

## NYC Department of Correction Secure Unit Compliance Audit – March 2019

Pursuant to the six (6) month limited variance granted by the NYC Board of Correction on November 13, 2018 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 2019:

- March 1
- March 6
- March 14
- March 19

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 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 8, 2018 and associated variance conditions, this audit report provides individualized data related to each young adult’s out-of-cell time during the reporting period.

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### §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:

- March 1
- March 8
- March 15
- March 22

### §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 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/lock-out was consistently recorded for the phases in which young adults were housed within the unit, except on the following audit dates: On March 1, 2019, during one tour lock-in was not recorded for Phase 3. On March 14, 2019, during one tour lock-in was not recorded for Phases 1 and 3. Lastly, on March 14, 2019, during another tour lock-in was not recorded for Phase 1.

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During this reporting period on two (2) of the four (4) audit dates, March 14 and 19, there were no inmates 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, 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.<sup>1</sup>

#### **March 1, 2019**

There were four (4) young adults in Phase 1; their out-of-cell times on this audit date were:

1. 6 hours 30 minutes
2. 6 hours 55 minutes
3. 11 hours 1 minute
4. 5 hours

#### **March 6, 2019**

There were four (4) young adults in Phase 1; their out-of-cell-times on this audit date were:

1. 4 hours 2 minutes
2. 8 hours 24 minutes
3. 10 hours 10 minutes
4. 7 hours 40 minutes

#### **March 14, 2019**

There were four (4) young adults in Phase 1; the out-of-cell-times for those present on this audit date were:

1. 9 hours 55 minutes
2. 6 hours 49 minutes
3. 3 hours 48 minutes; young adult refused majority of afforded out of cell time

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<sup>1</sup> 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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On this audit date, one (1) young adult was out to court for most of the day and, as a result, his out-of-cell time was not included in the out-of-cell time reporting.

### **March 19, 2019**

There were six (6) young adults in Phase 1; the out-of-cell-times for those present on this audit date were:

1. 1 hour; young adult refused majority of afforded out-of-cell time
2. 10 hours 21 minutes
3. 6 hours 36 minutes
4. 6 hours 30 minutes; young adult was in court for a portion of the day and, as a result, his out-of-cell time was affected
5. 9 hours 7 minutes
6. 10 hours 57 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, for 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.<sup>2</sup>

### **March 1, 2019**

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

1. 9 hours 41 minutes
2. 7 hours
3. 9 hours 50 minutes

### **March 6, 2019**

There were three (3) young adults in Phase 2; the out-of-cell times for those present on this audit date were:

1. 1 hour 35 minutes; young adult was out to court for a portion of the day and, as a result, his out-of-cell time was affected

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<sup>2</sup>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. 1 hour 5 minutes; young adult was out to court for a portion of the day and, as a result, his out-of-cell time was affected

On this audit date, one (1) young adult's total afforded lock-out time could not be calculated because staff did not record the time in the Lock-in/Lock-out Logbook that the inmate locked-in.

### **March 14, 2019**

On this audit date no young adults were housed in Phase 2.

### **March 19, 2019**

On this audit date 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, for 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.<sup>3</sup>

### **March 1, 2019**

There were nine (9) young adults in Phase 3; the out-of-cell-times for those present on this audit date were:

1. 12 hours
2. 45 minutes; young adult was out to court for most of the day and, as a result, his out-of-cell time was affected
3. 8 hours 40 minutes
4. 12 hours
5. 6 hours 40 minutes
6. 10 hours
7. 10 hours
8. 10 hours
9. 9 hours 50 minutes

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<sup>3</sup> 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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**March 6, 2019**

There were seven (7) young adults in Phase 3; their out-of-cell-times on this audit date were:

1. 11 hours 39 minutes
2. 11 hours 23 minutes
3. 7 hours 44 minutes
4. 11 hours 5 minutes
5. 11 hours 9 minutes
6. 7 hours 11 minutes
7. 10 hours 17 minutes

**March 14, 2019**

There were seven (7) young adults in Phase 3; their out-of-cell times on this audit date were:

1. 11 hours 23 minutes
2. 10 hours 36 minutes
3. 12 hours 47 minutes
4. 10 hours 14 minutes
5. 13 hours 4 minutes
6. 9 hours
7. 11 hours 9 minutes

**March 19, 2019**

There were six (6) young adults in Phase 3; their out-of-cell times on this audit date were:

1. 13 hours 15 minutes
2. 12 hours 21 minutes
3. 12 hours 13 minutes
4. 12 hours 46 minutes
5. 10 hours 40 minutes
6. 10 hours 10 minutes; young adult was transferred out of the Secure Unit

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### §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 of the four (4) audit dates – March 1, 6, 14 and 19, 2019.<sup>4</sup> The duration of the Law Library Coordinator's time in the unit on three of the four dates audited – March 1, 6 and 19, 2019, were in compliance with the provisions of Minimum Standards i.e., a minimum of two (2) hours. On the remaining one audit date, March 14, 2019, the Law Library Coordinator was only in the Secure Unit for forty-six (46) minutes. He arrived late to the Secure Unit because he was addressing Law Library issues at another facility.

#### **March 1, 2019**

There were sixteen (16) young adults in the Secure Unit on this audit date. Of the sixteen (16) young adults, seven (7) young adults requested and were provided Law Library services. The arrival and departure times for the Law Library Coordinator on this audit date were:

1. Arrived 2:20 pm / Departed 8:00 pm

#### **March 6, 2019**

There were fourteen (14) young adults in the Secure Unit on this audit date. Of the fourteen (14) young adults, three (3) young adults requested and were provided Law Library services. The arrival and departure times for the Law Library Coordinator on this audit date were:

1. Arrived 5:15 pm / Departed 8:55 pm

#### **March 14, 2019**

There were eleven (11) young adults in the Secure Unit on this audit date. Of the eleven (11) 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:

1. Arrived 7:49 pm / Departed 8:35 pm

#### **March 19, 2019**

There were twelve (12) young adults in the Secure Unit on this audit date. Of the twelve (12) young adults, six (6) young adults requested and were provided Law Library services. The arrival and departure times for the Law Library Coordinator on this audit date were:

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<sup>4</sup> This is evidenced by the Law Library Coordinator signing in and out of the logbook on each of the audit dates.

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1. Arrived 5:36 pm / Departed 9:10 pm

#### Kiosks and Typewriters

As noted above, the kiosks and typewriters were inspected on four (4) dates during the audit period – March 1, 8, 15 and 22, 2019. All four (4) typewriters and kiosks were operational on all of the four (4) audit dates.

#### **§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 1, 6, 14 and 19, 2019 – to ascertain the total number of young adults that participated in recreation.

On three (3) of the (4) four audit dates – March 6, 14, and 19, 2019 – recreation was afforded to young adults in the Secure Unit. On the remaining one (1) audit date, March 1, 2019, it could not be determined whether staff afforded recreation to the young adults in the Secure Unit, because no recreation data was recorded in either the housing area logbook or in the Mandated Services Logbook.

#### **March 1, 2019**

There were sixteen (16) young adults in the Secure Unit on this audit date. Staff did not record the recreation commencement time or recreation completion time in the Mandated Services Logbook or in the housing area logbook for any of the young adults.

#### **March 6, 2019**

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

- Two (2) young adults were out to court during the time that recreation was afforded.
- Twelve (12) young adults refused to participate in afforded recreation.

#### **March 14, 2019**

There were eleven (11) young adults in the Secure Unit on this audit date. Please note the following:

- Three (3) young adults participated in afforded recreation.
- One (1) young adult was out to court during afforded recreation.

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- Staff did not record the recreation commencement time and recreation completion time in the Mandated Services Logbook or in the housing area logbook for seven (7) young adults.

#### **March 19, 2019**

There were twelve (12) young adults in the Secure Unit on this audit date. Please note the following:

- Two (2) young adults participated in afforded recreation.
- Nine (9) young adults refused to participate in afforded recreation.
- Staff did not record the recreation commencement time and recreation completion time in the Mandated Services Logbook or in the housing area logbook for one (1) young adult.

#### **§ 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 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, up to four (4) quads. (A-D)

#### **March 1, 2019**

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.

- ❖ Up to seven (7) hours and thirty (30) minutes of programming were offered.

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- Two (2) young adults in Phase 3 were offered and participated in seven (7) hours and thirty (30) minutes of programming.
- One (1) young adult in Phase 1 was offered and participated in seven (7) hours and thirty (30) minutes of programming.
- One (1) young adult in Phase 3 was offered seven (7) hours and thirty (30) minutes of programming. He participated in six (6) hours and thirty (30) minutes of programming and refused all remaining programming.
- One (1) young adult in Phase 3 was offered and participated one (1) hour and fifty (50) minutes of programming upon his return from an attorney visit.

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

- ❖ Up to eight (8) hours of programming were offered.
  - One (1) young adult in Phase 2 was offered eight (8) hours of programming. He participated in six (6) hours of programming and refused all remaining programming.
  - One (1) young adult in Phase 1 was offered seven (7) hours of programming. He participated in two (2) hours of programming and refused all remaining programming.
  - One (1) young adult in Phase 2 was offered eight (8) hours of programming. He participated in seven (7) hours of programming and refused all remaining programming.
  - One (1) young adult in Phase 3 was offered and participated in five (5) hours of programming.

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

- ❖ Up to eight (8) hours of programming were offered.
  - Two (2) young adults in Phase 3 were offered eight (8) hours of programming. They participated in seven (7) hours of programming and refused all remaining programming.
  - One (1) young adult in Phase 2 was offered eight (8) hours of programming. He participated in seven (7) hours of programming and refused all remaining programming.
  - One (1) young adult in Phase 3 was offered three (3) hours and forty-seven (47) minutes of programming. He participated in two (2) hours and forty-seven (47) minutes of programming and refused all remaining programming.

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

- ❖ Up to eight (8) hours of programming were offered.

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- One (1) young adult in Phase 3 was offered and participated in seven (7) hours of programming.
- One (1) young adults in Phase 3 were offered and participated in eight (8) hours of programming.
- One (1) young adult in Phase 1 was offered and participated in four (4) hours of programming.

#### March 6, 2019

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

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

- ❖ Six (6) hours and fifty (50) minutes of programming were offered.
  - Two (2) young adults in Phase 3 were offered and participated in six (6) hours and fifty (50) minutes of programming.
  - One (1) young adult in Phase 3 was offered six (6) hours and fifty (50) minutes of programming. He participated in five (5) hours and fifty (50) minutes of programming and refused all remaining programming.
  - One (1) young adult in Phase 1 was offered six (6) hours and fifty (50) minutes of programming. He participated in four (4) hours of programming and refused all remaining programming.

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

- ❖ Up to six (6) hours and fifty (50) minutes of programming were offered.
  - One (1) young adult in Phase 2 was offered six (6) hours and fifty (50) minutes of programming. He participated in five (5) hours and fifty (50) minutes of programming and refused all remaining programming.
  - One (1) young adult in Phase 3 was offered and participated in six (6) hours and fifty (50) minutes of programming.
  - One (1) young adult in Phase 3 was offered and participated in three (3) hours and fifty (50) minutes of programming.
  - One (1) young adult in Phase 1 was offered six (6) hours and fifty (50) minutes of programming. He participated in five (5) hours and fifty (50) minutes of programming and refused all remaining programming.
  - One (1) young adult in Phase 2 was offered and participated in two (2) hours and thirty-nine (39) minutes of programming upon his return from court.

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

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- ❖ Up to six (6) hours and fifty (50) minutes of programming were offered.
  - One (1) young adult in Phase 3 was offered six (6) hours and fifty (50) minutes of programming. He participated in five (5) hours and fifty (50) minutes of programming and refused all remaining programming.
  - One (1) young adult in Phase 2 was offered and participated in two (2) hours and thirty-eight (38) minutes of programming upon his return from court.
  - One (1) young adult in Phase 1 was offered and participated in fifty-five (55) minutes of programming.

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

- ❖ Up to six (6) hours and eleven (11) minutes of programming were offered.
  - One (1) young adult in Phase 1 was offered and participated in three (3) hours and fifteen (15) minutes of programming.
  - One (1) young adult in Phase 3 was offered and participated in six (6) hours and eleven (11) minutes of programming.

#### **March 14, 2019**

There were eleven (11) young adults housed in the Secure Unit on this audit date.

Quad A – There was one (1) young adult in this quad.

- ❖ Six (6) hours of programming were offered.
  - One (1) young adult in Phase 3 was offered and participated in six (6) hours of programming.

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

- ❖ Up to six (6) hours and fifty (55) minutes of programming were offered.
  - One (1) young adult in Phase 1 was offered five (5) hours and fifty-five (55) minutes of programming. He participated in four (4) hours and fifty-five (55) minutes of programming and refused all remaining programming.
  - One (1) young adult in Phase 3 was offered three (3) hours and forty (40) minutes of programming. He participated in one (1) hour and forty (40) minutes of programming and refused all remaining programming.
  - One (1) young adult in Phase 3 was offered six (6) hours and fifty (50) minutes of programming. He participated in five (5) hours and fifty (50) minutes of programming and refused all remaining programming.

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- One (1) young adult in Phase 3 was offered six (6) hours and fifty-five (55) minutes of programming. He participated in five (5) hours and fifty-five (55) minutes of programming and refused all remaining programming.
- One (1) young adult in Phase 3 was offered six (6) hours and forty (40) minutes of programming. He participated in four (4) hours and forty (40) minutes of programming and refused all remaining programming.

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

- ❖ Up to six (6) hours and fifteen (15) minutes of programming were offered.
  - One (1) young adult in Phase 3 was offered and participated in six (6) hours and fifteen (15) minutes of programming.
  - One (1) young adult in Phase 3 was offered and participated in six (6) hours and fifteen (15) minutes of programming.
  - One (1) young adult in Phase 1 was offered four (4) hours of programming. He refused to participate in all afforded programming.

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

- ❖ Three (3) hours and forty-five (45) minutes of programming were offered.
  - One (1) young adult in Phase 1 was offered and participated in three (3) hours and forty-five (45) minutes of programming.

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

### **March 19, 2019**

There were twelve (12) young adults housed in the Secure Unit on this audit date.

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

- ❖ Up to seven (7) hours and thirty-seven (37) minutes of programming were offered.
  - One (1) young adult in Phase 1 was offered six (6) hours and thirty-four (34) minutes of programming. He participated in four (4) minutes of programming and refused all remaining programming.
  - One (1) young adult in Phase 3 was offered and participated in seven (7) hours and thirty-seven (37) minutes of programming.

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

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- ❖ Up to six (6) hours and fifty-three (53) minutes of programming were offered.
  - One (1) young adult in Phase 3 was offered and participated in three (3) hours and thirty-three (33) minutes of programming.
  - One (1) young adult in Phase 3 was offered and participated in six (6) hours and thirty minutes (30) minutes of programming.
  - One (1) young adult in Phase 3 was offered and participated in three (3) hours and fifty-three (53) minutes of programming.
  - One (1) young adult in Phase 1 was offered six (6) hours and fifty-three (53) minutes of programming. He participated in four (4) hours and fifty-three (53) minutes of programming and refused all remaining programming.
  - One (1) young adult in Phase 1 was offered five (5) hours and fifty (50) minutes of programming. He participated in four (4) hours and five (5) minutes of programming and refused all remaining programming.

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

- ❖ Up to six (6) hours and thirty-eight (38) minutes of programming were offered.
  - One (1) young adult in Phase 1 was offered six (6) hours and thirty-three (33) minutes of programming. He participated in three (3) hours and three (3) minutes of programming and refused all remaining programming.
  - One (1) young adult in Phase 3 was offered six (6) hours and thirty-eight (38) minutes of programming. He participated in five (5) hours and thirty-eight (38) minutes of programming and refused all remaining programming.
  - One (1) young adult in Phase 3 was offered six (6) hours and thirty-five (35) minutes of programming. He participated in five (5) hours and thirty-five (35) minutes of programming and refused all remaining programming.

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

- ❖ Up to three (3) hours and eleven (11) minutes of programming were offered.
  - One (1) young adult in Phase 1 was offered three (3) hours and three (3) minutes of programming. He participated in two (2) hours and five (5) minutes of programming and refused all remaining programming.
  - One (1) young adult in Phase 1 was offered three (3) hours and eleven (11) minutes of programming. He participated in two (2) hours and eleven (11) minutes of programming and refused all remaining programming.

## Education

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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 aforementioned 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 1, 6, 14 and 19, 2019 – 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 1, 2019**

There were sixteen (16) young adults in the Secure Unit on this audit date. Of the sixteen (16) young adults, seven (7) were enrolled in educational services. The Education Services Logbook did not record the arrival and departure times to and from the school for any of the young adults enrolled in educational services on this audit date.

#### **March 6, 2019**

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 Education Services Logbook did not record the arrival and departure times to and from the school for any of the young adults enrolled in educational services on this audit date.

#### **March 14, 2019**

There were eleven (11) young adults in the Secure Unit on this audit date. Of the eleven (11) young adults, five (5) were enrolled in educational services. The arrival and departure times for those present on this audit date were:

1. Arrived 9:29 am / Departed 9:57 am

The remaining four (4) young adults refused to participate in educational services.

#### **March 19, 2019**

There were twelve (12) young adults in the Secure Unit on this audit date. Of the twelve (12) young adults, six (6) were enrolled in educational services. The arrival and departure times for those present on this audit date were:

1. Arrived 9:50 am / Departed 10:50 am

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The Education Services Logbook did not record the arrival and departure times to and from the school for any of the remaining five (5) young adults enrolled in educational services on this audit date.