

## NYC Department of Correction

### Secure Unit Compliance Audit – February 2018

In July 2017, the NYC Department of Correction (“Department”) commenced an audit of the Secure Unit related to the provisions of the NYC Board of Correction Minimum Standards §1-05 Lock-in and §1-08(f) Access to Courts and Legal Services, including Law Library. Pursuant to the Secure Unit variance renewal granted by the Board on November 14, 2017, the Department is permitted to reduce out-of-cell time afforded to a minimum of ten (10) hours a day and to provide Law Library services within the unit through the assignment of a Law Library Coordinator and the use of Law Library kiosks and typewriters.

Pursuant to the variance conditions, the audit has been further expanded to include the provisions of Minimum Standard §1-06 Recreation and the affording of one (1) hour of recreation seven (7) days per week. In addition, beginning in February 2018 and moving forward, the audit now includes §1-02(c)(2) Classification: the number of programming hours offered to each young adult and the number of hours each young adult participated in programming.

#### 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) random dates each month.

This audit report covers the following four (4) dates in the month of February 2018:

- February 1<sup>st</sup>
- February 8<sup>th</sup>
- February 13<sup>th</sup>
- February 21<sup>st</sup>

Additionally, on-site inspections of the Secure Unit kiosks and typewriters were conducted on four (4) random dates, listed below.

#### **§1-05 Lock-in**

A manual review of housing area logbooks was performed to determine whether ten (10), twelve (12) and fourteen (14) hours of out of cell time was afforded to young adults based on their phase. In addition, pursuant to the Secure Unit variance granted by the Board on November 14, 2017 and associated variance conditions, this audit report provides individualized data related to each young adults’ out-of-cell time during the reporting period.

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

A manual review of housing area logbooks was conducted to determine whether Law Library services were afforded. In addition to the logbook review, on-site inspections were completed to determine if the four (4) kiosks and four (4) typewriters located in the unit were operational.

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February On-site Inspections:

- February 9<sup>th</sup>
- February 14<sup>th</sup>
- February 23<sup>rd</sup>
- February 28<sup>th</sup>

#### **§1-06 – Recreation**

A manual review of housing area logbooks was conducted to determine whether one (1) hour of recreation was afforded.

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

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

#### Audit Findings

#### **§1-05 Lock-in**

All young adults in the Secure Unit are 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 two (2) of the four (4) dates institutional lock-in was not consistently recorded in the logbook. On February 1<sup>st</sup>, during one (1) tour, Phase 2 lock-in was not recorded. On February 13<sup>th</sup>, during one (1) tour, Phase 3 lock-in was not recorded.

The logbook also captures individualized data on an hourly basis related to each young adult's time in and out of their cell.

#### Phase 1

Young adults in Phase 1 are afforded ten (10) hours out-of-cell time each day. Listed below is individualized data related to each young adult's total out-of-cell time in Phase 1, based on a manual review of the logbook, on 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 all institutional lock outs on each audit date.<sup>1</sup>

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<sup>1</sup> On any given day, a young adult may be out to court or transferred in or out of the Secure Unit. Depending on the length of time these young adults are in the housing unit, they may not be included in the out-of-cell time reporting.

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### **February 1, 2018**

There were two (2) young adults in Phase 1. Both of the young adults were out to court for a significant portion of the institutional lockout period on this audit date.

### **February 8, 2018**

There was one (1) young adult in Phase 1, his out-of-cell time on this audit date was 9 hours and 36 minutes.

On the last two (2) audit dates: February 13<sup>th</sup> and February 21<sup>st</sup>, there were no young adults housed in Phase 1.

### 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 logbook, on the audit dates. 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 all institutional lock outs on each audit date.<sup>2</sup>

### **February 1, 2018**

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

1. 9 hours 25 minutes
2. 8 hour 55 minutes

### **February 8, 2018**

There were four (4) young adults<sup>3</sup> in Phase 2; the out-of-cell times for those present on this audit date were:

1. 8 hours 29 minutes
2. 9 hours 14 minutes
3. 6 hours 14 minutes

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<sup>2</sup> On any given day, a young adult may be out to court or transferred in or out of the Secure Unit. Depending on the length of time these young adults are in the housing unit, they may not be included in the out-of-cell time reporting.

<sup>3</sup> On this audit date, one (1) young adult was out to court during part of the day, his out of cell time was 4 hours 58 minutes.

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### February 13, 2018

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

1. 10 hours 19 minutes
2. 8 hours 45 minutes
3. 8 hours
4. 7 hours 35 minutes

### February 21, 2018

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

1. 9 hours 18 minutes
2. 8 hours 39 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 logbook, on the audit dates. 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 all institutional lock outs on each audit date.<sup>4</sup>

### February 1, 2018

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

1. 6 hours 21 minutes
2. 10 hours 21 minutes
3. 9 hours 59 minutes

### February 8, 2018

There were two (2) young adults in Phase 3; the out-of-cell times for those present on this audit date were:

1. 9 hours 9 minutes

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<sup>4</sup> On any given day, a young adult may be out to court or transferred in or out of the Secure Unit. Depending on the length of time these young adults are in the housing unit, they may not be included in the out-of-cell time reporting.

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### February 13, 2018

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

1. 11 hours 53 minutes
2. 11 hours 17 minutes
3. 11 hours 10 minutes

### February 21, 2018

There were five (5) young adults<sup>5</sup> in Phase 3; the out-of-cell time of those present on this audit date were:

1. 9 hours 33 minutes
2. 10 hours 12 minutes
3. 11 hours 46 minutes
4. 11 hours 10 minutes

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

#### Law Library Coordinator

A manual review of the housing area logbooks reflected that the Law Library Coordinator was in the unit to provide assistance on all four (4) days audited.<sup>6</sup> The duration of the Law Library Coordinator's time in the unit during the dates audited were in compliance with the provisions of Minimum Standards. On average, on the dates audited, the Coordinator was in the unit for approximately four (4) hours.

During the reporting period, on the dates audited a maximum of eight (8) young adults were housed in Secure Unit. In addition, during the dates audited, between three (3) to five (5) young adults received assistance from the Coordinator.

#### Kiosks and Typewriters

As noted above, the kiosks and typewriters were inspected on four (4) dates during the audit period. On all four (4) of the audit dates, the typewriters were operational. On three (3) of the four (4) audit dates, all four (4) kiosks were operational and available for use. On one (1) of the audit dates, one (1) kiosk were out of service, which was resolved in a timely manner.

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<sup>5</sup> On this audit date, one (1) young adult was out to court during part of the day, his out of cell time was 7 hours 40 minutes.

<sup>6</sup> This is evidenced by the Coordinator signing in and out of the logbook on each of the audit dates.

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### §1-06 – Recreation

In Secure Unit, young adults are afforded recreation based on their quad. Institutional recreation was afforded to young adults present in the unit on all four (4) audit dates.<sup>7</sup> The need for improvement in consistent and complete logbook recording of recreation was noted.

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

In the Secure Unit, programming is afforded to young adults during their out-cell-time which is based on the phase within the unit they are housed. Program Counselors circulate through the quad areas to provide programming services. Programming is provided Sunday through Thursday. Young adults are also offered self-guided programming through the availability of books and other educational materials.

The audit reviewed programming attendance data on each of the four (4) dates to ascertain the number of programming hours offered to each young adult and the number of hours each young adult participated in programming. Program participation hours is based on the number of hours each young adult chooses to participate in programming. The data reflects the young adults present in the housing area during programming on each audit date. This audit identified program counselor scheduling conflicts. Corrective action to address this matter was completed within the reporting period.

Listed below is the number of programming hours offered and the number of hours each young adult participated in such programming, by quad: A-D.

### February 1, 2018

There were eight (8) young adults housed in the Secure Unit on this audit date. Three (3) young adults were out to court and did not participate in afforded programming. The remaining five (5) young adults were afforded programming.

#### Quad A

- ❖ Four (4) hours and fifty (50) minutes of programming was offered
  - There were two (2) young adults in this quad; their hours of program participation were:
    - 4 hours 50 minutes
    - 4 hours 50 minutes

#### Quad B

- ❖ Four (4) hours and thirty (30) minutes of programming was offered

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<sup>7</sup> On some of the dates audited, logbook entries recorded that some young adults were out to court.

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- There were two (2) young adults in this quad; their hours of program participation were:
  - 4 hours
  - 3 hours 30 minutes

#### Quad C

- ❖ Three (3) hours and forty (40) minutes of programming was offered.
  - There was one (1) young adult in this quad; he participated in programming for three (3) hours and forty (40) minutes.

#### **February 8, 2018**

There were seven (7) young adults housed in the Secure Unit on this audit date.

#### Quad A

- ❖ Four (4) hours of programming was offered
  - There were two (2) young adults in this quad, their hours of program participation were:
    - 4 hours
    - 4 hours

#### Quad B

- ❖ Four (4) hours of programming was offered
  - There were two (2) young adults in this quad, their hours of program participation were:
    - 3 hours
    - 4 hours

#### Quad C

- ❖ Five (5) hours of programming was offered
  - There were two (2) young adults in this quad; their hours of program participation were:
    - 5 hours
    - 5 hours

#### Quad D

- ❖ Four (4) hours of programming was offered
  - There was one (1) young adult in this quad; he participated in four (4) hours of programming.

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#### February 13, 2018

There were seven (7) young adults housed in the Secure Unit on this audit date.

##### Quad A

- ❖ Two (2) hours and forty-five (45) minutes of programming was offered
  - There were two (2) young adults in this quad; their hours of program participation were:
    - 1 hour 45 minutes
    - 2 hour 45 minutes

##### Quad B

- ❖ Four (4) hours of programming was offered
  - There were two (2) young adults in this quad; their hours of program participation were:
    - 4 hours
    - 4 hours

##### Quad C

- ❖ Four (4) hours and thirty (30) minutes of programming was offered
  - There were two (2) young adults in this quad; their hours of program participation were:
    - 4 hours 30 minutes
    - 4 hours 30 minutes

##### Quad D

- ❖ Four (4) hours of programming was offered
  - There was one (1) young adult in this quad; he participated in four (4) hours of programming.

#### February 21, 2018

There were seven (7) young adults housed in the Secure Unit on this audit date.

##### Quad A

- ❖ Five (5) hours of programming was offered
  - There were two (2) young adults in this quad; both of whom participated in programming for at least four (4) hours. Due to incomplete recordings, their total hours of program participation could not be calculated.

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#### Quad B

- ❖ Five (5) hours of programming was offered
  - There were two (2) young adults in this quad; both of whom participated in programming for at least four (4) hours. Due to incomplete recordings, their total hours of program participation could not be calculated.

#### Quad C

- ❖ Five (5) hours 30 minutes was offered
  - There were two (2) young adults in this quad; both of whom participated in programming for at least four (4) hours and thirty (30) minutes. Due to incomplete recordings, their total hours of program participation could not be calculated.

#### Quad D

- ❖ Five (5) hours of programming was offered
  - There was one (1) young adult in this quad, he participated in five (5) hours of programming.

#### Audit Recommendations

Since Secure Unit auditing commenced there has been noted improvement in the accuracy and consistency of logbook recording in the audit areas. In furtherance of maintaining and supporting the progress achieved to date, the below recommendations should remain in effect. During this audit period, a new data point was added with the inclusion of a manual review of programming related data, pursuant to the November 14, 2017 variance conditions.

#### Lock-in/Lock-out

- Continue facility unit staff training on the use of the tracking logbook to ensure that all facility unit staff are knowledgeable on how to properly document institutional and individualized data.
- A Unit Captain should review the logbook at the end of each tour to ensure that lock-in/lock-out is recorded accurately and consistently, which shall be documented through a logbook entry. Based on such review, facility administration should take corrective action as needed.

#### Kiosks and Typewriters

- To facilitate the maintenance and operation of the typewriters and kiosks in the unit, instruct designated facility and Law Library staff to check on a daily basis that all typewriters and kiosks are operational. Additionally, when a typewriter or kiosk is identified in need of

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repair, facility administration in coordination with the Director of Law Libraries should ensure that repairs are conducted in a timely manner.

#### Recreation

- The need for improvement in consistent and complete logbook recording of recreation was noted. Logbook entries should continue to record information related to when recreation was afforded to the young adults in each quad, whether the young adult choose to go to recreation or refused, and the duration for which the young adult was in recreation.

#### Programming

- To facilitate complete and consistent recording of both programming hours offered and individualized data related to hours of participation, program counselors and external providers are directed to provide more comprehensive individualized outcomes, by:
  - Recording of program start and end time, by participant;
  - Delineating the reason for participants' absences;
  - Explaining reason for sessions' cancellations when they arise;
- Designate supervisory staff to review programming attendance documentation and related information to ensure that programming hours and participation is recorded on a daily basis.
  - Establish a system to correct deficiencies in a timely manner.
- As stated within the report, program counselor scheduling conflicts were identified and resolved during this reporting period. Moving forward, program counselor schedules will be reviewed to ensure that any noted conflicts can be addressed in a timely manner.