

NYC Department of Correction Secure Unit Compliance Audit – September 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 September 12, 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.

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 September 2017:

- September 9th
- September 13th
- September 22nd
- September 29th

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.

§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.

September On-site Inspections:

- September 6th
- September 18th
- September 22nd
- September 29th

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Audit Findings

§1-05 Lock-in

A manual review of the logbooks on the four (4) audit dates reflected that on all four (4) dates institutional lock-out was consistently recorded in the logbook, except for one (1) day during one (1) tour. Lock-in was not consistently recorded in the logbook, with only one (1) of the four (4) days documented for each tour and phase. The issue of consistent recording of lock-in was identified in the audit report submitted to the Board on September 19, 2017. To facilitate proper logbook documentation, corrective action was taken at the end of September through a new logbook pilot. The pilot is geared to capture individualized data on an hourly basis regarding each young adult's time in and out of their cell. A review of the logbooks on the last randomly selected date of the September audit period, following the use of the new logbook, indicated that out-of-cell time afforded for each of the phases was documented. Due to the low population within the Secure Unit, it is feasible to record individualized data for options afforded.

§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 three (3) of the four (4) days audited.¹ The duration of the Coordinator's time in the unit can be determined based upon the information recorded in the logbooks for one (1) of the dates. On that day, it is documented that the Coordinator was in the unit for approximately 5½ hours. While the Coordinator's time in the unit on the other three (3) days cannot be ascertained based on the Coordinator's signing in and out of the logbooks, on two (2) of those dates logbook notations indicated that between two (2) to five (5) young adults received law library services. On the remaining day, there were no record of services provided by the Coordinator.

Kiosks and Typewriters

As noted above, the kiosks and typewriters were inspected on four (4) dates during the audit period. On each of the four (4) dates, all the typewriters were operational and available for use. During the course of the audit period, on two (2) of the inspection dates, three (3) kiosks were operational, and on two (2) of the inspection dates, two (2) kiosks were operational.

¹ This is evidenced by the Coordinator signing the logbook and/or logbook entries identifying young adults who received law library services.

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Audit Recommendations

The following corrective actions are being considered to address the issues identified during this audit period:

Lock-in/Lock-out

- Institute modifications to the newly established logbook to enhance individualized data captured and hourly options afforded. Provide unit-level instruction to officers on the logbook modifications and proper logbook entry.

Law Library Services

- Reinforce to all Law Library Coordinators providing services in the Secure Unit the required sign-in/sign-out logbook entry for each day that they are in the unit providing law library services. The Director of Law Libraries will review the logbooks on a weekly basis to ensure that law library services are being provided for the required time period and that the Coordinator's attendance and provision of services is properly documented.

Kiosks and Typewriters

- To facilitate the maintenance and operation of the typewriters and kiosks in the unit, establish a monitoring system and designate appropriate unit and law library staff to identify operational issues and schedule repair in a timely manner.

Corrective Action Taken Based on Previous Audit Recommendations

- Unit operations were revised:
 - To facilitate the recording of Institutional Lock-in/Lock-out afforded based on each phase and individualized information.
 - To have a Unit Captain conduct a logbook review at the end of each tour to ensure consistent logbook recording and that the required lock-out periods are being afforded.

Unit staff and Law Library Coordinators have been instructed on required logbook entry. Law Library Coordinators have also been directed to note services provided on each day that they are in the Secure Unit.