

A tale of two states: Wisconsin trails Colorado as both cut solitary confinement

Former Wisconsin Department of Corrections chief Rick Raemisch is leading the push in Colorado to reduce isolation, which many believe is torture



By Dee J. Hall | June 12, 2016



Former Wisconsin Corrections Secretary Rick Raemisch stands outside the Colorado State Penitentiary in Cañon City where he famously spent 20 hours in solitary confinement, formerly known as administrative segregation, in 2014. Raemisch now heads the the Colorado Department of Corrections. Says Raemisch: "I'll tell you right now, segregation doesn't work — at all."

Jen Friedberg/For the Wisconsin Center for Investigative Journalism

CAÑON CITY, Colo. — Rick Raemisch sits on the concrete bed in a cell, one of 948 empty rooms in the shuttered Centennial South Correctional Facility. He is recalling the day — actually just 20 hours — that he spent in solitary confinement at the state prison next door.

As he looks around the white-walled room, Raemisch declares it fairly similar to the 7-foot by 13-foot cell where in 2014, as head of Colorado's corrections system, he had himself locked up.

In this cell, he notes the tiny window looking out toward a gravel yard and a concrete wall. There is a stainless steel sink, toilet and a mirror made of metal. The solid purple door has a narrow slot that looks out to a common area.

"The problem with this cell, there's nothing to count," Raemisch says, noting the smooth walls. "There's no chips. There's no scrapes. There's no dents. You got nothing to count in here."



Rick Raemisch, executive director of the Colorado Department of Corrections, sits in a cell similar to the one where he spent nearly a day in 2014. Raemisch found himself pacing, losing track of time and counting nicks in the wall to occupy his mind. And he was there for just 20 hours — not the 20-plus years some Colorado inmates had endured before the state eliminated indefinite use of solitary confinement.

Adrienne Jacobson / Colorado Department of Corrections

Rick Raemisch, executive director of the Colorado Department of Corrections, sits in a cell similar to the one where he spent nearly a day in 2014. Raemisch found himself pacing, losing track of time and counting nicks in the wall to occupy his mind. And he was there for just 20 hours — not the 20-plus years some Colorado inmates had endured before the state eliminated indefinite use of solitary confinement.

The reason this cell at Centennial South remains relatively unmarked is that, except for about two years from 2010 to 2012, it has not been used. Colorado’s rapid shift away from solitary confinement — from 1,500 prisoners in 2011 down to 185 as of May — has left the state with a \$200 million empty all-solitary prison in Cañon City.

Colorado’s decision to curtail the use of solitary confinement — which the state of Wisconsin has begun to do — offers lessons for the Badger State that Raemisch is uniquely positioned to offer.

Raemisch was secretary of the Wisconsin Department of Corrections from 2007 until Gov. Scott Walker took office in 2011. A Republican, Raemisch was an assistant district attorney and sheriff in Dane County and a federal prosecutor before taking Wisconsin’s top corrections post.

Before the changes, Colorado held some violent or hard-to-manage inmates in isolation for more than 24 years. The state eliminated the use of such long-term, indefinite solitary confinement in 2014; inmates now serve no more than one year in that status, formerly known as administrative segregation and now called restrictive housing-maximum security.

Related Story

Wisconsin hunger strikers to take aim at long-term solitary confinement

In Colorado, prisoners confined for disciplinary infractions within the institutions now serve a maximum of 30 days at a time, with just a few exceptions. During those stints, inmates are allowed at least four hours a day out of their cells along with other inmates.

Colorado also has banned the use of seclusion for any inmate with a serious mental illness.

Earlier this year, Raemisch took a Wisconsin Center for Investigative Journalism reporter on a tour of three Colorado prisons, allowing access to staff and prisoners.

By contrast, requests by the Center for access to a so-called restrictive housing unit in one of Wisconsin’s prisons, to interview an inmate in solitary or to discuss the state’s solitary confinement policy with an agency official were all rejected. A DOC spokesman cited security concerns and a rule that bans media interviews with prisoners in solitary.



Inmates can spend years, even decades, in a cell like this one at Waupun Correctional Institution under so-called administrative confinement. Colorado and California have eliminated the use of such indefinite solitary confinement.

Wisconsin Department of Corrections

That is not the only difference between the two states. Colorado has several factors that helped it make major changes to its 20,000-inmate system that Wisconsin lacks, including:

A bipartisan commitment by top political leaders from Democratic Gov. John Hickenlooper on down to reduce solitary confinement;

A vigorous prisoner advocacy community that meets regularly with Raemisch; and

Transparency about the treatment of inmates and safety within the prisons, including annual reports to the Legislature and a constituent services office that handles complaints.

In Wisconsin, the number of prisoners in solitary also has dropped, a reduction of nearly 300 to 827 as of late March. Officials say it is due to reduced terms implemented in 2015 for disciplinary infractions.

In addition, 116 inmates are in indefinite administrative confinement for prison safety reasons. Prisoners at Waupun Correctional Institution were set to begin a hunger strike June 10 in an effort to eliminate such long-term solitary confinement.



LaRon McKinley Bey has sued the Wisconsin Department of Corrections, alleging his 25 years in a form of solitary confinement constitutes cruel and unusual punishment.

Wisconsin Department of Corrections

The conditions in administrative confinement in Wisconsin — which are similar to solitary and include 23 hours or more per day in a cell with little human contact or access to natural light — can last for years. In April, Waupun Correctional Institution inmate LaRon McKinley Bey sued the Wisconsin DOC over what he charges is mental torture and physical deprivation during more than 25 years of administrative confinement.

Colorado is not superior to Wisconsin on every measure. Between 2001 and 2013, 19 inmates were killed by other inmates in Colorado state prisons, according to the U.S. Bureau of Justice Statistics. By contrast, Wisconsin prisons had no homicides during that time.

And in Colorado, there are now occasional inmate fights in restrictive housing as prisoners are allowed to congregate in common areas instead of being completely isolated from one another.

“There’s scuffles. There’s fights,” Raemisch said. “When you put people together, that’s going to happen. But the majority have not been serious.”

And agency figures show assaults on corrections staff are down sharply.

Stir crazy in solitary

As he planned his own stint in solitary back in 2014, Raemisch imagined it would be a good time to catch up on sleep.

Instead, Raemisch found himself counting nicks in the wall. He paced. He lost track of time. He craned his neck to catch a glimpse of sky, and he strained to hear a nearby inmate's TV. The yelling and glare of lights kept him awake for all but a few minutes at a time. At 11 a.m. the next day, he broke his own rule and asked what time it was. Still four hours to go.

The experience, which he also recounted in a New York Times column, left Raemisch shaken — and more determined than ever to finish the job his late predecessor, Tom Clements, had started: to end solitary confinement in Colorado's prisons.



This \$200 million prison in Cañon City, Colorado was opened in 2010 exclusively to house prisoners in solitary confinement. It is now vacant because of the Colorado Department of Corrections' decision to severely curtail use of isolation. Officials are considering turning the 948-bed facility into a reentry center to help inmates prepare for life after prison.

Jen Friedberg / For the Wisconsin Center for Investigative Journalism

Speaking perhaps as much for himself as for the estimated 100,000 U.S. prisoners a year who endure a form of isolation that many believe is torture, Raemisch said, "If we put you in there for 23 hours a day, you're going to come out thinking differently than you did when you came in.

"I'll tell you right now," he added, "segregation doesn't work — at all."

Raemisch's experiment reinforced his opinion that use of solitary can exacerbate violence and mental illness among prisoners. Colorado's overuse of solitary confinement was "sending people out worse than when they came in."

"You can't put someone with a mental illness in a 7-by-13 cell for 23 hours a day and let the demons chase them around," he said. "So those who were severely mentally ill in the past, that's oftentimes where they ended up — sometimes for years."

In 2014, after hundreds of prisoners were returned to less-restrictive settings, inmate-on-inmate violence rose, according to the most recent eight years of data provided by the Colorado DOC. From fiscal year 2008 through fiscal year 2015, the average annual number of inmate-on-inmate assaults was 432; in 2015 it was 520. And there were 723 fights in 2015 — the highest in eight years.

But assaults on staff decreased significantly. Between 2008 and 2013, there were an average of 262 assaults on staff per year. But those numbers dropped to 188 in 2014 and 160 in 2015.

Murder sparks leadership change

Raemisch became the executive director of the Colorado prison system in 2013 after the well-liked Clements was gunned down on his front doorstep by an inmate released directly to the streets after seven years in solitary confinement. Colorado has officially ended this practice for public safety reasons.

The murder was sadly ironic: It was Clements, at the direction of Hickenlooper and following pressure from advocacy groups and the Legislature, who spearheaded the push to severely curtail the use of isolation in Colorado prisons.

Speaking in the corrections headquarters conference room with a view of Pikes Peak in Colorado Springs, Raemisch recounted the rapid reduction in the state's solitary confinement population: 1,500 prisoners in 2011, about 700 in 2013 and around 170 as of January. That number was back up to 185 as of May, Colorado DOC spokeswoman Laurie Kilpatrick said.

Raemisch's goal is zero.



Jerilee Bennett / For the Wisconsin Center for Investigative Journalism\When Rick Raemisch left Wisconsin to take over leadership of the Colorado prison system, Democratic Gov. John Hickenlooper gave him a mandate: Reduce solitary confinement. Today, fewer than 200 prisoners are confined in 22-hour-a-day isolation in Colorado state prisons compared

During the interview, Raemisch addresses the allegation that the Colorado prison system was overstating the success of his reforms, including whether such prisoners were continuing to be released directly from solitary. In December, without acknowledging any wrongdoing, the department agreed to pay its former statistician Maureen O'Keefe \$280,000 to settle her whistleblower complaint.

Raemisch disputes the claim that his department has "cooked the books."

"We've had people question our numbers. I stand by our numbers 100 percent. There's no question. I always have and I always will," Raemisch said, adding that his agency has been "transparent" about its operations.



Rebecca Wallace, staff attorney for the American Civil Liberties Union of Colorado, says Rick Raemisch has helped to make reducing solitary confinement "palatable" for other corrections leaders

Courtesy of the American Civil Liberties Union of Colorado

Rebecca Wallace, staff attorney for the American Civil Liberties Union in Colorado, said she cannot verify every statistic, but she credits Raemisch and his predecessor for the agency's "remarkable" data collection and transparency.

“Compared to what’s happening around the country, you can just go onto the DOC’s website and you’ll see a level of information that you’re going to see very few other places,” Wallace said.

Wallace was part of an ACLU team that examined the department’s data to determine whether the reported gains were real. While identifying several shortcomings, the ACLU report told Raemisich that his reforms have improved public safety and “the humanity of Colorado’s prisons.”

“We recognize that because of policy changes under your administration, hundreds of men and women have been freed from long-term isolation and no doubt hundreds more will never endure it,” the report concluded. “Your work and public advocacy are not just affecting prisoners in Colorado, but are having positive ripple effects across the country and abroad.”

‘Cultural change’ in Colorado

Other prisoner advocates told the Center that the shift away from solitary in Colorado is real.



Christie Donner, executive director of the Colorado Criminal Justice Reform Coalition, has been fighting overincarceration and the use of solitary confinement for more than 20 years. This 1995 photo is from a protest of the state’s first “supermax” prison, the Colorado State Penitentiary. Inmates at the formerly all-solitary-confinement prison are now allowed to socialize with one another and interact with staff outside of their cells for four to six hours a day.

Dee J. Hall / Wisconsin Center for Investigative Journalism

Among them is Christie Donner, executive director of the Denver-based Colorado Criminal Justice Reform Coalition. Beginning in the mid-1990s, Donner led the opposition against solitary confinement, including protests against the prison that now stands vacant in the high desert 115 miles south of

Donner said solitary was a “popular” solution to make prisons safer for staff and inmates.

“They always talk about gangs and murderers and sociopaths and really didn’t have any acknowledgement at all — zero — that there could be any mental health risk, either for somebody who didn’t have a mental health issue prior to going in, let alone for somebody that did have a mental illness when they went in,” she said.

Donner said Colorado is leading the way in shifting corrections away from solitary. “It is not just policy and practice change. ... It’s an actual attitudinal, cultural change within corrections as a profession,” she said.

In Wisconsin, under a policy enacted in June 2015, the DOC has sharply reduced the maximum time in segregation for prisoners who violate prison rules, from 360 days to 90 days, with longer stints possible under some circumstances. But in practice, the Center revealed earlier this year that some inmates were not aware of the changes and had agreed to longer-than-maximum stints in isolation.

By comparison, Colorado currently has a maximum stay in restrictive housing of 30 days for most in-prison offenses. The exceptions are 60 days for murder and 45 days for manslaughter or kidnapping.

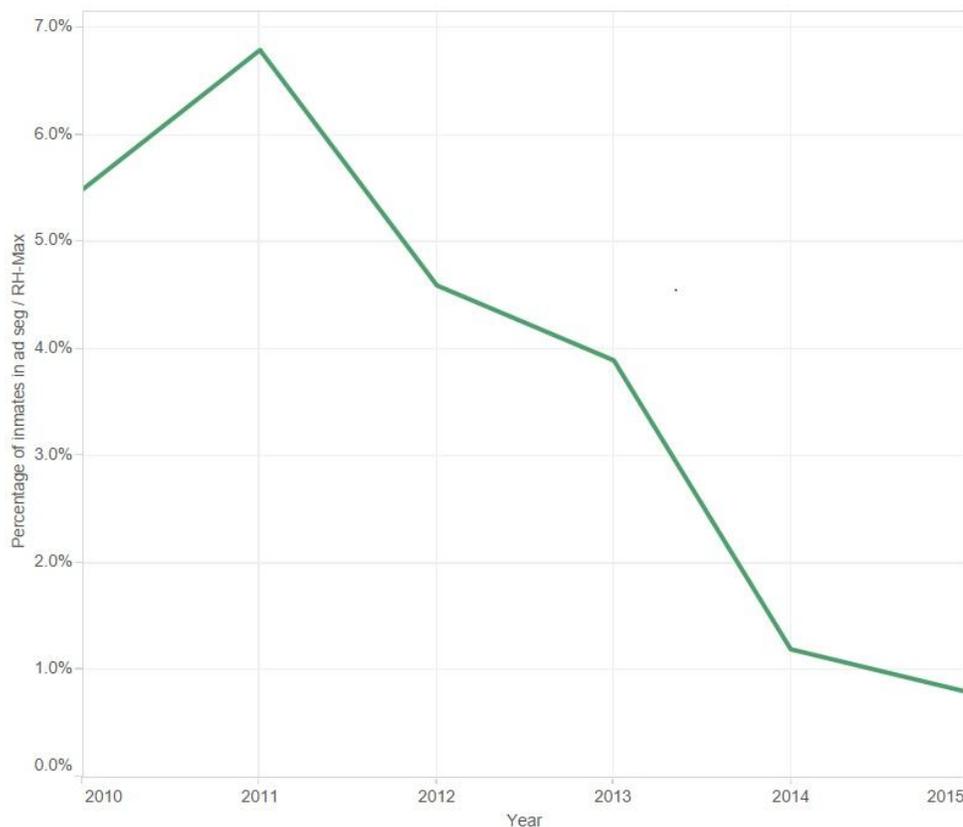
“When you start questioning everything, which is what we’ve done, does 30 days make any more difference than 15 days? The fact of the matter is, in our minds, it doesn’t,” Raemisch said. “So, 15 days is going to be the maximum number. We’re moving toward that. We will get to that.”

In the past, Colorado also confined some prisoners indefinitely for safety reasons; now the maximum for such administrative confinement is one year, Raemisch said.

“We are the only state that, when someone goes into restrictive housing, they know when they’re going to come out, and the absolute maximum — absolute maximum — is a year,” Raemisch said.

Colorado cuts solitary confinement

The state's percentage of inmates in restrictive housing-maximum security has plummeted.



Source: Colorado Department of Corrections.
Credit: Haley Henschel, Wisconsin Center for Investigative Journalism.

Less time in isolation

In fiscal year 2015, there were an average of 158 inmates serving up to one year in restrictive housing-maximum security in Colorado, spending up to 22 hours a day in their cells. The average length of confinement has dropped from 28 months in fiscal 2013 to eight months in fiscal 2015, according to agency figures.

For those with serious mental illness, isolation is banned. Now, such inmates must be offered a minimum of 10 hours a week outside their cells for therapy and 10 hours a week for other activities.

However, the ACLU was critical of a mass reclassification of mental health status launched in 2013 before Raemisch came on board that cut the percentage of prisoners listed as seriously mentally ill from 17 percent to 10 percent.

The report also found an “extremely high” number of prisoners were refusing at least part of the 10 hours a week of out-of-cell therapy, particularly group therapy. It recommended more mental health staff to provide individual counseling.

Raemisch said some prisoners are uncomfortable interacting with others after lengthy isolation. Clinicians coax them out using rewards such as extra canteen items or therapy dogs, he said.

Congregating for the first time

At Colorado State Penitentiary, where Raemisch served his solitary stint, Warden Travis Trani conducts a tour. Prisoners being confined for violating prison rules talk and play board games at tables in glassed-in common areas as the doors to their single cells stand open. These inmates are outside of their cells for between four and six hours a day in groups of between eight and 16, Trani said.

In the past, every prisoner was in his cell at least 23 hours a day.

“They would come out one hour a day — or I should say one hour five times a week — and they would recreate in that area,” Trani said, pointing to an empty cell. “They’d be there for an hour, they’d be allowed to shower, then they would go back to their cell. One offender at a time ... The offenders never came out to congregate in these areas.”

In the gym, which had been closed to inmate use for 20 years until 2014, prisoners play basketball. When they leave the gym, they pass through a metal detector unrestrained.



A lawsuit by a mentally ill inmate forced construction of an outdoor recreation facility at the Colorado State Penitentiary seen here. Until the facility is completed later in 2016, prisoners will continue to have recreation time indoors. Plaintiff Troy Anderson had sued after spending 11 years confined at the prison with no outdoor

Jen Friedberg / For the Wisconsin Center for Investigative Journalism

A fenced-in outdoor recreation area also is being added to the prison, which will offer inmates access to sunshine for the first time. The project is the result of a lawsuit filed by Troy Anderson, a mentally ill inmate who had spent 11 years in solitary confinement there. Ruling in 2012, a federal judge described the prison’s conditions as “a paradigm of inhumane treatment.”



Laura Rovner, a University of Denver associate law professor who teaches in the school's Civil Rights Clinic, says the Colorado Department of Corrections has shown "enormous progress" in reducing solitary

Courtesy of the University of Denver

"We won on the issue of the need for people to be able to go outside, and that it was a violation of the Constitution that they couldn't," said Laura Rovner, a University of Denver associate law professor who teaches in the school's Civil Rights Clinic, which handled the case.

Rovner recalled one prisoner who had spent 20 years in isolation at the prison; she said his skin was "translucent" from lack of exposure to the sun. Rovner confirmed that the Colorado corrections system has shown "enormous progress" in reducing solitary confinement in recent years.

"Certainly this is a very different universe than the one we were in four or five years ago," she said.

Trani said the changes have been positive, but they have created some new security problems.

"Right now we've averaged around 10 fights, assaults a month," he said. "They've increased, obviously, because offenders are now coming out together — for the first time."

In Wisconsin, inmates in solitary are allowed some out-of-cell time, but it is much shorter and, usually, it is alone. Corrections spokeswoman Joy Staab said in an email that each inmate in restrictive housing is offered at least four hours a week of out-of-cell recreation plus time for showers and medical appointments — nearly identical to the program Colorado has abandoned. Some inmates also receive out-of-cell time for meals, programming or additional recreation, she said.

Conditions improve for inmates



Colorado State Penitentiary inmate Elijah Beatty says there is more freedom but more potential for friction between rival gangs under changes to solitary confinement enacted in Colorado.

Colorado Department of Corrections

Colorado State Penitentiary inmate Elijah Beatty says there is more freedom but more potential for friction between rival gangs under changes to solitary confinement enacted in Colorado.

Elijah Beatty is serving a 76-year sentence at Colorado State Penitentiary for a 1999 case in which he shot at a car in Colorado Springs with a father, mother and child inside. Beatty and the father had had a run-in earlier at a grocery store.

Beatty, whose heavily muscled arms are covered with tattoos, agreed to an impromptu interview during a tour of the prison. Asked to compare his former stints in solitary confinement with his current status, Beatty said he now attends class with a teacher rather than having a book slid to him through a slot in the door.

“We’re actually interacting with people,” Beatty said. “And we’re able to speak or we’re able to reflect, when before we were just stuck in a cell back then and we had nothing to reflect on. ... We just had our moods and got pissed off.”

In the past, “We didn’t have nothin.” Now, he said, “We’re able to run around and play some basketball. So I can be fair and say recreation-wise, we’re able to do more now than we were able to do back then.”

But there are downsides. Beatty, 35, who is a member of the Crips, said the new approach can lead to clashes between rival gangs making “the penitentiary very unpredictable and a tad more dangerous.”

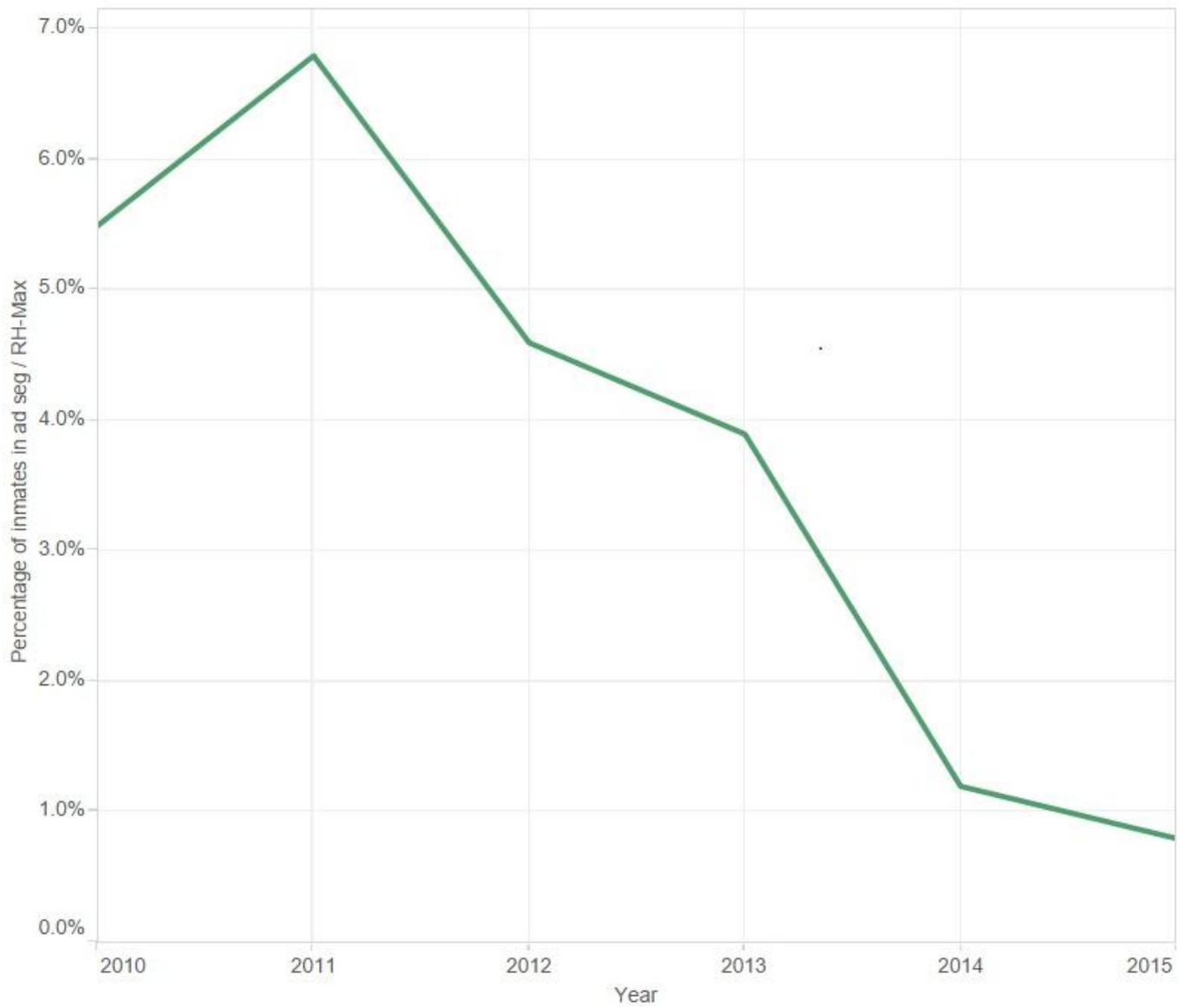
The reduction in solitary confinement also means Colorado now has a vacant prison in Cañon City costing taxpayers about \$20 million a year. Several ideas — including converting it to a pre-release center for inmates — have been floated.

Raemisch acknowledged that dismantling solitary confinement in Colorado has not been entirely smooth. But, he added, “There’s no question, at least in my mind and from our data, that the less you use segregation, the safer your facilities are.”

Reporting for this story was supported by the Solutions Journalism Network, the Center on Media, Crime and Justice and the Vital Projects Fund. The nonprofit Wisconsin Center for Investigative Journalism (www.WisconsinWatch.org) collaborates with Wisconsin Public Radio, Wisconsin Public Television, other news media and the University of Wisconsin-Madison School of Journalism and Mass Communication. All works created, published, posted or disseminated by the Center do not necessarily reflect the views or opinions of UW-Madison or any of its affiliates.

Colorado cuts solitary confinement

The state's percentage of inmates in restrictive housing-maximum security has plummeted.



Source: Colorado Department of Corrections.

Credit: Haley Henschel, Wisconsin Center for Investigative Journalism.