

ESH Public Comment
(As Prepared for Delivery)
BOC Meeting
December 19, 2014

I know I have already had a chance to describe Enhanced Supervision Housing to you, but I wanted to speak today because I have heard many misconceptions about this new unit that I thought it would be helpful to provide clarification. I know the public has a lot to say about ESH -- and I want to hear all of the concerns -- but just briefly, I want to try to help correct some of these misconceptions.

Finding effective solutions to the violence that has long persisted in the jails requires innovative problem solving and a comprehensive overhaul in the way we train staff and manage the diverse needs of the inmate population. The Department is embarking on transformative changes with the modernization of our inmate management and programmatic approaches.

To date, we have made significant and meaningful reforms:

- We have implemented 15:1 inmate to officer ratio in our adolescent housing units.**
- We are working with Friends of Island Academy to create discharge planning program for adolescents.**
- In September 2014, we began a program in partnership with two non-profit organizations, Animal Care and Control and Instinct Dog Behavior and Training as well as the DOHMH to train dogs at risk of being euthanized.**
- We are in discussions with DOE to expand the career and technical education curriculum.**
- We continue to provide Moral Reconciliation Therapy (“MRT”)**

- **On September 2nd, we created “Second Chance Housing Area” where adolescents in punitive segregation who have behaved well and have not injured staff or other inmates may be moved, prior to expiration of their sentences, in order to facilitate their transition back to the General Population.**
- **On December 4th, we ended Punitive Segregation for adolescents with the creation of the Transitional Repair Unit (TRU). In May, we went from 82 adolescents in Punitive Segregation to 0 in December.**
- **We adopted a simple policy change to reduce violence through the institution of a 2100 hour (9 pm) mandatory lock-in for our population.**
- **To effectuate fundamental change in facility management, the Department evaluated the recruit and staff training to ensure that staff at every level have the skills to address the diverse needs of the inmate population.**
- **2 months ago, DOC Investigations implemented an initiative to address matters of concern at RNDC and, more recently, at GRVC. Specifically, it located dedicated ID staff at the facilities to monitor staff conduct at RNDC and GRVC. The team is currently staffed by (1) Deputy Director, (1) Supervisor, and (4) investigators.**

As part of our longer term goals, the Department will be implementing full camera coverage on the Island.

Violence in the jails is at an all time high. The goal of ESH is to improve the safety and security of the jails. We are not looking to create a back-door punitive segregation unit. Quite the contrary. Our goal has been to reduce the agency's reliance on punitive segregation as a tool for day-to-day inmate management. But we have a responsibility to do this in a way that is safe for all involved – staff and inmates. ESH is in line with our changes to the use of punitive segregation. The Department's punitive segregation reform strategy includes ending the enforcement of historically owed punitive segregation time. However, if someone returns to custody with a violent history, he can be directed to ESH for more secure, supervised housing. We will also be establishing new sentencing guidelines and reducing the maximum sentence from 90 to 30 days.

Punitive segregation is a useful tool for discipline but best practices from across the country show that for the most violent inmates, the best approach is to minimize their contact with general population while the risks of violence are high and provide evidence-based programming to help modify behavior and mainstream them back to population. To that end, we are planning to implement programs to inmates in ESH that have generally been effective in other correctional systems across the country—like interactive journaling programs, anger management, and crisis management.

In fact, the Challenge Journal program, which we have looked at, has been successful in Virginia. It is a 3 phase, 8 step program that focuses on violence reduction and keeping high risk inmates engaged in pro-social activity, reduce misconduct, and create a pathway to more structured programming.

As I have noted previously, when we examine violent indicators and change in our average daily population we see specific sub-populations that drive the violence in jails:

- **High custody inmates make up 16% of our ADP and account for 61% of violent incidents in FY14**
- **Mental Health inmates make up 39% of our ADP and account for 59% of our most violent incidents.**
- **Gang members make up 15% of our ADP and account for 25% of our most violent incidents.**
- **Inmates who are involved in our violent incidents have an average stay of 262 days.**

The key is that these groups, which are small segments of the total population, have disproportionate incident involvement and require different management approaches. But I want to be clear that the Seriously Mentally Ill will not be placed in ESH. As we already do for SMI who have infractions, we will ensure those with violent histories who might need to be separated from the general population will receive more intensive mental health care in the CAPS or PACE units as appropriate. I also want to make clear that 16 and 17 year olds will not be placed in these ESH units.

Where there are other safe housing options that bring necessary treatment or programming, we will use them instead of ESH. But it is incumbent upon us to do what we can to keep the staff and inmates in the jails as safe as possible. Data demonstrates that involvement in a serious violent incident is often a good predictor of future violence. To that end:

- **71% of Use of Force incidents in FY14 involved repeat offenders. That means that out of the 3,779 UoFs that occurred, 2,694 involved repeat offenders.**
- **Similarly, in FY15 we already see 64% of our UoFs are driven by repeat offenders.**

These are significant numbers. It is possible that as many as 2,979 incidents could have been avoided in FY14 if we had the appropriate tools to manage this violent population. Also, out of 752 assaults on staff, 267 involved repeat offenders and, possibly, could have been avoided.

We know a relatively small number, only 7%, of inmates in our custody are violent, assaultive and present a clear danger to others. And we need to have a way to separate the most violent inmates from those who are not violent. We would hope that even those most vocal against punitive segregation would agree. But ESH housing is not punitive segregation. Inmates in these units will have at least 7 hours out of their cells per day in a socialized environment. ESH is a necessary tool to safely house violent inmates. And it is in a non-punitive setting with some common-sense restrictions which limit opportunities to cause harm. It will also limit influential gang leaders who direct and initiate the most violence.

Of the 7% of inmates that commit violent infractions, only 250, or 2.2% of the ADP, will be eligible for ESH at any time.

Yes, one of the restrictions we are seeking is the ability to lock these inmates in their cells for longer periods throughout the day than general population inmates – up to seven hours longer. This still affords ESH inmates seven hours of general lock out per day in a socialized setting with up to 24 others. There is no study anywhere that we are aware of that would refer to seven hours out of cell per day as solitary confinement. In some nearby systems, this amount of out of cell time would be a privilege rather than a restriction. First Deputy Commissioner James Dzurenda, who as you know was most recently the Commissioner of Correction for the state of Connecticut will testify about this shortly.

Also, importantly, ESH inmates will have access to all services, including congregate religious services, law library, social services, recreation, education and of course, health and mental healthcare. The difference is that these services will be provided in the housing area and without mingling this group with the general population. This is standard correctional practice for managing the most violent inmates in every single jail or prison in the United States. We are not looking to diminish service access in any way; we are simply ensuring that those with demonstrated histories of jail-based violence are not able to prey upon others. Additionally, we are committed to implementing anti-violence programming that establishes a platform for effective structured programming and incentives for positive behaviors.

A lot has also been made of the concern that ESH will be a place that inmates can be sent without due process and at the discretion of any officer with whom they have an issue. That is not the case. ESH placements will have to be confirmed by a Deputy Warden prior to transfer and will have to be based on facts. We have been clear that those who commit slashings or stabbings are the primary candidates for ESH housing. Those who seriously assault staff members or other inmates and those who repeatedly engage in violent behavior are ESH candidates. There will also be a small group of inmates whose behaviors are not personally violent, but whose influence forces or facilitates those inmates to violence.

We have said this before but it bears repeating: at most ESH will house a little over 2 percent of the population. This group of 250 inmates will be a subset of the approximately 7 percent who commit any sort of violent act while in DOC custody. Candidates are among those who have already hurt other people and who are currently in general population, free to hurt others again. This is a step in our long-term plan to reduce jail violence. An important part of that is focusing on those whose histories demonstrate their willingness to engage in this activity.

Over the past several years, violence in the jails has grown by staggering proportions. Uses of force are up 107% from FY2009 to FY2014. Assaults on staff are up 65%. Slashings and stabbings are up 319%. Over that same period, our population has become increasingly composed of those with violent felony offenses, gang affiliations and mental illnesses with each category growing by at least 10%. The degree to which each of these factors or combinations of them contribute to the levels of serious violence in the facilities is something we have begun to study. As the jails come under better control, we will be reassessing the criteria for ESH and may be able to rely more on predictive instruments that we have time to develop, test and validate. But we don't have that kind of time right now.

The numbers I just described make clear that we have a crisis of violence in the jails, and it is imperative that we stop it. More than 40 years of correctional experience tells me that limiting and closely supervising the activities of the most violent inmates in our system is the next critical step in our violence reduction agenda.

I thank the Board for its time and attention on this critical issue.