

NYC Department of Correction

Secure Unit Compliance Audit – FEBRUARY 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 February 2023:

- February 1
- February 9
- February 14
- February 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.

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

NYC Department of Correction

Secure Unit Compliance Audit – FEBRUARY 2023

- February 3
- February 8
- February 17
- February 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

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.

February 1, 2023

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

1. 2 hours; young adult was out to court, and as a result his out of cell time was affected
2. 12 hours
3. 8 hours

NYC Department of Correction
Secure Unit Compliance Audit – FEBRUARY 2023

4. 13 hours
5. 12 hours
6. 12 hours
7. 12 hours
8. 12 hours
9. 12 hours
10. 9 hours
11. 12 hours

One (1) young adult in Phase 1 chose not to participate in all afforded lock-out options and was transferred out of the unit. The remaining one (1) young adult in Phase 1 chose not to participate in all afforded lock-out options.

February 9, 2023

There were twelve (12) young adults in Phase 1; the out of cell times for those present on this audit date were:

1. 8 hours
2. 8 hours
3. 1 hour; young adult chose not to participate in the majority of out of cell time
4. 8 hours
5. 8 hours
6. 8 hours
7. 8 hours
8. 1 hour; young adult chose not to participate in the majority of out of cell time
9. 6 hours

One (1) young adult in Phase 1 was out to court and upon his return chose not to participate in all afforded lock-out options. The remaining two (2) young adults in Phase 1 chose not to participate in all afforded lock-out options.

February 14, 2023

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

1. 11 hours
2. 11 hours
3. 2 hours; young adult chose not to participate in the majority of out of cell time
4. 11 hours
5. 11 hours
6. 12 hours
7. 12 hours
8. 10 hours
9. 6 hours
10. 10 hours
11. 1 hour; young adult was out to court, and as a result his out of cell time was affected
12. 1 hour; young adult chose not to participate in the majority of out of cell time
13. 10 hours

NYC Department of Correction Secure Unit Compliance Audit – FEBRUARY 2023

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

February 21, 2023

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

1. 1 hour; young adult chose not to participate in the majority of out of cell time
2. 12 hours
3. 12 hours
4. 12 hours
5. 1 hour; young adult chose not to participate in the majority of out of cell time
6. 10 hours
7. 11 hours
8. 10 hours
9. 11 hours
10. 1 hour; young adult chose not to participate in the majority of out of cell time
11. 1 hour; young adult chose not to participate in the majority of out of cell time
12. 12 hours
13. 1 hour; young adult chose not to participate in the majority of out of cell time

The remaining one (1) young adult in Phase 1 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-out periods. The data reflects the young adults present in the unit for institutional lock-outs on each audit date.

February 1, 2023

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

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

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

February 9, 2023

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

1. 6 hours
2. 8 hours

NYC Department of Correction Secure Unit Compliance Audit – FEBRUARY 2023

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

February 14, 2023

There was one (1) young adult in Phase 2 on this audit date. His out of cell times was 12 hours.

February 21, 2023

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

1. 12 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-out periods. The data reflects the young adults present in the unit for institutional lock-outs on each audit date.

February 1, 2023

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

1. 12 hours
2. 12 hours

The remaining one (1) young adult in Phase 3 chose not to participate in all afforded lock-out options and was transferred out of the unit.

February 9, 2023

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

1. 8 hours
2. 7 hours
3. 7 hours

The remaining two (2) young adults in Phase 3, chose not to participate in all afforded lock-out options.

February 14, 2023

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

NYC Department of Correction Secure Unit Compliance Audit – FEBRUARY 2023

1. 11 hours
2. 1 hour; young adult was out to court, and as a result his out of cell time was affected

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

February 21, 2023

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

1. 1 hour; young adult chose not to participate in the majority of out of cell time
2. 11 hours
3. 7 hours

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

Law Library Coordinator

A manual review of the Programs and Services Logbook, housing area logbook and Law Library Logbook, revealed that the Law Library Coordinator was in the unit to provide assistance on all four (4) audit dates – February 1, 9, 14 and 21, 2023. The Law Library Coordinator's time in the Secure Unit was in compliance with the provisions of the Board's Minimum Standards i.e., a minimum of two (2) hours.

February 1, 2023

There were twenty (20) young adults in the Secure Unit on this audit date. Of the twenty (20) young adults, three (3) 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 10:05 a.m. / Departed 6:20 p.m.

February 9, 2023

There were twenty (20) young adults in the Secure Unit on this audit date. Of the twenty (20) young adults, three (3) 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 10:12 a.m. / Departed 6:20 p.m.

February 14, 2023

There were eighteen (18) young adults in the Secure Unit on this audit date. Of the eighteen (18) young adults, two (2) 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 – FEBRUARY 2023

- Arrived 10:15 a.m. / Departed 6:20 p.m.

February 21, 2023

There were nineteen (19) young adults in the Secure Unit on this audit date. Of the nineteen (19) young adults, three (3) 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 11:30 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 – February 3, 8, 17 and 24, 2023.

Typewriters:

On all four (4) audit dates, February 3, 8, 17 and 24, 2023, all four (4) typewriters were operable.

Kiosks:

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

February 1, 2023

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

- One (1) young adult was out to court during afforded recreation.
- Nineteen (19) young adults chose not to participate in afforded recreation.

February 9, 2023

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

- One (1) young adult was out to court during afforded recreation.

NYC Department of Correction

Secure Unit Compliance Audit – FEBRUARY 2023

- Nineteen (19) young adults chose not to participate in afforded recreation.

February 14, 2023

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

- Two (2) young adults were out to court during afforded recreation.
- Sixteen (16) young adults chose not to participate in afforded recreation.

February 21, 2023

There were nineteen (19) young adults in the Secure Unit on this audit date. All nineteen (19) 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. Young adults are offered in-person programming through programming components such as, but not limited to: Individual Counseling, Structured Recreation, and Group Counseling. These are provided in addition to being available upon request from individuals in the unit. Self-guided programming packets are also offered as needed. Social services are afforded by counselors, which can either be requested by a social service slip or during a counselor's tour when an inquiry is made that may be designated as social service-related. Social services included the provision or referral of a supportive service, or case management-related engagement and discussion.

The audit revealed 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 chose to participate in programming. Programming participation hours are based on the number of hours each young adult chose to participate in programming.

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

Programming in the Secure Unit was afforded to young adults on three of the four audit dates – February 1, 14 and 21, 2023.

February 1, 2023

There were twenty (20) young adults housed in the Secure Unit on this audit date.

Quad A – There were seven (7) young adults in this quad.

- ❖ One (1) hour and forty-two (42) minutes of programming were offered to the seven (7) young adults in this quad.

NYC Department of Correction

Secure Unit Compliance Audit – FEBRUARY 2023

- One (1) young adult in Phase 1 was out to court during afforded programming.
- Two (2) young adults: One (1) young adult in Phase 1 and one (1) young adult in Phase 3 were transferred out of the unit.
- One (1) young adult in Phase 2 was offered one (1) hour and forty-two (42) minutes of programming. He chose not to participate in all afforded programming.
- One (1) young adult in Phase 1 was offered one (1) hour and forty-two (42) minutes of programming. He participated in fifty-five (55) minutes of programming and chose not to participate in all remaining programming.
- Two (2) young adults in Phase 1 were offered and participated in one (1) hour and forty-two (42) minutes of programming.

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

- ❖ Forty-five (45) minutes of programming were offered to the four (4) young adults in this quad.
 - One (1) young adult in Phase 1 was offered forty-five (45) minutes of programming. He chose not to participate in all afforded programming.
 - One (1) young adult in Phase 1 was offered and participated in forty-five (45) minutes of programming.
 - Two (2) young adults: One (1) young adult in Phase 1 and one (1) young adult in Phase 3 were offered forty-five (45) minutes of programming. They participated in thirty-five (35) minutes of programming and chose not to participate in all remaining 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: One (1) young adult 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 2 was offered and participated in one (1) hour of programming.
 - One (1) young adult in Phase 1 was offered one (1) hour of programming. He participated in twenty-three (23) minutes of programming and chose not to participate in all remaining programming.

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

- ❖ Three (3) hours and forty-five (45) minutes of programming were offered to the five (5) young adults in this quad.
 - One (1) young adult in Phase 2 was offered three (3) hours and forty-five (45) minutes of programming. He participated in two (2) hours of programming and chose not to participate in all remaining programming.
 - One (1) young adult in Phase 1 was offered and participated in three (3) hours and forty-five (45) minutes of programming.

NYC Department of Correction

Secure Unit Compliance Audit – FEBRUARY 2023

- One (1) young adult in Phase 2 was offered three (3) hours and forty-five (45) minutes of programming. He participated in one (1) hour and thirty-five (35) minutes of programming and chose not to participate in all remaining programming.
- One (1) young adult in Phase 1 was offered three (3) hours and forty-five (45) minutes of programming. He participated in two (2) hours and forty-five (45) minutes of programming and chose not to participate in all remaining programming.
- One (1) young adult in Phase 1 was offered three (3) hours and forty-five (45) minutes of programming. He chose not to participate in all afforded programming.

February 9, 2023

There were twenty (20) young adults housed in the Secure Unit on this audit date.

Quad A – There were six (6) young adults in this quad. Due to a programming staff meeting, various administrative tasks, a facility tour and a security concern within this Quad, no programming was offered to the six (6) young adults in this quad.

Quad B – There were five (5) young adults in this quad. Due to a programming staff meeting, various administrative tasks, a facility tour and a security concern within this Quad, no programming was offered to the five (5) young adults in this quad.

Quad C – There were three (3) young adults in this quad. Due to a programming staff meeting, various administrative tasks, a facility tour and a security concern within this Quad, no programming was offered to the three (3) young adults in this quad.

Quad D – There were six (6) young adults in this quad. Due to a programming staff meeting, various administrative tasks, a facility tour and a security concern within this Quad, no programming was offered to the six (6) young adults in this quad.

February 14, 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.

- ❖ Forty-five (45) minutes of programming were offered to the five (5) young adults in this quad.
 - Four (4) young adults: Three (3) young adults in Phase 1 and one (1) young adult in Phase 3 were offered forty-five (45) minutes of programming. They chose not to participate in all afforded 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.

NYC Department of Correction

Secure Unit Compliance Audit – FEBRUARY 2023

- ❖ Two (2) hours and twenty (20) minutes of programming were offered to the three (3) young adults in this quad.
 - One (1) young adult in Phase 2 was offered two (2) hours and twenty (20) minutes of programming. He participated in one (1) hour of programming and chose not to participate in all remaining programming.
 - Due to Security concern, one (1) young adult in Phase 1 was not offered programming.
 - One (1) young adult in Phase 3 was offered and participated two (2) hours and twenty (20) of programming.

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

- ❖ Forty (40) 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 3 were offered forty (40) minutes of programming. They chose not to participate in all afforded programming.
 - Three (3) young adults in Phase 1 were offered and participated in forty (40) minutes of programming.

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.
 - Four (4) young adults in Phase 1 were offered fifty (50) minutes of programming. They chose not to participate in all afforded programming.
 - One (1) young adult in Phase 1 was offered and participated in fifty (50) minutes of programming.

February 21, 2023

There were nineteen (19) young adults housed in the Secure Unit on this audit date.

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

- ❖ Twenty (20) minutes of programming were offered to the six (6) young adults in this quad.
 - Four (4) young adults: Three (3) young adults in Phase 1 and one (1) young adult in Phase 3 were offered twenty (20) minutes of programming. They chose not to participate in all afforded programming.
 - Two (2) young adults in Phase 1 were offered and participated in twenty (20) minutes of programming.

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

- ❖ One (1) hour and thirty-five (35) minutes of programming were offered to the four (4) young adults in this quad.

NYC Department of Correction

Secure Unit Compliance Audit – FEBRUARY 2023

- One (1) young adult in Phase 1 was offered one (1) hour and thirty-five (35) minutes of programming. He chose not to participate in all afforded programming.
- 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 and participated in one (1) hour and thirty-five (35) minutes of programming.

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

- ❖ One (1) hour 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 one (1) hour 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 of programming.

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

- ❖ One (1) hour and fifteen (15) minutes of programming were offered to the four (4) young adults in this quad.
 - Three (3) young adults in Phase 1 were offered one (1) hour and fifteen (15) minutes 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 and fifteen (15) minutes of 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.

February 1, 2023

There were twenty (20) young adults in the Secure Unit on this audit date. Of the twenty (20) young adults, nine (9) young adults were enrolled in educational services. The arrival and departure times for the following young adult on this audit date were:

1. Arrived 10:30 a.m. / Departed 11:20 a.m.

NYC Department of Correction Secure Unit Compliance Audit – FEBRUARY 2023

The remaining eight (8) young adults chose not to participate in educational services.

February 9, 2023

There were twenty (20) young adults in the Secure Unit on this audit date. Of the twenty (20) young adults, eleven (11) young adults were enrolled in educational services. All of the eleven (11) young adults chose not to participate in educational services.

February 14, 2023

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

1. Arrived 9:30 a.m. / Departed 11:20 a.m.

The remaining nine (9) young adults chose not to participate in educational services.

February 21, 2023

There were nineteen (19) young adults in the Secure Unit on this audit date. Due to the Winter Break no educational services were afforded

Audit Recommendation

Recommendations for the Secure Unit Audit Report are reported quarterly rather than monthly per an agreement with the Board of Correction. The Secure Unit Audit Report covering the month of November 2022 was the last Secure Unit Audit Report which indicated a recommendation. A quarterly period has transpired since the last audit report with a recommendation, and a recommendation is therefore included in this audit report.

The following recommendation was indicated in the Secure Unit Audit Report covering the month of November 2022. The status of the Department's efforts to implement the recommendation listed below is indicated after the recommendation:

Lock-in/Lock-out

- The area supervisor shall review the housing area logbook on each tour, to determine whether all staff are consistently documenting the Phases 1, 2, and 3 lock-in and lock-out times for all inmates. When deficiencies are identified, the designated supervisory staff person shall counsel the relevant custody staff person and instruct him or her to record all required information.

Status of implementation:

- On February 28, 2023, the facility administration re-issued Operations Memorandum 4/23, entitled 11B Secure Unit - Housing Area Logbook and Lock/In Lock/Out Logbook. The

NYC Department of Correction
Secure Unit Compliance Audit – FEBRUARY 2023

memorandum reiterates the requirements listed above and emphasizes the role of supervisors to ensure that staff record the required information.