

NYC Department of Correction

Horizon Juvenile Center Dry Cells Audit Report – February 2019

On July 10, 2018, the NYC Board of Correction first granted the NYC Department of Correction (the Department) a six (6) month limited variance from Minimum Standard 1-04(b)(2) for the Horizon Juvenile Center (“Horizon”). This standard states: *“Each single cell shall contain a flush toilet, a wash basin with drinking water, a single bed and a closable storage container for personal property.”* (Emphasis added.) On January 8, 2019, the NYC Board of Correction renewed the Department’s six (6) month limited variance from Minimum Standard 1-04(b)(2) for Horizon. With two exceptions, the individual cells or rooms for residents at Horizon do not contain “a flush toilet” or “a wash basin with drinking water” and are commonly referred to as “dry cells.”

Pursuant to the six (6) month limited variance, allowing residents at Horizon to be housed in single occupancy dry cells, the Department is required to conduct monthly audits on compliance with the following three (3) variance conditions:

1. With respect to youth locked in dry cells, housing unit staff will escort residents of Horizon to the unoccupied housing area bathroom and will provide residents with drinking water within five (5) minutes of the request, absent extenuating circumstances.
2. Housing unit staff will document when a bathroom escort or drinking water is requested. Documentation will include the time of the request and the time escorting begins.
3. Notice of the specific terms and conditions of this variance and the right to notify the Board of any related violations shall be provided to Horizon residents.

Audit Parameter

The audit is conducted through an onsite visit and a manual review of the Overnight Response Logbooks. A manual review of the logbooks was conducted of four (4) randomly selected dates, one (1) day for each week, during the month of February 2019:

- February 7th
- February 12th
- February 18th
- February 27th

The Overnight Response Logbook¹ was established to document individualized information for each resident request, including the resident’s name, book and case number, date, room number, light indicator time, time request was granted, and uniform staff information. To

¹ The Overnight Response Logbook is used to comply with the variance condition requirement that housing unit staff document when a bathroom escort or drinking water is requested and is afforded.

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facilitate proper logbook recording, a Programs Memorandum was issued to provide staff with written instruction on the use of the logbook. In addition, the memorandum directed supervisors to conduct daily logbook reviews. The audit review was designed to determine whether residents were provided access to bathrooms and/or drinking water within five (5) minutes of their requests during lock-in hours, between 9 pm and 5am, absent extenuating circumstances. The audit also reviewed the room confinement records in Horizon to determine whether residents in room confinement were granted access to bathroom and drinking water within five minutes of their requests.

As indicated above, residents at Horizon reside in dry cells, which are rooms that do not contain a flush toilet or wash basin with drinking water.² Residents, who are not in room confinement, access bathrooms and drinking water without an escort during lock-out hours. During lock-in hours, from 9 pm to 5 am, a resident who needs to access the bathroom and/or drinking water pushes a button within his or her room which activates a red light, alerting housing unit staff that the resident has a request. The Overnight Response Logbook is utilized to document the time of the request, based on the indicator light, and the time the request was granted to the resident.

In Horizon, residents reside in halls. For the purpose of this audit, the halls are listed from 1 to 10.

Site Visit

In addition to the logbook review, the audit included a site visit during the overnight tour (after 2100 hours) on February 28, 2019. The purpose of the site visit was to observe procedures for the provision of access to the bathrooms and/or drinking water and to assess whether the notices of the variance conditions were properly posted in the halls and/or disseminated to Horizon residents.

During the site visit, officers on post were interviewed during the period when residents were locked in to assess their knowledge and understanding of the relevant variance condition requirements. In addition, the provision of bathroom and drinking water access during lock-in hours was observed.

The site visit also assessed whether:

- each hall had an operable water fountain or a water cooler;
- Officers recorded both the residents' requests to access the bathrooms and/or drinking water and the granting of such requests, and that the logbook entries accurately reflected the times taken to provide residents access to the bathrooms and/or drinking water; and

² In the hall for residents with special medical needs, two (2) of the five (5) rooms contain a toilet and sink.

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- the Programs Memorandum, governing the use of the Overnight Response Logbooks, was available in each of the halls for the Officers' reference and instruction.

Room Confinement

During this audit reporting period, the Department commenced assessment of whether residents placed in room confinement³ during hours when residents are not normally locked in were provided access to bathrooms and/or drinking water within five (5) minutes of their request. This component of the audit involved the review of "Room Confinement Authorization and Termination Forms"⁴ to identify residents in the facility who were placed in room confinement during the month of February 2019 on any of the four (4) randomly selected audit dates. One (1) resident was placed in room confinement on February 12, 2019, one (1) of the four (4) audit dates. The Room Confinement Logbook, which is used to document observations and staff visitation to residents in room confinement, and the Overnight Response Logbook were then reviewed for the hall where the resident was housed to ascertain whether staff recorded information regarding any requests made by the resident to access the bathroom or drinking water, and the amount of time taken to grant such requests. The goal of the audit in cases of room confinement is also to assess whether staff adequately, clearly, and completely recorded information needed to audit the facility's compliance with the variance conditions.

Audit Findings

Site Visit Observations

On February 28, 2019, auditors conducted a site visit during the evening hours when residents were locked in their rooms. During the site visit, entries in the Overnight Response Logbook in each hall for each of the audit dates were photographed for review and analysis, and on-site observations were made relative to the implementation of the variance conditions and the procedures set forth in the Programs Memorandum.

On the day of the site visit, the total resident count in each hall was:

Hall 1 – ten (10) residents
Hall 2 – seven (7) residents
Hall 3 – three (3) residents
Hall 4 – ten (10) residents
Hall 5 – five (5) residents

³ Residents may be placed in room confinement for limited periods of time, in which youth are not permitted to leave their room except for authorized purposes and activities, when they are exhibiting behavior that constitutes serious or evident danger to themselves or others.

⁴ The Room Confinement Authorization and Termination Form is used to document the complete history of each room confinement, from referral to termination.

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Hall 6 – one (1) resident
Hall 7 – six (6) residents
Hall 8 – nine (9) residents
Hall 9 – three (3) residents
Hall 10 – eight (8) residents

Through the site visit, the following was observed:

Availability of Drinking Water

- Drinking water, either from water fountains or water coolers, was available in all halls.

Notice to Residents

- The “Notice to Residents” poster, notifying residents of the procedures for access to bathrooms and drinking water during lock-in, was posted in all halls.

Programs Memorandum entitled “Overnight Response Logbook”

- An outdated Programs Memorandum entitled “Overnight Response Logbook” was posted in Hall 2 and Hall 6. In each of these two halls, staff possessed an outdated Programs Memorandum on this subject dated October 18, 2018. The most up-to-date Programs Memorandum is dated December 21, 2018.
- The updated Programs Memorandum entitled “Overnight Response Logbook,” dated December 21, 2018, was posted in the remaining halls: Hall 1, Hall 3, Hall 4, Hall 5, Hall 7, Hall 8, Hall 9 and Hall 10. In each hall, including Halls 2 and 6, the memorandum was affixed to the back cover of the Overnight Response Logbook. However, in Hall 4 and Hall 8, the back cover of the logbook was fully detached from the spine of the logbook.

Use of Overnight Response Logbook

- During the site visit, the following observations were noted:
 - In Hall 1, resident room 2 was not labeled. While not a violation of the variance conditions, permanently affixed room numbers enable assigned hall officers to record information in the column entitled “Room #” in the Overnight Response Logbook.

Unauthorized Use of Showers

- One (1) resident housed in Hall 1 and one (1) resident housed in Hall 3, were using the shower rather than the toilet. As indicated in previous audit reports, hall staff stated that residents sometimes use the showers instead of, or in addition to, the toilets when

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provided access to bathrooms during the overnight tour. Hall staff stated that they are unable to turn off the showers in the residents' bathrooms.

Red Lights over Room Doors

- In Hall 7, the red door indicator light located over one (1) room door would not turn on, preventing the resident from requesting access to the bathroom and/or drinking water by activating the indicator light. The room was occupied. Hall staff had submitted a work order on February 21, 2019.
- In Hall 10, the red door indicator light located over one (1) room door would not turn on, preventing the resident from requesting access to the bathroom and/or drinking water by activating the indicator light. The room was occupied. Hall staff had submitted a work order on February 4, 2019.

Overnight Response Logbooks – Manual Review

A portion of the audit was conducted through a manual review of the Overnight Response Logbooks located in the halls on the four (4) audit dates. Listed below are the audit findings based on a manual review of the Overnight Response Logbooks on each of the dates audited.

February 7th

On this audit date, in five (5) of the halls, Hall 1, Hall 2, Hall 4, Hall 5 and Hall 7, staff properly recorded all the required Overnight Response Logbook information, and based on these halls' logbooks, residents were consistently afforded access to the bathrooms and/or drinking water within five (5) minutes, in compliance with the variance conditions.

Incomplete Logbook Recording

Through the audit process, one incomplete logbook recording was noted in an Overnight Response Logbook. In Hall 8's logbook on one (1) occasion, the "Time Afforded," which represents the time the resident's request was granted, was not recorded.

While an Overnight Response Logbook was located in Hall 6 and Hall 9, no entries related to requests for access to bathrooms and/or drinking water were recorded on this audit date and, as a result, it could not be determined through a logbook review whether any resident requests for access to the bathrooms and/or drinking water were made in these halls. Entries related to the change of tour in Halls 6 and 9 were recorded in the logbooks on this audit date.

While not violations of the variance conditions, on one (1) occasion in Hall 8's logbook, the logbook entry did not record the "Staff Member/Shield #."

Access Afforded Exceeded Five (5) Minutes

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As part of the logbook review, the audit identified the number of requests for access to the bathroom and/or drinking water where the time in which the request was granted exceeded five (5) minutes. On this audit date, based on a review of Hall 3's Overnight Response Logbook, on one (1) occasion the granting of the request for drinking water exceeded five (5) minutes and was granted in seven (7) minutes.

Total Logbook Entries

The following was the total number of logbook entries regarding access to bathrooms and/or drinking water recorded for each hall on this audit date:

Hall 1 – ten (10)
Hall 2 – five (5)
Hall 3 – three (3)
Hall 4 – nine (9)
Hall 5 – eight (8)
Hall 6 – no logbook entries
Hall 7 – four (4)
Hall 8 – ten (10)
Hall 9 – no logbook entries
Hall 10 – four (4)

February 12th

On this audit date, in four (4) of the halls, Hall 1, Hall 4, Hall 5 and Hall 8, staff properly recorded all the required Overnight Response Logbook information, and based on these halls' logbooks, residents were consistently afforded access to the bathrooms and/or drinking water within five (5) minutes in compliance with the variance conditions.

Incomplete Logbook Recording

Through the audit process, one incomplete logbook recording was noted in an Overnight Response Logbook. In Hall 7's logbook, on one (1) occasion, "knocking on door" or "knocked on door" was recorded instead of recording the "Light Indicator Time." As a result, it could not be determined whether access to the bathrooms and/or drinking water was provided within five (5) minutes on this occasion.

While an Overnight Response Logbook was located in Hall 6 and Hall 9, no entries related to requests for access to bathrooms and/or drinking water were recorded on this audit date and, as a result, it could not be determined through a logbook review whether any requests for access to the bathrooms and/or drinking water were made in these halls. Entries related to the change of tour in Halls 6 and 9 were recorded in the logbooks on this audit date.

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While not violations of the variance conditions, on one (1) occasion in Hall 2's logbook, the logbook entry did not record the "Staff Member/Shield #." In addition, on one (1) occasion in Hall 3's logbook, the logbook entry did not record the "Room #."

Access Afforded Exceeded Five (5) Minutes

As part of the logbook review, the audit identified the number of requests for access to the bathroom and/or drinking water where the time in which the request was granted exceeded five (5) minutes. On this audit date, based on a review of Hall 2's Overnight Response Logbook, on two (2) occasions the granting of requests for bathroom access and on one (1) occasion the granting of a request for drinking water exceeded five (5) minutes; all three (3) requests were granted in fifteen (15) minutes. In Hall 10's Overnight Response Logbook, on one (1) occasion the granting of the request for bathroom access exceeded five (5) minutes and was granted in eight (8) minutes. In Hall 10's Overnight Response Logbook, on two (2) occasions the granting of the requests for drinking water exceeded five (5) minutes; one was granted in seven (7) minutes and the other was granted in eight (8) minutes. In the above instances, due to incomplete logbook recordings, no entries were recorded in the "Remarks" column, therefore the circumstances that resulted in the delayed response times could not be determined.

Total Logbook Entries

The following was the total number of logbook entries regarding access to bathrooms and/or drinking water recorded for each hall on this audit date:

Hall 1 – ten (10)
Hall 2 – seven (7)
Hall 3 – two (2)
Hall 4 – eight (8)
Hall 5 – twelve (12)
Hall 6 – no logbook entries
Hall 7 – three (3)
Hall 8 – five (5)
Hall 9 – no logbook entries
Hall 10 – five (5)

February 18th

On this audit date, in seven (7) of the halls, Hall 1, Hall 4, Hall 5, Hall 7, Hall 8, Hall 9 and Hall 10, staff properly recorded all the required Overnight Response Logbook information, and based on these halls' logbook, residents were consistently afforded access to the bathrooms and/or drinking water within five (5) minutes, in compliance with the variance conditions.

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Incomplete Recordings and/or No Logbook Entry

Through the audit process, incomplete logbook recordings were noted in two (2) halls' Overnight Response Logbooks. In Hall 2's logbook, on one (1) occasion the "Time Afforded," which represents the time the resident's request was granted, was not recorded. In Hall 3's logbook, on three (3) occasions the "Light Indicator Time," which represents the time the resident made the request, was not recorded.

While an Overnight Response Logbook was located in Hall 6, no entries related to requests for access to bathrooms and/or drinking water were recorded on this audit date and, as a result, it could not be determined through a logbook review whether any requests for access to the bathrooms and/or drinking water were made in this hall. An entry related to the change of tour in Hall 6 was recorded in the logbook on this audit date.

Access Afforded Exceeded Five (5) Minutes

On this audit date, based on a review of the halls' Overnight Response Logbooks, all residents were afforded access to the bathroom and/or drinking water within five (5) minutes of their requests, in compliance with the variance conditions.

Total Logbook Entries

The following was the total number of logbook entries regarding access to bathrooms and/or drinking water recorded for each hall on this audit date:

Hall 1 – four (4)
Hall 2 – five (5)
Hall 3 – three (3)
Hall 4 – eight (8)
Hall 5 – ten (10)
Hall 6 – no logbook entries
Hall 7 – four (4)
Hall 8 – ten (10)
Hall 9 – one (1)
Hall 10 – four (4)

February 27th

On this audit date, in five (5) of the halls, Hall 2, Hall 4, Hall 5, Hall 7 and Hall 8, staff properly recorded all the Overnight Response Logbook information, and based on these halls' logbooks, residents were consistently afforded access to the bathrooms and/or drinking water within five (5) minutes, in compliance with the variance conditions.

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Incomplete Logbook Recording and/or No Logbook Entry

While an Overnight Response Logbook was located in Hall 6, no entries related to requests for access to bathrooms and/or drinking water were recorded on this audit date and, as a result, it could not be determined through a logbook review whether any requests for access to the bathrooms and/or drinking water were made in this hall. An entry related to the change of tour in Hall 6 was recorded in the logbook on this audit date.

While not violations of the variance conditions, on one (1) occasion in Hall 1's logbook, the logbook entry did not record the "Staff Member/Shield #," and on six (6) occasions the logbook entries did not record the "Date." On one (1) occasion in Hall 9's logbook, the logbook entry did not record the "Date," and on one (1) occasion the logbook entry did not record the "Room #." In addition, on three (3) occasions in Hall 10's logbook, the logbook entries did not record the "Date."

Access Afforded Exceeded Five (5) Minutes

As part of the logbook review, the audit identified one request for access to the bathroom and/or drinking water where the time in which the request was granted exceeded five (5) minutes. On this audit date, based on a review of Hall 3's Overnight Response Logbook, on one (1) occasion the granting of the request for bathroom access exceeded five (5) minutes and was granted in eight (8) minutes.

Total Logbook Entries

The following was the total number of logbook entries regarding access to bathrooms and/or drinking water recorded for each hall on this audit date:

Hall 1 – six (6)
Hall 2 – seven (7)
Hall 3 – five (5)
Hall 4 – eight (8)
Hall 5 – eight (8)
Hall 6 – no logbook entries
Hall 7 – nine (9)
Hall 8 – twelve (12)
Hall 9 – three (3)
Hall 10 – nine (9)

Room Confinement Findings

Based on a review of the Room Confinement Authorization and Termination Forms prepared in February 2019, one (1) resident was placed in room confinement during one (1) of the four (4)

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randomly selected audit dates. This resident was placed in room confinement on February 12, 2019 in Hall 5. The Room Confinement Logbook for Hall 5 records that this resident was placed in room confinement but is not designed to record information pertaining to requests made by residents to access the bathroom or drinking water. The Overnight Response Logbook in Hall 5 was also reviewed, although this logbook did not contain entries that corresponded to the hours during which the resident was in room confinement on this audit date. Programs Memorandum 05/18R, entitled “Overnight Response Logbook”, states the following regarding room confinement:

During the 2100x0500 lock-in period, staff shall indicate resident bathroom/water requests in the Overnight Response Logbook. All required columns must be completed. During any period of room confinement, staff will also utilize the Overnight Response Logbook to record the resident’s request for bathroom/water. (Emphasis added.)

Based on existing documentation, it could not be determined whether the resident in room confinement requested access to the bathroom or drinking water. Programs Memorandum 05/18R does not require staff to make an entry in the Overnight Response Logbook when a resident is placed in room confinement, or subsequently record if no requests for bathroom/drinking water were made.

Audit Recommendations

The facility administration should implement the following corrective actions:

Availability of updated Programs Memorandum 05/18R

- Supervisory staff should verify daily on each tour that the updated Programs Memorandum 05/18R dated December 21, 2018, governing the use of the Overnight Response Logbook, is on post on each housing area hall for the Officers’ instruction and reference.

Preventing Unauthorized Use of Showers

- The facility administration shall determine whether the water to the showers in the hall bathrooms can be shut off during the overnight tour to prevent residents’ unauthorized use of the showers during this period.

Repairing Red Lights over Room Doors

- The facility administration should determine through regular inspections whether the red lights over each resident room in all halls are operating properly, and where

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inoperable, should initiate corrective action to effect the necessary repairs in a timely manner.

Properly Recording the Time of a Resident's Request in the Logbook

- The facility administration should continue to train staff that the word “knock” is not an appropriate form of documentation and should not be substituted for recording the “time” that the inmate requested access to the bathroom and/or drinking water. Staff can record “knock” under the “Light Indicator Time,” but must also record the time that the resident made his request for bathroom and/or drinking water access known to staff, whether the resident activated the light indicator or knocked on his/her room door.

Documenting Complete and Accurate Records in the Overnight Response Logbooks

- The facility administration should continue to train staff to consistently and properly record the times in the Overnight Response Logbook in the columns entitled “Light Indicator Time” and “Time Afforded.” In addition, the facility administration should direct supervisors to verify daily that facility staff is properly completing the above referenced columns.
- The facility administration should continue to train staff to consistently record in the “Remarks” section of the Overnight Response Logbook the reasons for exceeding five (5) minutes to grant residents access to bathrooms and/or drinking water. In addition, the facility administration should direct supervisors to verify daily that facility staff is properly completing the “Remarks” column.
- Supervisory staff should check daily that hall staff make a logbook entry whenever no residents request access to bathrooms and/or drinking water during any particular overnight period. Based on the findings in this audit, supervisors should particularly focus these daily checks in Halls 6 and 9, where no entries regarding residents' requests for bathroom or drinking water access were made during the overnight tour on certain days.

Properly Maintaining Overnight Response Logbooks

- The facility administration should inspect the Overnight Response Logbooks in each hall, and replace and archive those logbooks that are damaged e.g., detached covers, broken spines, etc.

Amending Programs Memorandum 05/18R regarding Room Confinement

- The facility administration should amend Programs Memorandum 05/18R, governing the use of the Overnight Response Logbook and the Room Confinement Logbook, as well as any other policies and procedures dictating the documentation of the provision

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of access to bathrooms/drinking water, to add the following new text printed in bold and italics:

- During the 2100x0500 lock-in period, staff shall indicate resident bathroom/water requests in the Overnight Response Logbook. All required columns must be completed. During any period of room confinement, staff will also utilize the Overnight Response Logbook to record the resident's request for bathroom/water.
- Staff must also make a notation in the Overnight Response Logbook whenever an inmate in the Hall is placed in room confinement, regardless of the time of day. If a resident in room confinement does not request bathroom or water access for the duration of his or her room confinement, staff shall make a notation to that effect in the Overnight Response Logbook.