

NYC Department of Correction

Secure Unit Compliance Audit –June 2020

Pursuant to the six (6) month limited variance granted by the NYC Board of Correction on May 12, 2020, 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);
- § 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 June 2020:

- June 5
- June 9
- June 16
- June 25

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 May 12, 2020, 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.

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June on-site inspections of kiosks and typewriters were:

- June 12
- June 18
- June 26
- June 30

§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 in-person programming hours offered to each young adult and the number of hours each young adult **chose to** participate in in-person 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(b) Lock-in

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.

June 5, 2020

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

1. 3 hours; young adult **chose not** to participate in the majority of afforded out of cell time
2. 4 hours; young adult **chose not** to participate in the majority of afforded out of cell time
3. 3 hours 56 minutes; young adult **chose not** to participate in the majority of afforded out of cell time
4. 3 hours; young adult **chose not** to participate in the majority of afforded out of cell time
5. 3 hours; young adult **chose not** to participate in the majority of afforded out of cell time
6. 2 hours 30 minutes; young adult **chose not** to participate in the majority of afforded out of cell time
7. 5 hours 45 minutes

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8. 5 hours 58 minutes
9. 4 hours 59 minutes; young adult **chose not** to participate in the majority of afforded out of cell time
10. 3 hours; young adult **chose not** to participate in the majority of afforded out of cell time

On this audit date, one (1) young adult in Phase 1 **chose not** to participate in all afforded lock-out options.

June 9, 2020¹

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

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

On this audit date, two (2) young adults in Phase 1 **chose not** to participate in all afforded lock-out options during the evening tour.

June 16, 2020

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

1. 5 hours 20 minutes
2. 4 hours 18 minutes; young adult **chose not** to participate in the majority of afforded out of cell time
3. 7 hours
4. 5 hours
5. 6 hours
6. 8 hours
7. 3 hours 40 minutes; young adult **chose not** to participate in the majority of afforded out of cell time
8. 2 hours 30 minutes; young adult **chose not** to participate in the majority of afforded out of cell time
9. 6 hours
10. 3 hours 21 minutes; young adult **chose not** to participate in the majority of afforded out of cell time
11. 1 hour; young adult **chose not** to participate in the majority of afforded out of cell time

¹ On this audit date, in addition to the hours listed in this section, young adults in this phase may have had the possibility of additional lock-out time that may have occurred between 8:00 a.m. and 1:00 p.m., which was not recorded by staff.

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On this audit date, one (1) young adult in Phase 1 **chose not** to participate in all afforded lock-out options.

June 25, 2020

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

1. 10 hours 41 minutes
2. 6 hours 35 minutes
3. 6 hours 57 minutes
4. 4 hours; young adult **chose not** to participate in the majority of afforded out of cell time
5. 11 hours 47 minutes
6. 7 hours 39 minutes
7. 9 hours 56 minutes
8. 6 hours 7 minutes
9. 5 hours 10 minutes
10. 10 hours 17 minutes
11. 8 hours 49 minutes
12. 7 hours 6 minutes

On this audit date, 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.

June 5, 2020

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

1. 4 hours and 12 minutes; young adult **chose not** to participate in the majority of afforded out of cell time
2. 2 hours; young adult **chose not** to participate in the majority of afforded out of cell time
3. 4 hours 42 minutes; young adult **chose not** to participate in the majority of afforded out of cell time
4. 2 hours 56 minutes; young adult **chose not** to participate in the majority of afforded out of cell time

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June 9, 2020²

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

1. 2 hours
2. 1 hour
3. 2 hours
4. 2 hours

June 16, 2020

There was one (1) young adult in Phase 2; his out of cell times on this audit date were:

1. 4 hours 31 minutes; young adult **chose not** to participate in the majority of afforded out of cell time

June 25, 2020

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

1. 5 hours 14 minutes; young adult **chose not** to participate in the majority of afforded out of cell time

On this audit date, one (1) young adult in Phase 2 was out to court for most of the day, and as result, he did not receive any lock-out 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.

June 5, 2020

There was one (1) young adult in Phase 3; his out of cell times on this audit date was:

1. 3 hours 27 minutes; young adult **chose not** to participate in the majority of afforded out of cell time

June 9, 2020

One (1) young adult in Phase 3 was discharged out of the unit on this audit date.

² On this audit date, in addition to the hours listed in this section, young adults in this phase may have had the possibility of additional lock-out time that may have occurred between 8:00 a.m. and 2:00 p.m., which was not recorded by staff.

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June 16, 2020

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

1. 4 hours; young adult **chose not** to participate in the majority of afforded out of cell time
2. 2 hours 27 minutes; young adult **chose not** to participate in the majority of afforded out of cell time
3. 2 minutes; young adult **chose not** to participate in the majority of afforded out of cell time
4. 1 hour 56 minutes; young adult **chose not** to participate in the majority of afforded out of cell time

June 25, 2020

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

1. 3 hours 3 minutes; young adult **chose not** to participate in the majority of afforded out of cell time
2. 7 hours 59 minutes

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

Law Library Coordinator

A manual review of the Programs and Services Logbook, housing area logbook and Law Library Logbook reflected that the Law Library Coordinator was in the unit to provide assistance on all of the four (4) audit dates – June 5, 9, 16 and 25, 2020. The duration of the Law Library Coordinator's time in the unit on three (3) of the four (4) dates audited – June 9, 16 and 25, 2020 – was in compliance with the provisions of the Board's Minimum Standards i.e., a minimum of two (2) hours. On the remaining audit date June 5, 2020, the Law Library Coordinator's time in the unit was one (1) hour.³

June 5, 2020

There were sixteen (16) young adults in the Secure Unit on this audit date, out of which, no young adults **chose to** request law library services on this audit date. The arrival and departure times for the Law Library Coordinator on this audit date were:

- Arrived 2:40 pm / Departed 3:40 pm

June 9, 2020

There were sixteen (16) young adults in the Secure Unit on this audit date, out of which, two (2) young adult **chose to** request and were provided Law Library services. The arrival and departure times for the Law Library Coordinator on this audit date were:

- Arrived 9:00 a.m. / Departed 11:00 a.m.

³ The Director of Law Libraries advises that the Mayor's Emergency Executive Order #100 §13 suspends the requirement that the Legal Coordinators spend a minimum of two (2) hours in the Secure Unit of GRVC.

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June 16, 2020

There were seventeen (17) young adults in the Secure Unit on this audit date, out of which, one (1) young adult **chose to** request and was provided Law Library services. The arrival and departure times for the Law Library Coordinator on this audit date were:

- Arrived 7:15 am / Departed 10:30 a.m.

June 25, 2020

There were seventeen (17) young adults in the Secure Unit on this audit date, out of which, young adults **chose to** request law library services on this audit date. The arrival and departure times for the Law Library Coordinator on this audit date were:

- Arrived 11:40 am / Departed 1:45 pm

Kiosks and Typewriters

As noted above, the kiosks and typewriters were inspected on four (4) dates during the audit period – June 12, 18, 26 and 30, 2020. At this time, the Law Library equipment is not available for regular use. All Law Library services are being afforded and fulfilled by the Legal Coordinators through request slips.

Typewriters:

On the four (4) audit dates, June 12, 18, 26, and 30, 2020, all four (4) typewriters were operable.

Kiosks:

On all four (4) audit dates – June 12, 18, 26, and 30, 2020, all four (4) kiosks were inoperable. According to the Director of Law Libraries, the kiosks can become inoperable due to prolonged inactivity. Legal Coordinators reactivate the kiosks' servers when possible.

§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 – June 5, 9, 16 and 25, 2020 – to ascertain the total number of young adults that **chose to** participate in recreation.

On all four (4) audit dates – June 5, 9, 16 and 25, 2020 – recreation was afforded to all young adults in the Secure Unit.

June 5, 2020

There were sixteen (16) young adults in the Secure Unit on this audit date. Please note the following:

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- Five (5) young adults **chose to** participate in afforded recreation.
- Eleven (11) young adults' participation in afforded recreation could not be determined.

June 9, 2020

There were sixteen (16) young adults in the Secure Unit on this audit date. Please note the following:

- Nine (9) young adults **chose to** participate in afforded recreation.
- Seven (7) young adults **chose not** to participate in afforded recreation.

June 16, 2020

There were seventeen (17) young adults in the Secure Unit on this audit date. Please note the following:

- Five (5) young adults **chose to** participate in afforded recreation.
- Twelve (12) young adults' participation in afforded recreation could not be determined.

June 25, 2020

There were seventeen (17) young adults in the Secure Unit on this audit date. Please note the following:

- Ten (10) young adults **chose to** participate in afforded recreation.
- Two (2) young adults **chose not** to participate in afforded recreation.
- Four (4) young adults' participation in afforded recreation could not be determined.
- One (1) young adult was out to court during afforded recreation.

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

In the Secure Unit, programming is afforded to young adults during their out of cell time which is based on the phase within the unit they are housed. The out of cell time increases incrementally 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. Due to the Coronavirus, Program Counselors did not circulate through the quad areas to provide programming services as they did in the past. However, young adults were offered self-guided programming through the availability of books and self-guided programming packets. Individual Counseling were also available upon request to young adults in the Secure Unit. The self-guided packets include a variety of activities, including interactive journaling books, anger management exercises, goal setting and coping skills, reading materials and worksheets, and creative arts activities. In additional, 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. Social service includes the provision or referral of a support service, or case-management related engagement and discussion. Social service is designated separately in the report as it is a rendering of a request and/or has follow-up that is related to case management.

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The audit revealed that Counselors reviewed previously distributed, self-guided programming materials, provided individual counseling and social services on one (1) of the four (4) audit dates – June 5, 2020. For the remaining three (3) audit dates – June 9,16, and 25, 2020, in-person programming services did not occur. Programming was also offered through programming packets.

June 5, 2020

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

Quad A

- ❖ Social Services was offered to the four (4) young adults in this quad.
 - One (1) young adult **chose to** request social services and was provided social services.
 - Three (3) young adults **chose not** to request social services.
- ❖ In-person programming was also provided to the four (4) young adults in this quad.
 - One (1) young adult was offered and **chose to** participate in five (5) minutes of in-person programming
 - One (1) young adult was offered and **chose to** participate in five (5) minutes of in-person programming
 - One (1) young adult was offered and **chose to** participate in thirteen (13) minutes of in-person programming
 - One (1) young adult **chose not** to participate in afforded in-person programming

Quad B

- ❖ In-person programming was provided to the four (4) young adults in this quad.
 - One (1) young adult was offered and **chose to** participate in five (5) minutes of in-person programming
 - Three (3) young adults **chose not** to participate in afforded in-person programming

Quad C

- ❖ The counselor conducted a review of previously distributed self-guided programming packets to the five (5) young adults in this quad. In-person programming was also provided to the five (5) young adults in this quad.
 - One (1) young adult was offered and **chose to** participate in nine (9) minutes of in-person programming
 - One (1) young adult was offered and **chose to** participate in eight (8) minutes of in-person programming
 - One (1) young adult was offered and **chose to** participate in five (5) minutes of in-person programming
 - Two (2) young adults **chose not** to participate in afforded in-person programming

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Quad D

- ❖ In-person programming was provided to the three (3) young adults in this quad.
 - One (1) young adult were offered and **chose to** participate in six (6) minutes of in-person programming
 - Two (2) young adults **chose not** to participate in afforded in-person programming

June 9, 2020

In-person programming did not occur in the unit on this audit date due to social distancing, personnel, and operational considerations related to coronavirus. Programming was offered through programming packets.

June 16, 2020

In-person programming did not occur in the unit on this audit date due to social distancing, personnel, and operational considerations related to coronavirus. Programming was offered through programming packets.

June 25, 2020

In-person programming did not occur in the unit on this audit date due to social distancing, personnel, and operational considerations related to coronavirus. Programming was offered through programming packets.

Education

In-person educational services were suspended due to social distancing, personnel, and operational considerations related to the coronavirus. The NYC Department of Education provided an alternative method for the provision of educational services, by providing alternative educational learning materials to the young adults that were enrolled in school on three (3) of the four (4) audit dates. The NYC Department of Education provides educational packages on a weekly basis wherein each package contains learning material for one week. On each audit date, the packages are only offered to individuals who do not have materials (i.e. those new to the unit, have previously refused, or it has been one week since they last received a packet). New packages were not offered to every young adult on each audit date because many young adults were already in receipt of their weekly packages.

June 5, 2020

Seven (7) young adults were enrolled in school and were provided the alternative educational learning materials.

- One (1) young adult **chose to** complete the alternative educational learning materials.
- Five (5) young adults **chose not** to complete the alternative educational learning materials.
- One (1) young adult **chose not** to accept the alternative educational learning materials.

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June 9, 2020

Seven (7) young adults were enrolled in school and were provided the alternative educational learning materials.

- One (1) young adult **chose to** complete the alternative educational learning materials.
- Five (5) young adults **chose not** to complete the alternative educational learning materials.
- One (1) young adult **chose not** to accept the alternative educational learning materials.

June 16, 2020

Six (6) young adults were enrolled in school and were provided the alternative educational learning materials.

- Four (4) young adults **chose not** to complete the alternative educational learning materials.
- Two (2) young adults **chose not** to accept the alternative educational learning materials.

June 25, 2020

On this audit date, no alternative educational learning materials were provided.