

NYC Department of Correction

Horizon Juvenile Center Dry Cells Audit Report – May 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 (2) 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 Parameters

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 May 2019:

- May 4th
- May 13th
- May 19th
- May 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 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 documents 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 5 am, absent extenuating circumstances. In addition, the audit reviewed the room confinement records in Horizon to determine whether residents in room confinement were granted access to bathroom and drinking water within five (5) minutes of their requests.

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 May 29, 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

When room confinement occurs during any of the four selected audit dates, the audit includes an 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 requests. This component of the audit involves 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 on any of the four (4) randomly selected audit dates. In May 2019, no residents were placed in room confinement on any of the four (4) audit dates. If any resident was placed in room confinement, the Room Confinement Logbook, which is used to document observations and staff visitation to residents in room confinement, and the Overnight Response Logbook, are reviewed for the hall in which the residents were detained while on room confinement. The purpose of this review is to determine whether staff recorded information regarding any requests made by the residents to access the bathrooms and/or drinking water, and the amount of time taken to grant such requests. The purpose of the audit in cases of room confinement is also to assess whether staff accurately, clearly, and completely recorded information needed to audit the facility's compliance with the variance conditions.

Audit Findings

Site Visit Observations

On May 29, 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 – seven (7) residents

Hall 2 – seven (7) residents

Hall 3 – Closed

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 4 – six (6) residents
Hall 5 – ten (10) residents
Hall 6 – Closed
Hall 7 – five (5) residents
Hall 8 – five (5) residents
Hall 9 – five (5) residents
Hall 10 – three (3) 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 not posted in Hall 1, but was posted in the remaining halls.

Programs Memorandum entitled “Overnight Response Logbook”

- An outdated Programs Memorandum entitled “Overnight Response Logbook,” dated October 18, 2018, was attached to the Overnight Response Logbook in Hall 2. The most up-to-date Programs Memorandum is dated December 21, 2018.
- No Programs Memorandum was present in Hall 1.
- The updated Programs Memorandum, entitled “Overnight Response Logbook,” dated December 21, 2018, was posted in the remaining halls: Hall 4, Hall 5, Hall 7, Hall 8, Hall 9 and Hall 10.

Room Labels

- All resident rooms were properly labeled in each hall.

Unauthorized Use of Showers

- One (1) resident housed in Hall 4, was using the shower rather than the toilet. The resident in Hall 4 using the shower was not recorded in the Overnight Response

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Logbook. Hall 4 staff informed audit staff that this resident requested to use the bathroom.⁵

Red Lights over Room Doors

- The red light indicator for one (1) room in Hall 10 would not turn off. A work order was submitted on May 25, 2019.
- The red lights were operable in the remaining halls.

Overnight Response Logbook in Hall

- All halls had an Overnight Response Logbook.

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.

May 4th

On this audit date, in six (6) of the halls⁶, Hall 3, Hall 4, Hall 7, Hall 8, Hall 9 and Hall 10, 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, Inaccurate, or Indeterminate Logbook Recordings

Through the audit process, six (6) incomplete logbook recording were noted in an Overnight Response Logbook. In Hall 1's logbook, on six (6) occasions, "Knock" was recorded instead of recording the "Light Indicator Time." As a result, it could not be determined whether access to the bathroom and/or drinking water was provided within five (5) minutes on these occasions.

While not violations of the variance conditions, on two (2) occasions in Hall 5's logbook, the logbook entry did not record the "Date."

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

⁵ As indicated in previous audit reports, residents sometimes use showers instead of, or in addition to, the toilets when provided access to bathrooms during the overnight tour. Hall staff are unable to turn off the showers in the residents' bathrooms.

⁶ Hall 2 was closed on May 4th, therefore, no logbook entries were made in the Overnight Response Logbook on this audit date.

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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 bathrooms 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 – seven (7)
Hall 2 – No logbook entries⁶
Hall 3 – six (6)
Hall 4 – four (4)
Hall 5 – five (5)
Hall 6 – No logbook entries
Hall 7 – four (4)
Hall 8 – fifteen (15)
Hall 9 – three (3)
Hall 10 – five (5)

May 13th

On this audit date, in eight (8) of the halls⁷, Hall 1, Hall 3, Hall 4, Hall 5, Hall 6, Hall 7, Hall 8, and Hall 10, 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, Inaccurate, or Indeterminate Logbook Recordings

While not violations of the variance conditions, on one (1) occasion in Hall 9's logbook, the logbook entry did not record the "Date" and "Room #."

⁷ Hall 2 was closed on May 13th, therefore, no logbook entries were made in the Overnight Response Logbook on this audit date.

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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 bathrooms 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 – five (5)
Hall 2 – No logbook entries⁷
Hall 3 – eleven (11)
Hall 4 – eight (8)
Hall 5 – four (4)
Hall 6 – four (4)
Hall 7 – two (2)
Hall 8 – eight (8)
Hall 9 – two (2)
Hall 10 – seven (7)

May 19th

On this audit date, in six (6) of the halls⁸, 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' logbooks, residents were consistently afforded access to the bathrooms and/or drinking water within five (5) minutes, in compliance with the variance conditions.

Incomplete, Inaccurate, or Indeterminate Logbook Recordings

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.

⁸ Hall 1, Hall 2 and Hall 3 were closed on May 19th, therefore, no logbook entries were made in the Overnight Response Logbook on this audit date.

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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 bathrooms 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 – No logbook entries⁸
- Hall 2 – No logbook entries^{Error! Bookmark not defined.}
- Hall 3 – No logbook entries^{Error! Bookmark not defined.}
- Hall 4 – six (6)
- Hall 5 – twelve (12)
- Hall 6 – No logbook entries
- Hall 7 – six (6)
- Hall 8 – seven (7)
- Hall 9 – two (2)
- Hall 10 – five (5)

May 28th

On this audit date, in seven (7) of the halls⁹, Hall 1, Hall 4, Hall 5, Hall 7, Hall 8, Hall 9 and Hall 10, 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.

Incomplete, Inaccurate, or Indeterminate Logbook Recordings

Through the audit process, two (2) incomplete logbook recordings were noted in an Overnight Response Logbook. In Hall 2's logbook, on two (2) occasions, "Knock" was recorded instead of recording the "Light Indicator Time." As a result it could not be determined whether access to the bathroom and/or drinking water was provided within five (5) minutes on these occasions.

⁹ Hall 3 was closed on May 28th, therefore, no logbook entries were made in the Overnight Response Logbook on this audit date.

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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 bathrooms 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 – six (6)
Hall 3 – No logbook entries⁹
Hall 4 – seven (7)
Hall 5 – six (6)
Hall 6 – one (1)
Hall 7 – six (6)
Hall 8 – seven (7)
Hall 9 – three (3)
Hall 10 – six (6)

Room Confinement Findings

Based on a review of the Room Confinement Authorization and Termination Forms prepared in May 2019, no residents were placed in room confinement on any of the four (4) randomly selected audit dates.

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.

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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 in each housing area hall for the officers' instruction and reference.
- The facility administration shall ensure that an updated Programs Memorandum is available in Halls 1 and 2.

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.

Documenting Complete and Accurate Entries 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 and completely record all entries in the Overnight Response Logbook (e.g., Date, Room #, etc.).
- 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.

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, to include the following new text:
 - Staff must 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.¹⁰

¹⁰ The facility administration incorporated these changes in a memorandum entitled "Room Confinement Procedures" in the month of February 2019, but not in Programs Memorandum 05/18R, entitled "Overnight Response Logbook."