

NYC Department of Correction

Secure Unit Compliance Audit – January 2020

Pursuant to the six (6) month limited variance granted by the NYC Board of Correction on November 12, 2019 allowing for the continued use of the Secure Unit for young adults (18 to 21 years old), the related variance conditions require the NYC Department of Correction (“Department”) to conduct a monthly audit on compliance with the following provisions of the Board’s Minimum Standards and with educational services:

- § 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

As set forth in the Department’s June 9, 2017 compliance plan to the Board, the audit is conducted through a manual review of the housing area logbooks on four (4) randomly selected dates each month.

This audit report covers the following four (4) dates in the month of January 2020:

- January 2
- January 7
- January 15
- January 21

In addition, on-site inspections of the Secure Unit’s kiosks and typewriters were conducted on four (4) randomly selected dates, listed below.

§1-05(b) Lock-in

A manual review of housing area logbooks was performed to determine whether ten (10), twelve (12), and fourteen (14) hours of out-of-cell times were afforded to young adults based on their assigned phase. In addition, pursuant to the Secure Unit variance granted by the Board on November 12, 2019 and associated variance conditions, this audit report 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 four (4) kiosks and four (4) typewriters located in the unit were operational.

January on-site inspections of kiosks and typewriters were:

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- January 3
- January 9
- January 17
- January 28

§1-06 – Recreation

A manual review of housing area logbooks was conducted to determine whether one (1) hour of 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 the Secure Unit are required to be afforded lock-out hours based on their housing phase: ten (10) hours in Phase 1, twelve (12) hours in Phase 2, and fourteen (14) hours in Phase 3. Based on the housing area logbook, the lock-in/lock-out times were consistently recorded for the phases in which young adults were housed except on the following audit date: On January 2, 2020, the lock-out time for 5:00 am was not recorded for Phases 1, 2 and 3. In addition, the lock-in time for 8:00 pm was not recorded on the same date for Phase 2.

The Lock-in/Lock-out Tracking Logbook captures individualized data on an hourly basis related to each young adult's time in and out of his cell. On any given day, a young adult may be out to court or transferred in or out of the Secure Unit. Depending on the length of time these young adults are in the housing unit, they may not be included in the out-of-cell time reporting.

Phase 1

Young adults in Phase 1 are afforded ten (10) hours out-of-cell time each day. Listed below is individualized data related to each young adult's total out-of-cell time in Phase 1, based on a manual review of the Lock-in/Lock-out Tracking 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.

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January 2, 2020

There were six (6) young adults in Phase 1; their out-of-cell times on this audit date were:

1. 2 hours 19 minutes; young adult refused the majority of afforded out-of-cell time
2. 9 hours 48 minutes
3. 2 hours 15 minutes; young adult refused the majority of afforded out-of-cell time
4. 3 hours 21 minutes; young adult refused the majority of afforded out-of-cell time
5. 4 hours 20 minutes

On this audit date, one (1) young adult in Phase 1, was transferred into the Secure Unit and, as a result, he did not receive any lock-out time.

January 7, 2020

There were ten (10) young adults in Phase 1; the out-of-cell-times for those present on this audit date were:

1. 4 hours 47 minutes
2. 8 hours 34 minutes
3. 1 hour 22 minutes; young adult refused the majority of afforded out-of-cell time
4. 3 hours 33 minutes; young adult refused the majority of afforded out-of-cell time
5. 4 hours 22 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. 1 hour 15 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. 6 hours 50 minutes
8. 8 hours 51 minutes
9. 13 hours 12 minutes
10. 5 hours 40 minutes

January 15, 2020

There were eleven (11) young adults in Phase 1; the out-of-cell-times for those present on this audit date were:

1. 4 hours 17 minutes
2. 6 hours 11 minutes; young adult was out to court for a portion of the day and, as a result, his out-of-cell time was affected
3. 4 hours 55 minutes
4. 3 hours 31 minutes; young adult refused the majority of afforded out-of-cell time
5. 6 hours 38 minutes
6. 3 hours 14 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. 10 hours 46 minutes
8. 10 hours 29 minutes
9. 4 hours

On this audit date, one (1) young adult refused all afforded lock-out options and one (1) young adult was out to court for most of the day, and as result, he did not receive any lock-out time.

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January 21, 2020

There were ten (10) young adults in Phase 1; the out-of-cell-times for those present on this audit date were:

1. 7 hours 9 minutes
2. 8 hours 30 minutes
3. 6 hours; young adult was out to court for a portion of the day and, as a result, his out-of-cell time was affected
4. 8 hours 54 minutes
5. 11 hours 5 minutes
6. 4 hours 51 minutes
7. 3 hours 26 minutes; young adult refused the majority of afforded out-of-cell time
8. 4 hours 17 minutes

On this audit date, two (2) young adults in Phase 1 refused all afforded lock-out options.

Phase 2

Young adults in Phase 2 are afforded twelve (12) hours out-of-cell time each day. Listed below is individualized data related to each young adult's total out-of-cell time in Phase 2, based on a manual review of the Lock-in/Lock-out Tracking 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.

January 2, 2020

There were three (3) young adults in Phase 2; their out-of-cell times on this audit date were:

1. 9 hours 36 minutes
2. 10 hours 37 minutes
3. 10 hours 37 minutes

January 7, 2020

There were three (3) young adults in Phase 2; their out-of-cell times on this audit date were:

1. 8 hours 10 minutes
2. 11 hours 23 minutes
3. 10 hours 5 minutes

January 15, 2020

There were no young adults in Phase 2 on this audit date.

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January 21, 2020

There was one (1) young adult in Phase 2; his out-of-cell time on this audit date was nine (9) hours.

Phase 3

Young adults in Phase 3 are afforded fourteen (14) hours out-of-cell time each day. Listed below is individualized data related to each young adult's total out-of-cell time in Phase 3, based on a manual review of the Lock-in/Lock-out Tracking 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.

January 2, 2020

There were four (4) young adults in Phase 3; the out-of-cell-times for those present on this audit date were:

1. 10 hours 43 minutes
2. 7 hours 4 minutes; young adult was transferred out of the Secure Unit and, as a result, his out-of-cell time was affected
3. 9 hours 8 minutes
4. 7 hours 55 minutes; young adult was out to court for a portion of the day and, as a result, his out-of-cell time was affected

January 7, 2020

There were two (2) young adults in Phase 3; their out-of-cell-times on this audit date were:

1. 10 hours 55 minutes
2. 9 hours 10 minutes

January 15, 2020

There were four (4) young adults in Phase 3; the out-of-cell-times for those present on this audit date were:

1. 8 hours 53 minutes
2. 12 hours 40 minutes
3. 6 hours 13 minutes; young adult was out to court for a portion of the day and, as a result, his out-of-cell time was affected
4. 3 hours; young adult was out to court for a portion of the day and, as a result, his out-of-cell time was affected

January 21, 2020

There were no young adults in Phase 3 on this audit date.

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

Law Library Coordinator

A manual review of the Programs and Services Logbook, housing area logbook and Law Library Logbook reflected that the Law Library Coordinator was in the unit to provide assistance on each of the four (4) audit dates – January 2, 7, 15 and 21, 2020. The duration of the Law Library Coordinator's time in the unit on the four (4) dates audited were in compliance with the provisions of the Board's Minimum Standards i.e., a minimum of two (2) hours.

January 2, 2020

There were thirteen (13) young adults in the Secure Unit on this audit date. Of the thirteen (13) young adults, one (1) young adult requested and was provided Law Library services. The arrival and departure times for the Law Library Coordinator on this audit date were:

- Arrived 5:35 pm / Departed 8:00 pm

January 7, 2020

There were fifteen (15) young adults in the Secure Unit on this audit date. Of the fifteen (15) young adults, five (5) young adults requested and were provided Law Library services. The arrival and departure times for the Law Library Coordinator on this audit date were:

- Arrived 6:30 pm / Departed 8:50 pm

January 15, 2020

There were fifteen (15) young adults in the Secure Unit on this audit date. Of the fifteen (15) young adults, eleven (11) young adults requested and were provided Law Library services. The arrival and departure times for the Law Library Coordinator on this audit date were:

- Arrived 5:55 pm / Departed 8:30 pm

January 21, 2020

There were eleven (11) young adults in the Secure Unit on this audit date. Of the eleven (11) young adults, eight (8) young adults requested and were provided Law Library services. The arrival and departure times for the Law Library Coordinator on this audit date were:

- Arrived 6:29 pm / Departed 8:30 pm

Kiosks and Typewriters

As noted above, the kiosks and typewriters were inspected on four (4) dates during the audit period – January 3, 9, 17 and 28, 2020. All four (4) typewriters and all four (4) kiosk were operational on all of the four (4) audit dates.

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§1-06 – Recreation

All young adults in the Secure Unit 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) dates – January 2, 7, 15 and 21, 2020 – to ascertain the total number of young adults that participated in recreation.

On three (3) of the four (4) audit dates – January 2, 15, and 21, 2020 – recreation was afforded to all young adults in the Secure Unit. On the remaining one (1) audit date January 7, 2020, recreation was not afforded due to circumstances requiring exigent repair work that was dealt with to the best of the Department's ability. The facility completed the repair work and recreation was afforded the next day.

January 2, 2020

There were thirteen (13) young adults in the Secure Unit on this audit date. Please note the following:

- Four (4) young adults participated in afforded recreation.
- Two (2) young adults refused to participate in afforded recreation.
- One (1) young adult was out to court during afforded recreation.
- Due to conflicting housing area records, it could not be determined if four (4) young adults participated in afforded recreation. The housing area logbook did not record whether these four (4) young adults refused or participated in recreation. However, the Mandated Services Logbook indicates that these four (4) young adults refused afforded recreation.
- One (1) young adult transferred into the unit after recreation was afforded.
- Staff did not record the completion time for one (1) young adult in either the Mandated Services Logbook or in the housing area logbook.

January 7, 2020

There were fifteen (15) young adults in the Secure Unit on this audit date. As noted above, recreation was not afforded due to circumstances requiring exigent repair work that was dealt with to the best of the Department's ability. The facility completed the repair and recreation was afforded on the following day.

January 15, 2020

There were fifteen (15) young adults in the Secure Unit on this audit date. Please note the following:

- Three (3) young adults participated in afforded recreation.
- Two (2) young adults refused to participate in afforded recreation.
- Five (5) young adults were out to court during afforded recreation.
- Due to conflicting housing area records, it could not be determined if five (5) young adults participated in afforded recreation. The housing area logbook did not record whether these five (5) young adults refused or participated in recreation. However, the Mandated Services Logbook indicates that these five (5) young adults refused afforded recreation.

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January 21, 2020

There were eleven (11) young adults in the Secure Unit on this audit date. Please note the following:

- One (1) young adult participated in afforded recreation.
- Six (6) young adults refused to participate in afforded recreation.
- One (1) young adult was out to court during afforded recreation.
- The housing area logbook did not record whether these three (3) young adults refused or participated in recreation. In addition, the Mandated Service Logbook could not be located and therefore, it could not be determined if these three (3) young adults participated in recreation.

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

In the Secure Unit, programming is afforded to young adults during their out-of-cell time which is based on the phase within the unit they are housed. The out-of-cell time increases incrementally from one phase to the next: ten (10) hours in Phase 1, to twelve (12) hours in Phase 2, to fourteen (14) hours in Phase 3. Program Counselors circulate through the quad areas to provide programming services. Programming is provided Tuesday through Saturday. Young adults are also offered self-guided programming through the availability of books and other educational materials.

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 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.

Listed below is the number of programming hours offered and the number of hours each young adult participated in such programming, by quad. (A-D)

January 2, 2020

There were thirteen (13) young adults housed in the Secure Unit on this audit date.

Quad A – There were two (2) young adults in this quad.

- ❖ Forty-five (45) minutes of programming were offered.
 - One (1) young adult in Phase 1 was offered and participated forty-five (45) minutes of programming.
 - One (1) young adult in Phase 3 was offered and participated forty-five (45) minutes of programming.

Quad B – There were four (4) young adults in this quad.

- ❖ Up to three (3) hours programming were offered.

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- One (1) young adult in Phase 3 was offered and participated in one (1) hour of programming and subsequently he was transferred out of the Secure Unit.
- Three (3) young adults in Phase 2 were offered three (3) hours of programming. They participated in two (2) hours of programming and refused all remaining programming.

Quad C – There were three (3) young adults in this quad.

- ❖ Up to four (4) hours and twenty-eight (28) minutes of programming were offered.
 - One (1) young adult in Phase 3 was offered four (4) hours and twenty-eight (28) minutes of programming. He participated in three (3) hours and forty-three (43) minutes of programming and refused all remaining programming.
 - Two (2) young adults in Phase 1 were offered two (2) hours and forty-five (45) minutes of programming. They refused to participate in all afforded programming.

Quad D – There were four (4) young adults in this quad.

- ❖ Three (3) hours of programming were offered.
 - One (1) young adult in Phase 3 was out to court. Upon his return he was offered three (3) hours of programming. He participated in one (1) hour of programming and refused all remaining programming.

One (1) young adult in Phase 1, transferred-into the Secure Unit after afforded programming and, as a result, he did not participate in afforded programming. The remaining two (2) young adults in Phase 1, were not afforded lock out due to security reasons and, as a result, they did not participate in afforded programming.

January 7, 2020

There were fifteen (15) young adults housed in the Secure Unit on this audit date.

Quad A – There were four (4) young adults in this quad.

- ❖ Up to four (4) hours of programming were offered.
 - One (1) young adult in Phase 1 was offered and participated in three (3) hours and twenty (20) minutes of programming.
 - One (1) young adult in Phase 1 was offered and participated in three (3) hours of programming.
 - One (1) young adult in Phase 1 was offered three (3) hours of programming. He participated in two (2) hours of programming and refused all remaining programming.
 - One (1) young adult in Phase 3 was offered and participated in four (4) hours of programming.

Quad B – There were four (4) young adults in this quad.

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- ❖ Up to four (4) hours of programming were offered.
 - One (1) young adult in Phase 3 was offered and participated in four (4) hours of programming.
 - One (1) young adult in Phase 3 was offered four (4) hours of programming. He participated in three (3) hours of programming and refused all remaining programming.
 - Two (2) young adults in Phase 2 were offered and participated in three (3) hours of programming.

Quad C – There were three (3) young adults in this quad.

- ❖ Up to three (3) hours and forty-five (45) minutes of programming were offered.
 - Two (2) young adults in Phase 1 were offered three (3) hours of programming. They refused to participate all afforded programming.
 - One (1) young adult in Phase 1 was offered three (3) hours and forty-five (45) minutes of programming. He refused to participate all afforded programming.

Quad D – There were four (4) young adults in this quad.

- ❖ Up to three (3) hours and forty (40) minutes of programming were offered.
 - One (1) young adult in Phase 1 was offered three (3) hours and forty (40) minutes of programming. He participated in forty (40) minutes of programming and refused all remaining programming.
 - One (1) young adult in Phase 1 was out to court. Upon his return he was offered two (2) hours of programming. He refused to participate in all afforded programming.
 - One (1) young adult in Phase 1 was offered three (3) hours and forty (40) minutes of programming. He refused to participate in all afforded programming.

One (1) young adult in Phase 1 was out to court for most of the day and, as a result, he did not participate in afforded programming.

January 15, 2020

There were fifteen (15) young adults housed in the Secure Unit on this audit date.

Quad A – There were four (4) young adults in this quad.

- ❖ Four (4) hours minutes of programming were offered.
 - One (1) young adult in Phase 1 was offered and participated in four (4) hours of programming.
 - One (1) young adult in Phase 1 was offered four (4) hours of programming. He refused to participate in all afforded programming.

The remaining two (2) young adults, one (1) in Phase 1 and the other in Phase 3, were out to court for most of the day and, as a result, they did not participate in afforded programming.

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Quad B – There were three (3) young adults in this quad.

- ❖ Up to three (3) hours of programming were offered.
 - Two (2) young adults in Phase 3 were offered and participated in three (3) hours of programming.
 - One (1) young adult in Phase 3 was out to court. Upon his return he was offered and participated in one (1) hour of programming.

Quad C – There were four (4) young adults in this quad.

- ❖ Up to five (5) hours of programming were offered.
 - One (1) young adult in Phase 1 was out to school and subsequently went to a visit. Upon his return from the visit, he was offered two (2) hours and twenty-five (25) minutes of programming. He participated in one (1) hour and twenty-five (25) minutes of programming and refused all remaining programming.
 - Two (2) young adults in Phase 1 were offered five (5) hours of programming. They refused to participate in all afforded programming.

One (1) young adult in Phase 1 was out to court for most of the day and, as a result, he did not participate in afforded programming.

Quad D – There were four (4) young adults in this quad.

- ❖ Up to four (4) hours and ten (10) minutes of programming were offered.
 - Two (2) young adults in Phase 1 were out to school. Upon their return, they were offered four (4) hours and ten (10) minutes of programming. They participated in one (1) hour and ten (10) minutes of programming and refused all remaining programming.
 - One (1) young adult in Phase 1 was offered four (4) hours of programming. He participated in two (2) hours of programming and refused all remaining programming.
 - One (1) young adult in Phase 1 was out to court. Upon his return he was offered and participated in two (2) hours of programming.

January 21, 2020

There were eleven (11) young adults housed in the Secure Unit on this audit date.

Quad A – There were four (4) young adults in this quad.

- ❖ Up to four (4) hours and eleven (11) minutes of programming were offered.
 - One (1) young adult in Phase 1 was offered and participated in three (3) hours and forty-seven (47) minutes of programming.
 - One (1) young adult in Phase 1 was offered and participated in three (3) hours and fifty-two (52) minutes of programming.

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- One (1) young adult in Phase 2 was offered and participated in four (4) hours and eleven (11) minutes of programming.
- One (1) young adult in Phase 1 was out to court. Upon his return he was offered and participated in two (2) hours and fifty-seven (57) minutes of programming.

Quad B – There was one (1) young adult in this quad.

- ❖ Two (2) hours and fifty-seven (57) minutes of programming were offered.
 - One (1) young adult in Phase 1 was offered two (2) hours and fifty-seven (57) minutes of programming. He refused all afforded programming.

Quad C – There were two (2) young adults in this quad.

- ❖ Three (3) hours and twenty (20) minutes of programming were offered.
 - One (1) young adult in Phase 1 was offered three (3) hours of programming and twenty (20) minutes of programming. He participated in two (2) hours and thirty-five (35) minutes of programming and refused all remaining programming.
 - One (1) young adult in Phase 1 was offered three (3) hours and twenty (20) minutes of programming. He refused to participate in all afforded programming.

Quad D – There were four (4) young adults in this quad.

- ❖ Up to three (3) hours and fifteen (15) minutes of programming were offered.
 - Two (2) young adults in Phase 1 were offered three (3) hours and fifteen (15) minutes of programming. They participated in one (1) hour and fifteen (15) minutes of programming and refused all remaining programming.
 - Two (2) young adults in Phase 1 were offered two (2) hours of programming. They refused to participate in all afforded programming.

Education

The NYC Department of Education offers educational services to all young adults in the Secure Unit. 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 in the Secure Unit. Eligible young adults are provided educational services Monday through Friday, for a minimum of three (3) hours of instruction per day in the morning.

The audit reviewed educational data for each of the four (4) dates – January 2, 7, 15 and 21, 2020 – 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.

January 2, 2020

There were thirteen (13) young adults in the Secure Unit on this audit date. Of the thirteen (13) young adults, seven (7) were enrolled in educational services. The arrival and departure times for the two (2) young adults who attended educational service on this audit date were:

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- Arrived 9:25 am / Departed 10:05 am
- Arrived 9:25 am / Departed 10:05 am

Please note the following for the remaining five (5) young adults:

- Five (5) young adults refused to participate in educational services.

January 7, 2020

There were fifteen (15) young adults in the Secure Unit on this audit date. Of the fifteen (15) young adults, seven (7) were enrolled in educational services. The arrival and departure times for the two (2) young adults who attended educational services on this audit date were:

- Arrived 11:35 am / Departed 11:57 am
- Arrived 9:59 am / Departed 11:35 am

Please note the following for the remaining five (5) young adults:

- One (1) young adult was out to court.
- Three (3) young adults refused to attend educational services.
- The Education Services Logbook had no record whether one (1) young adult attended educational services.

January 15, 2020

There were fifteen (15) young adults in the Secure Unit on this audit date. Of the fifteen (15) young adults, nine (9) were enrolled in educational services. The arrival and departure times for the four (4) young adults who attended educational services on this audit date were:

- Arrived 10:45 am / Departed 11:55 am
- Arrived 11:55 am / Departed 12:10 pm
- Arrived 10:45 am / Departed 11:55 am
- Arrived 10:00 am / Departed 10:45 am

Please note the following for the remaining five (5) young adults:

- Three (3) young adults were out to court.
- Two (2) young adults refused to participate in educational services.

January 21, 2020

There were eleven (11) young adults in Secure Unit on this audit date. Of the eleven (11) young adults, six (6) were enrolled in educational services. The arrival and departure times for the one (1) young adult who attended educational services on this audit date were:

- Arrived 9:30 am / Departed 10:55 am

Please note the following for the remaining five (5) young adults:

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- Four (4) young adults refused to participate in educational services.
- The Education Services Logbook had no record whether one (1) young adult attended educational services.