

New York City Department of Correction

Young Adult ESH Compliance Audit – November 2019

Pursuant to the six (6) month limited variance granted by the NYC Board of Correction on August 18, 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 November 2019:

- November 1
- November 6
- November 14
- November 19

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

- November 8
- November 15
- November 22
- November 29

§1-05(b) Lock-in

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

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

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

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

§1-06 – Recreation

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

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

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

Education

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

Audit Findings

§1-05(b) Lock-in

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

Level I

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

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

November 1, 2019

There were four (4) young adults in Level I; their out-of-cell times on this audit date were:¹

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

November 6, 2019

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

1. 7 hours 45 minutes (Upper Tier)
2. 8 hours 45 minutes (Upper Tier)
3. 7 hours 45 minutes (Upper Tier)
4. 6 hours 45 minutes (Upper Tier)

November 14 2019

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

1. 7 hours (Upper Tier)
2. 7 hours (Upper Tier)

November 19, 2019

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

1. 5 hours (Upper Tier)
2. 5 hours (Upper Tier)
3. 2 hours; young adult refused the majority of afforded out-of-cell time (Upper Tier)

Level II

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

¹ On this audit date, the young adults' lock-out times ranged from 2 hours to 3 hours with the possibility of additional lock-out time that may have occurred between 5:00 p.m. and 8 p.m., which was not recorded by staff.

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November 1, 2019

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

1. 7 hours 20 minutes (Upper Tier)
2. 7 hours 20 minutes (Upper Tier)
3. 4 hours 25 minutes (Upper Tier)
4. 2 hours 15 minutes; young adult refused the majority of afforded out-of-cell time (Upper Tier)
5. 7 hours 2 minutes (Lower Tier)
6. 7 hours 20 minutes (Upper Tier)
7. 7 hours 20 minutes (Upper Tier)

November 6, 2019

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

1. 6 hours 35 minutes (Upper Tier)
2. 7 hours 10 minutes (Upper Tier)
3. 7 hours (Upper Tier)
4. 5 hours 30 minutes (Upper Tier)
5. 2 hours 15 minutes; young adult refused the majority of afforded out-of-cell time (Lower Tier)
6. 6 hours 2 minutes (Upper Tier)

November 14, 2019

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

1. 4 hours 45 minutes (Upper Tier)
2. 3 hours 45 minutes (Upper Tier)
3. 4 hours 45 minutes (Upper Tier)
4. 3 hours 45 minutes (Upper Tier)
5. 7 hours (Upper Tier)
6. 4 hours 15 minutes (Lower Tier)
7. 7 hours (Upper Tier)
8. 5 hours 15 minutes (Lower Tier)
9. 5 hours 15 minutes (Lower Tier)
10. 1 hour; young adult was out to court for a portion of the day and, as a result, his out-of-cell time was affected (Upper Tier)
11. 7 hours (Lower Tier)

November 19, 2019

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

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1. 7 hours (Upper Tier)
2. 7 hours (Upper Tier)
3. 7 hours 15 minutes (Upper Tier)
4. 7 hours (Lower Tier)
5. 7 hours (Lower Tier)
6. 7 hours (Lower Tier)
7. 6 hours 15 minutes (Upper Tier)
8. 7 hours (Upper Tier)

On this audit date, one (1) Lower Tier young adult and one (1) Upper Tier young adult refused all afforded out-of-cell time. In addition, two (2) young adults were transferred into the unit and, as a result, they did not participate in lock-out options.

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.

November 1, 2019

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

1. 9 hours 30 minutes (Lower Tier)
2. 7 hours 15 minutes (Lower Tier)
3. 9 hours 15 minutes (Lower Tier)
4. 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 (Upper Tier)
5. 7 hours 10 minutes; young adult was transferred out of the unit and, as a result, his out-of-cell time was affected (Lower Tier)
6. 11 hours 25 minutes (Lower Tier)
7. 7 hours 10 minutes; young adult was transferred out of the unit and, as a result, his out-of-cell time was affected (Lower Tier)

November 6, 2019

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

1. 9 hours 15 minutes (Lower Tier)
2. 9 hours 15 minutes (Lower Tier)
3. 10 hours 21 minutes (Lower Tier)
4. 13 hours 24 minutes (Lower Tier)
5. 2 hours; young adult refused the majority of afforded out-of-cell time (Upper Tier)

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November 14, 2019

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

1. 13 hours (Lower Tier)
2. 11 hours (Lower Tier)
3. 11 hours (Lower Tier)
4. 11 hours 25 minutes (Upper Tier)

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

November 19, 2019

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

1. 13 hours (Lower Tier)
2. 9 hours (Lower Tier)
3. 1 hour; young adult refused the majority of afforded out-of-cell time (Lower 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.² A manual review of the Law Library Logbook indicated that the Law Library Coordinators were in these areas to provide assistance on all four (4) days audited – November 1, 6, 14 and 19, 2019.³ However, in the case of November 1, 2019, a manual review of the housing area logbook could not be conducted to verify the presence of the Legal Coordinator in housing area labeled B because inmates housed in this area had damaged the housing area logbook by throwing an unknown liquid substance on it. Also, on November 1, 2019, due to a Law Library Coordinator's unexpected absence in the AM, three (3) housing areas, labeled A, B and C were not provided Law Library services in the morning session. In addition, on November 19, 2019, in housing area labeled C, 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 the afternoon session. (The Law Library Coordinator signed in the Law Library Logbook, but did not sign in the housing area logbook.)

With the exception of November 1, 2019, in the one (1) housing area labeled B, the audit was able to verify by auditing available records 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 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.

² 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.

³ 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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November 1, 2019

There were eighteen (18) young adults in ESH on this audit date. Of the eighteen (18) young adults, fourteen (14) young adults requested and were provided Law Library services.

November 6, 2019

There were fifteen (15) young adults in ESH on this audit date. Of the fifteen (15) young adults, six (6) young adults requested and were provided Law Library services.

November 14, 2019

There were eighteen (18) young adults in ESH on this audit date. Of the eighteen (18) young adults, eight (8) young adults requested and were provided Law Library services.

November 19, 2019

There were eighteen (18) young adults in ESH on this audit date. Of the eighteen (18) young adults, seven (7) young adults requested and were provided Law Library services.

Kiosks and Typewriters

During this audit period, young adults were housed in up to seven (7) housing areas in ESH, labeled 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:

November 8, 2019

On this audit date, young adults were housed within the six (6) young adult ESH housing areas, labeled A-F. 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 (operable)
- D: One (1) Kiosk (operable) / One (1) Typewriter (operable)
- E: One (1) Kiosk (operable) / One (1) Typewriter (**inoperable**)
- F: One (1) Kiosk (operable) / One (1) Typewriter (**inoperable**)

November 15, 2019

On this audit date, young adults were housed within the seven (7) young adult ESH housing areas, labeled 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)

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

November 22, 2019

On this audit date, young adults were housed within the six (6) young adult ESH housing areas, labeled A-F. 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 (operable)
- 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)

November 29, 2019

On this audit date, young adults were housed within the seven (7) young adult ESH housing areas, labeled 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 (operable)
- 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**)

§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 – November 1, 6, 14 and 19, 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.

November 1, 2019

There were eighteen (18) young adults in ESH on this audit date. Please note the following:

- Four (4) young adults participated in one (1) hour of recreation.
- Two (2) young adults participated in forty (40) minutes of recreation.

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- Twelve (12) young adults refused to participate in afforded recreation.

November 6, 2019

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

- Three (3) young adults participated in one (1) hour of recreation.
- One (1) young adult participated in fifty-five (55) minutes of recreation.
- Eleven (11) young adults refused to participate in recreation.

November 14, 2019

There were eighteen (18) young adults in ESH on this audit date. All eighteen (18) young adults refused to participate in afforded recreation.

November 19, 2019

There were eighteen (18) young adults in ESH on this audit date. Please note the following:

- One (1) young adult participated in one (1) hour and five (5) minutes of recreation.
- Two (2) young adults transferred into the unit after afforded recreation.
- Fifteen (15) 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 offered to young adults regardless of whether it is during the individual's lock-out period.⁴ 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

⁴ Based on the programming sign-in sheets, no tablets were issued on any of the four (4) dates audited – November 1, 6, 14 and 19, 2019.

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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 participated based on housing areas and their assigned levels.

November 1, 2019

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

- ❖ A: Level II – There were two (2) young adults housed in this area. No programming was scheduled on this audit date.
- ❖ B: Level II – There was one (1) young adult housed in this area.
 - One (1) hour of programming was offered in the afternoon session. The young adult refused to participate in all afforded programming.
- ❖ C: Level II – There were two (2) young adults housed in this area.
 - Two (2) hours and fifteen (15) minutes of programming were offered in the afternoon session. Both young adults refused to participate in all afforded programming.
- ❖ D: Level II – There were two (2) young adults housed in this area.
 1. Tier 1 was offered nine (9) hours of programming in the morning session. One (1) young adult was housed on this tier and he refused to participate in all afforded programming.
 2. Tier 2 was offered five (5) hours of programming in the afternoon session. One (1) young adult was housed on this tier. He participated in one (1) hour of programming.
- ❖ E: Level I – There were four (4) young adults housed in this area. No programming was scheduled on this audit date.
- ❖ F: Level III – There were three (3) young adults housed in this area. No programming was scheduled on this audit date.
- ❖ G: Level III – There were four (4) young adults housed in this area.
 - Ten (10) minutes of programming were offered in the afternoon session and all four (4) young adults refused to participate in all afforded programming.

November 6, 2019

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

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

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- Two (2) hours and fifteen (15) minutes of programming were offered in the morning session. Both young adults refused to participate in all afforded programming.
- ❖ B: Level II – There was one (1) young adult housed in this area.
 - Two (2) hours and thirty (30) minutes of programming was offered in the morning session:
 1. Young adult participation: 1 hour 10 minutes
- ❖ C: Level II – There was one (1) young adult housed in this area.
 - Two (2) hours and thirty (30) minutes of programming was offered in the morning session:
 1. Young adult participation: 15 minutes
- ❖ D: Level II – There were two (2) young adults housed in this area.
 - Tier 1 was offered nine (9) hours of programming in the morning session. One (1) young adult was housed on this tier:
 1. Young adult participation: 9 hours
 - Tier 2 was offered five (5) hours of programming in the afternoon session. One (1) young adult was housed on this tier:
 2. Young adult participation: 2 hours
- ❖ E: Level I – There were four (4) young adults housed in this area.
 - One (1) hour and thirty (30) minutes of programming was offered in the afternoon session. All four (4) young adults refused to participate in all afforded programming.
- ❖ F: Level III – There were three (3) young adults housed in this area.
 - Three (3) hours and thirty (30) minutes of programming were offered:
 1. Young adult participation: 1 hours 30 minutes
 2. Young adult participation: 1 hours 30 minutes
 3. Young adult participation: 1 hours 30 minutes
- ❖ G: Level III – 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 and two (2) hours and twenty-eight (28) minutes of programming were offered in the afternoon session, for a total of four (4) hours and fifty-eight (58) minutes of programming. One (1) young adult refused to participate in all afforded programming. For the remaining one (1) young adult:
 1. Young adult participation: 25 minutes

November 14, 2019

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

- ❖ A: Level II – There were three (3) young adults housed in this area.

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- One (1) hour and twenty-five (25) minutes of programming were offered in the morning session. One (1) young adult refused to participate in all afforded programming. For the remaining two (2) young adults:
 1. Young adult participation: 20 minutes
 2. Young adult participation: 20 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:
 1. Young adult participation: 30 minutes

- ❖ C: Level II – There were two (2) young adults housed in this area.
 - Tier 1 was offered two (2) hours and twenty-two (22) minutes of programming in the afternoon session. One (1) young adult was in court during afforded programming. For the remaining one (1) young adult refused to participate in all afforded programming.

- ❖ D: Level II – There were five (5) young adults housed in this area.
 - Tier 1 was offered nine (9) hours of programming in the morning session. Three (3) young adults were housed on this tier and all three (3) young adults refused to participate in all afforded programming.
 - Tier 2 was offered five (5) hours of programming in the afternoon session. Two (2) young adults were housed on this tier:
 1. Young adult participation: 4 hours 30 minutes
 2. Young adult participation: 4 hours 30 minutes

- ❖ E: Level I – There were two (2) young adults housed in this area.
 - 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 were three (3) young adults housed in this area.
 - All three (3) young adults were not offered programming. There were conflicting program and housing area records. The programming sign-in sheets recorded that there was a facility alarm. However, the facility had no record of a facility alarm at the time this programming was scheduled.

- ❖ G: Level III – 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 and two (2) hours and fifteen (15) minutes of programming were offered in the afternoon session, for a total of four (4) hours and forty-five (45) minutes of programming. One (1) young adult refused to participate in all afforded programming. For the remaining one (1) young adult:
 1. Young adult participation: 15 minutes

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November 19, 2019

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

- ❖ A: Level II – There was three (3) young adults housed in this area.
 - Two (2) hours and thirty (30) minutes of programming were offered in the afternoon session. Two (2) young adults transferred into the unit after afforded programming. For the remaining one (1) young adult:
 1. Young adult participation: 50 minutes
- ❖ B: Level II – There were two (2) young adults housed in this area.
 - Two (2) hours and fifteen (15) minutes of programming were offered in the morning session. Both young adults refused to participate in all afforded programming.
- ❖ C: 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 afternoon session.
 1. Young adult participation: 15 minutes
- ❖ D: Level II – There were six (6) young adults housed in this area.
 - Tier 1 was offered nine (9) hours of programming in the morning session. Two (2) young adults were housed on this tier:
 1. Young adult participation: 8 hours 30 minutes
 2. Young adult participation: 8 hours 30 minutes
 - Tier 2 was offered five (5) hours of programming in the afternoon session. Four (4) young adults were housed on this tier. All four (4) young adults refused to participate in all afforded programming.
- ❖ E: Level I – There were three (3) young adults housed in this area.
 1. Two (2) hours of programming were offered in the afternoon session. All three (3) young adults refused to participate in all afforded programming.
- ❖ F: Level III – There were (3) young adults housed in this area.
 - One (1) hour of programming was offered in the morning session. All three (3) young adults refused to participate in all afforded 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.

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The audit reviewed educational data for each of the four (4) audit dates – November 1, 6, 14 and 19, 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.

November 1, 2019

There were eighteen (18) young adults in ESH on this audit date. Of the eighteen (18) young adults, ten (10) were enrolled in educational services. The arrival and departure times for those who attended educational services on this audit date were:

1. Arrived 9:40 am / Departed 11:10 am
2. Arrived 9:40 am / Departed 11:10 am
3. Arrived 1:25 pm / Departed 3:30 pm
4. Arrived 1:30 pm / Departed 3:30 pm
5. Arrived 1:35 pm / Departed 3:30 pm

The remaining five (5) young adults refused educational services.

November 6, 2019

There were fifteen (15) young adults in ESH on this audit date. Of the fifteen (15) young adults, ten (10) were enrolled in educational services. The arrival and departure times for those who attended educational services on this audit date were:

1. Arrived 9:35 am / Departed 11:30 am
2. Arrived 10:05 am / Departed 11:30 am
3. Arrived 1:30 pm / Departed 3:30 pm
4. Arrived 1:45 pm / Departed 3:30 pm
5. Arrived 2:05 pm / Departed 3:30 pm
6. Arrived 2:18 pm / Departed 3:30 pm

The remaining four (4) young adults refused educational services.

November 14, 2019

There were eighteen (18) young adults in ESH on this audit date. Of the eighteen (18) young adults, thirteen (13) were enrolled in educational services. The arrival and departure times for those who attended educational services on this audit date were:

1. Arrived 8:30 am / Departed 10:15 am
2. Arrived 8:30 am / Departed 10:15 am

The remaining eleven (11) young adults refused educational services.

November 19, 2019

There were eighteen (18) young adults in ESH on this audit date. Of the eighteen (18) young adults, thirteen (13) were enrolled in educational services. The arrival and departure times for those who attended educational services on this audit date were:

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1. Arrived 1:05 pm / Departed 3:30 pm
2. Arrived 1:25 pm / Departed 3:30 pm

The remaining eleven (11) young adults refused educational services.

Audit Recommendations

Recommendations for the ESH Audit Report are reported quarterly rather than monthly per an agreement with the Board of Corrections. The ESH Audit Report covering the month of August 2019 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 August 2019. The status of the efforts to implement each of the recommendations listed below are 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.

Status of implementation: The Director of Law Libraries:

- Issued written instructions to all Law Library Coordinators, directing them to record their arrival and departures times in each housing area logbook in ESH.
- 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.

Status of implementation: The Director of Law Libraries:

- Issued written instructions to all Law Library Coordinators directing them to take the following actions in ESH: When denied access into a housing area for security reasons, record the name and shield number of the supervisor on the scene, into the Law Library Logbook. Based on the statement of the supervisor, record the exact event that prevents your entry into the housing area (e.g., inmate disturbance, chemical agent deployed, cell extraction, etc.) Return to the housing area at a later time during the same tour and provide the required law library services. Record in the Law Library Logbook the date and time of your return to the housing area and the provision of law library services.
- 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

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typewriters and kiosks are operational. When a typewriter or kiosk is identified as in need of repair, the facility administration in coordination with the Director of Law Libraries should ensure that repairs are conducted in a timely manner.

Status of implementation: The Director of Law Libraries:

- Issued written instructions to all Law Library Coordinators directing them to inspect daily the kiosks and typewriters to ensure their operability and record their findings in the Law Library Logbook. In the event that the any kiosk is inoperable, the Legal Coordinator shall call the appropriate vendor to have the kiosk serviced. In the event that the any typewriter is inoperable, the Legal Coordinator shall call the facility's storehouse and request that the typewriter be replaced. The Legal Coordinator shall document the above corrective actions in the Law Library Logbook.

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.

Status of implementation: The facility issued Programs Memorandum 23/19, entitled Recreation and Housing Area Logbook Entries, which quotes verbatim the above recommendation and emphasizes its implementation by supervisory staff.

Programming

- Designate supervisory staff to review programming attendance documentation and compare it with housing area logbook records, to determine whether the reasons recorded by counselors for young adults' non-participation in programming are consistent with entries recorded in the housing area logbooks by custody staff. When the reasons are not consistent, the designated supervisory staff shall confer with both program and custody staff to identify the causes for these inconsistencies, and to make the necessary changes to the program records and/or housing area logbooks.

Status of implementation: Program Services:

- Will instruct the counselors to record in the housing area logbook the name and shield number of the custody staff person alerting them to events that prevent or preclude them from conducting programming.

The findings in the ESH Audit Report covering November 2019 require the following four (4) audit recommendations:

Law Library

- To facilitate the maintenance and operation of the kiosks and typewriters in the housing areas, re-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

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

- The Director of Law Libraries should remind again 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.
- Designated facility supervisory staff shall instruct custody staff to safeguard the housing area logbook at all times.

Programming

- Designate supervisory staff to periodically review programming attendance documentation and compare it with housing area logbook records, to determine whether the reasons recorded by Programming Counselors 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 Programming Counselor and custody staff to identify the causes for these inconsistencies, and take corrective action as necessary.