

Comments to the NYC Board of Corrections on the Proposal to create a new Enhanced Surveillance Housing Unit (ESHU) at Rikers Island .

**COMMENT by Ernest Drucker PhD
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PUBLIC COMMENT

According to the NYC Board of Corrections the stated objective of the proposed Enhanced Surveillance Housing Unit (ESHU) is to deal with *“some of the Department’s most dangerous inmates”* and *“ address the dramatic increase in serious inmate violence in New York City jails”* This goal is to be accomplished while balancing its new constraints and restrictions *“with the rights of inmates... tailored to the purpose of protecting inmates and staff, rather than punishment for particular infractions.”*

The difficult task of dealing with the nature and causes of the high rates and persistence of violence at Riker’s Island jail raises many of the most fundamental issues of the facilities goals and its accountabilities as a public agency of the New York City government . In this respect the proposed ESHU has significance that extends beyond the Unit itself and has implications for the future of Rikers and its mission in the broader context of dealing with violations of law in our city with the central question of the effectiveness of this detention facility as a tool for promoting public health and safety and assuring respect for the human rights of all New Yorkers . My main recommendation is that a formal and systematic monitoring and evaluation program be included in the

ESHU from its inception.

The data on persistent violence at Rikers tells us clearly that the issues of violence at Rikers are not restricted to “the most dangerous” inmates but also includes correctional staff. Serious violence includes inmates and correction officers as both perpetrators and victims. And such violence continues to rise at Rikers , with 88 stabbings and slashings by inmates and 752 assaults on uniformed staff members reported in the 2014 fiscal year, compared with 34 and 500, respectively, seen four years earlier. In the first 10 months of this year, officers used physical force against inmates 3,381 times, compared with 2,618 during the same period the year before.

In framing these comments, I have therefore been concerned with the people who have the most direct stake in the ESHU’s design and implementation – the detainees and staff at Rikers , who have the most to gain in any success for the ESHU as an intervention to reduce violence. . In this spirit, rather than get involved in any critique of the details of what may or may not be done at he ESHU (which are still to be worked out and explicitly stated) my main agenda in these comments is to address the process of how these details are to be worked out in the new Unit’s policies and programs to assure that they are meeting the goals of reducing overall violence at the facility and how the Unit will be held accountable for this outcome while safeguarding the human and legal rights of inmates .

At the outset we can see that , while the current proposal by the Board of Corrections identifies violence as its central problem, it makes no mention of any of the most crucial details about the ESHU plan and its operations – and how the day to day operation of the facility and its results will be monitored and evaluated . The ESHU’s monitoring and evaluation program must be addressed and made explicit in the design and presentation of the program prior to its initiation. In order to assure the Board of Corrections ability to oversee and allow it to be fully accountability, the ESHU planning requires that these details and responsibilities be clearly and formally stated by the Department of Corrections .

The following details are not currently given in the current proposal as

stated in the BOC document but they are essential to the overall ESHU plan, which should include the details about the following issues:

- 1- the institutional goals and specific objectives and outcome measures for the entire program , and each of its components.
- 2- the inclusion criteria for the population to be housed in the ESHU;
- 3- the model and clinical protocols for dealing with the high rates of mental illness expected in the ESHU population;
- 4- the mechanisms for early and ongoing participation of all concerned parties in the design and correctional methods to be employed in the ESHU ;
- 5- the outcomes being sought for the ESHU population and the metrics for assessing them over time ;
- 6- detailed goals and plans for the programs ongoing monitoring and evaluation and specification of who will be responsible for the legal and ethical integrity of the unit and the immediate and long term consequences of its conduct .

These considerations have great significance for the programs success – and any monitoring and evaluation program covering the ESHU should be subject to participation by all concerned parties . The programs close monitoring and evaluation and their open access to the public are as necessary and of equal important to any elements of the conduct of the program itself , representing as they do the only way to assure that the unit is fulfilling its function and meeting its goals.

In response , the details of a monitoring and evaluation plan for the ESHU must be spelled out in advance and involve participation by all relevant city agencies – with clear stipulations about these requirements for all parties involved the units operation. These plans should be premised on the principal that the ESHU program and its conduct be transparent and designed to be closely monitored – allowing all of the data about its key individual and population outcomes to be observed , documented , and accurately evaluated in a timely fashion.

The City's obligations already include this level of data collection and reporting in the areas related to both inmates and staffs health and safety e.g. the records of DOCs incident reports and the DOH electronic health records – both of which are currently in operation and should be

combined in the analysis of the ESHU's performance and outcomes as part of any formal monitoring and evaluation plan.

In addition we must consider the reliability and validity of all these sources of information that will document what happens at the ESHU - with close attention to the accuracy and completeness of the details of how those are recorded , who has access to them (under what circumstances), and how those records play into a comprehensive information and data system about the ESHU - with a case by case merger of individuals correctional and health data under appropriate protections of access and confidentiality. In addition we must consider what the sources of inmate perspectives and information will be that documents what happens at he ESHU and how those are reported to City agencies and the public .

As citizens , those of us working in New York's medical and public health community have a clear duty to focus on this proposal and its processes to assure it contains the mechanisms whereby an ethical public-health and human rights perspective are placed at the heart of the new programs goals and methods - and be reflected in a well resourced system of data collection and performance monitoring, and a pro- active role of the data in problem solving and programmatic oversight. These steps are a vital part of any formal structure of accountability that can only result from a strong well supported and transparent evaluation process for the new ESHU program that will finally emerge from the current processes.

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