

NYC Department of Correction Horizon Juvenile Center Dry Cells Audit Report – January 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 five (5) randomly selected dates, one (1) day for each week, during the month of January 2019:

- January 1st
- January 6th
- January 18th
- January 23rd
- January 28th

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

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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number, light indicator time, time request was granted, and uniform staff information. To 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 9pm 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 9pm to 5am, 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 January 31, 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

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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reflected the times taken to provide residents access to the bathrooms and/or drinking water; and

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

Audit Findings

Site Visit Observations

On January 31, 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 – eleven (11) residents
Hall 2 – six (6) residents
Hall 3 – three (3) residents
Hall 4 – seven (7) residents
Hall 5 – six (6) residents
Hall 6 – one (1) resident
Hall 7 – nine (9) residents
Hall 8 – nine (9) residents
Hall 9 – three (3) residents
Hall 10 – nine (9) 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 the 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 not posted or available in Hall 2.
- The “Notice to Residents” poster, notifying residents of the procedures for access to bathrooms and drinking water during lock-in, was posted in the remaining halls: Hall 1, Hall 3, Hall 4, Hall 5, Hall 6, Hall 7, Hall 8, Hall 9 and Hall 10.

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Programs Memorandum entitled “Overnight Response Logbook”

- All halls had the updated Programs Memorandum entitled “Overnight Response Logbook.” In each hall, the memorandum was affixed to the back cover of the Overnight Response Logbook. However, in Hall 4, the back cover of the logbook was fully detached from the logbook.

Use of Overnight Response Logbook

- During the site visit, the following observations and concerns were noted:
 - Although all halls had an Overnight Response Logbook, the front and back cover, as well as the spine of the logbook, were detached in Hall 4.
 - In Hall 1, resident room 2 was not properly labeled. Its room number was written with chalk, and was not permanently numbered like the other rooms in the hall. Permanently affixed room numbers are needed because assigned hall officers must be able to record information in the column entitled “Room #” in the Overnight Response Logbook.

Unauthorized Use of Showers

- One (1) resident housed in Hall 2 and one (1) resident housed in Hall 10, were using the shower rather than the toilet. As indicated in last month’s audit report, hall staff stated that residents sometimes use the showers instead of, or in addition to, the toilets when provided access to bathrooms during the overnight tour. Hall staff stated that they are unable to turn off the showers in the resident’s bathrooms.

Red Lights over Room Doors

- 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 January 13, 2019.

Overnight Response Logbooks – Manual Review

Part of the audit was conducted through a manual review of the Overnight Response Logbooks located in the halls on the five (5) audit dates. Listed below are the audit findings based on a manual review of the Overnight Response Logbooks on each of the dates audited.

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January 1st

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 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, incomplete logbook recordings were noted in five (5) halls' Overnight Response Logbooks. In Hall 3's logbook, on one (1) occasion, in Hall 6's logbook, on three (3) occasions, in Hall 9's logbook, on six (6) occasions, and in Hall 10's logbook, on one (1) occasion, the "Light Indicator Time," which represents the time the resident made the request, was not recorded in the logbook. In the case of Hall 3 and Hall 9, the word "knock" was recorded instead of the "Light Indicator Time" in the logbook on each occasion indicated above. In the case of Hall 10, staff recorded a "check mark" instead of the "Light Indicator Time" in the logbook on one occasion. In the case of Hall 6, the "Light Indicator Time" was left blank in the logbook on all three occasions. In Hall 1's logbook, on two (2) occasions, the "Time Afforded," which represents the time the resident's request was granted, was not recorded. On one of these two (2) occasions staff recorded "refused" in "Time Afforded," and on the other occasion "Time Afforded" was left blank. As a result, it could not be determined for the above occasions whether the residents' requests for bathroom access and drinking water were met within five (5) minutes.

While not violations of the variance conditions, on one (1) occasion in Hall 3's logbook, the logbook entry did not record the "Book and Case #," and on one (1) occasion in Hall 9's logbook, the logbook entry did not record the "Staff Member/Shield #."

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 for which the time in which the request was granted exceeded five (5) minutes. On this audit date, based on a review of Hall 1'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. In 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 twenty (20) 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 twenty (20) minutes. On the above occasions, 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.

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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 – twelve (12)
Hall 2 – two (2)
Hall 3 – four (4)
Hall 4 – eight (8)
Hall 5 – thirteen (13)
Hall 6 – three (3)
Hall 7 – six (6)
Hall 8 – thirteen (13)
Hall 9 – six (6)
Hall 10 – three (3)

January 6th

On this audit date, in seven (7) of the halls, Hall 2, Hall 3, Hall 4, Hall 5, Hall 6, Hall 8 and Hall 10, staff properly recorded all the required Overnight Response Logbook information, and based on these halls' logbooks, residents were consistently granted 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, incomplete logbook recordings were noted in a number of halls' Overnight Response Logbooks. In Hall 1's logbook, on three (3) occasions, in Hall 7's logbook, on seven (7) occasions, and in Hall 9's logbook, on five (5) occasions, the "Light Indicator Time," which represents the time the resident made the request, was not recorded. In the case of Hall 1, on three (3) occasions, and in Hall 9, on five (5) occasions, "knock" was recorded instead of the "Light Indicator Time" in the logbook. In the case of Hall 7, on seven (7) occasions, "knocking on door or knocked on door" was recorded instead of the "Light Indicator Time" in the logbook. As a result, it could not be determined whether access to the bathrooms and/or drinking water was provided within five (5) minutes on the above occasions.

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 1's Overnight Response Logbook, on two (2) occasions the granting of requests for bathroom access exceeded five (5) minutes – one was granted in six (6) and one was granted eight (8) minutes. In Hall 9's Overnight Response Logbook, on one (1) occasion the granting of the request for bathroom access

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exceeded five (5) minutes and was granted in twenty-two (22) 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 – nine (9)
Hall 2 – twelve (12)
Hall 3 – two (2)
Hall 4 – six (6)
Hall 5 – six (6)
Hall 6 – one (1)
Hall 7 – seven (7)
Hall 8 – six (6)
Hall 9 – ten (10)
Hall 10 – eight (8)

January 18th

On this audit date, in four (4) of the halls, Hall 2, Hall 3, Hall 5, and Hall 10, staff properly recorded all the required Overnight Response Logbook information, and based on these halls’ logbook, residents were consistently granted access to the bathrooms and/or drinking water within five (5) minutes, in compliance with the variance conditions.

Incomplete Recordings and/or No Logbook Entry

Through the audit process, incomplete logbook recordings were noted in a number of halls’ Overnight Response Logbooks. In Hall 1’s logbook, on two (2) occasions, in Hall 6’s logbook, on two (2) occasions, and in Hall 9’s logbook, on one (1) occasion, the “Light Indicator Time,” which represents the time the resident made the request, was not recorded. In the case of Hall 1, on two (2) occasions, “None” was recorded instead of “Light Indicator Time” in the logbook. In the case of Hall 6, on two (2) occasions, “No” was recorded instead of “Light Indicator Time” in the logbook. In the case of Hall 9, on one (1) occasion, “knock” was recorded instead of “Light Indicator Time” in the logbook. As a result, it could not be determined for the above occasions whether access to the bathrooms and/or drinking water were provided within five (5) minutes.

While not violations of the variance conditions, in Hall 4’s logbook, on two (2) occasions, the logbook entry did not record the “Date,” and on four (4) occasions, the logbook entry did not record the “Room #.” In Hall 8’s logbook, on one (1) occasion, the logbook entry did not record

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the “Book and Case #.” In addition, in Hall 8’s logbook, the names and/or initials of supervisors, which document their reviews of the officer’s logbook entries, were not recorded. Lastly, in Hall 7’s logbook, the names and/or initials of supervisors, which document their reviews of the officer’s logbook entries, were not recorded.

Access Afforded Exceeded Five (5) Minutes

As part of the logbook review, the audit identified the number of requests for access to the bathrooms 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 9’s Overnight Response Logbook, on one (1) occasion the granting of the request for bathroom access exceeded five (5) minutes, and was granted in twenty-two (22) minutes. For this request, in the “Remarks” column of the logbook, “Resident Out” was recorded, denoting that another resident was using the bathroom and/or accessing drinking water at the time the request was made.

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 – eight (8)
Hall 3 – four (4)
Hall 4 – six (6)
Hall 5 – four (4)
Hall 6 – two (2)
Hall 7 – four (4)
Hall 8 – five (5)
Hall 9 – seven (7)
Hall 10 – seven (7)

January 23rd

On this audit date, in five (5) of the halls, Hall 2, Hall 4, Hall 8, Hall 9 and Hall 10, staff properly recorded all the Overnight Response Logbook information, and based on these hall logbooks, residents were afforded access to the bathrooms and/or drinking water within five (5) minutes, in compliance with the variance conditions.

Incomplete Logbook Recording and/or No Logbook Entry

Through the audit process, incomplete logbook recordings were noted in a number of halls’ Overnight Response Logbooks. In Hall 3’s logbook, on two (2) occasions, and in Hall 6’s logbook, on four (4) occasions, the “Light Indicator Time,” which represents the time the

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resident made the request, was not recorded. In the case of Hall 3, on two (2) occasions, “knock” was recorded instead of “Light Indicator Time” in the logbook. As a result, it could not be determined for the above occasions whether access to the bathrooms and/or drinking water were provided within five (5) minutes.

While not violations of the variance conditions, in Hall 1’s logbook, on one (1) occasion, the logbook entry did not record the “Date.” In Hall 3’s logbook, on two (2) occasions, the logbook entry did not record the “Staff Member/Shield #.” In addition, in Hall 7’s logbook, on one (1) occasion, the logbook entry did not record the “Date.”

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 5’s Overnight Response Logbook, on four (4) occasions the granting of requests for bathroom access exceeded five (5) minutes and were granted in nine (9), ten (10), thirteen (13) and thirty-nine (39) minutes. In addition, in Hall 5’s logbook, on one (1) occasion the granting of the request for bathroom and drinking water access exceeded five (5) minutes and was granted in thirty-three (33) minutes. For each of these requests, “Delay due to other resident out” was recorded in the “Time Afforded” section of the logbook.

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 – sixteen (16)
Hall 2 – four (4)
Hall 3 – seven (7)
Hall 4 – three (3)
Hall 5 – seven (7)
Hall 6 – five (5)
Hall 7 – one (1)
Hall 8 – eight (8)
Hall 9 – four (4)
Hall 10 – six (6)

January 28th

On this audit date, in six (6) of the halls, Hall 1, Hall 2, Hall 3, Hall 8, Hall 9 and Hall 10, staff properly recorded all the Overnight Response Logbook information, and based on these hall

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logbooks, residents were afforded access to the bathrooms and/or drinking water within five (5) minutes, in compliance with the variance conditions.

Incomplete Logbook Recording and/or No Logbook Entry

While not violations of the variance conditions, in Hall 7's logbook, on one (1) occasion, the logbook entry did not record the "Date" and on two (2) occasions, the logbook entry did not record the "Room #."

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 resident requested access to the bathrooms and/or drinking water in this hall. Entries related to change of tour were not recorded in the logbook on this audit date.

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 4's Overnight Response Logbook, on one (1) occasion the granting of the request for bathroom access exceeded five (5) minutes and was granted in ten (10) minutes. In addition, in Hall 5's logbook, on four (4) occasions the granting of the requests for bathroom and drinking water access exceeded five (5) minutes and were granted in ten (10), twelve (12), thirty-one (31) and fifty-four (54) minutes. In the case of Hall 5, for each of these requests, "Delay due to one resident out" was recorded in the "Time Afforded" section of the logbook. In addition, on one (1) occasion, a logbook entry in Hall 5's logbook recorded that a resident's request for bathroom and water access could not be granted because the "Resident fell asleep."

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 – twelve (12)
Hall 2 – nine (9)
Hall 3 – one (1)
Hall 4 – one (1)
Hall 5 – twelve (12)
Hall 6 – zero (0)
Hall 7 – six (6)
Hall 8 – five (5)
Hall 9 – five (5)

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Hall 10 – thirteen (13)

Special Note Regarding Review of Room Confinement

Auditors are in the process of developing an audit methodology for effectively assessing whether residents in room confinement during lock out periods are being granted access to bathrooms and drinking water within five (5) minutes of their request. The methodology is expected to be finalized and implemented for the February 2019 audit.

On the randomly sampled audit dates, no residents had been placed in room confinement. As a result, this audit report does not address room confinement since room confinement was not a factor on the dates audited.

Audit Recommendations

The facility administration should implement the following corrective actions:

Posting of Notices to Residents

- To ensure the posting of the notice related to the variance conditions, the facility shall direct supervisory staff assigned to the halls to verify daily that the required “Notice to Residents” posters are posted in each hall, or have been issued to each resident.
- If a hall has been identified as not having the notice posted, or its residents were not issued copies of the notice, the facility administration should ensure that the notice is posted in a timely manner, or that copies of the notice are issued to residents.

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 shall determine through regular inspections whether the red lights over each resident room in all halls are operating properly, and where inoperable, shall initiate corrective action to effect the necessary repairs in a timely manner.

Documenting Complete and Accurate Records in the Overnight Response Logbooks

- The facility administration shall train staff to consistently and properly record the times in the Overnight Response Logbook in the columns entitled “Light Indicator Time” and

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“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 shall 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 shall verify daily that hall staff make a logbook entry whenever no residents request access to bathrooms and/or drinking water during any particular overnight period.
- Supervisory staff shall verify daily that hall staff make logbook entries to record the dates and the changes of tour.
- Supervisory staff shall consistently record daily their supervisory reviews of the Overnight Response Logbooks in the column entitled “Supervisor’s Initials.” When deficiencies in logbook entries are noted, supervisors are to implement corrective action to address and rectify these deficiencies in a timely manner.

Properly Maintaining Overnight Response Logbooks

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