

# **Minnesota Department of Corrections Restrictive Housing Step-Down Management Program – Qualitative Report**

**Submitted: April 1, 2020**

## Executive Summary

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The 2019 Minnesota Legislature directed the Minnesota Department of Corrections to submit a qualitative report of the correctional facility restrictive housing step-down management program by April 1, 2020 (Minnesota Laws 2019, Chapter 243, Article 521, Section 9b). Specifically, required are details of the Minnesota Department of Corrections programming under Policy 301.088 Restrictive Housing Step-Down Management Program relating to:

- I. Program outcomes;
- II. Program measures; and
- III. Challenges to program implementation.

### *Summary of Outcomes, Measures, and Challenges*

- The Minnesota Department of Corrections established and published policy on 3/26/2018 specific to restrictive housing step-down programming within the facilities for those incarcerated people who engage in the most serious behaviors posing a risk to the safe and secure operations of the facility. As of 4/1/2020, there are three facilities providing this programming to incarcerated people within restrictive housing and the general population. Programming consists of individualized, evidence-based interventions to target reduction of high risk or dangerous behaviors in both the facility and in the community upon release.
- Data collection regarding Step-Down Program participant's discipline and other information two years prior to intervention and two years post intervention is being collected to allow a better review of program effectiveness in the future.
- Eighty-three incarcerated individuals have either successfully completed programming or have been discharged for other reasons. On average participants are provided approximately 7 months of evidence-based interventions.
- While the caseworker can assist in motivation through evidence-based intervention, some individuals served struggle with motivation to change or longevity of change without ongoing structure and support.

## Introduction

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### *Restrictive Housing within the Minnesota Department of Corrections*

The Minnesota Department of Corrections (DOC) has ten correctional facility sites that house incarcerated people in congregate living units. Eight of the ten correctional facilities have restrictive housing units. Restrictive housing, by American Correctional Association definition, is “a placement that requires an inmate to be confined to a cell at least 22 hours per day for the safe and secure operation of the facility.”

The DOC possesses 582 restrictive housing single-cells across eight facilities. Below is a summary of each facility that houses a restrictive housing unit and whether or not it has congregate interaction with other incarcerated people within the unit. Approximately 90% (522/582 beds) of the restrictive housing beds within the Minnesota correctional facilities have congregate recreation, meaning they interact during their out-of-cell time together.

<b>Facility</b>	<b># of restrictive housing beds</b>	<b># of congregate recreation</b>	<b># of non-congregate recreation</b>
MCF-Shakopee	33	33	0
MCF-Oak Park Heights (2 units)	112	52	*60
MCF-Stillwater	149	149	0
MCF-St. Cloud	76	76	0
MCF-Rush City	70	70	0
MCF-Lino Lakes	42	42	0
MCF-Faribault	48	48	0
MCF-Willow River/Moose Lake	52	52	0
<b>Total</b>	<b>582</b>	<b>522</b>	<b>60</b>

*\*In the early 2000s, the maximum custody correctional facility at Oak Park Heights constructed a 60-bed restrictive housing unit to house incarcerated people who posed the greatest risk to the safe and secure operations of the facility.*

For many years prior to September 2016, the maximum disciplinary segregation sanction imposed for incarcerated people was 720 days for the most significant and dangerous behaviors. At that time, DOC Policy 301.087, Administrative Control Status directed the step-down process for those incarcerated people that posed the greatest risk to the safety and security of the facility. This policy provided a method of moving an incarcerated person from the most restrictive placement in the Administrative Control Unit at MCF-Oak Park Heights to general population. However, that policy lacked evidence-based cognitive skill programming to assist the incarcerated person in making lasting changes in thinking and behavior. Additionally, policy 301.087 Administrative Control Status only applied to the maximum-security facility at Oak Park Heights (incarcerated males only).

### *Restrictive Housing Reform Pathway*

In 2015, a Department-wide multidisciplinary committee was formed to drive an initiative to create a systematic method of providing evidence-based cognitive interventions to those incarcerated people who were

engaging in the most serious offenses within the facilities. The committee began to research the effects of long-term restrictive housing placements, violence-related risk assessments, and effective interventions to reduce the risk of further violence. States that were leading the movement in restrictive housing reform were researched including Colorado, South Dakota, and Virginia.

In the summer of 2015, the DOC sought out Community Resources for Justice (CJI) to complete a review of the current restrictive housing practices, policies, and procedures at the Oak Park Heights correctional facility. In December 2015, CJI provided the DOC with recommendations to move forward with restrictive housing reform. The recommendations were taken into consideration for future program change.

In 2016, a site-visit was coordinated to the South Dakota Department of Corrections with a cross section of DOC facility staff, officers, lieutenants, mental health staff, and administrators. South Dakota Department of Corrections staff allowed DOC staff the opportunity to engage in the review process, speak with the incarcerated individuals participating in the programming, and review the policies and practices relating to the step-down process.

September 2016, the DOC reduce the maximum disciplinary segregation sanctions from 720 days to 90 days (180 days maximum for consecutive sanctions for multiple assaults within one instance). Incarcerated people who continued to pose a risk to the safety of the facility operations or others, were provided step-down placement under policy 301.087 Administrative Control Status at the MCF-Oak Park Heights facility in the Administrative Control Unit.

In early 2017, the DOC sought the assistance of the Vera Institute of Justice under the Safe Alternatives to Segregation Initiative. The Vera Institute of Justice compiled an administrative data analysis, reviewed all related restrictive housing policies, and conducted on-site visits to several facilities. With ongoing consultation from the Vera Institute of Justice, recommendations published by the Department of Justice Guiding Principles for Restrictive Housing, and guidance from the American Correctional Association, the Minnesota Department of Corrections published and put into practice the Restrictive Housing Step-Down Management Program Policy 301.088 in March 2018.

## **Implementation Review of Restrictive Housing Programming**

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### ***Program Measures and Outcomes***

In consultation with the Vera Institute of Justice, programming measures and outcome were developed across a variety of areas for those participants of the Restrictive Housing Step-Down Management Program.

- Discipline behaviors falling into the category “Risk Code Violation” (RCV) two years prior to the intervention, during the intervention, and 2 years post intervention;  
*A Risk Code Violation is a behavior deemed to pose a significant risk to the safe and secure operations of the facility.*
- Number of days the participant spent in restrictive housing:
  - 2 years prior to the intervention;
  - during the intervention;

- and 2 years post intervention;
- Number of days the participant spent in general population while receiving the intervention;
- Total number of programming intervention days;
- Evidence-based programming interventions provided during intervention;
- Pre- and post-test Texas Christian University (TCU) Criminal Thinking Scale (CTS).

Additionally, fidelity and quality assurance measures were put into place to assure integrity of programming. Those measures include but are not limited to:

- Completion of training for LS-CMI, MnSTARR, motivational interviewing one and motivational interviewing two;
- Attend six community of practice sessions each year to maintain and further develop motivational interviewing skills;
- Participate in individual motivational interviewing treatment integrity (MITI) coding evaluations and feedback sessions;

***Staffing***

At the onset of programming in March 2018, one caseworker was employed to provide programming to the male population at the MCF-Oak Park Heights and MCF-Stillwater facilities. Additionally, one caseworker was utilized in MCF-Shakopee to provide services in the restrictive housing to include providing Restrictive Housing Step-Down Management Programming to the female incarcerated people. In 2019, an additional full-time caseworker was added for the male population. April 1, 2020 a third full time caseworker will be added for the male population.

<b>Facility</b>	<b>Caseworkers *as of 4/1/2020</b>
MCF-Oak Park Heights	1.5
MCF-Stillwater	1.5
MCF-Shakopee	1 (as part of other duties)
<b>TOTAL</b>	<b>4 Caseworkers</b>

***Programming Process***

For an incarcerated person to be referred to the Restrictive Housing Step-Down Management Program, at least one of the referral criteria must be met. Following the referral, a Mental Health Screening is completed prior to consideration for programming. If placement in the Restrictive Housing Step-Down Management Program would be contrary to the mental health and well-being of the incarcerated person, alternative interventions must be provided. Additionally, if at any time during the course of programming mental health staff deem the programming no longer appropriate, the incarcerated participant will be removed and alternative interventions will be provided.

The Step-Down Management Program Team will review the totality of the circumstances to consider whether the incarcerated person would require additional cognitive programming prior to placement into general population to assure the safe and secure operations of the facility. The incarcerated person is given the opportunity to be present at this review. If placement is deemed necessary, the Team will then determine the placement step that is the least restrictive and most appropriate to meet the incarcerated person’s needs, as well as ensure safety of other incarcerated people, staff and the orderly operation of the facility. The placement

recommendation with all supporting documentation is forwarded to the deputy commissioner/assistant commissioner of facilities for placement approval.

Programming consists of an assignment of a dedicated caseworker who provides a pre (and post) criminal thinking scale to assist in determining areas of risk and need. Evidence-based and evidence-informed programming is provided on an individual and group basis. Programming curriculum/interventions include but are not limited to Motivational Interviewing, The Challenge Program© through the Change Company, Carey Guides, and Core Correctional Practices for the male participants. Gender responsive curriculum is utilized for the female participants including but not limited to Motivational Interviewing, Moving On, Beyond Violence, Beyond Trauma, and Getting it Right.

The Restrictive Housing Step-Down Management Program consists of five steps that are either in a restrictive housing setting or a general population living unit. Each step offers the incarcerated person an opportunity to enhance and demonstrate readiness for general population placement with ongoing programming & interaction. Each step offers more property and privileges as the steps progress.

At least every 30 days, an incarcerated person's programming and progress is reviewed by the Step-Down Management Program Team. At this review, step retention, progression, or regression is determined based on the totality of circumstances including all input from the Team. When program completion is recommended by the team, all appropriate documentation is forwarded to the deputy commissioner/assistant commissioner of facilities for program removal approval.

***Program Data***

According to the University of Cincinnati Corrections Institute, authors of *The Evidence-Based Correctional Program Checklist (CPC)*, the ideal program age to assess correctional intervention program effectiveness is three to five years. The DOC's Restrictive Housing Step-Down Program has been in existence for two years. The following is provided as informational only and is not meant to assess program effectiveness.

Data on the Restrictive Housing Step-Down Management Program was collected from 3/26/2018-3/15/2020 on the program measures and outcomes as stated in the section above. During the tracking period, there were 83 incarcerated people who either successfully completed programming or were discharged prior to completion. As of 3/15/2020, there were an additional 50 incarcerated people who continued to receive Step-Down Management Programming across three correctional facilities.

<b>Correctional Facility</b>	<b># Step-Down Programming participants</b>
MCF-Oak Park Heights	42
MCF-Stillwater	7
MCF-Shakopee	1
<b>TOTAL</b>	<b>50</b>

***Challenges to program implementation***

To begin, there were several challenges to the planning and implementation of the Restrictive Housing Step-Down Management Program within the DOC facilities.

1. The DOC engaged in a partnership with the Vera Institute of Justice for guidance in restrictive housing reform. Many of the recommendations were adopted, as there was ongoing consultation throughout the contracted partnership period while programming was being developed. However, despite repeated requests, a final version of the Findings and Recommendations was never distributed to the DOC.
2. There is no additional funding available to provide the services to the incarcerated people who present the most serious behaviors toward other incarcerated people or staff and pose a risk to the safe operations of the facility. Casework positions, curriculum, training, etc. have been paid out of facility budgets. Additionally, effective casework to this population can come with an intensity that leads to high burn out for staff providing the service.
3. While there has been much focus on creating effective and evidence-based tools to predict an incarcerated individual's chance of recidivism, there are no current risk assessments normed to Minnesota incarcerated individuals available to assist in identifying those that are medium to high risk for maximum programming effectiveness.
4. The population served by the Step-Down Program often presents with low motivation to change. While interventions such as Motivational Interviewing and Core Correctional Practices are tools to assist change, the motivation must be internal to the individual.

### ***Program Successes***

For many incarcerated people who have participated in the Restrictive Housing Step-Down Program, this is the first cognitive skills programming they have completed while incarcerated at the DOC. During the face-to face Step-Down Management Program Team Review, many incarcerated people have been able to verbalize change in their thinking, demonstrate change in their behaviors, articulate alternative choices they have available/have made, acknowledge harm they have imposed on others in the past, and express a desire to continue to make better choices in the future. Additionally, many have demonstrated a great reduction in the frequency and intensity of acting out behavior.

As of 3/15/2020, there are 83 incarcerated individuals that either successfully completed or have been discharged prior to successful completion of the program.

- Of those 83 individuals, the average number of disciplinary segregation days in restrictive housing 2 years prior to the intervention = 160 days.
- The average number of disciplinary segregation days assigned to the offense that prompted the referral to step-down programming = 107 days
- During programming, the average number of additional days the incarcerated person received for behavioral offenses resulting in disciplinary segregation = 19 days
- Average number of evidence-based intervention/programming days = 214 days or approximately seven months.

Additionally, those incarcerated individuals that have been released into the community are being tracked over the next two years to determine if and why they have returned to a Minnesota correctional facility.