

New York City Department of Correction

Young Adult ESH Compliance Audit – February 2022

Mayor's Executive Order 241, that began on September 15, 2021, allows for the continued use of Enhanced Supervision Housing (ESH) for young adults (18 to 21 years old). The Department continues to report on compliance through a monthly audit for the following provisions of the Board's Minimum Standards:

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

Audit Parameters

The audit is conducted through a manual review of housing area logbooks and programming attendance data on four (4) randomly selected dates from each month. The scope of the audit encompasses only those housing units within ESH in which young adults are housed within the audit period. On the four (4) audit dates specified below, young adults were housed in one (1) ESH housing area.

This audit report covers the following four (4) dates in the month of February 2022:

- February 2
- February 8
- February 17
- February 22

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

- February 4
- February 11
- February 18
- February 25

§1-05(b) Lock-in

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

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

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

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determine if the kiosks and typewriters located within the young adult ESH housing area were operational.

§1-06 – Recreation

A manual review of housing area logbooks was conducted to determine whether one (1) hour of outdoor recreation was afforded.

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

A manual review of programming attendance data was conducted to determine the number of programming hours offered to each young adult and the number of hours each young adult **chose to** participate in programming.

Education

A review was conducted to determine the number of young adults enrolled in educational services, whether they were provided with educational learning packets, and whether they **chose to** complete and return the educational learning packets.

Audit Findings

§1-05(b) Lock-in

All young adults in ESH are afforded lock-out based on their housing level: seven (7) hours for Level II and fourteen (14) hours for Level III. On all four (4) dates audited, institutional **lock-out** and **lock-in** were not consistently recorded in the Lock-In/Out 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 II are afforded seven (7) hours of lock-out time each day. For each young adult in this level, 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 II, they are all afforded seven (7) hours of lock-out time on any given day. Young adults in Level III, who are afforded fourteen (14) hours of lock-out time, are not subject to a tier lock-out schedule. Young adults in Level III are all afforded lock-out during both the am and pm hours, regardless of the tier in which they are housed. On any given day, a young adult may be out to court or transferred in or out of the ESH Unit. These young adults may not be included in the out-of-cell time reporting.

Please note that the Department ceased operating young adult ESH Level 1 in April 2021.

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

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each day that a young adult **chooses to** be out of his cell during institutional lock-out periods. The data reflects the young adults present in the unit for the institutional lock-outs on each audit date.

February 2, 2022

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

1. 6 hours 45 minutes (Lower Tier)
2. 6 hours 45 minutes (Lower Tier)
3. 6 hours 45 minutes (Lower Tier)
4. 7 hours 20 minutes (Upper Tier)
5. 6 hours 45 minutes (Lower Tier)
6. 6 hours 45 minutes (Lower Tier)
7. 6 hours 45 minutes (Lower Tier)
8. 7 hours 20 minutes (Upper Tier)
9. 6 hours 45 minutes (Lower Tier)
10. 6 hours 45 minutes (Lower Tier)

February 8, 2022

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

1. 5 hours 20 minutes (Lower Tier)
2. 5 hours 20 minutes (Lower Tier)
3. 7 hours 20 minutes (Upper Tier)
4. 1 hour 25 minutes; young adult **chose not** to participate in the majority of afforded out-of-cell time (Lower Tier)
5. 5 hours 20 minutes (Upper Tier)
6. 4 hours 45 minutes (Lower Tier)
7. 5 hours 20 minutes (Lower Tier)
8. 5 hours 20 minutes (Lower Tier)
9. 5 hours 35 minutes (Upper Tier)
10. 5 hours 20 minutes (Lower Tier)
11. 4 hours 22 minutes (Lower Tier)

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

February 17, 2022

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

1. 7 hours 40 minutes (Upper Tier)
2. 7 hours 50 minutes (Upper Tier)
3. 7 hours 3 minutes (Lower Tier)
4. 7 hours 50 minutes (Upper Tier)

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5. 8 hours 6 minutes (Upper Tier)
6. 8 hours 3 minutes (Upper Tier)
7. 7 hours 40 minutes (Upper Tier)
8. 7 hours (Upper Tier)
9. 7 hours 50 minutes (Upper Tier)

On this audit date, one (1) Lower Tier young adult was out to court and as a result did not participate in lock-in/out options.

February 22, 2022

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

1. 14 hours 27 minutes (Lower Tier)
2. 14 hours 40 minutes (Lower Tier)
3. 7 hours 25 minutes (Upper Tier)
4. 5 hours 40 minutes (Lower Tier)
5. 10 hours 35 minutes (Lower Tier)
6. 7 hours 25 minutes (Upper Tier)
7. 15 hours 18 minutes (Lower Tier)
8. 10 hours 26 minutes (Lower Tier)
9. 14 hours 30 minutes (Lower Tier)
10. 14 hours 30 minutes (Lower Tier)
11. 14 hours 35 minutes (Lower Tier)

On this audit date, three (3) Upper Tier young adults **chose not** to participate in all afforded out-of-cell time.

Level III

Young adults in Level III are afforded fourteen (14) hours of out-of-cell time each day. Listed below is individualized data related to each young adult's total out-of-cell time in Level III, based on a manual review of the Lock-In/Out Logbook, for the audit dates. The out-of-cell time is the hours each day that a young adult **chooses to** be out of his cell during institutional lock-out periods. The data reflects the young adults present in the unit for the institutional lock-outs on each audit date.

February 2, 2022

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

February 8, 2022

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

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February 17, 2022

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

February 22, 2022

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

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

Law Library Coordinator

In ESH, there are four (4) Law Library Coordinators assigned to areas in which young adults were housed.¹ A manual review of the Law Library Logbooks indicated that the Law Library Coordinators were present in these areas to provide assistance on the four (4) days audited – February 2, 8, 17, and 22, 2022.²

The audit was able to verify by reviewing available records that the duration of each Law Library Coordinator's time in ESH areas during the dates audited, except for one, was in compliance with the provisions of the Minimum Standards i.e., a minimum of two (2) hours. The total amount of time for one of two Law Library Coordinators could not be determined for February 17, 2022 due to the information not being recorded in the Logbook. On some of the audit dates, some young adults **chose not** to request the Law Library services.

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

February 2, 2022

There were ten (10) young adults in ESH on this audit date. Of the ten (10) young adults, no young adults **chose to** request Law Library services.

February 8, 2022

There were twelve (12) young adults in ESH on this audit date. Of the twelve (12) young adults, one (1) young adult **chose to** request and was provided Law Library services.

February 17, 2022

There were ten (10) young adults in ESH on this audit date. Of the ten (10) young adults, three (3) young adults **chose to** request and were provided Law Library services.

¹ To facilitate the provision of Law Library services, within their assigned areas, Law Library Coordinators provide services to all individuals regardless of whether it is during the individual's lock-out period.

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

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February 22, 2022

There were fourteen (14) young adults in ESH on this audit date. Of the fourteen (14) young adults, no young adults **chose to** request Law Library services.

Kiosks and Typewriters

During this audit period, young adults were housed in one (1) housing area in ESH, labeled A. Young adults in ESH are provided with access to a minimum of one (1) kiosk and one (1) typewriter. On the audit dates of February 4, 11, 18, and 25, 2022, kiosks and typewriters were not available. All Law Library services are being afforded and fulfilled by the Legal Coordinators through request slips.

§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 – February 2, 8, 17, and 22, 2022 – to ascertain the total number of young adults that **chose to** participate in recreation.

February 2, 2022

There were ten (10) young adults in ESH on this audit date. Please note the following:

- Two (2) young adults **chose to** participate in afforded recreation.
- Eight (8) young adults **chose not** to participate in afforded recreation.

February 8, 2022

There were twelve (12) young adults in ESH on this audit date. Please note the following:

- Ten (10) young adults **chose to** participate in afforded recreation.
- One (1) young adult **chose not** to participate in afforded recreation.
- One (1) young adult was out to court during afforded recreation.

February 17, 2022

There were ten (10) young adults in ESH on this audit date. Please note the following:

- One (1) young adult **chose to** participate in afforded recreation.
- Nine (9) young adults **chose not** to participate in afforded recreation.

February 22, 2022

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

- Two (2) young adults **chose to** participate in afforded recreation.

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- Twelve (12) young adults **chose not** to participate in afforded recreation.

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

Young adults in ESH are placed in housing units exclusively with other young adults (18 to 21 years old). Young adults who are 19 to 21 years old can also be commingled in units with adults (22 years old and older). In the commingled housing areas, the provision of programming is provided to each tier separately through two programming sessions. The hours of programming afforded may vary by tier within a housing area. In the young adult exclusive housing areas within ESH, tablets are intended to be utilized in the provision of programming and offered to young adults regardless of whether it is during the individual's lock-out period. The Programs Division is in the process of rolling out the provision of tablets. 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.

The audit reviewed programming attendance data on each of the four (4) dates audited to ascertain the number of programming hours offered to each young adult and the number of hours each young adult **chose to** participate in programming. Program participation hours are based on the number of hours each young adult **chooses to** participate in programming. The data reflects the young adults present in the housing area during programming on each audit date.

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

Listed below are the numbers of programming hours offered and **chose to** participate based on housing areas and their assigned levels. The audit revealed that in-person programming was offered to young adults on three (3) of the four (4) audit dates – February 2, 17, and 22, 2022. For the remaining one (1) audit date, February 8, 2022, programming was not afforded due to a staffing meeting and an unexpected absence of the program counselor.

February 2, 2022

On this audit date, programming was offered to the young adults housed within the one (1) young adult ESH housing area, labeled A.

- ❖ A: Level II – There were ten (10) young adults housed in this area. They were offered programming. One (1) young adult **chose not** to participate in programming. The remaining nine (9) young adults **chose to** participate in programming and their total participation times were as follows:

1. Young adult participation: 15 minutes
2. Young adult participation: 25 minutes
3. Young adult participation: 10 minutes
4. Young adult participation: 20 minutes
5. Young adult participation: 20 minutes
6. Young adult participation: 25 minutes
7. Young adult participation: 10 minutes

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8. Young adult participation: 10 minutes
9. Young adult participation: 15 minutes

February 8, 2022

There were twelve (12) young adults housed within the one (1) young adult ESH housing area, labeled A. Due to a staff meeting in the morning and an unexpected absence of a program counselor in the afternoon, no programming was conducted on this audit date.

February 17, 2022

On this audit date, programming was offered to the young adults housed within the one (1) young adult ESH housing area, labeled A.

- ❖ A: Level II – There were ten (10) young adults housed in this area. They were offered programming. All the young adults **chose to** participate in programming and their total participation times were as follows:
 1. Young adult participation: 1 hour 22 minutes
 2. Young adult participation: 1 hour 22 minutes
 3. Young adult participation: 1 hour 22 minutes
 4. Young adult participation: 1 hour 22 minutes
 5. Young adult participation: 1 hour 22 minutes
 6. Young adult participation: 1 hour 22 minutes
 7. Young adult participation: 1 hour 22 minutes
 8. Young adult participation: 1 hour 22 minutes
 9. Young adult participation: 1 hour 22 minutes
 10. Young adult participation: 1 hour 22 minutes

February 22, 2022

On this audit date, programming was offered to the young adults housed within the one (1) young adult ESH housing area, labeled A.

- ❖ A: Level II – There were fourteen (14) young adults housed in this area. They were offered programming in the morning session and programming in the afternoon session. Please note the following:
 - One (1) young adult **chose not** to participate in all afforded programming.
 - The remaining thirteen (13) young adults **chose to** participate in programming and their total participation times were as follows:
 1. Young adult participation: 1 hour 33 minutes
 2. Young adult participation: 2 hours 24 minutes
 3. Young adult participation: 2 hours 24 minutes
 4. Young adult participation: 2 hours 24 minutes
 5. Young adult participation: 2 hours 24 minutes
 6. Young adult participation: 2 hours 24 minutes

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7. Young adult participation: 2 hours 24 minutes
8. Young adult participation: 2 hours 24 minutes
9. Young adult participation: 3 hours 57 minutes
10. Young adult participation: 3 hours 57 minutes
11. Young adult participation: 3 hours 57 minutes
12. Young adult participation: 3 hours 57 minutes
13. Young adult participation: 3 hours 57 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 Program Division’s 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 to ascertain the total number of young adults that **chose to** attend school, as well as the time that each young adult arrived to school and the time each young adult departed school.

February 2, 2022

There were ten (10) young adults in ESH on this audit date. Of the ten (10) young adults, five (5) young adults were enrolled in educational services. These five (5) young adults **chose not** to participate in educational services.

February 8, 2022

There were twelve (12) young adults in ESH on this audit date. Of the twelve (12) young adults, three (3) young adults were enrolled in educational services. The arrival and departure times for the two (2) young adults that **chose to** attend on this audit date were:

1. Arrived 9:10 am / Departed 11:00 am
2. Arrived 9:10 am / Departed 11:00 am

The remaining one (1) young adult **chose not** to participate in educational services.

February 17, 2022

There were ten (10) young adults in ESH on this audit date. Of the ten (10) young adults, four (4) young adults were enrolled in educational services. These four (4) young adults **chose not** to participate in educational services.

February 22, 2022

There were fourteen (14) young adults in ESH on this audit date. No educational services were offered on this audit date due to Mid-Winter recess.

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Audit Recommendations

Recommendations for the ESH Audit Report are reported quarterly rather than monthly per an agreement with the Board of Correction. The ESH Audit Report covering the month of November 2021 was the last ESH Audit Report which indicated recommendations. A quarterly period has transpired since that last audit report with recommendations, and recommendations are therefore included in this audit report.

The following recommendations were indicated in the ESH Audit Report covering the month of November. The status of the efforts to implement each of the recommendations listed below are indicated after each recommendation.

Lock-in/Lock-out

- The area supervisor shall ensure that a Lock-In/Out Logbook is on post and shall review all entries on each tour, to determine whether all staff are consistently documenting the lock-in and lock-out times for all young adults, their names, and the tiers in which they are housed. When deficiencies are identified, the designated supervisory staff person 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 16/22, entitled ESH Mandated Services, on March 10, 2022, which quotes the above recommendation, including its emphasis on implementation by supervisory staff.

Recreation

- Designated supervisory staff should regularly review the housing area logbook, Special Housing Area Mandated Services Logbook and ESH Recreation Logbook to determine whether custody staff have recorded all required information, particularly the recreation commencement times and completion times, as well as the young adults' refusals to participate in recreation. 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 16/22, entitled ESH Mandated Services, on March 10, 2022, which quotes the above recommendation, including its emphasis on implementation by supervisory staff.

The findings in the ESH Audit Report covering February 2022 require the following one (1) audit recommendation:

Recreation

- Designated supervisory staff should regularly review the housing area logbook, Special Housing Area Mandated Services Logbook and ESH Recreation Logbook to determine whether custody staff have recorded all required information. When deficiencies are

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identified, the designated supervisory staff shall counsel the relevant custody staff person and instruct him or her to record all required information.