

NYC Department of Correction
Secure Unit Compliance Audit – July and August

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 September 12, 2017, the Department is permitted to reduce out-of-cell time 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.

Audit Parameters

As set forth in the Department’s June 9, 2017 compliance plan to the Board, the audit would be conducted through a manual review of the housing area logbooks on four (4) random dates each month.

July Dates: 7/6, 7/11, 7/19 & 7/29
August Dates: 8/4, 8/8, 8/24 & 8/30

§1-05 Lock-in

The review of housing area logbook was 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.

§1-08(f) Access to Courts and Legal Services, including Law Library

The review of housing area logbook was to determine whether law library services were afforded. In addition to the logbook review, onsite inspections were conducted to determine if the four (4) kiosks and four (4) typewriters located in the unit were operational.

July Onsite Inspections: 7/12, 7/20 & 7/25
August Onsite Inspections: 8/2, 8/10, 8/11 & 8/18

Audit Findings

§1-05 Lock-in

A review of the eight (8) audit dates reflected that on seven (7) of the dates lock-out was consistently recorded in the logbook, except for on one (1) day during one (1) tour. The primary issue identified was related to lock-in notations in the logbook. Lock-in was not consistently recorded in the logbook, with only one (1) of the eight (8) days documented for each tour and phase. Individualized data entries reflected similar inconsistencies in the recording of lock-in/lock-out times. Currently, individualized entries of lock-in/lock-out times are not recorded for individual inmates.

§1-08(f) Access to Courts and Legal Services, including Law Library

Law Library Coordinator

A review of housing area logbooks reflected that the law library coordinator was in the unit to provide assistance on six (6) of the eight (8) days audited.¹ The duration of the coordinator's time in the unit on each date cannot be determined based upon the information recorded in the logbooks. On the one (1) occasion where logbook records could be used to calculate the time the coordinator was in the unit, it was for an estimated thirty (30) minute period.

Kiosks and Typewriters

Over the course of the seven (7) inspection dates, all four (4) kiosks were operational and available for use on four (4) of the dates. One (1) of the four (4) kiosks was out of service on three (3) of the inspections dates. The four (4) typewriters were operational and available on each of the inspection dates. At this time, individual use is not documented.

Audit Recommendations

The following corrective actions contemplated to address the issues identified during this two (2) month audit period:

Lock-in/Lock-out

- The establishment of a new housing area "Lock-in/Lock-out" logbook to capture individualized data and the institution of facility procedures directing the unit staff to record the specific times that lock-out and lock-in are afforded. Provide unit-level training for officers on the new procedures and proper logbook entry.
- Designate unit captains or higher ranking officers with the responsibility of reviewing the "Lock-in/Lock-out" logbook following each tour to ensure consistent logbook recording and that the required lock-out periods are being afforded.

Law Library Services

- Direct the law library coordinator to sign in and out of the logbook on each day that they are in the unit. The Director of Law Libraries will review the logbook to ensure that law library services are being provided for the required time period.
- The law library coordinator will note the number of young adults that sought legal services assistance and whether such assistance included the use of the kiosk or typewriters (date and time). On days where law library services were provided but no requests for assistance were made, it shall be noted in the logbook.

¹ This is evidenced by the coordinator signing in to the logbook.