

NYC Department of Correction

Secure Unit Compliance Audit-October 2018

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 May 8, 2018, 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.

Pursuant to the variance conditions, the audit has been further expanded to include the provisions of Minimum Standard §1-06 Recreation and the affording of one (1) hour of recreation seven (7) days per week. In addition, beginning in February 2018, the audit also includes §1-02(c)(2) Classification: the number of programming hours offered to each young adult and the number of hours each young adult participated in programming.

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 October 2018:

- October 2nd
- October 10th
- October 18th
- October 23rd

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 May 8, 2018 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.

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October On-site Inspections:

- October 4th
- October 12th
- October 19th
- October 25th

§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.

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. Lock-in/lockout was consistently recorded for the phases in which young adults were housed within the unit; except on the following audit dates: on October 10, 2018, during one (1) tour lock-in was not recorded for Phases 1, 2, and 3; and on October 23, 2018, lock-in was not recorded during one (1) tour for Phase 1.

During this reporting period, on two (2) of the four (4) audit dates, October 18th and October 23rd, there were no young adults housed in Phase 2.

The logbook also captures individualized data on an hourly basis related to each young adult's time in and out of his 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

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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.¹

October 2, 2018

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

1. 6 hours 21 minutes
2. 2 hours 43 minutes; young adult was transferred into the Secure Unit and as a result, his out-of-cell time was affected.

October 10, 2018

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

1. 8 hours 40 minutes
2. 6 hours 44 minutes
3. 7 hours 43 minutes

October 18, 2018

There were two (2) young adults in Phase 1; their out-of-cell-times on this audit date were:

1. 8 hours 24 minutes
2. 7 hours 38 minutes

October 23, 2018

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

1. 8 hours 23 minutes
2. 6 hours 3 minutes
3. 5 hours 12 minutes; young adult was transferred into the Secure Unit and as a result, his out-of-cell time was affected.

¹ 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.

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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 institutional lock outs on each audit date.²

October 2, 2018

There was one (1) young adult in Phase 2; his-out-of-cell time on this audit date was one (1) hour and thirty-nine (39) minutes. Due to security reasons, this young adult was afforded limited out-of-cell time.

October 10, 2018

There was one (1) young adult in Phase 2; his out-of-cell time on this audit date was eight (8) hours and forty-eight (48) minutes.

On two (2) of the audit dates: October 18th and October 23rd, no young adults were housed in Phase 2.

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 institutional lock outs on each audit date.³

October 2, 2018

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

1. 10 hours 20 minutes

² 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.

³ 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.

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2. 11 hours 51 minutes

October 10, 2018

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

1. 10 hours 20 minutes
2. 12 hours 57 minutes

October 18, 2018

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

1. 10 hours 57 minutes
2. 10 hours 46 minutes
3. 11 hours 58 minutes

October 23, 2018

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

1. 10 hours 20 minutes
2. 13 hours 51 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.⁴ 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 five (5) hours.

During the reporting period, on the dates audited, a maximum of six (6) young adults were housed in the Secure Unit. In addition, during the dates audited, between four (4) to six (6) young adults received assistance from the Coordinator.

⁴ This is evidenced by the Coordinator signing in and out of the logbook on each of the audit dates.

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Kiosks and Typewriters

As noted above, the kiosks and typewriters were inspected on four (4) dates during the audit period. On all four (4) of the audit dates, all four (4) typewriters and all four (4) kiosks were operational.

§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 unit on all four (4) audit dates.

§ 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 incrementally increases 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 Saturday⁵. 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 is 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: up to four (4) quads (A-D).

October 2, 2018

There were five (5) young adults housed in the Secure Unit on this audit date.

Quad A

- ❖ Six (6) hours and thirty (30) minutes of programming was offered.
 - There were two (2) young adults in this quad.
 - Of the two (2) young adults:

⁵ As of October 4, 2018, the affording of programming services has changed from Sunday-Thursday to Tuesday-Saturday.

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- One (1) young adult was offered and participated in five (5) hours and thirty (30) minutes of programming. This young adult was in Phase 1 and the Phase 1 lock-in coincided with programming hours.
- One (1) young adult's hours of program participation was six (6) hours and thirty (30) minutes.

Quad B

- ❖ Thirty (30) minutes of programming was offered.
 - There was one (1) young adult in this quad. Due to security concerns, this young adult was afforded limited out-of-cell time and as a result was afforded and participated in thirty (30) minutes of programming.

Quad C

- ❖ Five (5) hours and fifteen (15) minutes of programming was offered.
 - There was one (1) young adult in this quad; he participated in five (5) hours and fifteen (15) minutes of programming.

Quad D

- ❖ Three (3) hours and fifteen (15) minutes of programming was offered.
 - There was (1) young adult in this quad. On this audit date, this young adult was transferred into the unit, as a result he was offered and participated in limited programming totaling three (3) hours and fifteen (15) minutes.

October 10, 2018⁶

There were six (6) young adults housed in the Secure Unit on this audit date.

Quad A

- ❖ Four (4) hours of programming was offered.
 - There were three (3) young adults in this quad.
 - Of the three (3) young adults:
 - One (1) young adult was offered and participated in three (3) hours and fifteen (15) minutes of programming. This young adult was in Phase 1 and the Phase 1 lock-in coincided with programming hours.
 - For the remaining two (2) young adults, their hours of program participation were:
 - 4 hours
 - 4 hours

⁶ On this audit date, due to an institutional alarm, afforded programming was effected.

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Quad B

- ❖ Four (4) hours and forty-five (45) minutes of programming was offered.
 - There was one (1) young adult in this quad; he participated in four (4) hours and forty-five (45) minutes of programming.

Quad C

- ❖ Five (5) hours and fifteen (15) minutes of programming was offered.
 - There was one (1) young adult in this quad, he participated in five (5) hours and fifteen (15) minutes of programming.

Quad D

- ❖ Three (3) hours of programming was offered.
 - There was one (1) young adult in this quad; he participated in three (3) hours of programming.

October 18, 2018

There were five (5) young adults housed in the Secure Unit on this audit date.

Quad A

- ❖ Five (5) hours and fifteen (15) minutes of programming was offered.
 - There were two (2) young adults in this quad; their hours of program participation were:
 - 4 hours 45 minutes
 - 4 hours 45 minutes

Quad B

- ❖ Four (4) hours and fifteen (15) minutes of programming was offered
 - There was one (1) young adult in this quad; he refused to participate in all afforded programming.

Quad C

- ❖ Six (6) hours and thirty-two (32) minutes of programming was offered.
 - There was one (1) young adult in this quad; he participated in six (6) hours and thirty-two (32) minutes of programming.

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Quad D

- ❖ Four (4) hours and forty-one (41) minutes of programming was offered.
 - There was one (1) young adult in this quad; he participated in four (4) hours and twenty-one (21) minutes of programming.

October 23, 2018

There were five (5) young adults housed in the Secure Unit on this audit date.

Quad A

- ❖ Three (3) hours and fifty-five (55) minutes of programming was offered.
 - There were two (2) young adults in this quad.
 - Of the two (2) young adults:
 - One (1) young adult was offered two (2) hours and fifty-five (55) minutes of programming and participated in two (2) hours and forty (40) minutes of programming. This young adult was in Phase 1 and the Phase 1 lock-in coincided with programming hours.
 - One (1) young adult participated in three (3) hours and forty (40) minutes of programming.

Quad B

- ❖ Three (3) hours of programming was offered.
 - There was one (1) young adult in this quad; he participated in two (2) hours of programming.

Quad C

- ❖ Six (6) hours and thirty (30) minutes of programming was offered.
 - There was one (1) young adult in this quad; he participated in six (6) hours and thirty (30) minutes of programming.

Quad D

- ❖ Three (3) hours and twenty (20) minutes of programming was offered.
 - There was one (1) young adult in this quad; he participated in three (3) hours and twenty (20) minutes of programming.

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Audit Recommendations

The Department commenced audit reporting in July 2017. Through the audit structure, issues have been identified and corrective measures have been instituted ranging from the use of new logbooks to officer training and supervisory oversight to facilitate proper, consistent, recording of logbook information related to the provision of mandated services and recording of afforded programming and program participation via attendance documentation.⁷ There has been marked improvements in data recording in the audit areas.

During this audit period issues were identified within two audit areas: lock-in recording and the provision of programming. The following recommendations and/or corrective action should be advanced to address the matters.

Lock-in/Lock-out

- During this audit period, as noted herein, on one (1) of the audit dates, during one (1) tour, institutional lock-in was not recorded for any of the phases. In addition, on one (1) of the audit dates during one (1) tour, lock-in was not recorded for one (1) phase.
- To address the above:
 - Facility unit staff trainings on the use of the lock-in\lock-out tracking logbook and the housing area logbook should be conducted 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. If a review of the logbook reflects recording inconsistencies or inaccuracies, further corrective action should be taken.

Programming

- During the audit period, issues have been identified related to the programming schedule coinciding with Phase 1 lock-in times. Corrective action is being taken to address this matter through revisions to the programming schedule.

⁷ Beginning in February 2018, the audit was inclusive of Minimum Standards §1-02(c)(2) Classification: the number of programming hours offered to each young adult and the number of hours each young adult participated in programming.