

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

- January 4
- January 11
- January 18
- January 25

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

§1-05(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:

- January 7
- January 14
- January 21

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➤ January 28

§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

All young adults in the Secure Unit are required to be afforded lock-out hours based on their housing phase: ten (10) hours in Phase 1, twelve (12) hours in Phase 2, and fourteen (14) hours in Phase 3.

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, 2022

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

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

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4. 12 hours
5. 11 hours

For the remaining four (4) young adults in Phase 1; one (1) young adult **chose not** to participate in all afforded lock-out options and three (3) young adults were being transferred into the Secure Unit and did not participate in lock-out options.

January 11, 2022

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. 10 hours
4. 11 hours
5. 12 hours
6. 11 hours
7. 11 hours

For the remaining two (2) young adults in Phase 1, they **chose not** to participate in all afforded lock-out options.

January 18, 2022

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

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

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

January 25, 2022

There were eight (8) 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. 11 hours
3. 12 hours
4. 13 hours
5. 7 hours

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6. 12 hours
7. 12 hours
8. 12 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, 2022

There was one (1) young adult in Phase 2; his out of cell time on this audit date was 11 hours.

January 11, 2022

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

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

January 18, 2022

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

January 25, 2022

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

1. 12 hours
2. 13 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.

January 4, 2022

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

1. 12 hours

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2. 11 hours
3. 2 hours; young adult was transferred out of the unit and as a result, his out of cell time was affected
4. 12 hours

January 11, 2022

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

1. 8 hours
2. 10 hours
3. 11 hours

January 18, 2022

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

1. 7 hours
2. 11 hours
3. 12 hours
4. 9 hours

January 25, 2022

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

1. 10 hours
2. 13 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 three (3) of the four (4) audit dates – January 4, 18, and 25, 2022. For the remaining one audit date, January 11, 2022, law library services were not provided to the young adults in the Secure Unit due to a Law Library Coordinator's unscheduled absence. The Law Library Coordinator's time for three (3) of the four (4) audit dates – January 4, 18, and 25, 2022 – was compliant with the provisions of the Board's Minimum Standards i.e., a minimum of two (2) hours.

January 4, 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 11:45 a.m. / Departed 1:45 p.m.

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January 11, 2022

There were fifteen (15) young adults in the Secure Unit on this audit date. Due to a Law Library Coordinator's unscheduled absence, law library services were not provided to the young adults in the Secure Unit on this audit date.

January 18, 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 10:00 a.m. / Departed 6:06 p.m.

January 25, 2022

There were twelve (12) young adults in the Secure Unit on this audit date. Of the twelve (12) 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 10:00 a.m. / Departed 6:00 p.m.

Kiosks and Typewriters

As noted above, the kiosks and typewriters were inspected on four (4) dates during the audit period – January 7, 14, 21, and 28, 2022. All Law Library services are afforded and fulfilled by Legal Coordinators through request slips.

Typewriters:

On four (4) of the four (4) audit dates, January 7, 14, 21, and 28, 2022, four (4) of the four (4) typewriters were inoperable.

Kiosks:

On the four (4) audit dates, January 7, 14, 21, and 28, 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 reactivate 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) dates – January 4, 11, 18, and 25, 2022 – to ascertain the total number of young adults that **chose to** participate in recreation. On two (2) of the four (4) audit dates – January 4 and 11, 2022 – recreation was not afforded to young

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adults in the Secure Unit due to staffing challenges. On the remaining two (2) audit dates – January 18 and 25, 2022, recreation was afforded to the young adults.

January 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 due to staffing challenges.

January 11, 2022

There were fifteen (15) 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.

January 18, 2022

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

- Four (4) young adults **chose to** participate in afforded recreation.
- Ten (10) young adults **chose not** to participate in afforded recreation.

January 25, 2022

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

- Two (2) young adults **chose to** participate in afforded recreation.
- Ten (10) young adults **chose not** to participate 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 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.

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In-person programming in the Secure Unit was afforded to young adults on two (2) of the four (4) audit dates – January 18 and 25, 2022. For the remaining two (2) audit dates, January 4 and 11, in-person programming was not afforded due to personnel and operational considerations related to COVID-19. Self-guided programming packets were provided.

January 4, 2022

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

- ❖ On this audit date, in-person programming was not afforded due to personnel and operational considerations related to COVID-19. Self-guided programming packets were provided.

January 11, 2022

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

- ❖ On this audit date, in-person programming was not afforded due to personnel and operational considerations related to COVID-19. Self-guided programming packets were provided.

January 18, 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.

- ❖ Thirty (30) minutes of in-person programming was offered to the three (3) young adults in this quad.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in thirty (30) minutes of in-person programming.
 - Two (2) young adults, one (1) in Phase 1 and the other in Phase 3, were offered thirty (30) minutes of in-person programming. They both **chose not** to participate in in-person programming.

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

- ❖ One (1) hour of in-person programming was offered to the three (3) young adults in this quad.
 - Two (2) young adults in Phase 1 were offered and **chose to** participate in one (1) hour of in-person programming.
 - One (1) young adult in Phase 1 was offered one (1) hour of in-person programming. He **chose not** to participate in in-person programming.

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

- ❖ One (1) hour of in-person programming was offered to the four (4) young adults in this quad.

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- Three (3) young adults, two (2) in Phase 3 and one (1) in Phase 2, were offered and **chose to** participate in one (1) hour of in-person programming.
- One (1) young adult in Phase 1 was offered one (1) hour of in-person programming. He **chose not** to participate in in-person programming.

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

- ❖ Forty-five (45) minutes of in-person programming were offered to three (3) of the four (4) young adults in this quad. The remaining one (1) young adult was offered fifteen (15) minutes of in-person programming.
 - Three (3) young adults, two (2) in Phase 1 and one (1) in Phase 3 were offered and **chose to** participate in forty-five (45) minutes of in-person programming.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in fifteen (15) minutes of in-person programming.

January 25, 2022

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

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

- ❖ Twenty-five (25) minutes of in-person programming were offered to one (1) of the two (2) young adults in this quad. The remaining one (1) young adult was offered twenty-six (26) minutes of in-person programming.
 - One (1) young adult in Phase 2 was offered and **chose to** participate in twenty-five (25) minutes of in-person programming.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in twenty-six (26) minutes of in-person programming.

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

- ❖ Thirty (30) minutes of in-person programming were offered to two (2) of the four (4) young adults in this quad. The remaining two (2) young adults were offered fifteen (15) minutes of in-person programming.
 - Two (2) young adults in Phase 1 were offered and **chose to** participate in thirty (30) minutes of in-person programming.
 - Two (2) young adults, one (1) in Phase 1 and the other in Phase 2, were offered and **chose to** participate in fifteen (15) minutes of in-person programming.

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

- ❖ Fifty (50) minutes of in-person programming was offered to the three (3) young adults in this quad.

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- Two (2) young adults in Phase 3 were offered fifty (50) minutes of in-person programming. They both **chose to** participate in thirty (30) minutes of in-person programming and **chose not** to participate in the remaining afforded in-person programming.
- One (1) young adult in Phase 1 was offered and **chose to** participate in fifty (50) minutes of in-person programming.

Quad D – There were three (3) young adults in this quad. Due to security concerns, no in-person programming was offered to the three (3) young adults in this quad.

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.

The NYC Department of Education began educational services on January 20, 2022, by providing educational learning packets on a weekly basis to enrolled young adults; each packet contains learning materials for one week.

January 4, 2022

There were fourteen (14) young adults in the Secure Unit on this audit date. No in-person educational services were provided on this audit date.

January 11, 2022

There were fifteen (15) young adults in the Secure Unit on this audit date. No in-person educational services were provided on this audit date.

January 18, 2022

There were fourteen (14) young adults in the Secure Unit on this audit date. No in-person educational services were provided on this audit date.

January 25, 2022

There were twelve (12) young adults in the Secure Unit on this audit date. Of the twelve (12) young adults, three (3) young adults were enrolled in educational services. Please note the following:

- Three (3) young adults were provided with an educational learning packet. Each of these three (3) young adults **chose to** complete and return a completed educational learning packet.