

## NYC Department of Correction Secure Unit Compliance Audit – January 2021

Pursuant to the six (6) month limited variance granted by the NYC Board of Correction on November 10, 2020, 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 January 2021:

- January 5
- January 14
- January 19
- January 28

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 November 10, 2020, 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.

January on-site inspections of kiosks and typewriters were:

- January 8
- January 15

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- January 22
- January 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

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.

#### January 5, 2021

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

1. 7 hours
2. 8 hours
3. 2 hours; 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. 5 hours
6. 11 hours
7. 9 hours

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8. 8 hours
9. 8 hours

On this audit date, three (3) young adults in Phase 1 **chose not** to participate in all afforded lock-out options. The remaining one (1) young adult in Phase 1 was transferred out of the unit, and as a result, his out of cell time was affected.

#### January 14, 2021

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

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

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

#### January 19, 2021

There were six (6) young adults in Phase 1; their out of cell times on this audit date were:

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

#### January 28, 2021

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

1. 9 hours
2. 8 hours
3. 7 hours
4. 9 hours 59 minutes
5. 11 hours
6. 10 hours
7. 9 hours 59 minutes
8. 1 hour; young adult was transferred into the unit and, as a result his out of cell time was affected.

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

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### 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.

#### **January 5, 2021**

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

1. 8 hours
2. 9 hours

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

#### **January 14, 2021**

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

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

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

#### **January 19, 2021**

There were five (5) young adults in Phase 2; their out of cell times on this audit date were:

1. 11 hours 50 minutes
2. 9 hours
3. 7 hours
4. 11 hours

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

#### **January 28, 2021**

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

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

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### 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.

#### **January 5, 2021**

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

1. 12 hours
2. 12 hours
3. 9 hours
4. 11 hours

#### **January 14, 2021**

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

1. 11 hours 36 minutes
2. 1 hour; young adult **chose not** to participate in the majority of afforded out of cell time

On this audit date, two (2) young adults in Phase 3 **chose not** to participate in all afforded lock-out options.

#### **January 19, 2021**

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

1. 1 hour; young adult **chose not** to participate in the majority of afforded out of cell time
2. 12 hours
3. 1 hour; young adult **chose not** to participate in the majority of afforded out of cell time
4. 11 hours
5. 8 hours
6. 12 hours
7. 12 hours

#### **January 28, 2021**

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

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

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

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### §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, and the Law Library 24 Hour Report revealed that the Law Library Coordinator was in the unit to provide assistance on three (3) of the four (4) audit dates– January 5, 14, and 28, 2021. The Law Library Coordinator time for the three dates audited was in compliance with the provisions of the Board's Minimum Standards i.e., a minimum of two (2) hours.

#### **January 5, 2021**

There were twenty (20) young adults in the Secure Unit on this audit date. Of the twenty (20) 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 10:30 a.m. / Departed 4:15 p.m.

#### **January 14, 2021**

There were eighteen (18) young adults in the Secure Unit on this audit date. No young adults **chose to** request 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.

#### **January 19, 2021**

There were eighteen (18) young adults in the Secure Unit on this audit date. Law library services were not provided on this audit date due to the Law Library Coordinator's unscheduled absence.

#### **January 28, 2021**

There were seventeen (17) young adults in the Secure Unit on this audit date. No young adults **chose to** request 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 – January 8, 15, 22 and 29, 2021. All Law Library services are afforded and fulfilled by the Legal Coordinators through request slips.

#### Typewriters:

On the four (4) audit dates, January 8, 15, 22 and 29, 2021, all four (4) typewriters were operable.

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#### Kiosks:

On all four (4) audit dates, January 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.

The audit reviewed recreational data for each of the four (4) dates – January 5, 14, 19 and 28, 2021 – to ascertain the total number of young adults that participated in recreation.

On all four (4) audit dates – January 5, 14, 19 and 28, 2021, – recreation was not afforded to young adults in the Secure Unit according to the housing area logbook records.

#### **January 5, 2021**

There were twenty (20) young adults in the Secure Unit on this audit date. As a result of balancing the COVID-related needs in not only housing management, but also in the modification in staffing posts, the number of available supervisory staff members was reduced, and therefore, recreation could not be afforded on this audit date.<sup>1</sup>

#### **January 14, 2021**

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

#### **January 19, 2021**

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

#### **January 28, 2021**

There were seventeen (17) young adults in the Secure Unit on this audit date. As a result of balancing the COVID-related needs in not only housing management, but also in the modification in staffing posts, the number of available supervisory staff members was reduced, and therefore, recreation could not be afforded on this audit date.<sup>1</sup>

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<sup>1</sup> 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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### § 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 not afforded to young adults on three (3) of the four (4) audit dates – January 5, 14, and 28, 2021. For the remaining one (1) audit date, January 19, 2021, programming packets was afforded to young adults in the Secure Unit.

#### **January 5, 2021**

There were twenty (20) young adults housed in the Secure Unit on this audit date. In-person programming did not occur in the unit on this audit date due to social distancing, personnel, and operational considerations related to the coronavirus.

#### **January 14, 2021**

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

#### **January 19, 2021**

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

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



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

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

❖ Programming packets were offered to the four (4) young adults in this quad.

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

❖ Programming packets were offered to the four (4) young adults in this quad.

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

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

### January 28, 2021

There were seventeen (17) young adults housed in the Secure Unit on this audit date. In-person programming did not occur in the unit on this audit date due to social distancing, personnel, and operational considerations related to the coronavirus.

### 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 – January 5, 14, 19 and 28, 2021.

### January 5, 2021

There were twenty (20) young adults in the Secure Unit on this audit date. Of the twenty (20) young adults, sixteen (16) were enrolled in school and each was offered an educational learning packet. Please note the following:

- One (1) young adult **chose not** to receive an educational learning packet.
- Each of the fifteen (15) young adults was offered an educational learning packet but **chose not** to return a completed educational learning packet.

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### January 14, 2021

There were eighteen (18) young adults in the Secure Unit on this audit date. Of the eighteen (18) young adults, fourteen (14) young adults were enrolled in school and each was offered an educational learning packet. Please note the following:

- One (1) young adult **chose not** to receive an educational learning packet.
- Each of the thirteen (13) young adults was offered an educational learning packet but **chose not** to return a completed educational learning packet.

### January 19, 2021

There were eighteen (18) young adults in the Secure Unit on this audit date. Of the eighteen (18) young adults, thirteen (13) were enrolled in school and each was provided with an educational learning packet. Please note the following:

- Each of the thirteen (13) young adults was offered an educational learning packet but **chose not** to return a completed educational learning packet.

### January 28, 2021

There were seventeen (17) young adults in the Secure Unit on this audit date. Of the seventeen (17) young adults, thirteen (13) young adults were enrolled in school and each was offered an educational learning packet. Please note the following:

- Two (2) young adults **chose not** to receive an educational learning packet.
- Each of the eleven (11) young adults was offered an educational learning packet but **chose not** to return a completed educational learning packet.