

## NYC Department of Correction Secure Unit Compliance Audit –July 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 July 2020:

- July 2
- July 7
- July 18
- July 23

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.

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July on-site inspections of kiosks and typewriters were:

- July 10
- July 17
- July 23
- July 29

### **§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.

#### **July 2, 2020**

There were eleven (11) young adults in Phase 1; their out of cell times on this audit date were:

1. 5 hours
2. 9 hours
3. 8 hours 16 minutes
4. 8 hours

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5. 11 hours
6. 11 hours
7. 7 hours
8. 5 hours
9. 4 hours 15 minutes; young adult **chose not** to participate in the majority of afforded out of cell time
10. 7 hours

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

### July 7, 2020

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

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

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

### July 18, 2020

There were nine (9) 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. 5 hours
5. 6 hours
6. 6 hours
7. 6 hours
8. 6 hours
9. 6 hours

### July 23, 2020

There were six (6) young adults in Phase 1; their out of cell times on this audit date were:

1. 12 hours
2. 7 hours
3. 7 hours

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4. 7 hours
5. 7 hours
6. 5 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 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.

### **July 2, 2020**

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

1. 10 hours
2. 10 hours
3. 12 hours
4. 11 hours
5. 5 hours; young adult **chose not** to participate in the majority of afforded out of cell time
6. 12 hours

### **July 7, 2020**

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

1. 8 hours
2. 2 hours; young adult **chose not** to participate in the majority of afforded out of cell time
3. 10 hours
4. 4 hours; young adult was transferred out of the unit and, as a result, his out of cell time was affected.
5. 12 hours

### **July 18, 2020**

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

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

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

### **July 23, 2020**

There were seven (7) young adults in Phase 2; their out of cell times on this audit date were:

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

On this audit date, two (2) young adults in Phase 2 **chose not** to participate in 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.

#### **July 2, 2020**

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

1. 8 hours
2. 12 hours

#### **July 7, 2020**

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

1. 12 hours
2. 10 hours

#### **July 18, 2020**

There were four (4) 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. 5 hours; young adult **chose not** to participate in the majority of afforded out of cell time
3. 6 hours; young adult **chose not** to participate in the majority of afforded out of cell time
4. 5 hours; young adult **chose not** to participate in the majority of afforded out of cell time

#### **July 23, 2020**

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

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

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

### **§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 – July 2, 7, 18 and 23, 2020. The duration of the Law Library Coordinator's time in the unit on one (1) of the four (4) dates audited – July 7, 2020 – was in compliance with the provisions of the Board's Minimum Standards i.e., a minimum of two (2) hours. For the remaining three (3) audit dates – July 2, 18 and 23, 2020, the Law Library Coordinator's time in the unit was less than the minimum two (2) hours.<sup>1</sup>

#### **July 2, 2020**

There were nineteen (19) young adults in the Secure Unit on this audit date, out of which, 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 8:46 a.m. / Departed 10:14 a.m.

#### **July 7, 2020**

There were nineteen (19) young adults in the Secure Unit on this audit date, out of which, three (3) young adults **chose to** request and were provided Law Library services. The arrival and departure times for the Law Library Coordinator on this audit date were:

- Arrived 12:50 p.m. / Departed 3:10 p.m.

#### **July 18, 2020**

There were seventeen (17) young adults in the Secure Unit on this audit date, out of which, one (1) young adult **chose to** request and was provided Law Library services. The arrival and departure times for the Law Library Coordinator on this audit date were:

- Arrived 9:10 a.m. / Departed 10:30 a.m.

#### **July 23, 2020**

There were eighteen (18) young adults in the Secure Unit on this audit date, out of which, 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 11:45 am / Departed 12:15 pm

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<sup>1</sup> The Director of Law Libraries advises that the Mayor's Emergency Executive Order #100 §13 suspends the requirement that the Legal Coordinators spent a minimum of two (2) hours in the Secure Unit of GRVC.

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### Kiosks and Typewriters

As noted above, the kiosks and typewriters were inspected on four (4) dates during the audit period – July 10, 17, 23 and 29, 2020. At this time, the Law Library equipment is not available for regular use. All Law Library services are being afforded and fulfilled by Legal Coordinators through request slips.

### Typewriters:

On the four (4) audit dates, July 10, 17, 23 and 29, 2020, all four (4) typewriters were operable.

### Kiosks:

On all four (4) audit dates – July 10, 17, 23 and 29, 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' 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.

The audit reviewed recreational data for each of the four (4) dates – July 2, 7, 18 and 23, 2020 – to ascertain the total number of young adults that **chose to** participate in recreation.

On all four (4) audit dates – July 2, 7, 18 and 23, 2020 – recreation was afforded to all young adults in the Secure Unit.

### **July 2, 2020**

There were nineteen (19) young adults in the Secure Unit on this audit date. Please note the following:

- Sixteen (16) young adults **chose to** participate in afforded recreation.
- Three (3) young adults' participation in afforded recreation could not be determined.

### **July 7, 2020**

There were nineteen (19) young adults in the Secure Unit on this audit date. Please note the following:

- Thirteen (13) young adults **chose to** participate in afforded recreation.
- One (1) young adult **chose not** to participate in afforded recreation.
- Five (5) young adults' participation in afforded recreation could not be determined.

### **July 18, 2020**

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

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- Nine (9) young adults **chose to** participate in afforded recreation.
- Four (4) young adults **chose not** to participate in afforded recreation.
- Four (4) young adults' participation in afforded recreation could not be determined.

#### July 23, 2020

There were eighteen (18) young adults in the Secure Unit on this audit date. Please note the following:

- Ten (10) young adults **chose to** participate in afforded recreation.
- Seven (7) young adults **chose not** to participate in afforded recreation.
- One (1) young adult's 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 did not circulate through the quad areas to provide programming services as they did in the past. Young adults are offered self-guided programming through the availability of books and self-guided programming packets. 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. 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. Social service is designated separately in the report as it is a rendering of a request and/or has follow-up that is related to case management.

The audit revealed that Counselors reviewed with young adults the previously distributed self-guided programming packets and provided them with more self-guided programming packets, individual counseling, community meetings, and social services on three (3) of the four (4) audit dates – July 2, 7 and 18, 2020. For the one (1) remaining audit date, July 23, 2020, in-person programming services were not provided.

#### July 2, 2020

There were nineteen (19) young adults housed in the Secure Unit on this audit date.

#### Quad A

- ❖ 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 five (5) minutes of in-person programming.

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- One (1) young adult was offered and **chose to** participate in twenty (20) minutes of in-person programming.
- Two (2) young adults **chose not** to participate in in-person programming.

#### Quad B

- ❖ In-person programming was provided to the four (4) young adults in this quad.
  - Three (3) young adults was offered and **chose to** participate in eight (8) minutes of in-person programming.
  - One (1) young adult was offered and **chose to** participate in five (5) minutes of in-person programming.

#### Quad C

- ❖ In-person programming was provided to the six (6) young adults in this quad.
  - One (1) young adult was offered and **chose to** participate in four (4) minutes of in-person programming.
  - 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 five (5) minutes of in-person programming.
  - Three (3) young adults **chose not** to participate in afforded in-person programming.

#### Quad D

- ❖ In-person programming and social services were provided to the five (5) young adults in this quad.
  - Three (3) young adults **chose to** participate in fifteen (15) minutes of in-person programming and **chose not** to request social services.
  - One (1) young adult **chose to** participate in five (5) minutes of in-person programming and **chose to** request social services.
  - One (1) young adult **chose not** to participate in all afforded in-person programming and **chose not** to request social services.

### July 7, 2020

There were nineteen (19) young adults housed in the Secure Unit on this audit date.

#### Quad A

- ❖ The counselor distributed self-guided programming packets to the four (4) young adults in this quad. In-person programming was also provided to the four (4) 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 twenty (20) minutes of in-person programming.
  - One (1) young adult was offered and **chose to** participate in five (5) minutes of in-person programming.

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- One (1) young adult **chose not** to participate in afforded in-person programming.

#### Quad B

- ❖ The counselor distributed self-guided programming packets to four (4) young adults in this quad. In-person programming was also provided to one (1) young adult in this quad, who recently transferred into the unit.
  - The one (1) young adult was offered and **chose to** participate in twenty (20) minutes of in-person programming.

#### Quad C

- ❖ The counselor distributed self-guided programming packets to the six (6) young adults in this quad.

#### Quad D

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

On this audit date, one (1) young adult was transferred out of the unit and did not participate in afforded in-person programming.

### **July 18, 2020**

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

#### Quad A

- ❖ 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 twenty-two (22) minutes of in-person programming.
  - One (1) young adult was offered and **chose to** participate in sixteen (16) minutes of in-person programming.
  - Two (2) young adults were offered and **chose to** participate in nine (9) minutes of in-person programming.

#### Quad B

- ❖ The counselor conducted a review of previously distributed self-guided programming packets with the four (4) young adults in this quad.
  - One (1) young adult **chose to** participate in the review of previously distributed self-guided programming packet.
  - Two (2) young adults **chose not** to participate in the review of previously distributed self-guided programming packet.
  - One (1) young adult was out to a visit during the review of previously distributed self-guided programming packet.
- ❖ In-person programming was also provided to the four (4) young adults in this quad.

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- One (1) young adult was offered and **chose to** participate in twelve (12) minutes of in-person programming.
- One (1) young adult was offered and **chose to** participate in nine (9) minutes of in-person programming.
- Two (2) young adults **chose not** to participate in afforded in-person programming.

#### Quad C

- ❖ The counselor distributed self-guided programming packets to the four (4) young adults in this quad.
  - One (1) young adult was offered and **chose to** accept the self-guided programming packet.
  - Three (3) young adults **chose not** to accept the self-guided programming packets.
- ❖ The counselor conducted a review of previously distributed self-guided programming materials to the these four (4) young adults.
  - One (1) young adult **chose to** participate in the review of previously distributed the self-guided programming packet.
  - Three (3) young adults **chose not** to participate in the review of previously distributed self guided programming packets.
- ❖ In-person programming was also provided to the four (4) young adults in this quad.
  - One (1) young adult was offered and **chose to** participate in seven (7) minutes of in-person programming.
  - One (1) young adult was offered and **chose to** participate in four (4) minutes of in-person programming.
  - Two (2) young adults **chose not** to participate in afforded in-person programming.

#### Quad D

- ❖ The counselor conducted a review of previously distributed self-guided programming packets to the five (5) young adults in this quad.
  - One (1) young adult **chose to** participate in review of previously distributed the self-guided programming packet.
  - Four (4) young adults **chose not** to participate in review of previously distributed self guided programming packets.
- ❖ 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 forty-six (46) minutes of in-person programming.
  - One (1) young adult was offered and **chose to** participate in forty-two (42) minutes of in-person programming.
  - Three (3) young adults **chose not** to participate in afforded in-person programming.

#### **July 23, 2020**

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.

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### Education

For the audit dates of July 2, 7, 18, and 23, 2020, the NYC Department of Education offered their summer school session by providing educational learning material to young adults. This summer session is to provide educational services to students that the Department of Education has on record as having been assessed and mandated to have an Individualized Education Plan (12-month IEP). The NYC Department of Education provides educational material on a weekly basis wherein each package contains learning material for one week. On each audit date, the packages are only offered to individuals who did not have material (i.e. those new to the unit, have previously refused, or it has been one week since they last received a packet). New packages were not offered to every young adult on each audit date because many young adults were already in receipt of their weekly packages.

The educational learning material were provided to one (1) 12-month IEP mandated young adult on two (2) of the four (4) audit dates – July 7 and 23, 2020. On July 2, 2020, no educational services were afforded due to summer recess. On the one (1) remaining audit date, July 18, 2020, no educational services were scheduled because this date was a Saturday.

#### July 2, 2020

There were nineteen (19) young adults in the Secure Unit on this audit date. On this audit date, no educational services were provided due to summer recess.

#### July 7, 2020

There were nineteen (19) young adults in the Secure Unit on this audit date. Of the nineteen (19) young adults, one (1) young adult was enrolled in summer school and was provided the educational learning materials.

- One (1) young adult was provided the educational learning materials and **chose to** return the previously distributed educational learning materials.

#### July 18, 2020

There were seventeen (17) young adults in the Secure Unit on this audit date. There were no educational services scheduled on this audit date because this date was a Saturday.

#### July 23, 2020

There were eighteen (18) young adults in the Secure Unit on this audit date. Of the eighteen (18) young adults, one (1) young adult was enrolled in summer school and was provided the educational learning materials.

- One (1) young adult was provided the educational learning materials and **chose to** return the previously distributed educational learning materials.