

NYC Department of Correction

Secure Unit Compliance Audit – October 2021

Pursuant to the limited variance granted by the NYC Board of Correction on September 14, 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 monthly audits 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 October 2021:

- October 6
- October 14
- October 19
- October 27

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.

October on-site inspections of kiosks and typewriters were:

- October 8

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- October 15
- October 22
- October 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. On October 6, 2021, the 8:00 a.m. scheduled lock-out was delayed and did not occur until 9:00 a.m. due to a staff shortage. On October 14, 2021, the 8:00 a.m. scheduled lock-out was delayed and did not occur until 10:00 a.m. due to a staff shortage. On October 19, 2021, the 8:00 a.m. scheduled lock-out was delayed and did not occur until 9:00 a.m. due to a staff shortage. On October 27, 2021, the 8:00 a.m. scheduled lock-out was 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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October 6, 2021

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

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

October 14, 2021

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

1. 11 hours
2. 11 hours 59 minutes
3. 7 hours 59 minutes
4. 7 hours 59 minutes
5. 11 hours 19 minutes
6. 11 hours 9 minutes
7. 11 hours 19 minutes
8. 3 hours 50 minutes, young adult was out to court for most of the day, and as a result his out of cell time was affected
9. 9 hours 10 minutes
10. 8 hours 59 minutes
11. 1 hour; young adult was transferred out of the unit
12. 11 hours 14 minutes

The remaining one (1) young adult in Phase chose not to participate in all afforded lock-out options.

October 19, 2021

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

1. 7 hours
2. 11 hours
3. 8 hours
4. 7 hours
5. 10 hours

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6. 1 hour 31 minutes, young adult was out to court for most of the day, and as a result his out of cell time was affected
7. 11 hours 59 minutes
8. 9 hours 59 minutes
9. 6 hours 37 minutes, young adult was out to court for most of the day, and as a result his out of cell time was affected
10. 8 hours
11. 7 hours
12. 11 hours 59 minutes

October 27, 2021

There were ten (10) young adults in Phase 1; their out of cell times on this audit date were:

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

The remaining one (1) young adult was out to court for most of the day, and as a result his out of cell time was affected.

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.

October 6, 2021

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

October 14, 2021

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

October 19, 2021

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

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October 27, 2021

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

1. 10 hours
2. 8 hours
3. 10 hours 3 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.

October 6, 2021

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

October 14, 2021

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

October 19, 2021

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

October 27, 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 and Law Library Logbook, revealed that the Law Library Coordinator was in the unit to provide assistance on all four (4) audit dates – October 6, 14, 19, and 27, 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.

October 6, 2021

There were twelve (12) young adults in the Secure Unit on this audit date. Of the twelve (12) 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 10:30 a.m. / Departed 6:00 p.m.

October 14, 2021

There were thirteen (13) young adults in the Secure Unit on this audit date. Of the thirteen (13) 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 10:00 a.m. / Departed 6:00 p.m.

October 19, 2021

There were twelve (12) young adults in the Secure Unit on this audit date. Of the twelve (12) young adults, three (3) young adults **chose to** request and were provided Law Library services on this audit date. The arrival and departure times for the Law Library Coordinator on this audit date were:

- Arrived 8:10 a.m. / Departed 4:05 p.m.

October 27, 2021

There were thirteen (13) young adults in the Secure Unit on this audit date. Of the thirteen (13) 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 8:05 a.m. / Departed 4:00 p.m.

Kiosks and Typewriters

As noted above, the kiosks and typewriters were inspected on four (4) dates during the audit period – October 8, 15, 22, and 29, 2021. All Law Library services are afforded and fulfilled by Legal Coordinators through request slips.

Typewriters:

On October 8, 15, 22, and 29 2021, one (1) of the four (4) typewriters were inoperable.

Kiosks:

On the four (4) audit dates, October 8, 15, 22, 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.

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The audit reviewed recreational data for each of the four (4) dates – October 6, 14, 19, and 27, 2021 – to ascertain the total number of young adults that participated in recreation.

On one (1) of the four (4) audit dates – October 6, 2021 due to staffing challenges, recreation was not afforded to young adults in the Secure Unit. For the remaining audit dates October 14, 19, and 27, 2021 recreation was afforded.

October 6, 2021

There were twelve (12) young adults in the Secure Unit on this audit date. On this audit date, recreation was not afforded to young adults in the Secure Unit due to staffing challenges related to the Department's COVID-19 response.

October 14, 2021

There were thirteen (13) young adults in the Secure Unit on this audit date. Please note the following:

- Four (4) young adults **chose to** participate in afforded recreation.
- Three (3) young adults **chose not** to participate in afforded recreation.
- One (1) young adult transferred-out of the unit and did not participate in afforded recreation.
- Due to security reasons, one (1) young adult did not participate in afforded recreation.
- Four (4) young adults' participation in afforded recreation could not be determined.

October 19, 2021

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

- Four (4) young adults **chose to** participate in afforded recreation.
- Six (6) young adults **chose not** to participate in afforded recreation.
- Two (2) young adults were out to court and did not participate in afforded recreation.

October 27, 2021

There were thirteen (13) young adults in the Secure Unit on this audit date. Please note the following:

- One (1) young adult **chose to** participate in afforded recreation.
- Eleven (11) young adults **chose not** to participate in afforded recreation.
- One (1) young adult transferred-out of the unit and did not participate in afforded recreation.

§ 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

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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 all four (4) audit dates – October 6, 14, 19, and 27, 2021.

October 6, 2021

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

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

- ❖ Two (2) hours and thirty (30) minutes of in-person programming were offered to the two (2) young adults in this quad.
 - One (1) young adult in Phase 1 was offered two (2) hours and thirty (30) minutes of in-person programming. He **chose to** participate in one (1) hour of in-person programming and **chose not** to participate in all remaining in-person programming.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in two (2) hours and thirty (30) minutes of in-person programming.

Quad B – 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.
 - 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 one hour of in-person programming. He **chose not** to participate in all afforded in-person programming.

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

- ❖ Up to five (5) hours and ten (10) minutes of in-person programming and programming packets were offered to the five (5) young adults in this quad.

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- Three (3) young adults in Phase 1 were offered and **chose to** participate in five (5) hours of in-person programming and programming packets.
- One (1) young adult in Phase 1 was offered five (5) hours of in-person programming and programming packets. He **chose to** participate in four (4) hours of in-person programming and programming packets, and **chose not** to participate in all remaining in-person programming.
- One (1) young adult in Phase 1 was offered and **chose to** participate in five (5) hours and ten (10) minutes of in-person programming and programming packets.

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

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

October 14, 2021

There were thirteen (13) young adults housed in the Secure Unit on this audit date.

Quad A – There were two (2) 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 B – 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 C – There were six (6) young adults in this quad.

- ❖ Ten (10) minutes of in-person programming was provided to one (1) of the six (6) young adults in this quad.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in ten (10) minutes of in-person programming.
 - For the remaining five (5) young adults, in-person programming was not afforded to young adults in the Secure Unit due to security concerns.

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

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

October 19, 2021

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

Quad A – 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 1 were offered and **chose to** participate in one (1) hour of in-person programming.

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

- ❖ Ten (10) minutes of in-person programming was offered to three (3) young adults in this quad.
 - Two (2) young adults in Phase 1 were offered and **chose to** participate in ten (10) minutes of in-person programming.
 - One (1) young adult in Phase 1 **chose not** to participate in all afforded in-person programming.

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

- ❖ One (1) hour in-person programming was offered to four (4) of the five (5) 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 and **chose to** participate in one (1) hour of in-person programming.
 - One (1) young adult in Phase 3 was offered one (1) hour of in-person programming. He **chose not** to participate in all afforded in-person programming.
 - One (1) young adult in Phase 1 was bailed out on this audit date and as a result did not participate in in-person programming.

Quad D – 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.
 - 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 one (1) hour of in-person programming. He **chose not** to participate in all afforded in-person programming.

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October 27, 2021

There were thirteen (13) young adults housed in the Secure Unit on this audit date.

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

- ❖ Up to five (5) hours and fifteen (15) minutes of in-person programming was offered to the two (2) young adults in this quad.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in five (5) hours of in-person programming.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in five (5) hours and fifteen (15) minutes of in-person programming.

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

- ❖ Up to five (5) hours of in-person programming and programming packets was offered to the five (5) young adults in this quad.
 - Two (2) young adults in Phase 1 were offered and **chose to** participate in five (5) hours of in-person programming and programming packets.
 - One (1) young adult in Phase 1 was offered five (5) hours of in-person programming and programming packet. He **chose to** participate in three (3) hours of in-person programming and programming packets, and **chose not** to participate in all remaining in-person programming.
 - One (1) young adult in Phase 1 was offered five (5) hours of in-person programming and programming packets. He **chose to** participate in four (4) hours of in-person programming and programming packets, and **chose not** to participate in all remaining in-person programming.
 - One (1) young adult in Phase 1 was offered five (5) hours of in-person programming and programming packets. He **chose not** to participate in all afforded in-person programming and programming packets.

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

- ❖ Four (4) hours of in-person programming and programming packets were offered to the three (3) young adults in this quad.
 - One (1) young adult in Phase 2 was offered and **chose to** participate in four (4) hours of in-person programming and programming packets.
 - One (1) young adult in Phase 3 was offered four (4) hours of in-person programming and programming packets. He **chose to** participate in three (3) hours of in-person programming and programming packets, and **chose not** to participate in all remaining in-person programming.
 - One (1) young adult in Phase 1 was offered four (4) hours of in-person programming and programming packets. He **chose not** to participate in all afforded in-person programming and programming packets.

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

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- ❖ Up to 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 1 was offered and **chose to** participate in thirty (30) 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. 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.

October 6, 2021

There were twelve (12) young adults in the Secure Unit on this audit date. No educational services were provided on this audit date.

October 14, 2021

There were thirteen (13) young adults in the Secure Unit on this audit date. No educational services were provided on this audit date.

October 19, 2021

There were twelve (12) young adults in the Secure Unit on this audit date. No educational services were provided on this audit date.

October 27, 2021

There were thirteen (13) young adults in the Secure Unit on this audit date. No educational services were provided on this audit date.