

Testimony of Rick Raemisch
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“Reassessing Solitary Confinement II: The Human Rights, Fiscal,
and Public Safety Consequences”

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Administrative Segregation: A Story without an End

Chairman Durbin, Ranking Member Cruz, and members of the Subcommittee:

I am Rick Raemisch, Executive Director of the Colorado Department of Corrections. I was appointed to this position following the murder of the Department’s former Executive Director on March 19th of last year. Tom Clements, as many of you know, was murdered answering the door of his home by a recent parolee who had been released directly into the community from Administrative Segregation.

I am honored to appear before the Subcommittee, and I look forward to talking to you about Administrative Segregation and what we are doing in Colorado to prevent such tragedies from ever happening again.

My career in law enforcement began in 1976 when I became Deputy Sheriff in Dane County, Wisconsin. During the three decades that followed, I served the citizens of my home state as Deputy; Undercover Narcotics Detective; elected Sheriff; Assistant District Attorney; Assistant U.S. Attorney; Administrator of Probation and Parole, Wisconsin Department of Corrections; Deputy Secretary, Wisconsin Department of Corrections; and Secretary, Wisconsin Department of Corrections.

My experiences in law enforcement have led me to the conclusion that Administrative Segregation has been overused, misused, and abused for over 100 years. “The Steel Door Solution” of segregation, as I call it, either suspends the problem or multiplies it, but definitely does not solve it. If our goal is to decrease the number of victims inside prison, and outside prison, like Tom Clements, then we must rethink how we use Administrative Segregation, especially when it comes to the mentally ill. This is a goal I pursued in Wisconsin and now am pursuing in Colorado.

While head of the Wisconsin Department of Corrections (DOC), I was accountable for more than 22,000 inmates, 73,000 individuals on probation or parole, and approximately 1,000 juveniles. During my three and a half years leading the Department, we made tremendous strides in reducing the number of offenders in Administrative Segregation and removing those with mental illness so they could receive treatment.

I was in Wisconsin when I heard of Tom Clements’ murder. After the initial shock, I became angry someone had the audacity to take the life of someone who was working hard to improve the quality of life for inmates while also protecting the public. I applied

for the position, and was appointed Executive Director by Governor John Hickenlooper, who wanted me to continue Mr. Clements' vision. For me, it was an opportunity to bring to Colorado what I had started in Wisconsin. Moreover, it was an opportunity for me to channel my anger about Mr. Clements' death into developing and implementing a plan that focuses on using segregation only for those who really need it, making sure those offenders who are released from solitary do not cause more harm, and making sure segregation does not make people more violent.

My belief was, and still is, that it's impossible to hold an offender with an unstable serious mental illness accountable for violating the prison's rules, if the offender doesn't understand the rules he is supposed to be playing by. So expecting a mentally ill inmate who is housed in Administrative Segregation long-term and without treatment to follow the rules is pointless. It's my conviction that long-term segregation creates or exacerbates mental illness. I try to visit institutions at least once a week to talk with staff and inmates including some who are in Administrative Segregation. Often times, the mental illness was apparent. Sometimes inmates were so low-functioning they could not meaningfully function or communicate.

During my time in Wisconsin, I developed many of the philosophies and practices that we are successfully incorporating at the Colorado DOC. Some of this work had already begun under the direction of former Executive Director Tom Clements.

Since leading the CDOC, I've worked with my Executive Team to develop a workable action plan to reduce the use of Administrative Segregation. We are reducing the number of offenders in Administrative Segregation by assessing each case individually. We have made reductions among those with a serious mental illness, those who are released directly from Administrative Segregation into the community, and all other persons in Administrative Segregation.

Along with my Executive Team, I am focusing on allowing the use of Administrative Segregation only for those who truly are a danger to others or themselves. But just because an offender needs to be in Administrative Segregation for safety reasons, that doesn't mean they should sit in a windowless, tiny cell for 23 hours a day. There are other solutions. There are other options.

In Colorado, our goal is to get the number of offenders in Administrative Segregation as close to zero as possible, with the exception of that small number for whom there are no other alternatives. We have put in place an action plan that I believe will get us to that goal by the end of this year. This action plan consists of:

- focusing the use of Administrative Segregation on truly violent offenders who pose an immediate danger to others or themselves;
- not releasing an offender into the community directly from Administrative Segregation;

- removing levels of Restrictive Housing (housing will be driven by incentives);
- developing a Sanction Matrix for violent acts, which will result in placement in Administrative Segregation;
- ending indeterminate lengths of Administrative Segregation placement;
- reviewing the cases of offenders currently housed in Administrative Segregation for longer than 12 months;
- establishing a “Management Control Unit” where offenders have 4 hours a day out of their cells in small groups;
- establishing a “Transition Unit” with a cognitive course to prepare offenders for transition to General Population; and
- redefining the housing assignments with incentives for Death Row offenders. These offenders will no longer be classified as Administrative Segregation cases and will have opportunities to leave their cells 4 hours a day together.

While the goal is to decrease the number of offenders housed in Administrative Segregation, there will always be a need for a prison within a prison. Some offenders will need to be isolated to provide a secure environment for both staff and offenders, but they should not be locked away and forgotten.

Administrative Segregation cannot be a story without an end for offenders. While I continue to believe that offenders who are violent should remain in Administrative Segregation until they can demonstrate good behavior, there must be a defined plan. Offenders, if they are to meet expectations, must know what those expectations are; to succeed, they must know what success looks like. When individuals enter the prison system they know the length of their sentence. The same philosophy should apply to those entering an Administrative Segregation cell.

Since putting the first stage of the Department’s action plan into effect in December, we are seeing successes. In these few months, the number of serious mentally ill housed in Administrative Segregation has been reduced to one offender. These offenders removed from Administrative Segregation are receiving treatment in Residential Treatment Programs outside of the containment of Administrative Segregation.

As a result of recent changes, the Colorado Department of Corrections has seen a reduction in the Administrative Segregation population from 1,451 in January 2011 to 597 in January 2014. That is a reduction of nearly 60 percent. Because Colorado’s total adult offender incarcerated population is currently 17,574, this means the Colorado DOC Administrative Segregation population is currently just 3.4%, down from a peak of 1,505 or 6.8% in August of 2011. As a result of these reductions, we did not see an immediate increase in assaults. We believe as we track this further, our institutions will actually be safer.

Of course, there is no question that Administrative Segregation is more expensive. The cost of housing an offender in Administrative Segregation is \$45,311 a year, compared to the \$29,979 a year it costs to house an offender in general population. Therefore, each offender that is housed in the general population and not Administrative Segregation saves the state \$15,332 annually per offender.

I am data driven. And if what you care about is victims and the community, you must do what works. What I want is fewer victims. Each person we turn around who was in Administrative Segregation means fewer victims of crime and violence. Ninety-seven percent of all offenders will eventually go back to their communities. Releasing offenders directly from Administrative Segregation into the community is a recipe for disaster. Our job is to effectively prepare each of them for successful re-entry, not to return them to the community worse than before their time in prison. In Colorado, in 2012, 140 people were released into the public from Administrative Segregation; last year, 70; so far in 2014, two.

This is a message I deliver directly to my wardens. I say to them: "Who wants to live directly next to someone who was just released from solitary confinement? Think about how dangerous that is." I also encourage my staff to spend some time in segregation so that they understand the experience. I have done that myself, and the experience was eye-opening.

The current reliance on Administrative Segregation is not a Colorado problem. It's not even only a national problem. The use of Administrative Segregation is an international problem and it will take many of us to solve it. I believe reform requires the cooperation of corrections leadership, corrections staff, legislators, stakeholders and the community. But I do see change. I see an evolution that will better serve our citizens and make our communities safer.

Thank you for the opportunity to appear before this Subcommittee.