

## Four Years of Segregation Reform with the Louisiana Department of Public Safety and Corrections

#### **BACKGROUND**

Corrections agencies, government leaders, legislators, and advocates across the country are rethinking the role of segregation (also known as solitary confinement or restrictive housing in U.S. prisons and jails. A growing body of research finds that segregation—where people are held in a cell for 22 to 24 hours per day, with limited access to programming, treatment, and meaningful human interaction—can have detrimental physical, neurological, and psychological effects on incarcerated people, is harmful to correctional staff, and is counterproductive to the safety of correctional facilities and the community.

As part of sweeping justice reform efforts, the Louisiana Department of Public Safety and Corrections (LADOC) joined the national movement to reduce and eliminate segregation in U.S. prisons and jails and center correctional practices in human dignity. With this commitment in mind, in 2017 LADOC applied for technical assistance from the Vera Institute of Justice (Vera) and was chosen to participate in Phase I of a project to reform their use of this practice, the "Safe Alternatives to Segregation Initiative." This work continued in 2019 and 2020 in Phase II, the "Safe Prisons, Safe Communities: From Isolation to Dignity and Wellness Behind Bars" project. Through these initiatives, the department committed to reducing their use of segregation, transforming living conditions for incarcerated people, and striving to eliminate segregation in its current form.

Like other systems, LADOC continues to battle with the consequences of a high incarceration rate, limitations on staff and resources, and unforeseen challenges like the COVID-19 pandemic. However, the progress the agency has made to date, coupled with a clear direction for future reforms, described below, Vera hopes the department can make significant progress and continue the path to a segregation population of zero.

#### **MILESTONES**

2017



Vera launches Safe
Alternatives to Segregation
Initiative partnering with five
state and local correctional
agencies, including LADOC



LADOC closes Camp J at the Louisiana State Penitentiary (Angola)

2018



2019

Vera launches Safe Prisons, Safe Communities: From Dignity and Wellness Behind Bars, partnering with LADOC to implement safe and effective alternative strategies to segregation



finalizes new segregation regulations

2020

PRESENT

LADOC implements a Behavior
Management Unit to transition
people out of lockdown at Elayn
Hunt Correctional Center, and a
pilot program to increase out-of-cell
time for incarcerated people on
death row.

LADOC begins the disciplinary matrix pilot at Elayn Hunt Correctional Center, and later expands to the remaining major facilities

2018



Angola is the

2017

#### **ACCOMPLISHMENTS**

In 2019, as part of the Safe Prisons, Safe Communities inititaive, the LADOC committed to further reduce the use of segregation by 25 percent, eliminate its use for specific vulnerable populations, reduce the length of time people spend in segregation, improve conditions in these units, and address any racial and ethnic disparities in the system's use of segregation.

The department has made notable progress towards these goals and helped improve conditions for incarcerated people in some of the system's most restrictive living areas.

#### Repurposed and Alternative Units

- > The Behavior Management Dorms at Elayn Hunt Correctional Center and Louisiana State Penitentiary (Angola) provides opportunities for people in segregation to transition into a dormitory setting. The program begins with an orientation in a separate living area. The 45-day program offers a full schedule of peer mentor-led programming by other incarcerated volunteers. People in the unit recreate, eat meals, and participate in programming together. At the end of their programming, participants graduate, receive a certificate, and move back to the general population (GP). After 90 days in GP with no write-ups, they receive 180 days of good time, and their restrictions (such as visitation and phone) are wiped from their record. Mentors are also present in specific GP areas to serve as a resource and reinforce the lessons learned from behavior management programming. At Elayn Hunt, this programming can be combined with the facility's 45-day Residential Drug Abuse Program (RDAP).
- > At Angola, leadership implemented changes to the conditions of confinement for people sentenced to death. **The death row unit** now offers more time out-of-cell, congregate activity, recreation, and programming. Notably, according to a Vera survey in 2018, feelings of safety for incarcerated people and correctional staff in the unit have not decreased.
- > The Phoenix Pilot is a drug abuse treatment unit at Elayn Hunt, launched in November 2019. Instead of going to traditional segregation, placement in the program offers a programming opportunity for incarcerated people with multiple drug offenses in a GP environment.
- > The Closed Cell Restriction (CCR) Dorm at Angola provides a stepdown from CCR celled units in which conditions are similar to segregation. Freedom of movement is much great in these dorms, ability to congregate with others is available, and programming is provided. Many people have transitioned from the CCR dorm to GP.

#### **Closing Camp J**

In 2018, the department closed Camp J at the Louisiana State Penitentiary at Angola, which housed more than 450 people on any given day in isolating conditions for long durations. This action significantly reduced the department's capacity for segregation and symbolized a step towards change for incarcerated people, correctional staff, advocates, and other community leaders.

In early 2020, at the start of the COVID-19 pandemic, the department decided to temporarily re-open Camp J as a strategy to mitigate the spread of the coronavirus. According to Secretary LeBlanc, over six months, Camp J housed 350 incarcerated people from Angola and neighboring parish jails. By November 2020, systemwide cases of COVID-19 declined significantly from their peak in early spring, and the department shut down operations of Camp J once again. Despite the unforeseen re-opening, department leadership remains committed to never using Camp J for segregation again and is exploring options to create therapeutic communities for incarcerated people in need of specialized programming such as residential substance abuse treatment.

#### **New Disciplinary Matrix**

In summer 2018, LADOC began piloting a new disciplinary matrix to reduce the lengths of stay in segregation, increase consistency, and provide incarcerated people with knowledge of eligible sanctions for specific rule violations. LADOC began the pilot at Elayn Hunt and has since piloted it at all of the major facilities. The new matrix

limits disciplinary segregation for Schedule A low-court rule violations (e.g., disobedience, disorderly conduct work offenses, abuse of radio/tape CD or electronic media player). It instructs staff to defer hearings for these offenses to the high court when disciplinary segregation is considered. Long-term segregation is still an eligible sanction for the more serious Schedule B high-court violations (e.g., defiance, aggravated disobedience, escapes, fighting, intoxication, property destruction, all sex offenses, theft, etc.). Though the new matrix is a step in the right direction, the department can make several improvements.

As of 2019, response to the pilot from correctional staff had been positive. Incarcerated people at Elayne Hunt who provide counsel to others during disciplinary proceedings told Vera that the pilot increases the processes' legitimacy. People are more aware of what sanctions the disciplinary board can give ahead of their hearing. They also note that people are serving much shorter sanctions and leaving segregation more quickly than usual. The department is finalizing the pilot's regulation and updating the current segregation policies.

#### **Lessons from Norway**

In October 2018, Vera led a learning trip to Germany and Norway as part of Vera's "Reimagining Prison" initiative, attended by Chief of Operations Seth Smith. The study tour brought participants to the Northern German states of Hamburg, Berlin, and Brandenburg, then to Norway. The delegation visited seven prisons and, in Berlin, observed a criminal court proceeding and held discussions with judges and prosecutors. The trip also included visits to a concentration camp and the Holocaust memorial to put into historical context the commitment to human dignity after World War II.

In October 2019, Vera coordinated another learning trip to Norway, attended by Secretary James LeBlanc, Dep. Warden Tracy Falgout (Angola), and Warden Tim Hooper (Elayn Hunt). The digital news organization, NowThis also documented the trip in a short documentary-style video. Attendees visited Halden Prison and Ila Detention and Security Prison, where they witnessed the Norwegian prison system's principles of human dignity, normality, dynamic security, and reintegration into the community at work. These principles create drastic differences in Norway's prisons' operations compared to those in the United States and sparked conversations between participants about what principles and strategies they could adopt and incorporate in their facilities.

#### **National Report Highlights Louisiana**

Louisiana is one of several jurisdictions that provided data for three surveys. Of the responding jurisdictions, Louisiana had the largest reduction in its use of solitary confinement of any single jurisdiction. In September 2020, Correctional Leaders Association (CLA) and the Arthur Liman Center for Public Interest Law at Yale Law School released "Time-In-Cell 2019: A Snapshot of Restrictive Housing"—a comprehensive analysis of national data on the use of segregation in 39 state correctional agencies in 2019. According to the department's self-reported data of people in restrictive housing—defined in this survey as anyone held in their cells "for an average of 22 or more hours per day, for 15 or more continuous days"—LADOC has seen major reductions. In 2015, the department reported 2,689 people in restrictive housing—14.5 percent of the total incarcerated population. In 2017, that number rose to 19.0 percent or 2,709 people. In summer 2019, the department reported that they held 4.8 percent or 679 people within their population in the restrictive conditions above.

This data shows progress towards reducing the number of people held in highly restrictive housing units for long periods. Notably, the CLA-Liman data for Louisiana does not capture data regarding: people in segregation for less than 15 days; people held in conditions short of restrictive housing—in other words, in their cells for most of the day but less than 22 hours; women in segregation; and people housed in parish jails—who make up nearly half of those in LADOC custody—who were held in segregation.



# Recommendations for Reform for the Louisiana Department of Public Safety and Corrections

In 2019, as part of the Safe Prisons, Safe Communities inititaive, the LADOC committed to further reduce the use of segregation by 25 percent, eliminate its use for specific vulnerable populations, reduce the length of time people spend there, improve conditions in segregation units, and address any racial and ethnic disparities in the system's use of segregation.

The department has made notable progress towards these goals. However, there are remaining reforms that the department can undertake to achieve the above goals. The following recommendations provide steps for the LDPSC to eliminate the use of segregation.



## Decomission and repurpose segregation units at multiple facilities.

Facilities are experiencing backlog where people cannot be moved out of segregation units due to bed space issues. LADOC has already started this work by converting some celled units into stepdown units with greater out-of-cell time, congregate activities, and group programming; these units can be used as models. Celled units can also be repurposed to regular general population units, with similar conditions to GP dorms. Doing so will help alleviate crowding in GP dorms, reduce the system's overall segregation capacity, and provide supportive settings tailored to the needs of different groups of incarcerated people.



Eliminate the use of segregation for particularly vulnerable populations—including women, youth under 18, and people with serious mental illness—and expand mental health services.

- > Improve mental health treatment access, increase mental health staff.
- > Eliminate the use of segregation for people with serious mental illness and create specialized treatment housing units—improving upon the current unit at Elayn Hunt Correctional Center. Alternative units for people with serious mental illness should never limit meaningful access to medical care, programming, exercise, social interaction, or communication with loved ones.
- > Eliminate self-harm as a disciplinary infraction and provide clinical responses to people who engage in this behavior. Remove the provision in the department rule book that allows sanctioning people for "directly or indirectly threatening to harm oneself (except obvious suicide attempts)" (Rule #30-B) and "self-mutilation" (Rule #19) as an infraction. The response to people who wish to or engage in self-injurious behavior should be a mental health assessment and treatment, not loss of privileges, forfeiture of good time, cell confinement, and especially not disciplinary segregation.
- > Divert young adults (ages 18 to 25) from segregation and create a specialized residential program for this population.
- > Use the future re-opening of a Louisiana Correctional Institute for Women as an opportunity to accomplish the following:
  - limit the physical capacity for segregation cells;
  - create appropriate treatment and programming spaces;
  - convert cellblocks originally intended for segregation into rehabilitative settings tailored to incarcerated women's needs;
  - enact a new gender-specific disciplinary matrix; and
  - eliminate segregation for women.



Eliminate segregation for non-violent/low-level infractions and significantly reduce the length of time people spend in segregation, moving towards a long-term goal of ending prolonged segregation.

- > Pay close attention to the impacts of the new disciplinary matrix on lengths of stay in segregation, especially sanctions served for non-violent Schedule B high-court violations (e.g., defiance, cell phones, drugs, and monetary-related contraband, intoxication, unauthorized area).
- Reassess the segregation-eligible infractions on the disciplinary matrix. Several frequent and non-violent infractions can still land incarcerated people in segregation. These cases will drive up the number of people in segregation—especially when people who commit these infractions stay there for long periods.



**Transforming conditions in segregation,** including but not limited to a less isolated environment, additional out-of-cell time, opportunities for meaningful human contact, and access to programs and services.

- Create distinct transition units to replace working cell blocks as a step down out of segregation. Every facility with segregation should have a formalized step-down unit, even if it is a repurposed cellblock unit with less restrictive conditions than segregation.
- > Create alternatives to segregation in cellblocks by gradually opening cell doors for most of the day and eventually allowing more privileges, congregate activities, programming, opportunities for recreation, and unstructured time on the tier. Repurposing cellblocks will help facilities with more isolating physical plant and less dormitory-style spaces like David Wade Correctional Center, Rayburn Correctional Center, and Raymond Laborde Correctional Center.
- > Repurpose Camp J at Angola into a therapeutic programming space for special populations that may be driving the department's segregation use, such as people with substance abuse disorders
  - Look to other jurisdictions for existing models for therapeutic programming and living facilities such as the Illinois Department of Correction's Sheridan Correctional Center and the four-tier substance abuse treatment model in the Rhode Island Department of Corrections
- > Ensure that the department's standard for determining that a housing unit does not rise to the level of "restrictive housing" includes signifianctly more out-of-cell time, such as a minimum of 4 hours per day, and includes other dimensions such as congregate activity and access to programming.
  - Conditions in all non-restrictive housing units should be markedly different from restrictive housing. These
    differences should be apparent and meaningful to incarcerated people, staff, and other external
    stakeholders.



## Address racial and ethnic disparities in the use of segregation.

- > Meaningfully address the racial/ethnic disparities in the system's use of segregation. Vera's analysis of the department's 2015 to 2016 administrative data reveals an overrepresentation of Black people in segregation units at every state-operated prison. Self-reported data from LDPSC in the Correctional Leaders Association (CLA) and Arthur Liman Center for Public Interest Law at Yale Law School report, "Time-In-Cell 2019: A Snapshot of Restrictive Housing Based on a Nationwide Survey of US Prison Systems," reveals similar disparities in segregation for Black men and a slight overrepresentation of Hispanic men.
- > Partner with national and local race equity experts to:
  - Critically analyze policies, practices, and reforms to ensure that they do not create disproportionate impacts on people of color
  - Expand staff training on race equity and inclusion
  - Spark culture change within all correctional staff levels and address how bias may arise in placement in segregation



## Increase the capacity for centralized data management and transparency.

- > The department can only address segregation issues if they know how they are using the practice across the system. Each facility tracks data, but the department needs a standardized way for facilities to track their use of segregation and monitor a baseline of information, including, at least:
  - the number of people in segregation;
  - information on vulnerable subpopulations, such as people with serious mental illness, and racial/ethnic groups; and
  - length of stay for people in segregation.
- > Allocate facility staff to regularly report data to headquarters and department staff to coordinate and manage centralized data reporting, so that leadership can use data to inform policy decisions.
- > Produce regular, public-facing data reports on the use of segregation to increase transparency with stakeholders such as community advocates, legislators, incarcerated people, and their loved ones.



## Prioritize segregation reform in parish jails.

- > The department houses more than half of the people under their legal control in parish jails. There is little to no data on the use of segregation in parish jails.
- > Expand the department's capacity to monitor and oversee segregation practices in parish jails. At a minimum, the department should collect data on:
  - the use of different types of segregation;
  - how many people are in segregation on any given day;
  - demographics of this population (i.e., age, race/ethnicity, etc.);
  - lengths of stay in segregation; and
  - how that compares to segregation use in state-controlled facilities.
- Ensure that all incarcerated people in the state's custody benefit from segregation reforms and expand the department's capacity to monitor and oversee segregation practices in parish jails.



# Continue COVID-19 response *without* housing people in the isolating conditions of segregation

- > Ensure conditions in **medical isolation** (separating people with suspected or confirmed cases of COVID-19 to reduce risk of transmission) and **quarantine** (confining people who have had close contact with a COVID-19 case until the department can determine whether or not they have the virus) are not punitive and do NOT resemble conditions in segregation, as this is harmful and counterproductive.
- For direction on mitigating the risk of COVID-19 in prisons and jails, continue consulting with the Centers for Disease Control and Prevention (CDC), as well as the World Health Organization (WHO) and experts in public health, policy, and other areas, such as Amend at University of California San Francisco, Vera, and MASS Design Group.

#### **DATA COLLECTION AND ANALYSIS**

A large part of Vera's technical assistance to the LADOC included administrative data collection and analysis. Vera published an extensive review of LADOC 2015 to 2016 administrative data and analysis of 2017 to 2018 policies, practices, and qualitative research in "Safe Alternatives to Segregation: Findings and Recommendations for the Louisiana Department of Public Safety and Corrections, and Progress Toward Implementation."

The department was unable to provide centralized data for the "Safe Prisons, Safe Communities" project in 2019 to 2020. Monitoring the impact of reform efforts is central to ensuring the department is meetings its goals and that reforms are successful at improving the lives of people who live and work in Louiaiana prisons. A key component of monitoring is the analysis of administrative data. For example, to understand the impacts of the disciplinary matrix, it's important to know if people are now spending less time in segregation, and if people are being released back to GP at the end of their disciplinary segregaton sanction.

Two major facilities, Louisiana State Penitentiary (LSP) and Raymond Laborde Correctional Center (RLCC), did provide Vera facility-level data on the total segregation population, the different types of segregation, and backlogs in segregation. This data is in no way a reflection of segregation across the system, nor is it an indication that either facility is the best or worst in the system regarding their segregation population. This facility-level data did provide insights and context for our recommendations.

Vera was provided extensive access to incarcerated people and staff to conduct the largest scale survey on segregation in any prison system. In summer and fall 2019, the Vera team conducted a comprehensive survey of everyone housed in segregation, distributing and collecting surveys cell-to-cell for incarcerated people, and distributing surveys to staff who work in segregation. The surveys asked questions on conditions of confinement, safety, health and well-being, and views on segregation. The team collected over 1,300 completed surveys from incarcerated people, and nearly 250 completed surveys from the correctional staff at David Wade Correctional Center, Dixon Correctional Institute, Elayn Hunt Correctional Center, Louisiana State Penitentiary (Angola), Rayburn Correctional Center, and Raymond Laborde Correctional Center. The results of this survey will be published in future research articles.

Vera encourages the department to actively monitor and assess the impact of their reforms. Collecting and analyzing quantitative and qualitative data on segreagtion, and having this information available and centralized at the department's headquarters, would allow LADOC and facility-level leadership to evaluate the implementation of various pilot programs or how the new disciplinary matrix is being utilized. Importantly, this data could then be used to generate quarterly reports to agency leaders and the general public, who could use this information to further assist the LADOC in its segregation reform efforts. Key performance metrics have been provided to the department.