

November 13, 2018 – ESH and Secure Unit Variances – Public Reporting Condition

During the pendency of this Variance, the Department shall provide the Board with a monthly, public report on the operation of Secure Units and Young Adult ESH Units:

- a. For each placement, the date of entry, the criteria met for placement (specifically which of the enumerated criteria in the Department’s Directive is being used to justify placement), the dates of specific incidents (assault on staff, slashing, etc.) used to justify placement and the associated incident type, the placement level, the housing category in which the inmate was housed prior to placement (e.g., GP, SCH, TRU, ESH, REST, APU), the result of his adjudication, and whether individual had previously been housed in Secure, ESH, TRU, and/or SCH;
- b. For each release, the date of release, the reason for release, the total number of days spent in the restrictive housing area (ESH or Secure), and the housing category (and phase/level, if applicable) in which the inmate was housed prior to and upon release;
- c. For each movement between phases/levels, the date of movement, the phase/level prior to movement, and the phase/level to which the individual moved, and the reason for movement (i.e., initial/periodic review recommendation, separation order, security concern, other, please specify);
- d. The average daily population in each phase/level and overall; and the number of young adults in each phase/level as of the 1st day of the month following the reporting period;
- e. The total number of people entering the ESH or Secure Unit to- date and the total number of entries to date;
- f. The minimum, maximum, median, and average length of stay in each phase/level and overall and in each phase/level and overall by release reason,¹ and the time in-program minimum, maximum, median, and average on the last day of each month overall and by phase/ level;²

¹ The minimum, maximum, median, and average lengths of stay shall be calculated continuously from the opening of the Secure Unit on June 29, 2016 to the end of the reported period OR the opening of YA ESH on September 8, 2016 to the end of the reporting period for all exiting placements. For ESH/Secure, minimum, maximum, and median lengths of stay reporting overall and by level should specify the number of individuals included in each calculation. Length of Stay will be calculated for all Young Adult placements from their Date of Entry through their (ESH/Secure) Exit Date. Only Young Adults with an Exit Date as of the last day of the month will be included in the Length of Stay analysis. Young Adults entering and leaving ESH prior to an adjudication hearing should not be included in the Length of Stay calculation. All Young Adults meeting these criteria (not just those entering after March 1, 2017 when the entry unit was established) should be included in the reported Length of Stay calculations. The Department shall make best efforts to provide length of stay by release reason and if not provided shall state when the information will be available.

² For ESH/Secure, minimum, maximum, and median Time in Program reporting overall and by level should specify the number of individuals included in each calculation. Time in Program will be calculated as of the 1st day of the month following the reporting period for all Young Adults in the ESH/Secure housing area on that date. Time in Program should be calculated for all Young Adult placements in the ESH/Secure housing areas as of the 1st of the following month from the date of Entry into the housing area. Young Adults entering and leaving ESH prior to an

- g. The number of young adults who met the criteria for a 28-day review (Secure), 15-day review (ESH), and 21-day review (ESH);
 - i. The number of young adults who received such review;
 - ii. For each review, the individual's review date, level at the time of review, the new level or housing type recommended, the resulting placement level or housing type, and resulting placement date, days from review recommendation to resulting placement. Where progressions/regression are recommended but not yet implemented, the reason as to why the recommendation has not yet been implemented.
 - iii. If the young adult does not advance to a less restrictive level, the Department shall document and report to the Board which exception was used to justify continued placement in the young adult's current level: (1) he has engaged in disruptive, violent, or aggressive behavior while in his current level; and/or (2) there is credible intelligence that he may engage in additional violence in a less restrictive unit.
- h. The Department shall report the total number of recommended progressions, the total number of actual progressions, and the average and median days from review recommendation to actual progression.
- i. For each program offered, the number of classes or meetings offered and the average number of participants and the number of unique individuals participating in any program that month and by each program type during the reporting month.³
- j. The number of young adults in Secure Units who were placed in de-escalation areas, including the minimum, maximum, median, and average length of time in such areas;⁴
- k. The number of inmate-on-inmate fights to-date and for the reporting month in the Secure Unit, in the Young Adult ESH, and the rates of inmate-on-inmate violence cumulatively and for the reporting month in the 1) Secure Unit, 2) Young Adult ESH, and 3) the young adult general population (number of incidents / average daily population);⁵

adjudication hearing for placement should not be included in the Time in Program calculation. All Young Adults meeting these criteria (NOT just those entering after March 1, 2017 when the entry unit was formalized) should be included in the reported Time in Program calculations.

The Department shall make best efforts to provide Time in Program by Secure phase/level and if not provided shall state when the information will be available.

³ The Department shall make best efforts to provide the number of unique individuals participating in any program that month and by each program type during the reporting month. If this information is not provided, the Department shall state when the information will be available.

⁴ To date, the Department reports that it has not used de-escalation areas in the Secure Unit.

⁵ For Secure, cumulative rates for (i)-(l) shall be calculated continuously from the opening of Secure Unit on June 29, 2016 to the end of the reporting period. For Young Adult ESH, cumulative rates for (i)-(l) shall be calculated continuously from the opening of Young Adult ESH on September 7, 2016 to the end of the reporting period. The

- l. The number of slashings/stabbings to-date and for the reporting month in the Secure Unit, in the Young Adult ESH, and the rates of inmate-on-inmate violence cumulatively and for the reporting month in the 1) Secure Unit, 2) Young Adult ESH, and 3) the young adult general population (number of incidents / average daily population);
- m. The number of assaults on staff to-date and for the reporting month in the Secure Unit, in the Young Adult ESH, and the rates of assaults on staff by 1) Secure Unit young adults, 2) Young Adult ESH, and 3) the young adult general population⁶ which shall be calculated cumulatively and for the reporting month;
- n. The number of uses of force in the Secure Unit and Young Adult ESH, and the rates of use of force for 1) Secure Unit young adults, 2) Young Adult ESH, and 3) the young adult general population.

Unless noted otherwise, each data point shall only cover the reported period.

The Department shall provide all data elements listed above monthly, with the exception of data points related to length of stay and time in program in section f, in public and identified versions of the report to the Board by the fifteenth business days of each month except for the last month which shall be provided on the tenth business day. Length of stay and time in program data (min, max, median, and average by level) shall be reported every two months and will be included in every other monthly report (reports January 22nd, March 21st, May 21st). All individual-level identified data used to generate the report and any other individual-level identified data deemed relevant by the Board for the assessment of Secure and ESH shall be shared directly with Board staff in a format conducive to analysis as determined by Board staff at the time reports are due.

In the event the Department has trouble in reporting on any items enumerated in (a) through (m) of this condition, the Department shall provide the Board with a written explanation of such difficulties in advance of the deadlines outlined in this variance.

Department notes that these rates are based only on incidents that occur *in the housing area*. In previous Secure Unit reports, a “violence” metric was to include both fights and slashings/stabbings however, due to data limitations, the Department had previously only reported fights. These data limitations have now been addressed and the Department will report fights and slashings/stabbings separately.

⁶ The Department calculates assaults on staff as a subset of Use of Force. This number designates the number of assaults on staff that occurs with a Use of Force.