

New York City Department of Correction

Secure Unit Compliance Audit – December 2021

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 December 2021:

- December 1
- December 7
- December 15
- December 23

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

§1-05(b) Lock-in

A manual review of housing area logbooks was performed to determine whether ten (10), twelve (12), and fourteen (14) hours of out-of-cell times were afforded to young adults based on their assigned phase. 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.

December on-site inspections of kiosks and typewriters were:

- December 10
- December 17
- December 23

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➤ December 31

§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

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.

December 1, 2021

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

1. 12 hours
2. 11 hours
3. 5 hours
4. 10 hours

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5. 10 hours
6. 6 hours
7. 11 hours

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

December 7, 2021

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

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

For the remaining four (4) young adults in Phase 1, they chose not to participate in all afforded lock-out options.

December 15, 2021

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

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

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

December 23, 2021¹

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

1. 2 hours
2. 6 hours
3. 6 hours
4. 1 hour

¹ On this audit date, in addition to the out-of-cell hours listed in this section, young adults in this phase may have had the possibility of additional lock-out time that occurred between 4:00 p.m. and 7:00 p.m., which was not recorded by staff.

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For the remaining four (4) young adults; one (1) young adult chose not to participate in all afforded lock-out options, however, additional lock-out time may have occurred between 4:00 p.m. to 7 p.m., which was not recorded by staff, and three (3) young adults transferred into the Secure Unit and did not participate in lock-out options.

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.

December 1, 2021

There were five (5) young adults in Phase 2; the out of cell times for those present on this audit date were:

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

The remaining one (1) young adult was out to court and did not participate in lock-out options.

December 7, 2021

There was one (1) young adult in Phase 2; his out of cell time on this audit date was 12 hours.

December 15, 2021

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

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

December 23, 2021¹

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

1. 6 hours
2. 4 hours
3. 4 hours
4. 1 hour

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

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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 1, 2021

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

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

December 7, 2021

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

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

December 15, 2021

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

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

December 23, 2021

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

1. 1 hour; young adult was transferred out of the Secure Unit, and as a result his out of cell time was affected
2. 2 hours; young adult was transferred out of the Secure Unit, and as a result his out of cell time was affected
3. 2 hours; young adult was transferred out of the Secure Unit, and as a result his out of cell time was affected

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§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 – December 1, 7, 15, and 23, 2021. The Law Library Coordinator's time for these audit dates was in compliance with the provisions of the Board's Minimum Standards i.e., a minimum of two (2) hours.

December 1, 2021

There were sixteen (16) young adults in the Secure Unit on this audit date. Of the sixteen (16) 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 8:10 a.m. / Departed 4:10 p.m.

December 7, 2021

There were sixteen (16) young adults in the Secure Unit on this audit date. Of the sixteen (16) 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 8:00 a.m. / Departed 6:00 p.m.

December 15, 2021

There were fifteen (15) young adults in the Secure Unit on this audit date. Of the fifteen (15) young adults, four (4) 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.

December 23, 2021

There were fifteen (15) young adults in the Secure Unit on this audit date. Of the fifteen (15) young adults, four (4) 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 6:00 p.m.

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Kiosks and Typewriters

As noted above, the kiosks and typewriters were inspected on four (4) dates during the audit period – December 10, 17, 23, and 31, 2021. All Law Library services are afforded and fulfilled by Legal Coordinators through request slips.

Typewriters:

On three (3) of the four (4) audit dates, December 10, 17, and 23, 2021, two (2) of the four (4) typewriters were operable. For the remaining one audit date, December 31, 2021, one (1) of the four (4) typewriters was operable.

Kiosks:

On the four (4) audit dates, December 10, 17, 23 and 31, 2021, 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.

On all four (4) audit dates – December 1, 7, 15, and 23, 2021 due to staffing challenges, recreation was not afforded to young adults in the Secure Unit.

§ 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 corresponding 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, 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.

The data reflects the young adults present in the housing area during programming on each audit date. Programming in the Secure Unit was afforded to young adults on two (2) of the four (4) audit

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dates – December 15 and 23, 2021. For the remaining two (2) audit dates, December 1 and 7, 2021, in-person programming was not afforded due to a staff meeting and training, respectively.

December 1, 2021

There were sixteen (16) young adults housed in the Secure Unit on this audit date.

- ❖ On this audit date, in-person programming was not afforded to young adults in the Secure Unit due to a staff meeting.

December 7, 2021

There were sixteen (16) young adults housed in the Secure Unit on this audit date.

- ❖ On this audit date, in-person programming was not afforded to young adults in the Secure Unit due staff training.

December 15, 2021

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

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

- ❖ One (1) hour of programming packets was offered to two (2) young adults and thirty (30) minutes of in-person programming was offered to the remaining two (2) young adults in this quad.
 - Two (2) young adults in Phase 3 were offered and **chose to** participate in one (1) hour of programming packets.
 - Two (2) young adults, one (1) in Phase 1 and the other in Phase 3, were offered thirty (30) minutes of in-person programming. Each of the two (2) young adults **chose to** participate in fifteen (15) minutes of in-person programming and **chose not** to participate in the remaining in-person programming.

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

- ❖ One (1) hour of programming packets was offered to the four (4) young adults in this quad.
 - Two (2) young adults in Phase 1 were offered and **chose to** participate in one (1) hour of programming packets.
 - Two (2) young adults in Phase 2 were offered and **chose to** participate in one (1) hour of programming packets.

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

- ❖ Thirty (30) minutes of in-person programming were offered to the two (2) young adults in this quad.

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- One (1) young adult in Phase 3 was offered and chose to participate in thirty (30) minutes of in-person programming.
- One (1) young adult in Phase 3 was offered thirty (30) minutes of in-person programming. He chose not to participate in in-person programming.

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

- ❖ One (1) hour of programming packets was offered to the five (5) young adults in this quad.
 - Three (3) young adults in Phase 1 were offered and chose to participate in one (1) hour of programming packets.
 - One (1) young adult in Phase 2 was offered and chose to participate in one (1) hour of programming packets.
 - One (1) young adult in Phase 3 was offered and chose to participate in one (1) hour of programming packets.

December 23, 2021

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

- ❖ On this audit date, due to staff absences related to sick leave, no in-person programming was conducted to the fifteen (15) young adults in the Secure Unit. Programming packets were distributed to each of the fifteen (15) young adults in the unit.

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. A hotline number was established for young adults in the unit to speak with a teacher if they had any questions or needed support.

In-person educational services has not yet resumed in the Secure Unit during the audit dates.

December 1, 2021

There were sixteen (16) young adults in the Secure Unit on this audit date. No in-person educational services were provided on this audit date.

December 7, 2021

There were sixteen (16) young adults in the Secure Unit on this audit date. No in-person educational services were provided on this audit date.

December 15, 2021

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.

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December 23, 2021

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.