

NYC Department of Correction Secure Unit Compliance Audit – December 2019

Pursuant to the six (6) month limited variance granted by the NYC Board of Correction on November 12, 2019 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 a monthly audit 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), specifically, the amount of time that outdoor recreation was afforded to each young adult;
- § 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 December 2019:

- December 3
- December 11
- December 19
- December 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 November 12, 2019 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

A manual review of housing area logbooks was conducted to determine whether Law Library services were afforded. In addition to the logbook review, on-site inspections were conducted to determine if the four (4) kiosks and four (4) typewriters located in the unit were operational.

December on-site inspections of kiosks and typewriters were:

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- December 4
- December 13
- December 20
- December 27

§1-06 – Recreation

A manual review of housing area logbooks was 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 manual review of education attendance data was conducted to determine 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 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. Based on the housing area logbook, the lock-in/lock-out times were not consistently recorded for the phases in which some young adults were housed within the unit on three (3) of the four (4) dates audited. On December 3, 2019, during one tour, the lock-in times were not recorded for Phases 1, 2 and 3. On December 11, 2019, during one tour, the lock-out times were not recorded for Phases 1, 2 and 3. Lastly, on December 19, 2019, during one tour, the lock-in times were not recorded for Phases 1 and 2. On December 26, 2019, staff recorded the lock-in/lock-out times for all Phases for all young adults.

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.

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December 3, 2019

There were four (4) young adults in Phase 1; their out-of-cell times on this audit date were:

1. 7 hours 36 minutes
2. 8 hours 14 minutes
3. 3 hours 56 minutes
4. 8 hours 35 minutes

December 11, 2019

There were four (4) young adults in Phase 1; the out-of-cell-times for those present on this audit date were:

1. 1 hour 23 minutes; young adult was out to court for a portion of the day and, as a result, his out-of-cell time was affected
2. 7 hours 5 minutes
3. 6 hours 38 minutes
4. 1 hour 39 minutes; young adult refused the majority of afforded out-of-cell time

December 19, 2019

There were four (4) young adults in Phase 1; their out-of-cell-times on this audit date were:

1. 10 hours 56 minutes
2. 10 hours 20 minutes
3. 1 hour 55 minutes; young adult refused the majority of afforded out-of-cell time
4. 9 hours 16 minutes

December 26, 2019

There were four (4) young adults in Phase 1; their out-of-cell times on this audit date were:

1. 4 hours 36 minutes
2. 5 hours 49 minutes
3. 5 hours 40 minutes
4. 8 hours 13 minutes

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 adults 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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December 3, 2019

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

1. 8 hours 22 minutes
2. 11 hours 46 minutes
3. 6 hours 46 minutes
4. 7 hours 57 minutes

December 11, 2019

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

1. 10 hours 31 minutes
2. 13 hours 35 minutes

December 19, 2019

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

1. 10 hours 18 minutes

December 26, 2019

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

1. 6 hours 42 minutes
2. 6 hours 45 minutes
3. 7 hours 21 minutes

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 adults 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.

December 3, 2019

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

1. 9 hours 44 minutes
2. 11 hours 19 minutes
3. 11 hours 22 minutes
4. 11 hours 22 minutes
5. 8 hours 7 minutes

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December 11, 2019

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

1. 10 hours 59 minutes
2. 7 hours 44 minutes
3. 8 hours 43 minutes
4. 13 hours 44 minutes
5. 10 hours 43 minutes
6. 12 hours 17 minutes

December 19, 2019

There were seven (7) young adults in Phase 3; the out-of-cell-times for those present on this audit date were:

1. 8 hours 24 minutes
2. 11 hours 54 minutes
3. 2 hours 48 minutes; young adult was out to court for a portion of the day and, as a result, his out-of-cell time was affected
4. 8 hours 45 minutes
5. 2 hours 20 minutes; young adult was out to court for a portion of the day and, as a result, his out-of-cell time was affected
6. 3 hours 10 minutes; young adult was out to court for a portion of the day and, as a result, his out-of-cell time was affected
7. 8 hours 55 minutes

December 26, 2019

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

1. 13 hours 37 minutes
2. 3 hours 39 minutes¹
3. 9 hours 53 minutes
4. 9 hours 33 minutes
5. 7 hours 7 minutes

§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 reflected that the Law Library Coordinator was in the unit to provide assistance on each of the four (4) audit dates – December 3, 11, 19 and 26, 2019. The duration of the Law Library

¹ On this audit date, this young adult's lock-out time was 3 hours and 39 minutes, with the possibility of additional lock-out time that may have occurred between 4:00 p.m. and 9:00 p.m., which was not recorded by staff.

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Coordinator's time in the unit on three (3) of the four (4) dates audited – December 3, 11, and 19, 2019 – were in compliance with the provisions of the Board's Minimum Standards i.e., a minimum of two (2) hours. On December 26, 2019, due to a staff shortage of Legal Coordinators, law library services were not provided to young adults in the Secure Unit.

December 3, 2019

There were thirteen (13) young adults in the Secure Unit on this audit date. Of the thirteen (13) young adults, three (3) young adults requested and were provided Law Library services. The arrival and departure times for the Law Library Coordinator on this audit date were:

- Arrived 5:50 pm / Departed 8:20 pm

December 11, 2019

There were twelve (12) young adults in the Secure Unit on this audit date. Of the twelve (12) young adults, eleven (11) young adults requested and were provided Law Library services. The arrival and departure times for the Law Library Coordinator on this audit date were:

- Arrived 11:17 am / Departed 6:10 pm

December 19, 2019

There were twelve (12) young adults in the Secure Unit on this audit date. Of the twelve (12) young adults, five (5) young adults requested and were provided Law Library services. The arrival and departure times for the Law Library Coordinator on this audit date were:

- Arrived 5:53 pm / Departed 8:15 pm

December 26, 2019

There were twelve (12) young adults in the Secure Unit on this audit date. Due to a staff shortage of Legal Coordinators immediately following a holiday, Law Library services were not provided to young adults in the Secure Unit on this audit date.

Kiosks and Typewriters

As noted above, the kiosks and typewriters were inspected on four (4) dates during the audit period – December 4, 13, 20 and 27, 2019. All four (4) typewriters were operational on all of the four (4) audit dates. On three (3) of the four (4) audit dates – December 13, 20 and 27, 2019, all four (4) kiosks were operable. On the remaining audit date, December 4, 2019 all four (4) kiosks were inoperable.

§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 – December 3, 11, 19 and 26, 2019 – to ascertain the total number of young adults that participated in recreation.

On the four (4) audit dates – December 3, 11, 19, and 26, 2019 – recreation was afforded to all young adults in the Secure Unit.

December 3, 2019

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

- Six (6) young adults participated in afforded recreation.
- Six (6) young adults refused to participate in afforded recreation.
- One (1) young adult was out to court during afforded recreation.

December 11, 2019

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

- Four (4) young adults participated in afforded recreation.
- Four (4) young adults refused to participate in afforded recreation.
- One (1) young adult was out to court during afforded recreation.
- Staff did not record the recreation start and completion time for three (3) young adults in either the Mandated Services Logbook or in the housing area logbook.

December 19, 2019

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

- Six (6) young adults participated in afforded recreation.
- Three (3) young adults were out to court during afforded recreation.
- Due to conflicting housing area records, it could not be determined if two (2) young adults participated in afforded recreation. The housing area logbook does not record whether these young adults refused or participated in recreation. However, the Mandated Services Logbook indicates that these inmates refused afforded recreation.
- Staff did not record the completion time for one (1) young adult in either the Mandated Services Logbook or in the housing area logbook.

December 26, 2019

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

- Two (2) young adults participated in afforded recreation.
- Ten (10) young adults refused to participate in afforded recreation.

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

In the Secure Unit, programming is afforded to young adults during their out-of-cell time which is based on the phase within the unit they are housed. The out-of-cell time incrementally increases from one phase to the next: ten (10) hours in Phase 1, to twelve (12) hours in Phase 2, to fourteen (14) hours in Phase 3. Program Counselors circulate through the quad areas to provide programming services. Programming is provided Tuesday through Saturday. Young adults are also offered self-guided programming through the availability of books and other educational materials.

The audit reviewed programming attendance data on each of the four (4) dates to ascertain the number of programming hours offered to each young adult and the number of hours each young adult participated in programming. Program participation hours are based on the number of hours each young adult chooses to participate in programming. The data reflects the young adults present in the housing area during programming on each audit date.

Listed below is the number of programming hours offered and the number of hours each young adult participated in such programming, by quad. (A-D)

December 3, 2019

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

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

- ❖ Up to two (2) hours and forty-five (45) minutes of programming were offered.
 - Two (2) young adults in Phase 3 were offered and participated in two (2) hours and forty-five (45) minutes of programming.
 - One (1) young adult in Phase 2 was offered two (2) hours of programming. He refused all afforded programming.

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

Fifteen (15) minutes of programming were offered. The counselor afforded partial programming on this date due to inappropriate behavior of young adults in this quad.

- ❖ Two (2) young adult in Phase 1 were offered and participated in fifteen (15) minutes of programming.
 - One (1) young adult in Phase 3 was offered and participated in fifteen (15) minutes of programming.
 - One (1) young adult in Phase 2 was offered and participated in fifteen (15) minutes of programming.
 - One (1) young adult in Phase 1 was out to a visit and did not participate in afforded programming.

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

- ❖ Up to two (2) hours and thirty (30) minutes of programming were offered.

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- One (1) young adult in Phase 3 was offered and participated in two (2) hours and thirty (30) minutes of programming.
- One (1) young adult in Phase 1 was offered and participated in two (2) hours of programming.

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

- ❖ Up to four (4) hours of programming were offered.
 - One (1) young adult in Phase 3 was offered (4) hours of programming. He participated in three (3) hours of programming and refused all remaining programming.
 - Two (2) young adults in Phase 2 were offered and participated in three (3) hours of programming.

December 11, 2019

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.

- ❖ Four (4) hours and forty-five (45) minutes of programming were offered.
 - Two (2) young adults in Phase 3 were offered and participated in four (4) hours and forty-five (45) minutes of programming.

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

- ❖ Up to four (4) hours and twenty (20) minutes of programming were offered.
 - One (1) young adult in Phase 1 was offered three (3) hours and twenty (20) minutes of programming. He participated in two (2) hours and thirty-five (35) minutes of programming and refused all remaining programming.
 - One (1) young adult in Phase 1 was out to school. Upon his return, he was offered and participated in two (2) hours of programming.
 - One (1) young adult in Phase 3 was offered four (4) hours and twenty (20) minutes of programming. He participated in three (3) hours of programming and refused all remaining programming.
 - One (1) young adult in Phase 2 was offered four (4) hours and twenty (20) minutes of programming. He participated in three (3) hours and thirty-five (35) minutes of programming and refused all remaining programming.

One (1) young adult in Phase 1 was out to court for most of the day, and as a result, did not participate in afforded programming.

Quad C – There was one (1) young adult in this quad.

- ❖ Four (4) hour and fifty (50) minutes of programming were offered.

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- One (1) young adult in Phase 3 was offered and participated in four (4) hours and fifty (50) minutes of programming.

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

- ❖ Up to five (5) hours of programming were offered.
 - One (1) young adult in Phase 1 was offered three (3) hours of programming. He refused to participate in all afforded programming.
 - One (1) young adult in Phase 2 was offered five (5) hours of programming. He participated in four (4) hours of programming and refused all remaining programming.
 - Two (2) young adults in Phase 3 were offered five (5) hours of programming. They participated in four (4) hours of programming and refused all remaining programming.

December 19, 2019

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.

- ❖ Three (3) hours and forty-five (45) minutes of programming were offered.
 - One (1) young adult in Phase 1 was offered three (3) hours and forty-five (45) minutes of programming. He participated in three (3) hours of programming and refused all remaining programming.

One (1) young adult in Phase 3 was out to court for most of the day, and as a result, he did not participate in afforded programming.

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

- ❖ Up to three (3) hours and forty-five (45) minutes of programming were offered.
 - One (1) young adult in Phase 1 was offered three (3) hours and forty-five (45) minutes of programming. He participated in two (2) hours and forty-five (45) minutes of programming and refused all remaining programming.
 - One (1) young adult in Phase 1 was out to school and to a visit. He was offered and participated in fifteen (15) minutes of programming.
 - One (1) young adult in Phase 2 was offered three (3) hours and forty-five (45) minutes of programming. He participated in two (2) hours and forty-five (45) minutes of programming and refused all remaining programming.

Two (2) young adults in Phase 3 were out to court for most of the day, and as a result, they did not participate in afforded programming.

Quad C – There was one (1) young adult in this quad.

- ❖ Two (2) hours and fifteen (15) minutes of programming were offered.

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- One (1) young adult in Phase 3 was offered and participated in two (2) hours and fifteen (15) minutes of programming.

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

- ❖ Two (2) hours and thirty (30) minutes of programming were offered.
 - Three (3) young adults in Phase 3 were offered and participated in two (2) hours and thirty (30) minutes of programming.
 - One (1) young adult in Phase 1 was offered two (2) hours and thirty (30) minutes of programming. He refused all afforded programming.

December 26, 2019

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.

- ❖ Up to four (4) hours of programming were offered.
 - One (1) young adult in Phase 1 was offered and participated in three (3) hours of programming.
 - One (1) young adult in Phase 3 was offered and participated in four (4) hours of programming.

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

- ❖ Up to four (4) hours of programming were offered.
 - One (1) young adult in Phase 3 was offered and participated in four (4) hours of programming.
 - Three (3) young adults in Phase 2 were offered and participated in four (4) hours of programming.
 - One (1) young adult in Phase 1 was offered and participated in three (3) hours of programming.

Quad C – There was one (1) young adult in this quad.

- ❖ Three (3) hours and fifteen (15) minutes of programming were offered.
 - One (1) young adult in Phase 1 was offered and participated in three (3) hours and fifteen (15) minutes of programming.

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

- ❖ Up to three (3) hours and thirty (30) minutes of programming were offered.
 - One (1) young adult in Phase 1 was offered and participated in two (2) hours and fifteen (15) minutes of programming.

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- Three (3) young adults in Phase 3 were offered and participated in three (3) hours and thirty (30) 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 aforementioned 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 in the morning.

The audit reviewed educational data for each of the four (4) dates – December 3, 11, 19 and 26, 2019 – 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.

December 3, 2019

There were thirteen (13) young adults in the Secure Unit on this audit date. Of the thirteen (13) young adults, seven (7) were enrolled in educational services. The arrival and departure times for the four (4) young adults who attended educational service on this audit date were:

- Arrived 10:30 am / Departed 11:35 am

Please note the following for the remaining three (3) young adults:

- Three (3) young adults refused to participate in educational services.

December 11, 2019

There were twelve (12) young adults in the Secure Unit on this audit date. Of the twelve (12) young adults, seven (7) were enrolled in educational services. The arrival and departure times for the two (2) young adults who attended educational services on this audit date were:

- Arrived 11:12 am / Departed 11:50 am
- Arrived 9:53 am / Departed 11:27 am

Please note the following for the remaining five (5) young adults:

- One (1) young adult was out to court.
- Four (4) young adults refused to attend in educational services.

December 19, 2019

There were twelve (12) young adults in the Secure Unit on this audit date. Of the twelve (12) young adults, six (6) were enrolled in educational services.

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Please note the following:

- One (1) young adult was out to court.
- One (1) young adult refused to participate in educational services.
- The Education Services Logbook did not record the arrival and departure times to and from school for four (4) young adults enrolled in educational services on this audit date.

December 26, 2019

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