

NYC Department of Correction

Secure Unit Compliance Audit – MARCH 2023

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 enrolled in school, and 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 March 2023:

- March 3
- March 8
- March 14
- March 21

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.

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

NYC Department of Correction

Secure Unit Compliance Audit – MARCH 2023

- March 1
- March 9
- March 17
- March 24

§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, the number of young adults brought to school, as well as the time that each young adult arrived at school and the time that each young adult departed school.

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: March 3, 8, 14 and 21, 2023. On March 3, 2023, the scheduled 5:00 a.m. lock-out and 7:00 a.m. lock-in were not recorded for Phases 1, 2 and 3. 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. On March 8, 2023, the scheduled 5:00 a.m. lock-out and 7:00 a.m. lock-in were not recorded for Phases 1, 2 and 3. 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. On March 14, 2023, the scheduled 5:00 a.m. lock-out and 7:00 a.m. lock-in were not recorded for Phases 1, 2 and 3. 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. On March 21, 2023, the scheduled 5:00 a.m. lock-out and 7:00 a.m. lock-in were not recorded for Phases 1, 2 and 3. The Phase 1 scheduled lock-in at 1:00 p.m. and 7:00 p.m. were also not recorded on this audit date. 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.

NYC Department of Correction Secure Unit Compliance Audit – MARCH 2023

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.

March 3, 2023

There were fourteen (14) young adults in Phase 1 on this audit date. The facility was unable to provide the Lock-in/Lock-out Tracking Logbook; therefore the out of cell times for these fourteen (14) young adults could not be determined.

March 8, 2023

There were twelve (12) young adults in Phase 1 on this audit date. The facility was unable to provide the Lock-in/Lock-out Tracking Logbook; therefore the out of cell times for these twelve (12) young adults could not be determined.

March 14, 2023

There were eleven (11) 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. 10 hours
5. 10 hours
6. 10 hours
7. 13 hours
8. 11 hours
9. 12 hours

The remaining two (2) young adults in Phase 1 chose not to participate in all afforded lock-out options.

March 21, 2023

There was one (1) young adult in Phase 1 on this audit date. He chose not to participate in all afforded lock-out options.

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-

NYC Department of Correction

Secure Unit Compliance Audit – MARCH 2023

out periods. The data reflects the young adults present in the unit for institutional lock-outs on each audit date.

March 3, 2023

There were four (4) young adults in Phase 2. The facility was unable to provide the Lock-in/Lock-out Tracking Logbook; therefore the out of cell times for these four (4) young adults could not be determined.

March 8, 2023

There were three (3) young adults in Phase 2. The facility was unable to provide the Lock-in/Lock-out Tracking Logbook; therefore the out of cell times for these three (3) young adults could not be determined.

March 14, 2023

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

1. 11 hours
2. 11 hours

The remaining one (1) young adult in Phase 2 chose not to participate in all afforded lock-out options.

March 21, 2023

There were twelve (12) young adults in Phase 2; their out of cell times on this audit date were:

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

The remaining one (1) young adult in Phase 2 chose not to participate in all afforded lock-out options.

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-

NYC Department of Correction Secure Unit Compliance Audit – MARCH 2023

out periods. The data reflects the young adults present in the unit for institutional lock-outs on each audit date.

March 3, 2023

There were two (2) young adults in Phase 3. The facility was unable to provide the Lock-in/Lock-out Tracking Logbook; therefore the out of cell times for these two (2) young adults could not be determined.

March 8, 2023

There were three (3) young adults in Phase 3. The facility was unable to provide the Lock-in/Lock-out Tracking Logbook; therefore the out of cell times for these three (3) young adults could not be determined.

March 14, 2023

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

1. 12 hours
2. 10 hours

The remaining one (1) young adult in Phase 3, chose not to participate in all afforded lock-out options.

March 21, 2023

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

1. 12 hours
2. 11 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 three (3) of the four (4) audit dates – March 3, 14 and 21, 2023. For the remaining audit date March 8, 2023, due to a Law Library Coordinator's unscheduled absence, law library services were not provided to the young adults in the Secure Unit. The Law Library Coordinator's time for three (3) of the four (4) audit dates– March 3, 14 and 21, 2023 – was in compliance with the provisions of the Board's Minimum Standards i.e., a minimum of two (2) hours.

March 3, 2023

There were twenty (20) young adults in the Secure Unit on this audit date. Of the twenty (20) young adults, four (4) young adults chose to request 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:

NYC Department of Correction

Secure Unit Compliance Audit – MARCH 2023

- Arrived 10:11 a.m. / Departed 6:10 p.m.

March 8, 2023

There were eighteen (18) young adults in the Secure Unit on this audit date. Due to a Law Library Coordinator's unscheduled absence, law library services were not provided to the young adults in the Secure Unit.

March 14, 2023

There were seventeen (17) young adults in the Secure Unit on this audit date. Of the seventeen (17) young adults, four (4) young adults chose to request 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 1:20 p.m. / Departed 7:20 p.m.

March 21, 2023

There were fifteen (15) young adults in the Secure Unit on this audit date. Of the fifteen (15) young adults, four (4) young adults chose to request 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 10:10 a.m. / Departed 6:20 p.m.

Kiosks and Typewriters

As noted above, the kiosks and typewriters were inspected on four (4) dates during the audit period – March 1, 9, 17 and 24, 2023.

Typewriters:

On all four (4) audit dates, March 1, 9, 17 and 24, 2023, three (3) of the four (4) typewriters were operable.

Kiosks:

On all four (4) audit dates, March 1, 9, 17 and 24, 2023, 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 – March 3, 8, 14 and 21, 2023– to ascertain the total number of young adults that participated in recreation.

NYC Department of Correction Secure Unit Compliance Audit – MARCH 2023

March 3, 2023

There were twenty (20) young adults in the Secure Unit on this audit date. Please note the following:

- Four (4) young adults participated in afforded recreation.
- Two (2) young adults were out to court during afforded recreation
- Fourteen (14) chose not to participate in afforded recreation.

March 8, 2023

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

- Five (5) young adults participated in afforded recreation. However, the auditor was unable to determine the recreation time because facility staff did not record the recreation completion time in the housing area logbook.
- One (1) young adult was out to court during afforded recreation.
- Twelve (12) young adults chose not to participate in afforded recreation.

March 14, 2023

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

- Six (6) young adults participated in afforded recreation.
- Eleven (11) young adults chose not to participate in afforded recreation.

March 21, 2023

There were fifteen (15) young adults in the Secure Unit on this audit date. Please note the following:

- Eleven (11) young adults participated in afforded recreation.
- Four (4) young adults chose not to participate 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. As of this date, programming has been provided Monday through Saturday.

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.

NYC Department of Correction

Secure Unit Compliance Audit – MARCH 2023

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 – March 3, 8, 14 and 21, 2023.

March 3, 2023

There were twenty (20) young adults housed in the Secure Unit on this audit date. Due to the program coordinator's day off, no programming was offered to these twenty (20) young adults on this audit date.

March 8, 2023

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.

- ❖ Thirty (30) minutes of programming were offered to the five (5) young adults in this quad.
 - Three (3) young adults: One (1) young adult in Phase 1, one (1) young adult in Phase 2 and one (1) young adult in Phase 3 were offered thirty (30) minutes of programming. They chose not to participate in all afforded programming.
 - Two (2) young adults: One (1) young adult in Phase 1 and one (1) young adult in Phase 2 were offered and participated in thirty (30) minutes of programming.

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

- ❖ One (1) hour and twenty-two (22) minutes of programming were offered to the five (5) young adults in this quad.
 - Three (3) young adults in Phase 1 were offered one (1) hour and twenty-two (22) minutes of programming. They chose not to participate in all afforded programming.
 - Two (2) young adults in Phase 1 were offered and participated in one (1) hour and twenty-two (22) minutes of programming.

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

- ❖ Two (2) hours and thirteen (13) minutes of programming were offered to the four (4) 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 two (2) hours and thirteen (13) minutes of programming. They participated in one (1) hour and forty-three (43) minutes of programming and chose not to participate in all remaining programming.
 - One (1) young adult in Phase 1 was offered two (2) hours and thirteen (13) minutes of programming. He participated in one (1) hour and ten (10)

NYC Department of Correction

Secure Unit Compliance Audit – MARCH 2023

minutes of programming and chose not to participate in all remaining programming.

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

- ❖ Ten (10) minutes of programming were offered to the four (4) young adults in this quad.
 - Three (3) young adults: Two (2) young adults in Phase 1 and one (1) young adult in Phase 2 were offered ten (10) minutes of programming. They chose not to participate in all afforded programming.
 - One (1) young adult in Phase 1 was offered and participated in ten (10) minutes of programming.

March 14, 2023

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.

- ❖ One (1) hour of programming was offered to the four (4) young adults in this quad.
 - Three (3) young adults: Two (2) young adults in Phase 2 and one (1) young adult in Phase 3 were offered one (1) hour of programming. They chose not to participate in all afforded programming.
 - One (1) young adult in Phase 1 was offered and participated in one (1) hour of programming.

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

- ❖ Two (2) hours and twenty (20) 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 two (2) hours and twenty (20) minutes of programming.
 - Two (2) young adults in Phase 1 were offered two (2) hours and twenty (20) minutes of programming. They chose not to participate in all afforded programming.
 - One (1) young adult in Phase 1 was offered two (2) hours and twenty (20) minutes of programming. He participated in forty (40) minutes of programming and chose not to participate in all remaining programming.

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

- ❖ Two (2) hours and forty (40) 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 2 were offered and participated in two (2) hours and forty (40) minutes of programming.

NYC Department of Correction

Secure Unit Compliance Audit – MARCH 2023

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

- ❖ Fifty (50) 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 fifty (50) minutes of programming. They chose not to participate in all afforded programming.
 - Three (3) young adults: One (1) young adult in Phase 1 and two (2) young adults in Phase 2 were offered and participated in fifty (50) minutes of programming.

March 21, 2023

There were fifteen (15) young adults housed in the Secure Unit on this audit date.

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

- ❖ One (1) hour of programming was offered to the two (2) young adults in this quad.
 - Two (2) young adults: One (1) young adult in Phase 1 and one (1) young adult in Phase 3 were offered one (1) hour of programming. They chose not to participate in all afforded programming.

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

- ❖ One (1) hour and fifty-five (55) minutes of programming were offered to the four (4) young adults in this quad.
 - One (1) young adult in Phase 2 was offered and participated in one (1) hour and fifty-five (55) minutes of programming.
 - One (1) young adult in Phase 1 was offered one (1) hour and fifty-five (55) minutes of programming. He participated in one (1) hour and thirty (30) minutes of programming and chose not to participate in all remaining programming.
 - Two (2) young adults: One (1) young adult in Phase 1 and one (1) young adult in Phase 2 were offered one (1) hour and fifty-five (55) minutes of programming. They chose not to participate in all afforded programming.

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

- ❖ One (1) hour of programming was offered to the four (4) young adults in this quad.
 - Two (2) young adults in Phase 2 were offered one (1) hour of programming. They participated in forty-five (45) minutes of programming and chose not to participate in all remaining afforded programming.
 - One (1) young adult in Phase 2 was offered one (1) hour of programming. He participated in fifteen (15) minutes of programming and chose not to participate in all remaining afforded programming.
 - One (1) young adult in Phase 2 was offered one (1) hour of programming. He chose not to participate in all afforded programming.

NYC Department of Correction Secure Unit Compliance Audit – MARCH 2023

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

- ❖ Thirty-two (32) minutes of programming were offered to the five (5) young adults in this quad.
 - Four (4) young adults in Phase 2 were offered thirty-two (32) minutes of programming. They participated in thirty (30) minutes of programming and chose not to participate in all remaining afforded programming.
 - One (1) young adult in Phase 2 was offered thirty-two (32) minutes of programming. He participated in two (2) minutes of programming and chose not to participate in all remaining 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 enrolled in school, the number of young adults brought to school, as well as the time that each young adult arrived at school and the time that each young adult departed school.

March 3, 2023

There were twenty (20) young adults in the Secure Unit on this audit date. Of the twenty (20) young adults, eight (8) young adults were enrolled in educational services. The arrival and departure times for the following young adults on this audit date were:

1. Arrived 1:30 p.m. / Departed 2:30 p.m.
2. Arrived 1:30 p.m. / Departed – Not recorded

The remaining six (6) young adults chose not to participate in educational services.

March 8, 2023

There were eighteen (18) young adults in the Secure Unit on this audit date. Of the eighteen (18) young adults, eight (8) young adults were enrolled in educational services. The arrival and departure times for the following young adults on this audit date were:

1. Arrived 10:45 a.m./ Departed 11:30 a.m.
2. Arrived 1:20 p.m. / Departed 2:00 p.m.

The remaining six (6) young adults chose not to participate in educational services.

March 14, 2023

NYC Department of Correction Secure Unit Compliance Audit – MARCH 2023

There were seventeen (17) young adults in the Secure Unit 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 one young adult on this audit date were:

1. Arrived 9:15 a.m./ Departed – Not recorded.

The remaining seven (7) young adults chose not to participate in educational services.

March 21, 2023

There were fifteen (15) young adults in the Secure Unit on this audit date. Of the fifteen (15) young adults, seven (7) young adults were enrolled in educational services. All seven (7) young adults chose not to participate in educational services.