

NYC Department of Correction

Secure Unit Compliance Audit – April 2019

Pursuant to the six (6) month limited variance granted by the NYC Board of Correction on November 13, 2018 allowing for the continued use of the Secure Unit for young adults (18 to 21 years old), the related variance conditions require the NYC Department of Correction (“Department”) to conduct a monthly audit on compliance with the following provisions of the Board’s Minimum Standards and with educational services:

- § 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

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) randomly selected dates each month.

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

- April 2
- April 11
- April 17
- April 25

In addition, on-site inspections of the Secure Unit’s kiosks and typewriters were conducted on four (4) randomly selected 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 times were afforded to young adults based on their assigned 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 adult’s 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 conducted to determine if the four (4) kiosks and four (4) typewriters located in the unit were operational.

April on-site inspections of kiosks and typewriters were:

- April 5
- April 12
- April 26
- April 29

§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.

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 Lock-in

All young adults in the Secure Unit are required to be 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. Based on the housing area logbook, Lock-in/lock-out was consistently recorded for the phases in which young adults were housed within the unit, except on the following audit dates: On April 2, 11, and 17, 2019, during one tour, lock-out was not recorded for all Phases. On April 17, 2019, during one tour, lock-in was not recorded for Phases 2 and 3. On April 25 2019, during one tour, lock-in was not recorded for Phase 1. Lastly, on April 25, 2019, during one tour, lock-in was not recorded for Phase 2.

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The Lock-in/Lock-out Tracking Logbook 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 Lock-in/Lock-out Tracking 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

April 2, 2019

On this audit date, the lock-in and lock-out times could not be determined because there was no Lock-in/Lock-out Tracking Logbook. (A new Lock-in/Lock-out Tracking Logbook was not placed in the housing area when the previous Lock-in/Lock-out Tracking Logbook was completed and had no remaining space for entries.)

April 11, 2019

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

1. 8 hours 6 minutes
2. 8 hours 50 minutes
3. 9 hours 30 minutes

April 17, 2019

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

1. 6 hours 41 minutes
2. 9 hours 7 minutes
3. 6 hours 20 minutes; young adult was transferred out of the Secure Unit
4. 10 hours 39 minutes

April 25, 2019

There were seven (7) young adults in Phase 1; their out-of-cell-times on this audit date were:

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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1. 10 hours 47 minutes
2. 9 hours 55 minutes
3. 11 hours 44 minutes
4. 9 hours 49 minutes
5. 11 hours 17 minutes
6. 5 hours 38 minutes

On this audit date, one (1) young adults' total afforded lock-out time could not be calculated because staff did not record his lock-out time in the Lock-in/Lock-out Tracking Logbook.

Phase 2

Young adults in Phase 2 are afforded twelve (12) 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 2, based on a manual review of the Lock-in/Lock-out Tracking 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.²

April 2, 2019

On this audit date, the lock-in and lock-out times could not be determined because there was no Lock-in/Lock-out Tracking Logbook. (A new Lock-in/Lock-out Tracking Logbook was not placed in the housing area when the previous Lock-in/out Logbook was completed and had no remaining space for entries.)

April 11, 2019

There were three (3) young adults in Phase 2; the out-of-cell times for those present on this audit date were:

1. 9 hours 21 minutes
2. 10 hours 7 minutes

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

April 17, 2019

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

²On 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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1. 5 hours 58 minutes; young adult refused majority of afforded out-of-cell time
2. 9 hours 23 minutes
3. 11 hours 34 minutes

April 25, 2019

There was one (1) young adult in Phase 2; his out-of-cell time on this audit date was:

1. 12 hours 22 minutes

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 Lock-in/Lock-out Tracking 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.³

April 2, 2019

On this audit date, the lock-in and lock-out times could not be determined because there was no Lock-in/Lock-out Tracking Logbook. (A new Lock-in/Lock-out Tracking Logbook was not placed in the housing area when the previous Lock-in/Lock-out Tracking Logbook was completed and had no remaining space for entries.)

April 11, 2019

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

1. 12 hours 47 minutes
2. 5 hours 5 minutes; young adult was transferred out of the Secure Unit
3. 1 hour 39 minutes; young adult was out to court for a portion of the day and, as a result, his out-of-cell time was affected

April 17, 2019

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

³ 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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1. 10 hours 1 minute
2. 12 hours 3 minutes

April 25, 2019

There were four (4) young adults in Phase 3; their out-of-cell times on this audit date were:

1. 11 hours 34 minutes
2. 11 hours 20 minutes
3. 11 hours 20 minutes
4. 10 hours 17 minutes

§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 of the four (4) audit dates – April 2, 11, 17 and 25, 2019.⁴ The duration of the Law Library Coordinator's time in the unit on all four dates audited were in compliance with the provisions of Minimum Standards i.e., a minimum of two (2) hours.

April 2, 2019

There were eight (8) young adults in the Secure Unit on this audit date. Of the eight (8) young adults, four (4) young adults requested and were provided Law Library services. The arrival and departure times for the Law Library Coordinator on this audit date were:

1. Arrived 5:05 pm / Departed 8:21 pm

April 11, 2019

There were nine (9) young adults in the Secure Unit on this audit date. Of the nine (9) young adults, four (4) young adults requested and were provided Law Library services. The arrival and departure times for the Law Library Coordinator on this audit date were:

1. Arrived 5:22 pm / Departed 8:20 pm

⁴ This is evidenced by the Law Library Coordinator signing in and out of the logbook on each of the audit dates.

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April 17, 2019

There were nine (9) young adults in the Secure Unit on this audit date. Of the nine (9) young adults, seven (7) young adults requested and were provided Law Library services. The arrival and departure times for the Law Library Coordinator on this audit date were:

1. Arrived 5:48pm / Departed 8:21 pm

April 25, 2019

There were twelve (12) young adults in the Secure Unit on this audit date. Of the twelve (12) young adults, ten (10) young adults requested and were provided Law Library services. The arrival and departure times for the Law Library Coordinator on this audit date were:

1. Arrived 5:30 pm / Departed 8:25 pm

Kiosks and Typewriters

As noted above, the kiosks and typewriters were inspected on four (4) dates during the audit period – April 5, 12, 26 and 29, 2019. All four kiosks were operational on all of the four (4) audit dates. On two (2) of the four (4) audit dates, April 5 and 12, 2019, one (1) of the four (4) typewriters were inoperable. On the remaining two (2) audit dates, April 26 and 29, 2019, all four typewriters were operable.

§1-06 – Recreation

All young adults in the Secure Unit 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) dates – April 2, 11, 17 and 25, 2019 – to ascertain the total number of young adults that participated in recreation.

On the four (4) audit dates – April 2, 11, 17, and 25, 2019 – recreation was afforded to young adults in the Secure Unit.

April 2, 2019

There were eight (8) young adults in the Secure Unit on this audit date. Please note the following:

- Three (3) young adults participated in afforded recreation.
- One (1) young adult was out to court during afforded recreation.

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- One (1) young adult transferred out of the Secure Unit.
- Three (3) young adults refused to participate in afforded recreation.

April 11, 2019

There were nine (9) young adults in the Secure Unit on this audit date. Please note the following:

- One (1) young adult participated in afforded recreation.
- Two (2) young adults were out to court during afforded recreation.
- Six (6) young adults refused to participate in afforded recreation.

April 17, 2019

There were nine (9) young adults in the Secure Unit on this audit date. Please note the following:

- Six (6) young adults participated in afforded recreation.
- One (1) young adult transferred out of the Secure Unit.
- Two (2) young adults refused to participate in afforded recreation.

April 25, 2019

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

- Six (6) young adults participated in afforded recreation.
- Five (5) young adults refused to participate in afforded recreation.
- For one (1) young adult, staff did not record the recreation commencement time and completion time in the Mandated Services Logbook or in the housing area logbook.

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

In the Secure Unit, programming is afforded to young adults during their out-of-cell time which is based on the phase within the unit they are housed. The out-of-cell time incrementally increases from one phase to the next: ten (10) hours in Phase 1, to twelve (12) hours in Phase 2, to fourteen (14) hours in Phase 3. Program Counselors circulate through the quad areas to provide programming services. Programming is provided Tuesday through Saturday. Young adults are also offered self-guided programming through the availability of books and other educational materials.

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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 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.

Listed below is the number of programming hours offered and the number of hours each young adult participated in such programming, by quad, up to four (4) quads. (A-D)

April 2, 2019

There were eight (8) young adults housed in the Secure Unit on this audit date

Quad A – There were two (2) young adults in this quad.

- ❖ Up to three (3) hours and two (2) minutes of programming were offered.
 - One (1) young adult in Phase 1 was offered and participated in three (3) hours and two (2) minutes of programming.
 - One (1) young adult in Phase 1 was offered two (2) hours and forty-six (46) minutes of programming. He participated in six (6) minutes of programming and refused all remaining programming.

Quad B – There were two (2) young adults in this quad.

- ❖ Up to five (5) hours and four (4) minutes of programming were offered.
 - One (1) young adult in Phase 2 was offered and participated in five (5) hours and four (4) minutes of programming.
 - One (1) young adult in Phase 3 was offered and participated in four (4) hours of programming upon his return from court.

Quad C – There were two (2) young adults in this quad.

- ❖ Six (6) hours and fifty (50) minutes of programming were offered.
 - One (1) young adult in Phase 2 was offered six (6) hours and fifty (50) minutes of programming. He participated in two (2) hours and fifty (50) minutes of programming and refused all remaining programming.
 - One (1) young adult in Phase 3 was offered six (6) hours and fifty (50) minutes of programming. He participated in five (5) hours and fifty (50) minutes of programming and refused all remaining programming.

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Quad D – There were two (2) young adults in this quad.

- ❖ Three (3) hours of programming were offered.
 - One (1) young adult in Phase 3 was offered three (3) hours of programming. He refused all afforded programming.

The remaining one (1) young adult who was in Phase 1 transferred out of the Secure Unit and, as a result, did not participate in afforded programming.

April 11, 2019

There were nine (9) young adults housed in the Secure Unit on this audit date.

Quad A – There were two (2) young adults in this quad.

- ❖ Three (3) hours and fifty-five (55) minutes of programming were offered.
 - One (1) young adult in Phase 2 was offered and participated in three (3) hours and fifty-five (55) minutes of programming.
 - One (1) young adult in Phase 1 was offered three (3) hours and fifty-five (55) minutes of programming. He participated in two (2) hours and fifty-five (55) minutes of programming and refused all remaining programming.

Quad B – There were three (3) young adults in this quad.

- ❖ Up to four (4) hours and ten (10) minutes of programming were offered.
 - One (1) young adult in Phase 2 was offered and participated in four (4) hours and ten (10) minutes of programming.
 - One (1) young adult in Phase 1 was offered two (2) hours and twenty (20) minutes of programming. He participated in one (1) hour and twenty (20) minutes of programming and refused all remaining programming.
 - One (1) young adult in Phase 3 was offered and participated in three (3) hours and nineteen (19) minutes of programming upon his return from court.

Quad C – There were two (2) young adults in this quad.

- ❖ Up to three (3) hours and forty-five (45) minutes of programming were offered.
 - One (1) young adult in Phase 3 was offered and participated in three (3) hours and forty-five (45) minutes of programming.

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- One (1) young adult in Phase 3 was offered and participated in one (1) hour and forty-five (45) minutes of programming.

Quad D – There were two (2) young adults in this quad.

- ❖ Two (2) hours of programming were offered.
 - One (1) young adult in Phase 1 was offered and participated in two (2) hours of programming.

The remaining one (1) young adult who was in Phase 2 was out to court for most of the day and, as a result, did not participate in afforded programming.

April 17, 2019

There were nine (9) young adults housed in the Secure Unit on this audit date.

Quad A – There were two (2) young adults in this quad.

- ❖ Five (5) hours and thirty (30) minutes of programming were offered.
 - One (1) young adult in Phase 2 was offered and participated in five (5) hours and thirty (30) minutes of programming.

The remaining one (1) young adult who was in Phase 1 was out to School, Recreation, and Intake for most of the day and, as a result, did not participate in afforded programming.

Quad B – There were three (3) young adults in this quad.

- ❖ Up to seven (7) hours of programming were offered.
 - One (1) young adult in Phase 1 was offered seven (7) hours of programming. He participated in three (3) hours of programming and refused all remaining programming.
 - One (1) young adult in Phase 2 was offered three (3) hours of programming. He participated in two (2) hours of programming and refused all remaining programming.
 - One (1) young adult in Phase 3 was offered seven (7) hours of programming. He participated in six (6) hours of programming and refused all remaining programming.

Quad C – There were two (2) young adults in this quad.

- ❖ Up to three (3) hours and forty-five (45) minutes of programming were offered.

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- One (1) young adult in Phase 3 was offered and participated in two (2) hours and forty-five (45) minutes of programming. This young adult was transferred-out after he participated in this programming.
- One (1) young adult in Phase 3 was offered three (3) hours and forty (45) minutes of programming. He participated in two (2) hours and forty-five (45) minutes of programming and refused all remaining programming.

Quad D – There were two (2) young adults in this quad.

- ❖ Four (4) hours of programming were offered.
 - One (1) young adult in Phase 2 was offered four (4) hours of programming. He participated in three (3) hours of programming and refused all remaining programming.
 - One (1) young adult in Phase 1 was offered and participated in four (4) hours of programming.

April 25, 2019

There were twelve (12) young adults housed in the Secure Unit on this audit date.

Quad A – There were three (3) young adults in this quad.

- ❖ Six (6) hours and thirty-eight (38) minutes of programming were offered.
 - One (1) young adult in Phase 1 was offered six (6) hours and thirty-eight (38) minutes of programming. He participated in two (2) hours and thirty (30) minutes of programming and refused all remaining programming.
 - One (1) young adult in Phase 3 was offered and participated in six (6) hours and thirty-eight (38) minutes of programming.
 - One (1) young adult in Phase 1 was offered and participated in six (6) hours and thirty-eight (38) minutes of programming.

Quad B – There were three (3) young adults in this quad.

- ❖ Up to seven (7) hours and thirty (30) minutes of programming were offered.
 - One (1) young adult in Phase 2 was offered and participated in five (5) hours and fifteen (15) minutes of programming.
 - One (1) young adult in Phase 1 was offered seven (7) hours and thirty (30) minutes of programming. He participated in five (5) hours of programming and refused all remaining programming.

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- One (1) young adult in Phase 3 was offered and participated in seven (7) hours and fifteen (15) minutes of programming.

Quad C – There were four (4) young adults in this quad.

- ❖ Up to four (4) hours and fifty (50) minutes of programming were offered.
 - One (1) young adult in Phase 1 was offered two (2) hours and thirty (30) minutes of programming. He participated thirty (30) minutes of programming and refused all remaining programming.
 - One (1) young adult in Phase 1 was offered one (1) hour and fifty (50) minutes of programming. He participated in fifty (50) minutes of programming and refused all remaining programming.
 - One (1) young adult in Phase 1 was offered one (1) hour and twenty (20) minutes of programming. He participated in twenty (20) minutes of programming and refused all remaining programming.
 - One (1) young adult in Phase 3 was offered four (4) hours and fifty (50) minutes of programming. He participated in twenty (20) minutes of programming and refused all remaining programming.

Quad D – There were two (2) young adults in this quad.

- ❖ Four (4) hours of programming were offered.
 - One (1) young adult in Phase 1 was offered four (4) hours of programming. He participated in two (2) hours of programming and refused all remaining programming.
 - One (1) young adult in Phase 3 was offered and participated in four (4) hours of programming.

Education

The NYC Department of Education offers educational services to all young adults in the Secure Unit. 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 in the Secure Unit. Eligible young adults are provided educational services Monday through Friday, for a minimum of three (3) hours of instruction per day in the morning.

The audit reviewed educational data for each of the four (4) audit dates – April 2, 11, 17 and 25, 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.

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April 2, 2019

There were eight (8) young adults in the Secure Unit on this audit date. Of the eight (8) young adults, five (5) were enrolled in educational services. The arrival and departure times for those present on this audit date were:

1. Arrived 10:35 am / Departed 11:55 am
2. Arrived 8:45 am / Departed 10:35 am

For the remaining three (3) young adults, please note the following:

- One (1) young adult was out to court.
- Two (2) young adult refused to participate in educational services.

April 11, 2019

There were nine (9) young adults in the Secure Unit on this audit date. Of the nine (9) young adults, five (5) were enrolled in educational services. Please note the following:

- Four (4) young adults refused educational services.
- One (1) young adult was out to court.

April 17, 2019

There were nine (9) young adults in the Secure Unit on this audit date. Of the nine (9) young adults, five (5) were enrolled in educational services. The arrival and departure times for those present on this audit date were:

1. Arrived 10:40 am / Departed 11:50 am
2. Arrived 10:40 am / Departed 11:50 am
3. Arrived 9:00 am / Departed 10:26 am

The remaining two (2) young adults refused to participate in educational services.

April 25, 2019

On this audit date no educational services were scheduled due to spring recess.