

## NYC Department of Correction

### Secure Unit Compliance Audit – November 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 November 2021:

- November 3
- November 11
- November 17
- November 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. 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.

November on-site inspections of kiosks and typewriters were:

- November 5
- November 12

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- November 19
- November 29

#### §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. Based on the housing area logbook, the lock-in/lock-out times were not consistently recorded for the phases in which young adults were housed within the unit on all four (4) audit dates: November 3, 11, 17, and 23, 2021. On November 3, 11, and 23, 2021, the 8:00 scheduled lock-outs were delayed and did not occur until 9:00 a.m. due to a staff shortage.

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

##### Phase 1

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

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### November 3, 2021

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

1. 11 hours 59 minutes
2. 11 hours 59 minutes
3. 1 hour; young adult **chose not** to participate in the majority of out of cell time
4. 2 hours; young adult was out to court for most of the day, and as a result his out of cell time was affected
5. 11 hours 59 minutes
6. 4 hours; young adult **chose not** to participate in the majority of out of cell time
7. 11 hours 59 minutes
8. 11 hours 59 minutes
9. 5 hours
10. 11 hours 34 minutes
11. 11 hours 29 minutes

### November 11, 2021

There were twelve (12) young adults in Phase 1; the out of cell times on this audit date were:

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

### November 17, 2021

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

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

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The remaining two (2) young adults in Phase 1 **chose not** to participate in all afforded lock-out options.

### **November 23, 2021**

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

1. 7 hours
2. 12 hours 59 minutes
3. 9 hours 59 minutes
4. 8 hours 59 minutes
5. 8 hours 59 minutes
6. 9 hours
7. 8 hours
8. 1 hour; young adult **chose not** to participate in the majority of out of cell time
9. 9 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.

### **November 3, 2021**

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

1. 1 hour; young adult **chose not** to participate in the majority of out of cell time
2. 11 hours 59 minutes
3. 11 hours 59 minutes

### **November 11, 2021**

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

1. 11 hours 59 minutes
2. 11 hours 59 minutes
3. 10 hours

### **November 17, 2021**

There was one (1) young adult in Phase 2; his out of cell times on this audit date was 12 hours 59 minutes.

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### November 23, 2021

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

1. 11 hours 59 minutes
2. 10 hours 59 minutes
3. 10 hours 59 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.

### November 3, 2021

There was one (1) young adult in Phase 3; his out of cell time on this audit date was 11 hours 59 minutes.

### November 11, 2021

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

1. 10 hours 59 minutes
2. 6 hours 59 minutes; young adult **chose not** to participate in the majority of out of cell time

### November 17, 2021

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

1. 11 hours 59 minutes
2. 11 hours 59 minutes
3. 1 hour; young adult **chose not** to participate in the majority of out of cell time

### November 23, 2021

There were four (4) young adults in Phase 3; their out of cell times on this adult date were:

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

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

Law Library Coordinator

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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 – November 3, 11, 17, 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.

#### **November 3, 2021**

There were fifteen (15) young adults in the Secure Unit on this audit date. Of the fifteen (15) 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 8:25 a.m. / Departed 4:00 p.m.

#### **November 11, 2021**

There were seventeen (17) young adults in the Secure Unit on this audit date. Of the seventeen (17) young adults, two (2) 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 8:20 a.m. / Departed 4:10 p.m.

#### **November 17, 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 8:20 a.m. / Departed 4:35 p.m.

#### **November 23, 2021**

There were sixteen (16) young adults in the Secure Unit on this audit date. Of the sixteen (16) 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 8:35 a.m. / Departed 4:05 p.m.

#### Kiosks and Typewriters

As noted above, the kiosks and typewriters were inspected on four (4) dates during the audit period – November 5, 12, 19 and 29, 2021. All Law Library services are afforded and fulfilled by Legal Coordinators through request slips.

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### Typewriters:

On three (3) of the four (4) audit dates, November 5, 12, and 29, 2021, three (3) of the four (4) typewriters were operable. For the remaining one audit date, November 19, 2021, two (2) of the four (4) typewriters were operable.

### Kiosks:

On the four (4) audit dates, November 5, 12, 19, and 29, 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 – November 3, 11, 17, and 23, 2021 – to ascertain the total number of young adults that **chose to** participate in recreation.

On all four (4) audit dates – November 3, 11, 17, 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 three of the four (4) audit dates – November 3, 17, and 23, 2021. For the remaining audit date November 11, 2021, programming was not afforded due to holiday.

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### November 3, 2021

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

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

- ❖ One (1) hour of in-person programming was offered to the five (5) young adults in this quad.
  - Three (3) young adults in Phase 1 were offered one (1) hour of in-person programming. They **chose not** to participate in all afforded in-person programming.
  - Two (2) young adults in Phase 1 were offered and **chose to** participate in one (1) hour of in-person programming.

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

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

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

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

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

- ❖ One (1) hour of in-person programming was offered to the three (3) young adults in this quad.
  - Two (2) young adults in Phase 2 were offered and **chose to** participate in one (1) hour of in-person programming.
  - One (1) young adult in Phase 1 was offered and **chose to** participate in one (1) hour of in-person programming.

### November 11, 2021

There were seventeen (17) young adults housed in the Secure Unit on this audit date.

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

#### November 17, 2021

There were seventeen (17) young adults housed in the Secure Unit on this audit date.

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

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

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

- ❖ Twenty (20) minutes of in-person programming were offered to five (5) young adults in this quad. In-person programming was interrupted due to security concerns.
  - Two (2) young adults, one in Phase 1 and the other in Phase 3, only twenty (20) minutes of in-person programming could be offered before being interrupted. They **chose to** participate in the twenty (20) minutes of in-person programming.
  - Three (3) young adults, two (2) in Phase 1 and the other in Phase 2, **chose not** to participate in all afforded in-person programming.

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

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

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

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

#### November 23, 2021

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

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

- ❖ Two (2) hours 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 two (2) hours of in-person programming.
  - Two (2) young adults, one in Phase 1 and the other in Phase 2, were offered two (2) hours of in-person programming. They chose to participate in one (1) hour of in-person programming and chose not to participate in all remaining in-person programming.

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

- ❖ Two (2) hours of in-person programming were offered to the five (5) young adults in this quad.
  - Two (2) young adults in Phase 1 were offered and chose to participate in two (2) hours of in-person programming.
  - Three (3) young adults in Phase 2 were offered and chose to participate in two (2) hours of in-person programming.

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

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

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

- ❖ Thirty (30) minutes of in-person programming were offered to all five (5) young adults in this quad.
  - Two (2) young adults in Phase 1 were offered and chose to participate in thirty (30) minutes of in-person programming.
  - Three (3) young adults, two in Phase 1 and the other in Phase 3, chose not to participate in all afforded 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. 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 due to NYC Department of Education and United Federation of Teachers pandemic requirements with the ventilation system. The NYC Department of Education and United Federation of Teachers conducted an inspection of the ventilation system in the Secure Unit on September 24, 2021.

### **November 3, 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.

### **November 11, 2021**

There were seventeen (17) 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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#### November 17, 2021

There were seventeen (17) young adults in the Secure Unit on this audit date. No in-person educational services were provided on this audit date.

#### November 23, 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.

### 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 August 2021 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 2021. The status of the Department's efforts to implement each of the recommendations listed below is indicated after each recommendation:

#### 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.

**Status of implementation:** The facility re-issued Memorandum 014/21, 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 identified, the designated supervisory staff person shall counsel the relevant custody staff person and instruct him or her to record all required information.

#### 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.

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**Status of implementation:** The facility issued Memorandum 016/21, entitled Secure Unit Recreation (11B), which requires:

- The Tour Commander shall make every effort to 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.

#### Law Library

- Law Library services were not afforded on August 17 and August 26, 2021. 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 reported that, according to the BOC Minimum Standards, “Legal coordinator coverage shall be provided during the *extended* absences of the regularly assigned Legal Coordinator(s).” (Emphasis added.) The Director further stated that Law Library Coordinator coverage was provided on the day preceding and the day following each of the noted Law Library Coordinator absences.

The findings in the Secure Unit Audit Report covering November 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 found, supervisors shall instruct staff to correct the deficiency and record the required information in logbooks and check for compliance during their next tour.

#### 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.

#### Law Library

- To facilitate the maintenance and operation of the kiosks and typewriters in the housing areas, designated facility and law library staff shall check daily that all typewriters and kiosks are operational. When a typewriter or kiosk is identified as in need of repair, the facility administration in coordination with the Director of Law Libraries should ensure that repairs or replacements are conducted in a timely manner.