

NYC Department of Correction

Secure Unit Compliance Audit – October 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 October 2019:

- October 1
- October 9
- October 15
- October 22

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.

October on-site inspections of kiosks and typewriters were:

NYC Department of Correction

Secure Unit Compliance Audit – October 2019

- October 11
- October 18
- October 23
- October 31

§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 October 9, 2019, during one tour, lock-in was not recorded for Phase 2, and during another tour, lock-in on the same date was not recorded for Phase 1. In addition, on October 15, 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 – October 2019

October 1, 2019

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

1. 6 hours
2. 5 hours 55 minutes
3. 5 hours 48 minutes
4. 9 hours 18 minutes
5. 8 hours 38 minutes

October 9, 2019

There were seven (7) young adults in Phase 1; their out-of-cell-times on this audit date were:

1. 4 hours 35 minutes¹
2. 10 hours 33 minutes
3. 9 hours 48 minutes
4. 8 hours 44 minutes
5. 11 hours 14 minutes
6. 8 hours 12 minutes
7. 6 hours 12 minutes

October 15, 2019

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

1. 4 hours 8 minutes; young adult was out to court for a portion of the day and, as a result, his out-of-cell time was affected
2. 7 hours 4 minutes
3. 8 hours 43 minutes
4. 10 hours 34 minutes
5. 5 hours 29 minutes
6. 7 hours 59 minutes

October 22, 2019

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

1. 9 hours 37 minutes
2. 9 hours 38 minutes
3. 6 hours 29 minutes
4. 9 hours 12 minutes
5. 8 hours 28 minutes

¹ On this audit date, this young adult's lock-out time was 4 hours and 35 minutes, with the possibility of additional lock-out time that may have occurred between 4:00 p.m. and 9:00 p.m., which was not recorded by staff.

NYC Department of Correction

Secure Unit Compliance Audit – October 2019

One (1) young adult in Phase 1, was transferred into the Secure Unit and, as a result, did not receive any lock-out time.

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 1, 2019

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

1. 8 hours 6 minutes
2. 11 hours 15 minutes
3. 7 hours 15 minutes

October 9, 2019

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

1. 8 hours 36 minutes
2. 9 hours 11 minutes

October 15, 2019

There was one (1) young adult in Phase 2; his out-of-cell-time on this audit date was 5 hours 59 minutes.

October 22, 2019

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

1. 8 hours 4 minutes
2. 8 hours 59 minutes
3. 9 hours 24 minutes

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.

NYC Department of Correction Secure Unit Compliance Audit – October 2019

October 1, 2019

There were four (4) young adults in Phase 3; their out-of-cell-times on this audit date were:

1. 11 hours 44 minutes
2. 7 hours 30 minutes
3. 9 hours 35 minutes
4. 8 hours 43 minutes

October 9, 2019

There were five (5) young adults in Phase 3; the out-of-cell-times for those present on this audit date were:

1. 9 hours 22 minutes
2. 3 hours 13 minutes²
3. 7 hours 14 minutes
4. 4 hours 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
5. 3 hours; young adult was out to court for a portion of the day and, as a result, his out-of-cell time was affected

October 15, 2019

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

1. 3 hours 36 minutes; young adult was out to court for a portion of the day and, as a result, his out-of-cell time was affected
2. 8 hours 56 minutes
3. 9 hours 21 minutes
4. 4 hours 56 minutes
5. 8 hours 52 minutes
6. 7 hours 4 minutes

October 22, 2019

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

1. 6 hours 58 minutes
2. 4 hours 3 minutes; young adult was out to court for a portion of the day and, as a result, his out-of-cell time was affected

² On this audit date, this young adult's lock-out time was 3 hours and 13 minutes, with the possibility of additional lock-out time that may have occurred between 4:00 p.m. and 9:00 p.m., which was not recorded by staff.

NYC Department of Correction Secure Unit Compliance Audit – October 2019

§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 reflected that the Law Library Coordinator was in the unit to provide assistance on each of the four (4) audit dates – October 1, 9, 15 and 22, 2019. The duration of the Law Library Coordinator's time in the unit on the four (4) dates audited – October 1, 9, 15 and 22, 2019 were in compliance with the provisions of the Board's Minimum Standards i.e., a minimum of two (2) hours.

October 1, 2019

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

- Arrived 5:36 pm / Departed 8:36 pm

October 9, 2019

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

- Arrived 6:00 pm / Departed 8:25 pm

October 15, 2019

There were thirteen (13) young adults in the Secure Unit on this audit date. Of the thirteen (13) young adults, eight (8) 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 5:45 pm / Departed 8:30 pm

October 22, 2019

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

- Arrived 3:45 pm / Departed 6:30 pm

NYC Department of Correction

Secure Unit Compliance Audit – October 2019

Kiosks and Typewriters

As noted above, the kiosks and typewriters were inspected on four (4) dates during the audit period – October 11, 18, 23 and 31, 2019. All four (4) typewriters and four (4) 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 – October 1, 9, 15 and 22, 2019 – to ascertain the total number of young adults that participated in recreation.

On the four (4) audit dates – October 1, 9, 15, and 22, 2019 – recreation was afforded to all young adults in the Secure Unit.

October 1, 2019

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

- Four (4) young adults participated in afforded recreation.
- Four (4) young adults refused to participate in afforded recreation.
- Staff did not record the recreation completion time for three (3) young adults in either the Mandated Services Logbook or in the housing area logbook.
- Due to conflicting housing area records, it cannot be determined if one (1) young adult participated in afforded recreation. The housing area logbook indicates that the inmate went to recreation. However, the Mandated Services Logbook indicates that the inmate refused recreation.

October 9, 2019

There were fourteen (14) 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 refused to participate in afforded recreation.
- Two (2) young adults were out to court during afforded recreation.
- Staff did not record the recreation commencement and completion times for one (1) young adult in either the Mandated Services Logbook or in the housing area logbook.
- Due to conflicting housing area records, it cannot be determined if seven (7) young adults participated in afforded recreation. The housing area logbook indicates that the seven (7) inmates refused recreation. However, the Mandated Services Logbook indicates that the seven (7) inmates went to recreation.

NYC Department of Correction Secure Unit Compliance Audit – October 2019

October 15, 2019

There were thirteen (13) young adults in the Secure Unit on this audit date. Please note the following:

- Seven (7) young adults participated in afforded recreation.
- Two (2) young adults refused to participate in afforded recreation.
- Two (2) young adults were out to court during afforded recreation.
- One (1) young adult was out to school during afforded recreation.
- One (1) young adult was out to an adjudication hearing during afforded recreation.

October 22, 2019

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

- Six (6) 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.
- One (1) 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.

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)

October 1, 2019

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

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

- ❖ Up to two (2) hours of programming were offered.

NYC Department of Correction

Secure Unit Compliance Audit – October 2019

- One (1) young adult in Phase 2 was offered two (2) hours of programming. He participated in one (1) hour of programming and refused all remaining programming.
- Two (2) young adults in Phase 1 were offered and participated in one (1) hour of programming.
- One (1) young adult in Phase 1 was offered and participated in forty-five (45) minutes of programming.

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

- ❖ Up to one (1) hour and forty-five (45) minutes of programming were offered.
 - One (1) young adult in Phase 2 was offered and participated in forty-five (45) minutes of programming.
 - One (1) young adult in Phase 3 was offered one (1) hour and forty-five (45) minutes of programming. He participated in forty-five (45) minutes of programming and refused all remaining programming.
 - One (1) young adult in Phase 3 was offered one (1) hour and forty-five (45) minutes of programming. He refused to participate in all afforded programming.

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

- ❖ Up to one (1) hour and eighteen (18) minutes of programming were offered.
 - One (1) young adult in Phase 1 was offered and participated in fifty-seven (57) minutes of programming.
 - One (1) young adult in Phase 2 was offered and participated in one (1) hour and ten (10) minutes of programming.
 - One (1) young adult in Phase 2 was offered and participated in one (1) hour and eighteen (18) minutes of programming.
 - One (1) young adult in Phase 1 was offered and participated in one (1) hour and five (5) minutes of programming.

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

- ❖ Two (2) hours of programming were offered.
 - One (1) young adult in Phase 3 was offered two (2) hours of programming. He elected to go recreation, and upon his return, he participated one (1) hour of programming.

October 9, 2019

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

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

- ❖ Four (4) hours of programming were offered.

NYC Department of Correction

Secure Unit Compliance Audit – October 2019

- Three (3) young adults in Phase 1 were offered and participated in four (4) hours of programming.
- One (1) young adult in Phase 2 was offered and participated in four (4) hours of programming.
- One (1) young adult in Phase 1 was offered four (4) hours of programming. He participated in one (1) hour of programming and refused all remaining programming.

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

- ❖ Three (3) hours of programming were offered.
 - One (1) young adult in Phase 2 was offered three (3) hours of programming. He went to the clinic for one (1) hour. Upon his return, he participated in two (2) hours of programming.
 - One (1) young adult in Phase 3 was offered three (3) hours of programming. He went to the clinic for one (1) hour. Upon his return, he participated in two (2) hours of programming.

One (1) young adult in Phase 3 was out to court for most of the day and, as a result, did not participate in afforded programming.

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

- ❖ Up to three (3) hours and ten (10) minutes of programming were offered.
 - One (1) young adult in Phase 1 was offered and participated in two (2) hours of programming.
 - One (1) young adult in Phase 1 was offered and participated in three (3) hours and ten (10) minutes of programming.
 - Two (2) young adults in Phase 1 were offered two (2) hours of programming. They refused to participate in all afforded programming.

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

- ❖ Three (3) hours and forty-eight (48) minutes of programming were offered.
 - One (1) young adult in Phase 2 was offered and participated in three (3) hours and forty-eight (48) minutes of programming.

One (1) young adult in Phase 3 was out to court for most of the day and, as a result, did not participate in afforded programming.

October 15, 2019

There were thirteen (13) young adults housed in the Secure Unit on this audit date.

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

- ❖ Up to two (2) hours of programming were offered.

NYC Department of Correction

Secure Unit Compliance Audit – October 2019

- One (1) young adult in Phase 2 was offered two (2) hours of programming. He participated in one (1) hour of programming and refused all remaining programming.
- Two (2) young adults in Phase 1 were offered and participated in one (1) hour of programming.

Two (2) young adults, one in Phase 1 and one in Phase 3, were out to court for most of the day and, as a result, did not participate in afforded programming.

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

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

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

- ❖ Two (2) hours and forty-five (45) minutes of programming were offered.
 - One (1) young adult in Phase 3 was offered and participated in two (2) hours and forty-five (45) minutes of programming.
 - Two (2) young adults in Phase 1 were offered and participated in two (2) hours and forty-five (45) minutes of programming.
 - One (1) young adult in Phase 1 was offered two (2) hours and forty-five (45) minutes of programming. He participated in fifteen (15) minutes of programming and refused all remaining programming.

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

- ❖ Two (2) hours and forty-five (45) minutes of programming were offered.
 - One (1) young adult in Phase 3 was offered two (2) hours and forty-five (45) minutes of programming. He participated in one (1) hour of programming and refused all remaining programming.

October 22, 2019

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

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

- ❖ Up to four (4) hours and forty-five (45) minutes of programming were offered.

NYC Department of Correction

Secure Unit Compliance Audit – October 2019

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

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

- ❖ Two (2) hours of programming were offered.
 - One (1) young adult in Phase 3 was offered and participated in two (2) hours of programming.

One (1) young adult in Phase 1, transferred into the Secure Unit after programming was afforded and, as a result, did not participate in afforded programming.

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

- ❖ Three (3) hours of programming were offered.
 - One (1) young adult in Phase 1 was offered three (3) hours of programming. He participated in two (2) hours and forty-five (45) minutes of programming and refused all remaining programming.
 - One (1) young adult in Phase 1 was offered and participated in three (3) hours of programming.

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

- ❖ Three (3) hours of programming were offered.
 - One (1) young adult in Phase 1 was offered and participated in three (3) hours of programming.
 - One (1) young adult in Phase 1 was offered three (3) hours of programming. He 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 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 – October 1, 9, 15 and 22, 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 – October 2019

October 1, 2019

There were twelve (12) 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 Rosh Hashanah.

October 9, 2019

There were fourteen (14) 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 Yom Kippur.

October 15, 2019

There were thirteen (13) young adults in the Secure Unit on this audit date. Of the thirteen (13) young adults, seven (7) were enrolled in educational services. The arrival and departure times for the one (1) young adult present on this audit date were:

Arrived 9:20 am / Departed 10:20 am (Antione)

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

October 22, 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. All five (5) young adults refused to participate in educational services.