

NYC Department of Correction Secure Unit Compliance Audit –May 2018

In July 2017, the NYC Department of Correction (“Department”) commenced an audit of the Secure Unit related to the provisions of the NYC Board of Correction Minimum Standards §1-05 Lock-in and §1-08(f) Access to Courts and Legal Services, including Law Library. Pursuant to the Secure Unit variance renewal granted by the Board on May 8, 2018, the Department is permitted to reduce out-of-cell time afforded to a minimum of ten (10) hours a day and to provide Law Library services within the unit through the assignment of a Law Library Coordinator and the use of Law Library kiosks and typewriters.

Pursuant to the variance conditions, the audit has been further expanded to include the provisions of Minimum Standard §1-06 Recreation and the affording of one (1) hour of recreation seven (7) days per week. In addition, beginning in February 2018 and moving forward, the audit now includes §1-02(c)(2) Classification: the number of programming hours offered to each young adult and the number of hours each young adult participated in programming.

Audit Parameters

As set forth in the Department’s June 9, 2017 compliance plan to the Board, the audit is conducted through a manual review of the housing area logbooks on four (4) random dates each month.

This audit report covers the following four (4) dates in the month of May 2018:

- May 3rd
- May 8th
- May 17th
- May 22nd

Additionally, on-site inspections of the Secure Unit kiosks and typewriters were conducted on four (4) random dates, listed below.

§1-05 Lock-in

A manual review of housing area logbooks was performed to determine whether ten (10), twelve (12) and fourteen (14) hours of out-of-cell time was afforded to young adults based on their phase. In addition, pursuant to the Secure Unit variance granted by the Board on May 8 2018 and associated variance conditions, this audit report provides individualized data related to each young adults’ out-of-cell time during the reporting period.

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§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 completed to determine if the four (4) kiosks and four (4) typewriters located in the unit were operational.

May On-site Inspections:

- May 4th
- May 11th
- May 18th
- May 24th

§1-06 – Recreation

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

Audit Findings

§1-05 Lock-in

All young adults in the Secure Unit are afforded lock-out hours based on their housing phase: ten (10) hours in Phase 1, twelve (12) hours in Phase 2, and fourteen (14) hours in Phase 3. Lock-in/lockout was consistently recorded for the phases in which young adults were housed within the unit; except on May 22nd, during one (1) tour, where institutional lock-in was not recorded for Phases 1 and 3. During this reporting period, on the four (4) audit dates, there were no young adults housed in Phase 2.

The logbook also captures individualized data on an hourly basis related to each young adult's time in and out of his cell.

Phase 1

Young adults in Phase 1 are afforded ten (10) hours out-of-cell time each day. Listed below is individualized data related to each young adult's total out-of-cell time in Phase 1, based on a manual review of the logbook, on the dates audited. The out-of-cell time is the hours each day

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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

May 3, 2018

There were two (2) young adults in Phase 1; their-out-of-cell times on this audit date were:

1. 9 hours 9 minutes
2. 5 hours 2 minutes

May 8, 2018

There were two (2) young adults in Phase 1; their-out-of-cell times on this audit date were:

1. 6 hours 2 minutes
2. 8 hours 52 minutes

May 17, 2018

There were three (3) young adults in Phase 1; their-out-of-cell times on this audit date were:

1. 7 hours 24 minutes
2. 4 hours 2 minutes
3. 9 hours 46 minutes

On this audit date, one (1) young adult was transferred into the Secure Unit and as a result his out-of-cell time was affected, as reflected above.

May 22, 2018

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

1. 8 hours 4 minutes
2. 8 hours 45 minutes
3. 8 hours 1 minute
4. 7 hours 44 minutes

¹ On any given day, a young adult may be out to court or transferred in or out of the Secure Unit. Depending on the length of time these young adults are in the housing unit, they may not be included in the out-of-cell time reporting.

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Phase 2

As indicated above, there were no young adults housed in Phase 2 on all four (4) audit dates: May 3rd, 8th, 17th, and 22nd.

Phase 3

Young adults in Phase 3 are afforded fourteen (14) hours out-of-cell time each day. Listed below is individualized data related to each young adult's total out-of-cell time in Phase 3, based on a manual review of the logbook, on 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

May 3, 2018

There were two (2) young adults in Phase 3; their out-of-cell times on this audit date were:

1. 10 hours 10 minutes
2. 11 hours 26 minutes

May 8, 2018

There were two (2) young adults in Phase 3; their out-of-cell times on this audit date were:

1. 11 hours 23 minutes
2. 1 hour 27 minutes

On this audit date, one (1) young adult was out to court for a portion of the day, and as a result, his out -of -cell time was affected, as reflected above.

May 17, 2018

There were two (2) young adults in Phase 3; their out-of-cell times on this audit date were:

1. 10 hours 12 minutes
2. 11 hours 7 minutes

² On any given day, a young adult may be out to court or transferred in or out of the Secure Unit. Depending on the length of time these young adults are in the housing unit, they may not be included in the out-of-cell time reporting.

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May 22, 2018

There were two (2) young adults in Phase 3; their out-of-cell times on this audit date were:

1. 8 hours 51 minutes
2. 11 hours

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

Law Library Coordinator

A manual review of the housing area logbooks reflected that the Law Library Coordinator was in the unit to provide assistance on all four (4) days audited.³ The duration of the Law Library Coordinator's time in the unit during the dates audited were in compliance with the provisions of Minimum Standards. On average, on the dates audited, the Coordinator was in the unit for approximately three (3) hours and thirty (30) minutes.

During the reporting period, on the dates audited a maximum of six (6) young adults were housed in Secure Unit. In addition, during the dates audited, between two (2) to three (3) young adults received assistance from the Coordinator.

Kiosks and Typewriters

As noted above, the kiosks and typewriters were inspected on four (4) dates during the audit period. On all four (4) of the audit dates, all four (4) typewriters were operational. On two (2) of the four (4) audit dates, all four (4) kiosks were operational. On two (2) of the audit dates, May 18th and May 24th, one (1) kiosk was out of service.

§1-06 – Recreation

In Secure Unit, young adults are afforded recreation based on their quad. Institutional recreation was afforded to young adults present in the unit on all four (4) audit dates.⁴

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

In the Secure Unit, programming is afforded to young adults during their out-cell-time which is based on the phase within the unit they are housed. Program Counselors circulate through the quad areas to provide programming services. Programming is provided Sunday through Thursday. Young adults are also offered self-guided programming through the availability of books and other educational materials.

³ This is evidenced by the Coordinator signing in and out of the logbook on each of the audit dates.

⁴ Logbook entries reflect that on one (1) of the audit dates, one (1) young adult was out to court. Additionally, on another audit date, one (1) young adult was transferred into the unit.

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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 is based on the number of hours each young adult chooses to participate in programming. The data reflects the young adults present in the housing area during programming on each audit date.

Listed below is the number of programming hours offered and the number of hours each young adult participated in such programming, by quad: A-D.

May 3, 2018⁵

There were four (4) young adults housed in the Secure Unit on this audit date.

Quad A

- ❖ Three (3) hours of programming was offered.
 - There was one (1) young adult in this quad; he refused all afforded programming.

Quad B

- ❖ Three (3) hours of programming was offered.
 - There was one (1) young adult in this quad; he participated in three (3) hours of programming.

Quad C

- ❖ Two (2) hours and fifty –five (55) minutes of programming was offered.
 - There was one (1) young adult in this quad; he participated in two (2) hours and fifty-five (55) minutes of programming.

Quad D

- ❖ Three (3) hours of programming was offered.
 - There was one (1) young adult in this quad; he participated in three (3) hours of programming.

May 8, 2018

There were four (4) young adults housed in the Secure Unit on this audit date.

⁵ Due to a staff meeting on this audit date, approximately three (3) hours of programming was offered.

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Quad A

- ❖ Five (5) hours of programming was offered.
 - There was one (1) young adult in this quad; he participated in five (5) hours of programming.

Quad B

- ❖ Four (4) hours of programming was offered.
 - There was one (1) young adult in this quad; he participated in four (4) hours of programming.

Quad C

- ❖ Six (6) hours of programming was offered
 - There was one (1) young adult in this quad; he participated in six (6) hours of programming.

Quad D

- ❖ There was one (1) young adult in this quad; he was out to court during programming hours.

May 17, 2018

There were five (5) young adults housed in the Secure Unit on this audit date.

Quad A

- ❖ Six (6) hours of programming was offered
 - There were two (2) young adults in this quad; their hours of program participation were:
 - Six (6) hours
 - Five (5) hours, this young adult transferred into the unit on this audit date.

Quad B

- ❖ Five (5) hours of programming was offered
 - There was one (1) young adult in this quad; he participated in five (5) hours of programming.

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Quad C

- ❖ Six (6) hours of programming was offered.
 - There was one (1) young adult in this quad; he participated in six (6) hours of programming.

Quad D

- ❖ Six (6) hours of programming was offered.
 - There was one (1) young adult in this quad; he participated in six (6) hours of programming.

May 22, 2018

There were six (6) young adults housed in the Secure Unit on this audit date.

Quad A

- ❖ Five (5) hours and thirty (30) minutes of programming was offered.
 - There were two (2) young adults in this quad; their hours of program participation were:
 - Five (5) hours and thirty (30) minutes
 - Four (4) hours and thirty (30) minutes. This young adult was at recreation and as a result participated in a reduced number of the afforded programming hours.

Quad B

- ❖ Five (5) hours and thirty (30) minutes of programming was offered.
 - There was one (1) young adult in this quad; he participated in five (5) hours and thirty (30) minutes of programming.

Quad C

- ❖ Five (5) hours and fifteen (15) minutes of programming was offered.
 - There was one (1) young adult in this quad; he participated in five (5) hours and fifteen (15) minutes of programming.

Quad D

- ❖ Four (4) hours and forty-five (45) minutes of programming was offered.
 - There were two (2) young adults in this quad; their hours of program participation were:

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- Four (4) hours and forty-five (45) minutes
- Four (4) hours and forty-five (45) minutes

Audit Recommendations

The Department commenced audit reporting in July 2017. Through the audit structure, issues have been identified and corrective measures have been instituted ranging from the use of new logbooks to officer training and supervisory oversight to facilitate proper, consistent, recording of logbook information related to the provision of mandated services and programming.⁶ There has been a gradual and marked improvement in logbook recording in the audit areas. The below recommendations should remain in effect to maintain the progress accomplished and address any issues noted through the audit process.

Lock-in/Lock-out

- Continue facility unit staff training on the use of the tracking logbook to ensure that all facility unit staff are knowledgeable on how to properly document institutional and individualized data.
- A Unit Captain should review the logbook at the end of each tour to ensure that lock-in/lock-out is recorded accurately and consistently, which shall be documented through a logbook entry. Based on such review, facility administration should take corrective action as needed.
 - During this audit period, on one (1) of the audit dates, during one (1) tour, institutional lock-in was not recorded.

Kiosks and Typewriters

- To facilitate the maintenance and operation of the typewriters and kiosks in the unit, instruct designated facility and Law Library staff to check on a daily basis that all typewriters and kiosks are operational. Additionally, when a typewriter or kiosk is identified in need of repair, facility administration in coordination with the Director of Law Libraries should ensure that repairs are conducted in a timely manner.
- As noted in this report, on two (2) of the audit dates, one (1) kiosk was not operational.

Recreation

- Logbook entries should continue to record information related to when recreation was afforded to the young adults in each quad, whether the young adult choose to go to

⁶ Beginning in February 2018, the audit was inclusive of Minimum Standards §1-02(c)(2) Classification: the number of programming hours offered to each young adult and the number of hours each young adult participated in programming.

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recreation or refused, and the duration for which the young adult was in recreation. Logbook entries that have conflicting information should be investigated and addressed.

Programming

- To facilitate complete and consistent recording of both programming hours offered and individualized data related to hours of participation, program counselors and external providers are directed to provide more comprehensive individualized outcomes, by:
 - Recording of program start and end time, by participant;
 - Delineating the reason for participants' absences;
 - Explaining reason for sessions' cancellations when they arise;
 - Ensuring that program data is accurate, thorough and complete.

- Designate supervisory staff to review programming attendance documentation and related information to ensure that programming hours and participation is recorded on a daily basis.
 - Establish a system to correct deficiencies in a timely manner.