




**ACCESS TO
COURTS & LEGAL
SERVICES:
LAW LIBRARY**



The Board of
Correction's
Assessment of
the Department
of Correction's
Law Library
Operations

INTRODUCTION & STANDARD

- The Board's Standard §1-08 (f) is the rule that mandates access to courts and legal services. In this section, we find the Board's rules on the operation of law library services throughout Department of Correction's facilities.
- During the week of August 20, 2024 through August, 24, 2024 the Board of Correction's monitoring unit conducted a re-assessment of the Department of Correction's Law Library operations 3501R-B, to analyze the Department's compliance and adherence to Board Minimum Standard §1-08(f) and the Department's Law Library policy.

OCTOBER 2023 REPORT

- The Board conducted its first assessment in October of 2023
- At the time of the first assessment, Mayoral Emergency Executive Orders (EEO) No. 279, No.241 were in effect.
- EEO's were issued by DeBlasio in 2021 and continued through Adams until April 2024.
- During the early part of the pandemic, DOC staff and people in custody were becoming infected with COVID-19.
- In 2023, while effects of the pandemic greatly diminished, the EEO's remained in place.
- The Department continued to experience staff absenteeism and retention issues, which resulted in increased recruitment efforts.

- Insufficient use of sign-up sheets.
- Insufficient amount of supplies to sufficiently operate law library.
- Limited access to Notary Public.
- System schedule overlap issues.
- Inoperable kiosks, typewriters, and copy machines.
- Remote Law Library services “slips” operating in multiple facilities, across multiple units.

EEO's impacting Law Library Service was terminated in April 2024 by EEO No. 579

PROCESS

- Staff reviewed the Department's Law Library Directive 3501R-B.
- Staff reviewed the Board's standard on Access to legal services § 1-08 (f).
- An assessment tool was created.
- Staff asked clarifying questions and issued feedback prior to the use of the assessment instrument.
- Board staff toured facilities using assessment tool.
- Board staff collected documents from facilities
- Board staff performed 2-hour in-person observations
- Board staff collected and reviewed facility program schedules
- Board staff reviewed the availability of facility law library schedules
- Board staff reviewed signup sheets

MINIMUM STANDARD §1-08 (F)

Law Library Operations

- Each Facility shall maintain a properly equipped and staffed law library.
- Each Law Library should be open for a minimum of five (5) days per week, including one (1) weekend day.

Schedule

- The schedule should not conflict with other activities such as recreation, meals, school, sick call, etc.

Contagious Disease Units (CDU)

- People housed for medical reasons in a CDU may be denied access.

Legal Research

- Legal research classes should be conducted for people housed in general population on at least a quarterly basis.

Legal Documents & Supplies

- People in custody should have reasonable access to typewriters, word processors, photocopiers.
- A sufficient number of operable equipment should be provided.

Staffing

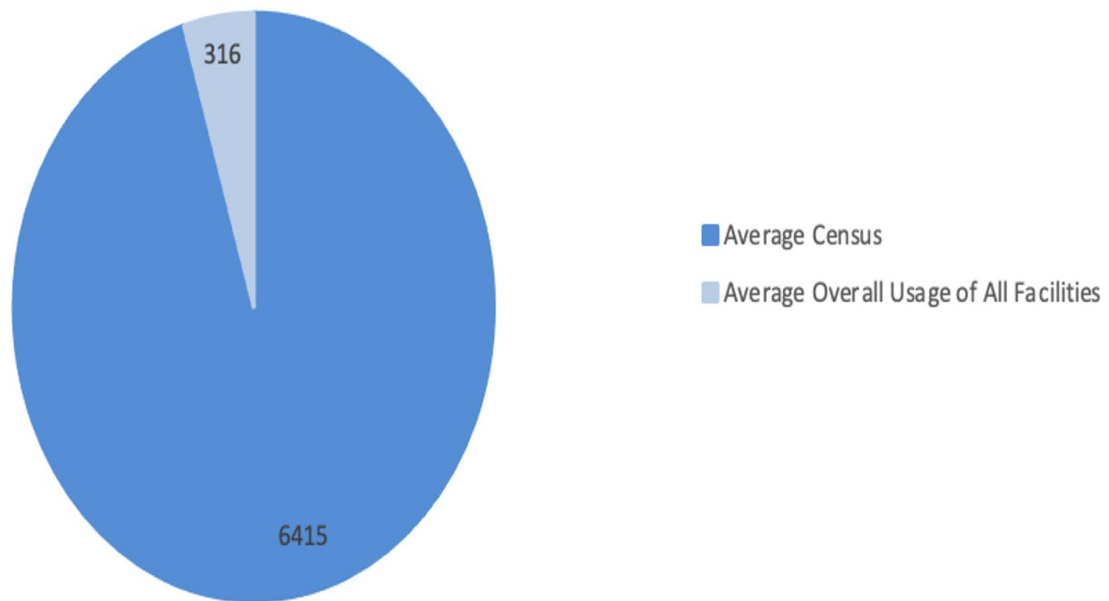
- Trained civilian legal coordinator, permanently assigned correction officers knowledgeable in law library procedures; law library employee fluent in Spanish.

EVALUATION CRITERIA

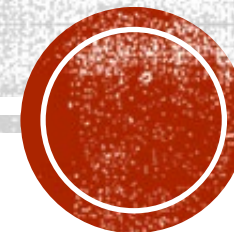
- Facility Census & Law Library 24hour Report
- Law Library Schedules and possible conflicts with other mandated services
- The use and availability of law library signup sheets
- Legal research schedules
- Law Library Equipment
- Spanish Language Support
- Sign up Sheet
- Interviews with staff and people in custody

August 20th to August 24th

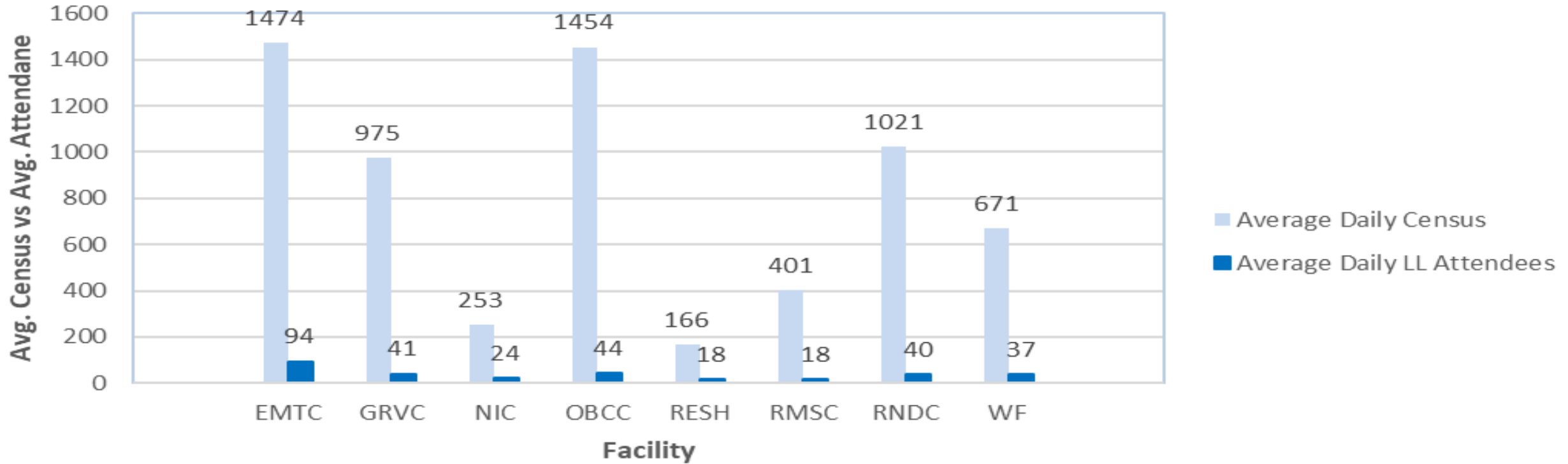
Overall Average Law Library Census and Usage



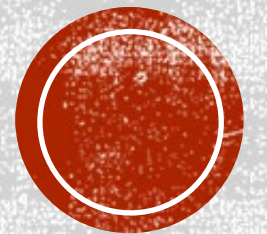
OVERALL CENSUS & LAW LIBRARY USAGE



Average Week Usage by Facility



AVERAGE WEEK USAGE BY FACILITY



SIGN-UP SHEETS & REMOTE SERVICE

Sign-up sheets

- Department policy mandates the use of sign-up sheets for PICs to gain access to in-person law library services.
- Sign-up sheets should be posted in all housing areas.
- PICs sign-up for LL services the preceding night.

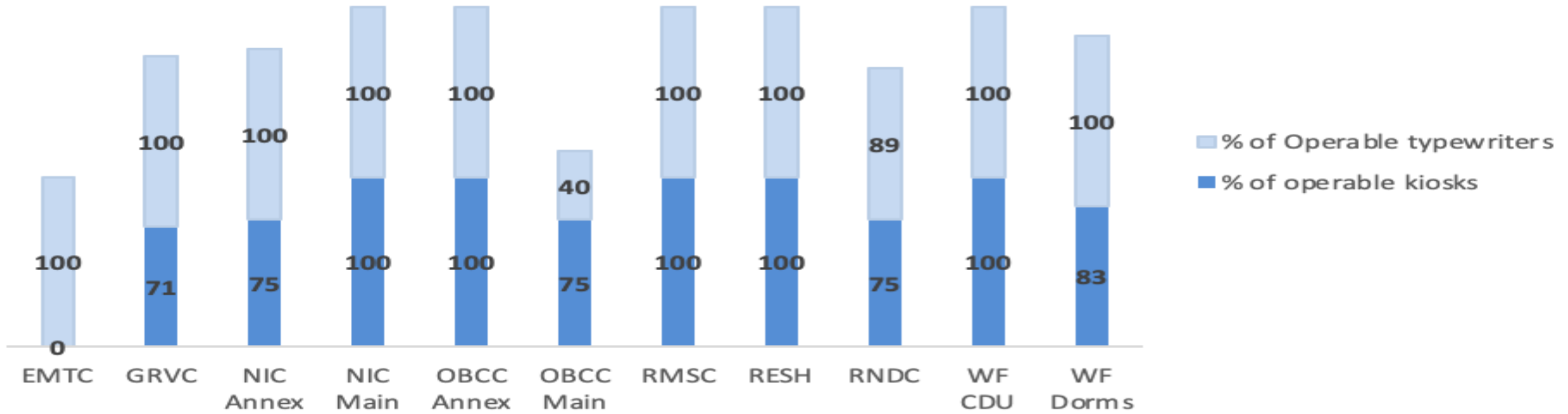
Remote Service

- Remote service "slips" was started during the COVID-19 pandemic to decrease the spread of virus, while continuing provide access to law library services.
- Slips are often used in restrictive units.
- Slips may be used to request: legal research, case law, Attorney information

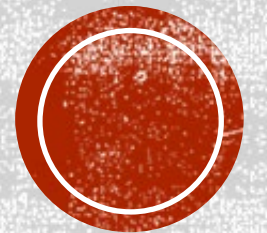
BOC Findings

- Sign-up sheets are being used in the majority of the facilities, with some exceptions.
- Remote LL continues to be a practice at West Facility CDU, RESH, OBCC Annex, GRVC, EMTC

Kiosks and Typewriters



AVERAGE DAILY USAGE BY FACILITY



LAW LIBRARY EQUIPMENT

The Board's standards require the Department to maintain a properly equipped and staffed law library. The Department's policy requires timely repair of inoperable equipment, and subsequent alternatives in the interim.

Kiosks

- Kiosks are used to conduct legal research.
- PICs law library clerk staff, require training on the proper use of kiosks.
- Mandated legal research classes are scheduled and conducted by Legal Coordinators to educate PICs of shepardizing practices.
- Law Library staff are required to report inoperable kiosks.

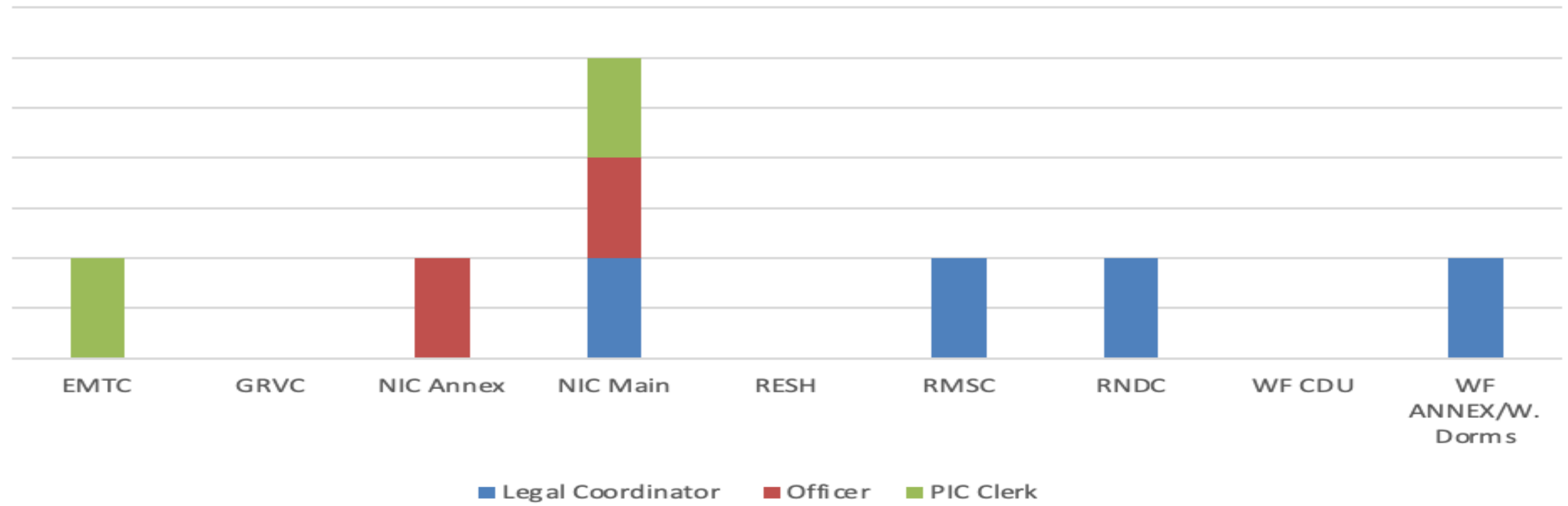
Typewriters

- Typewriters are used by PICs to prepare legal documents.
- Typewriters are required to be repaired promptly.

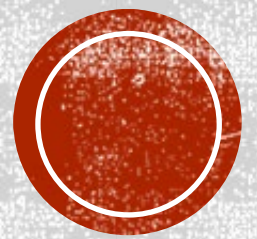
BOC Findings

- Directive does not mention kiosk but should.
- Board staff reported a number of inoperable kiosks.
- Long delays on repairs.
- Repeated inoperability of kiosks after being repaired.
- Inoperable copy machines, resulting in an inability for PICs to make copies of legal documents.
- Typewriters appear to present the least amount of inoperable issues.

Availability Of Spanish-speakers



AVAILABILITY OF SPANISH-SPEAKERS BY FACILITY



SPANISH LANGUAGE SUPPORT

The Board's standards require the Department to provide assistance to Spanish-speaking PICs by employees fluent in Spanish. The Department's policy highlights the need to place some Legal Coordinators who can speak Spanish. The policy also allows for trained PIC assistants, fluent in Spanish, to assist those in need of translation.

BOC Findings

- Department provides Spanish-speaking support at six (6) of the eight (8) facilities assessed.
- Zero access to Spanish-speaking law library personnel at GRVC, RESH, WF (CDU).
- Only the PIC legal assistant speaks fluent Spanish at EMTC.

LAW LIBRARY SCHEDULING

The Board's standards require the Department to maintain scheduling practices that provide people in custody access during times of day when other activities such as recreation, meals, school, sick call, etc. are not scheduled.

OTHER SERVICES

- Board staff reviewed facility program schedules.
- Overlapping occurred in multiple facilities with religious services.
- Inconsistent schedule format.

SCHEDULES & LOGBOOKS

- People in custody are not held to task, to properly record name and times in logbook.
- No uniformity in logbook record-keeping.
- Logbook times do not always match session time, listed on posted schedule.

STAFFING

- In the last assessment law library posts were shift-reduced often.
- 2nd assessment less frequent shift-reduction across all facilities.
- Staff are more steady and established in their understanding of law library procedures.

NOTARY PUBLIC

The Department mandates that all Department staff assigned to Law Library posts be New York State licensed Notary Publics. Officers are removed from the post if Notary licensing is not acquired

Who is a Notary?

- Legal Coordinator
- Uniformed officers assigned to the Law Library post.

What Gets Notarized?

- Legal documents submitted by people in custody, such as briefs, motions, article 78 motions.
- Letters that require notary as proof of signature.

License Status

- Law Library staff are required to maintain their Notary status while assigned to the post.
- In the first assessment, a number of law library uniform staff did have active Notary licenses.
- In the second assessment, staff found a great number of uniform law library staff had an active notary license.

Equipment

The Department should consider contracting with new kiosk vendors, with greater capacity to repair damaged equipment in a timely manner.

RECOMMENDATIONS

Scheduling

The Department should consider performing quarterly program schedule reviews, to assess for mandated service overlap and continuity of service.

Notary Public

Record and review Notary Public licenses to ensure that all DOC personnel assigned to the Law Library have active Notary Public Licenses.

Promote Use of Law Library Services

Less than six percent of the incarcerated population access the Law Library, while the majority of the population held in custody are detainees.

Legal Research & Education:

The Department may consider increasing law library education outside of the law library, i.e. in housing units. This may increase awareness and access to those PICs who are new to the carceral setting.

Education Refresher

Conduct annual Law Library Operations refreshers for uniformed and non-uniform law library staff.

**Outside Reporting
Transparency**

Report repair delays, and service delivery issues to the Board in a reasonable time.

RECOMMENDATIONS

Copy Machines

Review vendor contracts to consider new equipment, which is more durable and user friendly for consistent use.

Signatures & Recordkeeping

Improve people in custody sign-in/out with times and session indications.

Kiosks

Increase the number of Kiosks in largely populated facilities.

Laptops

Consider increasing the size and quality of laptops for use in reviewing discovery.

RESH Restrictive Housing

The Department should consider hiring a Legal Coordinator specifically for RESH.