

**INMATES IN THE DEPARTMENTAL
SEGREGATION UNIT**

**Prepared by:
Ann Marie Rocheleau
Researcher**

**Massachusetts Department of Correction
Michael V. Fair
Commissioner**

March, 1986

**Publication #: 14-387-64-250-3/86 CR
Approved by Daniel Carter, State Purchasing Agent**

ABSTRACT

Over the years, the Massachusetts Department of Correction (DOC) has concentrated increasing attention and resources on ways to deal with inmates who present serious disciplinary problems to the system. While making up less than 5% of the total DOC population, these inmates affect DOC staff, other inmates and the running of the institutions in various ways. The DOC Administration is interested in finding ways to prevent segregation for inmates in the first place and to break the cycle of segregation/disciplinary problems that continues for others.

This report is the first in a series of three that focuses on these inmates and their resultant classification to the Departmental Segregation Unit (DSU). It deals specifically with the 165 inmates classified to and residing in DSU during 1983. The main purpose of this report is to outline the circumstances that resulted in their DSU classification and describe their placement in segregation. The report also provides a profile of these DSU inmates and describes where they were in terms of their incarceration in order to put their disciplinary problems into perspective. The profile and incarceration experiences are included in this study to serve as a backdrop for understanding DSU classification. A subsequent study will compare the profiles and incarceration experiences of DSU inmates with the total DOC population.

Almost all of the inmates in this study encountered their disciplinary problems at MCI-Cedar Junction. The majority were referred for DSU classification as a result of being found guilty of a very serious disciplinary report. The two most frequent single offenses for which inmates ended up being classified

DSU were staff assaults and participation in a riot. When broken into four categories, the frequency of DSU offenses were as follows: offenses against other inmates (35%), offenses against staff (30%), participation in a riot (23%) and all other offenses (12%).

Inmates with prior disciplinary reports (D-reports) for assault on staff were highly likely to have their DSU offense be an assault on staff. Similarly inmates with prior riot D-reports were most likely classified DSU for the same offense. This relationship did not hold true though for inmates with prior inmate assaults. There was also a statistical relationship between last housing unit and type of DSU offense. Essex inmates were more often involved in riots, Bristol inmates in offenses against fellow inmates and inmates housed in other units were more often involved in offenses against staff.

Sixty-seven percent of the DSU inmates studied in this research had been released from DSU status by the end of the data collection. The average time spent in segregation was 8.6 months. These inmates were most often released to Cedar Junction's Essex units, DSU II at Norfolk or one of the other Cedar Junction units. Twelve inmates were released from DSU status to the street -- one by parole and one by court. Of the inmates still classified DSU by the end of this study (33%), twenty-one were relatively recent arrivals. The remaining inmates were either serving long DSU sentences for serious offenses or were being retained in DSU as a result of disruption and discipline problems in segregation.

It is believed that the inmates in this study are similar to those who are presently segregated for disciplinary reasons. Hopefully this report will begin to shed some light on these inmates, their experiences and the process by which they find themselves in segregation.

Acknowledgements

A number of individuals provided me with assistance which enabled me to complete my data collection efforts. Thanks are in order to Lynn Woodford and her classification staff at MCI-Cedar Junction who provided me with assistance, information and office space. Deborah Mendoza, former DSU Coordinator, and the DSU caseworkers were very helpful in answering all my questions. A special thanks to Lynn Felici, student intern, whose enthusiasm and hard work were a great asset to me while working on this study.

TABLE OF CONTENTS

| | Page |
|---|------|
| I. INTRODUCTION | 1 |
| II. A DESCRIPTION OF THE DEPARTMENTAL SEGREGATION UNIT | 3 |
| III. RESEARCH METHODS | 5 |
| IV. THE DSU POPULATION | 7 |
| A. Demographic Data | 7 |
| B. Criminal History | 8 |
| C. Present Offense and Incarceration | 9 |
| V. THE INCARCERATION EXPERIENCE | 13 |
| A. Initial Classification | 13 |
| B. Movements Within DOC | 14 |
| C. Protective Custody Status | 16 |
| D. Mental Health Background | 17 |
| E. Recent Decisions and Transfers | 19 |
| F. Disciplinary Histories | 21 |
| VI. DSU Offense, Classification and Placement | 27 |
| A. Placement At Time Of DSU Offense | 27 |
| B. DSU Offense | 30 |
| C. Placements While Classified DSU | 35 |
| D. Disciplinary Reports Received During DSU Status | 37 |
| E. Release From DSU Status | 39 |
| VII. SUMMARY | 43 |
| FOOTNOTES | 47 |
| APPENDIX | 48 |

INMATES IN THE DEPARTMENTAL SEGREGATION UNIT

The Massachusetts Department of Correction (DOC) utilizes segregation cells for a number of reasons including protective custody, the arrival of new inmates, administrative segregation, disciplinary action and inmates awaiting disciplinary action. An administrative study of the utilization of DOC segregation beds was completed in December, 1983.¹ A main focus of the study was the Departmental Segregation Unit (DSU) located at MCI-Cedar Junction. This unit consists of sixty secure cells and had been used for those inmates who pose a substantial threat to the safety of others or to the institution itself. The study singled out the DSU as a cause of the backlogging of other segregation beds.

One of the recommendations of the study was to establish a DSU Phase II Unit (DSU II) at MCI-Norfolk where inmates would be involved in various programming including work assignments, education, recreation and counseling. Opened in March, 1984, the main goals of DSU II are to reverse the trend of increased need for disciplinary segregation space for DSU use and to immediately reduce the backlog of inmates awaiting placement in DSU.

Another result of the administrative study and the planning of DSU II was the request for research surrounding disciplinary segregation. The administration wanted to know more about inmates who are classified to the Departmental

Segregation Unit and also wanted an evaluation of the new DSU II. This report is the first of three designed to address that request for research. The main purpose of this report is to provide some background information on the 1983 DSU population and the circumstances surrounding their DSU placements. A description of all three reports is included in the "Research Methods" section of this report.

This report is divided into a number of sections. The first section is a description of the DSU, including its location and the process whereby an inmate is classified to that type of segregation. The next section reviews the research methods used in this study. Section IV provides a short description of the DSU population studied. In addition to learning the social backgrounds and criminal histories of those studied, it was considered important to learn more about the experiences they have been through since the beginning of their incarceration. Section V discusses some of those experiences and relates them to the subsequent DSU classification. Section VI is a discussion of why and how the inmates studied were classified DSU. It also describes their length of stay in segregation and their receipt of further disciplinary reports. The final section of the report presents a summary of the findings.

II. A DESCRIPTION OF
THE DEPARTMENTAL SEGREGATION UNIT

The Departmental Segregation Unit (DSU) is the Massachusetts DOC equivalent of what other states call administrative segregation. Specifically it is defined in the DOC regulations as an "area or areas in a state correctional facility designated by the commissioner for the confinement of any resident whose continued retention in the general population of a state correctional facility is detrimental to the program of that facility."² Paraphrasing the regulations, an inmate can be transferred to the DSU under the following conditions:

- 1) The Commissioner finds that the record of the resident or other reliable information indicates that the resident poses a substantial threat to the safety of others or to the facility through damage of property or interruption of the operation of that facility.
- 2) An inmate commits a specific punishable offense, a disciplinary board finds him guilty of that offense, imposes a sanction(s), refers the resident for consideration of DSU classification and the Commissioner finds that the resident fits one of the categories in #1 above.
- 3) A superintendent has made a request to the Commissioner to transfer a resident to the DSU and the Commissioner finds that the resident fits one of the categories in # 1 above.

Most of the inmates in this study ended up in the DSU as a result of the second condition, committing an offense, being found guilty of that offense and being referred for possible DSU classification as part of their sanctions. Nine inmates in this study were transferred to DSU as a result of a request from a superintendent to the Commissioner. Once DSU classification is recommended, the inmate will have a hearing before a Department Review Board, referred to in this

study as the DSU Board. The DSU Board must decide if the inmate poses a substantial threat to the safety of others or the facility and whether or not his behavior warrants placement in a segregation unit. If the Board believes placement in segregation is warranted, they will recommend that the inmate be classified DSU. Once a decision is made by this DSU Board, it must be approved first by the superintendent and then by the Commissioner. If an inmate is classified DSU, his status is reviewed by the DSU Board and the Commissioner ninety days after his transfer to segregation and at ninety day intervals thereafter.

At the beginning of this study, 60 beds were allocated to inmates classified DSU and were located at MCI-Cedar Junction in Walpole (hereafter referred to as Walpole). However, due to the backlog already mentioned, inmates who were classified DSU were not necessarily placed in the DSU itself. Some were placed in the segregation units of medium security institutions, in Walpole's Institutional Disciplinary Unit (IDU) or in other Walpole units. Space for inmates classified DSU has since been expanded to 100 beds - 70 at Walpole and 30 in the DSU II Unit at MCI-Norfolk (hereafter referred to as Norfolk). The beds at Walpole include 40 in the East Wing of DSU (formerly known as Block Nine or IDU) and 30 beds in the West Wing (formerly known as Block Ten or the DSU Unit). Inmates classified DSU are initially placed in one of Walpole's DSU units. They are either released into voluntary participation in DSU II at Norfolk or are eventually released to Walpole's general population.

III. RESEARCH METHODS

The goals of the research on segregation were twofold. The first was to develop a data-base on DSU inmates and DSU II in order to be able to provide feedback to the administration upon request. The second goal was to answer some of the specific questions the DOC administration had about the DSU population and the impact of the new unit. The research was designed at the end of 1983. The data collection and analysis began shortly after and continue to the present. Three reports will result from this research effort and are described below:

- 1) The present report focuses on the 1983 DSU population. The main purpose is to outline the circumstances that resulted in their DSU classification and describe their placement in segregation. The report also provides a profile of these DSU inmates and describes some of their incarceration experiences.
- 2) The second report will contain three sections, the first of which is a literature review of other studies of prison violence and disciplinary problems. There will also be a comparison of the DSU inmates with a sample of inmates at Walpole and the total DOC population. They will be compared along a number of background, criminal history, present offense, institutional behavior and other institutional variables. A third section will determine how heterogeneous the DSU population is.
- 3) The final report will be an explanation and evaluation of the DSU II unit at Norfolk.

The DSU population for this study consists of all inmates classified DSU and residing in the DSU on January 1, 1983, in addition to those inmates who were classified for DSU placement between January 1, 1983 and December 31, 1983. Inmates were included even if they were classified DSU but were placed in other

segregation units due to overcrowding in DSU. Inmates placed in segregation while awaiting a disciplinary hearing or a DSU classification hearing were not included, unless they were subsequently classified DSU within the stated time frame. This sampling method yielded a DSU population of 165 inmates or 2.6% of the total DOC population.

Discussions with key DOC administrators and with DSU staff prior to the design of the research helped to identify what variables might be important to collect on the DSU population. The information presented in this paper includes personal background data, criminal history, present offense, incarceration information, the DSU offense and the various types of information surrounding DSU classification and the resultant segregation placement. One source of data was the Departmental computerized data-base. A number of variables was retrieved from the inmate master cards which list all movements of individual inmates. Information on the present DSU offense and classification was extracted from the DOC Central Office inmate folders. Other information was extracted from the classification and movement files at Walpole. All information was analyzed using the Regents Computer Network (RCN).

IV. THE DSU POPULATION

This section presents a description of the 165 inmates who were either already classified DSU on 1/1/83 or who were subsequently classified DSU between that date and 12/31/83. The description, which includes demographic data, criminal history and information surrounding the present offense, will serve as a backdrop for understanding DSU classification. No comparisons will be made with the DOC population in this study. While some of the tables generated for this information will be contained in the text, tables with additional information can be found in the appendix.

A. Demographic Data

The majority (68%) of inmates classified DSU during 1983 were white. Twenty-eight percent were black and the remaining 4% were Hispanic. Most were single (77%) with less than one-fourth being either married or separated/divorced. Twenty-nine of these inmates (19%) had served in the military. While their ages ranged from 19 to 42 on the day they received the disciplinary report (D-report) that resulted in their DSU placement, their median age on that day was 24 years old. Only 16% of these inmates received their DSU D-report at age 21 or younger.

Prior to their incarceration, all but ten DSU inmates had lived in Massachusetts, with most (64%) living in the Greater Boston Area or in the city itself. Others came from the Springfield or Worcester areas. Of the 83% who had been previously employed, the majority had worked in either manual or service positions. However, employment for these inmates was not steady - 64% spent a year or less at both their most skilled position and job of longest duration.

Education-wise, the average grade completed was the ninth grade.

Twenty-seven percent had either completed high school or earned their General Equivalency Diploma (GED), while 37% had not proceeded beyond the 8th grade.

B. Criminal History

Almost all of the 165 DSU inmates began their criminal history before age twenty. The median age at first court appearance was fourteen years old. Fifty-six percent of these inmates were fourteen years or younger at their first court appearance, while another 33% were between fifteen and seventeen years of age. Just under half (48%) had been committed to the Massachusetts Department of Youth Services (DYS) as a juvenile delinquent.

The total number of prior court appearances ranged from the present offense being their first (2%) to twenty-one or more court appearances (30%). The average number was seventeen court appearances. All but four of the inmates (98%) had prior charges for person offenses, the average number being eight. Only a small percentage (10%) had been charged with prior sex offenses. Property offenses made up the largest number of prior charges, with fourteen being the average number per inmate. Fifty-seven percent had over eight prior property offenses. Over half of the inmates had no prior drug charges (54%) and almost three-fourths had no prior alcohol-related charges (73%).

Most of the DSU inmates (73%) had been previously incarcerated as adults in either a county house of correction or state prison. The average number of prior adult incarcerations was two and more than one-fourth of these inmates had been incarcerated three or more times. Almost a full third of the DSU inmates (31%) had prior escape offenses. While only sixty (37%) DSU inmates had been released one or more times on parole, forty-two of these had had one or more parole violations.

Taken all together, DSU inmates had extensive criminal histories. Most began these histories in their early teens and have appeared in court many times. A good number have been previously incarcerated and some (26%) have been imprisoned three or more times. Finally there have been a lot of failures relating to incarceration with 31% of the total DSU inmates being charged with at least one prior escape offense and 25% violating a prior parole.

C. Present Offense and Incarceration

The number of offenses for which the DSU inmates are presently incarcerated ranged from one to more than nine and the average number was two offenses. Forty-eight percent had only one present offense, but 28% had three or more. For each inmate, the most serious offense was selected and the results are presented below in Table 1 . As can be seen, the majority (85%) were incarcerated for offenses against the person. These include: first degree murder (11), second degree murder (12), manslaughter (9), armed and unarmed assault (19), armed (68) and unarmed robbery (13), rape (6) and kidnapping (1). The remaining 15% included property crimes (armed and unarmed burglary), drug, weapons and escape offenses.

Table 1
Most Serious Present Offense³

| | Number | Percent |
|----------|--------|---------|
| Person | 133 | (81) |
| Sex | 8 | (5) |
| Property | 17 | (10) |
| Other | 7 | (4) |

Most inmates either received a simple (41%) or concurrent sentence (35%). Others received (in descending order of occurrence) a forthwith, aggregate, from and after or split sentence. Eighty-five percent were given Walpole sentences. Of these, eleven individuals received life sentences without the possibility of parole, while thirteen received life sentences with possible parole. For those with a Walpole sentence, 50% received minimum sentences of eight years or less and the average minimum sentence was nine years. For the 25 DSU inmates receiving the less serious Concord or reformatory sentence, the average maximum sentence was ten years. Almost one-fourth (24%) of these had a maximum sentence of five years or less. Therefore while DSU inmates' sentences ranged from as little as a two year maximum sentence to life, 68% had at least a five year minimum sentence and 25% had at least a fifteen year minimum sentence.

Table 2
Minimum Sentence

| | Number | Percent |
|-----------------------|--------|---------|
| Concord Sentence | 25 | (15) |
| 2-5 Years | 26 | (16) |
| 6-10 Years | 58 | (35) |
| 11-15 Years | 18 | (11) |
| 16 Years or More | 12 | (7) |
| Life Sentence | 24 | (14) |
| Out-of-State Sentence | 2 | (1) |

The median age at incarceration for these offenders was 22. At each end of the scale, 10% were age 30 or older and 19% were still in their teenage years at incarceration.

The time served up until the receipt of the DSU D-report is presented below

in Table 3. As can be seen, it was not possible to calculate time served for those inmates with a complex sentence (33%)⁴. However for the other two-thirds of the inmates, average time served was four years and 50% had served three and a half years or more.

Table 3
Time Served Up Until Receipt Of DSU D-Report

| | Number | Percent |
|------------------|--------|---------|
| Complex Sentence | 54 | (33) |
| Less Than 1 Year | 2 | (1) |
| 1-2 Years | 18 | (11) |
| 2-3 Years | 25 | (15) |
| 3-5 Years | 32 | (19) |
| 5-10 Years | 32 | (19) |
| 10-15 Years | 2 | (1) |

A similar piece of information is the amount of time between commitment to DOC on the present offense and the date on which the DSU D-report was received. This time span tends to minimize time incarcerated since it does not include time incarcerated for a prior sentence which might have run into the present one. Given that, the average amount of time between date of commitment and receipt of DSU D-report was three years and 57% of the inmates had been incarcerated for the present offense for two or more years. Both this variable and the time served variable reveal that inmates had been incarcerated for some time before they received this DSU D-report.

As for parole eligibility, 8% were ineligible for parole due to their life sentence and for 26% of the inmates, their parole eligibility date (P.E. date) had already passed by the time they were committed to DSU (Table 4). For those still

awaiting their P.E. date, the average waiting time would be four years with half waiting three years or less. Ten inmates had already been paroled during the incarceration and had been returned on parole violations. Of these, the average time on the street was one year.

Table 4
Time Between DSU D-Report And Parole Eligibility Date
 (N = 164)*

| | Number | Percent |
|-----------------------|--------|---------|
| Less Than 1 Year Away | 23 | (14) |
| 1-3 Years Away | 31 | (19) |
| 3-5 Years Away | 22 | (13) |
| 5 or More Years Away | 32 | (20) |
| P.E. Already Passed | 42 | (26) |
| N/A - Lifers | 14 | (8) |

*The N in this table and in table 17 is 164 because one inmate received his DSU D-Report for attempted escape at a House of Correction, while waiting to be committed to the DOC.

In summary, most DSU inmates were incarcerated for offenses against the person. Fourteen percent received life sentences and 15% received Concord sentences. The remaining 71% received an average minimum sentence of nine years. The average DSU inmate had served four years of his sentence and had four more years to go before his parole eligibility. The exception to this either had a complex sentence, had passed his P.E. date, or was a lifer. It seems therefore that most DSU inmates were not at the beginning of their sentence but had already spent a few years in prison prior to receiving this DSU D-Report.

V. THE INCARCERATION EXPERIENCE

This section describes various aspects of the incarceration experience including classification and parole decisions, protective custody and mental health placements, movements through the DOC and disciplinary histories.

A. Initial Classification

When inmates are initially committed to the DOC, the majority are sent to the Reception and Diagnostic Center at MCI-Concord (Concord RDC). The exceptions to this are inmates serving long sentences for serious offenses who will most likely serve a number of years at Walpole before being transferred elsewhere. Inmates serving from and after or forthwith sentences will usually not be reclassified but instead will remain at their current institution at the time of their new sentence. Of the 165 inmates in this study, 49 (30%) were not classified at the beginning of their present commitment for one of the above two reasons.

The remaining 116 inmates were sent from the committing institution to the Concord RDC for classification. After a period of testing and evaluation, the RDC's Classification Board recommends a placement. This recommendation must be approved by both Concord's Superintendent and the Commissioner or his designee. Once approved, the inmate will be transferred to the institution unless a disciplinary or bed space problem develops. Table 5 presents the institutions that were recommended by the RDC and the actual placements of these 116 DSU inmates.

Table 5
Institution Initially Classified To And Actually Placed At
(N = 116)

| | Initially Classified To: | | Actually Placed At: | |
|---------|--------------------------|---------|---------------------|---------|
| | Number | Percent | Number | Percent |
| Walpole | 53 | (46) | 65 | (56) |
| Gardner | 1 | (1) | 0 | (0) |
| Concord | 21 | (18) | 21 | (18) |
| Norfolk | 34 | (29) | 26 | (22) |
| SECC | 5 | (4) | 4 | (3) |
| Other | 2 | (2) | 0 | (0) |

Slightly more than half (56%) of the DSU inmates were placed in the maximum security facility at Walpole, while the remainder were put in medium security institutions at Norfolk (22%), Concord (18%), and SECC (3%). A comparison of the institution initially classified to with the institution actually placed at reveals that 85% of the inmates were placed in the security level recommended. Fourteen percent were placed in a higher level of security than recommended and 2% were placed in a lower level of security. The average time between initial classification and receipt of this DSU D-report was 2.9 years.

B. Movements Within DOC

The DOC policy of reintegration dictates that inmates should move from higher security to lower security placements as they proceed through their incarceration. While this means several moves for inmates, movement back and forth between high and low security facilities is indicative of instability and problems. A look at the total number of movements from the time of commitment

to receipt of the DSU D-report reveals that half of the inmates had two or fewer moves.⁵ However the other half ranged from three to fourteen moves. The median number of total moves was 2.5 and the median number of moves per year was only one.

Breaking movements down by security level, 42% of the inmates had been placed in Walpole once, 41% had been placed there twice and the remaining 17% had been there three or more times. Almost half of the DSU inmates (47%) had never been in a medium security facility. Of the 30% who had been in medium security once and the 23% who had been there two or more times, they remained there a median number of 4.6 months. While six inmates did receive their DSU D-report in a medium security facility, over half (51%) had been back at Walpole for over a year before receipt of that D-report. Out of the 165 inmates, sixteen had failed in minimum security facilities and nine had failed in pre-release. Seven inmates had been transferred to out of state facilities through the Interstate Compact. Of these, one received his DSU D-report in the other state's facility and two inmates were deemed risks to security the day they returned from out-of-state placements.

Overall, half of the DSU inmates had only experienced incarceration at Walpole, the maximum security facility. Another quarter had been to a medium security facility, most likely Norfolk, before being returned to Walpole. The remaining quarter had experienced multiple movements throughout the DOC. While most of these had transferred back and forth from medium to maximum, some had transferred all the way down to pre-release and parole before being returned to Walpole.

C. Protective Custody Status

Another facet of incarceration for some inmates is the presence of enemies in the system and possibly the need for placement in protective custody (P.C.). Some DOC staff members working with DSU inmates expressed a concern that a small number of these inmates are in fact protective custody inmates who ended up in DSU as a result of protecting themselves, yet instigate trouble to remain in DSU since it is viewed by them as more safe and secure than open population.

Although inmates most often keep their enemy situations secret, attempts were made to identify some of these inmates by reviewing the number of enemies identified in each DSU inmate's last classification report and by pulling from the folder any indication of a placement in protective custody. The results of this attempt (Table 6) show that 87% reported no enemies in their most recent classification report and 89% had no history of a protective custody placement. Eleven inmates reported recent enemy situations and fourteen had experienced at least one P.C. placement but had not recently reported enemies. Only four inmates had both reported recent enemy situations and had prior P.C. placements. The 29 inmates with either enemy situations or prior P.C. placements had higher percentages of DSU D-reports for inmate assaults and possession of weapons and lower percentages for staff assaults and riot offenses than the remaining DSU inmates. However the differences were not statistically significant.

Table 6
Existence of Protective Custody / Enemy Situation

| | <u>Enemies Reported in Last Classification Report?</u> | | <u>Any Prior Protective Custody Placement?</u> | |
|---------|--|----------------|--|----------------|
| | <u>Number</u> | <u>Percent</u> | <u>Number</u> | <u>Percent</u> |
| Yes | 15 | (10) | 18 | (11) |
| No | 144 | (87) | 147 | (89) |
| Unknown | 6 | (4) | 0 | (0) |

Of the 18 inmates who had been placed in protective custody status, the average length of time spent in that status was nine months. Some had experienced more than one such placement. The majority of all P.C. placements (69%) occurred at Walpole.

Overall, less than one-fifth of the DSU inmates in this study (17%) had some prior instance of recorded conflicts with other inmates. However one must be cautious in concluding that the remaining four-fifths have no enemy problems since inmates may be under pressure by their peers to keep such information to themselves.

D. Mental Health Background

In discussing DSU inmates with DOC staff, several noted that some inmates have serious mental health problems and/or backgrounds. Several variables were collected as indicators of present or prior mental health interventions. They include transfers to Bridgewater State Hospital (BSH) either prior to or during

this incarceration, prior mental health placements in other facilities and prescribed use of psychiatric medication. Below are tables which outline each of these variables.

Table 7
Percentage of DSU Inmates Who Received
Individual Mental Health Interventions

| | Yes | | No | |
|---|--------|---------|--------|---------|
| | Number | Percent | Number | Percent |
| BSH - This Commitment | 24 | (14) | 141 | (86) |
| BSH - Prior Commitment | 15 | (9) | 150 | (91) |
| Prior Mental Health Placements in Other Facilities | 6 | (4) | 159 | (96) |
| On Medication | 2 | (1) | 163 | (99) |

Table 8
History of Mental Health Placements
in Either BSH or Other Facilities

| | Number | Percent |
|-----------------------------|--------|---------|
| None | 127 | (77) |
| Prior To This Incarceration | 14 | (8) |
| Present Incarceration Only | 19 | (12) |
| Present & Prior | 5 | (3) |

While the variables presented in the tables are good indicators of mental health intervention, they alone are not sufficient in judging the mental health stability of DSU inmates. Therefore the results most likely underestimate the

number of inmates with mental health problems. Given that, 14% of the DSU inmates had been transferred to BSH at least once during their present DOC commitment. Of these 24 inmates, nine had been transferred to BSH once and fifteen had had multiple transfers there. Six of these inmates had not been transferred to BSH during the present commitment until they were classified DSU. While one might speculate that the stay in segregation led to the transfer to BSH for these six, it should be noted that four had some type of mental health intervention prior to this commitment. The median number of months spent in BSH was three.

Overall, 23% of the inmates had experienced some type of mental health placements, either during the present commitment (12%), in the past (8%), or both (3%). These inmates were diagnosed as either suicidal, paranoid, schizophrenic, antisocial, sociopathic, drug-involved or sexually dangerous. The DSU D-reports of these inmates were similar to the other DSU inmates, except for a slightly higher incidence of staff assaults among inmates with histories of mental health problems.

E. Recent Decisions and Transfers

One theory of why some inmates commit serious disciplinary infractions is that a recent transfer or decision had been made which upset, frustrated or angered them, causing them "to go off". In an attempt to check out this theory, the researcher looked at several types of transfers/moves and decisions that were made within six months prior to receiving the DSU D-report.

Within that time frame, only four inmates had been transferred from either protective custody or BSH to an open population. A more substantial number of inmates (27) had been transferred from DSU status to open population prior to being re-classified DSU. Looking at institutional moves, 46 inmates (28%) had been

transferred to another institution within the six months prior to receiving their DSU D-report. Twenty-four of these inmates had been transferred within the three months prior to the disciplinary action. Within Walpole, 55 DSU inmates (33%) had been transferred to a new unit within that time frame.⁶ Taken together 132 moves were made by the DSU inmates within the six months before the issuance of their DSU D-report.

In addition to transfers/moves, information was gathered on the DSU inmates' most recent classification and parole decisions.⁷ Sixty-two inmates (38%) had been before the Classification Board prior to the receipt of their DSU D-report. Of those, over four-fifths of the inmates received decisions unfavorable to them. These included: transfer or reclassification to Walpole, denial of a transfer to medium security and denial of transfer to minimum security. Only 10 inmates received recommendations favorable to them (Table 9).

Table 9
Last Classification And Parole Decisions

| | Classification | | Parole | |
|--------------------------|----------------|---------|--------|---------|
| | Number | Percent | Number | Percent |
| Unfavorable To Inmate | 52 | (32) | 36 | (22) |
| Favorable To Inmate | 10 | (6) | 4 | (2) |
| N/A - No Recent Decision | 103 | (62) | 125 | (76) |

As for parole decisions, 40 inmates (24%) received parole decisions prior to receipt of the DSU D-report. Of these, almost all were unfavorable to the inmate. These included being denied parole, having the hearing postponed, or having their paroles revoked or rescinded.

If one concentrates on the six months just prior to their DSU D-report, 20 inmates received parole decisions, 34 received classification decisions and 11 were initially classified at the RDC. Overall, a large number of transfers of and decisions about DSU inmates were made prior to their disciplinary problems. However no conclusions can be drawn until this information is compared to a sample of non-DSU inmates.

F. Disciplinary Histories

Information concerning prior disciplinary reports (D-reports) and DSU classifications during the present commitment was collected for each of the DSU inmates. They received a total of 1791 D-reports between 1981 and 1983 before their DSU offense. Out of these, 444 (25%) were offenses for which one could receive a DSU referral. Eighty-six percent of these D-reports were issued at Walpole and 13% at medium security facilities. Since inmates were committed to the DOC at varying times, looking at the number of D-reports each received per month is more accurate than looking at the total number of each. The results presented below show that 28% received one per month, 29% two per month, and 19% five or more D-reports per month. The median number of D-reports per inmate per month was 2.2 but inmates ranged from receiving 1 to 35 D-reports per month. Seventy percent of the inmates received prior D-reports for assaults, 34% for participating in a riot, 40% for possession of weapons, 46% for a drug/alcohol violation and 31% for stealing. Thirteen inmates had previously received D-reports for murder or its attempt and fourteen for escape violations.

Table 10
Number D-Reports Per Month Prior
To DSU Classification
(N = 163)*

| | Number | Percent |
|----------------|--------|---------|
| One | 46 | (28) |
| Two | 48 | (29) |
| Three | 25 | (15) |
| Four | 13 | (8) |
| Five To Ten | 24 | (15) |
| Eleven Or More | 7 | (4) |

*Two inmates were not included in these figures. One inmate had been placed in an out-of-state facility and his D-reports in that facility were unknown. The other inmate, mentioned previously, got his DSU D-report at an HOC and therefore had no prior D-reports.

Over one-third (36%) of the inmates in this study had been previously classified DSU and placed in segregation either during this commitment or a previous one (Table 11). Of these 60 inmates, 43 had been classified DSU once, and 17 inmates two or more times.

The D-reports that triggered the prior DSU classifications were similar to the ones that resulted in the DSU classifications in this study. The three most frequent ones were assaults on staff, assaults on inmates, and participation in a riot/disruptive conduct. The time spent in segregation due to these prior DSU classifications ranged from 14 days to 4.2 years. The median was 6.8 months.

Table 11
Prior DSU Classifications

| | Number | Percent |
|---------------|--------|---------|
| None | 105 | (64) |
| One | 43 | (26) |
| Two | 9 | (6) |
| Three Or More | 8 | (5) |

Several types of information were collected on the last DSU classification. Out of the 60 inmates with prior DSU placements, information was available for 58 inmates. Table 12 presents a breakdown of the D-reports that resulted in the last DSU placements. Again, staff assaults, inmate assaults and riot/disruption offenses were the most frequent. A comparison of the 60 inmates' present DSU D-report with the prior DSU D-report reveals that two-thirds (41 inmates) had present DSU D-reports that were either less serious or similarly serious as those in the past. Seven inmates' present D-reports were more serious than their past ones and nine inmates got D-reports for the same offenses as their prior ones.

Table 12
D-Reports Resulting in Last DSU Classification
(N = 58)

| | Number | Percent |
|-----------------|--------|---------|
| Staff Assault | 17 | (29) |
| Inmate Assault | 15 | (26) |
| Riot/Disruption | 10 | (17) |
| Murder/Attempt | 5 | (9) |
| Weapons | 5 | (9) |
| Escape | 3 | (5) |
| Threats | 2 | (3) |
| Extortion | 1 | (2) |

The length of time spent in segregation as a result of the last DSU classification ranged from 14 days to 2 years. The 58 inmates averaged 7.1 months in their previous DSU classification. Table 13 presents a breakdown of the length of segregation time for the five most frequent offenses. As expected, inmates with murder or attempted murder offenses averaged the most lengthy placements in segregation (9.1 months). Inmates who assaulted staff averaged 7.4 months, while inmates who assaulted other inmates averaged 6.5 months in segregation.

Table 13
Breakdown of Length of Time in Last
DSU Classification by Selected DSU D-Report Offenses

| | Number | Average # Months |
|----------------|--------|------------------|
| Murder/Attempt | 5 | 9.1 |
| Riot | 7 | 8.6 |
| Staff Assault | 16 | 7.4 |
| Inmate Assault | 15 | 6.5 |
| Weapons | 5 | 4.3 |

The final piece of information extracted on the DSU placement prior to the one in this study is the length of time between the two. For 27 inmates (46%), less than six months passed between leaving the last DSU placement and receiving the present DSU D-report. The average time between the dates was 8.9 months, and the median 6.8 months.

Table 14
Time Between Leaving Last DSU Placement
And Receipt of Present DSU D-Report
(N = 58)

| | Number | Percent |
|--------------------|--------|---------|
| Less Than 3 Months | 15 | (26) |
| 3 - 6 Months | 12 | (21) |
| 6 Months - 1 Year | 18 | (31) |
| 1 - 2 Years | 10 | (17) |
| 2 or More Years | 3 | (5) |

In addition to the DSU referrals which resulted in DSU classifications and thus placement in segregation, 28% of the DSU inmates received at least one DSU referral that did not end up in their being classified DSU. Eight inmates had two or more of these types of referrals.

Table 15
Prior DSU Referral / Classification History

| | Number | Percent |
|-----------------------------------|--------|---------|
| None | 81 | (49) |
| DSU Referrals Only | 24 | (14) |
| DSU Classifications Only | 37 | (22) |
| Both Referrals And Classification | 23 | (14) |

Overall, over half (51%) of the DSU inmates in this study had some history of prior contact with the DSU Board. Fourteen percent never went beyond the referral stage. Twenty-two percent had been previously classified DSU but hadn't received other DSU referrals. Fourteen percent of the inmates had been previously classified DSU and had received other DSU referrals. Taken together with the

lengthy disciplinary histories of some of these inmates, it appears that the present DSU classification is but another event in the long histories of disciplinary problems for at least half the inmates in this study.

VI. DSU OFFENSE, CLASSIFICATION AND PLACEMENT

This section presents information on the actual DSU offense, the inmate's placement at time of offense and the resultant classification and placement. In addition to listing actual DSU offenses, other information such as involvement of other inmates, referral to District Attorney and subsequent DSU referrals are included. The occurrence of the DSU offense is placed in context in terms of where the inmate was placed and how long he had been there prior to the offense. The resultant classification procedures are discussed as are the various segregation placements and new D-reports incurred. Finally the placement released to and the time of release are examined and compared to projected releases.

A. Placement at Time of DSU Offense

Just as it was important to examine the circumstances of inmates prior to the commission of the DSU offense, it is also important to examine the placement of the inmates at the time of offense. This section examines those placements, including institution, unit and time in placement.

As was estimated prior to the research, most of the inmates (93%) were at Walpole when they committed their DSU offense (Table 16). Eight were at Norfolk, and one each was at Concord RDC for classification, at a house of correction and in an interstate placement. Most inmates had not been in the present institution for very long before the receipt of their D-report for the DSU offense (Table 17). Almost half (49%) had been there less than a year and 28% had been there less than six months. The average DSU inmate had been in his present institution for 19 months. The median time spent was 13 months which means that 50% of the inmates received their DSU D-report within 13 months of arriving at

the present institution and the other 50% received them after 13 months of arriving. The time span ranged from 2 days to 9.6 years.

Table 16
Resident Institution At Time of DSU Offense

| | Number | Percent |
|----------------------|--------|---------|
| Walpole | 154 | (93) |
| Norfolk | 8 | (5) |
| Concord RDC | 1 | (1) |
| House of Correction | 1 | (1) |
| Interstate Placement | 1 | (1) |

Table 17
Time Between Arrival
At Institution And Receipt Of DSU D-Report
(N = 164)*

| | Number | Percent |
|--------------------|--------|---------|
| Less Than 6 Months | 46 | (28) |
| 6 Months - 1 Year | 35 | (21) |
| 1 - 2 Years | 40 | (24) |
| 2 or More Years | 43 | (26) |

*See Table 4.

As mentioned in an earlier section, 26 inmates (16%) were in their first DOC institution upon commission of their DSU offense. Another 13 inmates (8%) had been on parole prior to entering Walpole this time. This means that the majority of inmates (76%) had been in other institutions prior to the one in which they committed their DSU offense. Most had been in medium security institutions including Norfolk (22%), Concord (19%), and Concord RDC (20%).⁸ Inmates had

spent very little time in those institutions. Fifty percent had spent less than three months before being transferred and the average DSU inmate was transferred after only 6 months.

Since the majority of inmates committed their DSU offense while at Walpole, information was also collected on the unit placed in at the time of the DSU offense and how long the inmate had been there. It should be explained here that Walpole uses the Quay system of classification⁹ to place inmates in its various units. As a result, inmates are classified to one of the following three units: 1) Essex -- for inmates considered to be aggressive, 2) Suffolk -- for inmates who might be victimized and 3) Bristol -- for "normal" or average inmates. At the time of this study placement in a Middlesex Unit was a result of a subsequent request for protective custody. The results, summarized below in Tables 18 and 19, show that 42% of the inmates were in the Essex units, over a quarter were in Bristol units and the rest were scattered about the institution.

Most inmates committed their DSU offense not long after being transferred into a new unit. Only 19% had been in their present unit for more than six months. Thirty percent received their DSU D-report within thirty days of transfer to the unit. Broken down by unit, inmates had spent their longest average amount of time before their DSU offense in Bristol units (5 months), followed by Suffolk (4.8 months), Essex (3.7 months), Orientation (45 days), Middlesex (30 days), the Health Services Unit (HSU) (28 days) and DSU Units (11 days).

Table 18
Walpole Unit In When
DSU Offense Occurred

| | Number | Percent |
|----------------|--------|---------|
| Essex | 69 | (42) |
| Bristol | 46 | (28) |
| Suffolk | 10 | (6) |
| HSU | 9 | (6) |
| Orientation | 9 | (6) |
| Middlesex | 7 | (4) |
| DSU Units | 4 | (2) |
| Not in Walpole | 11 | (7) |

Table 19
Time Between Transfer To
Last Unit And Receipt of DSU D-Report
(N = 162)*

| | Number | Percent |
|-------------------|--------|---------|
| Less Than 30 Days | 48 | (29) |
| 1-3 Months | 52 | (32) |
| 3-6 Months | 31 | (19) |
| 6 Months-1 Year | 23 | (14) |
| 1 Year or More | 8 | (5) |

*The N for this table is 162 because of the one inmate who received his DSU D-report prior to DOC commitment and two for whom the date they entered the last unit was missing.

B. DSU Offense

Most DSU inmates (94%) were referred to DSU as a result of one D-report that listed one or more offenses. The researcher selected the most serious offense for which the inmate was found guilty. The other nine inmates (6%) were referred

to the DSU Board by either the Superintendent or Deputy Superintendent at Walpole. These referrals were the result of a succession of D-reports about which the administration was concerned for reasons of safety or discipline. For research purposes, the most serious offense listed on the D-report just prior to the DSU referral was selected as the DSU offense for these nine inmates.

The type of offenses for which inmates were classified DSU are presented in Table 20 below in descending order of frequency. As can be seen, the two most frequent offenses were assaults on staff and riots¹⁰. These make up almost half of the DSU offenses. Except for assaults on inmates (13%) and possession of weapons (11%) most of the remaining offenses are distributed in various categories.

Table 20
Offense Precipitating DSU Referral

| | Number | Percent |
|--------------------------|--------|---------|
| Staff Assault | 41 | (25) |
| Riot | 38 | (23) |
| Inmate Assault | 22 | (13) |
| Possession of Weapon | 18 | (11) |
| Murder/Attempted Murder | 11 | (7) |
| Threats | 8 | (5) |
| Escape | 6 | (4) |
| Extortion | 6 | (4) |
| Disobey | 4 | (2) |
| Disruptive Conduct | 4 | (2) |
| Setting Fire | 2 | (1) |
| Failure to Keep to Rules | 1 | (1) |
| Drugs | 1 | (1) |
| Breaking Mass. Law | 1 | (1) |
| Hostage-taking | 1 | (1) |
| No Specific Offense | 1 | (1) |

In order to make the information on DSU offenses more manageable, the researcher collapsed the various offenses into four categories. They are: 1) offenses against staff, 2) offenses against inmates, 3) riots and 4) all others. Riot was kept separate since it is unique in that it can be directed against staff or inmates or both. The collapsed offense variable is presented below.

Table 21
DSU Offense Categories
(N = 164)*

| | Number | Percent |
|--------|--------|---------|
| Staff | 50 | (30) |
| Inmate | 57 | (35) |
| Riot | 38 | (23) |
| Other | 19 | (12) |

*The N is 164, because for one inmate no specific DSU offense could be identified.

Two pieces of information that were also collected include involvement of other inmates in the offense and whether or not the offense was reported to the District Attorney's (D.A.) office for formal prosecution. In sixty of the cases (36%), other inmates were involved in the offense. As would be expected, 57% of these were riots and 35% were offenses against inmates. When one examines offenses against inmates, 37% of those offenses involved more than one inmate and 63% involved a one-on-one conflict. For offenses against staff, only in five cases were more than one inmate involved.

As to the involvement of the D.A.'s office, 44% of the cases were referred for formal prosecution. When these were broken down by the four offense categories, the only outstanding difference was that few people in the "Other"

category were referred to the D.A. Even when the individual offenses were examined, there were no distinguishable differences between those offenses that were referred to the D.A. and those that were not.

In an effort to find distinctions among inmates who committed offenses in the four categories, a comparison was made with several variables. The Chi Square (χ^2) statistic was applied to determine whether or not any differences found between the various type of DSU offenders were statistically significant. No differences were found for the following variables: prior DSU placement, age, time to P.E. date, and time already served.

Regarding race, blacks were slightly more likely to be involved in riots and offenses against staff, while white inmates were a little more likely to commit offenses against fellow inmates. However the differences were not statistically significant.

Type of DSU offense was also broken down by whether or not inmates had prior D-reports for inmate assaults, staff assaults or riots. Looking at prior inmate assaults, those with one or more were slightly more likely to commit another offense against an inmate (42%) than those without such prior assaults (28%). Inmates with prior inmate assaults were slightly less likely to assault staff (25%) than those without prior inmate assaults (35%), though these differences were not statistically significant.

There was however a statistical relationship between having prior staff assault D-reports and present DSU offense and also between past riot D-reports and present DSU offense. Inmates who had previously assaulted staff were six times more likely to be classified DSU for staff assaults than those with no prior staff assaults. However prior staff assaults were less likely to be part of the record of those involved in riots, offenses against inmates, or other offenses.

Similarly inmates with prior D-reports for riots were most often involved in a riot for their present offense. In fact only two inmates who received a DSU classification for participating in a riot did not have prior D-reports for the same offense. However of the 126 inmates in the remaining three DSU offense categories, only 18 (14%) had prior riot D-reports.

The last factor that statistically distinguishes inmates among the DSU offense categories is last unit in at time of DSU offense. For this, last unit was broken down into Essex, Bristol and all others since a majority of inmates were in the first two. Essex inmates were more likely to be involved in riots (37%) than were Bristol inmates (11%) or inmates in other units (16%). Bristol inmates were more likely to commit offenses against other inmates (49%) than were Essex (26%) or inmates in other units (34%). Finally inmates in other units such as Suffolk, Middlesex, HSU and Orientation were more likely to assault staff (38%) than Essex (29%) or Bristol (24%) inmates.

Thirty-one inmates in this study (19%) received a subsequent DSU referral before they were classified DSU for the original offense. Most often these subsequent offenses were for staff or inmate assaults. Some were for disruptive conduct, participating in a riot and escape attempts. Inmates whose original DSU offense fell in the "other" category were much more likely to get subsequent DSU referrals than those with riot or staff/inmate assaultive offenses. Inmates with offenses such as disobeying an order, violating an instructional rule, using drugs or damaging property are less likely to be classified DSU for that offense alone. More often it is the cumulation of D-reports that results in a DSU classification.

The final pieces of information gathered surrounding the actual DSU offense are the intervals between committing the offense and receiving the D-report and being classified DSU. Sixty-five percent of the inmates received the D-report on

the same day they committed the alleged offense. Thirty-one percent received it within one month of the offense and seven inmates received it after one month. For these, an investigation most likely took place before a D-report was issued. While time between receipt of the D-report and the Disciplinary Hearing (D-Board) ranged from two days to over four months, the average inmate had his D-Board in 28 days. Once the D-Board referred the offense for a DSU hearing, it took an average of two months before the inmate went before the DSU Board. Overall an inmate spent an average of three months either in his cell awaiting action or in some segregation unit before he was classified as a Departmental Segregation Unit inmate.

C. Placements While Classified DSU

Once an inmate is classified to DSU, he is placed in one of the segregation units. As mentioned previously, inmates presently classified DSU are either housed in the West or East Wings of DSU at Walpole or in DSU II, the segregation unit at Norfolk which serves as a re-entry program to the general population. This latter unit opened in March, 1984. Housing options for inmates in this study included the East and West Wings of DSU the use of segregation beds in other institutions, the Health Services Unit, the inmate's own cell in population and cells in Orientation.

Inmates often moved around during their stay in segregation. Table 22 reveals the number of placements inmates had from the time they received the DSU D-report to the day they were released from DSU status.

