

BOC Findings: Young Adult Enhanced Supervision Housing (ESH) & Separation Status

July 14, 2020

- **As of July 1, 2020, there were 16 young adults in ESH: 3 in ESH Level 1, 11 in Level 2, and 2 in Level 3. There were no 18-year olds in ESH and all ESH units were combined adult/young adult housing areas, as is permitted by Board variance on young adult co-mingling. Additionally, on July 1, there were 90 adults in ESH.**
- **Between December 1, 2019 and May 1, 2020, there were 30 YA placements into ESH. Of those placements, 17 or 56% were placed into a Level 1 Restraint unit and 13 or 43% were placed into Level 2.**
 - All placements into a restraint desk unit met the placement criteria outlined in the most recent Board variance.
- **As of May 1, 2020, there were 11 young adults in ESH. The average time in ESH for these individuals was 32 days, and the median was 30 days.**
 - As of May 1, 2020, the average total time in DOC custody for those young adults still in ESH was 265 days, and the median was 130 days.
- **During the period from December 1, 2019 to May 1, 2020, the Board has found that review progressions have declined. There were 97 periodic reviews conducted for young adults in ESH, resulting in 55 recommendations for progression (57% of reviews, down from 72% during the previous period). Of the 55 young adults recommended for progression, 51 were subsequently moved.**
 - According to the Department's monthly reports from March and April 2020, during the COVID-19 crisis, all but three of the young adults who met the criteria for a review received a review.
- **Similar to the last reporting period, the most common exit reason during this time period was progressing out of YA ESH.**
 - Young adults who exited between December 1, 2019 and May 1, 2020 had spent less time in a restraint desk unit than those who exited in the previous seven months.
 - Additionally, fewer young adults spent any time in a restraint desk unit than those who exited in the previous seven months.

- **According to Department audits, the average lockout time from January 1, 2019 to May 1, 2020, in ESH Level 1 was 3 hours, 27 minutes, a reduction from an average of 5 hours, 43 minutes of lockout time from May – December 2019.**
 - From January – May 2020, the average lockout time in ESH Level 2 was 6 hours, 22 minutes, an increase from an average of 2 hours, 5 minutes in the Board’s prior analysis period (May-December 2019).
- **On audit dates between January and May 2020 when school was in session, an average of 83 or 72% of young adults in ESH were enrolled in school.**
 - Of those enrolled, an average of 9 or 13% participated in in-person educational services on the 9 dates audited from January – March 2020.
 - On the dates audited by the Department between March 17, 2020 and May 28, 2020, in person educational services were suspended due to social distancing, personnel, and operational considerations related to the coronavirus.
 - The NYC Department of Education provided alternative educational materials to the young adults enrolled in school on two of the 10 dates audited.
- **On the dates audited by the Department between January and May 2020, 85 or 33% of young adults in ESH requested law library services.**
 - 100% of the young adults in ESH who requested law library services were provided them.
 - On all of the dates audited by the Department between January and May 2020, law library coordinators were onsite, even during the COVID-19 outbreak.
 - On each of the dates audited by the Department in March 2020, nearly half of the typewriters in ESH were inoperable and only one housing area had an operable typewriter.
- **On May 12, 2020, as required by the Board’s February 2020 variance, the Department of Correction released a public plan for increasing recreation participation for young adults in ESH. To develop its plan, the Department conducted one-on-one and group interviews with YAs in ESH.**

BOC FINDINGS RE SEPARATION STATUS

- **Between February and May 2020, there were 30 Separation Status placements of 29 unique individuals. 22 or 73% of placements followed a positive body scan and 8 or 27% followed a refusal to scan. The average length of stay in the unit was one (1) day and 22 hours.**
- **Most placements in Separation Status do not result in contraband recovery, though the rate of contraband recovery has increased.**
 - From February to May, 2020, 13 or 43% of placements in Separation Status resulted in contraband recovery—nine (9) of these placements followed a positive scan and four (4) followed a refusal to scan.
 - Additionally, thirteen 13 of the 22 placements that followed a positive scan did not result in the recovery of contraband.
 - In March, April, and May 2020, over 50% of Separation Status placements each month resulted in contraband recovery, a marked increase from previous months.
- **Of the 30 placements, five (5), or 17%, exceeded 72 hours in length, including one placement lasting 11 days, the maximum length of stay to-date.**
 - Board staff reviewed all 72-hour plans for each of the five (5) placements exceeding 72 hours. None of the plans noted or explicitly discussed the person's stated reason(s) for refusing to scan or surrender contraband or how staffs' strategies were designed to target individual issues associated with placement.
- **Appropriately trained staff completed 63% (n=19) of all scans initiating placement and 67% (n=20) of all scans resulting in removals, this is up from 33% (n=6) and 41% (n=7) respectively in the Board's prior audit of December 2019 and January 2020 placements.**