

NYC Department of Correction

Secure Unit Compliance Audit – October 2022

Pursuant to the limited variance granted by the NYC Board of Correction on September 14, 2021, 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 monthly audits 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)
- § 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) selected dates each month using simple random sampling.

This audit report covers the following four (4) dates in the month of October 2022:

- October 4
- October 12
- October 19
- October 28

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(b) 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 September 14, 2021, 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

Manual reviews of the housing area logbook, Program and Services Logbook, and Law Library Logbook were conducted to determine whether Law Library services were afforded. In addition to the above logbook reviews, on-site inspections were conducted to determine if the four (4) kiosks and four (4) typewriters located in the unit were operational.

October 2022 on-site inspections of kiosks and typewriters were conducted on dates selected using simple random sampling:

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- October 5
- October 11
- October 21
- October 27

§1-06 – Recreation

Manual reviews of the housing area logbook and Mandated Services Logbook were 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 review was conducted to determine the number of young adults enrolled in educational services, whether they were provided with educational learning packets, and whether they completed and returned the educational learning packets.

Audit Findings

§1-05(b) 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, the lock-in/lock-out times were not consistently recorded for the phases in which young adults were housed within the unit on all four (4) audit dates: October 4, 12, 19 and 28, 2022.

On October 4, 2022, the scheduled 5:00 a.m. lock-out and 7 a.m. lock-in was not recorded for Phases 1, 2 and 3. Also on this audit date, the scheduled 8:00 a.m. lock-out was not recorded for Phases 1, 2 and 3. On October 12, 2022, the Phase 1 scheduled lock-in at 1:00 p.m., the Phase 2 scheduled lock-in at 2:00 p.m. and the Phase 3 scheduled lock-in at 3:00 p.m. were not recorded. Also on this audit date, the scheduled lock-in at 7:00 p.m. and the scheduled lock-in at 8:00 p.m. were not recorded. On October 19, 2022, the scheduled 5:00 a.m. lock-out and 7 a.m. lock-in were not recorded for Phases 1, 2 and 3. On October 28, 2022, the Phase 1 scheduled lock-in at 1:00 p.m. and 7:00 p.m. were not recorded. Also on this audit date, the Phase 2 scheduled lock-in at 2:00 p.m. and 8:00 p.m. were not recorded.

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.

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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.

October 4, 2022

There were ten (10) young adults in Phase 1; their out of cell times on this audit date were:

1. 12 hours
2. 11 hours
3. 11 hours
4. 9 hours
5. 10 hours
6. 10 hours
7. 10 hours
8. 11 hours
9. 10 hours

The remaining one (1) young adult in Phase 1 refused all afforded lock-out options.

October 12, 2022

There were fourteen (14) young adults in Phase 1; the out of cell times for those present on this audit date were:

1. 1 hour; young adult refused the majority of out of cell time
2. 1 hour; young adult refused the majority of out of cell time
3. 6 hours
4. 3 hours; young adult refused the majority of out of cell time
5. 1 hour; young adult refused the majority of out of cell time
6. 1 hour; young adult refused the majority of out of cell time
7. 1 hour; young adult refused the majority of out of cell time
8. 4 hours; young adult refused the majority of out of cell time
9. 2 hours; young adult refused the majority of out of cell time
10. 4 hours; young adult refused the majority of out of cell time
11. 1 hour; young adult was out to court, and as a result, his out of cell time was affected
12. 2 hours; young adult refused the majority of out of cell time
13. 3 hours; young adult refused the majority of out of cell time
14. 2 hours; young adult refused the majority of out of cell time

October 19, 2022

There were thirteen (13) young adults in Phase 1; their out of cell times on this audit date were:

1. 1 hour; young adult refused the majority of out of cell time

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2. 10 hours
3. 11 hours
4. 12 hours
5. 9 hours
6. 2 hours; young adult refused the majority of out of cell time
7. 7 hours
8. 9 hours
9. 10 hours
10. 10 hours
11. 12 hours
12. 7 hours
13. 10 hours

October 28, 2022

There were eleven (11) young adults in Phase 1; the out of cell times for those present on this audit date were:

1. 1 hour; young adult refused the majority of out of cell time
2. 3 hours; young adult was out to court, and as a result, his out of cell time was affected
3. 12 hours
4. 11 hours
5. 11 hours
6. 12 hours
7. 5 hours
8. 6 hours
9. 12 hours
10. 2 hours; young adult refused the majority of out of cell
11. 12 hours

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.

October 4, 2022

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

1. 12 hours
2. 12 hours
3. 10 hours

October 12, 2022

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

1. 3 hours; young adult refused the majority of out of cell time
2. 4 hours; young adult refused the majority of out of cell time
3. 3 hours; young adult refused the majority of out of cell time

October 19, 2022

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

1. 12 hours
2. 7 hours
3. 12 hours
4. 9 hours

October 28, 2022

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

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.

October 4, 2022

There was one (1) young adult in Phase 3 on this audit date. His out of cell time on this audit date was 2 hours. Young adult was out to court, and as a result, his out of cell time was affected.

October 12, 2022

There was one (1) young adult in Phase 3 on this audit date. His out of cell time on this audit date was 3 hours. Young adult refused the majority of out of cell time.

October 19, 2022

There was one (1) young adult in Phase 3 on this audit date. His out of cell time on this audit date was 11 hours.

October 28, 2022

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

1. 11 hours
2. 9 hours

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3. 9 hours
4. 12 hours
5. 9 hours

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

Law Library Coordinator

A manual review of the Programs and Services Logbook, housing area logbook and Law Library Logbook, revealed that the Law Library Coordinator was in the unit to provide assistance on all four (4) audit dates – October 4, 12, 19 and 28, 2022. The Law Library Coordinator's time in the Secure Unit was in compliance with the provisions of the Board's Minimum Standards i.e., a minimum of two (2) hours.

October 4, 2022

There were fourteen (14) young adults in the Secure Unit on this audit date. Of the fourteen (14) young adults, two (2) young adults requested and were provided Law Library services on this audit date. The arrival and departure times for the Law Library Coordinator on this audit date were:

- Arrived 1:10 p.m. / Departed 6:09 p.m.

October 12, 2022

There were eighteen (18) young adults in the Secure Unit on this audit date. Of the eighteen (18) young adults, nine (9) young adults requested and were provided Law Library services on this audit date. The arrival and departure times for the Law Library Coordinator on this audit date were:

- Arrived 3:45 p.m. / Departed 9:00 p.m.

October 19, 2022

There were eighteen (18) young adults in the Secure Unit on this audit date. Of the eighteen (18) young adults, two (2) young adults requested and were provided Law Library services on this audit date. The arrival and departure times for the Law Library Coordinator on this audit date were:

- Arrived 9:16 a.m. / Departed 4:30 p.m.

October 28, 2022

There were seventeen (17) young adults in the Secure Unit on this audit date. Of the seventeen (17) young adults, two (2) young adults requested and were provided Law Library services on this audit date. The arrival and departure times for the Law Library Coordinator on this audit date were:

- Arrived 11:00 a.m. / Departed 7:40 p.m.

Kiosks and Typewriters

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As noted above, the kiosks and typewriters were inspected on four (4) dates during the audit period – October 5, 11, 21 and 27, 2022.

Typewriters:

On all four (4) audit dates, October 5, 11, 21 and 27, 2022, all four (4) typewriters were operable.

Kiosks:

On all four (4) audit dates, October 5, 11, 21 and 27, 2022, all four (4) kiosks were operable.

§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 – October 4, 12, 19 and 28, 2022 – to ascertain the total number of young adults that participated in recreation.

October 4, 2022

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

- Twelve (12) young adults refused to participate in afforded recreation.
- One (1) young adult participated in afforded recreation.
- One (1) young adult was out to court during afforded recreation.

October 12, 2022

There were eighteen (18) young adults in the Secure Unit on this audit date. All eighteen (18) young adults refused to participate in afforded recreation.

October 19, 2022

There were eighteen (18) young adults in the Secure Unit on this audit date. Please note the following:

- Seventeen (17) young adults refused to participate in afforded recreation.
- One (1) young adult participated in afforded recreation.

October 28, 2022

There were seventeen (17) young adults in the Secure Unit on this audit date. Please note the following:

- Fifteen (15) young adults refused to participate in afforded recreation.

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- Two (2) young adults participated in 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 based on the phase they are in within the unit they are housed. The out of cell time increases incrementally from one phase to the next: ten (10) hours in Phase 1, to twelve (12) hours in Phase 2, and to fourteen (14) hours in Phase 3. On November 12, 2020, in-person programming services resumed in the Secure Unit. As of this date, programming has been provided Monday through Saturday, rather than Tuesday through Saturday, which was the schedule pre-COVID.

The audit reviewed programming attendance data on each of the four (4) audit dates to ascertain the number of programming hours offered to each young adult and the number of hours each young adult participated in programming. Programming participation hours are based on the number of hours each young adult chose to participate in programming.

The data reflects the young adults present in the housing area during programming on each audit date.

Programming in the Secure Unit was afforded to young adults on all four audit dates – October 4, 12, 19 and 28, 2022.

October 4, 2022

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.

- ❖ Three (3) hours and five (5) minutes of programming were offered to the four (4) young adults in this quad.
 - One (1) young adult in Phase 1 was offered three (3) hours and five (5) minutes of programming. He participated in two (2) hours and fifteen (15) minutes of programming and refused all remaining afforded programming.
 - One (1) young adult in Phase 2 was offered three (3) hours and five (5) minutes of programming. He participated in twenty (20) minutes of programming and refused all remaining afforded programming.
 - One (1) young adult in Phase 1 was offered three (3) hours and five (5) minutes of programming. He refused to participate in all afforded programming.
 - One (1) young adult in Phase 1 was offered three (3) hours and five (5) minutes of programming. He participated in fifty (50) minutes of programming and refused all remaining afforded programming.

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

- ❖ Ten (10) minutes of programming were offered to the two (2) young adults in this quad.
 - One (1) young adult in Phase 1 was offered and participated in ten (10) minutes of programming.

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- One (1) young adult in Phase 1 was offered ten (10) minutes of programming. He refused to participate in all afforded programming.

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

- ❖ Two (2) hours and thirty (30) minutes of programming was offered to the four (4) young adults in this quad.
 - One (1) young adult in Phase 1 were offered and participated two (2) hours and thirty (30) minutes of programming.
 - Three (3) young adults: Two (2) young adults in Phase 1 and one (1) young adult in Phase 3 were offered two (2) hours and thirty (30) minutes of programming. They refused to participate in all afforded programming.

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

- ❖ Two (2) hours and thirty (30) minutes of programming were offered to the four (4) young adults in this quad.
 - Four (4) young adults in Phase 2 were offered and participated in two (2) hours and thirty (30) minutes of programming.

October 12, 2022

There were eighteen (18) young adults housed in the Secure Unit on this audit date.

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

- ❖ Ten (10) minutes of programming were offered to the five (5) young adults in this quad.
 - Two (2) young adults: One (1) young adult in Phase 1 and one (1) young adult in Phase 2 were offered ten (10) minutes of programming. They each participated in five (5) minutes of programming and refused all remaining programming.
 - Three (3) young adults: Two (2) young adults in Phase 1 and one (1) young adult in Phase 3 were offered ten (10) minutes of programming. They refused all afforded programming.

Quad B – There were six (6) young adults in this quad.

- ❖ Twenty-one (21) minutes of programming was offered to the six (6) young adults in this quad.
 - Three (3) young adults: One (1) young adult in Phase 1 and two (2) young adults in Phase 2 were offered twenty-one (21) minutes of programming. They refused all afforded programming.
 - One (1) young adult in Phase 1 was offered twenty-one (21) minutes of programming. He participated in fourteen (14) minutes of programming and refused to participate in the remaining afforded programming.

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- One (1) young adult in Phase 1 was offered twenty-one (21) minutes of programming. He participated in three (3) minutes of programming and refused to participate in the remaining afforded programming.
- One (1) young adult in Phase 1 was offered twenty-one (21) minutes of programming. He participated in four (4) minutes of programming and refused to participate in the remaining afforded programming.

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

- ❖ Sixteen (16) minutes of programming were offered to the four (4) young adults in this quad.
 - Three (3) young adults in Phase 1 were offered sixteen (16) minutes of programming. They refused all afforded programming.
 - One (1) young adult in Phase 1 was offered and participated in sixteen (16) minutes of programming.

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

- ❖ Thirty-eight (38) minutes of programming were offered to the three (3) young adults in this quad.
 - One (1) young adult in Phase 1 was offered thirty-eight (38) minutes of programming. He participated in twenty (20) minutes of programming and refused all remaining programming.
 - One (1) young adult in Phase 1 was offered thirty-eight (38) minutes of programming. He participated in three (3) minutes of programming and refused all remaining programming.
 - One (1) young adult in Phase 1 was offered thirty-eight (38) minutes of programming. He participated in ten (10) minutes of programming and refused all remaining programming.

October 19, 2022

There were eighteen (18) young adults housed in the Secure Unit on this audit date.

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

- ❖ Forty-three (43) minutes of programming were offered to the five (5) young adults in this quad.
 - Two (2) young adults: One (1) young adult in Phase 1 and one (1) young adult in Phase 2 were offered forty-three (43) minutes of programming. They refused all afforded programming.
 - One (1) young adult in Phase 1 was offered forty-three (43) minutes of programming. He participated in three (3) minutes of programming and refused all remaining afforded programming.
 - One (1) young adult in Phase 3 was offered forty-three (43) minutes of programming. He participated in twelve (12) minutes of programming and refused all remaining afforded programming.

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- One (1) young adult in Phase 1 was offered forty-three (43) minutes of programming. He participated in five (5) minutes of programming and refused all remaining afforded programming.

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

- ❖ One (1) hour and thirty-eight (38) minutes of programming were offered to the four (4) young adults in this quad.
 - One (1) young adult in Phase 1 was offered and participated in one (1) hour and thirty-eight (38) minutes of programming.
 - Two (2) young adults in Phase 1 were offered and participated one (1) hour and three (3) minutes of programming and refused all remaining afforded programming.
 - One (1) young adult in Phase 2 was offered one (1) hour and thirty-eight (38) minutes of programming. He refused to participate in all afforded programming.

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

- ❖ Two (2) hours and thirty (30) minutes of programming were offered to the three (3) young adults in this quad.
 - Three (3) young adults in Phase 1 were offered and participated in two (2) hours and thirty (30) minutes of programming.

Quad D – There were six (6) young adults in this quad.

- ❖ Forty-two (42) minutes of programming were offered to the six (6) young adults in this quad.
 - Four (4) young adults in Phase 1 were offered forty-two minutes of programming. They refused to participate in all afforded programming.
 - Two (2) young adults in Phase 1 were offered and participated in forty-two minutes of programming.

October 28, 2022

There were seventeen (17) young adults housed in the Secure Unit on this audit date.

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

- ❖ Three (3) hours of programming were offered to the four (4) young adults in this quad.
 - Three (3) young adults: One (1) young adult in Phase 2 and two (2) young adults in Phase 3 were offered and participated in (3) hours of programming.
 - One (1) young adult in Phase 1 was offered three (3) hours of programming. He refused all afforded programming.

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Quad B – There were three (3) young adults in this quad. No programming was afforded to the three (3) young adults due to a security concern.

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

- ❖ Two (2) hours and thirty (30) minutes of programming were offered to the four (4) young adults in this quad.
 - Four (4) young adults: Two (2) young adults in Phase 1 and two (2) young adults in Phase 3 were offered and participated in two (2) hours and thirty (30) minutes of programming.

Quad D – There were six (6) young adults in this quad.

- ❖ Two (2) hours and fifteen (15) minutes of programming was offered to the six (6) young adults in this quad.
 - Three (3) young adults in Phase 1 were offered and participated in two (2) hours and fifteen (15) minutes of programming.
 - Three (3) young adults in Phase 1 were offered in two (2) hours and fifteen (15) minutes of programming. They refused to participate in all afforded 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 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. Classroom instruction is provided both in the morning and afternoon. The NYC Department of Education began classroom instruction on February 2, 2022.

The audit reviewed educational data to ascertain the total number of young adults brought to school, as well as the time that each young adult arrived at school and the time each young adult departed school.

October 4, 2022

There were fourteen (14) young adults in the Secure Unit on this audit date. Of the fourteen (14) young adults, six (6) young adults were enrolled in educational services. The arrival and departure times for the following three (3) young adults on this audit date were:

1. Arrived 9:45 a.m. / Departed 10:15 a.m.
2. Arrived 1:15 p.m. / Departed 1:45 p.m.
3. Arrived 10:30 a.m. / Departed 11:45 a.m.

The remaining three (3) young adults refused educational services.

October 12, 2022

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There were eighteen (18) young adults in the Secure Unit on this audit date. Of the eighteen (18) young adults, nine (9) young adults were enrolled in educational services. The arrival and departure times for the following young adult on this audit date were:

1. Arrived 1:15 p.m. / Departed 2:00 p.m.

The remaining eight (8) young adults refused educational services.

October 19, 2022

There were eighteen (18) young adults in the Secure Unit on this audit date. Of the eighteen (18) young adults, ten (10) young adults were enrolled in educational services. The arrival and departure times for the following two (2) young adults on this audit date were:

1. Arrived 9:12 a.m. / Departed 10:12 a.m.
2. Arrived 10:15 a.m. / Departed 11:20 a.m.

The remaining eight (8) young adults refused educational services.

October 28, 2022

There were seventeen (17) young adults in ESH on this audit date. Of the seventeen (17) young adults, eight (8) young adults were enrolled in educational services. The arrival and departure times for the following two (2) young adults on this audit date were:

1. Arrived 11:01 a.m. / Departed 11:20 a.m.
2. Arrived 9:35 a.m. / Departed 11:00 a.m.

The remaining six (6) young adults refused educational services.