

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

ALFREDO PRIETO

Plaintiff,

VS.

HAROLD C. CLARKE, ET AL.

Defendants.

Case No. 1:12-CV-01199

**PLAINTIFF’S OPPOSITION TO DEFENDANTS’ MOTION FOR TEMPORARY STAY
PENDING APPEAL**

On November 12, 2013, this Court entered summary judgment in favor of Plaintiff Alfredo Prieto, concluding that Defendants “failed to comply with the demands of due process” by automatically assigning Mr. Prieto to “indefinite, long-term confinement in severe conditions” of confinement without any process. Slip op. 17, 25, ECF No. 91. To remedy that violation, the Court provided Defendants with “multiple options going forward.” *Id.* 27. In particular, the Court indicated that Defendants could implement the Court’s Order either by “provid[ing] plaintiff with an individualized classification determination using procedures that are the same or substantially similar to the procedures used for all non-capital offenders” or by altering Mr. Prieto’s conditions of confinement, so that they “would no longer impose an atypical and significant hardship on plaintiff.” *Id.*

In asking this Court to stay its Order, Defendants boldly claim that this Court’s decision will “likely” be reversed by the Court of Appeals. Defs’ Mot. to Stay 5, ECF No. 104. They are

wrong. In any event, Defendants fall well short of the showing required to justify a stay.¹ Far from making a “strong showing” that this Court’s decision will be reversed on appeal, Defendants rely entirely on arguments that this Court already has rejected. In addition, Defendants fail to demonstrate that they will suffer irreparable injury from implementing this Court’s “limited ruling,” ignoring entirely this Court’s observation that Defendants’ “cost of compliance” is “limited.” Slip op. 27. Defendants instead are forced to claim that Mr. Prieto is unlikely to suffer harm from his ongoing deprivation of constitutional rights on the theory that after *five years* of indefinite placement without due process in a “solitary confinement setting,” Mr. Prieto is now “well-adjusted” to conditions this Court has described as “uniquely severe”. Defs.’ Mot. to Stay 4, 6; slip op. 15. Defendants offer no convincing justification to allow Mr. Prieto’s placement in atypical and severe conditions to continue without affording him even the most basic procedural protections required by the Constitution. Accordingly, this Court should decline Defendants’ invitation to further extend Mr. Prieto’s indefinite assignment in solitary confinement without due process.

ARGUMENT

In deciding whether to grant a motion for a stay pending resolution of post-trial motions or appeal under Fed. R. Civ. P. 62(b) or 62(c), a court should consider the following: “(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.” *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987). To obtain a stay pending

¹ Defendants offer no explanation on how they could be irreparably injured unless this Court stayed its order awarding Mr. Prieto attorneys’ fees. Plaintiff has no objection, however, to staying the award of fees pending resolution of the appeal by the Court of Appeals.

appeal, a movant must establish “a *strong* likelihood of success on appeal, or . . . , failing that, . . . demonstrate a substantial case on the merits,” provided the other factors militate in movant’s favor. *Id.* at 778 (emphasis added).

A. Defendants Fail to Make A Strong Showing that They Are Likely to Succeed on the Merits.

In support of their claim that the Court of Appeals is “likely” to overturn this Court’s decision on the merits, Defendants rely on a series of assertions that this Court already has properly rejected. Defs.’ Mot. to Stay 2-5; slip op. 21-22, 25-26. But it is inappropriate to use a motion for stay as a request for reconsideration. As other courts have recognized, “[s]imply repeat[ing] objections and arguments that already have been considered by’ the Court does not amount to a ‘strong showing that [Movants are] likely to succeed on the merits.’” *Bridgeport Guardians, Inc. v. Delmonte*, 620 F. Supp. 2d 337, 342-43 (D. Conn. 2009) (quoting *Malarkey v. Texaco, Inc.*, 794 F. Supp. 1248, 1250 (S.D.N.Y. 1992)).

Defendants first propose that in comparing Defendants’ conditions of confinement to the ordinary incidents of prison life, “this Court relied on an inappropriate ‘baseline,’ comparing the conditions of confinement on death row with the conditions of confinement experienced by general population inmates.” Defs.’ Mot. to Stay 2. But as this Court correctly recognized, “it is clear that the Fourth Circuit uses a facility’s ‘general prison population’ as the relevant baseline.” Slip op. 13 (citing *Beverati v. Smith*, 120 F.3d 500, 504 (4th Cir. 1997)). Moreover, the Supreme Court found the maximum-security conditions it considered in *Wilkinson v. Austin* to be so severe that they would implicate a liberty interest compared to “*any plausible baseline.*” 545 U.S. 209, 223 (2005) (emphasis added). Because this Court found Mr. Prieto’s “dehumanizing conditions are eerily reminiscent of those at the maximum-security prison in *Wilkinson*,” slip op. 14, the same result would follow.

Defendants next point to case law from other jurisdictions in an attempt to support their claim that “there is no protected liberty interest in avoiding confinement on death row.” Defs.’ Mot. to Stay 3. Defendants cited the *identical* set of cases in their motion in support of summary judgment, and this Court appropriately found it unconvincing. See Defs’ Mot. for Summ. J. 15-16, ECF No. 80. As Plaintiff explained in his opposition to Defendants’ motion for summary judgment, two of the cases on which Defendants rely involve *substantive* due process claims, not the procedural due process claim at issue here. See Plfs.’ Resp. to Defs.’ Mot. for Summ. J. 15, ECF No. 83 (discussing *Peterkin v. Jeffes*, 855 F.2d 1021 (3d Cir. 1988); *Apanovitch v. Wilkinson*, 32 F. App’x 704 (6th Cir. 2002)). And the other case predates both *Wilkinson* and *Sandin v. Conner*, 515 U.S. 472, 484 (1995), and is of little relevance. See Defs.’ Mot. for Summ. J. 15 (discussing *Parker v. Cook*, 642 F.2d 865, 873 (5th Cir. Unit B 1981)).

Finally, Defendants charge that this Court “failed to heed the judgment of prison administrators, who opined that the current conditions on death row are the *only* conditions in which death-sentenced offenders can be safely housed.” Defs.’ Mot. to Stay 5. As they did on summary judgment, Defendants purport to justify this claim on the theory that inmates sentenced to death cannot be maintained in any less severe conditions because they inevitably and uniquely have “nothing to lose.” Defs.’ Mot. to Stay 4. This Court has already explained, however, that the claim that death row inmates have “nothing to lose” does not “find[] much support in the record. Death row inmates have obvious incentives to behave well and take rehabilitation seriously, including the possibility that new forensic evidence might undercut a conviction, a habeas petition might be granted, or that good behavior might improve the prospects of a commuted sentence.” Slip op. 20. Defendants notably provide no new information in support of their motion for stay that casts any doubt on this Court’s conclusion. Indeed, Defendants

themselves concede that unlike many incarcerated individuals, inmates sentenced to death “do not typically act out or exhibit disruptive behaviors on a day-to-day basis.” Defs.’ Mot. to Stay 4.

In any event, Defendants simply misstate the record when they assert that the testimony of VDOC’s experts supports their claims that inmates sentenced to death have nothing to lose and cannot be maintained in other conditions. To the contrary, when asked during his deposition whether “any [death row offenders] would be able to handle a situation that was less restrictive [than death row] and not be a security threat,” the Warden of Sussex I State Prison, at which death row is located, responded that “[i]f it was just me and them, *yes, on one or two.*” Davis Dep. 137:2-17 (emphasis added). VDOC’s Director, as well as VDOC’s Director of Classification Services, both likewise acknowledged—consistent with this Court’s own findings—that *not* all death row offenders have “nothing to lose.” See Clarke Dep. 79:24-80:16; Parks Dep. 64:12-65:5. In short, it is Defendants themselves who invite this Court to ignore judgments informed by the collective experience of VDOC’s leaders—not the other way around.

This Court properly rejected Defendants’ arguments, and Defendants provide no support for their claim that the Court of Appeals is “likely” to cast this Court’s reasoning aside. Defendants therefore fail to make any showing—let alone a *strong* one—that the Court of Appeals is likely to reverse this Court’s decision on the merits.

B. Defendants Fail to Demonstrate that Irreparable Injury is Likely.

Even if Defendants could demonstrate a substantial case on the merits, they still cannot show that the other factors militate in favor of a stay. In particular, Defendants offer no evidence to support their claim that irreparable injury is likely unless this Court issues a stay. “[S]imply showing some ‘possibility of irreparable injury,’ fails to satisfy [this] factor.” *Nken v. Holder*, 556 U.S. 418, 434-35 (2009) (citation omitted). Cf. 11A Charles Alan Wright et al., Federal

Practice and Procedure § 2948.1 at 139 (2d ed. 1995) (applicant must demonstrate that in the absence of a preliminary injunction, “the applicant is likely to suffer irreparable harm before a decision on the merits can be rendered”). Here, Defendants entirely ignore this Court’s own finding that the “cost of compliance” with this Court’s ruling is “limited.” Slip op. 27. And Defendants fail to marshal any evidence to support their claim that irreparable injury is *likely* to follow if they were to implement either of the alternatives identified by this Court as means of satisfying the judgment. Defs.’ Mot. to Stay 5-6. Accordingly, Defendants do not come close to meeting their burden on this prong.

First, Defendants present no factual basis—*none*—to support their assertion that modifying Mr. Prieto’s conditions of confinement in limited ways would result in irreparable injury. As explained *supra* at 5, Defendants’ *own* testimony rejects their assertion that “death-sentenced inmates cannot be housed in a less restrictive setting.” Defs.’ Mot. to Stay 5. Indeed, it is striking that Defendants’ own research during discovery revealed that *every single other state* within the jurisdiction of the United States Court of Appeals for the Fourth Circuit houses inmates sentenced to death in conditions less severe and solitary than those in Virginia:

- In Maryland, inmates sentenced to death are integrated into the general population. Defs.’ Resp. to Pl.’s Second Req. for Produc. of Docs. (attached as Exhibit (“Ex.”) A)² at 11.
- In North Carolina, inmates sentenced to death participate in congregate programming with other inmates, may socialize with other inmates in common rooms, and receive recreation in an outdoor yard. *Id.* at 21, 29; and
- In South Carolina, inmates are permitted greater freedom of movement within the death row unit without restraints. *Id.* at 14.³

² The exhibit cited herein is attached as an exhibit to the Declaration of Katherine Gigliotti in support of this Opposition to Defendants’ Motion.

³ The death penalty is not an available punishment in West Virginia. Defs’ Resp. to Pl’s Second Req. for Produc. of Docs., Ex. A at 8.

Many jurisdictions outside the Fourth Circuit likewise maintain inmates sentenced to death in less severe conditions.⁴ Defendants point to no evidence that death row inmates within these jurisdictions have inevitably and universally caused injury as a result of their assignment to such conditions. That numerous other jurisdictions securely and successfully incarcerate death row inmates under conditions similar to or even less severe than those sufficient to satisfy this Court’s ruling illustrates that Defendants’ unsupported predictions of irreparable injury are unfounded.

Defendants offer even less support for their claim that affording Mr. Prieto *process*—in the form of an individualized, reclassification decision—would impose irreparable injury on Defendants. To begin with, Defendants provide no support for the assertion that this Court’s order would require Defendants to “*overhaul* their classification system” or that the “bulk of the current classification system is not designed to contemplate death-sentenced offenders.” Defs.’ Mot. to Stay 5 (emphasis added). To the contrary, during his deposition, VDOC’s Director of Offender Management Services, who manages the classification process, demonstrated a prospective reclassification of Mr. Prieto using VDOC’s current reclassification process, and found after just a few *minutes* that Mr. Prieto could be evaluated on nearly every existing prong. Moreover, Mr. Parks concluded that—had he been eligible for reclassification—Mr. Prieto would have been selected for reclassification to less restrictive conditions on the basis of his long

⁴ For example, Missouri—like Maryland—has integrated death-sentenced inmates into the general prison population with positive results. See Mark D. Cunningham et al., *Is Death Row Obsolete? A Decade of Mainstreaming Death-Sentenced Inmates in Missouri*, 23 Behav. Sci. & L. 307 (2005), available at <http://www.ncbi.nlm.nih.gov/pubmed/15968709>; see also Defs.’ Resp. to Pl.’s Second Req. for Produc. of Docs., Ex. A at 4. Similarly, inmates on death row in California who “follow [the] rules” are permitted five hours of recreation per day, as well as “contact with [their] family,” and “a variety of hobby programs,” among other privileges. See Nancy Mullane, *Walking death row at San Quentin State Prison*, KALW S.F. (Apr. 29, 2013), available at <http://kalw.org/post/walking-death-row-san-quentin-state-prison>; see also Defs.’ Resp. to Pl.’s Second Req. for Produc. of Docs., Ex. A at 26.

record of good behavior in prison. *Compare* Parks Dep. 29:4-7 (“typically after a year, definitely two years, if someone has not picked up infractions, they will typically go down in a security level”) *with* Defs.’ Mot to Stay 6 (“[Mr. Prieto] has not had any disciplinary violations in recent history”). Regardless, even assuming that updating VDOC’s classification process required *some* resources, it has long been the rule that “mere injuries, however substantial, in terms of money, time and energy necessarily expended in the absence of a stay, are not enough” to establish irreparable injury. *Long v. Robinson*, 432 F.2d 977, 980 (4th Cir. 1970). It is exceedingly difficult to understand how merely affording individualized classification to Mr. Prieto—a process VDOC affords annually to roughly 30,000 other inmates—would somehow irreparably injure Defendants.

C. A Temporary Stay Would Harm Mr. Prieto.

Having found that Mr. Prieto is presently suffering a deprivation of his constitutional rights from his indefinite placement without due process in conditions that this Court has described as “uniquely severe” and “dehumanizing,” it is axiomatic that Mr. Prieto would be harmed by the imposition of a stay. Incredibly, however, Defendants urge this Court to find that Mr. Prieto would not be harmed by extending his stay in such conditions because, after five years of solitary confinement, he is “well-adjusted to his current conditions of confinement.” Defs.’ Mot. to Stay 6. That Mr. Prieto has behaved well notwithstanding his indefinite placement in “dehumanizing” conditions is hardly a viable argument in favor of perpetuating those conditions without due process. And Defendants’ unsupported claim that Mr. Prieto is not harmed by his ongoing placement in his present conditions of confinement not only defies common sense, but also ignores the uncontradicted expert report of Dr. Grassian, who expressly found that Mr. Prieto’s continued incarceration in his present conditions of confinement “aggravate[s] the psychological burdens borne by Mr. Prieto . . . [and] leads to severe and deleterious

psychological harm.” Expert Report of Dr. Stuart Grassian at 24, ECF No. 75, Plfs. Mot. for Summ. J. at Ex. 35.⁵

D. The Public Interest Does Not Support a Stay.

In suggesting that the public interest does not support a stay, Defendants ignore that “upholding constitutional rights is in the public interest.” *Legend Night Club v. Miller*, 637 F.3d 291, 303 (4th Cir. 2011) (citing *Giovani Carandola, Ltd. v. Bason*, 303 F.3d 507, 512 (4th Cir. 2002)). Defendants’ only response is to repeat the unsupported claim—rejected by this Court—that the only safe way to house Mr. Prieto is under his present conditions of confinement. For reasons explained *supra*, at 6-7, that is inaccurate. Moreover, the record shows that Defendants have successfully incarcerated individuals convicted of capital murder and who will never leave prison in settings robustly secure, but less harsh than the “uniquely severe” conditions to which Mr. Prieto has been indefinitely assigned without process. See VDOC Classification File for Example Offender #2 (Bates 853-863), ECF No. 75, Ex. 11.

CONCLUSION

For the foregoing reasons, Defendants’ motion for a stay pending appeal should be denied.

⁵ Defendants’ unprecedented threat that they would “likely” reclassify Mr. Prieto to another solitary confinement facility with *less “benefits”* is both disturbing and puzzling. Defs.’ Mot. to Stay 6 (emphasis added). As explained *supra*, Defendants’ own Director of Offender Management Services believed that Mr. Prieto would obtain reclassification to less severe conditions of confinement. And Defendants themselves have explained that other solitary confinement settings—such as disciplinary segregation—are “temporary or short-term assignments” that are considered so severe that offenders receive breaks of 15 days for every 30 days placed in segregation. Offenders also generally control their exit through good behavior. Defendants fail to explain on what pretext Mr. Prieto could be permanently assigned to such a setting. And if the Defendants were to place him in such conditions of confinement, he would certainly inform the Court of their violation of its Order.

Respectfully Submitted,

/s/ Abid R. Qureshi

Abid R. Qureshi (VSB No. 41814)

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Attorneys for Plaintiff Alfredo Prieto

December 31, 2013

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of December, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which caused an notification of electronic filing (NEF) to be sent to the following:

Kate E. Dwyre, AAG, VSB # 82065
Office of the Attorney General
Public Safety & Enforcement Division
900 East Main Street
Richmond, Virginia 23219
(804) 786-5630
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Attorney for Defendants

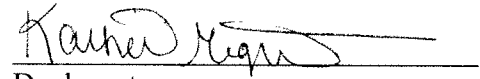
/s/ Abid R. Qureshi
Abid R. Qureshi (VSB No. 41814)
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Telephone: (202) 637-2200
Fax: (202) 637-2201
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Attorney for Plaintiff Alfredo Prieto

I hereby declare under the penalty of perjury that the foregoing is true and correct.

Executed on this 31st day of December, 2013.

KATHERINE GIGLIOTTI, ESQ.

A handwritten signature in cursive script, appearing to read "Katherine Gigliotti", is written over a horizontal line.

Declarant

Inmates Sentenced to Death Housing Policy

Please provide the contact information for the person completing the survey:					Does your agency house inmates sentenced to death?	Are inmates sentenced to death housed in segregated housing (housing designated for only death row inmates) or in general population (housed with inmates who are not sentenced to death)?	
State/City:	Agency:	Name and Title:	Phone:	Email:	Response	Response	Other (please specify)/Comment:
Alabama	ALABAMA Department of Corrections	Rosie Shingles, Administrative Analyst	334-353-9541	rosie.shingles@doc.alabama.gov	Yes	Segregated Housing	
Alaska	Alaska Department of Corrections	Richard Schmitz, Program Coordinator	907-465-4640	richard.schmitz@alaska.gov	No	N/A	
Arizona	Arizona Department of Corrections	Charles L. Ryan	602-542-5225	cryan@azcorrections.gov	Yes	Segregated Housing	
Arkansas	Arkansas Department of Correction	Tiffanye Compton, Research & Planning Administrator	870-267-6335	tiffanye.compton@arkansas.gov	Yes	Other	They are split between two cell blocks. Death Row Inmates are housed in one set of cell blocks and inmates assigned to Administrative Segregation are housed in the other set of cell blocks.

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State/City:	Agency:	Name and Title:	Phone:	Email:	Response	Response	Other (please specify)/Comment:
California	CDCR- San Quentin	Brandy Ebert, Litigation Coordinator	415-454-1460 extension 5757	Brandy.Ebert@cdcr.ca.gov	Yes	Segregated Housing	
Colorado	Colorado Department of Corrections	Chuck Hildebrand, Emergency Manager	719 269-5758	chuck.hildebrand@state.co.us	Yes	Other	Inmates sentenced to death are housed with offenders who are currently segregated in a maximum administrative segregation unit.
Connecticut	Connecticut Dept. of Correction	Edward Maldonado, Warden	860-763-8613	edward.maldonado@po.state.ct.us	Yes	Segregated Housing	
Delaware	Delaware Department of Correction	Michael Records, Planner V	302-857-5389	michael.records@state.de.us	Yes	Segregated Housing	

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State/City:	Agency:	Name and Title:	Phone:	Email:	Response	Response	Other (please specify)/Comment:
Florida	FL Department of Corrections - Union C.I.	T. D. Anderson, AWO; Randy Agerton, Assistant Bureau Chief of Security Operations	386-431-2000; 850-717-3248	anderson.tony@mail.dc.state.fl.us; agerton.randy@mail.dc.state.fl.us	Yes	Segregated Housing	
Idaho	Idaho Department of Correction	Jeff Zmuda, Deputy Chief Prisons	208-658-2123	jzmuda@idoc.idaho.gov	Yes	Other	Inmates sentenced to death are housed in segregated housing with inmates designated as Administrative Segregation
Kansas	Kansas Department of Corrections	Liz Rice, Classification Manager	785-296-4501	LizR@doc.ks.gov	No	N/A	
Kentucky	Kentucky State Penitentiary	Randy White, Warden	270-388-2211 Ext. 22255	randy.white@ky.gov	Yes	Other	Our condemned population at the Kentucky State Penitentiary is located in a general population dorm, however they are isolated to one side of the building, physically unable to move past controlled points (locked doors) and are generally prohibited physical contact with general population inmates.
Louisiana	Louisiana	Burl Cain, Warden	225-655-2002	burlcain@corrections.state.la.us	Yes	Segregated Housing	
Maryland	Maryland Department of Public Safety and Correctional Services	Randy Watson, Director of Programs and Services	410-585-3303	rwatson@dpsc.state.md.us	Yes	General Population	All death row inmates are housed at North Branch Correctional Institution, which is maximum security.
Massachusetts	Massachusetts Department of Correction	Michelle Farrell, Executive Assistant to the Commissioner	508-422-3306	Michelle.Farrell@state.ma.us	No	N/A	

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State/City:	Agency:	Name and Title:	Phone:	Email:	Response	Response	Other (please specify)/Comment:
Michigan	Michigan Department of Corrections	Russ Marlan, Administrator	517-373-0720	Marlanr@michigan.gov	No	N/A	
Mississippi	Mississippi Dept of Corrections	Faye Noel, Interim Warden	662-745-6611 ext. 3178	fnoel@mdoc.state.ms.us	Yes	Other	Death Row offenders are housed in the unit with other segregated inmates who do not have a death sentence. However, Death Row inmates are housed on different tiers from these inmates within the housing unit and never come in physical contact with them.
Missouri	Missouri Dept. of Corrections	George Lombardi, Director	573-526-6607	george.lombardi@doc.mo.gov	Yes	General Population	

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State/City:	Agency:	Name and Title:	Phone:	Email:	Response	Response	Other (please specify)/Comment:
Nebraska	Nebraska Department of Correctional Services	Jessica Houseman, AIII	402-335-5113	jessica.houseman@nebraska.gov	Yes	Segregated Housing	
Nevada	Nevada Dept of Corrections	E.K. McDaniel, Deputy Director	775-887-3266	ekmcdaniel@doc.nv.gov	Yes	Segregated Housing	
New Hampshire	New Hampshire Department of Corrections	Jeffrey Lyons, Public Information Officer	603-271-5602	jlyons@nhdoc.state.nh.us	Yes	Segregated Housing	
New Jersey	New Jersey Department of Corrections	Mark Farsi, Deputy Commissioner	609-826-5650	mark.farsi@doc.state.nj.us	No	N/A	The State of NJ abolished the Death Penalty and commuted all death sentences to life without parole on December 14, 2007.
New Mexico	New Mexico Corrections Department	Anthony A. Romero, Deputy Director of Adult Prisons	505-827-8637	Anthony.Romero1@state.nm.us	Yes	Segregated Housing	
New York City	NYC	Dora Schriro	0	dschriro@asca.net	No	N/A	
North Carolina	North Carolina Department of Public Safety	Nicole Sullivan, Manager, Office of Research and Planning	919-743-8219	nicole.sullivan@ncdps.gov	Yes	Segregated Housing	
North Dakota	ND DOCR	Leann Bertsch, Director	701-328-6616	lebertsc@nd.gov	No	N/A	

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State/City:	Agency:	Name and Title:	Phone:	Email:	Response	Response	Other (please specify)/Comment:
Ohio	Ohio Department of Rehabilitation and Correction	Brian Wittrup, Operations Manager	740-649-4148	brian.wittrup@odrc.state.oh.us	Yes	Segregated Housing	
Oklahoma	Oklahoma Department of Corrections	Terry Crenshaw, Warden's Assistant O.S.P.	918-423-4700	terry.crenshaw@doc.state.ok.us	Yes	Segregated Housing	
Oregon	Oregon State Penitentiary	Michelle Dodson, Executive Assistant to the Superintendent	503-378-2678	michelle.d.dodson@doc.state.or.us	Yes	Segregated Housing	
Rhode Island	Rhode Island Department of Corrections	Susan Lamkins, Programming Services Officer	401-462-2905	susan.lamkins@doc.ri.gov	No	N/A	
South Carolina	South Carolina Department of Corrections	Dennis Patterson, Regional Director	803-896-8540	patterson.dennis@doc.sc.gov	Yes	Segregated Housing	
South Dakota	South Dakota State Penitentiary	Daryl Slykhuis, Deputy Warden	605-367-5054	daryl.slykhuis@state.sd.us	Yes	Other	They are housed in our Administrative Segregation Unit, Single Cell only.

Inmates Sentenced to Death Housing Policy

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State/City:	Agency:	Name and Title:	Phone:	Email:	Response	Response	Other (please specify)/Comment:
Tennessee	Tennessee Department of Correction	Tanya Washington, Research & Planning Coordinator	615-253-8187	Tanya.Washington@tn.gov	Yes	Segregated Housing	
Texas	Texas Department of Criminal Justice	Rosie Plattenburg, Plans and Operations	936-437-6280	Rosie.Plattenburg@tdcj.state.tx.us	Yes	Segregated Housing	No Comments
Utah	Utah Department of Corrections	Steven Turley, Division Director of Institutional Operations	801-545-5710	sturley@utah.gov	Yes	Segregated Housing	Our death row inmates are housed in a 96 bed facility, but mostly in one section where only death row inmates are housed. We have a program for our death row inmates and if one of the inmates has violated a rule within this program, then they are not housed with the other death row inmates. Even if removed from the program, the death row inmate is housed alone and rec's alone.

Inmates Sentenced to Death Housing Policy

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State/City	Agency	Name and Title	Phone	Email	Response	Response	Other (please specify)/Comment
Washington	WA DOC	Dan Pacholke, Asst Secretary	360-725-8779	djpacholke@doc1.wa.gov	Yes	Segregated Housing	
West Virginia	WV Division of Corrections	Rita Albury, Director Classification	304-558-2036	Rita.M.Albury@wv.gov	No	N/A	
Wisconsin	WI DOC	Tony Streveler, Policy Advisor	608-240-5801	anthony.streveler@wisconsin.gov	No	N/A	
Wyoming	Wyoming Department of Corrections	Scott Abbott, Deputy Administrator Operations	307-777-3532	scott.abbott@wyo.gov	Yes	Segregated Housing	
39 Responses					Yes - 29	Segregated Housing - 21	
					No - 10	General Population - 2	
						Other - 6	
						N/A - 10	

Inmates Sentenced to Death Housing Policy

	If inmates sentenced to death are housed in a segregated unit designated for only death row inmates, are they able to have some freedom of movement within the unit without restraints?		If inmates sentenced to death are housed in general population, can they transition from maximum security housing to a less restrictive housing?		Are inmates sentenced to death able to participate in congregate activities?	
State/City:	Response	Other/Comment:	Response	Comment:	Response	Other/Comment:
Alabama	Yes - have limited movement in the unit without restraints		N/A		Yes, but only with other death row inmates	
Alaska	N/A		N/A		N/A	
Arizona	No - movement within the unit is only escorted in restraints		N/A		Yes, but only with other death row inmates	
Arkansas	No - movement within the unit is only escorted in restraints		No		Yes, but only with other death row inmates	

Inmates Sentenced to Death Housing Policy

	If inmates sentenced to death are housed in a segregated unit designated for only death row inmates, are they able to have some freedom of movement within the unit without restraints?		If inmates sentenced to death are housed in general population, can they transition from maximum security housing to a less restrictive housing?		Are inmates sentenced to death able to participate in congregate activities?	
State/City:	Response	Other/Comment:	Response	Comment:	Response	Other/Comment:
California	Other	We have condemned inmates housed in three separate units at the prison. Two out of the three units the inmates are never out of their cells without restraints unless on the exercise yard with no staff contact. The third unit allows for the inmates to have tier time and yard time without restraints; however there is no staff contact.	N/A		Yes, but only with other death row inmates	
Colorado	No - movement within the unit is only escorted in restraints		No		No	
Connecticut	No - movement within the unit is only escorted in restraints	They are unrestrained after movement and secured in a visit room, day room or recreation yard/area.	N/A		No	
Delaware	Yes - have limited movement in the unit without restraints	Movement in cell/yard/shower is without restraints. Most other movement requires restraints and the presence of two staff.	N/A		No	

Inmates Sentenced to Death Housing Policy

	If inmates sentenced to death are housed in a segregated unit designated for only death row inmates, are they able to have some freedom of movement within the unit without restraints?		If inmates sentenced to death are housed in general population, can they transition from maximum security housing to a less restrictive housing?		Are inmates sentenced to death able to participate in congregate activities?	
State/City:	Response	Other/Comment:	Response	Comment:	Response	Other/Comment:
Florida	No - movement within the unit is only escorted in restraints	The only movement they have without restraints is during visitation once a week and recreation twice a week, 3 hours per session.	N/A		Yes, but only with other death row inmates	Only during recreation.
Idaho	No - movement within the unit is only escorted in restraints		N/A		No	
Kansas	N/A		N/A		N/A	
Kentucky	Yes - have limited movement in the unit without restraints	Condemned inmates may only move freely within their wing and on inside or outside recreation. They must wear restraints and be escorted to destinations about the facility.	No	Inmates on death row may only be housed in one area within the penitentiary unless medical or segregation issues should arise.	Yes, but only with other death row inmates	
Louisiana	No - movement within the unit is only escorted in restraints		N/A		No	
Maryland		N/A	No		Yes, with inmates from general population	
Massachusetts	N/A		N/A		N/A	

Inmates Sentenced to Death Housing Policy

	If inmates sentenced to death are housed in a segregated unit designated for only death row inmates, are they able to have some freedom of movement within the unit without restraints?		If inmates sentenced to death are housed in general population, can they transition from maximum security housing to a less restrictive housing?		Are inmates sentenced to death able to participate in congregate activities?	
State/City:	Response	Other/Comment:	Response	Comment:	Response	Other/Comment:
Michigan	N/A		N/A		N/A	
Mississippi	Other	Other inmates who do not have a death sentence are housed in the unit with Death Row inmates. All Death Row inmates' movement is conducted with restraints.	N/A	Death Row inmates are never housed in general population.	Other	The only congregate activity that Death Row inmates are allowed to participate in are the mental health group sessions.
Missouri	N/A	N/A	No		Yes, with inmates from general population	

Inmates Sentenced to Death Housing Policy

	If inmates sentenced to death are housed in a segregated unit designated for only death row inmates, are they able to have some freedom of movement within the unit without restraints?		If inmates sentenced to death are housed in general population, can they transition from maximum security housing to a less restrictive housing?		Are inmates sentenced to death able to participate in congregate activities?	
State/City:	Response	Other/Comment:	Response	Comment:	Response	Other/Comment:
Nebraska	Yes - have limited movement in the unit without restraints		N/A		Yes, but only with other death row inmates	
Nevada	Yes - have limited movement in the unit without restraints		N/A		Yes, but only with other death row inmates	
New Hampshire	Yes - have limited movement in the unit without restraints		No	This is by state statute.	Other	Yes, but only with other inmates housed in the maximum security unit for education classes or group therapy.
New Jersey	N/A	N/A	N/A		N/A	
New Mexico	No - movement within the unit is only escorted in restraints		No		No	
New York City	N/A		N/A		N/A	
North Carolina	Yes - have limited movement in the unit without restraints		N/A		Yes, but only with other death row inmates	
North Dakota	N/A		N/A		N/A	

Inmates Sentenced to Death Housing Policy

	If inmates sentenced to death are housed in a segregated unit designated for only death row inmates, are they able to have some freedom of movement within the unit without restraints?		If inmates sentenced to death are housed in general population, can they transition from maximum security housing to a less restrictive housing?		Are inmates sentenced to death able to participate in congregate activities?	
State/City:	Response	Other/Comment:	Response	Comment:	Response	Other/Comment:
Ohio	Yes - have limited movement in the unit without restraints		N/A		Yes, but only with other death row inmates	
Oklahoma	No - movement within the unit is only escorted in restraints		N/A		No	
Oregon	Yes - have limited movement in the unit without restraints		N/A		Other	limited no more than 4 at a time for some religious services and outside recreation.
Rhode Island	N/A		N/A		N/A	
South Carolina	Yes - have limited movement in the unit without restraints		N/A	Death Row inmates are not housed in general population.	No	
South Dakota		N/A	N/A		No	

Inmates Sentenced to Death Housing Policy

	If inmates sentenced to death are housed in a segregated unit designated for only death row inmates, are they able to have some freedom of movement within the unit without restraints?		If inmates sentenced to death are housed in general population, can they transition from maximum security housing to a less restrictive housing?		Are inmates sentenced to death able to participate in congregate activities?	
State/City:	Response	Other/Comment:	Response	Comment:	Response	Other/Comment:
Tennessee	Other	Inmates assigned to Levels B & C must wear restraints. Level A inmates may have movement within the unit without restraints.	N/A		Yes, but only with other death row inmates	Please see #13 for clarification.
Texas	No - movement within the unit is only escorted in restraints	All death row offenders are escorted with restraints.	N/A	TDCJ does not house any death row offenders in general population.	No	No Comments
Utah	Yes - have limited movement in the unit without restraints	They are allowed movement within their housing section. If removed from the section, they are restrained using both legs and hand restraints.	N/A		Yes, but only with other death row inmates	Only with two other death row inmates at one time.

Inmates Sentenced to Death Housing Policy

	If inmates sentenced to death are housed in a segregated unit designated for only death row inmates, are they able to have some freedom of movement within the unit without restraints?		If inmates sentenced to death are housed in general population, can they transition from maximum security housing to a less restrictive housing?		Are inmates sentenced to death able to participate in congregate activities?	
State/City:	Response	Other/Comment:	Response	Comment:	Response	Other/Comment:
Washington	No - movement within the unit is only escorted in restraints		N/A	Inmates sentenced to death are managed in segregated housing.	No	
West Virginia	N/A	NA	N/A		N/A	
Wisconsin	N/A		N/A		N/A	
Wyoming	Other	Housed in Administrative Segregation/Maximum Custody unit along with others not serving sentence of death	N/A		No	
39 Responses	Yes - have limited movement in the unit without restraints - 11		Yes - 0		Yes, but only with other death row inmates - 12	
	No - movement within the unit is only escorted in restraints - 12		No - 7		Yes, with inmates from general population - 2	
	Other - 4		N/A - 32		No - 12	
					Other - 3	
					N/A - 10	

Inmates Sentenced to Death Housing Policy

	If inmates sentenced to death can participate in congregate activities, are they restrained or unrestrained?		Are inmates sentenced to death allowed to recreate with other inmates?		If inmates in death row are allowed to recreate with other inmates is there a limit on the number that can participate at one time?	
State/City:	Response	Other (please specify)	Response	Other/Comment:	Response	If yes, what number of death row inmates can participate in recreation activities at one time?
Alabama	Unrestrained		Yes, but only with other death row inmates	Death row inmates who are eligible for group activities shall be afforded similar activities as those for inmates assigned to population.	Yes	14 death row inmates are allowed recreation activities at one time.
Alaska	N/A		N/A		N/A	
Arizona	Restrained		No		Yes	
Arkansas	Restrained		No	Other inmates from various cell blocks may be on the recreation yard at the same time as death row inmates however they do not recreate with each other. Each inmate is assigned to an individual cell Approx. 12' x 12'-- Approx. 144 square feet with concrete blocks separating them, their only contact would be verbal.	N/A	

Inmates Sentenced to Death Housing Policy

	If inmates sentenced to death can participate in congregate activities, are they restrained or unrestrained?		Are inmates sentenced to death allowed to recreate with other inmates?		If inmates in death row are allowed to recreate with other inmates is there a limit on the number that can participate at one time?	
State/City:	Response	Other (please specify)	Response	Other/Comment:	Response	If yes, what number of death row inmates can participate in recreation activities at one time?
California	Unrestrained		Yes, but only with other death row inmates		No	
Colorado			No		N/A	
Connecticut	Other	Inmate's sentenced to death do not participate in congregate activities.	Yes, but only with other death row inmates	Although with other Death Row inmates, they are in individual recreation cages next to each other.	Yes	3 at a time in individual cages next to each other.
Delaware	Other	N/A	No		N/A	N/a

Inmates Sentenced to Death Housing Policy

	If inmates sentenced to death can participate in congregate activities, are they restrained or unrestrained?		Are inmates sentenced to death allowed to recreate with other inmates?		If inmates in death row are allowed to recreate with other inmates is there a limit on the number that can participate at one time?	
State/City:	Response	Other (please specify)	Response	Other/Comment:	Response	If yes, what number of death row inmates can participate in recreation activities at one time?
Florida	Unrestrained		Yes, but only with other death row inmates		Yes	30 inmates per yard.
Idaho	Other	N/A	Yes, but only with other death row inmates		Yes	Limited to the number of secure recreation enclosures (10)
Kansas	N/A		N/A		N/A	
Kentucky	Unrestrained	During specified times for this polulation in the Religious Activity Center only.	Yes, but only with other death row inmates		Yes	Recreation groups are divided into managable groups depending on existing conflicts among the inmates.
Louisiana	N/A	NA	No		N/A	NA
Maryland	Unrestrained		Yes, with inmates from general population		No	
Massachusetts	N/A		N/A		N/A	

Inmates Sentenced to Death Housing Policy

	If inmates sentenced to death can participate in congregate activities, are they restrained or unrestrained?		Are inmates sentenced to death allowed to recreate with other inmates?		If inmates in death row are allowed to recreate with other inmates is there a limit on the number that can participate at one time?	
State/City:	Response	Other (please specify)	Response	Other/Comment:	Response	If yes, what number of death row inmates can participate in recreation activities at one time?
Michigan	N/A		N/A		N/A	
Mississippi	Restrained			Death Row inmates go on the yard in full restraints and placed in individual yard pens where there is no physical contact. Once the inmates have been placed in the yard pen, the restraints are removed.	Yes	There is a limit on the number of yard pens available. We have a total of 15 yard pens.
Missouri	Unrestrained		Yes, with inmates from general population		No	

Inmates Sentenced to Death Housing Policy

	If inmates sentenced to death can participate in congregate activities, are they restrained or unrestrained?		Are inmates sentenced to death allowed to recreate with other inmates?		If inmates in death row are allowed to recreate with other inmates is there a limit on the number that can participate at one time?	
State/City:	Response	Other (please specify)	Response	Other/Comment:	Response	If yes, what number of death row inmates can participate in recreation activities at one time?
Nebraska	Unrestrained		Yes, but only with other death row inmates		No	We run our Death Row activities in smaller groups; this is not because we have a limit on the number of participants at any given time. It is due to some inmates who are on a "no contact" status. The number of inmates in each group is based on the number of Death Row inmates being housed.
Nevada	Unrestrained		Yes, but only with other death row inmates		Yes	12 to 15 only
New Hampshire	Other	They are locked into therapy/education booths which is a barred unit with a table and desk. They cannot have physical contact with another inmate.	No		No	
New Jersey	N/A	N/A	N/A		N/A	
New Mexico	Other	No congregate activities for death row inmates	No		No	
New York City	N/A		N/A		N/A	
North Carolina	Unrestrained		Yes, but only with other death row inmates		Yes	48 inmates at a time, 2 pods of 24 inmates
North Dakota	N/A		N/A		N/A	

Inmates Sentenced to Death Housing Policy

	If inmates sentenced to death can participate in congregate activities, are they restrained or unrestrained?		Are inmates sentenced to death allowed to recreate with other inmates?		If inmates in death row are allowed to recreate with other inmates is there a limit on the number that can participate at one time?	
State/City:	Response	Other (please specify)	Response	Other/Comment:	Response	If yes, what number of death row inmates can participate in recreation activities at one time?
Ohio	Unrestrained		Yes, but only with other death row inmates		Yes	10-12 except in special circumstances.
Oklahoma			No		N/A	
Oregon	Other	Restrained when escorted. Once placed in holding cage or placed in outside recreation area unrestrained.	Yes, but only with other death row inmates		Yes	No more than 4 on the big yard, 3 in weight pile, 2 two man walks - all is based on incentive level
Rhode Island	N/A		N/A		N/A	
South Carolina		Death Row inmates cannot participate in congregate activities.	No	They recreate in single cell recreation area.	N/A	
South Dakota	N/A	N/A	No		No	

Inmates Sentenced to Death Housing Policy

	If inmates sentenced to death can participate in congregate activities, are they restrained or unrestrained?		Are inmates sentenced to death allowed to recreate with other inmates?		If inmates in death row are allowed to recreate with other inmates is there a limit on the number that can participate at one time?	
State/City:	Response	Other (please specify)	Response	Other/Comment:	Response	If yes, what number of death row inmates can participate in recreation activities at one time?
Tennessee	Other	Restraints are mandatory for Level B inmates, but may be removed in a conference area at the discretion of the unit manager. Level A inmates may congregate unrestrained.	Yes, but only with other death row inmates	Please see #13 for clarification.	Yes	Please see #13 for clarification.
Texas		N/A	No	Death row offenders are allowed single recreation only.	N/A	Not applicable, death row offenders are allowed single recreation only.
Utah	Unrestrained	Only inside the housing section.	Yes, but only with other death row inmates		Yes	Three

Inmates Sentenced to Death Housing Policy

	If inmates sentenced to death can participate in congregate activities, are they restrained or unrestrained?		Are inmates sentenced to death allowed to recreate with other inmates?		If inmates in death row are allowed to recreate with other inmates is there a limit on the number that can participate at one time?	
State/City:	Response	Other (please specify)	Response	Other/Comment:	Response	If yes, what number of death row inmates can participate in recreation activities at one time?
Washington	Other	N/A	No		N/A	Inmates recreate one at a time.
West Virginia	Other	N/A	N/A		N/A	
Wisconsin	N/A		N/A		N/A	
Wyoming	Other	Only recreation areas that are separated may be used.	No		N/A	
39 Responses	Restrained - 3		Yes, but only with other death row inmates - 13		Yes - 13	
	Unrestrained - 11		Yes, with inmates from general population - 2		No - 2	
	Other - 10		No - 13		N/A - 19	
			N/A - 10			

Inmates Sentenced to Death Housing Policy

	Do inmates sentenced to death have access to program opportunities?		If inmates sentenced to death have the opportunity to participate in programs, what types of programs are available to them?	Are inmates sentenced to death permitted to have contact visiting?		Please provide any other comments about the housing of male inmates sentenced to death.
State/City:	Response	Comment:	Open-Ended Response	Response	Comment:	Open-Ended Response
Alabama	Yes		When security permits, inmates may be allowed to participate in small psychological therapy groups with approval of mental health professionals and the Warden or designee. Inmates may also enroll in religious and/or educational correspondence courses. Only one course at a time will be permitted and only courses which can be completed by reading and writing will be approved.	Yes	Contact visiting allowed unless inmate has lost this privilege as result of a disciplinary or the Warden has documented reason to deny contact visits.	
Alaska	N/A			N/A		There is no death penalty in Alaska.
Arizona	Yes		Religious Programming, Correspondence courses at their own expense, Recreation, TV Programming.	No		
Arkansas	Yes		College Courses, GED and any of the Mental Health Programs that can be delivered to the cell blocks. They are also allowed to participate in Workcraft.	Yes		

Inmates Sentenced to Death Housing Policy

	Do inmates sentenced to death have access to program opportunities?		If inmates sentenced to death have the opportunity to participate in programs, what types of programs are available to them?	Are inmates sentenced to death permitted to have contact visiting?		Please provide any other comments about the housing of male inmates sentenced to death.
State/City:	Response	Comment:	Open-Ended Response	Response	Comment:	Open-Ended Response
California	Yes		There are able to participate in educational programs, work program (very limited), religious programs, mental health programs, yard program, hobby program.	Yes		
Colorado	No			No		
Connecticut	No		N/A	Yes	Yes, professional visits only.	Death Row inmates are allowed to have three 1 hour non-contact social visits per week and unlimited contact professional visits. Each inmate is out of his cell for approximately 17 hours per week (recreation, social/legal calls or visits and showers). Death Row inmates also have access to a resource center/area. The State of Connecticut does not have "Law Libraries" Inmates are referred to Inmate Legal Assistance Program (ILAP).
Delaware	Yes	Limited.	One-on-one special education as required by law for those who qualify.	No		N/a

Inmates Sentenced to Death Housing Policy

	Do inmates sentenced to death have access to program opportunities?		If inmates sentenced to death have the opportunity to participate in programs, what types of programs are available to them?	Are inmates sentenced to death permitted to have contact visiting?		Please provide any other comments about the housing of male inmates sentenced to death.
State/City:	Response	Comment:	Open-Ended Response	Response	Comment:	Open-Ended Response
Florida	Yes		Wellness, Arts and Crafts and Education; Limited arts & craft, special education is offered to eligible inmates.	Yes		Law Library, Attorney Interviews, Medical, Dental, Canteen and Visitation are all conducted within the death row unit to minimize outside escort.
Idaho	No			Yes	May have one (1) contact visit annually at discretion of warden.	
Kansas	N/A			N/A		
Kentucky	Yes	Any program involvement is limited to the Death Row housing area only and as stipulated in item #11 below.	Inmates on death row at KSP have limited access to academic materials that shall be provided upon written request. Death Row inmates may participate in correspondence college courses in accordance with written DOC policy. Death Row inmates may participate in specified jobs only.	Yes		
Louisiana	Yes		Religious and GED programs. Death row offenders also have access to canteen, library and legal aid services.	Yes	Permitted one contact visit every three months - with family members.	
Maryland	Yes		Everything available to General Population inmates at North Branch Correctional Institution.	No	All General Population inmates at NBCI are permitted an embrace with their visitors at the beginning and end of the visit, but they are separated by glass during the visit.	
Massachusetts	N/A			N/A		

Inmates Sentenced to Death Housing Policy

	Do inmates sentenced to death have access to program opportunities?		If inmates sentenced to death have the opportunity to participate in programs, what types of programs are available to them?	Are inmates sentenced to death permitted to have contact visiting?		Please provide any other comments about the housing of male inmates sentenced to death.
State/City:	Response	Comment:	Open-Ended Response	Response	Comment:	Open-Ended Response
Michigan	N/A			N/A		Michigan does not have the death penalty.
Mississippi	Yes	Due to the absence of the program facilitator, the Mental Health Stepdown Program is not fully operational. It is limited to group and individual sessions of the program.	The Mental Health Stepdown Program - Identifies, addresses and treats mental issues and illnesses of Death Row inmates. RVR-Free Incentive Program - Encourages good institutional behavior by rewarding inmates with a steak dinner and certificate for remaining RVR (Rule Violation Report) free for a year.	No	Death Row inmates cannot have contact visits with family or friends. When required, contact visitation will be approved for legal and psychiatric personnel with regards to their legal case.	Death Row inmates receive two non-contact visits per month with family/friends. They can receive \$100 worth of commissary per week. They have satellite TV and can purchase MP3 players, personal TVs and radios
Missouri	Yes		Any and all programs available at the maximum security prison where they are housed	Yes		Go on our website and click on the Office of the Director - there is a paper there entitled "Mainstreaming Death Sentenced Inmates" It will give you insight into our successful integration of Capital Punishment inmates into the general population a number of years ago. Death Sentenced inmates are housed according to their institutional behavior only and have complete access to all programs and services within the prison including being celled with non-death sentenced offenders. I would be glad to elaborate if you choose. George Lombardi

Inmates Sentenced to Death Housing Policy

	Do inmates sentenced to death have access to program opportunities?		If inmates sentenced to death have the opportunity to participate in programs, what types of programs are available to them?	Are inmates sentenced to death permitted to have contact visiting?		Please provide any other comments about the housing of male inmates sentenced to death.
State/City:	Response	Comment:	Open-Ended Response	Response	Comment:	Open-Ended Response
Nebraska	No	Inmates on Death Row do have access to religious materials such as books, recordings, and study materials from the Religion Department.		Yes		
Nevada	Yes		Education, general programs taught at the max security institution	Yes		
New Hampshire	Yes		Education and religious mainly.	No		
New Jersey	N/A			N/A		
New Mexico	Yes		GED, College Courses, Project Act, ABE	No		NMCD currently has 2 death row inmates. New Mexico abolished the death penalty in March 2009.
New York City	N/A			N/A		
North Carolina	Yes		Religious services and activities, recreational programs	No		All inmates assigned to death row have a single cell with access to a common area or dayroom to watch TV or congregate with other death row inmates.
North Dakota	N/A			N/A		

Inmates Sentenced to Death Housing Policy

	Do inmates sentenced to death have access to program opportunities?		If inmates sentenced to death have the opportunity to participate in programs, what types of programs are available to them?	Are inmates sentenced to death permitted to have contact visiting?		Please provide any other comments about the housing of male inmates sentenced to death.
State/City:	Response	Comment:	Open-Ended Response	Response	Comment:	Open-Ended Response
Ohio	Yes		Education, general wellness, recreation, community service, religious.	Yes	Arms are free, they have ability to touch and have contact with visitors, but they are restrained to the chair so they cannot move more than a couple of feet.	
Oklahoma	Yes		Offenders on oklahoma death Row are allowed to participate in Religouse programs and edgucation or thinking for a change programs.	No		
Oregon	Yes	limited	Visiting Religious Services Limited access to clubs - via correspondence	No		Incentive level system is used
Rhode Island	N/A			N/A		
South Carolina	Yes		Religious programs.	No	Death Row inmates are not allowed contact visiting until they reach execution status, then they can request one (1) contact visit.	
South Dakota	Yes		One on One CD and Mental Health. Correspondence Courses. Courses offered over the internal TV network. One on one Religious activities.	No		

Inmates Sentenced to Death Housing Policy

	Do inmates sentenced to death have access to program opportunities?		If inmates sentenced to death have the opportunity to participate in programs, what types of programs are available to them?	Are inmates sentenced to death permitted to have contact visiting?		Please provide any other comments about the housing of male inmates sentenced to death.
State/City:	Response	Comment:	Open-Ended Response	Response	Comment:	Open-Ended Response
Tennessee	Yes		Religious counseling, other counseling, and education are available to all inmates sentenced to death. Inmates in Level A may also participate in available recreational activities (i.e. arts and crafts, cards and certain board games) within the unit.	Yes	After the initial 12 months of incarceration at the prison, contact visits may be granted by the Deputy Warden.	Inmates sentenced to death are assigned to one of three program levels. Level C: All newly sentenced inmates received at an institution with the sentence of death will be placed at this level for 18 months prior to receiving consideration for Level B. All activities are done individually. Level B: An inmate must remain at this level for 12 months, disciplinary-free, prior to receiving consideration for Level A. Level B inmates are able to participate in program groups of six or less. Level A: Inmates at this level must maintain an overall exceptional rating in the unit and remain free from disciplinary convictions. These inmates may participate in larger group activities without restraints.
Texas	Yes	Death row offenders have access to in-cell programs, depending on their classification.	Death row offenders have access to in-cell educational and religious correspondence courses.	No		TDCJ has no other comments regarding the housing of male death row offenders.
Utah	Yes	Limited access	Religious, books, electronics (e.g., TVs, DVD players, etc.)	No		

Inmates Sentenced to Death Housing Policy

	Do inmates sentenced to death have access to program opportunities?		If inmates sentenced to death have the opportunity to participate in programs, what types of programs are available to them?	Are inmates sentenced to death permitted to have contact visiting?		Please provide any other comments about the housing of male inmates sentenced to death.
State/City:	Response	Comment	Open-Ended Response	Response	Comment	Open-Ended Response
Washington	Yes	Some limited volunteer movement occurs in the unit. Primarily faith based.	Faith based.	No		
West Virginia	N/A		NA	N/A		
Wisconsin	N/A			N/A		
Wyoming	Yes	Limited but some cognitive journals and education		No		
39 Responses	Yes - 25			Yes - 13		
	No - 4			No - 16		
	N/A - 10			N/A - 10		