

NYC Department of Correction

Secure Unit Compliance Audit – March 2020

Pursuant to the six (6) month limited variance granted by the NYC Board of Correction on November 12, 2019 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 March 2020:

- March 3
- March 11
- March 17
- March 27

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 November 12, 2019 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.

March on-site inspections of kiosks and typewriters were:

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- March 5
- March 13
- March 20
- March 26

§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 consistently recorded for the phases in which young adults were housed within the unit on two (2) of the four (4) dates audited. On March 3, 2020, the lock-in time for 2:00 pm was not recorded for Phase 2. On March 11, 2020, the lock-out time for 5:00 am was not recorded for Phases 1, 2 and 3. Lastly on March 27, 2020, the lock-in/lock-out times for all inmates could not be determined because the facility was unable to locate the housing area logbook for this audit date.

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.

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March 3, 2020

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

1. 6 hours 12 minutes; young adult was out to court for a portion of the day and, as a result, his out of cell time was affected
2. 8 hours 15 minutes
3. 3 hours; young adult refused the majority of afforded out of cell time
4. 7 hours 5 minutes
5. 4 hours 30 minutes; young adult was out to court for a portion of the day and, as a result, his out of cell time was affected
6. 8 hours 12 minutes
7. 1 hour; young adult refused the majority of afforded out of cell time
8. 11 hours 17 minutes

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

March 11, 2020

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

1. 4 hours 35 minutes; young adult refused the majority of afforded out of cell time
2. 3 hours 36 minutes; young adult refused the majority of afforded out of cell time
3. 10 hours 35 minutes
4. 9 hours 2 minutes
5. 10 hours 51 minutes
6. 5 hours 6 minutes
7. 9 hours 34 minutes
8. 30 minutes; young adult refused the majority of afforded out of cell time
9. 5 hours 55 minutes
10. 6 hours 37 minutes; young adult was transferred out of the unit and, as a result his out of cell time was affected
11. 11 hours 5 minutes
12. 10 hours 4 minutes

March 17, 2020

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

1. 1 hour; young adult refused the majority of afforded out of cell time
2. 9 hours 14 minutes
3. 8 hours 54 minutes
4. 8 hours 52 Minutes
5. 8 hours 11 minutes
6. 9 hours 2 minutes
7. 9 hours 1 minute
8. 8 hours 59 minutes
9. 9 hours 8 minutes

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

March 27, 2020

There were thirteen (13) young adults in Phase 1; their out of cell times on this audit date were:

1. 8 hours 11 minutes
2. 8 hours 11 minutes
3. 7 hours 14 minutes
4. 8 hours 55 minutes
5. 9 hours 41 minutes
6. 8 hours 15 minutes
7. 8 hours 25 minutes
8. 2 hours 23 minutes; young adult refused the majority of afforded out of cell time
9. 7 hours 58 minutes

On this audit date, four (4) young adults 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.

March 3, 2020

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

1. 9 hours 28 minutes
2. 7 hours 20 minutes

March 11, 2020

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

1. 11 hours 21 minutes
2. 10 hours 51 minutes

March 17, 2020

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

1. 9 hours 23 minutes
2. 10 hours 15 minute

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March 27, 2020

There was one (1) young adult in Phase 2; he 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.

March 3, 2020

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

1. 9 hours
2. 3 hours 52 minutes; young adult was out to court for a portion of the day and, as a result, his out of cell time was affected
3. 5 hours 10 minutes; young adult refused the majority of afforded out of cell time

March 11, 2020

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

1. 9 hours 51 minutes
2. 6 hours 17 minutes; young adult was transferred out of the unit and, as a result his out of cell time was affected
3. 10 hours 36 minutes
4. 10 hours 37 minutes

March 17, 2020

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

1. 11 hours 41 minutes
2. 11 hours 10 minutes
3. 10 hours
4. 10 hours 26 minutes
5. 9 hours 48 minutes

March 27, 2020

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

1. 10 hours 2 minutes
2. 10 hours 31 minutes

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On this audit date, one (1) young adult in Phase 3 refused 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 three (3) of the four (4) audit dates – March 11, 17 and 27, 2020. The duration of the Law Library Coordinator's time in the unit on the four (4) dates audited were in compliance with the provisions of the Board's Minimum Standards i.e., a minimum of two (2) hours. On March 3, 2020, due to the assigned Law Library Coordinators unscheduled absence, law library services were not provided to young adults in the Secure Unit.

March 3, 2020

There were fourteen (14) 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.

March 11, 2020

There were eighteen (18) young adults in the Secure Unit on this audit date. Of the eighteen (18) young adults, two (2) young adults requested and were provided Law Library services. The arrival and departure times for the Law Library Coordinator on this audit date were:

- Arrived 3:40 pm / Departed 6:10 pm

March 17, 2020

There were eighteen (18) young adults in the Secure Unit on this audit date. Of the eighteen (18) young adults, four (4) young adults requested and were provided Law Library services. The arrival and departure times for the Law Library Coordinator on this audit date were:

- Arrived 3:45 pm / Departed 6:10 pm

March 27, 2020

There were seventeen (17) young adults in the Secure Unit on this audit date. Of the seventeen (17) 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 6:00 pm / Departed 9:00 pm

Kiosks and Typewriters

As noted above, the kiosks and typewriters were inspected on four (4) dates during the audit period – March 5, 13, 20 and 26, 2020. All four (4) typewriters and all four (4) kiosks were operational on all of the four (4) audit dates.

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§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 – March 3, 11, 17 and 27, 2020 – to ascertain the total number of young adults that participated in recreation.

On all four (4) audit dates – March 3, 11, 17 and 27, 2020 – recreation was afforded to all young adults in the Secure Unit.

March 3, 2020

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

- Three (3) young adults participated in afforded recreation.
- Three (3) young adults refused to participate in afforded recreation.
- Three (3) young adults were out of court during afforded recreation.
- Due to conflicting housing area records, it could not be determined if five (5) young adults participated in afforded recreation. The housing area logbook did not record whether these five (5) young adults refused or participated in recreation. However, the Mandated Services Logbook indicates that five (5) young adults refused afforded recreation.

March 11, 2020

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

- Five (5) young adults participated in afforded recreation.
- Two (2) young adults refused to participate in afforded recreation.
- Due to conflicting housing area records, it could not be determined if seven (7) young adults participated in afforded recreation. The housing area logbook did not record whether these seven (7) young adults refused or participated in recreation. However, the Mandated Services Logbook indicates that these seven (7) young adults refused afforded recreation.
- Staff did not record the recreation completion time for four (4) young adults in either the Mandated Services Logbook or in the housing area logbook.

March 17, 2020

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

- Four (4) young adults participated in afforded recreation.
- Fourteen (14) young adults refused to participate in afforded recreation.

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March 27, 2020

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

- Seven (7) young adults refused to participate in afforded recreation.
- Four (4) young adults were under security lock-in and were not afforded recreation.
- The Mandated Services Logbook records the recreation commencement time for these six (6) young adults however, it did not record the recreation completion time. In addition, the housing area logbook could not be located and therefore, it could not be determined if these six (6) young adults participated in 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. Program Counselors circulate through the quad areas to provide programming services. Programming is provided Tuesday through Saturday. Young adults are also offered self-guided programming through the availability of books and other educational materials.

The audit reviewed programming attendance data on each of the four (4) dates to ascertain the number of programming hours offered to each young adult and the number of hours each young adult participated in programming. Program participation hours are based on the number of hours each young adult chooses to participate in programming. The data reflects the young adults present in the housing area during programming on each audit date.

Listed below is the number of programming hours offered and the number of hours each young adult participated in such programming, by quad. (A-D)

March 3, 2020

There were fourteen (14) young adults housed in the Secure Unit on this audit date.

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

- ❖ Three (3) hours and thirty (30) minutes of programming were offered.
 - One (1) young adult in Phase 3 was offered and participated in three (3) hours and thirty (30) minutes of programming.

One (1) young adult in Phase 1, was out to court for most of the day and, as a result, he did not participate in afforded programming.

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

- ❖ Four (4) hours and fifteen (15) minutes of programming were offered.

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- Two (2) young adults in Phase 2 were offered and participated in four (4) hours and fifteen (15) minutes of programming.
- One (1) young adult in Phase 1 were offered and participated in four (4) hours and fifteen (15) minutes of programming.

One (1) young adult in Phase 3, was out to court for most of the day and, as a result, he did not participate in afforded programming.

Quad C – There were three (3) Phase 1 young adults in this quad. Due to a security concern, no programming was offered to these three (3) young adults.

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

❖ Up to five (5) hours and ten (10) minutes of programming were offered.

- One (1) young adult in Phase 1 was offered four (4) hours and ten (10) minutes of programming. He elected to go to school and upon his return he participated in three (3) hours and twenty (20) minutes of programming.
- One (1) young adult in Phase 3 was offered five (5) hours and ten (10) minutes of programming. He participated in one (1) hour of programming and refused all remaining programming.
- Two (2) young adults in Phase 1 were offered four (4) hours and ten (10) minutes of programming. They refused to participate in all afforded programming.

One (1) young adult in Phase 1, was out to court for most of the day and, as a result, he did not participate in afforded programming.

March 11, 2020

There were eighteen (18) young adults housed in the Secure Unit on this audit date.

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

❖ Up to four (4) hours of programming were offered.

- Two (2) young adults in Phase 1 were offered and participated in three (3) hours of programming.
- One (1) young adult in Phase 3 was offered and participated in two (2) hours of programming and was subsequently transferred out of the unit.
- One (1) young adult in Phase 1 was offered four (4) hours of programming. He refused all afforded programming.
- One (1) young adult in Phase 1 was offered three (3) hours of programming. He refused all afforded programming.

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

❖ Up to four (4) hours of programming were offered.

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- One (1) young adult in Phase 1 was offered three (3) hours of programming. He participated in two (2) hours of programming and refused all remaining afforded programming.
- One (1) young adult in Phase 2 was offered and participated in four (4) hours of programming.
- Two (2) young adults in Phase 3 were offered and participated in four (4) hours of programming.
- One (1) young adult in Phase 3 was offered four (4) hours of programming. He refused all afforded programming.

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

❖ Up to five (5) hours of programming were offered.

- One (1) young adult in Phase 1 was offered five (5) hours of programming. He elected to go to a Visit for one (1) hour during afforded programming. Upon his return, he participated in three (3) hours of programming and refused all remaining programming.
- One (1) young adult in Phase 2 was offered and participated in five (5) hours of programming.
- One (1) young adult in Phase 2 was offered and participated in one (1) hour of programming.
- One (1) young adult in Phase 1 was offered three (3) hours of programming. He refused to participate in all afforded programming.

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

❖ Five (5) hours of programming were offered.

- Two (2) young adults in Phase 1 were offered and participated in five (5) hours of programming.
- Two (2) young adults in Phase 1 were offered five (5) hours of programming. They refused to participate in all afforded programming.

March 17, 2020

There were eighteen (18) young adults housed in the Secure Unit on this audit date.

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

❖ Programming services were not afforded as a result of the Department's COVID-19 response and related operational and public health considerations.

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

❖ Programming services were not afforded as a result of the Department's COVID-19 response and related operational and public health considerations.

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

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- ❖ Programming services were not afforded as a result of the Department's COVID-19 response and related operational and public health considerations.

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

- ❖ Programming services were not afforded as a result of the Department's COVID-19 response and related operational and public health considerations.

March 27, 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.

- ❖ Programming services were not afforded as a result of the Department's COVID-19 response and related operational and public health considerations.

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

- ❖ Programming services were not afforded as a result of the Department's COVID-19 response and related operational and public health considerations.

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

- ❖ Programming services were not afforded as a result of the Department's COVID-19 response and related operational and public health considerations.

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

- ❖ Programming services were not afforded as a result of the Department's COVID-19 response and related operational and public health considerations.

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. Eligible young adults are provided educational services Monday through Friday, for a minimum of three (3) hours of instruction per day in the morning.

The audit reviewed educational data for each of the four (4) dates – March 3, 11, 17 and 27, 2020 – to ascertain the total number of young adults brought to school, as well as the time that each young adult arrived to school and the time each young adult departed school.

March 3, 2020

There were fourteen (14) young adults in the Secure Unit on this audit date. Of the fourteen (14) young adults, six (6) were enrolled in educational services. The arrival and departure times for the one (1) young adult who attended educational service on this audit date were:

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- Arrived 9:00 am / Departed 9:40 am

Please note the following for the remaining five (5) young adults:

- One (1) young adult was out to court.
- Four (4) young adults refused to participate in educational services.

On this audit date, the Education Unit was unable to verify the enrollment data for one (1) young adult with the NYC Department of Education.

March 11, 2020

There were eighteen (18) young adults in the Secure Unit on this audit date. Of the eighteen (18) young adults, seven (7) were enrolled in educational services. The arrival and departure times for the one (1) young adult who attended educational services on this audit date were:

- Arrived 11:00 am / Departed 12:00 pm

Please note the following for the remaining six (6) young adults:

- Six (6) young adults refused to attend educational services.

On this audit date, the Education Unit was unable to verify the enrollment data for five (5) young adults with the NYC Department of Education.

March 17, 2020

There were eighteen (18) young adults in the Secure Unit on this audit date. On this audit date, no educational services were scheduled due to the Coronavirus outbreak.

March 27, 2020

There were seventeen (17) young adults in Secure Unit on this audit date. On this audit date, no educational services were scheduled due to the Coronavirus outbreak.