

## NYC Department of Correction Secure Unit Compliance Audit – October 2020

Pursuant to the six (6) month limited variance granted by the NYC Board of Correction on May 12, 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 October 2020:

- October 1
- October 6
- October 16
- October 20

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 May 12, 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.

October on-site inspections of kiosks and typewriters were:

- October 2
- October 9

## NYC Department of Correction

### Secure Unit Compliance Audit – October 2020

- October 15
- October 22

#### §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 manual review of education attendance data was conducted to determine 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 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.

#### October 1, 2020

There were five (5) 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. 4 hours; young adult **chose not** to participate in the majority of afforded out of cell time
3. 2 hours; young adult was transferred out of the Secure Unit on this audit date
4. 8 hours

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

## NYC Department of Correction Secure Unit Compliance Audit – October 2020

### October 6, 2020

There were seven (7) young adults in Phase 1; their out of cell times on this audit date were:

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

### October 16, 2020

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

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

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

### October 20, 2020

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

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

### **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

## NYC Department of Correction Secure Unit Compliance Audit – October 2020

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 1, 2020**

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

1. 8 hours
2. 7 hours
3. 7 hours

### **October 6, 2020**

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

1. 7 hours
2. 9 hours

On this audit date, one (1) young adult in Phase 2 was out to court for most of the day, and as a result his out of cell time was affected.

### **October 16, 2020**

There were one (1) young adult in Phase 2, his out of cell time on this audit date was 12 hours.

### **October 20, 2020**

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

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

### **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 1, 2020**

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

1. 7 hours

## NYC Department of Correction Secure Unit Compliance Audit – October 2020

2. 14 hours

### **October 6, 2020**

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

1. 14 hours
2. 8 hours

### **October 16, 2020**

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

### **October 20, 2020**

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

1. 10 hours
2. 9 hours

## **§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 reflected that the Law Library Coordinator was in the unit to provide assistance on three (3) of the four (4) audit dates – October 1, 16 and 20, 2020. The duration of the Law Library Coordinator's time in the unit on the three (3) dates audited was in compliance with the provisions of the Board's Minimum Standards i.e., a minimum of two (2) hours. For the remaining one (1) audit date, October 6, 2020, Law Library services were not provided in the Secure Unit due to an unscheduled absence by the Law Library Coordinator.

### **October 1, 2020**

There were ten (10) young adults in the Secure Unit on this audit date. Of the ten (10) 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 8:00 a.m. / Departed 11:20 a.m.

### **October 6, 2020**

There were twelve (12) young adults in the Secure Unit on this audit date. Law library services were not provided on this audit date due to an unscheduled absence by the Law Library Coordinator.

## NYC Department of Correction Secure Unit Compliance Audit – October 2020

### October 16, 2020

There were fourteen (14) 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 3:40 p.m. / Departed 6:00 p.m.

### October 20, 2020

There were fourteen (14) young adults in the Secure Unit on this audit date. Of the fourteen (14) 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 11:00 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 2, 9, 15 and 22, 2020. All Law Library services are being afforded and fulfilled by the Legal Coordinators through request slips.

#### Typewriters:

On the four (4) audit dates, October 2, 9, 15 and 22, 2020, all four (4) typewriters were operable.

#### Kiosks:

On all four (4) audit dates, October 2, 9, 15 and 22, 2020, 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' services 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 – October 1, 6, 16 and 20, 2020 – to ascertain the total number of young adults that **chose to** participate in recreation.

On all four (4) audit dates – October 1, 6, 16 and 20, 2020 – recreation was afforded to all young adults in the Secure Unit.

### October 1, 2020

There were ten (10) young adults in the Secure Unit on this audit date. Please note the following:

- Nine (9) young adults **chose not** to participate in afforded recreation.

## NYC Department of Correction

### Secure Unit Compliance Audit – October 2020

- One (1) young transferred out of the unit and did not participate in afforded recreation.

#### October 6, 2020

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

- Three (3) young adults **chose to** participate in afforded recreation.
- Eight (8) young adults **chose not** to participate in afforded recreation.
- One (1) young adult's participation in afforded recreation could not be determined.

#### October 16, 2020

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

- Three (3) young adults **chose to** participate in afforded recreation.
- Nine (9) young adults **chose not** to participate in afforded recreation.
- Two (2) young adults' participation in afforded recreation could not be determined.

#### October 20, 2020

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

- Two (2) young adults **chose to** participate in afforded recreation.
- Seven (7) young adults **chose not** to participate in afforded recreation.
- Five (5) young adults' participation in afforded recreation could not be determined.

#### § 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 Community Meetings 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.

## NYC Department of Correction

### Secure Unit Compliance Audit – October 2020

The audit revealed that Counselors reviewed previously distributed self-guided programming materials with the young adults, and provided them with additional self-guided programming materials, and individual counseling on the three (3) of four (4) audit dates – October 6, 16 and 20, 2020. For the remaining audit date, October 1, 2020, programming services were not scheduled.

#### October 1, 2020

There were ten (10) 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.

#### October 6, 2020

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

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

- ❖ The counselor conducted a review of previously distributed programming packets and distributed new programming packets to the three (3) young adults in this quad.

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

- ❖ The counselor conducted a review of previously distributed programming packets and distributed new programming packets to the four (4) young adults in this quad.

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

- ❖ The counselor conducted a review of previously distributed programming packets and distributed new programming packets to the two (2) young adults in this quad.

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

- ❖ The counselor conducted a review of previously distributed programming packets and distributed new programming packets to two (2) young adults in this quad. The remaining one (1) young adult was out to court and did not participate in afforded programming.

#### October 16, 2020

There were fourteen (14) young adults housed in the Secure Unit on this audit date.

Quad A – 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 **chose not** to participate in in-person programming.

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

- ❖ In-person programming was offered to the four (4) young adults in this quad.

## NYC Department of Correction

### Secure Unit Compliance Audit – October 2020

- One (1) young adult was offered and **chose to** participate in seven (7) minutes of in-person programming.
- Two (2) young adults were offered and **chose to** participate in three (3) minutes of in-person programming.
- One (1) young adult was offered and **chose to** participate in twenty (20) minutes of in-person programming.

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

- ❖ In-person programming was provided to the five (5) young adults in this quad.
  - One (1) young adult was offered and **chose to** participate in five (5) minutes of in-person programming.
  - One (1) young adult was offered and **chose to** participate in two (2) minutes of in-person programming.
  - One (1) young adult was offered and **chose to** participate in three (3) minutes of in-person programming.
  - Two (2) young adults refused to **chose not** to participate in in-person programming.

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

- ❖ In-person programming was provided to the two (2) young adults in this quad.
  - One (1) young adult was offered and **chose to** participate in twenty-one (21) minutes of in-person programming.
  - One (1) young adult **chose not** to participate in in-person programming.

### October 20, 2020

There were fourteen (14) young adults housed in the Secure Unit on this audit date.

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

- ❖ The counselor conducted a review of previously distributed programming packets to the three (3) young adults in this quad. They were also offered and **chose to** participate in thirty (30) minutes of in-person programming.

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

- ❖ The counselor conducted a review of previously distributed programming packets and distributed programming packets to the four (4) young adults in this quad.

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

- ❖ The counselor conducted a review of previously distributed programming packets and distributed new programming packets to the five (5) young adults in this quad.

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

## NYC Department of Correction

### Secure Unit Compliance Audit – October 2020

- ❖ The counselor conducted a review of previously distributed programming packets to the two (2) young adults in this quad. They were also offered and **chose to** participate in one (1) hour 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. The NYC Department of Education began educational services on September 21, 2020 remotely to young adults who were enrolled in school. Each young adult is 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.

Educational tablets were provided to all young adults who were enrolled in school on all four (4) audit dates – October 1, 6, 16 and 20, 2020.

#### October 1, 2020

There were ten (10) young adults in the Secure Unit on this audit date. All ten (10) young adults were enrolled in school and nine (9) were provided tablets. Please note the following:

- One (1) young adult **chose to** participate in remote learning.
- Eight (8) young adults **chose not** to participate in remote learning.
- One (1) young adult was transferred out of the Secure Unit on this audit date and therefore did not receive a tablet.

#### October 6, 2020

There were twelve (12) young adults in the Secure Unit on this audit date. All twelve (12) young adults were enrolled in school and were provided tablets. All twelve (12) young adults **chose not** to participate in remote learning.

#### October 16, 2020

There were fourteen (14) young adults in the Secure Unit on this audit date. Of the fourteen (14) young adults, thirteen (13) were enrolled in school and were provided tablets. All thirteen (13) young adults **chose not** to participate in remote learning.

#### October 20, 2020

There were fourteen (14) young adults in the Secure Unit on this audit date. Of the fourteen (14) young adults, thirteen (13) were enrolled in school and were provided tablets. Please note the following:

- One (1) young adult **chose to** participate in remote learning.
- Twelve (12) young adults **chose not** to participate in remote learning.