

NYC Department of Correction

Secure Unit Compliance Audit – September 2022

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 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 September 2022:

- September 6
- September 14
- September 21
- September 27

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.

October 2022 on-site inspections of kiosks and typewriters were conducted on dates selected using simple random sampling:

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- September 9
- September 15
- September 20
- September 28

§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, 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.

September 6, 2022

There were ten (10) young adults in Phase 1; the out of cell times for those present on this audit date were:

1. 12 hours
2. 8 hours
3. 10 hours
4. 12 hours

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5. 1 hour; young adult was out to court, and as a result his out of cell time was affected
6. 9 hours
7. 9 hours
8. 9 hours
9. 5 hours

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

September 14, 2022

There were ten (10) young adults in Phase 1; the out of cell times for those present on this audit date were:

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

The remaining one (1) young adult in Phase 1 refused all afforded lock-out options.

September 21, 2022

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

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

September 27, 2022

There were nine (9) 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. 10 hours
3. 6 hours

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4. 12 hours
5. 12 hours
6. 12 hours
7. 12 hours
8. 12 hours
9. 12 hours

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.

September 6, 2022

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

1. 10 hours
2. 10 hours
3. 7 hours

September 14, 2022

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

September 21, 2022

There were no Phase 2 young adults on this audit date.

September 27, 2022

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

1. 12 hours
2. 12 hours
3. 4 hours; young adult chose not to participate in the majority of out of cell time

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.

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September 6, 2022

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

1. 7 hours
2. 10 hours

September 14, 2022

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

1. 9 hours
2. 13 hours
3. 13 hours

September 21, 2022

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

1. 10 hours
2. 3 hours; young adult chose not to participate in the majority of out of cell time
3. 6 hours; young adult chose not to participate in the majority of out of cell time
4. 10 hours

September 27, 2022

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

1. 7 hours
2. 12 hours
3. 12 hours

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

Law Library Coordinator

A manual review of the Programs and Services Logbook, housing area logbook and Law Library Logbook, revealed that the Law Library Coordinator was in the unit to provide assistance on three (3) of the four (4) audit dates – September 6, 14 and 27. On September 21, 2022, due to the Law Library Coordinator's absence, Law Library services were not offered. The Law Library Coordinator's time on three (3) of the four (4) audit dates, September 6, 14 and 27, was in compliance with the provisions of the Board's Minimum Standards i.e., a minimum of two (2) hours.

September 6, 2022

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

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- Arrived 1:40 p.m. / Departed 9:10 p.m.

September 14, 2022

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

- Arrived 9:00 a.m. / Departed 4:05 p.m.

September 21, 2022

There were sixteen (16) young adults in the Secure Unit on this audit date. Due to a Law Library Coordinator's absence, Law Library services were not offered on this audit date.

September 27, 2022

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

- Arrived 11:10 a.m. / Departed 5:30 p.m.

Kiosks and Typewriters

As noted above, the kiosks and typewriters were inspected on four (4) dates during the audit period – September 9, 15, 20 and 28, 2022.

Typewriters:

On all four (4) audit dates, September 9, 15, 20 and 28, 2022, all four (4) typewriters were operable.

Kiosks:

On all four (4) audit dates, September 9, 15, 20 and 28, 2022, all four (4) kiosks were operable.

§1-06 – Recreation

All young adults in the Secure Unit are to be 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 – September 6, 14, 21 and 27, 2022 – to ascertain the total number of young adults that chose to participate in recreation. On one (1) of the four (4) audit dates – September 21, 2022 – due to staff shortages, recreation was not afforded to young adults in the Secure Unit.

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September 6, 2022

There were fifteen (15) young adults in the Secure Unit on this audit date. All fifteen (15) young adults chose not to participate in afforded recreation.

September 14, 2022

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

- Four (4) young adults chose not to participate in afforded recreation.
- Eight (8) young adults participated in afforded recreation.
- Two (2) young adults were out to court during afforded recreation.

September 21, 2022

There were sixteen (16) young adults in the Secure Unit on this audit date. On this audit date, recreation was not afforded to young adults in the Secure Unit. The housing area logbook stated the following: “No recreation Captain.”

September 27, 2022

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

- Twelve (12) young adults chose not to participate in afforded recreation.
- Three (3) young adults participated 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 support 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.

Programming in the Secure Unit was afforded to young adults on all four audit dates – September 6, 14, 21 and 27, 2022.

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September 6, 2022

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. Due to program coordinator absence, no programming was offered to these two (2) young adults in the Quad.

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

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

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

- ❖ Twenty-two (22) minutes of programming were offered to the four (4) young adults in this quad.
 - One (1) young adult in Phase 1 was offered and participated in twenty-two (22) minutes of programming.
 - Three (3) young adults: One (1) young adult in Phase 1 and two (2) young adults in Phase 3 were offered twenty-two (22) minutes of programming. They chose not to participate in all afforded programming.

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

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

September 14, 2022

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

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

- ❖ Two (2) hours and thirty (30) minutes of programming were offered to the four (4) young adults in this quad.
 - One (1) young adult in Phase 1 was out to court during afforded programming.

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- One (1) young adult in Phase 1 was out to a visit during afforded programming.
- One (1) young adult in Phase 1 was offered two (2) hours and thirty (30) 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 two (2) hours and thirty (30) minutes of programming. He participated in thirty (30) minutes of programming and chose not to participate in all remaining programming.

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

- ❖ Twenty-two (22) minutes of programming were offered to the three (3) young adults in this quad.
 - One (1) young adult in Phase 1 was offered twenty-two (22) minutes of programming. He participated in thirteen (13) minutes of programming and chose not to participate in the remaining afforded programming.
 - One (1) young adult in Phase 3 was offered twenty-two (22) minutes of programming. He participated in four (4) minutes of programming and chose not to participate in the remaining afforded programming.
 - One (1) young adult in Phase 3 was offered twenty-two (22) minutes of programming. He chose not to participate in all afforded programming.

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

- ❖ Two (2) hours of programming were offered to the two (2) young adults in this quad.
 - Two (2) young adults: One (1) young adult in Phase 1 and one (1) young adult in Phase 3 were offered and participated in two (2) hours of programming.

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

- ❖ One (1) hour and forty-eight (48) minutes of programming were offered to the five (5) young adults in this quad.
 - One (1) young adult in Phase 1 was out to court during afforded programming.
 - One (1) young adult in Phase 1 was offered one (1) hour and forty-eight (48) minutes of programming. He chose not to participate in all afforded programming.
 - One (1) young adult in Phase 1 was offered and participated one (1) hour and forty-eight (48) minutes of programming.
 - Two young adults: One (1) young adult in Phase 1 and one (1) young adult in Phase 3 were offered one (1) hour and forty-eight (48) minutes of programming. They participated in one (1) hour of programming and chose not to participate in the remaining afforded programming.

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September 21, 2022

There were sixteen (16) young adults housed in the Secure Unit on this audit date.

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

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

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

- ❖ Twenty-two (22) minutes of programming was offered to the three (3) young adults in this quad.
 - One (1) young adult in Phase 1 was out to court during afforded programming.
 - Two (2) young adults in Phase 3 were offered twenty-two (22) minutes of programming. They chose not to participate in all afforded programming.

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

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

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

- ❖ One (1) hour and fifty-five (55) minutes of programming were offered to the five (5) young adults in this quad.
 - Four (4) young adults: two (2) young adults in Phase 1 and two (2) young adults in Phase 3 were offered one (1) hour and fifty-five (55) minutes of programming. They participated in one (1) hour and thirty (30) minutes and chose not to participate in all remaining afforded programming.
 - One (1) young adult in Phase 2 was offered one (1) hour and fifty-five (55) minutes of programming. He participated in 25 minutes of programming and chose not to participate in all remaining afforded programming.

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September 27, 2022

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

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

- ❖ One (1) hour and six (6) minutes of programming were offered to the four (4) young adults in this quad.
 - Two (2) young adults; One (1) young adult in Phase 1 and one (1) young adult in Phase 2 were offered one (1) hour and six (6) minutes of programming. They participated in one (1) hour of programming and chose not to participate in all remaining afforded programming.
 - One (1) young adult in Phase 2 was offered one (1) hour and six (6) 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 six (6) minutes of programming. He participated in six (6) minutes of programming and chose not to participate in all remaining afforded programming.

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

- ❖ Two (2) hours and twenty-one (21) minutes of programming were offered to the three (3) young adults in this quad.
 - Two (2) young adults in Phase 3 were offered two (2) hours and twenty-one (21) minutes of programming. They participated in twenty-one (21) minutes of programming and chose not to participate in all remaining afforded programming.
 - One (1) young adult in Phase 1 was offered two (2) hours and twenty-one (21) minutes of programming. He participated in two (2) hours of programming and chose not to participate in all remaining afforded programming.

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

- ❖ One (1) hour and twenty (20) minutes of programming was offered to the four (4) young adults in this quad.
 - Two (2) young adults; One (1) young adult in Phase 1 and one (1) young adult in Phase 3 were offered one (1) hour and twenty (20) minutes of programming. They chose not to participate in all afforded programming.
 - One (1) young adult in Phase 1 was offered one (1) hour and twenty (20) minutes of programming. He participated in forty (40) minutes of programming and chose not to participate in all remaining afforded programming.
 - One (1) young adult in Phase 1 was offered one (1) hour and twenty (20) minutes of programming. He participated in fifty (50) minutes of programming and chose not to participate in all remaining afforded programming.

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

- ❖ Thirty (30) minutes of programming were offered to the four (4) young adults in this quad.
 - Three (3) young adults; Two (2) young adults in Phase 1 and one (1) young adult in Phase 2 were offered thirty (30) minutes of programming. They chose not to participate in all afforded programming.
 - One (1) young adult in Phase 1 was offered and participated in thirty (30) 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 brought to school, as well as the time that each young adult arrived at school and the time each young adult departed school.

September 6, 2022

There were fifteen (15) young adults in the Secure Unit on this audit date. No educational services were provided due to the summer recess.

September 14, 2022

There were fourteen (14) young adults in the Secure Unit on this audit date. Of the fourteen (14) young adults, six (6) young adults were enrolled in educational services. The arrival and departure times for the following young adult on this audit date were:

1. Arrived 9:19 a.m. / Departed 11:30 a.m.

The remaining five (5) young adults chose not to participate in educational services.

September 21, 2022

There were sixteen (16) young adults in the Secure Unit on this audit date. Of the sixteen (16) young adults, seven (7) young adults were enrolled in educational services. The arrival and departure times for the following young adult on this audit date were:

1. Arrived 9:17 a.m. / Departed 9:35 a.m.

Another (1) young adult also attended educational services; however, his arrival and departure times were not recorded in the educational logbook. The remaining five (5) young adults chose not to participate in educational services.

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There were fifteen (15) young adults in the Secure Unit on this audit date. No educational services were provided due to the Rosh Hashanah.