

NYC Department of Correction Secure Unit Compliance Audit – July 2021

Pursuant to the six (6) month limited variance granted by the NYC Board of Correction on February 9, 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) randomly selected dates each month.

This audit report covers the following four (4) dates in the month of July 2021:

- July 1
- July 6
- July 14
- July 20

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 February 9, 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.

July on-site inspections of kiosks and typewriters were:

- July 2
- July 9

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- July 16
- July 23

§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 **chose to** participate in programming.

Education

A review was conducted to determine the number of young adults enrolled in educational services, whether they were provided with educational learning packets, and whether they **chose to** complete and returned the educational learning packets.

Audit Findings

§1-05(b) Lock-in

All young adults in the Secure Unit are required to be afforded lock-out hours based on their housing phase: ten (10) hours in Phase 1, twelve (12) hours in Phase 2, and fourteen (14) hours in Phase 3. Based on the housing area logbook, the lock-in/lock-out times were not consistently recorded for the phases in which young adults were housed within the unit on all four (4) audit dates: July 1, 6, 14 and 20, 2021. On July 6, 2021, scheduled lock-out time for 5:00 a.m. was delayed and did not occur until 6:00 a.m.

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.

July 1, 2021

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

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1. 11 hours 59 minutes
2. 13 hours 59 minutes
3. 13 hours 59 minutes
4. 8 hours
5. 9 hours
6. 12 hours
7. 12 hours
8. 13 hours 59 minutes
9. 12 hours
10. 12 hours
11. 13 hours 59 minutes
12. 9 hours

For the remaining one (1) young adult, the lock in/lockout times could not be determined because the information was not recorded in the Logbook.

July 6, 2021¹

There were fifteen (15) young adults in Phase 1; their out of cell times on this audit date were:

1. 1 hour 59 minutes
2. 1 hour 59 minutes
3. 1 hour 59 minutes

On this audit date, the lock-in and lock-out times could not be determined for the remaining twelve (12) young adults because the information was not recorded in the Logbook.

July 14, 2021

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

1. 5 hours
2. 11 hours 59 minutes
3. 3 hours; 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. 9 hours 59 minutes
6. 11 hours
7. 6 hours; young adult was transferred out of the Secure Unit on this audit date
8. 6 hours
9. 7 hours
10. 9 hours
11. 12 hours

July 20, 2021

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

¹ On this audit date, the young adults had the possibility of additional lock-out time to the times listed that may have occurred between 8:00 a.m. to 1:00 p.m. and 4:00 p.m. to 7:00 p.m., which was not recorded by staff.

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1. 10 hours
2. 12 hours 59 minutes
3. 10 hours
4. 10 hours
5. 11 hours 59 minutes
6. 9 hours
7. 10 hours
8. 11 hours
9. 10 hours
10. 11 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.

July 1, 2021

There was one (1) young adult in Phase 2; his out of cell times on this audit date was 8 hours.

July 6, 2021

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

July 14, 2021

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

1. 12 hours
2. 7 hours
3. 8 hours
4. 12 hours

July 20, 2021

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

1. 8 hours
2. 11 hours

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

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

July 1, 2021

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

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

July 6, 2021

On this audit date, the lock-in and lock-out times could not be determined for one (1) young adult in Phase 3 because the information was not recorded in the Logbook.

July 14, 2021

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

1. 6 hours
2. 9 hours

July 20, 2021

There was one (1) young adult in Phase 3; his out of cell time on this audit date was 9 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 – July 1, 6, 14, and 20, 2021. The Law Library Coordinator's time for these four (4) audit dates audited was in compliance with the provisions of the Board's Minimum Standards i.e., a minimum of two (2) hours.

July 1, 2021

There were seventeen (17) young adults in the Secure Unit on this audit date. Of the seventeen (17) 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 12:25 p.m. / Departed 6:06 p.m.

July 6, 2021

There were sixteen (16) young adults in the Secure Unit on this audit date. Of the sixteen (16) young adults, four (4) young adults **chose to** request and were provided Law Library services on

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this audit date. The arrival and departure times for the Law Library Coordinator on this audit date were:

- Arrived 10:00 a.m. / Departed 6:20 p.m.

July 14, 2021

There were seventeen (17) young adults in the Secure Unit on this audit date. Of the seventeen (17) 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 12:05 p.m. / Departed 6:05 p.m.

July 20, 2021

There were thirteen (13) young adults in the Secure Unit on this audit date. Of the thirteen (13) 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 9:50 a.m. / Departed 6:06 p.m.

Kiosks and Typewriters

As noted above, the kiosks and typewriters were inspected on four (4) dates during the audit period – July 2, 9, 16, and 23, 2021. All Law Library services are afforded and fulfilled by the Legal Coordinators through request slips.

Typewriters:

On one (1) of the four (4) audit dates, July 2, 2021, all four (4) typewriters were operable. For the remaining three (3) audit dates – July 9, 16, and 23, 2021 – two (2) of the four (4) typewriters were inoperable.

Kiosks:

On the four (4) audit dates, July 2, 9, 16 and 23, 2021, 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' services 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 – July 1, 6, 14, and 20, 2021 – to ascertain the total number of young adults that chose to participate in recreation.

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On one (1) of the four (4) audit dates – July 1, 2021 – recreation was afforded to all young adults in the Secure Unit. For the three (3) remaining audit dates, July 6, 14, and 20, 2021, recreation was not afforded to young adults in the Secure Unit and this was recorded in the housing area logbook.

July 1, 2021

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

- Nine (9) young adults **chose to** participate in afforded recreation.
- Five (5) young adults **chose not** to participate in afforded recreation.
- Three (3) young adults' participation in afforded recreation could not be determined.

July 6, 2021

There were sixteen (16) young adults in the Secure Unit on this audit date. Recreation could not be afforded on this audit date due to staffing challenges related to the Department's COVID-19 response.

July 14, 2021

There were seventeen (17) young adults in the Secure Unit on this audit date. Recreation could not be afforded on this audit date due to staffing challenges related to the Department's COVID-19 response.

July 20, 2021

There were thirteen (13) young adults in the Secure Unit on this audit date. Recreation could not be afforded on this audit date due to staffing challenges related to the Department's COVID-19 response.

§ 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 corresponding 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, to fourteen (14) hours in Phase 3. Young adults are offered programming through the availability of books and self-guided programming packets developed by community partners. The self-guided programming packets comprise 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-person programming through Individual Counseling, Structured Recreation, and Group Counseling are provided in addition to being available upon request to young adults in the Secure Unit. 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.

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

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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 all young adults on all four (4) audit dates – July 1, 6, 14, and 20, 2021.

July 1, 2021

There were seventeen (17) young adults housed in the Secure Unit on this audit date. In-person programming was offered.

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

- ❖ Up to twenty-three (23) minutes of in-person programming were offered to three (3) young adults in this quad.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in six (6) minutes of in-person programming.
 - One (1) young adult in Phase 1 was offered and **chose to** in twenty- three (23) minutes of in-person programming.
 - One (1) young adult in Phase 1 was not offered in-person programming due to a staff meeting.

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

- ❖ Up to five (5) minutes of in-person programming were offered to three (3) young adults in this quad.
 - One (1) young adult in Phase 2 was offered and **chose to** participate in five (5) minutes of in-person programming.
 - One (1) young adult in Phase 2 was offered and **chose to** participate in three (3) minutes of in-person programming.
 - One (1) young adult in Phase 2 **chose not** to participate in in-person programming.

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

- ❖ Up to eleven (11) minutes of in-person programming were offered to six (6) young adults in this quad.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in eleven (11) minutes of in-person programming.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in three (3) minutes of in-person programming.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in five (5) minutes of in-person programming.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in eight (8) minutes of in-person programming.

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- Two (2) young adults in Phase 1 **chose not** to participate in in-person programming.

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

- ❖ Up to fifteen (15) minutes of in-person programming were offered to the five (5) young adults in this quad.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in nine (9) minutes of in-person programming.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in ten (10) minutes of in-person programming.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in three (3) minutes of in-person programming.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in eleven (11) minutes of in-person programming.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in fifteen (15) minutes of in-person programming.

July 6, 2021

There were sixteen (16) young adults housed in the Secure Unit on this audit date. In-person programming was offered.

Quad A – There were three (3) young adults in this quad. In-person programming was not offered to the three (3) young adults in this quad due to security concerns.

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

- ❖ Fifteen (15) minutes of in-person programming were offered to one (1) of the two (2) young adults in this quad.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in fifteen (15) minutes of in-person programming.

For the remaining one (1) young adult in Phase 1, in-person programming was not offered to this young adult in this quad due to security concerns.

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

- ❖ Up to two (2) hours and seventeen (17) minutes of in-person programming were offered to the six (6) young adults in this quad.
 - One (1) young adult in Phase 1 was offered two (2) hours and seventeen (17) minutes of in-person programming. He **chose to** participate in one (1) hour and five (5) minutes of in-person programming and **chose not** to participate in all remaining in-person programming.
 - Three (3) young adults in Phase 1 were offered and **chose to** participate in two (2) hours and twelve (12) minutes of in-person programming.

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- One (1) young adult in Phase 1 was offered two (2) hours and twelve (12) minutes of in-person programming. He **chose to** participate in one (1) hour of in-person programming and **chose not** to participate in all remaining programming.
- One (1) young adult in Phase 1 was offered two (2) hours and twelve (12) minutes of in-person programming. He **chose to** participate in one (1) hour and twelve (12) minutes of in-person programming and **chose not** to participate in all remaining programming.

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

- ❖ Up to two (2) hours and fifteen (15) minutes of in-person programming were offered to the five (5) young adults in this quad.
 - One (1) young adult in Phase 1 was offered one (1) hour and thirty (30) minutes of in-person programming. He **chose not** to participate in all afforded in-person programming.
 - Two (2) young adults in Phase 1 were offered and **chose to** participate one (1) hour and thirty (30) minutes of in-person programming.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in two (2) hours and fifteen (15) minutes of in-person programming.
 - One (1) young adult in Phase 3 was offered and **chose to** participate in one (1) hour and fifty (50) minutes of in-person programming.

July 14, 2021

There were seventeen (17) young adults housed in the Secure Unit on this audit date. No in-person programming was offered to the young adults on this audit date due a staff meeting, staff training, and security concerns.

July 20, 2021

There were thirteen (13) young adults housed in the Secure Unit on this audit date. In-person programming and/or programming packets were offered.

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

- ❖ One (1) hour of programming packets was offered to the three (3) young adults in this quad.
 - Three (3) young adults in Phase 1 were offered and **chose to** participate in one (1) hour of programming packets.

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

- ❖ Up to thirty (30) minutes of in-person programming was offered to two (2) young adults in this quad.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in thirty (30) minutes of in-person programming.

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- One (1) young adult in Phase 1 **chose not** to participate in all afforded in-person programming.

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

- ❖ Fifteen (15) minutes of in-person programming was offered to four (4) young adults in this quad.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in fifteen (15) minutes of in-person programming.
 - Three (3) young adults – two (2) in Phase 1 and one (1) in Phase 2 – **chose not** to participate in all afforded in-person programming.

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

- ❖ Up to one (1) hour of in-person programming and/or programming packets were offered to the four (4) young adults in this quad.
 - One (1) young adult in Phase 3 was offered thirty (30) minutes of programming packet. He **chose not** to participate in all afforded programming packets.
 - Two (2) young adults in Phase 2 were offered and **chose to** participate in thirty (30) minutes of programming packets.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in one (1) hour of in-person programming and programming packets.

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. The NYC Department of Education began educational services on September 21, 2020 remotely to young adults who were enrolled in school. Each young adult was provided a tablet Monday through Friday from 9 a.m. to 2 p.m., with educational materials uploaded by the NYC Department of Education. Young adults were able to send messages and respond to messages with their teachers. In addition, a hotline number was established for young adults in the unit to speak with a teacher if they had any questions or needed support. As of December 14, 2020, the use of tablets to provide remote learning to young adults in the Secure Unit was suspended due to security concerns. Young adults in the unit were then provided educational learning packets instead of the tablets.

No school was afforded on the audit dates of July 1, 6, 14, and 20, 2021 due to summer recess, and no young adults were identified by the NYC Department of Education as mandated 12-month Individual Education Plan (IEP) students.

July 1, 2021

There were seventeen (17) young adults in the Secure Unit on this audit date. On this audit date, no summer school educational services were provided because no young adults in the Secure Unit were 12-month IEP students.

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July 6, 2021

There were sixteen (16) young adults in the Secure Unit on this audit date. On this audit date, no summer school educational services were provided because no young adults in the Secure Unit were 12-month IEP students.

July 14, 2021

There were seventeen (17) young adults in the Secure Unit on this audit date. On this audit date, no summer school educational services were provided because no young adults in the Secure Unit were 12-month IEP students.

July 20, 2021

There were thirteen (13) young adults in the Secure Unit on this audit date. On this audit date, no summer school educational services were provided because no young adults in the Secure Unit were 12-month IEP students.