

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

- **November 7**
- **November 13**
- **November 21**
- **November 29**

The Legal Coordinator’s logbook¹ was 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. The Request Form was 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, was 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 points 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.

Audit Findings

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

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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. Request Forms are collected by Department Officers from each hall and submitted to the Control Room at the end of each tour. The Legal Coordinator collects the Request Forms from the Control Room each morning, Monday to Friday. 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. 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 staff³, 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 no process has been established to record on-site inspections of tablets with access to Lexis/Nexis research capacity and/or access points with secure remote access, or the results of these inspections. As a result, an audit to assess whether tablets and/or secure remote access points were operational could not be conducted. Therefore, it cannot be determined if the requirement that youth be provided with access to Lexis/Nexis research capacity via tablets was met in the month of November.

Weekend Law Library hours

³ 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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Through the conduction of this audit, it was determined that no process has been established to record Law Library services and/or protocols on weekend days, or any other day that Law Library staff is not present. As a result, an audit to assess whether tablets and/or secure remote access points were operational, and whether residents were provided with access to Lexis/Nexis research capacity via tablets, upon request, for two (2) hours per day, on weekend days, or any other day that Law Library staff was not present, could not be conducted. Therefore, it could not be determined if the requirement that youth will be provided with access to Lexis/Nexis research capacity via tablets, upon request, for two (2) hours per day, seven (7) days a week was met in the month of November.

November 7

Legal Coordinator on-site recordings

Based on the time of the first entry in the Legal Coordinator's logbook on this date, the Legal Coordinator was on-site at Horizon at 12:10pm. The last entry in the logbook for this date regarding the provision of Law Library services was recorded at 4:40pm, indicating that the Legal Coordinator was on-site for a total of at least four (4) hours and thirty (30) minutes.

Legal Coordinator's logbook

Based on review of the Legal Coordinator's logbook, on this audit date the Legal Coordinator conducted office hours from 12:10pm to 2:02pm, during which residents in the cafeteria were able to verbally request consultation and/or an appointment for an individual session for consultation 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 3:51pm to 5:00pm. Based on the above, on this audit date, the variance condition that residents be provided with access to tablets with Lexis/Nexis research capacity for at least two (2) hours per day, was not met.

Upon review of the Legal Coordinator's logbook for this audit date, twelve (12) residents requested access to tablets with Lexis/Nexis research capacity, one (1) resident requested an appointment for an individualized session for consultation, and seven (7) residents requested information relevant to their specific case. Each individualized session was between one (1) and thirty (30) minutes in duration. All twenty (20) requests were submitted verbally by nineteen (19) separate residents, directly to the Legal Coordinator.

Request Forms

On this audit date, 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 request could not be conducted.

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November 13

Legal Coordinator on-site recordings

Based on the time of the first entry in the Legal Coordinator's logbook on this date, the Legal Coordinator was on-site at Horizon at 11:46am. The last entry in the logbook for this date regarding the provision of Law Library services was recorded at 4:20pm, indicating that the Legal Coordinator was on-site for a total of at least four (4) hours and thirty-four (34) minutes.

Legal Coordinator's logbook

Based on review of the Legal Coordinator's logbook, on this audit date the Legal Coordinator conducted office hours from 11:46am to 1:45pm, during which residents in the cafeteria were able to verbally request consultation and/or an appointment for an individual session for consultation 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 3:00pm to 5:00pm.

Upon review of the Legal Coordinator's logbook for this audit date, six (6) residents requested access to tablets with Lexis/Nexis research capacity, one (1) resident requested an appointment for an individualized session for consultation, six (6) residents requested information relevant to their specific case, and one (1) resident requested supplies to compose a legal letter on a legal topic. Each individualized session was between eight (8) and twenty (20) minutes in duration. All fourteen (14) requests were submitted verbally by thirteen (13) separate residents, directly to the Legal Coordinator.

Request Forms

On this audit date, 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 request could not be conducted.

November 21

Legal Coordinator on-site recordings

Based on the time of the first entry in the Legal Coordinator's logbook on this date, the Legal Coordinator was on-site at Horizon at 11:20am, based on the time of the first entry in the logbook for this date. The last entry in the logbook for this date regarding the provision of Law Library services was recorded at 5:35pm, indicating that the Legal Coordinator was on-site for a total of at least six (6) hours and fifteen (15) minutes.

Legal Coordinator's logbook

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Based on review of the Legal Coordinator's logbook, on this audit date the Legal Coordinator conducted office hours from 11:20am to 1:50pm, during which residents in the cafeteria were able to verbally request consultation and/or an appointment for an individual session for consultation 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 3:30pm to 5:35pm.

Upon review of the Legal Coordinator's logbook for this audit date, five (5) residents requested access to tablets with Lexis/Nexis research capacity, and eleven (11) residents requested information relevant to their specific case. Each individualized session was between fifteen (15) and twenty (20) minutes in duration. All sixteen (16) requests were submitted verbally by sixteen (16) separate residents, directly to the Legal Coordinator.

Request Forms

On this audit date, 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 request could not be conducted.

November 29

Legal Coordinator on-site recordings

Based on the time of the first entry in the Legal Coordinator's logbook on this date, the Legal Coordinator was on-site at Horizon at 11:20am. The last entry in the logbook for this date regarding the provision of Law Library services was recorded at 5:00pm, indicating that the Legal Coordinator was on-site for a total of at least five (5) hours and forty (40) minutes.

Legal Coordinator's logbook

Based on review of the Legal Coordinator's logbook, on this audit date the Legal Coordinator conducted office hours from 11:20am to 1:15pm, during which residents in the cafeteria were able to verbally request consultation and/or an appointment for an individual session for consultation 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 4:30pm to 5:00pm. Based on the above, on this audit date, the variance condition that residents be provided with access to tablets with Lexis/Nexis research capacity for at least two (2) hours per day, was not met.

Upon review of the Legal Coordinator's logbook for this audit date, two (2) residents requested access to tablets with Lexis/Nexis research capacity, three (3) resident requested an

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appointment for an individualized session for consultation, and seven (4) residents requested information relevant to their specific case. Each individualized session was between fifteen (15) and twenty (20) minutes in duration. All thirteen (13) requests were submitted verbally by nine (9) separate residents, directly to the Legal Coordinator.

Request Forms

On this audit date, 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 request could not be conducted.

Audit Recommendations

ACS commenced the audit process for the first time in October 2018. By October 1, 2018, residents had been transferred from facilities on Rikers Island to Horizon. During this transitional period, procedures to facilitate compliance with the variance conditions were being operationalized. Through this first audit, several issues were identified related to operationalizing the use of tablets with Lexis/Nexis research capacity and operationalizing processes to record compliance with variance requirements. Improvements in compliance were noted over the course of the audit period, and ACS will continue to identify shortcomings and implement corrective actions. Per the November 2018 audit, the following recommendations for corrective action should be instituted.

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

- Law Library staff, in conjunction with the facility administration, should develop a process or protocol to notify youth of access to modified Law Library services on each weekend day⁴, or any other day that Law Library staff is not present.

On-site inspections

- Law Library Staff, in conjunction with the facility administration, should ensure that on-site inspections of tablets and secure remote access points are recorded on a daily basis.
- To facilitate the maintenance and operation of tablets and secure access points, Law Library staff should check on a daily basis that tablets are available and operational, and that secure remote access points are operational. Additionally, when a tablet is not available, or a tablet and/or secure remote access point is identified in need of repair, the facility administration, in coordination with Law Library staff, should take immediate corrective action.

Request Forms

⁴ Case Management staff on-site on weekend days have access to tablets with Lexis/Nexis research capacity and can make them available to residents upon request.

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- The Director of Law Libraries, in conjunction with the Legal Coordinator, should expand recordings related to Request Forms to include information regarding inspections to ensure that Request Forms are available to all residents, in each hall, and that all residents are afforded the opportunity to submit the Request Form in a timely manner to the Legal Coordinator.

Logbook entries

- The Director of Law Libraries should continue to train the Legal Coordinator on the use of the Legal Coordinator's Logbook, and should ensure that entries are complete and are recorded accurately and consistently. Corrective actions should be taken to ensure that:
 - commencement and end times for programming services are consistently recorded;
 - programming data is accurate, thorough and complete; and
 - Law Libraries and/or Case Management staff are consistently scheduled to provide coverage when program services are offered, to ensure that program services are offered each day, for the require amount of time.
- The Director of Law Libraries, in conjunction with the facility administration, should ensure that the Legal Coordinator signs the Non-DOC Staff logbook on a daily basis, upon both entry to and exit from the facility.
- The Director of Law Libraries, in conjunction with the Legal Coordinator, should expand 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.