	5	16	1	1	0	6	1	0	0	11	0
South Dakota	179	—	14	—	14	—	3	—	249	—	0	—	0	—
Tennessee	1,517	16	351	4	25	1	7	0	8	0	0	0	0	0
Texas	4,542	6	2,086	26	2,106	4	—	—	—	—	—	—	52	0
Utah	275	0	16	0	69	0	12	0	24	0	0	0	3	0
Vermont	72	0	0	0	5	0	0	0	2	0	0	0	7	0
Washington	484	1	80	1	110	1	35	0	80	0	5	0	14	0
Wisconsin	815	6	262	4	69	0	15	0	92	2	—	—	0	0
West Virginia	1,339	—	87	—	4	—	0	—	2	—	1	—	11	—
Wyoming	214	0	7	0	17	0	1	0	25	0	1	0	1	0
TOTAL*	26,776	175	9,318	116	7,791	64	459	1	1,564	26	29	0	554	3

\*Excludes Hawaii, New Jersey, and West Virginia. New Jersey disaggregates race and ethnicity into two separate categories of data. As a result, New Jersey counted some individuals twice for the purposes of this table (for example, a person identified both as White and as Hispanic or Latino/a).

**Table 17 Race/Ethnicity of Women in Total Custodial and Restrictive Housing Populations (Percentages) (n = 33)**

Jurisdiction	White (non-Hispanic or Latino/a)		Black or African American		Hispanic or Latino/a		Asian		Native American or Alaska Native		Native Hawaiian or Pacific Islander		Other	
	Total	RH	Total	RH	Total	RH	Total	RH	Total	RH	Total	RH	Total	RH
Alabama	66.8%	80%	33.1%	20%	—	—	0%	0%	0%	0%	—	—	0.1%	0%
Federal (BOP)	46%	33.6%	16.3%	25.7%	31.7%	34.5%	2.4%	0.9%	3.7%	5.3%	—	—	—	—
California	30.4%	20%	25.4%	80%	36.2%	0%	1.8%	0%	1.7%	0%	0.4%	0%	4.1%	0%
Colorado	50.2%	—	12.4%	—	29%	—	1.3%	—	4.3%	—	0.1%	—	2.8%	—
Connecticut	50.6%	0%	25.9%	50%	22%	50%	0.7%	0%	0.7%	0%	0%	0%	0%	0%
Delaware	59.4%	—	36.5%	—	4.2%	—	0%	—	0%	—	0%	—	—	—
Hawaii	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Iowa	72.6%	43.8%	15.5%	43.8%	5.1%	12.5%	—	—	5.9%	0%	—	—	1%	0%
Idaho	71.8%	60%	2.3%	0%	9.6%	10%	0.2%	0%	6.8%	20%	0%	0%	9.4%	10%
Illinois	55%	0%	33.4%	66.7%	9%	16.7%	0.6%	0%	0.5%	0%	—	—	1.5%	16.7%
Indiana	84.2%	38.9%	12.9%	50%	1.8%	11.1%	0.1%	0%	0.2%	0%	0.1%	0%	0.8%	0%
Kansas	77.2%	100%	15.5%	0%	4.1%	0%	0.5%	0%	2.7%	0%	—	—	—	—
Massachusetts	60.6%	—	18.2%	—	8.8%	—	1.8%	—	0%	—	0%	—	10.6%	—
Maine	85%	100%	5.3%	0%	—	—	0%	0%	6.2%	0%	0%	0%	3.5%	0%
Minnesota	56.4%	33.3%	16.5%	33.3%	5.8%	0%	3%	0%	18.3%	33.3%	0%	0%	0%	0%
Montana	57.1%	28.6%	1%	0%	8.4%	0%	0%	0%	33%	71.4%	0%	0%	0.5%	0%
North Dakota	51.6%	—	6.3%	—	1.6%	—	0%	—	38.9%	—	1.6%	—	0%	—
Nebraska	62.1%	50%	15.5%	0%	11.1%	25%	0.2%	0%	7.4%	25%	0%	0%	3.7%	0%
New Hampshire	90.5%	50%	3.6%	50%	2.2%	0%	0%	0%	0%	0%	0%	0%	3.6%	0%
New Jersey	32.9%	—	41.3%	—	12.5%	—	1.6%	—	0%	—	0%	—	11.7%	—
Nevada	55.1%	31.2%	23.2%	40.6%	15.4%	18.8%	3.4%	0%	2.6%	9.4%	—	—	0.2%	0%
New York	47.3%	—	34.1%	—	14.7%	—	0.7%	—	1%	—	0%	—	2.3%	—
Ohio	74.2%	—	23.1%	—	1.3%	—	0.2%	—	0.2%	—	0%	—	1%	—



Oklahoma	55.2%	80%	21%	0%	7.1%	20%	0.3%	0%	16.2%	0%	0.1%	0%	0.2%	0%
Oregon	83.1%	84.6%	4.5%	7.7%	4.8%	0%	1.7%	0%	5.5%	7.7%	0.4%	0%	0%	0%
Pennsylvania	66.4%	80%	24.4%	20%	6.4%	0%	0.6%	0%	0.3%	0%	0%	0%	1.9%	0%
South Carolina	67.1%	83.3%	29.4%	11.9%	1.7%	2.4%	0.1%	0%	0.6%	2.4%	0%	0%	1.1%	0%
South Dakota	39%	—	3.1%	—	3.1%	—	0.7%	—	54.2%	—	0%	—	0%	—
Tennessee	79.5%	76.2%	18.4%	19%	1.3%	4.8%	0.4%	0%	0.4%	0%	0%	0%	0%	0%
Texas	51.7%	16.7%	23.7%	72.2%	24%	11.1%	—	—	—	—	—	—	0.6%	0%
Utah	68.9%	—	4%	—	17.3%	—	3%	—	6%	—	0%	—	0.8%	—
Vermont	83.7%	—	0%	—	5.8%	—	0%	—	2.3%	—	0%	—	8.1%	—
Washington	59.9%	33.3%	9.9%	33.3%	13.6%	33.3%	4.3%	0%	9.9%	0%	0.6%	0%	1.7%	0%
Wisconsin	65%	50%	20.9%	33.3%	5.5%	0%	1.2%	0%	7.3%	16.7%	—	—	0%	0%
West Virginia	92.7%	—	6%	—	0.3%	—	0%	—	0.1%	—	0.1%	—	0.8%	—
Wyoming	80.5%	—	2.6%	—	6.4%	—	0.4%	—	9.4%	—	0.4%	—	0.4%	—
Reporting Jurisdictions*	57.6%	45.5%	20.0%	30.1%	16.8%	16.6%	1.0%	0.3%	3.4%	6.8%	0.06%	0.0%	1.2%	0.8%

\*Excludes Hawaii, New Jersey, and West Virginia. New Jersey disaggregates race and ethnicity into two separate categories of data. As a result, New Jersey counted some individuals twice for the purposes of this table (for example, a person identified both as White and as Hispanic or Latino/a).

### **The Ages of People in Restrictive Housing**

Some statutes and correctional policies limit or prohibit the placement of younger or older people in restrictive housing. For example, the federal First Step Act of 2018 (FSA) states that “the involuntary placement of a covered juvenile alone in a cell, room, or other area” for “any reason other than as a temporary response to a covered juvenile’s behavior that poses a serious and immediate risk of physical harm to any individual, including the covered juvenile, is prohibited.”<sup>56</sup> In the event of “a serious and immediate risk of physical harm,” the FSA permits short-term isolation for youths in federal custody but limits any such isolation to no more than three hours.<sup>57</sup>

Older adults are another category of concern. As discussed in Section VI, some statutes bar the placement of older adults in isolation. For example, New York’s HALT Act, enacted in 2021 and effective April 2022, prohibits the placement of any person “fifty-five years of age or older” in “segregated confinement.”<sup>58</sup>

To understand the age distribution in restrictive housing, the 2021 Survey asked about age groups under eighteen; eighteen to twenty-five; twenty-six to fifty; fifty-one to seventy; and over seventy. Thirty-two jurisdictions responded about age cohorts in both total custodial and restrictive housing populations.<sup>59</sup> One jurisdiction responded with numbers of women in the respective age cohorts in both total custodial and restrictive housing populations but did not provide information about the ages of men in restrictive housing.<sup>60</sup> In total, these jurisdictions provided data on the ages of 24,528 people in restrictive housing (97.8% of the Survey’s total reported population of 25,083 people in restrictive housing).<sup>61</sup>

The thirty-two jurisdictions reported a total of 664,810 men in their total custodial populations,<sup>62</sup> delineated by age cohorts. Collecting the totals of their numbers, these jurisdictions reported that 0.02% (135 of 664,810) of men in total custodial populations were under the age of eighteen; 8.9% (59,295 of 664,810) were between the ages of eighteen and twenty-five; 69.0% (458,821 of 664,810) were between the ages of twenty-six and fifty; 20.5% (135,990 of 664,810) were between the ages of fifty-one and seventy; and 1.6% (10,569 of 664,810) were over the age of seventy.

These thirty-two jurisdictions reported holding a total of 24,143 men in restrictive housing, delineated by age cohorts. Two jurisdictions identified nine people in restrictive housing who were under the age of eighteen.<sup>63</sup> Collectively, the thirty-two jurisdictions reported that 12.1% (2,919 of 24,143) of men in restrictive housing were between the ages of eighteen and twenty-five; 77.0% (18,590 of 24,143) were between the ages of twenty-six and fifty, 10.5% (2,527 of 24,143) were between the ages of fifty-one and seventy, and 0.4% (98 of 24,143) were over the age of seventy.

Younger men were in restrictive housing at higher than the average rate. The thirty-two jurisdictions reported that 3.6% (24,143 of 664,810) of all men were in restrictive housing. By contrast, these jurisdictions reported holding 4.9% (2,928 of 59,430) of men ages twenty-five and younger in restrictive housing.

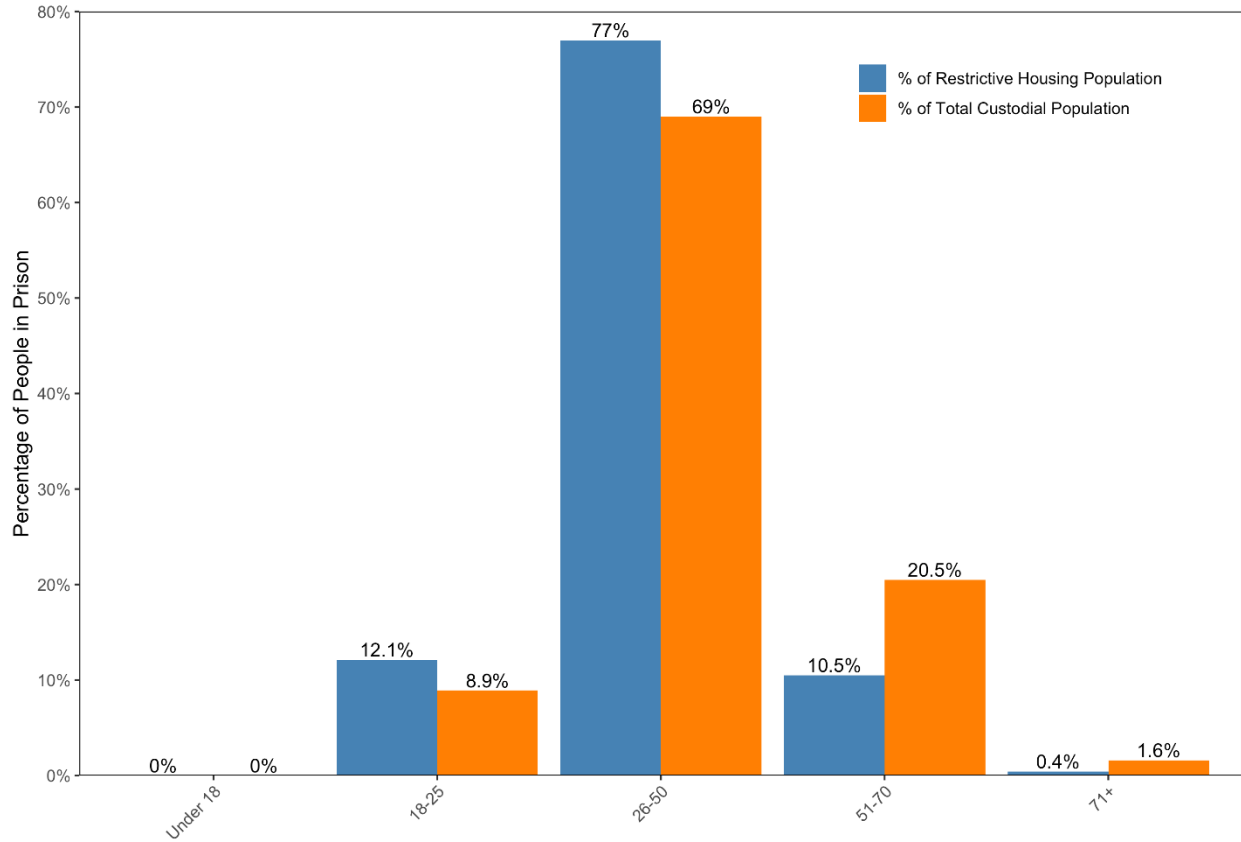
Thirty-three jurisdictions provided information about the ages of women in both total custodial and restrictive housing populations.<sup>64</sup> Collectively, these jurisdictions reported that 0.01% (5 of 46,491) of women in total custodial populations were under the age of eighteen; 8.9% (4,145 of 46,491) were between the ages of eighteen and twenty-five; 75.3% (35,023 of 46,491) were between the ages of twenty-six and fifty; 15.0% (6,987 of 46,491) were between the ages of fifty-one and seventy; and 0.7% (331 of 46,491) were over the age of seventy.

No jurisdiction reported holding women under the age of eighteen or over the age of seventy in restrictive housing. Totaling the numbers from the thirty-three jurisdictions, 21.0% (81 of 385) of women in restrictive housing were reported to be between the ages of eighteen and twenty-five; 72.7% (280 of 385) were between the ages of twenty-six and fifty; and 6.2% (24 of 385) were between the ages of fifty-one and seventy.

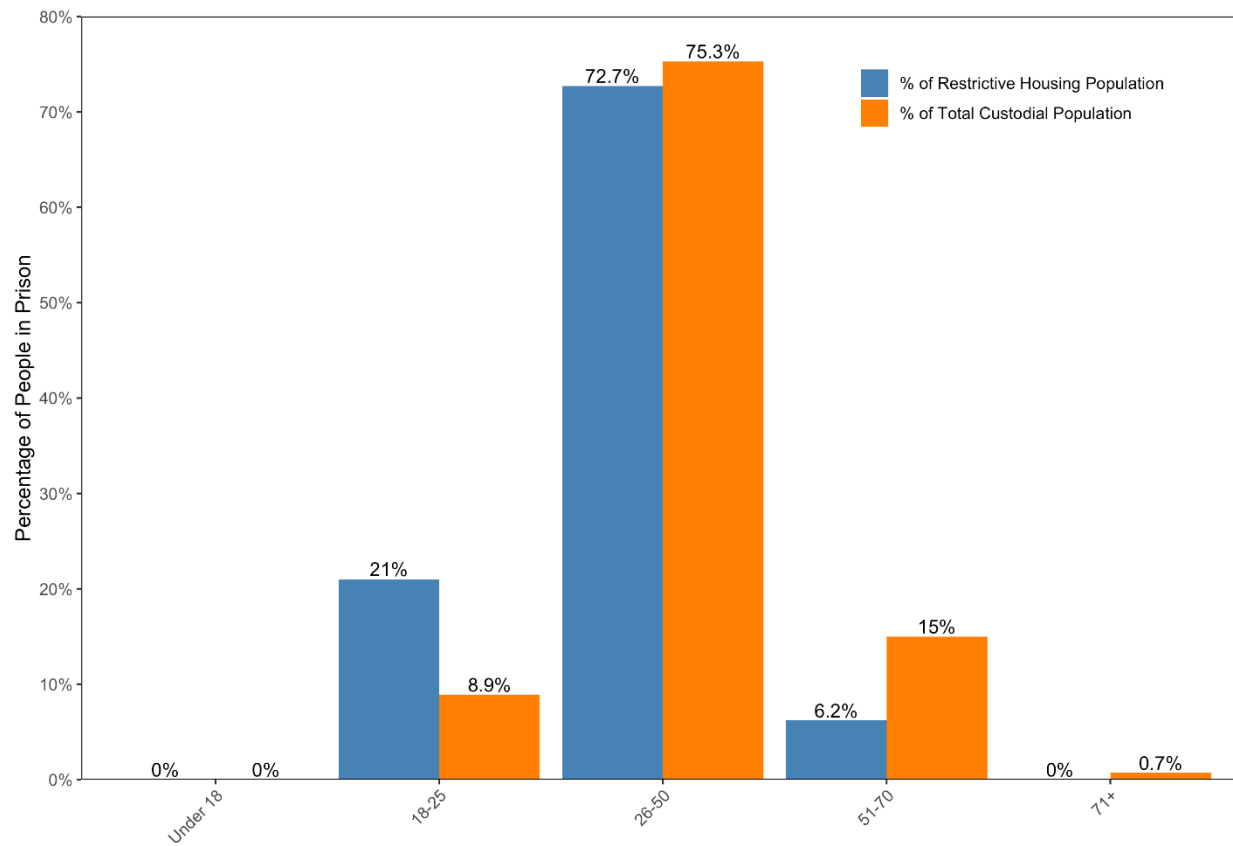
Younger women were in restrictive housing at higher than the average rate. The thirty-three jurisdictions reported that 0.8% (385 of 46,491) of all women were in restrictive housing. By contrast, these jurisdictions reported holding 2.0% (81 of 4,150) of women ages twenty-five and younger in restrictive housing.

Figures 11 and 12 provide aggregate information about age cohorts in total custodial and restrictive housing populations. Tables 18, 19, 20, and 21 report jurisdiction-by-jurisdiction data.

**Figure 11 Men in Total Custodial and Restrictive Housing Populations by Age (n = 32)**



**Figure 12** Women in Total Custodial and Restrictive Housing Populations by Age  
(n = 33)



**Table 18 Men in Total Custodial and Restrictive Housing Populations by Age (n = 32)**

Jurisdiction	Total Custodial Population					Restrictive Housing Population				
	<18	18-25	26-50	51-70	70+	<18	18-25	26-50	51-70	70+
Alabama	2	829	11,302	4453	363	0	69	668	135	2
Federal (BOP)	0	6,817	92,217	21,520	1,279	0	527	6,359	817	35
California	0	7,781	62,006	22,455	2,044	0	190	883	100	4
Colorado	6	1,274	8,961	2,585	215	0	2	1	1	0
Connecticut	45	1,131	5,849	1,467	74	0	26	63	1	0
Delaware	0	276	1,826	622	60	0	0	0	0	0
Hawaii	—	—	—	—	—	—	—	—	—	—
Iowa	6	1,057	4,702	1,267	128	2	136	375	33	0
Idaho	0	774	4,595	1,105	93	0	59	267	53	1
Illinois	0	2,695	18,098	5,135	363	0	59	290	17	0
Indiana	—	2,196	15,292	3,824	268	0	152	1,092	158	7
Kansas	0	827	5,446	1,431	130	0	61	453	82	4
Massachusetts	0	345	3,855	1,678	244	0	7	37	3	0
Maine	0	105	1,059	294	25	0	1	6	0	0
Minnesota	6	774	4,900	1,027	68	0	60	216	12	0
Montana	0	163	1,000	375	47	0	11	26	3	0
North Dakota	0	214	1,031	194	16	0	0	0	0	0
Nebraska	10	714	3,475	783	60	0	41	131	10	0
New Hampshire	0	138	1,186	452	87	0	9	47	6	0
New Jersey	5	1,478	8,192	2,223	176	—	—	—	—	—
Nevada	11	1,114	6,369	1,955	181	0	169	712	131	15
New York	0	2,970	21,087	6,408	426	0	20	103	15	2
Ohio	18	4,748	26,691	7,542	663	0	116	439	30	0
Oklahoma	0	334	1,715	462	48	—	—	—	—	—
Oregon	0	1,065	7,472	2,429	286	0	95	302	37	0
Pennsylvania	6	3,442	26,505	8,270	738	7	162	666	71	1
South Carolina	2	1,507	9,839	2,946	198	0	75	449	34	0

South Dakota	0	394	1,976	478	45	0	16	33	2	0
Tennessee	6	1,360	13,257	3,553	251	0	176	867	70	0
Texas	16	10,808	72,990	24,045	1,494	0	377	2,821	569	16
Utah	0	370	2,646	815	88	0	126	484	27	3
Vermont	0	95	763	161	20	0	0	0	0	0
Washington	0	1,211	8,921	2,666	294	0	56	373	54	6
Wisconsin	0	1,937	12,232	3,616	268	0	118	408	54	2
West Virginia	142	771	6,247	1,414	107	—	—	—	—	—
Wyoming	1	164	1,273	439	53	0	3	19	2	0
TOTAL*	135	59,295	458,821	135,990	10,569	9	2,919	18,590	2,527	98

\*Excludes Hawaii, New Jersey, Oklahoma, and West Virginia.

**Table 19 Men in Total Custodial and Restrictive Housing Populations by Age (Percentages) (n = 32)**

Jurisdiction	Total Custodial Population					Restrictive Housing Population				
	<18	18-25	26-50	51-70	70+	<18	18-25	26-50	51-70	70+
Alabama	0%	4.9%	66.7%	26.3%	2.1%	0%	7.9%	76.4%	15.4%	0.2%
Federal (BOP)	0%	5.6%	75.7%	17.7%	1%	0%	6.8%	82.2%	10.6%	0.5%
California	0%	8.3%	65.8%	23.8%	2.2%	0%	16.1%	75%	8.5%	0.3%
Colorado	0%	9.8%	68.7%	19.8%	1.6%	0%	50%	25%	25%	0%
Connecticut	0.5%	13.2%	68.3%	17.1%	0.9%	0%	28.9%	70%	1.1%	0%
Delaware	0%	9.9%	65.6%	22.3%	2.2%	—	—	—	—	—
Hawaii	—	—	—	—	—	—	—	—	—	—
Iowa	0.1%	14.8%	65.7%	17.7%	1.8%	0.4%	24.9%	68.7%	6%	0%
Idaho	0%	11.8%	70%	16.8%	1.4%	0%	15.5%	70.3%	13.9%	0.3%
Illinois	0%	10.3%	68.8%	19.5%	1.4%	0%	16.1%	79.2%	4.6%	0%
Indiana	—	10.2%	70.9%	17.7%	1.2%	0%	10.8%	77.5%	11.2%	0.5%
Kansas	0%	10.6%	69.5%	18.3%	1.7%	0%	10.2%	75.5%	13.7%	0.7%
Massachusetts	0%	5.6%	63%	27.4%	4%	0%	14.9%	78.7%	6.4%	0%
Maine	0%	7.1%	71.4%	19.8%	1.7%	0%	14.3%	85.7%	0%	0%
Minnesota	0.1%	11.4%	72.3%	15.2%	1%	0%	20.8%	75%	4.2%	0%
Montana	0%	10.3%	63.1%	23.7%	3%	0%	27.5%	65%	7.5%	0%
North Dakota	0%	14.7%	70.9%	13.3%	1.1%	—	—	—	—	—

Nebraska	0.2%	14.2%	68.9%	15.5%	1.2%	0%	22.5%	72%	5.5%	0%
New Hampshire	0%	7.4%	63.7%	24.3%	4.7%	0%	14.5%	75.8%	9.7%	0%
New Jersey	0%	12.2%	67.8%	18.4%	1.5%	—	—	—	—	—
Nevada	0.1%	11.6%	66.1%	20.3%	1.9%	0%	16.5%	69.3%	12.8%	1.5%
New York	0%	9.6%	68.3%	20.7%	1.4%	0%	14.3%	73.6%	10.7%	1.4%
Ohio	0%	12%	67.3%	19%	1.7%	0%	19.8%	75%	5.1%	0%
Oklahoma	0%	13.1%	67%	18.1%	1.9%	—	—	—	—	—
Oregon	0%	9.5%	66.4%	21.6%	2.5%	0%	21.9%	69.6%	8.5%	0%
Pennsylvania	0%	8.8%	68%	21.2%	1.9%	0.8%	17.9%	73.4%	7.8%	0.1%
South Carolina	0%	10.4%	67.9%	20.3%	1.4%	0%	13.4%	80.5%	6.1%	0%
South Dakota	0%	13.6%	68.3%	16.5%	1.6%	0%	31.4%	64.7%	3.9%	0%
Tennessee	0%	7.4%	71.9%	19.3%	1.4%	0%	15.8%	77.9%	6.3%	0%
Texas	0%	9.9%	66.7%	22%	1.4%	0%	10%	74.6%	15%	0.4%
Utah	0%	9.4%	67.5%	20.8%	2.2%	0%	19.7%	75.6%	4.2%	0.5%
Vermont	0%	9.1%	73.4%	15.5%	1.9%	—	—	—	—	—
Washington	0%	9.2%	68.1%	20.4%	2.2%	0%	11.5%	76.3%	11%	1.2%
Wisconsin	0%	10.7%	67.8%	20%	1.5%	0%	20.3%	70.1%	9.3%	0.3%
West Virginia	1.6%	8.9%	72%	16.3%	1.2%	—	—	—	—	—
Wyoming	0.1%	8.5%	65.9%	22.7%	2.7%	0%	12.5%	79.2%	8.3%	0%
Reporting Jurisdictions*	0.02%	8.9%	69.0%	20.5%	1.6%	0.04%	12.1%	77.0%	10.5%	0.4%

\*Excludes Hawaii, New Jersey, Oklahoma, and West Virginia.



**Table 20 Women in Total Custodial and Restrictive Housing Populations by Age (n = 33)**

Jurisdiction	Total Custodial Population					Restrictive Housing Population				
	<18	18-25	26-50	51-70	70+	<18	18-25	26-50	51-70	70+
Alabama	0	27	746	236	17	0	0	3	2	0
Federal (BOP)	0	534	6,479	1,306	39	0	13	91	9	0
California	0	347	2,500	682	51	0	1	4	0	0
Colorado	0	100	652	110	7	0	0	0	0	0
Connecticut	0	84	404	71	4	0	3	3	0	0
Delaware	0	10	70	15	1	0	0	0	0	0
Hawaii	—	—	—	—	—	—	—	—	—	—
Iowa	0	75	431	81	7	0	7	9	0	0
Idaho	0	142	843	117	3	0	7	12	1	0
Illinois	0	108	962	206	16	0	0	6	0	0
Indiana	0	210	1,734	268	12	0	2	15	1	0
Kansas	0	76	576	82	3	0	0	2	2	0
Massachusetts	0	15	108	42	5	0	0	0	0	0
Maine	0	5	93	14	1	0	0	1	0	0
Minnesota	0	33	312	53	1	0	3	6	0	0
Montana	0	16	158	29	0	0	2	5	0	0
North Dakota	0	40	143	7	0	0	0	0	0	0
Nebraska	0	60	304	39	3	0	2	2	0	0
New Hampshire	0	5	114	18	0	0	0	2	0	0
New Jersey	0	57	314	73	3	—	—	—	—	—
Nevada	0	73	645	119	7	0	10	22	0	0
New York	0	98	935	181	13	0	0	0	0	0
Ohio	2	344	2,570	381	16	0	0	0	0	0
Oklahoma	0	81	851	176	11	0	1	3	1	0
Oregon	0	87	593	129	7	0	1	12	0	0
Pennsylvania	0	206	1,587	368	17	0	0	5	0	0
South	0	86	717	159	5	0	9	30	3	0

Carolina										
South Dakota	0	79	360	20	0	0	0	0	0	0
Tennessee	0	94	1,506	297	11	0	5	16	0	0
Texas	3	852	6,526	1,357	48	0	13	19	4	0
Utah	0	37	320	38	4	0	0	0	0	0
Vermont	0	5	71	10	0	0	0	0	0	0
Washington	0	73	567	157	11	0	1	2	0	0
Wisconsin	0	120	940	183	10	0	1	10	1	0
West Virginia	32	121	1,175	114	2	—	—	—	—	—
Wyoming	0	23	206	36	1	0	0	0	0	0
TOTAL*	5	4,145	35,023	6,987	331	0	81	280	24	0

\*Excludes Hawaii, New Jersey, and West Virginia.

**Table 21 Women in Total Custodial and Restrictive Housing Populations by Age (Percentages) (n = 33)**

Jurisdiction	Total Custodial Population					Restrictive Housing Population				
	<18	18-25	26-50	51-70	70+	<18	18-25	26-50	51-70	70+
Alabama	0%	2.6%	72.7%	23%	1.7%	0%	0%	60%	40%	0%
Federal (BOP)	0%	6.4%	77.5%	15.6%	0.5%	0%	11.5%	80.5%	8%	0%
California	0%	9.7%	69.8%	19.1%	1.4%	0%	20%	80%	0%	0%
Colorado	0%	11.5%	75%	12.7%	0.8%	—	—	—	—	—
Connecticut	0%	14.9%	71.8%	12.6%	0.7%	0%	50%	50%	0%	0%
Delaware	0%	10.4%	72.9%	15.6%	1%	—	—	—	—	—
Hawaii	—	—	—	—	—	—	—	—	—	—
Iowa	0%	12.6%	72.6%	13.6%	1.2%	0%	43.8%	56.2%	0%	0%
Idaho	0%	12.9%	76.3%	10.6%	0.3%	0%	35%	60%	5%	0%
Illinois	0%	8.4%	74.5%	15.9%	1.2%	0%	0%	100%	0%	0%
Indiana	0%	9.4%	78%	12.1%	0.5%	0%	11.1%	83.3%	5.6%	0%
Kansas	0%	10.3%	78.2%	11.1%	0.4%	0%	0%	50%	50%	0%
Massachusetts	0%	8.8%	63.5%	24.7%	2.9%	—	—	—	—	—
Maine	0%	4.4%	82.3%	12.4%	0.9%	0%	0%	100%	0%	0%
Minnesota	0%	8.3%	78.2%	13.3%	0.3%	0%	33.3%	66.7%	0%	0%
Montana	0%	7.9%	77.8%	14.3%	0%	0%	28.6%	71.4%	0%	0%

North Dakota	0%	21.1%	75.3%	3.7%	0%	—	—	—	—	—
Nebraska	0%	14.8%	74.9%	9.6%	0.7%	0%	50%	50%	0%	0%
New Hampshire	0%	3.6%	83.2%	13.1%	0%	0%	0%	100%	0%	0%
New Jersey	0%	12.8%	70.2%	16.3%	0.7%	—	—	—	—	—
Nevada	0%	8.6%	76.4%	14.1%	0.8%	0%	31.2%	68.8%	0%	0%
New York	0%	8%	76.2%	14.8%	1.1%	—	—	—	—	—
Ohio	0.1%	10.4%	77.6%	11.5%	0.5%	—	—	—	—	—
Oklahoma	0%	7.2%	76.1%	15.7%	1%	0%	20%	60%	20%	0%
Oregon	0%	10.7%	72.7%	15.8%	0.9%	0%	7.7%	92.3%	0%	0%
Pennsylvania	0%	9.5%	72.9%	16.9%	0.8%	0%	0%	100%	0%	0%
South Carolina	0%	8.9%	74.1%	16.4%	0.5%	0%	21.4%	71.4%	7.1%	0%
South Dakota	0%	17.2%	78.4%	4.4%	0%	—	—	—	—	—
Tennessee	0%	4.9%	78.9%	15.6%	0.6%	0%	23.8%	76.2%	0%	0%
Texas	0%	9.7%	74.3%	15.4%	0.5%	0%	36.1%	52.8%	11.1%	0%
Utah	0%	9.3%	80.2%	9.5%	1%	—	—	—	—	—
Vermont	0%	5.8%	82.6%	11.6%	0%	—	—	—	—	—
Washington	0%	9%	70.2%	19.4%	1.4%	0%	33.3%	66.7%	0%	0%
Wisconsin	0%	9.6%	75%	14.6%	0.8%	0%	8.3%	83.3%	8.3%	0%
West Virginia	2.2%	8.4%	81.4%	7.9%	0.1%	—	—	—	—	—
Wyoming	0%	8.6%	77.4%	13.5%	0.4%	—	—	—	—	—
Reporting Jurisdictions*	0.01%	8.9%	75.3%	15.0%	0.7%	0.0%	21.0%	72.7%	6.2%	0.0%

\*Excludes Hawaii, New Jersey, and West Virginia.

### **People with Serious Mental Illness (SMI) in Restrictive Housing**

A significant number of imprisoned people experience mental health conditions. A 2021 report by the federal Bureau of Justice Statistics (BJS) analyzing data from 2016 estimated that 43% of people held in state prisons and 23% of people held in federal prisons had received diagnoses of mental health conditions.<sup>65</sup> Even as debate exists as to which specific diagnoses or conditions should preclude the use of restrictive housing, a consensus has emerged that individuals identified as having “serious mental illness” (SMI) should not be placed into restrictive housing.

Illustrative of these concerns are the ACA’s 2016 Restrictive Housing Performance Based Standards, providing that a “[correctional] agency will not place a person with serious mental illness in Extended Restrictive Housing.”<sup>66</sup> The ACA defines “serious mental illness” as:

Psychotic Disorders, Bipolar Disorders, and Major Depressive Disorder; any diagnosed mental disorder (excluding substance use disorders) currently associated with serious impairment in psychological, cognitive, or behavioral functioning that substantially interferes with the person’s ability to meet the ordinary demands of living and requires an individualized treatment plan by a qualified mental health professional(s).<sup>67</sup>

As detailed in Section VI, some jurisdictions have statutes addressing these issues. For example, laws in Colorado and New York limit or prohibit the use of isolation for people with certain mental health conditions or illnesses. With some exceptions, Colorado’s statute forbids local jails from involuntarily placing a person in “restrictive housing” if the individual “is diagnosed with a serious mental illness,” experiences “significant auditory or visual impairment,” “is significantly neurocognitively impaired,” or “has an intellectual or developmental disability.”<sup>68</sup> New York’s statute requires mental health assessments upon placement in “segregated confinement” and prohibits “segregated confinement” for people diagnosed with “serious mental illness.”<sup>69</sup>

To gather information about the use of restrictive housing for people with mental health conditions, the 2021 CLA-Liman Survey asked about people identified as individuals with SMI. Twenty-seven jurisdictions provided data on people with SMI in both the total custodial and restrictive housing populations.<sup>70</sup>

As noted in previous reports, and as again reflected in jurisdictions’ responses to the 2021 Survey, definitions of “serious mental illness” vary substantially across jurisdictions. Sources for definitions include correctional agency rules, sometimes keyed to psychiatric manuals, statutes,<sup>71</sup> and rulings by courts.<sup>72</sup> Thus, some jurisdictions have adopted the ACA’s definition of serious mental illness.<sup>73</sup> Others define SMI through certain diagnoses, and the terms and scope of included diagnoses vary.<sup>74</sup> Other jurisdictions relied on mental health professionals’ individual assessments of the severity of a person’s illness.<sup>75</sup> Given the variation in the scope and detail of jurisdictions’ definitions, a person could be classified as seriously mentally ill in one jurisdiction and not in another.

Aggregating the numbers reported by twenty-eight jurisdictions, a total of 1,138 people were, under each jurisdiction's definition, seriously mentally ill and in restrictive housing. Rather than compare numbers across jurisdictions that have varied definitions, Table 22 lists the numbers of people in total custodial and restrictive housing populations by jurisdiction. Appendix D provides the definitions used in thirty-three jurisdictions.

The 2021 Survey also sought to learn about the intersection of gender and mental illness with race and with age. Twenty-eight jurisdictions provided information about people in restrictive housing with serious mental illness by race and ethnicity. Tables 23 and 24 provide this information by jurisdiction. In addition, twenty-nine jurisdictions provided information by age about people in restrictive housing with serious mental illness. Tables 25 and 26 report this information by jurisdiction.

**Table 22 People with Serious Mental Illness (SMI) in Total Custodial and Restrictive Housing Populations (n = 28)**

Jurisdiction	Serious Mental Illness in Total Custodial Population				Serious Mental Illness in Restrictive Housing			
	Male	Male %	Female	Female %	Male	Male %	Female	Female %
Alabama	2,216	13.1%	373	36.4%	34	3.9%	2	40%
Federal (BOP)	—	—	—	—	—	—	—	—
California	—	—	—	—	—	—	—	—
Colorado	727	5.6%	162	18.6%	0	0%	0	No RH
Connecticut	414	4.8%	85	15.1%	7	7.8%	4	66.7%
Delaware	543	19.5%	57	59.4%	0	No RH	0	No RH
Hawaii	—	—	—	—	—	—	—	—
Iowa	1,313	18.3%	191	32.2%	144	26.4%	6	37.5%
Idaho	51	0.8%	5	0.5%	22	5.8%	0	0%
Illinois	3,724	14.2%	391	30.3%	147	40.2%	4	66.7%
Indiana	45	0.2%	2	0.1%	42	3%	2	11.1%
Kansas	1,629	20.8%	213	28.9%	305	50.8%	4	100%
Massachusetts	1,950	31.9%	133	78.2%	29	61.7%	0	No RH
Maine	244	16.5%	43	38.1%	1	14.3%	0	0%
Minnesota	—	—	—	—	—	—	—	—
Montana	216	13.6%	5	2.5%	7	17.5%	0	0%
North Dakota	153	10.5%	63	33.2%	0	No RH	0	No RH
Nebraska	1,543	30.6%	182	44.8%	44	24.2%	3	75%
New Hampshire	34	1.8%	6	4.4%	2	3.2%	0	0%
New Jersey	—	—	—	—	—	—	—	—
Nevada	—	—	—	—	—	—	—	—
New York	1,765	5.7%	129	10.5%	9	6.4%	0	No RH
Ohio	3,374	8.5%	1,104	33.3%	15	2.6%	0	No RH
Oklahoma <sup>76</sup>	187	7.3%	190	17%	6	2.3%	3	60%
Oregon	952	8.5%	193	23.7%	74	17.1%	5	38.5%
Pennsylvania	2,967	7.6%	308	14.1%	10	1.1%	0	0%
South Carolina	651	4.5%	197	20.4%	59	10.6%	8	19%
South Dakota	105	3.6%	49	10.7%	0	0%	0	No RH

Tennessee	404	2.2%	37	1.9%	23	2.1%	0	0%
Texas	1,316	1.2%	91	1%	0	0%	0	0%
Utah	5	0.1%	1	0.3%	1	0.2%	0	No RH
Vermont	43	4.1%	2	2.3%	0	No RH	0	No RH
Washington	539	4.1%	119	14.7%	52	10.6%	0	0%
Wisconsin	1,336	7.4%	485	38.7%	58	10%	6	50%
West Virginia	—	—	—	—	—	—	—	—
Wyoming	—	—	—	—	—	—	—	—

**Table 23 Men with Serious Mental Illness (SMI) by Race and Ethnicity in Total Custodial and Restrictive Housing Populations (n = 28)**

Jurisdiction	Total Custodial Population								Restrictive Housing Population							
	White	Black	Hisp.	Asian	Am. Ind.	NHPI	Other	Total	White	Black	Hisp.	Asian	Am. Ind.	NHPI	Other	Total
Alabama	1,002	1,202	—	0	0	—	12	2,216	17	17	—	0	0	—	0	34
Federal (BOP)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
California	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Colorado	240	187	155	6	36	0	3	727	0	0	0	0	0	0	0	0
Connecticut	129	180	95	5	5	0	0	414	2	3	1	0	1	0	0	7
Delaware	235	289	17	2	0	0	—	543	0	0	0	0	0	0	—	0
Hawaii	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Iowa	911	301	72	—	21	—	8	1,313	100	32	11	—	1	—	0	144
Idaho	34	2	7	2	2	0	4	51	17	0	3	0	1	0	1	22
Illinois	1,257	2,165	267	14	11	—	10	3,724	23	108	15	0	0	—	1	147
Indiana	27	17	1	0	0	0	0	45	24	17	1	0	0	0	0	42
Kansas	958	481	134	12	44	—	—	1,629	165	115	25	0	0	—	—	305
Massachusetts	933	507	461	16	13	0	20	1,950	8	9	11	0	0	0	1	29
Maine	214	14	—	1	6	0	9	244	1	0	—	0	0	0	0	1
Minnesota	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Montana	164	6	7	0	37	0	2	216	5	1	0	0	1	0	0	7
North Dakota	96	24	5	0	28	0	0	153	0	0	0	0	0	0	0	0
Nebraska	894	396	156	8	78	1	10	1,543	20	14	5	0	4	0	1	44
New	33	2	1	0	0	0	0	36	2	0	0	0	0	0	0	2

Hampshire																	
New Jersey	707	1,190	288	11	5	0	295	—	—	—	—	—	—	—	—	—	—
Nevada	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
New York	433	861	398	16	18	0	39	1,765	1	3	4	0	1	0	0	0	9
Ohio	2,039	1,209	84	3	5	0	34	3,374	8	6	1	0	0	0	0	0	15
Oklahoma	110	57	4	0	15	0	1	187	2	3	1	0	0	0	0	0	6
Oregon	721	104	72	11	41	3	0	952	54	7	9	1	3	0	0	0	74
Pennsylvania	1,336	1,378	227	10	3	0	13	2,967	2	8	0	0	0	0	0	0	10
South Carolina	222	418	6	1	1	0	3	651	14	45	0	0	0	0	0	0	59
South Dakota	58	9	6	1	31	0	0	105	0	0	0	0	0	0	0	0	0
Tennessee	242	151	10	0	1	0	0	404	14	9	0	0	0	0	0	0	23
Texas	427	532	343	—	—	—	14	1,316	0	0	0	0	0	0	0	0	0
Utah	3	0	0	0	2	0	0	5	1	0	0	0	0	0	0	0	1
Vermont	29	7	5	0	1	0	1	43	0	0	0	0	0	0	0	0	0
Washington	318	114	55	17	23	6	6	539	30	9	6	3	3	1	0	0	52
Wisconsin	708	472	97	10	48	—	1	1,336	22	29	6	0	1	—	0	0	58
West Virginia	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Wyoming	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

**Table 24 Women with Serious Mental Illness (SMI) by Race and Ethnicity in Total Custodial and Restrictive Housing Populations (n = 28)**

Jurisdiction	Total Custodial Population							Restrictive Housing Population								
	White	Black	Hisp.	Asian	Am. Ind.	NHPI	Other	Total	White	Black	Hisp.	Asian	Am. Ind.	NHPI	Other	Total
Alabama	249	124	—	0	0	—	0	373	2	0	—	0	0	—	0	2
Federal (BOP)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
California	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Colorado	79	27	45	3	8	0	0	162	0	0	0	0	0	0	0	0
Connecticut	31	33	18	1	2	0	0	85	0	2	2	0	0	0	0	4
Delaware	35	20	2	0	0	0	—	57	0	0	0	0	0	0	—	0
Hawaii	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Iowa	130	35	12	—	12	—	2	191	3	3	0	—	0	—	0	6



Idaho	5	0	0	0	0	0	0	5	0	0	0	0	0	0	0	0
Illinois	213	132	38	3	1	—	4	391	0	2	1	0	0	—	1	4
Indiana	2	0	0	0	0	0	0	2	2	0	0	0	0	0	0	2
Kansas	160	38	5	3	7	—	—	213	4	0	0	0	0	—	—	4
Massachusetts	79	26	10	2	0	0	16	133	0	0	0	0	0	0	0	0
Maine	39	1	—	0	2	0	1	43	0	0	—	0	0	0	0	0
Minnesota	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Montana	3	0	1	0	1	0	0	5	0	0	0	0	0	0	0	0
North Dakota	35	2	0	0	25	1	0	63	0	0	0	0	0	0	0	0
Nebraska	111	33	16	0	15	0	7	182	1	0	1	0	1	0	0	3
New Hampshire	5	1	0	0	0	0	0	6	0	0	0	0	0	0	0	0
New Jersey	113	122	36	1	0	0	35	—	—	—	—	—	—	—	—	—
Nevada	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
New York	37	61	29	1	0	0	1	129	0	0	0	0	0	0	0	0
Ohio	850	231	13	3	2	0	5	1,104	0	0	0	0	0	0	0	0
Oklahoma	109	42	6	1	30	1	1	190	1	2	0	0	0	0	0	3
Oregon	160	14	7	2	10	0	0	193	5	0	0	0	0	0	0	5
Pennsylvania	188	98	11	2	1	0	8	308	0	0	0	0	0	0	0	0
South Carolina	125	66	5	0	1	0	0	197	3	4	1	0	0	0	0	8
South Dakota	23	2	1	0	23	0	0	49	0	0	0	0	0	0	0	0
Tennessee	27	10	0	0	0	0	0	37	0	0	0	0	0	0	0	0
Texas	38	30	23	—	—	—	0	91	0	0	0	0	0	0	0	0
Utah	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0
Vermont	1	0	0	0	0	0	1	2	0	0	0	0	0	0	0	0
Washington	73	12	18	3	9	1	3	119	0	0	0	0	0	0	0	0
Wisconsin	306	112	30	5	32	—	0	485	4	2	0	0	0	—	0	6
West Virginia	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Wyoming	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

**Table 25 Men with Serious Mental Illness (SMI) by Age in Total Custodial and Restrictive Housing Populations (n = 28)**

Jurisdiction	Total Custodial Population					Total	Restrictive Housing Population					Total
	<18	18-25	26-50	51-70	>70		<18	18-25	26-50	51-70	>70	
Alabama	0	95	1,531	556	34	2,216	0	0	23	11	0	34
Federal (BOP)	—	—	—	—	—	—	—	—	—	—	—	—
California	—	—	—	—	—	—	—	—	—	—	—	—
Colorado	0	50	483	183	11	727	0	0	0	0	0	0
Connecticut	3	70	263	73	5	414	0	2	5	0	0	7
Delaware	0	42	372	123	6	543	0	0	0	0	0	0
Hawaii	—	—	—	—	—	—	—	—	—	—	—	—
Iowa	0	87	896	295	35	1,313	0	9	123	12	0	144
Idaho	0	7	31	11	2	51	0	5	12	5	0	22
Illinois	0	351	2,611	734	28	3,724	0	27	116	4	0	147
Indiana	—	3	38	4	0	45	—	3	35	4	0	42
Kansas	0	125	1,192	279	33	1,629	0	31	255	19	0	305
Massachusetts	0	102	1,335	462	51	1,950	0	5	21	3	0	29
Maine	0	10	178	53	3	244	0	0	1	0	0	1
Minnesota	—	—	—	—	—	—	—	—	—	—	—	—
Montana	0	34	130	50	2	216	0	4	3	0	0	7
North Dakota	0	13	113	23	4	153	0	0	0	0	0	0
Nebraska	1	160	1,127	243	12	1,543	0	6	34	4	0	44
New Hampshire	0	4	21	10	1	36	0	1	1	0	0	2
New Jersey	0	324	1,482	379	24	2,209	—	—	—	—	—	—
Nevada	—	—	—	—	—	—	—	—	—	—	—	—
New York	0	97	1,117	517	34	1,765	0	0	9	0	0	9
Ohio	0	251	2,228	853	42	3,374	0	2	12	1	0	15
Oklahoma	0	21	150	15	1	187	0	2	4	0	0	6
Oregon	0	88	664	184	16	952	0	13	53	8	0	74
Pennsylvania	0	108	1,838	956	65	2,967	0	1	8	1	0	10
South Carolina	0	67	475	105	4	651	0	8	47	4	0	59
South Dakota	0	6	73	25	1	105	0	0	0	0	0	0
Tennessee	0	14	246	136	8	404	0	4	15	4	0	23
Texas	3	116	846	316	35	1,316	0	0	0	0	0	0
Utah	0	0	4	1	0	5	0	0	1	0	0	1

Vermont	0	5	27	9	2	43	0	0	0	0	0	0
Washington	0	25	369	134	11	539	0	2	45	4	1	52
Wisconsin	0	73	857	376	30	1,336	0	9	41	8	0	58
West Virginia	—	—	—	—	—	—	—	—	—	—	—	—
Wyoming	—	—	—	—	—	—	—	—	—	—	—	—

**Table 26 Women with Serious Mental Illness (SMI) by Age in Total Custodial and Restrictive Housing Populations (n = 27)**

Jurisdiction	Total Custodial Population					Total	Restrictive Housing Population					Total
	<18	18-25	26-50	51-70	>70		<18	18-25	26-50	51-70	>70	
Alabama	0	10	280	80	3	373	0	0	2	0	0	2
Federal (BOP)	—	—	—	—	—	—	—	—	—	—	—	—
California	—	—	—	—	—	—	—	—	—	—	—	—
Colorado	0	13	126	20	3	162	0	0	0	0	0	0
Connecticut	0	8	66	11	0	85	0	2	2	0	0	4
Delaware	0	3	42	12	0	57	0	0	0	0	0	0
Hawaii	—	—	—	—	—	—	—	—	—	—	—	—
Iowa	0	17	138	33	3	191	0	1	5	0	0	6
Idaho	0	0	5	0	0	5	0	0	0	0	0	0
Illinois	0	25	297	66	3	391	0	0	4	0	0	4
Indiana	—	0	2	0	0	2	—	0	2	0	0	2
Kansas	0	17	177	18	1	213	0	0	3	1	4	8
Massachusetts	0	11	86	33	3	133	0	0	0	0	0	0
Maine	0	3	31	9	0	43	0	0	0	0	0	0
Minnesota	—	—	—	—	—	—	—	—	—	—	—	—
Montana	0	0	5	0	0	5	0	0	0	0	0	0
North Dakota	0	17	45	1	0	63	0	0	0	0	0	0
Nebraska	0	22	138	21	1	182	0	1	2	0	0	3
New Hampshire	0	0	6	0	0	6	0	0	0	0	0	0
New Jersey	0	41	195	34	1	271	—	—	—	—	—	—
Nevada	—	—	—	—	—	—	—	—	—	—	—	—

New York	0	8	78	40	3	129	0	0	0	0	0	0
Ohio	0	107	880	111	6	1,104	0	0	0	0	0	0
Oklahoma	0	20	134	35	1	190	0	0	2	1	0	3
Oregon	0	21	137	34	1	193	0	1	4	0	0	5
Pennsylvania	0	22	212	69	5	308	0	0	0	0	0	0
South Carolina	0	18	143	35	1	197	0	3	4	1	0	8
South Dakota	0	6	40	3	0	49	—	—	—	—	—	—
Tennessee	0	5	21	11	0	37	0	0	0	0	0	0
Texas	0	14	52	26	0	91	0	0	0	0	0	0
Utah	0	0	1	0	0	1	0	0	0	0	0	0
Vermont	0	0	2	0	0	2	0	0	0	0	0	0
Washington	0	8	79	31	1	119	0	0	0	0	0	0
Wisconsin	0	31	374	77	3	485	0	0	5	1	0	6
West Virginia	—	—	—	—	—	—	—	—	—	—	—	—
Wyoming	—	—	—	—	—	—	—	—	—	—	—	—

### **People Serving Capital Sentences**

As detailed in the Liman Center’s 2016 report, *Rethinking “Death Row”*, correctional policies in some jurisdictions require that prisons house people serving capital sentences separately from other people.<sup>77</sup> The 2021 Survey asked how many capital-sentenced individuals were in general population, restrictive housing, or areas that were “separated [from general population] but not . . . restrictive housing.” Seventeen jurisdictions responded to this question with data indicating that they held at least one capital-sentenced person.<sup>78</sup> These jurisdictions held 2,817 capital-sentenced individuals in general population settings, 1,254 in restrictive housing, and 1,459 in separated areas that did not meet the Survey’s definition of restrictive housing. These seventeen jurisdictions reported holding a total of 21,504 people in restrictive housing. Thus, 5.8% of the people reported in restrictive housing in these seventeen jurisdictions were serving capital sentences (1,254 of 21,504).

### **Estimating the Number of People in Restrictive Housing in State and Federal Prisons across the United States**

As noted in the Overview, this Report used the responding jurisdictions’ reported total of 25,083 people in restrictive housing to estimate that, as of July 2021, 41,000 to 48,000 people were in restrictive housing in prisons across the United States. To generate this estimate, this Report extrapolated information about two groups of people: (i) people who were under the “legal authority” of the thirty-five restrictive housing responding jurisdictions but not under their direct control; and (ii) people held by jurisdictions that did not provide information on the number of individuals in restrictive housing.

To do so, the Report relied on data about incarcerated people as of March of 2021 that the Vera Institute for Justice gathered. As discussed, the 2021 CLA-Liman Survey asked for jurisdictions to report information about people under their “direct control” because, when jurisdictions send individuals out of state or to facilities over which they have no direct control, they generally cannot report on the use of isolation for those individuals. Thus, the number of people reported through the 2021 CLA-Liman Survey is somewhat less than the total number of people Vera identified as having been incarcerated by the responding jurisdictions. Vera’s data indicated that, as of March 2021, the thirty-five restrictive housing responding jurisdictions held 802,821 people under their “legal authority,”<sup>79</sup> or 71,619 more people than the 731,202 people that these jurisdictions indicated were in their total custodial populations as of July 2021 and under the “direct control” definition.

As also noted, fifteen jurisdictions did not respond to the 2021 CLA-Liman Survey,<sup>80</sup> and one jurisdiction responded to the Survey without providing information on the number of people in restrictive housing.<sup>81</sup> According to Vera, as of March 2021, these sixteen jurisdictions held 391,113 people under their legal authority. This Report combined these 391,113 people with the 71,619 people referenced above to estimate that there were almost a half million people (462,732) in prisons across the United States for whom the 2021 Survey did not gather restrictive housing data.

This Report applied two different assumptions to generate the range for the national estimates. The thirty-five responding jurisdictions reported that 3.4% of people were in restrictive housing. If the jurisdictions that responded were like those that did not respond, then

applying 3.4% to the 462,732 individuals for whom no data was provided produces an estimated additional 15,733 people in restrictive housing.

Yet, as social scientists term it, “selection bias” may be at work; the thirty-five responding jurisdictions may use restrictive housing less than those that did not respond. This Report uses the same method for an estimate as did the 2020 Report. In 2019, eleven of the sixteen jurisdictions that did not respond in 2021 provided numbers of people in restrictive housing.<sup>82</sup> This Report calculated the weighted average of the percentage of people in restrictive housing that these eleven jurisdictions reported in the 2019 Survey, which was 5.0%.<sup>83</sup> (That estimate is close to Vera’s estimate that 5.64% of jail populations in the United States were confined in their cells for twenty-two hours or more per day as of late 2019.<sup>84</sup>) Applying the rate of 5.0% to the 462,732 people for whom data was not provided, an estimated additional 23,137 people were in restrictive housing.

In short, through summing the 25,083 people reported in the 2021 Survey data with the numbers estimated for those about whom information was not provided, this Report estimates that, as of July of 2021, 41,000 to 48,000 people were in restrictive housing in prisons across the United States.<sup>85</sup> Using the information collected in 2013 as a starting point and relying on this estimate as a 2021 figure, United States jurisdictions over the past decade have trended toward holding fewer people in cells for an average of twenty-two hours or more per day and for fifteen days or more.

Specifically, the 2014 ASCA-Liman Survey data yielded an estimate that between 80,000 and 100,000 people were in isolation in prisons as of the fall of 2014.<sup>86</sup> The ASCA-Liman 2017 Survey produced an estimate that 61,000 people were held in isolation in prisons as of the fall of 2017.<sup>87</sup> The ASCA-Liman 2019 Survey produced an estimate that between 55,000 and 62,500 people were in restrictive housing as of the summer of 2019.<sup>88</sup> This 2021 survey offers an estimate of 41,000 to 48,000.

If the numbers of people in restrictive housing are in fact decreasing, several factors may be contributing to that trend. The total prison population is an important variable. Between the 2014-2015 ASCA-Liman Survey and the 2021 CLA-Liman Survey, the total prison population in the United States declined from approximately 1.6 million people to 1.2 million people. Some of the decline has been associated with COVID-19, as prosecutors and judges had to slow their work. Yet, effects were not equally experienced across race and ethnicity.<sup>89</sup> Another shift, as illustrated by the ACA’s 2016 Restrictive Housing Performance-Based Standards, has come through correctional policies. Infrastructure—housing, facilities, staff, and budgets—are also part of the mix of variables, as are variations in who has been sent to prison. Lawsuits have addressed the practice, and dozens of statutes do so as well. Also as noted, the Survey has not developed information about people held between 16 and 21.9 hours in cell; some of the shift in the number of people in restrictive housing may come for shifting individuals into such settings.

### III. Some of the Dimensions of Living in Restrictive Housing

The 2021 Survey asked jurisdictions about their rules governing day-to-day life in restrictive housing. Data collection focused on policies relating to physical space, time out-of-cell, access to items in-cell, how people could spend time in-cell, and interpersonal contact. In addition, the 2021 Survey included questions about incidents of violence, as well as about policies addressing staffing and about policies on release from restrictive housing.

As noted in Section II, three of the thirty-six responding jurisdictions reported that they held no individuals in restrictive housing as of July 2021. Of the other thirty-three jurisdictions, thirty provided information on restrictive housing policies.<sup>90</sup> Because not all jurisdictions responded to every question, the number of responding jurisdictions differs for many of the questions discussed. As in the prior sections, this discussion is based exclusively on the jurisdictions' self-reports and not on other sources, such as from people living or working in restrictive housing.

This Section first summarizes responses to questions about policies governing aspects of life in-cell, opportunities for use of out-of-cell time, and communication with others. Next, this Section addresses data concerning reported incidents of violence, and then turns to reported policies directed at guiding transitions out of restrictive housing into general population or the community. Also briefly discussed are responses about staffing. This Section concludes with an overview of reported policy changes.

#### Lighting

The Survey asked about artificial and direct natural lighting in restrictive housing cells. Specifically, the questions asked whether “restrictive housing cells ha[d] clear windows through which individuals held [could] directly see outside”; how many hours each day artificial light in cells were turned on; whether people held in restrictive housing cells “ha[d] any control over the use of artificial light,” and for how many hours each day; and whether jurisdictions kept lights on, off, or dimmed during “nighttime hours.”

Thirty jurisdictions responded to some questions.<sup>91</sup> Ten jurisdictions reported that the lights in restrictive housing cells stayed on at night and that people in restrictive housing did not have control over cell lighting for all hours of the day.<sup>92</sup> Of those ten, one jurisdiction reported that people had no control over lighting whatsoever and that lights were neither dimmed nor turned off at night.<sup>93</sup> Seven jurisdictions, including the one just mentioned, reported that people in restrictive housing had no control over the lighting in their cells.<sup>94</sup> Six others reported that individuals had partial control.<sup>95</sup>

Regarding daylight, twenty-six jurisdictions reported that restrictive housing cells had clear windows offering a view to the outside,<sup>96</sup> and two of these also noted that windows varied by facility.<sup>97</sup> Four jurisdictions reported that restrictive housing cells did not have clear windows from which one could see directly outside.<sup>98</sup>

### Access to Items In-Cell

The 2021 Survey asked about the availability of books and other reading materials, writing materials, worksheets, puzzles or board games, music and audio players, television, videogames, the Internet, and electronic tablets. Table 27 summarizes responses to a question about what items “all or most prisoners” were “permitted to use.” “Permitted” to be used should not be translated as used in fact.

**Table 27 Jurisdictions That Reported Permitting Access to Use of Certain Items**

Item	Restrictive Housing (n = 30)		General Population (n = 33)	
	Number	Percentage	Number	Percentage
Books or other reading materials	30	100	33	100
Writing materials	30	100	33	100
Worksheets	27	90.0	31	93.9
Music or audio players	18	60.0	33	100
Electronic tablets	17	56.7	29	87.9
Television	16	53.3	33	100
Puzzles and board games	13	43.3	32	97.0
Videogames	4	13.3	15	45.5
Internet	1	3.3	4	12.1

*Reading:* The 2021 Survey asked whether people in restrictive housing and general population were “permitted to use” books and reading materials. For jurisdictions that responded affirmatively, the Survey asked about when people could access reading materials, fees charged for access, whether access was “used as incentives for behavioral change,” and whether access could “be taken away from prisoners . . . for disciplinary reasons.” Thirty jurisdictions responded to some of these questions in terms of people in restrictive housing,<sup>99</sup> and thirty-three responded to some questions for their general population policies.<sup>100</sup>

All thirty responding jurisdictions reported that “all or most prisoners in restrictive housing [were] permitted to use . . . books or other reading materials.”<sup>101</sup> Twenty-five of these jurisdictions reported that they did not restrict when a person in restrictive housing could have access to them.<sup>102</sup> One jurisdiction reported that it limited access to books or other reading materials in restrictive housing to two hours per day, four days per week.<sup>103</sup> Two jurisdictions said that people in restrictive housing had to pay a fee to access reading materials.<sup>104</sup> Thirteen jurisdictions reported that they used reading materials to incentivize behavioral changes,<sup>105</sup> and nineteen said that access to books or other reading materials could be withdrawn for disciplinary reasons.<sup>106</sup>

All thirty-three responding jurisdictions reported that people in general population had access to books or other reading materials.<sup>107</sup> Four of these jurisdictions said people in general population had to pay a fee for access;<sup>108</sup> seven jurisdictions reported that they used reading materials to “reward . . . certain kinds of behavior;”<sup>109</sup> and nineteen jurisdictions noted that access could be rescinded for disciplinary reasons.<sup>110</sup>



*Writing:* The 2021 Survey asked whether people in restrictive housing and general population were “permitted to use” writing materials. For jurisdictions that responded affirmatively, the Survey asked about when people could access writing materials, fees charged for access, whether access was “used as incentives for behavioral change,” and whether access could “be taken away from prisoners . . . for disciplinary reasons.” Thirty jurisdictions responded to some questions on restrictive housing,<sup>111</sup> and thirty-three responded to some questions for their general population policies.<sup>112</sup>

Thirty jurisdictions reported that all or most people in restrictive housing were permitted to use writing materials,<sup>113</sup> including twenty-five that allowed access twenty-four hours per day, seven days per week.<sup>114</sup> Ten jurisdictions reported using writing materials to incentivize behavioral changes.<sup>115</sup> Thirteen jurisdictions reported that access to writing materials could be withdrawn for disciplinary reasons<sup>116</sup> and four said people in restrictive housing had to pay a fee to use writing materials.<sup>117</sup>

All responding jurisdictions reported that people in general population had access to writing materials,<sup>118</sup> including four that required a fee for access.<sup>119</sup> Seven jurisdictions reported that they used writing materials to reward certain behaviors,<sup>120</sup> and eight said access could be rescinded for disciplinary reasons.<sup>121</sup>

*Worksheets:* The 2021 Survey asked whether people in restrictive housing and general population were “permitted to use” worksheets related to educational and other programming. For jurisdictions that responded affirmatively, the Survey asked about when people could access worksheets, fees charged for access, whether access was “used as incentives for behavioral change,” and whether access could “be taken away from prisoners . . . for disciplinary reasons.” Thirty jurisdictions responded to some questions regarding their restrictive housing policies,<sup>122</sup> and thirty-three responded to some for their general population policies.<sup>123</sup>

Twenty-seven jurisdictions reported that people in restrictive housing were permitted to use worksheets,<sup>124</sup> including nineteen that allowed access at any time of day.<sup>125</sup> Eight jurisdictions limited when people in restrictive housing could use worksheets,<sup>126</sup> and one jurisdiction reported that it charged for access.<sup>127</sup> Thirteen jurisdictions reported policies that used worksheets to reward certain behaviors,<sup>128</sup> and twelve jurisdictions reported policies withdrawing access to such worksheets to punish certain behaviors;<sup>129</sup> ten of these jurisdictions reported that they had both policies.<sup>130</sup>

Thirty-one jurisdictions reported that all or most people in general population were permitted to use worksheets,<sup>131</sup> including twenty that allowed people to have access to such worksheets at any time of day.<sup>132</sup> Two jurisdictions required a fee for worksheets.<sup>133</sup> Twelve jurisdictions reported that they used access to worksheets to reward or incentivize certain behaviors,<sup>134</sup> and nine jurisdictions reported that they rescinded access to worksheets as a disciplinary measure.<sup>135</sup>

*Music and Audio Players:* The 2021 Survey asked whether people in restrictive housing and general population were allowed to use “radios, mp3 players, CDs, or other audio media devices.” For jurisdictions that responded affirmatively, the Survey asked about when people

could access audio players, fees charged for access, whether access was “used as incentives for behavioral change,” and whether access could “be taken away from prisoners . . . for disciplinary reasons.” Thirty jurisdictions responded regarding their restrictive housing policies,<sup>136</sup> and thirty-three responded for their general population policies.<sup>137</sup>

Eighteen jurisdictions reported that they allowed people in restrictive housing to use audio players,<sup>138</sup> all but one of which permitted their use twenty-four hours a day, seven days a week.<sup>139</sup> Three jurisdictions said people in restrictive housing had to pay a fee to use audio players.<sup>140</sup> All eighteen jurisdictions reported that they revoked access to audio players in restrictive housing as a form of punishment, and nine of the jurisdictions also said that they used access to reward or incentivize certain behaviors.<sup>141</sup>

All thirty-three responding jurisdictions reported that people in general population could use audio players,<sup>142</sup> thirty-one of which said people could use them any time they wanted.<sup>143</sup> Eight jurisdictions reported that people in general population were required to pay a fee to have access to audio players,<sup>144</sup> and twenty-six said that access could be taken away in response to disciplinary issues.<sup>145</sup>

*Tablets:* The 2021 Survey asked whether people in restrictive housing and general population were permitted to use electronic tablets. For jurisdictions that responded affirmatively, the Survey asked about availability, where and when tablets could be used, fees charged for use, whether access was “used as incentives for behavioral change,” and whether access could “be taken away from prisoners . . . for disciplinary reasons.” Thirty jurisdictions responded to some of these questions regarding their restrictive housing policies,<sup>146</sup> and thirty-three responded to some for their general population policies.<sup>147</sup>

Eighteen jurisdictions reported that they permitted people in restrictive housing to use electronic tablets.<sup>148</sup> Fourteen of these jurisdictions said they charged people in restrictive housing for access to some content,<sup>149</sup> including one jurisdiction that charged for all tablet content<sup>150</sup> and another that charged for all content on personal tablets but explained that “educational tablets [were] available with educational material free from charge.”<sup>151</sup> Eleven jurisdictions reported that they had enough tablets to provide one to every person in restrictive housing.<sup>152</sup> Six jurisdictions reported that people in restrictive housing could use their tablets twenty-four hours a day, seven days a week;<sup>153</sup> the other ten jurisdictions described policies limiting access from one hour per week to thirteen hours daily.<sup>154</sup> People in restrictive housing in three jurisdictions were allowed to keep their tablets in their cells at all times.<sup>155</sup> A fourth jurisdiction allowed tablets to be kept in cells by people with certain privilege levels,<sup>156</sup> and a fifth allowed tablets in cells during the day but collected them at night.<sup>157</sup> Eleven jurisdictions required people living in restrictive housing to request tablets,<sup>158</sup> including one that allowed them only for educational purposes<sup>159</sup> and another that allowed them to be used for video visits only.<sup>160</sup> Eight jurisdictions reported that they used tablets to incentivize behavioral changes in restrictive housing,<sup>161</sup> and sixteen said they withdrew access to tablets for disciplinary purposes.<sup>162</sup>

Of the twenty-nine jurisdictions that reported they permitted electronic tablets to be used in general population,<sup>163</sup> twenty-one said that they had tablets available for every person in

general population,<sup>164</sup> and two others said that they had enough tablets for every two people.<sup>165</sup> Nine jurisdictions reported that people in general population had to pay a fee to use jurisdiction-owned tablets.<sup>166</sup> Additionally, twenty-seven jurisdictions charged for access to some content on tablets, such as “games, video calls, texting”; movies, [and] music”; and “sending emails.”<sup>167</sup> Nine jurisdictions reported that they used access to tablets to incentivize behavioral changes.<sup>168</sup> Twenty-five of the twenty-nine jurisdictions allowing electronic tablets in general population reported that access could be rescinded for disciplinary purposes.<sup>169</sup> Twenty-one jurisdictions did not restrict when people in general population could have access to tablets,<sup>170</sup> and seventeen let people keep tablets in their cells.<sup>171</sup>

*Television:* The 2021 Survey asked whether people in restrictive housing and general population were allowed to watch television. For jurisdictions that responded affirmatively, the Survey asked about when people could watch television, fees charged, whether access was “used as incentives for behavioral change,” and whether access could “be taken away from prisoners . . . for disciplinary reasons.” Thirty jurisdictions responded to some of these questions on restrictive housing policies,<sup>172</sup> and thirty-three responded to some for their general population policies.<sup>173</sup>

Sixteen jurisdictions reported that they allowed people in restrictive housing to watch television.<sup>174</sup> Eleven jurisdictions reported that they did not limit when people in restrictive housing could watch television,<sup>175</sup> four reported that they permitted between two and nine hours of television per day,<sup>176</sup> and one indicated that access was “possible” and depended on behavior.<sup>177</sup> Three jurisdictions reported requiring a fee to watch television.<sup>178</sup> Ten jurisdictions reported that they used television to incentivize certain behaviors.<sup>179</sup> All but one jurisdiction said that access to television could be rescinded for disciplinary reasons.<sup>180</sup>

All thirty-three responding jurisdictions reported that people in general population could watch television eight hours or more per day, seven days per week,<sup>181</sup> and twenty-five said they placed no restrictions on when people could watch TV.<sup>182</sup> Twenty-eight jurisdictions said they could withdraw access to television as punishment,<sup>183</sup> twelve of which also reported using access to television as a reward.<sup>184</sup> Seven jurisdictions reported that they required a fee to watch television.<sup>185</sup>

*Puzzles and Board Games:* The 2021 Survey asked whether people in restrictive housing and general population were “permitted to use” puzzles or board games. For jurisdictions that responded affirmatively, the Survey asked about when people could access puzzles or board games, fees charged for access, whether access was “used as incentives for behavioral change,” and whether access could “be taken away from prisoners . . . for disciplinary reasons.” Thirty jurisdictions responded to some of these questions regarding their restrictive housing policies,<sup>186</sup> and thirty-three responded to some of them for their general population policies.<sup>187</sup>

Thirteen jurisdictions reported that they permitted puzzles and/or board games in restrictive housing,<sup>188</sup> including one that limited access to one hour per week<sup>189</sup> and three that charged for access.<sup>190</sup> Four jurisdictions reported using puzzles and/or board games to incentivize behavioral change,<sup>191</sup> and nine said that access to puzzles and/or board games could be rescinded as a disciplinary measure.<sup>192</sup>

Of the thirty-two jurisdictions permitting puzzles and board games in general population,<sup>193</sup> thirty allowed people to have access to them for eight hours or more per day,<sup>194</sup> and thirty-one permitted puzzles and board games on all days of the week.<sup>195</sup> Two jurisdictions charged a fee for access.<sup>196</sup> Nine jurisdictions said that they used board games and puzzles to reward or incentivize certain behaviors in general population,<sup>197</sup> and eighteen jurisdictions reported that access to puzzles and board games could be taken away for disciplinary reasons.<sup>198</sup>

*Videogames:* The 2021 Survey asked whether people in restrictive housing and general population were allowed to use “handheld video games for entertainment, programming, or education.” For jurisdictions that responded affirmatively, the Survey asked about when people could access videogames, fees charged for access, whether access was “used as incentives for behavioral change,” and whether access could “be taken away from prisoners . . . for disciplinary reasons.” Thirty jurisdictions responded to some of these questions regarding their restrictive housing policies,<sup>199</sup> and thirty-three responded to some of these questions for their general population policies.<sup>200</sup>

Four jurisdictions reported that they permitted people in restrictive housing to use handheld videogames for entertainment, programming, or education.<sup>201</sup> Three of these four did not restrict when a person could have access to videogames.<sup>202</sup> Two jurisdictions reported that they required a fee.<sup>203</sup> One jurisdiction reported that it used access to videogames as an incentive for desired behavior,<sup>204</sup> and all of the four jurisdictions reported that access to videogames could be revoked for disciplinary reasons.

Fifteen jurisdictions reported that they allowed people in general population to use handheld videogames,<sup>205</sup> including eleven that reported they did not restrict when handheld videogames could be accessed.<sup>206</sup> Five jurisdictions charged a fee to have access to videogames.<sup>207</sup> Twelve jurisdictions reported that videogame access could be revoked as punishment,<sup>208</sup> and five of these jurisdictions also said they used videogames as incentives or rewards for certain behavior.<sup>209</sup>

*Internet:* The 2021 Survey asked whether people in restrictive housing and general population were permitted to access the Internet. For jurisdictions that responded affirmatively, the Survey asked about when people could access the internet, fees charged for access, whether access was “used as incentives for behavioral change,” and whether access could “be taken away from prisoners . . . for disciplinary reasons.” Thirty jurisdictions responded to some of these questions regarding their restrictive housing policies,<sup>210</sup> and thirty-three responded to some of these questions for their general population policies.<sup>211</sup>

One out of thirty responding jurisdictions reported that people living in restrictive housing were permitted to have access to the Internet.<sup>212</sup> That jurisdiction reported that people “in restrictive housing [could] use the tablets to send/receive emails and video visits utilizing the internet” if they paid a fee, and that there were “a few [people] in restrictive housing currently enrolled in college courses that utilize tablets with the internet.” This jurisdiction reported allowing Internet access up to eight hours per day, seven days per week, and said that access to the Internet could be used to incentivize or punish certain behaviors.

Four jurisdictions reported that they allowed people in general population to have access to some websites on the Internet.<sup>213</sup> Three jurisdictions reported that they allowed Internet access in general population for up to eight hours or more per day, seven days a week, including one jurisdiction that did not place time restrictions on Internet access for people in general population.<sup>214</sup> Two jurisdictions reported that they charged a fee for Internet access.<sup>215</sup> Three jurisdictions reported that they could revoke Internet access as punishment,<sup>216</sup> and two of these jurisdictions also used Internet access as a reward for certain behavior.<sup>217</sup>

### **Access to Commissary**

The 2021 Survey asked about access to commissary items, including whether people in restrictive housing could “purchase items from the commissary”; “what restrictions on commissary exist for prisoners in general population and restrictive housing,” including “how much [could] be spent on commissary per month” and “how many times per month . . . someone [could] access commissary”; and “which items are available to prisoners . . . through commissary.” Thirty jurisdictions responded to some of these questions regarding their restrictive housing policies,<sup>218</sup> and thirty-three reported information about their policies for general population.<sup>219</sup>

Twenty-seven jurisdictions reported that people in restrictive housing could purchase items from the commissary,<sup>220</sup> and three said they could not.<sup>221</sup> Table 28 displays the number and percentage of responding jurisdictions permitting access to various commissary items for restrictive housing and general population. Most responding jurisdictions reported that they allowed people in restrictive housing access to commissary to purchase writing and mailing materials;<sup>222</sup> personal hygiene products,<sup>223</sup> including dental products,<sup>224</sup> food;<sup>225</sup> and basic medications.<sup>226</sup> Fewer than a quarter of responding jurisdictions reported that they allowed people in restrictive housing to purchase recreation items,<sup>227</sup> blankets,<sup>228</sup> or laundry products<sup>229</sup> from the commissary. The Survey did not collect information on the specific charges for such materials.

**Table 28 Access to Commissary Items**

Commissary Item	Restrictive Housing* (n = 30)		General Population (n = 33)	
	Number	Percentage	Number	Percentage
Cards, other writing materials	25	83.3	33	100
Postage stamps, envelopes	25	83.3	33	100
Soap, shampoo, deodorant	25	83.3	33	100
Toothbrushes, toothpaste, etc.	22	73.3	32	97.0
Food	18	60.0	33	100
Medication (e.g., Tums, aspirin)	17	56.7	31	93.9
Reading materials	15	50.0	22	66.7
Games (e.g., playing cards)	14	46.7	29	87.8
Headphones	13	43.3	30	90.0
Beverages	12	40.0	33	100
Clothing (e.g., sweaters, shoes)	12	40.0	29	87.9
Batteries, electronic charging devices	11	36.7	29	87.9
Mp3 players, radios	11	36.7	30	90.0
Shaving tools	9	30.0	32	97.0
Cosmetics (e.g., blush, eye liner)	7	23.3	25	75.8
Laundry items (e.g., detergent)	6	20.0	23	69.7
Blankets	4	13.3	10	30.3
Recreation items (e.g., tennis balls)	1	3.3	10	30.3

\*The Survey did not ask whether any of these categories of items, such as blankets, were provided to people in restrictive housing free-of-charge (in other words, provided through means other than by commissary).

All thirty-three responding jurisdictions reported that people in general population generally had access to commissary.<sup>230</sup> Three jurisdictions indicated that they provided the same level of access to commissary for both people in restrictive housing and general population,<sup>231</sup> and twenty-two jurisdictions reported providing less access for people in restrictive housing.<sup>232</sup> Two jurisdictions did not respond to enough questions for a comparison of access between general population and restrictive housing.<sup>233</sup>

Reported commissary restrictions for restrictive housing varied by jurisdiction. Nineteen jurisdictions reported that they placed greater limitations on how much money a person in restrictive housing could spend on commissary items each month when compared with a person in general population,<sup>234</sup> and five jurisdictions permitted people to access commissary fewer times per month if they were in restrictive housing.<sup>235</sup> Twenty-three jurisdictions reported that people in restrictive housing could not buy certain items that were available for purchase in general population.<sup>236</sup> For example, sixteen of the jurisdictions that permitted commissary access in both restrictive housing and general population permitted people in general population to purchase shaving materials while prohibiting people in restrictive housing from doing so.<sup>237</sup> Jurisdictions also reported that they allowed people in general population but not people in restrictive housing to purchase from commissary food and/or beverages (fourteen jurisdictions),<sup>238</sup> games and/or other recreation items (fourteen jurisdictions),<sup>239</sup> certain electronics and/or batteries (thirteen jurisdictions),<sup>240</sup> cosmetics (twelve jurisdictions),<sup>241</sup> laundry items (eleven jurisdictions),<sup>242</sup> clothing (ten jurisdictions),<sup>243</sup> medications (seven jurisdictions),<sup>244</sup> personal hygiene products (four jurisdictions),<sup>245</sup> blankets (four

jurisdictions),<sup>246</sup> writing and/or mailing materials (two jurisdictions),<sup>247</sup> and reading materials (two jurisdictions).<sup>248</sup>

*Educational Programming:* The 2021 Survey asked about access to degree- or certificate-granting educational programs. Specifically, jurisdictions were asked what degrees and certifications people in restrictive housing and general population could “obtain” and whether people in general population and enrolled in an education program would be “removed from the program” if they were moved to restrictive housing. The Survey did not ask about how these programs were delivered (*i.e.*, whether the programs involved forms of instruction other than worksheets). The ever-present reminder is that access did not necessarily mean that people took advantage of the programs, or that they were easily accessible. Twenty-seven jurisdictions responded to the questions about restrictive housing,<sup>249</sup> and thirty-two jurisdictions responded to the questions about general population policies.<sup>250</sup> Their responses are summarized in Table 29.

**Table 29 Access to Educational Programming**

Education Programming	Restrictive Housing (n = 27)		General Population (n = 32)	
	Number	Percentage	Number	Percentage
GED or other high school equivalency	25	92.6	32	100
Associate’s degree	9	33.3	26	81.3
Bachelor’s degree	8	29.6	26	81.3
Vocational certifications	3	11.1	32	100

According to survey responses, people in restrictive housing had access to a GED or other high school equivalency program in twenty-five jurisdictions,<sup>251</sup> an associate degree program in nine jurisdictions,<sup>252</sup> a bachelor’s degree program in eight,<sup>253</sup> and vocational certifications in three.<sup>254</sup> One jurisdiction reported that people living in restrictive housing could pursue a master’s or a doctoral degree.<sup>255</sup>

All thirty-two responding jurisdictions said that people could earn their GED (or another high school equivalent) and vocational certifications while in prison.<sup>256</sup> Twenty-six jurisdictions said people could also earn an associate degree and a bachelor’s degree,<sup>257</sup> and some jurisdictions noted that these degrees would be earned through external organizations.<sup>258</sup> Three jurisdictions added that people in their facilities could earn master’s degrees or higher.<sup>259</sup>

Several jurisdictions qualified their responses by noting barriers to education, especially for people in restrictive housing. Two jurisdictions clarified that they did not offer education programs leading to degrees, but that people living in restrictive housing were permitted to complete degrees via correspondence programs.<sup>260</sup> Other jurisdictions reported that their educational programming leading to degrees was available in restrictive housing in women’s prisons but not men’s,<sup>261</sup> that postsecondary degrees were available only from colleges allowing independent study,<sup>262</sup> and that educational programming was offered only if mandated by the state due to a person’s age.<sup>263</sup>

As noted above, formal access did not necessarily mean that people took advantage of the programs, or that they were easily accessible. Referring to all people living in its facilities, one

jurisdiction stated that it was “only aware of one inmate who received a higher education degree.”<sup>264</sup>

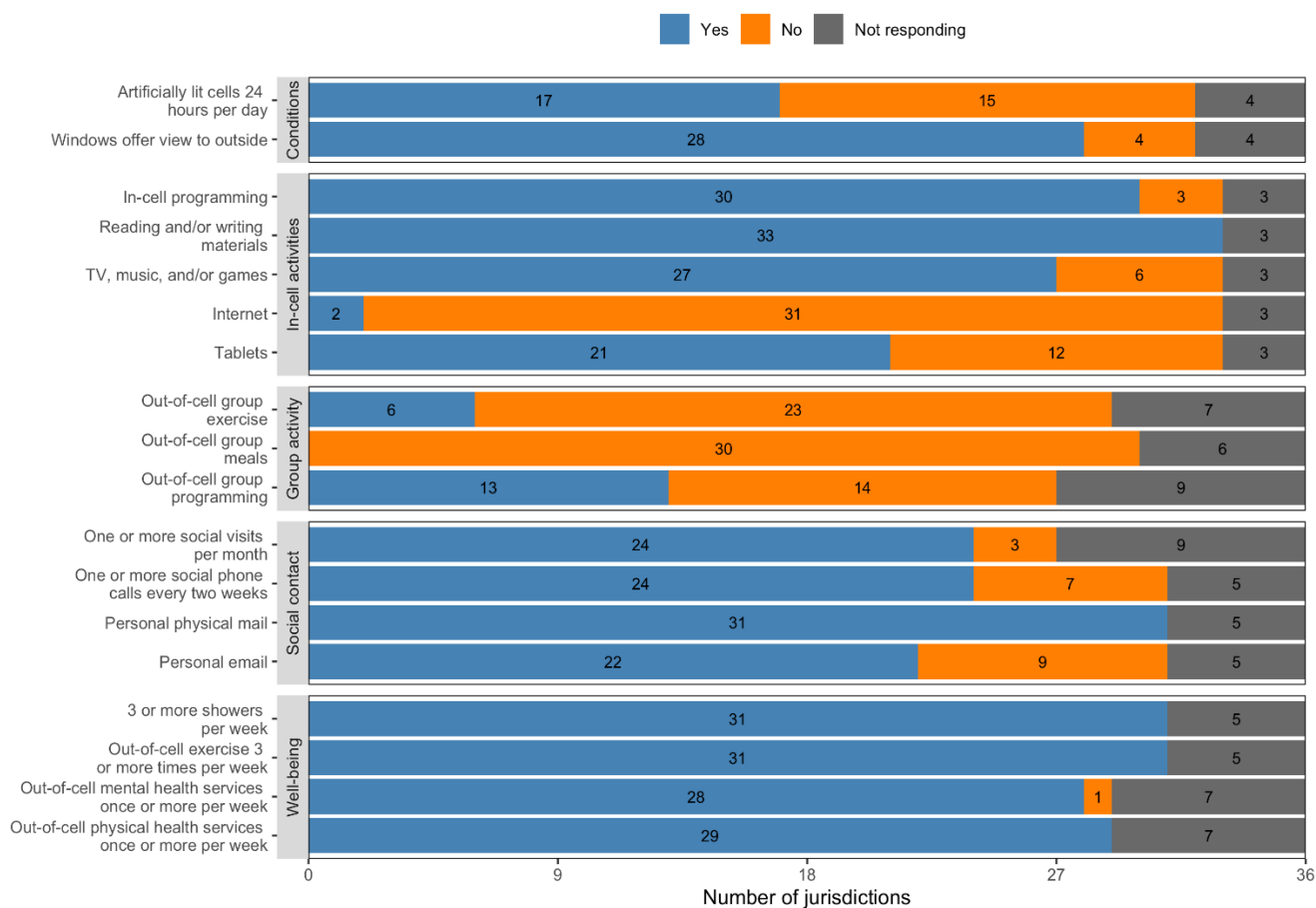
Twenty-nine jurisdictions reported policies for what happens when people enrolled in educational programming were removed from general population and placed in restrictive housing.<sup>265</sup> Of these, seven reported that people were automatically removed from their enrolled program upon entering restrictive housing.<sup>266</sup> Twenty-one jurisdictions said students were sometimes removed, but sometimes not,<sup>267</sup> and ten of these jurisdictions explained that students who transitioned to restrictive housing were removed from their educational programs if they could no longer meet the program requirements.<sup>268</sup> For example, jurisdictions explained that withdrawal depended on “whether the program [could] be provided one-on-one or via worksheets”<sup>269</sup> or whether the person would be able to meet the program’s attendance requirements or deadlines, considering the length of their stay in restrictive housing.<sup>270</sup> Five jurisdictions described policies that differentiated among education programs.<sup>271</sup> For example, three noted that people who were transferred to restrictive housing were not removed from programs leading to a high school equivalency diploma, but were removed from other programs.<sup>272</sup> Another five jurisdictions indicated that they removed students from programs if students were moved to restrictive housing for disciplinary reasons but not if the transfer was for other reasons,<sup>273</sup> and two jurisdictions said it depended on the person’s individual circumstances, such as age or other criteria.<sup>274</sup>

### **Time Out-of-Cell**

The 2021 Survey asked about what activities were permitted during the two or fewer hours per day that people in restrictive housing were permitted to be out-of-cell. These questions inquired about eating, exercising, showering, attending religious observances, accessing mental and physical health services, and participating in programming. Thirty-one jurisdictions provided some data on time spent out-of-cell in general population,<sup>275</sup> and thirty jurisdictions did the same for restrictive housing.<sup>276</sup> Twenty-four jurisdictions noted that the amount of time allowed out-of-cell or the types of out-of-cell opportunities varied based on factors such as a person’s classification;<sup>277</sup> the person’s medical, psychological, or religious needs;<sup>278</sup> the facility in which the person was imprisoned;<sup>279</sup> and/or staffing levels.<sup>280</sup> The responses reported below describe general policies. Figure 13 provides a summary of aggregate responses to questions about physical space, in-cell activities, and out-of-cell time, discussed below.



**Figure 13 In-Cell Activities and Out-of-Cell Opportunities for People in Restrictive Housing**



*Meals:* The Survey asked jurisdictions how many times per week people in restrictive housing and general population were “allowed out of their cell” for “individual meals out-of-cell,” “group meals out-of-cell with security chairs,” and “group meals out-of-cell without security chairs.” Thirty jurisdictions provided some data on their restrictive housing policies,<sup>281</sup> and thirty-one jurisdictions did the same for their general population policies.<sup>282</sup>

Twenty-eight jurisdictions reported that people living in restrictive housing units could not eat any meals out-of-cell.<sup>283</sup> One jurisdiction reported that people in restrictive housing could eat twenty-one meals per week (i.e., three meals per day) in individual out-of-cell settings.<sup>284</sup>

Thirty jurisdictions reported that people in general population were permitted to eat all or most of their meals out-of-cell.<sup>285</sup> Sixteen of these reported that people in general population

were permitted to eat all meals in individual out-of-cell settings,<sup>286</sup> and fourteen said people in general population could eat all meals in group settings.<sup>287</sup>

*Showers:* The Survey asked how many times per week people in restrictive housing and general population were allowed out-of-cell for showers. Thirty jurisdictions reported policies for people in restrictive housing,<sup>288</sup> and thirty-one reported policies for general population.<sup>289</sup>

Thirty jurisdictions responded that they limited the number of showers a person living in restrictive housing could take,<sup>290</sup> and eighteen capped the number at three showers per week.<sup>291</sup> In contrast, twenty-nine jurisdictions reported that people in general population were allowed seven or more out-of-cell showers each week (an average of one per day),<sup>292</sup> fifteen of which said they did not limit the number of showers permitted for people in general population.<sup>293</sup>

*Exercise:* Several survey questions asked about exercise facilities, opportunities for out-of-cell exercise, and access to exercise equipment. The Survey asked about the presence of indoor and outdoor exercise areas, whether the sky was visible to people exercising in these areas, whether the facilities met ACA requirements, and who decided “if exercise [would] be indoors or outdoors.” Thirty jurisdictions provided information about exercise facilities available to people in restrictive housing,<sup>294</sup> and thirty-three did the same for exercise facilities available in general population.<sup>295</sup>

For people in restrictive housing, twenty-six jurisdictions reported having outdoor exercise areas with a view of the sky available,<sup>296</sup> and fifteen reported that they had indoor exercise areas with the same view.<sup>297</sup> Fifteen jurisdictions reported that they had both indoor and outdoor exercise areas for people in restrictive housing.<sup>298</sup> Most of these fifteen jurisdictions reported that weather was a determining factor for where people in restrictive housing could exercise.<sup>299</sup> All but two jurisdictions stated that their outdoor exercise areas met exercise area dimension standards set by the American Corrections Association (ACA) for restrictive housing.<sup>300</sup> These guidelines permit up to five people in restrictive housing to exercise in a group module, and require group modules to have “330-square feet of unencumbered space” for the first two people plus “150-square feet of unencumbered space” for every additional person.<sup>301</sup> For individual exercise areas, the guidelines require “180-square feet of unencumbered space.”<sup>302</sup>

All thirty-three responding jurisdictions reported that they had outdoor exercise areas with a view of the sky for people in general population.<sup>303</sup> Twenty-nine reported that indoor exercise areas were also available for general population,<sup>304</sup> including nine that said the sky was visible from these areas.<sup>305</sup>

According to survey responses, nine jurisdictions provided people in restrictive housing with access to equipment supporting body weight exercises,<sup>306</sup> and eight provided them with sports equipment, such as basketballs.<sup>307</sup> Four jurisdictions permitted people in restrictive housing to use free weights or other weightlifting equipment.<sup>308</sup> In contrast, all thirty-three responding jurisdictions reported that their general populations had access to free weights and/or other weightlifting equipment,<sup>309</sup> and twenty-seven provided access to cardio machines.<sup>310</sup> Sports equipment was also commonly reported as available.<sup>311</sup>

Twenty-nine jurisdictions<sup>312</sup> reported that they permitted people in restrictive housing to leave their cells between three<sup>313</sup> and seven<sup>314</sup> times per week to exercise individually; the median was five times per week.<sup>315</sup> Seven jurisdictions said that people in restrictive housing could exercise out-of-cell in group settings,<sup>316</sup> and twenty-one jurisdictions reported that they did not permit any group out-of-cell exercise for people living in restrictive housing.<sup>317</sup>

Twenty-nine jurisdictions reported that people in general population could exercise individually out-of-cell seven or more times per week, or once per day on average,<sup>318</sup> and most did not place any restrictions on such exercise.<sup>319</sup> Twenty-five reported that people in general population could exercise out-of-cell in group settings seven or more times per week, or once per day on average,<sup>320</sup> including fifteen that said they did not limit access to group out-of-cell exercise in general population.<sup>321</sup>

*Health Services:* The U.S. Department of Justice's National Institute of Justice has documented that people living in restrictive housing typically "have higher rates of diagnosed mental disorders, higher rates of psychiatric symptoms . . . , and more severe psychiatric symptoms than [people] in the general prison population."<sup>322</sup> Thus, the Survey's questions about out-of-cell opportunities included questions about health services. Specifically, the Survey asked how many times per week people in restrictive housing and general population were allowed out of their cells for "mental health services" and for "doctor visits and other physical health services."<sup>323</sup> Twenty-eight jurisdictions responded to these questions with their restrictive housing policies,<sup>324</sup> and thirty-one provided their general population policies.<sup>325</sup>

Fourteen jurisdictions reported that they did not limit the number of times people in restrictive housing could access out-of-cell mental health services,<sup>326</sup> and six others allowed people in restrictive housing to leave their cells up to seven times per week for mental health services.<sup>327</sup> Six jurisdictions reported that they limited access to out-of-cell mental health services to less than three times per week,<sup>328</sup> and one jurisdiction said that it did not allow people living in restrictive housing to leave their cells to access mental health services.<sup>329</sup> For general population, thirty jurisdictions reported that people were permitted to access out-of-cell mental health services five or more times per week,<sup>330</sup> twenty of which did not place any limitations on the number of times people in general population could leave their cells to access such services.<sup>331</sup>

Responses to the question about out-of-cell physical health access largely mirrored those about mental health services. Fourteen jurisdictions reported no limitations on the number of times people living in restrictive housing could leave their cells for physical health services,<sup>332</sup> and eight jurisdictions provided policies allowing people in restrictive housing to leave their cells up to seven times per week for physical health services.<sup>333</sup> Four jurisdictions reported that they limited access to out-of-cell physical health services to less than three per week.<sup>334</sup> For general population, thirty jurisdictions reported that people were permitted to access out-of-cell physical health services five or more times per week,<sup>335</sup> and twenty did not set any such limitations.<sup>336</sup>

*Religious Observances:* The 2021 Survey asked jurisdictions "how many times per week" people in restrictive housing and general population were "allowed out of their cell" for "religious observances." Twenty-four jurisdictions reported data regarding their restrictive

housing policies,<sup>337</sup> and thirty-one responded to the question with their general population policies.<sup>338</sup>

Thirteen jurisdictions reported that people in restrictive housing could attend one or more out-of-cell religious observances per week,<sup>339</sup> and six of these jurisdictions allowed one such event per week.<sup>340</sup> Six jurisdictions permitted people in restrictive housing to attend seven or more out-of-cell religious observances per week,<sup>341</sup> including four jurisdictions that reported they did not place a limit on such activity.<sup>342</sup> Eleven jurisdictions reported that they did not permit people in restrictive housing to leave their cells for religious observances.<sup>343</sup>

All thirty-one responding jurisdictions reported that people in general population were permitted to attend out-of-cell religious observances weekly or more frequently.<sup>344</sup> Twenty-five of these jurisdictions allowed people in general population to leave their cells for religious observances seven or more times per week, including seventeen jurisdictions that reported they did not limit how many out-of-cell religious observances people in general population could attend.<sup>345</sup>

*Programming:* The 2021 Survey asked jurisdictions “how many times per week” people in restrictive housing and general population were “allowed out of their cell” for “individual out-of-cell programming,” “group out-of-cell programming with security chairs,” and “group out-of-cell programming without security chairs.” Programming may include educational classes, substance abuse programs, anger management courses, cognitive behavioral classes, and parenting classes. Twenty-four jurisdictions responded to some of these questions for restrictive housing,<sup>346</sup> and twenty-nine provided some data on out-of-cell programming for people in general population.<sup>347</sup>

Twelve jurisdictions reported that they permitted some access to individual programming each week for people in restrictive housing,<sup>348</sup> and the other twelve responding jurisdictions reported that people in restrictive housing had no access to individual out-of-cell programming.<sup>349</sup>

Twenty-seven jurisdictions provided data on the number of times per week people in general population could attend out-of-cell individual programming, and one of these jurisdictions did not permit any out-of-cell individual programming.<sup>350</sup> Twenty jurisdictions reported that they allowed attendance seven or more times per week,<sup>351</sup> including fourteen that did not place any limit on when people could leave their cells for programming.<sup>352</sup>

With one exception, jurisdictions reporting data on group out-of-cell programming for people in restrictive housing required the use of security chairs, in which individuals are confined through restraints on various parts of their bodies.<sup>353</sup> Twenty-three jurisdictions reported the number of times per week people in restrictive housing were permitted to leave their cells for group programming with security chairs,<sup>354</sup> and ten of these jurisdictions reported that they did not permit any out-of-cell group programming for people in restrictive housing.<sup>355</sup> Of the remaining thirteen jurisdictions, seven permitted people in restrictive housing to attend five or more group programming activities per week.<sup>356</sup>

Twenty-seven jurisdictions provided data on out-of-cell group programming policies for people in general population.<sup>357</sup> Twenty-one permitted people in general population to attend group programming.<sup>358</sup> Twenty-one jurisdictions allowed people in general population out of their cells for five or more group programming activities per week.<sup>359</sup>

*Other Time Out-of-Cell:* The 2021 Survey also asked about the weekly frequency of other individual and group “unstructured time out-of-cell (not designated for showers, exercise, meals, formal programming).” For people in restrictive housing, seven jurisdictions reported that they allowed individual out-of-cell time for activities not addressed by other survey questions,<sup>360</sup> and four said the same about other group out-of-cell time.<sup>361</sup>

Twenty-seven jurisdictions reported that they allowed individual out-of-cell time for people in general population for activities not addressed by other survey questions,<sup>362</sup> and twenty-five reported that they allowed such group out-of-cell time.<sup>363</sup> Most responding jurisdictions did not describe what this unstructured individual or group time looked like; those that did mentioned “TV,” a “computer room,” a “dayroom,” and general “recreation.”<sup>364</sup>

### **Sociability: Contact with Others**

*Group Activities:* The 2021 Survey asked jurisdictions how many times per week people in restrictive housing were “allowed out of their cell” for group activities, such as exercise, programming, meals, and unstructured time, and this inquiry overlapped with some of those made under other categories. Thirty jurisdictions responded to some questions.<sup>365</sup>

Six jurisdictions reported that people in restrictive housing were not allowed any group out-of-cell time.<sup>366</sup> Seven other jurisdictions reported some data on out-of-cell opportunities, but not enough to determine whether people in restrictive housing were permitted to attend any group out-of-cell activities per week.<sup>367</sup>

*Phone Calls:* The 2021 Survey asked jurisdictions about phone call policies, including how many legal and non-legal calls people were allowed to make, how many people could be on their call lists, and how much phone calls cost. Twenty-nine jurisdictions responded to some questions about their restrictive housing policies,<sup>368</sup> and thirty-one responded to some questions on their general population policies.<sup>369</sup>

All twenty-nine responding jurisdictions that reported holding people in restrictive housing indicated that people in restrictive housing were allowed to make legal phone calls. One reported that it did not permit people in restrictive housing to make any non-legal phone calls.<sup>370</sup> Sixteen jurisdictions permitted people in restrictive housing to make one hundred or more legal phone calls per month,<sup>371</sup> and nine said the same for non-legal calls.<sup>372</sup>

Thirty jurisdictions reported that people in general population could make calls to their lawyers,<sup>373</sup> twenty of which allowed one hundred or more calls per month.<sup>374</sup> Thirty-one jurisdictions reported the same for non-legal phone calls,<sup>375</sup> and twenty-one reported that they permitted one hundred or more such calls per month.<sup>376</sup>

Twenty-seven jurisdictions provided their call list policies for restrictive housing, each of which reported they had the same policy for both restrictive housing and general population.<sup>377</sup> Every jurisdiction allowed ten or more non-legal contacts on call lists for people in restrictive housing,<sup>378</sup> and fourteen allowed thirty or more.<sup>379</sup>

Twenty-seven jurisdictions reported the costs of non-legal phone calls for people in restrictive housing, and all of these jurisdictions also reported that costs did not differ between calls made from restrictive housing or general population.<sup>380</sup> Most reported that they charged by the minute,<sup>381</sup> while others charged for every fifteen minutes.<sup>382</sup> The costs of one fifteen-minute phone call from restrictive housing ranged from \$0.10<sup>383</sup> to \$4.50,<sup>384</sup> with a median of \$1.50.<sup>385</sup> Legal phone calls in most jurisdictions cost the same as non-legal phone calls. Ten jurisdictions reported that they did not charge for legal phone calls made from restrictive housing,<sup>386</sup> and an eleventh did not charge for legal calls that were court-ordered or requested by an attorney.<sup>387</sup>

*Mail:* The 2021 Survey asked jurisdictions whether people in restrictive housing and general population could “send and receive non-legal mail,” how many non-legal letters they could send and receive, and whether people were “provided with writing materials and stamps without charge.” Twenty-nine jurisdictions responded to some questions about access to mail in restrictive housing,<sup>388</sup> and thirty-two responded about access for people in general population.<sup>389</sup>

All responding jurisdictions reported that people could send and receive mail, including social correspondence. No jurisdiction reported that it had different policies for general population and restrictive housing. Twenty-one jurisdictions reported that people in restrictive housing could send more than one hundred non-legal letters per month,<sup>390</sup> and the other eight reported that people could send “Unlimited/More than 100” letters per year.<sup>391</sup> No jurisdiction reported a different policy for people in general population.

Fifteen of the twenty-nine responding jurisdictions reported that they provided stamps at no charge for people in restrictive housing,<sup>392</sup> including seven that reported they only provided stamps to people considered indigent.<sup>393</sup> All responding jurisdictions reported that they permitted people to keep writing materials and stamps with them in their cells.

*Email:* The 2021 Survey asked jurisdictions whether people in restrictive housing and general population could “send and receive personal email,” how email was accessed (i.e., by “tablet,” “paper printed by correctional staff,” or “other”), how many emails could be sent and received each week, “how much it cost prisoners . . . to send and receive emails,” and about “restrictions on personal email correspondences.” Twenty-nine jurisdictions responded to some questions about access to email in restrictive housing,<sup>394</sup> and thirty-three responded to some questions about their general population email policies.<sup>395</sup>

Nine jurisdictions reported that people in restrictive housing did not have access to personal email.<sup>396</sup> The twenty jurisdictions that reported they permitted access to email said that they limited the number of emails that could be sent or received by people in restrictive housing beyond any limitations already placed on people in general population.<sup>397</sup> Four noted that people in restrictive housing were permitted less time to access email.<sup>398</sup> In six jurisdictions, emails

were generally printed on paper and delivered by correctional staff and not accessed directly via tablet or kiosk.<sup>399</sup>

Twenty-seven jurisdictions reported that they allowed people in general population to send or receive personal emails.<sup>400</sup> Fourteen jurisdictions said that they did not limit the number of emails that a person in general population could send or receive,<sup>401</sup> and two others reported that they permitted up to one hundred emails to be sent and one hundred to be received each week.<sup>402</sup> Most jurisdictions reported that they allowed people to send or receive emails from tablets, kiosks, or similar devices,<sup>403</sup> but three reported that emails were printed by correctional staff or via JPay.<sup>404</sup>

Eighteen jurisdictions described restrictive housing policies limiting what could be sent in email correspondence and to whom,<sup>405</sup> one of which reported no such restrictions for people in general population.<sup>406</sup> These policies included screening for inappropriate content<sup>407</sup> and restrictions on whom people could email.<sup>408</sup> Two said that they had no restrictions on personal email correspondence for people in restrictive housing.<sup>409</sup>

Twenty-two responding jurisdictions provided general population policies on email correspondence that included screening for inappropriate content<sup>410</sup> and restrictions about whom people could email.<sup>411</sup> Five jurisdictions reported that they had no such restrictions on personal email correspondence for people in general population.<sup>412</sup>

Twenty-two jurisdictions described fees for sending an email,<sup>413</sup> and twenty-four reported the same for receiving an email.<sup>414</sup> Fees were generally reported to be the same in both general population and restrictive housing.<sup>415</sup> Fifteen jurisdictions reported that it did not cost anything for people to receive an email,<sup>416</sup> including two jurisdictions that reported that they did not charge for emails sent or received.<sup>417</sup> One jurisdiction said that it charged people for emails received but not to send emails.<sup>418</sup> Reported email fees ranged from 20–50 cents per email received,<sup>419</sup> with a median of 25 cents,<sup>420</sup> and 10–50 cents per email sent,<sup>421</sup> with the same median.<sup>422</sup>

*Visits:* The Survey designated three categories of visits: visits by lawyers, visits related to religion, and social visits not otherwise covered by the other categories. Jurisdictions were asked to report the number of these “lawyer visits,” “religious visits,” and “social visits” people in restrictive housing and general population were allowed each month; whether any of these visits were required to be “non-contact”; and whether “opportunities for visits [could] be withdrawn as punishment.” Twenty-nine jurisdictions answered some of these questions for people in restrictive housing,<sup>423</sup> and thirty-two answered some regarding their general population policies.<sup>424</sup>

Twenty-five jurisdictions provided data about the number of legal visits permitted for people living in restrictive housing,<sup>425</sup> including twenty-one jurisdictions that did not limit the number of legal visits allowed each month.<sup>426</sup> All responding jurisdictions reported that access to legal visits could not be revoked as punishment.<sup>427</sup> Most jurisdictions required legal visits in restrictive housing to be no-contact.<sup>428</sup>

Twenty-five of the twenty-seven responding jurisdictions reported that they did not place any limits on the number of legal visits for people in general population,<sup>429</sup> and two jurisdictions permitted up to twenty legal visits per month.<sup>430</sup> Most jurisdictions allowing legal visits reported that they permitted physical contact,<sup>431</sup> and all responding jurisdictions indicated that they did not withdraw opportunities for legal visits as punishment.<sup>432</sup>

Twenty-one jurisdictions reported data on the number of religious visits allowed each month for people in restrictive housing,<sup>433</sup> including eight that did not limit these opportunities.<sup>434</sup> Nine jurisdictions reported allowing four or fewer religious visits per month for people in restrictive housing,<sup>435</sup> including one that did not permit any.<sup>436</sup> Most jurisdictions required religious visits for people in restrictive housing to be no-contact<sup>437</sup> and said they could not be withheld for disciplinary purposes.<sup>438</sup> The Survey did not ask how many visitors people living in restrictive housing could receive in a given time period.

Of the twenty-five jurisdictions reporting on religious visits,<sup>439</sup> fourteen indicated that they did not have any limits on such visits<sup>440</sup> and three others permitted twenty or more religious visits per month.<sup>441</sup> One jurisdiction reported that it did not permit any religious visits.<sup>442</sup> Most jurisdictions allowing religious visits reported that they allowed physical contact<sup>443</sup> and did not withdraw access to religious visits as punishment.<sup>444</sup>

Twenty-six jurisdictions reported the number of social visits permitted per month for people in restrictive housing,<sup>445</sup> including three that reported that they did not allow any social visits for people living in restrictive housing.<sup>446</sup> Twenty-two jurisdictions required social visits to be non-contact,<sup>447</sup> and twenty-three said they could be suspended as part of a disciplinary sanction.<sup>448</sup>

Thirty jurisdictions reported data on the number of social visits permitted each month for people in general population,<sup>449</sup> including eight that reported allowing at least twenty such visits<sup>450</sup> and five that allowed four or fewer social visits per month.<sup>451</sup> The median number of permitted social visits was eight per month.<sup>452</sup> Most jurisdictions reported permitting physical contact during social visits,<sup>453</sup> and said that social visits could be rescinded in response to disciplinary issues.<sup>454</sup>

When asked under what circumstances visits could be withdrawn as punishment, most jurisdictions referenced “rule violations,” “disruptive behavior,” or “disciplinary reasons.”<sup>455</sup> Seven jurisdictions specified violations of visiting rules,<sup>456</sup> and two provided examples including “sexual behavior,” “assaultive behavior, [and] damage to property.”<sup>457</sup> Jurisdictions reported that their policies varied regarding the length of suspensions of religious and social visits. Twelve jurisdictions said that the length of suspensions varied by factors such as the infraction or a person’s security classification.<sup>458</sup> Five said suspensions could be “indefinite” or made “permanent,”<sup>459</sup> and another five reported that the limit for suspending visits for both general population and people in restrictive housing was one year.<sup>460</sup>

### **Incidents of Violence**

Violence within prisons is a core concern of people living in, working in, and studying prisons. It is the subject of federal and state statutory requirements as well as investigations by



corrections systems and research organizations.<sup>461</sup> In relation to isolation, violence has been invoked both as a justification for separating people from general population settings and as a critique of isolation, with a focus on self-harm and interpersonal violence.<sup>462</sup> Federal statutes requiring data reporting include the Death in Custody Reporting Act and the Prison Rape Elimination Act, which cover both state and federal facilities and govern information on deaths and sexual violence, respectively.<sup>463</sup> These requirements have produced reports, such as the National Inmate Survey, conducted by the Bureau of Justice Statistics (BJS), which identified roughly 57,900 people who “reported experiencing one or more incidents of sexual victimization” in U.S. prisons during 2011.<sup>464</sup>

As a preliminary step toward illuminating the issues and contributing to the data collection efforts, the 2021 CLA-Liman Survey asked about incidents of self-harm and interpersonal harm, including sexual violence. This set of questions was new to the Survey, and a preliminary step toward unpacking facets of isolation and forms of violence.

Specifically, the Survey asked each jurisdiction to report the number of violent incidents that occurred in restrictive housing and general population from July 1, 2020, to July 1, 2021. Categories pertaining to “sexual violence” or “sexual misconduct” included a note stating that “[i]ncidents must be substantiated by a finding of guilt through disciplinary process, a court of law, or formal investigation.” The Survey asked about physical assaults (“including minor physical contact with no injury”), homicides, sexual misconduct (“substantiated by a conviction through disciplinary process, a court of law, or formal investigation”), sexual violence (“including completed and attempted acts . . . substantiated by a finding of guilty through disciplinary process, a court of law, or formal investigation”), suicides (“including self-injury behavior determined by a medical or mental professional as an attempt to kill oneself”), and self-injury (“excluding attempted or completed acts of suicide”). Aside from suicides and self-injury, responding jurisdictions were asked to disaggregate incidents by the parties involved—namely, whether the incidents were considered “prisoner-on-prisoner,” “prisoner-on-staff,” or “staff-on-prisoner.” They were also asked to report numbers of incidents for the total custodial populations and for restrictive housing. Responses are represented in Tables 30, 31, 32, 33, and 34.

Twenty-one jurisdictions reported some data on incidents of violence in restrictive housing.<sup>465</sup> Twenty provided some data on homicides,<sup>466</sup> eighteen on physical assaults,<sup>467</sup> eighteen on sexual misconduct,<sup>468</sup> eighteen on sexual violence,<sup>469</sup> eighteen on suicides and attempted suicides,<sup>470</sup> and seventeen on non-suicidal self-injuries.<sup>471</sup> Eight jurisdictions reported that they did “not have data” to report on any violent incidents in restrictive housing.<sup>472</sup>

Thirty jurisdictions reported some data on incidents of violence in their total custodial populations.<sup>473</sup> Of these, twenty-eight reported some data on physical assaults,<sup>474</sup> twenty-eight on homicides,<sup>475</sup> twenty-eight on attempted and completed suicides,<sup>476</sup> twenty-two on non-suicidal self-injuries,<sup>477</sup> twenty-two on sexual violence,<sup>478</sup> and twenty-one on sexual misconduct.<sup>479</sup>

A good deal of research has focused on the connection between being held in isolation and harming oneself.<sup>480</sup> Responses from twenty-one jurisdictions indicated that nearly a quarter (23.9%, or 188 of 785) of all reported attempted or completed suicides occurred in restrictive

housing.<sup>481</sup>

**Table 30**      **Reported Incidents of Physical Assault**

Jurisdiction	Total custodial population			Restrictive housing population		
	Prisoner-on-prisoner	Prisoner-on-staff	Staff-on-prisoner	Prisoner-on-prisoner	Prisoner-on-staff	Staff-on-prisoner
Alabama	1,074	595	—	—	—	—
Federal (BOP)	—	—	—	—	—	—
California	—	—	—	—	—	—
Colorado	418	509	0	—	—	—
Connecticut	232	234	0	17	25	0
Delaware	150	67	0	—	—	—
Hawaii	—	—	—	—	—	—
Idaho	418	34	0	0	12	0
Illinois	1,244	701	—	—	—	—
Indiana	—	—	—	—	—	—
Iowa	754	174	0	26	14	0
Kansas	34	29	0	0	0	0
Maine	134	65	—	1	17	—
Massachusetts	683	293	—	—	—	—
Minnesota	—	—	—	—	—	—
Montana	128	58	0	0	6	0
Nebraska	344	91	0	5	56	0
Nevada	208	37	—	126	18	0
New Hampshire	129	58	0	23	14	0
New Jersey	480	200	—	—	—	—
New York	1,062	1,078	—	4	51	—
North Dakota	56	32	0	2	8	0
Ohio	—	—	—	—	—	—
Oklahoma	56	35	0	—	—	—
Oregon	1,428	322	0	591	154	0
Pennsylvania	347	193	0	21	43	1
South Carolina	246	337	4	17	153	2
South Dakota	548	32	1	22	1	0
Tennessee	435	696	—	—	—	—
Texas	1,150	119	0	24	19	0
Utah	—	—	—	—	—	—
Vermont	290	80	0	—	—	—
Washington	705	104	0	0	17	0
West Virginia	1,071	703	—	—	—	—
Wisconsin	—	230	—	—	142	—
Wyoming	0	0	0	0	0	0

**Table 31**      **Reported Incidents of Homicide**

Jurisdiction	Total custodial population			Restrictive housing population		
	Prisoner-on-prisoner	Prisoner-on-staff	Staff-on-prisoner	Prisoner-on-prisoner	Prisoner-on-staff	Staff-on-prisoner
Alabama	2	0	—	—	—	—
Federal (BOP)	—	—	—	—	—	—
California	—	—	—	—	—	—
Colorado	1	0	0	—	—	—
Connecticut	0	0	0	0	0	0
Delaware	0	0	0	—	—	—
Hawaii	—	—	—	—	—	—
Idaho	0	0	0	0	0	0
Illinois	0	0	0	0	0	0
Indiana	—	1	0	—	0	0
Iowa	0	1	0	0	0	0
Kansas	0	0	0	0	0	0
Maine	0	0	0	0	0	0
Massachusetts	0	0	0	0	0	0
Minnesota	—	—	—	—	—	—
Montana	0	0	0	0	0	0
Nebraska	1	0	0	0	0	0
Nevada	1	0	0	1	0	0
New Hampshire	0	0	0	0	0	0
New Jersey	0	0	0	0	0	0
New York	2	0	0	0	0	0
North Dakota	0	0	0	0	0	0
Ohio	—	—	—	—	—	—
Oklahoma	—	0	0	—	—	—
Oregon	0	0	0	0	0	0
Pennsylvania	2	0	0	0	0	0
South Carolina	5	0	0	0	0	0
South Dakota	0	0	0	0	0	0
Tennessee	4	0	0	—	—	—
Texas	7	0	0	0	0	0
Utah	—	—	—	—	—	—
Vermont	0	0	0	—	—	—
Washington	0	0	0	0	0	0
West Virginia	1	0	0	—	—	—
Wisconsin	—	—	—	—	—	—
Wyoming	0	0	0	0	0	0

**Table 32**      **Reported Incidents of Sexual Violence**

Jurisdiction	Total custodial population			Restrictive housing population		
	Prisoner-on-prisoner	Prisoner-on-staff	Staff-on-prisoner	Prisoner-on-prisoner	Prisoner-on-staff	Staff-on-prisoner
Alabama	325	11	—	—	—	—
Federal (BOP)	—	—	—	—	—	—
California	—	—	—	—	—	—
Colorado	—	—	—	—	—	—
Connecticut	0	0	0	0	0	0
Delaware	0	0	0	—	—	—
Hawaii	—	—	—	—	—	—
Idaho	0	0	0	0	0	0
Illinois	—	—	—	—	—	—
Indiana	—	—	—	—	—	—
Iowa	13	—	3	3	—	0
Kansas	12	0	3	1	0	0
Maine	3	—	—	0	—	—
Massachusetts	1	—	0	0	—	0
Minnesota	—	—	—	—	—	—
Montana	3	0	0	0	0	0
Nebraska	—	—	—	—	—	—
Nevada	0	2	—	0	0	—
New Hampshire	1	0	0	0	0	0
New Jersey	2	—	1	0	—	0
New York	2	—	4	—	—	—
North Dakota	0	0	0	0	0	0
Ohio	—	—	—	—	—	—
Oklahoma	—	—	—	—	—	—
Oregon	57	0	0	3	0	0
Pennsylvania	7	0	6	0	0	2
South Carolina	5	0	9	—	0	—
South Dakota	0	0	0	0	0	0
Tennessee	1	0	0	—	—	—
Texas	23	0	24	0	0	0
Utah	—	—	—	—	—	—
Vermont	—	—	—	—	—	—
Washington	6	1	9	0	1	0
West Virginia	5	0	20	—	—	—
Wisconsin	—	—	—	—	—	—
Wyoming	0	0	0	0	0	0

**Table 33**      **Reported Incidents of Sexual Misconduct**

Jurisdiction	Total custodial population			Restrictive housing population		
	Prisoner-on-prisoner	Prisoner-on-staff	Staff-on-prisoner	Prisoner-on-prisoner	Prisoner-on-staff	Staff-on-prisoner
Alabama	—	—	—	—	—	—
Federal (BOP)	—	—	—	—	—	—
California	—	—	—	—	—	—
Colorado	—	—	—	—	—	—
Connecticut	10	0	0	3	0	0
Delaware	1	0	0	—	—	—
Hawaii	—	—	—	—	—	—
Idaho	0	3	2	1	4	0
Illinois	—	—	—	—	—	—
Indiana	—	—	—	—	—	—
Iowa	21	—	1	3	—	0
Kansas	12	0	3	1	0	0
Maine	6	—	1	0	—	—
Massachusetts	0	—	0	0	—	0
Minnesota	—	—	—	—	—	—
Montana	4	0	0	0	0	0
Nebraska	—	—	—	—	—	—
Nevada	4	0	—	0	0	—
New Hampshire	20	0	0	4	0	0
New Jersey	5	—	—	0	—	—
New York	3	—	10	—	—	—
North Dakota	1	0	0	0	0	0
Ohio	—	—	—	—	—	—
Oklahoma	—	—	—	—	—	—
Oregon	2	0	16	0	0	0
Pennsylvania	55	0	6	9	0	2
South Carolina	3	0	0	—	0	0
South Dakota	0	0	0	0	0	0
Tennessee	0	1,073	0	—	—	—
Texas	28	0	5	0	0	0
Utah	—	—	—	—	—	—
Vermont	—	—	—	—	—	—
Washington	15	130	4	0	18	0
West Virginia	10	0	20	—	—	—
Wisconsin	—	—	—	—	—	—
Wyoming	0	0	0	0	0	0

**Table 34**      **Reported Incidents of Self-Harm**

Jurisdiction	Total custodial population		Restrictive housing population	
	Suicide (completed and attempted)	Self-injury (excluding suicide)	Suicide (completed and attempted)	Self-injury (excluding suicide)
Alabama	3	—	—	—
Federal (BOP)	—	—	—	—
California	—	—	—	—
Colorado	3	721	—	—
Connecticut	4	83	0	0
Delaware	0	0	0	0
Hawaii	—	—	—	—
Iowa	40	370	1	11
Idaho	1	73	1	34
Illinois	3	—	—	—
Indiana	—	—	—	—
Kansas	6	0	0	0
Massachusetts	58	588	—	—
Maine	59	157	9	34
Minnesota	—	—	—	—
Montana	23	49	2	44
North Dakota	4	0	0	0
Nebraska	16	30	6	4
New Hampshire	1	245	1	15
New Jersey	50	—	0	27
Nevada	60	—	31	—
New York	187	50	8	1
Ohio	—	—	—	—
Oklahoma	8	6	—	—
Oregon	—	—	—	—
Pennsylvania	49	0	78	0
South Carolina	8	384	5	167
South Dakota	0	0	0	0
Tennessee	66	159	—	—
Texas	49	720	6	86
Utah	—	—	—	—
Vermont	2	4	0	0
Washington	21	122	1	3
Wisconsin	205	1,333	39	404
West Virginia	8	—	—	—
Wyoming	0	0	0	0

*Research on Incidents of Violence:* Much of the research into violence within prisons is conducted by corrections systems. Thus, the 2021 Survey also asked jurisdictions whether they had “done research on incidents of violence in general population or in restrictive housing.” For those that responded affirmatively, the Survey asked when “the last research [was] completed on incidents of violence” and “what was the research on? (i.e., what was asked and answered).” Twenty-nine jurisdictions with people in restrictive housing responded to some questions.<sup>482</sup>

Four of the jurisdictions with people in restrictive housing report that they had done research during the surveyed year on incidents of violence within their prison populations,<sup>483</sup> while twenty-five reported that they had not.<sup>484</sup> Three of the jurisdictions that conducted research described it as tracking incidents based on who was involved, the type of incident, and/or the location.<sup>485</sup> Two jurisdictions reported that they conducted predictive analytics, including “a risk assessment for incidents”<sup>486</sup> and research “to predict assaults.”<sup>487</sup>

### **Exiting Restrictive Housing: Step-Down Programming, Release to General Population, and Leaving Prison for the Community or a Halfway House**

The 2021 Survey asked about how people exit restrictive housing. Questions focused on programs in place to aid the transition from restrictive housing to general population or communities outside prison, often called “step-down programs.” Given the various labels used for these types of efforts, this Report uses the term “transition programs.” Such programs may take many forms; the ACA describes them as “includ[ing] a system of review and establish[ing] criteria to prepare an [incarcerated person] for transition to general population or the community.”<sup>488</sup> This Section reports on jurisdictions’ responses to survey questions about transition programs. Section V analyzes the text of some correctional policies addressing transition programs.

Thirty-two jurisdictions responded to questions about transition programs, including jurisdictions that reported they did not hold any people in restrictive housing as of July 1, 2021.<sup>489</sup> Their responses regarding the number of people released from restrictive housing are summarized in Table 35.



**Table 35 People Released from Restrictive Housing, July 1, 2020 to July 1, 2021**

Jurisdiction <sup>490</sup>	Released to General Population			Released to the Community or a Halfway House		
	After Completing a Transition Program	Without Completing a Transition Program	Total	After Completing a Transition Program	Without Completing a Transition Program	Total
Alabama	—	—	—	—	—	—
Federal (BOP)	—	—	—	—	—	—
California	—	—	—	—	—	—
Colorado	—	—	—	—	—	—
Connecticut	90	—	—	0	—	—
Hawaii	—	—	—	—	—	—
Idaho	—	—	—	—	—	—
Illinois	—	—	—	—	—	—
Indiana	—	—	—	—	—	60
Iowa	18	372	390	3	2	5
Kansas	—	—	—	—	—	—
Maine	1	64	65	0	2	2
Massachusetts	—	—	—	—	—	—
Minnesota	—	—	—	—	—	—
Montana	48	134	182	1	0	1
Nebraska	—	—	833	—	—	17
Nevada	—	—	—	—	—	—
New Hampshire	—	—	561	—	—	32
New Jersey	—	—	—	—	—	—
New York	—	3,559	—	—	105	—
North Dakota	0	0	0	0	4	4
Ohio	—	—	—	—	—	—
Oklahoma <sup>491</sup>	—	475	—	—	12	—
Oregon	0	2,086	—	0	4	4
Pennsylvania	—	—	—	—	—	—
South Carolina	32	3,137	—	0	104	104
South Dakota	34	70	104	0	4	4
Tennessee	108	0	108	0	0	0
Texas	1,241	768	2,009	619	75	694
Utah	103	—	—	—	—	—
Washington	460	—	—	37	—	—
West Virginia	—	—	—	—	—	—
Wisconsin	—	—	637	—	—	—
Wyoming	0	0	0	0	0	0

*Transitioning to General Population:* The 2021 Survey asked jurisdictions whether people went “to a step-down/transition program when leaving restrictive housing” for general population and, if so, how long the program was and whether a person who did “not complete the step-down/transition program successfully” would “return to restrictive housing.” Jurisdictions were also asked how many people over the course of the surveyed year “were

released from restrictive housing to general population” “after completing a transition program” or “without completing a transition program.” Twenty-nine jurisdictions responded to some of these questions.<sup>492</sup>

Thirteen jurisdictions indicated that they had step-down programs in place for people transitioning from restrictive housing to general population.<sup>493</sup> Another reported that it did not have “a formalized transition program,” and described how “a controlled movement unit [could] sometimes be used as a transition/step-down program” for return to general population.<sup>494</sup> Seven of the thirteen jurisdictions reported data on the length of such transition programs. They described them as lasting one month, at a minimum, to over a year,<sup>495</sup> with a median of ninety days.<sup>496</sup>

Ten jurisdictions with transition programs provided estimates of the number of people who, between July 1, 2020, and July 1, 2021, returned to general population from restrictive housing after completing a transition program or without completing a transition program.<sup>497</sup> One other jurisdiction reported they did not collect data on the number of people who were released from restrictive housing to general population,<sup>498</sup> and another did not collect data differentiating between people who returned to general population after successfully completing a step-down program and those who returned without having completed a transition program.<sup>499</sup> The rate of people completing a transition program among the ten jurisdictions reporting data ranged from 1.0%<sup>500</sup> to 100%<sup>501</sup> of all people returning to general population from restrictive housing. Five jurisdictions reported that more than half of people who returned to general population from restrictive housing had completed a transition program,<sup>502</sup> and three reported that less than 5% had done so.<sup>503</sup>

Four jurisdictions reported that their transition programs were mandatory and that people who did not complete the transition program were returned to restrictive housing.<sup>504</sup> Three of these jurisdictions also reported that some people had returned to general population from restrictive housing without having completed such a program.<sup>505</sup> Three jurisdictions noted that people who did not complete a transition program were evaluated on a case-by-case basis and were returned to restrictive housing dependent on factors such as behavior.<sup>506</sup>

*Transitioning Out of Prison:* The 2021 Survey asked jurisdictions whether people went “to a step-down/transition program when leaving restrictive housing” to return to communities outside prison and, if so, how long the program was and whether a person who did “not complete the step-down/transition program successfully” would “return to restrictive housing.” Jurisdictions were also asked how many people over the course of the surveyed year “were released from restrictive housing to the community or halfway house” “after completing a transition program” or “without completing a transition program.” Twenty-nine jurisdictions responded to some questions.<sup>507</sup>

Eleven jurisdictions reported that they had transition programs in place for people released from restrictive housing to the community or halfway houses,<sup>508</sup> nine of which also had a step-down program for transitions from restrictive housing to general population.<sup>509</sup> One jurisdiction reported that its step-down program was mandatory.<sup>510</sup> Three jurisdictions described programs lasting 90 days<sup>511</sup> or 180 days.<sup>512</sup>

Seven jurisdictions with transition programs for exiting prison provided estimates of the number of people who, between July 1, 2020, and July 1, 2021, were released to the community or a halfway house from restrictive housing after completing a transition program or without completing a transition program.<sup>513</sup> One noted that no one had been released from prison directly from restrictive housing during that time.<sup>514</sup> Four jurisdictions reported that some of their people in restrictive housing completed a transition program before release into the community or a halfway house.<sup>515</sup> Of those, two reported that every prisoner who was released from restrictive housing into the community or a halfway house had completed a step-down/transition program,<sup>516</sup> and the other two reported that most had completed a step-down/transition program.<sup>517</sup> Three jurisdictions that reported having transition programs said that no people held in restrictive housing had completed it before returning to the community or moving into a halfway house over the course of the surveyed year.<sup>518</sup>

Two jurisdictions described general policies against release directly from restrictive housing into the community.<sup>519</sup> One reported, “No inmates are removed from Administrative Segregation to the community,”<sup>520</sup> and the other noted that its staff makes efforts to return people held in restrictive housing to general population prior to release, but that it has no specific transition program in place. The latter added, “Once their sentence has expired, we have no choice but to immediately release them from custody regardless of their program completion status.”<sup>521</sup>

### **Unit-Level Staff: Qualifications, Schedules, and Compensation**

As noted, the COVID-19 pandemic underscored the challenges of working in prisons, and staffing shortages exist in some jurisdictions. The 2021 Survey sought to develop a preliminary understanding of qualifications and training for staff working in restrictive housing units. As in other aspects of this report, more research is needed.

*Qualifications and Training:* Jurisdictions were asked whether “working in the restrictive housing unit require[d] different qualifications than working in general population units.” Twenty-nine jurisdictions that reported holding people in restrictive housing responded to this question.<sup>522</sup> For those jurisdictions that responded affirmatively, the 2021 Survey asked “what qualifications [were] required to work with the restrictive housing population that [were] not required for general population.”

Sixteen jurisdictions said that working in restrictive housing did not require any additional qualifications as compared to working in general population.<sup>523</sup> Of the thirteen jurisdictions that did require additional qualifications,<sup>524</sup> seven required special training on mental health,<sup>525</sup> five required special training on conflict management,<sup>526</sup> and six required special training on de-escalation techniques.<sup>527</sup> Jurisdictions also reported requiring additional special training on cell extraction,<sup>528</sup> behavior modification,<sup>529</sup> stress management,<sup>530</sup> crisis intervention,<sup>531</sup> fire safety,<sup>532</sup> staff wellness,<sup>533</sup> and the housing unit policies of a jurisdiction or specific facility.<sup>534</sup>

*Work Schedules:* The 2021 Survey asked jurisdictions to provide the average number of hours worked by restrictive housing and general population staff “not including overtime” and

the percentage of staff that “had overtime” over the course of the surveyed year. It also asked jurisdictions to describe any “limits for restrictive housing staff overtime” and the same for general population staff. Twenty-six jurisdictions responded to some of these questions for restrictive housing,<sup>535</sup> and thirty responded to some about their general population policies.<sup>536</sup>

Twenty-three jurisdictions with restrictive housing units provided data on non-overtime hours, and each of them reported that the average number of non-overtime hours worked per week was the same for general population and restrictive housing staff.<sup>537</sup> Their responses described non-overtime work week averages ranging from thirty-six to fifty hours per week,<sup>538</sup> and most reported forty hours.<sup>539</sup>

Eight jurisdictions with restrictive housing reported the percentage of restrictive housing staff that worked overtime over the surveyed year, ranging from 68.3% to 100% of staff.<sup>540</sup> Although the 2021 Survey asked about overtime worked for restrictive housing staff and general population staff separately, each of these jurisdictions reported the same percentage in response to both questions. These responses may indicate that people in these jurisdictions generally work in both general population and restrictive housing units, or that these jurisdictions did not differentiate between restrictive housing and general population when recording hours worked.

Twenty-four jurisdictions with restrictive housing described policies governing restrictive housing staff overtime, all of which reported that their policies were the same for general population staff.<sup>541</sup> Three jurisdictions reported that there were no restrictions on how much overtime staff could work,<sup>542</sup> and a fourth reported that overtime policies were “based on fitness for duty.”<sup>543</sup> Nineteen jurisdictions reported that they limited the number of hours an employee could work in a day;<sup>544</sup> most reported the maximum as sixteen hours.<sup>545</sup> Four jurisdictions described policies requiring one or more days off per week and/or setting a maximum number of work hours allowed per week.<sup>546</sup>

*Rotations:* The 2021 Survey asked whether “staff in restrictive housing [were] rotated out of restrictive housing to other units after a specified time period.” Twenty-nine jurisdictions responded to this question.<sup>547</sup> Nineteen jurisdictions reported that they rotated staff out of restrictive housing to other units after a specified time period or based on employee requests.<sup>548</sup> Thirteen jurisdictions reported that they routinely rotated restrictive housing staff to other units,<sup>549</sup> including eight that noted that the rotations were not required.<sup>550</sup> Responding jurisdictions reported rotating restrictive housing staff to other units every fifty-six days to every two years;<sup>551</sup> the median length of assignment before rotation was six months.<sup>552</sup>

*Compensation:* Jurisdictions were asked whether restrictive housing staff were “paid more” or “given more time off” and whether they “receive[d] other benefits.” Twenty-nine jurisdictions responded to this question.<sup>553</sup> Twenty-eight jurisdictions reported that staff assigned to restrictive housing units did not receive extra pay, additional time off, or other additional benefits.<sup>554</sup> The one jurisdiction that did provide special compensation described it as extra pay and “additional training.”<sup>555</sup>

### **Research and Policy Changes**

One measure of correctional systems' efforts to reduce the use of isolation is whether plans are in place to change policies or practices. Accordingly, the 2021 Survey asked: "Is your jurisdiction altering its practices on restrictive housing," and, if so, "How is it doing so?" Twenty-nine jurisdictions with people in restrictive housing responded to aspects of these questions.<sup>556</sup> Seventeen reported that they were altering their restrictive housing practices or policies,<sup>557</sup> and fourteen of these jurisdictions reported that planning was underway.<sup>558</sup> Three others referenced changes without specifying the nature of the changes or research.<sup>559</sup> Eleven jurisdictions reported that they were not altering their restrictive housing policies or practices.<sup>560</sup>

Most of the jurisdictions seeking change said that they were aiming to reduce or eliminate the use of restrictive housing,<sup>561</sup> increase programming for people in restrictive housing,<sup>562</sup> align their policies with guidelines from external organizations,<sup>563</sup> revise policies on the amount of time people could spend outside of their cells,<sup>564</sup> and reduce the length of restrictive housing stays.<sup>565</sup> Jurisdictions also reported efforts to change their policies on transitions out of restrictive housing,<sup>566</sup> modify use-of-force policies,<sup>567</sup> improve restrictive housing conditions generally,<sup>568</sup> implement a psychological review for people who have been in restrictive housing for more than thirty days,<sup>569</sup> ensure tracking procedures were working correctly,<sup>570</sup> and revise classification systems. Twenty-two jurisdictions reported that their staff would be willing to serve as a resource for other jurisdictions,<sup>571</sup> including six that said they would share their expertise or experience generally<sup>572</sup> and four that said they would share specific policies and resources.<sup>573</sup>

## **IV. Comparing the Numbers of People in Restrictive Housing in 2015, 2017, 2019, and 2021**

As noted, CLA and the Liman Center’s series of reports and surveys have provided an opportunity for longitudinal analyses of restrictive housing. Section II detailed how the reports’ estimates of the national restrictive housing population have decreased, from 80,000 to 100,000 in 2015, to 41,000 to 48,000 in 2021. Another way to examine trends over the years is to compare data from the twenty-five jurisdictions that responded to the full set of surveys sent in 2015, 2017, 2019, and 2021.<sup>574</sup> Further, nineteen of these jurisdictions responded to all four with information about the duration of restrictive housing.<sup>575</sup> Comparing the data that these jurisdictions provided allows insights into whether and how these jurisdictions have changed their use of restrictive housing during the intervals between the surveys.<sup>576</sup>

An important reminder is that a number of factors may influence the variable shifts in these jurisdictions. Among these are changes to policies and practices governing restrictive housing, variations in the use of facilities and in funding and budgets, decisions in litigation and new legislation, population density in facilities, and the staffing levels of facilities. As noted, COVID-19 affected many of these factors. Moreover, as noted earlier, the Survey did not capture the use of isolation that approximates restrictive housing but falls outside the Survey’s definition of restrictive housing. For example, a jurisdiction that held people in isolation for no more than twenty-one hours per day would appear in the Survey data as holding no people in restrictive housing. Analyses are also made complex because, as the figures and tables illustrate, reported changes in total custodial and restrictive housing populations do not always move in the same direction.<sup>577</sup>

Table 36 displays the number and percentage of people in restrictive housing in prisons in the twenty-five responding jurisdictions for 2015, 2017, 2019, and 2021. Aggregating their responses, both the total number and percentage of people reported to be in restrictive housing decreased in each interval between surveys. From 2015 to 2017, the decrease was from 27,697 people (4.6% of 606,801) to 20,785 (3.5% of 587,767). Between 2017 and 2019, the decrease was from 20,785 people to 18,583 (3.3% of 561,458). Between 2019 and 2021, the decrease was from 18,583 people to 13,371 (2.9% of 456,183). Thus, from 2015 to 2021, the number and percentage of people in restrictive housing in prisons under the direct control of these twenty-five jurisdictions decreased by 14,326 people and 1.7%—from 27,697 people in 2015 (4.6% of 606,801), to 13,371 in 2021 (2.9% of 456,182).

Including the three jurisdictions that reported holding no people in restrictive housing in response to both the 2019 and 2021 Surveys, eleven of the twenty-five responding jurisdictions reported that the number of people in restrictive housing in prison decreased across all four time periods.<sup>578</sup> Another eleven jurisdictions oversaw increases in their total custodial population at some point between 2015 and 2021 on the way to overall decreases in their restrictive housing populations when measured from 2015 to 2021.<sup>579</sup> Three jurisdictions saw an overall increase between 2015 and 2021, with a decrease from 2015 to 2017, 2017 to 2019, and/or 2019 to 2021.<sup>580</sup>

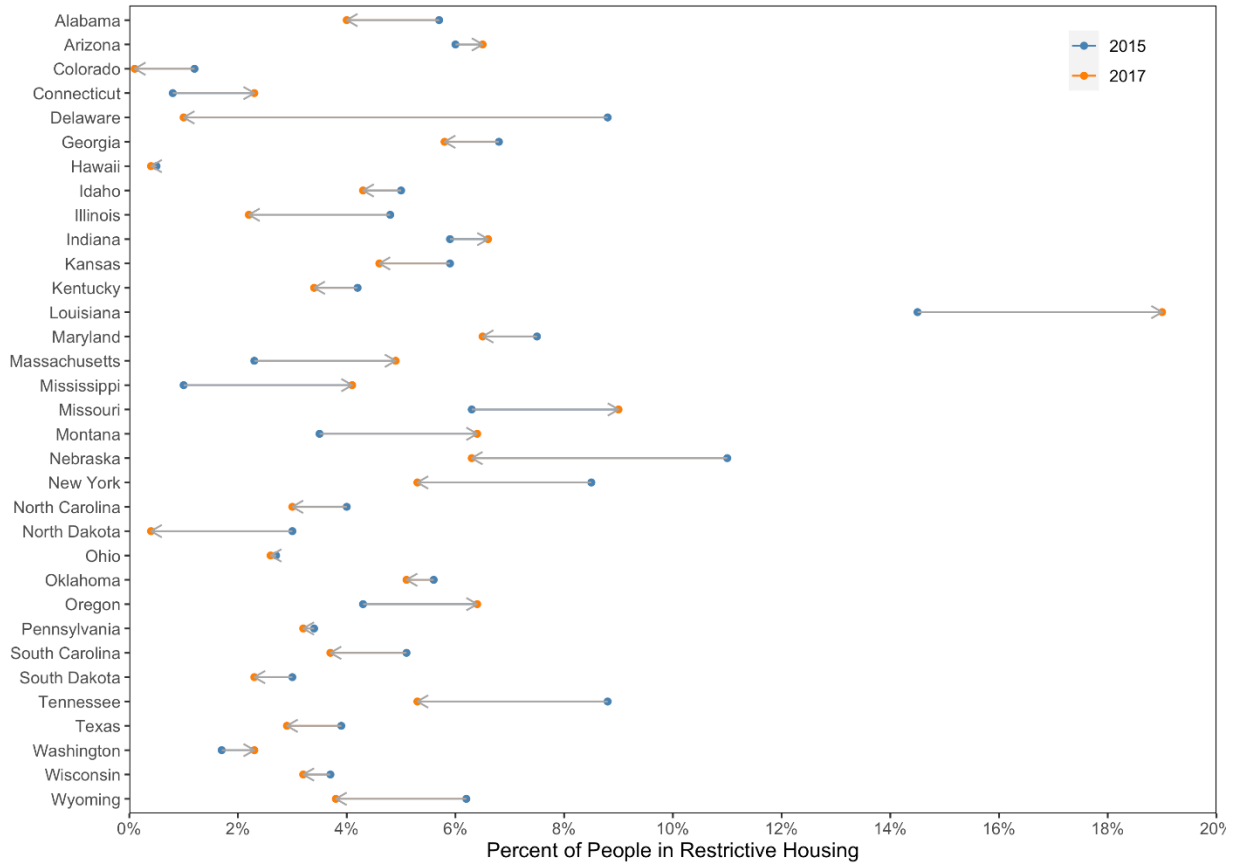
The four jurisdictions that had the largest decreases in numbers of people in restrictive housing in their prisons between 2015 and 2021 accounted for 66.6% of the aggregate reduction across all responding jurisdictions for that time period. These same four jurisdictions accounted for 79.0% of the reduction from 2019 to 2021.<sup>581</sup> Four jurisdictions oversaw increases in their restrictive housing populations during that time span.<sup>582</sup> The largest reduction in the percentage of people in restrictive housing in a single jurisdiction was from 8.8% in 2015 to 0.0% in 2021.<sup>583</sup> The largest increase in the percentage of people in restrictive housing in a single jurisdiction was from 0.6% in 2015 to 5.1% in 2021.<sup>584</sup> Figures 14, 15, 16, and 17 display the changes in the percentages of people in restrictive housing in each jurisdiction from 2015-2017, 2017-2019, 2019-2021, and by way of a summary, from 2015-2021.

**Table 36 Comparisons of Restrictive Housing (RH) Populations in 2015, 2017, 2019, and 2021 (n = 25)<sup>585</sup>**

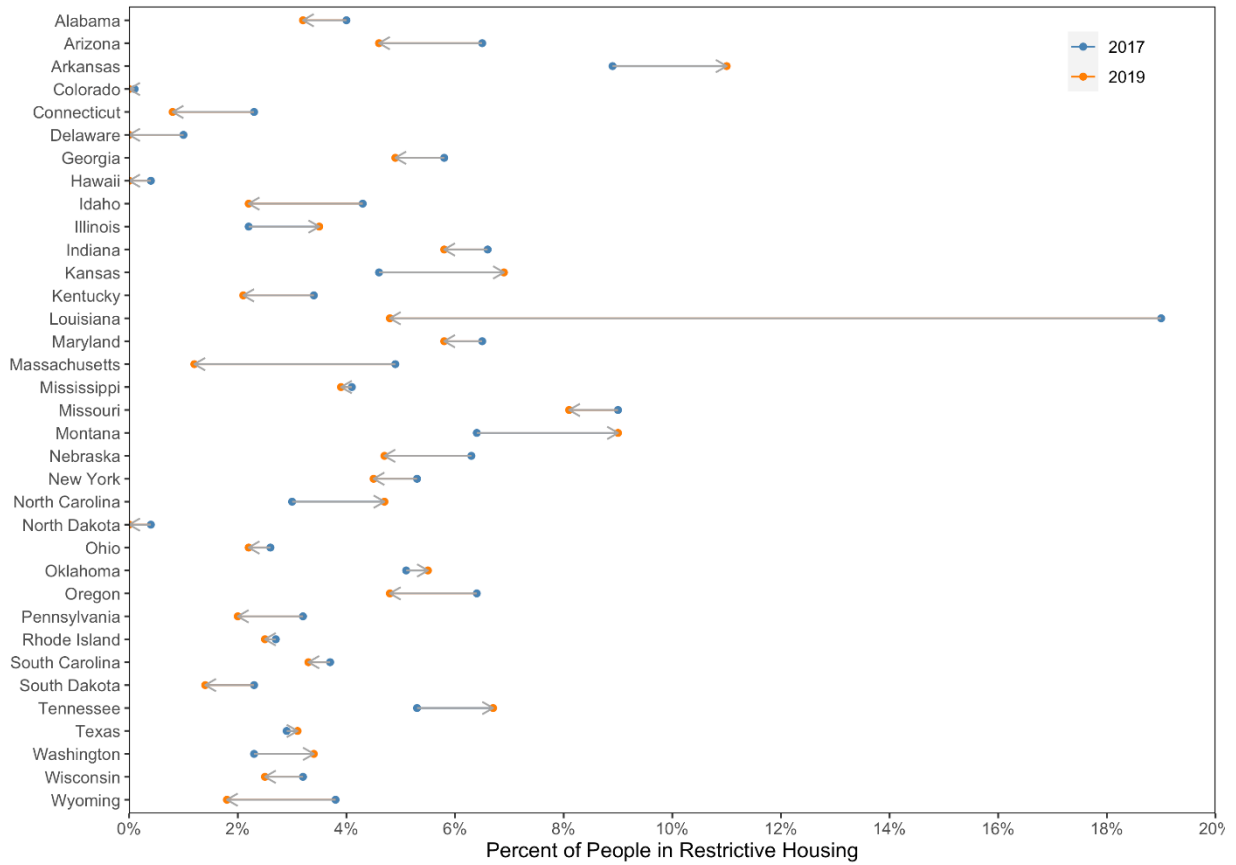
Jurisdiction	2015			2017			2019			2021		
	Tot. Cust. Pop.	Rest. Hou. Pop.	RH%	Tot. Cust. Pop.	Rest. Hou. Pop.	RH%	Tot. Cust. Pop.	Rest. Hou. Pop.	RH%	Tot. Cust. Pop.	Rest. Hou. Pop.	RH%
Alabama	24,549	1,402	5.7%	21,592	855	4%	20,673	670	3.2%	17,975	879	4.9%
Colorado	18,231	217	1.2%	18,297	10	0%	14,397	0	0%	13,910	4	0%
Connecticut	16,056	128	0.8%	14,137	328	2.3%	12,942	106	0.8%	9,129	96	1.1%
Delaware	4,342	381	8.8%	4,333	43	1%	4,568	0	0%	2,880	0	0%
Hawaii	4,200	23	0.6%	3,713	13	0.3%	3,561	1	0%	4,820	245	5.1%
Idaho	8,013	404	5%	7,161	310	4.3%	9,196	203	2.2%	7,672	400	5.2%
Illinois	46,609	2,255	4.8%	42,177	921	2.2%	38,425	1,327	3.5%	27,583	372	1.3%
Indiana	27,508	1,621	5.9%	26,317	1,741	6.6%	27,182	1,574	5.8%	23,804	1,427	6%
Kansas	9,952	589	5.9%	9,886	459	4.6%	10,005	686	6.9%	8,571	604	7%
Massachusetts	10,004	235	2.4%	9,047	443	4.9%	8,424	102	1.2%	6,292	47	0.7%
Montana	2,554	90	3.5%	1,769	113	6.4%	1,650	148	9%	1,788	47	2.6%
Nebraska	5,456	598	11%	5,178	328	6.3%	5,499	256	4.7%	5,448	186	3.4%
New York	52,621	4,498	8.6%	50,764	2,666	5.2%	46,066	2,096	4.6%	32,118	140	0.4%
North Dakota	1,800	54	3%	1,830	8	0.4%	1,775	0	0%	1,645	0	0%
Ohio	50,248	1,374	2.7%	49,954	1,282	2.6%	48,887	1,068	2.2%	42,975	585	1.4%
Oklahoma	27,650	1,552	5.6%	26,895	1,368	5.1%	17,531	968	5.5%	3,678	266	7.2%
Oregon	14,724	630	4.3%	14,574	938	6.4%	14,734	705	4.8%	12,068	447	3.7%
Pennsylvania	50,349	1,716	3.4%	46,920	1,498	3.2%	45,174	918	2%	41,139	912	2.2%
South Carolina	20,978	1,068	5.1%	19,938	737	3.7%	18,401	602	3.3%	15,459	600	3.9%
South Dakota	3,526	106	3%	3,927	90	2.3%	3,858	55	1.4%	3,352	51	1.5%
Tennessee	20,095	1,768	8.8%	22,160	1,181	5.3%	21,817	1,453	6.7%	20,335	1,134	5.6%
Texas	148,365	5,832	3.9%	145,409	4,272	2.9%	143,473	4,407	3.1%	118,139	3,819	3.2%
Washington	16,308	274	1.7%	17,046	387	2.3%	17,668	605	3.4%	13,900	492	3.5%
Wisconsin	20,535	751	3.7%	22,589	713	3.2%	23,539	597	2.5%	19,306	594	3.1%
Wyoming	2,128	131	6.2%	2,154	81	3.8%	2,013	36	1.8%	2,197	24	1.1%
<i>Compared Jurisdictions</i>	606,801	27,697	4.6%	587,767	20,785	3.5%	561,458	18,583	3.3%	456,183	13,371	2.9%
<i>Survey-Year Totals</i>	1,387,161 (n = 48)	67,442	4.9%	1,087,671 (n = 43)	49,197	4.5%	825,473 (n = 39)	31,542	3.8%	731,202 (n = 35)	25,083	3.4%



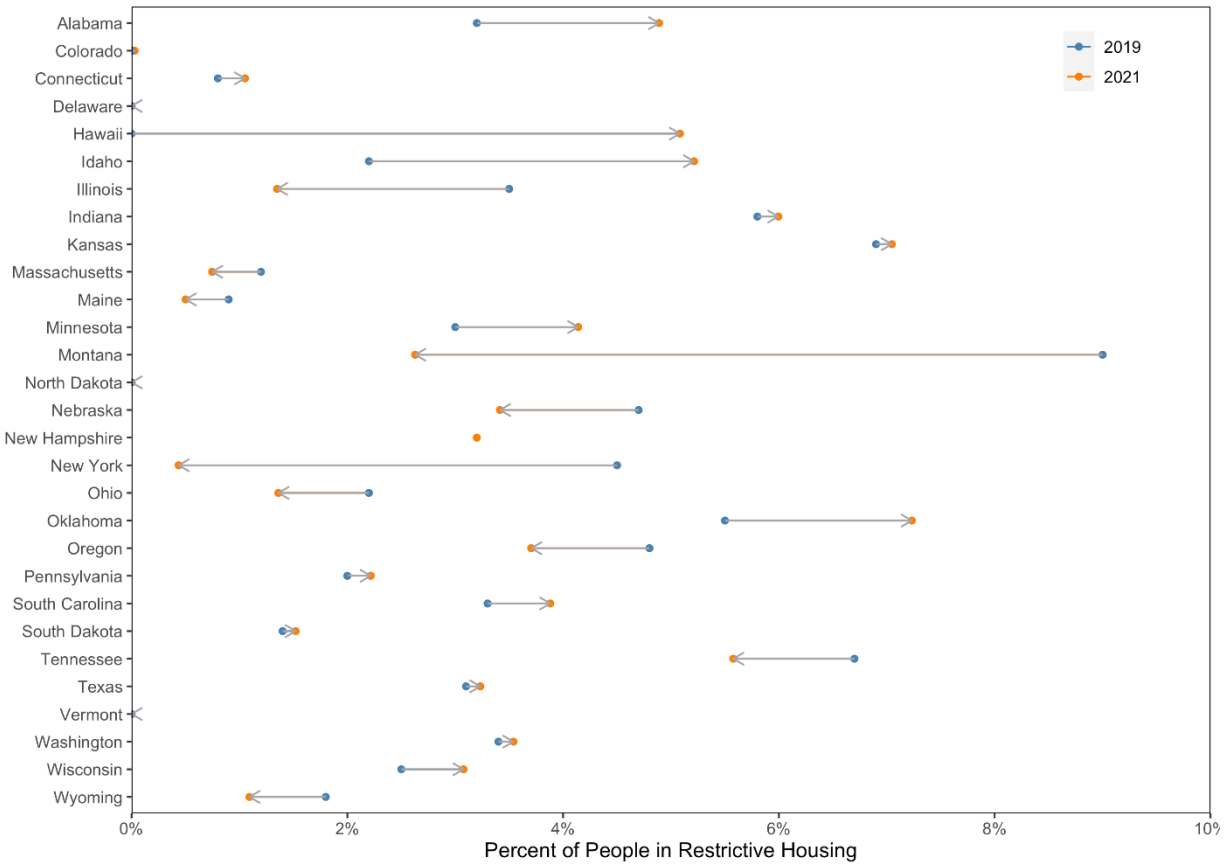
**Figure 14 Jurisdiction-by-Jurisdiction Comparison of People in Restrictive Housing: 2015 to 2017 (n = 33)**



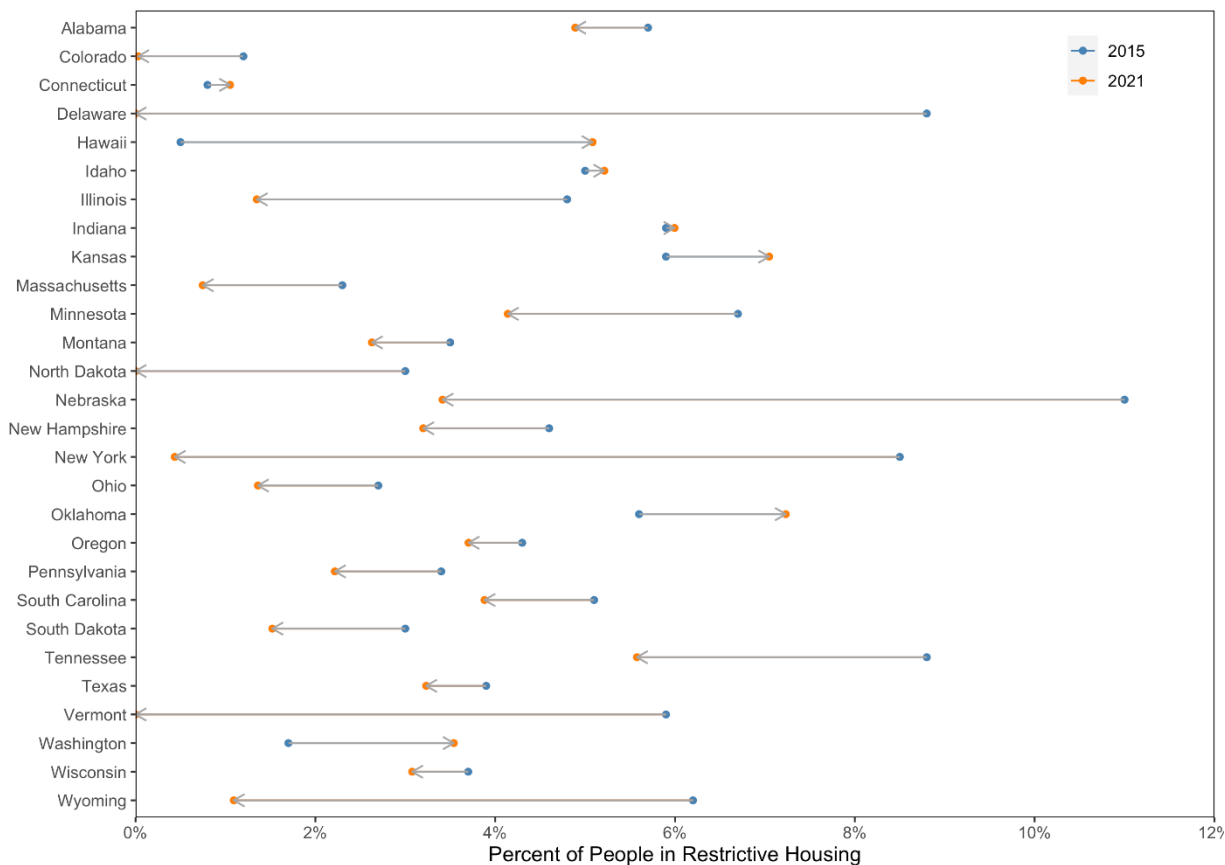
**Figure 15 Jurisdiction-by-Jurisdiction Comparison of People in Restrictive Housing: 2017 to 2019 (n = 33)**



**Figure 16 Jurisdiction-by-Jurisdiction Comparison of People in Restrictive Housing: 2019 to 2021 (n = 29)**



**Figure 17 Jurisdiction-by-Jurisdiction Comparison of People in Restrictive Housing: 2015 to 2021 (n = 28)**



Another window into changes over time comes from the numbers on duration, or “length of stay,” in restrictive housing. As noted above, nineteen jurisdictions provided this type of data in 2015, 2017, 2019, and 2021.<sup>586</sup> Tables 37A and 37B show that, overall, the reported numbers of individuals in restrictive housing across almost all time periods decreased between 2015 and 2021. Tables 37A and 37B also document that, for all lengths of time, the number of people in restrictive housing decreased in more jurisdictions than it increased between 2015 to 2017, 2017 to 2019, and 2019 to 2021.

This Report also calculated the distribution across time intervals—*i.e.*, what percentage of the people in restrictive housing were held for each time interval—as Tables 38A and 38B reflect. From 2015 to 2021, the percentage of people in restrictive housing for fifteen to twenty-nine or thirty days and for thirty or thirty-one to 180 days increased in more jurisdictions than it decreased,<sup>587</sup> while the percentage of people in restrictive housing for all intervals of time over 180 days decreased in more jurisdictions than it increased. From 2019 to 2021, the percentage of people in restrictive housing across all time periods, except for six years and over, increased in roughly as many jurisdictions as it decreased.

Figure 18 provides a summary of the comparison of the lengths of time that individuals spent in restrictive housing. This graph is one way to illuminate how efforts to limit restrictive housing are having effects on people's lives. Table 39 summarizes information about the amount of jurisdictions that responded to each survey and the total numbers of people they reported holding in their total custodial and restrictive housing populations.

**Table 37A Comparing the Numbers of People in Restrictive Housing by Length of Time in 2015, 2017, 2019, and 2021 (n = 19)<sup>588</sup>**

Jurisdiction	15-29/30* Days				30/31-180** Days				181-365 Days			
	2015	2017	2019	2021	2015	2017	2019	2021	2015	2017	2019	2021
Colorado	64	10	0	4	129	0	0	0	23	0	0	0
Delaware	25	5	0	0	183	31	0	0	76	7	0	0
Indiana	212	131	250	236	612	629	879	918	496	354	279	152
Kansas	125	176	238	135	233	268	380	364	105	15	53	59
Massachusetts	2	76	26	9	15	168	75	36	65	28	1	2
Nebraska	48	19	53	27	279	196	104	97	87	81	30	28
New York	1,615	757	653	72	2,125	1,634	1,328	66	257	182	80	0
North Dakota	8	3	0	0	25	6	0	0	17	0	0	0
Ohio	119	226	227	49	541	471	345	240	253	271	200	139
Oklahoma	169	384	192	37	476	705	442	210	270	156	141	19
Oregon	90	126	131	130	429	443	470	269	81	41	68	16
Pennsylvania	349	305	210	211	812	769	462	440	156	126	128	128
South Carolina	238	138	150	111	498	312	261	289	114	131	88	117
South Dakota	18	18	7	0	26	16	24	25	15	16	14	11
Tennessee	89	110	70	229	461	513	231	443	353	280	218	171
Texas	109	141	183	95	481	589	755	420	537	474	498	399
Washington	16	5	140	125	123	189	334	226	70	106	64	73
Wisconsin	278	221	218	205	373	436	284	309	60	41	51	19
Wyoming	8	21	14	12	54	56	21	8	59	2	0	1
TOTAL	3,582	2,872	2,762	1,687	7,875	7,431	6,395	4,360	3,094	2,311	1,913	1,334

\*The 2021 Survey asked about people held for 15-29 days; prior surveys asked about people held for 15-30 days.

\*\*The 2021 Survey asked about people held for 30-60 days and 61-180 days; prior surveys asked about people held for 31-90 days and 91-180 days.

**Table 37B Comparing the Numbers of People in Restrictive Housing by Length of Time in 2015, 2017, 2019, and 2021 (n = 19)**

Jurisdiction	1-3 Years				3-6 Years				6 Years and Over			
	2015	2017	2019	2021	2015	2017	2019	2021	2015	2017	2019	2021
Colorado	1	0	0	0	0	0	0	0	0	0	0	0
Delaware	67	0	0	0	12	0	0	0	18	0	0	0
Indiana	175	391	125	93	80	121	33	18	46	115	8	10
Kansas	94	0	15	46	22	0	0	0	10	0	0	0
Massachusetts	71	31	0	0	24	5	0	0	43	4	0	0
Nebraska	106	32	65	18	48	1	4	16	30	3	0	0
New York	101	73	21	2	32	13	6	0	0	7	8	0
North Dakota	4	0	0	0	0	0	0	0	0	0	0	0
Ohio	162	183	237	109	43	49	35	26	22	22	24	22
Oklahoma	490	106	165	0	77	17	17	0	70	0	11	0
Oregon	26	30	27	32	4	7	8	0	0	1	1	0
Pennsylvania	157	106	78	110	52	41	25	18	190	151	15	5
South Carolina	151	102	92	70	67	12	11	13	0	42	0	0
South Dakota	27	21	7	13	12	12	1	1	8	7	2	1
Tennessee	500	244	485	206	166	31	287	64	205	3	162	21
Texas	1,840	931	1,236	1,356	1,278	811	611	606	1,587	1,326	1,124	943
Washington	37	64	48	56	16	11	9	8	12	12	10	4
Wisconsin	36	13	32	36	4	2	12	16	0	0	0	9
Wyoming	9	1	0	3	0	1	0	0	1	0	1	0
TOTAL	4,054	2,328	2,633	2,150	1,937	1,134	1,059	786	2,242	1,693	1,366	1,015

**Table 38A Comparing the Distribution of People in Restrictive Housing by Length of Time in 2015, 2017, 2019, and 2021 (n = 19)<sup>589</sup>**

Jurisdiction	15-29/30* Days				20/31-180** Days				181-365 Days			
	2015	2017	2019	2021	2015	2017	2019	2021	2015	2017	2019	2021
Colorado	29.5%	100%	—	100%	59.4%	0%	—	0%	10.6%	0%	—	0%
Delaware	6.6%	11.6%	—	—	48%	72.1%	—	—	19.9%	16.3%	—	—
Indiana	13.1%	7.5%	15.9%	16.5%	37.8%	36.1%	55.8%	64.3%	30.6%	20.3%	17.7%	10.7%
Kansas	21.2%	38.3%	34.7%	22.4%	39.6%	58.4%	55.4%	60.3%	17.8%	3.3%	7.7%	9.8%
Massachusetts	0.9%	17.2%	25.5%	19.1%	6.4%	37.9%	73.5%	76.6%	27.7%	6.3%	1%	4.3%
Nebraska	8%	5.8%	20.7%	14.5%	46.7%	59.8%	40.6%	52.2%	14.5%	24.7%	11.7%	15.1%
New York	35.9%	28.4%	31.2%	51.4%	47.2%	61.3%	63.4%	47.1%	5.7%	6.8%	3.8%	0%
North Dakota	14.8%	37.5%	—	—	46.3%	75%	—	—	31.5%	0%	—	—
Ohio	8.7%	17.6%	21.3%	8.4%	39.4%	36.7%	32.3%	41%	18.4%	21.1%	18.7%	23.8%
Oklahoma	10.9%	28.1%	19.8%	13.9%	30.7%	51.5%	45.7%	78.9%	17.4%	11.4%	14.6%	7.1%
Oregon	14.3%	13.4%	18.6%	29.1%	68.1%	47.2%	66.7%	60.2%	12.9%	4.4%	9.6%	3.6%
Pennsylvania	20.3%	20.4%	22.9%	23.1%	47.3%	51.3%	50.3%	48.2%	9.1%	8.4%	13.9%	14%
South Carolina	22.3%	18.7%	24.9%	18.5%	46.6%	42.3%	43.4%	48.2%	10.7%	17.8%	14.6%	19.5%
South Dakota	17%	20%	12.7%	0%	24.5%	17.8%	43.6%	49%	14.2%	17.8%	25.5%	21.6%
Tennessee	5%	9.3%	4.8%	20.2%	26.1%	43.4%	15.9%	39.1%	20%	23.7%	15%	15.1%
Texas	1.9%	3.3%	4.2%	2.5%	8.2%	13.8%	17.1%	11%	9.2%	11.1%	11.3%	10.4%
Washington	5.8%	1.3%	23.1%	25.4%	44.9%	48.8%	55.2%	45.9%	25.5%	27.4%	10.6%	14.8%
Wisconsin	37%	31%	36.5%	34.5%	49.7%	61.2%	47.6%	52%	8%	5.8%	8.5%	3.2%
Wyoming	6.1%	25.9%	38.9%	50%	41.2%	69.1%	58.3%	33.3%	45%	2.5%	0%	4.2%
Reporting Jurisdictions	15.7%	16.2%	17.1%	14.9%	34.6%	41.8%	39.7%	38.5%	13.6%	13%	11.9%	11.8%

\*The 2021 Survey asked about people held for 15-29 days; prior surveys asked about people held for 15-30 days.

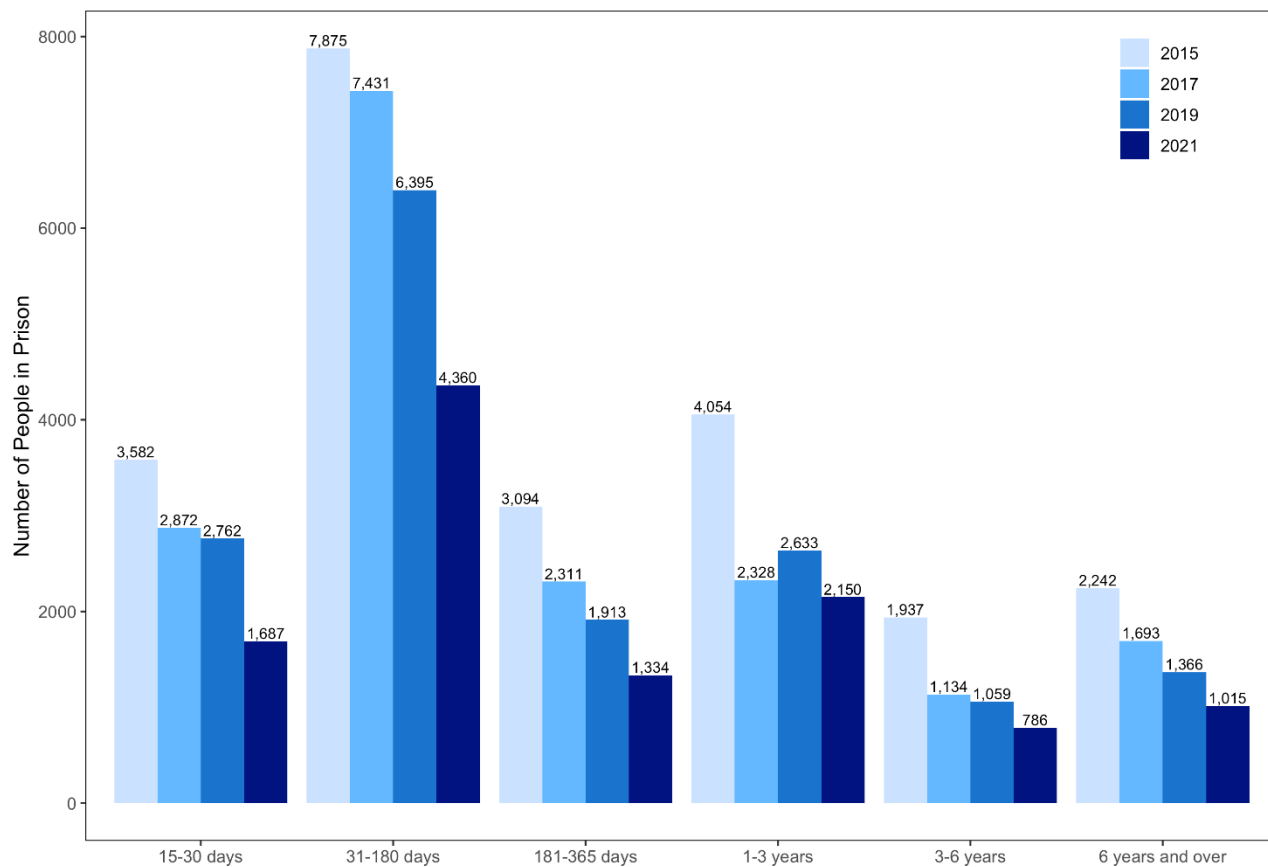
\*\*The 2021 Survey asked about people held for 30-60 days and 61-180 days; prior surveys asked about people held for 31-90 days and 91-180 days.



**Table 38B Comparing the Distribution of People in Restrictive Housing by Length of Time in 2015, 2017, 2019, and 2021 (n = 19)**

Jurisdiction	1-3 Years				3-6 Years				6 Years and Over			
	2015	2017	2019	2021	2015	2017	2019	2021	2015	2017	2019	2021
Colorado	0.5%	0%	—	0%	0%	0%	—	0%	0%	0%	—	0%
Delaware	17.6%	0%	—	—	3.1%	0%	—	—	4.7%	0%	—	—
Indiana	10.8%	22.5%	7.9%	6.5%	4.9%	7%	2.1%	1.3%	2.8%	6.6%	0.5%	0.7%
Kansas	16%	0%	2.2%	7.6%	3.7%	0%	0%	0%	1.7%	0%	0%	0%
Massachusetts	30.2%	7%	0%	0%	10.2%	1.1%	0%	0%	18.3%	0.9%	0%	0%
Nebraska	17.7%	9.8%	25.4%	9.7%	8%	0.3%	1.6%	8.6%	5%	0.9%	0%	0%
New York	2.2%	2.7%	1%	1.4%	0.7%	0.5%	0.3%	0%	0%	0.3%	0.4%	0%
North Dakota	7.4%	0%	—	—	0%	0%	—	—	0%	0%	—	—
Ohio	11.8%	14.3%	22.2%	18.6%	3.1%	3.8%	3.3%	4.4%	1.6%	1.7%	2.2%	3.8%
Oklahoma	31.6%	7.7%	17%	0%	5%	1.2%	1.8%	0%	4.5%	0%	1.1%	0%
Oregon	4.1%	3.2%	3.8%	7.2%	0.6%	0.7%	1.1%	0%	0%	0.1%	0.1%	0%
Pennsylvania	9.1%	7.1%	8.5%	12.1%	3%	2.7%	2.7%	2%	11.1%	10.1%	1.6%	0.5%
South Carolina	14.1%	13.8%	15.3%	11.7%	6.3%	1.6%	1.8%	2.2%	0%	5.7%	0%	0%
South Dakota	25.5%	23.3%	12.7%	25.5%	11.3%	13.3%	1.8%	2%	7.5%	7.8%	3.6%	2%
Tennessee	28.3%	20.7%	33.4%	18.2%	9.4%	2.6%	19.8%	5.6%	11.6%	0.3%	11.1%	1.9%
Texas	31.6%	21.8%	28%	35.5%	21.9%	19%	13.9%	15.9%	27.2%	31%	25.5%	24.7%
Washington	13.5%	16.5%	7.9%	11.4%	5.8%	2.8%	1.5%	1.6%	4.4%	3.1%	1.7%	0.8%
Wisconsin	4.8%	1.8%	5.4%	6.1%	0.5%	0.3%	2%	2.7%	0%	0%	0%	1.5%
Wyoming	6.9%	1.2%	0%	12.5%	0%	1.2%	0%	0%	0.8%	0%	2.8%	0%
Reporting Jurisdictions	17.8%	13.1%	16.3%	19%	8.5%	6.4%	6.6%	6.9%	9.8%	9.5%	8.5%	9%

**Figure 18 Comparing the Distribution of People in Restrictive Housing by Length of Time in 2015, 2017, 2019, and 2021 (n = 19)**



**Table 39 Comparing Restrictive Housing Numbers from 2014 to 2021**

	2014 ASCA-Liman Survey	2015 ASCA-Liman Survey	2017 ASCA-Liman Survey	2019 CLA-Liman Survey	2021 CLA-Liman Survey
Number of Jurisdictions Providing Restrictive Housing Data	<b>34</b> jurisdictions or <b>73%</b> of prison population of 1.6 million people	<b>48</b> jurisdictions or <b>96.4%</b> of prison population of 1.5 million people	<b>43</b> jurisdictions or <b>80.5%</b> of prison population of 1.5 million people	<b>39</b> jurisdictions or <b>58%</b> of prison population of 1.4 million people	<b>35</b> jurisdictions or <b>61%</b> of prison population of 1.2 million people
People Reported in Restrictive Housing	66,000+	67,442	50,422	31,542	25,083
Estimated Total People in Restrictive Housing in All U.S. Prisons	80,000-100,000	not estimated given substantial reporting	61,000	55,000-62,000	41,000-48,000

## V. Policies on Segregation: Analyses of High and Low Population Jurisdictions

This Section of the Report explores written policies governing restrictive housing through reviewing materials from two sources: direct submissions from jurisdictions in response to the 2021 CLA-Liman Survey and policies accessible online as of December 2021.<sup>590</sup> Due to the volume and variety of policies, directives, and regulations addressing isolation, the analysis focused on fourteen jurisdictions selected through two criteria: the ten prison systems with the country’s highest prison populations and the four jurisdictions that reported that no individuals were held in restrictive housing in response to the 2019 CLA-Liman Survey. Further, because the policies did not generally specify a number of consecutive days or hours that individuals spent in isolation and did not therefore mirror the Survey’s definition of “restrictive housing,” this section uses the term “segregated housing” to reference the practices of isolation governed by the policies. Illustrative is that the four jurisdictions that reported no people in restrictive housing under the Survey definition do have policies addressing isolation—likely governing forms of isolation in which individuals spend less than twenty-two hour per day in cell and/or less than fifteen consecutive days in isolation.

According to Vera, the ten jurisdictions with the largest prison populations as of March 2021 imprisoned a total of 692,278 people—more than half (58%) of the people imprisoned throughout the country.<sup>591</sup> These jurisdictions were the Federal Bureau of Prisons (152,259), and the states of Texas (133,024), California (96,499), Florida (81,168), Georgia (46,315), Ohio (43,537), Pennsylvania (38,262), Arizona (36,704), Michigan (32,962), and Virginia (31,548).<sup>592</sup>

The four jurisdictions reporting no one in restrictive housing as of the summer of 2019 were Colorado, Delaware, North Dakota, and Vermont.<sup>593</sup> Delaware, North Dakota, and Vermont provided the same in response in 2021, while Colorado reported that it held four people in restrictive housing as of July 2021. According to Vera, these four jurisdictions held a total of 23,032 people in prison as of March 31, 2021—or 1.9% of all people in prison in the United States.<sup>594</sup>

By way of a brief preview of the analysis, the policies differed with respect to the criteria used to justify placement in segregated housing. Nine of the ten jurisdictions with the nation’s highest prison populations had policies that gave prison staff broad discretionary authority to make that decision. In contrast, in three of the four states reporting no one in restrictive housing in 2019 and/or 2021, policies used specific placement criteria to narrow the category of individuals eligible for placement in segregation.

The review also documented that policies provide for step-down programs for individuals transitioning from segregated housing to general population or back into the community. All fourteen jurisdictions described some version of such a program, even as they varied in significant respects. Several step-down programs were focused on groups such as individuals with records of past gang involvement, mental health concerns, or whose institutional records reflected repeated acts of violence. Generally, these programs employed behavioral therapy

sessions and permitted—but did not guarantee—gradual release from segregation following successful progression through a program.

Thus, even as jurisdictions differed in size of prison population and reported use of restrictive housing, their policies overlapped in terms of aiming to design procedures to provide for release from isolation into general population that was gradual and supported, and to make rare a release from isolation directly into the community. The policies are borne from an appreciation that isolation can be debilitating and its effects require mitigation and rehabilitative efforts. These mitigation efforts at the back-end underscore the importance of front-end entry criteria that can, if narrowing the number of people entering isolation, avoid the harms that isolation imposes on a person’s ability to interact with others and function.

### **Entering Segregated Housing: Placement Criteria**

The policies of the ten highest-population prisons and the four with no or little use of restrictive housing all had criteria for determining whether a person should be placed in segregated housing. As discussed below, the high-population jurisdictions had general “catch-all” provisions that distinguished them from the four no/low use jurisdictions. In addition, all fourteen had policies providing specific criteria permitting placement in segregation based on allegations of misconduct, health conditions, classification status, or other circumstances.

*Misconduct:* All of the policies analyzed authorized a person to be removed from general population (1) while being investigated for serious offenses including murder, attempted murder, rape, or other specified allegations; and/or (2) after being found to have committed such an offense. For example, Florida’s policy specified that placement in Close Management status—the state’s version of segregated housing—was authorized upon “the taking of a hostage or an attempt to take a hostage . . . Creating or causing property damage in excess of \$1,000 . . . [and] Trafficking in drugs.”<sup>595</sup> Georgia’s policies authorized segregation when “the offender is involved in incidents involving excessive destruction of state property.”<sup>596</sup> Arizona permitted segregated housing for incarcerated individuals found to have “demonstrated physically or sexually assaultive behavior resulting in: an attempt to sexually assault any person, serious physical injury, death of any person.”<sup>597</sup> Texas stated that people may be temporarily placed in segregation “pending the outcome of a formal investigation related to allegations of sexual abuse, sexual harassment, extortion, violence, or threats of violence.”<sup>598</sup>

Misconduct criteria in the four states that reported no use of restrictive housing in the 2019 Survey were similar. North Dakota’s Restrictive Housing policy stated that “adults in custody may be placed in a form of restrictive housing when awaiting hearing or investigation” for certain violations such as, “assault and battery on staff,” “sexual abuse,” “taking hostages,” or “arson.”<sup>599</sup> Under Colorado Department of Corrections Regulation #600-09.6, placement in “Special Management” was warranted following the commission of specifically-enumerated disciplinary infractions including murder, manslaughter, kidnapping, rape, or arson.

*Medical Reasons:* Several jurisdictions authorized segregation in response to diagnosis, pending tests, or refusal to be tested for infectious diseases. None of the policies analyzed referenced COVID-19, yet the listed medical criteria could be applied to situations like COVID. For example, in Michigan, a “prisoner may be classified to administrative segregation [if] [t]he

prisoner refuses required medical screening, testing, or treatment for a communicable disease and requires medical quarantine . . . [or] [t]he prisoner tests positive for HIV infection and is subsequently found guilty of a misconduct for behavior that presents a significant risk of transmitting HIV infection.”<sup>600</sup> Vermont’s policy provided that “[a]n inmate may be confined on Administrative Segregation . . . [u]pon the order of a physician or equivalent provider (Advanced Practice Nurse, Nurse Practitioner or Physician Assistant).”<sup>601</sup>

*Classification Status:* Most jurisdictions’ policies, including the BOP, North Dakota, and Georgia, noted that segregation could be used as a non-disciplinary tool to limit an incarcerated person’s movement upon arrival at an institution, while awaiting transfer, or before or during classification.<sup>602</sup> Pennsylvania’s policy authorized segregation when “the inmate is being held temporarily for another authority” or when “the inmate has a detainer for a pending capital case, for which the prosecution is seeking the death penalty, or is a phase 1 capital case.”<sup>603</sup>

*Protection:* Policies in several jurisdictions, including Florida, Virginia, the BOP, and North Dakota, allowed an incarcerated person to be placed in segregated housing if that person requested it for protection.<sup>604</sup> California’s policy also authorized temporary, non-disciplinary segregation for individuals found to be “a relative or an associate of a prison staff member.”<sup>605</sup>

*Catch-All Authority:* The ten and the four jurisdictions diverged on what this Report terms a “catch-all” criterion: a provision granting prison officials broad discretion to place incarcerated people in segregation based on a finding that they pose a threat to facility safety and/or security. Across the ten high-prison population jurisdictions, these provisions repeatedly used terms like “threat to the safety of the inmate or others”<sup>606</sup> or “threat to the security of the institution.”<sup>607</sup> Nine of these ten jurisdictions had unrestricted catch-all provisions. A few examples are provided below.

*Virginia:* “General detention” in Restorative Housing “will be utilized for the immediate secure confinement of an inmate only when their presence in the general population or a step-down status poses a direct threat to the inmate (to include when inmate requires personal protection and no reasonable alternative is available), other inmates, institutional staff, or a clear threat to the safe, secure operation of the institution.”<sup>608</sup>

*Michigan:* “A prisoner may be classified to administrative segregation . . . 2) [if] the prisoner is a serious threat to the physical safety of staff or other prisoners or to the good order of the facility. . . .”<sup>609</sup>

*California:* “When an inmate’s presence in an institution’s General Population (GP) . . . presents an immediate threat to the safety of the inmate or others . . . the inmate shall be immediately removed from the GP and placed in administrative segregation.”<sup>610</sup>

*Texas:* “Security detention is used for an offender who is a current escape risk; threat to the physical safety of other offenders or staff, to include volunteers and contract staff; threat to the order and security of the prison as evidenced by repetitive serious disciplinary violations; or a confirmed member of a security threat group (STG).”<sup>611</sup>

*Georgia*: “The Warden or Superintendent and their designee may place an offender in the Tier I Segregation Program in the following circumstances: A. The offender is noted as a threat to the safe and secure operation of the facility . . . .”<sup>612</sup>

The BOP also included a catch-all provision in its official policies that was somewhat less broad than others.<sup>613</sup> The policy read:

You may be placed in administrative detention status for . . . [r]emoval from general population. Your presence in the general population poses a threat to life, property, self, staff, other inmates, the public, or to the security or orderly running of the institution and:

1. Investigation. You are under investigation or awaiting a hearing for possibly violating a Bureau regulation or criminal law;
2. Transfer. You are pending transfer to another institution or location;
3. Protection. You requested placement.
4. Post-disciplinary detention. You are ending confinement in disciplinary segregation status, and your return to the general population would threaten the safety, security, and orderly operation of a correctional facility, or public safety

Among the four states reporting no use of restrictive housing in 2019 and/or 2021, only Vermont’s policies included an unrestricted catch-all provision, permitting placement in segregation “if staff feel the inmate poses a threat to the secure and orderly operation of the facility.”<sup>614</sup> Yet that policy may be out of date, as Vermont’s publicly available policies were published in 2012. Moreover, as noted, because the CLA-Liman 2021 Survey’s definition of restrictive housing is narrower than most jurisdictions’ definitions of segregation or isolation, the four jurisdictions could have had incarcerated people in segregation conditions, such as people held for twenty or twenty-one hours a day, which did not fall within the Survey’s definition.

Moreover, in Delaware, North Dakota, and Colorado, all of which have policies issued within the last eleven years, officials’ authority to use isolation is limited. In Delaware, official policy barred prisons from using segregation or restraints as a disciplinary action.<sup>615</sup> North Dakota had a policy for punitive segregation that, as discussed above, relied on specific criteria and contained no catch-all provision.<sup>616</sup> Colorado’s policy did include a catch-all provision authorizing an individual’s removal from general population for “conduct [that] poses serious threat to the safety and security of [the] facility.”<sup>617</sup> However, such “temporary” placement in segregation was time-limited; procedures required individuals to be “returned to the general population within ten working days after removal, unless reclassification or disciplinary review procedures have been initiated.”<sup>618</sup>

### **Leaving Segregated Housing: Step-down Programming**

As discussed, “step-down” programs to transition an incarcerated person out of segregated housing are designed to reduce the challenges of reentry and mitigate the adverse physical and psychological effects of segregated housing. The American Correctional Association (“ACA”) describes step-down programming as “a system of review” with an

“establish[ed] criteria to prepare an [incarcerated person] for transition to general population or the community.”<sup>619</sup> The specific design, content, and requirements of the different programs varied in terms of behavioral expectations, authorized incentives, program offerings, and specialized programs for defined subgroups.

In most of the policies reviewed, the completion of a program did not require a person’s release from segregation. For example, the BOP’s step-down program was expected to take nine to thirteen months to complete, but BOP policy stated that successful program completion “normally” leads to release from segregated housing and noted some people might nonetheless “not be [deemed] appropriate for general population.”<sup>620</sup> In contrast, Vermont’s step-down program policy stated that “release from [restrictive housing] status *shall be authorized* when the condition, which required placement, is no longer present.”<sup>621</sup>

*Behavioral Expectations:* In general, step-down programs seek to incentivize good behavior by lessening certain restrictions, such as those applying to contact visits, commissary purchases, or recreation. In six of the ten jurisdictions with the largest prison populations—Michigan, the BOP, Ohio, California, Pennsylvania, and Virginia—segregated housing restrictions lessened when individuals satisfied certain behavioral expectations. The four jurisdictions reporting the fewest people in restrictive housing in 2021 also had policies that eased segregated housing restrictions as rewards for “positive behavior.”<sup>622</sup>

Michigan defined its step-down program as “a six-stage progression of behavior expectations and incentives to encourage appropriate conduct.”<sup>623</sup> Prison administrators were responsible for “identifying behavior expectations for each stage of the program and the incentives that may be offered at each stage.”<sup>624</sup> Staff periodically evaluated “the prisoner’s progress in meeting these expectations when making behavior-based recommendations for or against the prisoner’s reclassification.”<sup>625</sup> Completing the program was a factor in deciding whether to reclassify an individual, but did not alone ensure release from segregated housing.

North Dakota’s policy did not explicitly outline a step-down program, but a 2015-2017 biennial North Dakota Department of Corrections and Rehabilitation (“NDDCR”) report noted that the agency had redesigned its segregated housing policy to include a “behavior modification program” that offers “alternatives to segregation.”<sup>626</sup> The program was described as available to individuals facing punishment for “commit[ting] ten specific institution violations.” As part of the program, staff members identified ways to keep individuals in the “least restrictive environment,”<sup>627</sup> affording them “the opportunity to learn and practice skills to avoid problematic behavior while also building quality relationships with staff in the unit.”<sup>628</sup>

The BOP step-down program identified five behavioral accomplishments individuals should exhibit before a return to general population: (1) their “[r]elationship with other inmates and staff members ... demonstrate[d] that [they are] able to function in a less restrictive environment,” (2) their level of “[i]nvolvement in work and recreational activities and assignments,” (3) their “[a]dherence to institution guidelines and Bureau of Prisons rules and policy,” (4) their “[p]ersonal grooming and cleanliness,” and (5) their “[q]uarters sanitation.”<sup>629</sup>

*Authorized Incentives:* Many policies described increased or added incentives as a tool for rewarding successful progress within a step-down program. Pennsylvania authorized staff to “approve additional privileges,” including telephone calls, commissary, television, and tablet and kiosk access, “based on individual needs, safety and security, and the behavioral progress of the



inmate.”<sup>630</sup> However, these “privileges” could be withdrawn again, if “Management Team provide[d] a written justification.”<sup>631</sup>

BOP policy described its step-down program as one that afforded incarcerated individuals “increased privileges (e.g., increased commissary, property, etc.)” for “accomplish[ing] unit goals and maintain[ing] appropriate conduct.”<sup>632</sup> Similarly, Colorado allowed staff to “adjust [the] canteen limits” of anyone in restrictive housing to “create incentives for positive behavior,”<sup>633</sup> and Delaware, although lacking a formal behavior-incentive structure, allowed for additional “outdoor recreation, gymnasium . . . or other leisure activities,” provided that such activities did not raise “safety and health concerns.”<sup>634</sup> Ohio’s policies directed prison staff “to establish privileges and services for inmates assigned to Restrictive Housing,” which “shall be designed to ensure housing and program areas are safe and secure as well as to encourage inmates to comply with [department] and institution rules and regulations and to motivate them to improve their conduct.”<sup>635</sup>

*Program Offerings:* Generally, step-down programs included some combination of academic programming, behavioral therapy, interactive group activities, and/or journaling. Proactive participation in these programs was key to progressing through the program’s multiple phases. Texas’s curriculum required participation in multiple programs, including “cognitive intervention, anger management, substance abuse education, and programming addressing criminal addictive behavior.”<sup>636</sup> California’s criteria also included a “Voluntary Education Program,” as well as elective programming, interactive journaling, and pro-social videos.<sup>637</sup> Pennsylvania offered educational and “behavioral health treatment services.”<sup>638</sup>

Colorado “[g]radually increas[ed] education and programming opportunities” to include “[c]ognitive programming,” parenting classes, and “pre-release” programming.<sup>639</sup> Delaware offered “correspondence programming to all inmates in Restrictive Housing based on each inmate’s individualized needs,” including therapeutic programs “offered in a group setting.”<sup>640</sup> Vermont required completing unspecified “in-cell programming requirements” and “participation in a behavioral plan,”<sup>641</sup> and North Dakota offered “programming three days a week” that emphasized “skills . . . to avoid future placements in segregation.”<sup>642</sup>

*Specialized Programs:* Several jurisdictions had specialized step-down programs for certain populations, including individuals diagnosed with serious mental illness, or anyone with a history of assaultive behaviors or designated gang affiliations. Virginia’s Red Onion State Prison offered different step-down programs (the Red Onion State Prison Restrictive Housing Reduction Step-Down Program) for (1) those with a “history that indicates the willingness to carry out intentional, serious, or deadly harm,” those considered a “high escape risk,” and/or those associated with “high profile crimes and/or significant media attention”; and (2) those with “frequently recurring disciplinary violations” and/or a history of “fighting with staff or inmates.”<sup>643</sup>

The Red Onion program “focus[ed] on risk reduction, in addition to risk control.”<sup>644</sup> Individuals were expected “to progress to a general population setting through an interactive journaling series utilized independently and in group settings, through the use of therapeutic modules and programming.”<sup>645</sup> Designated Virginia institutions also had the Steps to Achieve Reintegration (“STAR”) program “for inmates, who motivated by unspecified fear, refuse to leave restorative housing and enter general population.”<sup>646</sup> The Virginia Department of Corrections also described “Shared Allied Management Units” as an alternative to “restorative housing,” created to “promote safety and stability within institutions while reducing the cycling

of certain inmates”—including “mentally ill or seriously mentally ill (SMI) individuals”—“into and out of restorative housing.”<sup>647</sup>

Texas’s Mental Health Therapeutic Diversion Program (“MHTDP”) stated that it provided “mental health assessments, evaluations, and treatment services to offenders assigned to restrictive housing with a history of mental illness.”<sup>648</sup> The diversion program’s goal was to “improve the offender’s decision-making abilities, impulse control, quality of life, and prepare the offender for release to a less restrictive environment.”<sup>649</sup>

Texas, Arizona, and California were among the jurisdictions with programs specifically focused on individuals classified as members of a Security Threat Group (“STG”) or gangs. The nine-month “Gang Renouncement and Dissociation (GRAD) Process” in Texas was “designed to give an STG member the ability to dissociate with their current affiliation, with the possibility of being assigned to [the] general population following successful completion.”<sup>650</sup> In California, an “incentive-based” step-down program specific to “Security Threat Group (STG) affiliates” had an “ultimate goal . . . to assist validated STG affiliates with transitioning to a general population setting.”<sup>651</sup>

Individuals classified as STG or gang members in Arizona were not to be reclassified below maximum security until completing “the required [step-down] programming and . . . a 24 month period, from the date of placement into Maximum Custody, where they ha[d] not participated in any documented STG/Gang or Terrorist activity.”<sup>652</sup> The BOP authorized re-designating an individual from segregated housing status after “a minimum of 9 months,” provided that their behavior demonstrated that they would “abstain from . . . group/gang-related activity.”<sup>653</sup> Pennsylvania also allowed staff to keep an individual in restrictive housing if he or she had “attempt[ed] to organize inmates” or had otherwise “demonstrated involvement in a Security Threat Group . . . that pose[d] a risk to the security of the facility.”<sup>654</sup>

### **Concerns about Release Directly to the Community**

The ACA’s 2016 Performance-Based Restrictive Housing Standards stated that facilities should make efforts to move incarcerated people out of restrictive housing through step-down programs. The ACA also urged prison officials to “attempt to ensure offenders are not released directly into the community from Restrictive Housing” and to take precautions when direct release was imminent.<sup>655</sup> While no jurisdiction banned release directly from segregation to the community, the desire to avoid such releases was evident in all fourteen of the jurisdictions analyzed.

In some, the process and availability of release from segregation changed if the person was to be released directly into the community. For example, Virginia’s policy mandated additional oversight—directing that anyone “assigned to a Restorative Housing Unit in excess of 30 days should not be discharged directly to the community” unless so approved by the Multi-Disciplinary Team (MDT), which conducts a “formal due process hearing” no less than “30 days prior” to discharge; if approved, the incarcerated individual must undergo a “release plan that is tailored to [their] specific needs.”<sup>656</sup> Under BOP policies, if an individual seeking release from segregated housing is within 180 days of completing their prison sentence, “[e]very effort should be made to avoid releasing [the] inmate directly from [segregated housing] to the community,” and “options to release [them] to less restrictive settings should be considered.” If releasing the individual to “a less restrictive setting is not possible,” the BOP required “targeted reentry programming to prepare [them] for return to the community.”<sup>657</sup>

Another example comes from Texas, which Vera reported as having the nation’s second highest prison population as of March 2021, and which, according to the state’s response to the 2021 CLA-Liman Survey, held 3,918 people in restrictive housing. Texas’s policy required prison officials to make “[e]very effort . . . to ensure that offenders are not released directly into the community from extended restrictive housing.”<sup>658</sup> The Serious and Violent Offender Reentry Initiative (SVORI), a program for any “male security detention offenders” who have received a “release vote” from the Texas Board of Pardons and Paroles, was “designed to reduce recidivism by better preparing and assisting offenders confined to security detention to successfully reenter their communities.”<sup>659</sup> Texas also described a Cognitive Intervention Pre-Release Program (CIPP) for individuals in restrictive housing and approaching release to the community, which used evidence-based principles and strategies “targeting offender criminogenic needs, cognitive behavioral interventions, and enhancement reentry opportunities for offenders when released.”<sup>660</sup>

## VI. Legislative Activity

When this series of reports began, very few statutes focused on the use of restrictive housing. In contrast, today, this issue has become a subject of proposed and enacted legislation in dozens of jurisdictions. As documented in *Time-in-Cell 2019*, between 2018 and 2020, legislators in more than twenty-five states introduced bills that would limit the use of isolation,<sup>661</sup> and at least fifteen states enacted legislation.<sup>662</sup> These bills and statutes covered a range of issues, including the use of isolation for subpopulations, conditions of confinement, the duration of isolation, and reporting requirements.

This Report does not reiterate the analyses of those materials; the focus is on proposals and enactments during the period studied here, from 2019 through spring 2022, as state and federal lawmakers proposed and some enacted a variety of laws. Some limited the use of restrictive housing, standardized conditions within restrictive housing units, required regular reporting of the number and characteristics of people held in restrictive housing, and, in some cases, eliminated the use of restrictive housing for some or all incarcerated populations. This Section details the provisions of some of those laws and of some of the data collected pursuant to statutory mandates.

By way of a brief preview, at the state and local level, legislators in more than thirty states introduced bills aiming to regulate the use of isolation in 2021.<sup>663</sup> Bills were enacted in seven states: New York, North Carolina, Arkansas, Connecticut, Tennessee, Kentucky, and Colorado. In addition, Louisiana passed a resolution.<sup>664</sup> In Connecticut, after the governor did not sign legislation in 2021 and issued an executive order limiting the use of “isolated confinement,”<sup>665</sup> the governor in April of 2022 signed a revised version, known as the PROTECT Act. At the local level, voters in Allegheny County, Pennsylvania approved a ballot measure banning “restrictive housing,”<sup>666</sup> and the New York City Board of Corrections adopted rules prohibiting the use of “solitary confinement.”<sup>667</sup> Moreover, Massachusetts in 2021 released a study commissioned to measure the impact of a 2018 state law limiting the use of solitary confinement.

At the federal level, developments since 2019 include reports issued pursuant to the 2018 First Step Act (FSA), which addresses aspects of the use of restrictive housing in the federal prison system and requires data collection and publication of annual reports detailing the characteristics of people placed in those conditions, how long they were held there, and why. In March 2020, the Bureau of Justice Statistics (BJS) for the first time issued data collected in compliance with the FSA provisions, including statistics regarding the number of incarcerated people placed in segregated housing within the prior year. Subsequent reports were released in February of 2021 and in November of 2021.

As of the end of April 2022, members of the House of Representatives and the Senate had introduced nineteen bills<sup>668</sup> and six resolutions during the 117<sup>th</sup> Congress (2021-2022) that referenced “solitary confinement.”<sup>669</sup> These bills include H.R. 176, the “Restricting the Use of Solitary Confinement Act,” and H.R. 131, the “Effective and Humane Treatment of Youth Act of 2021” or “Kalief’s Law.” President Biden also issued an executive order that included

provisions requiring data collection and reporting to document BOP compliance with directives to reduce the use of solitary confinement.<sup>670</sup> Below, we provide details of some of such provisions in the states and federal system.

### **State Statutes, Local Regulations, and Data Collection (2019 to 2022)**

A research caveat is in order. Tracking and analyzing legislative activity at the state and local level is complex. This Section is based on publicly available data from state legislatures, the media, and advocacy reports. As noted, developments include passage of New York State’s HALT Act that went into effect on April 1, 2022; statutes and regulations governing a wide range of issues, including the types of facilities impacted, special rules regarding subpopulations, conditions of confinement, duration of isolation, staff training, and reporting requirements; a Connecticut executive order and statute limiting the use of isolation; passage of a reform ballot measure in Allegheny County, Pennsylvania; the New York City Board of Corrections’ adoption of recommended rules; implementation of recent legislation in Massachusetts; and data collected and reported in compliance with new statutory requirements in several jurisdictions. Because New York’s statute is comprehensive in its scope, its provisions are sketched below before a discussion organized not by jurisdiction but by the activities regulated.

*New York’s HALT Act:* The HALT Act, passed in New York’s 2020-2021 Regular Session, addresses many facets of isolation to limit its use. The HALT Act defines “segregated confinement” as “any form of cell confinement for more than seventeen hours a day other than in a facility-wide emergency or for the purpose of providing medical or mental health treatment.”<sup>671</sup> The HALT Act bans the use of “segregated confinement” for people who are “twenty-one years of age or younger; fifty-five years of age or older;” living with a disability; or pregnant, postpartum, or caring for a child in a correctional institution.<sup>672</sup> HALT also restricts the use of segregated confinement for people diagnosed with a “serious mental illness.”<sup>673</sup>

For people who do not fall into these categories, the HALT Act prohibits “segregated confinement” for more than three consecutive days or more than six days in a thirty-day period unless the person is found, “pursuant to an evidentiary hearing,” to have “violated department rules which permit a penalty of segregated confinement.”<sup>674</sup> If the person is found to have committed such a violation, the bill prohibits placement in “segregated confinement” for “longer than necessary and no more than fifteen consecutive days or twenty total days within any sixty day period.”<sup>675</sup>

The HALT Act requires correctional administrators to publish monthly reports online detailing demographic information of people in “segregated confinement,” the “number of days [spent] in segregated confinement, a list of all incidents resulting in sanctions of segregated confinement by facility,” and the number of people in segregated confinement by facility.<sup>676</sup> The Act also requires “out-of-cell programming at least four hours per day, including at least one hour for recreation.”<sup>677</sup> The HALT Act became effective on April 1, 2022.

*Types of Facilities Regulated:* The seven states, including New York, that enacted statutes in 2021 and the one state that enacted a resolution in 2021 regulate a range of facilities. Four of the enacted statutes cover both statewide and local facilities. Arkansas’s statute applies to people detained “in the division of correction, in a local or regional detention facility, or in a

juvenile detention facility.”<sup>678</sup> Kentucky’s statute covers pregnant and postpartum people “housed in a jail, penitentiary, or local or state correctional or detention facility, residential center, or reentry center.”<sup>679</sup>

New York’s statute primarily applies to “correctional facilities,”<sup>680</sup> defined as “[a]ny place operated by the department and designated by the commissioner as a place for the confinement of persons under sentence of imprisonment or persons committed for failure to pay a fine.”<sup>681</sup> The New York statute also includes a provision mandating assessment of the use of isolation in “local correctional facilities,” defined as “[a]ny place operated by a county or the city of New York as a place for the confinement of persons duly committed.”<sup>682</sup>

North Carolina’s statute applies to “any unit of the State prison system, juvenile detention facility, or other entity under the authority of the State that has the power to detain or restrain a person under the laws of this State”<sup>683</sup> and “[l]ocal confinement facilities’ includ[ing] a county or city jail, a local lockup, a regional or district jail, . . . and any other facility operated by a local government for confinement of persons.”<sup>684</sup>

One statute applies to jails exclusively. Colorado, where the Department of Corrections in 2017 banned state correctional facilities from using “restrictive housing” for more than 15 days,<sup>685</sup> enacted a law in 2021 to limit “restrictive housing” in local jails. The statute went into effect on July 1, 2022.<sup>686</sup>

Two state statutes enacted in 2021 apply exclusively to juvenile facilities. Tennessee’s law, effective May 25, 2021, covers “juvenile detention facilities approved, certified, or licensed by the department of children’s services.”<sup>687</sup> Louisiana’s resolution applies to “facilities housing juveniles arrested or adjudicated for a delinquent or status offense.”<sup>688</sup>

*Limits for Subpopulations:* Seven states that enacted bills or resolutions in 2021 addressing the use of isolation included limits on the use of isolation for at least one subpopulation. Five states limited the use of isolation for young people. Arkansas’s legislation prohibits people in juvenile detention facilities from being placed in “punitive isolation”<sup>689</sup> or solitary confinement<sup>690</sup> as a disciplinary measure for more than twenty-four (24) hours, unless “the ‘juvenile’ has committed a physical or sexual assault or engaged in ‘conduct . . . that poses an imminent threat,’ or has escaped or attempted escape.”<sup>691</sup> Colorado also prohibits local jails from placing people who are under eighteen years old in “restrictive housing.”<sup>692</sup> In New York, correctional staff may not place people under the age of twenty-two in segregated confinement for any length of time.<sup>693</sup> Tennessee prohibits “seclusion” of a “child” for “discipline, punishment, administrative convenience, retaliation, staffing shortages, or any reason other than a temporary response to behavior that threatens immediate harm to a youth or others.”<sup>694</sup> Louisiana’s resolution urges a legislative audit of the use of restrictive housing “in facilities housing juveniles arrested or adjudicated for a delinquent or status offense.”<sup>695</sup>

Six states place limitations or prohibitions on the use of isolation for prisoners who are pregnant or postpartum. In Arkansas, correctional staff may not place someone in “restrictive housing”<sup>696</sup> for thirty (30) or more days if the [prisoner] is pregnant; has delivered a child within the previous thirty (30) days . . . ; is breastfeeding; or is under a physician’s care for postpartum

depression” or other postpartum conditions.<sup>697</sup> Colorado prohibits the use of “restrictive housing”<sup>698</sup> for prisoners detained in local jails if they are pregnant or postpartum, unless a series of conditions are met, including the presence of “imminent danger” to others and the unavailability of less restrictive options.<sup>699</sup> Kentucky bans “restrictive housing” for prisoners who are “pregnant or in the immediate postpartum period.”<sup>700</sup> New York prohibits “segregated confinement”<sup>701</sup> for prisoners who are pregnant, in the first eight weeks of the post-partum recovery period . . . or caring for a child in a correctional institution.”<sup>702</sup> North Carolina prohibits the placement of pregnant or postpartum prisoners “in restrictive housing”<sup>703</sup> unless a correctional facility employee makes an individualized determination that an important circumstance<sup>704</sup> exists.”<sup>705</sup> Tennessee prohibits “solitary confinement” for people who are pregnant or have given birth within the past eight weeks unless “the inmate has demonstrated potential for self-harm, harm to the unborn child, or harm to other inmates or correction staff.”<sup>706</sup>

Colorado and New York prohibit the use of isolation for people with certain mental or physical impairments. Colorado forbids local jails from placing someone in “restrictive housing” involuntarily if the individual suffers from a “serious mental illness,” experiences “significant auditory or visual impairment that cannot . . . be accommodated,” is “significantly neurocognitively impaired,” or “has an intellectual or developmental disability,” except in extreme cases of danger, and only if alternative options are unavailable.<sup>707</sup> New York requires mental health assessments upon placement in “segregated confinement” and prohibits “segregated confinement” for people diagnosed with “serious mental illness[es].”<sup>708</sup> New York also prohibits people with certain disabilities from being placed in “segregated confinement.”<sup>709</sup> In addition to the provisions outlined above, New York’s HALT Act bans the use of “segregated confinement” for people over fifty-five years of age.<sup>710</sup>

*Conditions of Isolation:* Two states enacted provisions in 2021 regulating conditions in isolation. Colorado requires that people in isolation in local jails be supplied with “basic hygiene necessities, including shaving and showering at least three times per week”; receive regular “exchanges of clothing, bedding, and linen”; have opportunities to write letters, receive letters, use the telephone, and receive visitors; have “access to legal materials” and “reading materials”; exercise at least one hour each day “five days a week outside of the cell,” with at least one of those hours spent outside, “weather permitting”; and have access to “programs and services” such as “educational, religious, and recreational programs and medical, dental, and behavioral health services and medications.”<sup>711</sup> New York requires that people in “segregated confinement . . . be offered out-of-cell programming at least four hours per day, including at least one hour for recreation.”<sup>712</sup> New York also prohibits changes in diet or “limitation[s] on services, treatment or basic needs such as clothing, food and bedding” as forms of punishment.<sup>713</sup>

*Duration of Isolation:* Colorado and New York also place limitations on the duration of isolation. Colorado prohibits the use of isolation for people in jail “for more than fifteen days in a thirty-day time period without a written court order.”<sup>714</sup> As discussed above, corrections staff in New York may only place someone in “segregated confinement” for more than three consecutive days or more than six days in a thirty-day period if, after an evidentiary hearing, it determines that the person engaged in certain kinds of serious conduct, including, for example, “causing or attempting to cause serious physical injury or death to another,” leading or organizing a riot, or “procuring deadly weapons,” among other violations.<sup>715</sup> In addition, correctional staff in New

York may not place someone in “segregated confinement” for “longer than necessary and no more than fifteen consecutive days or twenty total days within any sixty day period.”<sup>716</sup>

*Staff Training:* New York’s HALT Act also establishes staff training requirements, requiring staff to receive “a minimum of thirty-seven hours and thirty minutes of training prior to assignment” to a “special housing unit” and “twenty-one hours of additional training annually thereafter.”<sup>717</sup> Annual training “topics includ[e], but [are] not limited to, the purpose and goals of the non-punitive therapeutic environment, trauma-informed care, restorative justice, and dispute resolution methods.”<sup>718</sup>

*Reporting Requirements:* Five states passed legislation requiring reporting on the use of isolation, and one state issued a resolution urging reporting. Colorado requires jail officials to submit quarterly reports to the Department of Public Safety on “how many times the local jail sought a written order to hold someone beyond fifteen days in restrictive housing and the outcome.”<sup>719</sup> The report must also contain the demographics of people held in “restrictive housing”; whether “the individual was placed in restrictive housing for a disciplinary reason”; the length of confinement; and injuries, deaths, and crimes committed while in confinement.<sup>720</sup>

Kentucky requires the Department of Corrections to submit annual reports to the state’s Judiciary and Legislative Research Committees and requires that reports “be published on the Legislative Research Commission’s Web site [sic].”<sup>721</sup> The reports must contain information about the demographics of people held in restrictive housing, reasons for placement in restrictive housing, and the dates of placement and release.<sup>722</sup> North Carolina requires written reports whenever a “correctional facility employee makes an individualized determination that an important circumstance exists” warranting the placement of a pregnant or postpartum person in restrictive housing.<sup>723</sup> These reports must include a justification for the restrictive housing placement.<sup>724</sup> Under the PROTECT Act, Connecticut’s Department of Correction must report “measures taken by the department to address . . . [t]he frequency, cause and duration of lockdowns.”<sup>725</sup>

As discussed above, New York requires correctional administrators to publish monthly reports on the New York Department of Corrections and Community Supervision’s website with details about the demographics of people held in “segregated confinement” and the duration of their confinement.<sup>726</sup> It also requires the online publication of cumulative semi-annual and annual reports.<sup>727</sup> Louisiana’s Resolution “urge[s] and request[s] the legislative auditor” to submit a report to the state’s Juvenile Justice Reform Act Implementation Commission on the use of “isolation in facilities housing juveniles arrested or adjudicated for a delinquent or status offense in the state of Louisiana.”<sup>728</sup> The reports would include available data on demographics for “juveniles” held in isolation, the duration of their confinement by facility, and “the top five reasons juveniles were held in room confinement and room isolation . . . by facility.”<sup>729</sup>

In addition to enacting external reporting requirements, Colorado also requires internal monitoring and documentation. Under Colorado’s law, if a person held in a local jail is involuntarily placed in restrictive housing, “[a]t least twice per hour, a medical or mental health professional or local jail staff shall check, face-to-face or through a window, on [the] individual.”<sup>730</sup> Each individual within a protected subpopulation must receive “a clear



explanation of the reason” for the placement in isolation, the “monitoring procedures that the local jail will employ to check the individual,” “the date and the time, when the individual’s next court date is,” and “the behavioral criteria the individual must demonstrate to be released from restrictive housing.”<sup>731</sup> Local jails must also document the time each person spends out of cell on a daily basis, including “all meaningful human contact the individual received while out of cell and any mental or medical services received.”<sup>732</sup>

*Legislative and Executive Action in Connecticut:* In 2021, after declining to sign a bill reforming solitary confinement policies in the state, Connecticut’s governor issued an executive order requiring the Connecticut Department of Correction to limit the use of “isolated confinement” for anyone under eighteen-years-old or sixty-five-years-old or older; pregnant or postpartum; or suffering from certain mental health conditions, medical conditions, developmental disabilities, or “significant auditory or visual impairment[s].”<sup>733</sup> The executive order also limited prolonged detention in “isolated confinement.”<sup>734</sup> The Connecticut General Assembly in May 2022 enacted the PROTECT ACT. The law limits the number of days a person can spend in isolated confinement to no more than fifteen consecutive days or thirty total days within any sixty-day period, including for individuals in pretrial, presentencing, and post-conviction confinement.<sup>735</sup> PROTECT also created an independent “ombuds” position to investigate complaints regarding the Department of Correction and an oversight advisory committee.<sup>736</sup>

*Counties and Cities:* In May 2021 in Allegheny County, Pennsylvania, nearly seventy percent of voters supported a measure to prohibit the local jail from using “solitary confinement,”<sup>737</sup> defined as “the confinement of a detainee or inmate in a cell or other living space for more than 20 hours a day.”<sup>738</sup> The ballot measure created exceptions in the event of “[f]acility-wide lockdown[s]” and for emergency short-term use, defined as up to “a period of 24 hours, but no longer than necessary.”<sup>739</sup> The measure also permitted voluntary confinement for up to 72 hours.<sup>740</sup> The ballot measure required the Warden of the Allegheny County Jail to collect “information on the use of lock-downs and solitary confinement” and publish this information on the facility’s website in “a report on a monthly basis.”<sup>741</sup> The Allegheny County Jail holds approximately 1,500 people.<sup>742</sup>

In June 2021, New York City’s Board of Corrections, an oversight agency, adopted new rules restricting the use of isolation at Rikers Island.<sup>743</sup> Although New York’s mayor subsequently paused its implementation,<sup>744</sup> the Board’s rules would have required that all people in custody at Rikers Island have a minimum of ten hours of out-of-cell time per day, access to “therapeutic programming,” and the opportunity to have “legal representation at internal hearings” on disciplinary infractions.<sup>745</sup> In November 2021, New York’s mayor issued an executive order declaring a state of emergency due to staff shortages and suspending the rules on isolation.<sup>746</sup> Following New York’s 2021 mayoral election, the city’s mayor-elect indicated that he also supported a delay on reform of isolated confinement and that he would support replacing “solitary confinement” with “a new form of isolation.”<sup>747</sup>

*Implementation of Recent Legislation:* In 2018, Massachusetts legislators passed a law prohibiting the isolation of people with serious mental illnesses and requiring incarcerated people to receive a mental health screening before placement in “restrictive housing.”<sup>748</sup> The statute also

prohibited the placement of certain subpopulations in isolation, including anyone who is pregnant,<sup>749</sup> and required “access to vocational, educational, and rehabilitative programs” for all individuals held in isolation for over 60 days, as well as regular written reviews of isolation placements.<sup>750</sup> State officials subsequently commissioned Falcon Correctional and Community Services consultants to conduct an analysis of the use of isolation in Massachusetts following the 2018 statute enactment. In February 2021, Falcon released *Elevating the System: Exploring Alternatives to Restrictive Housing*, which concluded that “conditions of confinement in the [Department Disciplinary Unit] result[ed] in prolonged stays in Restrictive Housing.”<sup>751</sup> Falcon recommended the dissolution of Massachusetts’s disciplinary unit as well as the elimination of all “restrictive housing” that confined individuals in cells for twenty-two hours or more per day.<sup>752</sup>

As noted in *Time-In-Cell 2019*, between 2018 and 2020, six other states enacted legislation<sup>753</sup> requiring correctional officials to submit data to various oversight bodies: Maryland,<sup>754</sup> Michigan,<sup>755</sup> Minnesota,<sup>756</sup> Nebraska,<sup>757</sup> New Mexico,<sup>758</sup> and Virginia.<sup>759</sup> These reporting requirements included numerical totals of the number of people placed in isolation; the age, race, ethnicity, gender, sex, and reason for placement for each person in isolation; and the duration of isolation. The laws also required reporting on serious mental health issues of people held in isolation, release into community and step-down programs, staffing numbers, and changes in policies related to isolation. Maryland required annual reporting on “the number of inmates known to be pregnant when placed in restrictive housing” and “the number of incidents of death, self-harm, and attempts at self-harm by inmates in restrictive housing.”<sup>760</sup> Five of the six states—Michigan, Minnesota, Nebraska, New Mexico, and Virginia—submitted reports in compliance with their recently-created reporting requirements, while two states—Nebraska and Maryland—reported that data collection challenges prevented them from doing so.

The Michigan legislature required the Michigan Department of Corrections to submit a report to legislative committees on “administrative segregation” data including the number of people in administrative segregation who “were diagnosed with serious mental illness or have a developmental disorder” and their duration in isolation.<sup>761</sup> The Michigan Department of Corrections 2021 report included annual totals for the number of days and daily average number of people in “administrative segregation” and annual totals for the number of days and daily average of all people in isolation with severe mental illness or developmental disorders for fiscal years 2007-2008 through 2020-2021. The “daily average number of all prisoners in administrative segregation” in 2020-2021 was 421, with a daily average of 2.8 people in administrative segregation with “severe mental illness” or “developmental disorders.”<sup>762</sup>

Michigan’s report also discussed the change over time of “prisoner days spent in administrative segregation.”<sup>763</sup> The report noted a 95% reduction in the “total time in segregation during the year” spent by “prisoners with severe mental illness or developmental disabilities” from the 2007-2008 fiscal year to the 2020-2021 fiscal year.<sup>764</sup> In 2007-2008, the total number of days people with “severe mental illness” or “developmental disorders” spent in “administrative segregation” was 20,337 days.<sup>765</sup> In 2020-2021, the number of days reported was 1,032.<sup>766</sup> Michigan’s 2021 report attributed what it termed the “lowest total and [severely mentally ill] administrative segregation populations in the 14-year history of this report” to its “continued use of strategies such as SMART units to divert prisoners with mental health and protection concerns

from long-term segregation,” to new review processes, and to its reduction of the capacity to segregate individuals.<sup>767</sup>

Minnesota’s statute required data on “the number of inmates in each institution placed in restrictive housing during the past year,” “the number of inmates by race in restrictive housing,” “the number of inmates transferred from restrictive housing to the mental health unit,” “disciplinary sanctions by infraction,” and duration in isolation.<sup>768</sup> The 2021 Minnesota Restrictive Housing Report documented the “disciplinary sanctions by infraction” for over sixty types of infractions.<sup>769</sup> These infractions include “Refusal to Provide Sample,” “Lying and Misrepresentation,” “Being in an Unauthorized Area,” and “Disorderly Conduct.”<sup>770</sup> The report also noted the duration of isolation and population breakdowns by age and race.<sup>771</sup> The report stated that, during Fiscal Year 2020, there were 9,544 “individuals released from restrictive housing” and that 891 of those individuals spent more than thirty days in “restrictive housing.”<sup>772</sup>

New Mexico’s statute required quarterly reports from every correctional facility including information about “age, gender, and ethnicity”; reasons for placement; and duration of placement.<sup>773</sup> The New Mexico Corrections Department published the January through March 2022 Quarter 1 Report that documented the gender, age, reason for placement, placement duration, and ethnicity of every prisoner placed in isolation.<sup>774</sup> Reasons for placement include “[b]ehavior and/or actions [that] threaten the safety of others” and “[p]ending transfer review/[p]ending bedspace.”<sup>775</sup>

The Virginia legislature required the Virginia Department of Corrections (VADOC) to report population data, demographic data of people held in “restrictive housing,” the number of people “released from restrictive housing directly into the community,” mental health staff numbers, and changes to policies related to isolation.<sup>776</sup> VADOC published a report on October 1, 2021, that outlined population numbers by unit, gender, race, ethnicity, age, mental health, medical conditions, duration, and more.<sup>777</sup> VADOC stated “in practice, the end of restrictive housing took place in January 2020.”<sup>778</sup> VADOC highlighted its shift from restrictive housing to “restorative housing,” where “participants identify criminogenic thinking patterns through the use of interactive journaling and guided group discussion.”<sup>779</sup> As of June 30, 2021, VADOC reported 337 people in the “restorative housing program,” which represented “a 21% reduction from FY2020 (N=426).”<sup>780</sup> From July 1, 2020, to June 30, 2021, 5,093 people were “placed in restorative housing,” and in that same time period, 5,168 people were “released from restorative housing.”<sup>781</sup> The report noted that there were 163 full-time mental health staff members as of June 30, 2021.<sup>782</sup>

As of April 2022, Nebraska and Maryland notified lawmakers that they were not yet able to meet the new reporting requirements. The Nebraska law created a requirement for juvenile facilities to submit quarterly data reports to the legislature, and that the Office of Inspector General of Nebraska Child Welfare (OIG) submit annual reports analyzing that facility data on juvenile “room confinement.”<sup>783</sup> In its 2020-2021 annual report, the OIG indicated that “[m]any facilities over the past year did report room confinement numbers on a quarterly basis, but several did not.”<sup>784</sup>

“Without full and complete reporting,” the report continued, “a comprehensive review of juvenile room confinement in Nebraska cannot be undertaken.”<sup>785</sup> The OIG noted that it has “met with facility administrators to discuss actions, efforts, and procedure related to the issue, and made requests for data clarification, when needed, from individual facilities.”<sup>786</sup> Nonetheless, the OIG analyzed the available data and found “the most frequent reason for confinement was concern for the safety of other juveniles and staff.”<sup>787</sup> The report found “[o]f the 1,777 total incidents of confinement reported, [threats to the safety of youth and threats to the safety of facility staff] accounted for a total of 1,009 incidents (57%).”<sup>788</sup>

In Maryland, a 2019 law expanded existing reporting requirements to require the Governor’s Office of Crime Prevention, Youth, and Victim Services (“Governor’s Office”) to submit restrictive housing information—including population, demographics, duration of confinement, and direct release to the community—for all correctional units in each jurisdiction within the state.<sup>789</sup> In March 2020, the Governor’s Office submitted a brief letter explaining “[g]iven the recent enactment of this bill, which took effect on October 1, 2019, and the limited time frame for correctional units to report . . . the first set of data will be collected and reported on by December, 31, 2020.”<sup>790</sup> On that date, the Governor’s Office submitted another letter that explained “the data collection process was delayed due to the COVID-19 pandemic that resulted in a State of Emergency.”<sup>791</sup> As of May 2022, no further reports and updates had been publicly filed.

### **Legislative Activity at the Federal Level**

As noted, the First Step Act of 2018 (FSA) was enacted in December 2018 and covers a range of issues. The law addresses isolation in federal facilities in two ways: it requires the federal government to report certain information about the number of people in “solitary confinement” in federal prisons and jails and limits the use of “room confinement” for “covered juvenile[s]” in federal custody. This Section explains the relevant provisions of the Act and the BOP’s implementation efforts as of March 2022.

This Section also describes other federal legislative proposals, pending as of February 2022, which would address the use of isolation. The “Restricting the Use of Solitary Confinement Act” (RUSCA), H.R. 176, contained an array of provisions that would have limited the reasons for placement, created procedural protections governing placements in isolation, capped the duration of isolation, regulated the conditions of isolation, and restricted when correctional officials could release people from prison directly from isolation. Four other proposals, including two companion bills introduced in the House and the Senate, aimed to limit the use of isolation by eliminating or limiting prison officials’ authority to place certain subpopulations in isolation and by requiring publication of information about the use of isolation. Members of Congress have also proposed eleven other bills and six resolutions that would have addressed the harms of isolation, and another two bills impacting the use of isolation in response to the COVID-19 pandemic.

*The FSA’s Data Reporting Requirements for “Solitary Confinement”*: The FSA created a new requirement for the BOP to report “the number of prisoners who have been placed in solitary confinement at any time during the previous year.”<sup>792</sup> The FSA specifies that the BOP must provide this information annually to the Bureau of Justice Statistics (BJS) for inclusion in

the National Prisoner Statistics Program, a data collection program begun in 1926.<sup>793</sup> The FSA also imposes a more general requirement for the Attorney General to submit annual reports to Congress with “[a] summary of the activities and accomplishments of the Attorney General in carrying out” the FSA.<sup>794</sup>

The FSA does not define the term “solitary confinement” for purposes of data reporting. Since the enactment of the FSA, the National Prisoner Statistics Program has included in its annual reports the number of people in federal custody in “segregated housing.”<sup>795</sup> The BOP website provides information updated weekly on people in “restricted housing.”<sup>796</sup> As discussed below, these categories include various forms of isolation.

As of the spring of 2022, the National Prisoner Statistics Program has published two reports titled “Federal Prisoner Statistics Collected under the First Step Act.” The first report, published in February 2021, provided information about people in federal custody through 2019.<sup>797</sup> The second report, published in November 2021, provided information about people in federal custody through 2020.<sup>798</sup> Both reports included the number of people “held in segregated housing units at any time during the year” in 2018 and 2019, and the second report added the number of people held in such conditions in 2020.<sup>799</sup>

The reports indicated that “segregated housing” included three subcategories: “special housing unit[s],” “special management unit[s],” and “administrative maximum.”<sup>800</sup> The reports described a “special housing unit (SHU)” as a “facility where prisoners are separated from the general prison population” and may be housed with or without other people.<sup>801</sup> A “special management unit (SMU)” was defined as a “segregated housing unit . . . that holds any sentenced person whose interaction requires greater management to ensure the safety, security, or orderly operation of BOP facilities or the protection of the public.”<sup>802</sup> Within each SMU, three levels of confinement varied in dimensions and duration. The strictest level, SMU level 1, meant “persons [had] limited interaction and [were] normally restricted to their assigned cells.”<sup>803</sup> “Administrative maximum (ADX)” referred to “a type of segregated housing unit designed for occupancy by a single person.”<sup>804</sup> The reports indicated that ADX Florence in Colorado was the only BOP facility with administrative maximum units.<sup>805</sup>

As illustrated in Table 40, in 2018, the BOP reported to the National Prisoner Statistics Program that it held 11,675 federal prisoners in “segregated housing”: 10,214 in “special housing units,” 1,054 in “special management units,” and 407 in “administrative maximum.”<sup>806</sup> In 2019, the BOP reported that it held 12,035 federal prisoners in “segregated housing”: 10,649 in “special housing units,” 1,000 in “special management units,” and 386 in “administrative maximum.”<sup>807</sup> In 2020, the BOP reported that it held 11,703 federal prisoners in “segregated housing”: 10,236 in “special housing units,” 1,094 in “special management units,” and 373 in “administrative maximum.”<sup>808</sup>

**Table 40 Federal BOP Restricted Housing Data (National Prisoner Statistics Program)**

Year	Total in Segregated Housing	Special Housing Units	Special Management Units	Administrative Maximum
2018	11,675	10,214	1,054	407
2019	12,035	10,649	1,000	386
2020	11,703	10,236	1,094	373

As noted above, as of the spring of 2022, the BOP’s website also included information about the number of people in what it terms “Restricted Housing” (rather than Restrictive Housing) in federal facilities. The website indicated that “Restricted Housing” refers to the same three forms of isolation: Special Housing Units, Special Management Units, and Administrative Maximum.<sup>809</sup> According to the BOP’s website, this information is “updated on a weekly basis and reflects the current population at the time the data is collected.”<sup>810</sup> As of the website’s update on May 25, 2022, 9,811 people were in “special housing units,” 538 people were in “special management units,” and 344 prisoners were in “administrative maximum.”<sup>811</sup>

In addition, the BOP’s website includes information about how many days people are held in Special Housing Units and the reasons for placements in Special Housing Units. As of the website’s update on May 25, 2022, 8,888 people had been in Special Housing Units for 90 or fewer days and 923 people had been in Special Housing Units for more than 90 days, including 403 people who had been in Special Housing Units for more than 180 days and 49 people who had been in Special Housing Units for a year or more.<sup>812</sup> The website indicated that 8,334 people were in Special Housing Units for “Administrative Detention,” and 1,477 were in Special Housing Units for “Disciplinary Detention.”<sup>813</sup>

*The FSA’s Limits on “Room Confinement” for “Covered Juveniles”:* The FSA limits the reasons for and duration of placements of “covered juvenil[e]s” in federal custody in “room confinement.”<sup>814</sup> The FSA defines a “covered juvenile” as a “juvenile” who “has been adjudicated delinquent,” “is being proceeded against . . . for an alleged act of juvenile delinquency,” or “is being proceeded against as an adult in a federal district court for an alleged criminal offense.”<sup>815</sup> Chapter 403 of Title 18 defines a “juvenile” as “a person who has not attained his eighteenth birthday, or for the purpose of . . . juvenile delinquency, a person who has not attained his twenty-first birthday.”<sup>816</sup> The FSA defines “room confinement” as “the involuntary placement of a covered juvenile alone in a cell, room, or other area for any reason.”<sup>817</sup>

Under the FSA, a federal “juvenile facility” may not use “room confinement” for “discipline, punishment, retaliation, or any reason other than as a temporary response to a covered juvenile’s behavior that poses a serious and immediate risk of physical harm.”<sup>818</sup> The FSA also mandates that any period of isolation in “room confinement” must end after three hours in the case of an “immediate risk of physical harm to others,” after thirty minutes in the case of “an immediate risk of harm only to himself or herself,” or “immediately when the covered juvenile has sufficiently gained control so as to no longer engage in behavior that threatens serious and immediate risk of physical harm.”<sup>819</sup>

In December 2020, the Attorney General published the first annual report on the implementation of the FSA. This report stated that the BOP and the U.S. Marshal Service complied with “the Act’s requirements that prohibit certain room confinement for juvenile offenders,” and that “the BOP does not house juveniles in its facilities.”<sup>820</sup> In April 2022, the Attorney General published its second annual report, which again stated that the BOP had complied with the FSA and that the BOP “does not house juveniles in its facilities.”<sup>821</sup>

*Proposals in the 117th Congress:* Six bills introduced during the 117<sup>th</sup> Congress (2021-2022), including a pair of companion bills introduced in the House and Senate, proposed to limit the use of isolation: H.R. 176, the “Restricting the Use of Solitary Confinement Act” (RUSCA); H.R. 2222 and S. 1186, the “Dignity for Detained Immigrants Act of 2021” (DDIA);<sup>822</sup> H.R. 131, the “Effective and Humane Treatment of Youth Act of 2021” or “Kalief’s Law”; H.R. 6878, the “Protecting the Health and Wellness of Babies and Pregnant Women Act of 2022” (PHWBPWA); and H.R. 7424, “The Solitary Confinement Reform Act of 2022” (SCRA).

Definitions of isolation varied among these bills. RUSCA defined “solitary confinement” as “confinement of an inmate in a correctional facility, pursuant to disciplinary, administrative, protective, investigative, medical, or other classification, in a cell or similarly confined holding or living space, alone or with other inmates, for approximately 20 hours or more per day, with severely restricted activity, movement, and social interaction.”<sup>823</sup> The DDIA defines “solitary confinement” as (i) “in the case of an individual who is older than 21 years of age, the state of being confined to the individual’s cell, alone or with a cellmate, for more than 22 hours during a 24-hour period, with very limited out-of-cell time and severely restricted activity, movement, and social interaction whether pursuant to disciplinary, administrative, or classification action” or (ii) “in the case of an individual who is 21 years of age or younger, involuntary confinement alone in a cell, room, or other area for a period greater than 3 hours.”<sup>824</sup> Kalief’s Law, PHWBPWA, and SCRA did not define “solitary confinement.” Kalief’s Law focused on “temporary separation,” which is defined as “the involuntary restriction of an individual alone in a cell, room, or other area isolated away from all human contact except for the employees of the detention facility.”<sup>825</sup> PHWBPWA and SCRA referred to isolation in the form of restrictive housing. The former defined it as “any type of detention” involving “removal from the general inmate population,” “placement in a locked room or cell, whether alone or with another inmate,” and the “inability to leave the room or cell for the vast majority of the day.”<sup>826</sup> SCRA defined restrictive housing as “any housing in which an inmate is removed from general population housing to housing with little or no contact with others for a disciplinary purpose.”<sup>827</sup>

The six bills did not have the same jurisdictional reach, nor did they propose to address the same populations. RUSCA, PHWBPWA, and SCRA would have governed the federal prison system,<sup>828</sup> the two DDIA companion bills aimed to regulate detention by the Department of Homeland Security (DHS),<sup>829</sup> and Kalief’s Law would have applied to state and local governments seeking juvenile accountability block grants under the Omnibus Crime Control and Safe Streets Act of 1964.<sup>830</sup>

*The Restricting the Use of Solitary Confinement Act:* RUSCA would have limited the reasons for placement, created procedural protections governing placements in isolation, capped

the duration of isolation, regulated the conditions of isolation, and restricted when correctional officials could release people from isolation to outside prison. With regard to the reasons for placements, RUSCA would have authorized “solitary confinement” only for people who “create a substantial risk of immediate serious harm to another, as evidenced by recent threats or conduct.”<sup>831</sup> RUSCA would also have required a determination that “a less restrictive intervention would be insufficient to reduce this risk,” and would have prohibited “solitary confinement for non-disciplinary reasons.”<sup>832</sup>

Under RUSCA, placement in “solitary confinement” was to have triggered a “preliminary examination” within twelve hours before confinement and “a personal and comprehensive medical and mental health examination conducted by a clinician” within forty-eight hours of confinement.<sup>833</sup> RUSCA would also have granted people in restrictive housing “the right to an initial hearing within 72 hours of placement and a review every 15 days thereafter.”<sup>834</sup> People facing placements in “solitary confinement” were to have rights to appear at hearings, to be represented, to be heard by independent hearing officers, and to receive written statements of reasons following hearings.<sup>835</sup>

RUSCA also proposed to prohibit the use of “solitary confinement” for “an inmate who is a vulnerable person” and require that any such person “be placed in an appropriate medical or other unit as determined by the administrator.”<sup>836</sup> RUSCA defined a “vulnerable person” as:

any inmate who is 25 years of age or younger; is 65 years of age or older; has a disability based on a mental illness, a history of psychiatric hospitalization, or has recently exhibited conduct, including serious self-mutilation, indicating the need for further observation or evaluation to determine the presence of mental illness; has a developmental disability; has a serious medical condition which cannot effectively be treated in isolated confinement; is pregnant, is in the postpartum period, or has recently suffered a miscarriage or terminated a pregnancy; has a significant auditory or visual impairment; or is perceived to be lesbian, gay, bisexual, transgender, or intersex.<sup>837</sup>

RUSCA would have required “a clinician [to] evaluate each inmate placed in solitary confinement on a daily basis, in a confidential setting outside of the cell whenever possible, to determine whether the inmate is a vulnerable person.”<sup>838</sup>

After a person is placed in “solitary confinement,” RUSCA would have limited the duration of isolation to no “more than 15 consecutive days, or for more than 20 days during any 60-day period.”<sup>839</sup> RUSCA required corrections officials to remove prisoners from “solitary confinement” as soon as they determine “that the inmate no longer meets the standard for the confinement.”<sup>840</sup> Additionally, RUSCA would have prohibited denying any person held in “solitary confinement” access to “food, water, medical care including emergency medical care, or any other basic necessity.”<sup>841</sup> RUSCA would have prohibited any prisoner from being “directly released from solitary confinement to the community during the final 180 days of the inmate’s term of incarceration, unless it is necessary for the safety of the inmate, staff, other inmates, or the public.”<sup>842</sup>



*The Solitary Confinement Reform Act of 2022*: SCRA would have limited the reasons for restrictive housing placement, created procedural protections governing placements in restrictive housing, regulated the conditions of isolation, capped the duration of isolation, required step-down or transition programs for people released from restrictive housing, mandated that facilities establish standing committees to review restrictive housing policies, and required regular employee training on use of force and restrictive housing policies.

SCRA would have authorized restrictive housing “only . . . to eliminate or mitigate a specific facility threat such as a fight between inmates or the threat of imminent danger to inmates or staff” and would prohibit its use “as a form of punishment or deterrence.”<sup>843</sup> SCRA would have also required that prisoners “be housed in least restrictive setting necessary to ensure their own safety, as well as the safety of staff, other inmates, and the public.”<sup>844</sup>

Upon a restrictive housing placement, SCRA would have required the facility’s management to “clearly articulate each specific reason” for the placement and provide “objective evidence that such placement and retention is necessary.”<sup>845</sup> It would also have required that the facility’s leadership “make a plan for the return of the inmate to less restrictive conditions and . . . share such plan with the inmate, unless sharing such plan would put the health and safety of the inmate, staff, other inmates, or the public at risk.”<sup>846</sup> Under SCRA, each placement would have had to be reviewed by an institutional review panel “not later than 15 days after such placement and not less than every 15 days thereafter until such time as the inmate is removed from restrictive housing.”<sup>847</sup> Under SCRA, “institutional review panels” would have been “composed of the leadership” of the facility and “medical professionals and mental health professionals who are employed by and work outside of such facility.”<sup>848</sup>

Regarding the conditions of restrictive housing, SCRA would have required the U.S. Attorney General, Director of the Bureau of Prisons, and the Secretary of Defense to “establish policies to increase the minimum amount of time inmates in restrictive housing spend outside their cells to 3 hours per day . . . and to offer enhanced in-cell opportunities.”<sup>849</sup> These officials would have also required to provide people in restrictive housing with “opportunities for recreation, education, clinically appropriate treatment therapies, skill-building, and social interaction with staff and other inmates.”<sup>850</sup>

SCRA would have prohibited the use of restrictive housing “for more than 5 days as part of a routine investigation or for more than 15 days as part of a non-routine investigation . . . absent documented extenuating circumstances.”<sup>851</sup> SCRA defined a non-routine investigation as one that “addresses a grave risk of safety and security of the facility, such as a riot, killing, or terror attack.”<sup>852</sup> SCRA would also have banned the “release [of] inmates directly from restrictive housing to the general inmate population,” thereby requiring some form of a transition program.<sup>853</sup>

Under SCRA, the U.S. Attorney General, Director of the Bureau of Prisons, and the Secretary of Defense were to “establish policies to prohibit the placement of inmates in restrictive housing during the final 180 days of the[ir] term of imprisonment” and “provide targeted re-entry programming for inmates who require restrictive housing during the such final 180-day period.”<sup>854</sup> SCRA would also have required these officials to “establish in each covered

facility a standing committee, consisting of high-level correctional officials . . . to regularly evaluate existing restrictive housing policies.”<sup>855</sup> These committees were to “review use of force and abuse allegations,” present “written recommendations on preventing unlawful use of force or abuse to the Department of Justice” and congressional committees, “develop[] safe and effective alternatives to restrictive housing,” and share “best practices for use of force.”<sup>856</sup> SCRA would also have required prison staff to be “trained on use of force and restrictive housing policies not less than quarterly” and to wear body cameras when “interacting with [people] in restrictive housing for any forced movement or physical interaction.”<sup>857</sup>

*Limits on the Use of Isolation for Young People in RUSCA, the DDIA, and Kalief’s Law:* RUSCA, the DDIA companion bills, and Kalief’s Law all addressed the use of isolation for young people. The bills defined differently the age ranges that they propose to regulate. RUSCA proposed to treat anyone 25 years of age or younger as a “vulnerable person” whom prison officials may not place in “solitary confinement.”<sup>858</sup> Kalief’s Law and the DDIA were to have applied to individuals who are 21 years of age or younger and limit how long they can be placed in “temporary separation” or “involuntary confinement.”<sup>859</sup>

The bills also differed in the number of hours per day that would constitute impermissible confinement for young people. As discussed above, RUSCA defined “solitary confinement” as “approximately 20 hours or more per day” of confinement and would prohibit prison officials from placing anyone 25 years of age or younger in “solitary confinement.”<sup>860</sup> The DDIA aimed to prohibit the use of “involuntary confinement alone in a cell room, or other area for a period of greater than 3 hours” for people 21 years of age and younger.<sup>861</sup> Kalief’s Law would have allowed for “temporary separation,” which was defined as “the involuntary restriction of an individual alone in a cell, room, or other area isolated away from all human contact except for the employees of the detention facility.”<sup>862</sup> Kalief’s Law would have capped the duration of “temporary separation” at three hours and it would have prohibited “consecutive periods of temporary separation for the same episode of behavior.”<sup>863</sup> A “youth” was to have been released from “temporary separation” before the end of three hours if “he or she no longer poses a risk of serious and immediate physical harm.”<sup>864</sup> If a “youth . . . continues to pose a risk of serious and immediate physical harm after being in temporary separation for 3 hours,” the facility was required to transfer the “youth” to a “facility that can provide necessary services without the use of temporary separation or refer[] the individual to a mental health facility that can provide necessary services.”<sup>865</sup>

Kalief’s Law would also have regulated the reasons for placement in isolation and conditions of confinement for young people. Under Kalief’s Law, prison officials would have been prohibited from putting people 21 years of age and younger in “temporary separation” for “any purpose other than a temporary response to behavior of the individual that poses a serious and immediate risk of physical harm to that individual or to others.”<sup>866</sup> Kalief’s Law would also have required “a good faith effort to employ less restrictive techniques” and would have required a detention official to provide an explanation to the individual “before or immediately after a youth is placed in temporary separation” of “the reasons for the separation and under what circumstances it will end.”<sup>867</sup> In addition, Kalief’s Law would have mandated that “the physical space used for temporary separation” be “at least 80 square feet, suicide-resistant, and protrusion-free; ha[ve] adequate lighting and ventilation;” be “kept at a reasonable temperature;”

and included “access to clean potable water, toilet facilities, and hygiene supplies.”<sup>868</sup> Any “youth” in isolation was to have received “access to appropriate medical and mental health services” as well as “crisis intervention and one-on-one observation.”<sup>869</sup>

*Reporting Requirements in RUSCA, SCRA, Kalief’s Law, and PHWBPWA:* RUSCA, SCRA, Kalief’s Law, and PHWBPWA would have required publication of information on the use of isolation. RUSCA would have required the BOP to prepare and submit a report to Congress with recommendations to reduce the use of solitary confinement in Federal prisons to “near zero over the 10-year period beginning on the date of the submission of the report.”<sup>870</sup> SCRA would have required the U.S. Attorney General, the BOP Director, the Secretary of Defense, and the leadership of any state facility housing federal prisoners to “submit data on restrictive housing to the Department of Justice” and to Congress “on a quarterly basis.”<sup>871</sup> It would also have required committees at each facility to “submit redacted written recommendations on preventing unlawful use of force of abuse to the Department of Justice” and Congress.<sup>872</sup>

Kalief’s Law would have required the Attorney General to submit a report to Congress detailing the types and conditions of “temporary separation” used for Federal prisoners or detainees who are “youths,” together with a list of the number of instances in which “temporary separation” was used for “youths” in federal custody, disaggregated by age, race, ethnicity, gender, and a description of the circumstances specific to such instance, including the cause, length, and result.”<sup>873</sup> The PHWBPWA would have required the Attorney General to submit biannual reports to Congress with data on the restrictive housing placements of people who were pregnant or in the postpartum period, including the duration, “attempts to use alternative interventions and sanctions before the restrictive housing was used,” and “any resulting physical effects . . . observed or reported by the health care professional[s] responsible for the health and safety” of the people placed in restrictive housing.<sup>874</sup> In addition, the Department of Homeland Security Appropriations Act, S. 3058, which would not have otherwise limited the use of isolation, would have required the Director of U.S. Immigration and Customs Enforcement (ICE) to report on “the use and duration of solitary confinement” of persons detained by ICE.<sup>875</sup>

*Resolutions Seeking to Recognize the Harms of Isolation:* Members of the 117<sup>th</sup> Congress introduced four resolutions addressing “solitary confinement” in the United States. House Resolution 226, put forth by Rep. Ayanna Pressley, stated “that it is the sense of the House of Representatives that the time is now for the Federal Government” to “reduce the risk of recidivism by transforming the experience of confinement by [in part] ending solitary confinement” and banning “solitary confinement and physical restraints on pregnant people.”<sup>876</sup> House Resolution 723, introduced by Rep. Tony Cárdenas, and Senate Resolution 423, introduced by Sen. Sheldon Whitehouse, declared that “it is harmful to public safety and to young people in the legal system to confine youth in adult jails or prisons where they are significantly more likely to be physically and sexually assaulted and often placed in solitary confinement.”<sup>877</sup> House Resolution 64, introduced by Rep. Pramila Jayapal, stated that low-income people and people of color have been disproportionately impacted by “deplorable conditions in the custody of Customs and Border Protection and Immigration and Customs Enforcement, including . . . rampant use of solitary confinement.”<sup>878</sup>

*Proposed Legislation Seeking to Address Isolation in a Global Context:* The Department of Peacebuilding Act of 2021, H.R. 1111, would have required documentation of “domestic and international human rights abuses, including . . . solitary confinement.”<sup>879</sup> This bill would also have created “an Office of Human Rights and Economic Rights” which would work with other federal entities “to gather information on and document domestic and international human rights abuses, including . . . solitary confinement (especially among children).”<sup>880</sup> In addition, two sets of companion bills discussed the harms of “solitary confinement” on certain subpopulations, such as LGBTQI individuals or detained immigrants,<sup>881</sup> and three bills<sup>882</sup> and two resolutions<sup>883</sup> criticized the use of solitary confinement by foreign governments.

*The Impact of COVID-19:* The COVID-19 pandemic prompted concerns that medical isolation may lead to an undue expansion of isolation in prisons.<sup>884</sup> One set of companion bills addresses these issues in federal prisons.<sup>885</sup> The Federal Correctional Facilities COVID-19 Response Act would have required the Department of Justice to issue guidelines on how “to minimize the similarity of punitive solitary confinement and other punitive measures with medical quarantine.”<sup>886</sup> The guidelines were to have addressed “the provision of materials, such as books, television shows, magazines, and movies . . . recreation hours . . . and programming and phone and email communication privileges for incarcerated persons in medical isolation.”<sup>887</sup> The Federal Correctional Facilities COVID-19 Response Act would have required the Attorney General to “submit to Congress a report on prevention, mitigation, and control activities relating to the spread of COVID-19 in prisons conducted by the Department of Justice and the Bureau of Prisons,” including efforts “ensuring that medical isolation for COVID-19 is distinct from punitive solitary confinement.”<sup>888</sup>

*May 2022 Executive Order:* President Biden on May 25, 2022, issued an executive order on “Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety.”<sup>889</sup> The introductory language referenced the administration’s goals to reduce racial disparities in policing, sentencing and incarceration; increase public trust in law enforcement institutions and the courts; and “ensure that conditions of confinement are safe and humane, and that those who are incarcerated are not subjected to unnecessary or excessive uses of force, are free from prolonged segregation, and have access to quality health care, including substance use disorder care and mental health care.”<sup>890</sup>

Two sections of the nineteen-page order referred to “restrictive housing.” The first ordered the Attorney General, within 120 days, to undertake “updating BOP and USMS procedures and protocols . . . to identify alternatives consistent with public health recommendations to the use of facility-wide lockdowns to prevent the transmission of SARS-CoV-2, or to the use of restrictive housing for detainees and prisoners who have tested positive for SARS-CoV-2 or have known, suspected, or reported exposure.”<sup>891</sup> A second reference ordered the Attorney General to, within 180 days, submit to the President a report describing steps the Department of Justice has taken to—among other goals—“ensure that restrictive housing in Federal detention facilities is used rarely, applied fairly, and subject to reasonable constraints,” and to implement the department’s January 2016 Report and Recommendations Concerning the Use of Restrictive Housing.<sup>892</sup> The order’s reporting deadlines are in September and November of 2022.

## VII. Looking Ahead: Continuing to Build the Data

This decade-long effort of data collection and reporting by CLA and the Liman Center has produced important insights into the use and reconsideration of restrictive housing. By looking at changes in population trends, policies, legislation, and ACA standards, this series of surveys and reports has illuminated concerns about isolation in prisons and the many efforts to address those concerns by correctional systems and others.

This Report reflects the utility of asking questions, inviting dialogue, learning more, and building on that knowledge to make further changes. The goals remain to gather information across jurisdictions and encourage discussion and collaboration around a common vision. Readers are welcome to make suggestions on the issues in need of documentation and methods to develop shorter questionnaires to maximize responses. The hope is that the information will continue the last decade's efforts to create more resources to end profound isolation. Thank you for engaging with this work.

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<sup>1</sup> As of the late spring of 2022, prisons and immigration detention centers across the United States reported 3,100 deaths of incarcerated people; 308 deaths of correctional officials; 600,383 infections of incarcerated people; and 207,983 infections of correctional officials resulting from the COVID-19 pandemic. *UCLA COVID Behind Bars Data Project*, UCLA SCHOOL OF LAW (last visited May 8, 2022), available at <https://uclacovidbehindbars.org/>.

<sup>2</sup> See, e.g. Press Release, *Bureau of Prisons Update on COVID-19*, FED. BUREAU OF PRISONS (Mar. 24, 2020) (announcing “aggressive steps to protect the safety and security of all staff, and inmates, as well as visitors and members of the public,” including “restricting inmate movement to only required and mission-essential transfer” and “a mandatory 14-day quarantine for all new inmates”); Keri Blakinger, *What Happens When More Than 300,000 Prisoners Are Locked Down*, THE MARSHALL PROJECT (Apr. 15, 2020) (reporting on facility-wide “lockdowns” imposed in response to the COVID-19 pandemic in state and federal prisons), available at <https://www.themarshallproject.org/2020/04/15/what-happens-when-more-than-300-000-prisoners-are-locked-down>.

<sup>3</sup> In addition, increases in uses of certain types of isolation in response to COVID-19 are not reflected in the data if these forms of isolation did not fall within the Survey’s definition of “restrictive housing.” Amend, a public-health organization at the University of California-San Francisco, has developed guidance and separate definitions for “Solitary Confinement,” “Quarantine,” and “Medical Isolation.” Under Amend’s definitions, “Solitary Confinement is the practice of isolating incarcerated people from the rest of the prison population while simultaneously imposing punitive measures such as major restrictions on visitors, phone calls, recreation and outdoor time, and access to personal property”; “Quarantine is the practice of separating and restricting the movement of people who may have been exposed to a contagious disease until results of a laboratory test confirm whether or not they have contracted the disease”; and “Medical Isolation is the practice of isolating incarcerated people from the rest of the prison population when they show signs or test positive for COVID-19 in order to stem the risk of COVID-19 transmission throughout the prison.” *COVID-19 in Correctional Facilities: Medical Isolation*, AMEND (last visited July 6, 2022), available at <https://amend.us/covid-19-in-correctional-facilities-medical-isolation/>.

<sup>4</sup> The jurisdictions that responded to the survey were the Federal Bureau of Prisons, Alabama, California, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming. West Virginia responded to some questions but did not provide information about the number of people in restrictive housing.

<sup>5</sup> As of the summer of 2022, prisons, jails, and immigration detention centers across the United States reported 3,128 deaths of incarcerated people; 309 deaths of correctional officials; 618,498 infections of incarcerated people; and 220,647 infections of correctional officials resulting from the COVID-19 pandemic. *UCLA COVID Behind Bars Data Project*, UCLA SCHOOL OF LAW (last visited July 14, 2022), available at <https://uclacovidbehindbars.org/>. Neal Marquez, MPH; Julie A. Ward, MN, RN2; Kalind Parish, MA; Brendan Saloner, PhD; Sharon Dolovich, JD, PhD, *COVID-19 Incidence and Mortality in Federal and State Prisons Compared With the US Population*, April 5, 2020, to April 3, 2021, *Journal of the American Medical Association*, (Oct. 6, 2021).

<sup>6</sup> See, e.g. Keri Blakinger, *What Happens When More Than 300,000 Prisoners Are Locked Down*, THE MARSHALL PROJECT (Apr. 15, 2020) (reporting on facility-wide “lockdowns” imposed in response to the COVID-19 pandemic in state and federal prisons), available at <https://www.themarshallproject.org/2020/04/15/what-happens-when-more-than-300-000-prisoners-are-locked-down>; see also Press Release, *Bureau of Prisons Update on COVID-19*, FED. BUREAU OF PRISONS (Mar. 24, 2020) (announcing “aggressive steps to protect the safety and security of all staff, and inmates, as well as visitors and members of the public,” including “restricting inmate movement to only required and mission-essential transfers” and “a mandatory 14-day quarantine for all new inmates”).

<sup>7</sup> Katherine LeMasters, Morgan Maner, Meghan Peterson & Lauren Brinkley-Rubinstein, *Staff Shortages In Prisons And Jails Highlight Opportunities For Decarceration*, Health Affairs (Jan. 21, 2022), available at <https://www.healthaffairs.org/doi/10.1377/forefront.20220119.329328/#:~:text=The%20COVID%2D19%20pandemic%20has,to%2070%20percent%20staff%20shortages>; Michael R. Sisak & Michael Balsamo, *Cooks, Nurses Guard Inmates with US Prisons Down 6K Officers*, ASSOCIATED PRESS (May 21, 2021), available at <https://apnews.com/article/business-health-coronavirus-pandemic-prisons-government-and-politics-88fff925b1901a36a10581c28d826916>.

<sup>8</sup> See, e.g., The Ninth Circuit Corrections Summit, Sacramento, California, November 4-6, 2015; The Ninth Circuit Corrections Summit, Santa Ana, California, April 25-27, 2018; Racial Disparities in Prisons: A Seminar, Yale Law School, 2017.

<sup>9</sup> See, e.g., Chesa Boudin, Trevor Stutz & Aaron Littman, *Prison Visitation Policies: A Fifty State Survey*, 32 YALE LAW & POLICY REVIEW: 149 (2013), available at <http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1654&context=yldr>; Giovanna Shay, *Visiting Room: A Response to Prison Visitation Policies: A Fifty-State Survey*, 32 YALE LAW & POLICY REVIEW 191 (2013), available at <http://digitalcommons.law.yale.edu/yldr/vol32/iss1/6/>; Ashbel T. Wall II, *Why Do They Do It That Way?: A Response to Prison Visitation Policies: A Fifty-State Survey*, 32 YALE LAW & POLICY REVIEW 199 (2013), available at <http://digitalcommons.law.yale.edu/yldr/vol32/iss1/7/>; David Fathi, *An Endangered Necessity: A Response to Prison Visitation Policies: A Fifty-State Survey*, 32 YALE LAW & POLICY REVIEW 205 (2013), available at <http://digitalcommons.law.yale.edu/yldr/vol32/iss1/8/>; Philip M. Genty, *Taking Stock and Moving Forward to Improve Prison Visitation Practices: A Response to Prison Visitation Policies: A Fifty-State Survey*, 32 YALE LAW & POLICY REVIEW 211 (2013), available at <http://digitalcommons.law.yale.edu/yldr/vol32/iss1/9/>; ARTHUR LIMAN PUBLIC INTEREST PROGRAM AT YALE LAW SCHOOL, *Rethinking "Death Row": Variations in the Housing of Individuals Sentenced to Death* (2016), available at [https://law.yale.edu/sites/default/files/documents/pdf/Liman/deathrow\\_reportfinal.pdf](https://law.yale.edu/sites/default/files/documents/pdf/Liman/deathrow_reportfinal.pdf) [hereinafter "Rethinking "Death Row"].

<sup>10</sup> Jacob Kang-Brown, Chase Montagnet & Jasmine Heiss, *People in Jail and Prison in Spring 2021*, Vera Institute of Justice (June 2021), available at <https://www.vera.org/downloads/publications/people-in-jail-and-prison-in-spring-2021.pdf> [hereinafter *People in Jail & Prison in Spring 2021*], at 1.

<sup>11</sup> See Chase Montagnet, Jennifer Peirce & David Pitts. *Mapping U.S. Jails' Use of Restrictive Housing: Trends, Disparities, and Other Forms of Lockdown*, Vera Institute of Justice (2021), available at <https://www.vera.org/downloads/publications/mapping-us-jails-use-of-restrictive-housing.pdf>, at 2, 22.

<sup>12</sup> This jurisdiction was Vermont.

<sup>13</sup> As noted above, West Virginia responded to the 2021 Survey with information about the number of people in their total custodial population and their demographics, as well as information about the rules governing restrictive housing, but West Virginia did not provide information about the number of people in restrictive housing.

<sup>14</sup> In the few jurisdictions with unified correctional systems in which jails come under the authority of the state-wide prison system, these totals may include some people in jails.

<sup>15</sup> These jurisdictions were Delaware, North Dakota, and Vermont. Vermont noted that it held people in a form of isolation, which it referred to as "restrictive housing," that allowed up to six hours of out-of-cell time per day (and therefore fell outside the Survey's definition of restrictive housing). Virginia, which did not respond to the 2021 CLA-Liman Survey, stated in an October 2021 report that, "[i]n 2020, VADOC completely eliminated restrictive housing by increasing the minimum amount of out-of-cell time to 4 hours a day, 7 days a week." VIRGINIA DEP'T OF CORRECTION, A DECADE OF PROGRESS: 2011-2020, at 16 (Oct. 2021), available at <https://vadoc.virginia.gov/media/1731/vadoc-decade-of-progress-report-2020.pdf>.

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- <sup>16</sup> These jurisdictions were Colorado, which reported holding four people, and Maine, which reported holding eight.
- <sup>17</sup> These jurisdictions were Colorado, Delaware, Massachusetts, New York, North Dakota, Ohio, South Dakota, Utah, Vermont, and Wyoming.
- <sup>18</sup> This jurisdiction was Colorado.
- <sup>19</sup> CLA-LIMAN TIME-IN-CELL 2019 at 9–10, tbl. 1 [hereinafter TIME-IN-CELL 2019].
- <sup>20</sup> This jurisdiction was Utah.
- <sup>21</sup> This figure represents the average of Nebraska (3.4%) and Texas (3.2%).
- <sup>22</sup> These jurisdictions were the Federal Bureau of Prisons, Alabama, California, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming. Delaware did not answer this question, because Delaware did not hold people in restrictive housing under the survey definition as of July of 2021.
- <sup>23</sup> These jurisdictions were the Federal Bureau of Prisons, Alabama, California, Colorado, Connecticut, Illinois, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, North Dakota, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming.
- <sup>24</sup> These jurisdictions were the Federal Bureau of Prisons, Alabama, Colorado, Connecticut, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, South Carolina, Texas, Utah, Vermont, and Wyoming.
- <sup>25</sup> These jurisdictions were the Federal Bureau of Prisons, Alabama, Colorado, Iowa, Massachusetts, Minnesota, Montana, Nebraska, Nevada, and Utah.
- <sup>26</sup> These jurisdictions were the Federal Bureau of Prisons, Alabama, California, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming. New Jersey did not respond to the survey question asking about different time intervals in restrictive housing. West Virginia did not provide information regarding the number of people in restrictive housing.
- <sup>27</sup> One jurisdiction’s response to the survey question asking about different time intervals in restrictive housing reflected restrictive housing population totals that differed slightly from the totals that this jurisdiction reported in response to the survey question asking for the total number of people in restrictive housing. This jurisdiction was Utah (635 people for the time interval question, as compared with 640 people for the total restrictive housing population question). Thus, the thirty-four jurisdictions’ responses to the question about time intervals reflected a total of 25,029 people in restrictive housing in these jurisdictions, whereas the same jurisdictions’ responses to the question about total restrictive housing populations reflected a total of 25,034 people. This report uses the 25,029 figure for the purposes of reporting data related to the question about time intervals.
- <sup>28</sup> Table 4 identifies when jurisdictions began regularly tracking length of time in restrictive housing.
- <sup>29</sup> The 2019 CLA-Liman Survey asked jurisdictions in what year they “beg[an] to regularly track length of time,” while the 2021 CLA-Liman Survey asked “[i]n what year did your jurisdiction begin to keep length-of-stay data.” For this reason, some jurisdictions’ responses to the 2019 Survey do not match the responses to the 2021 Survey.



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<sup>30</sup> These jurisdictions were the Federal Bureau of Prisons, Alabama, California, Connecticut, Delaware, Hawaii, Idaho, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming. Colorado, Illinois, New Jersey, and Ohio did not respond to the question about reasons for placements in restrictive housing. West Virginia did not provide information regarding the number of people in restrictive housing.

<sup>31</sup> For example, the Federal Bureau of Prisons provided responses to the “Administrative” and “Other” categories but not for the other reasons for placements in restrictive housing, and South Dakota provided responses only to the “Safety” and “Other” categories.

<sup>32</sup> Idaho's response to this question indicated a total of 401 people in restrictive housing, as compared with a total of 400 people in restrictive housing for other questions. This Report used 401 for that purpose of calculating percentages for this question.

<sup>33</sup> These jurisdictions were the Federal Bureau of Prisons, Alabama, California, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming. West Virginia did not provide information regarding the number of people in restrictive housing.

<sup>34</sup> These jurisdictions were Colorado, Delaware, Massachusetts, New York, North Dakota, Ohio, South Dakota, Utah, Vermont, and Wyoming.

<sup>35</sup> This jurisdiction was New Hampshire.

<sup>36</sup> These jurisdictions were Delaware, North Dakota, and Vermont, which did not have any people in restrictive housing under the Survey's definition. Among jurisdictions that held at least one person in restrictive housing under the Survey's definition, Colorado had the smallest percentage of people in restrictive housing in men's prisons (4 out of 13,041 people, or 0.03%).

<sup>37</sup> This jurisdiction was Utah.

<sup>38</sup> This jurisdiction was Alabama.

<sup>39</sup> These jurisdictions were Colorado, Delaware, Massachusetts, New York, North Dakota, Ohio, South Dakota, Utah, Vermont, and Wyoming. Among jurisdictions that held at least one woman in restrictive housing under the Survey's definition, California had the smallest percentage of people in restrictive housing in women's prisons (5 out of 3,580 people, or 0.1%).

<sup>40</sup> This jurisdiction was South Carolina.

<sup>41</sup> ACA 2016 RESTRICTIVE HOUSING STANDARDS at 3.

<sup>42</sup> ACA 2016 RESTRICTIVE HOUSING STANDARDS at 40 (ACA Standard 4-RH-0035). The national standards under the Prison Rape Elimination Act (PREA) called for careful attention to the needs and safety of transgender individuals, defined as “a person whose gender identity (*i.e.*, internal sense of feeling male or female) is different from the person's assigned sex at birth.” PRISON RAPE ELIMINATION ACT (PREA) National Standards, 28 C.F.R. § 115.5 (2012); *see generally* 28 C.F.R. §§ 115.15, 115.31, 115.41-42, 115.86.

<sup>43</sup> These jurisdictions were the Federal Bureau of Prisons, California, Colorado, Connecticut, Delaware, Hawaii, Idaho, Indiana, Kansas, Maine, Massachusetts, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New

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York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wisconsin.

<sup>44</sup> These jurisdictions were Alabama, Iowa, and West Virginia.

<sup>45</sup> This jurisdiction was Utah.

<sup>46</sup> Colorado, Connecticut, Delaware, Maine, Massachusetts, Montana, Nebraska, New Jersey, North Dakota, Oklahoma, South Carolina, Tennessee, and Vermont all reported having no transgender people in restrictive housing.

<sup>47</sup> This jurisdiction was Nevada.

<sup>48</sup> ACA 2016 RESTRICTIVE HOUSING STANDARDS at 38 (ACA Standard 4-RH-0033).

<sup>49</sup> These jurisdictions were the Federal Bureau of Prisons, Alabama, California, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Kansas, Maine, Massachusetts, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wisconsin.

<sup>50</sup> West Virginia provided information on the number of pregnant people in total custodial population but not in restrictive housing.

<sup>51</sup> These jurisdictions were Delaware, Idaho, Maine, Massachusetts, New Hampshire, and South Carolina.

<sup>52</sup> These jurisdictions were the Federal Bureau of Prisons, Alabama, California, Colorado, Connecticut, Hawaii, Illinois, Indiana, Kansas, Montana, Nebraska, Nevada, New Jersey, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, and Wisconsin.

<sup>53</sup> These jurisdictions were the Federal Bureau of Prisons, Alabama, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming. Hawaii and New Jersey did not respond to the survey question asking about the race/ethnicity of people in restrictive housing. West Virginia did not provide information regarding the number of people in restrictive housing.

<sup>54</sup> Wyoming's response to the survey question about race/ethnicity reflected a total male custodial population of 1,928, as compared with a total male custodial population of 1,931 in response to the survey question about total custodial population. This Report uses 1,928 for the purposes of data relating to race/ethnicity.

<sup>55</sup> Alabama and Maine indicated "No Data" for the number of Hispanic or Latino people among their total custodial populations for men's prisons.

<sup>56</sup> First Step Act of 2018, § 5043, Pub. L. No. 115-391, 132 Stat. 5194, 5247-48.

<sup>57</sup> *Id.* at § 5043, Pub. L. No. 115-391, 132 Stat. 5249.

<sup>58</sup> The Humane Alternatives to Long-Term (HALT) Solitary Confinement Act, New York Senate Bill 1623, New York Assembly Bill 2500, 2019-2020 New York State Assembly, 2020 Regular Session (enacted 2021).

<sup>59</sup> These jurisdictions were the Federal Bureau of Prisons, Alabama, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New

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Hampshire, New York, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming. Hawaii and New Jersey did not respond to the survey question asking for the ages of people in restrictive housing. Oklahoma provided this information for people in restrictive housing in women's prisons but not for people in restrictive housing in men's prisons. West Virginia did not provide information regarding the number of people in restrictive housing.

<sup>60</sup> This jurisdiction was Oklahoma.

<sup>61</sup> One jurisdiction's response to the survey question asking about different time intervals in restrictive housing reflected restrictive housing population totals that differed slightly from the totals that these jurisdictions reported in response to the survey question asking for the total number of people in restrictive housing. This jurisdiction was Utah (635 people for the time interval question, as compared with 640 people for the total restrictive housing population question). Thus, the thirty-four jurisdictions' responses to the question about time intervals reflected a total of 25,029 people in restrictive housing in these jurisdictions, whereas the same jurisdictions' responses to the question about total restrictive housing populations reflected a total of 25,034 people. This report uses the 25,029 figure for the purposes of reporting data related to the question about time intervals.

<sup>62</sup> Wyoming's response to the survey question about age groups reflected a total male custodial population of 1,930, as compared with a total male custodial population of 1,931 in response to the survey question about total custodial population. This Report uses 1,930 for the purposes of data relating to age.

<sup>63</sup> These jurisdictions were Iowa (2) and Pennsylvania (7).

<sup>64</sup> These jurisdictions were the Federal Bureau of Prisons, Alabama, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming. Hawaii and New Jersey did not respond to the survey question asking for the ages of people in restrictive housing.

<sup>65</sup> A 2021 report from the Bureau of Justice Statistics, analyzing data from 2016, found that "[a]n estimated 13% of all state and federal prisoners reported experiences that met the threshold for serious psychological distress (SPD) during the 30 days prior to their interview." Additionally, 43% of people in state prisons and 23% of people in federal prisons reported that they had "been told by a mental health professional [that] they had a mental disorder" sometime in the past. According to the report, 44% of people in state prisons "and 65% of federal prisoners had no indication of a mental health problem." Laura M. Maruschak & Jennifer Bronson, *Indicators of Mental Health Problems Reported by Prisoners and Jail Inmates, Survey of Inmates, 2016*, at 1-2, Bureau of Justice Statistics, U.S. Dep't of Justice (2021), available at <https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/imhprsp16st.pdf>.

<sup>66</sup> AMERICAN CORRECTIONAL ASSOCIATION, *Restrictive Housing Performance Based Standards* (Aug. 2016), at 36 (Standard 4-RH-0031) [hereinafter ACA 2016 RESTRICTIVE HOUSING STANDARDS].

<sup>67</sup> *Id.*

<sup>68</sup> COLO. REV. STAT. § 17-26-303 (2021).

<sup>69</sup> N.Y. CORRECT. LAW §§ 2, 137 (Consol. 2021).

<sup>70</sup> These jurisdictions were Alabama, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Nebraska, New Hampshire, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wisconsin.

<sup>71</sup> *See, e.g.*, ACA 2016 RESTRICTIVE HOUSING STANDARDS at 34 (ACA Standard 4-RH-0029).

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<sup>72</sup> See, e.g., *Braggs v. Dunn*, 257 F. Supp. 3d 1171, 1190 n.11, 1245-1246 (M.D. Ala. 2017) (preventing the placement of seriously mentally ill people in restrictive housing and identifying the medical conditions considered to be serious mental illnesses).

<sup>73</sup> For example, Alabama and Minnesota adopted the ACA's definition for serious mental illness.

<sup>74</sup> For example, Colorado reported that it uses the following definition: "The current diagnosis of any of the following DSM diagnoses accompanied by the P-code qualifier of M, denoting the presence of a major mental disorder: schizophrenia, schizoaffective disorder, delusional disorder, schizophreniform disorder, brief psychotic disorder, substance-induced psychotic disorder (excluding intoxication and withdrawal), unspecified schizophrenia spectrum and other psychotic disorder (previously psychotic disorder not otherwise specified), major depressive disorders, and bipolar disorders. Offenders, regardless of diagnosis, indicating a high level of mental health needs based upon high symptom severity and/or high resource demands, which demonstrate significant impairment in their ability to function within the correctional environment."

<sup>75</sup> For example, Hawaii responded with the following definition: "Any individual who displays serious and persistent mental health [disease] as determined by the Department of Health and/or our internal medical staff."

<sup>76</sup> In response to Question 33, which asked for the numbers of male and female imprisoned people "classified as seriously mentally ill by your jurisdiction's definition" in total custodial population and in restrictive housing, Oklahoma indicated that there were six men and three women with serious mental illness in restrictive housing. However, Oklahoma's responses to Questions 35 and 37, which asked about the races/ethnicities and ages of people with serious mental illness in restrictive housing, indicated that there were three men and six women with serious mental illness in restrictive housing. Given that Oklahoma also indicated, in response to multiple questions, that it held a total of five women in restrictive housing, this Report treats Oklahoma's responses to Questions 35 and 37 as intending to indicate that there were six men and three women with serious mental illness in restrictive housing.

<sup>77</sup> *Rethinking "Death Row"*, at 3–8.

<sup>78</sup> These jurisdictions were the Federal Bureau of Prisons, Alabama, California, Idaho, Indiana, Kansas, Montana, Nebraska, Nevada, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, and Utah.

<sup>79</sup> The total March 2021 prison populations for each responding jurisdiction are as follows: Federal Bureau of Prisons (152,259), Alabama (25,105), California (96,499), Colorado (15,670), Connecticut (8,961), Delaware (4,586), Hawaii (4,099), Idaho (8,226), Illinois (27,503), Indiana (24,296), Iowa (7,625), Kansas (8,749), Maine (1,666), Massachusetts (6,664), Minnesota (7,455), Montana (2,477), Nebraska (5,319), Nevada (11,222), New Hampshire (2,189), New Jersey (12,538), New York (31,412), North Dakota (1,538), Ohio (43,537), Oklahoma (22,625), Oregon (13,433), Pennsylvania (38,262), South Carolina (16,069), South Dakota (3,252), Tennessee (22,994), Texas (133,024), Utah (5,602), Vermont (1,238), Washington (15,067), Wisconsin (20,161), and Wyoming (1,880). See *People in Jail and Prison in Spring 2021*, at 11–12. Connecticut, Delaware, Hawaii, and Vermont operate unified systems that include both prisons and jails. For this reason, Vera's total population estimates for these states include people in jails. See *id.* The 2021 CLA-Liman Survey asked jurisdictions for "the total number of people sentenced to and received by your department," which included people serving sentences in jails in these states but not people detained pretrial.

<sup>80</sup> These jurisdictions were Alaska, Arizona, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Mexico, North Carolina, Rhode Island, and Virginia.

<sup>81</sup> This jurisdiction was West Virginia.

<sup>82</sup> These eleven jurisdictions were Arizona, Arkansas, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Rhode Island, and Virginia. West Virginia responded to both the 2019 and 2021 surveys

but did not provide information about the number of people in restrictive housing. The remaining jurisdictions that did not respond to the survey in 2019 and 2021 were Alaska, Florida, Michigan, and New Mexico.

<sup>83</sup> The reported percentage of the population in restrictive housing for these eleven jurisdictions according to their responses to the 2019 ASCA-Liman survey were as follows: Arizona (4.6%), Arkansas (11.0%), Georgia (4.9%), Kentucky (2.1%), Louisiana (4.8%), Maryland (5.8%), Mississippi (3.9%), Missouri (8.1%), North Carolina (4.7%), Rhode Island (2.5%), and Virginia (1.7%). The weighted average for these jurisdictions was 5.0% (12,684/251,682).

<sup>84</sup> See Chase Montagnet, Jennifer Peirce & David Pitts, *Mapping U.S. Jails' Use of Restrictive Housing: Trends, Disparities, and Other Forms of Lockdown* at 22, Vera Institute of Justice (Apr. 2021), <https://www.vera.org/downloads/publications/mapping-us-jails-use-of-restrictive-housing.pdf>. The Vera Institute's survey "defined restrictive housing as anyone held in a cell for 22 hours or more per day" and therefore includes people held in such conditions for fewer than fifteen consecutive days. *Id.* at 2.

<sup>85</sup> The math for the lower estimate is  $25,083 + 15,733 = 40,816$  and for the higher estimate,  $25,083 + 23,137 = 48,220$ .

<sup>86</sup> ASSOCIATION OF STATE CORRECTIONAL ADMINISTRATORS & ARTHUR LIMAN PUBLIC INTEREST PROGRAM AT YALE LAW SCHOOL, *Time-in-Cell: The ASCA-Liman 2014 National Survey of Administrative Segregation in Prison* 3 (Aug. 2015), available at [https://law.yale.edu/sites/default/files/area/center/liman/document/asca-liman\\_administrativesegregationreport.pdf](https://law.yale.edu/sites/default/files/area/center/liman/document/asca-liman_administrativesegregationreport.pdf). As discussed in Section I of this Report, the definitions used in the ASCA/CLA-Liman surveys have shifted over time. The 2019 and 2021 Surveys both asked jurisdictions about "restrictive housing," which these surveys defined as "separating prisoners from the general population and holding them in cell for an average of 22 or more hours per day, for 15 or more continuous days."

<sup>87</sup> ASCA-LIMAN REFORMING RESTRICTIVE HOUSING 2018 at 4.

<sup>88</sup> TIME-IN-CELL 2019 at 7.

<sup>89</sup> Brennan Klein, C. Brandon Ogbunugafor, Benjamin J. Schafer, Zarana Bhadracha, Preeti Kori, Jim Sheldon, Nitish Kaza, Emily A. Wang, Tina Eliassi-Rad, Samuel V. Scarpino & Elizabeth Hinton, *The COVID-19 Pandemic Amplified Long-Standing Racial Disparities in the United States Criminal Justice System*, medRxiv, Dec. 16, 2021, at 2 (preprint), available at <https://www.medrxiv.org/content/10.1101/2021.12.14.21267199v2> (observing "a convergent pattern across the country: a substantial decrease in the overall number of people incarcerated (approximately 200,000), and a significant increase in the proportion of incarcerated Black and other non-white people.").

<sup>90</sup> These jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>91</sup> The thirty jurisdictions that responded to some questions about cell lighting were Alabama, Colorado, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>92</sup> Jurisdictions that reported leaving the lights on or dimmed at night were Iowa, Illinois, Indiana, New Hampshire, New Jersey, Oklahoma, Oregon, South Dakota, Washington, and Wyoming.

<sup>93</sup> Wyoming reported that cell lights were not dimmed or turned off at night, and that people in restrictive housing had no control over cell lighting.

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<sup>94</sup> Those jurisdictions were Illinois, Indiana, Iowa, Oklahoma, South Carolina, Washington, and Wyoming.

<sup>95</sup> Those jurisdictions were Colorado, Hawaii, New Hampshire, New Jersey, Oregon, and South Dakota. New Jersey noted that control of cell lighting in restrictive housing by imprisoned people varied across its institutions, ranging from 0–24 hours of control per day.

<sup>96</sup> These twenty-six jurisdictions were Alabama, Colorado, Connecticut, Idaho, Illinois, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>97</sup> Wisconsin qualified its response by explaining that this was not the case in every institution, and New Jersey noted that one facility had frosted glass windows.

<sup>98</sup> Those jurisdictions were Hawaii, Indiana, Oregon, and Texas.

<sup>99</sup> These jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>100</sup> These jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>101</sup> Alabama, Colorado, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming reported they allowed access to reading materials in restrictive housing. Pennsylvania reported that it permits access to reading materials in restrictive housing but did not respond to questions about its specific policies.

<sup>102</sup> These jurisdictions reported that people in restrictive housing had access to books or other reading materials twenty-four hours per day, seven days per week: Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, and Wyoming.

<sup>103</sup> That jurisdiction was Wisconsin. Alabama, Hawaii, Maine, and West Virginia also restricted access to books, but these jurisdictions permitted access seven to twenty hours per day, seven days per week.

<sup>104</sup> These jurisdictions were Connecticut and West Virginia.

<sup>105</sup> Those jurisdictions were Alabama, Connecticut, Illinois, Iowa, Maine, Massachusetts, Nebraska, New Jersey, South Dakota, Texas, West Virginia, Wisconsin, and Wyoming.

<sup>106</sup> Those jurisdictions were Alabama, Connecticut, Hawaii, Idaho, Iowa, Maine, Minnesota, Nebraska, Nevada, New Jersey, Oklahoma, South Carolina, South Dakota, Texas, Utah, Washington, West Virginia, and Wisconsin. Massachusetts reported that it did not take away books or other reading materials as a disciplinary sanction, but that “the book or other reading material itself may be confiscated if it is not in its original condition, or it has been used in a manner that interferes with the security and the orderly running of the facility.”

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<sup>107</sup> These jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming. All responding jurisdictions permitted general population access to reading materials for eight or more hours per day, seven days per week. Twenty-four jurisdictions permitted access twenty-four hours per day, seven days per week.

<sup>108</sup> Those jurisdictions were Connecticut, Massachusetts, Pennsylvania, and West Virginia.

<sup>109</sup> These jurisdictions were Colorado, Connecticut, Maine, New Jersey, Texas, West Virginia, and Wyoming.

<sup>110</sup> These jurisdictions were Alabama, Connecticut, Hawaii, Idaho, Iowa, Kansas, Maine, Massachusetts, Montana, Nebraska, Nevada, New Jersey, Oklahoma, Pennsylvania, Texas, Utah, West Virginia, Wisconsin, and Wyoming.

<sup>111</sup> These jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>112</sup> These jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>113</sup> These jurisdictions were Alabama, Colorado, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming. Pennsylvania confirmed that it permits access to writing materials in restrictive housing but did not respond to questions about its specific policies.

<sup>114</sup> Those jurisdictions were Colorado, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming. Alabama, Maine, and West Virginia limited access to writing materials but reported that people in restrictive housing could access writing materials eight to twenty hours per day, seven days per week.

<sup>115</sup> These jurisdictions were Alabama, Iowa, Maine, Nebraska, New Jersey, South Dakota, Texas, West Virginia, Wisconsin, and Wyoming.

<sup>116</sup> Those jurisdictions were Hawaii, Iowa, Kansas, Maine, Massachusetts, Minnesota, Nebraska, New Jersey, Oklahoma, Texas, West Virginia, Wisconsin, and Wyoming.

<sup>117</sup> Those jurisdictions were Hawaii, Illinois, Kansas, and West Virginia.

<sup>118</sup> These jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming. All responding jurisdictions permitted general population access to writing materials for twelve or more hours per day, seven days per week. Thirty jurisdictions permitted access twenty-four hours per day, seven days per week.

<sup>119</sup> Those jurisdictions were Hawaii, North Dakota, Pennsylvania, and West Virginia.

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<sup>120</sup> Those jurisdictions were Colorado, Connecticut, Illinois, New Jersey, Texas, West Virginia, and Wyoming.

<sup>121</sup> Those jurisdictions were Hawaii, Iowa, Nebraska, New Jersey, Pennsylvania, West Virginia, Wisconsin, and Wyoming.

<sup>122</sup> These jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>123</sup> These jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>124</sup> These jurisdictions were Alabama, Colorado, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>125</sup> These jurisdictions reported that people in restrictive housing could access programming worksheets twenty-four hours per day, seven days per week: Colorado, Illinois, Indiana, Iowa, Kansas, Massachusetts, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, and Washington.

<sup>126</sup> Jurisdictions limiting access to programming worksheets by time were Alabama, Hawaii, Idaho, Maine, Pennsylvania, West Virginia, Wisconsin, and Wyoming. At the lower end, Wisconsin restricted access to two hours per day, four days per week, and Wyoming limited access to three hours per day, seven days per week. On the higher end, Maine permitted worksheet access twenty hours per day, seven days per week. Alabama, Hawaii, Idaho, Pennsylvania, and West Virginia permitted access between eight and fourteen hours per day, five to seven days per week.

<sup>127</sup> That jurisdiction was West Virginia.

<sup>128</sup> Those jurisdictions were Alabama, Iowa, Kansas, Maine, Minnesota, Nebraska, New Jersey, Pennsylvania, South Dakota, Texas, West Virginia, Wisconsin, and Wyoming.

<sup>129</sup> Those jurisdictions were Alabama, Hawaii, Iowa, Maine, Massachusetts, Minnesota, Nebraska, New Jersey, Pennsylvania, Texas, West Virginia, and Wisconsin.

<sup>130</sup> Those jurisdictions were Alabama, Iowa, Maine, Minnesota, Nebraska, New Jersey, Pennsylvania, Texas, West Virginia, and Wisconsin.

<sup>131</sup> These jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>132</sup> These jurisdictions were Colorado, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Vermont, and Washington. Alabama, New York, West Virginia, Wisconsin, and Wyoming also permitted access ten or more hours per day, seven days a week. Delaware allowed access two hours per day, seven days per week. Connecticut, Hawaii, and Idaho allowed access to worksheets twelve or more hours per day, five days per week. North Dakota



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and South Dakota limited programming worksheet access to four and two hours per day, respectively, five days per week.

<sup>133</sup> Those jurisdictions were Pennsylvania and West Virginia.

<sup>134</sup> These jurisdictions were Alabama, Colorado, Connecticut, Illinois, Indiana, Maine, New Jersey, Pennsylvania, South Dakota, Texas, West Virginia, and Wyoming.

<sup>135</sup> Those jurisdictions were Connecticut, Hawaii, Indiana, Iowa, Nebraska, New Jersey, Pennsylvania, South Dakota, and West Virginia.

<sup>136</sup> These jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>137</sup> These jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>138</sup> Jurisdictions that permitted the use of audio players in restrictive housing were Alabama, Hawaii, Idaho, Indiana, Iowa, Kansas, Massachusetts, Nebraska, Nevada, New Jersey, New York, Oregon, South Carolina, South Dakota, Texas, Utah, Washington, and Wyoming.

<sup>139</sup> Alabama was the only jurisdiction that permitted the use of audio players in restrictive housing but limited their use to a certain number of hours per day. That jurisdiction reported permitting audio players to be used fourteen hours per day, seven days per week.

<sup>140</sup> Those jurisdictions were Hawaii, Kansas, and Utah.

<sup>141</sup> Those nine jurisdictions were Alabama, Indiana, Iowa, Nebraska, New Jersey, South Dakota, Texas, Washington, and Wyoming.

<sup>142</sup> These jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>143</sup> Jurisdictions that permitted the use of audio players in general population twenty-four hours per day, seven days per week were Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming. Alabama and West Virginia permitted people in general population to use audio players fourteen and twelve hours per day, respectively, seven days per week.

<sup>144</sup> These jurisdictions were Illinois, Kansas, Massachusetts, North Dakota, Pennsylvania, Vermont, Washington, and West Virginia.

<sup>145</sup> Those jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Pennsylvania, Tennessee, Texas, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

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<sup>146</sup> These jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>147</sup> These jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>148</sup> These jurisdictions were Alabama, Hawaii, Idaho, Indiana, Iowa, Kansas, Maine, Massachusetts, Montana, New Hampshire, New Jersey, New York, Pennsylvania, South Carolina, South Dakota, Utah, West Virginia, and Wyoming. New Jersey reported permitting tablets for people living in restrictive housing but not for people in general population. New Jersey did not respond to other questions about their restrictive housing policies on the use of tablets, other than to confirm that people in restrictive housing are allowed to access tablets.

<sup>149</sup> These jurisdictions were Alabama, Hawaii, Idaho, Indiana, Iowa, Kansas, Montana, New Hampshire, New Jersey, South Carolina, South Dakota, Utah, West Virginia, and Wyoming.

<sup>150</sup> That jurisdiction was Iowa.

<sup>151</sup> That jurisdiction was Idaho.

<sup>152</sup> These jurisdictions were Alabama, Hawaii, Idaho, Indiana, Maine, Massachusetts, Montana, New Hampshire, New York, South Dakota, and Wyoming.

<sup>153</sup> These jurisdictions were Idaho, Indiana, Iowa, Massachusetts, New York, and South Dakota.

<sup>154</sup> Utah reported that people living in restrictive housing had access to electronic tablets one hour per week. Kansas reported that people living in restrictive housing had access to electronic tablets for thirteen hours each day. Alabama, Hawaii, Maine, Montana, New Hampshire, South Carolina, West Virginia, and Wyoming also reported that they restricted when tablets could be accessed.

<sup>155</sup> These jurisdictions were Idaho, Indiana, and South Dakota.

<sup>156</sup> That jurisdiction was Iowa.

<sup>157</sup> That jurisdiction was Massachusetts.

<sup>158</sup> These jurisdictions were Alabama, Hawaii, Kansas, Maine, Montana, New Hampshire, New York, South Carolina, Utah, West Virginia, and Wyoming.

<sup>159</sup> That jurisdiction was Wyoming.

<sup>160</sup> That jurisdiction was Utah.

<sup>161</sup> These jurisdictions were Alabama, Iowa, Kansas, Maine, South Dakota, Utah, West Virginia, and Wyoming.

<sup>162</sup> These jurisdictions were Alabama, Hawaii, Idaho, Indiana, Iowa, Kansas, Maine, Massachusetts, Montana, New Hampshire, New York, South Carolina, South Dakota, Utah, West Virginia, and Wyoming.

<sup>163</sup> Those jurisdictions were Alabama, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Oklahoma,

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Oregon, Pennsylvania, South Carolina, South Dakota, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>164</sup> Those jurisdictions were Alabama, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, and Vermont.

<sup>165</sup> If all their people in general population requested a tablet at once, West Virginia said they had enough to give one each to fifty percent of the population and Connecticut said they had enough for fifty-five percent. On the lower end, Wisconsin (5%) and Washington (8%) said they didn't have enough to cover ten percent of their general population.

<sup>166</sup> These jurisdictions were Connecticut, Hawaii, Idaho, Illinois, Massachusetts, Minnesota, Oregon, Pennsylvania, and West Virginia.

<sup>167</sup> Twenty-seven jurisdictions charged people in general population for some tablet content, including Illinois and Iowa, which charged for all tablet content. The other twenty-five jurisdictions were Alabama, Connecticut, Delaware, Hawaii, Idaho, Indiana, Kansas, Massachusetts, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Utah, Vermont, West Virginia, Wisconsin, and Wyoming.

<sup>168</sup> Those jurisdictions were Alabama, Connecticut, Illinois, New York, Maine, New Jersey, Utah, West Virginia, and Wyoming.

<sup>169</sup> Those jurisdictions were Alabama, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Montana, Nebraska, New Jersey, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Utah, Vermont, West Virginia, Wisconsin, and Wyoming.

<sup>170</sup> Twenty-one jurisdictions reported that they permitted people in general population to access tablets twenty-four hours per day, seven days a week. Those jurisdictions were Connecticut, Delaware, Idaho, Illinois, Iowa, Maine, Massachusetts, Minnesota, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Pennsylvania, South Carolina, South Dakota, Vermont, Washington, Wisconsin, and Wyoming. Most of the other jurisdictions permitted access eight or more hours per day, seven days per week. They were Alabama, Hawaii, Indiana, Kansas, Oregon, and West Virginia. Montana reported that they allowed access six hours per day, four days per week (every other day). Utah had the most restrictive electronic tablet policy among those permitting their use. It reported allowing access one hour per week.

<sup>171</sup> Seventeen jurisdictions reported that people in general population were permitted to keep their tablets in their cells at all times: Connecticut, Idaho, Illinois, Indiana, Iowa, Massachusetts, Minnesota, Nebraska, New Jersey, New York, North Dakota, Oklahoma, Pennsylvania, South Carolina, South Dakota, Vermont, and Wisconsin. Three other jurisdictions (Maine, New Hampshire, and Washington) explained that some people are permitted to keep tablets in their cells depending on factors like their housing and whether the tablet is personally owned.

<sup>172</sup> These jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>173</sup> These jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

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<sup>174</sup> These jurisdictions were Alabama, Colorado, Idaho, Indiana, Iowa, Kansas, Montana, Nebraska, Nevada, Pennsylvania, South Carolina, South Dakota, Tennessee, Washington, West Virginia, and Wyoming. Pennsylvania indicated that access to television was “possible” depending on “behavior.”

<sup>175</sup> The jurisdictions permitting access to television twenty-four hours per day, seven days per week in restrictive housing were Colorado, Idaho, Indiana, Iowa, Kansas, Montana, Nebraska, Nevada, South Dakota, Tennessee, and Washington.

<sup>176</sup> On the lower end, Wyoming permitted people in restrictive housing to watch television up to two hours per day, seven days per week. South Carolina and West Virginia allowed people in restrictive housing to watch television up to eight hours per day, seven days per week. Alabama reported that it allowed people in restrictive housing to watch television up to nine hours per day, seven days per week.

<sup>177</sup> This jurisdiction was Pennsylvania.

<sup>178</sup> Those jurisdictions were Iowa, Nevada, and West Virginia.

<sup>179</sup> Those jurisdictions were Alabama, Colorado, Indiana, Iowa, Nebraska, Nevada, South Dakota, Washington, West Virginia, and Wyoming.

<sup>180</sup> South Carolina reported that it did not rescind access to television as a punishment.

<sup>181</sup> These jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>182</sup> The jurisdictions permitting access to television twenty-four hours per day, seven days per week were Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah, Vermont, and Washington.

<sup>183</sup> These jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>184</sup> Those jurisdictions were Alabama, Colorado, Connecticut, Illinois, Maine, Nevada, New Jersey, New York, North Dakota, Texas, West Virginia, and Wyoming.

<sup>185</sup> These jurisdictions were Iowa, Massachusetts, Nevada, North Dakota, Pennsylvania, Washington, and West Virginia. Massachusetts clarified, in comments to a draft of this Report, that “[t]here is a charge to purchase a personal TV, but not the day room TV which is available to all where available.”

<sup>186</sup> These jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>187</sup> These jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

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<sup>188</sup> These jurisdictions were Idaho, Illinois, Indiana, Kansas, Nebraska, New Hampshire, New Jersey, Oregon, South Carolina, South Dakota, Tennessee, Texas, and Washington.

<sup>189</sup> South Dakota reported that people in restrictive housing could access puzzles or board games one hour per day, one day per week. Ten jurisdictions reported that they did not limit when people in restrictive housing could access puzzles or board games. Those jurisdictions were Idaho, Illinois, Indiana, Kansas, Nebraska, New Hampshire, Oregon, South Carolina, Tennessee, and Texas. Washington reported allowing people in restrictive housing to access puzzles or board games sixteen hours per day, five days per week.

<sup>190</sup> Those jurisdictions were Illinois, Indiana, and Texas.

<sup>191</sup> Nebraska, South Dakota, Texas, and Washington reported that they used puzzles and board games as incentives for behavioral change among people in restrictive housing.

<sup>192</sup> These jurisdictions were Idaho, Kansas, Nebraska, New Hampshire, South Carolina, South Dakota, Tennessee, Texas, and Washington.

<sup>193</sup> These jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>194</sup> Only Colorado (6) and South Dakota (2) provided less than eight hours per day for people to do puzzles and play board games. Seventeen jurisdictions permitted puzzles and board games to be played at any hour of the day: Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Maine, Massachusetts, Nebraska, New Hampshire, New York, North Dakota, Pennsylvania, South Carolina, Tennessee, Texas, and Vermont.

<sup>195</sup> Washington reported that it limited access to puzzles and board games to six days per week.

<sup>196</sup> Those jurisdictions were Pennsylvania and West Virginia.

<sup>197</sup> Those jurisdictions were Alabama, Colorado, Connecticut, Illinois, New Jersey, North Dakota, Texas, West Virginia, and Wyoming.

<sup>198</sup> Those jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Idaho, Iowa, Maine, Nebraska, New Jersey, New York, Oklahoma, Pennsylvania, Texas, Utah, Vermont, West Virginia, Wisconsin, and Wyoming.

<sup>199</sup> These jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>200</sup> These jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>201</sup> Those jurisdictions were Hawaii, Idaho, Massachusetts, and Nebraska.

<sup>202</sup> Idaho, Nebraska, and Massachusetts permitted people living in restrictive housing to access handheld videogames twenty-four hours per day, seven days per week. Hawaii limited such access to twelve hours per day, seven days per week.

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<sup>203</sup> Those jurisdictions were Hawaii and Idaho.

<sup>204</sup> Nebraska said that videogames were used as incentives for behavioral change in restrictive housing.

<sup>205</sup> Those jurisdictions were Colorado, Connecticut, Hawaii, Idaho, Illinois, Iowa, Maine, Massachusetts, Minnesota, Montana, New Hampshire, Oregon, Pennsylvania, West Virginia, and Wyoming.

<sup>206</sup> Jurisdictions that allowed people in general population to access handheld videogames twenty-four hours per day, seven days a week were Connecticut, Idaho, Illinois, Iowa, Maine, Massachusetts, Minnesota, Montana, New Hampshire, Oregon, and Pennsylvania. Wyoming permitted such access thirteen hours per day every day of the week, and Hawaii and West Virginia permitted access twelve hours per day each day of the week. Colorado allowed such access six hours per day, seven days per week.

<sup>207</sup> Those jurisdictions were Hawaii, Idaho, New Hampshire, Pennsylvania, and West Virginia.

<sup>208</sup> These jurisdictions were Colorado, Connecticut, Hawaii, Idaho, Illinois, Iowa, Maine, Montana, New Hampshire, Pennsylvania, West Virginia, and Wyoming.

<sup>209</sup> Those jurisdictions were Colorado, Connecticut, Illinois, West Virginia, and Wyoming.

<sup>210</sup> These jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>211</sup> These jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>212</sup> That jurisdiction was West Virginia.

<sup>213</sup> Those jurisdictions were Maine, Oregon, Pennsylvania, and West Virginia.

<sup>214</sup> Pennsylvania reported that it permitted people to access the Internet twenty-four hours per day, seven days per week. Oregon and West Virginia also reported allowing Internet access every day of the week. Oregon permitted access eight hours per day, and West Virginia permitted access twelve hours per day. Maine allowed access for up to six hours a day, five days a week.

<sup>215</sup> These jurisdictions were Pennsylvania and West Virginia. In addition, Maine responded “Yes” to a question asking whether “prisoners in the general population purchase” Internet access “to access it,” but responded no to a question asking whether “prisoners in the general population have to pay a fee to use” the Internet.

<sup>216</sup> These jurisdictions were Maine, Pennsylvania, and West Virginia.

<sup>217</sup> These jurisdictions were Maine and West Virginia.

<sup>218</sup> These jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

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<sup>219</sup> These jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>220</sup> These jurisdictions were Alabama, Colorado, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New York, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>221</sup> Those jurisdictions were Connecticut, New Jersey, and South Carolina.

<sup>222</sup> Twenty-four of twenty-six responding jurisdictions reported allowing people in restrictive housing to purchase writing and mailing products from the commissary. They were Alabama, Colorado, Hawaii, Idaho, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming. Additionally, Illinois reported allowing people in restrictive housing to purchase writing materials but not mailing materials from commissary, and New York reported allowing them to purchase mailing materials but not writing materials.

<sup>223</sup> Twenty-five of twenty-six responding jurisdictions reported allowing people in restrictive housing to purchase personal hygiene products (such as soap, shampoo, and deodorant) from the commissary. They were Alabama, Colorado, Hawaii, Idaho, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New York, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>224</sup> Twenty-two of twenty-six responding jurisdictions reported allowing people in restrictive housing to purchase dental products (such as toothbrushes, toothpaste, mouthwash, and dental floss) from the commissary. They were Alabama, Colorado, Hawaii, Idaho, Indiana, Iowa, Kansas, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New York, Oklahoma, Oregon, South Dakota, Tennessee, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>225</sup> Eighteen of twenty-six responding jurisdictions reported allowing people in restrictive housing to purchase food from the commissary. They were Alabama, Hawaii, Idaho, Iowa, Kansas, Massachusetts, Montana, Nebraska, New Hampshire, New York, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>226</sup> Seventeen of twenty-six responding jurisdictions reported allowing people in restrictive housing to purchase medications (such as Tums or aspirin) from the commissary. They were Alabama, Idaho, Indiana, Iowa, Kansas, Massachusetts, Minnesota, Montana, Nebraska, Oregon, South Dakota, Tennessee, Texas, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>227</sup> The jurisdiction that reported allowing people in restrictive housing to purchase recreation items (such as tennis balls or footballs) was Alabama.

<sup>228</sup> The four jurisdictions that reported they allow people in restrictive housing to purchase blankets were Hawaii, Idaho, Iowa, and Nevada.

<sup>229</sup> The six jurisdictions that reported allowing people in restrictive housing to purchase laundry products (such as detergent or softener) were Alabama, Idaho, Illinois, Montana, Texas, and Utah.

<sup>230</sup> Those jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

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<sup>231</sup> These jurisdictions were Alabama, Kansas, and Montana.

<sup>232</sup> These jurisdictions were Colorado, Hawaii, Idaho, Illinois, Indiana, Iowa, Maine, Massachusetts, Minnesota, Nebraska, Nevada, New Hampshire, New York, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, and Wyoming.

<sup>233</sup> Those jurisdictions were Pennsylvania and Wisconsin.

<sup>234</sup> These jurisdictions were Colorado, Hawaii, Indiana, Iowa, Maine, Massachusetts, Minnesota, Nebraska, Nevada, New Hampshire, New York, Oregon, Pennsylvania, South Dakota, Texas, Utah, Washington, West Virginia, and Wyoming.

<sup>235</sup> These jurisdictions were New York, Oregon, Utah, Washington, and West Virginia.

<sup>236</sup> These jurisdictions were Colorado, Hawaii, Idaho, Illinois, Indiana, Iowa, Maine, Massachusetts, Minnesota, Nebraska, Nevada, New Hampshire, New York, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>237</sup> These jurisdictions were Colorado, Illinois, Maine, Massachusetts, Minnesota, Nevada, New Hampshire, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming.

<sup>238</sup> The jurisdictions that reported placing special restrictions on commissary food and beverage purchases for people in restrictive housing were Colorado, Illinois, Indiana, Maine, Minnesota, Nevada, Oklahoma, and Oregon. Jurisdictions that reported such restrictions for beverage but not food products were Massachusetts, New York, South Dakota, Utah, Wisconsin, and Wyoming.

<sup>239</sup> The jurisdictions that reported permitting people in general population but not restrictive housing to purchase games, such as playing cards or board games, from the commissary were Colorado, Maine, Minnesota, New Hampshire, New York, Oregon, Utah, Washington, Wisconsin, and Wyoming. Jurisdictions reporting the same policy for recreation items, such as tennis balls or footballs, were Colorado, Idaho, Indiana, Iowa, Maine, and Nebraska.

<sup>240</sup> The jurisdictions that reported permitting people in general population but not restrictive housing to purchase music players, such as MP3 players or radios; headphones; and batteries and/or electronics charging devices from the commissary were Colorado, Illinois, Maine, Minnesota, Nevada, New York, Oklahoma, Oregon, Washington, and West Virginia. Additionally, Nebraska said it allowed people in general population but not people living in restrictive housing to purchase music playing devices as well as batteries and/or chargers from the commissary. South Dakota reported that it placed the same restrictions on batteries and chargers, and New Hampshire did the same for music players.

<sup>241</sup> These jurisdictions were Colorado, Illinois, Indiana, Maine, New Hampshire, Massachusetts, Minnesota, Oregon, Nebraska, Nevada, Utah, and Wisconsin.

<sup>242</sup> These jurisdictions were Colorado, Indiana, Iowa, Massachusetts, Minnesota, Nevada, New York, Oklahoma, Oregon, West Virginia, and Wisconsin.

<sup>243</sup> These jurisdictions were Colorado, Hawaii, Indiana, Maine, Minnesota, Nebraska, Oklahoma, Oregon, Washington, and West Virginia.

<sup>244</sup> Jurisdictions reporting that they permitted people in general population but not restrictive housing to purchase medications (such as Tums and aspirin) from the commissary were Colorado, Illinois, Maine, Nevada, New Hampshire, Oklahoma, and Utah.



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<sup>245</sup> Illinois, Maine, Texas, and Utah reported that they did not permit people in restrictive housing to purchase dental items (such as toothbrushes, toothpaste, mouthwash, and dental floss) from the commissary, even though general population had access to such products. Additionally, Illinois reported allowing people in general population but not restrictive housing to purchase products like soap, shampoo, and deodorant.

<sup>246</sup> These jurisdictions were Illinois, Indiana, Maine, and Utah.

<sup>247</sup> New York reported that it permitted people in general population but not restrictive housing to purchase cards or other writing materials. Illinois reported the same restriction for mailing materials such as postage stamps or envelopes.

<sup>248</sup> These jurisdictions were Colorado and West Virginia.

<sup>249</sup> These jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, and Wyoming.

<sup>250</sup> These jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>251</sup> These jurisdictions were Alabama, Colorado, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, Oklahoma (females only), Oregon, Pennsylvania, Tennessee, Texas, Utah, Washington, West Virginia, and Wyoming. Texas noted, "Presently, the GED/HSE for restrictive housing residents is only a pilot program."

<sup>252</sup> These jurisdictions were Indiana, Iowa, Minnesota, Nevada, New Hampshire, New Jersey, Oklahoma (people in women's prisons only), Texas, and West Virginia. Additionally, South Dakota reported that "higher education [was] not offered by DOC, however [incarcerated people] may try to obtain this on their own."

<sup>253</sup> These jurisdictions were Indiana, Iowa, Minnesota, Nevada, New Hampshire, New Jersey, Oklahoma (people in women's prisons only), and Texas. Additionally, South Dakota reported that "higher education [was] not offered by DOC, however [incarcerated people] may try to obtain this on their own."

<sup>254</sup> These jurisdictions were Iowa, Kansas, and Oklahoma (women only).

<sup>255</sup> That jurisdiction was New Hampshire.

<sup>256</sup> These jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>257</sup> Those jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Illinois, Indiana, Iowa, Maine, Massachusetts, Minnesota, Nevada, New Hampshire, New Jersey, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>258</sup> South Dakota noted, "Higher education [was] not offered by DOC, however inmates may try to obtain this on their own." Wyoming reported that it did not offer bachelor's or associate's degree programming but said college courses could be taken "through [the] Education Department."

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<sup>259</sup> Those jurisdictions were Maine, Minnesota, and New Hampshire.

<sup>260</sup> These jurisdictions were South Dakota and Washington.

<sup>261</sup> That jurisdiction was Oklahoma.

<sup>262</sup> That jurisdiction was New Jersey.

<sup>263</sup> That jurisdiction was Connecticut.

<sup>264</sup> That jurisdiction was South Dakota.

<sup>265</sup> These jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming. New York did not respond to questions about education programming.

<sup>266</sup> These jurisdictions were Colorado, Illinois, Oregon, Pennsylvania, South Dakota, Utah, and West Virginia.

<sup>267</sup> These jurisdictions were Alabama, Connecticut, Hawaii, Idaho, Indiana, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, Oklahoma, South Carolina, Tennessee, Texas, Washington, Wisconsin, and Wyoming.

<sup>268</sup> These jurisdictions were Alabama, Hawaii, Minnesota, Montana, Nevada, New Hampshire, Oklahoma, Texas, Washington, and Wisconsin.

<sup>269</sup> This quote represents comments from Hawaii, Minnesota, Nevada, Texas, and Wisconsin.

<sup>270</sup> Alabama, Montana, Oklahoma, and Washington made comments to this effect.

<sup>271</sup> These jurisdictions were Maine, Massachusetts, Nebraska, New Jersey, and Tennessee.

<sup>272</sup> These jurisdictions were Maine, Nebraska, and New Jersey.

<sup>273</sup> These jurisdictions were Alabama, Idaho, Kansas, South Carolina, and Wyoming.

<sup>274</sup> These jurisdictions were Connecticut and Indiana.

<sup>275</sup> Those jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming. In addition, New Jersey stated that out-of-cell activities were “Available daily dependent upon individual program participation and structure of facility.”

<sup>276</sup> Those jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Idaho, Indiana, Iowa, Illinois, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>277</sup> Seventeen jurisdictions cited the classification or status of an incarcerated person as a factor affecting out-of-cell opportunities. These jurisdictions were Delaware, Hawaii, Idaho, Illinois, Maine, Minnesota, Nebraska, Nevada, New York, Oregon, Pennsylvania, South Dakota, Texas, Vermont, Washington, Wisconsin, and Wyoming. Representative qualitative survey responses from these jurisdictions included, “Amount of out of cell unstructured

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time varies between security levels of inmate classification,” “[capital punishment] offenders have more group interaction than other offenders in restrictive housing,” and “the amount of time varies by custody and privilege level.”

<sup>278</sup> Delaware, Indiana, Iowa, Utah, and Washington cited medical, psychological, and religious needs as factors affecting out-of-cell opportunities. Representative qualitative survey responses from these jurisdictions included, “some offenders need medical or psychological services more than other offenders so their time out of cell varies according to their needs,” “religious services are scheduled through the chapel,” and “inmates in a Therapeutic Community Treatment unit may have more structured out of cell activities.”

<sup>279</sup> Colorado, Massachusetts, Oregon, and Wisconsin reported that out-of-cell opportunities varied by facility. Representative survey responses included, “each institution determines out-of-cell time,” “each institution can have different program availability,” and “[it] varies by facility.”

<sup>280</sup> Connecticut, Massachusetts, and Oregon reported that out-of-cell opportunities varied based on staffing levels. Representative survey responses included, “[opportunities are] dependent on architecture and staffing” and “religious observances depend on chaplain availability.”

<sup>281</sup> These responding jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>282</sup> These responding jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming. New Jersey and West Virginia responded to all questions about out-of-cell meals for people in general population with, “No data.”

<sup>283</sup> Those jurisdictions were Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming. This list includes Nevada, which responded “no data” to the question about group meals without security chairs, and Wisconsin, which responded “no data” to both questions about group meals.

<sup>284</sup> That jurisdiction was Hawaii.

<sup>285</sup> These jurisdictions permitted people in general population to eat every meal out-of-cell: Colorado, Delaware, Hawaii, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, New Hampshire, New York, Oregon, Pennsylvania, South Carolina, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming. They reported that they permitted people in general population to eat twenty-one or more meals per week in individual out-of-cell settings. Jurisdictions permitting seven to twelve meals to be eaten out-of-cell were Alabama, Connecticut, Idaho, Nevada, North Dakota, South Dakota, and Tennessee. Oklahoma reported that people in general population were not permitted to eat meals out-of-cell, which may be explained by COVID-19 precautions.

<sup>286</sup> These jurisdictions were Colorado, Delaware, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, New Hampshire, Pennsylvania, South Carolina, Utah, Washington, Wisconsin, and Wyoming. They reported that they permitted people in general population to eat twenty-one or more meals per week in individual out-of-cell settings.

<sup>287</sup> Those jurisdictions were Colorado, Indiana, Iowa, Maine, Massachusetts, Nebraska, New York, Oregon, Pennsylvania, South Carolina, Texas, Vermont, Wisconsin, and Wyoming. They reported that they permitted people in general population to eat twenty-one or more meals per week in group settings without security chairs.

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Additionally, Nevada reported that it permitted people in general population to eat fourteen meals per week (an average of two meals per day) in group settings without security chairs. Hawaii and New Hampshire reported they allowed people in general population to eat twenty-one meals per week in group settings with security chairs.

<sup>288</sup> These jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>289</sup> These jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming.

<sup>290</sup> Their restrictive housing policies limited people to three to seven showers per week.

<sup>291</sup> Eighteen jurisdictions reported allowing three showers per week for people living in restrictive housing. They were Colorado, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Nevada, New Jersey, New York, Oklahoma, Pennsylvania, South Carolina, Tennessee, Utah, Washington, West Virginia, and Wisconsin.

<sup>292</sup> The jurisdictions reporting that people in general population could take seven or more out-of-cell showers per week were Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming. Alabama and New York also responded to this question; they reported that they allowed four and three showers per week, respectively.

<sup>293</sup> These jurisdictions were Colorado, Iowa, Maine, Massachusetts, Minnesota, Montana, Nebraska, New Hampshire, Pennsylvania, South Carolina, Utah, Vermont, Washington, Wisconsin, and Wyoming. Additionally, Oregon permitted twenty-one showers per week, or an average of three per day.

<sup>294</sup> These jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>295</sup> These jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>296</sup> These jurisdictions were Alabama, Colorado, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Washington, Wisconsin, and Wyoming. Oklahoma noted that female people in restrictive housing do not have access to an outdoor exercise area with views of the sky but do have access to outdoor exercise areas without a view of the sky.

<sup>297</sup> Those jurisdictions were Colorado, Connecticut, Indiana, Kansas, Minnesota, Montana, Nebraska, Nevada, New Hampshire, South Dakota, Texas, Utah, Washington, West Virginia, and Wyoming.

<sup>298</sup> These jurisdictions were Alabama, Colorado, Hawaii, Indiana, Kansas, Montana, Nebraska, Nevada, New Hampshire, Oregon, South Dakota, Texas, Washington, Wisconsin, and Wyoming.

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<sup>299</sup> Nine jurisdictions with both indoor and outdoor exercise areas reported that decisions on where people in restrictive housing could exercise were based on weather. Those jurisdictions were Hawaii, Indiana, Kansas, Montana, Nebraska, New Hampshire, South Dakota, Texas, and Wyoming. Representative responses to “Who decides if exercise will be indoors or outdoors for restrictive housing?” included “Shift Supervisor or higher depending on inclement weather”; “floor officer, weather permitting”; and “exercise outdoors for inmates in restrictive housing is dependent on weather.” Jurisdictions also cited “unit schedules” and other “operational limitations” as factors that were considered.

<sup>300</sup> South Carolina reported that its outdoor exercise area used by people living in restrictive housing did not meet the ACA dimension guidelines, but that the outdoor exercise area used by people in general population did. Vermont, which did not have restrictive housing as the Survey defined it, reported that its outdoor exercise area did not meet ACA dimension guidelines. As an additional note, New Jersey noted that all of its outdoor exercise areas met the criteria except for those at one facility: The New Jersey State Prison.

<sup>301</sup> ACA 2016 RESTRICTIVE HOUSING STANDARDS 63.

<sup>302</sup> *Id.*

<sup>303</sup> Those jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>304</sup> These jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Illinois, Indiana, Iowa, Maine, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming. North Dakota noted that indoor exercise areas are available for people in general population men’s prisons but not for people in general population in women’s prisons.

<sup>305</sup> Those jurisdictions were Colorado, Delaware, Hawaii, Indiana, Maine, Nebraska, New Jersey, Oregon, and Vermont.

<sup>306</sup> Jurisdictions that allowed people in restrictive housing access to equipment for body weight exercises included Indiana, Kansas, Minnesota, Nebraska, Nevada, New York, Texas, Utah, and Washington.

<sup>307</sup> Alabama, Illinois, Indiana, Montana, Tennessee, Texas, Washington, and Wisconsin reported that they permitted people in restrictive housing to access to sports equipment. Except for Illinois, each listed jurisdiction reported that they provided people in restrictive housing with basketballs. Illinois reported that it provided people in restrictive housing with “rec balls.”

<sup>308</sup> Oregon and Texas reported that people in restrictive housing could access weightlifting machines, but not free weights. Montana reported that it only provided access to weightlifting equipment to women in restrictive housing, and that this equipment did not include free weights. Alabama said that men in restrictive housing units had access to free weights, but not women, and that it did not permit people in restrictive housing access to other weightlifting equipment.

<sup>309</sup> These jurisdictions reported that free weights and other weightlifting equipment were available to people in general population: Alabama, Colorado, Delaware, Idaho, Illinois, Indiana, Iowa, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oregon, Pennsylvania, South Dakota, Tennessee, Utah, Washington, and Wyoming. Additionally, Connecticut, Hawaii, Kansas, Oklahoma, South Carolina, Texas, Vermont, West Virginia, and Wisconsin provided access to some weightlifting equipment but not free weights.

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<sup>310</sup> Jurisdictions that provided people in general population with access to indoor cardio machines were Alabama, Colorado, Delaware, Idaho, Indiana, Iowa, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, North Dakota, Oklahoma, Oregon, Pennsylvania, South Dakota, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming. Jurisdictions allowing access to outdoor cardio machines were Alabama, Colorado, Connecticut, Iowa, Nebraska, North Dakota, Oregon, Pennsylvania, South Dakota, Washington, Wisconsin, and Wyoming.

<sup>311</sup> Although the survey did not specifically ask about sports equipment, eleven jurisdictions noted they allowed people in general population access to sports equipment. They were Alabama, Hawaii, Indiana, Kansas, Maine, Minnesota, Montana, Nevada, Pennsylvania, Texas, and Wyoming. Representative comments included, “basketballs,” “horseshoes, basketball, volleyball,” and “recreation equipment.”

<sup>312</sup> These jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>313</sup> Utah and Wyoming reported allowing out-of-cell individual exercise three times per week for people in restrictive housing.

<sup>314</sup> Those jurisdictions that reported allowing out-of-cell individual exercise seven times per week for people in restrictive housing were Colorado, Connecticut, Hawaii, Idaho, Indiana, Maine, Montana, Nebraska, New Hampshire, New York, Pennsylvania, and Texas.

<sup>315</sup> Those jurisdictions that reported allowing out-of-cell individual exercise at the median of five times per week for people in restrictive housing were Iowa, Illinois, Kansas, Massachusetts, Nevada, New Jersey, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Washington, and West Virginia. Alabama and Wisconsin reported allowing out-of-cell individual exercise four times per week.

<sup>316</sup> These jurisdictions were Alabama, Hawaii, Illinois, Minnesota, New Jersey, New York, and Oregon. Their policies permitted between three and seven group exercise sessions per week, with a median of five. Hawaii noted that group exercise was only available for people living in restrictive housing if they were in restrictive housing for protective custody. Indiana and Wisconsin did not report data on how often people in restrictive housing could attend out-of-cell group exercise.

<sup>317</sup> Those jurisdictions were Colorado, Connecticut, Idaho, Iowa, Kansas, Maine, Massachusetts, Montana, Nebraska, Nevada, New Hampshire, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, and Wyoming. This list includes jurisdictions that allowed people to exercise individually in fenced areas where they could see and/or hear other incarcerated people.

<sup>318</sup> Those jurisdictions were Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming. Alabama permitted people in general population to exercise individually out-of-cell four times per week.

<sup>319</sup> Those jurisdictions were Colorado, Iowa, Maine, Massachusetts, Minnesota, Montana, Nebraska, New Hampshire, Pennsylvania, South Carolina, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming. Additionally, Oregon permitted people in general population to exercise individually out-of-cell up to twenty-one times per week, or an average of three per day. Delaware permitted people in general population to exercise individually out-of-cell up to fourteen times per week, an average of twice per day, with no maximum on group exercise activity.

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<sup>320</sup> Those jurisdictions were Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Maine, Massachusetts, Minnesota, Nebraska, New Hampshire, New York, North Dakota, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming. Alabama, Montana, Nevada, and Wisconsin also allowed some group exercise each week. Oklahoma reported that it did not permit group exercise during the surveyed year, which may be explained by COVID-19 precautions.

<sup>321</sup> Those jurisdictions were Colorado, Delaware, Iowa, Maine, Massachusetts, Minnesota, Nebraska, New Hampshire, Pennsylvania, South Carolina, Texas, Utah, Vermont, Washington, and Wyoming. Additionally, Oregon permitted people in general population to exercise out-of-cell in group settings up to twenty-one times per week, or an average of three per day.

<sup>322</sup> Reena Kapoor & Robert Trestman, Nat'l Inst. Just., NCJ 250321, *Mental Health Effects of Restrictive Housing*, in *RESTRICTIVE HOUSING IN THE U.S.: ISSUES, CHALLENGES, AND FUTURE DIRECTIONS* (2016).

<sup>323</sup> The Survey did not ask specifically about access to in-cell mental health or physical health services.

<sup>324</sup> These jurisdictions were Alabama, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>325</sup> These jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming.

<sup>326</sup> These jurisdictions were Alabama, Indiana, Iowa, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New York, South Carolina, Texas, Utah, and Washington.

<sup>327</sup> Those jurisdictions were Hawaii, Kansas, Maine, New Jersey, Oklahoma, and Tennessee.

<sup>328</sup> These jurisdictions were Connecticut, Illinois, Oregon, West Virginia, Wisconsin, and Wyoming. The following jurisdictions reported that they permit people in restrictive housing to access out-of-cell mental health services five or more times per week: Alabama, Hawaii, Idaho, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, and Washington.

<sup>329</sup> Connecticut reported that people living in restrictive housing were permitted to leave their cells for mental health services zero times per week.

<sup>330</sup> Jurisdictions that reported permitting people in general population to access mental health services five or more times per week were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wisconsin. Wyoming reported that it permitted such access only once per week.

<sup>331</sup> These twenty jurisdictions reported that they did not place any limitations on the number of times a person in general population could access mental health services: Alabama, Colorado, Delaware, Indiana, Iowa, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New York, Pennsylvania, South Carolina, Texas, Utah, Vermont, Washington, and Wisconsin.

<sup>332</sup> These jurisdictions were Alabama, Indiana, Iowa, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New York, South Carolina, Texas, Utah, and Washington.

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<sup>333</sup> These jurisdictions were Connecticut, Hawaii, Illinois, Kansas, Maine, New Jersey, Oklahoma, and Tennessee.

<sup>334</sup> Those jurisdictions were Oregon, West Virginia, Wisconsin, and Wyoming.

<sup>335</sup> Jurisdictions that reported permitting people in general population to access physical health services at five or more times per week were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wisconsin. Wyoming reported that it permitted such access only once per week.

<sup>336</sup> These twenty jurisdictions reported that they did not place any limitations on the number of times a person in general population could access physical health services: Alabama, Colorado, Delaware, Indiana, Iowa, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New York, Pennsylvania, South Carolina, Texas, Utah, Vermont, Washington, and Wisconsin. Additionally, Oregon reported that people in general population could access physical health services up to 28 times per week or an average of four times per day.

<sup>337</sup> These jurisdictions were Alabama, Connecticut, Hawaii, Idaho, Illinois, Iowa, Kansas, Maine, Minnesota, Nebraska, Nevada, New Hampshire, New York, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>338</sup> These jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming.

<sup>339</sup> Those jurisdictions were Alabama, Hawaii, Idaho, Iowa, Kansas, Maine, Minnesota, Nevada, Oregon, Utah, Washington, West Virginia, and Wisconsin.

<sup>340</sup> These jurisdictions were Idaho, Kansas, Oregon, Washington, West Virginia, and Wisconsin.

<sup>341</sup> These jurisdictions were Hawaii, Iowa, Maine, Minnesota, Nevada, and Utah.

<sup>342</sup> Iowa, Minnesota, Nevada, and Utah did not place a limit on the number of times a person in restrictive housing could attend out-of-cell religious observances.

<sup>343</sup> Those jurisdictions were Connecticut, Illinois, Nebraska, New Hampshire, New York, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, and Wyoming.

<sup>344</sup> These jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming.

<sup>345</sup> Jurisdictions that did not limit out-of-cell religious observances were Colorado, Delaware, Indiana, Iowa, Maine, Massachusetts, Minnesota, Montana, Nebraska, New Hampshire, New York, Pennsylvania, South Carolina, Texas, Utah, Vermont, and Washington. Jurisdictions limiting people in general population to seven out-of-cell religious observances per week were Hawaii, Idaho, Nevada, Oklahoma, Oregon, South Dakota, and Tennessee. Wisconsin allowed up to eight out-of-cell religious observances per week.

<sup>346</sup> Those jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Idaho, Illinois, Iowa, Kansas, Maine, Nebraska, Nevada, New Hampshire, New Jersey, New York, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, and Wyoming.



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<sup>347</sup> These jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, New Hampshire, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming.

<sup>348</sup> These jurisdictions permitted people in restrictive housing to access individual out-of-cell programming once or more per week: Alabama, Idaho, Illinois, Iowa, Maine, New Hampshire, New York, Oregon, South Carolina, South Dakota, Texas, and Wyoming.

<sup>349</sup> These jurisdictions reported that they did not allow people in restrictive housing to leave their cells for individual programming: Colorado, Connecticut, Hawaii, Kansas, Nebraska, Nevada, New Jersey, Oklahoma, Tennessee, Utah, Washington, and West Virginia.

<sup>350</sup> These jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, New Hampshire, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, and Wyoming. Oklahoma reported that it did not permit individual out-of-cell programming for general population or people in restrictive housing, but that it did allow out-of-cell group programming for people in general population.

<sup>351</sup> These jurisdictions were Colorado, Delaware, Hawaii, Illinois, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, New Hampshire, North Dakota, Oregon, Pennsylvania, South Carolina, Texas, Utah, Vermont, and Wyoming.

<sup>352</sup> Those jurisdictions without a limit on out-of-cell individual programming were Colorado, Iowa, Maine, Massachusetts, Minnesota, Montana, Nebraska, New Hampshire, Pennsylvania, South Carolina, Texas, Utah, Vermont, and Wyoming.

<sup>353</sup> That jurisdiction was Alabama. Alabama reported that people in restrictive housing were allowed out of their cell four times per week for group meals with security chairs, four times per week for group meals without security chairs, and four times per week for group programming without security chairs.

<sup>354</sup> Those jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Idaho, Illinois, Iowa, Kansas, Maine, Nebraska, New Hampshire, New Jersey, New York, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, and Wyoming.

<sup>355</sup> These jurisdictions reported that they did not allow people in restrictive housing to leave their cells for group programming with security chairs: Colorado, Connecticut, Hawaii, Idaho, Kansas, New Jersey, New York, Oklahoma, Texas, and West Virginia.

<sup>356</sup> These jurisdictions were Illinois, Maine, Nebraska, South Carolina, South Dakota, Tennessee, and Utah.

<sup>357</sup> Those jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Iowa, Maine, Massachusetts, Minnesota, Nebraska, New Hampshire, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming.

<sup>358</sup> Those jurisdictions were Alabama, Colorado, Delaware, Hawaii, Idaho, Illinois, Iowa, Maine, Massachusetts, Minnesota, Nebraska, New Hampshire, New York, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, and Wyoming.

<sup>359</sup> Those jurisdictions were Alabama, Colorado, Delaware, Hawaii, Idaho, Illinois, Iowa, Maine, Massachusetts, Minnesota, Nebraska, New Hampshire, New York, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, and Wyoming.

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<sup>360</sup> Those jurisdictions were Alabama, Hawaii, Montana, New Hampshire, Oregon, Utah, and Wyoming.

<sup>361</sup> Those jurisdictions were Alabama, Oregon, Illinois, and Utah.

<sup>362</sup> Those jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Iowa, Kansas, Maine, Massachusetts, Montana, Nebraska, Nevada, New Hampshire, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming. This “other” individual time appeared to be fairly significant—every jurisdiction listed except Alabama (four times per week) reported that people in general population were permitted out of their cells seven or more times per week for individual, unstructured time not described in the survey.

<sup>363</sup> Those jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Iowa, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming. This “other” group time appeared to be fairly significant—every jurisdiction listed except Alabama (four times per week) reported that people in general population were permitted out of their cells seven or more times per week for group, unstructured time not described in the survey.

<sup>364</sup> These comments represent responses from Hawaii, Idaho, South Dakota, Washington, West Virginia, and Wyoming and refer to their restrictive housing policies.

<sup>365</sup> Those jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>366</sup> Those jurisdictions were Connecticut, Idaho, Kansas, Oklahoma, Texas, and West Virginia. Although the Survey asked how many times per week people could leave their cells for religious observances, it did not specifically ask whether these included group religious services. Idaho, Kansas, and West Virginia reported that they permitted people in restrictive housing to leave their cells once per week for a religious observance.

<sup>367</sup> Those jurisdictions were Colorado, Indiana, Massachusetts, Montana, Nevada, Pennsylvania, and Wisconsin.

<sup>368</sup> These jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>369</sup> These jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nevada, New Hampshire, New Jersey, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>370</sup> That jurisdiction was Hawaii. Notably, Hawaii reported charging people in general population \$4 per minute, meaning a 15-minute phone call would cost \$60.

<sup>371</sup> The Survey asked jurisdictions to choose two variables from set lists: First, how many calls could be made and, second, whether that number referred to the number of calls that could be placed per day, week, month, or year. Fifteen jurisdictions selected “Unlimited/More than 100” calls per “day,” “week,” or “month” for restrictive housing legal calls: Hawaii, Idaho, Indiana, Montana, Nevada, New Hampshire, New Jersey, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Utah, and West Virginia. The sixteenth jurisdiction referenced (Alabama) reported that people in restrictive housing were allowed up to one hundred legal phone calls per day. Six

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other jurisdictions selected “Unlimited/More than 100” calls per “year,” which could represent no limits on the number of calls placed or policies allowing as few as two calls per week. Those jurisdictions were Colorado, Illinois, Maine, Minnesota, Tennessee, and Washington.

<sup>372</sup> The Survey asked jurisdictions to choose two variables from set lists: First, how many calls could be made and, second, whether that number referred to the number of calls that could be placed per day, week, month, or year. Eight jurisdictions selected “Unlimited/More than 100” calls per “day,” “week,” or “month” for restrictive housing non-legal calls: Indiana, New Hampshire, New Jersey, Oregon, Pennsylvania, South Carolina, South Dakota, and West Virginia. The ninth jurisdiction referenced (Connecticut) reported that people in restrictive housing were allowed up to four phone calls per day. Three other jurisdictions selected “Unlimited/More than 100” calls per “year,” which could represent no limits on the number of calls placed or policies allowing as few as two calls per week. Those jurisdictions were Illinois, Minnesota, and Washington.

<sup>373</sup> Those jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nevada, New Hampshire, New Jersey, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, and Wisconsin.

<sup>374</sup> The Survey asked jurisdictions to choose two variables from set lists: First, how many calls could be made and, second, whether that number referred to the number of calls that could be placed per day, week, month, or year. Nineteen jurisdictions selected “Unlimited/More than 100” calls per “day,” “week,” or “month”: Alabama, Hawaii, Idaho, Indiana, Massachusetts, Montana, Nevada, New Hampshire, New Jersey, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Vermont, and West Virginia. The twentieth jurisdiction referenced (Wisconsin) reported that people in general population were allowed up to five legal phone calls per day. Nine other jurisdictions selected “Unlimited/More than 100” calls per “year,” which could represent no limits on the number of calls placed or policies allowing as few as two calls per week. Those jurisdictions were Colorado, Delaware, Illinois, Iowa, Kansas, Maine, Minnesota, Tennessee, and Washington.

<sup>375</sup> Those jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nevada, New Hampshire, New Jersey, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>376</sup> The survey asked jurisdictions to choose two variables from set lists: First, how many calls could be made and, second, whether that number referred to the number of calls that could be placed per day, week, month, or year. Nineteen jurisdictions selected “Unlimited/More than 100” calls per “day,” “week,” or “month”: Alabama, Hawaii, Idaho, Indiana, Massachusetts, Montana, Nevada, New Hampshire, New Jersey, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Vermont, West Virginia, and Wyoming. The other two jurisdictions referenced reported that people in general population were allowed up to five non-legal phone calls per day (Wisconsin) or up to six per day (Connecticut). Eight other jurisdictions selected “Unlimited/More than 100” calls per “year,” which could represent no limits on the number of calls placed or policies allowing as few as two calls per week. Those jurisdictions were Colorado, Illinois, Iowa, Kansas, Maine, Minnesota, Tennessee, and Washington.

<sup>377</sup> These jurisdictions were Alabama, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, and Wisconsin. The 2021 Survey did not ask about policies regarding legal contacts on call lists.

<sup>378</sup> Connecticut, Massachusetts, Tennessee, and Utah each reported that people could have ten non-legal contacts on their call lists.

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<sup>379</sup> Jurisdictions reporting a limit of thirty non-legal contacts per call list were Illinois, Iowa, Nebraska, Oklahoma, and Wisconsin. Jurisdictions reporting that they allowed more than thirty non-legal contacts were Alabama, Idaho, Maine, Minnesota, Montana, Nevada, Oregon, South Carolina, and South Dakota.

<sup>380</sup> These jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nevada, New Hampshire, New Jersey, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>381</sup> Jurisdictions charging by the minute were Colorado, Connecticut, Hawaii, Idaho, Indiana, Iowa, Kansas, Maine, Massachusetts, Montana, Nevada, New Hampshire, New Jersey, Oklahoma, Oregon, Pennsylvania, South Dakota, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>382</sup> Jurisdictions charging on a fifteen-minute basis were Alabama, Illinois, Minnesota, South Carolina, and Tennessee.

<sup>383</sup> These jurisdictions were Alabama, Illinois, and South Carolina.

<sup>384</sup> That jurisdiction was Indiana.

<sup>385</sup> The jurisdictions charging the median \$1.50 for a fifteen-minute phone call were Colorado, Connecticut, Idaho, Iowa, Maine, Massachusetts, Montana, Nevada, New Hampshire, New Jersey, Oregon, Pennsylvania, South Dakota, Utah, Washington, West Virginia, Wisconsin, and Wyoming. Four jurisdictions charged more than this amount: Indiana, Kansas, Oklahoma, and Tennessee.

<sup>386</sup> These jurisdictions were Alabama, Connecticut, Idaho, Illinois, Minnesota, New Hampshire, Oregon, Pennsylvania, Texas, and West Virginia.

<sup>387</sup> That jurisdiction was New Jersey.

<sup>388</sup> These jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>389</sup> These jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>390</sup> The survey asked jurisdictions to choose two variables from set lists: First, how many letters could be sent or received and, second, whether that number referred to the number of letters per day, week, month, or year. Nineteen jurisdictions with restrictive housing selected "Unlimited/More than 100" letters per "day," "week," or "month": Alabama, Connecticut, Hawaii, Idaho, Indiana, Massachusetts, Montana, Nebraska, Nevada, New Hampshire, New Jersey, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Utah, West Virginia, Wisconsin, and Wyoming.

<sup>391</sup> The survey asked jurisdictions to choose two variables from set lists: First, how many letters could be sent or received and, second, whether that number referred to the number of letters per day, week, month, or year. These jurisdictions with restrictive housing units selected "Unlimited/More than 100" letters per "year," which could represent no limits on the number of letters sent and received or policies allowing as few as two letters per week. Those jurisdictions were Colorado, Illinois, Iowa, Kansas, Maine, Minnesota, Tennessee, and Washington.

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<sup>392</sup> These jurisdictions were Connecticut, Hawaii, Idaho, Illinois, Indiana, Maine, Nevada, New Hampshire, Oklahoma, Pennsylvania, South Carolina, Tennessee, Utah, and West Virginia.

<sup>393</sup> The seven jurisdictions only providing free stamps and writing materials to people in restrictive housing considered indigent were Hawaii, Nevada, New Hampshire, Oklahoma, South Carolina, Utah, and West Virginia.

<sup>394</sup> These jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>395</sup> These jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>396</sup> Those jurisdictions were Connecticut, Illinois, Maine, Oklahoma, Oregon, South Dakota, Tennessee, Utah, and Washington.

<sup>397</sup> Those jurisdictions were Alabama, Colorado, Hawaii, Idaho, Indiana, Iowa, Kansas, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, Pennsylvania, South Carolina, Texas, West Virginia, Wisconsin, and Wyoming.

<sup>398</sup> Those four jurisdictions were Nevada, New Hampshire, South Carolina, and West Virginia. New Hampshire and South Carolina reported that they did not limit the amount of time people in general population could access emails, but New Hampshire said that it limited people in restrictive housing to one hour per week and South Carolina said it limited people in restrictive housing to twenty-eight hours per week. Nebraska reported that it permitted people in general population to access email eight hours per week and people in restrictive housing to access email two hours per week. West Virginia allowed twelve hours of access for people in general population and eight hours for people in restrictive housing.

<sup>399</sup> Those six jurisdictions were Colorado, Iowa, Minnesota, Nebraska, Pennsylvania, and Texas. Iowa noted that some people in restrictive housing were allowed to access emails via tablet, depending on their privilege level and whether they had a personal tablet.

<sup>400</sup> These jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Indiana, Iowa, Kansas, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oregon, Pennsylvania, South Carolina, Texas, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>401</sup> These jurisdictions were Hawaii, Iowa, Kansas, Massachusetts, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Oregon, South Carolina, Vermont, and Wisconsin.

<sup>402</sup> Those jurisdictions were Alabama and Nevada.

<sup>403</sup> Twenty-three jurisdictions reported that emails could be accessed via a kiosk, tablet, or similar device. Those jurisdictions were Alabama, Connecticut, Delaware, Hawaii, Idaho, Indiana, Iowa, Kansas, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, North Dakota, Oregon, South Carolina, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>404</sup> Those jurisdictions were Colorado, Pennsylvania, and Texas.

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<sup>405</sup> Those jurisdictions were Alabama, Colorado, Hawaii, Idaho, Indiana, Iowa, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, Pennsylvania, South Carolina, Texas, West Virginia, and Wisconsin.

<sup>406</sup> That jurisdiction was Wisconsin.

<sup>407</sup> Sixteen jurisdictions described a process of screening emails for content. Those jurisdictions were Alabama, Colorado, Hawaii, Idaho, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, Pennsylvania, South Carolina, Texas, West Virginia, and Wisconsin. Representative comments included, “No threats/nudity/illegal materials”; “e-mail may be reviewed for content”; and “[no] participating in media interviews.”

<sup>408</sup> Four jurisdictions described policies restricting who a person in general population could email: Indiana, Montana, Nebraska, and Texas. Representative comments included, “The person the offender is corresponding with has to email the offender first,” “not able to send emails ending in @nebraska.gov,” and “if the sender is on the inmate’s negative mailing list, the email will be returned to the sender.” Additionally, Iowa limited emails to “14,000 characters and no attachments.”

<sup>409</sup> Those jurisdictions were Kansas and Wyoming.

<sup>410</sup> Seventeen jurisdictions described a process of screening emails for content. Those jurisdictions were Alabama, Colorado, Hawaii, Idaho, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, Oregon, South Carolina, Texas, Vermont, Washington, and West Virginia. Representative comments included, “No pornography, violence, or gang symbols”; “Screened for security purposes”; “Messages with inappropriate content may result in suspended privileges”; and “When certain keywords are used . . . the email may be flagged and reviewed by the DOC.”

<sup>411</sup> Six jurisdictions described policies restricting who a person in general population could email: Indiana, Minnesota, Montana, Nebraska, Texas, and Vermont. Representative comments included, “The person the offender is corresponding with has to email the offender first,” “not able to send emails ending in @nebraska.gov,” and “incarcerated individuals cannot contact those who are on their individualized court-ordered no contact list.” Additionally, Iowa limited emails to “14,000 characters and no attachments.”

<sup>412</sup> Those jurisdictions were Delaware, Kansas, North Dakota, Wisconsin, and Wyoming.

<sup>413</sup> Those jurisdictions were Colorado, Connecticut, Delaware, Idaho, Indiana, Iowa, Kansas, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, North Dakota, Oregon, Pennsylvania, South Carolina, Vermont, Washington, West Virginia, and Wisconsin.

<sup>414</sup> Those jurisdictions were Alabama, Colorado, Connecticut, Delaware, Idaho, Indiana, Iowa, Kansas, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, North Dakota, Oregon, Pennsylvania, South Carolina, Texas, Vermont, Washington, West Virginia, and Wisconsin.

<sup>415</sup> Indiana was an exception. It reported charging people in restrictive housing 27 cents to receive an email but did not charge people in general population for emails received.

<sup>416</sup> Those jurisdictions were Alabama, Colorado, Delaware, Idaho, Indiana, Iowa, Minnesota, Nebraska, Nevada, New Hampshire, New Jersey, Oregon, Pennsylvania, Vermont, and Wisconsin. Iowa, however, reported that it did not charge people in general population for emails received but did charge people in restrictive housing for them.

<sup>417</sup> Those jurisdictions were Colorado and Nevada.

<sup>418</sup> That jurisdiction was Massachusetts.

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<sup>419</sup> Connecticut (20 cents per email received) was at the lower end, and Texas (47 cents) and West Virginia (50 cents) were at the higher end.

<sup>420</sup> Jurisdictions at the median for emails received fees were Kansas, Massachusetts, and South Carolina. North Dakota was near the median; it charged 24 cents per email received.

<sup>421</sup> Wisconsin (10 cents per email received) was at the lower end, and New Hampshire (45 cents) and West Virginia (50 cents) were at the higher end.

<sup>422</sup> Jurisdictions at the median for fees for sending emails were Delaware, Iowa, Kansas, Nebraska, Oregon, Pennsylvania, South Carolina, and Vermont. North Dakota (24 cents) and Indiana (27 cents) were near the median.

<sup>423</sup> These jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>424</sup> Those jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>425</sup> These jurisdictions were Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>426</sup> These jurisdictions were Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, and Wyoming.

<sup>427</sup> All twenty-eight responding jurisdictions reported that legal visits could not be withdrawn from people in restrictive housing as a punishment. Those jurisdictions were: Alabama, Colorado, Connecticut, Hawaii, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>428</sup> Seventeen of twenty-eight jurisdictions reported that physical contact was not allowed during restrictive housing legal visits. Those jurisdictions were Hawaii, Idaho, Illinois, Indiana, Kansas, Maine, Minnesota, Montana, New Hampshire, Oklahoma, Oregon, Pennsylvania, Tennessee, Texas, Utah, Washington, and Wisconsin. Jurisdictions that reported that they permitted contact during legal visits were Alabama, Colorado, Connecticut, Iowa, Massachusetts, Nebraska, Nevada, New Jersey, South Carolina, South Dakota, West Virginia, and Wyoming.

<sup>429</sup> Those jurisdictions were Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, and Wyoming.

<sup>430</sup> Those jurisdictions were New Jersey and Oregon.

<sup>431</sup> Thirty-two jurisdictions reported whether physical contact was allowed in legal visits for people in general population. Twenty-nine reported that it was. Those jurisdictions were: Alabama, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas,

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Utah, Vermont, Washington, West Virginia, and Wisconsin. These three jurisdictions required legal visits to be no-contact: Delaware, Hawaii, and Wyoming.

<sup>432</sup> Thirty-two jurisdictions responded to this question, all of which said legal visits could not be withdrawn as punishment for people in general population. Those jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>433</sup> These jurisdictions were Connecticut, Hawaii, Idaho, Illinois, Iowa, Kansas, Massachusetts, Minnesota, Montana, Nebraska, New Hampshire, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>434</sup> Those jurisdictions were Illinois, Iowa, Minnesota, New Hampshire, South Dakota, Texas, Washington, and Wyoming.

<sup>435</sup> Those jurisdictions were Connecticut, Hawaii, Idaho, Kansas, Montana, Oregon, South Carolina, Utah, and West Virginia.

<sup>436</sup> That jurisdiction was Connecticut.

<sup>437</sup> Nineteen of twenty-seven responding jurisdictions reported that physical contact was not permitted for religious visits for people in restrictive housing. Those jurisdictions were Hawaii, Idaho, Illinois, Indiana, Kansas, Maine, Massachusetts, Minnesota, Montana, New Hampshire, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Washington, Wisconsin, and Wyoming. The jurisdictions that reported allowing such contact during these visits were Alabama, Colorado, Iowa, Nebraska, New Jersey, South Carolina, Utah, and West Virginia.

<sup>438</sup> Twenty-one of twenty-eight responding jurisdictions reported that religious visits could not be withheld from people in restrictive housing as a form of punishment. Those jurisdictions were Alabama, Colorado, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Massachusetts, Minnesota, Montana, Nebraska, New Hampshire, Oklahoma, Oregon, Pennsylvania, South Carolina, Texas, Washington, West Virginia, and Wisconsin. The seven jurisdictions that reported they revoked access to religious visits from people in restrictive housing in response to disciplinary issues were Maine, Nevada, New Jersey, South Dakota, Tennessee, Utah, and Wyoming.

<sup>439</sup> The jurisdictions that provided data on the number of religious visits they permitted for people in general population were Connecticut, Delaware, Hawaii, Idaho, Illinois, Iowa, Kansas, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, and Wyoming.

<sup>440</sup> These jurisdictions reported that they did not limit general population religious visits: Connecticut, Delaware, Illinois, Iowa, Kansas, Minnesota, New Hampshire, Pennsylvania, South Dakota, Tennessee, Texas, Vermont, Washington, and Wyoming.

<sup>441</sup> Nebraska reported that they allow up to sixty-four religious visits per month for each person in general population. New Jersey and Oregon permitted up to 20 such visits per month.

<sup>442</sup> That jurisdiction was Nevada.

<sup>443</sup> Thirty-one jurisdictions reported whether physical contact was allowed in religious visits for people in general population. Twenty-eight reported that it was. Those jurisdictions were: Alabama, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah,



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Vermont, Washington, West Virginia, and Wisconsin. These three jurisdictions required religious visits to be no-contact: Delaware, Hawaii, and Wyoming.

<sup>444</sup> Thirty-one jurisdictions responded to a question about whether access to religious visits could be withdrawn from people in general population as a punishment. Twenty-four reported that it could not. Those jurisdictions were: Alabama, Colorado, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Massachusetts, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, North Dakota, Oregon, Pennsylvania, South Carolina, Texas, Vermont, Washington, West Virginia, and Wisconsin. The four jurisdictions that reported that opportunities for religious visits could be withdrawn as punishment against people in general population were Connecticut, Maine, Oklahoma, South Dakota, Tennessee, Utah, and Wyoming.

<sup>445</sup> These jurisdictions were Alabama, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>446</sup> These jurisdictions were Alabama, Hawaii, and Oklahoma.

<sup>447</sup> Those jurisdictions were Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nevada, New Hampshire, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming.

<sup>448</sup> Those jurisdictions were Colorado, Connecticut, Idaho, Illinois, Iowa, Kansas, Maine, Massachusetts, Montana, Nebraska, Nevada, New Hampshire, New Jersey, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>449</sup> These jurisdictions were Alabama, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>450</sup> The eight jurisdictions that reported they permitted twenty or more social visits per month for people in general population were Indiana, Maine, Nebraska, New Jersey, Oregon, Pennsylvania, Tennessee, and West Virginia. Indiana, Pennsylvania, and Tennessee reported that they do not limit social visits for general population. Nebraska reported that they allow up to sixty-four social visits per month for each person in general population.

<sup>451</sup> Hawaii, Oklahoma, and Utah reported that they permit four social visits per month for people in general population. In Nevada, the number was two. Alabama reported that it did not allow any social visits for people in general population.

<sup>452</sup> The jurisdictions at the median were Delaware, Idaho, Iowa, Kansas, New Hampshire, South Carolina, and South Dakota.

<sup>453</sup> Twenty-seven of thirty-one jurisdictions reported that physical contact was allowed during general population social visits. Those jurisdictions were Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, and Wisconsin.

<sup>454</sup> Thirty-one jurisdictions reported whether access to social visits could be withdrawn from people in general population as a punishment, twenty-eight of which reported that it could. Those jurisdictions were: Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Iowa, Kansas, Maine, Massachusetts, Montana, Nebraska, Nevada, New Hampshire, New Jersey, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota,

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Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming. Indiana, Minnesota, and West Virginia said that social visits could not be kept from people in general population as punishment.

<sup>455</sup> These quotes are representative of comments from thirteen jurisdictions: Colorado, Connecticut, Idaho, Illinois, Iowa, Maine, Massachusetts, New Hampshire, South Dakota, Tennessee, Utah, Washington, and West Virginia.

<sup>456</sup> These jurisdictions were Idaho, Kansas, Maine, Montana, Nebraska, Nevada, and New Hampshire. Representative comments explaining the circumstances under which visitation opportunities could be withdrawn include, “for a violation of the visitation policy,” “violation of visitation rules,” and “violation of rules and regulations during a visit or evidence of a planned violation to occur during visiting.”

<sup>457</sup> These jurisdictions were Texas and Wisconsin.

<sup>458</sup> The following jurisdictions reported that the length of a suspension of visits varied and did not provide an upper limit: Connecticut, Colorado, Massachusetts, Nebraska, Oregon, Pennsylvania, South Carolina, South Dakota, Vermont, Washington, West Virginia, and Wisconsin.

<sup>459</sup> Kansas, Maine, and Washington reported that a person’s non-legal visits could be suspended indefinitely. Montana and North Dakota reported that such suspensions could be made “permanent” or enacted “up to date of discharge.” The Supreme Court has upheld social visit restrictions lasting up to two years but has not ruled on permanent visit prohibitions. *See Overton v. Bazzetta*, 539 U.S. 126, 134 (2003).

<sup>460</sup> These jurisdictions were Illinois, New Hampshire, New Jersey, Oklahoma, and Tennessee.

<sup>461</sup> In Louisiana, the research organization Incarceration Transparency publishes reports devoted to documenting deaths in prisons and jails. *See Research, Articles, and Reports*, INCARCERATION TRANSPARENCY (last visited July 13, 2022), available at [https://www.incarcerationtransparency.org/?page\\_id=13](https://www.incarcerationtransparency.org/?page_id=13).

<sup>462</sup> In 2019, for example, a study published in the *Journal of the American Medical Association* found that “exposure to restrictive housing is associated with an increased risk of death during community reentry.” Lauren Brinkley-Rubinstein, Josie Sivaraman, David L. Rosen, David H. Cloud, Gary Junker, Scott Proescholdbell, Meghan E. Shanahan & Shabbar I. Ranapurwala, *Association of Restrictive Housing During Incarceration with Mortality After Release* JOURNAL OF AMERICAN MEDICAL ASSOCIATION (Oct. 2019) [hereinafter *Association of Restrictive Housing During Incarceration with Mortality*], at 1 available at <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2752350>. According to the study’s authors, “those who spent more than 14 consecutive days in restrictive housing had a greater risk of all-cause mortality, homicide, suicide, and reincarceration within 1 year.” *Id.* at 6. A law review symposium, published in 2020, provided a series of articles related to isolation, including the *Consensus Statement from the Santa Cruz Summit on Solitary Confinement and Health*, 115 NW. U. L. REV. 335 (2020). More information on harms are in *Solitary Confinement: Effects, Practices, and Pathways Toward Reform* (2019), edited by Jules Lobel and Peter Scharff Smith.

<sup>463</sup> *See generally* Death in Custody Reporting Act, 18 U.S.C. § 4001 (federal facilities) and 34 U.S.C. § 60105 (state facilities); Prison Rape Elimination Act, 34 U.S.C. § 30303.

<sup>464</sup> Allen J. Beck, Marcus Berzofksy, Rachel Caspar & Christopher Krebs, *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011–12*, BUREAU OF JUSTICE STATISTICS (May 2013), at 8, available at <https://bjs.ojp.gov/content/pub/pdf/svpjri1112.pdf>.

<sup>465</sup> Those jurisdictions were Connecticut, Idaho, Indiana, Iowa, Kansas, Maine, Massachusetts, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Washington, Wisconsin, and Wyoming. This list includes jurisdictions that reported zero incidents.

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<sup>466</sup> These jurisdictions were Connecticut, Idaho, Indiana, Iowa, Kansas, Maine, Massachusetts, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Washington, and Wyoming. This list includes jurisdictions that reported zero incidents. Indiana said that it did not have data to report for prisoner-on-prisoner homicides.

<sup>467</sup> These jurisdictions were Connecticut, Idaho, Iowa, Kansas, Maine, Montana, Nebraska, Nevada, New Hampshire, New York, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Washington, Wisconsin, and Wyoming. This list includes jurisdictions that reported zero incidents. Maine and Nevada said they did not have data to report for staff-on-prisoner physical assaults in restrictive housing, and Wisconsin said it did not have data to report for prisoner-on-prisoner or staff-on-prisoner physical assaults in restrictive housing but did provide data on prisoner-on-staff physical assaults.

<sup>468</sup> These jurisdictions were Connecticut, Idaho, Iowa, Kansas, Maine, Massachusetts, Montana, Nevada, New Hampshire, New Jersey, New York, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Washington, and Wyoming. This list includes jurisdictions that reported zero incidents. Four jurisdictions said that they did not have data to report for prisoner-on-staff sexual misconduct, and three said the same for staff-on-prisoner sexual misconduct. The former were Iowa, Maine, Massachusetts, and New Jersey; the latter were Maine, Nevada, and New Jersey. Additionally, South Carolina said that it did not have data to report for prisoner-on-prisoner sexual misconduct.

<sup>469</sup> These jurisdictions were Connecticut, Idaho, Iowa, Kansas, Maine, Massachusetts, Montana, Nevada, New Hampshire, New Jersey, New York, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Washington, and Wyoming. This list includes jurisdictions that reported zero incidents. Four jurisdictions reported that they did not have data to report on incidents of sexual violence perpetrated by people in restrictive housing against staff. Those jurisdictions were Iowa, Maine, Massachusetts, and New Jersey. Three jurisdictions said that they did not have data to report on incidents of sexual violence perpetrated by staff against people in restrictive housing. Those jurisdictions were Maine, Nevada, and South Carolina. South Carolina also said it did not have data to report for prisoner-on-prisoner sexual violence.

<sup>470</sup> These jurisdictions were Connecticut, Idaho, Iowa, Kansas, Maine, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, Pennsylvania, South Carolina, South Dakota, Texas, Washington, Wisconsin, and Wyoming. This list includes jurisdictions that reported zero incidents.

<sup>471</sup> These jurisdictions were Connecticut, Idaho, Iowa, Kansas, Maine, Montana, Nebraska, New Hampshire, New Jersey, New York, Pennsylvania, South Carolina, South Dakota, Texas, Washington, Wisconsin, and Wyoming. This list includes jurisdictions that reported zero incidents.

<sup>472</sup> Those jurisdictions were Alabama, Colorado, Hawaii, Illinois, Minnesota, Oklahoma, Tennessee, and Utah.

<sup>473</sup> Thirty jurisdictions reported some data on incidents of violence for the entire custodial population. They were Alabama, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Vermont, Washington, West Virginia, Wisconsin, and Wyoming. This list includes jurisdictions that reported zero incidents.

<sup>474</sup> These jurisdictions were Alabama, Colorado, Connecticut, Delaware, Idaho, Illinois, Iowa, Kansas, Maine, Massachusetts, Montana, Nebraska, Nevada, New Hampshire, New Jersey, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Vermont, Washington, West Virginia, Wisconsin, and Wyoming. This list includes jurisdictions that reported zero incidents. Nine listed jurisdictions said they did not have data to report for staff-on-prisoner physical assaults. Those jurisdictions were Alabama, Illinois, Maine, Massachusetts, Nevada, New Jersey, Tennessee, West Virginia, and Wisconsin. Wisconsin said it did not have any data to report for physical assaults against imprisoned people but did provide data on prisoner-on-staff physical assaults.

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<sup>475</sup> These jurisdictions were Alabama, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Montana, Nebraska, Nevada, New Hampshire, New Jersey, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Vermont, Washington, West Virginia, and Wyoming. This list includes jurisdictions that reported zero incidents. Two listed jurisdictions, Indiana and Oklahoma, said that they did not have data to report for prisoner-on-prisoner homicides. Alabama reported that it did not have data on staff-on-prisoner homicides.

<sup>476</sup> These jurisdictions were Alabama, Colorado, Connecticut, Delaware, Idaho, Illinois, Iowa, Kansas, Maine, Massachusetts, Montana, Nebraska, New Hampshire, New Jersey, Nevada, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Vermont, Washington, West Virginia, Wisconsin, and Wyoming. This list includes jurisdictions that reported zero incidents.

<sup>477</sup> These jurisdictions were Colorado, Connecticut, Delaware, Idaho, Iowa, Kansas, Maine, Massachusetts, Montana, Nebraska, New Hampshire, North Dakota, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Vermont, Washington, Wisconsin, and Wyoming. This list includes jurisdictions that reported zero incidents.

<sup>478</sup> These jurisdictions were Alabama, Connecticut, Delaware, Idaho, Iowa, Kansas, Maine, Massachusetts, Montana, Nevada, New Hampshire, New Jersey, North Dakota, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Washington, West Virginia, and Wyoming. This list includes jurisdictions that reported zero incidents. Four listed jurisdictions said they did not have data to report for prisoner-on-staff sexual violence, and three said the same for staff-on-prisoner violence. The former were Iowa, Maine, Massachusetts, and New Jersey; the latter were Alabama, Maine, and Nevada.

<sup>479</sup> These jurisdictions were Connecticut, Delaware, Idaho, Iowa, Kansas, Maine, Massachusetts, Montana, Nevada, New Hampshire, New Jersey, North Dakota, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Washington, West Virginia, and Wyoming. This list includes jurisdictions that reported zero incidents. Four of these listed jurisdictions said that they did not have data to report for prisoner-on-staff sexual misconduct. Those jurisdictions were Iowa, Maine, Massachusetts, and New Jersey. Additionally, New Jersey and Nevada said they did not have data to report for staff-on-prisoner sexual misconduct.

<sup>480</sup> *See Association of Restrictive Housing During Incarceration with Mortality* at 6.

<sup>481</sup> Twenty-one jurisdictions provided data on attempted and completed suicides in both total custodial population and restrictive housing. These jurisdictions were Connecticut, Delaware, Idaho, Iowa, Kansas, Maine, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Pennsylvania, South Carolina, South Dakota, Texas, Vermont, Washington, Wisconsin, and Wyoming. This list includes Delaware, South Dakota, Oregon, and Wyoming, each of which reported zero incidents.

<sup>482</sup> These jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>483</sup> Those jurisdictions were Alabama, Oklahoma, Pennsylvania, and South Carolina.

<sup>484</sup> Those jurisdictions were Colorado, Connecticut, Hawaii, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>485</sup> Those jurisdictions were Alabama, Oklahoma, and Pennsylvania. Alabama said it developed tables, charts, and graphs to “depict monthly totals” of violent incidents and “track incident trends.” Oklahoma reported that it

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conducted research on the “frequency of inmate on staff assault vs. [the] frequency of inmate on inmate assault.” Pennsylvania reported that it tracked “incidents by type [and] location of incidents.”

<sup>486</sup> That jurisdiction was Pennsylvania.

<sup>487</sup> That jurisdiction was South Carolina, which reported that “a weekly confidential report was produced” based on its predictive analyses.

<sup>488</sup> Elena Vanko, *Step-Down Programs and Transitional Units: A Strategy to End Long-Term Restrictive Housing*, VERA INSTITUTE OF JUSTICE, at 2 (June 2019), at <https://www.vera.org/downloads/publications/step-down-programs-and-transitional-units-strategy-to-end-long-term-restrictive-housing-policy-brief.pdf> (citing AMERICAN CORRECTIONAL ASSOCIATION (ACA), *Restrictive Housing Expected Practices* (Alexandria, VA: ACA, 2018), 4, [http://www.aca.org/ACA\\_Prod\\_IMIS/ACA\\_Member/Standards\\_Accreditation/Standards/Restrictive\\_Housing\\_Committee/ACA\\_Member/Standards\\_and\\_Accreditation/Restrictive\\_Housing\\_Committee/Restrictive\\_Housing\\_Committee.aspx?hkey=458418a3-8c6c-48bb-93e2-b1fcbca482a2](http://www.aca.org/ACA_Prod_IMIS/ACA_Member/Standards_Accreditation/Standards/Restrictive_Housing_Committee/ACA_Member/Standards_and_Accreditation/Restrictive_Housing_Committee/Restrictive_Housing_Committee.aspx?hkey=458418a3-8c6c-48bb-93e2-b1fcbca482a2)).

<sup>489</sup> These jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>490</sup> This table does not include Delaware and Vermont because those jurisdictions reported they held no people in restrictive housing over the surveyed year. It does include North Dakota, which reported that it held people in restrictive housing over the course of the surveyed year but did not have any people in restrictive housing as of July 2021.

<sup>491</sup> This data represents the number of women who were released to general population from restrictive housing. Oklahoma did not report data on the number of men released.

<sup>492</sup> These jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>493</sup> These jurisdictions were Colorado, Connecticut, Iowa, Maine, Montana, Nevada, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, and Wisconsin. Washington reported that thirty-seven people had completed a transition program before returning to general population over the course of the surveyed year, but also noted that its “transition pods” were generally not available during COVID.

<sup>494</sup> That jurisdiction was Nebraska. It described its controlled movement unit as follows: “The controlled movement unit offers residents many programming options and involves a formal review of a resident’s continued determined risk level.”

<sup>495</sup> South Dakota reported that the transition program could be as short as 30 days, while Montana described a program lasting over a year.

<sup>496</sup> Those jurisdictions that reported restrictive housing to general population transition programs lasting the median of 90 days were Iowa, Nevada, and South Carolina. Colorado and Washington did not report a length of time for their transition programs between restrictive housing and general population, and Wisconsin indicated that the transition time was behavior dependent.

<sup>497</sup> These jurisdictions were Connecticut, Iowa, Maine, Montana, South Carolina, South Dakota, Tennessee, Texas, Utah, and Washington. (This excludes Oregon, Oklahoma, and Wyoming, which did not report having such

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transition programs in place and provided us with data on the number of people who transitioned back to general population from restrictive housing without having completed such a program.)

<sup>498</sup> That jurisdiction was Colorado.

<sup>499</sup> That jurisdiction was Wisconsin. It reported that 637 people had transitioned from restrictive housing to general population but that did not collect data distinguishing those who had completed a transition program.

<sup>500</sup> That jurisdiction was South Carolina. Maine reported a rate of 1.5%.

<sup>501</sup> Connecticut, Tennessee, Utah, and Washington each reported that all people who returned to general population from restrictive housing had completed a transition program.

<sup>502</sup> Those jurisdictions were Connecticut (100%), Tennessee (100%), Utah (100%), Washington (100%), and Texas (61.8%).

<sup>503</sup> Those jurisdictions were Iowa (4.6%), Maine (1.5%), and South Carolina (1.0%). South Dakota reported a rate of 32.7%, and Montana reported a rate of 26.4%.

<sup>504</sup> These jurisdictions were Iowa, Montana, Tennessee, and Texas.

<sup>505</sup> These jurisdictions were Iowa, Montana, and Texas. Texas reported that 61.8% of the people who returned to restrictive housing had successfully completed a transition program, Montana reported that 26.4% had completed such a program, and Iowa reported that 4.6% had done so.

<sup>506</sup> These jurisdictions were Colorado, South Carolina, and South Dakota.

<sup>507</sup> These jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>508</sup> These jurisdictions were Indiana, Iowa, Maine, Montana, Nevada, South Carolina, South Dakota, Tennessee, Texas, Washington, and Wyoming.

<sup>509</sup> Those jurisdictions were Iowa, Maine, Montana, Nevada, South Carolina, South Dakota, Tennessee, Texas, and Washington.

<sup>510</sup> That jurisdiction was Tennessee.

<sup>511</sup> Nevada and South Carolina reported that their transition programs from restrictive housing to release to the community or a halfway house lasted 90 days.

<sup>512</sup> Wyoming reported that its transition program from restrictive housing to release to the community or a halfway house lasted 180 days.

<sup>513</sup> These jurisdictions were Iowa, Maine, Montana, South Carolina, Tennessee, Texas, Washington, and Wyoming. (This excludes Connecticut, Indiana, New Hampshire, Oklahoma, Oregon, and South Dakota, which did not report having such transition programs in place and provided us with data on the number of people who were released from prison directly from restrictive housing.)

<sup>514</sup> That jurisdiction was Wyoming.

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<sup>515</sup> These jurisdictions were Iowa, Montana, Texas, and Washington.

<sup>516</sup> Montana and Washington reported that everyone who was released to the community or a halfway house from restrictive housing had completed a transition program.

<sup>517</sup> Iowa (60.0%) and Texas (89.2%) reported that most people who were released to the community or a halfway house from restricted housing had completed a transition program.

<sup>518</sup> Maine and South Carolina reported that nobody who was released to the community or a halfway house from restrictive housing had completed a transition program. Wyoming said that nobody was released to the community or a halfway house from restrictive housing during the surveyed year.

<sup>519</sup> These jurisdictions were Connecticut and Hawaii.

<sup>520</sup> That jurisdiction was Connecticut.

<sup>521</sup> That jurisdiction was Hawaii.

<sup>522</sup> These jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>523</sup> Those jurisdictions were Alabama, Hawaii, Idaho, Indiana, Kansas, Maine, Massachusetts, Nevada, New Jersey, Oklahoma, South Dakota, Tennessee, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>524</sup> Those jurisdictions were Colorado, Connecticut, Illinois, Iowa, Minnesota, Montana, Nebraska, New Hampshire, Oregon, Pennsylvania, South Carolina, South Dakota, and Texas.

<sup>525</sup> Jurisdictions requiring that training were Colorado, Illinois, Montana, Nebraska, New Hampshire, Oregon, and South Carolina.

<sup>526</sup> Jurisdictions requiring that training were Colorado, Illinois, Montana, Nebraska, and South Carolina.

<sup>527</sup> Jurisdictions requiring that training were Colorado, Illinois, Minnesota, Montana, Nebraska, and South Carolina.

<sup>528</sup> Jurisdictions requiring that training were Iowa, Minnesota, Oregon, and South Carolina.

<sup>529</sup> Jurisdictions requiring that training were Illinois and Nebraska.

<sup>530</sup> Jurisdictions requiring that training were Illinois, Nebraska, and South Carolina.

<sup>531</sup> Jurisdictions requiring that training were Colorado and Pennsylvania.

<sup>532</sup> The jurisdiction requiring that training was Minnesota.

<sup>533</sup> The jurisdiction requiring that training was Colorado.

<sup>534</sup> Jurisdictions requiring that training were Connecticut and Pennsylvania.

<sup>535</sup> These jurisdictions were Alabama, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, and Wyoming.

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<sup>536</sup> These jurisdictions were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, and Wyoming.

<sup>537</sup> Those jurisdictions were Alabama, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, and Wyoming.

<sup>538</sup> Connecticut (36 hours) and Illinois (37.5 hours) were on the lower end. South Carolina (42 hours), Wyoming (49 hours), and Oklahoma (50 hours) were on the higher end.

<sup>539</sup> These eighteen jurisdictions reported that their restrictive housing and general population staff worked an average of forty non-overtime hours per week: Alabama, Hawaii, Idaho, Indiana, Iowa, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, and Utah.

<sup>540</sup> Texas (68.3%) and Nevada (73%) were on the lower end. Alabama, Idaho, Iowa, Oklahoma, Pennsylvania, and Utah each reported that 100% of their restrictive housing staff worked overtime over the course of the surveyed year.

<sup>541</sup> Those jurisdictions were Alabama, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Massachusetts, Minnesota, Nebraska, Nevada, New Hampshire, New Jersey, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, and West Virginia.

<sup>542</sup> Those jurisdictions were Montana, West Virginia, and Wyoming.

<sup>543</sup> That jurisdiction was New Hampshire.

<sup>544</sup> Those jurisdictions were Alabama, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Massachusetts, Minnesota, Nebraska, Nevada, New Jersey, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, and Washington.

<sup>545</sup> Sixteen jurisdictions restricted prison staff to no more than sixteen hours worked per day. Those jurisdictions were Alabama, Connecticut, Illinois, Indiana, Iowa, Kansas, Massachusetts, Nebraska, New Jersey, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, and Washington. Minnesota and South Dakota reported that they permitted staff to work up to eighteen hours per day, and Idaho reported that it limited overtime hours to no more than four per day.

<sup>546</sup> Alabama, South Carolina, and Texas described policies requiring one or more days off per week. Alabama reported that employees could work no more than eighty hours per week, Utah limited them to seventy-six hours per week, and South Carolina said they could work no more than seventy-two hours per week. Additionally, Oklahoma reported that it forbade staff from working more than two double-shifts within a one-week period but did not require any days off or limit the total number of overtime hours that could be worked.

<sup>547</sup> These jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>548</sup> Those jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Illinois, Indiana, Kansas, Massachusetts, Minnesota, Montana, Nebraska, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, West Virginia, Wisconsin, and Wyoming.



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<sup>549</sup> Those jurisdictions were Alabama, Colorado, Connecticut, Illinois, Kansas, Minnesota, Montana, Nebraska, Oklahoma, Oregon, South Carolina, West Virginia, and Wyoming. Nebraska reported that only corporals and sergeants were routinely rotated out of restrictive housing and that all rotations were “subject to facility needs.”

<sup>550</sup> Those jurisdictions were Alabama, Hawaii, Indiana, Massachusetts, Nebraska, Pennsylvania, South Dakota, and Tennessee. Nebraska noted that “some staff are rotated periodically.” Alabama said that rotations were typical but not required. Hawaii and Massachusetts reported that staff placements were based on job bidding, and South Carolina reported that staff requests to stay in restrictive housing beyond the typical rotation period were considered.

<sup>551</sup> Connecticut (56 days), Alabama (90), and Illinois (90) were at the lower end. Oregon, Minnesota, and Montana reported that restrictive housing staff were rotated out after two years.

<sup>552</sup> Oklahoma, West Virginia, and Wyoming were at the median, although West Virginia explained that rotations could take place after one year instead, “depending on staff needs.”

<sup>553</sup> These jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>554</sup> Those jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>555</sup> That jurisdiction was South Dakota.

<sup>556</sup> These jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>557</sup> Those jurisdictions were Alabama, Connecticut, Idaho, Indiana, Iowa, Kansas, Maine, Massachusetts, Montana, Nebraska, Nevada, New Hampshire, New Jersey, Oregon, Pennsylvania, South Carolina, and Washington.

<sup>558</sup> Those jurisdictions were Alabama, Connecticut, Idaho, Indiana, Iowa, Kansas, Massachusetts, Montana, Nebraska, Nevada, New Hampshire, Oregon, South Carolina, and Washington.

<sup>559</sup> These jurisdictions were Maine, New Jersey, and Pennsylvania. Maine wrote, “MDOC continually reviews and enhances restrictive housing practices, including reviewing alternative housing placements and interventions to further divert residents from restrictive housing.” New Jersey said it was “reviewing current practices & policies as well as related legislation,” and Pennsylvania merely commented, “in progress.”

<sup>560</sup> These jurisdictions were Colorado, Hawaii, Illinois, Minnesota, Oklahoma, South Dakota, Tennessee, Texas, Utah, West Virginia, and Wisconsin.

<sup>561</sup> Jurisdictions seeking to eliminate or limit the use of restrictive housing were Connecticut, Massachusetts, Nebraska, and Oregon. Connecticut reported that, as of December 1, 2021, it would no longer hold people in isolated confinement for more than fifteen consecutive days or more than thirty days in any sixty-day period, which would, in essence, eliminate its use of restrictive housing as defined in this survey. Connecticut also reported that, as of October 1, 2021, it would implement policy changes limiting the use of isolated confinement for vulnerable populations. Massachusetts reported that it had “a plan to potentially eliminate all restrictive housing in Massachusetts.” Nebraska reported that it had “eliminated restrictive housing for individuals 17 years old or

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younger” and for women. Oregon reported that it had moved people who were on death row from restrictive housing to general population.

<sup>562</sup> Jurisdictions seeking to increase programming for people in restrictive housing were Iowa, Nebraska, Oregon, and Washington. Iowa described plans to offer mental health programming for people in restrictive housing. Nebraska said they had expanded in-cell programming options, and Oregon reported that it had increased group programming options for people in restrictive housing. Washington said it was working on an initiative to increase programming opportunities.

<sup>563</sup> Jurisdictions seeking to align their policies with outside guidelines were Alabama, Montana, and New Hampshire. Alabama reported that it was revising its practices and policies based on guidance from the National Institute of Corrections (NIC). Montana noted it was “trying to follow [] statutory guidelines.” New Hampshire reported that it was “actively rewriting restrictive housing policies to ensure alignment to DOJ recommended best practices.”

<sup>564</sup> Jurisdictions seeking to change the amount of time people in restrictive housing spent out-of-cell were Alabama, Idaho, and Washington. Alabama reported that it was revising policies on the amount of time people spend out of their cells for exercise but did not report whether they were increasing or decreasing the amount of time. Idaho said it was “working to add more out of cell time for restrictive housing (up to 3 hours a day).” Washington reported that it was also seeking to increase out-of-cell time.

<sup>565</sup> Jurisdictions seeking to reduce the length of restrictive housing stays were Alabama, Connecticut, and Washington. Alabama said it was reducing the length of stays in restrictive housing for people with serious mental illnesses. Connecticut reported that, as of December 1, 2021, it would no longer hold people in isolated confinement for more than fifteen consecutive days or more than thirty days in any sixty-day period. Washington said it was working on “reducing the number of days an individual can be housed in Administrative Segregation.” Kansas will implement a “modification of long term restrictive housing” involving “a psychological review when an offender resides in longer than 30 days.”

<sup>566</sup> Indiana and Oregon reported that they were changing policies on transitions out of restrictive housing. Indiana said it had “created a new review form to review the need for continued placement or recommended release from restrictive status housing.” Oregon said it had implemented a step-down pilot program, but that it was “on hold due to COVID.”

<sup>567</sup> Oregon reported that it was approaching use of force incidents differently “to ensure actual force is only resorted to when no other options exist.”

<sup>568</sup> Washington said it was working to “improv[e] conditions of confinement.”

<sup>569</sup> That jurisdiction was Kansas.

<sup>570</sup> Nevada said its “procedures on tracking those in restrictive housing [was] actively going through a review to ensure that tracking [was] done consistently through [its] current database software.”

<sup>571</sup> These jurisdictions were Alabama, Colorado, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Maine, Massachusetts, Nebraska, Nevada, New Hampshire, New Jersey, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Vermont, and Washington.

<sup>572</sup> Those jurisdictions were Hawaii, Idaho, Iowa, South Carolina, Tennessee, and Vermont. Hawaii reported that it would be willing to share its “experience in this area,” South Carolina and Vermont both said they were “willing to share information,” and Iowa said its staff “would be willing to provide expertise on [restrictive housing].” Idaho said it would like to “serve as a reference in regards to our procedures, what we’ve done, what has worked, issues

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we've seen, and changes we've made." Tennessee reported that it would be willing to share best practices with other jurisdictions.

<sup>573</sup> Those jurisdictions were Indiana, South Carolina, Vermont, and Washington. Indiana said it would be willing to "share existing policies and state forms utilized for offender reviews in restrictive housing." South Carolina and Vermont reported that they were willing to share their policies, and Washington offered "documents" on their restrictive housing policies and practices.

<sup>574</sup> The twenty-five jurisdictions that provided data on the number of people in restrictive housing in response to the 2015, 2017, 2019, and 2021 Surveys were Alabama, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Kansas, Massachusetts, Montana, Nebraska, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Washington, Wisconsin, and Wyoming. An additional eight jurisdictions provided data in 2015, 2017, and 2019. These jurisdictions were Arizona, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, and North Carolina. Two jurisdictions, Minnesota and Vermont, provided data in 2015, 2019, and 2021. The BOP provided data in 2015, 2017, and 2021. Two more jurisdictions, Arkansas and Rhode Island, provided data in 2017 and 2019. Virginia provided data in 2015 and 2019. An additional three jurisdictions—California, New Jersey, and Utah, responded in 2015 and 2021. Nevada provided data in 2017 and 2021. Maine provided data in 2019 and 2021. An additional six jurisdictions provided data in 2015 only: Alaska, Florida, Iowa, Michigan, New Hampshire, and New Mexico. In some survey years, CLA and the Liman Center have also sought and obtained responses from large jail systems.

<sup>575</sup> The nineteen jurisdictions that provided data on the duration of restrictive housing in response to the 2015, 2017, 2019, and 2021 Surveys were Colorado, Delaware, Indiana, Kansas, Massachusetts, Nebraska, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Washington, Wisconsin, and Wyoming.

<sup>576</sup> The definition of restrictive housing was clarified in the 2017, 2019, and 2021 Surveys. The 2015 Survey defined restrictive housing as being in-cell for twenty-two or more hours for fifteen or more continuous days; in 2017, 2019, and 2021, the Surveys defined restrictive housing as being in cell for *an average of* twenty-two or more hours a day for fifteen or more continuous days.

<sup>577</sup> For example, Indiana's total custodial population decreased from 27,508 in 2015 to 26,317 in 2017. During the same time, however, its restrictive housing population increased from 5.9% in 2015 to 6.6% in 2017. In the next period—between 2017 and 2019—Indiana's total custodial population increased from 26,317 in 2017 to 27,182 in 2019, but its restrictive housing population decreased in parallel from 6.6% to 5.8%. In the most recent period, from 2019 to 2021, Indiana once again recorded a decrease in its total custodial population (from 27,182 in 2019 to 23,804 in 2021) but an increase in its restrictive housing population: from 5.8% in 2019 to 6.0% in 2021.

<sup>578</sup> These jurisdictions were Delaware, Nebraska, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Wisconsin, and Wyoming.

<sup>579</sup> These jurisdictions were Alabama, Colorado, Connecticut, Idaho, Illinois, Indiana, Massachusetts, Montana, Oregon, Tennessee, and Texas.

<sup>580</sup> These jurisdictions were Hawaii, Kansas, and Washington. Hawaii saw decreases in the number of people reported to be in restrictive housing from 2015 to 2017 and from 2017 to 2019 but reported an increase from 2019 to 2021. Kansas saw a decrease in the number of people in restrictive housing from 2015 to 2017, followed by an increase from 2017 to 2019, followed by another decrease from 2019 to 2021. Washington reported two consecutive periods of increase, from 2015 to 2017 and from 2017 to 2019, followed by a decrease from 2019 to 2021.

<sup>581</sup> These jurisdictions were, in order of greatest reduction to least, New York, Texas, Illinois, and Oklahoma.

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<sup>582</sup> The jurisdictions which experienced an increase in restrictive housing populations from 2019 to 2017 were, from order of greatest increase to least, Hawaii, Alabama, Idaho, and Colorado.

<sup>583</sup> This jurisdiction was Delaware.

<sup>584</sup> This jurisdiction was Hawaii.

<sup>585</sup> In 2015, the number used for total custodial population was the number of people for which a jurisdiction had restrictive housing data. The 2017, 2019, and 2021 Surveys asked for the total custodial population for which a jurisdiction had restrictive housing data *and* which was under the direct control of the jurisdiction. In 2015, some jurisdictions had restrictive housing data for facilities that were not under their direct control and included those people in their responses. Those jurisdictions were Alabama, Delaware, and Wisconsin. Differences between the 2015 and 2017 total custodial populations for these jurisdictions may therefore result from changes in the calculation of the total custodial population rather than changes in the number of people in prison. In addition, the 2015 Survey defined restrictive housing as being in-cell for twenty-two or more hours for fifteen or more continuous days, whereas the 2017, 2019, and 2021 Surveys defined restrictive housing as being in cell for an *average* of twenty-two or more hours a day for fifteen or more continuous days.

<sup>586</sup> These jurisdictions were Colorado, Delaware, Indiana, Kansas, Massachusetts, Nebraska, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Washington, Wisconsin, and Wyoming. In addition, four jurisdictions provided this data in 2015, 2017, and 2019: Arizona, Kentucky, Louisiana, and North Carolina. Three jurisdictions provided this data in 2015, 2019, and 2021: Connecticut, Minnesota, and Vermont. Alabama provided this data in 2017, 2019, and 2021. Rhode Island provided this data in 2017 and 2019. Maryland provided this data in 2015 and 2019.

<sup>587</sup> The 2021 Survey asked about people held for 15-29 days, 30-60 days, and 61-180 days. Prior surveys asked about people held for 15-30 days, 31-90 days, and 91-180 days.

<sup>588</sup> Some increases in restrictive housing populations for Wisconsin noted in Tables 37A and 37B may reflect a change in counting methodology. In connection with the 2019 CLA-Liman Survey, Wisconsin noted that in both 2015 and 2017 it did not count people in administrative segregation as placed in restrictive housing. By contrast, Wisconsin's 2019 and 2021 restrictive housing totals include those in administrative segregation.

<sup>589</sup> Some increases in restrictive housing populations for Wisconsin noted in Tables 37A and 37B may reflect a change in counting methodology. In connection with the 2019 CLA-Liman Survey, Wisconsin noted that in both 2015 and 2017 it did not count people in administrative segregation as placed in restrictive housing. By contrast, Wisconsin's 2019 and 2021 restrictive housing totals include those in administrative segregation.

<sup>590</sup> We plan to make these policies accessible online.

<sup>591</sup> *People in Jail and Prison in Spring 2021* at 3. The figures in the text reflect the tallies of 692,278 of 1,193,934.

<sup>592</sup> Vera collected prison population numbers directly from each state's department of corrections and from the Federal Bureau of Prisons by obtaining materials online, direct outreach, or public information requests. *Id.* Virginia noted, in comments to a draft of this Report, that the estimated total of 31,548 includes people serving prison sentences in local jails, and that its own records reflected a total population of 31,556 people as of March 2021.

<sup>593</sup> TIME-IN-CELL 2019 at 1.

<sup>594</sup> *See People in Jail and Prison in Spring 2021* at 3.

<sup>595</sup> Florida, DOC, 33-601.800 (2016).

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<sup>596</sup> Georgia, DOC, 209.07 (2015).

<sup>597</sup> Arizona, DOC, 801.9.3.1-3 (2017).

<sup>598</sup> Texas, TDCJ, Restrictive Housing Plan I.C (2019).

<sup>599</sup> North Dakota, DOC 3A-18 (2011).

<sup>600</sup> Michigan, DOC, 04.05.120.Q.5-6 (2019).

<sup>601</sup> Vermont, DOC, 410.03 (2012).

<sup>602</sup> Federal Bureau of Prisons, §541.23 (2016) (“You may be placed in administrative detention status for the following reasons: (a) Pending Classification or Reclassification. You are a new commitment pending classification or under review for Reclassification. . . (b) Holdover Status. You are in holdover status during transfer to a designated institution or other destination”); Georgia, DOC, 209.07.H (“The offender has not been classified due to their arrival at a Facility”); North Dakota, DOC 3A-18 (authorizing placement in segregation when an incarcerated person is “pending transfer or is in holdover status during transfer, or has been recently received into the institution via transfer from another penal or psychiatric institution.”).

<sup>603</sup> Pennsylvania, DOC, 802.B.1 (2016)

<sup>604</sup> Florida, DOC, 33-602.220.a (2021) (“Inmates shall be placed in administrative confinement pending review of the inmate’s request for protection from other inmates . . . .”); Virginia, DOC, 841.4.III.B (“When an inmate requests protective custody and the need for protective custody is documented and no alternative exists, the Shift Commander will authorize the inmate’s assignment to general detention . . . .”); Federal Bureau of Prisons, § 541.23 (3) (authorizing placement in segregation when “[incarcerated person] requested, or staff determined [incarcerated person] need[ed], administrative detention status for [their] own protection”); North Dakota, DOC 3A-18 (authorizing placement in segregated housing when “the person has requested admission for his own protection or the staff has determined and documentation has been obtained that admission is necessary for the adult in custody’s protection and no other reasonable alternative is available.”)

<sup>605</sup> California, Cal. Code. Regs. tit. 15 § 3335 (2020).

<sup>606</sup> *Id.*

<sup>607</sup> Arizona, DOC 801.9.2.1-3 (2017).

<sup>608</sup> Virginia, DOC, 841.4.II.B (2021).

<sup>609</sup> Michigan, DOC, 04.05.120.Q.1-2 (2019).

<sup>610</sup> California, CCR, § 3335 (2020).

<sup>611</sup> Texas, TDCJ, Restrictive Housing Plan I.A (2019).

<sup>612</sup> Georgia, DOC, 209.07 (2015).

<sup>613</sup> Federal Bureau of Prisons, §541.23 (2010).

<sup>614</sup> Vermont, DOC, 410.03 (2012).

<sup>615</sup> Delaware, DOC Policy G-02 (2019).

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<sup>616</sup> North Dakota, DOC 3A-18 (2011).

<sup>617</sup> Colorado, AR 600-09 (2021).

<sup>618</sup> *Id.* at 600-01A.

<sup>619</sup> American Correctional Association, Restrictive Housing Standards Open Hearing, ACA Winter Conferences, January 2016 at 11. *See also* Elena Vanko, Vera Inst. of J., Step-Down Programs and Transitional Units: A Strategy to End Long-Term Restrictive Housing (June 2019).

<sup>620</sup> Federal Bureau of Prisons, P5217.02(6)(b) (2016).

<sup>621</sup> Vermont, DOC, § 410.03.8.b (2012).

<sup>622</sup> Colorado, AR 600-9(IV)(A)(5) (2021).

<sup>623</sup> Michigan, DOC, 405.120.QQQ (2021).

<sup>624</sup> *Id.* at 405.120.SSS.

<sup>625</sup> *Id.* at 405.120.QQQ.

<sup>626</sup> *2015-2017 Biennial Report, NORTH DAKOTA DEPARTMENT OF CORRECTIONS AND REHABILITATION (2017)* [hereinafter *N.D. DOCR Biennial Report*], at 45, available at <https://www.docr.nd.gov/sites/www/files/documents/Biennial%20Report%20Archive/Biannual%20Report%202015-2017.pdf>.

<sup>627</sup> *Id.*

<sup>628</sup> *Id.*

<sup>629</sup> 28 C.F.R. § 541.50 (1995).

<sup>630</sup> Pennsylvania DOC, 802.A.9 (2016).

<sup>631</sup> *Id.* at 802.A.10.

<sup>632</sup> Federal Bureau of Prisons, P5217.02(6)(a) (2016).

<sup>633</sup> Colorado, AR 600-9(IV)(A)(5) (2021).

<sup>634</sup> *Cnty. Legal Aid Soc’y, v. Coupe*, 15-CV-688-GMS (D. Del. 2016).

<sup>635</sup> Ohio DRC, 55-SPC-02.V (2020).

<sup>636</sup> Texas, TDCJ, Restrictive Housing Plan IV.E (2019).

<sup>637</sup> CDCR Step-Down Policy (2022).

<sup>638</sup> Pennsylvania, DOC, 802.B (2016).

<sup>639</sup> Colorado, AR 600-9 IV.D (2021).

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<sup>640</sup> Cnty. Legal Aid Soc’y., v. Coupe, 15-CV-688-GMS (D. Del. 2016).

<sup>641</sup> Vermont, DOC, § 410.03.8.b.d (2012).

<sup>642</sup> *N.D. DOCR Biennial Report* at 45.

<sup>643</sup> *Adoption of Restorative Housing in the Virginia Department of Corrections FY2021 Report*, VIRGINIA DEPARTMENT OF CORRECTIONS (Oct. 2021), at 6, available at <https://rga.lis.virginia.gov/Published/2021/RD447/PDF>.

<sup>644</sup> *Id.* at 2.

<sup>645</sup> *Id.*

<sup>646</sup> Virginia, DOC, 841.4 (2021).

<sup>647</sup> *Adoption of Restorative Housing in the Virginia Department of Corrections FY2021 Report*, VIRGINIA DEPARTMENT OF CORRECTIONS (Oct. 2021), at 7, available at <https://rga.lis.virginia.gov/Published/2021/RD447/PDF>.

<sup>648</sup> Texas, TDCJ, Restrictive Housing Plan IV.B (2019).

<sup>649</sup> *Id.*

<sup>650</sup> *Id.* at IV.E; By some accounts, “[a]n estimated 46% of Texas prisoners in administrative segregation are there solely because they were reasonably believed to be associated with a gang, not because they committed any misconduct while incarcerated.” Sarah Kline, *Confronting Administrative Segregation in Texas: Ending Automatic Lockdown For Suspected Gang Affiliated Members*, 19 Tex. Tech. Admin. L.J. 197 (2017) (internal quotations omitted). While the GRAD Process lasts nine months, “[m]ost offenders” reportedly “wait months, if not years, before a spot in the program opens up for them.” Kline, at 209-10. With 3,000 people in ad-seg due to suspected gang affiliations and only 180 openings for the GRAD program, the “ACLU estimates it . . . would take twelve years for the . . . program to move every currently eligible offender in ad-seg back to the general population.” *Id.*

<sup>651</sup> CDCR Step-Down Policy.

<sup>652</sup> Arizona, DOC, Department Order (DO) Manual 801.3.2.5 (2017).

<sup>653</sup> Federal Bureau of Prisons, P5217.02(8)(a) (2016).

<sup>654</sup> Pennsylvania, DC-ADM 802(C)(2)(e) (2016).

<sup>655</sup> ACA Restrictive Housing Standards 2016, 4-RH-0032.

<sup>656</sup> Virginia, DOC, 841.4 (2021).

<sup>657</sup> Federal Bureau of Prisons, P5270.11(14) (2016). The criteria for the BOP’s step-down programming may have varied depending on whether the individual was held in a “Control Unit” (“CU”) or a “Special Management Unit” (“SMU”). Although both housing units are deemed non-punitive, §541.50’s exit criteria applied to people held in CUs. BOP Program Statement 5217.02 provided a different step-down criteria for people held in SMUs.

<sup>658</sup> Texas, TDCJ, Restrictive Housing Plan IV.H (2019).

<sup>659</sup> *Id.*

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<sup>660</sup> *Id.* at IV.A.

<sup>661</sup> TIME-IN-CELL 2019 at 80–83.

<sup>662</sup> *Id.* at 80.

<sup>663</sup> The states in which legislation was introduced included Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Washington, and West Virginia. *See* Alabama House Bill 36; Alabama House Bill 253; Alabama House Bill H105; Alabama Senate Bill 91; Arizona House Bill 2167; Arkansas House Bill 1470; Arkansas House Bill 1887; California House Bill 1225; California House Bill 1211; Colorado House Bill 21-1211; Connecticut Senate Bill 1059; Connecticut House Bill 5927; Connecticut House Bill 6505; Delaware Senate Bill 98; Florida Senate Bill 542; Florida Senate Bill 550; Florida House Bill 377; Florida Senate Bill 570; Georgia House Bill 58; Illinois House Bill 3738; Illinois House Bill 3564; Indiana House Bill 1430; Kentucky House Bill 86; Kentucky Senate Bill 84; Louisiana House Bill 68; Louisiana House Resolution 50; Maine Legislative Document 696; Maryland House Bill 851; Maryland House Bill 917; Maryland House Bill 131; Massachusetts House Bill 1851; Massachusetts House Bill 2504; Massachusetts Senate Bill 1578; Massachusetts House Bill 2089; Massachusetts Senate Bill 128; Mississippi Senate Bill 2138; Missouri Senate Bill 471; Montana Senate Joint Resolution 34; Nebraska Legislative Bill 620; Nebraska Legislative Bill 471; Nevada Senate Bill 187; New Hampshire House Bill 557; New Mexico House Bill 191; New York Senate Bill 1623; New York Senate Bill 2177; New York Senate Bill 4984; New York Senate Bill 2105; New York Assembly Bill 2518; New York Senate Bill 2836; New York Senate Bill 570; North Carolina, House Bill 608, Pennsylvania House Bill 1004; Pennsylvania House Bill 1037; Pennsylvania Senate Bill 138; Rhode Island House Bill 5740; Rhode Island Senate Bill 395; South Carolina House Bill 3212; South Carolina Senate Bill 51; South Carolina Senate Bill 53; Tennessee House Bill 0223; Tennessee Senate Bill 1418; Tennessee House Bill 0031; Tennessee Senate Bill 0827; Tennessee House Bill 0916; Tennessee House Bill 0222; Tennessee Senate Bill 1412; Tennessee Senate Bill 383; Tennessee House Bill 1579; Texas House Bill 2751; Virginia Senate Bill 1301; Virginia House Bill 2325; Washington Senate Bill 5413; Washington Senate Bill 2428; Washington House Bill 1312; West Virginia House Bill 3189.

<sup>664</sup> Arkansas, Colorado, Connecticut, Kentucky, New York, North Carolina, and Tennessee passed bills. Louisiana enacted a resolution.

<sup>665</sup> Connecticut Executive Order No. 21-1 (June 30, 2021).

<sup>666</sup> *Allegheny County, Pennsylvania, Prohibit Solitary Confinement Initiative*, BALLOTPEDIA, May 2021, available at [https://ballotpedia.org/Allegheny\\_County,\\_Pennsylvania,\\_Prohibit\\_Solitary\\_Confinement\\_Initiative\\_\(May\\_2021\)](https://ballotpedia.org/Allegheny_County,_Pennsylvania,_Prohibit_Solitary_Confinement_Initiative_(May_2021)).

<sup>667</sup> Michael Gartland, *De Blasio Touts End of Solitary Confinement in NYC Jails*, NY DAILY NEWS, June 9, 2021, available at <https://www.nydailynews.com/news/politics/new-york-elections-government/ny-nyc-de-blasio-solitary-confinement-rikers-20210609-z43w5a72zrf5pgibv12tlkedla-story.html>.

<sup>668</sup> This Report counts companion bills separately. Of the nineteen bills, ten are companion bills.

<sup>669</sup> This Report found legislation by searching [www.congress.gov](http://www.congress.gov) for bills and resolutions introduced in the 2021-2022 Congress that contained the phrases “solitary confinement,” “restrictive housing,” or “administrative segregation.” See Appendix E for a list of legislative proposals introduced in the 117th Congress (2021-2022) relating to isolation in prison.

<sup>670</sup> Exec. Order No. 14074, 87 FR 32945 (May 25, 2022).



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<sup>671</sup> New York Senate Bill 2836, 2021-2022 State Assembly, 2021 Regular Session § 1 (N.Y. 2021).

<sup>672</sup> *Id.* § 2.

<sup>673</sup> *Id.* § 4.

<sup>674</sup> *Id.* § 5.

<sup>675</sup> *Id.*

<sup>676</sup> *Id.*

<sup>677</sup> *Id.*

<sup>678</sup> Arkansas House Bill 1470, 93rd General Assembly (2021) (enacted).

<sup>679</sup> Kentucky Senate Bill 84, 2021 Legislature, Regular Session § 1(1) (2021) (enacted).

<sup>680</sup> New York Senate Bill 2836, *passim*.

<sup>681</sup> N.Y. CORRECT. LAW § 2 (McKinney 2022).

<sup>682</sup> *Id.* The definition read, in full: “Any place operated by a county or the city of New York as a place for the confinement of persons duly committed to secure their attendance as witnesses in any criminal case, charged with crime and committed for trial or examination, awaiting the availability of a court, duly committed for any contempt or upon civil process, convicted of any offense and sentenced to imprisonment therein or awaiting transportation under sentence to imprisonment in a correctional facility, or pursuant to any other applicable provisions of law.”

<sup>683</sup> North Carolina House Bill 608, General Assembly, 2021 Session § 2(a) (2021)(enacted).

<sup>684</sup> *Id.* § 3(a).

<sup>685</sup> *Colorado DOC Eliminates Extended Restrictive Housing*, CORRECTIONAL NEWS, (Oct. 30, 2017), available at <https://correctionalnews.com/2017/10/30/cdoc-extended-restrictive-housing/>.

<sup>686</sup> Colorado House Bill 21-1211, 73rd Assembly, 2021 Session (2021) (enacted).

<sup>687</sup> Tennessee Senate Bill 383, 112th General Assembly § 1(b) (2021) (enacted).

<sup>688</sup> Louisiana House Resolution 50, Louisiana State Legislation, Regular Session (2021) (enacted).

<sup>689</sup> Punitive segregation was defined as “the placement of a juvenile in a location that is separate from the general population as a punishment.” Arkansas House Bill 1470, 93rd General Assembly § 1(a) (2021) (enacted).

<sup>690</sup> Solitary confinement was defined as “the isolation of a juvenile in a cell separate from the general population as a punishment.” *Id.*

<sup>691</sup> *Id.* § 1(b).

<sup>692</sup> Restrictive housing was defined as “the state of being involuntarily confined in one’s cell for approximately twenty-two hours per day or more with very limited out-of-cell time, movement, or meaningful human interaction whether pursuant to disciplinary, administrative, or classification action.” Colorado House Bill 21-1211 § 1.

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<sup>693</sup> New York Senate Bill 2836, 2021-2022 State Assembly, 2021 Regular Session §§ 2, 5 (2021) (enacted).

<sup>694</sup> Tennessee Senate Bill 383, 112th General Assembly § 1 (2021) (enacted).

<sup>695</sup> Louisiana House Resolution 50, 2021 Legislature, Regular Session (enacted).

<sup>696</sup> Restrictive housing was defined as “a housing placement that requires an inmate or detainee to be confined in a cell for at least twenty-two (22) hours per day.” Arkansas House Bill 1470, 93rd General Assembly § 2(a) (2021) (enacted).

<sup>697</sup> *Id.* § 2(b).

<sup>698</sup> Restrictive housing was defined as “the state of being involuntarily confined in one’s cell for approximately twenty-two hours per day or more with very limited out-of-cell time, movement, or meaningful human interaction whether pursuant to disciplinary, administrative, or classification action.” Colorado H.B. 21-1211, 73rd Assembly, 2021 Session § 1 (2021) (enacted).

<sup>699</sup> *Id.*

<sup>700</sup> Kentucky Senate Bill 84, General Assembly, Regular Session. § 1 (2021) (enacted).

<sup>701</sup> Segregated confinement was defined as “any form of cell confinement for more than seventeen hours a day other than in a facility-wide emergency or for the purpose of providing medical or mental health treatment.” New York Senate Bill 2836, 2021-2022 State Assembly, 2021 Regular Session § 1 (2021) (enacted).

<sup>702</sup> *Id.* §§ 2, 5.

<sup>703</sup> “Restrictive housing” is defined as “any type of detention that involves removal from general population and an inability to leave a room or cell for the vast majority of the day.” North Carolina House Bill 608, General Assembly, 2021 Session § 3(a) (2021) (enacted).

<sup>704</sup> “Important circumstance” is defined as “reasonable grounds to believe that the . . . incarcerated person presents a threat of harming [themselves], the fetus, or any other person, or an escape risk that cannot be reasonably contained by other means.” *Id.*

<sup>705</sup> *Id.* § 2(a).

<sup>706</sup> Tennessee Senate Bill 0827, 112rd General Assembly, 2021-2022 Session § 1 (2022) (enacted).

<sup>707</sup> Colorado House Bill 21-1211, 73rd Assembly, 2021 Session § 1 (2021) (enacted).

<sup>708</sup> New York Senate Bill 2836, § 4.

<sup>709</sup> *Id.* § 4.

<sup>710</sup> *Id.*

<sup>711</sup> Colorado House Bill 21-1211, § 1.

<sup>712</sup> New York Senate Bill 2836, § 5.

<sup>713</sup> *Id.*

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<sup>714</sup> Colorado House Bill 21-1211, § 1.

<sup>715</sup> New York Senate Bill 2836, § 5.

<sup>716</sup> *Id.*

<sup>717</sup> *Id.*

<sup>718</sup> *Id.*

<sup>719</sup> Colorado House Bill 21-1211 § 2.

<sup>720</sup> *Id.*

<sup>721</sup> Kentucky Senate Bill 84, General Assembly, Regular Session § 4(1)-(2) (2021) (enacted).

<sup>722</sup> *Id.* § 4(1).

<sup>723</sup> North Carolina House Bill 608, General Assembly, 2021 Session § 1(a) (2021) (enacted).

<sup>724</sup> *Id.*

<sup>725</sup> Connecticut Senate Bill 459, General Assembly (2022) (enacted).

<sup>726</sup> New York Senate Bill 2836, 2021-2022 State Assembly, 2021 Regular Session § 5 (2021) (enacted).

<sup>727</sup> *Id.*

<sup>728</sup> Louisiana House Resolution 50, 2021 Legislature, Regular Session (enacted).

<sup>729</sup> *Id.*

<sup>730</sup> Colorado House Bill 21-1211, 73rd Assembly, 2021 Session § 1 (2021) (enacted).

<sup>731</sup> *Id.*

<sup>732</sup> *Id.*

<sup>733</sup> Connecticut Executive Order No. 21-1 (June 30, 2021).

<sup>734</sup> *Id.*

<sup>735</sup> Connecticut Senate Bill 459, General Assembly § 3(e)(2) (2022) (enacted).

<sup>736</sup> *Id.* § 1.

<sup>737</sup> David Reutter, *Local Pennsylvania Voters Ban Solitary Confinement and No-Knock Warrants*, PRISON LEGAL NEWS (Oct. 1, 2021), available at <https://www.prisonlegalnews.org/news/2021/oct/1/local-pennsylvania-voters-ban-solitary-confinement-and-no-knock-warrants/>.

<sup>738</sup> Petition to the Board of Elections of Allegheny County, PA. ALLIANCE FOR POLICE ACCOUNTABILITY, available at <https://apa-pgh.org/wp-content/uploads/2021/01/solitary.pdf>.

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<sup>739</sup> *Id.*

<sup>740</sup> *Id.*

<sup>741</sup> *Id.*

<sup>742</sup> *Layout, Features, and Amenities*, ALLEGHENY COUNTY, available at <https://www.alleghenycounty.us/jail/about/current-facility.aspx>.

<sup>743</sup> Gartland, *supra* note 668.

<sup>744</sup> N.Y.C. Emergency Executive Order No. 279 § 2 (Nov. 1, 2021) available at <https://www1.nyc.gov/assets/home/downloads/pdf/executive-orders/2021/eo-279.pdf>. See also Gabby DeBenedictis, *Adams Backs De Blasio Delay Of Solitary Confinement Reform*, PATCH (Nov. 3, 2021), available at <https://patch.com/new-york/new-york-city/adams-backs-de-blasios-delay-solitary-confinement-reform>.

<sup>745</sup> Gartland, *supra* note 668.

<sup>746</sup> See N.Y.C. Emergency Executive Order No. 279 § 2. See also DeBenedictis, *supra* note 745.

<sup>747</sup> See DeBenedictis, *supra* note 745.

<sup>748</sup> The statute defines restrictive housing as in-cell confinement “for more than 22 hours per day,” other than a mental health evaluation observation. An Act Relative to Criminal Justice Reform, 2018 Mass. Acts Ch. 69 § 87, 93.

<sup>749</sup> *Id.*

<sup>750</sup> *Id.*

<sup>751</sup> FALCON, INC., *Elevating the System: Exploring Alternatives to Restrictive Housing* 5 (Mar. 2021), available at <https://www.mass.gov/doc/falcon-report/download>.

<sup>752</sup> *Id.* at 6.

<sup>753</sup> Evaluating the bills enacted in the time frame of the 2019 report (i.e., October 2018 through June 2020).

<sup>754</sup> See Maryland House Bill 1001, General Assembly, 2019 Session (2019) (enacted).

<sup>755</sup> See Michigan Senate Bill 848, Ninety-Ninth Legislature, 2018 Regular Session (2018) (enacted).

<sup>756</sup> See Minnesota Senate File 8, Ninety-First Legislature, 1st Special Session 2019-2020 (2019) (enacted).

<sup>757</sup> See Nebraska Legislative Bill 230, 2019-2020 Unicameral Legislature (2020) (enacted).

<sup>758</sup> See New Mexico House Bill 364, 2019 Legislature, Regular Session (2019) (enacted).

<sup>759</sup> See Virginia House Bill 1642, 2019 Legislative Session, (2019) (enacted).

<sup>760</sup> Maryland House Bill 1001, General Assembly, 2019 Session § 1(b) (enacted).

<sup>761</sup> Michigan Senate Bill 848, Ninety-Ninth Legislature, Regular Session Art. V, § 925 (2018) (enacted).

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<sup>762</sup> 2021 *Report to the Legislature: Administrative Segregation Report*, MICHIGAN DEPARTMENT OF CORRECTIONS, available at [https://www.michigan.gov/documents/corrections/LR011422\\_Sec\\_925\\_745829\\_7.pdf](https://www.michigan.gov/documents/corrections/LR011422_Sec_925_745829_7.pdf).

<sup>763</sup> *Id.*

<sup>764</sup> *Id.*

<sup>765</sup> *Id.*

<sup>766</sup> *Id.*

<sup>767</sup> *Id.*

<sup>768</sup> Minnesota Senate File 8, Ninety-First Legislature, 1st Special Session Art. 3, § 10 (2019) (enacted).

<sup>769</sup> *Restrictive Housing Report*, MINNESOTA DEPARTMENT OF CORRECTIONS (2020), 3-5, available at [https://mn.gov/doc/assets/DOC%202020%20Restrictive%20Housing%20Report%20%28final%29\\_tcm1089-466710.pdf](https://mn.gov/doc/assets/DOC%202020%20Restrictive%20Housing%20Report%20%28final%29_tcm1089-466710.pdf).

<sup>770</sup> *Id.* at 3-4.

<sup>771</sup> *Id.* at 6.

<sup>772</sup> *Id.*

<sup>773</sup> New Mexico House Bill 364, 2019 Legislature, Regular Session § 5 (2019) (enacted).

<sup>774</sup> 2022 *Restrictive Housing Report*, NEW MEXICO CORRECTIONS DEPARTMENT, available at <https://www.cd.nm.gov/about-us/notice-reports/>.

<sup>775</sup> *Id.*

<sup>776</sup> Virginia House Bill 1642, 2019 Legislative Session § 1 (2019) (enacted).

<sup>777</sup> *Adoption of Restorative Housing in the Virginia Department of Corrections, FY2021 Report*, VIRGINIA DEPARTMENT OF CORRECTIONS, 9-10, available at <https://rga.lis.virginia.gov/Published/2021/RD447/PDF>.

<sup>778</sup> *Id.* at 3.

<sup>779</sup> *Id.* at 3-6.

<sup>780</sup> *Id.* at 5.

<sup>781</sup> *Id.* at 9.

<sup>782</sup> *Id.*

<sup>783</sup> Nebraska Legislative Bill 230, 2019-2020 Nebraska Unicameral Legislature § 4 (2020) (enacted).

<sup>784</sup> Jennifer A. Carter, *Juvenile Room Confinement in Nebraska, 2020-2021 Annual Report*, OFFICE OF INSPECTOR GENERAL OF NEBRASKA CHILD WELFARE, 43, available at [https://nebraskalegislature.gov/FloorDocs/107/PDF/Agencies/Inspector\\_General\\_of\\_Nebraska\\_Child\\_Welfare/650\\_20211228-155244.pdf](https://nebraskalegislature.gov/FloorDocs/107/PDF/Agencies/Inspector_General_of_Nebraska_Child_Welfare/650_20211228-155244.pdf).

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<sup>785</sup> *Id.*

<sup>786</sup> *Id.* at 2.

<sup>787</sup> *Id.* at 1, 38.

<sup>788</sup> *Id.* at 9.

<sup>789</sup> Maryland House Bill 1001, Maryland General Assembly, 2019 Session § 1(b) (2019) (enacted).

<sup>790</sup> Letter from V. Glenn Fueston, Jr., Executive Director of the Maryland Governor's Office of Crime Prevention, Youth, and Victim Services to Governor Larry Hogan, State Senate President William C. Ferguson, IV, and Speaker of the State House of Delegates Adrienne Jones (March 4, 2020), available at [http://dlslibrary.state.md.us/publications/Exec/GOCPYVS/COR9-614\(b\)\\_2019.pdf](http://dlslibrary.state.md.us/publications/Exec/GOCPYVS/COR9-614(b)_2019.pdf).

<sup>791</sup> *Id.*

<sup>792</sup> First Step Act of 2018, § 610, Pub. L. 115–391, 132 Stat. 5194, 5245.

<sup>793</sup> *Id.* See also BUREAU OF JUSTICE STATISTICS, U.S. DEPARTMENT OF JUSTICE, *National Prisoner Statistics Program*, available at <https://bjs.ojp.gov/data-collection/national-prisoner-statistics-nps-program>.

<sup>794</sup> First Step Act of 2018, § 101, at 5205.

<sup>795</sup> See E. ANN CARSON, DEP'T OF JUSTICE, FEDERAL PRISONER STATISTICS COLLECTED UNDER THE FIRST STEP ACT, 2020 (Feb. 2021), available at <https://bjs.ojp.gov/content/pub/pdf/fpscfsa20.pdf> [hereinafter FEDERAL PRISONER STATISTICS REPORT 2020].

<sup>796</sup> See FEDERAL BUREAU OF PRISONS, *Restricted Housing*, (Apr. 17, 2022), available at [https://www.bop.gov/about/statistics/statistics\\_inmate\\_shu.jsp](https://www.bop.gov/about/statistics/statistics_inmate_shu.jsp).

<sup>797</sup> 2019 FEDERAL PRISONER STATISTICS.

<sup>798</sup> E. ANN CARSON, DEP'T OF JUSTICE, FEDERAL PRISONER STATISTICS COLLECTED UNDER THE FIRST STEP ACT, 2021 (Nov. 2021), available at <https://bjs.ojp.gov/content/pub/pdf/fpscfsa21.pdf> [hereinafter FEDERAL PRISONER STATISTICS REPORT 2021].

<sup>799</sup> See FEDERAL PRISONER STATISTICS REPORT 2020 at 4; FEDERAL PRISONER STATISTICS REPORT 2021 at 5.

<sup>800</sup> See *id.*

<sup>801</sup> FEDERAL PRISONER STATISTICS REPORT 2020 at 17; FEDERAL PRISONER STATISTICS REPORT 2021 at 24.

<sup>802</sup> FEDERAL PRISONER STATISTICS REPORT 2021 at 24. See also FEDERAL PRISONER STATISTICS REPORT 2020 at 18.

<sup>803</sup> *Id.*

<sup>804</sup> FEDERAL PRISONER STATISTICS REPORT 2020 at 15; FEDERAL PRISONER STATISTICS REPORT 2021 at 21.

<sup>805</sup> *Id.*

<sup>806</sup> FEDERAL PRISONER STATISTICS REPORT 2021 at 5.

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<sup>807</sup> *Id.*

<sup>808</sup> *Id.*

<sup>809</sup> See FEDERAL BUREAU OF PRISONS, *Restricted Housing*, (Apr. 17, 2022), available at [https://www.bop.gov/about/statistics/statistics\\_inmate\\_shu.jsp](https://www.bop.gov/about/statistics/statistics_inmate_shu.jsp).

<sup>810</sup> *Id.*

<sup>811</sup> *Id.*

<sup>812</sup> *Id.*

<sup>813</sup> *Id.*

<sup>814</sup> See First Step Act of 2018, § 613, Pub. L. 115–391, 132 Stat. 5194, 5247-49.

<sup>815</sup> *Id.* at 5247–48.

<sup>816</sup> 18 U.S.C. § 5031.

<sup>817</sup> First Step Act of 2018, § 613, at 5248.

<sup>818</sup> *Id.*

<sup>819</sup> *Id.* at 5248–49.

<sup>820</sup> U.S. DEP'T OF JUSTICE, *The Attorney General's First Step Act Section 3634 Annual Report* (Dec. 2020), available at <https://nij.ojp.gov/first-step-act/the-attorney-generals-first-step-act-section-3634-annual-report-december-2020.pdf>.

<sup>821</sup> U.S. DEP'T OF JUSTICE, *First Step Act Annual Report* (Apr. 2022), available at <https://www.bop.gov/inmates/fsa/docs/First-Step-Act-Annual-Report-April-2022.pdf>.

<sup>822</sup> S. 1186 and H.R. 2222 are companion bills.

<sup>823</sup> House Bill 176, One Hundred and Seventeenth Congress §2(b)(2) (2021).

<sup>824</sup> Dignity for Detained Immigrants Act of 2021, House Bill 2222, One Hundredth and Seventeenth Congress § 10(b); Dignity for Detained Immigrants Act of 2021, Senate Bill 1186, One Hundredth and Seventeenth Congress § 10(b).

<sup>825</sup> Effective and Humane Treatment of Youth Act of 2021, House Bill 131, One Hundredth and Seventeenth Congress § 4(a).

<sup>826</sup> Protecting the Health and Wellness of Babies and Pregnant Women Act of 2022, House Bill 6878, One Hundredth and Seventeenth Congress § 7(5).

<sup>827</sup> Solitary Confinement Reform Act of 2022, House Bill 7424, One Hundredth and Seventeenth Congress § 11(6).

<sup>828</sup> See House Bill 176; House Bill 6878, § 4(a); and House Bill 7424, § 11(1).

<sup>829</sup> See House Bill 2222 and Senate Bill 1186.

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<sup>830</sup> *See* House Bill 131, § 2.

<sup>831</sup> House Bill 176, § 2(a).

<sup>832</sup> *Id.*

<sup>833</sup> *Id.*

<sup>834</sup> *Id.*

<sup>835</sup> *Id.*

<sup>836</sup> *Id.*

<sup>837</sup> *Id.*

<sup>838</sup> *Id.*

<sup>839</sup> *Id.*

<sup>840</sup> *Id.*

<sup>841</sup> *Id.*

<sup>842</sup> *Id.*

<sup>843</sup> Solitary Confinement Reform Act of 2022, House Bill 7424, One Hundredth and Seventeenth Congress § 3(c–d).

<sup>844</sup> *Id.* § 3(a).

<sup>845</sup> *Id.* § 3(b).

<sup>846</sup> *Id.* § 4(b).

<sup>847</sup> *Id.* § 4(a).

<sup>848</sup> *Id.* § 11(3).

<sup>849</sup> *Id.* §§ 7(a), 11(5)

<sup>850</sup> *Id.* § 7(c).

<sup>851</sup> *Id.* § 3(d).

<sup>852</sup> *Id.* § 11(4).

<sup>853</sup> *Id.* § 6(a).

<sup>854</sup> *Id.* § 7(f).

<sup>855</sup> *Id.* § 5(c).



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<sup>856</sup> *Id.* § 5(c).

<sup>857</sup> *Id.* §§ 5(a), 8(a).

<sup>858</sup> Restricting the Use of Solitary Confinement Act, House Bill 176, One Hundredth and Seventeenth Congress § 2(a) (2021).

<sup>859</sup> *See* Effective and Humane Treatment of Youth Act of 2021, House Bill 131, One Hundredth and Seventeenth Congress § 4(a); Dignity for Detained Immigrants Act of 2021, House Bill 2222, One Hundredth and Seventeenth Congress § 10(b); Dignity for Detained Immigrants Act of 2021, Senate Bill 1186, One Hundredth and Seventeenth Congress § 10(b).

<sup>860</sup> Restricting the Use of Solitary Confinement Act, House Bill 176, One Hundredth and Seventeenth Congress § 2(a) (2021).

<sup>861</sup> House Bill 2222 § 10(b); Senate Bill 1186, § 10(b).

<sup>862</sup> House Bill 131, § 4(a).

<sup>863</sup> *Id.* § 3(a).

<sup>864</sup> *Id.*

<sup>865</sup> *Id.*

<sup>866</sup> *Id.* § 4(a)

<sup>867</sup> *Id.* § 3(a).

<sup>868</sup> *Id.*

<sup>869</sup> *Id.*

<sup>870</sup> Restricting the Use of Solitary Confinement Act, House Bill 176, One Hundredth and Seventeenth Congress § 3 (2021).

<sup>871</sup> Solitary Confinement Reform Act of 2022, House Bill 7424, One Hundredth and Seventeenth Congress § 8(a).

<sup>872</sup> *Id.* § 5(c).

<sup>873</sup> House Bill 131, §4(a).

<sup>874</sup> Protecting the Health and Wellness of Babies and Pregnant Women Act of 2022, House Bill 6878, One Hundredth and Seventeenth Congress § 4(a), (c).

<sup>875</sup> Department of Homeland Security Appropriations Act, 2022, Senate Bill 3058, One Hundredth and Seventeenth Congress § 213(3) (2021).

<sup>876</sup> House Resolution 226, One Hundredth and Seventeenth Congress (2021).

<sup>877</sup> House Resolution 723, One Hundredth and Seventeenth Congress (2021); Senate Resolution 423, One Hundredth and Seventeenth Congress (2021).

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<sup>878</sup> House Resolution 64, One Hundredth and Seventeenth Congress (2021).

<sup>879</sup> Department of Peacebuilding Act of 2021, House Bill 1111, One Hundredth and Seventeenth Congress § 110(b)(2).

<sup>880</sup> *Id.*

<sup>881</sup> See GLOBE Act of 2021, House Bill 3800, One Hundredth and Seventeenth Congress § 2(13) (LGBTQI individuals seeking asylum and refugee protection are “frequently targeted for violence, including sexual assault, in refugee camps and in immigration detention” and “may be segregated against their will for long periods in solitary confinement”). The Act describes “prolonged solitary confinement” as a “form of abuse that is profoundly damaging to the social and psychological well-being of any individual.” *Id.* See also End Transfers of Detained Immigrants Act, House Bill 3384, One Hundredth and Seventeenth Congress § 2(b)(3) (2021) (defining “nonpunitive medical unit” to “exclude[] any punitive holding area, including isolation, solitary confinement, and administrative segregation.”).

<sup>882</sup> See Iran Hostages Congressional Gold Medal Act, House Bill 1179, One Hundredth and Seventeenth Congress § 2(2) (2021) and Iran Hostages Congressional Gold Medal Act, Senate Bill 2607, One Hundredth and Seventeenth Congress § 2(2) (2021) (“the hostages [of the Iran Hostage Crisis] were subjected to intense physical and psychological torture throughout their captivity, such as mock execution, beatings, solitary confinement, and inhospitable living conditions.”); Defending the Human Rights of Palestinian Children and Families Living Under Israeli Military Occupation Act, House Bill 2590, One Hundredth and Seventeenth Congress § 5 (2021) (would prohibit “the funds authorized to be appropriated or otherwise made available for assistance to the Government of Israel” to “be obligated or expended for . . . incommunicado detention or solitary confinement.”).

<sup>883</sup> See House Resolution 175, One Hundredth and Seventeenth Congress (2021) (recognizing “the Saudi Government had unjustly detained American citizens . . . [and] subjected them to torture and solitary confinement”); Senate Resolution 241, One Hundredth and Seventeenth Congress (2021) (recognizing “the Kingdom of Saudi Arabia maintains an especially hostile environment towards journalists through systematic and arbitrary arrests, torture and inhumane or degrading treatment . . . including Maha Al-Rafidi Al-Qahtani, a journalist and writer arrested in September 2019, held in solitary confinement, and physically abused while in prison.”).

<sup>884</sup> See David H. Cloud, Cyrus Ahalt, Dallas Augustine, David Sears, & Brie Williams, *Medical Isolation and Solitary Confinement: Balancing Health and Humanity in US Jails and Prisons During COVID-19*, 35 J. GEN. INTERNAL MED. 2738, 2738-39(2020), available at <https://doi.org/10.1007/s11606-020-05968-y>; David Cloud, Dallas Augustine, Cyrus Ahalt, & Brie Williams, *The Ethical Use of Medical Isolation—Not Solitary Confinement—to Reduce COVID-19 Transmission in Correctional Settings*, AMEND (Apr. 9, 2020), available at [https://amend.us/wp-content/uploads/2020/04/Medical-Isolation-vs-Solitary\\_Amend.pdf](https://amend.us/wp-content/uploads/2020/04/Medical-Isolation-vs-Solitary_Amend.pdf); AMEND, *COVID-19 in Correctional Facilities: Medical Isolation*, available at <https://amend.us/covid-19-in-correctional-facilities-medical-isolation/>.

<sup>885</sup> See Federal Correctional Facilities COVID-19 Response Act, House Bill 2293, One Hundredth and Seventeenth Congress (2021) and Federal Correctional Facilities COVID-19 Response Act, Senate Bill 328, One Hundredth and Seventeenth Congress (2021).

<sup>886</sup> *Id.* § 6.

<sup>887</sup> *Id.*

<sup>888</sup> *Id.* § 7.

<sup>889</sup> Exec. Order No. 14074, 87 FR 32945 (May 25, 2022).

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<sup>890</sup> *Id.* § 1.

<sup>891</sup> *Id.* § 16(a)(ii).

<sup>892</sup> *Id.* § 16(b)(i).

## Appendix A: CLA-Liman 2021 Restrictive Housing Survey

# Liman/CLA Restrictive Housing Survey 2021

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### Start of Block: Section 0.a: Introductory Information

#### **Introduction**

The Correctional Leaders Association (CLA)--the successor organization to the Association of State Correctional Administrators (ASCA)--and the Liman Center at Yale Law School began to collect data in 2012 to understand the policies about and the use of restrictive housing. Because of the many jurisdictions that have answered the surveys in prior years, we have created the only longitudinal database in the United States to track the changing policies on and uses of restrictive housing.

The 2021 questionnaire has been prepared by a joint-drafting committee of CLA and Liman Center members. A subcommittee of CLA and Liman members have worked to simplify and streamline questions from previous surveys, and to make answering simpler through drop-down menus and check boxes. The survey, which need not be answered in one sitting, aims to learn about the general population of each jurisdiction to create a baseline so as to understand the use of restrictive housing.

The questionnaire begins with a sequence of questions about the number of people who have been placed under the custody of and have been received by each jurisdiction. It then focuses on the length of stay and other facets of restrictive housing. Answering as many questions as possible will be helpful. Our goal is that all jurisdictions answer some, even if not all, questions. Once this information is received, compiled, and analyzed, a draft will be provided to CLA members for review, and the 2021 report will be finalized.

Please complete as many parts of the survey as you can. We appreciate your participation and feedback.

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## Instructions and Definitions

Defined below are terms commonly used in the survey. These definitions will be repeated in questions when the survey is taken on Qualtrics.

The definition of “total custodial population” used in this survey is the total number of people sentenced to and received by your department.

Note: In some jurisdictions, significant numbers of post-conviction sentenced prisoners are held in other states or in jails over which the jurisdiction’s corrections department does not have direct authority and does not have data on the use of restrictive housing. This survey therefore asks about the number of people in a jurisdiction’s total population (including restrictive housing) under that jurisdiction’s direct control. The words “sentenced to and received” include only that set of individuals and exclude people who are sent out of the jurisdiction or held under local or county authority.

The definition of “restrictive housing” used in this survey is

separating prisoners from the general population and holding them in cell for an average of 22 or more hours per day, for 15 or more continuous days.

This definition means that “restrictive housing” includes individuals placed in these conditions for any and all reasons, including due to COVID-19 concerns. Please only include individuals who are required to be in-cell in this count (in other words, do not include individuals who choose to remain in their cells even though they are free to leave).

To calculate the time during which a person is in restrictive housing requires beginning on the first day when that person is placed in restrictive housing, whether or not a decision has been made about the length of stay or the reasons for it. Therefore, include people in all and any form of restrictive housing, whether the placement is provisional – pending an investigation and decision - or not, and whether the placement is described as segregation, disciplinary segregation, protective custody, intensive management, or by another term.

Further, include all individuals held in restrictive housing, whether in single cells or in cells housing more than one person.

This survey seeks data as of July 1, 2021, and most jurisdictions have daily information from which to obtain the answers. If your jurisdiction does not, use data from July 15, 2021, or specify another data in the month of July of 2021 for which the information is provided.

The survey's due date is **September 1, 2021**. Please contact us at [cla.limansurvey@yale.edu](mailto:cla.limansurvey@yale.edu).

Reminder: the survey need not be completed in one session. In addition, to keep a copy of the survey for your records, you can download the survey as a PDF via (click on the hyperlink to access):

[Google Drive](#)

[Dropbox](#)

[Box](#)

**End of Block: Section 0.a: Introductory Information**

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**Start of Block: Section 0.b: Respondent's Contact Information**

Q1. Select your jurisdiction

▼ Alabama (1) ... Wyoming (51)

Q2. Name of contact person(s) in your jurisdiction. Include no more than two contacts.

\_\_\_\_\_

Q3. Position/Title of contact person(s)

\_\_\_\_\_

Q4. Contact phone number(s). Please include your extension in parenthesis.

\_\_\_\_\_



Q5. Contact email(s)

\_\_\_\_\_

**Q6. Date for which Data are provided**

Use data from July 1, 2021, unless otherwise indicated. If you do not have data for this date, use data from July 15, 2021. If neither of these dates are an option, use and specify another date in the month of July 2021. Which date will you be using for the data entered for this survey?

▼ July 1, 2021 (1) ... July 31, 2021 (31)

**End of Block: Section 0.b: Respondent's Contact Information**

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**Start of Block: Section 1: Demographics and Background**

**Q7. How many people are in your jurisdiction's total custodial population, including people who are held in restrictive housing, as long as they are individuals sentenced to and received by your department.**

	(1)	No data (1)
Total custodial population (8)		<input type="checkbox"/>
Total (male) (9)		<input type="checkbox"/>
Total (female) (10)		<input type="checkbox"/>

---

Q8. How many hours, on average, do prisoners in the general population spend in cell each day? Please make this calculation for the facility which houses the largest number of individuals in the general population, and round to the nearest whole number.

▼ 0 (4) ... No data (29)

Q9. How many people are in restrictive housing, defined as being in a cell for an average of 22 hours or more a day for 15 or more continuous days. Include all individuals in restrictive housing, whether the placement is provisional pending investigation and decision-making, or whether placement has been confirmed for any of a variety of reasons.

Note: these numbers should include individuals held in restrictive housing for whatever reasons, including COVID-19 concerns.

	(1)	No data (1)
Total restrictive housing population (7)		<input type="checkbox"/>
Total (male) (8)		<input type="checkbox"/>
Total (female) (9)		<input type="checkbox"/>



Q10. How many people are in restrictive housing for the following reasons? Please choose only the primary reason a person is in restrictive housing (e.g., if someone is in restrictive housing for both safety and COVID-19 reasons, please only count that person in one category).

	Number of people (1)	No data (1)
Administrative (1)		<input type="checkbox"/>
Safety (2)		<input type="checkbox"/>
Punishment (3)		<input type="checkbox"/>
Personal choice of the prisoner (4)		<input type="checkbox"/>
COVID-19 isolation (5)		<input type="checkbox"/>
Other (6)		<input type="checkbox"/>

---

Q11. Does your jurisdiction impose capital sentences?

- Yes (1)
- No (2)
- 

*Display This Question:*

*If Q11. Does your jurisdiction impose capital sentences? = Yes*

Q12. If so, how many individuals are currently serving capital sentences? Below, provide the numbers of each by the kind of housing they are in.

- General population (1) \_\_\_\_\_
- In a subpopulation of capital-sentenced individuals that are separated but not held in restrictive housing (2) \_\_\_\_\_
- Restrictive housing (3) \_\_\_\_\_
- 

Q13. Does your jurisdiction keep length-of-stay data on the time each individual spends in restrictive housing?

- Yes (1)
- No (2)
- 

*Display This Question:*

*If Q13. Does your jurisdiction keep length-of-stay data on the time each individual spends in restri... = Yes*

Q14a. How often does your system collect these data?

Number (4)

Every (5)

▼ 0 (1) ... 10 ~ Year (55)

---

*Display This Question:*

*If Q13. Does your jurisdiction keep length-of-stay data on the time each individual spends in restri... = Yes*

Q14b. How often does your system collect and review these data?

Number (4)

Every (5)

▼ 0 (1) ... 10 ~ Year (55)

*Display This Question:*

*If Q13. Does your jurisdiction keep length-of-stay data on the time each individual spends in restri... = Yes*

Q15. In what year did your jurisdiction begin to keep length-of-stay data for restrictive housing?

▼ 2021 (1) ... 1951 (71)

*Display This Question:*

*If Q13. Does your jurisdiction keep length-of-stay data on the time each individual spends in restri... = Yes*

Q16. Is the restrictive housing length-of-stay data accessible by (check all that apply):

- Computer-based data (1)
- Historical review of physical files (2)
- Other means (explain) (3)
- 
- Not available (explain) (4)
-



Q17. These questions address the length of time individuals have spent in restrictive housing, defined as being in a cell for an average of 22 or more hours per day for 15 or more continuous days.

Again, include people in all and any form of restrictive housing, whether the placement is provisional – pending an investigation and decision - or not, and whether the placement is described as segregation, disciplinary segregation, protective custody, intensive management, or by another term. Include all individuals housed for 15 or more days.

Below, fill in each box with the number of people in restrictive housing for that length of time. Use zero to indicate that no people were in restrictive housing for that length of time. If you do not have data for a category, indicate that with number -99 (i.e. use negative sign).

	15 days – 29 days (1)	30 days – 60 days (2)	61 days – 180 days (4)	181 days – 365 days (5)	1+ years – 3 years (6)	3+ years – 6 years (7)	6+ years- 10 years (8)	10+ years (9)	-----
Number of MALE prisoners in restrictive housing (1)									
Number of FEMALE prisoners in restrictive housing (2)									

Q18. Does the length-of-stay data provided above include information from before your jurisdiction began to regularly collect this form of data? For example, if regular collecting began in 2008 and some prisoners had been placed in restrictive housing from before 2008, does the reported length-of-stay data include the time in restrictive housing before 2008?

Yes (1)

No (2)

-----

*Display This Question:*  
 If Q18. Does the length-of-stay data provided above include information from before your jurisdiction... = Yes

Q19. How did you calculate the total time for each prisoner who has been in restrictive housing since before you began collecting length of time data? (check all that apply)

- We reviewed individual records. (2)
  - We estimated on the basis of staff knowledge. (3)
  - Other (please explain) (4)
- 

Q20. From July 1, 2020 to July 1, 2021, what was the average length of stay (days) for an individual placed in restrictive housing? Please include individuals who spent time in restrictive housing prior to July 1, 2020, but were either released from or still reside in restrictive housing during the period from July 1, 2020 to July 1, 2021.

	Average length of stay (days) for an individual placed in restrictive housing from July 1, 2020 to July 1, 2021 (1)	No data (1)
(3)		<input type="checkbox"/>

**End of Block: Section 1: Demographics and Background**

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**Start of Block: Section 2: Demographics-- Race/Ethnicity, Age, Gender, And Pregnancy**

These questions ask about the demographics of the general and restrictive housing populations.

Q21. Does your jurisdiction have definitions for the race/ethnic categories below? If so, explain. Provide also the source of this definition (e.g., U.S. Census, state legislation, et cetera).

	Yes (explain) (1)	No (1)
White (non-Hispanic or Latino/a) (1)		<input type="checkbox"/>
Black or African American (2)		<input type="checkbox"/>
Hispanic or Latino/a (3)		<input type="checkbox"/>
American Indian or Alaska Native (4)		<input type="checkbox"/>
Asian (5)		<input type="checkbox"/>

Native Hawaiian or Pacific Islander (6)		<input type="checkbox"/>
Other (7)		<input type="checkbox"/>

---

Q22. How are race/ethnic identifications of prisoners made?

- Self-reported (1)
  - Visual identification (2)
  - Court or other legal documentation (3)
  - Other (explain) (4) \_\_\_\_\_
-



Q23. How many people by gender and age are in the total custodial population, defined as the total number of people sentenced to and received by your department?

	Male (1)	Female (2)	No Data (1)
Under 18 years old (1)			<input type="checkbox"/>
18-25 years old (2)			<input type="checkbox"/>
26-50 years old (3)			<input type="checkbox"/>
51-70 years old (4)			<input type="checkbox"/>
Over 70 years old (5)			<input type="checkbox"/>
TOTAL (must add up) (6)			<input type="checkbox"/>

Q24. How many people by gender and race/ethnicity are in the total custodial population?

	Male (1)	Female (2)	No data (1)
White (non-Hispanic or Latino/a) (1)			<input type="checkbox"/>
Black or African American (2)			<input type="checkbox"/>
Hispanic or Latino/a (3)			<input type="checkbox"/>
Asian (4)			<input type="checkbox"/>
Native American or Alaskan Native (5)			<input type="checkbox"/>
Native Hawaiian or Pacific Islander (6)			<input type="checkbox"/>

Other (7)			<input type="checkbox"/>
TOTAL (must add up) (8)			<input type="checkbox"/>



Q25.How many people by gender and age are in restrictive housing?

	Male (1)	Female (2)	No data (1)
Under 18 years old (1)			<input type="checkbox"/>
18-25 years old (2)			<input type="checkbox"/>
26-50 years old (3)			<input type="checkbox"/>
51-70 years old (4)			<input type="checkbox"/>
Over 70 years old (5)			<input type="checkbox"/>
TOTAL (must add up) (6)			<input type="checkbox"/>

Q26. How many people by gender and race/ethnicity are in restrictive housing?

	Male (1)	Female (2)	No data (1)
White (non-Hispanic or Latino/a) (1)			<input type="checkbox"/>
Black or African American (2)			<input type="checkbox"/>
Hispanic or Latino/a (3)			<input type="checkbox"/>
Asian (4)			<input type="checkbox"/>
Native American or Alaskan Native (5)			<input type="checkbox"/>
Native Hawaiian or Pacific Islander (6)			<input type="checkbox"/>

Other (7)			<input type="checkbox"/>
TOTAL (must add up) (8)			<input type="checkbox"/>

Q27. How are prisoners identified as transgender within your jurisdiction?

- Self-identification by prisoner (1)
- Medical records (2)
- Other (please explain) (3) \_\_\_\_\_

Q28. How many transgender prisoners are in the total custodial population?

	Number (1)	No data (1)
(1)		<input type="checkbox"/>

Q29. How many transgender prisoners are in restrictive housing?

	Number (1)	No data (1)
(1)		<input type="checkbox"/>

Q30. How many pregnant prisoners are in the total custodial population?

	Number (1)	No data (1)
(1)		<input type="checkbox"/>

Q31. How many pregnant prisoners are in restrictive housing?

	Number (1)	No data (1)
(1)		<input type="checkbox"/>

End of Block: Section 2: Demographics-- Race/Ethnicity, Age, Gender, And Pregnancy

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Start of Block: Section 3: Mental Health

Q32. What is your jurisdiction’s definition of “serious mental illness”? Specify if your definition is based on a diagnostic manual from the health sciences and if so, the date and version used.

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Q33. How many male and female prisoners are classified as seriously mentally ill by your jurisdiction's definition and placed in 1) the total custodial population and are in 2) the restrictive housing population?

	Male (1)	Female (2)	No data (1)
1) Prisoners with Serious Mental Illness in TOTAL CUSTODIAL population. (1)			<input type="checkbox"/>
2) Prisoners with Serious Mental Illness in RESTRICTIVE HOUSING population. (2)			<input type="checkbox"/>



Q34. How many prisoners, by race/ethnicity, classified as seriously mentally ill by your jurisdiction's definition are in the total custodial population?

	Male (1)	Female (2)	No data (1)
White (non-Hispanic or Latino/a) (1)			<input type="checkbox"/>
Black or African American (2)			<input type="checkbox"/>
Hispanic or Latino/a (3)			<input type="checkbox"/>
Asian (4)			<input type="checkbox"/>
Native American or Alaskan Native (5)			<input type="checkbox"/>
Native Hawaiian or Pacific Islander (6)			<input type="checkbox"/>

Other (7)			<input type="checkbox"/>
TOTAL (must add up) (8)			<input type="checkbox"/>

Q35. How many prisoners, by race/ethnicity, classified as seriously mentally ill by your jurisdiction's definition are in the restrictive housing population?

	Male (1)	Female (2)	No data (1)
White (non-Hispanic or Latino/a) (1)			<input type="checkbox"/>
Black or African American (2)			<input type="checkbox"/>
Hispanic or Latino/a (3)			<input type="checkbox"/>

Asian (4)			<input type="checkbox"/>
Native American or Alaskan Native (5)			<input type="checkbox"/>
Native Hawaiian or Pacific Islander (6)			<input type="checkbox"/>
Other (7)			<input type="checkbox"/>
TOTAL (must add up) (8)			<input type="checkbox"/>

---

Q36. How many prisoners, by age, classified as seriously mentally ill by your jurisdiction's definition, are in the total custodial population?

	Male (1)	Female (2)	No data (1)
Under 18 years old (1)			<input type="checkbox"/>
18 to 25 years old (2)			<input type="checkbox"/>
26 to 50 years old (3)			<input type="checkbox"/>
51 to 70 years old (4)			<input type="checkbox"/>
Over 70 years old (5)			<input type="checkbox"/>
TOTAL (must add up) (6)			<input type="checkbox"/>

Q37. How many prisoners, by age, classified as seriously mentally ill by your jurisdiction's definition, are in the restrictive housing population?

	Male (1)	Female (2)	No data (1)
Under 18 years old (1)			<input type="checkbox"/>
18 to 25 years old (2)			<input type="checkbox"/>
26 to 50 years old (3)			<input type="checkbox"/>
51 to 70 years old (4)			<input type="checkbox"/>
Over 70 years old (5)			<input type="checkbox"/>
TOTAL (must add up) (6)			<input type="checkbox"/>

Q38. Fill in each box with: 1) the number of seriously mentally ill people in restrictive housing for that length of time, or 2) a zero to indicate there were no seriously mentally ill people in restrictive housing for that length of time.

Include the total number of days in restrictive housing, whatever their status (disciplinary, administrative, protective, or other) and include all individuals, whether they were moved from one status or type of restrictive housing to another.

	Number (1)	No data (1)
15 days – 29 days (1)		<input type="checkbox"/>
30 days – 60 days (2)		<input type="checkbox"/>
61 days – 180 days (3)		<input type="checkbox"/>
181 days – 365 days (4)		<input type="checkbox"/>
1+ year – 3 years (5)		<input type="checkbox"/>

3+ years – 6 years (6)		<input type="checkbox"/>
6+ years - 10 years (7)		<input type="checkbox"/>
10+ years (8)		<input type="checkbox"/>
TOTAL (must add up) (9)		<input type="checkbox"/>

---



Q39. In the last 12 months, how many prisoners have been diagnosed with serious mental illness while residing in restrictive housing?

	Number (1)	No data (1)
Total (1)		<input type="checkbox"/>

Q40. Of those diagnosed with serious mental illnesses while residing in restrictive housing, how many were released from restrictive housing as a result of receiving the diagnosis?

	Number (1)	No data (1)
Total released after diagnosis (4)		<input type="checkbox"/>

Q41. Of those released from restrictive housing after receiving a serious mental illness diagnosis, how soon after their diagnosis were they released?

	Number of days (1)	No data (1)
(4)		<input type="checkbox"/>

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**End of Block: Section 3: Mental Health**

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**Start of Block: Section 4.a: Facets of Restrictive Housing Part I**

These questions ask about physical space, access to exercise, showers, interpersonal contact, and programming in restrictive housing.

In these questions, if facilities and programs vary among your jurisdiction, answer with information about the rules applicable to the largest number of individuals in restrictive housing for each gender.

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Q42. Do restrictive housing cells have clear windows through which individuals held can directly see outside?

- Yes (1)
- No (3)

---

Q43. For how many hours a day is artificial light turned on in a restrictive housing cell? Please round to the nearest whole number.

▼ 0 (1) ... 24 (25)

---

Q44. Does the person in a restrictive housing cell have any control over the use of artificial light?

Yes (1)

No (2)

---

*Display This Question:*

*If Q44. Does the person in a restrictive housing cell have any control over the use of artificial li... = Yes*

Q45. For how many hours a day does the person in a restrictive housing cell have control over the use of artificial light?

▼ 0 (1) ... 24 (25)

---

Q46. During nighttime hours, does the department turn the lights:

On (1)

Off (2)

Dim (3)

---

Q47. All or most prisoners in general population are permitted to use [check all that apply]:

- Electronic tablet (1)
  - Books and other reading materials (2)
  - Television (3)
  - Radios, mp3 players, CDs, or other audio media devices (4)
  - Handheld video games for entertainment, programming, or education (5)
  - Puzzles or board games (6)
  - Programming or education worksheets (7)
  - Internet (8)
  - Writing materials (9)
-

Q48. All or most prisoners in restrictive housing are permitted to use [check all that apply]:

- Electronic tablet (1)
- Books and other reading materials (2)
- Television (3)
- Radios, mp3 players, CDs, or other audio media devices (4)
- Handheld video games for entertainment, programming, or education (5)
- Puzzles or board games (6)
- Programming or education worksheets (7)
- Internet (8)
- Writing materials (9)

---

*Display This Question:*

*If Q47. All or most prisoners in general population are permitted to use [check all that apply]: = Electronic tablet*

Q49. Do prisoners in general population keep their tablets in their cells at all times, or must prisoners request use from staff?

- Keep in cell (1)
  - Must request use (2)
  - Other (3) \_\_\_\_\_
-

*Display This Question:*

*If Q47. All or most prisoners in general population are permitted to use [check all that apply]: = Electronic tablet*

Q50. Are tablets available for every prisoner in the general population?

- Yes (1)
- No (2)

*Display This Question:*

*If Q50. Are tablets available for every prisoner in the general population? = No*

Q51. What percentage of the general population can get a tablet, if they all asked for tablets at once?

0 10 20 30 40 50 60 70 80 90 100



*Display This Question:*

*If Q48. All or most prisoners in restrictive housing are permitted to use [check all that apply]: = Electronic tablet*

Q52. Do people in restrictive housing keep their tablets in their cells at all times, or must prisoners request use from staff?

- Keep in cell (1)
- Must request use (2)
- Other (3) \_\_\_\_\_

*Display This Question:*

*If Q48. All or most prisoners in restrictive housing are permitted to use [check all that apply]: = Electronic tablet*

Q53. Are tablets available for every prisoner in the restrictive housing population?

- Yes (1)
- No (2)

*Display This Question:*

*If Q53. Are tablets available for every prisoner in the restrictive housing population? = No*

Q54. What percentage of the restrictive housing population can get a tablet, if they all asked for tablets at once?

0 10 20 30 40 50 60 70 80 90 100



*Display This Question:*

*If Q47. All or most prisoners in general population are permitted to use [check all that apply]: = Electronic tablet*

Q55. People in general population housing have access to content on the tablets:

- Without charge for all content (1)
- With charge for all content (2)
- Without charge for some content (education, for example) (please explain): (3)

\_\_\_\_\_

*Display This Question:*

If Q48. All or most prisoners in restrictive housing are permitted to use [check all that apply]: = Electronic tablet

Q56. People in restrictive housing have access to content on the tablets:

- Without charge for all content (1)
- With charge for all content (2)
- Without charge for some content (education, for example) (please explain): (3)
- \_\_\_\_\_

Q57. Which vendor(s) provides the department with tablets? (Check all that apply)

- GTL (1)
- Securus (2)
- CenturyLink (3)
- Other (4) \_\_\_\_\_

End of Block: Section 4.a: Facets of Restrictive Housing Part I

Start of Block: Section 4.b: General Population Access Loop

Please note: if you are viewing a PDF, the "\${lm://Field/1}" printing you see below will be populated with whatever boxes you checked in Q47. If you are viewing this in Qualtrics, you should just see whatever box you checked. This section will repeat for each box you checked in Q47.

Q58. How many hours a day do prisoners in the general population have access to \${lm://Field/1} [Q47 response]?

▼ 0 (1) ... 24 (25)



---

Q59. How many days a week do persons in general population have access to  $\${lm://Field/1}$  [Q47 response]?

▼ 0 (1) ... 7 (8)

---

Q60. Do prisoners in the general population purchase  $\${lm://Field/1}$  [Q47 response] to access it?

Yes (1)

No (2)

---

Q61. Do prisoners in the general population have to pay a fee to use  $\${lm://Field/1}$  [Q47 response]?

Yes (1)

No (2)

---

Q62. Can access to  $\${lm://Field/1}$  [Q47 response] be taken away from prisoners in the general population for disciplinary reasons (other than for disciplinary reasons if you answered “Yes” in Q62)?

Yes (1)

No (2)

---

Q63. Is there guaranteed access to  $\${lm://Field/1}$  [Q47 response] for every prisoner in the general population (other than for disciplinary reasons)?

Yes (1)

No (2)

---

Q64. Are  $\{\text{lm://Field/1}\}$  [Q47 response] used as incentives for behavioral change in the general population (i.e. people are provided with a privilege as a reward for certain kinds of behaviors)?

Yes (1)

No (2)

**End of Block: Section 4.b: General Population Access Loop**

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**Start of Block: Section 4.c: Restrictive Housing Access Loop**

Please note: if you are viewing a PDF, the " $\{\text{lm://Field/1}\}$ " printing you see below will be populated with whatever boxes you checked in Q48. If you are viewing this in Qualtrics, you should just see whatever box you checked. This section will repeat for each box you checked in Q48.

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Q65. How many hours a day do prisoners in restrictive housing have access to  $\{\text{lm://Field/1}\}$  [Q48 response]?

▼ 0 (1) ... 24 (25)

---

Q66. How many days a week do persons in restrictive housing have access to  $\{\text{lm://Field/1}\}$  [Q48 response]?

▼ 0 (1) ... 7 (8)

---

Q67. Do prisoners in restrictive housing purchase  $\{\text{lm://Field/1}\}$  [Q48 response] to access it?

Yes (1)

No (2)

---

Q68. Do prisoners in restrictive housing have to pay a fee to use  $\${lm://Field/1}$  [Q48 response]?

- Yes (1)
- No (2)
- 

Q69. Can access to  $\${lm://Field/1}$  [Q48 response] be taken away from prisoners in restrictive housing for disciplinary reasons?

- Yes (1)
- No (2)
- 

Q70. Is there guaranteed access to  $\${lm://Field/1}$  [Q48 response] for every prisoner in restrictive housing (other than for disciplinary reasons if you answered “Yes” in Q69)?

- Yes (1)
- No (2)
- 

Q71. Are  $\${lm://Field/1}$  [Q48 response] used as incentives for behavioral change in restrictive housing (i.e. people are provided with a privilege as a reward for certain kinds of behaviors)?

- Yes (1)
- No (2)
- 

**End of Block: Section 4.c: Restrictive Housing Access Loop**

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**Start of Block: Section 4.d: Facets of Restrictive Housing Part II**

Q72. Upload any relevant policy or program documents regarding in-cell programming and limits on participation. If you have more than one file, upload a .zip file or email the files to [cla.limansurvey@yale.edu](mailto:cla.limansurvey@yale.edu).

---

Q73. May prisoners in restrictive housing purchase items from the commissary?

Yes (1)

No (2)



Q74. What restrictions on commissary exist for prisoners in the general population and restrictive housing?

	General Population (1)	Restrictive Housing (2)
How much can be spent on commissary per month? (Dollars) (1)		
How many times per month can someone access commissary? (2)		

Q75. Which items are available to prisoners in the general population through commissary?  
(check all that apply)

- Food (1)
- Beverages (2)
- Soap, shampoo, deodorant (3)
- Shaving tools (4)
- Medication (Tums, aspirin, et cetera) (5)
- Toothbrushes, toothpaste, mouthwash, dental floss (6)
- Cosmetics (blush, eye liner, et cetera) (7)
- Laundry items (detergent, softener, et cetera) (8)
- Batteries, electronics charging devices (9)
- MP3 Players, radios (10)
- Headphones (11)
- Clothing (sweaters, shoes, et cetera) (12)
- Blankets (13)
- Postage stamps, envelopes (14)
- Cards, other writing materials (15)
- Reading materials (16)
- Games (playing cards, board games, et cetera) (17)

Recreation items (tennis balls, footballs, et cetera) (18)

Q76. Which items are available to prisoners in restrictive housing through commissary? (check all that apply)

Food (1)

Beverages (2)

Soap, shampoo, deodorant (3)

Shaving tools (4)

Medication (Tums, aspirin, et cetera) (5)

Toothbrushes, toothpaste, mouthwash, dental floss (6)

Cosmetics (blush, eye liner, et cetera) (7)

Laundry items (detergent, softener, et cetera) (8)

Batteries, electronics charging devices (9)

MP3 Players, radios (10)

Headphones (11)

Clothing (sweaters, shoes, et cetera) (12)

Blankets (13)

Postage stamps, envelopes (14)

Cards, other writing materials (15)

- Reading materials (16)
- Games (playing cards, board games, et cetera) (17)
- Recreation items (tennis balls, footballs, et cetera) (18)

Q77. How many times per week are prisoners in the general population allowed out of their cell for the following activities. If they are not permitted to engage in the activity, select 0.

Showers (1)	▼ 0 (1) ... No maximum on activity (33)
Individual exercise (2)	▼ 0 (1) ... No maximum on activity (33)
Group exercise (3)	▼ 0 (1) ... No maximum on activity (33)
Individual out-of-cell programming (4)	▼ 0 (1) ... No maximum on activity (33)
Group out-of-cell programming with security chairs (5)	▼ 0 (1) ... No maximum on activity (33)
Group out-of-cell programming without security chairs (6)	▼ 0 (1) ... No maximum on activity (33)
Individual meals out-of-cell (7)	▼ 0 (1) ... No maximum on activity (33)
Group meals out-of-cell with security chairs (8)	▼ 0 (1) ... No maximum on activity (33)
Group meals out-of-cell without security chairs (9)	▼ 0 (1) ... No maximum on activity (33)
Mental health services (10)	▼ 0 (1) ... No maximum on activity (33)
Doctor visits and other physical health services (11)	▼ 0 (1) ... No maximum on activity (33)
Religious observances (12)	▼ 0 (1) ... No maximum on activity (33)
Other individual, unstructured time out-of-cell (not designated for showers, exercise, meals, formal programming) (13)	▼ 0 (1) ... No maximum on activity (33)
Other group, unstructured time out-of-cell (not designated for showers, exercise, meals, formal programming) (14)	▼ 0 (1) ... No maximum on activity (33)

Q78. How many times per week are prisoners in restrictive housing allowed out of their cell for the following activities. If they are not permitted to engage in the activity, select 0.

Showers (1)	▼ 0 (1) ... No maximum on activity (33)
Individual exercise (2)	▼ 0 (1) ... No maximum on activity (33)
Group exercise (3)	▼ 0 (1) ... No maximum on activity (33)
Individual out-of-cell programming (4)	▼ 0 (1) ... No maximum on activity (33)
Group out-of-cell programming with security chairs (5)	▼ 0 (1) ... No maximum on activity (33)
Group out-of-cell programming without security chairs (6)	▼ 0 (1) ... No maximum on activity (33)
Individual meals out-of-cell (7)	▼ 0 (1) ... No maximum on activity (33)
Group meals out-of-cell with security chairs (8)	▼ 0 (1) ... No maximum on activity (33)
Group meals out-of-cell without security chairs (9)	▼ 0 (1) ... No maximum on activity (33)
Mental health services (10)	▼ 0 (1) ... No maximum on activity (33)
Doctor visits and other physical health services (11)	▼ 0 (1) ... No maximum on activity (33)
Religious observances (12)	▼ 0 (1) ... No maximum on activity (33)
Other individual, unstructured time out-of-cell (not designated for showers, exercise, meals, formal programming) (13)	▼ 0 (1) ... No maximum on activity (33)
Other group, unstructured time out-of-cell (not designated for showers, exercise, meals, formal programming) (14)	▼ 0 (1) ... No maximum on activity (33)



Q79. If the amount of time out of cell varies for different categories of prisoner or for the type of restrictive housing, explain:

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Q80. Where does exercise take place, if any, for prisoners in general population? (check all that apply)

	Male (1)	Female (2)
Outdoors with view of the sky (1)	<input type="checkbox"/>	<input type="checkbox"/>
Outdoors without view of the sky (2)	<input type="checkbox"/>	<input type="checkbox"/>
Indoors (3)	<input type="checkbox"/>	<input type="checkbox"/>

Q81. Who decides if exercise will be indoors or outdoors for the general population?

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Q82. Where does exercise take place, if any, for prisoners in restrictive housing? (check all that apply)

	Male (1)	Female (2)
Outdoors with view of the sky (1)	<input type="checkbox"/>	<input type="checkbox"/>
Outdoors without view of the sky (2)	<input type="checkbox"/>	<input type="checkbox"/>
Indoors (3)	<input type="checkbox"/>	<input type="checkbox"/>

Q83. Who decides if exercise will be indoors or outdoors for restrictive housing?

---



---



---



---



---

Q84. Do people in general population housing have access to recreational exercise equipment? (check all that apply)

	Male (1)	Female (2)
Outdoors: cardio machines (1)	<input type="checkbox"/>	<input type="checkbox"/>
Outdoors: free weights (2)	<input type="checkbox"/>	<input type="checkbox"/>
Outdoors: weight-lifting equipment besides free weights (3)	<input type="checkbox"/>	<input type="checkbox"/>

Outdoors: other (7)	<input type="checkbox"/>	<input type="checkbox"/>
Indoors: cardio machines (4)	<input type="checkbox"/>	<input type="checkbox"/>
Indoors: free weights (5)	<input type="checkbox"/>	<input type="checkbox"/>
Indoors: weight-lifting equipment besides free weights (6)	<input type="checkbox"/>	<input type="checkbox"/>
Indoors: other (8)	<input type="checkbox"/>	<input type="checkbox"/>

Q85. Do people in restrictive housing have access to recreational exercise equipment? (check all that apply)

	Male (1)	Female (2)
Outdoors: cardio machines (1)	<input type="checkbox"/>	<input type="checkbox"/>
Outdoors: free weights (2)	<input type="checkbox"/>	<input type="checkbox"/>
Outdoors: weight-lifting equipment besides free weights (3)	<input type="checkbox"/>	<input type="checkbox"/>
Outdoors: other (7)	<input type="checkbox"/>	<input type="checkbox"/>
Indoors: cardio machines (4)	<input type="checkbox"/>	<input type="checkbox"/>
Indoors: free weights (5)	<input type="checkbox"/>	<input type="checkbox"/>

Indoors: weight-lifting  
equipment besides free  
weights (6)



Indoors: other (8)



Q86. While exercising, people in restrictive housing interact (check all that apply):

- With other restrictive housing prisoners (1)
- With general population prisoners (2)
- With no one (i.e., alone) (3)

*Display This Question:*

*If Q82. Where does exercise take place, if any, for prisoners in restrictive housing? (check all tha... = Outdoors with view of the sky [ Male ]*

*Or Q82. Where does exercise take place, if any, for prisoners in restrictive housing? (check all tha... = Outdoors with view of the sky [ Female ]*

*Or Q82. Where does exercise take place, if any, for prisoners in restrictive housing? (check all tha... = Outdoors without view of the sky [ Male ]*

*Or Q82. Where does exercise take place, if any, for prisoners in restrictive housing? (check all tha... = Outdoors without view of the sky [ Female ]*

Q87. Is the outdoor exercise area used by restrictive housing prisoners also used by the general population?

- Yes (1)
- No (2)

*Display This Question:*

*If Q82. Where does exercise take place, if any, for prisoners in restrictive housing? (check all that... = Outdoors with view of the sky [ Male ]*

*Or Q82. Where does exercise take place, if any, for prisoners in restrictive housing? (check all that... = Outdoors with view of the sky [ Female ]*

*Or Q82. Where does exercise take place, if any, for prisoners in restrictive housing? (check all that... = Outdoors without view of the sky [ Male ]*

*Or Q82. Where does exercise take place, if any, for prisoners in restrictive housing? (check all that... = Outdoors without view of the sky [ Female ]*

Q88. Do the dimensions of the outdoor exercise area for the restrictive housing population satisfy the ACA requirements?

Yes (1)

No (2)

---

*Display This Question:*

*If Q80. Where does exercise take place, if any, for prisoners in general population? (check all that... = Outdoors with view of the sky [ Male ]*

*Or Q80. Where does exercise take place, if any, for prisoners in general population? (check all that... = Outdoors with view of the sky [ Female ]*

*Or Q80. Where does exercise take place, if any, for prisoners in general population? (check all that... = Outdoors without view of the sky [ Male ]*

*Or Q80. Where does exercise take place, if any, for prisoners in general population? (check all that... = Outdoors without view of the sky [ Female ]*

Q89. Do the dimensions of the outdoor exercise area for the general population satisfy the ACA requirements?

Yes (1)

No (2)

---

*Display This Question:*

*If Q82. Where does exercise take place, if any, for prisoners in restrictive housing? (check all that... = Indoors [ Male ]*

*Or Q82. Where does exercise take place, if any, for prisoners in restrictive housing? (check all that... = Indoors [ Female ]*

Q90. Is the indoor exercise area used by restrictive housing prisoners otherwise used by the general population?

Yes (1)

No (2)

---

*Display This Question:*

*If Q82. Where does exercise take place, if any, for prisoners in restrictive housing? (check all that... = Indoors [ Male ]*

*Or Q82. Where does exercise take place, if any, for prisoners in restrictive housing? (check all that... = Indoors [ Female ]*

Q91. Is the sky visible in the indoor exercise area used by restrictive housing prisoners?

Yes (1)

No (2)

---

*Display This Question:*

*If Q80. Where does exercise take place, if any, for prisoners in general population? (check all that... = Indoors [ Male ]*

*Or Q80. Where does exercise take place, if any, for prisoners in general population? (check all that... = Indoors [ Female ]*

Q92. Is the sky visible in the indoor exercise area used by prisoners in the general population?

Yes (1)

No (2)

---

*Display This Question:*

*If Q82. Where does exercise take place, if any, for prisoners in restrictive housing? (check all tha... = Indoors [ Male ]*

*And Q82. Where does exercise take place, if any, for prisoners in restrictive housing? (check all tha... = Indoors [ Female ]*

Q93. Do the dimensions of the indoor exercise area used by prisoners in restrictive housing satisfy the ACA requirements?

Yes (1)

No (2)

*Display This Question:*

*If Q80. Where does exercise take place, if any, for prisoners in general population? (check all that... = Indoors [ Male ]*

*Or Q80. Where does exercise take place, if any, for prisoners in general population? (check all that... = Indoors [ Female ]*

Q94. Do the dimensions of the indoor exercise area used by prisoners in the general population satisfy the ACA requirements?

Yes (1)

No (2)

Q95. Can prisoners in the general population obtain: (check all that apply)

GED/high school equivalence (1)

Vocational certification (2)

Associates degrees (3)

Bachelors degrees (4)

Other education degrees (explain) (5)

---

Q96. Can prisoners in restrictive housing obtain: (check all that apply)

- GED/high school equivalence (1)
- Vocational certification (2)
- Associates degrees (3)
- Bachelors degrees (4)
- Other education degrees (explain) (5) \_\_\_\_\_
- 

---

Q97. Is someone enrolled in educational programming removed from the program when they are placed in restrictive housing?

- Yes (1)
- No (2)
- Varies (explain) (3) \_\_\_\_\_
- 





Q98. Fill in the number of visits allowed for prisoners in the general population and in restrictive housing for each group per month. If no visit is allowed, fill in “0” for the number of visits. If you do not have data for a category, indicate that with number -99 (i.e. use negative sign). If unlimited visits are allowed, please fill in “999” for the number of visits.

	General population: number of visited allowed per month (1)	Restrictive housing: number of visits allowed per month (2)
Social visits (6)		
Lawyer visits (7)		
Religious visits (8)		

Q99. Which of the following visits are permitted for prisoners in...

	The General Population?			Restrictive Housing?		
	Contact (1)	Non-Contact (2)	No Visits (3)	Contact (1)	Non-Contact (2)	No Visits (3)
Social visits (1)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lawyer visits (2)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Religious visits (3)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q100. Can opportunities for visits be withdrawn as punishment for prisoners in the general population?

	Yes (1)	No (2)
Social visits (1)	<input type="radio"/>	<input type="radio"/>
Lawyer visits (2)	<input type="radio"/>	<input type="radio"/>
Religious visits (3)	<input type="radio"/>	<input type="radio"/>

Q101. If opportunities for visits can be withdrawn as punishment for prisoners in the general population, explain under what circumstances can they be withdrawn?

- Social visits (1) \_\_\_\_\_
- Lawyer visits (2) \_\_\_\_\_
- Religious visits (3) \_\_\_\_\_

Q102. If opportunities for visits can be withdrawn as punishment for prisoners in the general population, how long can the be withdrawn for?

- Social visits (1) \_\_\_\_\_
- Lawyer visits (2) \_\_\_\_\_
- Religious visits (3) \_\_\_\_\_

Q103. Can opportunities for visits be withdrawn for prisoners in restrictive housing?

	Yes (1)	No (2)
Social visits (1)	<input type="radio"/>	<input type="radio"/>
Lawyer visits (2)	<input type="radio"/>	<input type="radio"/>
Religious visits (3)	<input type="radio"/>	<input type="radio"/>

Q104. If opportunities for visits can be withdrawn as punishment for prisoners in restrictive housing, explain under what circumstances can they be withdrawn?

- Social visits (1) \_\_\_\_\_
- Lawyer visits (2) \_\_\_\_\_
- Religious visits (3) \_\_\_\_\_

Q105. If opportunities for visits can be withdrawn as punishment for prisoners in restrictive housing, how long can they be withdrawn for?

- Social visits (1) \_\_\_\_\_
- Lawyer visits (2) \_\_\_\_\_
- Religious visits (3) \_\_\_\_\_

Q106. How many legal phone calls can prisoners in the general population make?

Number of calls (1)

Per (2)

▼ 0 (1) ... Unlimited/More than 100 ~ year (510)

Q107. How many legal phone calls can prisoners in restrictive housing make?

Number of calls (1)

Per (2)

▼ 0 (1) ... Unlimited/More than 100 ~ year (510)

Q108. How much do legal phone calls cost prisoners in the general population? (please round to the nearest dollar value)

Cost (1)

Per (2)

▼ \$0.00 (1) ... \$25.00 ~ 15 minutes (753)

Q109. How much do legal phone calls cost prisoners in restrictive housing? (please round to the nearest dollar value)

Cost (1)

Per (2)

▼ \$0.00 (1) ... \$25.00 ~ 15 minutes (753)

Q110. How many non-legal phone calls can prisoners in the general population make?

Number of calls (1)

Per (2)

▼ 0 (1) ... Unlimited/More than 100 ~ year (510)

Q111. How many non-legal phone calls can prisoners in restrictive housing make?

Number of calls (1)

Per (2)

▼ 0 (1) ... Unlimited/More than 100 ~ year (510)

Q112. How much do non-legal phone calls cost prisoners in the general population? (please round to the nearest dollar value)

Cost (1)

Per (2)

▼ \$0.10 (1) ... \$25.00 ~ 15 minutes (750)

Q113. How much do non-legal phone calls cost prisoners in restrictive housing? (please round to the nearest dollar value)

Cost (1)

Per (2)

▼ \$0.10 (1) ... \$25.00 ~ 15 minutes (750)

Q114. How many phones are available in (please include tablets that have phone calling capabilities--e.g., WhatsApp):

		No data		
	General Population (1)	Restrictive Housing (2)	General Population (1)	Restrictive Housing (2)
(1)			<input type="checkbox"/>	<input type="checkbox"/>

Q115. What is the ratio of phones to prisoners in the general population and in restrictive housing (e.g., 10 phones and 20 prisoners would be a ratio of .5; please include tablets with phone calling capabilities in this calculation)?

			No data	
	General Population (1)	Restrictive Housing (2)	General Population (1)	Restrictive Housing (2)
(1)			<input type="checkbox"/>	<input type="checkbox"/>

Q116. How many (non-legal) contacts can someone in the general population have on their call list?

▼ 0 (1) ... More than 30/unlimited (32)

Q117. How many (non-legal) contacts can someone in restrictive housing have on their call list?

▼ 0 (1) ... More than 30/unlimited (32)

Q118. Can prisoners in the general population send and receive non-legal mail?

- Yes (1)
- No (2)

Q119. Can prisoners in restrictive housing send and receive non-legal mail?

Yes (1)

No (2)

---

Q120. How many non-legal letters can prisoners in the general population send and receive?

Number (1)

Per (33)

▼ 0 (1) ... Unlimited/More than 100 ~ year (510)

---

Q121. How many non-legal letters can prisoners in restrictive housing send and receive?

Number (1)

Per (2)

▼ 0 (1) ... Unlimited/More than 100 ~ year (510)

---

Q122. Are prisoners in the general population provided with writing materials and stamps without charge?

Yes (if so, what quantity are they provided?) (1)

---

No (2)

---

Q123. Are prisoners in restrictive housing provided with writing materials and stamps without charge?

Yes (if so, what quantity are they provided?) (1)

---

No (2)

---

Q124. Can prisoners in the general population keep writing materials and stamps with them in their cells?

Yes (1)

No (2)

---

Q125. Can prisoners in restrictive housing keep writing materials and stamps with them in their cells?

Yes (1)

No (2)

---

Q126. May prisoners in the general population send and receive personal email?

Yes (1)

No (2)

---

Q127. May prisoners in restrictive housing send and receive personal email?

Yes (1)

No (2)

---



Q128. If prisoners in the general population are permitted to send and receive personal emails, how much access are they permitted?

Number of hours permitted to be on email: (1)

---

Number of emails permitted to send each week: (2)

---

Number of emails permitted to receive each week: (3)

---

---

Q129. If prisoners in the restrictive housing population are permitted to send and receive personal emails, how much access are they permitted?

Number of hours permitted to be on email: (1)

---

Number of emails permitted to send each week: (2)

---

Number of emails permitted to receive each week: (3)

---

---

Q130. How do prisoners in the general population access email?

Tablet (1)

Paper printed by correctional staff (2)

Other (explain) (3) \_\_\_\_\_

---

Q131. How do prisoners in restrictive housing access email?

- Tablet (1)
- Paper printed by correctional staff (2)
- Other (explain) (3) \_\_\_\_\_

Q132. How much does it cost prisoners in the general population to send and receive emails, in dollars and cents? If it is free, please put a 0. If you do not have data, please put a -99 (and include the negative symbol).

- Cost to send an email (in dollars, e.g. 1.99) (1)  
\_\_\_\_\_
- Cost to receive an email (in dollars, e.g. 1.99) (2)  
\_\_\_\_\_

Q133. How much does it cost prisoners in restrictive housing to send and receive emails, in dollars and cents? If it is free, please put a 0. If you do not have data, please put a -99 (and include the negative symbol).

- Cost to send an email (in dollars, e.g. 1.99) (1)  
\_\_\_\_\_
- Cost to receive an email (in dollars, e.g. 1.99) (2)  
\_\_\_\_\_

Q134. Are there any restrictions on personal email correspondences for prisoners in the general population?

- Yes (explain) (1) \_\_\_\_\_
- No (2)

Q135. Are there any restrictions on personal email correspondences for prisoners in restrictive housing?

- Yes (explain) (1) \_\_\_\_\_
- No (2)

---

Q136. Are any of the rules (other than those listed above) different for permitted use of items, commissary, equipment, frequency of activities, educational programming, visits, and mail depending on the length of time a person spends in restrictive housing?

- Yes (1)
- No (2)

---

*Display This Question:*  
*If Q136. Are any of the rules (other than those listed above) different for permitted use of items,... = Yes*

Q137. How do the rules for permitted use of the above items differ, based on the length of time a person spends in restrictive housing?

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**End of Block: Section 4.d: Facets of Restrictive Housing Part II**

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### Start of Block: Section 5: Exiting Restrictive Housing

These questions ask about transitions out (sometimes called “step downs”) of restrictive housing.

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Q138. When leaving restrictive housing but remaining in prison, does a person directly return to the general population?

- Yes (1)
- No (2)
- 

*Display This Question:*

*If Q138. When leaving restrictive housing but remaining in prison, does a person directly return to... = No*

Q139. Do prisoners currently go to a step-down/transition program when leaving restrictive housing?

- Yes (1)
- No (2)
- 

*Display This Question:*

*If Q139. Do prisoners currently go to a step-down/transition program when leaving restrictive housing? = Yes*



Q140. How long is the step-down/transition program? Please enter the number of days.

---

*Display This Question:*

*If Q139. Do prisoners currently go to a step-down/transition program when leaving restrictive housing? = Yes*

Q141. If a prisoner leaving restrictive housing (but remaining in prison) does not complete the step-down/transition program successfully, do they return to restrictive housing?

- Yes (1)
- No (explain) (2) \_\_\_\_\_

Q142. When leaving prison immediately from restrictive housing, a person is directly returned to (check all that apply):

- The community (1)
- A halfway house (2)
- Other (explain) (3) \_\_\_\_\_

*Display This Question:*

*If Q142. When leaving prison immediately from restrictive housing, a person is directly returned to... = A halfway house*

Q143. Do people leaving restrictive housing go to a step-down/transition program?

- Yes (1)
- No (2)

*Display This Question:*

*If Q143. Do people leaving restrictive housing go to a step-down/transition program? = Yes*

\*

Q144. How long is the step-down/transition program? Please enter the number of days.

\_\_\_\_\_

---

*Display This Question:*

*If Q143. Do people leaving restrictive housing go to a step-down/transition program? = Yes*

Q145. If a prisoner leaving prison directly from restrictive housing does not complete the step-down/transition program successfully, do they return to restrictive housing?

- Yes (1)
- No (explain) (2) \_\_\_\_\_

---

Q146. Upload any relevant policy or program documents regarding step-down or transition programs. If you have more than one file, upload a .zip file or email the files to [cla.limansurvey@yale.edu](mailto:cla.limansurvey@yale.edu).

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Q147. How many prisoners between July 1, 2020 and July 1, 2021, were released from restrictive housing to the general population?

- After completing a transition program? (1)  
\_\_\_\_\_
- Without completing a transition program? (2)  
\_\_\_\_\_
- No data (explain) (3) \_\_\_\_\_

---

Q148. How many prisoners between July 1, 2020 to July 1, 2021 were released from restrictive housing to the community or halfway house?

- After completing a transition program? (1)  
\_\_\_\_\_
- Without completing a transition program? (2)  
\_\_\_\_\_
- No data (explain) (3) \_\_\_\_\_

Q149. Describe the transition program used for the largest number of people in restrictive housing in your jurisdiction:

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**End of Block: Section 5: Exiting Restrictive Housing**

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**Start of Block: Section 6: Staff**

These questions ask about the staff who oversee prisoners in restrictive housing.

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Q150. Does working in the restrictive housing unit require different qualifications than working in general population units?

- Yes (1)
  - No (2)
-

*Display This Question:*  
 If Q150. Does working in the restrictive housing unit require different qualifications than working... = Yes

Q151. What qualifications are required to work with the restrictive housing population that are not required for the general population? (check all that apply)

- Special training in conflict management (1)
- Special training in stress management (2)
- Special training on mental health (3)
- Special training on behavior modification (4)
- Special training on de-escalation (5)
- Special training in cell extraction (6)
- Other (explain) (7) \_\_\_\_\_

Q152. How many hours per week do general population staff members work, not including overtime (average from July 1, 2020 to July 1, 2021)?

	Hours (1)	No data (1)
(4)		<input type="checkbox"/>



Q153. What percentage of staff working in the general population had overtime from July 1, 2020 to July 1, 2021?

	Percentage (1)	No data (1)
(4)		<input type="checkbox"/>

Q154. How many hours per week do restrictive housing staff members work, not including overtime (average from July 1, 2020 to July 1, 2021)?

	Hours (1)	No data (1)
(4)		<input type="checkbox"/>

Q155. What percentage of staff working in restrictive housing had overtime from July 1, 2020 to July 1, 2021?

	Percentage (1)	No data (1)
(4)		<input type="checkbox"/>

Q156. What was the staff to prisoner ratio in the general population on July 1, 2021 (e.g., 20 staff and 50 prisoners would be 0.4)?

---

Q157. What was the staff to prisoner ratio in restrictive housing on July 1, 2021 (e.g., 30 staff and 20 prisoners would be 1.5)?

---



Q158. How many staff do you have who routinely work in a custody/security capacity? Please include staff who work in custody regardless of any additional duties they may hold, such as case work.

---

Q159. What are the limits for general population staff overtime?

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Q160. What are the limits for restrictive housing staff overtime?

\_\_\_\_\_

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Q161. Are staff in restrictive housing rotated out of restrictive housing to other units after a specified time period? (If so, specify the number of days, weeks, months, or years, after which staff are rotated to other units and how long before they can be placed on the restricted housing unit again.)

Yes (explain) (1) \_\_\_\_\_

No (2)

-----

Q162. Are restrictive housing staff paid more?

Yes (1)

No (2)

-----

Q163. Are restrictive housing staff given more time off?

Yes (1)

No (2)

-----

Q164. Are restrictive housing staff rotated out of restrictive housing?

Yes (1)

No (2)

Q165. Do restrictive housing staff receive other benefits?

Yes (explain): (1) \_\_\_\_\_

No (2)

**End of Block: Section 6: Staff**

**Start of Block: Section 7: Incidents of Violence**

These questions ask about the incidents of violence in restrictive housing.



Q166. List the number of incidents in each category in the total custodial population from July 1, 2020 to July 1, 2021:

	<p>Enter 0 if you track it and there were zero incidents. If you do not have data for a category, indicate that with number -99 (i.e. use negative sign) (1)</p>
<p>Prisoner-on-prisoner assaults (Attacks among prisoners that involve all levels of injury, including minor physical contact with no injury) (1)</p>	
<p>Prisoner-on-staff assaults (Attacks by prisoners on staff members that involve all</p>	

<p>levels of injury, including minor physical contact with no injury) (2)</p>	
<p>Staff-on-prisoner assaults (Attacks by staff members on prisoners that involve all levels of injury, including minor physical contact with no injury) (3)</p>	
<p>Prisoner-on-prisoner sexual violence (Non-consensual sexual acts or abusive sexual contact, including completed and attempted acts. Incidents must be substantiated by a finding of guilt through disciplinary process, a court of law, or formal investigation) (4)</p>	
<p>Prisoner-on-staff sexual violence (Non-consensual sexual acts or abusive sexual contact, including completed and attempted acts. Incidents must be substantiated by a finding of guilt through disciplinary process, a court of law, or formal investigation) (5)</p>	
<p>Staff-on-prisoner sexual violence (Non-consensual sexual acts or abusive sexual contact, including completed and attempted acts. Incidents must be substantiated by a finding of guilt through disciplinary process, a court of law, or formal investigation) (6)</p>	

<p>Prisoner-on-prisoner sexual misconduct (All completed, attempted, threatened, or requested sexual acts or sexual harassment between prisoners. Incidents must be substantiated by a conviction through disciplinary process, a court of law, or formal investigation) (7)</p>	
<p>Prisoner-on-staff sexual misconduct (All completed, attempted, threatened, or requested sexual acts or sexual harassment between staff and the prisoner. Incidents must be substantiated by a conviction through disciplinary process, a court of law, or formal investigation) (8)</p>	
<p>Staff-on-prisoner sexual misconduct (All completed, attempted, threatened, or requested sexual acts or sexual harassment between prisoners. Incidents must be substantiated by a conviction through disciplinary process, a court of law, or formal investigation) (9)</p>	
<p>Prisoner-on-prisoner homicides (Homicides of prisoners committed by other prisoners) (10)</p>	
<p>Prisoner-on-staff homicides (Homicides of staff committed by prisoners) (11)</p>	

<p>Staff-on-prisoner homicides (Homicides of prisoners committed by staff) (12)</p>	
<p>Prisoner suicides (Prisoners who committed or attempted to commit suicide, including self-injury behavior determined by a medical or mental professional as an attempt to kill oneself and results in the prisoner being placed on suicide watch) (13)</p>	
<p>Prisoner self-injury (Prisoners who harm themselves, excluding attempted or completed acts of suicide) (14)</p>	
<p>Other (explain) (if NA, please enter a -99 in the box to the right) (15)</p>	



Q167. List the number of incidents in each category in the restrictive housing population from July 1, 2020 to July 1, 2021:

	<p>Enter 0 if you track it and there were zero incidents. If you do not have data for a category, indicate that with number -99 (i.e. use negative sign) (1)</p>
<p>Prisoner-on-prisoner assaults (Attacks among prisoners that involve all levels of injury, including minor physical contact with no injury) (1)</p>	
<p>Prisoner-on-staff assaults (Attacks by prisoners on staff members that involve all levels of injury, including minor physical contact with no injury) (2)</p>	
<p>Staff-on-prisoner assaults (Attacks by staff members on prisoners that involve all levels of injury, including minor physical contact with no injury) (3)</p>	
<p>Prisoner-on-prisoner sexual violence (Non-consensual sexual acts or abusive sexual contact, including completed and attempted acts. Incidents must be substantiated by a finding of guilt through disciplinary process, a court of law, or formal investigation) (4)</p>	



<p>Prisoner-on-staff sexual violence (Non-consensual sexual acts or abusive sexual contact, including completed and attempted acts. Incidents must be substantiated by a finding of guilt through disciplinary process, a court of law, or formal investigation) (5)</p>	
<p>Staff-on-prisoner sexual violence (Non-consensual sexual acts or abusive sexual contact, including completed and attempted acts. Incidents must be substantiated by a finding of guilt through disciplinary process, a court of law, or formal investigation) (6)</p>	
<p>Prisoner-on-prisoner sexual misconduct (All completed, attempted, threatened, or requested sexual acts or sexual harassment between prisoners. Incidents must be substantiated by a conviction through disciplinary process, a court of law, or formal investigation) (7)</p>	
<p>Prisoner-on-staff sexual misconduct (All completed, attempted, threatened, or requested sexual acts or sexual harassment between staff and the prisoner. Incidents must be substantiated by a conviction through disciplinary process, a court of law, or formal investigation) (8)</p>	
<p>Staff-on-prisoner sexual misconduct (All completed, attempted, threatened, or requested sexual acts or sexual harassment</p>	

<p>between prisoners. Incidents must be substantiated by a conviction through disciplinary process, a court of law, or formal investigation) (9)</p>	
<p>Prisoner-on-prisoner homicides (Homicides of prisoners committed by other prisoners) (10)</p>	
<p>Prisoner-on-staff homicides (Homicides of staff committed by prisoners) (11)</p>	
<p>Staff-on-prisoner homicides (Homicides of prisoners committed by staff) (12)</p>	
<p>Prisoner suicides (Prisoners who committed or attempted to commit suicide, including self-injury behavior determined by a medical or mental professional as an attempt to kill oneself and results in the prisoner being placed on suicide watch) (13)</p>	
<p>Prisoner self-injury (Prisoners who harm themselves, excluding attempted or completed acts of suicide) (14)</p>	
<p>Other (explain) (if NA, please enter a -99 in the box to the right) (15)</p>	

Q168. Has your jurisdiction done research on incidents of violence in general population or in restrictive housing?

Yes (1)

No (2)

---

Display This Question:

*If Q168. Has your jurisdiction done research on incidents of violence in general population or in re... = Yes*



Q169. When was the last research completed on incidents of violence in the general population or in restrictive housing (mm/dd/yyyy)?

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Display This Question:

*If Q168. Has your jurisdiction done research on incidents of violence in general population or in re... = Yes*

Q170. If your jurisdiction has done research on incidents of violence in general population or restrictive housing, what was the research on? (i.e. what was asked and answered)

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Q171. Upload any research on incidents of violence in general population or restrictive housing in your jurisdiction. If you have more than one file, upload a .zip file or email the files to cla.limansurvey@yale.edu. Include both published research as well as any internal agency reporting, if available.

**End of Block: Section 7: Incidents of Violence**

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**Start of Block: Section 8: Final Questions**

Q172. Upload any restrictive housing policies and any research on restrictive housing in your jurisdiction. If you have more than one file, upload a .zip file or email the files to cla.limansurvey@yale.edu.

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Q173. Is your jurisdiction altering its practices on restrictive housing?

- Yes (1)
  - No (2)
- 

*Display This Question:*  
*If Q173. Is your jurisdiction altering its practices on restrictive housing? = Yes*

Q174. If your jurisdiction is altering its restrictive housing practices, how is it doing so?

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Q175. Would staff in your jurisdiction be willing to serve as a resource for other jurisdictions seeking to limit or modify the use of restrictive housing?

Yes (explain how) (1) \_\_\_\_\_

No (2)

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Q176. You have completed the survey. Once you press next, the survey will be marked complete and you will not be able to submit any more answers.

I understand, and I have completed the survey (1)

**End of Block: Section 8: Final Questions**

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**Appendix B: Total Prison Populations for Responding and Non-Responding Jurisdictions**

<b>Jurisdiction</b>	<b>Total Population Under Legal Control as of March 2021<sup>1</sup></b>	<b>Population Under Direct Control as of July 2021 and Reported for the 2021 CLA-Liman Survey</b>	<b>Difference: Incarcerated Population Not Counted by the 2021 CLA-Liman Survey</b>
Alabama	25,105	17,975	7,130
Alaska	4,250	0 (No 2021 Survey Response)	4,250
Arizona	36,704	0 (No 2021 Survey Response)	36,704
Arkansas	16,085	0 (No 2021 Survey Response)	16,085
Federal (BOP)	152,259	130,191	22,068
California	96,499	97,866	-1,367
Colorado	15,670	13,910	1,760
Connecticut	8,961	9,129	-168
Delaware	4,586	2,880	1,706
Florida	81,168	0 (No 2021 Survey Response)	81,168
Georgia	46,315	0 (No 2021 Survey Response)	46,315
Hawaii	4,099	4,820	-721
Idaho	8,226	7,754	472
Illinois	27,503	7,672	19,831
Indiana	24,296	27,583	-3,287
Iowa	7,625	23,804	-16,179
Kansas	8,749	8,571	178
Kentucky	18,686	0 (No 2021 Survey Response)	18,686
Louisiana	26,543	0 (No 2021 Survey Response)	26,543
Maine	1,666	0 (No 2021 Survey Response)	1,666
Maryland	14,963	0 (No 2021 Survey Response)	14,963
Massachusetts	6,664	6,292	372
Michigan	32,962	1,596	31,366
Minnesota	7,455	7,174	281

<sup>1</sup> Jacob Kang-Brown, Chase Montagnet & Jasmine Heiss, *People in Jail and Prison in Spring 2021*, Vera Institute of Justice (June 2021), available at <https://www.vera.org/downloads/publications/people-in-jail-and-prison-in-spring-2021.pdf>.

Mississippi	17,701	0 (No 2021 Survey Response)	17,701
Missouri	22,939	0 (No 2021 Survey Response)	22,939
Montana	2,477	1,788	689
Nebraska	5,319	1,645	3,674
Nevada	10,841	5,448	5,393
New Hampshire	2,189	2,000	189
New Jersey	12,538	12,521	17
New Mexico	5,877	10,474	-4,597
New York	31,412	32,118	-706
North Carolina	29,192	0 (No 2021 Survey Response)	29,192
North Dakota	1,538	0 (No 2021 Survey Response)	1,538
Ohio	43,537	42,975	562
Oklahoma	22,625	3,678	18,947
Oregon	13,433	12,068	1,365
Pennsylvania	38,262	41,139	-2,877
Rhode Island	2,275	0 (No 2021 Survey Response)	2,275
South Carolina	16,069	15,459	610
South Dakota	3,252	3,352	-100
Tennessee	22,994	20,335	2,659
Texas	133,024	118,139	14,885
Utah	5,602	4,318	1,284
Vermont	1,238	1,125	113
Virginia	31,548	0 (No 2021 Survey Response)	31,548
Washington	15,067	13,900	1,167
West Virginia	3,905	19,306	-15,401
Wisconsin	20,161	10,125	10,036
Wyoming	1,880	2,197	-317
<b>Total</b>	<b>1,193,934</b>	<b>741,327</b>	<b>452,607</b>

**Appendix C: Identifying Transgender People (Responses to Survey Question 27)**

<b>Jurisdiction</b>	<b>Q27. How are prisoners identified as transgender within your jurisdiction?</b>
Alabama	Other (please explain): Monthly Review Committee
Federal (BOP)	Self-identification by prisoner
California	Self-identification by prisoner
Colorado	Self-identification by prisoner
Connecticut	Other (please explain): Connecticut has implemented Administrative Directive 8.17, gender non-conforming as the governing policy. Within that policy, there are multiple avenues to identify gender non-conforming need. Some include self-reporting, mental health input, review of medical records (including community records), and other agency documentation.
Delaware	Self-identification by prisoner
Hawaii	Self-identification by prisoner
Iowa	Other (please explain): Self-identification, followed with a multidisciplinary review
Idaho	Self-identification by prisoner
Illinois	Self-identification by prisoner
Indiana	Self-identification by prisoner
Kansas	Medical records
Massachusetts	Medical records
Maine	Other (please explain): Both self-identification by prisoner and medical records
Minnesota	Self-identification by prisoner
Montana	Self-identification by prisoner
North Dakota	Self-identification by prisoner
Nebraska	Other (please explain): The department identifies prisoners with gender dysphoria based off of psychological evaluations.
New Hampshire	Other (please explain): Self-identification by prisoner and/or medical records
New Jersey	Other (please explain): Inmates are given a PREA monitoring risk screening at intake, are identified during encounters with medical staff and/or can self-report at any time.
Nevada	Self-identification by prisoner
New York	Self-identification by prisoner
Ohio	NA
Oklahoma	Self-identification by prisoner



Oregon	Self-identification by prisoner
Pennsylvania	Self-identification by prisoner
South Carolina	Other (please explain): Inmates who identify as transgender report it through self-identification during assessments, notification to staff and/or through medical records if available. Once identified, Transgender inmates are then tracked by the Agency PREA Coordinator and the Multi-Disciplinary Management Team (MMTT) to ensure services and treatment is provided as indicated.
South Dakota	Self-identification by prisoner
Tennessee	Self-identification by prisoner
Texas	Self-identification by prisoner
Utah	Self-identification by prisoner
Vermont	Self-identification by prisoner
Washington	Self-identification by prisoner
Wisconsin	Self-identification by prisoner
West Virginia	Self-identification by prisoner
Wyoming	Self-identification by prisoner

**Appendix D: Definitions of “Serious Mental Illness” (Responses to Survey Question 32)**

<b>Jurisdiction</b>	<b>Q32. What is your jurisdiction’s definition of “serious mental illness”? Specify if your definition is based on a diagnostic manual from the health sciences and if so, the date and version used.</b>
Alabama	Psychotic disorders, bi-polar disorders, & major depressive disorder; any diagnosed mental disorder (excluding substance abuse disorders) currently associated with serious impairment in psychological, cognitive, or behavioral functioning that substantially interferes with the person's ability to meet ordinary demands of living and requires an individualized treatment plan by a qualified mental health professional(s).
Federal (BOP)	No Response
California	No Response
Colorado	<p>Serious Mental Illness: The current diagnosis of any of the following DSM diagnoses accompanied by the P-code qualifier of M, denoting the presence of a major mental disorder: schizophrenia, schizoaffective disorder, delusional disorder, schizophreniform disorder, brief psychotic disorder, substance-induced psychotic disorder (excluding intoxication and withdrawal), unspecified schizophrenia spectrum and other psychotic disorder (previously psychotic disorder not otherwise specified), major depressive disorders, and bipolar disorders. Offenders, regardless of diagnosis, indicating a high level of mental health needs based upon high symptom severity and/or high resource demands, which demonstrate significant impairment in their ability to function within the correctional environment</p> <p>CDOC Clinical Services uses the Diagnostic and Strategic Manual of Mental Disorder, Fifth Edition (DSM-5)</p>
Connecticut	An inmate with a Mental Health(MH) score of 4-5 is considered our highest mental health level. If an inmate is placed as mental health score of a 4 or 5, they are usually prescribed a psychoactive drug. The Mental Health level can change. The raising or lowering of a score can only be done by a mental health professional.
Delaware	Serious Mental Illness (SMI): includes offenders diagnosed with the following: Schizophrenia; Delusional Disorder; Schizophreniform Disorder; Schizoaffective Disorder; Brief Psychotic Disorder; Substance-Induced Psychotic Disorder (excluding intoxication or withdrawal); Other Specified Psychotic Disorder; Major Depressive Disorder; Bipolar I, II Disorder; Other Specified Bipolar Disorder; Anyone who has Significant Functional Impairment (SFI) due to their mental health (including severe Personality Disorders, Intellectual Disability, Autism Spectrum Disorder), defined as: Self-directed violence (i.e., cutting, head-banging, suicide attempts, self-strangulation, self-mutilation, swallowing foreign bodies, etc.), Demonstrated difficulty in his or her ability to engage in activities of daily living (i.e., eating, grooming, participation in recreation, etc.), Demonstrated a pervasive pattern of dysfunctional or disruptive social interactions (i.e., social isolation, bizarre behavior, disruptive behavior, etc.). (Disability Law Center, Inc. v. Massachusetts Department of Correction, et. al., Civil Action No. 07-10463)
Hawaii	Any individual who displays serious and persistent mental health decrease as determined by the Department of Health and/or our internal medical staff.
Iowa	Serious mental illness is defined as Major Depression, Schizophrenia, Bipolar, and Organic Mental Disorders (Dementia).

Idaho	<p>SMI is defined as inmates on a mental health level of care of ICMHS and ACMHS. Policy 324 defines these as:                  Intermediate Correctional Mental Health Services (ICMHS)                  An incarcerated individual at this LOC demonstrates some significant functional impairment. These incarcerated individuals require specialized housing with a treatment goal of improving functioning and returning to general population. These incarcerated individuals must be housed in a Behavioral Health Unit or Acute Mental Health Unit, unless imminent security reasons exist, in which case alternative placement must be approved by the chief psychologist and the facility head.                  Acute Correctional Mental Health Services (ACMHS)</p> <p>This LOC is for incarcerated individuals with the most profound and debilitating impairments in functioning. These incarcerated individuals may present a serious risk to the safety of self and others. Those at this LOC must be housed in a specialized Acute Mental Health Unit unless imminent security issues exist, in which case alternative placement must be approved by the chief psychologist and facility head.</p>
Illinois	<p>A person shall be considered to be “Seriously Mentally Ill” (“SMI”) if he or she, as a result of a mental disorder as defined in the current edition of the Diagnostic and Statistical Manual of Mental Disorders (“DSM”) of the American Psychiatric Association, exhibits impaired emotional, cognitive, or behavioral functioning that interferes seriously with his or her ability to function adequately except with supportive treatment or services. These individuals also must either currently have, or have had within the past year, a diagnosed mental disorder, or must currently exhibit significant signs and symptoms of a mental disorder. A diagnosis of alcoholism or drug addiction, developmental disorders, or any form of sexual disorder shall not, by itself, render an individual seriously mentally ill. The combination of either a diagnosis or significant signs and symptoms of a mental disorder and an impaired level of functioning, as outlined above, is necessary for one to be considered Seriously Mentally Ill.</p> <p>Whether a person meets the criteria of Seriously Mentally Ill is initially determined by a comprehensive, professional clinical assessment by an Illinois Department of Corrections (IDOC) mental health professional in order to 1) determine if the individual has a diagnosable mental disorder as defined by the current DSM and 2) to establish the person’s overall level of functioning. The appropriate threshold to establish level of functioning that equates to a Serious Mental Illness includes serious impairments in capacity to recognize reality, in work environments, school or learning environments, frequent problems with the authority/rules, occasional combative behavior, serious impairments in relationships with friends and family, serious impairments in judgment, thinking, and mood, and serious impairment due to anxiety. These aforementioned disturbances must be observed in at least one of the areas listed above.</p>
Indiana	<p>a. Prisoners determined to have a current diagnosis or recent significant history of schizophrenia, delusional disorder, schizophreniform disorder, schizoaffective disorder, brief psychotic disorder, substance-induced psychotic disorder (excluding intoxication and withdrawal), undifferentiated psychotic disorder, bipolar I or II disorders;</p> <p>b. Prisoners diagnosed with any other validated mental illness that is clinically severe, based on evidence-based standards, and that results in significant functional impairment; and</p>

	<p>c. Prisoners diagnosed with an intellectual or developmental disability or other cognitive disorder that results in a significant functional impairment.</p> <p>d. As used above:</p> <p>(i) Recent significant history refers to a diagnosis made at any time in the last 12 months.</p> <p>(ii) Significant functional impairment includes one of the following as determined by qualified mental health staff:</p> <p>Within the previous 6 months, the prisoner has either made a suicide attempt that mental health staff considers serious, inflicted self-injury that mental health staff considers serious, or both;</p> <p>The prisoner has demonstrated difficulty in his/her ability to engage in activities of daily living including: Eating; Grooming and/or personal hygiene; Maintenance of housing area; Participation in recreation; Ambulation</p> <p>The prisoner has demonstrated a pervasive pattern of dysfunctional or disruptive social interactions, bizarre or disruptive behavior, etc., as a result of mental illness.</p>
<p>Kansas</p>	<p>Severe and persistent mental illness. A mental illness that is prolonged and recurrent, impairs activities of daily life and requires long-term treatment.</p>
<p>Massachusetts</p>	<p>Serious Mental Illness (M.G.L. c.127, §1) A current or recent diagnosis by a qualified mental health professional of one or more of the following disorders described in the 5th edition of the Diagnostic and Statistical Manual of Mental Disorders:</p> <p>(a) schizophrenia and other psychotic disorders;</p> <p>(b) major depressive disorders;</p> <p>(c) all types of bipolar disorders;</p> <p>(d) a neurodevelopmental disorder, dementia or other cognitive disorder;</p> <p>(e) any disorder commonly characterized by breaks with reality or perceptions of reality;</p> <p>(f) all types of anxiety disorders;</p> <p>(g) trauma and stressor related disorders; or</p> <p>(h) severe personality disorders; or a finding by a qualified mental health professional that the inmate is at serious risk of substantially deteriorating mentally or emotionally while confined in Restrictive Housing, or already has so deteriorated while confined in Restrictive Housing, such that diversion or removal is deemed to be clinically appropriate by a qualified mental health professional.</p>
<p>Maine</p>	<p>Below is the definition in the Maine statutes:</p> <p>Severe and persistent mental illness means a diagnosis of one or more qualifying mental illnesses or disorders plus a listed disability or functional impairment that has persisted continuously or intermittently or is expected to persist for at least one year as a result of that disease or disorder. The qualifying mental illnesses or disorders are schizophrenia, schizoaffective</p>

	disorder or other psychotic disorder, major depressive disorder, bipolar disorder or a combination of mental disorders sufficiently disabling to meet the criteria of functional disability. The listed disabilities or functional impairments, which must result from a diagnosed qualifying mental illness or disorder, include inability to adequately manage one's own finances, inability to perform activities of daily living and inability to behave in ways that do not bring the attention of law enforcement for dangerous acts or for acts that manifest the person's inability to protect the person from harm.
Minnesota	Serious mental illness (SMI): psychotic disorders, bipolar disorders, and major depressive disorder; and any other diagnosed mental disorder (excluding substance use disorders) currently associated with serious impairment in psychological, cognitive, or behavioral functioning that substantially interferes with the person's ability to meet the ordinary demands of living and requires an individualized treatment plan by a mental health professional.
Montana	"Severe mental illness" means a substantial organic or psychiatric disorder of thought, mood, perception, orientation, or memory that significantly impairs judgment, behavior, or the ability to cope with the basic demands of life. Intellectual disability, epilepsy, other developmental disabilities, alcohol or substance abuse, or brief periods of intoxication or criminal behavior do not alone constitute severe mental illness. The individual must also: (i) currently have or have had within the past year a diagnosed mental disorder; and (ii) currently exhibit significant signs and symptoms of a mental disorder. July 1, 2021 Sec. 53-30-702(13), Mont. Code Ann.
North Dakota	Adults in custody found to have current symptoms or who are currently receiving treatment for the following types of Diagnostic and Statistical Manual, Fifth Edition diagnoses that cause or have caused significant functional impairment: Delusional Disorder, Psychotic disorders of all types including Schizophrenia, Major Depressive Disorder, Bipolar Disorder I and II, Obsessive Compulsive Disorder, Panic Disorder, Post Traumatic Stress Disorder (PTSD) and Borderline Personality Disorder
Nebraska	A serious mental illness is "any mental condition that current medical science affirms is caused by a biological disorder of the brain and that subsequently limits the life activities of the person with the serious mental illness. Serious mental illness includes, but is not limited to (i) schizophrenia, (ii) schizoaffective disorder, (iii) delusional disorder, (iv) bipolar affective disorder, (v) major depression, and (vi) obsessive compulsive disorder." N.R.S. § 44-792(5)(b).
New Hampshire	Must 1) be diagnosed (per DSM-V) and 2) have severe functional impairment as a result
New Jersey	NJDOC uses the DSM-V for all diagnoses and ICD-9 codes but adheres to the functional method of SMI which is the subset of inmates on the Mental Health Special Need roster who reside in a Mental Health unit. This functional approach does not distinguish what diagnosis is underlying the need to reside on an inpatient unit and instead uses a more naturalistic method based on the clinical need for a higher level of care as the indicator of seriousness.
Nevada	NDOC uses the definition of "SMI" from the National Institute of Mental Health (NIH), SMI is defined as mental, behavioral, or emotional disorder resulting in serious function impairment, which substantially interferes with or limits one or more major life activities. The burden of mental illness is partially concentrated among those who experience disabilities due to SMI.
New York	Chapter 1 of the Laws of 2008 was signed by the Governor which amended the Correction Law and Mental Hygiene Law in relation to the confinement conditions and treatment of convicted persons with serious mental illness. In accordance with

	<p>Correction Law § 137, an inmate has a serious mental illness (SMI) when he or she has been diagnosed by OMH with one or more of the following: schizophrenia (all sub-types) delusional disorder, schizophreniform disorder, schizoaffective disorder, brief psychotic disorder, substance-induced psychotic disorder (excluding intoxication and withdrawal), psychotic disorder not otherwise specified, major depressive disorders, or bipolar disorder I and II; he or she is actively suicidal or has engaged in a recent, serious suicide attempt; he or she has been diagnosed with a mental condition that is frequently characterized by breaks with reality, or perceptions of reality, that lead the individual to experience significant functional impairment involving acts of self-harm or other behavior that have a seriously adverse effect on life or on mental or physical health; he or she has been diagnosed with an organic brain syndrome that results in a significant functional impairment involving acts of self-harm or other behavior that have a seriously adverse effect on life or on mental or physical health; he or she has been diagnosed with a severe personality disorder that is manifested by frequent episodes of psychosis or depression, and results in a significant functional impairment involving acts of self-harm or other behavior that have a seriously adverse effect on life or on mental or physical health; or he or she has been determined by a mental health clinician to have otherwise substantially deteriorated mentally or emotionally while confined in segregated confinement and is experiencing significant functional impairment indicating a diagnosis of serious mental illness and involving acts of self-harm or other behavior that have a serious adverse effect on life or on mental or physical health.</p>
Ohio	<p>Persons who currently or at any time during the past year, have a diagnosable mental, behavioral, or emotional disorder of sufficient duration to meet diagnostic criteria specified within the most current Diagnostic and Statistical Manual of Mental Disorders and that has resulted in functional impairment which substantially interferes with or limits one or more major life activities. These disorders have episodic, recurrent, or persistent features; however, they vary in terms of severity and disabling effects.</p>
Oklahoma	<p>A substantial disorder of thought or mood which significantly impairs judgment, behavior, capacity to recognize reality or cope with the ordinary demands of life within the prison environment and which is manifested by substantial suffering or disability. Most current version of the DSM is used to identify those with SMI.190</p>
Oregon	<p>Any current or recent (within the preceding 6 months) diagnosis of: other specified schizophrenia and psychotic disorders, unspecified schizophrenia and psychotic disorders, schizophrenia, bipolar I disorder, bipolar II disorder/other specified bipolar disorder, unspecified bipolar disorder, schizoaffective disorder, schizophreniform disorder, major depressive disorder (single episode or recurrent), brief psychotic disorder, psychotic disorder due to medical condition, and/or major neurocognitive disorder unless the treatment record clearly indicates that symptoms of the disorder(s) are (have been) in partial remission (with or without treatment); an IQ of 69 or below, with adaptive skills deficit; engagement in a recent (within the preceding year) serious suicide attempt; or any diagnosed mental disorder (excluding any disorder manifested solely by repeated criminal or otherwise antisocial conduct, substance use/induced disorders, and paraphilias) currently associated with significant impairment in cognitive, behavioral or emotional functioning that substantially interferes in a person's ability to function on a daily basis and that has a seriously adverse effect on life or on mental or physical health.</p>
Pennsylvania	<p>Inmates are determined to SMI by Psychiatric Review Team (PRT). In order to be diagnosed as SMI, the inmate needs to have a current diagnosis or recent significant history of any of the DSM5 diagnosis codes.</p>

South Carolina	Anyone requiring mental health care equivalent to Intensive Outpatient, or higher level of care; or anyone requiring placement in a Behavioral Management Unit or Secure Mental health unit due to an inability to effectively conform their behavior to facility rules as a result psychiatric illness and/or extreme personality disorder.
South Dakota	Seriously Mentally Ill (SMI): For the purposes of this policy, (Restrictive Housing) an inmate who meets the criteria for SMI (Seriously Mentally Ill), who has a chronic mental illness by history, diagnosis, or prognosis and requires repeated and prolonged periods of mental health care, and who exhibits persistent disability or impairment in the prison.
Tennessee	A substantial disorder of thought or mood that significantly impairs judgment, behavior, capacity to recognize reality or cope with the ordinary demands of life within the correctional environment and is manifested by substantial impairment or disability.
Texas	Per the Correctional Managed Health Care (CMHC) policy G-52.4, the definition of SMI is defined as any diagnosed mental disorder (excluding substance use disorders) currently associated with serious impairment in psychological, cognitive, or behavioral functioning that substantially interferes with the person's ability to meet the ordinary demands of living and requires an individualized treatment plan by a qualified mental health professional(s). This definition is based on the American Correctional Association (ACA) Adult Correctional Institution (ACI) 5th edition's definition.
Utah	DSM-V
Vermont	Serious Functional Impairment (SFI) is defined as: a) A substantial disorder of thought, mood, perception, orientation, or memory, any of as diagnosed by a qualified mental health professional, which grossly substantially impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life, and which substantially impairs the ability to function within the correctional setting or b) a developmental disability, traumatic brain injury or other organic brain disorder, or various forms of dementia or other neurological disorder as diagnosed by a qualified mental health professional, which substantially impairs the ability to function in the correctional setting  This definition is from the DSM-5, 2013.
Washington	A substantial disorder of thought or mood which significantly impairs judgment, behavior, capacity to recognize reality or cope with the ordinary demands of life within the prison environment and is manifested by substantial pain or disability. Serious mental illness requires a mental health diagnosis, prognosis and treatment, as appropriate, by mental health staff. It is expressly understood that this definition does not include inmates who are substance abusers, substance dependent, including alcoholics and narcotics addicts, or persons convicted of any sex offense, who are not otherwise diagnosed as seriously mentally ill.
Wisconsin	MH-2a: A current diagnosis of, or being in remission from, the following conditions: Schizophrenia, Delusional Disorder, Schizophreniform Disorder, Schizoaffective Disorder, Other Specified (and Unspecified) Schizophrenia Spectrum and Other Psychotic Disorder, Major Depressive Disorder, Bipolar I Disorder, and Bipolar II Disorder. MH2-a also includes inmates with current or recent symptoms of the following conditions: Brief Psychotic Disorder, Substance / Medication-Induced Psychotic Disorder, head injury or other neurological impairments that result in behavioral or emotional dyscontrol, chronic and persistent mood or anxiety disorders, and other conditions that lead to significant functional disability. MH-2b: Inmates with a primary personality disorder that is severe, accompanied by significant functional impairment, and

	subject to periodic decompensation (i.e., depression or suicidality). If an inmate has stable behavior for two years, the code may be reassessed. Excluded from MH-2B classification are inmates who have a primary diagnosis of Antisocial Personality Disorder and whose behavior is primarily the result of targeted goals rather than impairment from diagnosed mental illness.
West Virginia	WV DCR uses NCCHC definition of Serious Mental Illness--those individuals that have basic psychotic or mood disorders.
Wyoming	No Response



**Appendix E: Legislative Proposals Introduced in the 117<sup>th</sup> Congress (2021-2022) Relating to Isolation in Prison**

Bill Number	Bill Name	Sponsor	Introduced
H. Res. 64	N/A	Rep. Jayapal, Pramila [D-WA-7]	01/28/2021
S. Res 241	N/A	Sen. Menendez, Robert [D-NJ]	5/26/2021
H. Res 723	N/A	Rep. Cárdenas, Tony [D-CA-29]	10/19/2021
S. Res 423	N/A	Sen. Whitehouse, Sheldon [D-RI]	10/19/2021
H.R. 2590	Defending the Human Rights of Palestinian Children and Families Living Under Israeli Military Occupation Act	Rep. McCollum, Betty [D-MN-4]	04/15/2021
S. 3058	Department of Homeland Security Appropriations Act	Sen. Murphy, Christopher [D-CT]	10/25/2021
H.R. 1111	Department of Peacebuilding Act of 2021	Rep. Lee, Barbara [D-CA-13]	02/28/2021
H.R. 2222	Dignity for Detained Immigrants Act of 2021	Rep. Jayapal, Pramila [D-WA-7]	03/26/2021
S 1186	Dignity for Detained Immigrants Act of 2021	Sen. Booker, Cory A. [D-NJ]	04/15/2021
H.R. 3384	End Transfers of Detained Immigrants Act	Rep. Crow, Jason [D-CO-6]	05/20/2021

S. 1778	End Transfers of Detained Immigrants Act	Sen. Bennet, Michael F. [D-CO]	05/20/2021
H. Res 175	N/A	Rep. Trone, David J. [D-MD-6]	02/26/2021
S. 328	Federal Correctional Facilities COVID-19 Response Act	Sen. Warren, Elizabeth [D-MA]	02/12/2021
H.R. 2293	Federal Correctional Facilities COVID-19 Response Act	Rep. Barragan, Nanette Diaz [D-CA-44]	04/01/2021
S. 1996	GLOBE Act of 2021	Sen. Markey, Edward J. [D-MA]	06/09/2021
H.R. 3800	GLOBE Act of 2021	Rep. Titus, Dina [D-NV-1]	06/08/2021
H.R. 1179	Iran Hostages Congressional Gold Medal Act	Rep. Suozzi, Thomas R. [D-NY-3]	02/18/2021
S. 2607	Iran Hostages Congressional Gold Medal Act	Sen. Padilla, Alex [D-CA]	08/04/2021
H.R. 131	Kalief's Law	Rep. Jackson Lee, Sheila [D-TX-18]	01/04/2021
H. Res 226	N/A	Rep. Pressley, Ayanna [D-MA-7]	03/11/2021
S. 1605	National Defense Authorization Act for Fiscal Year 2022	Sen. Scott, Rick [R-FL]	05/13/2021
H.R. 6878	Protecting the Health and Wellness of Babies and Pregnant Women Act of 2022	Rep. Bass, Karen [D-CA-37]	03/01/2022

H.R. 176	Restricting the Use of Solitary Confinement	Rep. Watson Coleman, Bonnie [D-NJ-12]	01/04/2021
H.R. 7424	Solitary Confinement Reform Act of 2022	Rep. Gohmert, Louie [R- TX-1]	04/06/2022