

## New York City Department of Correction

### Young Adult ESH Compliance Audit – December 2018

Pursuant to the three (3) month limited variance granted by the NYC Board of Correction on November 13, 2018 allowing for the continued use of Enhanced Supervision Housing (ESH) for young adults (18 to 21 years old), the related variance conditions require a monthly audit on compliance with the following provisions of the Board's Minimum Standards:

- § 1-05(b) (Lock-in), specifically, the number of out-of-cell hours per young adult;
- § 1-08(f) (Access to Courts and Legal Services, including Law Library);
- § 1-06 (Recreation), specifically, the amount of time that outdoor recreation was afforded to each young adult;
- § 1-02(c)(2) (Classification), specifically, the number of programming hours offered to each young adult and the number of hours each young adult participated in programming; and
- Education services, specifically the number of young adults brought to school and, for each young adult, the time each young adult was brought to school and the time each young adult was taken out of school.

#### **Audit Parameters**

The audit is conducted through a manual review of housing area logbooks and programming attendance data on four (4) randomly selected dates from each month. The scope of the audit encompasses only those housing units within ESH in which young adults are housed within the audit period. During this audit period, young adults were housed in six (6) ESH housing areas.

This audit report covers the following four (4) dates in the month of December 2018:

- December 4
- December 13
- December 19
- December 26

In addition, on-site inspections of the ESH unit kiosks and typewriters were conducted on four (4) randomly selected dates:

- December 6
- December 14
- December 20
- December 28

#### **§1-05(b) Lock-in**

A manual review of housing area logbooks was performed to determine whether seven (7) or fourteen (14) hours of out-of-cell time was afforded to the young adults based on their housing level. This audit report also provides individualized data related to each young adult's out-of-cell time during the reporting period.

#### **§1-08(f) Access to Courts and Legal Services, including Law Library**

A manual review of housing area logbooks was conducted to determine whether Law Library services were afforded. In addition to the logbook review, on-site inspections were conducted to determine if the kiosks and typewriters located within the various young adult ESH housing areas were operational.

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### §1-06 – Recreation

A manual review of housing area logbooks was conducted to determine whether one (1) hour of outdoor recreation was afforded.

### § 1-02(c)(2) (Classification), Provision of Programming

A manual review of programming attendance data was conducted to determine the number of programming hours offered to each young adult and the number of hours each young adult participated in programming.

### Education

A manual review of education attendance data was conducted to determine the number of young adults brought to school and, for each young adult, the time each young adult was brought to school and the time each young adult was taken out of school.

### Audit Findings

#### §1-05(b) Lock-in

All young adults in ESH are afforded lock-out based on their housing level: seven (7) hours for Level I and Level II and fourteen (14) hours for Level III. On all four (4) dates, institutional lock-out and lock-in was consistently recorded in the logbook for each of the levels.

#### Level I

Young adults in Level I are afforded seven (7) hours of out-of-cell time each day. Listed below is individualized data related to each young adult's total out-of-cell time in Level I, based on a manual review of the logbook, for the dates audited. The out-of-cell time is the hours each day that a young adult chooses to be out of his cell during institutional lock-out periods. The data reflects the young adults present in the unit for institutional lock-outs on each audit date.<sup>1</sup>

#### **December 4, 2018**

There were six (6) young adults in Level I; their out-of-cell times on this audit date were:

1. 5 hours 45 minutes
2. 5 hours 45 minutes
3. 7 hours 25 minutes
4. 7 hours 20 minutes

On this audit date, two (2) young adults refused all afforded out-of-cell time.

#### **December 13, 2018**

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<sup>1</sup> On any given day, a young adult may be out to court or transferred in or out of the ESH Unit. These young adults may not be included in the out-of-cell time reporting.

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There were eight (8) young adults in Level I; for those present on this audit date, their out-of-cell times were:

1. 5 hours
2. 6 hours 45 minutes
3. 3 hours; young adult refused the majority of afforded out-of-cell time
4. 6 hours 55 minutes
5. 3 hours 25 minutes; young adult refused the majority of afforded out-of-cell time
6. 6 hours 20 minutes
7. 6 hours 15 minutes

On this audit date, one (1) young adult was out to court for a significant portion of the day and, as a result, his out-of-cell time was not included in the out-of-cell time reporting.

#### **December 19, 2018**

There were six (6) young adults in Level I; for those present on this audit date, their out-of-cell times were:

1. 9 hours 35 minutes
2. 6 hours 45 minutes
3. 2 hours; young adult refused the majority of afforded out-of-cell time
4. 9 hours 10 minutes
5. 1 hour 25 minutes; young adult was out to court for a portion of the day and, as a result, his out-of-cell time was affected
6. 4 hours 15 minutes

#### **December 26, 2018**

There were five (5) young adults in Level I; their out-of-cell times on this audit date were:

1. 6 hours 45 minutes
2. 2 hours; young adult refused the majority of afforded out-of-cell time
3. 10 hours 30 minutes
4. 9 hours 45 minutes
5. 1 hour; young adult refused the majority of afforded out-of-cell time

#### Level II

Young adults in Level II are afforded seven (7) hours of out-of-cell time each day. Listed below is individualized data related to each young adult's total out-of-cell time in Level II, based on a manual review of the logbook, for the audit dates. The out-of-cell time is the hours each day that a young adult chooses to be out of his cell during institutional lock-out periods. The data reflects the young adults present in the unit for institutional lock-outs on each audit date.<sup>2</sup>

#### **December 4, 2018**

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<sup>2</sup> On any given day, a young adult may be out to court or transferred in or out of the ESH Unit. These young adults may not be included in the out-of-cell time reporting.

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There were thirteen (13) young adults in Level II; for those present on this audit date, their out-of-cell times were:

1. 6 hours 30 minutes
2. 7 hours 25 minutes
3. 3 hours 50 minutes
4. 7 hours
5. 7 hours 16 minutes
6. 7 hours 16 minutes
7. 7 hours
8. 7 hours

On this audit date, four (4) young adults refused all afforded out-of-cell time. In addition, one (1) young adult was out to court for a significant portion of the day; as a result his out-of-cell time was not included in the out-of-cell time reporting.

#### **December 13, 2018**

There were ten (10) young adults in Level II; their out-of-cell times on this audit date were:

1. 1 hour 15 minutes; young adult refused the majority of afforded out-of-cell time
2. 7 hours 5 minutes
3. 7 hours 15 minutes
4. 6 hours 45 minutes
5. 6 hours 45 minutes
6. 6 hours 45 minutes
7. 5 hours
8. 5 hours 15 minutes
9. 5 hours
10. 5 hours 15 minutes

#### **December 19, 2018**

There were twelve (12) young adults in Level II; for those present on this audit date, their out-of-cell times were:

1. 6 hours 30 minutes
2. 2 hours 15 minutes; young adult refused the majority of afforded out-of-cell time
3. 4 hours
4. 5 hours 20 minutes
5. 4 hours 20 minutes
6. 2 hours 45 minutes; young adult was out to court for a portion of the day and, as a result, his out-of-cell time was affected
7. 5 hours 25 minutes
8. 6 hours 25 minutes
9. 2 hours 45 minutes; young adult was out to court for a portion of the day and, as a result, his out-of-cell time was affected
10. 7 hours

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On this audit date, one (1) young adult was out to court for a significant portion of the day and, as a result, his out-of-cell time was not included in the out-of-cell time reporting. In addition, one (1) young adult refused all afforded out-of-cell time.

#### **December 26, 2018**

There were ten (10) young adults in Level II; their out-of-cell times on this audit date were:

1. 4 hours 30 minutes
2. 6 hours 25 minutes
3. 1 hour 45 minutes; young adult refused the majority of afforded out-of-cell time
4. 7 hours 7 minutes
5. 7 hours 7 minutes
6. 1 hour; young adult refused the majority of afforded out-of-cell time
7. 7 hours
8. 7 hours
9. 7 hours
10. 7 hours

#### Level III

Young adults in Level III are afforded fourteen (14) hours of out-of-cell time each day. Listed below is individualized data related to each young adult's total out-of-cell time in Level III, based on a manual review of the logbook, for the audit dates. The out-of-cell time is the hours each day that a young adult chooses to be out of his cell during institutional lock-out periods. The data reflects the young adults present in the unit for institutional lock-outs on each audit date.<sup>3</sup>

#### **December 4, 2018**

There were five (5) young adults in Level III; their out-of-cell times on this audit date were:

1. 11 hours
2. 11 hours 15 minutes
3. 8 hours 15 minutes
4. 8 hours 15 minutes
5. 9 hours 15 minutes

#### **December 13, 2018**

There were five (5) young adults in Level III; for those present on this audit date, their out-of-cell times were:

1. 2 hours; young adult was out to court for a portion of the day and, as a result, his out-of-cell time was affected
2. 9 hours 33 minutes

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<sup>3</sup> On any given day, a young adult may be out to court or transferred in or out of the ESH Unit. These young adults may not be included in the out-of-cell time reporting.

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3. 11 hours 23 minutes
4. 10 hours 33 minutes

On this audit date, one (1) young adult refused all afforded out-of-cell time.

#### **December 19, 2018**

There were four (4) young adults in Level III; for those present on this audit date, their out-of-cell times were:

1. 11 hours 38 minutes
2. 10 hours 28 minutes
3. 2 hours 45 minutes; young adult was out to court for a portion of the day and, as a result, his out-of-cell time was affected

On this audit date, one (1) young adult refused all afforded out-of-cell time.

#### **December 26, 2018**

There were three (3) young adults in Level III; their out-of-cell times on this audit date were:

1. 8 hours 28 minutes
2. 12 hours 28 minutes

On this audit date, one (1) young adult refused all afforded out-of-cell time.

### **§1-08(f) Access to Courts and Legal Services, including Law Library**

#### Law Library Coordinator

In ESH, there are four (4) Law Library Coordinators assigned to areas in which young adults were housed.<sup>4</sup> A manual review of the housing area logbooks reflected that the Law Library Coordinators were in these areas to provide assistance on all four (4) days audited.<sup>5</sup> On December 19, due to training for a Law Library Coordinator, three (3) housing areas were not provided an afternoon session of Law Library. In addition, on December 26, due to two (2) Law Library Coordinators' absences, three (3) housing areas were not provided a morning session of Law Library and three (3) housing areas were not provided an afternoon session of Law Library.

Except for the issues noted above, the duration of each Law Library Coordinator's time in ESH areas during the dates audited were in compliance with the provisions of Minimum Standards. On average, based on each Law Library Coordinator's schedule, a Law Library Coordinator was available to assist young adults within the housing areas for approximately four (4) hours on the dates audited.

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<sup>4</sup> To facilitate the provision of Law Library services, within their assigned areas, Law Library Coordinators provide services to all individuals regardless of whether it is during the individual's lock-out period.

<sup>5</sup> This is evidenced by the Law Library Coordinator signing in and out of the logbook on each of the audit dates.

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During the reporting period, on the dates audited, Law Library Coordinators provided assistance to one (1) to five (5) young adults per day. On some of the audit dates, young adults did not request Law Library assistance.

#### Kiosks and Typewriters

During this audit period, young adults were housed in six (6) housing areas in ESH. Young adults in ESH are provided with access to a minimum of one (1) kiosk and one (1) typewriter. Some of the kiosks were not operable within some of the housing areas during this audit period. On December 28, four (4) of the six (6) young adult housing areas had operational kiosks. On December 6, 14 and 20, all six (6) young adult housing areas had operational kiosks. One (1) of the typewriters was not operable in one (1) of the housing areas on one (1) audit date. On December 28, five (5) of the six (6) young adult housing areas had operational typewriters. On December 6, 14 and 20, all six (6) young adult housing areas had operational typewriters.

#### **§1-06 – Recreation**

Institutional recreation was afforded to young adults present in ESH on all four (4) days audited.<sup>6</sup>

#### **§ 1-02(c)(2) (Classification), Provision of Programming<sup>7</sup>**

Young adults in ESH are placed in housing units exclusively with other young adults (18 to 21 years old) or in co-mingled units with adults (22 years old and older).<sup>8</sup> Programming is provided to all young adults. In the young adult exclusive housing area within ESH, tablets are utilized in the provision of programming and offered to young adults regardless of whether it is during the individual's lock-out period. When young adults collect their tablets, they also have the opportunity to request an additional component of programming during that time. In addition, in the young adult exclusive housing area, on days when support programming staff are present, young adults may request individualized counseling while other programming components are being held. In the co-mingled housing areas, the provision of programming is provided to each tier separately through two programming sessions. The hours of programming afforded may vary by tier within a housing area.

The audit reviewed programming attendance data on each of the four (4) dates to ascertain the number of programming hours offered to each young adult and the number of hours each young adult participated in programming. Program participation hours are based on the number of

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<sup>6</sup> On three (3) of the four (4) audit dates, logbook entries recorded that some of the young adults were out to court.

<sup>7</sup> In July 2018, the Department expanded program offerings in two (2) housing areas to include courses and services by a contracted provider. Further programming expansion to additional ESH housing areas is anticipated in the near future.

<sup>8</sup> Young adults who are eighteen (18) years old are not housed in ESH co-mingled units with adults (22 years old and older.)

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hours each young adult chooses to participate in programming. The data reflects the young adults present in the housing area during programming on each audit date.<sup>9</sup>

Listed below is the number of programming hours offered based on housing area.

#### December 4, 2018<sup>10</sup>

On this audit date, up to seven (7) hours of programming were offered to the young adults housed within the six (6) young adult ESH housing areas, labelled A-F.

- ❖ A: Five (5) hours of programming were offered: 2 hours and 30 minutes of programming for participants in the morning session and 2 hours and 30 minutes of programming for participants in the afternoon session.
  1. There were two (2) young adults housed in this area. One (1) young adult participated in the morning session of programming and the other young adult participated in the afternoon session of programming. Their hours of program participation were:
    - i. 10 minutes
    - ii. 10 minutes
- ❖ B: Two (2) hours and thirty-five (35) minutes of programming were offered: 1 hour and 30 minutes of programming for participants in the morning session and 1 hour and 5 minutes of programming for participants in the afternoon session.
  1. There were two (2) young adults housed in this area. Their hours of program participation were:
    - i. 1 hour 5 minutes; young adult participated in the morning session
    - ii. 35 minutes; young adult participated in the afternoon session
- ❖ C: Four (4) hours and twenty-five (25) minutes of programming were offered: 1 hour and 40 minutes of programming for participants in the morning session and 2 hours and 45 minutes of programming for participants in the afternoon session.
  1. There were three (3) young adults housed in this area. One (1) young adult was out to a court during programming. For the remaining two (2) young adults, their hours of program participation were:
    - i. 1 hour 30 minutes; young adult participated in the afternoon session and refused to participate in all remaining afforded programming.
    - ii. 30 minutes; young adult participated in the afternoon session and refused to participate in all remaining afforded programming.

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<sup>9</sup> On any given day, a young adult may be out to court or transferred in or out of the ESH Unit. These young adults may not be included in the programming reporting. It is important to note that young adults returning from court during programming hours are offered the opportunity to participate in programming upon their return.

<sup>10</sup> On any given day, a young adult may be out to court or transferred in or out of the ESH Unit. These young adults may not be included in the programming reporting. It is important to note that young adults returning from court during programming hours are offered the opportunity to participate in programming upon their return.

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- ❖ D: Up to seven (7) hours of programming were offered on one (1) of the two (2) tiers. On the other tier, two (2) hours of self-guided programming were provided through the provision of tablets.
  1. There were six (6) young adults housed in this area.
    - a. Two (2) young adults were housed on the tier where two (2) hours of self-guided programming were offered through the provision of tablets. Both young adults refused the afforded self-guided programming.
    - b. Two (2) young adults were housed on the tier where up to seven (7) hours of programming were offered, inclusive of the self-guided programming with tablets. Only one of the two young adults was offered 7 hours of programming, inclusive of the self-guided programming with tablets. Their hours of program participation were:
      - i. 1 hour 30 minutes; young adult refused to participate in the remaining 4 hours and 30 minutes of programming offered.
      - ii. 2 hours 30 minutes; young adult refused to participate in the remaining 4 hours and 30 minutes of programming offered.
  2. Two (2) young adults transferred in and, as a result did not participate in programming on this date.
- ❖ E: Six (6) hours of programming were offered on one (1) of the two (2) tiers. On the other tier, two (2) hours of self-guided programming were provided through the provision of tablets.
  1. There were six (6) young adults housed in this area.
    - a. Two (2) young adults were housed on the tier where two (2) hours of self-guided programming were offered through the provision of tablets. Both young adults refused the afforded self-guided programming.
    - b. Four (4) young adults were housed on the tier where six (6) hours of programming were offered, inclusive of the self-guided programming with tablets. Their hours of program participation were:
      - i. 5 hours
      - ii. 6 hours
      - iii. 5 hours
      - iv. 5 hours
- ❖ F: Two (2) hours and thirty (30) minutes of programming were offered.
  1. There were five (5) young adults housed in this area. Three (3) young adults were out to school during programming. For the remaining two (2) young adults, their hours of program participation were:
    - i. 30 minutes; young adult refused to participate in any additional programming
    - ii. 45 minutes; young adult refused to participate in any additional programming

### December 13, 2018<sup>11</sup>

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<sup>11</sup> On any given day, a young adult may be out to court or transferred in or out of the ESH Unit. These young adults may not be included in the programming reporting. It is important to note that young adults returning from court during programming hours are offered the opportunity to participate in programming upon their return.

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On this audit date, up to five (5) hours of programming were offered to the young adults housed within the six (6) housing areas, labelled A-F.

- ❖ A: Five (5) hours of programming were offered: 2 hours and 30 minutes of programming for participants in the morning session and 2 hours and 30 minutes of programming for participants in the afternoon session.
    1. There were two (2) young adults housed in this area. One (1) young adult refused to participate in all afforded programming. The other young adult participated in the afternoon session for 15 minutes and refused to participate in any additional programming.
  - ❖ B: Two (2) hours and forty (40) minutes of programming were offered: 55 minutes of programming were offered for participants in the morning session and 1 hour and 45 minutes of programming were offered for participants in the afternoon session.
    1. There was one (1) young adult housed in this area and refused to participate in all afforded programming.
  - ❖ C: Four (4) hours and forty-five (45) minutes of programming were offered. 2 hours of programming were offered for participants in the morning session and 2 hours and 45 minutes of programming were offered in the afternoon session.
    1. There were three (3) young adults housed in this area. One (1) young adult was in school during programming and two (2) young adults were in recreation during programming.
  - ❖ D: Five (5) hours and ten (10) minutes of programming were offered on one (1) of the two (2) tiers. On the other tier, 1 hour of self-guided programming was provided through the provision of tablets.
    1. There were four (4) young adults housed in this area.
      - a. Two (2) young adults were housed on the tier that were offered 1 hour of self-guided programming through the provision of tablets. Both young adults refused to participate in all afforded programming.
      - b. Two (2) young adults were housed on the tier where 5 hours and 10 minutes of programming were offered, inclusive of the self-guided programming with tablets. One (1) young adult refused to participate in all afforded programming. The other young adult participated for 30 minutes and refused to participate in any additional programming.
  - ❖ E: Five (5) hours of programming were offered.
    1. There were eight (8) young adults housed in this area. One (1) young adult refused all afforded programming. For the remaining seven (7) young adults, their hours of program participation were:
      - i. 5 hours
      - ii. 5 hours
      - iii. 5 hours
      - iv. 3 hours
      - v. 3 hours
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- vi. 5 hours
- vii. 5 hours

- ❖ F: Two (2) hours and forty-five (45) minutes of programming were offered.
  - 1. There were five (5) young adults housed in this area. Three (3) young adults refused all afforded programming, one (1) young adult was in school during programming and the remaining one (1) young adult was out to court during programming.

#### December 19, 2018<sup>12</sup>

On this audit date, up to seven (7) hours of programming were offered to the young adults housed within the six (6) housing areas, labelled A-F.

- ❖ A: Three (3) hours and fifty-five (55) minutes of programming were offered: 1 hour and 45 minutes of programming for participants in the morning session and 2 hours and 10 minutes of programming for participants in the afternoon session.
  - 1. There was one (1) young adult housed in this area and participated in the afternoon session. His program participation was 1 hour 45 minutes
- ❖ B: Five (5) hours of programming were offered: 2 hours and 30 minutes of programming for participants in the morning session and 2 hours and 30 minutes of programming for participants in the afternoon session.
  - 1. There were two (2) young adults housed in this area. Both young adults participated in afternoon session. Their hours of program participation were:
    - i. 50 minutes; young adult refused to participate in any additional programming
    - ii. 20 minutes; young adult refused to participate in any additional programming
- ❖ C: Two (2) hours and thirty (30) minutes of programming were offered during the afternoon session. No programming was scheduled in the morning session.
  - 1. There were two (2) young adults housed in this area. Both young adults were not offered programming that day, as they were housed on the tier where programming was not scheduled during their lock-out time i.e., morning.
- ❖ D: Up to seven (7) hours of programming were offered on one (1) of the two (2) tiers. On the other tier, 2 hours of programming were offered, inclusive of the self-guided tablet.
  - 1. There were seven (7) young adults housed in this area.
    - a. Four (4) young adults were housed on the tier that were offered two (2) hours of programming, inclusive of the self-guided tablet was offered.
      - i. 30 minutes; young adult refused to participate in any additional programming.
      - ii. 30 minutes; young adult refused to participate in any additional programming.

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<sup>12</sup> On any given day, a young adult may be out to court or transferred in or out of the ESH Unit. These young adults may not be included in the programming reporting. It is important to note that young adults returning from court during programming hours are offered the opportunity to participate in programming upon their return.

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- iii. Two (2) young adults were out to court during programming.
  - b. Three (3) young adults were housed on the tier that were offered up to seven (7) hours of programming. Only one of the three young adults was offered 7 hours of programming, inclusive of the self-guided programming with tablets.
    - i. 3 hours; young adult refused to participate in any additional programming.
    - ii. One (1) young adult was out to court during programming.
    - iii. One (1) young adult did not participate in programming. The reason for his non-participation could not be determined due to conflicting program and housing area records.
- ❖ E: Five (5) hours of programming were offered.
  - 1. There were six (6) young adults housed in this area. One (1) young adult refused all afforded programming. One (1) young adult was out to court during programming. For the remaining four (4) young adults, their hours of program participation were:
    - i. 5 hours
    - ii. 5 hours
    - iii. 5 hours
    - iv. 5 hours
- ❖ F: Two (2) hours and thirty (30) minutes of programming were offered.
  - 1. There were four (4) young adults housed in this area. Of the four (4) young adults, one (1) young adult participated in 1 hour and refused to participate in any additional programming.
    - i. One (1) young adult was in school during programming.
    - ii. One (1) young adult was out to court during programming.
  - 2. The remaining one (1) young adult did not participate in programming. The reason for his non-participation could not be determined due to conflicting program and housing area records.

#### December 26, 2018<sup>13</sup>

On this audit date, up to five (5) hours of programming were offered to the young adults housed within the six (6) housing areas, labelled A-F.

- ❖ A: Three (3) hours and thirty-three (33) minutes of programming were offered: 1 hour and 35 minutes of programming for participants in the morning session and 1 hour and 58 minutes of programming for participants in the afternoon session.
  - 1. There were two (2) young adults housed in this area.
    - i. One (1) young adult was offered programming in the morning session and refused to participate in all afforded programming.
    - ii. One (1) young adult was offered programming in the afternoon session and refused to participate in all afforded programming.

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<sup>13</sup> On any given day, a young adult may be out to court or transferred in or out of the ESH Unit. These young adults may not be included in the programming reporting. It is important to note that young adults returning from court during programming hours are offered the opportunity to participate in programming upon their return.

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- ❖ B: Five (5) hours and fifteen (15) minutes of programming were offered: 2 hours and 45 minutes of programming for participants in the morning session and 2 hours and 30 minutes of programming for participants in the afternoon session.
  1. There was one (1) young adult housed in this area and who participated in the morning session. His program participation was 25 minutes and he refused to participate in any additional programming.
  
- ❖ C: Four (4) hours and forty-five (45) minutes of programming were offered: 2 hours and 15 minutes of programming for participants in the morning session and 2 hours and 30 minutes of programming for participants in the afternoon session.
  1. There were two (2) young adults housed in this area. Both young adults participated in the afternoon session. Their hours of program participation were:
    - i. 15 minutes; young adult refused to participate in any additional programming
    - ii. 35 minutes; young adult refused to participate in any additional programming
  
- ❖ D: Five (5) hours of programming were offered.
  1. There were five (5) young adults housed in this area. All five (5) young adults refused to participate in all afforded programming.
  
- ❖ E: One (1) hour of programming was offered.
  1. There were five (5) young adults housed in this area. All five (5) young adults refused to participate in all afforded programming.
  
- ❖ F: Two (2) hours and thirty (30) minutes of programming were offered.
  1. There were three (3) young adults housed in this area. One young adult refused all afforded programming. For the remaining two (2) young adults, their hours of program participation were:
    - i. 10 minutes; young adult refused to participate in any additional programming
    - ii. 25 minutes; young adult refused to participate in any additional programming

### Education

The NYC Department of Education offers educational services to all young adults in ESH. A young adult can enroll in educational services by completing and submitting the “Request for Educational Services” form upon admission. In addition, a young adult can enroll in educational services by completing the aforementioned form and submitting it to any programs office in the facility after admission. Eligible young adults are provided educational services Monday through Friday, for a minimum of three (3) hours of instruction per day. Classroom instruction is provided both in the morning and afternoon.

The audit reviewed educational data for each of the four (4) dates – December 4, 13, 19 and 26, 2018 – to ascertain the total number of young adults brought to school, as well as the time that each young adult arrived to school and the time each young adult departed school.

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#### December 4, 2018

There were twenty-four (24) young adults in ESH on this audit date. Of the twenty-four (24) young adults, eleven (11) were enrolled in educational services. The arrival and departure times for those present on this audit date were:

1. Arrived 8:55 am / Departed 11:30 am
2. Arrived 9:05 am / Departed 11:30 am
3. Arrived 9:05 am / Departed 11:30 am
4. Arrived 8:30 am / Departed 11:00 am
5. Arrived 9:05 am / Departed 11:00 am

For the remaining six (6) young adults, please note the following:

- The Educational Service Logbook did not record the school departure time for one (1) young adult.
- Four (4) young adults refused educational services.
- One (1) young adult was out to court.

#### December 13, 2018

There were twenty-three (23) young adults in ESH on this audit date. Of the twenty-three (23) young adults, fifteen (15) were enrolled in educational services. The arrival and departure times for those present on this audit date were:

1. Arrived 8:50 am / Departed 11:05 am
2. Arrived 9:00 am / Departed 11:00 am
3. Arrived 9:40 am / Departed 11:30 am
4. Arrived 9:05 am / Departed 11:30 am
5. Arrived 1:30 pm / Departed 3:30 pm
6. Arrived 2:50 pm / Departed 3:30 pm
7. Arrived 9:40 am / Departed 11:30 am

For the remaining eight (8) young adults, please note the following:

- Six (6) young adults refused educational services.
- Two (2) young adults were out to court.

#### December 19, 2018

There were twenty-two (22) young adults in ESH on this audit date. Of the twenty-two (22) young adults, fourteen (14) were enrolled in educational services. The arrival and departure times for those present on this audit date were:

1. Arrived 9:00 am / Departed 11:30 am
2. Arrived 9:05 am / Departed 10:55 am
3. Arrived 1:00 pm / Departed 3:30 pm
4. Arrived 1:10 am / Departed 3:30 pm
5. Arrived 10:00 am / Departed 11:30 am

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For the remaining nine (9) young adults, please note the following:

- Six (6) young adults refused educational services.
- Three (3) young adults were out to court.

#### **December 26, 2018**

On this audit date no educational services were provided due to winter recess.

#### **Audit Recommendations**

The Department began conducting monthly audits of young adult ESH in January 2018. In the time since, through the audit process, issues have been identified and addressed related to the provision of mandated services and programming.

During this audit period, issues were identified in regard to the provision of law library services, programming and education. The below recommendations for corrective action should be implemented.

##### Law Library

- Law Library services were not afforded on December 19, 2018 during the afternoon session in three housing areas, because the Legal Coordinator was at training. In addition, Law Library services were not afforded on December 26, 2018 during the morning session for three housing areas due to the Legal Coordinator's unplanned absence. On December 26, 2018, Law Library services were not afforded during the afternoon session for three different housing areas due to the Legal Coordinator's unplanned absence. The Director of Law Libraries, in conjunction with the facility administration, should ensure that designated staff are scheduled to provide Law Library services to inmates in the ESH. In the case of staff training and unplanned absences, the Director of Law Libraries should assign other staff to provide Law Library coverage.

##### Programming

- During this reporting period, young adult program participation could not be determined in at least two incidents due to conflicting program and housing area records. Facility administrative staff, in conjunction with program services staff, should implement the following corrective measures:
  - Designate supervisory staff to review programming attendance documentation and compare it with housing area logbook records, to determine whether the reasons recorded by counselors for young adults' non-participation in programming are consistent with entries recorded in the housing area logbooks by custody staff. When the reasons are not consistent, the designated supervisory staff shall confer with both program and custody staff to identify the causes for these inconsistencies, and to make the necessary changes to the program records and/or housing area logbooks.

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- In order to minimize the cancellation of programming, the counseling staff is in the process of identifying staff members from other facilities to serve as alternate counselors and cover gaps in programming scheduling.
- In some housing areas during this audit period, the programming schedule overlapped with school schedule. Program staff should take corrective action to ensure that programming hours do not conflict with the school hours.

#### Education

- During this reporting period, custody staff did not record the school departure time for one (1) young adult. To address this deficiency, designated supervisory staff should regularly review the Educational Services Logbook to determine whether custody staff have recorded all required information. When deficiencies are identified, the designated supervisory staff shall counsel the relevant custody staff person and instruct him or her to record all required information.