

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

Pursuant to the six (6) month limited variance renewal first granted by the NYC Board of Correction on July 10, 2018 related to the provisions of the NYC Board of Correction Minimum Standard §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. On July 8, 2019, the NYC Board of Correction renewed the Department’s six (6) month variance from Minimum Standard §1-08(f) for Horizon¹. 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.

ACS performed an audit on the provision of the alternate Law Library services during the month of September 2019 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 September 2019:

- **September 6th**
- **September 10th**
- **September 17th**
- **September 25th**

¹ This variance was first renewed by the NYC Board of Correction on January 8, 2019.

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The Legal Coordinator utilizes a TDT system² 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 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 sessions³. 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 Staff⁴ Logbook, located at the entrance to the facility, is utilized as needed 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, as needed, to cross-reference information provided in the TDT system and 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.

² 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.

³ 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.

⁴ The Non-DOC Staff Logbook should have one corresponding entry for each instance that the Legal Coordinator was on-site, indicating the time that the Legal Coordinator entered and exited the facility.

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- 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 available legal research tablets and the two (2) secure access points⁵ to determine whether the equipment was operational.

Audit Findings

Request Forms

Residents may request an individualized session to discuss a 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 Dining Hall. This mailbox is available to all residents as they are escorted to the medical area or the Dining Hall on a daily basis, three (3) 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, Program Counselors 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.

During the month of September zero (0) Law Library slip requests were received by the Legal Coordinator in the designated mailbox. All other requests were made verbally by individual residents to the Legal Coordinator.

Access to tablets with Lexis/Nexis research capacity

Residents conduct legal research through Lexis/Nexis using one (1) 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

⁵ The Legal Coordinator only affirmatively documents when secure access points are non-functional.

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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 Program staff⁶, 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 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 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.

Weekday Law Library hours

On weekdays, the Legal Coordinator provides four (4) hours of continuous Law Library services. Services are typically offered in the Dining Hall, where the Legal Coordinator is able to have direct contact with a majority of residents, in resident halls, in order to provide services to residents unable to obtain services while in the Dining Hall, and in classrooms after school hours. Tablets with Lexis/Nexis research capacity are provided for at least two (2) out of the four (4) hours, during a time that does not conflict with the residents’ required daily activities.

Weekend Law Library hours

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.

September 6th

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 2:00 pm to 6:00 pm for the provision of Law Library services. The Legal Coordinator was on-site for a total of four (4) hours.

⁶ The Legal Coordinator is not on-site on weekend days, and as a result, Program staff provide access to tablets with Lexis/Nexis research capacity from 9am to 3pm, upon residents’ request.

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Provision of Law Library Services

Based on a review of information documented in the TDT system, on this audit date, the Legal Coordinator provided Law Library program services from 2:00 pm to 6:00 pm, during which residents 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 during this time period, the residents were afforded access to tablets with Lexis/Nexis research capacity and assistance from the Legal Coordinator in performing legal research.

Fulfillment of Requests for Appointments

Upon review of the information documented in the TDT system for this audit date, one (1) resident requested assistance with general legal topics and a printout of WebCrimis. Of the one (1) request for an appointment submitted on this audit date, the one (1) request was fulfilled on this date. The one (1) request was submitted verbally, directly to the Legal Coordinator. The individualized session that occurred during the Law Library program hours was ten (10) 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 #8 and #9, which were made available of Law Library services on this date, were functional.

September 10th

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 2:00 pm to 6:00 pm for the provision of Law Library services. The Legal Coordinator was on-site for a total of four (4) hours.

Provision of Law Library Services

Based on a review of information documented in the TDT system, on this audit date, the Legal Coordinator provided Law Library program services from 2:00 pm to 6:00 pm, during which residents were able to verbally request consultation and/or an appointment for an individual

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session or access to a tablet with Lexis/Nexis capacity. In the TDT system, the Legal Coordinator recorded that during this time period, the residents were afforded access to tablets with Lexis/Nexis research capacity and assistance from the Legal Coordinator in performing legal research.

Fulfillment of Requests for Appointments

Upon review of the information documented in the TDT system for this audit date, one (1) resident requested general case information and one (1) resident had a general legal question and requested sentencing information. Of the two (2) requests for appointments submitted on this audit date, two (2) were fulfilled on this date. All two (2) requests were submitted verbally by two (2) separate residents, directly to the Legal Coordinator. All two (2) of the residents' requests for appointments submitted on this audit date were fulfilled during Law Library program hours offered on this date. The individualized sessions that occurred during Law Library program hours were between fifteen (15) and seventeen (17) 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 #8 and #9, which were made available of Law Library services on this date, were functional.

September 17th

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 4:00 pm to 6:00 pm for the provision of Law Library services. The Legal Coordinator was on-site for a total of two (2) hours.

Provision of Law Library Services

Based on a review of information documented in the TDT system, on this audit date, the Legal Coordinator provided Law Library program services from 4:00 pm to 6:00 pm, during which residents 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 during this time period, the residents were afforded access to tablets with Lexis/Nexis research capacity and assistance from the Legal Coordinator in performing legal research.

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Fulfillment of Requests for Appointments

Upon review of the information documented in the TDT system for this audit date, two (2) residents requested general information and case discussions. Of the two (2) requests for appointments submitted on this audit date, two (2) were fulfilled on this date. The two (2) total requests were submitted verbally by two (2) separate residents, directly to the Legal Coordinator. Individualized sessions that occurred during the Law Library program hours were between fourteen (14) and 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 of Law Library services on this date, were functional.

September 25th

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 2:35 pm to 6:55 pm for the provision of Law Library services. The Legal Coordinator was on-site for a total of four (4) hours and twenty (20) minutes.

Provision of Law Library Services

Based on a review of information documented in the TDT system, on this audit date, the Legal Coordinator provided Law Library program services from 2:35 pm to 6:55 pm, during which residents 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 during this time period, the residents were afforded access to tablets with Lexis/Nexis research capacity and assistance from the Legal Coordinator in performing legal research.

Fulfillment of Requests for Appointments

Upon review of the information documented in the TDT system for this audit date, one (1) resident requested information about bail, two (2) residents requested general information/case discussion, one (1) resident requested information on The Freedom of Information Act, and one (1) resident requested attorney contact information. Of the five (5) requests for appointments

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submitted on this audit date, four (4) were fulfilled on this date. The remaining one (1) request was fulfilled within a few days of the request. All five (5) requests were submitted verbally by five (5) separate residents, directly to the Legal Coordinator. Each individualized session that occurred during the Law Library program hours lasted between ten (10) and forty-five (45) 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 #8 and #9, which were made available of Law Library services on this date, were functional.