

## NYC Department of Correction

### Secure Unit Compliance Audit – September 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 September 2020:

- September 3
- September 9
- September 15
- September 22

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.

September on-site inspections of kiosks and typewriters were:

- September 11
- September 18

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- September 23
- September 30

### §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.

#### September 3, 2020

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

1. 7 hours
2. 5 hours
3. 6 hours
4. 8 hours
5. 6 hours 15 minutes
6. 7 hours

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7. 7 hours

### September 9, 2020

There were five (5) young adults in Phase 1; their out of cell times on this audit date were:

1. 7 hours
2. 5 hours
3. 5 hours
4. 6 hours 20 minutes
5. 2 hours<sup>1</sup>

### September 15, 2020

There were five (5) young adults in Phase 1; their out of cell times on this audit date were:

1. 7 hours
2. 6 hours
3. 4 hours; young adult **chose not** to participate in the majority of afforded out of cell time
4. 7 hours
5. 4 hours; young adult was transferred-out of the Secure Unit on this audit date

### September 22, 2020

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

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

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

### **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.

### September 3, 2020

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<sup>1</sup> On this audit date, this young adult's lock-out time was 2 hours, with possibility of additional lock-out time that may have occurred between 8:00 a.m. and 1:00 p.m., which was not recorded by staff.

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

1. 8 hours
2. 2 hours; young adult was out to court for the majority of the day; and as a result, his out of cell time was affected

### **September 9, 2020**

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

1. 5 hours 33 minutes; young adult **chose not** to participate in the majority of afforded out of cell time
2. 7 hours
3. 8 hours

### **September 15, 2020**

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

### **September 22, 2020**

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

### **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.

### **September 3, 2020**

There were five (5) young adults in Phase 3; their out of cell times on this audit date were:

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

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

### **September 9, 2020**

There were five (5) young adults in Phase 3; their out of cell times on this audit date were:

1. 8 hours

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2. 11 hours
3. 7 hours 33 minutes
4. 10 hours 10 minutes

On this audit date one (1) young adult in Phase 3 **chose not** to participate in all afforded out of cell time.

### September 15, 2020

There were six (6) young adults in Phase 3; their out of cell times on this audit date were:

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

For the remaining one (1) young adult in Phase 3; the lock-in and lock-out times were not recorded for this young adult in the Lock-in/Lock-out Tracking Logbook.

### September 22, 2020

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

1. 11 hours
2. 8 hours
3. 11 hours

On this audit date one (1) young adult in Phase 3 **chose not** to participate in all afforded out of cell time.

## §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 all of the four (4) audit dates – September 3, 9, 15 and 22, 2020. The duration of the Law Library Coordinator's time in the unit on the four (4) dates audited was in compliance with the provisions of the Board's Minimum Standards i.e., a minimum of two (2) hours.

### September 3, 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 2:30 p.m. / Departed 4:30 p.m.

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### September 9, 2020

There were thirteen (13) young adults in the Secure Unit on this audit date. Of the thirteen (13) 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 1:50 p.m. / Departed 4:50 p.m.

### September 15, 2020

There were eleven (11) young adults in the Secure Unit on this audit date. Of the eleven (11) young adults, one (1) young adult **chose to** request and was provided Law Library services on this audit date. The arrival and departure times for the Law Library Coordinator on this audit date were:

- Arrived 8:15 a.m. / Departed 10:25 a.m.

### September 22, 2020

There were eleven (11) young adults in the Secure Unit on this audit date. Of the eleven (11) young adults, one (1) young adult **chose to** request and was provided Law Library services on this audit date. The arrival and departure times for the Law Library Coordinator on this audit date were:

- Arrived 11:05 a.m. / Departed 2:03 p.m.

### Kiosks and Typewriters

As noted above, the kiosks and typewriters were inspected on four (4) dates during the audit period – September 11, 18, 23 and 30, 2020.

#### Typewriters:

On the four (4) audit dates, September 11, 18, 23 and 30, 2020, all four (4) typewriters were operable.

#### Kiosks:

On all four (4) audit dates, September 11, 18, 23 and 30, 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 reactive 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 – September 3, 9, 15 and 22, 2020 – to ascertain the total number of young adults that **chose to** participate in recreation.

On all four (4) audit dates – September 3, 9, 15 and 22, 2020 – recreation was afforded to all young adults in the Secure Unit.

#### September 3, 2020

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

- Four (4) young adults **chose to** participate in afforded recreation.
- Nine (9) young adults **chose not** to participate in afforded recreation.
- One (1) young adult was out to court during afforded recreation.

#### September 9, 2020

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

- Three (3) young adults **chose to** participate in afforded recreation.  
Ten (10) young adults' participation in afforded recreation could not be determined.

#### September 15, 2020

There were eleven (11) young adults in the Secure Unit on this audit date. Please note the following:

- Two (2) young adults **chose to** participate in afforded recreation.
- Nine (9) young adults **chose not** to participate in afforded recreation.

#### September 22, 2020

There were eleven (11) young adults in the Secure Unit on this audit date. Please note the following:

- Three (3) young adults **chose to** participate in afforded recreation.
- Three (3) 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

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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.

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 – September 9, 15 and 22, 2020. For the remaining audit date, September 3, 2020, in-person programming services were not scheduled.

#### September 3, 2020

There were fourteen (14) 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. Programming was offered through programming packets.

#### September 9, 2020

There were thirteen (13) 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 two (2) young adults in this quad. The remaining one (1) young adult **chose not** to participate in the review of previously distributed programming packets and new programming packets.
  - In-person programming was provided to the three (3) young adults in this quad.
    - One (1) young adult was offered and **chose to** participate in ten (10) minutes of in-person programming.
    - One (1) young adult was offered and **chose to** participate in fifteen (15) minutes of in-person programming.
    - One (1) young adult **chose not** to participate in afforded in-person programming.

Quad B – 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.
  - In-person programming was provided to the three (3) young adults in this quad.
    - Two (2) young adult were offered and **chose to** participate in fifteen (15) minutes of in-person programming.
    - One (1) young adult was offered and **chose to** participate in ten (10) minutes of in-person programming.

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Quad C – 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.
  - In-person programming was provided to the three (3) young adults in this quad.
    - Two (2) young adults were offered and **chose to** participate in fifteen (15) minutes of in-person programming.
    - One (1) young adult was offered and **chose to** participate in ten (10) minutes of in-person programming.

Quad D – 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.
  - In-person programming was provided to the four (4) young adults in this quad.
    - One (1) young adult was offered and **chose to** participate in fifteen (15) minutes of in-person programming.
    - One (1) young adult was offered and **chose to** participate in ten (10) minutes of in-person programming.
    - Two (2) young adults were offered and **chose to** participate in five (5) minutes of in-person programming.

### September 15, 2020

There were eleven (11) young adults housed in the Secure Unit on this audit date.

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

- ❖ The counselor distributed programming packets to two (2) young adults in this quad.
  - In-person programming was provided to the one (1) young adult in this quad.
    - One (1) young adult was offered and **chose to** participate in ten (10) minutes of in-person programming.
    - The remaining one young adult was transferred out of the Secure Unit and did not participate in afforded in-person programming.

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

- ❖ The counselor distributed programming packets to three (3) young adults in this quad.

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

- ❖ The counselor distributed programming packets to two (2) young adults in this quad.

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

- ❖ The counselor distributed programming packets to four (4) young adults in this quad.

### September 22, 2020

There were eleven (11) young adults housed in the Secure Unit on this audit date.

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

- ❖ The counselor distributed programming packets to two (2) young adults in this quad.

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

- ❖ The counselor distributed programming packets to three (3) young adults in this quad.

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

- ❖ The counselor distributed programming packets to two (2) young adults in this quad.

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

- ❖ The counselor distributed programming packets to four (4) young adults in this quad.

### **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. Commencing September 21, 2020, each young adult was provided a tablet Monday through Friday from 9 a.m. to 2 p.m. Each young adult received a tablet with educational materials uploaded by the 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 eight (8) young adults who were enrolled in school on one (1) of the four (4) audit dates – September 22, 2020. Remote learning began September 21, 2020; therefore, educational tablets were not provided for the audit dates September 3, 9, and 15, 2020.

### **September 3, 2020**

There was no school scheduled on this audit date.

### **September 9, 2020**

There was no school scheduled on this audit date.

### **September 15, 2020**

There was no school scheduled on this audit date.

### **September 22, 2020**

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There were eleven (11) young adults in the Secure Unit on this audit date. Of the eleven (11) young adults, eight (8) young adults were enrolled in school and were provided tablets. The eight (8) young adults **chose not** to participate in remote learning.