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 July 2019:

- > July 6
- ➤ July 10
- ➤ July 16
- ➤ July 24

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.

July on-site inspections of kiosks and typewriters were:

- ➤ July 11
- ➤ July 19
- ➤ July 25
- ➤ July 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 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 July 6, 2019, during one tour, lock-in was not recorded for Phases 1 and 3. On July 10, 2019, during one tour, lock-in was not recorded for all Phases. In addition, on July 10, 2019, during one tour, lock-in was not recorded for Phase 2. On July 16, 2019, during one tour, lock-out was not recorded

for all Phases. On July 16, 2019, during one tour, <u>lock-in</u> was not recorded for Phases 1 and 2. Lastly, on July 24, 2019, during one tour, <u>lock-out</u> was not recorded for all Phases.

The Lock-in/Lock-out Tracking Logbook captures <u>individualized data</u> on an hourly basis related to each young adult's time in and out of his cell.

Phase 1

Young adults in Phase 1 are afforded ten (10) hours out-of-cell time each day. Listed below is <u>individualized data</u> 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.¹

July 6, 2019

There were nine (9) young adults in Phase 1; their out-of-cell times on this audit date were:

- 1. 5 hours 59 minutes
- 2. 10 hours
- 3. 7 hours 48 minutes
- 4. 10 hours 58 minutes
- 5. 6 hours 30 minutes
- 6. 9 hours 26 minutes
- 7. 6 hours 22 minutes
- 8. 3 hours 28 minutes; young adult refused a majority of afforded out-of-cell time
- 9. 9 hours 3 minutes

July 10, 2019

There were nine (9) young adults in Phase 1; the out-of-cell-times for those present on this audit date were:

- 1. 9 hours 3 minutes²
- 2. 10 hours 51 minutes
- 3. 9 hours 15 minutes

¹ 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.

² On this audit date, one (1) young adult's lock-out time was nine (9) hours and three (3) minutes 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. 7 hours 11 minutes
- 5. 9 hours 36 minutes
- 6. 9 hours 23 minutes
- 7. 1 hour 18 minutes; young adult was out to court for a portion of the day and, as a result, his out-of-cell-time was affected
- 8. 8 hours 59 minutes
- 9. 2 hours 55 minutes; young adult refused a majority of afforded out-of-cell time

July 16, 2019

There were eleven (11) young adults in Phase 1; their out-of-cell-times on this audit date were:

- 1. 9 hours 18 minutes
- 2. 9 hours 6 minutes
- 3. 3 hours 59 minutes; young adult was transferred out of the Secure Unit
- 4. 7 hours 45 minutes
- 5. 9 hours 11 minutes
- 6. 8 hours 16 minutes
- 7. 7 hours 20 minutes
- 8. 8 hours 38 minutes
- 9. 2 hours; young adult refused a majority of afforded out-of-cell time
- 10. 7 hours 56 minutes
- 11. 4 hours 42 minutes; young adult was transferred into the Secure Unit

July 24, 2019

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

- 1. 8 hours 6 minutes
- 2. 5 hours 51 minutes
- 3. 3 hours 55 minutes³
- 4. 7 hours 8 minutes
- 5. 8 hours 27 minutes
- 6. 7 hours 21 minutes
- 7. 5 hours 40 minutes
- 8. 5 hours 34 minutes
- 9. 5 hours 39 minutes
- 10. 7 hours 59 minutes

Phase 2

³ On this audit date, one (1) young adult's lock-out time was three (3) hours (55) fifty-five minutes with the possibility of additional lock-out time that may have occurred between 7:00am and 3:00pm, which was not recorded by staff.

Young adults in Phase 2 are afforded twelve (12) hours out-of-cell time each day. Listed below is <u>individualized data</u> 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.⁴

July 6, 2019

There was one (1) young adult in Phase 2; his out-of-cell-time on this audit date was 9 hours 51 minutes.

July 10, 2019

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

- 1. 11 hours 27 minutes⁵
- 2. 12 hours 42 minutes

July 16, 2019

There was one (1) young adult in Phase 2; his out-of-cell-time on this audit date was 10 hours 56 minutes.

July 24, 2019

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

- 1. 9 hours 19 minutes
- 2. 12 hours 47 minutes
- 3. 10 hours 16 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,

⁴On 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.

⁵ On this audit date, one (1) young adult's lock-out was eleven (11) hours and twenty-seven (27) minutes with the possibility of additional lock-out time that may have occurred between 5:00am and 7:00am, which had not been recorded.

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.⁶

July 6, 2019

There was one (1) young adult in Phase 3; his out-of-cell-time on this audit date was 11 hours 51 minutes.

July 10, 2019

There was one (1) young adult in Phase 3; his out-of-cell-time on this audit date was 12 hours 45 minutes.

July 16, 2019

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

- 1. 9 hours 59 minutes
- 2. 10 hours 23 minutes

July 24, 2019

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

- 1. 13 hours 22 minutes
- 2. 12 hours 1 minute

§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 – July 6, 10, 16 and 24, 2019.⁷ The duration of the Law Library Coordinator's time in the unit on the three (3) of the four (4) dates audited – July 10, 16 and 24, 2019 – were in compliance with the provisions of the Board's Minimum Standards i.e., a minimum of two (2) hours. On July 6, 2019, the duration of the Law Library Coordinator's time in the unit could not be determined because he did not

⁶ 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.

⁷ This is evidenced by the Law Library Coordinator signing in and out of the logbook on each of the audit dates.

record the time he departed the area in the Program Services Logbook, housing area logbook, or Law Library Logbook.

July 6, 2019

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

1. Arrived 3:35 pm / Departed Unknown

July 10, 2019

There were twelve (12) young adults in the Secure Unit on this audit date. Of the twelve (12) young adults, five (5) young adults requested and were provided Law Library services. The arrival and departure times for the Law Library Coordinator on this audit date were:

1. Arrived 5:58 pm / Departed 8:35 pm

July 16, 2019

There were fourteen (14) young adults in the Secure Unit on this audit date. Of the fourteen (14) young adults, nine (9) young adults requested and were provided Law Library services. The arrival and departure times for the Law Library Coordinator on this audit date were:

1. Arrived 5:50 pm / Departed 8:30 pm

July 24, 2019

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

1. Arrived 5:45 pm / Departed 9:30 pm

Kiosks and Typewriters

As noted above, the kiosks and typewriters were inspected on four (4) dates during the audit period – July 11, 19, 25 and 31, 2019. All four (4) kiosks and all four (4) typewriters 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 – July 6, 10, 16 and 24, 2019 – to ascertain the total number of young adults that participated in recreation.

On the four (4) audit dates – July 6, 10, 16, and 24, 2019 – recreation was afforded to young adults in the Secure Unit.

July 6, 2019

There were eleven (11) 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.
- Staff did not record the commencement and completion time for one (1) young adult in either the Mandated Services Logbook or in the housing area logbook.
- Staff did not record the completion time for one (1) young adult in either the Mandated Services Logbook or in the housing area logbook.

July 10, 2019

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

- Nine (9) young adults participated in afforded recreation.
- One (1) young adult was out to court during afforded recreation.
- Staff did not record the completion time for one (1) young adult in either the Mandated Services Logbook or in the housing area logbook.
- Staff did not record the commencement and completion time for one (1) young adult in either the Mandated Services Logbook or in the housing area logbook.

July 16, 2019

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

- Six (6) young adults participated in afforded recreation.
- One (1) young adult was out to a visit during the afforded recreation.
- Three (3) young adults refused to participate in afforded recreation.
- Staff did not record the completion time for two (2) young adults in either the Mandated Services Logbook or in the housing area logbook.
- Staff did not record the commencement and completion time for two (2) young adults in either the Mandated Services Logbook or in the housing area logbook.

July 24, 2019

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

- Ten (10) young adults participated in afforded recreation.
- Four (4) young adults refused to participate in afforded recreation.
- Staff did not record the completion time for one (1) young adult in either the Mandated Services Logbook or in the housing area logbook.

§ 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, up to four (4) quads. (A-D)

July 6, 2019

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

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

- Four (4) hours and thirty (30) minutes of programming were offered.
 - One (1) young adult in Phase 1 was offered and participated in four (4) hours and thirty (30) minutes of programming.

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

- ❖ Up to six (6) hours and thirty (30) minutes of programming were offered.
 - One (1) young adult in Phase 2 was offered five (5) hours and thirty (30) minutes of programming. He participated in (3) hours and thirty (30) minutes of programming. He elected to go recreation for one (1) hour during afforded programming and refused one (1) hour of programming.
 - One (1) young adult in Phase 3 was offered six (6) hours and thirty (30) minutes of programming. He elected to go recreation for one (1) hour during afforded programming and refused five (5) hours of programming.
 - One (1) young adult in Phase 1 was offered five (5) hours and thirty (30) minutes of programming. He elected to go recreation for one (1) hour during afforded programming and refused four (4) hours of programming.

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

- ❖ Three (3) hours and thirty (30) minutes of programming were offered.
 - One (1) young adult in Phase 1 was offered and participated in three (3) hours and thirty (30) minutes of programming.
 - One (1) young adult in Phase 1 was offered three (3) hours and thirty (30) minutes of programming. He participated in two (2) hours and thirty (30) minutes of programming and refused all remaining programming.
 - One (1) young adult in Phase 1 was offered and participated in three (3) hours and thirty (30) minutes of programming.
 - One (1) young adult in Phase 1 was offered and participated in three (3) hours and thirty (30) minutes of programming.

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

- Four (4) hours of programming were offered.
 - One (1) young adult in Phase 1 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 two (2) hours of programming. He refused one (1) hour of
 programming, and was out to a visit during the remaining afforded programming.
- One (1) young adult in Phase 1 was offered four (4) hours of programming. He participated in two (2) hours of programming and refused all remaining programming.

July 10, 2019

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

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

- 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 (4) hours and fifty-five (55) minutes of
 programming. He elected to go recreation for one (1) hour during afforded
 programming.

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

- ❖ Up to eight (8) hours and thirty (30) minutes of programming were offered.
 - One (1) young adult in Phase 3 was offered eight (8) hours and thirty (30) minutes of programming. He participated in seven (7) hours and thirty (30) minutes of programming. He elected to go recreation for one (1) hour during afforded programming.
 - One (1) young adult in Phase 2 was offered eight (8) hours and thirty (30) minutes of programming. He participated in six (6) hours and thirty (30) minutes of programming. He elected to go recreation for one (1) hour and refused one (1) hour of afforded programming.
 - One (1) young adult in Phase 1 was offered five (5) hours of programming. He
 elected to go to recreation for one (1) hour and refused four (4) hours of afforded
 programming.
 - One (1) young adult in Phase 1 was offered five (5) hours of programming. He
 refused to participate in all afforded programming.

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

Four (4) hours of programming were offered.

- One (1) young adult in Phase 1 was offered four (4) hours of programming. He
 participated in three (3) hours of programming and refused all remaining
 programming.
- One (1) young adult in Phase 1 was offered and participated in four (4) hours of programming.
- One (1) young adult in Phase 1 was offered and participated in four (4) hours of programming.
- One (1) young adult in Phase 1 was offered and participated in four (4) hours of programming.

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

- ❖ Three (3) hours and thirty (30) minutes 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 and participated in three (3) hours and thirty (30) minutes of programming.

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

July 16, 2019

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

Quad A – There was one (1) young adult 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 refused to participate in all afforded programming.

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

- Four (4) hours of programming were offered.
 - One (1) young adult in Phase 3 was offered four (4) hours of programming. He refused to participate in all afforded programming.
 - One (1) young adult in Phase 3 was offered four (4) hours of programming. He refused to participate in all afforded programming.
 - One (1) young adult in Phase 1 was offered four (4) hours of programming. He refused to participate in all afforded programming.

• One (1) young adult in Phase 1 was offered four (4) hours of programming. He refused to participate in all afforded programming.

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

- ❖ Two (2) hours of programming were offered.
 - One (1) young adult in Phase 1 was offered two (2) hours of programming. He refused to participate in all afforded programming.
 - One (1) young adult in Phase 1 was offered two (2) hours of programming. He refused to participate in all afforded programming.
 - One (1) young adult in Phase 1 was offered two (2) hours of programming. He
 refused to participate in all afforded programming.
 - One (1) young adult in Phase 1 was offered two (2) hours of programming. He
 refused to participate in all afforded programming.

The remaining one (1) young adult, who was in Phase 1, was transferred out of the Secure Unit and as result, he did not participate in afforded programming.

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

- Two (2) hours of programming were offered.
 - One (1) young adult in Phase 1 was offered two (2) hours of programming. He refused to participate in all afforded programming.
 - One (1) young adult in Phase 1 was offered two (2) hours of programming. He
 refused to participate in all afforded programming.
 - One (1) young adult in Phase 1 was offered two (2) hours of programming. He
 refused to participate in all afforded programming.

The remaining one (1) young adult, in Phase 1, was transferred into the Secure Unit and as result, he did not participate in afforded programming.

July 24, 2019

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.

Up to five (5) hours of programming were offered.

- One (1) young adult in Phase 2 was offered five (5) hours of programming. He participated in four (4) hours of programming. He elected to go recreation for one (1) hour during afforded programming.
- One (1) young adult in Phase 1 was offered four (4) hours of programming. He
 participated in three (3) hours of programming. He elected to go to recreation for
 one (1) hour during afforded programming.

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

- ❖ Up to five (5) hours of programming were offered.
 - One (1) young adult in Phase 3 was offered and participated in five (5) hours of programming.
 - One (1) young adult in Phase 1 was offered and participated in four (4) hours of programming.
 - One (1) young adult in Phase 3 was offered and participated in five (5) hours of programming.
 - One (1) young adult in Phase 1 was offered and participated in two (2) hours of programming.

<u>Quad C</u> – There were five (5) young adults in this quad.

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

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

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

- One (1) young adult in Phase 1 was offered and participated in fifteen (15) minutes of programming.⁸
- One (1) young adult in Phase 1 was offered and participated in fifteen (15) minutes of programming.⁹
- One (1) young adult in Phase 1 was offered three (3) hours of programming. He participated in one (1) hour of programming and refused all remaining 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.

No school was afforded to young adults on the audit dates – July 6, 10, 16 and 24, 2019 – due to summer recess.

⁸ On this date, both program counselors scheduled for this housing unit were unexpectedly absent. The Program Division arranged for a counselor from another facility to cover the programming offered on this date with short notice.

⁹ On this date, both program counselors scheduled for this housing unit were unexpectedly absent. The Program Division arranged for a counselor from another facility to cover the programming offered on this date with short notice.