

NYC Department of Correction

Secure Unit Compliance Audit –April 2018

In July 2017, the NYC Department of Correction (“Department”) commenced an audit of the Secure Unit related to the provisions of the NYC Board of Correction Minimum Standards §1-05 Lock-in and §1-08(f) Access to Courts and Legal Services, including Law Library. Pursuant to the Secure Unit variance renewal granted by the Board on November 14, 2017, the Department is permitted to reduce out-of-cell time afforded to a minimum of ten (10) hours a day and to provide Law Library services within the unit through the assignment of a Law Library Coordinator and the use of Law Library kiosks and typewriters.

Pursuant to the variance conditions, the audit has been further expanded to include the provisions of Minimum Standard §1-06 Recreation and the affording of one (1) hour of recreation seven (7) days per week. In addition, beginning in February 2018, the audit also includes §1-02(c)(2) Classification: the number of programming hours offered to each young adult and the number of hours each young adult participated in programming.

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) random dates each month.

This audit report covers the following four (4) dates in the month of April 2018:

- April 4th
- April 12th
- April 19th
- April 24th

Additionally, on-site inspections of the Secure Unit kiosks and typewriters were conducted on four (4) random 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 time was afforded to young adults based on their phase. In addition, pursuant to the Secure Unit variance granted by the Board on November 14, 2017 and associated variance conditions, this audit report provides individualized data related to each young adults’ 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 completed to determine if the four (4) kiosks and four (4) typewriters located in the unit were operational.

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April On-site Inspections:

- April 6th
- April 13th
- April 20th
- April 26th

§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.

Audit Findings

§1-05 Lock-in

All young adults in the Secure Unit are 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. On two (2) of the four (4) dates institutional lock-in was not consistently recorded in the logbook. On April 12th, during one (1) tour, Phase 1 lock-in was not recorded. On April 24th, during one (1) tour, institutional lock-in was not recorded for any of the phases.

The logbook also captures individualized data on an hourly basis related to each young adult's time in and out of their cell.

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 logbook, on 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

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.

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April 4, 2018

There was one (1) young adult in Phase 1. His out-of-cell time on this audit date was 9 hours and 53 minutes.

April 12, 2018

There was one (1) young adult in Phase 1. This young adult transferred into the Secure Unit on this audit date. As a result, his out-of-cell time in the unit was 2 hours and 59 minutes.

April 19, 2018

There was one (1) young adult in Phase 1. He was out to court for a majority of the day and as a result his out-of-cell time was 1 hour and 40 minutes.

April 24, 2018

There was one (1) young adult in Phase 1. His out-of-cell time on this audit date was 9 hours and 59 minutes.

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 logbook, on the audit dates. 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.²

April 4, 2018

On this audit date, there were no young adults housed in Phase 2.

April 12, 2018

There was one (1) young adult in Phase 2; on this audit date he was out of the unit for a portion of the day. His out-of-cell time was 7 hours and 23 minutes.

April 19, 2018

There was one (1) young adult in Phase 2. His out-of-cell time on this audit date was 7 hours and 28 minutes.

² 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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April 24, 2018

There was one (1) young adult in Phase 2. His out-of-cell time on this audit date was 10 hours and 6 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 logbook, on the audit dates. 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.³

April 4, 2018

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

1. 11 hours 23 minutes
2. 11 hours 50 minutes
3. 1 hour and 17 minutes

On this audit date, due to incomplete data recording, one (1) young adult's total out-of-cell time could not be calculated. Based on the available information, this young adult's out-of-cell time was a minimum of 6 hours and 56 minutes. In addition, one (1) young adult was out to court for a majority of the day and as a result his out of cell time was affected as reflected above.

April 12, 2018

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

1. 11 hours 54 minutes
2. 10 hours 22 minutes

April 19, 2018

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

³ 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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1. 10 hours 31 minutes
2. 5 hours 52 minutes

On this audit date, one (1) young adult was out to court for a portion of the day and as a result, his out of cell time was affected as reflected above.

April 24, 2018

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

1. 11 hours 43 minutes

One (1) young adult refused to lock-out during one (1) of the institutional lock-out periods and was out-to-court for the remainder of the day.

§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 all four (4) days audited.⁴ The duration of the Law Library Coordinator's time in the unit during the dates audited were in compliance with the provisions of Minimum Standards. On average, on the dates audited, the Coordinator was in the unit for approximately four (4) hours.

During the reporting period, on the dates audited a maximum of five (5) young adults were housed in Secure Unit. In addition, during the dates audited, between one (1) to two (2) young adults received assistance from the Coordinator.

Kiosks and Typewriters

As noted above, the kiosks and typewriters were inspected on four (4) dates during the audit period. On all four (4) of the audit dates, all four (4) typewriters were operational. On three (3) of the four (4) audit dates, all four (4) kiosks were operational and available for use. On one (1) of the audit dates, one (1) kiosk were out of service, which was resolved in a timely manner.

§1-06 – Recreation

In Secure Unit, young adults are afforded recreation based on their quad. Institutional recreation was afforded to young adults present in the unit on all four (4) audit dates.⁵

⁴ This is evidenced by the Coordinator signing in and out of the logbook on each of the audit dates.

⁵ On some of the dates audited, logbook entries recorded that some young adults were out to court. In addition, on one of the audit dates, one (1) young adult was transferred into the unit.

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§ 1-02(c) (2) (Classification), Provision of Programming

In the Secure Unit, programming is afforded to young adults during their out-cell-time which is based on the phase within the unit they are housed. Program Counselors circulate through the quad areas to provide programming services. Programming is provided Sunday through Thursday. 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 is 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.

April 4, 2018

There were five (5) young adults housed in the Secure Unit on this audit date.

Quad A

- ❖ Five (5) hours of programming was offered
 - There was one (1) young adult in this quad; he participated in programming for 5 hours.

Quad B

- ❖ There was one (1) young adult in this quad; he was out to court during programming hours.

Quad C

- ❖ Five (5) hours of programming was offered
 - There were two (2) young adults in this quad; their hours of programming participation on this audit date were:
 - 5 hours
 - 5 hours

Quad D

- ❖ Five (5) hours of programming was offered
 - There was one (1) young adult in this quad; he participated in programming for 5 hours.

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April 12, 2018

There were four (4) young adults housed in the Secure Unit on this audit date.

Quad A

- ❖ Six (6) hours of programming was offered
 - There were two (2) young adults in this quad, their hours of program participation were:
 - 6 hours
 - 1 hour 45 minutes; this young adult transferred into the unit on this audit date, and as a result was offered and participated in limited programming.

Quad B No young adults were housed in this quad.

Quad C

- ❖ Five (5) hours of programming was offered
 - There was one (1) young adult in this quad; he participated in programming for 5 hours.

Quad D

- ❖ Six (6) hours of programming was offered
 - There was one (1) young adult in this quad; he participated in programming for 6 hours.

April 19, 2018

There were four (4) young adults housed in the Secure Unit on this audit date.

Quad A

There was one (1) young adult in this quad. He was out to court on this audit date and as a result was offered and participated in a limited period of programming totaling 1 hour and 15 minutes.

Quad B

There was one (1) young adult in this quad; on this audit date he was out to court during programming hours.

Quad C

- ❖ Four (4) hours and forty (40) minutes of programming was offered

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- There was one (1) young adult in this quad; he participated in programming for 4 hours and 40 minutes.

Quad D

- ❖ Six (6) hours and fifteen (15) minutes of programming was offered.
 - There was one (1) young adult in this quad; he participated in programming for 6 hours and 15 minutes.

April 24, 2018

There were four (4) young adults housed in the Secure Unit on this audit date. In addition, on this audit date one (1) of the counselors was absent which resulted in reduced afforded programming.

Quad A

- ❖ Five (5) hours of programming was offered
 - There was one (1) young adult in this quad; it is noted that he was in law library during a portion of the programming hours and as a result participated in programming for 2 hours and 50 minutes.

Quad B

- ❖ Five (5) hours and twenty (20) minutes of programming was offered
 - There was one (1) young adult in this quad; he participated in programming for 5 hours and 20 minutes.

Quad C

- ❖ There was one (1) young adult in this quad; he was out to court during programming hours.

Quad D

- ❖ Five (5) hours and fifty-five (55) minutes of programming was offered
 - There was one (1) young adult in this quad; he participated in programming for 5 hours and 55 minutes.

Audit Recommendations

The Department commenced audit reporting in July 2017. Through the audit structure, issues have been identified and corrective measures have been instituted ranging from the use of new logbooks to officer training and supervisory oversight to facilitate proper, consistent, recording

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of logbook information related to the provision of mandated services and programming.⁶ There has been a gradual and marked improvement in logbook recording in the audit areas. The below recommendations should remain in effect to maintain the progress accomplished and address any issues noted through the current audit.

Lock-in/Lock-out

- Continue facility unit staff training on the use of the tracking logbook to ensure that all facility unit staff are knowledgeable on how to properly document institutional and individualized data.
- A Unit Captain should review the logbook at the end of each tour to ensure that lock-in/lock-out is recorded accurately and consistently, which shall be documented through a logbook entry. Based on such review, facility administration should take corrective action as needed.

Kiosks and Typewriters

- To facilitate the maintenance and operation of the typewriters and kiosks in the unit, instruct designated facility and Law Library staff to check on a daily basis that all typewriters and kiosks are operational. Additionally, when a typewriter or kiosk is identified in need of repair, facility administration in coordination with the Director of Law Libraries should ensure that repairs are conducted in a timely manner.

Recreation

- Logbook entries should continue to record information related to when recreation was afforded to the young adults in each quad, whether the young adult chose to go to recreation or refused, and the duration for which the young adult was in recreation.

Programming

- To facilitate complete and consistent recording of both programming hours offered and individualized data related to hours of participation, program counselors and external providers are directed to provide more comprehensive individualized outcomes, by:
 - Recording of program start and end time, by participant;
 - Delineating the reason for participants' absences;
 - Explaining reason for sessions' cancellations when they arise;
- Designate supervisory staff to review programming attendance documentation and related information to ensure that programming hours and participation is recorded on a daily basis. Establish a system to correct deficiencies in a timely manner.

⁶ Beginning in February 2018, the audit was inclusive of Minimum Standards §1-02(c)(2) Classification: the number of programming hours offered to each young adult and the number of hours each young adult participated in programming.