

NYC Department of Correction Secure Unit Compliance Audit – February 2021

Pursuant to the six (6) month limited variance granted by the NYC Board of Correction on February 9, 2021, 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);
- § 1-02(c)(2) (Classification), specifically, the number of programming hours offered to each young adult and the number of hours each young adult participated in programming; and
- Education services, specifically the number of young adults brought to school and, for each young adult, the time each young adult was brought to school and the time each young adult was taken out of school.

Audit Parameters

As set forth in the Department’s June 9, 2017 compliance plan to the Board, the audit is conducted through a manual review of the housing area logbooks on four (4) randomly selected dates each month.

This audit report covers the following four (4) dates in the month of February 2021:

- February 3
- February 9
- February 16
- February 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 February 9, 2021, and associated variance conditions, this audit report provides individualized data related to each young adult’s out-of-cell time during the reporting period.

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

Manual reviews of the housing area logbook, Program and Services Logbook, and Law Library Logbook were conducted to determine whether Law Library services were afforded. In addition to the above logbook reviews, on-site inspections were conducted to determine if the four (4) kiosks and four (4) typewriters located in the unit were operational.

February on-site inspections of kiosks and typewriters were:

- February 5
- February 12

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- February 19
- February 26

§1-06 – Recreation

Manual reviews of the housing area logbook and Mandated Services Logbook were conducted to determine whether one (1) hour of recreation was afforded.

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

A manual review of programming attendance data was conducted to determine the number of programming hours offered to each young adult and the number of hours each young adult **chose to** participate in programming.

Education

A review was conducted to determine the number of young adults enrolled in educational services, whether they were provided with educational learning packets, and whether they **chose to** complete and return the educational learning packets.

Audit Findings

§1-05(b) Lock-in

The Lock-in/Lock-out Tracking Logbook captures individualized data on an hourly basis related to each young adult's time in and out of his cell. On any given day, a young adult may be out to court or transferred in or out of the Secure Unit. Depending on the length of time these young adults are in the housing unit, they may not be included in the out-of-cell time reporting.

Phase 1

Young adults in Phase 1 are afforded ten (10) hours out of cell time each day. Listed below is individualized data related to each young adult's total out of cell time in Phase 1, based on a manual review of the Lock-in/Lock-out Tracking Logbook, for the dates audited. The out of cell time is the hours each day that a young adult **chooses to** be out of his cell during institutional lock-out periods. The data reflects the young adults present in the unit for institutional lock-outs on each audit date.

February 3, 2021

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

1. 6 hours
2. 9 hours
3. 6 hours
4. 8 hours
5. 7 hours

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On this audit date, two (2) young adults in Phase 1 **chose not** to participate in all afforded lock-out options.

February 9, 2021

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

1. 7 hours
2. 6 hours 57 minutes
3. 7 hours 33 minutes
4. 9 hours 27 minutes
5. 7 hours 45 minutes
6. 3 hours; young adult **chose not** to participate in the majority of afforded out of cell time
7. 8 hours 3 minutes
8. 7 hours 34 minutes
9. 2 hours; young adult **chose not** to participate in the majority of afforded out of cell time

February 16, 2021

There were thirteen (13) young adults in Phase 1. On this audit date, the lock-in/lock-out times could not be determined because the Lock-in/Lock-out Tracking logbook was damaged by a young adult in the unit.

February 25, 2021

There were fourteen (14) young adults in Phase 1; their out of cell times on this audit date were:

1. 12 hours
2. 12 hours
3. 8 hours
4. 10 hours
5. 10 hours
6. 10 hours
7. 10 hours
8. 11 hours 59 minutes
9. 11 hours 59 minutes
10. 12 hours 59 minutes
11. 12 hours 59 minutes
12. 12 hours 59 minutes
13. 4 hours
14. 10 hours 59 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 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.

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February 3, 2021

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

1. 10 hours
2. 10 hours
3. 9 hours
4. 10 hours

February 9, 2021

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

1. 9 hours 45 minutes
2. 10 hours 21 minutes

February 16, 2021

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

February 25, 2021

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

1. 12 hours 59 minutes
2. 6 hours
3. 1 hour; young adult **chose not** to participate in the majority of afforded out of cell time

Phase 3

Young adults in Phase 3 are afforded fourteen (14) hours out of cell time each day. Listed below is individualized data related to each young adult's total out of cell time in Phase 3, based on a manual review of the Lock-in/Lock-out Tracking Logbook, for the dates audited. The out of cell time is the hours each day that a young adult **chooses to** be out of his cell during institutional lock-out periods. The data reflects the young adults present in the unit for institutional lock-outs on each audit date.

February 3, 2021

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

1. 3 hours; young adult **chose not** to participate in the majority of afforded out of cell time
2. 11 hours
3. 1 hour; young adult **chose not** to participate in the majority of afforded out of cell time
4. 10 hours
5. 10 hours
6. 12 hours

On this audit date, one (1) young adult in Phase 3 **chose not** to participate in all afforded lock-out options.

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February 9, 2021

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

1. 1 hour 55 minutes; young adult **chose not** to participate in the majority of afforded out of cell time
2. 8 hours 46 minutes
3. 58 minutes; young adult **chose not** to participate in the majority of afforded out of cell time
4. 5 hours 28 minutes; young adult was transferred out of the Secure Unit on this audit date.
5. 10 hours 50 minutes
6. 10 hours 39 minutes

On this audit date, one (1) young adults in Phase 3 **chose not** to participate in all afforded lock-out options.

February 16, 2021

There were three (3) young adults in Phase 3. On this audit date, the lock-in/lock-out times could not be determined because the Lock-in/Lock-out Tracking logbook was damaged by a young adult in the unit.

February 25, 2021

There were no young adults in Phase 3 on this audit date.

§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, Law Library Logbook, revealed that the Law Library Coordinator was in the unit to provide assistance on all four (4) audit dates– February 3, 9, 16 and 25, 2021. The Law Library Coordinator's time for the dates audited was in compliance with the provisions of the Board's Minimum Standards i.e., a minimum of two (2) hours.

February 3, 2021

There were eighteen (18) young adults in the Secure Unit on this audit date. Of the eighteen (18) young adults, one (1) young adult **chose to** request and was provided Law Library services on this audit date. The arrival and departure times for the Law Library Coordinator on this audit date were:

- Arrived 10:56 a.m. / Departed 5:05 p.m.

February 9, 2021

There were eighteen (18) young adults in the Secure Unit on this audit date. Of the eighteen (18) 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:

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- Arrived 9:00 a.m. / Departed 4:00 p.m.

February 16, 2021

There were sixteen (16) young adults in the Secure Unit on this audit date. Of the sixteen (16) 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 9:45 a.m. / Departed 4:15 p.m.

February 25, 2021

There were seventeen (17) young adults in the Secure unit on this audit date. Of the seventeen (17) 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 11:47 a.m. / Departed 4:20 p.m.

Kiosks and Typewriters

As noted above, the kiosks and typewriters were inspected on four (4) dates during the audit period – February 5, 12, 19 and 26, 2021.

Typewriters:

On the four (4) audit dates, February 5, 12, 19 and 26, 2021, all four (4) typewriters were operable.

Kiosks:

On the four (4) audit dates, February 5, 12, 19 and 26, 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.

The audit reviewed recreational data for each of the four (4) dates – February 3, 9, 16 and 25, 2021 – to ascertain the total number of young adults that **chose to** participate in recreation.

On two (2) of the four (4) audit dates – February 9, and 25, 2021 – recreation was afforded to all young adults in the Secure Unit. For the two (2) remaining audit dates, February 3 and 16, 2021, recreation was not afforded to young adults in the Secure Unit and this was recorded in the housing area logbook.

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February 3, 2021

There were eighteen (18) young adults in the Secure Unit on this audit date. As a result of balancing the COVID-related needs in not only housing management, but also in the modification in staffing posts, the number of available supervisory staff members was reduced, and therefore, recreation could not be afforded on this audit date.¹

February 9, 2021

There were eighteen (18) young adults in the Secure Unit on this audit date. Please note the following:

- Four (4) young adults **chose to** participate in afforded recreation.
- Fourteen (14) young adults **chose not** to participate in afforded recreation.

February 16, 2021

There were sixteen (16) young adults in the Secure Unit on this audit date. As a result of balancing the COVID-related needs in not only housing management, but also in the modification in staffing posts, the number of available supervisory staff members was reduced, and therefore, recreation could not be afforded on this audit date.¹

February 25, 2021

There were seventeen (17) young adults in the Secure Unit on this audit date. Please note the following:

- Three (3) young adults **chose to** participate in afforded recreation.
- Six (6) young adults **chose not** to participate in afforded recreation.
- Eight (8) young adults' participation in afforded recreation could not be determined.

§ 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 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. Due to the coronavirus, Program Counselors conducted rounds through the quad areas to provide programming service as they did in the past, but did not remain in the housing area for the entire day. Young adults are offered programming through the availability of books and self-guided programming packets developed by community partners. The self-guided programming packets comprise a variety of activities, including interactive journaling books, anger management exercises, goal setting and coping skills, reading materials and worksheets, and creative arts activities. In-person programming through Individual Counseling and Group Counseling are provided in addition to being available upon request to young adults in the Secure Unit. 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

¹ The facility's leadership created a plan of action. The Tour Commander will confirm that the Secure Unit recreation post is properly staffed on a daily basis and that recreation is afforded each day. The importance of affording recreation to the Secure Unit will additionally be emphasized at the weekly supervisors' meeting.

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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 not afforded to young adults on one (1) of the four (4) audit dates – February 3, 2021. Programming packets were offered to all young adults in the Secure Unit on February 9 and 16, 2021. For the remaining one (1) audit date, February 25, 2021, in-person programming was afforded to all young adults in the Secure Unit.

February 3, 2021

There were eighteen (18) young adults housed in the Secure Unit on this audit date. In-person programming did not occur in the unit on this audit date due to social distancing, personnel, and operational considerations related to the coronavirus.

February 9, 2021

There were eighteen (18) young adults housed in the Secure Unit on this audit date. Programming packets were offered.

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

- ❖ Programming packets were offered to the five (5) young adults in this quad.

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

- ❖ Programming packets were offered to the five (5) young adults in this quad.

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

- ❖ Programming packets were offered to the three (3) young adults in this quad.

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

- ❖ Programming packets were offered to the five (5) young adults in this quad.

February 16, 2021

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

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

- ❖ Programming packets were offered to the five (5) young adults in this quad.

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

- ❖ Programming packets were offered to the five (5) young adults in this quad.

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

- ❖ Programming packets were offered to the three (3) young adults in this quad.

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

- ❖ Programming packets were offered to the three (3) young adults in this quad.

February 25, 2021

There were seventeen (17) young adults housed in the Secure Unit on this audit date. In-person programming was offered.

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

- ❖ Up to twenty-three (23) minutes of in-person programming were provided to the five (5) young adults in this quad.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in twelve (12) minutes of in-person programming.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in twenty-three (23) minutes of in-person programming.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in five (5) minutes of in-person programming.
 - One (1) young adult in Phase 2 was offered and **chose to** participate in seventeen (17) minutes of in-person programming.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in seventeen (17) minutes of in-person programming.

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

- ❖ Up to fifty-six (56) minutes of in-person programming were provided to the five (5) young adults in this quad.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in fifteen (15) 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.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in eight (8) minutes of in-person programming.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in fifty-six (56) minutes of in-person programming.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in twenty (20) minutes of in-person programming.

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

- ❖ Up to forty (40) minutes of in-person programming were provided to the four (4) young adults in this quad.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in fifteen (15) 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.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in forty (40) minutes of in-person programming.
 - One (1) young adult in Phase 2 was offered and **chose to** participate in twenty-six (26) minutes of in-person programming.

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

- ❖ Up to thirty-five (35) minutes of in-person programming were provided to the three (3) young adults in this quad.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in thirty-five (35) minutes of in-person programming.
 - One (1) young adult in Phase 1 refused to **chose to** participate in all afforded in-person programming.
 - One (1) young adult in Phase 2 was offered and **chose to** participate in fourteen (14) minutes of in-person programming.

Education

The NYC Department of Education offers educational services to all young adults in the Secure Unit. A young adult can enroll in educational services by completing and submitting the “Request for Educational Services” form upon admission. In addition, a young adult can enroll in educational services by completing the form in the Secure Unit. The NYC Department of Education began educational services on September 21, 2020 remotely to young adults who were enrolled in school. Each young adult was provided a tablet Monday through Friday from 9 a.m. to 2 p.m., with educational materials uploaded by the NYC Department of Education. Young adults were able to send messages and respond to messages with their teachers. In addition, a hotline number was established for young adults in the unit to speak with a teacher if they had any questions or needed support. As of December 14, 2020, the use of tablets to provide remote learning to young adults in the Secure Unit was suspended due to security concerns. Young adults in the unit were then provided educational learning packets instead of the tablets.

Educational learning packets were provided to all young adults who were enrolled in school on the four (4) audit dates – February 3, 9, 16, and 25, 2021.

February 3, 2021

There were eighteen (18) young adults in the Secure Unit on this audit date. Of the eighteen (18) young adults, five (5) were enrolled in school and each was offered an educational learning packet. Please note the following:

- Three (3) young adult **chose not** to receive an educational learning packet.

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- Two (2) young adults was offered an educational learning packet but **chose not** to return a completed educational learning packet.

February 9, 2021

There were eighteen (18) young adults in the Secure Unit on this audit date. Of the eighteen (18) young adults, five (5) young adults were enrolled in school and each was offered an educational learning packet. Please note the following:

- One (1) young adult **chose not** to receive an educational learning packet.
- Four (4) young adults was offered an educational learning packet but **chose not** to return a completed educational learning packet.

February 16, 2021

There were sixteen (16) young adults in the Secure Unit on this audit date. Of the sixteen (16) young adults, three (3) were enrolled in school and each was provided with an educational learning packet. Please note the following:

- Three (3) young adults was offered an educational learning packet but **chose not** to return a completed educational learning packet.

February 25, 2021

There were seventeen (17) young adults in the Secure Unit on this audit date. Of the seventeen (17) young adults, four (4) of the six (6) young adults were enrolled in school and each was offered an educational learning packet. Please note the following:

- One (1) young adult **chose not** to receive an educational learning packet.
- Three (3) young adults was offered an educational learning packet but **chose not** to return a completed educational learning packet.

Two (2) young adults were transferred into the unit after the educational learning packet was distributed.

Audit Recommendations

Recommendations for the Secure Unit Audit Report are reported quarterly rather than monthly per an agreement with the Board of Correction. The Secure Unit Audit Report covering the month of November 2020 was the last Secure Unit Audit Report which indicated recommendations. A quarterly period has transpired since the last audit report with recommendations, and recommendations are therefore included in this audit report.

The following recommendations were indicated in the Secure Unit Audit Report covering the month of November 2020. The status of the Department's efforts to implement each of the recommendations listed below is indicated after each recommendation:

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Lock-in/Lock-out

- The area supervisor shall review the Lock-in/Lock-out Logbook on each tour, to determine whether all staff are consistently documenting the lock-in and lock-out times for each individual. When deficiencies are identified, the designated supervisory staff person shall counsel the relevant custody staff person and instruct him or her to record all required information.
- The area supervisor shall review the housing area logbook on each tour, to determine whether all staff are consistently documenting the Phase 1, 2, and 3 lock-in and lock-out times for all people in custody. When deficiencies are identified, the designated supervisory staff person shall counsel the relevant custody staff person and instruct him or her to record all required information.

Status of implementation: The facility re-issued Memorandum 003/20, entitled 11B Housing Area and Lock-in/Lock-out Logbook- Secure Unit (11B), which requires:

- Staff assigned to the Secure Unit are to record the Lock-in and Lock-out times of all young adults in the housing area logbook in accordance with their Phase level.
- Supervisory staff shall regularly review the housing area logbook and Lock-in/Lock-out Logbook to determine whether staff are accurately recording the Lock-in and Lock-out times for all young adults and individual young adults. When deficiencies are found, supervisors shall instruct staff to correct the deficiency and record the required information.
- Designated supervisory staff shall ensure there is sufficient custodial staff coverage in the Secure Unit to afford all the young adults required scheduled lock-out options.

Status of implementation: The facility issued Memorandum 002/21, entitled Secure Unit Recreation (11B), which requires:

- The Tour Commander shall make notification to the management team of any deficiencies with staffing levels in the Secure Unit, and ensure they are abated in a timely manner so that all lockout options are afforded as required.

Recreation

- Designated supervisory staff should regularly review the Mandated Recreation Services Logbook and the housing area logbook to determine whether custody staff have recorded all required information, particularly the recreation commencement times and completion times. When deficiencies are identified, the designated supervisory staff person shall counsel the relevant custody staff person and instruct him or her to record all required information.

Status of implementation: The facility re-issued Memorandum 049/20, entitled Mandated Services Logbook-Recreation/Secure Unit (11B), which requires:

- Staff shall include the times in the Mandated Services Logbook that recreation commenced and completed.

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- Staff shall record the following in the housing area logbook: the names of each young adult that participated in recreation, the times that recreation commenced and was completed, and/or was refused by a young adult.
 - Supervisory staff shall regularly review the Mandated Services Logbook and the housing area logbook to determine whether staff have accurately recorded all required information pertaining to recreation.
- Designated supervisory staff shall ensure that there is sufficient custodial staff coverage, including supervisory custodial staff coverage, in the Secure Unit to ensure that young adults are provided with mandated recreation daily.

Status of implementation: The facility issued Memorandum 002/21, entitled Secure Unit Recreation (11B), which requires:

- The Tour Commander shall ensure the Secure Unit Recreation Post is properly staffed. In the event of unforeseen circumstances regarding staffing the Secure Unit Recreation Post, the Main Building Recreation Supervisor or the Segregation Recreation Supervisor shall assist in ensuring that young adults in the Secure Unit are afforded recreation.

In addition, the facility created a plan of action to ensure sufficient custodial staff coverage for affording recreation in Secure Unit. The Tour Commander will confirm that the Secure Unit recreation post is properly staffed on a daily basis and that recreation is afforded each day. The importance of affording recreation to the Secure Unit will additionally be emphasized at the weekly supervisors' meeting.

Law Library

- Law Library services were not afforded on November 24, 2020. The Director of Law Libraries, in conjunction with the facility administration, should ensure that designated staff are scheduled to provide Law Library services to young adults in the Secure Unit. In the case of staff absences, if possible, the Director of Law Libraries should assign other staff to provide Law Library coverage.

Status of implementation: The Director of Law Libraries stated that, whenever possible, she will schedule a Legal Coordinator to provide coverage in the Secure Unit Law Library in the event of an unscheduled absence of the assigned Secure Unit Legal Coordinator.

The findings in the Secure Unit Audit Report covering February 2021 require the following three (3) recommendations:

Lock-in/Lock-out

- The area supervisor shall review the housing area logbook on each tour, to determine whether all staff are consistently documenting the Phase 1, 2, and 3 lock-in and lock-out times for all inmates. When deficiencies are identified, the designated supervisory staff person shall counsel the relevant custody staff person and instruct him or her to record all required information.

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Recreation

- Designated supervisory staff should regularly review the Special Housing Area Mandated Services Logbook and the housing area logbook to determine whether custody staff have recorded all required information, particularly the recreation commencement times and completion times. Supervisory staff shall ensure that custody staff are consistently and accurately recording recreation information in both the Special Housing Area Mandated Services Logbook and the housing area logbook. The recreation information in these two logbooks should not conflict with one another. When deficiencies are identified, the designated supervisory staff person shall counsel the relevant custody staff person and instruct him or her to record all required information in both logbooks.
- Designated supervisory staff shall ensure that a recreation supervisor is available in the Secure Unit to ensure that young adults are provided with mandated recreation daily.