

NYC Department of Correction

Secure Unit Compliance Audit –March 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 March 2021:

- March 4
- March 9
- March 18
- March 24

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.

March on-site inspections of kiosks and typewriters were:

- March 12
- March 19

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- March 25
- March 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

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.

March 4, 2021

There were eleven (11) young adults in Phase 1; their out of cell times on this audit date were:

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

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8. 7 hours 59 minutes
9. 10 hours
10. 11 hours
11. 9 hours 59 minutes

March 9, 2021

There were thirteen (13) young adults in Phase 1; their out of cell times on this audit date were:

1. 4 hours 47 minutes; young adult **chose not** to participate in the majority of afforded out of cell time
2. 5 hours
3. 8 hours 59 minutes
4. 11 hours 59 minutes
5. 10 hours 3 minutes
6. 9 hours 32 minutes
7. 10 hours 56 minutes
8. 10 hours 36 minutes
9. 9 hours 38 minutes
10. 11 hours 52 minutes
11. 11 hours 10 minutes
12. 9 hours 45 minutes

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

March 18, 2021¹

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

1. 3 hours; young adult **chose not** to participate in the majority of afforded out of cell time
2. 9 hours 54 minutes
3. 3 hours 6 minutes; young adult **chose not** to participate in the majority of afforded out of cell time
4. 3 hours; young adult **chose not** to participate in the majority of afforded out of cell time
5. 9 hours 19 minutes
6. 2 hours; young adult **chose not** to participate in the majority of afforded out of cell time
7. 4 hours; young adult **chose not** to participate in the majority of afforded out of cell time

On this audit date, six (6) young adults in Phase 1 **chose not** to participate in all afforded lock-out options. In addition, one (1) young adult in Phase 1 was transferred out of the unit on this audit date.

¹ On this audit date, young adults were not afforded the 8:00 a.m. and 9:00 a.m. lockout options due to a staff shortage, which was recorded in the housing area logbook.

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March 24, 2021²

There were eleven (11) young adults in Phase 1; their out of cell times on this audit date were:

1. 4 hours; young adult **chose not** to participate in the majority of afforded out of cell time
2. 8 hours 59 minutes
3. 8 hours 59 minutes
4. 9 hours 59 minutes
5. 9 hours 59 minutes
6. 6 hours 59 minutes
7. 5 hours
8. 9 hours 59 minutes
9. 4 hours; young adult **chose not** to participate in the majority of afforded out of cell time
10. 4 hours; young adult **chose not** to participate in the majority of afforded out of cell time
11. 7 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.

March 4, 2021

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

1. 11 hours
2. 12 hours
3. 8 hours

March 9, 2021

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

1. 11 hours 43 minutes
2. 6 hours 56 minutes

March 18, 2021¹

There was one (1) young adult in Phase 3; his out of cell time on this audit date was 1 hour and 35 minutes; young adult **chose not** to participate in the majority of afforded out of cell time.

² On this audit date, young adults were not afforded the 8:00 a.m., 9:00 a.m., and 10:00 a.m. lockout options due to a staff shortage which was recorded in the housing area logbook.

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March 24, 2021²

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

1. 9 hours 59 minutes
2. 4 hours; 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.

March 4, 2021

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

March 9, 2021

There was one (1) young adult in Phase 3; his out of cell time on this audit date was 12 hours and 8 minutes.

March 18, 2021¹

There was one (1) young adult in Phase 3; his out of cell time on this audit date was 9 hours and 32 minutes.

March 24, 2021²

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

1. 5 hours
2. 8 hours 59 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, Law Library Logbook, revealed that the Law Library Coordinator was in the unit to provide assistance on all four (4) audit dates – March 4, 9, 18 and 24, 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.

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March 4, 2021

There were fourteen (14) young adults in the Secure Unit on this audit date. Of the fourteen (14) young adults, three (3) young adults **chose to** request and were provided Law Library services on this audit date. The arrival and departure times for the Law Library Coordinator on this audit date were:

- Arrived 11:00 a.m. / Departed 6:05 p.m.

March 9, 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 11:00 a.m. / Departed 4:00 p.m.

March 18, 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 11:10 a.m. / Departed 6:09 p.m.

March 24, 2021

There were fifteen (15) young adults in the Secure unit on this audit date. Of the fifteen (15) young adults, five (5) young adults **chose to** request and were provided Law Library services on this audit date. The arrival and departure times for the Law Library Coordinator on this audit date were:

- Arrived 10:00 a.m. / Departed 6:00 p.m.

Kiosks and Typewriters

As noted above, the kiosks and typewriters were inspected on four (4) dates during the audit period – March 12, 19, 25 and 31, 2021. All Law Library services are afforded and fulfilled by the Legal Coordinators through request slips.

Typewriters:

On the four (4) audit dates, March 12, 19, 25 and 31, 2021, all four (4) typewriters were operable.

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Kiosks:

On the four (4) audit dates, March 12, 19, 25 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.

The audit reviewed recreational data for each of the four (4) dates – March 4, 9, 18 and 24, 2021 – to ascertain the total number of young adults that **chose to** participate in recreation.

On three (3) of the four (4) audit dates – March 4, 9 and 18, 2021 – recreation was afforded to all young adults in the Secure Unit. For the one (1) remaining audit date, March 24, 2021, recreation was not afforded to young adults in the Secure Unit and this was recorded in the housing area logbook.

March 4, 2021

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

- One (1) young adult **chose to** participate in afforded recreation.
- Nine (9) young adults **chose not** to participate in afforded recreation.
- Four (4) young adults' participation in afforded recreation could not be determined.

March 9, 2021

There were sixteen (16) young adults in the Secure Unit on this audit date. Please note the following:

- Eight (8) young adults **chose to** participate in afforded recreation.
- Eight (8) young adults **chose not** to participate in afforded recreation.

March 18, 2021

There were sixteen (16) young adults in the Secure Unit on this audit date. Please note the following:

- All sixteen (16) young adults **chose not** to participate in afforded recreation.

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March 24, 2021

There were fifteen (15) young adults in the Secure Unit on this audit date. Recreation could not be afforded on this audit date due to staffing challenges related to the Department's COVID-19 response³.

§ 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 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 all young adults on all four (4) audit dates – March 4, 9, 18, and 24, 2021.

March 4, 2021

There were fourteen (14) young adults housed in the Secure Unit on this audit date. In-person programming was offered.

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

- ❖ Up to ten (10) minutes of in-person programming were offered to the four (4) young adults in this quad.
 - Two (2) young adults in Phase 1 were offered and **chose to** participate in five (5) minutes of in-person programming.

³ 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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- Two (2) young adults in Phase 1 were offered and **chose to** participate in ten (10) minutes of in-person programming.

Quad B – There were four (4) young adults in this quad. All four (4) young adults in Phase 1, **chose not** to participate in afforded in-person programming.

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

- ❖ Up to twenty-seven (27) minutes of in-person programming were offered to the three (3) young adults in this quad.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in twenty-seven (27) 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.
 - One (1) young adult in Phase 2 **chose not** to participate in all afforded in-person programming.

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

- ❖ Thirteen (13) minutes of in-person programming were offered to the three (3) young adults in this quad.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in thirteen (13) minutes of in-person programming.
 - Two (2) young adults in Phase 1 **chose not** to participate in all afforded in-person programming.

March 9, 2021

There were sixteen (16) young adults housed in the Secure Unit on this audit date. In-person programming was offered.

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

- ❖ Thirty-five (35) minutes of in-person programming were offered to the four (4) young adults in this quad.
 - Two (2) young adults in Phase 1 were offered and **chose to** participate in thirty-five (35) minutes of in-person programming.
 - One (1) young adult in Phase 2 was offered and **chose to** participate in thirty-five (35) minutes of in-person programming.
 - One (1) young adult in Phase 3 was offered and **chose to** participate in thirty-five (35) minutes of in-person programming.

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

- ❖ In-person programming was not afforded on this audit date.

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

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- ❖ Thirty (30) minutes of in-person programming were offered to the four (4) young adults in this quad.
 - Three (3) young adults in Phase 1 were offered and **chose to** participate in thirty (30) minutes of in-person programming.
 - One (1) young adult in Phase 2 was offered and **chose to** participate in thirty (30) minutes of in-person programming.

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

- ❖ In-person programming was not afforded on this audit date.

March 18, 2021

There were sixteen (16) 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.

- ❖ Ten minutes (10) minutes of in-person programming were offered to the five (5) young adults in this quad.
 - One (1) young adult in Phase 3 was offered and **chose to** participate in ten (10) minutes of in-person programming.
 - Four (4) young adults in Phase 1 refused to **chose to** participate in all afforded in-person programming.

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

- ❖ Eight (8) minutes of in-person programming were offered to the four (4) young adults in this quad.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in eight (8) minutes of in-person programming.
 - Two (2) young adults in Phase 1 **chose not** to participate in all afforded in-person programming.
 - One (1) young adult in Phase 2 **chose not** to participate in all afforded in-person programming.

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

- ❖ In-person programming was offered to the four (4) young adults in this quad.
 - Three (3) young adults in Phase 1 **chose not** to participate in all afforded in-person programming.
 - One (1) young adult in Phase 3 **chose not** to participate in all afforded in-person programming.

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Quad D – There were three (3) young adults in this quad. In-person programming was offered to the three (3) young adults in this quad. All three (3) young adults in Phase 1 **chose not** to participate in all afforded in-person programming.

March 24, 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.

- ❖ Up to fifty-five (55) minutes of in-person programming were offered to the four (4) young adults in this quad.
 - Two (2) young adults in Phase 1 **chose not** to participate in all afforded in-person programming.
 - One (1) young adult in Phase 1 was offered fifty-five (55) minutes of in-person programming. He **chose to** participate in ten (10) minutes of in-person programming and **chose not** all remaining in-person programming.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in forty-five (45) minutes of in-person programming.

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

- ❖ One hour and twenty (20) minutes of in-person programming were offered to the four (4) young adults in this quad. In-person programming in this quad was limited due to the young adults' disruptive behavior within the quad.
 - Four (4) young adults in Phase 1 were offered and **chose to** participate in one (1) hour and twenty (20) minutes of in-person programming.

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

- ❖ Forty-six (46) minutes of in-person programming were offered to the four (4) young adults in this quad. In-person programming in this quad was limited due to the young adults' disruptive behavior within the quad.
 - One (1) young adult in Phase 1 was offered forty-six (46) minutes of in-person programming. He **chose to** participate in forty-five (45) minutes of in-person programming and **chose not** all remaining in-person programming.
 - Three (3) young adults in Phase 1 were offered forty-six (46) minutes of in-person programming. They **chose not** to participate in all afforded in-person programming.

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

- ❖ Up to one (1) hour of in-person programming was offered to the three (3) young adults in this quad.

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- One (1) young adult in Phase 1 was offered and **chose to** participate in one (1) hour of in-person programming.
- One (1) young adult in Phase 1 was offered fifty (50) minutes of in-person programming. He **chose to** participate in five (5) minutes of in-person programming and **chose not** to participate in all remaining in-person programming.
- One (1) young adult in Phase 2 was offered fifty-five (55) minutes of in-person programming. He **chose to** participate in ten (10) minutes of in-person programming and **chose not** to participate in all remaining 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 – March 4, 9, 18 and 24, 2021.

March 4, 2021

There were fourteen (14) young adults in the Secure Unit on this audit date. Of the fourteen (14) young adults, seven (7) young adults were enrolled in school. Five (5) of the seven (7) young adults were offered educational learning packets. Please note the following:

- Each of the five (5) 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 packet distribution and therefore, did not receive educational learning packets.

March 9, 2021

There were sixteen (16) young adults in the Secure Unit on this audit date. Of the sixteen (16) young adults, nine (9) young adults were enrolled in school and each was offered an educational learning packet. Please note the following:

- One (1) young adult **chose to** complete and return the educational learning packet.
- Each of the remaining eight (8) young adults was offered an educational learning packet but **chose not** to return a completed educational learning packet.

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March 18, 2021

There were sixteen (16) young adults in the Secure Unit on this audit date. Of the sixteen (16) young adults, nine (9) young adults were enrolled in school and each was provided with an educational learning packet. Please note the following:

- Each of the nine (9) young adults was offered an educational learning packet but **chose not** to return a completed educational learning packet.

March 24, 2021

There were fifteen (15) young adults in the Secure Unit on this audit date. Of the fifteen (15) young adults, nine (9) young adults were enrolled in school and each was offered an educational learning packet. Please note the following:

- Each of the nine (9) young adults was offered an educational learning packet but **chose not** to return a completed educational learning packet.