

**NYC Administration for Children’s Services
NYC Department of Correction
Horizon Juvenile Center Law Library Services Audit Report — February 2019**

Pursuant to the six (6) month limited variance granted by the NYC Board of Correction on January 8th, 2019 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 February 2019, 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 information documented in the Touchpoint Data Tracking (“TDT”) system, 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 February 2019:

- **February 4th**
- **February 11th**
- **February 22nd**
- **February 28th**

The Legal Coordinator utilizes a TDT system¹ 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 enters data into the TDT system by using an offsite computer, which can only be accessed by the agency that employs the Legal Coordinator. Information from the TDT system is shared with ACS at the end of the reporting period by request for the purposes of the audit.

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tablets and perform legal research with the Legal Coordinator’s assistance, Law Library program hours, and whether residents accessed tablets or were afforded assistance in performing legal research from the Legal Coordinator during individualized sessions². 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 Staff³ Logbook, located at the entrance to the facility, is utilized to verify the date and duration of time that the Legal Coordinator records they were on-site at Horizon in the TDT system.

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 information documented in the TDT system 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 information documented in the TDT system to determine whether access to tablets with Lexis/Nexis research capacity was afforded to youth 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.
- An on-site inspection of legal research tablets and the two (2) secure access points⁴ to determine whether the equipment was operational.

² The TDT system 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.

³ The Non-DOC Staff Logbook should have two entries per day that the Legal Coordinator is on-site.

⁴ The Legal Coordinator only affirmatively documents when secure access points are non-functional.

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- 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

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 3:00 pm to 9:00 pm. 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. On the weekends, Case Managers collect Request Forms daily and respond to verbal requests from residents for access to tablets with Lexis/Nexis research capacity. Requests received by the Legal Coordinator Monday through Friday, and resulting individualized sessions, are recorded both on the Request Form and in the TDT system 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. Requests may be made verbally by speaking directly to the Legal Coordinator or Case Management staff⁵, 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 3:00 pm to 5:00 pm, Monday through Friday.

⁵ 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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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 the functionality of secure remote 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

Case Management staff are available to record Law Library services and protocols and to determine the functionality of access points and tablets 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.

February 4th

Legal Coordinator on-site recordings

Based on a review of the information documented in the TDT system, the Legal Coordinator was on-site at Horizon from 11:08 am to 1:14 pm in order to conduct office hours. The entry in the TDT system for the provision of Law Library services on this date was recorded as taking place from 3:01 to 5:25 pm, indicating that the Legal Coordinator was on-site for a total of at least 4 hours and 32 minutes.

Provision of Law Library Services

Based on a review of information documented in the TDT system, on this audit date, the Legal Coordinator conducted office hours from 11:08 am to 1:14 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 TDT system, 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 3:01 pm to 5:25 pm.

Upon review of the information documented in the TDT system for this audit date, one (1) resident requested tablet access during Law Library hours, one (1) resident requested general information pertaining to court procedure(s), and five (5) residents requested information relevant to their specific case. Each individualized session that occurred during Law Library program hours was between five (5) and seventeen (17) minutes in duration. All seven (7) requests were submitted verbally by seven (7) separate residents, directly to the Legal Coordinator.

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Fulfillment of Requests for Appointments

Based on a review of the information documented in the TDT system and Request Forms, six (6) of the residents' requests were fulfilled, including the request for access to a tablet with Lexis/Nexis research capacity. The remaining request was fulfilled the following date (within 24 hours). Each Law Library session fulfilled by request, including those that took place outside of normal Law Library program hours, lasted from five (5) minutes to thirty-five (35) minutes in duration.

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 written request could not be conducted.

Tablet Functionality and Secure Remote Access

Based on a review of the information documented in the TDT system, it was determined through a manual inspection that Tablets #2 and #3, which were made available for use on this date, were functional.

February 11th

Legal Coordinator on-site recordings

Based on a review of the information documented in the TDT system, the Legal Coordinator was on-site at Horizon from 11:02 am to 1:03 pm in order to conduct office hours. The entry in the TDT system for the provision of Law Library services on this date was recorded as taking place from 3:07 to 5:20 pm, indicating that the Legal Coordinator was on-site for a total of at least 4 hours and 14 minutes.

Provision of Law Library Services

Based on a review of the information documented in the TDT system, on this audit date the Legal Coordinator conducted office hours from 11:02 am to 1:03 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 TDT system, 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 3:07 pm to 5:20 pm.

Upon review of the information documented in the TDT system for this audit date, one (1) resident requested access to tablets with Lexis/Nexis research capacity, seven (7) residents requested information relevant to their specific case, one (1) resident requested information

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pertaining to federal law(s) regarding access to information and one (1) resident's reason for request was undocumented. Each individualized session that occurred during Law Library program hours was between four (4) and twenty (20) 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

Of the ten (10) requests, eight (8) were fulfilled on this audit date, including the request for access to a tablet with Lexis/Nexis research capacity. One resident request received a follow-up within seventy-two (72) hours and the request that had no reason recorded was left unfulfilled during this audit period. Each Law Library session fulfilled by request, including those that took place outside of normal Law Library program hours, lasted for six (6) minutes to thirty-five (35) minutes in duration.

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 written request could not be conducted.

Tablet Functionality and Secure Remote Access

Based on a review of the information documented in the TDT system on this audit date, it was determined through a manual inspection that Tablets #1, and #2, which were made available of Law Library services on this date, were functional.

February 22nd

Legal Coordinator on-site recordings

Based on a review of the information documented in the TDT system, the Legal Coordinator was on-site at Horizon from 11:11 am to 1:16 pm in order to conduct office hours. The entry in the TDT system for the provision of Law Library services on this date was recorded as taking place from 3:11 to 5:17 pm, indicating that the Legal Coordinator was on-site for a total of at least 4 hours and 13 minutes.

Provision of Law Library Services

Based on a review of the information documented in the TDT system, on this audit date the Legal Coordinator conducted office hours from 11:11 am to 1:16 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 TDT system, 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 3:11 pm to 5:17 pm.

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Upon review of the information documented in the TDT system for this audit date, one (1) resident requested lawyer contact information, two (2) residents requested bail information, and six (6) residents requested information relevant to their specific case. Nine (9) requests were submitted verbally by nine (9) separate residents, directly to the Legal Coordinator. Each session that occurred during Law Library program hours was between seven (7) to fifteen (15) minutes in duration.

Fulfillment of Requests for Appointments

Of the nine (9) requests, seven (7) were fulfilled on this audit date. One (1) request was fulfilled within twenty-four (24) hours of this date, and one (1) request was not fulfilled within this audit period. Each Law Library session fulfilled by request, including those that took place outside of normal Law Library program hours, lasted from fifteen (15) minutes to twenty five (25) minutes in duration.

Request Forms

On this audit date, no Request Forms were 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

Based on a review of the information documented in the TDT system on this audit date, it was determined through a manual inspection that Tablets # 8 and #9, which were made available for Law Library services on this date, were functional.

February 28th

Legal Coordinator on-site recordings

Based on a review of the information documented in the TDT system, the Legal Coordinator was on-site at Horizon from 11:04 am to 1:12 pm in order to conduct office hours. The entry in the TDT system for the provision of Law Library services on this date was recorded as taking place from 3:08 to 5:55 pm, indicating that the Legal Coordinator was on-site for a total of at least 4 hours and 51 minutes.

Provision of Law Library Services

Based on a review of the information documented in the TDT system, on this audit date the Legal Coordinator conducted office hours from 11:04 am to 1:12 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 TDT system, the Legal Coordinator recorded that Law Library program hours, in which residents were afforded access to tablets with

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Lexis/Nexis research capacity and assistance from the Legal Coordinator in performing legal research, occurred from 3:08 pm to 5:55 pm.

Upon review of the information documented in the TDT system for this audit date, one (1) resident requested lawyer contact information, one (1) resident requested bail information, and eight (8) residents requested information relevant to their specific case. Each individualized session that occurred during Law Library program hours was between eleven (11) minutes and thirty-five (35) minutes in duration. All ten (10) requests were submitted verbally by nine (9) separate residents, directly to the Legal Coordinator.

Fulfillment of Requests for Appointments

Of the ten (10) requests, nine (9) were fulfilled on this audit date. One (1) request was not fulfilled during this audit period. Each Law Library session fulfilled by request, including those that took place outside of normal Law Library program hours, was between seven (7) minutes to thirty-five (35) minutes in duration.

Request Forms

On February 28th, 2019, 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

Based on a review of the information documented in the TDT system on this audit date, it was determined through a manual inspection that Tablets #1 and #2, which were made available for Law Library services on this date, were functional.

Audit Recommendations and Corrective Actions

The following recommendations for corrective actions have been implemented:

Legal Coordinator's Mailbox

- The Legal Coordinator has delivered a copy of the mailbox key to the Case Management suite for weekend use.