

NYC Department of Correction

Secure Unit Compliance Audit – August 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 August 2022:

- August 4
- August 10
- August 16
- August 23

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(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.

August on-site inspections of kiosks and typewriters were conducted on dates selected using simple random sampling:

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- August 5
- August 9
- August 17
- August 25

§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, as well as the time that each young adult arrived at school and the time that each young adult departed school.

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.

August 4, 2022

There were six (6) young adults in Phase 1; the out of cell times for those present on this audit date were:

1. 6 hours; young adult was out to court, and as a result his out of cell time was affected
2. 1 hour; young adult chose not to participate in the majority of out of cell time
3. 3 hours; young adult chose not to participate in the majority of out of cell time
4. 10 hours

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5. 2 hours; young adult was out to court, and as a result his out of cell time was affected
6. 10 hours

August 10, 2022

There were eight (8) young adults in Phase 1; the out of cell times for those present on this audit date were:

1. 8 hours
2. 12 hours
3. 7 hours
4. 12 hours
5. 11 hours
6. 9 hours
7. 5 hours; young adult was out to court, and as a result his out of cell time was affected
8. 12 hours

August 16, 2022

There were six (6) young adults in Phase 1; their out of cell times on this audit date were:

1. 11 hours
2. 7 hours
3. 4 hours; young adult chose not to participate in the majority of out of cell time
4. 12 hours
5. 9 hours
6. 12 hours

August 23, 2022

There were five (5) young adults in Phase 1; the out of cell times for those present on this audit date were:

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

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August 4, 2022

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

1. 9 hours
2. 6 hours; young adult was transferred out of the unit, and as a result his out of cell time was affected
3. 10 hours
4. 7 hours

August 10, 2022

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

1. 10 hours
2. 12 hours

August 16, 2022

There was one (1) young adult in Phase 2 on this audit date. His out of cell time on this audit date was 2 hours; young adult chose not to participate in the majority of out of cell time.

August 23, 2022

There was one (1) young adult in Phase 2 on this audit date. His out of cell time on this audit date was 5 hours; 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.

August 4, 2022

There were four (4) young adults in Phase 3; the out of cell times for those present on this audit date were:

1. 10 hours
2. 10 hours
3. 10 hours
4. 10 hours

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August 10, 2022

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

1. 12 hours
2. 12 hours
3. 12 hours
4. 12 hours

August 16, 2022

There were six (6) young adults in Phase 3; the out of cell times on this audit date were:

1. 3 hours; young adult was out to court, and as a result his out of cell time was affected
2. 3 hours; young adult was out to court, and as a result his out of cell time was affected
3. 12 hours
4. 9 hours
5. 10 hours
6. 9 hours

August 23, 2022

There were six (6) young adults in Phase 3; the out of cell times on this audit date were:

1. 7 hours
2. 10 hours
3. 11 hours
4. 10 hours
5. 7 hours

The remaining one (1) young adult in Phase 3 chose not to participate in all afforded 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 – August 4, 10, 16 and 23, 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.

August 4, 2022

There were fourteen (14) young adults in the Secure Unit on this audit date. Of the fourteen (14) 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:

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- Arrived 11:10 a.m. / Departed 6:09 p.m.

August 10, 2022

There were fourteen (14) young adults in the Secure Unit on this audit date. Of the fourteen (14) 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 11:50 a.m. / Departed 8:00 p.m.

August 16, 2022

There were thirteen (13) young adults in the Secure Unit on this audit date. Of the thirteen (13) young adults, one (1) young adult chose to request and was provided Law Library services on this audit date. The arrival and departure times for the Law Library Coordinator on this audit date were:

- Arrived 11:38 a.m. / Departed 8:00 p.m.

August 23, 2022

There were twelve (12) young adults in the Secure Unit on this audit date. Of the twelve (12) 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 10:40 a.m. / Departed 8:00 p.m.

Kiosks and Typewriters

As noted above, the kiosks and typewriters were inspected on four (4) dates during the audit period – August 5, 9, 17 and 25, 2022.

Typewriters:

On all four (4) audit dates, August 5, 9, 17 and 25, 2022, two (2) of four (4) typewriters were operable.

Kiosks:

On all four (4) audit dates, August 5, 9, 17 and 25, 2022, all four (4) kiosks were inoperable. According to the Director of Law Libraries, the kiosks can become inoperable due to prolonged inactivity. The Director of Law Libraries further indicated that the Law Library Coordinator can reactivate the kiosks by turning the server back online.

§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.

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The audit reviewed recreational data for each of the four (4) dates – August 4, 10, 16 and 23, 2022 – to ascertain the total number of young adults that chose to participate in recreation. On all four (4) audit dates – August 4, 10, 16 and 23, 2022 – recreation was not afforded to young adults in the Secure Unit due to staff shortages. This is addressed in further detail under the “Audit Recommendations” section.

August 4, 2022

There were fourteen (14) young adults in the Secure Unit on this audit date. On this audit date, recreation was not afforded to young adults in the Secure Unit. The housing area logbook stated the following: “No recreation Captain.”

August 10, 2022

There were fourteen (14) young adults in the Secure Unit on this audit date. On this audit date, recreation was not afforded to young adults in the Secure Unit. The housing area logbook stated the following: “No recreation Captain.”

August 16, 2022

There were thirteen (13) young adults in the Secure Unit on this audit date. On this audit date, recreation was not afforded to young adults in the Secure Unit. The housing area logbook stated the following: “No recreation Captain.”

August 23, 2022

There were twelve (12) young adults in the Secure Unit on this audit date. On this audit date, recreation was not afforded to young adults in the Secure Unit. The housing area logbook stated the following: “No recreation Captain.”

§ 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.

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Programming in the Secure Unit was afforded to young adults on three (3) of the four (4) audit dates – August 10, 16 and 23, 2022. For the remaining one (1) audit date, August 4th, programming was not afforded due to the housing unit being under a COVID-19 quarantine.

August 4, 2022

There were fourteen (14) young adults housed in the Secure Unit on this audit date.

- ❖ On this audit date, programming was not afforded due to the housing unit being under a COVID-19 quarantine.

August 10, 2022

There were fourteen (14) 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 of programming was offered to the four (4) young adults in this quad.
 - Three (3) young adults: One (1) young adult in Phase 1, one (1) young adult in Phase 2 and one (1) young adult in Phase 3 were offered and chose to participate in one (1) hour of programming.
 - One (1) young adult in Phase 3 was offered one (1) hour of programming. He chose not to participate in all afforded programming.

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

- ❖ Forty-three (43) minutes of programming were offered to the four (4) young adults in this quad.
 - One (1) young adult in Phase 1 was offered forty-three (43) minutes of programming. He chose to participate in ten (10) minutes of programming and chose not to participate in the remaining afforded programming.
 - One (1) young adult in Phase 1 was offered forty-three (43) minutes of programming. He chose to participate in thirty-three (33) minutes of programming and chose not to participate in the remaining afforded programming.
 - Two (2) young adults in Phase 2 were offered forty-three (43) minutes of programming. They chose not to participate in all afforded programming.

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

- ❖ Three (3) hours and thirty-one (31) minutes 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 three (3) hours and thirty-one (31) minutes of programming.
 - Two (2) young adults; One (1) young adult in Phase 1 and one young adult in Phase 2 were offered three (3) hours and thirty-one (31) minutes of programming. They chose to participate in two (2) hours and thirty (30)

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minutes of programming and chose not to participate in the remaining afforded programming.

- One (1) young adult in Phase 1 was offered three (3) hours and thirty-one (31) minutes of programming. He chose to participate in one (1) hour and one (1) minute of programming and chose not to participate in the remaining afforded programming.

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

- ❖ One (1) hour and seventeen (17) minutes of programming was offered to the two (2) young adults in this quad.
 - One (1) young adult in Phase 2 was offered one (1) hour and seventeen (17) minutes of programming. He chose to participate in thirty-three (33) minutes of programming and chose not to participate in the remaining afforded programming.
 - One (1) young adult in Phase 1 was offered one (1) hour and seventeen (17) minutes of programming. He chose not to participate in all afforded programming.

August 16, 2022

There were thirteen (13) young adults housed in the Secure Unit on this audit date.

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

- ❖ Thirty-five (35) minutes of programming were offered to the four (4) young adults in this quad.
 - Two (2) young adults: One (1) young adult in Phase 1 and one (1) young adult in Phase 3 were offered and chose to participate in thirty-five (35) minutes of programming.
 - Two (2) young adults in Phase 3 were out to court and did not participate afforded programming.

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

- ❖ Two (2) hours and forty (40) 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 forty (40) minutes of programming.
 - Three (3) young adults: Two (2) young adults in Phase 1 and one (1) young adult in Phase 2 were offered two (2) hours and forty (40) minutes of programming. They chose not to participate in all afforded programming.

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

- ❖ Two (2) hours and six (6) minutes of programming were offered to the three (3) young adults in this quad.

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- One (1) young adult in Phase 1 was offered and chose to participate in two (2) hours and six (6) minutes of programming.
- Two (2) young adults: One young adult in Phase 1 and one (1) young adult in Phase 3 were offered two (2) hours and six (6) minutes of programming. They chose to participate in thirty-five (35) minutes of programming and chose not to participate in the remaining afforded programming.

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

- ❖ Two (2) hours of programming was offered to the two (2) young adults in this quad.
 - Two (2) young adults: One (1) young adult in Phase 1 and one (1) young adult in Phase 3 were offered and chose to participate in two hours of programming.

August 23, 2022

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.

- ❖ Ten (10) minutes of programming were offered to the three (3) young adults in this quad.
 - Two (2) young adults; One (1) young adult in Phase 1 and one (1) young adult in Phase 3 were offered ten (10) minutes of programming. They chose not to participate in all afforded programming.
 - One (1) young adult in Phase 3 was offered and chose to participate in ten (10) minutes of programming.

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

- ❖ Thirty-five (35) minutes of programming were offered to the four (4) young adults in this quad.
 - One (1) young adult in Phase 1 was offered thirty-five (35) minutes of programming. He chose to participate in ten (10) minutes of programming and chose not to participate in the remaining afforded programming.
 - One (1) young adult in Phase 1 was offered thirty-five (35) minutes of programming. He chose to participate in twenty (20) minutes of programming and chose not to participate in the remaining afforded programming.
 - One (1) young adult in Phase 3 was offered thirty-five (35) minutes of programming. He chose to participate in twenty (20) minutes of programming and chose not to participate in the remaining afforded programming.
 - One (1) young adult in Phase 2 was offered thirty-five (35) minutes of programming. He chose to participate in five (5) minutes of programming and chose not to participate in the remaining afforded programming.

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

- ❖ One (1) hour and twenty-five (25) minutes of programming were offered to the three (3) young adults in this quad.
 - One (1) young adult in Phase 1 was offered one (1) hour and twenty-five (25) 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.
 - One (1) young adult in Phase 3 was offered one (1) hour and twenty-five (25) minutes of programming. He chose to participate in fifteen (15) minutes of programming and chose not to participate in the remaining afforded programming.
 - One (1) young adult in Phase 1 was offered one (1) hour and twenty-five (25) minutes of programming. He chose to participate in twenty (20) minutes of programming and chose not to participate in the remaining afforded programming.

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

- ❖ One (1) hour and forty (40) minutes of programming was offered to the two (2) young adults in this quad.
 - Two (2) young adults: One (1) young adult in Phase 1 and one (1) young adult in Phase 3 were offered and chose to participate in one (1) hour and forty (40) minutes 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 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.

August 4, 2022

There were fourteen (14) young adults in Secure on this audit date. No educational services were offered due to summer recess.

August 10, 2022

There were fourteen (14) young adults in Secure on this audit date. No educational services were offered due to summer recess.

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August 16, 2022

There were thirteen (13) young adults in Secure on this audit date. No educational services were offered due to summer recess.

August 23, 2022

There were twelve (12) young adults in Secure on this audit date. No educational services were offered due to summer recess.

Audit Recommendations

Recommendations for the Secure Unit Audit Report are reported quarterly rather than monthly per an agreement with the Board of Correction. The Secure Unit Audit Report covering the month of May 2022 was the last Secure Unit Audit Report which indicated recommendations. A quarterly period has transpired since the last audit report with recommendations, and recommendations are therefore included in this audit report.

The following recommendations were indicated in the Secure Unit Audit Report covering the month of May 2022. The status of the Department's efforts to implement each of the recommendations listed below is indicated after each recommendation:

Lock-in/Lock-out

- The area supervisor shall review the housing area logbook on each tour, to determine whether all staff are consistently documenting the Phases 1, 2, and 3 lock-in and lock-out times for all inmates. When deficiencies are identified, the designated supervisory staff person shall counsel the relevant custody staff person and instruct him or her to record all required information.

Status of implementation:

- The facility administration re-issued Operations Memorandum 17/22, entitled Housing Area Lock/In and Lock/Out Logbook – Secure Unit (11B). The memorandum reiterates the requirements listed above and emphasizes the role of supervisors to ensure that staff record the required information.

Law Library

- To facilitate the maintenance and operation of the kiosks and typewriters in the housing areas, designated facility and law library staff shall check daily that all 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 or replacements are conducted in a timely manner.

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Status of implementation:

- The Director of Law Libraries has directed the Legal Coordinators to inspect the kiosks and typewriters to identify inoperable equipment and call for service or replacement as needed.

The findings in the Secure Unit Audit Report covering August 2022 require the following three (3) recommendations:

Lock-in/Lock-out

- The area supervisor shall review the housing area logbook on each tour, to determine whether all staff are consistently documenting the Phase 1, 2, and 3 lock-in and lock-out times for all inmates. When deficiencies are identified, the designated supervisory staff person shall counsel the relevant custody staff person and instruct him or her to record all required information.

Law Library

- To facilitate the maintenance and operation of the kiosks and typewriters in the housing areas, designated facility and law library staff shall check daily that all 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 or replacements are conducted in a timely manner.

Recreation

- Facility management staff shall ensure that there is sufficient custodial staff coverage, including supervisory custodial staff coverage, in the Secure Unit to ensure that young adults are provided with mandated recreation daily.