

NYC Department of Correction Secure Unit Compliance Audit – December 2017

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.

In addition, pursuant to the variance conditions, the audit has been further expanded to the provisions of the Minimum Standard §1-06 Recreation and the affording of one (1) hour of recreation seven (7) days per week.

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 December 2017:

- December 7th
- December 14th
- December 20th
- December 27th

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.

December On-site Inspections:

- December 7th

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- December 15th
- December 22nd
- December 29th

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-out and lock-in was consistently recorded in the logbook for each of the phases. On the remaining two (2) dates: December 7th and December 27th, due to facility related lockdowns institutional lock-out and lock-in was modified resulting in lock-in for one (1) of the three (3) tours.

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.¹

December 7, 2017²

There were three (3) young adults in Phase 1; their out-of-cell times on the audit date were:

1. 7 hours 38 minutes
2. 7 hours 37 minutes
3. 7 hours 41 minutes

December 14, 2017

There were two (2) young adults in Phase 1. The out-of-cell times for those present on this audit date were:

1. 7 hours 7 minutes

¹ On any given day, a young adult may be out to court or transferred in or out of the Secure Unit. These young adults are not included in the out-of-cell time reporting.

² Out-of-cell time on this audit date was affected by a facility lockdown.

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December 20, 2017

There were three (3) young adults in Phase 1. The out-of-cell times for those present on this audit date were:

1. 7 hours 25 minutes

December 27, 2017³

There were two (2) young adults in Phase 1. Their out-of-cell times on the audit date were:

1. 3 hours
2. 0 hours: this young adult refused all lock-out options afforded prior to the facility lockdown on this date, which resulted in the noted out-of-cell time.

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.⁴

December 7, 2017⁵

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

1. 8 hours 25 minutes
2. 8 hours 37 minutes
3. 6 hours 17 minutes

December 14, 2017

There were four (4) young adults⁶ in Phase 2. The out-of-cell times for those present on this audit date were:

1. 9 hours 6 minutes
2. 3 hours 37 minutes
3. 8 hours 32 minutes

³ Out-of-cell time on this audit date was affected by a facility lockdown.

⁴ On any given day, a young adult may be out to court or transferred in or out of the Secure Unit. These young adults are not included in the out-of-cell time reporting.

⁵ Out-of-cell time on this audit date was affected by a facility lockdown.

⁶ On this date, one young adult's out-of-cell time was restricted due to disruptive behavior.

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December 20, 2017

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

1. 9 hours 35 minutes
2. 8 hours 34 minutes
3. 10 hours 52 minutes
4. 10 hours 0 minutes

December 27, 2017⁷

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

1. 4 hours 12 minutes
2. 3 hours 57 minutes
3. 5 hours 26 minutes
4. 3 hours 52 minutes
5. 3 hours 53 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.⁸

December 7, 2017⁹

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

1. 11 hours 6 minutes
2. 10 hours 3 minutes

⁷ Out-of-cell time on this audit date was affected by a facility lockdown.

⁸ On any given day, a young adult may be out to court or transferred in or out of the Secure Unit. These young adults are not included in the out-of-cell time reporting.

⁹ Out-of-cell time on this audit date was affected by a facility lockdown.

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December 14, 2017

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

1. 10 hours 33 minutes
2. 12 hours 2 minutes

December 20, 2017

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

1. 11 hours 54 minutes
2. 9 hours 45 minutes

December 27, 2017¹⁰

There was one (1) young adult in Phase 3, his out-of-cell time was 5 hours and 15 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.¹¹ 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 two (2) 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 one (1) of the four (4) dates, one (1) typewriter was out of service. On the remaining three (3) dates the typewriters were operational and available for use. On three (3) of the four (4) audit dates, all four (4) of the kiosks were operational and available for use. On one (1) of the audit dates, two (2) kiosks were out of service, which was resolved in a timely manner.

¹⁰ Out-of-cell time on this audit date was affected by a facility lockdown.

¹¹ 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 unit¹² on all four (4) dates audited with the exception of one (1) young adult on December 14, 2017.¹³

Audit Recommendations

During this audit period, the affording of recreation was included as part of the audit review. Issues identified are being addressed through immediate corrective action. To further facilitate the proper recording of daily recreation afforded, several recommendations are provided below. Additionally, previously advanced recommendations should be maintained in furtherance of the recording of lock-in/lock-out, the provisions of law library services through the assistance of a Law Library Coordinator, and the availability of kiosks and typewriters.

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 address any issues identified.

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

Recreation

- 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.

¹² On some of the dates audited, logbook entries record that some young adults were out to court.

¹³ On this date, one young adult's out-of-cell time was restricted due to disruptive behavior.