

NYC Administration for Children’s Services
NYC Department of Correction
Horizon Juvenile Center Law Library Services Audit Report — May 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 January 8, 2019, the NYC Board of Correction renewed the Department’s six (6) month variance from Minimum Standard §1-08(f) for Horizon. 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 May 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 May 2019:

- **May 10th**
- **May 16th**
- **May 23rd**
- **May 30th**

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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 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 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.
- 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

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.

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.

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(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 points⁴ 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 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.

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 Program staff⁵, or by submitting a Request Form. Individualized

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

⁵ 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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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.

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.

May 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 11:00 am to 1:00 pm to conduct office hours. The entry in the TDT system for the provision of Law Library services on this audit date recorded that services took place from 3:15 pm to 5:15 pm, indicating that 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 conducted office hours from 11:00 am to 1:00 pm, during which residents in the Dining Hall 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 3:15 pm to 5:15 pm.

Fulfillment of Requests for Appointments

Upon review of the information documented in the TDT system for this audit date, one (1) resident requested a printout of information from Web Crims, three (3) residents requested information regarding the court process, and one (1) requested information regarding general sentencing information. All five (5) of the residents' requests for appointments submitted on this audit date were fulfilled during Law Library Hours. All five (5) requests were submitted verbally by five (5) separate residents, directly to the Legal Coordinator. Each individualized session that

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occurred during Law Library office hours was between five (5) and sixteen (16) 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 Tablet #9, which was made available for Law Library services on this date, was functional.

May 16th

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 11:07 am to 1:07 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 3:10 pm to 5:10 pm, indicating that the Legal Coordinator was on-site for a total of four (4) hours.

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 11:07 am to 1:07 pm, during which residents in the Dining Hall 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 3:10 pm to 5:10 pm.

Fulfillment of Requests for Appointments

Upon review of the information documented in the TDT system for this audit date, one (1) resident requested general information, one (1) resident requested a printout of information from Web Crims and two (2) residents requested Law Library tablet usage. Of the four (4) requests for appointments submitted on this audit date, three (3) were fulfilled on this date. One (1) request was not fulfilled due to resident having a visit in the afternoon. All four (4) requests were submitted verbally by four (4) separate residents, directly to the Legal Coordinator. Each individualized session that occurred during Law Library office hours was between eleven (11) and

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twenty (20) minutes in duration. Each individualized session that occurred during the Law Library program hours lasted between ten (10) and thirty (30) 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 #5, #6 and #7, which were made available of Law Library services on this date, were functional.

May 23rd

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 11:06 am to 1:00 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 2:44 pm to 5:15 pm, indicating that the Legal Coordinator was on-site for a total of at least four (4) hours and twenty-five (25) 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 11:06 am to 1:00 pm, during which residents in the Dining Hall 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 2:44 pm to 5:15 pm.

Fulfillment of Requests for Appointments

Upon review of the information documented in the TDT system for this audit date, one (1) resident requested Law Library tablet usage and two (2) residents requested a printout of information from Web Crims. Of the three (3) requests for appointments submitted on this audit date, three (3) were fulfilled on this date. Three (3) total requests were submitted verbally by three (3) separate residents, directly to the Legal Coordinator. Each individualized session that occurred during Law Library program hours was fourteen (14) minutes in duration. Each individualized session that occurred during the Law Library program hours lasted between fifteen (15) and fifty-five (55) minutes in duration.

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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 #6 and #7, which were made available of Law Library services on this date, were functional.

May 30th

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 in order to conduct office hours between 11:12 am and 1:25 pm. The entry in the TDT system for the provision of Law Library services on this date was recorded as taking place from 3:15 pm to 5:30 pm, indicating that the Legal Coordinator was on-site for a total of four (4) hours and twenty-eight (28) 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 between 11:12 am and 1:25 pm, during which residents in the Dining Hall 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 3:15 pm to 5:30 pm.

Fulfillment of Requests for Appointments

Upon review of the information documented in the TDT system for this audit date, one (1) resident requested Law Library tablet usage, two (2) residents requested a printout of information from Web Crims, one (1) resident requested general sentencing information and one (1) resident requested general sentencing information and requested a printout of information from Web Crims. Of the ~~three~~ five (5) requests for appointments submitted on this audit date, all five (5) were fulfilled on this date. All five (5) requests were submitted verbally by five (5) separate residents, directly to the Legal Coordinator. Each individualized session that occurred during Law Library office hours was between ten (10) minutes and nineteen (19) minutes in duration. Each Law Library appointment fulfilled by request during Law Library program hours was five (5) minutes in duration.

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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 #2 and #3, which were made available of Law Library services on this date, were functional.

Audit Recommendations and Corrective Actions

The following recommendations for corrective action have been implemented:

Legal Coordinator absences

- In July, the Law Library program hours will shift to a consecutive four (4) hour time period in order to allow for easier coverage in the event of the planned or unplanned absence of the regularly assigned Legal Coordinator. In addition, the Legal Coordinator’s contracted agency will identify a backup staff member to provide coverage, as needed.