

New York City Department of Correction

Young Adult ESH Compliance Audit – January 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 six (6) ESH housing areas.

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

- January 3
- January 9
- January 17
- January 22

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

- January 11
- January 18
- January 25
- January 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 determine if the kiosks and typewriters located within the various young adult ESH housing areas were operational.

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§1-06 – Recreation

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

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

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

Education

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

Audit Findings

§1-05(b) Lock-in

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

Level I

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

January 3, 2019

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

1. 7 hours 45 minutes
2. 7 hours 45 minutes

January 9, 2019

There was one (1) young adult in Level I; his out-of-cell time on this audit date was nine (9) hours and fifteen (15) minutes.

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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January 17, 2019

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

1. 6 hours 5 minutes
2. 3 hours 15 minutes

January 22, 2019

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

1. 7 hours
2. 4 hours 5 minutes

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

Level II

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

January 3, 2019

There were sixteen (16) young adults in Level II; their out-of-cell times on this audit date were:

1. 7 hours 15 minutes
2. 7 hours 10 minutes
3. 2 hours 35 minutes
4. 7 hours 10 minutes
5. 7 hours 10 minutes
6. 7 hours 10 minutes
7. 7 hours 10 minutes
8. 7 hours 10 minutes
9. 7 hours
10. 4 hours 15 minutes
11. 7 hours
12. 7 hours
13. 7 hours
14. 5 hours 15 minutes
15. 7 hours

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

January 9, 2019

There were twenty-nine (29) young adults in Level II; the out-of-cell times for those present on this audit date were:

1. 7 hours 20 minutes
2. 1 hour 15 minutes; young adult refused the majority of afforded out-of-cell time
3. 3 hours 35 minutes; young adult was out to court for a portion of the day and, as a result, his out-of-cell time was affected
4. 7 hours 20 minutes
5. 7 hours 20 minutes
6. 7 hours 20 minutes
7. 7 hours
8. 4 hours 25 minutes
9. 7 hours
10. 4 hours 30 minutes
11. 7 hours
12. 7 hours
13. 7 hours 10 minutes
14. 5 hours 22 minutes
15. 7 hours 10 minutes
16. 1 hour 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
17. 7 hours
18. 7 hours
19. 7 hours
20. 3 hours 15 minutes
21. 2 hours 15 minutes; young adult refused the majority of afforded out-of-cell time
22. 7 hours
23. 7 hours
24. 7 hours
25. 7 hours
26. 7 hours
27. 7 hours

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

January 17, 2019

There were twenty-four (24) young adults in Level II; the out-of-cell times for those present on this audit date were:

1. 7 hours 5 minutes
2. 7 hours 5 minutes
3. 7 hours 5 minutes

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4. 7 hours 5 minutes
5. 7 hours 5 minutes
6. 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
7. 6 hours 25 minutes
8. 7 hours 30 minutes
9. 7 hours 15 minutes
10. 1 hour; young adult refused the majority of afforded out-of-cell time
11. 6 hours 10 minutes
12. 6 hours 10 minutes
13. 7 hours
14. 7 hours
15. 7 hours
16. 4 hours 15 minutes
17. 2 hours 15 minutes
18. 7 hours
19. 7 hours
20. 7 hours
21. 7 hours
22. 7 hours

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

January 22, 2019

There were twenty-three (23) young adults in Level II; their out-of-cell times on this audit date were:

1. 5 hours 35 minutes
2. 5 hours 35 minutes
3. 4 hours 35 minutes
4. 4 hours 35 minutes
5. 7 hours 7 minutes
6. 4 hours
7. 3 hours 15 minutes
8. 5 hours 22 minutes
9. 4 hours 20 minutes
10. 6 hours 18 minutes
11. 6 hours 30 minutes
12. 7 hours
13. 5 hours 20 minutes
14. 6 hours 20 minutes
15. 7 hours
16. 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

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17. 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
18. 2 hours 20 minutes; young adult refused the majority of afforded out-of-cell time
19. 7 hours
20. 3 hours 20 minutes
21. 3 hours 20 minutes

On this audit date, two (2) young adults refused 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 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

January 3, 2019

There was one (1) young adult in Level III; his out-of-cell time on this audit date was thirteen (13) hours and twenty-one (21) minutes.

January 9, 2019

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

1. 4 hours 20 minutes; young adult refused the majority of afforded out-of-cell time
2. 6 hours 20 minute; young adult refused the majority of afforded out-of-cell time

January 17, 2019

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

1. 7 hours 10 minutes
2. 5 hours 15 minutes; young adult refused the majority of afforded out-of-cell time
3. 3 hours; young adult refused the majority of afforded out-of-cell time
4. 3 hours; young adult refused the majority of afforded out-of-cell time
5. 7 hours 10 minutes

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

January 22, 2019

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

1. 2 hours 17 minutes; young adult refused the majority of afforded out-of-cell time
2. 7 hours 10 minutes

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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3. 6 hours 17 minutes; young adult refused the majority of 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.⁴ A manual review of the housing area logbooks reflected that the Law Library Coordinators were in these areas to provide assistance on all four (4) days audited.⁵ On January 3, a manual review could not determine whether the Law Library Coordinator was in one (1) housing area to provide assistance during two (2) tours, due to missing logbook documentation⁶. On January 17, 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 one (1) of the housing areas during one (1) tour. Although the law library logbook had the Law Library Coordinator's signature, the housing area logbook did not. In addition, on January 22, three (3) housing areas were not provided a morning session of Law Library due to a Law Library Coordinators' unplanned absence.

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

During the reporting period, on the dates audited, Law Library Coordinators provided assistance to one (1) to seven (7) young adults per day. On some of the audit dates, young adults did not request Law Library assistance.

Kiosks and Typewriters

During this audit period, young adults were housed in six (6) housing areas in ESH. Young adults in ESH are provided with access to a minimum of one (1) kiosk and one (1) typewriter. All kiosks were operable on all four (4) audit dates. The typewriters were operational on January 11, but one (1) typewriter was out of service in one (1) housing area on January 18, 25, 30.

§1-06 – Recreation

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

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

⁴ To facilitate the provision of Law Library services, within their assigned areas, Law Library Coordinators provide services to all individuals regardless of whether it is during the individual's lock-out period.

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

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

⁷ On two (2) of the four (4) audit dates, logbook entries recorded that some of the young adults were out to court.

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

The audit reviewed programming attendance data on each of the four (4) dates to ascertain the number of programming hours offered to each young adult and the number of hours each young adult participated in programming. Program participation hours are based on the number of hours each young adult chooses to participate in programming. The data reflects the young adults present in the housing area during programming on each audit date.¹⁰

Listed below is the number of programming hours offered based on housing area.

January 3, 2019¹¹

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

- ❖ A: Four (4) hours and fifty (50) minutes of programming were offered: 2 hours and 20 minutes of programming for participants in the morning session and 2 hours and 30 minutes of programming for participants in the afternoon session.
 1. There was one (1) young adult housed in this area. He participated for one (1) hour in the afternoon session and refused to participate in any additional programming.

- ❖ B: Four (4) hours and fourteen (14) minutes of programming were offered: 2 hours and 20 minutes of programming for participants in the morning session and 1 hour and 54 minutes of programming for participants in the afternoon session.

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

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

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.

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

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1. There were four (4) young adults housed in this area:
 - i. One (1) young adult refused all afforded programming
 - ii. One (1) young adult was in court during programming
 - iii. Two (2) young adults were in school during programming

- ❖ C: Four (4) hours and thirty-five (35) minutes of programming were offered: 2 hours and 5 minutes of programming for participants in the morning session and 2 hours and 30 minutes of programming for participants in the afternoon session.
 1. There were three (3) young adults housed in this area. All three (3) young adults participated in the afternoon session of programming. Their hours of program participation were:
 - i. 30 minutes; young adult refused to participate in any additional programming
 - ii. 1 hour; young adult refused to participate in any additional programming
 - iii. 2 hours; young adult refused to participate in any additional programming

- ❖ D: Up to seven (7) hours of programming were offered on one (1) of the two (2) tiers. On the other tier, up to three (3) hours of programming were offered inclusive of the self-guided provision of tablets.
 1. There were eight (8) young adults housed in this area.
 - a. Two (2) young adults were housed on the tier where up to three (3) hours of self-guided programming were offered inclusive of the self-guided tablets. One (1) young adult refused all afforded programming and the other young adult participated in 2 hours of programming and refused to participate in any additional programming
 - b. Six (6) young adults were housed on the tier where up to seven (7) hours of programming were offered, inclusive of the self-guided programming with tablets. Their hours of program participation were:
 - i. 2 hours 25 minutes; young adult refused to participate in any additional programming
 - ii. 2 hours; young adult refused to participate in any additional programming
 - iii. 2 hours; young adult refused to participate in any additional programming
 - iv. 2 hours; young adult refused to participate in any additional programming
 - v. 2 hours; young adult refused to participate in any additional programming
 - vi. 2 hours; young adult refused to participate in any additional programming

- ❖ E: Five (5) hours of programming were offered:
 1. There were two (2) young adults housed in this area. Their hours of program participation were:
 - i. 4 hours; young adult refused to participated in any additional programming
 - ii. 4 hours; young adult refused to participated in any additional programming

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- ❖ F: Two (2) hours and thirty (30) minutes of programming were offered.
 1. There was one (1) young adult housed in this area. He participated in 1 hour of programming and refused to participate in any additional programming.

January 9, 2019¹²

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

- ❖ A: Four (4) hours and eleven (11) minutes of programming were offered: 2 hours and 4 minutes of programming for participants in the morning session and 2 hours and 7 minutes of programming for participants in the afternoon session.
 1. There were six (6) young adults housed in this area. Five (5) young adults refused to participate in all afforded programming. The remaining one (1) young adult was in court during programming.
- ❖ B: Two (2) hours and forty (40) minutes of programming were offered: 2 hours and 15 minutes of programming for participants in the morning session and 25 minutes of programming for participants in the afternoon session.
 1. There were seven (7) young adults housed in this area. Two (2) young adults were in court during programming. Due to multiple facility alarms, limited programming was offered in the afternoon session of programming and, as a result, three (3) young adults were not offered programming. For the remaining two (2) young adults, who participated in the morning session, their hours of program participation were:
 - i. 1 hour
 - ii. 20 minutes; young adult refused to participate in any additional programming.
- ❖ C: Four (4) hours and twenty (20) minutes of programming were offered: 1 hour and 50 minutes of programming were offered for participants in the morning session and 2 hours and 30 minutes of programming for participants in the afternoon session.
 1. There were four (4) young adults housed in this area. One (1) young adult was in court during programming and one (1) young adult refused all afforded programming. For the remaining two (2) young adults who participated in the afternoon session, their hours of program participation were:
 - i. 2 hours 30 minutes
 - ii. 2 hours 30 minutes
- ❖ D: Up to six (6) hours of programming were offered.

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

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1. There were twelve (12) young adults housed in this area. Their hours of program participation were:
 - i. 1 hour; young adult refused to participate in any additional programming
 - ii. 1 hour 35 minutes; young adult refused to participate in any additional programming
 - iii. 1 hour 20 minutes; young adult refused to participate in any additional programming
 - iv. 1 hour; young adult refused to participate in any additional programming
 - v. 1 hour; young adult refused to participate in any additional programming
 - vi. 1 hour; young adult refused to participate in any additional programming
 - vii. 1 hour; young adult refused to participate in any additional programming
 - viii. 1 hour 20 minutes; young adult refused to participate in any additional programming
 - ix. 1 hour; young adult refused to participate in any additional programming
 - x. 1 hour 20 minutes; young adult refused to participate in any additional programming
 - xi. 1 hour 30 minutes; young adult refused to participate in any additional programming
 - xii. 1 hour; young adult refused to participate in any additional programming
- ❖ E: Five (5) hours of programming were offered.
 1. There was one (1) young adult housed in this area. He participated for four (4) hours and refused all remaining afforded programming.
- ❖ F: Two (2) hours and thirty (30) minutes of programming were offered in the morning session. No programming was scheduled in the afternoon session.
 1. There were two (2) young adults housed in this area. One (1) young adult refused all afforded programming and the other young adult participated in 30 minutes of programming and refused all remaining afforded programming.

January 17, 2019¹³

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

- ❖ A: Five (5) hours of programming were offered: 2 hours and 30 minutes of programming for participants in the morning session and 2 hours and 30 minutes of programming for participants in the afternoon session.
 1. There were six (6) young adults housed in this area. Two (2) young adults refused all afforded programming. For the remaining four (4) young adults, their hours of program participation were:
 - i. 1 hour 10 minutes; young adult refused to participate in any additional programming
 - ii. 55 minutes; young adult refused to participate in any additional programming

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

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- iii. 1 hour 10 minutes; young adult refused to participate in any additional programming
 - iv. 55 minutes; young adult refused to participate in any additional programming
- ❖ B: Four (4) hours and twenty-six (26) minutes of programming were offered: 2 hours and 11 minutes of programming for participants in the morning session and 2 hours and 15 minutes of programming for participants in the afternoon session.
 - 1. There were four (4) young adults housed in this area. Of the four (4) young adults, one (1) young adult participated in 2 hours and 15 minutes of programming. For the remaining three (3) young adults:
 - i. One (1) young adult was in court during programming
 - ii. One (1) young adult was in recreation during programming
 - iii. One (1) young adult was transferred out of the unit
- ❖ C: Four (4) hours and forty (40) minutes of programming were offered: 2 hours and 10 minutes of programming for participants in the morning session and 2 hours and 30 minutes of programming for participants in the afternoon session.
 - 1. There were four (4) young adults housed in this area. Of the four (4) young adults, one (1) young adult participated in 5 minutes of programming and refused to participate in any additional programming. For the remaining three (3) young adults:
 - i. One (1) young adult was in court during programming
 - ii. Two (2) young adults refused all afforded programming
- ❖ D: Up to six (6) hours of programming were offered.
 - 1. There were ten (10) young adults housed in this area. Three (3) young adults refused all afforded programming. For the remaining seven (7) young adults, their hours of program participation were:
 - i. 3 hours
 - ii. 3 hours
 - iii. 2 hours 45 minutes
 - iv. 2 hours 45 minutes
 - v. 3 hours
 - vi. 1 hour
 - vii. 2 hours
- ❖ E: One (1) hour of programming was offered.
 - 1. There were two (2) young adults housed in this area. Their hours of program participation were:
 - i. 30 minutes
 - ii. 30 minutes
- ❖ F: Four (4) hours and twenty-five (25) minutes of programming were offered.
 - 1. There were six (6) young adults housed in this area. One (1) young adult refused all afforded programming. Two (2) young adults were in school for a portion of programming and refused programming upon their return from school. For the remaining three (3) young adults, their hours of program participation were:

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- i. 1 hour 55 minutes; young adult refused to participate in any additional programming
- ii. 2 hours 25 minutes; young adult refused to participate in any additional programming
- iii. 1 hour 55 minutes; young adult refused to participate in any additional programming

January 22, 2019¹⁴

On this audit date, up to nine (9) hours and thirty (30) minutes of programming were offered to the young adults housed within the six (6) housing areas, labelled A-F.

- ❖ A: Four (4) hours and forty (40) minutes of programming were offered: 2 hours and 20 minutes of programming for participants in the morning session and 2 hours and 20 minutes of programming for participants in the afternoon session.
 1. There were six (6) young adults housed in this area. Of the six (6) young adults, one (1) young adult did not participate in programming. The reason for his non-participation could not be determined due to conflicting program and housing area records. The programming sign-in sheets recorded that this young adult was locked in because he was involved in a fight with another young adult, although the Lock-in/out Logbook records that this young adult refused all afforded lock-out options. For the remaining five (5) young adults, their hours of program participation were:
 - i. 15 minutes; young adult refused to participate in any additional programming
 - ii. 15 minutes; young adult refused to participate in any additional programming
 - iii. 25 minutes; young adult refused to participate in any additional programming
 - iv. 25 minutes; young adult refused to participate in any additional programming
 - v. 25 minutes; young adult refused to participate in any additional programming
- ❖ B: Four (4) hours and thirty-one (31) minutes of programming were offered: 2 hours and 6 minutes of programming for participants in the morning session and 2 hours and 25 minutes of programming for participants in the afternoon session.
 1. There was three (3) young adult housed in this area. Two (2) young adults were in school during programming. For the remaining one (1) young adult, he refused all afforded programming.

¹⁴ On any given day, a young adult may be out to court or transferred in or out of the ESH Unit. These young adults may not be included in the programming reporting. It is important to note that young adults returning from court during programming hours are offered the opportunity to participate in programming upon their return.

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- ❖ C: Four (4) hours and thirty (30) minutes of programming were offered in the afternoon session. No programming was scheduled in the morning session.
 1. There were four (4) young adults housed in this area. All four (4) young adults were not offered programming that day, as they were housed on the tier where programming was not scheduled.

- ❖ D: Nine (9) hours and thirty (30) minutes of programming were offered on one (1) of the two (2) tiers. On the other tier, six (6) hours of programming were offered inclusive of the self-guided provision of tablets.
 1. There were ten (10) young adults housed in this area.
 - a. Two (2) young adults were housed on the tier where six (6) hours of programming were offered, inclusive of the tablet. Their hours of program participation were:
 - i. 6 hours
 - ii. 1 hour; young adult refused to participate in any additional programming
 - b. Six (6) young adults were housed in the tier where nine (9) hours and thirty (30) minutes of programming were offered, inclusive of the self-guided provisions of the tablet. Their hours of program participation were:
 - i. 30 minutes; young adult refused to participate in any additional programming
 - ii. 1 hour 30 minutes; young adult refused to participate in any additional programming
 - iii. 50 minutes; young adult refused to participate in any additional programming
 - iv. 30 minutes; young adult refused to participate in any additional programming
 - v. 50 minutes; young adult refused to participate in any additional programming
 - vi. 5 hours 40 minutes; young adult refused to participate in any additional programming
 - c. For the remaining two (2) young adults, they were out to court during programming.

- ❖ E: Four (4) hours of programming were offered.
 1. There were three (3) young adults housed in this area. One (1) young adult was in court during programming. For the remaining two (2) young adults, their hours of program participation were:
 - i. 3 hour 30 minutes
 - ii. 3 hours 30 minutes

- ❖ F: Two (2) hours and forty-five (45) minutes of programming were offered.
 1. There were three (3) young adults housed in this area. One (1) young adult refused all afforded programming. For the remaining two (2) young adults, their hours of program participation were:
 - i. 2 hours 10 minutes; young adult refused to participate in any additional programming

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- ii. 30 minutes; young adult refused to participate in any additional programming

Education

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

The audit reviewed educational data for each of the four (4) dates – January 3, 9, 17, 22, 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.

January 3, 2019

There were nineteen (19) young adults in ESH on this audit date. Of the nineteen (19) young adults, fifteen (15) were enrolled in educational services. The arrival and departure times for those present on this audit date were:

1. Arrived 8:30 am / Departed 11:30 am
2. Arrived 8:40 am / Departed 11:30 am
3. Arrived 8:45 am / Departed 11:30 am
4. Arrived 13:25 pm / Departed 15:30 pm
5. Arrived 13:35 pm / Departed 15:30 pm

For the remaining ten (10) young adults, please note the following:

- Nine (9) young adults refused educational services.
- One (1) young adult was out to court.

January 9, 2019

There were thirty-two (32) young adults in ESH on this audit date. Of the thirty-two (32) young adults, twenty-four (24) were enrolled in educational services. The arrival and departure times for those present on this audit date were:

1. Arrived 9:00 am / Departed 10:45 am
2. Arrived 9:15 am / Departed 10:30 am

For the remaining twenty-two (22) young adults, please note the following:

- Nineteen (19) young adults refused educational services.
- Two (2) young adults were out to court.
- The Educational Service Logbook did not record the school departure time for one (1) young adult.

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January 17, 2019

There were thirty-two (32) young adults in ESH on this audit date. Of the thirty-two (32) young adults, twenty-one (21) were enrolled in educational services. The arrival and departure times for those present on this audit date were:

1. Arrived 9:15 am / Departed 11:30 am
2. Arrived 9:15 am / Departed 11:30 am
3. Arrived 9:15 am / Departed 11:30 am
4. Arrived 9:00 am / Departed 11:30 am
5. Arrived 9:00 am / Departed 11:30 am
6. Arrived 8:30 am / Departed 11:30 am
7. Arrived 8:40 am / Departed 11:30 am
8. Arrived 8:30 am / Departed 11:30 am
9. Arrived 1:00 pm / Departed 3:30 pm

The remaining twelve (12) young adults refused educational services.

January 22, 2019

On this audit date no educational services were scheduled, due to New York State Regents exam testing.

Audit Recommendations

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

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

Law Library

- Law Library services were not afforded on January 22 during the morning session for three housing areas due to the Legal Coordinator's unplanned absence. The Director of Law Libraries, in conjunction with the facility administration, should ensure that designated staff are scheduled to provide Law Library services to inmates in the ESH. In the case of staff's unplanned absences, the Director of Law Libraries should assign other staff to provide Law Library coverage.
- On January 17, 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 one (1) of the housing areas during one (1) tour. Although the law library logbook had the Law Library Coordinator's signature, the housing area logbook did not. The Director of Law Libraries should remind Law Library Coordinators to record their signatures in both the law library

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logbook and housing area logbook. In addition, the facility administration should designate supervisory staff to verify that Law Library Coordinators are complying with this requirement.

Programming

- During this reporting period, young adult program participation could not be determined in one incident due to conflicting program and housing area records. Facility administrative staff, in conjunction with program services staff, should implement the following corrective measures:
 - 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.
- In some housing areas during this audit period, the programming schedule overlapped with school schedule. Program staff should take corrective action to ensure that programming hours do not conflict with the school hours.

Education

- During this reporting period, custody staff did not record the school departure time for one (1) young adult. To address this deficiency, designated supervisory staff should regularly review the Educational Services Logbook to determine whether custody staff have recorded all required information. 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.