

NYC Department of Correction

Horizon Juvenile Center Dry Cells Audit Report – March 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 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 March 2019:

- March 3rd
- March 11th
- March 19th
- March 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 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 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 March 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

The audit included 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 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 March 2019 on any of the four (4) randomly selected audit dates. Residents were placed in room confinement on two (2) of the four (4) audit dates—eight (8) residents were placed in room confinement on March 11, 2019, and five (5) residents were placed in room confinement on March 19, 2019. 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 in which the residents were detained while on room confinement to ascertain 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 March 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 – eleven (11) residents

Hall 2 – three (3) residents

Hall 3 – four (4) 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 4 – six (6) residents
Hall 5 – four (4) residents
Hall 6 – five (5) residents
Hall 7 – six (6) residents
Hall 8 – seven (7) residents
Hall 9 – five (5) residents
Hall 10 – ten (10) 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,” dated October 18, 2018, was posted in Hall 2. The most up-to-date Programs Memorandum is dated December 21, 2018.
- The Programs Memorandum was not present in Hall 6. Also, in Hall 6 the Overnight Response Logbook was did not have a back cover.
- 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, excluding Hall 6, 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 spine of the logbook, although the memorandum remained attached to the detached back cover of the logbook.

Use of Overnight Response Logbook

During the site visit, the following observations were noted:

Room Labels

- All resident rooms were properly labeled in each hall.

Unauthorized Use of Showers

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- One (1) resident housed in Hall 1 and one (1) resident housed in Hall 3, were using the shower rather than the toilet. In the case of Hall 1, the resident using the shower was not recorded in the Overnight Response Logbook. In the case of Hall 3, however, the resident using the shower, was recorded in the Overnight Response Logbook; the entry indicated that the resident was afforded access to the bathroom and drinking water. As indicated in previous audit reports, 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 residents' bathrooms.

Red Lights over Room Doors

- The red lights were operable in each hall.

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.

March 3rd

On this audit date, in six (6) of the halls, Hall 3, Hall 4, Hall 5, Hall 6, Hall 7 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 Recording

Through the audit process, one (1) incomplete logbook recording was noted in an Overnight Response Logbook. 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.

While an Overnight Response Logbook was located in 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 Hall 9 were recorded in the logbooks on this audit date.

While not violations of the variance conditions, on seven (7) occasions in Hall 1's logbook, the logbook entry did not record the "Date."

Access Afforded Exceeded Five (5) Minutes

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On this audit date, based on a review of the hall's 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 – twelve (12)
Hall 2 – five (5)
Hall 3 – three (3)
Hall 4 – eight (8)
Hall 5 – eight (8)
Hall 6 – two (2)
Hall 7 – one (1)
Hall 8 – twelve (12)
Hall 9 – no logbook entries
Hall 10 – twelve (12)

March 11th

On this audit date, in six (6) of the halls, Hall 1, Hall 2, Hall 5, Hall 6, 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 Recording

In the case of Hall 4's Overnight Response Logbook, staff recorded "2100" for "Light Indicator Time" and recorded "2101" under "Time Afforded" for bathroom access for three (3) residents on the same date, at the same time. Department policy dictates that only one (1) resident is permitted to access the bathroom and/or drinking water at a time. No entries were recorded under the "Remarks" column and no comments were recorded by a supervisor for these three (3) entries.

Through the audit process, one (1) incomplete logbook recording was noted in an Overnight Response Logbook. In Hall 7's logbook, on three (3) occasions, the "Light Indicator Time," which represents the time the resident made the request, was not recorded. As a result, it could not be determined whether access to the bathrooms and/or drinking water was provided within five (5) minutes on these occasions.

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While not violations of the variance conditions, on one (1) occasion in Hall 3's logbook, the logbook entry did not record the "Date" and "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 3's Overnight Response Logbook, on two (2) occasions the granting of the requests for bathroom access exceeded five (5) minutes; one was granted in fourteen (14) minutes and the other was granted in fifteen (15) minutes. In Hall 8's Overnight Response Logbook, on one (1) occasion, the granting of a request for bathroom access exceeded five (5) minutes and was granted in ten (10) 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 – eight (8)
Hall 3 – seven (7)
Hall 4 – seven (7)
Hall 5 – six (6)
Hall 6 – one (1)
Hall 7 – five (5)
Hall 8 – thirteen (13)
Hall 9 – four (4)
Hall 10 – eleven (11)

March 19th

On this audit date, in nine (9) of the halls, Hall 1, Hall 2, 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

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In Hall 9'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

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

March 27th

On this audit date, in nine (9) of the halls, Hall 1, Hall 3, Hall 4, Hall 5, Hall 6, 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 Recording

While an Overnight Response Logbook was located in Hall 2, 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 2 was recorded in the logbook on this audit date.

Access Afforded Exceeded Five (5) Minutes

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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 – no logbook entries
Hall 3 – eleven (11)
Hall 4 – seven (7)
Hall 5 – four (4)
Hall 6 – three (3)
Hall 7 – nine (9)
Hall 8 – eight (8)
Hall 9 – four (4)
Hall 10 – nine (9)

Room Confinement Findings

Based on a review of the Room Confinement Authorization and Termination Forms prepared in March 2019, a total of thirteen (13) residents were placed in room confinement during two (2) of the four (4) randomly selected audit dates. On March 11th, eight (8) residents in Hall 7, and on March 19th, five (5) residents also in Hall 7, were placed in room confinement. According to the Room Confinement Authorization and Termination Forms, residents were placed in room confinement in Hall 7 for two (2) hours on each of the two (2) referenced audit dates.

The Room Confinement Logbook for Hall 7, on March 11th and March 19th, records that these residents were placed in room confinement. However, this logbook is not designed or intended to record information pertaining to residents' requests to access the bathrooms and/or drinking water, and had no entries pertaining to residents' requests to access bathrooms and/or drinking water.

The Overnight Response Logbook in Hall 7 was also reviewed for March 11th and March 19th. While this logbook is designed and intended to record information pertaining to residents' requests to access the bathrooms and/or drinking water, the logbook did not contain any entries that corresponded to the hours during which the residents were in room confinement on these two (2) audit dates.

Programs Memorandum 05/18R, entitled Overnight Response Logbook, does not require staff to make an entry in the Overnight Response Logbook when a resident is placed in room

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confinement, nor does it require staff to record in this logbook entries documenting that, while inmates were in room confinement, none requested access to bathrooms and/or drinking water.

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.
- The facility administration shall ensure that an updated Programs Memorandum is available in Halls 2 and 6.

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 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.
- The facility administration should continue to train staff to consistently 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. Based on the findings in this audit, supervisors should particularly focus these daily checks in Halls 2 and 9, where no entries regarding residents' requests

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for bathrooms and/or drinking water access were made during the overnight tour on certain days.

- Supervisory staff should consistently record their name and/or initials to document that they reviewed the Overnight Response Logbook on their tours.

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, as well as any other policies and procedures dictating the documentation of the provision 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.⁵

⁵ The facility administration incorporated these changes in a memorandum entitled "Room Confinement Procedures" in the month of February 2019.