

## NYC Department of Correction Secure Unit Compliance Audit – June 2019

Pursuant to the six (6) month limited variance granted by the NYC Board of Correction on May 24, 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 sent 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 June 2019:

- June 5
- June 12
- June 18
- June 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 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 May 24, 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.

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### §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.

June on-site inspections of kiosks and typewriters were:

- June 7
- June 14
- June 21
- June 28

### §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 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, lock-in/lock-out for all young adults was recorded for the phases in which young adults were housed within the unit, except on the following audit dates: On June 18, 2019, during one tour, lock-out was not recorded for all Phases. On June 18, 2019 during another tour, lock-in was not recorded for Phase 3. On June 25, 2019, during one tour, lock-out was not recorded for all Phases. Lastly, on June 25 2019, during another tour, lock-in was not recorded for Phase 3.

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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.

### **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.<sup>1</sup>

#### **June 5, 2019**

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

1. 11 hours 22 minutes
2. 8 hours 10 minutes
3. 10 hours 5 minutes
4. 7 hours 15 minutes
5. 1 hour; young adult was out to court for a portion of the day and, as a result, his out-of-cell time was affected
6. 10 hours 19 minutes
7. 5 hours 10 minutes

#### **June 12, 2019**

There were six (6) young adults in Phase 1; the out-of-cell-times for those present on this audit date were:

1. 8 hours 6 minutes
2. 9 hours 32 minutes
3. 3 hours 13 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. 9 hours 55 minutes
5. 8 hours 11 minutes
6. 9 hours 33 minutes

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<sup>1</sup> 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.

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### June 18, 2019

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

1. 6 hours 2 minutes
2. 9 hours 47 minutes
3. 6 hours 36 minutes
4. 5 hours 55 minutes
5. 6 hours 36 minutes
6. 7 hours 8 minutes

Two (2) young adults in Phase 1 refused all afforded out-of-cell-time.

### June 25, 2019

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

1. 3 hours; young adult refused the majority of afforded out-of-cell time
2. 6 hours 52 minutes
3. 7 hours 6 minutes
4. 4 hours 45 minutes
5. 9 hours 47 minutes
6. 7 hours 23 minutes
7. 5 hours 34 minutes
8. 3 hours; young adult refused the majority of afforded out-of-cell time
9. 3 hours; young adult refused the majority of afforded 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.<sup>2</sup>

### June 5, 2019

There was one (1) young adult in Phase 2; his out-of-cell-time on this audit date was 10 hours 42 minutes

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<sup>2</sup>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.

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### June 12, 2019

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

1. 9 hours 46 minutes
2. 6 hours 35 minutes
3. 9 hours 3 minutes

### June 18, 2019

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

1. 10 hours 52 minutes
2. 9 hours 53 minutes
3. 10 hours 26 minutes

### June 25, 2019

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

1. 11 hours 20 minutes
2. 10 hours 32 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 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.<sup>3</sup>

### June 5, 2019

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

1. 11 hours 3 minutes
2. 7 hours 45 minutes

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<sup>3</sup> 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.

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3. 10 hours 47 minutes

### June 12, 2019

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

1. 10 hours 19 minutes
2. 7 hours 46 minutes
3. 11 hours 23 minutes

### June 18, 2019

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

1. 6 hours 25 minutes; young adult was transferred out of the Secure Unit
2. 6 hours 14 minutes; young adult was transferred out of the Secure Unit

### June 25, 2019

There was one (1) young adult in Phase 3; his out-of-cell-time present on this audit date was:

1. 4 hours 54 minutes; young adult was out to court for a portion of the day and, as a result, his out-of-cell-time was affected

## §1-08(f) Access to Courts and Legal Services, including Law Library

### Law Library Coordinator

A manual review of the housing area logbooks reflected that the Law Library Coordinator was in the unit to provide assistance on each of the four (4) audit dates – June 5, 12, 18 and 25, 2019.<sup>4</sup> The duration of the Law Library Coordinator's time in the unit on the four (4) dates audited was in compliance with the provisions of the Board's Minimum Standards i.e., a minimum of two (2) hours.

### June 5, 2019

There were eleven (11) young adults in the Secure Unit on this audit date. Of the eleven (11) young adults, six (6) young adults requested and were provided Law Library services. The arrival and departure times for the Law Library Coordinator on this audit date were:

1. Arrived 5:49 pm / Departed 8:30 pm

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<sup>4</sup> This is evidenced by the Law Library Coordinator signing in and out of the logbook on each of the audit dates.

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### June 12, 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:

1. Arrived 5:35 pm / Departed 8:22 pm

### June 18, 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:

1. Arrived 5:25 pm / Departed 8:24 pm

### June 25, 2019

There were twelve (12) young adults in the Secure Unit on this audit date. Of the twelve (12) young adults, four (4) young adults requested and were provided Law Library services. The arrival and departure times for the Law Library Coordinator on this audit date were:

1. Arrived 5:30 pm / Departed 8:24 pm

### Kiosks and Typewriters

As noted above, the kiosks and typewriters were inspected on four (4) dates during the audit period – June 7, 14, 21 and 28, 2019. All four (4) kiosks and all four (4) typewriters were operational on all of the four (4) audit dates.

### **§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 – June 5, 12, 18 and 25, 2019 – to ascertain the total number of young adults that participated in recreation.

On the four (4) audit dates – June 5, 12, 18, and 25, 2019 – recreation was afforded to young adults in the Secure Unit.

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#### **June 5, 2019**

There were eleven (11) young adults in the Secure Unit on this audit date. Please note the following:

- Seven (7) young adults participated in afforded recreation.
- One (1) young adult was out to court during afforded recreation.
- Three (3) young adults refused to participate in afforded recreation.

#### **June 12, 2019**

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

- Ten (10) young adults participated in afforded recreation.
- One (1) young adult was out to court during afforded recreation.
- One (1) young adult refused to participate in afforded recreation.

#### **June 18, 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.
- Staff did not record participation in recreation for seven (7) young adults in either the Mandated Services Logbook or in the housing area logbook.

#### **June 25, 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.
- Five (5) young adults refused to participate in afforded recreation.
- Staff did not record participation in recreation for one (1) young adult in either the Mandated Services Logbook or in the housing area logbook.

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

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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, up to four (4) quads. (A-D)

#### **June 5, 2019**

There were eleven (11) young adults housed in the Secure Unit on this audit date.

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

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

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

- ❖ Up to four (4) hours and twenty-one (21) minutes of programming were offered.
  - One (1) young adult in Phase 1 was offered and participated three in (3) hours and twenty-six (26) minutes of programming.
  - One (1) young adult in Phase 1 was offered and participated in three (3) hours and twenty-three (23) minutes of programming.
  - One (1) young adult in Phase 2 was offered and participated in four (4) hours and twenty-one (21) minutes of programming.

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

- ❖ Eight (8) hours of programming were offered.
  - One (1) young adult in Phase 3 was offered eight (8) hours of programming. He participated in seven (7) hours of programming and refused all remaining programming.
  - One (1) young adult in Phase 3 was offered eight (8) hours of programming. He participated in seven (7) hours and forty-five (45) minutes of programming and refused all remaining programming.

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

- ❖ Up to eight (8) hours of programming were offered.
  - One (1) young adult in Phase 1 was offered four (4) hours of programming. He participated in three (3) hours of programming and refused all remaining programming.
  - One (1) young adult in Phase 1 was offered three (3) hours of programming. He participated in one (1) hour and forty-five (45) minutes of programming and refused all remaining programming.
  - One (1) young adult in Phase 3 was offered eight (8) hours of programming. He participated in six (6) hours 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.

### **June 12, 2019**

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

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

- ❖ Up to three (3) hours and forty-three (43) minutes of programming were offered.
  - One (1) young adult in Phase 1 was offered and participated in three (3) hours and forty-three (43) minutes of programming.
  - One (1) young adult in Phase 1 was offered and participated in two (2) hours and forty-three (43) minutes of programming.
  - One (1) young adult in Phase 1 was offered and participated in twenty-one (21) minutes of programming upon his return from court.

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

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- ❖ Five (5) hours and ten (10) minutes of programming were offered.
  - One (1) young adult in Phase 2 was offered five (5) hours and ten (10) minutes of programming. He participated in four (4) hours and ten (10) minutes of programming and refused all remaining programming.
  - One (1) young adult in Phase 2 was offered five (5) hours and ten (10) minutes of programming. He participated in four (4) hours and ten (10) minutes of programming and refused all remaining programming.

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

- ❖ Up to eight (8) hours of programming were offered.
  - One (1) young adult in Phase 1 was offered four (4) hours of programming. He participated in one (1) hour and fifteen (15) minutes of programming and refused all remaining programming.
  - One (1) young adult in Phase 3 was offered eight (8) hours of programming. He participated in seven (7) hours and fifteen (15) minutes of programming and refused all remaining programming.
  - One (1) young adult in Phase 3 was offered eight (8) hours of programming. He participated in seven (7) hours and fifteen (15) minutes of programming and refused all remaining programming.

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

- ❖ Up to eight (8) hours of programming were offered.
  - One (1) young adult in Phase 1 was offered four (4) hours of programming. He participated in one (1) hour of programming and refused all remaining programming.
  - One (1) young adult in Phase 3 was offered and participated in eight (8) hours of programming.
  - One (1) young adult in Phase 1 was offered and participated in three (3) hours of programming.
  - One (1) young adult in Phase 2 was offered and participated in five (5) hours of programming.

**June 18, 2019**

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.

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- ❖ Three (3) hours and fifty (50) minutes of programming were offered.
  - One (1) young adult in Phase 1 was offered and participated in three (3) hours and fifty (50) minutes of programming.

Due to security concerns documented on the “Youthful Offender Programming Young Adult Daily Programming Sign-In Sheet,” two (2) young adults in Phase 1 were not offered programming on this date.

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

- ❖ Up to five (5) hours and thirty-eight (38) minutes of programming were offered.
  - One (1) young adult in Phase 2 was offered and participated in five (5) hours and thirty-two (32) minutes of programming.
  - One (1) young adult in Phase 2 was offered in five (5) hours and thirty-eight (38) minutes of programming. He participated in five (5) hours and thirty (30) minutes of programming and refused all remaining programming.

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

- ❖ Up to four (4) hours and nineteen (19) minutes of programming were offered.
  - One (1) young adult in Phase 3 was offered and participated in four (4) hours and nineteen (19) minutes of programming upon his return from school.
  - One (1) young adult in Phase 3 was offered one (1) hour and thirty-four (34) minutes of programming. He participated in thirty-four (34) minutes of programming and refused all remaining programming.
  - One (1) young adult in Phase 3 was offered one (1) hour and thirty-four minutes (34) of programming. He participated in thirty-four (34) minutes of programming and refused all remaining programming.
  - 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 fifteen (15) minutes of programming and refused all remaining programming.
  - One (1) young adult in Phase 1 was offered two (2) hours and thirty (30) minutes of programming. He participated in one (1) hour thirty (30) minutes of programming and refused all remaining programming.

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

- ❖ Up to three (3) hours and forty (40) minutes of programming were offered.

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- One (1) young adult in Phase 1 was offered three (3) hours and forty (40) minutes of programming. He participated in two (2) hours and ten (10) minutes of programming and refused all remaining programming.
- One (1) young adult in Phase 1 was offered one (1) hour of programming. He refused all the afforded programming.
- One (1) young adult in Phase 1 was offered one (1) hour of programming. He refused all the afforded programming.

#### June 25, 2019

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

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

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

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

- ❖ Up to seven (7) hours and forty-two (42) minutes of programming were offered.
  - One (1) young adult in Phase 3 was offered and participated in seven (7) hours and forty-two (42) minutes of programming.
  - One (1) young adult in Phase 1 was offered three (3) hours and thirty-nine (39) minutes of programming. He participated in three (3) minutes of programming and refused all remaining programming.
  - One (1) young adult in Phase 2 was offered six (6) hours and thirty-eight (38) minutes of programming. He participated in two (2) minutes of programming and refused all remaining programming.

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

- ❖ Up to three (3) hours and thirty-nine (39) minutes of programming were offered.

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- One (1) young adult in Phase 1 was offered one (1) hour and forty-five (45) minutes of programming. He participated in eight (8) minutes of programming and refused all remaining programming.
- One (1) young adult in Phase 1 was offered three (3) hours and thirty-nine (39) minutes of programming. He participated in two (2) hours of programming and refused all remaining programming.
- One (1) young adult in Phase 1 was offered one (1) hour and thirty-nine (39) minutes of programming. He refused to participate in all afforded programming.

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

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

❖ Four (4) hours of programming were offered.

- One (1) young adult in Phase 1 was offered four (4) hours of programming. He participated in three (3) hours and eleven (11) minutes of programming and refused all remaining programming.

The remaining one (1) young adult in Phase 1 did not participate in any programming. The reason for his non-participation could not be determined due to conflicting program and housing area records. “The Youthful Offender Programming Young Adult Daily Programming Sign-in Sheet” recorded that this young adult was locked in due to security reasons. However, the housing area logbook does not record any incidents occurring with this young adult on this audit date.

### **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) audit dates – June 5, 12, 18 and 25, 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.

## **NYC Department of Correction Secure Unit Compliance Audit – June 2019**

### **June 5, 2019**

There were eleven (11) young adults in the Secure Unit on this audit date. Of the eleven (11) young adults, four (4) were enrolled in educational services. The arrival and departure times for those present on this audit date were:

1. Arrived 10:50 am / Departed 11:40 am
2. Arrived 9:00 am / Departed 10:50 am

The remaining two (2) young adults refused to participate in educational services.

### **June 12, 2019**

There were twelve (12) young adults in the Secure Unit on this audit date. Of the twelve (12) young adults, four (4) were enrolled in educational services. The arrival and departure times for those present on this audit date were:

1. Arrived 10:15 am / Departed 11:55 am
2. Arrived 9:45 am / Departed 10:20 am

The remaining two (2) young adults refused to participate in educational services.

### **June 18, 2019**

There were thirteen (13) young adults in the Secure Unit on this audit date. Of the thirteen (13) young adults, eight (8) were enrolled in educational services.

The Education Services Logbook did not record the arrival and departure times to and from school for any of the eight (8) young adults enrolled in educational services.

### **June 25, 2019**

Per the NYC Department of Education, no school was afforded on this audit date because the High School graduation was scheduled on this audit date.