

New York City Department of Correction Secure Unit Compliance Audit – February 2022

Mayor's Executive Order 241 that began on September 15, 2021, allows for the continued use of the Secure Unit for young adults (18 to 21 years old). The Department continues to report on compliance through a monthly audit for the following provisions of the Board's Minimum Standards:

- § 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) randomly selected dates each month.

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

- February 2
- February 8
- February 17
- February 22

In addition, on-site inspections of the Secure Unit's kiosks and typewriters were conducted on four (4) 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.

February on-site inspections of kiosks and typewriters were:

- February 4
- February 11

New York City Department of Correction Secure Unit Compliance Audit – February 2022

- February 18
- February 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 **chose to** participate 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 **chose to** complete and return 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.

February 2, 2022

There were ten (10) young adults in Phase 1; their out of cell times on this audit date were:

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

New York City Department of Correction Secure Unit Compliance Audit – February 2022

For the remaining three (3) young adults in Phase 1; two (2) young adults **chose not** to participate in all afforded lock-out options and one (1) young adult transferred out of the Secure Unit and did not participate in lock-out options.

February 8, 2022

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

1. 12 hours
2. 12 hours
3. 12 hours
4. 6 hours
5. 9 hours

For the remaining one (1) young adult in Phase 1, he **chose not** to participate in all afforded lock-out options.

February 17, 2022

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

1. 12 hours
2. 12 hours
3. 9 hours
4. 7 hours
5. 6 hours
6. 12 hours

For the remaining one (1) young adult in Phase 1, he transferred into the Secure Unit and did not participate in lock-out options.

February 22, 2022

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

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

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.

New York City Department of Correction Secure Unit Compliance Audit – February 2022

February 2, 2022

There were no young adults in Phase 2 on this audit date.

February 8, 2022

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

1. 12 hours
2. 7 hours
3. 7 hours

February 17, 2022

There were no young adults in Phase 2 on this audit date.

February 22, 2022

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

1. 9 hours
2. 3 hours; young adult was out to court for most of the day, and as a result his out of cell time was affected
3. 8 hours

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.

February 2, 2022

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

1. 12 hours
2. 11 hours
3. 12 hours
4. 11 hours

February 8, 2022

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

1. 1 hour; young adult **chose not** to participate in the majority of out of cell time
2. 11 hours

New York City Department of Correction Secure Unit Compliance Audit – February 2022

3. 10 hours
4. 4 hours; young adult **chose not** to participate in the majority of out of cell time

February 17, 2022

There were seven (7) young adults in Phase 3; their out of cell times on this adult date were:

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

For the remaining one (1) young adult in Phase 3, he transferred out of the Secure Unit and did not participate in lock-out options.

February 22, 2022

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

1. 11 hours
2. 11 hours
3. 9 hours
4. 9 hours
5. 11 hours
6. 8 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 – February 2, 8, 17, and 22, 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.

February 2, 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 8:05 a.m. / Departed 6:00 p.m.

New York City Department of Correction Secure Unit Compliance Audit – February 2022

February 8, 2022

There were thirteen (13) young adults in the Secure Unit on this audit date. Of the thirteen (13) 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 9:00 a.m. / Departed 4:05 p.m.

February 17, 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 9:05 a.m. / Departed 4:05 p.m.

February 22, 2022

There were fourteen (14) young adults in the Secure Unit on this audit date. Of the fourteen (14) 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 9:10 a.m. / Departed 4:06 p.m.

Kiosks and Typewriters

As noted above, the kiosks and typewriters were inspected on four (4) dates during the audit period – February 4, 11, 18, and 25, 2022. On all audit dates, kiosks and typewriters were not available. All Law Library services are afforded and fulfilled by Legal Coordinators through request slips.

§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 – February 2, 8, 17, and 22, 2022 – to ascertain the total number of young adults that **chose to** participate in recreation. On two (2) of the four (4) audit dates – February 2 and 22, 2022 – due to staff challenges, recreation was not afforded to young adults in the Secure Unit. On the remaining two (2) audit dates – February 8 and 17, 2022, recreation was afforded to the young adults.

February 2, 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 due to staffing challenges.

New York City Department of Correction Secure Unit Compliance Audit – February 2022

February 8, 2022

There were thirteen (13) young adults in the Secure Unit on this audit date. Please note the following:

- Six (6) young adults **chose to** participate in afforded recreation.
- Seven (7) young adults **chose not** to participate in afforded recreation.

February 17, 2022

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

- Nine (9) young adults **chose to** participate in afforded recreation.
- Three (3) young adults **chose not** to participate in afforded recreation.

February 22, 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 due to staffing challenges.

§ 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 are provided in addition to being available upon request to young adults in the Secure 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. Social service includes 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 - February 2, 8, 17, and 22, 2022.

February 2, 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.

New York City Department of Correction Secure Unit Compliance Audit – February 2022

- ❖ Forty-two (42) minutes of programming was offered to the four (4) young adults in this quad.
 - Two (2) young adults, one (1) in Phase 1 and the other in Phase 3, were offered and **chose to** participate in forty-two (42) minutes of programming.
 - Two (2) young adults, one (1) in Phase 1 and the other in Phase 2, were offered forty-two (42) minutes of programming. They both **chose not** to participate in programming.

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

- ❖ Forty-three (43) minutes of programming was offered to the four (4) young adults in this quad.
 - Three (3) young adults, two (2) in Phase 1 and the other in Phase 3, were offered and **chose to** participate in forty-three (43) minutes of programming.
 - One (1) young adult in Phase 1 was offered forty-three (43) minutes of programming. He **chose not** to participate in programming.

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

- ❖ Twenty-five (25) minutes of programming was offered to the three (3) young adults in this quad.
 - Two (2) young adults, one (1) in Phase 1 and the other in Phase 3, were offered and **chose to** participate in twenty-five (25) minutes of programming.
 - One (1) young adult in Phase 1 was offered twenty-five (25) minutes of programming. He **chose not** to participate in programming.

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

- ❖ Fifty (50) minutes of programming were offered to the three (3) young adults in this quad.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in fifty (50) minutes of programming.
 - Two (2) young adults in Phase 1 were offered fifty (50) minutes of programming. They both **chose not** to participate in programming.

February 8, 2022

There were thirteen (13) 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.

New York City Department of Correction

Secure Unit Compliance Audit – February 2022

- One (1) young adult in Phase 3 was offered and **chose to** participate in ten (10) minutes of programming.
- Two (2) young adults in Phase 1 were in recreation during afforded programming.

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

- ❖ One (1) hour and thirty (30) minutes of programming were offered to the four (4) young adults in this quad.
 - Three (3) young adults, one (1) in Phase 1, one (1) in Phase 2 and the other in Phase 3, were offered and **chose to** participate in one (1) hour and thirty (30) minutes of programming.
 - One (1) young adult in Phase 1 was offered one (1) hour and thirty (30) minutes of programming. He **chose not** to participate in programming.

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

- ❖ One (1) hour of programming was offered to the three (3) young adults in this quad.
 - Two (2) young adults, one (1) in Phase 1 and the other in Phase 3, were offered one (1) hour of programming. They both **chose not** to participate in programming.
 - One (1) young adult in Phase 1 was out to school during afforded programming.

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

- ❖ Three (3) hours of programming were offered to the three (3) young adults in this quad.
 - Three (3) young adults, one (1) in Phase 1 and two (2) in Phase 2, were offered and **chose to** participate in three (3) hours of programming.

February 17, 2022

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

Quad A – There was one (1) young adult in this quad. This one (1) young adult in Phase 1 was offered and **chose to** participate in four (4) hours and three (3) minutes of programming.

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

- ❖ Four (4) hours and twenty-five (25) minutes of programming were offered to the five (5) young adults in this quad.
 - Three (3) young adults in Phase 1 were offered and **chose to** participate in four (4) hours and twenty-five (25) minutes of programming.
 - Two (2) young adults in Phase 3 were offered and **chose to** participate in four (4) hours and twenty-five (25) minutes of programming.

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

New York City Department of Correction Secure Unit Compliance Audit – February 2022

- ❖ Three (3) hours of programming were offered to the three (3) young adults in this quad.
 - Three (3) young adults, two (2) in Phase 1 and the other in Phase 3, were offered and **chose to** participate in three (3) hours of programming.

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

- ❖ Three (3) hours of programming were offered to the three (3) young adults in this quad.
 - Three (3) young adults in Phase 3 were offered and **chose to** participate in three (3) hours of programming.

February 22, 2022

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

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

- ❖ One (1) hour and twenty-six (26) minutes of programming was offered to two (2) of the three (3) young adults in this quad. The remaining one (1) young adult was offered one (1) hour and eight (8) minutes of programming
 - One (1) young adult in Phase 2 was offered one (1) hour and twenty-six (26) minutes of programming. He **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 one (1) hour and twenty-six (26) minutes of programming. He **chose to** participate in forty-six (46) 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 (1) hour and eight (8) minutes of programming.

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

- ❖ Three (3) hours and twenty-five (25) minutes of programming were offered to the five (5) young adults in this quad.
 - One (1) young adult in Phase 2 was out to court during afforded programming.
 - Three (3) young adults in Phase 3 were offered and **chose to** participate in three (3) hours and twenty-five (25) minutes of programming.
 - One (1) young adult in Phase 2 was offered and **chose to** participate in three (3) hours and twenty-five (25) minutes of programming.

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

- ❖ Two (2) hours of programming was offered to the three (3) young adults in this quad.

New York City Department of Correction

Secure Unit Compliance Audit – February 2022

- Two (2) young adults, one (1) in Phase 1 and the other in Phase 3, were offered two (2) hours programming. They both **chose to** participate in one (1) hour 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 two (2) hours of programming.

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

- ❖ One (1) hour and forty (40) minutes of programming were offered to the three (3) young adults in this quad.
 - Three (3) young adults 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 resumed 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 to school and the time each young adult departed school.

February 2, 2022

There were fourteen (14) young adults in Secure Unit on this audit date. Of the fourteen (14) young adults, three (3) young adults were enrolled in educational services. The arrival and departure times for that **chose to** participate in educational services on this audit date were:

1. Arrived 9:20 am / Departed 10:23 am

One (1) young adult **chose not** to participate in educational services. The remaining one (1) young adult **chose to** participate in educational services - arriving to school at 12:08 pm, however, the departed time was not recorded in the Logbook.

February 8, 2022

There were thirteen (13) young adults in the Secure Unit on this audit date. Of the thirteen (13) young adults, four (4) young adults were enrolled in educational services. The arrival and departure times for that **chose to** participate in educational services on this audit date were:

1. Arrived 9:20 am / Departed 10:05 am
2. Arrived 10:10 am / Departed 11:00 am
3. Arrived 12:05 pm / Departed 1:20 pm

New York City Department of Correction Secure Unit Compliance Audit – February 2022

4. Arrived 1:20 pm / Departed 2:00 pm

February 17, 2022

There were twelve (12) young adults in the Secure Unit on this audit date. Of the twelve (12) young adults, four (4) young adults were enrolled in educational services. Three (3) young adults were not offered educational services due to multiple alarms in the facility. For the remaining one (1) young adult, he **chose to** participate in educational services and his arrival and departure times on this audit date were:

1. Arrived 8:30 am / Departed 10:45 am

February 22, 2022

There were fourteen (14) young adults in the Secure Unit on this audit date. No educational services were offered on this audit date due to Mid-Winter 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 November 2021 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 2021. 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 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.

Status of implementation:

- The facility administration reissued Operations Memorandum 14/21, 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.

Recreation

- Designated supervisory 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.

New York City Department of Correction

Secure Unit Compliance Audit – February 2022

Status of implementation:

- The facility administration reissued Operations Memorandum 16/21, entitled Secure Unit Recreation (11B). The memorandum assigns responsibility to the Tour Commander/Unit Manager to ensure that recreation is properly staffed. In addition, the Tour Commander/Unit Manager shall notify the management team of any deficiencies with recreation staffing levels. Prior to the completion of the 0700 x 1531 hours tour, the Tour Commander/Unit Manager shall submit an email to the management team to confirm that recreation was afforded.

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.

Status of implementation:

- The Director of Law Libraries indicated that Law Library Coordinators assigned to the Secure Unit were directed to inspect the kiosks and typewriters daily, report any damaged or inoperable equipment, and request any needed replacement or repair. The Director of Law Libraries also indicated that a request for a kiosk repair and the replacement of three typewriters for the Secure Unit were recently submitted.

The findings in the Secure Unit Audit Report covering February 2022 require the following four (4) 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

- Designated supervisory 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.

New York City Department of Correction

Secure Unit Compliance Audit – February 2022

Education

- The area supervisor shall review the education logbook on each tour, to determine whether all staff are consistently documenting 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. 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.