

## NYC Department of Correction

### Secure Unit Compliance Audit – January 2023

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 enrolled in school, and 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 January 2023:

- January 4
- January 12
- January 18
- January 26

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.

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

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- January 6
- January 13
- January 20
- January 27

#### **§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, the number of young adults brought to school, 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.

#### **January 4, 2023**

There were fourteen (14) young adults in Phase 1; the out of cell times for those present on this audit date were:

1. 7 hours
2. 7 hours
3. 2 hours; young adult was out to court, and as a result his out of cell time was affected

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4. 8 hours
5. 9 hours
6. 11 hours
7. 12 hours
8. 11 hours
9. 11 hours
10. 12 hours
11. 11 hours
12. 12 hours
13. 2 hours; young adult chose not to participate in the majority of out of cell time

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

**January 12, 2023**

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

1. 2 hours
2. 7 hours
3. 7 hours
4. 7 hours
5. 7 hours
6. 4 hours
7. 7 hours
8. 4 hours
9. 7 hours

One (1) young adult in Phase 1 was out to court and upon his return he chose not to participate in all afforded lock out options. The data for remaining three (3) young adults were incomplete, however, they chose not to participate in the afforded lock out options.

**January 18, 2023**

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

1. 11 hours
2. 11 hours
3. 12 hours
4. 11 hours
5. 11 hours
6. 9 hours
7. 4 hours; the young adult chose not to participate in the majority of out of cell time
8. 10 hours

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

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There were twelve (12) young adults in Phase 1; their out of cell times on this audit date were:

1. 1 hour; young adult chose not to participate in the majority of out of cell time
2. 12 hours
3. 12 hours
4. 11 hours
5. 11 hours
6. 12 hours
7. 12 hours
8. 12 hours
9. 12 hours
10. 12 hours
11. 9 hours
12. 8 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.

### **January 4, 2023**

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

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

### **January 12, 2023**

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

1. 7 hours

### **January 18, 2023**

There were six (6) 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. 10 hours
3. 6 hours
4. 6 hours; young adult was out to court, and as a result his out of cell time was affected
5. 12 hours

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

### **January 26, 2023**

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

1. 12 hours
2. 12 hours

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

### **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.

### **January 4, 2023**

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

1. 12 hours
2. 12 hours

### **January 12, 2023**

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

1. 6 hours
2. 5 hours
3. 6 hours
4. 7 hours
5. 5 hours

The data for remaining one young adult was incomplete, however, he chose not to participate in the afforded lock out options.

### **January 18, 2023**

There were five (5) young adults in Phase 3; their out of cell times on this audit date were:

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

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

1. 7 hours
2. 7 hours
3. 11 hours
4. 9 hours

### §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 – January 4, 12, 18 and 26, 2023. 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.

### January 4, 2023

There were twenty (20) young adults in the Secure Unit on this audit date. Of the twenty (20) 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 10:05 a.m. / Departed 6:20 p.m.

### January 12, 2023

There were twenty (20) young adults in the Secure Unit on this audit date. Of the twenty (20) 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 10:02 a.m. / Departed 6:00 p.m.

### January 18, 2023

There were twenty (20) young adults in the Secure Unit on this audit date. Of the twenty (20) 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 10:10 a.m. / Departed 6:10 p.m.

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There were nineteen (19) young adults in the Secure Unit on this audit date. Of the nineteen (19) young adults, three (3) young adults requested 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 10:05 a.m. / Departed 4:20 p.m.

### Kiosks and Typewriters

As noted above, the kiosks and typewriters were inspected on four (4) dates during the audit period – January 6, 13, 20 and 27, 2023.

### Typewriters:

On all four (4) audit dates, January 6, 13, 20 and 27, 2023, all four (4) typewriters were operable.

### Kiosks:

On all four (4) audit dates, January 6, 13, 20 and 27, 2023, all four (4) kiosks 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 – January 4, 12, 18 and 26, 2023– to ascertain the total number of young adults that chose to participate in recreation.

### **January 4, 2023**

There were twenty (20) young adults in the Secure Unit on this audit date. Please note the following:

- Six (6) young adults chose not to participate in afforded recreation.
- Fourteen (14) young adults participated in afforded recreation.

### **January 12, 2023**

There were twenty (20) young adults in the Secure Unit on this audit date. Please note the following:

- Fifteen (15) young adults chose not to participate in afforded recreation.
- Five (5) young adults participated in afforded recreation.

### **January 18, 2023**

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There were twenty (20) young adults in the Secure Unit on this audit date. Please note the following:

- Ten (10) young adults chose not to participate in afforded recreation.
- Nine (9) young adults participated in afforded recreation.
- One (1) young adult was out to court during afforded recreation.

#### **January 26, 2023**

There were nineteen (19) young adults in the Secure Unit on this audit date. Please note the following:

- Sixteen (16) young adults chose not to participate in afforded recreation.
- Three (3) young adults participated in afforded recreation.

#### **§ 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 supportive 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 audit dates – January 4, 12, 18 and 26, 2023.

#### **January 4, 2023**

There were twenty (20) young adults housed in the Secure Unit on this audit date.

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

- ❖ Two (2) hours of programming were offered to the five (5) young adults in this quad.
  - One (1) young adult in Phase 2 was offered and participated in two (2) hours of programming.



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- Four (4) young adults: Three (3) young adults in Phase 1 and one (1) young adult in Phase 2 were offered two (2) hours of programming. They chose not to participate in all afforded programming.

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

- ❖ One (1) hour and sixteen (16) minutes of programming were offered to the four (4) young adults in this quad.
  - Three (3) young adults in Phase 1 were offered and participated in one (1) hour and sixteen (16) minutes of programming.
  - One (1) young adult in Phase 1 was offered one (1) hour and sixteen (16) minutes of programming. He participated in thirty-six (36) minutes of programming and chose not to participate in all remaining programming.

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

- ❖ Fifty (50) minutes of programming were offered to the five (5) young adults in this quad.
  - Three (3) young adults: Two (2) young adults in Phase 1 and one (1) young adult in Phase 3 were offered fifty (50) minutes of programming. They chose not to participate in all afforded programming.
  - Two (2) young adults: One (1) young adult in Phase 1 and one (1) young adult in Phase 3 were offered and participated in fifty (50) minutes of programming.

Quad D – There were six (6) young adults in this quad.

- ❖ Two (2) hours and fifty-eight (58) minutes of programming were offered to the five (5) young adults in this quad.
  - One (1) young adult in Phase 1 was offered and participated in two (2) hours and fifty-eight (58) minutes of programming.
  - Two (2) young adults in Phase 1 were offered two (2) hours and fifty-eight (58) minutes of programming. They chose not to participate in all afforded programming.
  - One (1) young adult in Phase 2 was offered two (2) hours and fifty-eight (58) minutes of programming. He participated in two (2) hours and twenty-three (23) minutes of programming and chose not to participate in all remaining programming.
  - One (1) young adult in Phase 1 was offered two (2) hours and fifty-eight (58) minutes of programming. He participated in one (1) hour and eight (8) minutes of programming and chose not to participate in all remaining programming.
  - One (1) young adult in Phase 1 was offered two (2) hours and fifty-eight (58) minutes of programming. He participated in one (1) hour and thirty-eight (38) minutes of programming and chose not to participate in all remaining programming.

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**January 12, 2023**

There were twenty (20) young adults housed in the Secure Unit on this audit date.

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

- ❖ Forty-five (45) minutes of programming were offered to the five (5) young adults in this quad.
  - Four (4) young adults: Two (2) young adults in Phase 1 and two (2) young adults in Phase 3 were offered forty-five (45) minutes of programming. They chose not to participate in all afforded programming.
  - One (1) young adult in Phase 1 was offered and participated in forty-five (45) minutes of programming.

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

- ❖ One (1) hour and fifteen (15) minutes of programming were offered to the four (4) young adults in this quad.
  - One (1) young adult in Phase 1 were offered and participated in one (1) hour and seven (7) minutes of programming.
  - One (1) young adult in Phase 1 was offered one (1) hour and fifteen (15) minutes of programming. He chose not to participate in all afforded programming.
  - Two (2) young adults: one young adult in Phase 3 and one young adult in Phase one (1) were offered one (1) hour and seven (7) minutes of programming. They participated in one (1) hour of programming and chose not to participate in all remaining programming.

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

- ❖ One (1) hour and twenty-nine (29) minutes of programming were offered to the five (5) young adults in this quad.
  - Three (3) young adults: One (1) young adult in Phase 1 and one (1) young adult in Phase 2 and one (1) young adult in Phase 3 were offered one (1) hour and twenty-nine (29) minutes of programming. They participated in twenty-four (24) minutes of programming and chose not to participate in all remaining programming.
  - One (1) young adult in Phase 3 was offered one (1) hour and twenty-nine (29) minutes of programming. He participated one (1) hour and five (5) minutes of programming and chose not to participate in all remaining programming.
  - One (1) young adult in Phase 1 was offered and participated in (1) hours and twenty-nine (29) minutes of programming.

Quad D – There were six (6) young adults in this quad. One (1) young adult was out to court on this day. Due to facility alarms and program meetings, no programming was offered to the five (5) young adults in this quad.

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**January 18, 2023**

There were twenty (20) young adults housed in the Secure Unit on this audit date.

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

- ❖ One (1) hour and twenty-seven (27) minutes of programming were offered to the five (5) young adults in this quad.
  - Three (3) young adults: Two (2) young adults in Phase 2 and one (1) young adult in Phase 3 were offered one (1) hour and twenty-seven (27) minutes of programming. They chose not to participate in all afforded programming.
  - One (1) young adult in Phase 3 was offered and participated in one (1) hour and twenty-seven (27) minutes of programming.
  - One (1) young adult in Phase 1 was offered one (1) hour and twenty-seven (27) minutes of programming. He participated one (1) one hour of programming and chose not to participate in all remaining programming.

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

- ❖ Two (2) hours of programming were offered to the five (5) young adults in this quad.
  - One (1) young adult in Phase 3 was offered and participated in two (2) hours of programming.
  - Two (2) young adults: One (1) young adult in Phase 1 and one (1) young adult in Phase 2 were offered two (2) hours of programming. They chose not to participate in all afforded programming.
  - One (1) young adult in Phase 1 was offered two (2) hours of programming. He participated in one (1) hour and twenty (20) minutes of programming and chose to participate in all remaining programming.
  - One (1) young adult in Phase 1 was offered two (2) hours of programming. He participated in one (1) hour and ten (10) minutes of programming and chose not to participate in all remaining programming.

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

- ❖ One (1) hour and ten (10) minutes of programming were offered to the five (5) young adults in this quad.
  - Four (4) young adults; One (1) young adult in Phase 1, two (2) young adults in Phase 2 and one (1) young adult in Phase 3 were offered one (1) hour and ten (10) minutes of programming. They chose not to participate in all afforded programming.
  - One (1) young adult in Phase 1 was offered and participated one (1) hour and ten (10) minutes of programming.

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

- ❖ Twenty (20) minutes of programming were offered to the five (5) young adults in this quad.

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- One (1) young adult in Phase 2 was offered twenty (20) minutes of programming. He participated in ten (10) minutes of programming and chose not to participate in all remaining programming.
- Two (2) young adults in Phase 1 were offered twenty (20) minutes of programming. They participated in five (5) minutes of programming and chose not to participate in all remaining afforded programming.
- Two (2) young adults: one (1) young adult in Phase 1 and one (1) young adult in Phase 3 were offered twenty (20) minutes of programming. They chose not to participate in all afforded programming.

#### January 26, 2023

There were nineteen (19) young adults housed in the Secure Unit on this audit date.

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

- ❖ One (1) hour and nineteen (19) minutes of programming were offered to the five (5) young adults in this quad.
  - Two (2) young adults; One (1) young adult in Phase 1 and one (1) young adult in Phase 2 were offered one (1) hour and nineteen (19) minutes of programming. They chose not to participate in all afforded programming.
  - One (1) young adult in Phase 1 was offered one (1) hour and nineteen (19) minutes of programming. He participated in ten (10) minutes of programming and chose not to participate in all remaining programming.
  - One (1) young adult in Phase 3 was offered one (1) hour and nineteen (19) minutes of programming. He participated in fifty (50) minutes of programming and chose not to participate in all remaining programming.
  - One (1) young adult in Phase 1 was offered and participated in one (1) hour and nineteen (19) minutes of programming.

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

- ❖ Up to fifty (50) minutes of programming were offered to the four (4) young adults in this quad.
  - Two (2) young adults in Phase 1 were offered and participated in forty (40) minutes of programming.
  - One (1) young adult in Phase 3 was offered and participated thirty (30) minutes of programming.
  - One (1) young adult in Phase 1 was offered fifty (50) minutes of programming. He chose not to participate in all afforded programming.

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

- ❖ One (1) hour and thirty (30) minutes of programming were offered to the five (5) young adults in this quad.

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- Two (2) young adults in Phase 1 were offered and participated one (1) hour and thirty (30) minutes of programming.
- Two (2) young adults: One (1) young adult in Phase 1 and one (1) young adult in Phase 3 were offered one (1) hour and thirty (30) minutes of programming. They chose not to participate in all afforded programming.
- One (1) young adult in Phase 2 was offered one (1) hour and thirty (30) minutes of programming. He participated in one (1) hour of programming and chose not to participate in all remaining programming.

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

- ❖ Up to one (1) hour and twenty-five (25) minutes of programming were offered to the five (5) young adults in this quad.
  - Two (2) young adults in Phase 1 were offered one (1) hour and eighteen (18) minutes of programming. They participated in fifty-five (55) minutes of programming and chose not to participate in all remaining programming.
  - One (1) young adult in Phase 3 was offered one (1) hour and twenty-five (25) minutes of programming. He participated in six (6) minutes of programming and chose not to participate in all remaining programming.
  - One (1) young adult in Phase 1 was offered one (1) hour and twenty-five (25) minutes of programming. He participated in seventeen (17) minutes of programming and chose not to participate in all remaining programming.
  - One (1) young adult in Phase 2 was offered one (1) hour and eighteen (18) minutes of programming. He chose not to participate in all afforded 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 enrolled in school, the number of young adults brought to school, as well as the time that each young adult arrived at school and the time that each young adult departed school.

#### January 4, 2023

There were twenty (20) young adults in the Secure Unit on this audit date. Of the twenty (20) young adults, eleven (11) young adults were enrolled in educational services. The arrival and departure times for the following young adult on this audit date were:

1. Arrived 9:30 a.m. / Departed 10:30 a.m.
2. Arrived 10:30 a.m. / Departed 11:30 a.m.
3. Arrived 9:10 a.m. / Departed 9:30 a.m.

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The remaining eight (8) young adults chose not to participate in educational services.

### **January 12, 2023**

There were twenty (20) young adults in the Secure Unit on this audit date. Of the twenty (20) young adults, eleven (11) young adults were enrolled in educational services. The arrival and departure times for the following young adult on this audit date were:

1. Arrived 9:30 a.m./ Departed 10:15 a.m.

The remaining ten (10) young adults chose not to participate in educational services.

### **January 18, 2023**

There were twenty (20) young adults in the Secure Unit on this audit date. Of the twenty (20) young adults, ten (10) young adults were enrolled in educational services

All of the ten (10) young adults chose not to participate in educational services.

### **January 26, 2023**

There were nineteen (19) young adults in the Secure Unit on this audit date. Of the nineteen (19) young adults, ten (10) young adults were enrolled in educational services. The arrival and departure times for the following one (1) young adult on this audit date was:

1. Arrived 9:15 a.m. / Departed 10:25 a.m.

The remaining nine (9) young adults chose not to participate in educational services.