



## **WRITTEN TESTIMONY**

**SUBMITTED BY TRAVIS LEETE, J.D.  
TEXAS CRIMINAL JUSTICE COALITION**

### **REGARDING INTERIM CHARGE 5:**

*Study the use of administrative segregation in TDCJ, including issues related to: the frequency and justification of its use; the process and classification system which determines an inmate's placement; the impact on prisoners' mental health and recidivism rates; the process of reviewing placement and inmates' transition into both the general prison population and the general public; options for alternative confinement arrangements; and the potential for the expansion of the Serious and Violent Offender Reentry Initiative (SVORI) or similar programming in order to improve inmates' transition from solitary confinement to the general public.*

**SENATE CRIMINAL JUSTICE COMMITTEE**

**4 SEPTEMBER 2012**

## TEXAS CRIMINAL JUSTICE COALITION

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The Texas Criminal Justice Coalition (TCJC) works with peers, policy-makers, practitioners, and community members to identify and promote smart justice policies that safely reduce the State's costly over-reliance on incarceration – creating stronger families, less taxpayer waste, and safer communities.

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Dear Members of the Committee,

My name is Travis Leete. I am a policy attorney at the Texas Criminal Justice Coalition (TCJC). I, along with my colleague Jennifer Carreon, a policy researcher with TCJC, appreciate this opportunity to provide testimony today regarding the Committee's interim charge to "*Study the use of administrative segregation in TDCJ, including issues related to: the frequency and justification of its use; the process and classification system which determines an inmate's placement; the impact on prisoners' mental health and recidivism rates; the process of reviewing placement and inmates' transition into both the general prison population and the general public; options for alternative confinement arrangements; and the potential for the expansion of the Serious and Violent Offender Reentry Initiative (SVORI) or similar programming in order to improve inmates' transition from solitary confinement to the general public.*" While mindful of safety and security issues, monitoring and maintaining inmates' wellbeing is vital to the overall mission of the Texas Department of Criminal Justice (TDCJ) to enable individuals to live productively when they return to the community. We are counting on the commitment and ongoing leadership of this Committee to ensure that TDCJ's administrative segregation policies and practices can be re-evaluated to protect inmates' wellbeing, facilitate effective rehabilitation efforts, and increase public safety.

## INTRODUCTION

Since the 1980s, the use of segregation as a tool to manage certain inmate populations has steadily risen. The U.S. Department of Justice's Bureau of Justice Statistics (BJS) estimates that the number of people in restricted housing settings increased from 57,591 in 1995 to 81,622 in 2005.<sup>1</sup> Although terms and definitions vary, the categories of segregation in Texas include *Security Detention, Pre-hearing Detention, Protective Custody, and Temporary Detention Between Consecutive Terms of Solitary Confinement.*<sup>2</sup>

In line with the national trend, Texas' administrative segregation population has increased in the last few years. In 2011, TDCJ housed 8,784 prisoners<sup>3</sup>—over 5% of its total prison and jail population<sup>4</sup>—in administrative segregation, an increase from 8,492 in 2009 and 8,547 in 2010.<sup>5</sup> This is compared to a national average of 1-2% of individuals in correctional administrative segregation.<sup>6</sup> **While in administrative segregation, inmates typically spend all but one hour per day confined in a small cell with little or no human contact, are denied participation in rehabilitation, education, and religious programming, and are deprived of contact visits with other individuals.** The average length of stay in administrative segregation in Texas is 3.2 years.<sup>7</sup> Given the general 23 hours a day of segregated confinement, this amounts to 26,864 hours of isolation on average. However, this average represents a broad range of time spent in administrative segregation. TCJC's office receives countless letters from individuals who are in or have been recently released from administrative segregation. One person who wrote us recently from administrative segregation to express concerns about his mental and physical wellbeing has spent the last 18 years confined in administrative segregation.

Given the myriad of mental health and rehabilitative complications that arise from prolonged isolation, it is disconcerting to note that 2,060 individuals in administrative segregation were identified with a serious mental health or mental retardation diagnosis in 2011. This is an increase from 1,960 in 2010.<sup>8</sup> Contemporary studies indicate that prolonged isolation in prison segregation, coupled with extensive deprivation of human contact, may "exacerbate mental health disturbances, assaultive and other antisocial behaviors, and chronic and acute health disorders."<sup>9</sup>

Moreover, segregation leads to discomfort with social interactions and difficulties being around other people, whether in a prison setting or in the community. It should come as no surprise, therefore, that **many individuals released directly to the community reoffend at higher rates.**<sup>10</sup> Inmates who return to the general population or to the community after spending time in segregation often lack the ability to control themselves because they have come to rely heavily on the restrictive structure of solitary confinement.<sup>11</sup> This may be one reason why inmates who are directly released to the community from a heavily isolated setting are *more* likely to commit another felony.<sup>12</sup>

Significantly, in 2011, Texas released 878 inmates on flat discharge, meaning without supervision or support, directly from administrative segregation. In that same year, TDCJ released 466 individuals directly from administrative segregation to parole.<sup>13</sup> Inmates on parole have the advantage of being able to participate in a District Reentry Center, which generally offers more robust programming and resources during the transition into the community. In the aggregate, a total of 1,347 inmates were released straight from administrative segregation into the community in 2011.

## POLICY RECOMMENDATIONS

- (1) Increase public safety and improve rehabilitation efforts by responsibly reducing reliance on the use of administrative segregation, including by reexamining the criteria to place and remove individuals from administrative segregation—especially with respect to Security Threat Group association—and increase opportunities for rehabilitative programs.**

TDCJ's mission is not only to increase public safety; it is also to ensure that those who are under its care leave TDCJ capable of becoming a participating member of society. It is inconsistent, therefore, to deprive individuals of necessary life skills, including basic human interaction, for prolonged periods of time. Additionally, releasing individuals directly from administrative segregation into the community fails to properly equip individuals with necessary tools to succeed. In addition to deficient socialization skills training and lack of human interaction, inmates in administrative segregation are denied various privileges and opportunities, including contact visits, participation in educational or vocational programs, the opportunity to earn participatory work or educational good time credits, access to important programs, and other freedoms granted the general population. This not only jeopardizes public safety, it further encumbers an individual's likelihood to successfully reintegrate into his or her community.

Additionally, while segregation has historically been employed as a method to address highly dangerous prisoners, the practice of isolation has become increasingly common for less dangerous individuals.<sup>14</sup> Recently, in testimony presented to Congress on segregation in the United States, Michael Jacobson, President of the Vera Institute of Justice, points out that segregation is increasingly being used for individuals who do not pose a legitimate threat to staff or prisoners, but are placed in isolation for less egregious behavior, such as insolence.<sup>15</sup> Significantly, about one-third of the individuals currently in administrative segregation in Texas were originally incarcerated for **nonviolent offenses.**<sup>16</sup> Of the 8,784 inmates in administrative segregation in Texas, 1,388 of them are there for property offenses, 938 for drug offenses, and 833 for other nonviolent offenses.<sup>17</sup>

Further, under current TDCJ policy, anyone identified as a member of a Security Threat Group (STG) is placed in administrative segregation.<sup>18</sup> The Offender Orientation Manual, a document of rules and procedures provided to inmates in a TDCJ facility, provides that individuals who “participate in gang related activities may be confirmed as a security threat group” and will automatically be assigned to administrative segregation.<sup>19</sup> There is no further explanation as to what constitutes participation in gang activity. According to a 2002 study by the National Institute of Corrections, over 6,000 of the prisoners held in segregation were alleged members of one of the 12 STGs, or gangs.<sup>20</sup> Under policy, an individual confirmed in an STG must disassociate with their affiliation by requesting to be considered for the Gang Renouncement and Disassociation (GRAD) Program and then complete the program before he or she is reviewed to be removed from administrative segregation and returned to general population status. This presents numerous difficulties, not the least of which is putting the individual at further risk for disassociating with a threat group. The STG blanket rule may have made sense in the 1980s, when weapons were more available to inmates, the officer-to-inmate ratio was much lower, unit security was more lax, prison gangs were at war, and prison crimes were rarely prosecuted. Today, TDCJ and other system stakeholders must reevaluate the outdated policy.

**Over-reliance on the isolating and restrictive qualities of administrative segregation is dangerous for inmates, staff, and the public.** Especially for inmates in segregation, studies have shown that social isolation has damaging psychological effects,<sup>21</sup> including “hypertension, uncontrollable anger, hallucinations, emotional breakdowns, chronic depression, and suicidal thoughts and behavior.”<sup>22</sup> Still, in 2011, Texas released 1,347 individuals directly from administrative segregation to the streets<sup>23</sup> without having provided them any rehabilitative programming, which may endanger public safety in both the short and long term. In fact, of those released in 2007 directly to the community, 33% re-offended and returned to prison within three years.<sup>24</sup> Therefore, TDCJ’s rehabilitative responsibility requires that TDCJ pay particular attention to inmates who have spent exorbitant amounts of time in isolation without appropriate programming or treatment and without the benefit of further honing positive social skills.

- **TDCJ must seek every opportunity to fulfill its primary mission to “promote positive change in offender behavior” and “reintegrate offenders into society.”** Particularly, it should adhere to the eight principles it recommended in its Interim Report to the 82<sup>nd</sup> Legislature concerning implementation of best practices; in specific reference to providing rehabilitation programs to all incarcerated individuals, “more effective assessments of the risk and needs of the offender [should be] based on the scientific tools, the use of supervision strategies that fit the needs and risk of the population, progressive sanctions for violations and programs that can produce results.”<sup>25</sup> This will not only achieve the objective to help individuals successfully reintegrate into the community, it increases public safety by promoting social skills necessary to interact with others.
- **TDCJ should also reexamine classification policies that *automatically* assign STG members to administrative segregation.** More specifically, TDCJ should undergo a thorough review of other states’ administrative segregation classification procedures, especially those of Mississippi,<sup>26</sup> and assess all individuals in administrative segregation for likelihood of violence. **The end goal should be a safe reduction in the use of isolation and the integration of individuals currently in administrative segregation with the general population.**<sup>27</sup>

- **For those who do warrant administrative segregation, TDCJ should, at a minimum, allow them to participate in programming,** consistent with the recommendations of both the American Bar Association and the American Correctional Association.<sup>28</sup> Indeed, research exists on the negative mental and emotional effects of isolation on prisoners<sup>29</sup> and on the higher recidivism rates of inmates who do not participate in rehabilitation programs.<sup>30</sup> For those inmates who are kept in isolation for more than a few years, TDCJ should allow more frequent family visits, or some form of contact visit, lengthier exercise periods, and more opportunities to participate in beneficial programs or treatment. These opportunities are helpful to the rehabilitative process and encourage pro-social skills that will benefit inmates upon release.<sup>31</sup>

Many opponents to reducing segregation express concerns that a move away from isolation confinement will result in violence and an influx in violations. However, a safe reduction in administrative segregation is achievable. Ohio and Mississippi, during the mid-2000s, effectively reduced their supermax populations by 89% and 85% respectively. Mississippi went from 1,000 to 150 inmates in segregation, while Ohio reduced its population from 800 to 90.<sup>32</sup> Mississippi also saw a near 70% drop in prisoner-on-prisoner and prisoner-on-staff violence. Further, use of force by officers in the unit decreased.<sup>33</sup> Inspired by the successful reduction of administrative segregation in both Ohio and Mississippi, the Vera Institute launched a Segregation Reduction Project in 2010. In an effort to safely reduce the number of individuals kept in isolation, the Segregation Reduction Project works with states to facilitate policies that: “(a) reassess the violations that qualify a prisoner for segregation and (b) recalibrate the length of stay in segregation, especially for minor incidents.”<sup>34</sup> Importantly, the Vera Institute also promotes improved conditions and program enhancement to support a safe transition from segregation. Vera is currently partnered with the Illinois Department of Corrections, the Washington State Department of Corrections, and the Maryland Department of Public Safety and Correctional Services.

**Implementing the above recommended changes will create significant cost-savings for Texas taxpayers.** While the yearly costs of incarcerating an individual in Texas are more than \$18,000,<sup>35</sup> estimates suggest that significant costs are associated with housing individuals in administrative segregation. In Texas, this increased cost may be associated with specific cell operation, special supervision considerations, additional security staffing, additional mental health staffing, and more frequent mental and physical health evaluations. While there is no report available that delineates the specific costs associated with the operation of administrative segregation, research from various sources indicate the aggregate costs are significantly higher than general population costs. In one study, the American Civil Liberties Union notes that the cost of housing a prisoner in a segregation unit is 45% greater than a general population facility.<sup>36</sup> A comparison with other states confirms that segregation practices generally require more financial resources to maintain.<sup>37</sup> In Ohio, for instance, it cost \$86 *more* per day to house supermax prisoners, compared to the per day average general-population prisoner.<sup>38</sup> Comparatively, as a result of changes to its segregation population, Mississippi saved over \$5 million in one year.<sup>39</sup>

Reducing reliance on administrative segregation will increase the likelihood of success upon reintegration to either the community or the general TDCJ population, will increase public safety, and will maximize resources in this tumultuous economic climate. Ultimately, the use of

administrative segregation should be limited and used as a “last resort” option to house only those prisoners who pose a serious threat to others, as it was originally intended.

**(2) Increase assessments and evaluations of individuals in administrative segregation, require participation in pre-release programming, and offer social visits with family.**

Given the serious mental health implications of being kept in isolation for long periods of time, individuals must be provided with appropriate assessments to monitor their mental and physical health. In 2011, TDCJ identified 2,060 individuals in administrative segregation (nearly 25%) who had a mental health or mental retardation diagnosis.<sup>40</sup>

- **Because prisoners who are isolated are at risk of developing mental health issues, regular mental health assessments and follow-up treatment should be administered to those kept in isolation for long periods of time.** Frequent mental health assessments are especially important in light of research showing that individuals who are released directly from isolation to the community pose a threat to public safety due to their unstable mental health condition, and because their developed reliance on the restrictive structure of confinement has left them ill prepared to deal effectively with normal social controls.<sup>41</sup> Research on prisoners in Washington shows that those released from solitary confinement were more likely to commit another felony.<sup>42</sup>
- **In addition to proper assessments, TDCJ must increase the availability and accessibility of the Serious and Violent Offender Reentry Initiative (SVORI) program.** This 63-bed program, available only at the Estelle Unit in Huntsville, provides pre-release and in-cell programming for male inmates released directly from administrative segregation. The curriculum addresses anger management, thinking errors, substance abuse, life skills, and employment. Some inmates receive a parole stipulation of SVORI aftercare and they may participate in a continuum of care through a Parole District Reentry Center.<sup>43</sup> SVORI, established with a federal grant, began operation in 2004 and served an average of 120 people in administrative segregation in FY 2008, FY 2009, and FY 2010.<sup>44</sup> In 2011, 77 men completed the SVORI program.<sup>45</sup> Given the 1,347 discharges from administrative segregation in 2011, and the fact that 878 of those were released under flat discharge with no supervision or support, these reentry programs must be made available to more individuals.

**(3) TDCJ should prohibit the use of administrative segregation for youth.**

Current TDCJ policy does not set minimum ages for assignment of individuals to solitary confinement. This means incarcerated individuals as young as 14 who have been adjudicated as adults and sentenced to prison may serve indeterminate lengths in isolation. For positive youth development to occur, five programming components must be present: competence, confidence, character, connection, and caring.<sup>46</sup> This policy ignores research on brain development, and the negative effects of isolation on incarcerated individuals, which are exponentially worse on youth still undergoing changing brain structures and neural circuits.<sup>47</sup> The use of isolation not only ignores these components, it **perpetuates the harmful exposure of youth to traumatic experiences**.<sup>48</sup> Indeed, research on the developing brain and the effects of trauma shows the following:

- The brain is reorganizing during adolescence (ages 14 to 25), which is a critical brain growth period.<sup>49</sup>
- By age 16, adolescents are similar in cognitive functioning to adults, but they lack the ability to regulate their emotions, leading to a disconnect between what they think and how they feel. This is psychological and social development that continues into adulthood.<sup>50</sup>
- Stress and trauma during this time of brain growth cause the development of socially negative behavior due to chemical changes in the brain, signaling the brain to eliminate unused or undesired connections permanently. This leaves the body in a heightened state of fear and manifests as impulsiveness (e.g., theft, aggression) and impaired logical judgment (e.g., rule breaking).<sup>51</sup>

As stated above, TDCJ’s mission is to “promote positive change in offender behavior,” and to “reintegrate offenders into society.”<sup>52</sup> Current policy allowing for incarcerated youth and adolescents to be assigned to long-term isolation detracts from that mission, while also **potentially resulting in higher recidivism rates among the adolescents who are denied access to rehabilitation and education programs.** While in isolation, adolescents’ developing brains stagnate, and they do not learn to control impulses or develop their cognitive functions. The environment is not conducive to contemplation and remorse, but instead fosters fear, violence, disregard for others, and impulsive behavior.

- **TDCJ should adopt and standardize a modified version of the current Alternative Treatment Program (ATP) for all youth (ages 14-18) eligible for segregation.** The ATP is outlined in the Youthful Offender Program implemented at the Clemens and Hilltop Units.<sup>53</sup> The goal of the ATP is to redirect incarcerated individuals toward successful rehabilitation through specialized, individual treatment, daily assignments, group sessions, and progress reviews. The ATP bypasses solitary, administrative segregation custody, instead allowing incarcerated individuals to identify and examine their socially unacceptable behavior in a pro-social setting, and develop more socially appropriate responses. This can reduce violence and increase incarcerated individuals’ mental health and coping for years to come. Already, the five-year old ATP program is estimated to have an 80-90% success rate in diverting youth from solitary confinement.<sup>54</sup>

**NOTE:** Because of the harmful impact of isolation on cognitive development (*described above*), we also advise against the use of administrative segregation for individuals between the ages of 18 and 25 who do not qualify for the ATP.

- **If administrative segregation must be used with an incarcerated adolescent, a TDCJ mental health professional should make daily visits and provide educational assignments to address the issue(s) that placed each youth in segregation,** with a focus on correctives.<sup>55</sup> In-person, face-to-face visitation allows the adolescent developing brain to connect with the mature adult brain that is able to regulate emotions positively. Furthermore, educational assignments create an opportunity for adolescents to examine how they manage emotions, and learn more positive ways to respond. This decreases impulsive violence and increases problem solving.

Ultimately, while this solution still leaves youth in administrative segregation, it begins bridging the connection between *emotion* and *cognition* that is so crucial to the healthy brain development of youth, resulting in adolescents who will be more apt to succeed in their transition to society.

## CONCLUSION

Again, thank you for this opportunity to present testimony on such an important issue. Improvements to administrative segregation can alter an individual's future involvement in the criminal justice system and can save an individual from unnecessary mental torment. Implementing a comprehensive plan to reduce the use of administrative segregation, while simultaneously providing more opportunity to participate in programs and treatment, will dramatically impact a person's successful transition into the community. With your continued commitment and dedication, this Committee will play a crucial role in improving the administrative segregation process, increasing the likelihood that individuals released from TDCJ will succeed in their community, thus improving public safety.

## ENDNOTES

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- <sup>1</sup> Michael Jacobson, President and Director Vera Institute of Justice, Written Testimony Provided for the U.S. Senate Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights and Human Rights, 19 June 2012, p. 1. available at <http://www.vera.org/files/michael-jacobson-testimony-on-solitary-confinement-2012.pdf> (citing James J. Stephan, *Census of State and Federal Correctional Facilities* (Washington, DC: U.S. Bureau of Justice Statistics, National Prisoner Statistics Program, 2008, NCJ 222181).
- <sup>2</sup> Texas Department of Criminal Justice (TDCJ), *Offender Orientation Manual*, p. 49 (November 2004).
- <sup>3</sup> Data gleaned from TDCJ Response to Open Records Request, “Administrative Segregation,” 12 December 2011; information available upon request.
- <sup>4</sup> Total population number of 141,087 prison and 11,528 state jail (152,615 total) based on 31 May 2011 statistics as reported to Sunset Advisory Commission. See TDCJ, “Self Evaluation Report: Submitted to the Texas Sunset Advisory Commission,” 31 August 2011, pp. 54-55, <http://www.sunset.state.tx.us/83rd/cj/ser.pdf>; see also TDCJ Response to Open Records Request, *Administrative Segregation*.
- <sup>5</sup> Open Records Request, *supra* note 3.
- <sup>6</sup> James Austin and Emmitt Sparkman, “Colorado Department of Corrections Administrative Segregation and Classification Review,” National Institute of Corrections, October 2011, [http://www.ccirc.org/pdf/2011\\_Solitary\\_Confinement\\_Report.pdf](http://www.ccirc.org/pdf/2011_Solitary_Confinement_Report.pdf).
- <sup>7</sup> Open Records Request, *supra* note 3.
- <sup>8</sup> *Ibid.*
- <sup>9</sup> Angela Browne, Alissa Cambier and Suzanne Agha, “Prisons within Prisons: The Use of Segregation in the United States,” *Federal Sentencing Reporter*, Vol. 24, no. 1 (October 2011), p. 46 (citing David Lovell, L. Clark Johnson, and Kevin C. Caine, *Recidivism of Supermax Prisoners in Washington State*, 53 CRIME DELINQUENCY 633-56 (2007); David Lovell & Clark Johnson, FELONY AND VIOLENT RECIDIVISM AMONG SUPERMAX PRISON INMATES IN WASHINGTON STATE: A PILOT STUDY (University of Washington, 2004), available at <http://www.son.washington.edu/faculty/fac-page-files/Lovell-SupermaxRecidism-4-19-04.pdf>).
- <sup>10</sup> *Ibid.*
- <sup>11</sup> Craig Haney, “Mental Health Issues in Long-Term Solitary and ‘Supermax’ Confinement,” *Crime & Delinquency*, Vol. 49, January 2003, p. 124; accord Browne, *supra* note 9.
- <sup>12</sup> David Lovell, Clark L. Johnson, and Kevin C. Cain, “Recidivism of Supermax Prisoners in Washington State,” *Crime & Delinquency*, Vol. 53, October 2007, p. 4.
- <sup>13</sup> Open Records Request, *supra* note 3.
- <sup>14</sup> Jacobson, *supra* note 1.
- <sup>15</sup> *Ibid.* at 1.
- <sup>16</sup> Open Records Request, *supra* note 3.
- <sup>17</sup> *Ibid.*
- <sup>18</sup> TDCJ, *Security Threat Groups: On The Inside*, available at [http://www.tdcj.state.tx.us/documents/Security\\_Threat\\_Groups\\_GRAD.pdf](http://www.tdcj.state.tx.us/documents/Security_Threat_Groups_GRAD.pdf), p. 2. A Security Threat Group (STG) is defined by TDCJ simply as “any group of offenders TDCJ reasonably believes poses a threat to the physical safety of other offenders and staff due to the very nature of said Security Threat Group.” These include the following: (1) Aryan Brotherhood of Texas; (2) Aryan Circle; (3) Barrio Azteca; (4) Bloods; (5) Crips; (6) Hermanos De Pistoleros Latinos; (7) Mexican Mafia; (8) Partido Revolucionario Mexicanos; (9) Raza Unida; (10) Texas Chicano Brotherhood; (11) Texas Mafia; (12) Texas Syndicate
- <sup>19</sup> *Offender Orientation Manual*, *supra* note 2, at 26.
- <sup>20</sup> National Survey of the Management of High-Risk Inmates, National Institute of Corrections, 2002.
- <sup>21</sup> The recent “One Year Longitudinal Study of the Psychological Effects of Administrative Segregation” by Maureen L. O’Keefe found that administrative segregation had no detrimental effect on the mental health of prisoners at Colorado State Penitentiary (CSP). It is important to understand that the administrative segregation system at CSP varies widely from the TDCJ administrative segregation system. CSP institutes a transitional incentive-based program with several levels that gradually decreases restrictions and increases privileges such as work and more contact with friends and family. It is also important to heed to the report’s warning that “systems that are more restrictive and have fewer treatment and programming resources should not generalize these findings to their prisons” [p. 82].
- <sup>22</sup> Haney, *supra* note 11, at 124.
- <sup>23</sup> TDCJ, *Statistical Report*, p. 3
- <sup>24</sup> Open Records Request, *supra* note 3.
- <sup>25</sup> Interim Report to the 82nd Legislature House Committee on Corrections. December 2010, accessed at

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[http://www.house.state.tx.us/\\_media/pdf/committees/reports/81interim/House-Committee-on-Corrections-Interim-Report-2010.pdf](http://www.house.state.tx.us/_media/pdf/committees/reports/81interim/House-Committee-on-Corrections-Interim-Report-2010.pdf).

<sup>26</sup> Mississippi recently reclassified its administrative segregation population, assigned most nonviolent gang members to the general population, and reduced its administrative segregation numbers from 1,000 to less than 150, with no increase in violence. From Terry Kupers et al., “Beyond Supermax Administrative Segregation: Mississippi’s Experience Rethinking Prison Classification and Creating Alternative Mental Health Programs,” 2009. *Criminal Justice and Behavior*. Online First, doi: 10.1177/0093854809341938. As a result, the state saved over \$5 million in one year. This figure includes the staff and other costs associated with actually closing the unit, as well as the cost of incarceration for individuals moved to a high security, non-administrative segregation unit. Christopher Epps, Commissioner, Mississippi Department of Corrections and Suzanne Singletary, Director, Division of Communications for the Mississippi Department of Corrections, in email correspondence to Sarah V. Carswell, Texas Criminal Justice Coalition, 12 January 2012.

<sup>27</sup> Karen D. Chung and Nancy J. Peek, “Conditions of Confinement in Texas Prisons,” December 2010; information available upon request.

<sup>28</sup> American Correctional Association, *Manual of Correctional Standards*, p. 246.

<sup>29</sup> T.A. Kupers, “What to Do with the Survivors? Coping With the Long-term Effects of Isolated Confinement,” *Criminal Justice and Behavior* 35, 2008, pp. 1005-1016.

<sup>30</sup> James Austin, Ph.D. and Ken McGinnis. *Texas Board of Pardons and Paroles Validation Study Results*. Unpublished study presented to TBPP on behalf of MGT of America, Inc., 10 November 2011, slide 24, information available upon request. Submitted at Board meeting for TBPP.

<sup>31</sup> Chung, *supra* note 27.

<sup>32</sup> Jacobson, *supra* note 1, at 2 (citing Terry Kupers et al., “Beyond Supermax Administrative Segregation: Mississippi’s Experience Rethinking Prison Classification and Creating Alternative Mental Health Programs,” *Criminal Justice and Behavior* 36 (2009): 1037-50).

<sup>33</sup> *Ibid.*

<sup>34</sup> Jacobson, *supra* note 1, at 3.

<sup>35</sup> Legislative Budget Board (LBB), *Criminal Justice Uniform Cost Report*, p. 6 (using FY 2010 prison inmate costs-per-day of \$50.79).

<sup>36</sup> American Civil Liberties Union Foundation (ACLU), National Prison Project, *ACLU Briefing Paper: The Dangerous Overuse of Solitary Confinement in the United States*, p. 7 (citing Daniel Mears, “Evaluating the Effectiveness of Supermax Prisons.” Urban Institute, pp. 20, 26, 33 (March 2006).

<sup>37</sup> See e.g., Daniel Mears, “Evaluating the Effectiveness of Supermax Prisons.” Urban Institute, March 2006.

<sup>38</sup> Browne, *supra* note 9, at 46.

<sup>39</sup> Christopher Epps, Commissioner, Mississippi Department of Corrections and Suzanne Singletary, Director, Division of Communications for the Mississippi Department of Corrections, in email correspondence to Sarah V. Carswell, Texas Criminal Justice Coalition, 12 January 2012

<sup>40</sup> Open Records Request, *supra* note 3.

<sup>41</sup> Haney, *supra* note 11, at 124.

<sup>42</sup> Lovell, *supra* note 12, at 4.

<sup>43</sup> *Self Evaluation Report*, *supra* note 4, at 45-46; see also TDCJ’s Rehabilitation Division Program Facilities map.

<sup>44</sup> LBB, *Criminal Justice Uniform Cost Report*, p. 7.

<sup>45</sup> Sunset Advisory Commission, “Staff Report with Hearing Material: Texas Department of Criminal Justice, Correctional Managed Health Care Committee, Windham School District, Board of Pardons and Paroles, p. 110 Appendix C, 12 May 2012.

<sup>46</sup> See J.L. Roth & J. Brooks-Gunn “What is a youth development program? Identification and defining principles.” *Handbook of applied developmental science: Promoting positive child, adolescent, and family development through research, policies, and programs*, Vol. 2., pp.197-223 (2003).

<sup>47</sup> Montgomery, *Neurobiology Essentials for Clinicians*.

<sup>48</sup> Haney, *supra* note 11, at 124-156.

<sup>49</sup> J. McIntosh & A. Schore, *Family Law and the Neuroscience of Attachment: Part 1*. Family Court Review, vol. 49(3), July 2011.

<sup>50</sup> Montgomery, *Neurobiology Essentials for Clinicians*; also see Arizona State University, “Adolescent Brain and Juvenile Justice: New Insights from Neuroscience, Genetics, and Addiction Science Panels,” May 2012, available at <http://lsj.law.asu.edu/adolescentbrains2011/index.html>.

<sup>51</sup> A. Schore, “Affect Dysregulation and Disorders of the Self,” New York: W. W. Norton & Co, 2003.

<sup>52</sup> TDCJ, *Mission Statement*, Texas Department of Criminal Justice, “Mission Statement,” available at

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<http://www.tdcj.state.tx.us/index.html>.<http://www.tdcj.state.tx.us/index.html>.

<sup>53</sup> TDCJ, *CPOM 04.11 Alternative Treatment Program*, January 2010.

<sup>54</sup> Stacey Rhodes, Programs Supervisor, TDCJ-Rehabilitations Programs Division, in telephone communication with Jorge Antonio Renaud, Texas Criminal Justice Coalition, 12 January 2012.

<sup>55</sup> TDCJ, *CPOM 03.08 Administrative Segregation*. January 2010.