

NYC Department of Correction Secure Unit Compliance Audit – September 2019

Pursuant to the six (6) month limited variance granted by the NYC Board of Correction on May 24, 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 September 2019:

- September 3
- September 11
- September 18
- September 26

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 24, 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.

September on-site inspections of kiosks and typewriters were:

NYC Department of Correction

Secure Unit Compliance Audit – September 2019

- September 6
- September 13
- September 19
- September 27

§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 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, lock-in/lock-out for all young adults was recorded for the phases in which young adults were housed within the unit, except on the following audit dates: On September 11, 2019, during one tour, lock-in was not recorded for all Phases. In addition, on September 26, 2019, during one tour lock-in was not recorded for all Phases.

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.

NYC Department of Correction Secure Unit Compliance Audit – September 2019

September 3, 2019

There were five (5) young adults in Phase 1; their out-of-cell times on this audit date were:

1. 7 hours
2. 7 hours
3. 9 hours
4. 8 hours
5. 8 hours

September 11, 2019

There were five (5) young adults in Phase 1; the out-of-cell-times for those present on this audit date were:

1. 8 hours 6 minutes
2. 8 hours 59 minutes
3. 3 hours 55 minutes; young adult was out to court for a portion of the day and, as a result, his out-of-cell-time was affected
4. 9 hours 34 minutes
5. 8 hours 40 minutes

September 18, 2019

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

1. 5 hours 58 minutes
2. 11 hours 54 minutes
3. 8 hours 27 minutes
4. 6 hours 16 minutes
5. 7 hours 55 minutes
6. 6 hours 42 minutes

September 26, 2019¹

There was six (6) young adults in Phase 1; their out-of-cell time on this audit date were:

1. 9 hours and 50 minutes²
2. 8 hours and 47 minutes
3. 7 hours and 51 minutes
4. 6 hours and 56 minutes

Lastly, two (2) young adult, where one had been transferred into the unit during the evening of this audit date, did not have their lock-in/lock-out data recorded.

¹ On this audit date the young adults' lock-out times are as listed with the possibility of additional lock-out time that may have occurred between 5:00am and 7:00am, which was not recorded by staff.

² On this audit date for one (1) young adult, staff did not record any data regarding the respective lock-out and lock-in times for this young adult for 5:00am and 7:00am.

NYC Department of Correction Secure Unit Compliance Audit – September 2019

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.

September 3, 2019

There was one (1) young adult in Phase 2; his out-of-cell time on this audit date was 11 hours.

September 11, 2019

There was one (1) young adult in Phase 2; his out-of-cell time on this audit date was 10 hours 57 minutes.

September 18, 2019

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

1. 8 hours 44 minutes
2. 8 hours 26 minutes

September 26, 2019³

There were four (4) young adults in Phase 2; their out-of-cell times on this audit date were:

1. 9 hours and 53 minutes
2. 11 hours and 30 minutes
3. 11 hours and 55 minutes
4. 9 hours⁴

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.

September 3, 2019

³ On this audit date the young adults' lock-out times are as listed with the possibility of additional lock-out time that may have occurred between 5:00am and 7:00am, which was not recorded by staff.

⁴ On this audit date one (1) young adult's lock-out time is as listed with the possibility of additional lock-out time that may have occurred between 8:00am and 12:00pm, which was not recorded by staff.

NYC Department of Correction Secure Unit Compliance Audit – September 2019

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

1. 12 hours
2. 13 hours

The remaining one (1) young adult in Phase 3 refused all afforded out-of-cell time.

September 11, 2019

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

1. 11 hours
2. 10 hours 49 minutes

September 18 2019

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

1. 9 hours 1 minutes
2. 10 hours 57 minutes

September 26, 2019

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

1. 6 hours 25 minutes; young adult was transferred out of the Secure Unit on this audit date
2. 5 hours⁵; young adult was transferred out of the Secure Unit on this audit date

§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 each of the four (4) audit dates – September 3, 11, 18 and 26, 2019.⁶ The duration of the Law Library Coordinator's time in the unit on the four (4) dates audited – September 3, 11, 18 and 26, 2019 were in compliance with the provisions of the Board's Minimum Standards i.e., a minimum of two (2) hours.

September 3, 2019

There were nine (9) young adults in the Secure Unit on this audit date. Of the nine (9) 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:

- Arrived 5:30 pm / Departed 8:25 pm

⁵ On this audit date one (1) young adult's lock-out time was 5 hours with the possibility of additional lock-out time that may have occurred between 5:00am and 7:00am, which was not recorded by staff.

⁶ This is evidenced by the Law Library Coordinator signing in and out of the logbook on each of the audit dates.

NYC Department of Correction

Secure Unit Compliance Audit – September 2019

September 11, 2019

There were eight (8) young adults in the Secure Unit on this audit date. Of the eight (8) 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 6:05 pm / Departed 8:40 pm

September 18, 2019

There were ten (10) young adults in the Secure Unit on this audit date. Of the ten (10) 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 5:40 pm / Departed 8:22 pm

September 26, 2019

There were twelve (12) young adults in the Secure Unit on this audit date. Of the twelve (12) 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 6:16 pm / Departed 8:25 pm

Kiosks and Typewriters

As noted above, the kiosks and typewriters were inspected on four (4) dates during the audit period – September 6, 13, 19 and 27, 2019. All four (4) typewriters were operational on all of the four (4) audit dates. On three (3) of the four (4) audit dates, September 6, 13 and 27, 2019, all four (4) kiosks were operational. On the remaining one (1) audit date, September 19, 2019, all four (4) kiosks were inoperable⁷.

§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 – September 3, 11, 18 and 26, 2019 – to ascertain the total number of young adults that participated in recreation.

On the four (4) audit dates – September 3, 11, 18, and 26, 2019 – recreation was afforded to young adults in the Secure Unit.

September 3, 2019

⁷ On this audit date, the afternoon Legal Coordinator rebooted the kiosks' server and all four (4) kiosks became operational that same day.

NYC Department of Correction

Secure Unit Compliance Audit – September 2019

There were nine (9) young adults in the Secure Unit on this audit date. Please note the following:

- Eight (8) young adults participated in afforded recreation.
- One young adult was not afforded recreation due to a documented security issue.

September 11, 2019

There were eight (8) young adults in the Secure Unit on this audit date. Please note the following:

- Four (4) young adults participated in afforded recreation.
- Three (3) young adults refused to participate in afforded recreation.
- One (1) young adult was out to court during afforded recreation.

September 18, 2019

There were ten (10) young adults in the Secure Unit on this audit date. Please note the following:

- Six (6) young adults participated in afforded recreation.
- Staff did not record the recreation completion time for two (2) young adults in either the Mandated Services Logbook or in the housing area logbook.
- Staff did not record the recreation commencement and completion times for two (2) young adults in either the Mandated Services Logbook or in the housing area logbook.

September 26, 2019

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

- Seven (7) young adults participated in afforded recreation.
- Three (3) young adults refused to participate in afforded recreation.
- Staff did not record the recreation completion time for one young adult in either the Mandated Services Logbook or in the housing area logbook.
- One young adult transferred-into the Secure Unit after afforded 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 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.

NYC Department of Correction

Secure Unit Compliance Audit – September 2019

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)

September 3, 2019

There were nine (9) young adults housed in the Secure Unit on this audit date.

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

- ❖ One (1) hour of programming was offered.
 - One (1) young adult in Phase 1 was offered one (1) hour of programming. He elected to go to recreation, and upon his return he participated in forty-five (45) minutes of programming.

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

- ❖ Up to six (6) hours of programming were offered.
 - One (1) young adult in Phase 3 was offered and participated in six (6) hours of programming.
 - One (1) young adult in Phase 3 was offered six (6) hours of programming. He participated in five (5) hours of programming and refused all remaining programming.
 - Two (2) young adults in Phase 1 were offered and participated in three (3) hours of programming.

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

- ❖ Three (3) hours and fifteen (15) minutes of programming were offered.
 - Two (2) young adults in Phase 1 were offered and participated in three (3) hours and fifteen (15) minutes of programming.

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

- ❖ Up to five (5) hours and forty-five (45) minutes of programming were offered.
 - One (1) young adult in Phase 3 was offered five (5) hours and forty-five (45) minutes of programming. He refused to participate in all afforded programming.
 - One (1) young adult in Phase 2 was offered four (4) hours and forty-five (45) minutes of programming. He refused to participate in all afforded programming.

September 11, 2019

There were eight (8) young adults housed in the Secure Unit on this audit date.

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

- ❖ Up to five (5) hours and forty-six (46) minutes of programming were offered.

NYC Department of Correction

Secure Unit Compliance Audit – September 2019

- One (1) young adult in Phase 1 was offered four (4) hours and forty-six (46) minutes of programming. He elected to go recreation, and upon his return, he participated in two (2) hours and forty-six (46) minutes of programming.
- One (1) young adult in Phase 3 was offered five (5) hours and forty-six (46) minutes of programming. He elected to go recreation, and upon his return, he participated in three (3) hours and forty-six (46) minutes of programming.

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

- ❖ Up to seven (7) hours of programming were offered.
 - One (1) young adult in Phase 1 was offered four (4) hours of programming. He elected to go to recreation for one (1) hour. Upon his return, he participated in three (3) hours of programming.
 - One (1) young adult in Phase 3 was offered seven (7) hours of programming. He elected to go to recreation for one (1) hour. Upon his return, he participated in four (4) hours of programming and refused all remaining afforded programming.
 - One (1) young adult in Phase 1 was offered four (4) hours of programming. He elected to go to recreation for one (1) hour. Upon his return, he participated in three hours programming.

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

- ❖ Up to five (5) hours and 5 minutes of programming were offered.
 - One (1) young adult in Phase 1 was offered and participated in five (5) hours and 5 (five) minutes of programming.
 - One (1) young adult in Phase 1 was out to court during programming. Upon his return, he was offered and participated in two (2) hours of programming.

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

- ❖ Seven (7) hours and ten (10) minutes of programming were offered.
 - One (1) young adult in Phase 2 was offered and participated in seven (7) hours and ten (10) minutes of programming.

September 18, 2019

There were ten (10) young adults housed in the Secure Unit on this audit date.

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

- ❖ Up to six (6) hours fifteen (15) minutes of programming were offered.
 - One (1) young adult in Phase 1 was offered four (4) hours and fifteen (15) minutes of programming. He participated in three (3) hours and fifteen (15) minutes of programming and refused all remaining programming.
 - One (1) young adult in Phase 1 was offered and participated in two (2) hours and fifteen (15) minutes of programming.

NYC Department of Correction

Secure Unit Compliance Audit – September 2019

- One (1) young adult in Phase 3 was offered and participated in six (6) hours and fifteen (15) minutes of programming.

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

- ❖ Six (6) hours and twenty-five (25) minutes of programming were offered.
 - Two (2) young adults in Phase 2 was offered and participated in six (6) hours and twenty- five (25) minutes of programming.

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

- ❖ Up to five (5) hours and twenty-nine (29) minutes of programming were offered.
 - One (1) young adult in Phase 2 was offered and participated in five (5) hours and twenty-nine (29) minutes of programming.
 - One (1) young adult in Phase 2 was offered and participated in five (5) hours and fourteen (14) minutes of programming.

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

- ❖ Up to six (6) hours and eighteen (18) minutes of programming were offered.
 - One (1) young adult in Phase 3 was offered six (6) hours and eighteen (18) minutes of programming. He elected to go to recreation for one (1) hour. Upon his return, he participated in one (1) hour and eighteen (18) minutes of programming and was out to a visit during the remaining afforded programming.
 - One (1) young adult in Phase 1 was offered one (1) hour and forty-eight (48) minutes of programming. He participated in forty-eight (48) minutes of programming, and elected to go recreation during the remaining afforded programming.
 - One (1) young adult in Phase 1 was offered one (1) hour and forty-eight (48) minutes of programming. He participated in forty-eight (48) minutes of programming, and elected to go recreation during the remaining afforded programming.

September 26, 2019

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

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

- ❖ Up to four (4) hours and thirty (30) minutes of programming were offered.
 - One (1) young adult in Phase 2 was offered and participated in four (4) hours and thirty (30) minutes of programming.
 - One (1) young adult in Phase 1 was offered and participated in two (2) hours and thirty (30) minutes 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.

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

NYC Department of Correction

Secure Unit Compliance Audit – September 2019

- ❖ Up to five (5) hours and forty (40) minutes of programming were offered.
 - One (1) young adult in Phase 1 was offered and participated in four (4) hours and forty (40) minutes of programming.
 - Two (2) young adults in Phase 2 were offered and participated in five (5) hours and forty (40) minutes of programming.

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

- ❖ Up to five (5) hours and fifty-five (55) minutes of programming were offered.
 - One (1) young adult in Phase 2 was offered five (5) hours and fifty-five (55) minutes of programming. He participated in five (5) hours and thirty (30) minutes of programming and refused all remaining programming.
 - One (1) young adult in Phase 1 transferred into the Secure Unit on this audit date. He was offered and participated in one (1) hour and forty (40) minutes of programming.
 - One (1) young adult in Phase 3 was offered and participated in five (5) hours and fifty-five (55) minutes of programming.

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

- ❖ Up to two (2) hours and fifty-five minutes of programming were offered.
 - One (1) young adult in Phase 3 was offered one (1) hour of programming. He refused to participate in all afforded programming. (Evans)
 - One (1) young adult in Phase 1 was offered two (2) hours and fifty-five (55) minutes of programming. He participated in two (2) hours and twenty (20) minutes of programming and refused all remaining programming.
 - One (1) young adult in Phase 1 was offered and participated in two (2) hours and fifty-five (55) minutes of programming.

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 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 – September 3, 11, 18 and 26, 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.

NYC Department of Correction Secure Unit Compliance Audit – September 2019

September 3, 2019

There were nine (9) young adults in the Secure Unit on this audit date.

No school was afforded to young adults in the Secure Unit on this date due to summer recess.

September 11, 2019

There were eight (8) young adults in the Secure Unit on this audit date. Of the eight (8) young adults, four (4) were enrolled in educational services. The arrival and departure times for those present on this audit date were:

1. Arrived 9:59 am / Departed 11:40 am
2. Arrived 9:53 am / Departed 11:40 am
3. Arrived 8:55 am / Departed 9:20 am

The remaining one (1) young adult refused to participate in educational services.

September 18, 2019

There were ten (10) young adults in the Secure Unit on this audit date. Of the ten (10) young adults, six (6) were enrolled in educational services. The arrival and departure times for those present on this audit date were:

1. Arrived 10:15 am / Departed 10:35 am
2. Arrived 10:30 am / Departed 10:45 am

Three (3) young adults refused to participate in educational services. For the remaining one (1) young adult, the Education Services Logbook did not record the arrival and departure times to and from the school for this young adult enrolled in educational services on this audit date.

September 26, 2019

There were twelve (12) young adults in the Secure Unit on this audit date. Of the twelve (12) young adults, eight (8) 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.