

NYC Administration for Children’s Services
NYC Department of Correction
Horizon Juvenile Center Law Library Services Audit Report — December 2018

Pursuant to the six (6) month limited variance granted by the NYC Board of Correction on July 10, 2018 related to the provisions of the NYC Board of Correction Minimum Standards §1-08(f) Access to Courts and Legal Services, including Law Library, the NYC Administration for Children’s Services (“ACS”), in conjunction with the NYC Department of Correction (“Department”), is permitted to allow for residents at Horizon Juvenile Center (“Horizon”) to receive Law library services through an alternate method. The related variance conditions require a monthly audit on compliance with the following variance conditions:

1. Horizon residents will be provided access to Lexis/Nexis research capacity via tablets, upon their request.
2. Horizon residents will have access to tablets for at least two (2) hours per day, seven (7) days a week, during daytime hours that do not conflict with schooling, programming, counseling, therapy sessions, and other required daily activities.
3. Horizon will have a skilled legal coordinator whose duties will include supporting Horizon residents in meeting their requests for assistance in performing legal research.
4. The legal coordinator will be onsite at Horizon at least five (5) days per week for a total of twenty (20) hours per week.

In December 2018, ACS commenced an audit on the provision of the alternate Law Library services for residents at Horizon in compliance with the variance conditions.

Audit Parameters

The audit is conducted through a manual review of the Legal Coordinator’s logbook, Horizon’s Non-DOC Staff logbook, completed Resident Law Library Request Forms (“Request Forms”), and an on-site inspection of legal research tablets and two (2) Lexis access points on four (4) random dates each month.

This audit report covers the following four random (4) dates in the month of December 2018:

- **December 10th**
- **December 17th**
- **December 27th**
- **December 31st**

The Legal Coordinator’s logbook¹ is utilized to document the date, time, duration, and a brief summary of all duties performed, including each interaction with a resident, information discussed during individualized sessions, verbal requests for individualized sessions to access

¹ The Legal Coordinator’s Logbook is used to document compliance with the variance condition that the Legal Coordinator performs duties that include supporting residents in meeting their requests for assistance in performing legal research

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tablets and perform legal research with the Legal Coordinator’s assistance, and whether residents accessed tablets or were afforded assistance in performing legal research from the Legal Coordinator during individualized sessions. Request Forms are utilized to document individualized information for each youth request for an individualized session to access tablets with Lexis/Nexis research capacity or to receive assistance from the Legal Coordinator in performing legal research, including the date the request for an individualized session was made, the resulting date the individualized session was scheduled for, and the date the individualized session was fulfilled. The Non-DOC Staff² Logbook, located at the entrance to the facility, is utilized to document the date and duration of time that the Legal Coordinator was on-site at Horizon.

Audits related to the Legal Coordinator are performed via:

- A manual review of the Request Forms to determine whether the Legal Coordinator was performing duties, which include assisting Horizon residents in performing legal research and accessing tablets with Lexis/Nexis research capacity upon request.
- A manual review of the Legal Coordinator’s logbook to determine whether the Legal Coordinator performed duties, which include assisting Horizon residents in performing legal research and accessing tablets with Lexis/Nexis research capacity upon request.
- A manual review of Horizons’ Non-DOC Staff logbook, to determine whether the Legal Coordinator was on-site to assist youth in performing legal research.

Audits related to access to tablets with Lexis/Nexis research capacity are performed via:

- A manual review of the Request Forms to determine whether individualized sessions to access tablets to perform legal research were scheduled upon request, and the date on which individualized sessions were scheduled, and the date on which individualized sessions were fulfilled.
- A manual review of the Legal Coordinator’s logbook to determine whether access to tablets with Lexis/Nexis research capacity was afforded to youth for at least (2) hours per day, seven (7) days a week, during daytime hours that do not conflict with schooling, programming, counseling, therapy sessions, and other required daily activities.
- An on-site inspection of legal research tablets and the two (2) secure access points³ to determine whether the equipment was operational.
- An on-site inspection of available legal research tablets and the two (2) Lexis access points was conducted in order to determine whether the equipment was operational.

² The Non-DOC Staff Logbook should have two entries per day that the Legal Coordinator is on-site.

³ The Legal Coordinator only affirmatively documents when secure access points are non-functional.

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Audit Findings

Request Forms

Residents may request an individualized session to discuss a particular legal topic, or to access a tablet with Lexis/Nexis research capacity, or both by using the Request Form. To request an individualized session, they may complete a Request Form, which is available in each hall seven (7) days per week from 3:00pm to 9:00pm. Residents are able to submit Request Forms to the Legal Coordinator Mailbox, which is located as a permanent fixture in a common area outside of the cafeteria. This mailbox is available to all residents as they are escorted to the medical area or the Dining Hall on a daily basis, three times per day when they are provided meals. The Legal Coordinator collects the requests daily each morning that they are on-site. Requests and resulting individualized sessions are recorded both on the Request Form and in the Legal Coordinator’s logbook to document that the Legal Coordinator provided access to tablets with Lexis/Nexis research capacity upon request, and that the Legal Coordinator assisted residents in performing legal research.

Access to tablets with Lexis/Nexis research capacity

Residents conduct legal research through Lexis/Nexis using one of ten (10) ACS tablets or fifty (50) available American Prison Data Systems (“APDS”) tablets with Lexis/Nexis access. Each tablet made available for legal research on a given day is inspected by the Legal Coordinator to determine if the tablet is operational and has Lexis/Nexis research capacity. If a tablet is determined to be inoperable or unable to access Lexis/Nexis, it is replaced for that session by a different tablet that has been inspected and determined to be operational. Two (2) specially installed access points provide secure remote access. All residents at Horizon may request access to Lexis/Nexis for legal research purposes for two (2) hours a day, seven (7) days a week by means of appointment for an individualized session. Request may be made verbally by speaking directly to the Legal Coordinator or Case Management staff⁴, or by submitting a Request Form. Individualized sessions to access tablets with Lexis/Nexis research capacity with the assistance of the Legal Coordinator are afforded during Law Library program hours, which occur from 3:00pm to 5:00pm, Monday through Friday.

On-site inspections

Through the conduction of this audit, it was determined that daily on-site inspections of tablets were performed to assess tablet functionality and access to Lexis/Nexis research capacity and/or access points with secure remote access. In order to determine functionality of secure remote

⁴ The Legal Coordinator is not on-site on weekend days, and as a result, Case Management staff provide access to tablets with Lexis/Nexis research capacity from 9am to 3pm, upon residents’ request.

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access points, the Legal Coordinator attempts to activate the tablets by logging on. If tablets indicate an “Error” Message, the Legal Coordinator seeks ACS IT Support.

Weekend Law Library hours

Through the conduction of this audit, it was determined that Case Management staff are available to record Law Library services, protocols and to determine functionality of access points, on weekends and/or days in which Law Library staff is not present. Furthermore, posters have been placed in each Hall to inform Residents of various means of accessing tablets with Lexis/Nexis research capacity, upon request, for two (2) hours per day, on weekend days, or any other day that Law Library staff is not present

December 10th

Legal Coordinator on-site recordings

Based on a review of the Legal Coordinator’s logbook, the Legal Coordinator was on-site at Horizon from 11:30 a.m. to 1:45 p.m. in order to conduct office hours. The entry in the logbook for provision of Law Library services on this date was recorded as taking place from 3:30 to 5:55 p.m., indicating that the Legal Coordinator was on-site for a total of at least 4 hours and 40 minutes.

Provision of Law Library services

Based on a review of entries in the Legal Coordinator’s logbook, on this audit date the Legal Coordinator conducted office hours from 11:30am to 1:45pm, during which Residents in the cafeteria were able to verbally request consultation and/or an appointment for an individual session or access to a tablet with Lexis/Nexis capacity. In the logbook, the Legal Coordinator recorded that Law Library program hours, in which Residents were afforded access to tablets with Lexis/Nexis research capacity and assistance from the Legal Coordinator in performing legal research, occurred from 3:30 p.m. to 5:55pm.

Upon review of the Legal Coordinator’s logbook for this audit date, six (6) residents requested access to tablets with Lexis/Nexis research capacity, and six (6) residents requested information relevant to their specific case. Each individualized session was between fifteen (15) and thirty (30) minutes in duration. All twelve (12) requests were submitted verbally by twelve (12) separate residents, directly to the Legal Coordinator.

Fulfillment of requests for appointments

Based on a review of the Legal Coordinator’s logbook and Request Forms, of the six (6) residents who requested Law Library access via tablet with Lexis/Nexis research capacity, three (3) residents' requests were fulfilled on this date. The remaining 3 residents' requests were fulfilled within 48 hours. However, **seven (7) total residents accessed Lexis/Nexis on this date during**

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Law Library hours, four (4) of which had not submitted requests for an appointment. Each Law Library session lasted from five (5) minutes to thirty (30) minutes in duration.

Request Forms

On December 10th, 2018, no Request Forms had been submitted by residents. As a result, an audit based on a review of the Request Forms to determine whether residents were provided with access to tablets with Lexis/Nexis research capacity upon written request could not be conducted.

Tablet functionality and secure remote access

On this audit date, the Legal Coordinator reported to ACS IT support that neither remote access point was working. ACS IT Support confirmed that the access point was non-functional. Subsequently, the Legal Coordinator arranged resident escort to the classroom location with a functioning access point. One (1) tablet of the ten (10) available was determined, through a manual inspection, to be non-functioning, and was substituted for an alternate tablet.

December 17th

Legal Coordinator on-site recordings

Based on a review of the Legal Coordinator's logbook, the Legal Coordinator was on-site at Horizon from 11:05 a.m. to 1:10 p.m. in order to conduct office hours. The entry in the logbook for provision of Law Library services on this date was recorded as taking place from 3:15 to 5:15 p.m., indicating that the Legal Coordinator was on-site for a total of at least 4 hours and 5 minutes.

Provision of Law Library services

Based on review of the Legal Coordinator's logbook, on this audit date the Legal Coordinator conducted office hours from 11:05 am to 1:10 pm, during which residents in the cafeteria were able to verbally request consultation and/or an appointment for an individual session or access to a tablet with Lexis/Nexis capacity. In the logbook, the Legal Coordinator recorded that Law Library program hours, in which Residents were afforded access to tablets with Lexis/Nexis research capacity and assistance from the Legal Coordinator in performing legal research, occurred from 3:15 p.m. to 5:15 pm.

Upon review of the Legal Coordinator's logbook for this audit date, four (4) residents requested access to tablets with Lexis/Nexis research capacity, and seven (7) residents requested information relevant to their specific case. Each individualized session was between twenty (20) and thirty (30) minutes in duration. All eleven (11) requests were submitted verbally by eleven (11) separate residents, directly to the Legal Coordinator.

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Fulfillment of requests for appointments

Of the four (4) residents who requested Law Library access via tablet with Lexis/Nexis research capacity, no residents' requests were fulfilled on this date. The reason for failure to fulfill was documented as "A Hall Lockdown". Access to tablets was afforded within 24 hours to each resident who made a request; of the four (4) residents' requests, one (1) was fulfilled and the remaining three (3) residents who submitted prior verbal requests refused services when access was afforded. On this date, a total of **three (3) residents accessed Lexis/Nexis during Law Library hours**, all three (3) of which had not submitted prior requests. Each Law Library session lasted for thirty (30) minutes in duration.

Request Forms

On December 12th, 2018, no Request Forms had been submitted by residents. As a result, an audit based on a review of the Request Forms to determine whether residents were provided with access to tablets with Lexis/Nexis research capacity upon written request could not be conducted.

Tablet functionality

Based on a review of the Legal Coordinator's logbook on this audit date, it was determined through a manual inspection that all tablets made available for Law Library services were functional.

December 27th

Legal Coordinator on-site recordings

Based on a review of the Legal Coordinator's logbook, the Legal Coordinator was on-site at Horizon from 11:00 a.m. to 12:40 p.m. in order to conduct office hours. The entry in the logbook for provision of Law Library services on this date was recorded as taking place from 3:15 to 5:15 p.m., indicating that the Legal Coordinator was on-site for a total of at least 3 hours and 40 minutes.

Provision of Law Library services

Based on review of the Legal Coordinator's logbook, on this audit date the Legal Coordinator conducted office hours from 11:00 a.m. to 12:40 p.m., during which residents in the cafeteria were able to verbally request consultation and/or an appointment for an individual session or access to a tablet with Lexis/Nexis capacity. In the logbook, the Legal Coordinator recorded that Law Library program hours, in which Residents were afforded access to tablets with Lexis/Nexis

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research capacity and assistance from the Legal Coordinator in performing legal research, occurred from 3:15 p.m. to 5:15 p.m.

Upon review of the Legal Coordinator's logbook for this audit date, no residents requested access to tablets with Lexis/Nexis research capacity, and four (4) residents requested information relevant to their specific case. One (1) resident requested that the Legal Coordinator print out legal information. Three (3) residents requested assistance with attorney contact. Two (2) residents requested bail information. Each individualized session was between two (2) and ten (10) minutes in duration. All ten (10) requests were submitted verbally by ten (10) separate residents, directly to the Legal Coordinator.

Fulfillment of requests for Appointments

Although no residents requested Law Library access via tablet with Lexis/ Nexis research capacity during Office Hours, **nine (9) total residents accessed Lexis/Nexis on this date during Law Library hours**. Each Law Library session lasted from five (5) minutes to twenty (20) minutes in duration.

Request Forms

On December 27th, 2018, no Request Forms had been submitted by residents. As a result, an audit based on a review of the Request Forms to determine whether residents were provided with access to tablets with Lexis/Nexis research capacity upon written request could not be conducted.

Tablet functionality

Based on a review of the Legal Coordinator's logbook on this audit date, it was determined through a manual inspection that all tablets made available for Law Library services were functional.

December 31st

Legal Coordinator on-site recordings

Based on a review of the Legal Coordinator's logbook, the Legal Coordinator was on-site at Horizon from 11:00 a.m. to 1:00 p.m. in order to conduct office hours. The entry in the logbook for provision of Law Library services on this date was recorded as taking place from 3:45 to 5:30 p.m., indicating that the Legal Coordinator was on-site for a total of at least 3 hours and 45 minutes.

Provision of Law Library services

Based on review of the Legal Coordinator's logbook, on this audit date the Legal Coordinator conducted office hours from 11:00 a.m. to 1:00 pm, during which residents in the cafeteria were able to verbally request consultation and/or an appointment for an individual session or access

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to a tablet with Lexis/Nexis capacity. In the logbook, the Legal Coordinator recorded that Law Library program hours, in which residents were afforded access to tablets with Lexis/Nexis research capacity and assistance from the Legal Coordinator in performing legal research, occurred from 3:45 p.m. to 5:30 pm.

Upon review of the Legal Coordinator’s logbook for this audit date, no residents requested access to tablets with Lexis/Nexis research capacity, two (2) residents requested information relevant to their specific case, and two (2) residents requested assistance with attorney contact. Each individualized session was between two (2) and twelve (12) minutes in duration. All four (4) requests were submitted verbally by four (4) separate residents, directly to the Legal Coordinator.

Fulfillment of requests for appointments

Although no Residents requested Law Library access via tablet with Lexis/ Nexis research capacity during Office Hours, **three (3) total residents accessed Lexis Nexis on this date during Law Library hours**. Furthermore, six (6) Residents sought to consult with Legal Coordinator for Office Hours during Law Library hours. Each Law Library session lasted from ten (10) minutes to thirty (30) minutes in duration.

Request Forms

On December 31st, 2018, no Request Forms had been submitted by residents. As a result, an audit based on a review of the Request Forms to determine whether residents were provided with access to tablets with Lexis/Nexis research capacity upon written request could not be conducted.

Tablet functionality

Based on a review of the Legal Coordinator’s logbook on this audit date, it was determined through a manual inspection that all tablets made available for Law Library services were functional.

Audit Recommendations and Corrective Actions

ACS has implemented corrective actions based on the findings of the previous month’s audit.

The following recommendations for corrective actions have been implemented:

Law Library services access on days when Law Library staff is not scheduled to be on-site

- The Legal Coordinator, in conjunction with the facility administration, placed posters in each Residence Hall to notify residents of access to modified Law Library services on each weekend day, and any other day that Law Library staff is not present. Case Management staff have been trained to provide residents access to tablets with Lexis Nexis capability

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upon request, to record Law Library services afforded, and to determine functionality of tablets and access points.

On-site inspections

- The Legal Coordinator regularly inspects for functionality of tablets and secure access points, to identify and to document when a tablet and/or secure remote access point requires repair and to notify the facility administration to take immediate corrective action. Furthermore, Lexis Nexis has been uploaded to an additional 50 APDS tablets to ensure a broader range of availability, functionality, and an alternate Wi-Fi source in the instance that ACS tablets or secure access points malfunction.

Request Forms

- The Legal Coordinator ensures availability of Request Forms in each hall. Furthermore, a secure Law Library Mailbox has been installed in a common area accessible to all Residents. The Legal Coordinator checks the Mailbox daily to ensure a timely collection and response.

Logbook entries

- The Legal Coordinator has improved documentation in the Legal Coordinator’s Logbook to ensure that entries are complete and are recorded accurately and consistently. Corrective actions have been taken to ensure that:
 - commencement and end times for programming services are consistently recorded;
 - programming data is accurate, thorough and complete; and
 - Mitigation Specialists and Case Management staff are consistently scheduled to provide alternate coverage when program services are offered, to ensure that program services are offered each day, for the require amount of time.
- The Legal Coordinator signs the Non-DOC Staff logbook on a daily basis, upon both entry to and exit from the facility.
- The Legal Coordinator has expanded recordings related to individualized sessions to include information regarding which specific services were accessed during each session, the duration of each individualized session, and reasons for non-fulfillment of an appointment for an individualized session.

The following recommendations for corrective actions should be instituted:

Legal Coordinator’s Mailbox

- Case management staff should be provided with a key to access the Legal Coordinator’s Mailbox on weekends and/or days in which Law Library staff is not present.