

New York City Department of Correction

Young Adult ESH Compliance Audit – February 2019

Pursuant to the six (6) month limited variance granted by the NYC Board of Correction on February 12, 2019 allowing for the continued use of Enhanced Supervision Housing (ESH) for young adults (18 to 21 years old), the related variance conditions require a monthly audit on compliance with the following provisions of the Board's Minimum Standards:

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

Audit Parameters

The audit is conducted through a manual review of housing area logbooks and programming attendance data on four (4) randomly selected dates from each month. The scope of the audit encompasses only those housing units within ESH in which young adults are housed within the audit period. During this audit period, young adults were housed in up to seven (7) ESH housing areas.

This audit report covers the following four (4) dates in the month of February 2019:

- February 7
- February 13
- February 19
- February 27

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

- February 8
- February 15
- February 22
- February 28

§1-05(b) Lock-in

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

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

A manual review of housing area logbooks was conducted to determine whether Law Library services were afforded. In addition to the logbook review, on-site inspections were conducted to

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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 participated in programming.

Education

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

Audit Findings

§1-05(b) Lock-in

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

Level I

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

February 7, 2019

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

1. 3 hours 45 minutes
2. 7 hours 30 minutes

On this audit date, one (1) young adult was out to court for a portion of the day and upon his return from court, refused all afforded out-of-cell time.

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

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February 13, 2019

There were four (4) young adults in Level I; their out-of-cell times on this audit date were:

1. 9 hours 45 minutes
2. 2 hours; young adult transferred out of the unit
3. 6 hours 45 minutes
4. 8 hours 45 minutes

February 19, 2019

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

1. 2 hours; young adult refused the majority of afforded out-of-cell time
2. 5 hours 15 minutes

February 27, 2019

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

1. 2 hours; young adult refused the majority of afforded out-of-cell time

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

Level II

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

February 7, 2019

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

1. 6 hours 25 minutes
2. 7 hours 18 minutes
3. 7 hours
4. 7 hours
5. 7 hours
6. 7 hours
7. 5 hours 20 minutes

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

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8. 5 hours 20 minutes
9. 7 hours
10. 2 hours 20 minutes; young adult refused the majority of afforded out-of-cell time
11. 7 hours
12. 7 hours

On this audit date, one (1) young adult was out to court for most of the day and, as a result, his out-of-cell time was not included in the out-of-cell time reporting. The out-of-cell time for one (1) young adult could not be determined because the Lock-in/out logbook records the young adult out to court, however, the young adult was not out to court on this audit date, according to the housing area logbook and the computerized Inmate Information System (I.I.S.).

February 13, 2019

There were eighteen (18) young adults in Level II; the out-of-cell times for those present on this audit date were:

1. 5 hours 30 minutes
2. 2 hours 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
3. 2 hours 45 minutes; young adult was out to court for a portion of the day and, as a result, his out-of-cell time was affected
4. 5 hours 25 minutes
5. 7 hours 20 minutes
6. 6 hours 15 minutes
7. 1 hour 32 minutes; young adult was out to court for a portion of the day and, as a result, his out-of-cell time was affected
8. 7 hours
9. 7 hours 25 minutes
10. 7 hours 10 minutes
11. 7 hours 10 minutes
12. 7 hours 10 minutes
13. 8 hours 10 minutes
14. 7 hours 10 minutes

On this audit date, three (3) young adults were out to court for most of the day and, as a result, their out-of-cell times were not included in the out-of-cell time reporting. In addition, one (1) young adult refused all afforded out-of-cell time.

February 19, 2019

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

1. 3 hours 20 minutes; young adult refused the majority of afforded out-of-cell time
2. 7 hours 15 minutes
3. 4 hours 55 minutes
4. 7 hours 50 minutes
5. 7 hours 20 minutes

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6. 7 hours 15 minutes
7. 3 hours 30 minutes
8. 3 hours 30 minutes
9. 6 hours 30 minutes
10. 7 hours 10 minutes
11. 5 hours 15 minutes
12. 4 hours 15 minutes
13. 7 hours
14. 5 hours 15 minutes
15. 7 hours
16. 7 hours
17. 6 hours 15 minutes
18. 5 hours 15 minutes

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

February 27, 2019

There were seventeen (17) young adults in Level II; the out-of-cell times for those present on this audit date were:

1. 6 hours 15 minutes
2. 5 hours 15 minutes
3. 5 hours 20 minutes
4. 7 hours 20 minutes
5. 5 hours 35 minutes
6. 4 hours 15 minutes
7. 5 hours 35 minutes
8. 6 hours 35 minutes
9. 5 hours 35 minutes
10. 6 hours 15 minutes
11. 5 hours
12. 7 hours 3 minutes
13. 7 hours 3 minutes
14. 2 hours; young adult was out to court for a portion of the day and, as a result, his out-of-cell time was affected
15. 1 hour 15 minutes; young adult refused the majority of afforded out-of-cell time

On this audit date, one (1) young adult refused all afforded out-of-cell time. The out-of-cell time for one (1) young adult could not be determined because the Lock-in/out logbook did not record the time the young adult locked in.

Level III

Young adults in Level III are afforded fourteen (14) hours of out-of-cell time each day. Listed below is individualized data related to each young adult's total out-of-cell time in Level III, based on a manual review of the logbook, for the audit dates. The out-of-cell time is the hours each

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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.³

February 7, 2019

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

1. 10 hours 29 minutes
2. 11 hours 40 minutes
3. 12 hours
4. 11 hours 35 minutes
5. 9 hours 30 minutes
6. 12 hours 34 minutes
7. 12 hours 35 minutes
8. 2 hours 20 minutes; young adult was out to court for a portion of the day and, as a result, his out-of-cell time was affected
9. 12 hours 36 minutes
10. 10 hours 29 minutes

February 13, 2019

There were seven (7) young adults in Level III; the out-of-cell times for those present on this audit date were:

1. 10 hours 30 minutes
2. 4 hours 25 minutes; young adult was out to court for a portion of the day and, as a result, his out-of-cell time was affected
3. 11 hours 30 minutes
4. 11 hours 37 minutes
5. 11 hours 28 minutes
6. 7 hours 10 minutes; young adult transferred out of the unit

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

February 19, 2019

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

1. 6 hours 39 minutes; young adult refused the majority of afforded out-of-cell time

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

February 27, 2019

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

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

1. 12 hours 20 minutes
2. 10 hours 20 minutes
3. 10 hours 20 minutes
4. 9 hours 20 minutes
5. 2 hours 25 minutes; young adult was out to court for a portion of the day and, as a result, his out-of-cell time was affected
6. 8 hours 45 minutes

§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.⁴ A manual review of the housing area logbooks reflected that the Law Library Coordinators were in these areas to provide assistance on all four (4) days audited.⁵ On February 7, a manual review could not determine whether the Law Library Coordinator was in one (1) housing area labeled F to provide assistance during one (1) tour, due to missing logbook documentation.⁶

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

During the reporting period, on the dates audited, Law Library Coordinators offered assistance to all young adults in ESH. On some of the audit dates, some young adults did not request Law Library assistance.

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

February 7, 2019

There were twenty-seven (27) young adults in ESH on this audit date. Of the twenty-seven (27) young adults, ten (10) young adults requested and were provided Law Library services.

February 13, 2019

⁴ 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.

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

⁶ The housing area logbook in this one (1) area had been damaged, because a young adult housed in that area tore pages out of the logbook.

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There were twenty-nine (29) young adults in ESH on this audit date. Of the twenty-nine (29) young adults, eight (8) young adults requested and were provided Law Library services.

February 19, 2019

There were twenty-four (24) young adults in ESH on this audit date. Of the twenty-four (24) young adults, fourteen (14) young adults requested and were provided Law Library services.

February 27, 2019

There were twenty-five (25) young adults in ESH on this audit date. Of the twenty-five (25) young adults, eleven (11) young adults requested and were provided Law Library services.

Kiosks and Typewriters

During this audit period, young adults were housed in up to seven (7) housing areas in ESH, labelled A-G. Young adults in ESH are provided with access to a minimum of one (1) kiosk and one (1) typewriter. Listed below are the number of kiosks and typewriters in each ESH housing area, including the status of their operability for the dates audited:

February 8, 2019

On this audit date, young adults were housed within the six (6) young adult ESH housing areas, labelled A-F. The number of kiosks and typewriters in each area and their operability were as follows:

- A: One (1) Typewriter (inoperable) / One (1) Kiosk (operable)
- B: One (1) Typewriter (operable) / One (1) Kiosk (operable)
- C: One (1) Typewriter (operable) / One (1) Kiosk (operable)
- D: One (1) Typewriter (operable) / One (1) Kiosk (operable)
- E: One (1) Typewriter (operable) / One (1) Kiosk (operable)
- F: One (1) Typewriter (operable) / One (1) Kiosk (operable)

February 15, 2019

On this audit date, young adults were housed within the six (6) young adult ESH housing areas, labelled A-F. The number of kiosks and typewriters in each area and their operability were as follows:

- A: One (1) Typewriter (inoperable) / One (1) Kiosk (operable)
- B: One (1) Typewriter (operable) / One (1) Kiosk (operable)
- C: One (1) Typewriter (operable) / One (1) Kiosk (operable)
- D: One (1) Typewriter (operable) / One (1) Kiosk (operable)
- E: One (1) Typewriter (operable) / One (1) Kiosk (operable)
- F: One (1) Typewriter (operable) / One (1) Kiosk (operable)

February 22, 2019

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On this audit date, young adults were housed within the six (6) young adult ESH housing areas, labelled A-F. The number of kiosks and typewriters in each area and their operability were as follows:

- A: One (1) Typewriter (operable) / One (1) Kiosk (operable)
- B: One (1) Typewriter (operable) / One (1) Kiosk (operable)
- C: One (1) Typewriter (operable) / One (1) Kiosk (operable)
- D: One (1) Typewriter (operable) / One (1) Kiosk (operable)
- E: One (1) Typewriter (operable) / One (1) Kiosk (operable)
- F: One (1) Typewriter (operable) / One (1) Kiosk (inoperable)

February 28, 2019

On this audit date, young adults were housed within the seven (7) young adult ESH housing areas, labelled A-G. The number of kiosks and typewriters in each area and their operability were as follows:

- A: One (1) Typewriter (operable) / One (1) Kiosk (operable)
- B: One (1) Typewriter (operable) / One (1) Kiosk (operable)
- C: One (1) Typewriter (operable) / One (1) Kiosk (operable)
- D: One (1) Typewriter (operable) / One (1) Kiosk (operable)
- E: One (1) Typewriter (operable) / One (1) Kiosk (operable)
- F: One (1) Typewriter (operable) / One (1) Kiosk (operable)
- G: One (1) Typewriter (operable) / One (1) Kiosk (operable)

§1-06 – Recreation

Institutional recreation was afforded to young adults present in ESH on all four (4) days audited.⁷

§ 1-02(c)(2) (Classification), Provision of Programming⁸

Young adults in ESH are placed in housing units exclusively with other young adults (18 to 21 years old) or in co-mingled units with adults (22 years old and older).⁹ Programming is provided to all young adults. In the young adult exclusive housing area within ESH, tablets are utilized in the provision of programming and offered to young adults regardless of whether it is during the individual's lock-out period. When young adults collect their tablets, they also have the opportunity to request an additional component of programming during that time. In addition, in the young adult exclusive housing area, on days when support programming staff are present, young adults may request individualized counseling while other programming components are being held. In the co-mingled housing areas, the provision of programming is provided to each

⁷ On all four (4) audit dates, logbook entries recorded that some of the young adults were out to court.

⁸ In July 2018, the Department expanded program offerings in two (2) housing areas to include courses and services by a contracted provider. Further programming expansion to additional ESH housing areas is anticipated in the near future.

⁹ Young adults who are eighteen (18) years old are not housed in ESH co-mingled units with adults (22 years old and older.)

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tier separately through two programming sessions. The hours of programming afforded may vary by tier within a housing area.

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

February 7, 2019¹⁰

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

- ❖ A: Five (5) hours of programming were offered: 2 hours and 30 minutes of programming for participants in the morning session and 2 hours and 30 minutes of programming for participants in the afternoon session.
 1. There were two (2) young adults housed in this area. Their hours of program participation were:
 - i. 1 hour 40 minutes; young adult participated in the morning session and refused to participate in any additional programming
 - ii. 45 minutes; young adult participated in the afternoon session
- ❖ B: Four (4) hours and two (2) minutes of programming were offered: 2 hours and 12 minutes of programming for participants in the morning session and 1 hour and 50 minutes of programming for participants in the afternoon session.
 1. There were three (3) young adults housed in this area. Two (2) young adults refused all afforded programming. For the remaining one (1) young adult who participated in the morning session, his hours of program participation were 2 hours and 12 minutes.
- ❖ C: Four (4) hours and twenty-five (25) minutes of programming were offered: 1 hour and 55 minutes of programming for participants in the morning session and 2 hours and 30 minutes of programming for participants in the afternoon session.
 1. There was one (1) young adult housed in this area. He participated for fifteen (15) minutes in the afternoon session and refused to participate in any additional programming.
- ❖ D: Seven (7) hours of programming were offered inclusive of the provision of the self-guided tablets on one (1) of the two (2) tiers. On the other tier, six (6) hours of programming were offered inclusive of the self-guided provision of tablets.
 1. There were eight (8) young adults housed in this area.

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

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- a. Three (3) young adults were housed on the tier where seven (7) hours of programming were offered inclusive of the self-guided tablets. Their hours of program participation were:
 - i. 6 hours 20 minutes
 - ii. 6 hours 20 minutes
 - iii. 6 hours 20 minutes
 - b. Five (5) young adults were housed on the tier where six (6) hours of programming were offered, inclusive of the self-guided tablets. Their hours of program participation were:
 - i. 1 hour 15 minutes; young adult refused to participate in any additional programming
 - ii. 1 hour 15 minutes; young adult refused to participate in any additional programming
 - iii. 5 hours 15 minutes
 - iv. 5 hours 15 minutes
 - c. For the remaining one (1) young adult, he was out to court during afforded programming.
- ❖ E: Four (4) hours of programming were offered:
1. There were three (3) young adults housed in this area. One (1) young adult was out to court during afforded programming. For the remaining two (2) young adults, their hours of program participation were:
 - i. 4 hours
 - ii. 4 hours
- ❖ F: One (1) hour and forty-five (45) minutes of programming were offered in the morning session. No programming was scheduled in the afternoon session.
1. There were ten (10) young adult housed in this area. Four (4) young adults refused all afforded programming. One (1) young adult was out to court during afforded programming. For the remaining five (5) young adults, their hours of program participation were:
 - i. 5 minutes; young adult refused to participate in any additional programming
 - ii. 5 minutes; young adult refused to participate in any additional programming
 - iii. 5 minutes; young adult refused to participate in any additional programming
 - iv. 10 minutes; young adult refused to participate in any additional programming
 - v. 15 minutes; young adult refused to participate in any additional programming

February 13, 2019¹¹

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

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On this audit date, up to eight (8) hours and thirty (30) minutes of programming were offered to the young adults housed within the six (6) housing areas, labelled A-F.

- ❖ A: Four (4) hours and twelve (12) minutes of programming were offered: 2 hours and 20 minutes of programming for participants in the morning session and 1 hour and 52 minutes of programming for participants in the afternoon session.
 1. There were two (2) young adults housed in this area. One (1) young adult refused to participate in all afforded programming. For the remaining one (1) young adult who participated in the morning session, his time of program participation was 23 minutes.

- ❖ B: Four (4) hours and forty (40) minutes of programming were offered: 2 hours of programming for participants in the morning session and 2 hours and 40 minutes of programming for participants in the afternoon session.
 1. There were three (3) young adults housed in this area. One (1) young adult was in court during afforded programming. One (1) young adult refused all afforded programming. For the remaining one (1) young adult who participated in the morning session, his time of program participation was 45 minutes and he refused to participate in any additional programming.

- ❖ C: Three (3) hours and forty-five (45) minutes of programming were offered: 1 hour and 15 minutes of programming were offered for participants in the morning session and 2 hours and 30 minutes of programming for participants in the afternoon session.
 1. There were two (2) young adults housed in this area. One (1) young adult was in court during afforded programming. For the remaining one (1) young adult who participated in the morning session, his time of program participation was 15 minutes.

- ❖ D: Up to eight (8) hours and thirty (30) minutes of programming were offered.
 1. There were eleven (11) young adults housed in this area. One (1) young adult was offered and participated in 15 minutes of programming. For the remaining ten (10) young adults:
 - i. Three (3) young adults were out to court during afforded programming
 - ii. One (1) young adult was in the intake during afforded programming
 - iii. One (1) young adult was in an adjudication hearing, followed by a visit, during afforded programming
 - iv. Five (5) young adults did not participate in programming. The reason for their non-participation could not be determined due to conflicting program and housing area records. The programming sign-in sheets recorded that these young adults were locked in because of security reasons, although the Lock-in/out Logbook records that one (1) young adult refused all afforded lock-out options and that the remaining (4) young adults were locked-out during programming.

- ❖ E: Five (5) hours of programming were offered through the provision of the self-guided tablets.
 1. There were four (4) young adults housed in this area. One (1) young adult was not offered programming as he was newly transferred into the unit and had not

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been issued a tablet. For the remaining three (3) young adults, their hours of program participation were:

- i. 5 hours
- ii. 5 hours
- iii. 5 hours

- ❖ F: Two (2) hours and twenty (20) minutes of programming were offered in the morning session. No programming was scheduled in the afternoon session.
 1. There were seven (7) young adults housed in this area. Of the seven (7) young adults, the program participation for two (2) young adults was:
 - i. 20 minutes; young adult refused to participate in any additional programming
 - ii. 10 minutes; young adult refused to participate in any additional programming
 - a. Three (3) young adults refused all afforded programming
 - b. One (1) young adult was out to court during afforded programming
 - c. One (1) young adult did not participate in programming. The reason for his non-participation could not be determined due to conflicting program and housing area records. The programming sign-in sheets recorded that this young adult was locked in because of security reasons, although the Lock-in/out Logbook records this young adult refusing all afforded lock-out options.

February 19, 2019¹²

On this audit date, up to nine (9) hours of programming were offered to the young adults housed within the six (6) housing areas, labelled A-F.

- ❖ A: Four (4) hours and thirty-four (34) minutes of programming were offered: 2 hours and 4 minutes of programming for participants in the morning session and 2 hours and 30 minutes of programming for participants in the afternoon session.
 1. There were two (2) young adults housed in this area.
 - a. One (1) young adult participated for twenty (20) minutes of programming in the morning session and refused to participate in any additional programming.
 - b. One (1) young adult did not participate in programming. The reason for his non-participation could not be determined due to no programming data recorded for this young adult on the programming sign-in sheet.
- ❖ B: Three (3) hours and fifty (50) minutes of programming were offered: 1 hour and 45 minutes of programming for participants in the morning session and 2 hours and 5 minutes of programming for participants in the afternoon session.
 1. There were three (3) young adults housed in this area. All three (3) young adults refused all afforded programming.

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

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- ❖ C: Two (2) hours and fifty (50) minutes of programming were offered: 20 minutes of programming for participants in the morning session and 2 hours and 30 minutes of programming for participants in the afternoon session.
 1. There were six (6) young adults housed in this area. Of the six (6) young adults, one (1) young adult participated in the morning session; his time of program participation was 1 hour and 24 minutes and he refused to participate in any additional programming. For the remaining five (5) young adults:
 - i. One (1) young adult was in court during afforded programming
 - ii. Four (4) young adults refused all afforded programming

- ❖ D: Up to nine (9) hours of programming were offered.
 1. There were eight (8) young adults housed in this area. Their hours of program participation were:
 - i. 1 hour 10 minutes; young adult refused to participate in any additional programming
 - ii. 9 hours
 - iii. 6 hours
 - iv. 5 hours
 - v. 5 hours
 - vi. 6 hours
 - vii. 6 hours
 - viii. 9 hours

- ❖ E: Seven (7) hours of programming were offered.
 1. There were two (2) young adults housed in this area. Their hours of program participation were:
 - i. 7 hours
 - ii. 5 hours

- ❖ F: Two (2) hours and thirty (30) minutes of programming were offered in the morning session. No programming was scheduled in the afternoon session.
 1. There were three (3) young adults housed in this area. One (1) young adult refused all afforded programming. One (1) young adult was out to court during afforded programming. For the remaining one (1) young adult, his time of program participation was 10 minutes and he refused to participate in any additional programming.

February 27, 2019¹³

On this audit date, up to eight (8) hours of programming were offered to the young adults housed within the seven (7) housing areas, labelled A-G.

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

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- ❖ A: Four (4) hours and twenty-three (23) minutes of programming were offered: 2 hours and 17 minutes of programming for participants in the morning session and 2 hours and 6 minutes of programming for participants in the afternoon session.
 1. There were three (3) young adults housed in this area. Two (2) young adults refused all afforded programming. For the remaining one (1) young adult, his time of program participation was 1 hour.

- ❖ B: Four (4) hours and forty-eight (48) minutes of programming were offered: 2 hours and 23 minutes of programming for participants in the morning session and 2 hours and 25 minutes of programming for participants in the afternoon session.
 1. There was two (2) young adults housed in this area. Their hours of program participations were:
 - i. 1 hour 12 minutes; young adult refused to participate in any additional programming
 - ii. 20 minutes; young adult refused to participate in any additional programming

- ❖ C: Four (4) hours and thirty-five (35) minutes of programming were offered: 2 hours and 5 minutes of programming for participants in the morning session and 2 hours and 30 minutes of programming for participants in the afternoon session.
 1. There were five (5) young adults housed in this area. One (1) young adult was in school during afforded programming. The remaining four (4) young adults refused all afforded programming.

- ❖ D: Five (5) hours and thirty (30) minutes of programming inclusive of the provision of the self-guided tablets were offered on one (1) of the two (2) tiers. On the other tier, eight (8) hours of programming were offered through the provision of the self-guided tablets.
 1. There were seven (7) young adults housed in this area.
 - a. Two (2) young adults were housed on the tier where five (5) hours and thirty (30) minutes of programming were offered. Their hours of program participation were:
 - i. 5 hours
 - ii. 1 hour; young adult refused to participate in any additional programming
 - b. Four (4) young adults were housed on the tier where eight (8) hours programming were offered, through the provision of the self-guided tablets. Three (3) young adults refused all afforded programming. For the remaining one (1) young adult, his hours of program participation were 8 hours.
 - c. One (1) young adult was in court during afforded programming

- ❖ E: Five (5) hours of programming were offered.
 1. There were two (2) young adults housed in this area. One (1) young adult was in court during afforded programming. For the remaining one (1) young adult, his hours of program participation were 5 hours.

- ❖ F: Six (6) hours of programming were offered.
 1. There were four (4) young adults housed in this area. Their hours of program participation were:

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- i. 5 hours 37 minutes
- ii. 5 hours 37 minutes
- iii. 5 hours 39 minutes
- iv. 5 hours 37 minutes

- ❖ G: Three (3) hours of programming were offered in the morning session. No programming was scheduled in the afternoon session.
1. There were two (2) young adults housed in this area. One (1) young adult was out to court during afforded programming. For the remaining one (1) young adult, his time of program participation was 15 minutes and he refused to participate in any additional programming.

Education

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

The audit reviewed educational data for each of the four (4) dates – February 7, 13, 19 and 27, 2019 – 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.

February 7, 2019

There were twenty-seven (27) young adults in ESH on this audit date. Of the twenty-seven (27) young adults, eighteen (18) were enrolled in educational services. The arrival and departure times for those present on this audit date were:

1. Arrived 1:18 pm / Departed 3:30 pm
2. Arrived 1:40 pm / Departed 3:30 pm
3. Arrived 2:00 pm / Departed 2:55 pm
4. Arrived 2:05 pm / Departed 2:50 pm

For the remaining fourteen (14) young adults, please note the following:

- Thirteen (13) young adults refused educational services.
- One (1) young adult was out to court.

February 13, 2019

There were twenty-nine (29) young adults in ESH on this audit date. Of the twenty-nine (29) young adults, sixteen (16) were enrolled in educational services. The arrival and departure times for those present on this audit date were:

1. Arrived 8:40 am / Departed 10:40 am

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2. Arrived 1:20 pm / Departed 3:30 pm
3. Arrived 1:25 pm / Departed 3:30 pm
4. Arrived 1:30 pm / Departed 3:30 pm

For the remaining twelve (12) young adults, please note the following:

- Ten (10) young adults refused educational services.
- Two (2) young adults were out to court.

February 19, 2019

There were twenty-four (24) young adults in ESH on this audit date. On this audit date no educational services were scheduled due to mid-winter recess.

February 27, 2019

There were twenty-five (25) young adults in ESH on this audit date. Of the twenty-five (25) young adults, sixteen (16) were enrolled in educational services. The arrival and departure times for those present on this audit date were:

1. Arrived 8:40 am / Departed 11:30 am
2. Arrived 9:00 am / Departed 12:30 am
3. Arrived 9:00 am / Departed 12:30 am
4. Arrived 9:40 am / Departed 11:30 am

For the remaining twelve (12) young adults, please note the following:

- Nine (9) young adults refused educational services.
- Three (3) young adults were out to court.

Audit Recommendations

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

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

Lock-in/out

- Facility unit staff trainings on the use of the Lock-in/Lock-out Logbook and the housing area logbook should be conducted to ensure that all facility unit staff are knowledgeable on how to properly and consistently document information, particularly the lock-out and lock-in times for individual young adults.
- A Unit Captain should review the Lock-in/Lock-out Logbook and the housing area logbook at the end of each tour, to ensure that lock-in/lock-out are recorded accurately and

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consistently. If a review of the logbooks reveal recording inconsistencies or inaccuracies, corrective action should be taken by the Unit Captain.

Law Library

- During this audit period, as noted herein, on one (1) of the audit dates, one (1) typewriter was not operable in one (1) housing area and on two (2) of the audits dates, one (1) kiosk was not operable in one (1) housing area.
 - To facilitate the maintenance and operation of the kiosks and typewriters in the housing areas, instruct designated facility and law library staff to check on a daily basis that all typewriters and kiosks are operational. When a typewriter or kiosk is identified as in need of repair, facility administration in coordination with the Director of Law Libraries should ensure that repairs are conducted in a timely manner.

Programming

- During this reporting period, young adult program participation could not be determined in six (6) incidents due to conflicting program records and Lock-in/out Logbooks. Facility administrative staff, in conjunction with program services staff, should implement the following corrective measures:
 - Designate supervisory staff to review programming attendance records and compare it with entries in the Lock-in/out Logbooks, to determine whether the reasons recorded by counselors for young adults' non-participation in programming are consistent with entries recorded in the Lock-in/out logbooks by custody staff. When the reasons are not consistent, the designated supervisory staff shall confer with both program and custody staff to identify the causes for these inconsistencies, and to make the necessary changes to the program records and/or the Lock-in/out Logbooks.
- During this reporting period, the reason for one (1) young adult's non-participation in programming could not be determined, because no programming information was recorded for this young adult on the program records.
 - Program counselors and external providers shall ensure that, whenever applicable, the reasons for a young adult's non-participation in programming are recorded in the program records. Program supervisors should review program records each day to verify that program counselors and external providers are making complete and thorough entries.