

EVALUATION OF ENHANCED SUPERVISION HOUSING FOR YOUNG ADULTS IN DOC

Pursuant to the variance granted by the NYC Board of Correction (“Board”) to the NYC Department of Correction (“Department”) on May 8, 2018, allowing for the continued use of Enhanced Supervision Housing (ESH) for young adults (18 to 21 years old) and the related variance conditions, the Department is providing the following update to the evaluation of ESH for the young adult population conducted in June 2017.¹

In 2016, the Department first considered the use of ESH for young adults, as the Department instituted the significant reform of eliminating punitive segregation for all individuals in DOC custody under the age of 22 years old. This initial consideration highlighted the critical need for additional housing options for the young adult population who committed acts of violence and proposed the use of ESH – in use for adults since 2015 - for this population. At that time, preliminary deliberation indicated ESH provided increased access and participation in programming in an environment that promotes safety through separation. In June 2017, the Department conducted an initial assessment, briefly discussed below, based on a monitoring and evaluation outline provided to the Board in May 2017. In December 2017, the Department submitted an update to the June 2017 evaluation to include young adult ESH inmates admitted after the completion of the first evaluation, also briefly discussed below. The current update will provide both qualitative and quantitative assessments of the use of ESH for young adults who engage in serious and ongoing violent and aggressive behavior.

EARLIER EVALUATIONS

June 2017 Evaluation

In June 2017, the Department conducted a comprehensive preliminary evaluation of ESH for the young adult population based on those young adults placed in the units between September 2016 and April 2017. The objectives of the evaluation were to create a baseline understanding of ESH inmates – both adult and young adult – and to begin to establish some metrics by which to measure whether ESH was an effective management strategy for young adults who engaged in seriously violent behavior. To that end, the Department provided descriptive statistics regarding the ESH young adult population relative to the ESH adult population, assessed the Department’s adherence to placement criteria, reviewed violence metrics before and during the young person’s stay in ESH, examined the effect of ESH with respect to the General Population (GP), analyzed the level system, and compared violence metrics related to stays in ESH to those in Punitive Segregation. The resulting preliminary findings demonstrated ESH as a potentially useful housing option for young adults, and that the introduction of ESH had perceivable effects on the safety of the population at large.

The removal of inmates with ESH-qualifying incident histories from GP into ESH, both adult and young adult, was shown to be associated with decreased levels of violence or security incidents in GP units. While the analysis gave demonstrable evidence of safer conditions for GP units when ESH-eligible inmates were removed from those units, outcomes for ESH inmates themselves were less well-defined; data limitations and small sample sizes precluded advanced analysis on individual treatments and outcomes. In particular, while rates of specific outcome indicators showed mixed results for ESH overall,

¹ In December 2017, pursuant to the variance granted by the Board on July 11, 2017, the Department submitted an update to the June 2017 evaluation on ESH for the young adult population.

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rates of outcome indicators for ESH levels showed positive results, with violence decreasing across inmates housed in progressive levels of ESH; however these results could not be interpreted as definitive evidence of individualized improvements, but served as an encouraging sign that the incentive-based level structure of ESH could eventually show promising outcomes.

December 2017 Evaluation Update

The December 2017 update assessed outcomes related to safety and rates of incident involvement for those ESH inmates who had spent time outside of ESH both before and after an ESH placement. The update also noted any progress related to timing of placement, services tracking, and lock-in/lock-out.

RECENT OPERATIONAL CHANGES IN ESH

Since June 2017, the use of ESH for the housing of young adults (18 to 21 years old) has been subject to changes pursuant to variance conditions, on-going discussions with the Board, and continuous Departmental policy and practice revision and refinement.

Housing Placement

Young adults (19-21-years-old) placed in ESH are housed in either blended units with adults 22-years-old and older or in young-adult-exclusive units. Eighteen-year-old young adults placed in ESH are housed only in young-adult-exclusive units and are not co-mingled with adults.

After the ESH Entry Unit for young adults was dissolved in November 2017,² ESH-eligible young adults have been immediately considered for initial placement in ESH Level 1 or Level 2, depending on the severity and immediacy or pattern of their behavior. At this time, it was noted that ESH was not sufficiently responsive to the needs of the 18-year-olds, who are limited to young-adult-exclusive units, of which there was only a Level 1. The Department opened an additional ESH Level 2 unit for young adults in July 2018, thereby moving toward a fuller system for young adults in ESH, as 18-year-olds could now experience the benefits of progressing to a less restrictive ESH unit.

Additionally, in 2018, the Department evaluated the level structure and observed that four levels were not useful to the ESH structure as a whole. Level 4 was routinely under-utilized and inefficient for the housing of the very few inmates who would qualify. Therefore, the Department altered the 10-hour lock-out for Level 3 and eliminated Level 4, rendering Level 3 the highest ESH level, with a 14-hour lock-out. ESH now maintains three levels: Levels 1, 2, and 3.

Placement Criteria

Since the elimination of the Entry Unit, criteria for young adult placement in ESH has been constantly refined, with young adults being initially placed in either Level 1 for recently participating in an actual or attempted slashing or stabbing or engaging in activity that caused serious injury to an officer, another

² Pursuant to the November 16, 2017 variance conditions which stated that “the Department may operate multiple levels of YA-ESH” with Level 1 being the most restrictive. There shall not be a separate unit for assessment purposes.”

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person in custody, or any other person; or Level 2 based on a young adult's ongoing violent or aggressive actions within the preceding year.

The Department anticipates that inmates in ESH will use programming and other tools to improve their behavior and progress to less restrictive units; however, the Department recognized a lack of alternative responses to ongoing violent or aggressive behavior while a young adult is housed in ESH. The Department determined a need to establish criteria for regression to more restrictive levels should a young person commit violence while in less restrictive units. If a young adult commits a slashing while in Level 2, for example, that person could be placed in the more restrictive ESH Level 1 in response.

The ESH Review Process

In 2018, the Department advanced significant changes to the ESH review process. Recognizing the value and importance of the review process, a new Multi-disciplinary Team comprised of support staff (social services, program staff, administrative staff, and other observers, including clinicians) and uniform staff (e.g. Assistant Bureau Chief, Deputy Warden of ESH, Captains, and Correction Officers) was developed. The Department had observed that the review process was not transparent to those most affected by the reviews, and, in order to remedy this, the reviews were expanded to include the inmate as an active participant in the review process. The reviews are now representative of open communication - including affirmations, feedback, and objective reporting on incidents and logbook entries - between staff and the inmate. Since the new review process was implemented, over 650 reviews have been completed without any incident occurring during the review process. Of greater importance, the process has resulted in a more interactive and team-centered approach to the management of individuals placed in ESH.

Periodic Reviews

Thirty-Day Reviews

The Department was encouraged to re-consider its 45-day review process for ESH inmates. Based on the cadence of reviews in Secure Unit and the now-defunct ESH Entry Unit, improvements in ESH management, and thoughtfulness given to inmate management, the ESH review team introduced reviews every 30 days in February 2018. Such flexibility and awareness has resulted in a more structured approach to inmate management overall. The Department is now committed to a 30-day review structure for all ESH inmates except for young adults in Level 1, who receive the more frequent 15-day reviews.

Fifteen-Day Reviews

Pursuant to the variance granted by the Board on May 8, 2018 enabling the Department to continue to use ESH as a housing option for young adults, the related variance conditions required that the Department institute a 15-day review process for all young adults housed in Level 1 by June 11, 2018. For young adults in the young-adult-exclusive Level 1 unit, such reviews commenced on May 31, 2018. For young adults in the blended units, the 15-day reviews commenced by June 11 and the timing was based on the date of the young adult's last 30-day review.

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Inmate Communication

In addition to the development of the Multi-disciplinary team and periodic review changes, the Department has established additional avenues of communication with inmates in ESH, namely inmate orientations within the first 72 hours of placement and more consistent communication between the program counselors and the inmates. The inmate orientations within the first 72 hours, which began in June 2018, provide the inmate with comprehensive information on the ESH system. This information includes a review of the incident which led to the inmate's placement in ESH; an overview of the inmate's interests, strengths, and possible triggers; an introduction of the program counselor's role; an explanation of the ESH level system; a review of the unit's daily schedule; and an in-depth review of the available programming and the benefits of participating in programming, including the tablet program. These orientations are an effective method of establishing expectations for the inmate's time in ESH.

Additionally, the Department plans to start conducting more frequent, informal check-ins with the inmates to discuss their general behavior, in acknowledgement of the need to provide more consistent feedback in an informal and informative manner.

Staff Communication

The success of ESH is contingent on it being an effective setting for the management of a difficult population. The Department determined that many staff in ESH operated independently of the other parts, without sufficient interaction and understanding of the many parts of the whole. It was important for all ESH staff to understand each others' roles. In June 2018, ESH introduced a weekly multi-Division meeting that proactively addresses issues requiring alignment, such as logistical challenges with inmates currently in ESH, other daily operational matters, and communication methodologies to improve information-sharing and decision-making. Qualitatively, these meetings have made the review process more efficient and improved alignment on various operational issues.

Additional Programming

The Department has long recognized the need for comprehensive and varied programming offerings, particularly in high-classification units such as ESH.

Programming options are constantly being adjusted in all ESH units to reflect the targeted programming approach to this population. Some options include credible messenger workshops and tablet content aimed to address the root causes of violence, to modify behavior, and to increase critical thinking skills. In the young adult exclusive units, educational tablets were integrated into the overall programming strategy in December 2017. In January 2018, the Department's Arts Education Team began offering ESH inmates creative writing, musical expression, and theatrical performances. In May 2018, tablet programming was introduced in commingled units, with both educational and entertainment content. In July 2018, podcasts on behavioral change, such as stories on stepping away from criminal and/or gang lifestyles, were added to the tablet options. Also in July, re-entry planning (called "S.M.A.R.T." and offered through the Department's partner FedCap) was launched for individuals housed in two of the three commingled Level 2 houses. S.M.A.R.T is a specialized model of adult re-entry training and daily skill-building modules that focus on healthy thinking, parenting and relationship skills, and job readiness.

Information-Sharing

Since the Department first requested the variance to use ESH to house violent young adults, there have been a number of reporting requirements in place pursuant to variance conditions. In January 2018, the Department instituted a monthly audit of young adult ESH, which encompasses a manual review of housing area logbooks and programming attendance data on four random dates within the month to assess compliance with minimum standards related to lock-in/lock-out, law library services, recreation, and programming. These audits have served to quickly identify issues and facilitate corrective action to address deficiencies.

The monthly reports provided to the Board are constantly providing insight into the Department's ESH record-keeping. In order to create these reports, the Department previously relied upon sending and receiving emails, and one or two people would be the sole owner(s) of many disparate pieces of information from multiple stakeholders on various topics. As of July 2018, the Department is moving toward a single repository of the information, in which the disparate material is saved, so the contributors and creators of the reports are operating from a common pool of records. In conjunction with improved communication from weekly meetings and more transparent and inclusive ESH Multi-disciplinary reviews, the Department is improving its ability to track the ESH system as a whole.

UPDATES TO PREVIOUS INDICATORS ON ESH PERFORMANCE

The Department reports monthly statistics on progress and performance for young adults in ESH, related to movements in and out of the unit and time spent in the unit, as well as programming participation and rates of incident involvement. These metrics and other quantitative assessments of performance are critical to understanding how ESH, as a housing strategy for inmates with chronic and/or egregious misbehavior, serves its dual purpose of keeping the General Population safe, while promoting behavioral change and positive outcomes for ESH inmates themselves. In previous assessments, the Department has provided empirical evidence of the positive changes in GP when ESH-eligible inmates are moved into ESH. Further time and effort is required for more substantive evaluations of behavioral outcomes for ESH inmates; however, in this update the Department provides some descriptive analyses related to progression through ESH and behavioral events for young adults to set the stage for future, in-depth study.

Time-In-Program and Progression

Between November 2016 and July 31, 2018, there were 133 young adult placements in an ESH unit whose time in ESH had ended. Young adults spent an average of 124 days in ESH (median of 85 days).³

According to both the average and median across ESH designations, many young adults appear to spend the bulk of their time in ESH Level 2. This may be due to several reasons. First, nearly as many inmates begin their placement in Level 2 (24%) as begin their placement in Level 1 (28%). Second, around 30% of ESH inmates left ESH from ESH Level 2. As of July 31, 2018, approximately 15% of young adults placed in ESH transitioned to ESH Level 3.

³ Figures include individuals who began ESH as young adults but aged into the adult age group while still in ESH.

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Descriptive Statistics for Days in ESH Overall and by Designation (Level) ⁴ for Young Adults						
Measure	OVERALL (N = 133)	ESH1	ESH2	ESH3	ESHU	ESH
Avg. Days in Unit	124	75	88	28	34	32
Min. Days in Unit	2	0	1	1	1	2
Max. Days in Unit	504	304	387	77	105	209
Median Days in Unit	85	45	60	27	28	27
Total Days in Unit	16,313	6,235	6,278	569	1,358	1,873

Levels Reached ⁵	Number of Placements of Young Adults
_ , 2, _	24
_ , 2, 3	5
1, _ , _	41
1, 2, _	27
1, 2, 3	15
Grand Total	112

The data, though descriptive in nature, suggest that additional insight is needed into the mechanics that permit inmates to graduate to higher levels, and that special attention is warranted for understanding how more inmates could be encouraged and coached to progress up and out of the unit.

Additionally, because of constantly changing criteria for young adult placement in ESH overall and the different levels over the past two years, these young adults represent varying degrees of violent and/or aggressive behavior. Furthermore, note that these young adults are only those who were placed in ESH and whose time in ESH has ended. It does not include those young adults currently housed there, who would be more representative of the operational changes described above.

⁴ The designations “ESH” and “ESHU” were used interchangeably before the advent of the levels-system. Once levels were implemented, “ESH” was used to designate the entry unit. Since many placements overlapped different versions of the levels system, all possible designation types are included.

⁵ Level patterns do not necessarily indicate strict chronology. For example, the “1,2,_" grouping could contain both someone who progressed from Level 1 to Level 2, as well as someone who progressed from Level 1 to Level 2, then for behavioral reasons moved back to Level 1.

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Incident Involvement and Misbehavior

The restrictive components of the ESH levels are designed to foster a safe environment for both staff and inmates, in which opportunities to engage in misbehavior or commit violent acts are reduced. The programming elements are designed to rehabilitate inmates in the longer term, reducing misconduct and violence even once outside of the unit. Descriptive analyses of inmate behavior before, during, and after ESH show mixed results for these concepts.

Rates of Infractions by Grade and Period for Young Adults			
Grade Level of Top Guilty Charge in Infraction	Pre 1st Stay in ESH after 1/1/2017 (N = 108)	While in ESH or Going in and Out of ESH (N = 108)	Post-Last ESH Stay Prior to 8/6/2018 (N = 40)
1 Violent	17.3	18.9	13.2
1 Non-Violent	4.1	4.5	5.4
2	10.6	10.4	7.5
3	2.3	1.8	0.9

Rates of Incidents by Type and Period for Young Adults			
Incident or UOF Type	Pre 1st Stay in ESH after 1/1/2017 (N = 114)	While in ESH or Going in and Out of ESH (N = 114)	Post-Last ESH Stay Prior to 8/26/2018 (N = 46)
Slashing	2.4	1.5	0.0
Stabbing	0.8	0.0	0.0
Splashing	1.9	4.9	4.4
UOF A AOS	0.7	0.8	0.3
UOF A	0.3	0.4	0.3
UOF B AOS	2.2	2.2	0.8
UOF B	5.8	4.4	3.6
UOF C AOS	1.5	2.3	2.0
UOF C	7.9	6.9	5.1

In general, while in ESH, young adults tended to stabilize in terms of acts of misconduct resulting in written infractions across all grades compared to the period before being housed in ESH. With the exception of non-violent grade 1 infractions, the rate of infractions decreased for inmates in the post-ESH period. In terms of incident involvement, a number of incident types showed lower rates while in ESH than outside of ESH; few incident types (splasings, Assaults on Staff with no injury) showed increase to rates in the period following ESH compared to the period before.

The results suggest a few takeaways. First, with a small number of inmates with post-ESH experience, it is difficult to draw conclusions on the success of behavioral modification, particularly as these results do

not control for the reason the inmate left ESH. Inmates may leave ESH and remain in DOC custody due to progressing out, or, as seen in many cases, because security concerns warrant the removal of the inmate from the unit. Second, while in ESH, there is some evidence that inmates turn from more egregious types of violence (e.g. slashings) to other assaultive behaviors (splashings). Lastly, as with incident involvement in GP, often a core group of individuals are involved in a disproportionately high number of incidents. For example, there were 28 splashings recorded in the pre-ESH period, committed by just 15 inmates; the 70 splashings in the during-ESH period were committed by 27 inmates. These outputs indicate that more detailed review is warranted for individual performance by inmates when assessing opportunities for progression, as well as focusing approaches to behavioral modification resources.

CONCLUSION

The Department is constantly refining its approach to managing the young adult population, including those young adults who engage in dangerous or violent behavior. One tool in managing this population is the ESH structure – a structure that is always under ongoing, constructive scrutiny for ways to improve.

The operational changes described above, such as the creation of a young-adult-exclusive Level 2, the more frequent review periods, and the development of a multi-disciplinary review team, are examples of the carefully deliberative process of improving ESH overall, including ESH as a tool for managing young adults who commit violent acts. The small sample size and short time period render quantitative analysis of this tool for this population preliminary, but the qualitative analysis presented by the Department demonstrates its willingness and capacity to continuously adjust in order to address inadequacies. The Department remains committed to improving ESH broadly, and with regard to young adults in particular.