

New York City Department of Correction

Young Adult ESH Compliance Audit – March 2021

Pursuant to the six (6) month limited variance granted by the NYC Board of Correction on March 17, 2021, 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 four (4) ESH housing areas.

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

- March 4
- March 9
- March 18
- March 23

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

- March 5
- March 12
- March 19
- March 25

§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

New York City Department of Correction

Young Adult ESH Compliance Audit – March 2021

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** 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 two (2) of the four (4) dates audited, institutional **lock-out** and **lock-in** were consistently recorded in the Lock-In/Out Logbook for each of the levels. On the remaining two (2) audit dates, the lock-out and lock-in times were not consistently recorded in the Lock-In/Out Logbook.

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

New York City Department of Correction

Young Adult ESH Compliance Audit – March 2021

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.

March 4, 2021

There were three (3) young adults in Level I on this audit date. Two (2) Lower Tier young adults and one (1) Upper Tier young adult **chose not** to participate in all out-of-cell time.

March 9, 2021

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

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

On this audit date, two (2) Lower Tier young adults and one (1) Upper Tier young adult **chose not** to participate in all out-of-cell time.

March 18, 2021

There were four (4) young adults in Level I on this audit date. On this audit date, the total afforded lock-in/out times and tier locations could not be determined for these four (4) young adults because the information was not recorded in the Logbook.

March 23, 2021

There were five (5) young adults in Level I on this audit date. On this audit date, the total afforded lock-in/out times could not be determined for these five (5) Upper Tier young adults because the information was not recorded in the Logbook.

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.

New York City Department of Correction Young Adult ESH Compliance Audit – March 2021

March 4, 2021

There were twenty-one (21) young adults in Level II; their out-of-cell times on this audit date were:

1. 8 hours 20 minutes (Upper Tier)
2. 8 hours 20 minutes (Upper Tier)
3. 8 hours 10 minutes (Lower Tier)
4. 7 hours (Lower Tier)
5. 4 hours (Upper Tier)
6. 7 hours 11 minutes (Lower Tier)
7. 7 hours 12 minutes (Lower Tier)
8. 2 hours 30 minutes; young adult **chose not** to participate in the majority of afforded out-of-cell time (Upper Tier)
9. 7 hours 11 minutes (Lower Tier)
10. 7 hours 5 minutes (Lower Tier)
11. 2 hours 30 minutes; young adult **chose not** to participate in the majority of afforded out-of-cell time (Upper Tier)
12. 2 hours 30 minutes; young adult **chose not** to participate in the majority of afforded out-of-cell time (Upper Tier)
13. 2 hours 30 minutes; young adult **chose not** to participate in the majority of afforded out-of-cell time (Upper Tier)
14. 3 hours; young adult **chose not** to participate in the majority of afforded out-of-cell time (Upper Tier)
15. 4 hours (Upper Tier)
16. 7 hours 5 minutes (Lower Tier)
17. 7 hours 25 minutes (Lower Tier)
18. 7 hours 5 minutes (Lower Tier)
19. 7 hours 12 minutes (Lower Tier)
20. 2 hours 30 minutes; young adult **chose not** to participate in the majority of afforded out-of-cell time (Upper Tier)
21. 7 hours 5 minutes (Lower Tier)

March 9, 2021

There were nineteen (19) young adults in Level II; their out-of-cell times on this audit date were:

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

New York City Department of Correction

Young Adult ESH Compliance Audit – March 2021

9. 2 hours 45 minutes; young adult **chose not** to participate in the majority of afforded out-of-cell time (Upper Tier)
10. 3 hours; young adult **chose not** to participate in the majority of afforded out-of-cell time (Upper Tier)
11. 4 hours 45 minutes (Upper Tier)
12. 2 hours; young adult **chose not** to participate in the majority of afforded out-of-cell time (Lower Tier)

On this audit date, seven (7) Lower Tier young adults **chose not** to participate in all out-of-cell time.

March 18, 2021

There were twenty-one (21) young adults in Level II on this audit date. On this audit date, the total afforded lock-in/out times and tier locations could not be determined for these twenty-one (21) young adults because the facility was unable to locate the Logbook.

March 23, 2021

There were twenty-three (23) young adults in Level II; their out-of-cell times on this audit date were:

1. 3 hours 15 minute; young adult **chose not** to participate in the majority of afforded out-of-cell time (Lower Tier)
2. 3 hours 15 minutes; young adult **chose not** to participate in the majority of afforded out-of-cell time (Lower Tier)
3. 4 hours 15 minutes (Upper Tier)
4. 3 hours 15 minutes; young adult **chose not** to participate in the majority of afforded out-of-cell time (Lower Tier)
5. 3 hours 15 minutes; young adult **chose not** to participate in the majority of afforded out-of-cell time (Lower Tier)
6. 3 hours 15 minutes; young adult **chose not** to participate in the majority of afforded out-of-cell time (Lower Tier)
7. 4 hours 15 minutes (Upper Tier)
8. 4 hours 15 minutes (Upper Tier)
9. 3 hours 15 minutes; young adult **chose not** to participate in the majority of afforded out-of-cell time (Lower Tier)
10. 3 hours 15 minutes; young adult **chose not** to participate in the majority of afforded out-of-cell time (Lower Tier)
11. 4 hours 15 minutes (Upper Tier)
12. 2 hours 15 minutes; young adult **chose not** to participate in the majority of afforded out-of-cell time (Lower Tier)
13. 4 hours 15 minutes (Upper Tier)
14. 3 hours 15 minutes; young adult **chose not** to participate in the majority of afforded out-of-cell time (Lower Tier)
15. 4 hours 15 minutes (Upper Tier)
16. 4 hours 15 minutes (Upper Tier)

New York City Department of Correction Young Adult ESH Compliance Audit – March 2021

17. 4 hours 15 minutes (Upper Tier)
18. 4 hours 15 minutes (Upper Tier)
19. 3 hours 15 minutes; young adult **chose not** to participate in the majority of afforded out-of-cell time (Lower Tier)
20. 3 hours 15 minutes; young adult **chose not** to participate in the majority of afforded out-of-cell time (Lower Tier)
21. 4 hours 15 minutes (Upper Tier)

On this audit date, two (2) Lower Tier young adults **chose not** to participate in all out-of-cell time.

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 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.

March 4, 2021

There were no young adults in Level III on this audit date.

March 9, 2021

There were no young adults in Level III on this audit date.

March 18, 2021

There were no young adults in Level III on this audit date.

March 23, 2021

There were no young adults in Level III on this audit date.

§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.¹ 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 – March 4, 9, 18, and 23, 2021.²

¹ 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.

² This is evidenced by the Law Library Coordinators signing in and out of the Law Library Logbook on each of the audit dates.

New York City Department of Correction

Young Adult ESH Compliance Audit – March 2021

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 each of the audit dates, most 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.

March 4, 2021

There were twenty-four (24) young adults in ESH on this audit date. Of the twenty-four (24) young adults, two (2) young adults **chose to** request and were provided Law Library services.

March 9, 2021

There were twenty-seven (27) young adults in ESH on this audit date. Of the twenty-seven (27) young adults, eight (8) young adults **chose to** request and were provided Law Library services.

March 18, 2021

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

March 23, 2021

There were twenty-eight (28) young adults in ESH on this audit date. Of the twenty-eight (28) young adults, two (2) young adults **chose to** request and were provided Law Library services.

Kiosks and Typewriters

During this audit period, young adults were housed in up to 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:

March 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:

- A: One (1) Kiosk (operable) / One (1) Typewriter (operable)
- 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)

New York City Department of Correction

Young Adult ESH Compliance Audit – March 2021

On the audit dates of March 12, 19, and 25, 2021, kiosks and typewriters were not available.

§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 – March 4, 9, 18 and 23, 2021 – to ascertain the total number of young adults that participated in recreation and the length of time that each young adult **chose to** participate in recreation.

March 4, 2021

There were twenty-four (24) young adults in ESH on this audit date. Please note the following:

- Six (6) young adults **chose to** participate in afforded recreation.
- Eighteen (18) young adults **chose not** to participate in afforded recreation.

March 9, 2021

There were twenty-seven (27) young adults in ESH on this audit date. Please note the following:

- Five (5) young adults **chose to** participate in afforded recreation.
- Twenty-two (22) young adults **chose not** to participate in afforded recreation.

March 18, 2021

There were twenty-five (25) young adults in ESH on this audit date. Recreation could not be afforded on this audit date due to staffing challenges related to the Department's COVID-19 response.

March 23, 2021

There were twenty-eight (28) young adults in ESH on this audit date. Please note the following:

- All twenty-eight (28) young adults **chose not** to participate in afforded recreation.

§ 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

New York City Department of Correction

Young Adult ESH Compliance Audit – March 2021

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 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.

March 4, 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 programming packets. Both young adults **chose not** to participate in programming packets.
- ❖ 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: 30 minutes
- ❖ C: Level I – There were three (3) young adults housed in this area. They were offered programming packets and in-person programming. All three (3) young adults **chose not** to participate in programming packets and in-person programming.
- ❖ D: Level II – There were eighteen (18) young adults housed in this area.

New York City Department of Correction

Young Adult ESH Compliance Audit – March 2021

- Tier 1 was offered programming packets and in-person programming in the morning session. Eight (8) young adults were housed on this tier. The young adults' total participation times for programming packets and in-person programming 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
 4. Young adult participation: 4 hours 50 minutes
 5. Young adult participation: 4 hours 50 minutes
 6. Young adult participation: 4 hours 50 minutes
 7. Young adult participation: 4 hours 50 minutes
 8. Young adult participation: 4 hours 50 minutes
- Tier 2 – There were ten (10) young adults on this tier. No in-person programming was offered in the afternoon session due to a security concern.

March 9, 2021

On this audit date, programming was offered to the young adults housed within the three (3) young adult ESH housing areas, labeled A-C.

- ❖ 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: 15 minutes
 2. Young adult participation: 5 minutes
- ❖ B: Level I – There were eight (8) young adults housed in this area.
 - Tier 1 was offered programming packets and in-person programming in the morning session. Four (4) young adults were housed on this tier. Three (3) young adults were in recreation during afforded programming packets and in-person programming. The remaining one (1) young adult **chose not** to participate in all afforded programming packets and in-person programming.
 - Tier 2 – There were four (4) young adults on this tier. One (1) of four (4) young adults were offered in-person programming. Three (3) young adults were not offered in-person programming due to the program counselor addressing a bereavement issue with another young adult on this tier. The remaining one (1) young adult **chose to** participate in in-person programming and the total young adult participation time for in-person programming was:
 1. Young adult participation: 30 minutes
- ❖ C: Level II – There were seventeen (17) young adults housed in this area. One (1) young adult was out to court. No in-person programming was offered due to a security concern.

New York City Department of Correction Young Adult ESH Compliance Audit – March 2021

March 18, 2021

On this audit date, programming was offered to the young adults housed within the two (2) young adult ESH housing areas, labeled A-B.

- ❖ A: Level II – There were twenty-one (21) young adults housed in this area. No in-person programming was offered due a security concern.
- ❖ B: Level I – There was four (4) young adults housed in this area. No in-person programming was offered due to a security concern.

March 23, 2021

On this audit date, programming was offered to the young adults housed within the two (2) young adult ESH housing areas, labeled A-B.

- ❖ A: Level II – There were twenty-three (23) young adults housed in this area. They were offered and **chose to** participate in programming packets. The young adult participation times for programming packets were as follows:
 1. Young adult participation: 1 hour
 2. Young adult participation: 1 hour
 3. Young adult participation: 1 hour
 4. Young adult participation: 1 hour
 5. Young adult participation: 1 hour
 6. Young adult participation: 1 hour
 7. Young adult participation: 1 hour
 8. Young adult participation: 1 hour
 9. Young adult participation: 1 hour
 10. Young adult participation: 1 hour
 11. Young adult participation: 1 hour
 12. Young adult participation: 1 hour
 13. Young adult participation: 1 hour
 14. Young adult participation: 1 hour
 15. Young adult participation: 1 hour
 16. Young adult participation: 1 hour
 17. Young adult participation: 1 hour
 18. Young adult participation: 1 hour
 19. Young adult participation: 1 hour
 20. Young adult participation: 1 hour
 21. Young adult participation: 1 hour
 22. Young adult participation: 1 hour
 23. Young adult participation: 1 hour
- ❖ B: Level I – There were five (5) young adults housed in this area. No in-person programming was scheduled on this audit date.

New York City Department of Correction

Young Adult ESH Compliance Audit – March 2021

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, March 4, 9, 18 and 23, 2021.

March 4, 2021

There were twenty-four (24) young adults in ESH on this audit date. Of the twenty-four (24) young adults, sixteen (16) young adults were enrolled in educational services. Please note the following:

- Five (5) young adults **chose not** to participate in the educational learning packet.
- Eleven (11) young adults were provided with an educational learning packet, however, each of these eleven (11) young adults **chose not** to return any completed educational learning packet.

March 9, 2021

There were twenty-seven (27) young adults in ESH on this audit date. Of the twenty-seven (27) young adults, fifteen (15) young adults were enrolled in educational services. Please note the following:

- Five (5) young adults **chose not** to participate the educational learning packet.
- Ten (10) young adults were provided with an educational learning packet, however, each of these ten (10) young adults **chose not** to return any completed educational learning packet.

March 18, 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:

- Four (4) young adults **chose not** to participate the educational learning packet.
- Ten (10) young adults were provided with an educational learning packet, however, each of these ten (10) young adults **chose not** to return any completed educational learning packet.

New York City Department of Correction Young Adult ESH Compliance Audit – March 2021

March 23, 2021

There were twenty-eight (28) young adults in ESH on this audit date. Of the twenty-eight (28) young adults, sixteen (16) young adults were enrolled in educational services. Please note the following:

- Six (6) young adults **chose not** to participate in the educational learning packet.
- One (1) young adult **chose to** complete and return a completed educational learning packet.
- Nine (9) young adults were provided with an educational learning packet, however, each of these nine (9) young adults **chose not** to return any completed educational learning packet.