

New York City Department of Correction

Young Adult ESH Compliance Audit – August 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 August 2019:

- August 1
- August 7
- August 13
- August 20

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

- August 2
- August 9
- August 15
- August 23

§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

New York City Department of Correction

Young Adult ESH Compliance Audit – August 2019

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

New York City Department of Correction

Young Adult ESH Compliance Audit – August 2019

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

August 1, 2019

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

1. 6 hours (Upper Tier)
2. 4 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 (Upper Tier)
3. 7 hours (Upper Tier)
4. 4 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 (Upper Tier)

August 7, 2019

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

1. 6 hours 15 minutes (Upper Tier)
2. 6 hours 15 minutes (Upper Tier)

August 13, 2019

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

1. 5 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 (Upper Tier)
2. 8 hours (Upper Tier)
3. 8 hours (Upper Tier)

August 20, 2019

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

1. 8 hours 5 minutes (Upper Tier)
2. 10 hours 5 minutes (Upper Tier)
3. 6 hours 45 minutes (Upper Tier)
4. 9 hours 24 minutes (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

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.

New York City Department of Correction Young Adult ESH Compliance Audit – August 2019

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

August 1, 2019

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

1. 7 hours (Upper Tier)
2. 7 hours 50 minutes (Lower Tier)
3. 7 hours 40 minutes (Lower Tier)
4. 7 hours 8 minutes (Lower Tier)
5. 4 hours 40 minutes (Lower Tier)
6. 7 hours (Lower Tier)
7. 2 hours 15 minutes; young adult refused the majority of afforded out-of-cell time (Upper Tier)

August 7, 2019

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

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

August 13, 2019

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

1. 7 hours 10 minutes (Upper Tier)
2. 7 hours 10 minutes (Upper Tier)
3. 7 hours 3 minutes (Lower Tier)
4. 6 hours 3 minutes (Lower Tier)
5. 3 hours 3 minutes; 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. 7 hours 10 minutes (Upper Tier)
7. 7 hours 30 minutes (Upper Tier)
8. 2 hours 45 minutes; young adult refused the majority of afforded out-of-cell time (Lower Tier)

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.

New York City Department of Correction

Young Adult ESH Compliance Audit – August 2019

9. 2 hours 15 minutes; young adult refused the majority of afforded out-of-cell time (Upper Tier)
10. 7 hours (Lower Tier)
11. 2 hours 15 minutes; young adult refused the majority of afforded out-of-cell time (Upper Tier)

August 20, 2019

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

1. 7 hours 15 minutes (Lower Tier)
2. 7 hours 15 minutes (Lower Tier)
3. 4 hours 15 minutes (Upper Tier)
4. 5 hours 25 minutes (Upper Tier)
5. 5 hours 20 minutes (Lower Tier)
6. 7 hours (Upper 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

August 1, 2019

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

1. 13 hours 23 minutes (Upper Tier)
2. 11 hours 15 minutes (Lower Tier)

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

August 7, 2019

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

1. 6 hours 45 minutes; young adult was transferred into the unit and, as a result, his out-of-cell time was affected (Upper Tier)
2. 4 hours 25 minutes; young adult was transferred out of the unit and, as a result, his out-of-cell time was affected (Upper Tier)

August 13, 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.

New York City Department of Correction Young Adult ESH Compliance Audit – August 2019

There was one (1) young adult in Level III; his out-of-cell time on this audit date was 13 hours (Upper Tier).

August 20, 2019

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

1. 12 hours 30 minutes (Lower Tier)
2. 12 hours 30 minutes (Lower Tier)
3. 5 hours (Upper Tier)
4. 7 hours 11 minutes (Upper Tier)
5. 7 hours 11 minutes (Upper Tier)

§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 indicated that the Law Library Coordinators were in these areas to provide assistance on all four (4) days audited.⁵ On August 1, and on August 13, 2019 in housing area labeled A, due to inconsistencies recorded in the Law Library Logbook and housing area logbook, it could not be determined whether the Law Library Coordinator was in this one (1) housing area during one (1) tour. (The Law Library Coordinator signed in the Law Library Logbook, but did not sign in the housing area logbook.) In addition, on August 7, 2019, in housing area labeled C, one (1) housing area during one (1) tour did not receive Law Library services due to a security issue that tour as recorded by the Law Library Coordinator.

The audit was able to verify 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 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 each of 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.

August 1, 2019

There were fourteen (14) young adults in ESH on this audit date. Of the fourteen (14) young adults, nine (9) young adults requested and were provided Law Library services.

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 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 – August 2019

August 7, 2019

There were eleven (11) young adults in ESH on this audit date. Of the eleven (11) young adults, three (3) young adults requested and were provided Law Library services.

August 13, 2019

There were fifteen (15) young adults in ESH on this audit date. Of the fifteen (15) young adults, nine (9) young adults requested and were provided Law Library services.

August 20, 2019

There were fifteen (15) young adults in ESH on this audit date. Of the fifteen (15) young adults, eight (8) 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:

August 2, 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) Kiosk (operable) / One (1) Typewriter (operable)
- B: One (1) Kiosk (operable) / One (1) Typewriter (operable)
- C: One (1) Kiosk (operable) / One (1) Typewriter (**inoperable**)
- D: One (1) Kiosk (operable) / One (1) Typewriter (operable)
- E: One (1) Kiosk (operable) / One (1) Typewriter (operable)
- F: One (1) Kiosk (operable) / One (1) Typewriter (operable)
- G: One (1) Kiosk (operable) / One (1) Typewriter (**inoperable**)

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

New York City Department of Correction

Young Adult ESH Compliance Audit – August 2019

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

August 15, 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) Kiosk (**inoperable**) / One (1) Typewriter (operable)
- B: One (1) Kiosk (**inoperable**) / One (1) Typewriter (operable)
- C: One (1) Kiosk (**inoperable**) / One (1) Typewriter (**inoperable**)
- D: One (1) Kiosk (operable) / One (1) Typewriter (operable)
- E: One (1) Kiosk (operable) / One (1) Typewriter (operable)
- F: One (1) Kiosk (operable) / One (1) Typewriter (operable)
- G: One (1) Kiosk (operable) / One (1) Typewriter (**inoperable**)

August 23, 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) Kiosk (**inoperable**) / One (1) Typewriter (operable)
- B: One (1) Kiosk (**inoperable**) / One (1) Typewriter (operable)
- C: One (1) Kiosk (**inoperable**) / One (1) Typewriter (**inoperable**)
- D: One (1) Kiosk (operable) / One (1) Typewriter (operable)
- E: One (1) Kiosk (operable) / One (1) Typewriter (operable)
- F: One (1) Kiosk (operable) / One (1) Typewriter (operable)
- G: One (1) Kiosk (operable) / One (1) Typewriter (operable)

§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 – August 1, 7, 13 and 20, 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.

August 1, 2019

There were fourteen (14) young adults in ESH on this audit date. Please note the following:

- One (1) young adult participated in one (1) hour and nine (9) minutes of recreation.
- Two (2) young adults participated in fifty-five (55) minutes of recreation.
- One (1) young adult participated in thirty-six (36) minutes of recreation.
- One (1) young adult participated in twenty-five (25) minutes of recreation.

New York City Department of Correction

Young Adult ESH Compliance Audit – August 2019

- Two (2) young adults were out to court during afforded recreation.
- Seven (7) young adults refused to participate in afforded recreation.

August 7, 2019

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

- One (1) young adult participated in fifty (50) minutes of recreation.
- Two (2) young adults participated in forty-three (43) minutes of recreation.
- One (1) young adult participated in thirty-three (33) minutes of recreation.
- One (1) young adult participated in thirty (30) minutes of recreation.
- One (1) young adult participated in twenty-nine (29) minutes of recreation.
- One (1) young adult participated in twenty-three (23) minutes of recreation.
- Three (3) young adults refused to participate in afforded programming.
- One (1) young adult's total afforded recreation time could not be determined because staff did not record the recreation completion time.

August 13, 2019

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

- One (1) young adult participated in one (1) hour and fifteen (15) minutes of recreation.
- One (1) young adult participated in one (1) hour and ten (10) minutes of recreation.
- One (1) young adult participated in one (1) hour and five (5) minutes of recreation.
- One (1) young adult participated in fifty-seven (57) minutes of recreation.
- Two (2) young adults participated in fifty (50) minutes of recreation.
- One (1) young adult participated in forty-five (45) minutes of recreation.
- One (1) young adult participated in twenty (20) minutes of recreation.
- Two (2) young adults were in court during afforded recreation.
- Five (5) young adults refused to participate in afforded recreation.

August 20, 2019

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

- One (1) young adult participated in one (1) hour and twenty-two (22) minutes of recreation.
- Six (6) young adults participated in one (1) hour of recreation.
- One (1) young adult's total afforded recreation time could not be determined because staff did not record the recreation completion.
- Seven (7) young adults refused 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 co-mingled in units with adults (22 years old and older). Programming is provided to all young adults. In the young adult exclusive housing areas within ESH, tablets are utilized in the provision of programming and

New York City Department of Correction

Young Adult ESH Compliance Audit – August 2019

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.

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 based on housing areas and their assigned levels.

August 1, 2019

On this audit date, up to two (2) hours and thirty (30) minutes 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 was one (1) young adult housed in this area.
 - Two (2) hours and thirty (30) minutes of programming were offered in the afternoon session.
 1. Young adult participation: 1 hour and 50 minutes
- ❖ B: Level II – There were three (3) young adults housed in this area.
 - Tier 1 was offered two (2) hours and fifteen (15) minutes of programming in the morning session. One (1) young adult refused to participate in all afforded programming. The remaining one (1) young adult participated in 40 minutes of programming.
 - Tier 2 was offered two (2) hours and fifteen (15) minutes of programming in the afternoon session:
 1. Young adult participation: 15 minutes
- ❖ C: Level II – There was one (1) young adult housed in this area. Programming was offered on this audit date, but not scheduled during the tier this young adult locked out.⁶
- ❖ D: Level II – There were two (2) young adults housed in this area.
 - Tier 1 was offered one (1) hour of programming in the morning session:

⁶ The Programs Division will be scheduling more options to better align with the current tier lockout system.

New York City Department of Correction

Young Adult ESH Compliance Audit – August 2019

1. Young adult participation: 1 hour
 - Tier 2 was offered two (2) hours of programming in the afternoon session:
 2. Young adult participation: 1 hour
- ❖ E: Level I – There were four (4) young adult housed in this area.
- Two (2) hours of programming were offered in the afternoon session. The program's counselor canceled programming due to inappropriate behavior of young adults in the housing area.
- ❖ F: Level III – There were two (2) young adults housed in this area.
- One (1) hour of programming was offered in the afternoon session. One (1) young adult transferred out of the housing area prior to the commencement of programming. The remaining one (1) young adult participated in 1 hour of programming.
- ❖ G: Level III – There was one (1) young adult housed in this area. He was offered two (2) hours and fifteen (15) minutes of programming in the morning session. He refused to participate in all afforded programming.

August 7, 2019

On this audit date, up to two (2) hours and forty-five (45) minutes of programming were offered to the young adults housed within the six (6) housing areas, labelled A-F.

- ❖ A: Level II – There was one (1) young adult housed in this area.
- Two (2) hours and twenty (20) minutes of programming were offered in the afternoon session. He refused to participate in all afforded programming.
- ❖ B: Level II – There were three (3) young adults housed in this area.
- Tier 1 was offered two (2) hours and forty-five (45) minutes of programming in the morning session.
 1. Young adult participation: 40 minutes
 2. Young adult participation: 45 minutes
 - Tier 2 was offered two (2) hours of programming in the afternoon session:
 3. Young adult participation: 1 hour 35 minutes
- ❖ C: Level II – There was (1) young adult housed in this area. Programming was offered on this audit date, but not scheduled during the tier this young adult locked out.⁷
- ❖ D: Level II – There were three (3) young adults housed in this area.
- One (1) hour of programming was offered. One (1) young adult transferred out of the housing area prior to the commencement of programming.
 1. Young adult participation: 1 hour
 2. Young adult participation: 1 hour
- ❖ E: Level I – There were two (2) young adults housed in this area.

⁷ The Programs Division will be scheduling more options to better align with the current tier lockout system.

New York City Department of Correction

Young Adult ESH Compliance Audit – August 2019

- Two (2) hours of programming were offered in the afternoon session. Both young adults refused to participate in all afforded programming.

F: Level III – There was (1) young adult housed in this area.

- One (1) hour of programming was offered:
 1. Young adult participation: 1 hour

August 13, 2019

On this audit date, up to three (3) hours of programming were offered to the young adults housed within the six (6) housing areas, labelled A-F.

- ❖ A: Level II – There were two (2) young adults housed in this area
 - One (1) hour of programming was offered in the afternoon session.
 1. Young adult participation: 10 minutes
 2. Young adult participation: 10 minutes
- ❖ B: 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. Three (3) young adults were housed on this tier. Two (2) young adults refused all afforded programming. The remaining one (1) young adult was in court during afforded programming.
 - Tier 2 was offered two (2) hours and fifteen (15) minutes of programming in the afternoon session. One (1) young adult was housed on this tier and he refused all afforded programming.
- ❖ C: Level II – There were two (2) young adults housed in this area.
 - Tier 1 housed one (1) young adult and programming was offered on this audit date, but not scheduled during the tier this young adult locked out.⁸
 - Tier 2 was offered three (3) hours of programming in the afternoon session.
 1. Young adult participation: 3 hours
- ❖ D: Level II – There were three (3) young adults housed in this area.
 - Tier 1 was offered one (1) hour of programming in the morning session. Two (2) young adults were housed on this tier and both young adults refused all afforded programming.
 - Tier 2 was offered two (2) hours of programming in the afternoon session.
 1. Young adult participation: 2 hours
- ❖ E: Level I – There were three (3) young adults housed in this area.
 - Two (2) hours of programming were offered in the afternoon session:
 1. Young adult participation: 1 hour
 2. Young adult participation: 1 hour
 3. Young adult participation: 1 hour
- F: Level III – There was (1) young adult housed in this area.
 - One (1) hour of programming was offered:

⁸ The Programs Division will be scheduling more options to better align with the current tier lockout system.

New York City Department of Correction

Young Adult ESH Compliance Audit – August 2019

1. Young adult participation: 1 hour

August 20, 2019

On this audit date, up to four (4) hours and forty-six (46) minutes 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.
 - Two (2) hours and thirty (30) minutes of programming were offered in the morning session:
 1. Young adult participation: 15 minutes
 2. Young adult participation: 15 minutes
- ❖ B: Level II – There was one (1) young adult housed in this area.
 - Two (2) hours and fifteen (15) minutes of programming were offered in the morning session. He refused to participate in all afforded programming.
- ❖ C: Level II – There was one (1) young adult housed in this area. Programming was offered on this audit date, but not scheduled during the tier this young adult locked out.⁹
- ❖ D: Level II – There were two (2) young adults housed in this area.
 - Tier 1 was offered one (1) hour of programming in the morning session. One (1) young adult was housed on this tier and refused all afforded programming.
 - Tier 2 was offered two (2) hours of programming in the afternoon session.
 1. Young adult participation: 2 hours
- ❖ E: Level I – There were four (4) young adults housed in this area.
 - Two (2) hours of programming were offered in the afternoon session;
 1. Young adult participation: 2 hours
 2. Young adult participation: 2 hours
 3. Young adult participation: 2 hours
 4. Young adult participation: 2 hours
- ❖ F: Level III – There were three (3) young adults housed in this area.
 - Thirty (30) minutes of programming were offered in the afternoon session:
 1. Young adult participation: 30 minutes
 2. Young adult participation: 30 minutes

On this audit date, one (1) young adult did not participate in the afternoon session of programming. The reason for his non-participation in the afternoon session of programming could not be determined due to conflicting program and housing area records. The Young Adult Daily Programming Sign-in Sheet recorded that the young adult was “locked in as per security.” However, the housing area Lock-in/out Logbook records this young adult locked-out during afforded programming.

- ❖ G: Level III – There were two (2) young adults housed in this area.

⁹ The Programs Division will be scheduling more options to better align with the current tier lockout system.

New York City Department of Correction

Young Adult ESH Compliance Audit – August 2019

- Two (2) hours and thirty-one (31) minutes of programming were offered in the morning session and two (2) hours and fifteen (15) minutes of programming were offered in the afternoon session, for a total of four (4) and forty-six (46) minutes of programming. One (1) young adult refused all afforded programming:
 1. Young adult participation: 55 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.

No school was afforded to young adults in ESH on the audit dates – August 1, 7, 13 and 20, 2019 – due to summer recess.

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 May 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 May 2019. The status of the facility’s efforts to implement each of the recommendations listed below is indicated after each recommendation.

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

Status of implementation: The Director of Law Libraries has directed the following:

- That Law Library Coordinators record their arrival and departures times in each housing area logbook.
- That Law Library Coordinators record in the Law Library Logbook the housing areas where inmates received law library services.

Recreation

New York City Department of Correction

Young Adult ESH Compliance Audit – August 2019

- 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.

Status of implementation: The facility issued ESH Memorandum 25/19, entitled Recreation and Housing Area Logbook Entries, which quotes verbatim the above recommendation and emphasizes its implementation by supervisory staff.

In addition, the memorandum reiterates the information that corrections officers must record in the housing area logbook, including the recreation commencement and completion times.

The findings in the ESH Audit Report covering August 2019 require the following five (5) audit 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.
- Designate supervisory staff to periodically review Law Library Coordinator attendance documentation and compare it with housing area logbook records, to determine whether the reasons recorded by Law Library Coordinators regarding their inability to enter a housing area are consistent with entries recorded by custody staff in the housing area logbooks. When the reasons are not consistent, the designated supervisory staff shall confer with both the Law Library Coordinator and custody staff to identify the causes for these inconsistencies, and to take corrective action as necessary.
- 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.

Recreation

- Designated supervisory staff should regularly review the housing area logbook and the Recreation 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.

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

New York City Department of Correction
Young Adult ESH Compliance Audit – August 2019

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.