

NYC Department of Correction

Secure Unit Compliance Audit-September 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 September 2018:

- September 6th
- September 11th
- September 19th
- September 25th

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.

NYC Department of Correction

Secure Unit Compliance Audit-September 2018

September On-site Inspections:

- September 7th
- September 14th
- September 21st
- September 27th

§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 one (1) of the audit dates during one (1) tour: September 11, 2018 where lock-out was not recorded for Phase 1, 2, and 3. In addition, on September 11, 2018, lock-in was not recorded during one (1) tour for 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 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

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.

NYC Department of Correction

Secure Unit Compliance Audit-September 2018

September 6, 2018

There was one (1) young adult in Phase 1; his out-of-cell time on this audit date was six (6) hours and fifty-eight (58) minutes.

September 11, 2018

There was one (1) young adult in Phase 1; his out-of-cell time on this audit date was seven (7) hours and forty (40) minutes.

September 19, 2018

There was one (1) young adult in Phase 1; his-out-of-cell time on this audit date was seven (7) hours and fifty-three (53) minutes.

September 25, 2018

There was one (1) young adult in Phase 1; his-out-of-cell time on this audit date was six (6) hours and fifty (50) minutes.

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

September 6, 2018

There was one (1) young adult in Phase 2; his-out-of-cell time on this audit date was seven (7) hours and nineteen (19) minutes.

September 11, 2018

There was one (1) young adult in Phase 2; his out-of-cell time on this audit date was nine (9) hours and forty-five (45) 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.

NYC Department of Correction Secure Unit Compliance Audit-September 2018

September 19, 2018

There was one (1) young adult in Phase 2; his-out-of-cell time on this audit date was ten (10) hours and thirty-three (33) minutes.

September 25, 2018

There was one (1) young adult in Phase 2; his-out-of-cell time on this audit date was nine (9) hours and forty-one (41) minutes.

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

September 6, 2018

There were five (5) young adults in Phase 3; the out-of-cell-times for those present on this audit date were:

1. 1 hour 29 minutes
2. 10 hours 37 minutes
3. 10 hours 50 minutes
4. 10 hours 53 minutes

On this audit date, one (1) young adult was out to court and as a result, his out-of-cell-time was affected, as reflected above. Additionally, on this audit date, one (1) young adult was out to court for a significant portion of the day, as a result his out-of-cell time was not included in the out-of-cell time reporting.

September 11, 2018

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

1. 10 hours 5 minutes

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.

NYC Department of Correction

Secure Unit Compliance Audit-September 2018

2. 4 hours 9 minutes
3. 10 hours 5 minutes
4. 11 hours 34 minutes
5. 9 hours 29 minutes

On this audit date, one (1) young adult was out to court for a portion of the day, and as result, his out-of-cell time was affected, as reflected above.

September 19, 2018

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

1. 10 hours 48 minutes
2. 10 hours 28 minutes
3. 11 hours 45 minutes
4. 8 hours 15 minutes; young adult refused the majority of afforded out-of-cell time

September 25, 2018

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

1. 10 hours 19 minutes
2. 9 hours 57 minutes
3. 12 hours 25 minutes
4. 9 hours 59 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 four (4) hours and thirty (30) minutes.

During the reporting period, on the dates audited, a maximum of seven (7) young adults were housed in the Secure Unit. In addition, during the dates audited, between three (3) 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.

NYC Department of Correction

Secure Unit Compliance Audit-September 2018

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 were operational. On one (1) of the audit dates all four (4) kiosks were operational. On the remaining three (3) audit dates one (1) of the four (4) kiosks was out of service.

§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.⁵

§ 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 Sunday through Thursday. 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).

September 6, 2018

There were seven (7) young adults housed in the Secure Unit on this audit date.

Quad A

- ❖ Five (5) 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 four (4) hours of

⁵ Logbook entries reflect that on two (2) of the audit dates, young adults were out to court, or out of the unit for a portion of the day.

NYC Department of Correction

Secure Unit Compliance Audit-September 2018

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, for those present on this audit date, their hours of program participation were:
 - 5 hours
 - young adult was out to court during afforded programming

Quad B

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

Quad C

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

Quad D

- ❖ Five (5) hours of programming was offered.
 - There were two (2) young adults in this quad. For those present on this audit date, their hours of program participation were:
 - 5 hours
 - young adult was out to court during afforded programming.

September 11, 2018

There were seven (7) young adults housed in the Secure Unit on this audit date.

Quad A

- ❖ Five (5) hours and twenty (20) minutes 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 twenty (20) 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:
 - 5 hours 20 minutes
 - young adult was out to court for the majority of the day. Upon his return from court, he was afforded and participated in three (3) hours and twenty (20) minutes of programming.

NYC Department of Correction

Secure Unit Compliance Audit-September 2018

Quad B

- ❖ 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 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

- ❖ 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:
 - 5 hours 15 minutes
 - 5 hours 15 minutes

September 19, 2018

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

Quad A

- ❖ Five (5) hours of programming was offered
 - There were two (2) young adults in this quad; their hours of program participation were:
 - 5 hours
 - 5 hours

Quad B

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

Quad C

- ❖ Five (5) hours of programming was offered.

NYC Department of Correction

Secure Unit Compliance Audit-September 2018

- There was (1) young adult in this quad; he participated in five (5) hours of programming.

Quad D

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

September 25, 2018

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

Quad A

- ❖ Six (6) hours 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 and participated in five (5) hours of programming. This young adult was in Phase 1 and the Phase 1 lock-in coincided with programming hours. The remaining young adult participated in six (6) hours of programming.

Quad B

- ❖ Six (6) hours of programming was offered.
 - There was one (1) young adult in this quad; he participated in three (3) hours and thirty (30) minutes of programming and refused to participate in any additional programming.

Quad C

- ❖ Five (5) hours and forty-five (45) minutes of programming was offered.
 - There was one (1) young adult in this quad; he participated in five (5) hours and forty-five (45) minutes of programming.

Quad D

- ❖ Five (5) hours and thirty (30) minutes of programming was offered.
 - There were two (2) young adults in this quad; their hours of program participation were:
 - 5 hours 30 minutes

NYC Department of Correction

Secure Unit Compliance Audit-September 2018

- 5 hours 30 minutes

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.⁶ There has been marked improvements in data recording in the audit areas. The below recommendations should remain in effect to maintain the progress accomplished and address any issues that arise through the audit process.

Lock-in/Lock-out

- Conduct facility unit staff trainings on the use of the tracking logbook, as needed, 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. Based on such review, facility administration should take corrective action as needed.
 - During this audit period, as noted herein, on one (1) of the audit dates, during one (1) tour, institutional lock-out was not recorded for any of the phases. In addition, on the same audit date, during one (1) tour, lock-in was not recorded for one (1) phase.

Kiosks and Typewriters

- To facilitate the maintenance and operation of the typewriters and kiosks in the unit, instruct designated facility and Law Library staff to check on a daily basis that all typewriters and kiosks are operational. Additionally, when a typewriter or kiosk is identified in need of repair, facility administration in coordination with the Director of Law Libraries should ensure that repairs are conducted in a timely manner.
 - As noted in this report, on three (3) of the audit dates, one (1) kiosk was not operational.

⁶ 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.

NYC Department of Correction

Secure Unit Compliance Audit-September 2018

Recreation

- Logbook entries should continue to record information related to when recreation was afforded to the young adults in each quad, whether the young adult choose to go to recreation or refused, and the duration for which the young adult was in recreation.

Programming

- To facilitate complete and consistent recording of both programming hours offered and individualized data related to hours of participation, program counselors and external providers are directed to continue to provide comprehensive individualized outcomes, by:
 - Recording of program start and end time, by participant;
 - Delineating the reason for participants' absences;
 - Ensuring that program data is accurate, thorough and complete.