

NYC Department of Correction

Secure Unit Compliance Audit – September 2021

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) randomly selected dates each month.

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

- September 1
- September 9
- September 17
- September 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 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.

September on-site inspections of kiosks and typewriters were:

- September 3

NYC Department of Correction Secure Unit Compliance Audit – September 2021

- September 10
- September 17
- September 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 **chooses 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 return 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. On September 9, 2021, the scheduled lock-out at 8:00 a.m. was delayed and did not occur until 10:00 a.m. due to staff shortage. On September 17, 2021, due to security concerns, young adults in the Secure Unit were not afforded scheduled lock-out options at 8:00 a.m. and 4:00 p.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.

September 1, 2021

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

NYC Department of Correction

Secure Unit Compliance Audit – September 2021

1. 9 hours 59 minutes
2. 11 hours
3. 9 hours
4. 8 hours
5. 10 hours
6. 2 hours; young adult **chose not** to participate in the majority of out of cell time
7. 9 hours
8. 5 hours; young adult was transferred in the unit
9. 5 hours

For the remaining two (2) young adults in Phase 1, they both **chose not** to participate in all afforded lock-out options.

September 9, 2021

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

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

September 17, 2021

There were eleven (11) young adults in Phase 1 on this audit date. All eleven (11) young adults in Phase 1 **chose not** to participate in the 5:00 a.m. scheduled lockout option. Due to security concerns, young adults in the Secure Unit were not afforded 8:00 a.m. and 4:00 p.m. lock-out options on this audit date.

September 21, 2021

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

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

For the remaining eight (8) young adults in Phase 1; seven (7) young adults **chose not** to participate in all afforded lock-out options and one (1) young adult was bailed out on this audit date.

NYC Department of Correction Secure Unit Compliance Audit – September 2021

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 1, 2021

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

September 9, 2021

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

1. 10 hours 59 minutes
2. 10 hours 59 minutes

September 17, 2021

There was one (1) young adult in Phase 2 on this audit date. This young adult in Phase 2 **chose not** to participate in the 5:00 a.m. scheduled lockout option. Due to security concerns, the young adult in the Secure Unit were not afforded 8:00 a.m. and 4:00 p.m. lock-out options on this audit date.

September 21, 2021

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

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.

September 1, 2021

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

1. 10 hours
2. 10 hours
3. 8 hours
4. 10 hours 59 minutes

September 9, 2021

NYC Department of Correction

Secure Unit Compliance Audit – September 2021

There was one (1) young adult in Phase 3; his out of cell time on this audit date was eight (8) hours.

September 17, 2021

There was one (1) young adult in Phase 3 on this audit date. This young adult in Phase 2 **chose not** to participate in the 5:00 a.m. scheduled lockout option. Due to security concerns, the young adult in the Secure Unit were not afforded 8:00 a.m. and 4:00 p.m. lock-out options on this audit date.

September 21, 2021

There were no young adults in Phase 3 on this audit date.

§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 – September 1, 9, 17, and 21, 2021. Law Library services were not provided on September 17, 2021 due to security concerns. The Law Library Coordinator's time for these audit dates was in compliance with the provisions of the Board's Minimum Standards i.e., a minimum of two (2) hours.

September 1, 2021

There were fifteen (15) young adults in the Secure Unit on this audit date. Of the fifteen (15) young adults, two (2) young adults requested 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 5:02 p.m.

September 9, 2021

There were thirteen (13) young adults in the Secure Unit on this audit date. Of the thirteen (13) young adults, three (3) young adults requested 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 10:00 a.m. / Departed 5:00 p.m.

September 17, 2021

There were thirteen (13) young adults in the Secure Unit on this audit date. Law library services were not provided on this audit date due to security concerns. The arrival and departure times for the Law Library Coordinator on this audit date were:

NYC Department of Correction Secure Unit Compliance Audit – September 2021

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

September 21, 2021

There were thirteen (13) young adults in the Secure Unit on this audit date. The Legal Coordinator was in the unit to provide services, however, all young adults in the unit refused Law Library services on audit date. The arrival and departure times for the Law Library Coordinator on this audit date were:

- Arrived 12:00 p.m. / Departed 6:00 p.m.

Kiosks and Typewriters

As noted above, the kiosks and typewriters were inspected on four (4) dates during the audit period – September 3, 10, 17, and 24, 2021. All Law Library services are afforded and fulfilled by Legal Coordinators through request slips.

Typewriters:

On September 3, 2021, two (2) of the four (4) typewriters were inoperable. On September 10, 2021, three (3) of the four (4) typewriters were inoperable. For the remaining two (2) audit dates – September 17 and 24, 2021 – one (1) of the four (4) typewriters were inoperable.

Kiosks:

On the four (4) audit dates, September 3, 10, 17, and 24, 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' 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 – September 1, 9, 17, and 21, 2021 – to ascertain the total number of young adults that participated in recreation.

On all four (4) audit dates – September 1, 9, 17, and 21, 2021 recreation was not afforded to young adults in the Secure Unit. On September 1, 9, and 21, 2021, due to staff challenges related to the Department's COVID-19 response. On September 17, 2021, due to security concerns recreation was not afforded.

§ 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 in-person programming through programming components such as but not limited to Individual Counseling, Structured Recreation,

NYC Department of Correction

Secure Unit Compliance Audit – September 2021

and Group Counseling are provided in addition to being available upon request to young adults in the Secure 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. 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 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 (3) of the four (4) audit dates – September 1, 9, and 21, 2021. For the remaining one (1) audit date, September 17, 2021, programming was not afforded due to the counselor's scheduled day off.

September 1, 2021

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.

- ❖ Up to one (1) hour and thirty (30) minutes of in-person programming were offered to the four (4) young adults in this quad.
 - Two (2) young adults in Phase 1 were offered and **chose to** participate in thirty (30) minutes of in-person programming.
 - Two (2) young adults in Phase 3 were offered and **chose to** participate in one (1) hour and thirty (30) minutes of in-person programming.

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

- ❖ Five (5) hours and twenty (20) minutes of in-person programming and programming packets were offered to the two (2) of the three (3) young adults in this quad.
 - Two (2) young adults, one (1) in Phase 1, and the other in Phase 3, were offered and **chose to** participate in five (5) hours and twenty (20) minutes of in-person programming and programming packets.
 - Due to security concerns one (1) young adult in Phase 1 was locked in his cell and was not afforded programming.

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

- ❖ Five (5) hours of in-person programming and programming packets were offered to the four (4) of the six (6) young adults in this quad.
 - Three (3) young adults, two (2) in Phase 1 and the other in Phase 3, were offered five (5) hours of in-person programming and programming packets.

NYC Department of Correction

Secure Unit Compliance Audit – September 2021

They **chose to** participate in four (4) hours of in-person programming and programming packets and **chose not** to participate in all remaining in-person programming and programming packets.

- One (1) young adult in Phase 2 was offered and **chose to** participate in five (5) hours of in-person programming and programming packets.
- Due to security concerns two (2) young adults in Phase 1 were locked in their cells and were not afforded programming.

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

- ❖ Two (2) hours of in-person programming were offered to the two (2) young adults in this quad.
 - One (1) young adult in Phase 3 was offered and **chose to** participate in two (2) hours of in-person programming.
 - One (1) young adult in Phase 1 was offered two (2) hours of in-person programming. He **chose to** participate in one (1) hour of in-person programming and **chose not** to participate in all remaining in-person programming.

September 9, 2021

There were thirteen (13) young adults housed in the Secure Unit on this audit date.

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

- ❖ Up to four (4) hours and five (5) minutes of in-person programming and programming packets were offered to the three (3) young adults in this quad.
 - Two (2) young adults in Phase 1 were offered and **chose to** participate four (4) hours and three (3) minutes of in-person programming and programming packets.
 - One (1) young adult in Phase 1 was offered and **chose to** participate four (4) hours and five (5) minutes of in-person programming and programming packets.

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

- ❖ Up to four (4) hours and sixteen (16) minutes of in-person programming and programming packets were offered to the three (3) young adults in this quad.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in four (4) hours of in-person programming and programming packets.
 - One (1) young adult in Phase 1 was offered and **chose to** participate four (4) hours and four (4) minutes of in-person programming and programming packets.
 - One (1) young adult in Phase 1 was offered and **chose to** participate four (4) hours and sixteen (16) minutes of in-person programming and programming packets.

NYC Department of Correction

Secure Unit Compliance Audit – September 2021

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

- ❖ Up to four (4) hours and eight (8) minutes of in-person programming and programming packets 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 four (4) hours and two (2) minutes of in-person programming and programming packets.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in four (4) hours and five (5) minutes of in-person programming and programming packets.
 - One (1) young adult in Phase 2 was offered and **chose to** participate in four (4) hours and eight (8) minutes of in-person programming and programming packets.
 - One (1) young adult in Phase 3 was offered and **chose to** participate in four (4) hours and two (2) minutes of in-person programming and programming packets.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in four (4) hours and three (3) minutes of in-person programming and programming packets.

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

- ❖ Four (4) hours and five (5) minutes of in-person programming and programming packets were offered to the two (2) young adults in this quad.
 - Two (2) young adults in Phase 1 were offered and **chose to** participate in four (4) hours and five (5) minutes of in-person programming and programming packets.

September 17, 2021

There were thirteen (13) young adults housed in the Secure Unit on this audit date. Due to the counselor's scheduled day off, programming was not afforded.

September 21, 2021

There were thirteen (13) young adults housed in the Secure Unit on this audit date.

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

- ❖ Three (3) hours and forty-five (45) minutes of in-person programming and programming packets were offered to the two (2) young adults in this quad.
 - Two (2) young adults in Phase 1 were offered and **chose to** participate in three (3) hours and forty-five (45) minutes of in-person programming and programming packets.

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

NYC Department of Correction

Secure Unit Compliance Audit – September 2021

- ❖ Up to three (3) hours and ten (10) minutes of in-person programming and programming packets were offered to the three (3) young adults in this quad.
 - Two (2) young adults in Phase 1 were offered and **chose to** participate in three (3) hours and five (5) minutes of in-person programming and programming packets.
 - One (1) young adult in Phase 3 was offered and **chose to** participate in three (3) hours and ten (10) minutes of in-person programming and programming packets.

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

- ❖ Up to three (3) hours and fifteen (15) minutes of in-person programming and programming packets were offered to the four (4) young adults in this quad.
 - Two (2) young adults in Phase 1 were offered and **chose to** participate in three (3) hours and ten (10) minutes of in-person programming and programming packets.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in three (3) hours and five (5) minutes of in-person programming and programming packets.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in three (3) hours and fifteen (15) minutes of in-person programming and programming packets.

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

- ❖ Up to three (3) hours and ten (10) minutes of in-person programming and self-guided programming were offered to the four (4) young adults in this quad.
 - Two (2) young adults in Phase 1 were offered and **chose to** participate in three (3) hours and five (5) minutes of in-person programming and programming packets.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in three (3) hours and three (3) minutes of in-person programming and programming packets.
 - One (1) young adult in Phase 1 was offered and **chose to** participate in three (3) hours and ten (10) minutes 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. A hotline number was established for young adults in the unit to speak with a teacher if they had any questions or needed support.

The NYC Department of Education did not yet begin in-person educational services in the Secure Unit on the audit dates of September 1, 9, 17, and 21, 2021. The 2021-2022 School Year began

NYC Department of Correction Secure Unit Compliance Audit – September 2021

on September 13, 2021 and therefore, no educational services were scheduled on the audit dates of September 1 and 9, 2021.

Due to the circumstances related to COVID-19, the United Federation of Teachers and the NYC Department of Education conducted an inspection of the ventilation system in the Secure Unit on September 24, 2021, before arranging for the return of in-person educational services. Subsequently, in-person educational services were not provided on the audit dates of September 17 and 21, 2021 due to the requirement of a ventilation system inspection.