

## New York City Department of Correction

### Young Adult ESH Compliance Audit – February 2021

Pursuant to the six (6) month limited variance granted by the NYC Board of Correction on November 10, 2020 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);
- § 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. On the four (4) audit dates specified below, young adults were housed in up to six (6) ESH housing areas.

This audit report covers the following four (4) dates in the month of February 2021:

- February 3
- February 10
- February 16
- February 25

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

- February 5
- February 12
- February 19
- February 26

#### **§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 were 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 Law Library Logbooks was conducted to determine whether Law Library services were afforded. In addition to the logbook review, on-site inspections were conducted to

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determine if the kiosks and typewriters located within the various young adult ESH housing areas were operational.

#### **§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 **chose to** participate in programming.

#### **Education**

A review was conducted to determine the number of young adults enrolled in educational services, whether they were provided with educational learning packets, and whether they **chose to** complete and return the educational learning packets.

#### **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 audited, institutional **lock-out** and **lock-in** were consistently recorded in the Lock-In/Out Logbook for each of the levels.

All young adults in ESH are housed in single occupancy cells within their respective housing area. Each ESH housing area consists of multiple single occupancy cells located on two (2) tiers – the lower tier and the upper tier. Young adults in Level I and Level II are afforded seven (7) hours of lock-out time each day. For each young adult in these two levels, the specific time that he locks out depends on his tier's lock-out schedule. For example, one (1) day the lower tier locks out in the am and the upper tier locks out in the pm. The following day the upper tier locks out in the am and the lower tier locks out in the pm. Regardless of the lock-out schedule for ESH young adults in Levels I and II, they are all afforded seven (7) hours of lock-out time on any given day. Young adults in Level III, who are afforded fourteen (14) hours of lock-out time, are not subject to a tier lock-out schedule. Young adults in Level III are all afforded lock-out during both the am and pm hours, regardless of the tier in which they are housed. 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.

##### **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 Lock-In/Out 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 the institutional lock-outs on each audit date.

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### February 3, 2021

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

1. 1 hour; young adult **chose not** to participate in the majority of afforded out-of-cell time (Upper Tier)

On this audit date, the total afforded lock-in/out times could not be determined for two (2) Lower Tier young adults, because staff did not record the lock-in and lock-out times for these two (2) young adults in the Lock-In/Out Tracking Logbook.

### February 10, 2021

There were two (2) young adults in Level I; their out-of-cell times on this audit date were:

1. 4 hours (Upper Tier)
2. 3 hours 15 minutes; young adult **chose not** to participate in the majority of afforded out-of-cell time (Lower Tier)

### February 16, 2021

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

1. 3 hours 25 minutes; young adult **chose not** to participate in used the majority of afforded out-of-cell time (Lower Tier)
2. 4 hours 30 minutes (Upper Tier)

On this audit date, one (1) Lower Tier young adult **chose not** to participate in all out-of-cell time.

### February 25, 2021

There were ten (10) young adults in Level I; the out-of-cell times for those present on this audit date were:

1. 3 hours 25 minutes; young adult **chose not** to participate in the majority of afforded out-of-cell time (Upper Tier)
2. 3 hours 25 minutes; young adult **chose not** to participate in the majority of afforded out-of-cell time (Upper Tier)
3. 7 hours (Lower Tier)
4. 7 hours (Lower Tier)
5. 6 hours 5 minutes (Lower Tier)
6. 2 hours 45 minutes; young adult **chose not** to participate in the majority of afforded out-of-cell time (Lower Tier)
7. 3 hours 25 minutes; young adult **chose not** to participate in the majority of afforded out-of-cell time (Upper Tier)
8. 1 hour; young adult **chose not** to participate in the majority of afforded out-of-cell time (Upper Tier)

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On this audit date, one (1) Upper Tier young adult was out to court for most of the day and, as a result, he did not participate in lock-out options. In addition, one (1) Upper Tier young adult **chose not** to participate in all 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 Lock-In/Out 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 the institutional lock-outs on each audit date.

#### **February 3, 2021**

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

1. 7 hours 15 minutes (Upper Tier)
2. 7 hours 15 minutes (Upper Tier)
3. 5 hours 5 minutes (Lower Tier)
4. 4 hours 5 minutes (Lower Tier)
5. 7 hours (Upper Tier)
6. 4 hours 5 minutes (Lower Tier)
7. 4 hours 5 minutes (Lower Tier)
8. 5 hours 5 minutes (Lower Tier)
9. 7 hours 10 minutes (Upper Tier)
10. 4 hours 5 minutes (Lower Tier)
11. 4 hours 5 minutes (Lower Tier)

On this audit date, one (1) Upper Tier young adult **chose not** to participate in all out-of-cell time. In addition, the total afforded lock-in/out times could not be determined for one (1) Lower Tier young adult, because staff did not record the lock-in and lock-out times for this one (1) young adult in the Lock-In/Out Tracking Logbook.

#### **February 10, 2021**

There were fourteen (14) young adults in Level II; their out-of-cell times on this audit date were:

1. 7 hours 40 minutes (Lower Tier)
2. 3 hours 15 minutes; young adult **chose not** to participate in the majority of afforded out-of-cell time (Upper Tier)
3. 2 hours 44 minutes; young adult **chose not** to participate in the majority of afforded out-of-cell time (Upper Tier)
4. 7 hours (Lower Tier)
5. 7 hours (Lower Tier)
6. 2 hours 15 minutes; young adult **chose not** to participate in the majority of afforded out-of-cell time (Upper Tier)
7. 4 hours 15 minutes (Lower Tier)

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8. 7 hours (Lower Tier)
9. 7 hours (Lower Tier)
10. 7 hours (Lower Tier)
11. 7 hours (Lower Tier)
12. 6 hours (Upper Tier)
13. 7 hours (Lower Tier)

On this audit date, one (1) Upper Tier young adult **chose not** to participate in all out-of-cell time.

#### **February 16, 2021**

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

1. 7 hours 6 minutes (Lower Tier)
2. 2 hours 15 minutes; young adult **chose not** to participate in the majority of afforded out-of-cell time (Upper Tier)
3. 3 hours 15 minutes; young adult **chose not** to participate in the majority of afforded out-of-cell time (Upper Tier)
4. 7 hours 5 minutes (Lower Tier)
5. 6 hours 15 minutes (Upper Tier)
6. 7 hours 8 minutes (Lower Tier)
7. 7 hours 8 minutes (Lower Tier)
8. 7 hours 8 minutes (Lower Tier)
9. 7 hours 5 minutes (Lower Tier)
10. 2 hours 15 minutes; young adult **chose not** to participate in the majority of afforded out-of-cell time (Upper Tier)
11. 7 hours 5 minutes (Lower Tier)

On this audit date, the total afforded lock-in/out times could not be determined for one (1) Upper Tier young adult, because staff did not record the lock-in and lock-out times for this one (1) young adult in the Lock-In/Out Tracking Logbook.

#### **February 25, 2021**

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

1. 7 hours 20 minutes (Upper Tier)
2. 7 hours 20 minutes (Upper Tier)

On this audit date, one (1) Lower Tier young adult **chose not** to participate in all out-of-cell time. In addition, the total afforded lock-in/out times and tier locations for ten (10) young adults could not be determined, because staff did not record their tier locations, and lock-in and lock-out times for these ten (10) young adults in the Lock-In/Out Tracking Logbook.

#### **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 Lock-In/Out Logbook, for the audit dates. The out-of-cell time is the

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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 the institutional lock-outs on each audit date.

#### February 3, 2021

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

1. 13 hours 50 minutes (Lower Tier)
2. 12 hours 30 minutes (Lower Tier)
3. 13 hours 45 minutes (Lower Tier)
4. 14 hours 30 minutes (Lower Tier)
5. 14 hours 30 minutes (Lower Tier)

On this audit date, one (1) Lower Tier young adult **chose not** to participate in all out-of-cell time.

#### February 10, 2021<sup>1</sup>

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

1. 6 hours 30 minutes (Lower Tier)
2. 7 hours (Lower Tier)
3. 5 hours (Lower Tier)

#### February 16, 2021

There were two (2) young adults in Level III; their out-of-cell times on this audit date were:

1. 11 hours 45 minutes (Lower Tier)
2. 10 hours 20 minutes (Lower Tier)

#### February 25, 2021

There were two (2) Lower Tier young adults in Level III on this audit date. These two (2) Lower Tier young adults transferred out of the unit and, as a result, they did not participate in lock-out options.

### §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>2</sup> A manual review of the Law Library Logbooks indicated that the Law Library Coordinators were in these areas to provide assistance on all four (4) days audited – February 3,

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<sup>1</sup> On this audit date, the young adults had the possibility of additional lock-out time to the recorded times listed that may have occurred between 5:00 a.m. and 12:00 p.m., which was not recorded by staff in the Lock-in/Lock-out Tracking Logbook.

<sup>2</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.

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10, 16 and 25, 2021.<sup>3</sup> However, in the case of February 3, 2021, due to a Law Library Coordinator's unscheduled absence, four (4) housing areas, labeled A, B, C, and D were not provided Law Library services in the afternoon session, although these housing areas were provided Law Library services in the morning session.

The audit was able to verify by auditing available records that the duration of each Law Library Coordinator's time, in ESH areas during the dates audited, was in compliance with the provisions of the Minimum Standards i.e., a minimum of two (2) hours. On some of the audit dates, some young adults **chose not** to request Law Library services.

Listed below is a total count of young adults housed in ESH, for each date audited, and the total number of young adults that were assisted by the Law Library Coordinators.

#### **February 3, 2021**

There were twenty-two (22) young adults in ESH on this audit date. No young adults **chose to** request Law Library services.

#### **February 10, 2021**

There were nineteen (19) young adults in ESH on this audit date. Of the nineteen (19) young adults, four (4) young adults **chose to** request and were provided Law Library services.

#### **February 16, 2021**

There were seventeen (17) young adults in ESH on this audit date. Of the seventeen (17) young adults, one (1) young adult **chose to** request and was provided Law Library services.

#### **February 25, 2021**

There were twenty-five (25) young adults in ESH on this audit date. Of the twenty-five (25) young adults, one (1) young adult **chose to** request and was provided Law Library services.

#### **Kiosks and Typewriters**

During this audit period, young adults were housed in four (4) housing areas in ESH, labeled A-D. Young adults in ESH are provided with access to a minimum of one (1) kiosk and one (1) typewriter. All Law Library services are being afforded and fulfilled by the Legal Coordinators through request slips. Listed below are the numbers of kiosks and typewriters in each ESH housing area, including the status of their operability for the dates audited:

#### **February 5, 2021**

On this audit date, young adults were housed within the four (4) young adult ESH housing areas, labeled A-D. The numbers of kiosks and typewriters in each area and their operability were as follows:

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<sup>3</sup> This is evidenced by the Law Library Coordinators signing in and out of the Law Library Logbook on each of the audit dates.

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- A: One (1) Kiosk (**inoperable**) / One (1) Typewriter (**inoperable**)
- B: One (1) Kiosk (**not in the area**) / One (1) Typewriter (**not in the area**)
- C: One (1) Kiosk (**inoperable**) / One (1) Typewriter (**inoperable**)
- D: One (1) Kiosk (operable) / One (1) Typewriter (**inoperable**)

#### February 12, 2021

On this audit date, young adults were housed within the four (4) young adult ESH housing areas, labeled A-D. The numbers of kiosks and typewriters in each area and their operability were as follows:

- A: One (1) Kiosk (**not in the area**) / One (1) Typewriter (**not in the area**)
- B: One (1) Kiosk (**inoperable**) / One (1) Typewriter (**inoperable**)
- C: One (1) Kiosk (**inoperable**) / One (1) Typewriter (**inoperable**)
- D: One (1) Kiosk (**inoperable**) / One (1) Typewriter (**inoperable**)

#### February 19, 2021

On this audit date, young adults were housed within the four (4) young adult ESH housing areas, labeled A-D. The numbers of kiosks and typewriters in each area and their operability were as follows:

- A: One (1) Kiosk (**not in the area**) / One (1) Typewriter (**not in the area**)
- B: One (1) Kiosk (operable) / One (1) Typewriter (**inoperable**)
- C: One (1) Kiosk (operable) / One (1) Typewriter (**inoperable**)
- D: One (1) Kiosk (operable) / One (1) Typewriter (**inoperable**)

#### February 26, 2021

On this audit date, young adults were housed within the four (4) young adult ESH housing areas, labeled A-D. The numbers of kiosks and typewriters in each area and their operability were as follows:

- A: One (1) Kiosk (**not in the area**) / One (1) Typewriter (**not in the area**)
- B: One (1) Kiosk (operable) / One (1) Typewriter (operable)
- C: One (1) Kiosk (operable) / One (1) Typewriter (operable)
- D: One (1) Kiosk (operable) / One (1) Typewriter (operable)

#### §1-06 – Recreation

All young adults in ESH are afforded a minimum of one (1) hour of recreation per day, seven (7) days per week in the outdoor recreation area, except in inclement weather when the indoor recreation area is used.

The audit reviewed recreational data for each of the four (4) audit dates – February 3, 10, 16 and 25, 2021 – to ascertain the total number of young adults that **chose to** participate in recreation and the length of time that each young adult **chose to** participate in recreation.

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#### February 3, 2021

There were twenty-two (22) young adults in ESH on this audit date. As a result of the snowstorm that occurred on February 1 and 2, 2021, recreation was not afforded to these twenty-two (22) young adults; snow had to be removed from the various recreation yards.

#### February 10, 2021

There were nineteen (19) young adults in ESH on this audit date. Please note the following:

- Two (2) young adults **chose to** participate in afforded recreation.
- Seventeen (17) young adults **chose not** to participate in afforded recreation.

#### February 16, 2021

There were seventeen (17) young adults in ESH on this audit date. Please note the following:

- All seventeen (17) young adults **chose not** to participate in afforded recreation.

#### February 25, 2021

There were twenty-five (25) young adults in ESH on this audit date. Please note the following:

- Fifteen (15) young adults **chose not** to participate in afforded recreation.
- Ten (10) young adults' participation in afforded recreation could not be determined.

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

Young adults in ESH are placed in housing units exclusively with other young adults (18 to 21 years old). Young adults who are 19 to 21 years old can also be commingled in units with adults (22 years old and older). In the commingled 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. In the young adult exclusive housing areas within ESH, tablets are intended to be utilized in the provision of programming and offered to young adults regardless of whether it is during the individual's lock-out period. The Programs Division is in the process of rolling out the provision of tablets over the coming months. In addition, in the young adult exclusive housing areas, on days when support programming staff are present, young adults may request individualized counseling while other programming components are being held. Due to the coronavirus, Program Counselors did not remain in the housing areas to provide programming services in the same manner as they did in the past. The Department provides to young adults self-guided programming packets as part of programming materials that include activity packets, interactive journaling, and worksheets and were also provided books and other educational materials. In addition, social services are afforded by counselors, which can either be requested by a social service slip or during a counselor's tour when an inquiry is made that may be designated as social service. Social service includes the provision or referral of a support service, or case-management related engagement and discussion. Social service is designated

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separately in the report as it is a rendering of a request and/or has follow-up that is related to case management.

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

Please note that 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.

Listed below are the numbers of programming hours offered and participated based on housing areas and their assigned levels.

#### February 3, 2021

On this audit date, programming was offered to the young adults housed within the four (4) young adult ESH housing areas, labeled A-D.

- A: Level II – There was one (1) young adult housed in this area. He was offered and **chose to** participate in in-person programming. The young adult participation time for in-person programming was as follows:
  1. Young adult participation: 15 minutes
- B: Level III – There were six (6) young adults housed in this area. They were offered in-person programming. One (1) young adult was out to court during afforded in-person programming. The remaining five (5) young adults **chose to** participate in in-person programming. The young adult participation times for in-person programming were as follows:
  1. Young adult participation: 28 minutes
  2. Young adult participation: 28 minutes
  3. Young adult participation: 28 minutes
  4. Young adult participation: 28 minutes
  5. Young adult participation: 28 minutes
- C: Level I – There were three (3) young adults housed in this area.
  - Tier 1 was offered in-person programming and programming packets in the morning session. One (1) young adult was housed on this tier, and he **chose to** participate in in-person programming and **chose not** to participate in programming packets. The young adult participation time for in-person programming was as follows:
    1. Young adult participation: 20 minutes

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- Tier 2 was offered in-person programming and programming packets in the afternoon session. Two (2) young adults were housed on this tier and **chose to** participate in in-person programming and programming packets. The total young adult participation times for in-person programming and programming packets were as follows:
  1. Young adult participation: 2 hours 25 minutes
  2. Young adult participation: 2 hours 45 minutes
- D: Level 2 – There were twelve (12) young adults housed in this area.
  - Tier 1 was offered in-person programming and programming packets in the morning session. Seven (7) young adults were housed on this tier and **chose to** participate in in-person programming and programming packets. The total young adult participation times for in-person programming and programming packets were as follows:
    1. Young adult participation: 2 hours 18 minutes
    2. Young adult participation: 2 hours 18 minutes
    3. Young adult participation: 2 hours 18 minutes
    4. Young adult participation: 2 hours 18 minutes
    5. Young adult participation: 2 hours 18 minutes
    6. Young adult participation: 2 hours 18 minutes
    7. Young adult participation: 2 hours 18 minutes
  - Tier 2 was offered in-person programming and programming packets in the afternoon session. Five (5) young adults were housed on this tier. Two (2) young adults **chose not** to participate in in-person programming but they **chose to** participate in programming packets. The participation times for each of these two (2) young adults for programming packets were 2 hours. The remaining three (3) young adults **chose to** participate in in-person programming and programming packets. The total young adult participation times for in-person programming and programming packets were as follows:
    1. Young adult participation: 2 hours 23 minutes
    2. Young adult participation: 2 hours 23 minutes
    3. Young adult participation: 2 hours 23 minutes

### February 10, 2021

On this audit date, programming was offered to the young adults housed within the four (4) young adult ESH housing areas, labeled A-D.

- A: Level III – There were three (3) young adults housed in this area. They were offered and **chose to** participate in in-person programming and programming packets. The total young adult participation times for in-person programming and programming packets were as follows:
  1. Young adult participation: 3 hours 45 minutes
  2. Young adult participation: 3 hours 45 minutes
  3. Young adult participation: 3 hours 45 minutes

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- B: Level II – There was one (1) young adult housed in this area. He was offered and **chose to** participate in in-person programming. The young adult participation time for in-person programming was as follows:
  1. Young adult participation: 20 minutes
- C: Level I – There were two (2) young adults housed in this area. They were offered in-person programming and programming packets. One (1) young adult **chose not** to participate in all afforded in-person programming and programming packets. The remaining one (1) young adult **chose to** participate in in-person programming and programming packets. The total young adult participation times for in-person programming and programming packets was as follows:
  1. Young adult participation: 4 hours 34 minutes
- D: Level II – There were thirteen (13) young adults housed in this area.
  - Tier 1 was offered in-person programming and programming packets in the morning session. There were five (5) young adults housed on this tier and all five (5) young adults **chose not** to participate in all afforded in-person programming and programming packets.
  - Tier 2 was not offered programming in the afternoon session due to a security concern. There were eight (8) young adults housed on this tier.

#### February 16, 2021

On this audit date, programming was offered to the young adults housed within the four (4) young adult ESH housing areas, labeled A-D.

- A: Level II – There were two (2) young adults housed in this area. They were offered and **chose to** participate in in-person programming and programming packets. The total young adult participation times for in-person programming and programming packets were as follows:
  1. Young adult participation: 3 hours 43 minutes
  2. Young adult participation: 3 hours 43 minutes
- B: Level II – There was one (1) young adult housed in this area. He was offered and **chose to** participate in in-person programming. The young adult participation time for in-person programming was as follows:
  1. Young adult participation: 25 minutes
- C: Level I – There were three (3) young adults housed in this area. They were offered in-person programming and programming packets. Two (2) young adults **chose not** to participate in all afforded in-person programming and programming packets. The remaining one (1) young adult chose to participate in in-person programming and programming packets. The total young adult's participation time for in-person programming and programming packets was as follows:

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1. Young adult participation: 4 hours 20 minutes
- D: Level II – There were eleven (11) young adults housed in this area.
    - Tier 1 was offered in-person programming and programming packets in the morning session. There were three (3) young adults housed on this tier and **chose to** participate in in-person programming and programming packets. The total young adult participation times for in-person programming and programming packets were as follows:
      1. Young adult participation: 2 hours 29 minutes
      2. Young adult participation: 2 hours 29 minutes
      3. Young adult participation: 2 hours 29 minutes
    - Tier 2 was offered in-person programming and programming packets in the afternoon session. There were eight (8) young adults housed on this tier. One (1) young adult was in the Intake during afforded in-person programming and programming packets. One (1) young adult was in Intake during in-person programming but he **chose to** participate in programming packets. This one (1) young adult's participation time for programming packets was 2 hours. The remaining six (6) young adults **chose to** participate in in-person programming and programming packets. The total young adult participation times for in-person programming and programming packets were as follows:
      1. Young adult participation: 4 hours
      2. Young adult participation: 4 hours
      3. Young adult participation: 4 hours
      4. Young adult participation: 4 hours
      5. Young adult participation: 4 hours
      6. Young adult participation: 4 hours

#### February 25, 2021

On this audit date, programming was offered to the young adults housed within the five (5) young adult ESH housing areas, labeled A-E.

- A: Level II – There were two (2) young adults housed in this area. They were offered and **chose to** participate in in-person programming. The young adult participation times for in-person programming were as follows:
  1. Young adult participation: 5 minutes
  2. Young adult participation: 15 minutes
- B: Level II – There were two (2) young adults housed in this area. These two (2) young adults were transferred out of the unit prior to afforded programming.
- C: Level II – There was one (1) young adult housed in this area. He was offered and **chose to** participate in in-person programming. The young adult participation time for in-person programming was as follows:

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1. Young adult participation: 25 minutes
- D: Level I – There were ten (10) young adults housed in this area.
    - Tier 1 was offered in-person programming and programming packets in the morning session. There were six (6) young adults housed on this tier. Three (3) young adults **chose not** to participate in all afforded in-person programming and programming packets. The remaining three (3) young adults **chose to** participate in in-person programming and programming packets. The total young adult participation times for in-person programming and programming packets were as follows:
      1. Young adult participation: 4 hours 50 minutes
      2. Young adult participation: 4 hours 50 minutes
      3. Young adult participation: 4 hours 50 minutes
    - Tier 2 was offered in-person programming and programming packets in the afternoon session. There were four (4) young adults housed on this tier. Two (2) young adults **chose not** to participate in all afforded in-person programming and programming packets. The remaining two (2) young adults **chose to** participate in in-person programming and programming packets. The total young adult participation times for in-person programming and programming packets were as follows:
      1. Young adult participation: 4 hours 48 minutes
      2. Young adult participation: 4 hours 48 minutes
  - E: Level II – There were ten (10) young adults housed in this area.
    - Tier 1 was offered in-person programming and programming packets in the morning session. There were five (5) young adults housed on this tier and **chose to** participate in in-person programming and programming packets. The total young adult participation times for in-person programming and programming packets were as follows:
      1. Young adult participation: 5 hours 42 minutes
      2. Young adult participation: 5 hours 42 minutes
      3. Young adult participation: 5 hours 42 minutes
      4. Young adult participation: 5 hours 42 minutes
      5. Young adult participation: 5 hours 42 minutes
    - Tier 2 was offered in-person programming in the afternoon session. There were five (5) young adults housed on this tier. Three (3) young adults were in the Intake during afforded in-person programming. The remaining two (2) young adults **chose to** participate in in-person programming. The young adult participation times for in-person programming were as follows:
      1. Young adult participation: 40 minutes
      2. Young adult participation: 40 minutes

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#### 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 Program’s Division Office in the facility after admission. The NYC Department of Education began educational services on September 21, 2020, by providing educational learning packets on a weekly basis to enrolled young adults; each packet contained learning materials for one week. In addition, a hotline was established for the enrolled young adults so that they could call to speak with a teacher if they had any questions or needed support.

The audit reviewed educational data for each of the four (4) audit dates, February 3, 10, 16 and 25, 2021.

#### February 3, 2021

There were twenty-two (22) young adults in ESH on this audit date. Of the twenty-two (22) young adults, fourteen (14) young adults were enrolled in educational services. Please note the following:

- One (1) young adult was transferred into the facility after the educational learning packet was distributed.
- Thirteen (13) young adults were provided with an educational learning packet, however, each of these thirteen (13) young adults **chose not** to return any completed educational learning packet.

#### February 10, 2021

There were nineteen (19) young adults in ESH on this audit date. Of the nineteen (19) young adults, twelve (12) young adults were enrolled in educational services and each young adult was provided with an educational learning packet. These twelve (12) young adults **chose not** to return any completed educational learning packets.

#### February 16, 2021

There were seventeen (17) young adults in ESH on this audit date. Of the seventeen (17) young adults, nine (9) young adults were enrolled in educational services and each young adult was provided with an educational learning packet. These nine (9) young adults **chose not** to return any completed educational learning packets.

#### February 25, 2021

There were twenty-five (25) young adults in ESH on this audit date. Of the twenty-five (25) young adults, fourteen (14) young adults were enrolled in educational services. Please note the following:

- Three (3) young adults transferred into the facility after the educational learning packets were distributed.

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- Two (2) young adults enrolled in educational services after the educational learning packets were distributed.
- One (1) young adult **chose not** to participate in the educational learning packet.
- Eight (8) young adults were provided with an educational learning packet, however, each of these eight (8) young adults **chose not** to return any completed educational learning packet.

#### **Audit Recommendations**

Recommendations for the ESH Audit Report are reported quarterly rather than monthly per an agreement with the Board of Correction. The ESH Audit Report covering the month of November 2020 was the last ESH Audit Report which indicated recommendations. A quarterly period has transpired since that last audit report with recommendations, and recommendations are therefore included in this audit report.

The following recommendations were indicated in the ESH Audit Report covering the month of November. The status of the efforts to implement each of the recommendations listed below are indicated after each recommendation.

#### Law Library

- Law Library services were not afforded to ESH Young Adult housing areas on November 12 and 17, 2020, because the Law Library Coordinators did not have a uniform staff escort. The Director of Law Libraries should identify an alternative method of providing Law Library services when a uniform staff escort is not available.

#### **Status of implementation:**

- The Director of Law Libraries issued written instructions to all Law Library Coordinators directing them to ensure that Law Library services are provided to all ESH housing units even when uniformed staff is not available. Those aspects of Law Library services that cannot be afforded to the ESH young adults because of the insufficient uniform staffing should be logged in the area logbook and all Law Library reports. In addition, Law Library Coordinators were instructed to prepare a separate memorandum to the Director of Law Libraries and the area supervisor indicating what service could not be afforded and why.
- To facilitate the maintenance and operation of the kiosks and typewriters in the housing areas, the facility Warden or designee should re-instruct designated facility staff, and the Director of Law Libraries should re-instruct law library staff, to verify on a daily basis that all typewriters and kiosks are operational. When a typewriter or kiosk is identified as in need of repair, the facility administration in coordination with the Director of Law Libraries should ensure that repairs or replacements are conducted in a timely manner.

#### **Status of implementation:**

- The Director of Law Libraries re-issued written instructions to all Law Library Coordinators directing them to inspect daily the kiosks and typewriters to ensure their operability and record their findings in the Law Library Logbook. In the event that any

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kiosk is inoperable, the Law Library Coordinator shall call the appropriate vendor to have the kiosk serviced. In the event that any typewriter is inoperable, the Law Library Coordinator shall call the facility's storehouse and request that the typewriter be replaced. The Law Library Coordinator shall document the above corrective actions in the Law Library Logbook.

- The facility re-issued ESH Memorandum 21/20, entitled ESH Law Library Kiosk/Typewriters Maintenance and Operations, which requires the housing area staff and designated Law Library Officers to inspect daily the kiosks and typewriters to verify their operability. In the event that any typewriter or kiosk is identified to be in need of repair or has been tampered with, the aforementioned housing area staff and Law Library Officer shall immediately notify their supervisor. Supervisors have been instructed to immediately notify the Deputy Warden of ESH and the respective Law Library Coordinator of any inoperable or tampered with kiosk or typewriter. The Deputy Warden and/or Law Library Coordinator will initiate repair and/or replacement of the equipment.

#### Programming

- The Program Unit Supervisor should re-instruct all counselors to record, in the ESH Daily Programming Tier Sign-In Sheet, the commencement and completion times for each individual counseling session.

#### **Status of implementation:**

- The Program Unit modified the existing ESH Daily Programming Tier Sign-In Sheet to include the commencement and completion times for each program offered and instructed programming staff to document the commencement and completion times for each program offered.

The findings in the ESH Audit Report covering February 2021 require the following three (3) audit recommendations:

#### Lock-in/Lock-out

- The area supervisor shall review the Lock-In/Out Logbook on each tour, to determine whether all staff are consistently documenting the lock-in and lock-out times for all young adults, and the tiers in which they are housed. When deficiencies are identified, the designated supervisory staff person shall counsel the relevant custody staff person and instruct him or her to record all required information.

#### Law Library

- To facilitate the maintenance and operation of the kiosks and typewriters in the housing areas, the facility Warden or designee should re-instruct designated facility staff, and the Director of Law Libraries should re-instruct law library staff, to verify on a daily basis that all typewriters and kiosks are operational. When a typewriter or kiosk is identified as in need of repair, the facility administration in coordination with the Director of Law Libraries should ensure that repairs or replacements are conducted in a timely manner.

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Recreation

- Designated supervisory staff should regularly review the housing area logbook, Special Housing Area Mandated Services Logbook and ESH Recreation Logbook to determine whether custody staff have recorded all required information, particularly the recreation commencement times and completion times, as well as the young adults' refusals to participate in recreation. 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.