

Background & Audit Process

Minimum Standard 5-04(k)¹ requires the Department of Correction (DOC) to implement a policy and practice of having intermediate-level or high-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. The Standards further require that rounds be conducted during night shifts as well as day shifts and at unpredictable and varied times.

While the Standards require the Department issue a written Directive to staff regarding this requirement, the current DOC PREA Directive 5011 does not include a policy on unannounced rounds.² Instead DOC Teletype Order No: HQ-00343-0 requires captains to make tours of their assigned areas at random times and unannounced to any staff.³ Captains are required to conduct a PREA unannounced round at least once per tour and to document their “PREA Unannounced Rounds/Walk Through” in all post logbooks. The Teletype notes that “Every supervisor should be looking to see that no cell doors are covered, and secluded places such as closets, storage areas, utility areas, etc. are clear of any inmates being sexually assaulted or harassed and no other activity is going on that would cause a safety issue, sexual or otherwise.”⁴

To monitor compliance with the above standards and policy, Board staff audited one week of logbook entries for two housing areas (one dorm unit and one cell unit) at each of the following six facilities: AMKC, RMSC, GRVC, BKDC, RNDC, EMTC. A total of 12 housing areas were audited. Board staff also reviewed video footage (Genetec) at times corresponding to logbook entries of unannounced rounds to determine whether they were occurring as documented and to observe the activities occurring during PREA rounds.

Findings

- DOC logbook entries indicate that unannounced PREA rounds are being conducted by DOC supervisory staff and are taking place during night and day shifts as required by the Minimum Standards.

¹ N.Y.C. BOARD OF CORRECTION, ELIMINATION OF SEXUAL ABUSE AND SEXUAL HARASSMENT IN CORRECTIONAL FACILITIES, § 5-04(k) (Jan. 2, 2017), (*The Department shall implement a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. Such rounds shall be conducted during night shifts as well as day shifts. Rounds shall be conducted at unpredictable and varied times. The Department shall have a policy to prohibit staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility. The Department shall issue a written directive to staff regarding these monitoring rounds and provide this directive to the Board.*).

² N.Y.C. DEPARTMENT OF CORRECTION, DIRECTIVE NO. 5011, ELIMINATION OF SEXUAL ABUSE AND SEXUAL HARASSMENT (MAY 2, 2016).

³ N.Y.C. DEPARTMENT OF CORRECTION, TELETYPE ORDER HQ-00343-0 (Feb. 2, 2016).

⁴ TELETYPE ORDER HQ-00343-0 on PREA Unannounced Rounds also requires PREA Compliance Managers to check logbook entries every two weeks to ensure they are happening on all three shifts and to document their logbook checks. This DOC policy requirement was beyond the scope of this audit.

- Most of the 226 unannounced PREA rounds (71%, n=161) found in logbook entries occurred at unpredictable⁵ times as required by the Minimum Standards.
- Thirty-four percent (34%, n=86) of shifts reviewed during the audit period (N=252) did not have at least one unannounced PREA round, a requirement under DOC policy.
- Unannounced PREA rounds observed by Board staff on video took an average of 7 minutes to complete, ranging from a minimum of 1 minute to a maximum of 32 minutes.⁶
- Thirty eight percent (38%, n=14) of the 37 unannounced PREA rounds recorded in logbooks and reviewed by BOC staff on video did not actually occur. For 12 video reviews, Board staff observed officers signing the logbook and leaving the unit, and in two reviews, DOC staff signed logbooks and talked to officers on the unit without rounding or completing appropriate checks.

Recommendations for DOC

- Ensure updated PREA Directive includes a policy on unannounced PREA rounds as required by Minimum Standards.
- Develop and implement regular internal audits to ensure unannounced PREA rounds are conducted and are conducted at unpredictable times. This auditing process should involve reviewing logbooks as well as video footage.
- Review audit findings to inform policy and practice and to identify where intervention or corrective action is needed and regularly share findings from audits with the Board of Correction.

Housing Areas Audited

Of the twelve housing areas: five were protective custody (PC) units, six were general population (GP) units, and one was a Program to Accelerate Clinical Effectiveness (PACE) unit. To complete the audit, Board staff copied and reviewed the A post logbooks for all housing areas for a one-week period between February 25, 2019 and March 15, 2019. Board staff also reviewed Genetec at times corresponding to logbook entries of unannounced PREA rounds to determine whether rounds occurred as recorded and to observe the activities during rounds.

⁵ Board staff determined tours were “predictable” if they occurred within the same one-hour period on a given tour for 3 or more days during the week-long review period.

⁶ BOC staff recorded start and end time of Genetec observation in 30 reviews.

Table 1.

Units Observed for PREA Unannounced Rounds		
Facility	Housing Unit	Housing Type
AMKC	Lower 2	Protective Custody (PC)
	MOD 17 Lower A	General Population (GP)
RMSC	5 South A	General Population (GP)
	Building 2	Protective Custody (PC)
GRVC	9 A	General Population (GP)
	17 B	Program to Accelerate Clinical Effectiveness (PACE)
BKDC	5 TH Floor Lower B	Protective Custody (PC)
	9 th Floor Lower B	General Population (GP)
RNDC	Building 5 Upper South	Protective Custody (PC)
	MOD 3 Upper North	General Population (GP)
EMTC	2 Upper	Protective Custody (PC)
	10 Lower	General Population (GP)

Logbook Review Findings

Logbook Entries for PREA Unannounced Rounds

DOC Teletype Order No: HQ-00343-0 instructs staff to record PREA Unannounced Rounds in all post logbooks by including the following statement: "PREA UNANNOUNCED ROUND/WALK THROUGH CONDUCTED."

Logbook Entries reviewed in the audit period consisted of some variation of the statement required by the DOC Teletype Order. Of the 226 PREA unannounced round logbook entries identified by BOC staff, 35 entries (15%) were illegible.⁷ Entries categorized by BOC staff as "illegible" meant staff could decipher the word PREA but were not able to determine who made the entry or read the other information recorded in the logbook.

Staff Conducting PREA Unannounced Rounds

DOC logbook entries indicate that unannounced PREA rounds are being conducted by DOC supervisory staff as required by the Minimum Standards. Captains completed 80% (n=181), Assistant Deputy Wardens completed 4% (n=9), and Wardens completed less than 1% (n=1).⁸ The remaining 15% (n=35) of logbook entries were illegible and therefore the level of staff completing the PREA unannounced round could not be determined.

⁷ 12 at RMSC, nine at BKDC, eight at EMTC, and six at AMKC.

⁸ During the Genetec reviews, Board staff observed one PREA Ambassador conducting a PREA reassessment.

Number of PREA Unannounced Rounds

Per DOC policy, each housing area should have documented at least 21 unscheduled PREA rounds (one per tour) in the weeklong period. Because two housing areas were audited at each facility, Board staff should have found documentation of at least 42 unscheduled PREA rounds per facility and a total of 252 rounds across all six facilities for the review period.

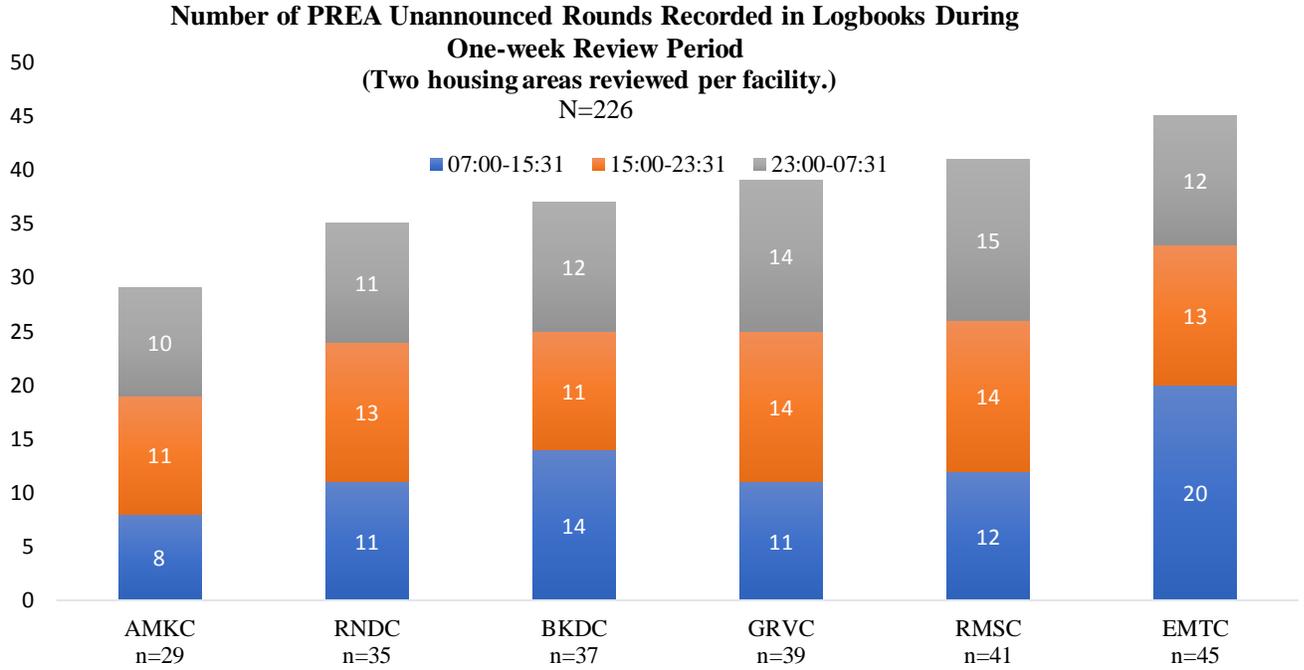
Board staff found a total of 226 Unannounced PREA rounds documented in the audit period with some units having multiple rounds within a given tour. Thirty-four percent (34%, n=86) of tours reviewed during the audit period (N=252) did not have at least one unannounced PREA round as required by DOC policy. AMKC was missing 76% (n=32) of its 42 required rounds (per DOC policy), GRVC was missing 40% (n=17), RNDC was missing 31% (n=13), RMSC was missing 21% (n=9), BKDC was missing 21% (n=9), and EMTC was missing 14% (n=6).

Timing of PREA Unannounced Tours

Based on the logbook entries reviewed for all units during the week, PREA Unannounced Rounds occurred during both day time and evening shifts, as required by Minimum Standards.

Thirty-four percent (34%, n=76) occurred on the 7:00 am to 15:31pm tour, 34% (n=76) occurred on the 15:00 pm -23:31pm tour, and 33% (n=74) occurred on the 23:00 pm-7:31am tour. Only two facilities had an average of three unannounced PREA rounds a day as required by DOC policy: EMTC and RMSC. RNDC and BKDC had an average of 2.5 rounds a day and GRVC and AMKC had an average of 2 Unannounced PREA rounds per day.

Table 2.

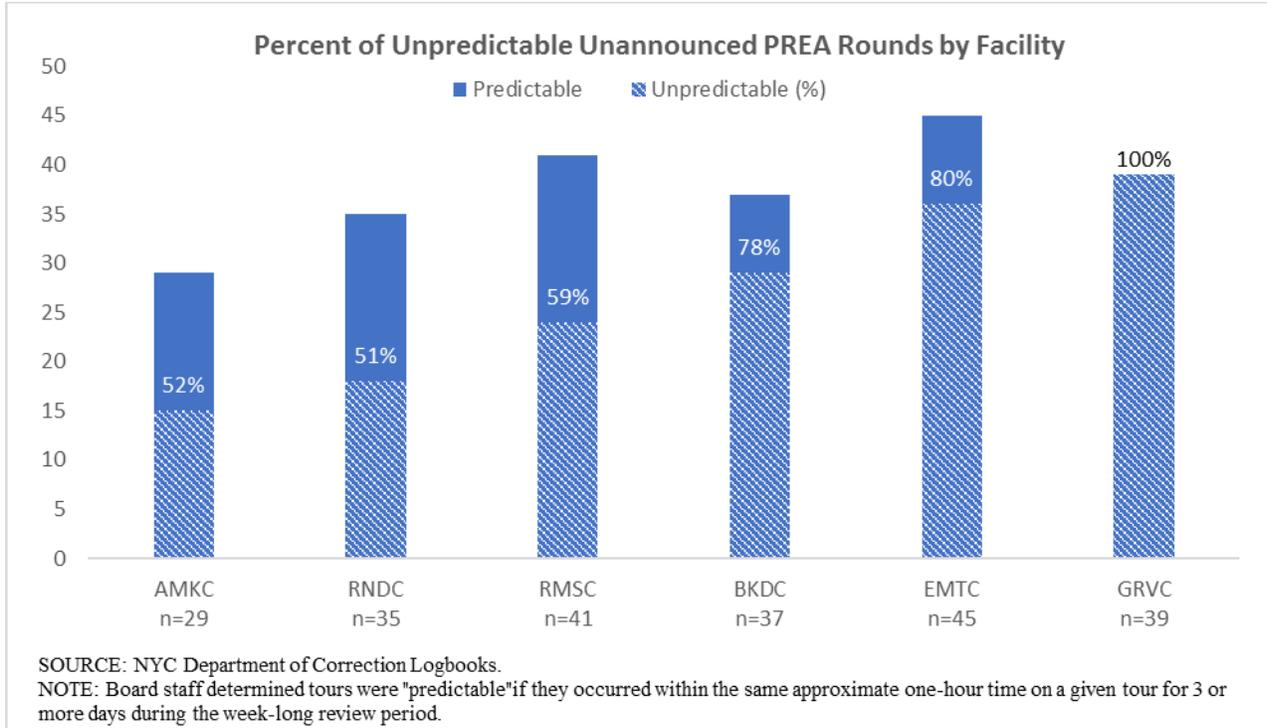


SOURCE: NYC Department of Correction Logbooks.

NOTE: Numbers based on one week review occurring between February 25th and March 15th.

Seventy- one percent (71%, n=161) of the 226 unannounced PREA rounds Board staff found recorded in logbook entries were conducted at unpredictable times, as required by the Minimum Standards. Twenty-nine percent (29%, n=65) occurred at predictable times. Board staff determined tours were “predictable” if they occurred within the same one-hour period on a given tour for 3 or more days during the week-long review period.

Table 3.



Video (Genetec) Review Findings

Each Genetec review conducted by Board staff involved: 1) determining whether rounds occurred as recorded; 2) determining the length of rounds; and 3) observing the activities during PREA rounds. Video reviews allowed Board staff to observe whether, per DOC policy, staff looked to see whether cell doors were covered, and secluded places such as closets, storage areas, utility areas, etc. were clear and that no activity was going on that would cause a safety issue, sexual or otherwise.

Board staff attempted to review Genetec video footage for 41 unannounced PREA round logbook entries: 11 at RMSC, seven at GRVC, seven at RNDC, six at AMKC, four at BKDC, and four at EMTC. Four of the reviews had faulty video or footage that was not available. Unannounced PREA rounds observed on Genetec took an average of 7 minutes to complete, ranging from a minimum of 1 minute to a maximum of 32 minutes.⁹

Thirty eight percent (38%, n=14) of the 37 unannounced PREA rounds recorded in logbooks and reviewed by BOC staff on video did not actually occur. For 12 video reviews, Board staff observed officers signing the logbook and leaving the unit, and in two reviews, DOC staff signed logbooks and talked to officers on the unit without rounding or completing appropriate checks.

⁹ BOC staff recorded start and end time of Genetec observation in 30 reviews.

Sixty-two percent (62%, n=23) of the 37 unannounced PREA rounds recorded in logbooks and reviewed by BOC staff on video occurred in accordance with DOC policy,¹⁰ meaning DOC staff walked in the unit and appeared to have completed required checks.

In most instances of compliance, DOC staff spoke with incarcerated persons, checked cell doors, bathrooms, and dayrooms. During one round, BOC staff observed a captain entering the housing unit with other officers, reviewing logbook entries, writing in area logbooks, walking the tier utilizing a flashlight, moving from cell to cell, pulling back sheets hanging in front of cell gates, speaking with incarcerated persons, and flashing light into cells to observe occupants inside. In another, Board staff observed a Captain inspecting all cells and discovering that one cell was empty. An individual was then found occupying the cell of another person in custody and the Captain returned the person to his cell.

¹⁰ N.Y.C. DEPARTMENT OF CORRECTION, TELETYPE ORDER HQ-00343-0 (Feb. 2, 2016).