

NYC Department of Correction

Secure Unit Compliance Audit – April 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), specifically, the amount of time that outdoor recreation was afforded to each young adult;
- § 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 April 2020:

- April 3
- April 8
- April 14
- April 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

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 conducted to determine if the four (4) kiosks and four (4) typewriters located in the unit were operational.

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April on-site inspections of kiosks and typewriters were:

- April 10
- April 17
- April 21
- April 28

§1-06 – Recreation

A manual review of housing area logbooks was 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 participated 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

All young adults in the Secure Unit are required to be 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. Based on the housing area logbook, the lock-in/lock-out times were not recorded for the phases in which young adults were housed within the unit on two (2) of the four (4) dates audited. On April 8, 2020, the lock-out times for 5:00 am were not recorded for Phases 1, 2 and 3. On April 22, 2020, the lock-out times for 5:00 am were not recorded for Phases 1, 2 and 3. In addition, on April 22, 2020, Lock-in times were not recorded for Phases 1 at 1:00 pm and 7:00 pm, Phase 2 at 2:00 pm and 8:00 pm, and Phase 3 at 3:00 pm and 9:00 pm.

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-

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out periods. The data reflects the young adults present in the unit for institutional lock-outs on each audit date.

April 3, 2020

There were eight (8) young adults in Phase 1; their out of cell times on this audit date were:

1. 8 hours 55 minutes
2. 7 hours 24 minutes
3. 5 hours 6 minutes
4. 7 hours 52 minutes
5. 7 hours 12 minutes
6. 7 hours 43 minutes

On this audit date, two (2) young adults in Phase 1 refused all afforded lock-out options.

April 8, 2020

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

1. 7 hours 28 minutes
2. 8 hours 4 minutes
3. 3 hours; young adult refused the majority of afforded out of cell time
4. 8 hours 17 minutes
5. 3 hours; young adult refused the majority of afforded out of cell time
6. 2 hours 40 minutes; young adult refused the majority of afforded out of cell time
7. 4 hours 40 minutes; young adult refused the majority of afforded out of cell time

April 14, 2020

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

1. 9 hours 5 minutes
2. 6 hours 43 minutes
3. 8 hours 22 minutes
4. 8 hours 3 minutes
5. 8 hours 8 minutes
6. 7 hours 15 minutes
7. 1 hour; young adult refused the majority of afforded out of cell time
8. 4 hours 41 minutes; young adult refused the majority of afforded out of cell time
9. 3 hours 43 minutes; young adult refused the majority of afforded out of cell time

April 22, 2020

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

1. 5 hours 37 minutes
2. 11 hours 14 minutes
3. 5 hours 11 minutes
4. 5 hours 38 minutes

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On this audit date, one (1) young adult in Phase 1 refused 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.

April 3, 2020

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

1. 9 hours 10 minutes
2. 9 hours 3 minutes
3. 6 hours

On this audit date, one (1) young adult in Phase 2 refused all afforded lock-out options.

April 8, 2020

There were six (6) young adults in Phase 2; the out of cell times for those present on this audit date were:

1. 5 hours 49 minutes; young adult refused the majority of afforded out of cell time
2. 9 hours 45 minutes
3. 9 hours 45 minutes
4. 4 hours 36 minutes; young adult refused the majority of afforded out of cell time
5. 2 hours 58 minutes; 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 2 refused all afforded lock-out options.

April 14, 2020

There were six (6) young adults in Phase 2; their out of cell times on this audit date were:

1. 8 hours 28 minutes
2. 6 hours 10 minutes
3. 5 hours 30 minutes; young adult refused the majority of afforded out of cell time
4. 1 hour 56 minutes; young adult refused the majority of afforded out of cell time
5. 7 hours 56 minutes

On this audit date, one (1) young adult in Phase 2 refused all afforded lock-out options.

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April 22, 2020

There were eight (8) young adults in Phase 2; their out of cell times on this audit date were:

1. 8 hours 45 minutes
2. 7 hours
3. 2 hours 39 minutes; young adult refused the majority of afforded out of cell time
4. 1 hour 22 minutes; young adult refused the majority of afforded out of cell time
5. 8 hours 19 minutes
6. 6 hours 10 minutes
7. 3 hours; young adult refused the majority of afforded out of cell time

On this audit date, one (1) young adult in Phase 2 refused all afforded lock-out options.

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.

April 3, 2020

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

1. 3 hours 31 minutes; young adult refused the majority of afforded out of cell time
2. 2 hours; young adult refused the majority of afforded out of cell time
3. 1 hour; young adult refused the majority of afforded out of cell time
4. 7 hours 3 minutes

April 8, 2020

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

1. 4 hours 50 minutes; young adult refused the majority of afforded out of cell time
2. 3 hours 34 minutes; young adult refused the majority of afforded out of cell time
3. 3 hours 34 minutes; young adult refused the majority of afforded out of cell time

April 14, 2020

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

1. 11 hours 30 minutes
2. 8 hours 25 minutes

April 22, 2020

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

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1. 3 hours 5 minutes; young adult refused the majority of afforded out of cell time
2. 10 hours 59 minutes

§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 – April 3, 8 and 22, 2020. On April 14, 2020, due to the assigned Law Library Coordinator's unexpected absence, law library services were not provided to young adults in the Secure Unit. The duration of the Law Library Coordinator's time in the unit on three (3) of 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.

April 3, 2020

There were sixteen (16) young adults in the Secure Unit on this audit date. Of the sixteen (16) young adults, one (1) young adult requested and was provided Law Library services. The arrival and departure times for the Law Library Coordinator on this audit date were:

- Arrived 3:45 pm / Departed 6:45 pm

April 8, 2020

There were sixteen (16) young adults in the Secure Unit on this audit date. No young adult requested law library services on this audit date. The arrival and departure times for the Law Library Coordinator on this audit date were:

- Arrived 4:10 pm / Departed 6:10 pm

April 14, 2020

There were seventeen (17) young adults in the Secure Unit on this audit date. Due to the assigned Law Library Coordinator's unexpected absence, law library services were not provided to young adults in the Secure Unit on this audit date.

April 22, 2020

There were fifteen (15) young adults in the Secure Unit on this audit date. No young adult requested 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 am / Departed 4:00 pm

Kiosks and Typewriters

As noted above, the kiosks and typewriters were inspected on four (4) dates during the audit period – April 10, 17, 21 and 28, 2020.

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Typewriters:

On three (3) of the four (4) audit dates, April 10, 17 and 28, 2020, all four (4) typewriters were operable. On the remaining audit date, April 21, 2020, three (3) of the four (4) typewriters were operable.

Kiosks:

On one (1) of the four (4) audit dates – April 10, 2020, all four (4) kiosks were operable. On two (2) of the remaining three (3) audit dates, April 17 and 21, 2020, one (1) of the four (4) kiosks was operable. For the remaining one (1) audit date, April 28, 2020, all four (4) kiosks were inoperable. Law Library kiosks can become offline due to inactivity. Legal Coordinators were able to turn the kiosk server back online.

§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 – April 3, 8, 14 and 22, 2020 – to ascertain the total number of young adults that participated in recreation.

On all four (4) audit dates – April 3, 8, 14 and 22, 2020 – recreation was afforded to all young adults in the Secure Unit.

April 3, 2020

There were sixteen (16) young adults in the Secure Unit on this audit date. Please note the following:

- Two (2) young adults participated in afforded recreation.
- Fourteen (14) young adults refused to participate in afforded recreation.

April 8, 2020

There were sixteen (16) young adults in the Secure Unit on this audit date. Please note the following:

- Five (5) young adults participated in afforded recreation.
- Six (6) young adults refused to participate in afforded recreation.
- Due to conflicting housing area records, it could not be determined if three (3) young adults participated in afforded recreation. The housing area logbook did not record whether these three (3) young adults refused or participated in recreation. However, the Mandated Services Logbook indicates that these three (3) young adults refused afforded recreation.
- Staff did not record the recreation completion time for one (1) young adult in either the Mandated Services Logbook or in the housing area logbook.
- One (1) young adult transferred-into the Secure Unit after afforded recreation.

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April 14, 2020

There were seventeen (17) young adults in the Secure Unit on this audit date. Please note the following:

- Eight (8) young adults participated in afforded recreation.
- Due to conflicting housing area records, it could not be determined if eight (8) young adults participated in afforded recreation. The housing area logbook did not record whether these eight (8) young adults refused or participated in recreation. However, the Mandated Services Logbook indicates that these eight (8) young adults refused afforded recreation.
- Staff did not record the recreation completion time for one (1) young adult in either the Mandated Services Logbook or in the housing area logbook.

April 22, 2020

There were fifteen (15) young adults in the Secure Unit on this audit date. Please note the following:

- Six (6) young adults participated in afforded recreation.
- Eight (8) young adults refused to participate in afforded recreation.
- Due to conflicting housing area records, it could not be determined if one (1) young adult participated in afforded recreation. The housing area logbook did not record whether this one (1) young adult refused or participated in recreation. However, the Mandated Services Logbook indicates that he refused afforded recreation.

§ 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 did not circulate through the quad areas to provide programming services as they did in the past. However, young adults were offered self-guided programming through the availability of books and self-guided programming packets. Individual Counseling was also available upon request to young adults in the Secure Unit. The self-guided packets include a variety of activities, including interactive journaling books, anger management exercises, goal setting and coping skills, reading materials and worksheets, and creative arts activities.

The audit revealed that self-guided programming, through the availability of books and self-guided programming packets, on the four (4) audit dates was as follows:

April 3, 2020

There were sixteen (16) young adults housed in the Secure Unit on this audit date.

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

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❖ Self-guided programming packets were distributed to the five (5) young adults in this quad.

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

❖ Self-guided programming packets were distributed to the three (3) young adults in this quad.

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

❖ Self-guided programming packets were distributed to the three (3) young adults in this quad.

- Individual Counseling was also provided to the three (3) young adults in this quad.
 - One (1) young adult was offered and participated in ten (10) minutes of individual counseling
 - Two (2) young adults refused to participate in afforded individual counseling

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

❖ Self-guided programming packets were distributed to the five (5) young adults in this quad.

- Individual Counseling was also provided to young adults in this quad.
 - Two (2) young adults were offered and participated in five (5) minutes of individual counseling
 - Three (3) young adults refused to participate in afforded individual counseling

April 8, 2020

There were sixteen (16) young adults housed in the Secure Unit on this audit date.

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

❖ Self-guided programming packets were distributed to the five (5) young adults in this quad.

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

❖ Self-guided programming packets were distributed to the three (3) young adults in this quad.

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

❖ Self-guided programming packets were distributed to the three (3) young adults in this quad.

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

❖ Self-guided programming packets were distributed to the four (4) young adults in this quad.

- Individual Counseling was offered to one (1) young adult. He was offered and participated in ten (10) of individual counseling.

April 14, 2020

There were seventeen (17) young adults housed in the Secure Unit on this audit date.

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

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❖ Self-guided programming packets were distributed to the five (5) young adults in this quad.

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

❖ Self-guided programming packets were distributed to the four (4) young adults in this quad.

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

❖ Self-guided programming packets were distributed to the three (3) young adults in this quad.

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

❖ Self-guided programming packets were distributed to the five (5) young adults in this quad.

April 22, 2020

There were fifteen (15) young adults housed in the Secure Unit on this audit date.

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

❖ Self-guided programming packets were distributed to the five (5) young adults in this quad.

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

❖ Self-guided programming packets were distributed to the three (3) young adults in this quad.

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

❖ Self-guided programming packets were distributed to the three (3) young adults in this quad.

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

❖ Self-guided programming packets were distributed to the four (4) young adults in this quad.

Education

Classroom based educational services were suspended due to the Coronavirus outbreak. However, the NYC Department of Education provided an alternative method for the provision of educational services, by providing alternative educational learning material to the three (3) young adults that were enrolled in school. These educational materials were provided to the three (3) young adults on two (2) of the four (4) audit dates – April 3 and 8, 2020.

April 3, 2020

There were sixteen (16) young adults in the Secure Unit on this audit date. Of the sixteen (16) young adults, three (3) young adults were enrolled in school and were provided the alternative educational learning material.

- One (1) young adult completed the alternative educational learning material.
- Two (2) young adults refused to complete the alternative educational learning material.

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April 8, 2020

There were sixteen (16) young adults in the Secure Unit on this audit date. Of the sixteen (16) young adults, three (3) young adults were enrolled in school and were provided the alternative educational learning material.

- One (1) young adult completed the alternative educational learning material.
- Two (2) young adults refused to complete the alternative educational learning material.

April 14, 2020

There were seventeen (17) young adults in the Secure Unit on this audit date. On this audit date, no alternative educational learning material was provided due to the scheduled Spring recess.

April 22, 2020

There were fifteen (15) young adults in Secure Unit on this audit date. On this audit date, no alternative educational learning material was provided. The NYC Department of Education only provided alternative educational learning material up to April 20th for the month of April.