

New York City Department of Correction

Young Adult ESH Compliance Audit – May 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 seven (7) ESH housing areas.

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

- May 1
- May 7
- May 15
- May 21

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

- May 9
- May 16
- May 24
- May 30

§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 audited, institutional lock-out and lock-in were consistently recorded in the logbook for each of the levels.

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

Level I

Young adults in Level I are afforded seven (7) hours of out-of-cell time each day. Listed below is individualized data related to each young adult's total out-of-cell time in Level I, based on a manual review of the Lock-In/Out Logbook, for the dates audited. The out-of-cell time is the hours each day that a young adult chooses to be out of his cell during institutional lock-out

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periods. The data reflects the young adults present in the unit for institutional lock-outs on each audit date.¹

May 1, 2019

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

1. 6 hours 15 minutes (Upper Tier)
2. 7 hours (Upper Tier)
3. 1 hour; young adult was out to court for a portion of the day and, as a result, his out-of-cell time was affected (Upper Tier)

May 7, 2019

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

1. 6 hours 45 minutes (Upper Tier)
2. 5 hours (Upper Tier)
3. 5 hours (Upper Tier)

May 15, 2019

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

1. 1 hour; young adult was out to court for a portion of the day and, as a result, his out-of-cell time was affected (Upper Tier)
2. 1 hour; young adult was out to court for a portion of the day and, as a result, his out-of-cell time was affected (Upper Tier)

May 21, 2019

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

1. 8 hours (Upper Tier)
2. 7 hours (Upper Tier)
3. 1 hour; young adult refused the majority of afforded out-of-cell time (Upper Tier)

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.

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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The data reflects the young adults present in the unit for institutional lock-outs on each audit date.²

May 1, 2019

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

1. 7 hours (Lower Tier)
2. 7 hours (Upper Tier)
3. 2 hours 18 minutes; young adult was out to court for a portion of the day and, as a result, his out-of-cell time was affected (Upper Tier)
4. 7 hours (Upper Tier)
5. 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 (Lower Tier)
6. 3 hours 20 minutes; young adult refused the majority of afforded out-of-cell time (Lower Tier)
7. 7 hours 30 minutes (Upper Tier)
8. 7 hours 8 minutes (Lower Tier)
9. 7 hours 8 minutes (Lower Tier)
10. 3 hours 15 minutes; young adult refused the majority of afforded out-of-cell time (Upper Tier)
11. 7 hours 8 minutes (Lower Tier)

On this audit date, one (1) Upper Tier young adult was out to court for most of the day and, as a result, he did not participate in lock-out options.

May 7, 2019

There were nine (9) young adults in Level II; their out-of-cell times on this audit date were:

1. 6 hours 30 minutes (Lower Tier)
2. 5 hours (Upper Tier)
3. 6 hours (Upper Tier)
4. 5 hours 30 minutes (Lower Tier)
5. 7 hours 30 minutes (Lower Tier)
6. 7 hours (Upper Tier)
7. 7 hours (Upper Tier)

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

May 15, 2019

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

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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1. 5 hours (Upper Tier)
2. 6 hours 45 minutes (Upper Tier)
3. 7 hours (Lower Tier)
4. 3 hours 15 minutes; young adult refused the majority of afforded out-of-cell time (Lower Tier)
5. 7 hours 40 minutes (Lower Tier)
6. 7 hours 10 minutes (Upper Tier)
7. 7 hours (Lower Tier)
8. 7 hours (Lower Tier)
9. 7 hours (Lower Tier)
10. 7 hours (Lower Tier)

On this audit date, two (2) Lower Tier young adults were out to court for most of the day and, as a result, they did not participate in lock-out options. In addition, no lock-in/out data was recorded in the Lock-In/Out Logbook for one (1) Lower Tier young adult and one (1) Upper Tier young adult.

May 21, 2019

There were eleven (11) young adults in Level II; their out-of-cell times on this audit date were:

1. 7 hours (Upper Tier)
2. 7 hours 20 minutes (Lower Tier)
3. 7 hours 19 minutes (Upper Tier)
4. 7 hours 19 minutes (Upper Tier)
5. 7 hours (Lower Tier)
6. 7 hours (Lower Tier)
7. 7 hours (Lower Tier)
8. 7 hours (Lower Tier)
9. 7 hours (Lower Tier)
10. 7 hours (Lower Tier)
11. 7 hours (Lower Tier)

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 institutional lock-outs on each audit date.³

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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May 1, 2019

There were five (5) young adults in Level III; the out-of-cell times for those present on this audit date were:

1. 12 hours (Upper Tier)
2. 11 hours 20 minutes (Upper Tier)
3. 1 hour 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 (Upper Tier)
4. 11 hours 58 minutes (Lower Tier)

On this audit date, one (1) Upper Tier young adult refused all afforded out-of-cell time, then was transferred out of the unit on the same date.

May 7, 2019

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

1. 6 hours; young adult out-of-cell time was affected by a housing area lockdown during a portion of the tour (Upper Tier)
2. 11 hours 30 minutes; young adult out-of-cell time was affected by a housing area lockdown during a portion of the tour (Upper Tier)
3. 9 hours; young adult out-of-cell time was affected by a housing area lockdown during a portion of the tour (Upper Tier)
4. 9 hours 30 minutes; young adult out-of-cell time was affected by a housing area lockdown during a portion of the tour (Upper Tier)
5. 11 hours 30 minutes; young adult out-of-cell time was affected by a housing area lockdown during a portion of the tour (Upper Tier)
6. 8 hours 40 minutes⁴ (Lower Tier)

On this audit date, one (1) Upper Tier young adults' out-of-cell time was affected by a housing area lockdown that occurred during a portion of the day, and for the remaining portion of the day, he refused all afforded out-of-cell time.

May 15, 2019

There were nine (9) young adults in Level III; the out-of-cell times for those present on this audit date were:

1. 9 hours (Upper Tier)
2. 9 hours 15 minutes (Upper Tier)
3. 10 hours 15 minutes (Upper Tier)
4. 9 hours 15 minutes (Upper Tier)
5. 8 hours 15 minutes (Upper Tier)
6. 11 hours 30 minutes (Upper Tier)
7. 10 hours 15 minutes (Upper Tier)

⁴ This young adult was in a housing area that was not affected by the lockdown.

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8. 3 hours 27 minutes; young adult was out to court for a portion of the day and, as a result, his out-of-cell time was affected (Upper Tier)

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

May 21, 2019

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

1. 9 hours 45 minutes (Upper Tier)
2. 8 hours 45 minutes (Upper Tier)
3. 10 hours 30 minutes (Upper Tier)
4. 3 hours 30 minutes; young adult was transferred out of the unit (Upper Tier)
5. 9 hours 30 minutes (Upper Tier)
6. 11 hours 30 minutes (Upper Tier)
7. 9 hours 30 minutes (Upper Tier)
8. 10 hours 40 minutes (Lower Tier)
9. 9 hours 25 minutes (Lower Tier)

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

§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.⁵ A manual review of the housing area logbooks indicated that the Law Library Coordinators were in these areas to provide assistance on all four (4) days audited.⁶ On May 1, 2019, due to a Law Library Coordinator's absence, four (4) housing areas, labeled D, E, F and G were not provided Law Library services in the morning session. On May 7, 2019, due to training for a Law Library Coordinator, three (3) housing areas, labeled A, B, and C were not provided the morning session of Law Library. During one (1) tour on May 7, 2019 due to missing logbook documentation in housing area labeled A, a manual review could not be conducted to determine whether the Law Library Coordinator was in this area to provide assistance for the afternoon session. Lastly, it could not be determined whether the Law Library Coordinator was in two (2) of the housing areas, labeled D and E on May 21, 2019 for the morning session, because this Law Library Coordinator did not sign-in or out of these two (2) housing areas. In addition, although he recorded in the Law Library Logbook his presence in the Towers from 8:00 am to 2:00 pm, he did not record the housing areas where he provided services on May 21, 2019.

Except for the May 21st incident noted above, the audit was able to verify that the duration of each Law Library Coordinator's time in ESH areas during the dates audited were in compliance with the provisions of Minimum Standards. On average, based on each Law Library

⁵ 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.

⁶ This is evidenced by the Law Library Coordinators signing in and out of the Law Library Logbook on each of the audit dates.

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Coordinator's schedule, a Law Library Coordinator was available to assist young adults within the housing areas for approximately four (4) hours on each of the dates audited.

During this reporting period, with the exception noted on May 21, 2019, Law Library Coordinators offered assistance to all young adults in ESH on the dates audited. 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 date audited, and the total number of young adults that were assisted by the Law Library Coordinators.

May 1, 2019

There were twenty (20) young adults in ESH on this audit date. Of the twenty (20) young adults, twelve (12) young adults requested and were provided Law Library services.

May 7, 2019

There were nineteen (19) young adults in ESH on this audit date. Of the nineteen (19) young adults, five (5) young adults requested and were provided Law Library services.

May 15, 2019

There were twenty-five (25) young adults in ESH on this audit date. Of the twenty-five (25) young adults, nine (9) young adults requested and were provided Law Library services.

May 21, 2019

There were twenty-four (24) young adults in ESH on this audit date. Of the twenty-four (24) young adults, ten (10) young adults requested and were provided Law Library services.

Kiosks and Typewriters

During this audit period, young adults were housed in 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 numbers of kiosks and typewriters in each ESH housing area, including the status of their operability for the dates audited:

May 9, 2019

On this audit date, young adults were housed within the seven (7) young adult ESH housing areas, labelled A-G. The numbers 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 (**inoperable**) / 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)

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

May 16, 2019

On this audit date, young adults were housed within the seven (7) young adult ESH housing areas, labelled A-G. The numbers 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 (**inoperable**) / 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)

May 24, 2019

On this audit date, young adults were housed within the seven (7) young adult ESH housing areas, labelled A-G. The numbers 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 (**inoperable**) / One (1) Kiosk (operable)
- C: One (1) Typewriter (**not available**) / 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)

May 30, 2019

On this audit date, young adults were housed within the seven (7) young adult ESH housing areas, labelled A-G. The numbers 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 (**inoperable**) / One (1) Kiosk (operable)
- C: One (1) Typewriter (**not available**) / 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 (**inoperable**) / One (1) Kiosk (operable)

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§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 – May 1, 7, 15 and 21, 2019 – to ascertain the total number of young adults that participated in recreation and the length of time that each young adult participated in recreation.

May 1, 2019

There were twenty (20) young adults in ESH on this audit date. Please note the following:

- Two (2) young adults' afforded recreation time could not be calculated because staff did not record the time in the housing area logbook when the young adults completed recreation.
- Five (5) young adults were in court during afforded recreation.
- Thirteen (13) young adults refused to participate in afforded recreation.

May 7, 2019

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

- One (1) young adult participated in one (1) hour of recreation.
- Eighteen (18) young adults refused to participate in afforded recreation.

May 15, 2019

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

- One (1) young adult participated in fifteen (15) minutes of recreation.
- One (1) young adult participated in twenty-five (25) minutes of recreation.
- One (1) young adult participated in thirty-five (35) minutes of recreation.
- Seven (7) young adults participated in forty (40) minutes of recreation.
- Two (2) young adults participated in fifty (50) minutes of recreation.
- Three (3) young adults were in court during afforded recreation.
- Ten (10) young adults refused to participate in afforded recreation.

May 21, 2019

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

- One (1) young adult participated in thirty-five (35) minutes of recreation.
- Two (2) young adults participated in one (1) hour of recreation.
- One (1) young adult participated in one (1) hour and five (5) minutes of recreation.
- Twenty (20) young adults refused to participate in afforded recreation.

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§ 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 co-mingled in units with adults (22 years old and older). 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 receive 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 areas, 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 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 audited 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 are the numbers of programming hours offered based on housing areas and their assigned levels.

May 1, 2019⁷

On this audit date, up to nine (9) hours of programming were offered to the young adults housed within the seven (7) young adult ESH housing areas, labelled A-G.

- ❖ A: Level II – There were four (4) young adults housed in this area.
 - Tier 1 was offered two (2) hours and fifteen (15) minutes of programming in the morning session:
 1. Young adult participation: 20 minutes
 - Tier 2 was offered two (2) hours and fifteen (15) minutes of programming in the afternoon session:
 - Two (2) young adults refused to participate in all afforded programming. The remaining (1) one young adult was out to court during afforded programming.

- ❖ B: Level II – There were two (2) young adults housed in this area. One (1) young adult was out to court during programming. The remaining one (1) young adult did not participate in programming. The reason for his non-participation could not be determined.

⁷ 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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due to conflicting program and housing area records. The Counseling Services Sign-in Sheet recorded that the unit Captain instructed the counselor to leave the unit due to inmates smoking, however, the housing area logbook does not record any unusual event.

- ❖ C: Level II – There were two (2) young adults housed in this area. One (1) young adult was offered two (2) hours and thirty (30) minutes of programming in the afternoon session. He refused all afforded programming. The remaining one (1) young adult was out to court during programming.
- ❖ D: Level II – There were four (4) young adults housed in this area.
 - Tier 1 was offered nine (9) hours of programming inclusive of the provision of the self-guided tablets in the morning session:
 1. Young adult participation: 1 hour
 - Tier 2 was offered six (6) hours of programming inclusive of the provision of the self-guided tablets in the afternoon session:
 2. Young adult participation: 4 hours
 3. Young adult participation: 5 hours
 4. Young adult participation: 5 hours
- ❖ E: Level I – There was three (3) young adults housed in this area.
 - Five (5) hours of programming were offered inclusive of the provision of the self-guided tablets.
 1. Young adult participation: 5 hours
 2. Young adult participation: 5 hours

On this audit date, one (1) young adult was out to court during afforded programming.

- ❖ F: Level III – There were four (4) young adults housed in this area.
 - One (1) young adult was offered and participated in six (6) hours of programming.
 - One (1) young adult was transferred out of the unit.
 - One (1) young adult was out to court during programming.
 - The remaining 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 Youthful Offender Programming Young Adult Daily Programming Sign-in Sheet” recorded that this young adult was on lockdown status, although the Lock-in/out Logbook records that this inmate locked out for the majority of the day.
- ❖ G: Level III – There was one (1) young adult housed in this area. He was offered four (4) four hours and fifty (50) minutes of programming. He participated in fifteen (15) minutes of programming.

May 7, 2019⁸

⁸ 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 six (6) hours of programming were offered to the young adults housed within the seven (7) housing areas, labelled A-G.

- ❖ A: Level II – There were three (3) young adults housed in this area.
 - Tier 1 was offered one (1) hour and twenty-five (25) minutes of programming in the morning session:
 1. Young adult participation: 5 minutes
 - Tier 2 was offered two (2) hours and forty-five (45) minutes of programming in the afternoon session:
 2. Young adult participation: 1 hour 15 minutes
 3. Young adult participation: 1 hour 15 minutes

 - ❖ B: Level II – There were two (2) young adults housed in this area. They were offered two (2) hours and fifteen (15) minutes of programming in the morning session. One (1) young adult participated fifteen (15) minutes of programming. The remaining one (1) young adult was out to recreation during afforded programming no other explanation was provided.

 - ❖ C: Level II – There were two (2) young adults housed in this area. They were offered two (2) hours of programming in the afternoon session. One (1) young adult participated in one (1) hour and five (5) minutes of programming. The remaining one (1) young adult refused to participate in all afforded programming.

 - ❖ D: Level II – There were two (2) young adults housed in this area. One (1) young adult was offered and participated in six (6) hours of programming, inclusive of the provision of the self-guided tablets in the afternoon session. The remaining one (1) young adult was transferred out of the unit.

 - ❖ E: Level III – There were three (3) young adults housed in this area.
 - Five (5) hours of programming were offered inclusive of the provision of the self-guided tablets:
 1. Young adult participation: 5 hours
 2. Young adult participation: 5 hours
 3. Young adult participation: 5 hours

 - F: Level III – There were six (6) young adults housed in this area.
 - Five (5) hours of programming were offered.
 1. Young adult participation: 5 hours
 2. Young adult participation: 5 hours
 3. Young adult participation: 5 hours
 4. Young adult participation: 5 hours
 5. Young adult participation: 5 hours
 6. Young adult participation: 5 hours

 - ❖ G: Level III – There was one (1) young adult housed in this area. He was offered fifty-five (55) minutes of programming and refused all afforded programming.
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May 15, 2019⁹

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

- ❖ A: Level II – There were two (2) young adults housed in this area. They were offered two (2) hours and fifteen (15) minutes of programming in the afternoon session. One (1) young adult refused all afforded programming. The remaining one (1) young adult did not participate in programming. The “FEDCAP” sign-in sheet did not record this young adult’s name.
- ❖ B: Level II – There were three (3) young adults housed in this area.
 - Two (2) hours and twenty-seven (27) minutes of programming were offered:
 1. Young adult participation: 15 minutes
 2. Young adult participation: 5 minutes
 3. Young adult participation: 9 minutes
- ❖ C: Level II – There were two (2) young adults housed in this area. Two (2) hours and forty-five (45) minutes of programming were offered. One (1) young adult participated in one (1) hour and fifty (50) minutes of programming. The remaining 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 Counseling Services Sign-in Sheet” recorded that this young adult was out to court, although the housing area logbook records that this inmate was in the housing area. There is no record in the housing area logbook that this inmate went to court on this audit date.
- ❖ D: Level II – There were seven (7) young adults housed in this area.
 - Six (6) hours of programming were offered inclusive of the provision of the self-guided tablets in the afternoon session:
 1. Young adult participation: 1 hour
 2. Young adult participation: 5 hours
 3. Young adult participation: 2 hours
 4. Young adult participation: 2 hours
 5. Young adult participation: 2 hours

On this audit date, two (2) young adults were out to court during afforded programming.

- ❖ E: Level I – There were two (2) young adults housed in this area. Both young adults were out to court during afforded programming.
- ❖ F: Level III – There was eight (8) young adult housed in this area. Programming was scheduled, but was not offered due to staff training.

⁹ 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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- ❖ G: Level III – There was one (1) young adult housed in this area. He was out to court during afforded programming.

May 21, 2019¹⁰

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

- ❖ A: Level II – There was one (1) young adult housed in this area. He did not participate in programming. The reason for his non-participation could not be determined due to conflicting program and housing area records. “The Counseling Services Sign-in Sheet” recorded that the counselor left the unit due to inmate tension, however, the housing area logbook does not record any unusual event.
- ❖ B: Level II – There was one (1) young adult housed in this area. He was offered two (2) hours and fifteen (15) minutes of programming and refused all afforded programming.
- ❖ C: Level II – There were two (2) young adults housed in this area. They were offered two (2) hours and ten (10) minutes of programming. One (1) young adult participated in twenty (20) minutes of programming. The remaining one (1) young adult was in the clinic during afforded programming.
- ❖ D: Level II – There were seven (7) young adults housed in this area.
 - Six (6) hours of programming were offered inclusive of the provision of the self-guided tablets in the afternoon session:
 1. Young adult participation: 3 hours
 2. Young adult participation: 3 hours
 3. Young adult participation: 4 hours
 4. Young adult participation: 2 hours
 5. Young adult participation: 3 hours
 6. Young adult participation: 3 hours
 7. Young adult participation: 1 hour
- ❖ E: Level I – There were three (3) young adults housed in this area.
 - Four (4) hours of programming were offered.
 1. Young adult participation: 4 hours
 2. Young adult participation: 4 hours
 3. Young adult participation: 4 hours
- ❖ F: Level III – There was eight (8) young adult housed in this area. Programming was scheduled, but was not offered due to staff training.
- ❖ G: Level III – There were two (2) young adults housed in this area.
 - Four (4) hours and fifteen (15) minutes of programming were offered.

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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1. Young adult participation: 46 minutes
2. Young adult participation: 15 minutes

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 audited – May 1, 7, 15 and 21, 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.

May 1, 2019

There were twenty (20) young adults in ESH on this audit date. Of the twenty (20) young adults, seventeen (17) were enrolled in educational services. The arrival and departure times for those present on this audit date were:

1. Arrived 9:25 am / Departed 11:15 am
2. Arrived 9:25 am / Departed 11:15 am
3. Arrived 1:40 pm / Departed 3:30 pm

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

- Eleven (11) young adults refused educational services.
- Three (3) young adults were out to court.

May 7, 2019

There were nineteen (19) young adults in ESH on this audit date. Of the nineteen (19) young adults, sixteen (16) were enrolled in educational services. Please note the following:

1. Arrived 9:05 am / Departed 11:15 am
2. Arrived 9:00 am / Departed 11:00 am
3. Arrived 1:20 pm / Departed 3:30 pm

For the remaining thirteen (13) young adults, please note the following:

- One (1) young adult was out to the clinic.
- Twelve (12) young adults refused educational services.

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May 15, 2019

There were twenty-five (25) young adults in ESH on this audit date. Of the twenty-five (25) young adults, eighteen (18) were enrolled in educational services. The arrival and departure times for those present on this audit date were:

1. Arrived 9:25 am / Departed 10:30 am

For the remaining seventeen (17) young adults, please note the following:

- Three (3) young adults were out to court.
- Fourteen (14) young adults refused educational services.

May 21, 2019

There were twenty-four (24) young adults in ESH on this audit date. Of the twenty-four (24) young adults, seventeen (17) were enrolled in educational services. All seventeen (17) young adults refused educational services.

Audit Recommendations

Recommendations for the ESH Audit Report are now reported quarterly rather than monthly per an agreement with the Board of Corrections. The ESH Audit Report covering the month of February 2019 was the last ESH Audit Report which indicated recommendations. A quarterly period has transpired since that last audit report, and recommendations are therefore included in this audit report.

The following recommendations were indicated in the ESH Audit Report covering the month of February 2019. The status of the facility's efforts to implement each of the recommendations listed below is indicated after each recommendation.

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.

Status of implementation: The facility issued ESH Memorandum 05/19, entitled Mandated Services and Lock In/Out Logbooks, which requires that staff be trained in the use of the Lock-in/Lock-out Tracking Logbook, and that supervisory staff take corrective action to address any deficiencies.

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

Status of implementation: See above.

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Law Library

- 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, the facility administration in coordination with the Director of Law Libraries should ensure that repairs are conducted in a timely manner.

Status of implementation: The facility advised that they instructed the Law Library Officer to determine on a daily basis that all equipment, including but not limited to typewriters and kiosks, are operational within the ESH housing areas. When a typewriter or kiosk is identified in need of repair, the Law Library Officer shall immediately notify the facility administration and the Director of Law Libraries, who will ensure that repairs are conducted in a timely manner.

Programming

- Designate supervisory staff to review programming attendance documentation and compare it with housing area logbook records, to determine whether the reasons recorded by counselors for young adults' non-participation in programming are consistent with entries recorded in the housing area 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 housing area logbooks.

Status of implementation: The facility issued ESH Memorandum 17/19, entitled Enhanced Security Housing (ESH) Programming, which quotes the above recommendation and requires its implementation by housing area supervisors, correction officers, and programs staff.

- 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.

Status of implementation: Program management has been advised to direct program counselors, external providers, and program supervisors to implement the recommendation indicated above.

The following recommendations were not indicated in the ESH Audit Report covering the month of February 2019, because the findings from that audit report did not require these recommendations. However, the findings in the ESH Audit Report covering May 2019 require the following two (2) additional recommendations:

Law Library

- The Director of Law Libraries should remind each Law Library Coordinator to record his or her signature in the housing area logbook, to document his or her entry into and exit from each housing area. In addition, the Director of Law Libraries should remind Law Library

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Coordinators to record in the Law Library Logbook the housing areas where they provided Law Library services.

Recreation

- Designated supervisory staff should regularly review the housing area logbook to determine whether custody staff have recorded all required information, particularly the recreation commencement times and completion times. When deficiencies are identified, the designated supervisory staff shall counsel the relevant custody staff person and instruct him or her to record all required information.