

NYC Department of Correction

Secure Unit Compliance Audit – April 2022

Pursuant to the limited variance granted by the NYC Board of Correction on September 14, 2021, 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 monthly audits 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);
- § 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) selected dates each month using simple random sampling.

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

- April 5
- April 14
- April 19
- April 28

In addition, on-site inspections of the Secure Unit’s kiosks and typewriters were conducted on four (4) simple randomly selected dates, listed below.

§1-05(b) 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 September 14, 2021, and associated variance conditions, this audit report 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

Manual reviews of the housing area logbook, Program and Services Logbook, and Law Library Logbook were conducted to determine whether Law Library services were afforded. In addition to the above logbook reviews, 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 conducted on dates selected using simple random sampling:

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- April 8
- April 12
- April 20
- April 29

§1-06 – Recreation

Manual reviews of the housing area logbook and Mandated Services Logbook were 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 review was conducted to determine the number of young adults enrolled in educational services, whether they were provided with educational learning packets, and whether they completed and returned the educational learning packets.

Audit Findings

§1-05(b) Lock-in

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. 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.

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.

April 5, 2022

There were thirteen (13) young adults in Phase 1; the out of cell times for those present on this audit date were:

1. 11 hours
2. 2 hours; young adult chose not to participate in the majority of out of cell time
3. 4 hours; young adult chose not to participate in the majority of out of cell time
4. 13 hours

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5. 7 hours; young adult was out to court for most of the day, and as a result, his out of cell time was affected
6. 13 hours
7. 2 hours; young adult chose not to participate in the majority of out of cell time
8. 11 hours
9. 11 hours
10. 8 hours

For the remaining three (3) young adults in Phase 1, two (2) chose not to participate in all afforded lock-out options. One (1) young adult was out to court and did not participate in lock-out options.

April 14, 2022

There were fifteen (15) young adults in Phase 1; the out of cell times for those present on this audit date were:

1. 5 hours
2. 11 hours
3. 5 hours; young adult was out to court for most of the day, and as a result his out of cell time was affected
4. 2 hours; young adult chose not to participate in the majority of out of cell time
5. 2 hours; young adult chose not to participate in the majority of out of cell time
6. 3 hours; young adult chose not to participate in the majority of out of cell time
7. 11 hours
8. 4 hours; young adult chose not to participate in the majority of out of cell time
9. 8 hours
10. 11 hours
11. 11 hours
12. 11 hours
13. 11 hours
14. 7 hours
15. 11 hours

April 19, 2022

There were nine (9) young adults in Phase 1; their out of cell times on this audit date were:

1. 13 hours
2. 3 hours; young adult chose not to participate in the majority of out of cell time
3. 11 hours
4. 13 hours
5. 10 hours
6. 10 hours
7. 10 hours
8. 9 hours

The remaining one (1) young adult in Phase 1 chose not to participate in all afforded lock-out options.

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April 28, 2022

There were nine (9) young adults in Phase 1; their out of cell times on this audit date were:

1. 9 hours
2. 9 hours
3. 9 hours
4. 9 hours
5. 4 hours; young adult chose not to participate in the majority of out of cell time
6. 4 hours; young adult chose not to participate in the majority of out of cell time
7. 9 hours
8. 9 hours
9. 9 hours

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.

April 5, 2022

There were two (2) young adults in Phase 2 on this audit date. These two (2) young adults chose not to participate in all afforded lock-out options.

April 14, 2022

There was one (1) young adult in Phase 2 on this audit date. His out of cell time on this audit date was 7 hours.

April 19, 2022

There were five (5) young adults in Phase 2; their out of cell times for those present on this audit date were:

1. 12 hours
2. 12 hours
3. 11 hours
4. 2 hours; young adult was out to court for most of the day, and as a result, his out of cell time was affected

The remaining one (1) young adult in Phase 2 chose not to participate in all afforded lock-out options.

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April 28, 2022

There were four (4) young adults in Phase 2; the out of cell times for those present on this audit date were:

1. 4 hours; young adult chose not to participate in the majority of out of cell time
2. 9 hours
3. 9 hours
4. 1 hour; young adult chose not to participate in the majority of out of cell time

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.

April 5, 2022

There was one (1) young adult in Phase 3 on this audit date. His out of cell time on this audit date was 13 hours.

April 14, 2022

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

1. 12 hours
2. 1 hour; young adult was out transferred out of the unit, and as a result his out of cell time was affected

April 19, 2022

There were two (2) young adults in Phase 2 on this audit date. The out of cell times for those present on this audit date were:

1. 11 hours
2. 8 hours; young adult was transferred out of the unit, and as a result, his out of cell time was affected

April 28, 2022

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

1. 9 hours

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The remaining one (1) young adult in Phase 3 was out to court and did not participate in lock-out options.

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

Law Library Coordinator

A manual review of the Programs and Services Logbook, housing area logbook and Law Library Logbook, revealed that the Law Library Coordinator was in the unit to provide assistance on all four (4) audit dates – April 5, 14, 19 and 28, 2022. The Law Library Coordinator's time in the Secure Unit was in compliance with the provisions of the Board's Minimum Standards i.e., a minimum of two (2) hours, except for April 5, 2022 when the Law Library Coordinator was present in the Secure Unit for 15 minutes.

April 5, 2022

There were sixteen (16) young adults in the Secure Unit on this audit date. Of the sixteen (16) young adults, no young adults chose to request Law Library services on this audit date. The arrival and departure times for the Law Library Coordinator on this audit date were:

- Arrived 09:30 a.m. / Departed 9:45 a.m.

April 14, 2022

There were eighteen (18) young adults in the Secure Unit on this audit date. Of the eighteen (18) young adults, three (3) young adults chose to request and were provided Law Library services on this audit date. The arrival and departure times for the Law Library Coordinator on this audit date were:

- Arrived 9:15 a.m. / Departed 4:20 p.m.

April 19, 2022

There were sixteen (16) young adults in the Secure Unit on this audit date. Of the sixteen (16) young adults, two (2) young adults chose to request and were provided Law Library services on this audit date. The arrival and departure times for the Law Library Coordinator on this audit date were:

- Arrived 8:45 a.m. / Departed 4:05 p.m.

April 28, 2022

There were fifteen (15) young adults in the Secure Unit on this audit date. Of the fifteen (15) young adults, three (3) young adults chose to request and were provided Law Library services on this audit date. The arrival and departure times for the Law Library Coordinator on this audit date were:

- Arrived 11:15 a.m. / Departed 4:05 p.m.

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Kiosks and Typewriters

As noted above, the kiosks and typewriters were inspected on four (4) dates during the audit period – April 8, 12, 20 and 29, 2022.

Typewriters:

On all four (4) audit dates, April 8, 12, 20 and 29, 2022, three (3) of the four (4) typewriters were operable.

Kiosks:

On the four (4) audit dates, April 8, 12, 20 and 29, 2022, all four (4) kiosks were inoperable. According to the Director of Law Libraries, the kiosks can become inoperable due to prolonged inactivity. Legal Coordinators reactive the kiosks' servers when possible.

§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) audit dates – April 5, 14, 19 and 28, 2022 – to ascertain the total number of young adults that chose to participate in recreation. Recreation was not afforded to young adults on three (3) of the four (4) audit dates – April 5, 14 and 28, 2022.

April 5, 2022

There were sixteen (16) young adults in Secure on this audit date. On this audit date, recreation was not afforded to young adults in Secure. The housing area logbook stated the following: "No recreation Captain."

April 14, 2022

There were eighteen (18) young adults in Secure on this audit date. On this audit date, recreation was not afforded to young adults in Secure. The housing area logbook stated the following: "No recreation Captain."

April 19, 2022

There were sixteen (16) young adults in Secure on this audit date. Please note the following:

- Ten (10) young adults chose not to participate in afforded recreation.
- Six (6) young adults chose to participate in afforded recreation.

April 28, 2022

There were fifteen (15) young adults in Secure on this audit date. On this audit date, recreation was not afforded to young adults in Secure. The housing area logbook stated the following: "No recreation Captain."

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

In the Secure Unit, programming is afforded to young adults during their out of cell time based on the phase they are in within the unit they are housed. The out of cell time increases incrementally from one phase to the next: ten (10) hours in Phase 1, to twelve (12) hours in Phase 2, and to fourteen (14) hours in Phase 3. Young adults are offered in-person programming through programming components such as, but not limited to: Individual Counseling, Structured Recreation, and Group Counseling. These are provided in addition to being available upon request from individuals in the unit. Self-guided programming packets are also offered as needed. Social services are afforded by counselors, which can either be requested by a social service slip or during a counselor's tour when an inquiry is made that may be designated as social service-related. Social services included the provision or referral of a support service, or case management-related engagement and discussion.

The audit revealed programming attendance data on each of the four (4) audit dates to ascertain the number of programming hours offered to each young adult and the number of hours each young adult chose to participate in programming. Programming participation hours are based on the number of hours each young adult chose to participate in programming.

Programming in the Secure Unit was afforded to young adults on all four (4) audit dates: April 5, 14, 19 and 28, 2022.

April 5, 2022

There were sixteen (16) young adults housed in the Secure Unit on this audit date.

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

- ❖ Two (2) hours of programming was offered to the four (4) young adults in this quad.
 - One (1) young adult in Phase 1 was offered and chose to participate in two (2) hours of programming.
 - One (1) young adult in Phase 2 was offered two (2) hours of programming. He chose to participate in one (1) hour of programming and chose not to participate in the remaining afforded programming.
 - Two (2) young adults; one (1) in Phase 1 and one (1) in Phase 2, were offered two (2) hours programming. They chose not to participate in all afforded programming.

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

- ❖ Two (2) hours and fifteen (15) minutes of programming were offered to three (3) of the four (4) young adults in this quad.
 - One (1) young adult in Phase 1 was out to court during afforded programming.
 - One (1) young adult in Phase 1 was offered and chose to participate in two (2) hours and fifteen (15) minutes of programming.

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- Two (2) young adults; one (1) in Phase 1 and one (1) in Phase 2, were offered two (2) hours and fifteen (15) minutes of programming. One (1) young adult in Phase 1 chose to participate in two (2) hours of programming and chose not to participate in the remaining afforded programming. One (1) young adult in Phase 2 was offered and chose to participate in two (2) hours of programming and chose not to participate in the remaining afforded programming.

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

- ❖ Two (2) hours and sixteen (16) minutes of programming were offered to the four (4) young adults in this quad.
 - One (1) young adult in Phase 3 was offered and chose to participate in two (2) hours and six (6) minutes of programming.
 - Three (3) young adults in Phase 1 were offered two (2) hours and sixteen (16) minutes of programming. They chose not to participate in all afforded programming.

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

- ❖ Two (2) hours and thirty-eight (38) minutes of programming were offered to the four (4) young adults in this quad.
 - One (1) young adult in Phase 1 chose not to participate in all afforded programming.
 - One (1) young adult in Phase 2 was offered and chose to participate in two (2) hours and thirty-eight (38) minutes of programming.
 - Two (2) young adults; one (1) in Phase 1 and one (1) in Phase 2, were offered two (2) hours and thirty-eight (38) minutes of programming. They chose to participate in one (1) hour and forty (40) minutes of programming and chose not to participate in the remaining afforded programming.

April 14, 2022

There were eighteen (18) young adults housed in the Secure Unit on this audit date.

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

- ❖ Fifty (50) minutes of programming were offered to the four (4) young adults in this quad.
 - Three (3) young adults in Phase 1 were offered fifty (50) minutes of programming. They chose to participate in forty (40) minutes of programming and chose not to participate in the remaining afforded programming.
 - One (1) young adult in Phase 3 was offered and chose to participate in fifty (50) minutes of programming.

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

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- ❖ Forty-eight (48) minutes of programming were offered to the four (4) young adults in this quad.
 - Three (3) young adults in Phase 1 were offered forty-eight (48) minutes of programming. They chose to participate in forty (40) minutes of programming and chose not to participate in the remaining afforded programming.
 - One (1) young adult in Phase 1 was offered and chose to participate in forty-eight (48) minutes of programming.

Quad C – There were five (5) young adults in this quad.

- ❖ Two (2) hours and fifty (50) minutes of programming were offered to four (4) of the five (5) young adults in this quad.
 - One (1) young adult in Phase 1 was out to court during afforded programming.
 - One (1) young adult in Phase 1 chose not to participate in the afforded two (2) hours and fifty (50) minutes of programming.
 - One (1) young adult in Phase 1 was offered two (2) hours and fifty (50) minutes of programming. He chose to participate in one (1) hour and ten (10) minutes of programming and chose not to participate in the remaining afforded programming.
 - Two (2) young adults, one (1) in Phase 1 and one (1) in Phase 2, were offered two (2) hours and fifty (50) minutes of programming. They chose to participate in one (1) hour and seventeen (17) minutes of programming and chose not to participate in the remaining afforded programming.

Quad D – There were five (5) young adults in this quad.

- ❖ One (1) hour and fifty-six (56) minutes of programming was offered to the five (5) young adults in this quad.
 - One (1) young adult in Phase 1 chose not to participate in all afforded programming.
 - One (1) young adult in Phase 2 was offered one (1) hour and fifty-six (56) minutes of programming. He chose to participate in one (1) hour and fifteen (15) minutes of programming and chose not to participate in the remaining afforded programming.
 - One (1) young adult in Phase 2 was offered one (1) hour and fifty-six (56) minutes of programming. He chose to participate in twenty-four (24) minutes of programming and chose not to participate in the remaining afforded programming.
 - Two (2) young adults in Phase 3 were offered one (1) hour and fifty-six (56) minutes of programming. Both chose to participate in one (1) hour and thirty-two (32) minutes of programming. They both chose not to participate in the remaining afforded programming.

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April 19, 2022

There were sixteen (16) young adults housed in the Secure Unit on this audit date.

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

- ❖ Thirty-five (35) minutes of programming were offered to the three (3) young adults in this quad.
 - One (1) young adult in Phase 1 chose not to participate in the afforded thirty-five (35) minutes of programming.
 - One (1) young adult in Phase 3 was offered and chose to participate in thirty-five (35) minutes of programming.
 - One (1) young adult in Phase 1 was offered thirty-five (35) minutes of programming. He chose to participate in twenty-five (25) minutes of programming and chose not to participate in the remaining afforded programming.

Quad B – There were four (4) young adults in this quad. No programming was offered in this Quad on this audit date due to a staff meeting.

Quad C – There were five (5) young adults in this quad.

- ❖ One (1) hour and twenty-eight (28) minutes of programming were offered to the five (5) young adults in this quad.
 - Three (3) young adults; two (2) in Phase 1 and one (1) in Phase 2, chose not to participate in the afforded one (1) hour and twenty-eight (28) minutes of programming.
 - One (1) young adult in Phase 1 was offered one (1) hour and twenty-eight (28) minutes of programming. He chose to participate in forty-five (45) minutes of programming and chose not to participate in the remaining afforded programming.
 - One (1) young adult in Phase 2 was offered one (1) hour and twenty-eight (28) minutes of programming. He chose to participate in one (1) hour and ten (10) minutes of programming and chose not to participate in the remaining afforded programming.

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

- ❖ Two (2) hours and thirty (30) minutes of programming were offered to the four (4) young adults in this quad.
 - Two (2) young adults in Phase 2 chose not to participate in the afforded two (2) hours and thirty (30) minutes of programming.
 - Two (2) young adults; one (1) in Phase 1 and one (1) in Phase 3, were offered and chose to participate in two (2) hours and thirty (30) minutes of programming.

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April 28, 2022

There were fifteen (15) young adults housed in the Secure Unit on this audit date.

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

- ❖ One (1) hour and twenty (20) minutes of programming were offered to the three (3) young adults in this quad.
 - One (1) young adult in Phase 1 chose not to participate in all afforded programming.
 - Three (3) young adults in Phase 1 were offered and chose to participate in one (1) hour and twenty (20) minutes of programming.

Quad B – There were three (3) young adults in this quad. No programming was offered on this audit date due to a security concern.

Quad C – There were four (4) young adults in this quad. No programming was offered on this audit date due to a security concern.

Quad D – There were four (4) young adults in this quad. No programming was offered on this audit date due to a security concern.

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 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. Classroom instruction is provided both in the morning and afternoon. The NYC Department of Education began classroom instruction on February 2, 2022.

The audit reviewed educational data to ascertain the total number of young adults brought to school, as well as the time that each young adult arrived at school and the time each young adult departed school.

April 5, 2022

There were sixteen (16) young adults in Secure on this audit date. Of the sixteen (16) young adults, eight (8) young adults were enrolled in educational services. The arrival and departure times for those that chose to participate in educational services on this audit date were:

1. Arrived 10:03 a.m. / Departed 11:28 a.m.

The remaining seven (7) young adults chose not to participate in educational services.

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April 14, 2022

There were eighteen (18) young adults in Secure on this audit date. Of the eighteen (18) young adults, nine (9) young adults were enrolled in educational services. The arrival and departure times for those that chose to participate in educational services on this audit date were:

1. Arrived 09:30 a.m. / Departed 10:08 a.m.
2. Arrived 1:05 p.m. / Departed 2:00 p.m.

The remaining seven (7) young adults chose not to participate in educational services.

April 19, 2022

There were sixteen (16) young adults in Secure on this audit date. No educational services were provided due to the Spring Break holiday.

April 28, 2022

There were fifteen (15) young adults in Secure on this audit date. Of the fifteen (15) young adults, seven (7) young adults were enrolled in educational services. These seven (7) young adults refused to participate in educational services.