



BOARD OF CORRECTION  
CITY OF NEW YORK

# LAW LIBRARY

ASSESSMENT



NOVEMBER 2024



# Assessment of Law Library Services on Rikers Island<sup>1</sup>

## Introduction

During the period August 20, 2024, through August 24, 2024, the NYC Board of Correction's ("Board" or "BOC") monitoring unit conducted a re-assessment of the NYC Department of Correction's ("Department" or "DOC") law library operations, to analyze the Department's compliance and adherence to Board Minimum Standard §1-08 and the Department's Directive on Law Library Operations 3501 R-B.

Board staff focused on several criteria during the assessment and conducted assessments of law library practices in the following facilities:

- Eric M. Taylor Center ("EMTC")
- George R. Vierno Center ("GRVC")
- North Infirmery Command ("NIC")
- Otis Bantum Correctional Center ("OBCC")
- Robert N. Davoren Complex ("RNDC")
- Rose M. Singer Center ("RMSC")
- Enhanced Supervision Housing located within RMSC ("RESH")
- West Facility ("WF")

The Board's Minimum Standard §1-08 sets forth rules on access to courts and legal services, including the operation of law library services throughout Department of Correction facilities. This second assessment further reviews the Department's Directive on Law Library Operations 3501R-B, to determine whether the processes that the Department has designed for law library services, access, and operation are effective. This report will summarize some of the major findings and provide insight into the possible changes to be made.

## Background

In October 2023, the Board launched an independent review of the Department's compliance with the Board's Minimum Standard § 1-08 Access to Courts and Legal services.

Board staff reported that the Department had a myriad of approaches to law library operations at different facilities. Board staff learned that while sign-up sheets were available in some housing units, not everyone who signed up was provided access to the law libraries. The Board also uncovered significant gaps in the duration of law library sessions per individual, ranging from 10 minutes to two hours. In the October 2023 assessment, the Board further learned that there were units across facilities that were designated for law library remote services<sup>2</sup>, specifically at RNDC, West Facility Annex, and NIC. Law library remote services refers to the use of paper slips, provided to people in custody who are not allowed to physically use the law library, to record what they need from the law library. The law library staff member then takes the slip back to the law library, performs the research and return the information to the person in custody in their housing unit.

Board staff also recognized a recurrent trend of shift reductions of law library staff. Shift reductions presented major issues toward ensuring law library access being afforded to people in custody. The Board's

---

<sup>1</sup> Authored by S. Augustin, Director of Programs and Community Support. The Monitoring Unit assigned to the New York City jails conducted the in-person observations and assessments of the law libraries. Graph visualizations by Correctional Standards Review Specialist V. Ezeji.

<sup>2</sup> Remote services refer to the use of slips provided to people in custody by law library staff, to provide law library services without physically bringing the individual to the law library.

first assessment found that lockdowns also directly impacted people in custody from being able to access the law library at their respective facility. As facilities struggled to cover posts, due to a lack of officers, lockdowns occurred frequently to shuffle staff, reduce violence, and in many cases prevent more violence from occurring.

In the October 2023 assessment<sup>3</sup>, the Board highlighted a lack of supplies and inoperable kiosks throughout the Department. The Board's 2023 law library assessment further flagged an issue in the lack of Spanish speaking support for individuals in custody needing translation or assistance. The Board's Minimum Standard § 1-08(h) states that Spanish-speaking people in custody shall be provided assistance in use of the law library by employees fluent in the Spanish language on an as needed basis.

Lastly, the Board's 2023 assessment flagged inconsistencies with schedules, while highlighting schedule conflicts that impacted access to other mandated services such as religion and recreation.

The Board's findings were later presented to the Department's Division of Programs and Community Partnerships (DPCP). The DPCP outlined a plan to assess and address the Board's findings to enhance and improve access for all people in custody to law library services.

It is important to note that during the COVID-19 pandemic, people in custody as well as Department staff became infected with the COVID-19 virus. To curtail the spread of the virus through city jails, then Mayor Bill DeBlasio issued Emergency Executive Order No. 279<sup>4</sup> to address the effects of excessive absenteeism. Mayor DeBlasio also issued Emergency Executive Order 241, which declared a state of emergency throughout city jails. Through a series of proceeding Emergency Executive Orders, several of the Board's Minimum Standards were suspended, including §1-08 Access to Courts and Legal Services. Under Mayor Eric Adams' administration, the Emergency Executive Orders remained in effect until Mayor Adams issued Emergency Executive Order 579 in April 2024, which terminated the suspension of §1-08 Access to Courts and Legal Services.

### **Re-assessment in 2024**

The Board conducted a second assessment in August of 2024. This re-assessment was conducted by Monitors ("Board staff") at eight facilities on August 20<sup>th</sup>, 21<sup>st</sup>, 22<sup>nd</sup>, 23<sup>rd</sup>, and 24<sup>th</sup>.

This re-assessment involved an independent review of in-person observations, and documentation collection during jail tours. Documents supplied by each DOC facility, interviews with civilian and uniformed staff, and incarcerated individuals, and the analysis of DOC policies. The NYC Board of Correction Minimum Standard §1-08 Access to Courts and Legal Services, including Law Library, governs law library services within New York City Department of Correction "DOC" jails.

Board staff focused on various aspects of law library services, including but not limited to:

- Examining law library schedules and placement locations,
- Ensuring daily availability for at least two hours.
- Documentation of sessions using DOC Form 3501D (Law Library 24hr. Report)
- Law library signup sheets and their efficacy.
- The availability of in-person congregate law library services.
- Documented session start and end times.
- Facility program schedules

---

<sup>3</sup> The findings of the board's initial 2023 assessment.

<sup>4</sup> The Mayoral Emergency Executive Order 279 (<https://www.nyc.gov/office-of-the-mayor/news/279-001/emergency-executive-order-279>)

- The offering of legal research classes for people in custody
- Presence of a legal coordinator
- Operability of law library equipment.
- Spanish-speaking staff and person in custody law library clerks

The review encompassed aspects like legal research classes for the general population and the procedures for requesting law library services. It considered the availability and functionality of typewriters, kiosks, copiers, and the presence of a legal coordinator. Board staff inquired about the provision of Spanish-speaking assistance within the law library, legal clerical supplies, and access to a notary. Alternative methods employed by DOC for law library services, consistent staffing, access to discovery materials, and the availability of radios and handheld cameras for recording sessions were also scrutinized.

## **EVALUATION CRITERIA**

### **Facility Census & Law Library 24hr Report (Form 3501D)**

Board staff reviewed each facility's daily census records, as per the 5:00 A.M. CENSUS HOUSING AREA/ VACANCY REPORT. The Law Library 24hr. Report was examined to note the number of individuals that physically accessed the law library in relation to a facility's total census.

### **Law Library on-site recordings**

Board staff conducted manual reviews, including manual checks of the law library sign-in and sign-out logbook<sup>5</sup>, to confirm whether incarcerated individuals had the opportunity to access the library for a minimum of two hours each day, five days a week<sup>6</sup>. The law library schedule and program schedules were further evaluated for continuity and consistency of access. Additionally, BOC staff scrutinized documented sessions using DOC Form 3501D and law library sign-up sheets<sup>78</sup>.

### **Law Library schedules and possible conflicts with other mandated services**

Board staff performed on-site inspections within the law library to monitor incarcerated individuals' attendance during law library services. A wide-ranging assessment was carried out, involving manual examinations of various schedules<sup>9</sup>, including the law library schedule, recreation schedule, religious services schedule, meal schedule, visit schedule, standing count times, commissary, linen exchange, barbershop schedules, and sick call schedules. This was done to determine whether there were any scheduling conflicts, specifically relating to mandated services like law library access.

### **Law Library equipment**

Board staff conducted in-person observations and interviews with Department staff and incarcerated individuals to re-evaluate the functionality of legal research kiosks, typewriter access<sup>10</sup>, photocopier access<sup>11</sup>, and the

<sup>5</sup> The law library sign-in and sign-out logbook documents the date, time, and duration, of each person in custody's session.

<sup>6</sup> Correction officers are responsible for maintaining attendance records, special logs, and 24-hour reports.

<sup>7</sup> Prior to entering the law library, DOC staff must ensure an individual's name is on the law library sign-up sheet.

<sup>8</sup> As per DOC policy, individuals are required to request access to the law library by using sign-up sheets. Bilingual sign-up sheets must be prominently displayed in every housing area, ensuring that people in custody have unhindered access to these sheets throughout all lockout periods the preceding day, enabling them to register for law library use on the next scheduled day. Each housing unit should have an ample supply of sign-up sheets, with immediate replacement of any sheets torn down. People in custody unable to sign up for law library use due to court appearances or other reasons shall have the opportunity to access the law library on the next day it operates, provided they request it. These guidelines are outlined in Directive 350 I.

<sup>9</sup> In accordance with BOC minimum standards, the law library schedule should be structured to offer incarcerated individuals access during periods when other activities like recreation, commissary, meals, school, sick call, and similar events are not taking place.

<sup>10</sup> A supply of operable typewriters equivalent to at least one percent of the facility's person in custody capacity shall be available during all hours of law library operation for use by people in custody and trained typists. Typewriters shall be repaired promptly and back up typewriters shall be available to replace inoperable machines.

<sup>11</sup> An adequate supply of paper, writing materials, and other supplies appropriate for legal work, shall be replenished on an as needed basis.

availability of clerical supplies within the law library. The goal was to determine if this equipment was functioning correctly and meeting the operational requirements of the law library.

### **Law Library supplies**

To re-assess the availability of supplies<sup>12</sup> in the law library, Board staff conducted in-person observations and interviewed departmental civilian and uniformed staff and incarcerated individuals<sup>13</sup>.

### **Spanish speaking assistance<sup>14</sup>**

Board staff conducted in-person observations and interviews with Department staff and incarcerated individuals to evaluate the access to Spanish speaking trained legal coordinators, correction officers, or inmate law library clerks.

### **Legal Research**

Board staff conducted in-person observations and interviews with Department staff and incarcerated individuals to assess the frequency of the required quarterly legal research classes.

### **Notary Public or Commissioner of Deeds<sup>15</sup>**

Board staff conducted in-person observations and interviews with Department staff to assess the presence and access of notarial services.

### **Feedback from Department staff and individuals in custody**

Board staff conducted interviews with legal coordinators, correction officers who are consistently assigned to the law library post, and a minimum of three incarcerated individuals (per audit) to gain insights into their interactions with law library services.

## **SUMMARY OF FINDINGS**

In this re-assessment, Board staff continued to encounter various approaches and challenges in the Department's implementation of law library practices across jails.

Prior to the start of law library observations, Board staff requested from the Department the most recent facility program and law library schedules. The goal of collecting both schedules, was to learn if any overlap existed between other mandated services and law library. In review of both schedules, Board staff learned that there was not a uniformed design for facility program and law library schedules. Some schedules were stored on excel spreadsheets, while others were in PDF format. In further review of the schedules, it appeared that there were overlapping instances between law library and mandated services. For example, at EMTC several units experienced an overlap of mandated services on Wednesdays between law library and religious services, specifically Jewish services. This would result in an incarcerated individual having to either choose between the two services or be forced to leave one early to attend the other.

During the reassessment, Board staff learned that law library services often did not occur at the designated time across multiple facilities. In some instances, staff found that law libraries opened later than scheduled, but recorded times in logbooks to reflect being opened on time.

---

<sup>12</sup> The cost for supplies in commissary at the time of this assessment was: \$0.35 pens, \$0.74 stamped envelope, \$1 .06 white lined paper pad.

<sup>13</sup> Legal clerical supplies, including pens, legal paper and pads shall be made available for purchase by people in custody. Such legal clerical supplies shall be provided to indigent individuals at Department expense.

<sup>14</sup> Individuals in custody who are Spanish speaking shall receive assistance in using the law library from staff fluent in the Spanish language as required by the BOC minimum standards.

<sup>15</sup> DOC Law Library post description requires the correction officer to perform the function of Notary Public or Commissioner of Deeds.

In the October 2023 assessment, BOC reported an urgent need for standardizing and improving practices within the jail's law libraries. Board staff observed differing law library practices across all facilities. While some facilities were no longer providing remote law library services, others continued the practice. Most notably at RESH, where people in custody do not have a designated law library or library space to conduct legal research in the unit. In RESH, discovery provided to the Department by the representing attorney is viewed by people in custody on a DOC issued tablet. Uniformed staff reported experiencing delays in device returns from people in custody who want to hold onto their discovery, as well as damages to devices which prevents other people in custody from viewing their legal material. In restrictive locations where remote law library services are provided, DOC staff have expressed that people in custody continue to have access to minimal law library services through the Department issued tablets. The Board maintains that while having some access is better than no access, the access provided via Department issued tablets does not replace physical access to the law library, as required by the Board's Minimum Standards.

Board staff checked the availability of signup sheets across units at each facility. While sign-up sheets should be available in housing units, Board staff highlighted that across the current eight facilities, sign-up sheets are not posted in all units. This fact directly conflicts with DOC policies. Moreover, people in custody reported to BOC that not everyone who signs the sheet will be provided law library access. Similarly, across all facilities, people in custody continue to be uncertain about accessing law library when sign-up sheets are not used. This is in part due to facilities establishing restrictions on the number of individuals that can be escorted to the law library at one time. For example, EMTC, OBCC Main and RNDC allow 16 or more people in custody to be escorted at a time, while West Facility Annex and GRVC only allow six to ten individuals at a time.

In the October 2023 assessment, Board staff flagged shift reduction as being a major catalyst to a decreased level of law library access for incarcerated individuals. This time around, Board staff found that there was a decrease in staff reductions across all facilities. Areas that continued to experience staff reduction on specific observed dates were RNDC (7:00 AM to 3:00 PM tour), OBCC Annex (all tours), OBCC Main (7:00 AM to 3:00 PM tour). This shows an improvement in staff scheduling consistent to law library services.

## ASSESSMENT OF EACH FACILITY

### Facility Censuses VS Individuals Accessing Law Library

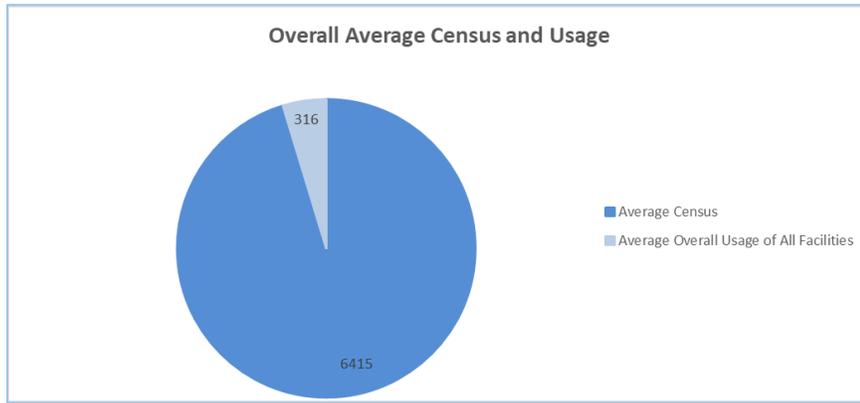


Figure 1.

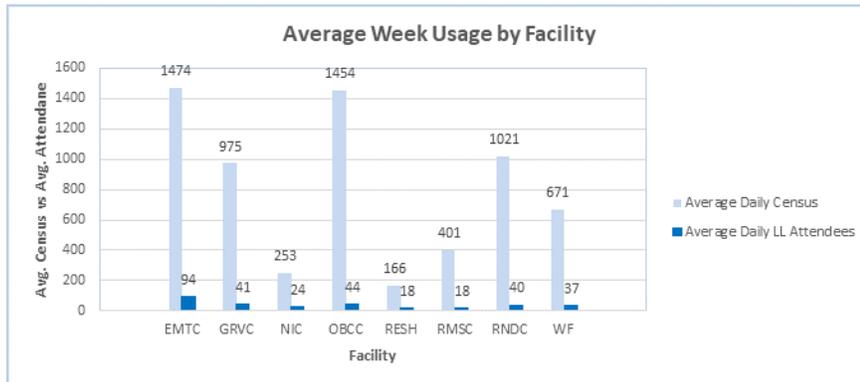
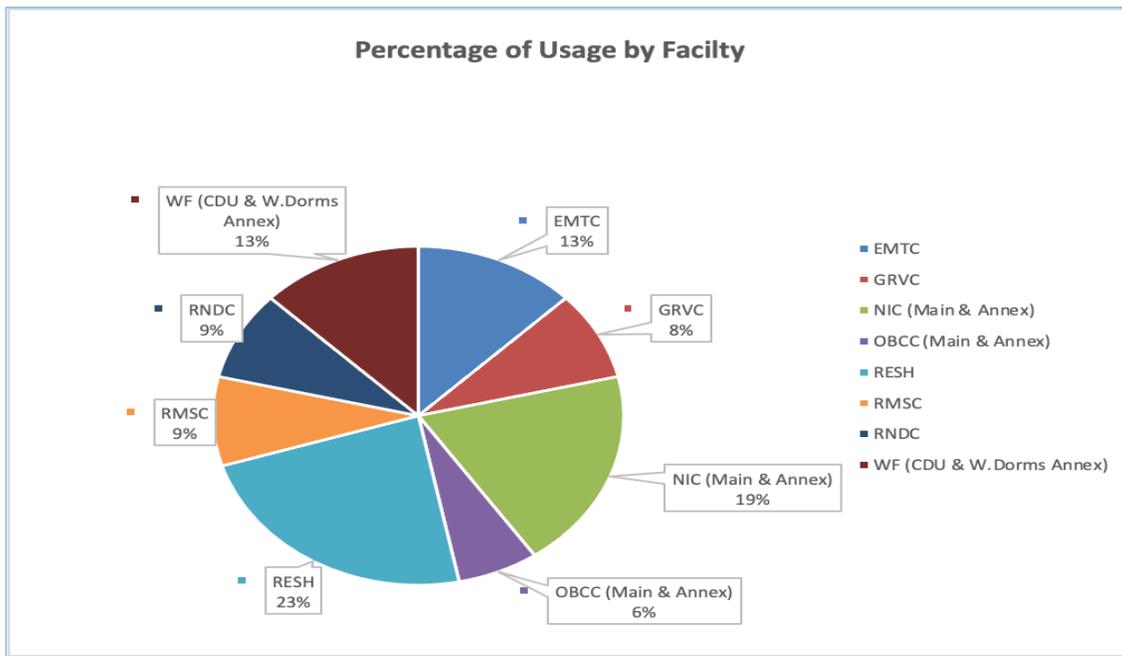


Figure 2.

During BOC’s re-assessment, BOC staff reviewed facility daily census using the 5 AM Census. The goal was to understand the ratio of the people in custody throughout the Department versus the number of people in custody who accessed the law library during the time of the assessment. Another goal was to understand the ratio of individual facility’s census versus the number of people in custody who accessed the law library. Figure 1 shows the overall average for individuals in custody during the time of this study was approximately 6,415. Figure 1 also shows that the average law library usage during the time of BOC’s assessment was 316. This showed that less than 5% of the overall population accessed the law library. Taking a closer look at the average number of law library participants, Figure 2 illustrates, by facility, the average number of people in custody during the assessment period versus the average number of people in custody who used the law library.

Both Figure 1 and Figure 2 provide an understanding of use, while raising the concern that the law library experiences low attendance from people in custody due to various factors. In conversation with people in custody, Board staff learned that some individuals are not accessing the law library due to capacity issues, while others mentioned that their housing area had not been afforded the opportunity.

The Department’s directive on law library operations requires that law libraries contain sufficient space to accommodate approximately 10 percent of the facility’s population.



**Figure 3.**

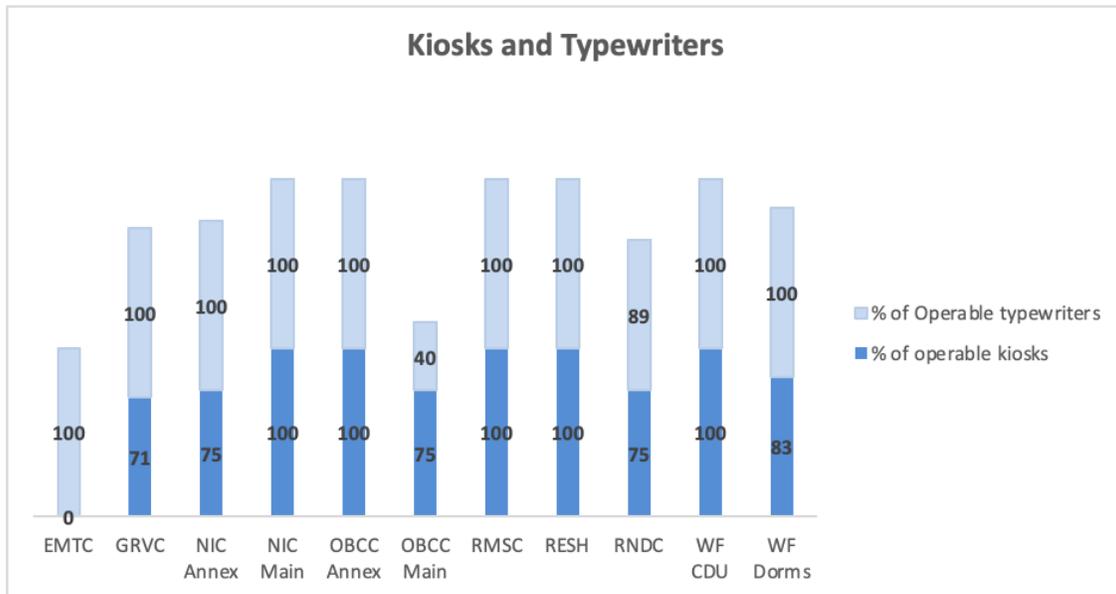
Figure 3 depicts a chart set to equal 100, where 100 represents the total successfully afforded access to law library services during the assessed period, which reflects the overall usage throughout Department facilities in relation to the whole. At first glance, we find that RESH experiences the highest-level of access to law library services. While RESH is a restrictive setting, Board staff observed remote law library services being provided to individuals housed in RESH. It is important to note, Board staff reported RESH having the lowest number of individuals housed in custody, which can also present greater access in relation to the whole.

### **Law Library Sign Up Sheets and Remote Services**

The Board’s standard requires that a person in custody be afforded the ability and opportunity to request law library services. According to the Department’s Directive on Law Library Operations, a person in custody requesting law library services, can do so by using sign-up sheets available in their respective housing area. In the previous assessment, the Board found that the Department did not use sign-up sheets in all facilities. During that time the Board also learned that in facilities where sign-up sheets were in-use, the use was not consistent for all units. During this second assessment, the Board found that, overall, the Department had improved in the use of sign-up sheets. However, the Department should still monitor the continued use of sign-up sheets throughout all Department facilities, and specifically at GRVC, where Board staff learned that in some instances people in custody are still requesting law library access through the law library escort officer. The Department’s directive on law library operations outlines much of the role and job function of each staff assigned to the law library. According to the Department’s law library operations directive, correction officers assigned to the law library are responsible for maintaining and distributing sign-up sheets. Officers are also tasked with reporting damaged equipment.

Board staff further learned that remote services, for instance, law library services provided by slips, continued to be a practice in restrictive housing units, such as: West Facility CDU and RESH. However, Board staff found that remote services also continued in unrestrictive settings at OBCC Annex, GRVC, and EMTC. Housing areas impacted using remote services range from general population to mental observation housing areas.

**Law Library Equipment & Supplies**



**Figure 4.**

The Board’s Standards require that the Department maintain a properly equipped law library, to meet the needs of people in custody. The Department’s policies further speak to the law library being properly equipped and maintained. During this assessment, Board staff reported several inoperable kiosks. Kiosks are used to perform legal research using of legal research software like Lexus Nexus. Figure 4 illustrates the number of operable versus inoperable kiosks and typewriters. On a scale of zero to 100, the graph depicts by facility the number of kiosks and typewriters in need of repair. 100 percent represents that equipment is fully functional, while less than 100 percent signifies a need for repairs. Board staff’s research shows that the Department experiences a greater number of inoperable kiosks than typewriters. While not depicted on the graph, during in-person observations and conversations, Board staff encountered complaints of inoperable copy machines from people in custody and Department staff throughout the course of this assessment.

Below, chart 1, is a breakdown of the operability of kiosks and typewriters throughout DOC facilities.

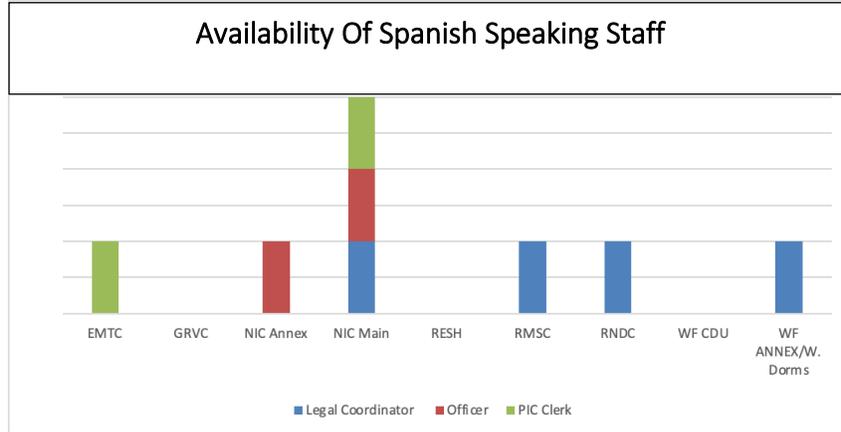
Operability of Kiosks and Typewriters						
FACILITY	KIOSKS			TYPEWRITERS		
	TOTAL	OPERABLE	INOPERABLE	TOTAL	OPERABLE	INOPERABLE
EMTC	3	0	3	2	2	0
GRVC	7	5	2	4	4	0
NIC ANNEX	4	3	1	5	5	0
NIC MAIN	5	5	0	6	6	0
OBCC ANNEX	2	2	0	4	4	0
OBCC MAIN	8	6	2	5	2	3
RMSC	6	6	0	7	7	0
RESH	6	6	0	6	6	0
RND	8	6	2	9	8	1
WF CDU	1	1	0	4	4	0
WF – DORMS	6	5	1	6	6	0

**Chart 1**

\*\*WF/CDU- There is no physical law library. There is only one kiosk in CDU, and it is in Sprung 6. It is operable. There are no kiosks in the remaining six springs. There are four typewriters, all are operable. WF/Dorms- Six kiosks, five operable. Six

typewriters, and all are operable.

### SPANISH LANGUAGE SUPPORT



**Figure 5**

When the Board reviewed access to Spanish-speaking law library personnel, as shown in Figure 5, Board staff found that the Department did provide access to Spanish-speaking law library personnel in six out of the eight facilities that were monitored. However, Board staff reported zero access to Spanish-speaking law library personnel at GRVC, RESH, and West Facility (WF) CDU. At EMTC only the law library clerk spoke Spanish. Board staff found that NIC Main had the most Spanish-speaking law library personnel.

#### Notary Services

The Department mandates that all Department staff assigned to law library posts be New York State licensed Notary Publics. The Department requires officers to become a licensed Notary within 30 days of their assignment. If an officer does not acquire licensing within the allotted timeframe, the uniformed officer is removed from the post. All legal coordinators are licensed notary publics.

During this assessment, the Board found that almost all DOC law library staff were licensed notary publics, with some exceptions.

#### Legal Research

The Board’s standard requires that legal research classes be conducted on at least a quarterly basis for individuals housed in general population housing. Board staff interviewed law library staff and people in custody to understand whether legal research classes were scheduled, and if not, when the last research class was conducted.

Scheduled Legal Research Classes		
FACILITY	Most recent	Next Scheduled
EMTC	2019	September 2024
GRVC	Pre-pandemic	Unknown
NIC Annex	Unknown	Unknown
NIC Main	March 2024	October 2024

OBCC Main & Annex	Pre-Pandemic	Unknown
RNDC	Unknown	Unknown
WF CDU	Unknown	Unknown
WF Annex (dorms)	Early 2024	September 2024
RMSC	Pre-Pandemic	September 2024
RESH	Not Applicable	Not Applicable

**Chart 2.**

Board staff interviewed people in custody and law library staff to identify the most recent time legal research classes had been conducted, and when another class was scheduled to commence. Chart 2 shows that out of the 10 law libraries visited, six were unclear of the date of the last legal research class. Three of the six reported having conducted legal research classes pre-pandemic. Also, of the 10 law libraries visited, four reported an upcoming scheduled legal research class. Five reported not having a date scheduled for legal research classes. The finding of a lack of scheduled legal research classes in this second assessment, as well as the first assessment, violates the Board’s Minimum Standard and Department directive.

**Law Library Scheduling**

The Board’s standards require that the Department offer law library services free from encumbrances. Encumbrances occur in the form of a person in custody having to choose between their mandated law library service and another mandated service. While programing may overlap with law library being afforded, the Board’s standard expressly prohibits overlap of law library and another mandated service, including religious services, recreation, to name a few. In review of facility schedules, Board staff identified scheduling conflicts that resulted in individuals in custody having to choose between services, as shown in Chart 3 below. For example, the Board reviewed RMSC’s facility program schedule, which highlights all housing units’ access to law library and other mandated or programmatic services. Currently, RMSC has a program scheduling issue between religious services and law library that causes people in custody to miss one over the other.

<b>Facility Programming Schedule Overlaps With Law Library Services</b>		
<b>FACILITY</b>	<b>YES</b>	<b>NO</b>
EMTC	✓	
GRVC	✓	
NIC Annex	✓	
NIC Main	✓	
OBCC Main & Annex	✓	
RNDC	✓	
WF CDU		✓
WF Annex (dorms)	✓	
RMSC	✓	
RESH		✓

**Chart 3.**

Throughout the course of this assessment Board staff monitored the use of law library sign-in/out logbooks. It was apparent that individuals in custody had not been properly recording their time in the area. This presents concerns regarding the presence of an individual who alleges that they had not been afforded law library due to scheduling conflicts. During extended observations, people in custody have reported that the law library is not following the posted schedule. Furthermore, session start, and end times are not being appropriately recorded.

During the Board’s last assessment, shift reductions occurred often, resulting in a lack of escorts which placed access limitations to people in custody. In this second assessment Board staff learned that shift-reductions occurred less frequently, and only in the event of an emergency.

<b>Capacity vs Number of Available Law Libraries</b>				
<b>Facility</b>	<b>Open Housing Areas</b>	<b>Approx. Total Census</b>	<b>Capacity</b>	<b>Number of Law Libraries</b>
<b>EMTC</b>	30	1474	1539	1
<b>GRVC</b>	28	975	1065	1
<b>NIC Annex</b>	4	62	77	1
<b>NIC Main</b>	11	187	239	1
<b>OBCC Main &amp; Annex</b>	31	1454	1546	1
<b>RNDC</b>	46	1021	1096	1
<b>WF CDU</b>	7	76	98	1
<b>WF Annex (dorms)</b>	19	600	600	1
<b>RMSC</b>	19	401	961	1
<b>RESH</b>	6	166	203	0

**Chart 4.**

Chart 4 above highlights the number of open housing areas during the week of BOC’s assessment, in relation to the facilities’ approximate census and the number of available law libraries to accommodate the census. The chart also highlights the bed capacity, to understand the total number of individuals on average that can be housed in a housing area at a particular facility. This chart flags the question of whether the Department should consider identifying more spaces to create law libraries. More law libraries may increase the number of individuals that can be afforded access, while minimizing the impact of overlapping services.

The Board’s standard and the Department’s directive on law library operations requires facilities that have a capacity greater than 600 to offer law library services for a minimum of 10 hours, eight of which should be during lock-out hours. The directive further requires facilities with a capacity less than 600 to operate law library services for a minimum of eight hours, of which six and a half hours should be during lock-out hours. As noted earlier in this report, the Department’s directive on law library operations requires that law libraries contain sufficient space to accommodate approximately 10 percent of the facility’s population.

## **Law Library on-site recordings**

BOC staff conducted a manual review, including manual checks of the law library sign-in and sign-out logbook<sup>16</sup>, to confirm whether incarcerated individuals had the opportunity to access the library for a minimum of two hours each day, five days a week<sup>17</sup>. The law library schedule and program schedules were further evaluated for continuity and consistency of access<sup>18</sup>. Additionally, BOC staff scrutinized documented sessions using DOC Form 3501D and law library sign-up sheets<sup>19</sup>.

During in-person observations staff observed uniform law library staff using radios and/or law library telephones to communicate with housing areas prior to escorting people in custody to the law library. Upon arrival, people in custody are advised to sign in and out of the law library. Board staff found that while logbooks were available for signing, not all people in custody signed in or out on the logbook.

## **IN-PERSON OBSERVATIONS**

### **EMTC**

BOC assessed the law library in all facilities from August 20, 2024 through August 24, 2024. EMTC's total census as of August 24, 2024, was 1,464 incarcerated individuals. On August 21, 2024, a BOC monitor conducted a two-hour in-person observation of law library services. The observation was for session two on the law library schedule, which is scheduled from 10:15 a.m. to 12:15 p.m. and should consist of housing areas 10 Lower, 11 Main, 5 Main, 7 Main, 5 Upper, and 8 Main. Minimum Standard § 1-08 (f)(4) states that each law library shall be open for a minimum of five days per week, including at least one weekend day. Law library is open from Tuesday through Saturday, and currently, EMTC has one law library. EMTC law library consists of two legal coordinators, one on the 8:00 A.M. to 4:00 P.M. tour and one on the 1:00 P.M. to 9:00 P.M. tour. It also consists of three steady officers and three clerks who are people in custody.

### *Observation*

On August 21, 2024, while observing in the law library, there was one steady officer and one officer who was shift reduced from environmental services and put on the law library post. At the time of this observation, one legal coordinator and three clerks were present. A schedule is posted in the law library on the officer's desk, but no schedule was observed in any other area. The EMTC law library utilizes sign-up sheets for services. While touring EMTC, the BOC monitor observed law library sign-up sheets in some housing units, but not all.

On August 21, 2024, the BOC monitor arrived at the law library at 10:15 A.M. and observed that people in custody from session one, were still in the area. Law library officers stated that the first session started late. When the BOC monitor arrived, the housing areas in the law library were 12 Main, 9 Lower, 9 Main, 5 Lower, and 8 Upper. All mentioned housing areas were from the first session, scheduled from 8:00 A.M. to 10:00 A.M. BOC conducted a two-hour in-person observation focusing on session two, which on the law library schedule is 10:15 A.M. to 12:15 P.M. Session two started at 10:40 A.M. and ended at 12:15 P.M. During the session two observation, the housing areas were 5 Main, 5 Upper, 7 Main, and 10 Lower. The BOC monitor observed people in custody being escorted in and out of the law library. Some people in custody signed into the logbook upon arrival in the law library, and some did not. Eight people in custody were escorted in at 11:07 AM, and eight

---

<sup>16</sup> The law library sign-in and sign-out logbook documents the date, time, and duration, of each person in custody's session.

<sup>17</sup> Correction officers are responsible for maintaining attendance records, special logs, and 24-hour reports.

<sup>18</sup> Prior to entering the law library, DOC staff must ensure individual's names are written on the law library sign-up sheet.

<sup>19</sup> As per DOC policy, individuals are required to request access to the law library by using sign-up sheets. Sign-up sheets must be prominently displayed in every housing area, ensuring that people in custody have unhindered access to these sheets throughout all lockout periods the preceding day, enabling them to register for law library use on the next scheduled day. Each housing unit should have an ample supply of sign-up sheets, with immediate replacement of any sheets torn down. People in custody unable to sign up for law library use due to court appearances or other reasons shall have the opportunity to access the law library on the next day it operates, provided they request it. These guidelines are outlined in Directive 3501.

people in custody were escorted back to their housing areas at noon for “early go-back”<sup>20</sup> after retrieving their documents.

Handheld cameras were not utilized during this observation to record sessions; only the mounted GENETEC cameras were observed in the law library. The BOC monitor observed people in custody communicating with law library staff. The clerks assisted the people in custody with retrieving information and made copies. The BOC monitor observed the legal coordinator notarizing documents per request. There were no Spanish-speaking staff observed, but there was a Spanish-speaking person in custody clerk who worked in the area and was able to assist. The monitor observed people in custody utilizing two typewriters, and because all three kiosks were inoperable, they could not use them. The BOC monitor noted the following, based on in-person observations and conversations with people in custody and Department staff:

#### *Law Library Equipment*

- 1 Operable photocopier machine.
- 2 Operable typewriters (observed people in custody using both typewriters).
- 2 Operable laptops
- 3 Inoperable Kiosk (observed no people in custody using it)
- Tablets-N/A

#### *Legal Coordinator Difficulties/Obstacles encountered within Law Library*

- The schedule is not being followed in its entirety.
- Running out of supplies too fast.
- There is not enough space for people in custody in the law library; a bigger space would be more helpful.

#### *Law Library Uniform Staff Difficulties/Obstacles encountered within Law Library*

- There is not enough space in the law library.
- The chaplain's office is in the Law Library, which could be utilized for people in custody, specifically for law library services. On Fridays, the chaplain's office is used for attorney and tele visits. This was occurring during COVID-19 and has since continued.

#### *Law Library Service Issues with People In Custody*

- There have been no issues with the Law Library; everything has been going well. The legal coordinator is helpful and works well with everyone.
- Lack of supplies
- The staff is not helpful.
- Lack of ink in the copy machine (occasionally)
- Lack of typewriters (only two available)

Inoperable kiosk (they come to fix them, and they still become inoperable within days)

#### *Important Findings*

- People in custody don't always receive two hours while in the Law Library.
- People in custody request to leave earlier when they do not want to use their total two hours.
- The facility occasionally utilizes law library slips (remote) for people in custody to request documents. The Legal Coordinator fulfills the request, and the officer returns the slips to the individuals. It is optional to receive services.
- People in custody can go in person.

---

<sup>20</sup> “Early go-back” is an unofficial term used by Department staff to mean that the people in custody requested to leave and only stay for part of the two-hour scheduled timeframe afforded for a law library session.

- No manilla envelopes available
- All kiosks were inoperable at the time of observation.

### *Recommendations*

- Ensure people in custody are signing in and signing out of the logbook with their names and the times.
- Find a person in custody clerk proficient in kiosks to assist others with utilizing the machines to prevent them from troubleshooting themselves.
- Schedule a legal research class.

## **GRVC**

GRVC houses detained and sentenced male adults. As of August 23, 2024, the facility had a total census of 974. The facility is comprised of 27 cell units. Seven units are categorized as PACE, 1 CAPS, 1 CIVIL, 1 CMC MAX, 4 MO, 1 De-escalation Unit, and 12 deemed General Population.

### *Observation*

On Friday, August 23, 2024, a BOC monitor conducted an in-person observation during the fifth law library session at GRVC, which, according to the schedule, is from 6:00 P.M. to 8:00 P.M. The BOC monitor observed that no sign-up sheets were being utilized. At the time of the observation, three housing areas were in the law library: 3B, 9A, 9B, and 10B, all units house general population detainees.

The equipment inside law libraries is essential for incarcerated individuals to work on their criminal cases. Equipment usually includes typewriters, kiosks, tablets, and a laptop to review discovery from criminal case(s). During the observation, people in custody were not using the equipment inside the area. The BOC monitor observed interactions between people in custody, officers, and the legal coordinator; some appeared research related. Law library services and its sessions are recorded with a handheld camcorder that should be encased in a locked box. A camcorder is placed at an angle, capturing most of the law library space. Officers shared that they will be getting body cameras back at a date to be determined<sup>21</sup>. Officers have handheld radios and a telephone to communicate.

### *Important Finding*

There are no law library clerks or people in custody trained and employed to work in the law library area at GRVC. At the time of the observation, there were three correction officers, and one legal coordinator present in the law library. During the observation, all people in custody stayed for the entire session. No people in custody were escorted back to their housing areas. The Board's minimum standard requires at least one Spanish-speaking person to work in the law library. At the time of the observation, there were no Spanish-speaking staff members in the law library. The law library clerk and two correction officers are a notary public. The remaining officer's notary status is pending. One of the final observations reported by the BOC monitor was that the law library was well-lit and clean.

## **NIC/ West Facility**

On August 21, 2024, and August 27, 2024, BOC staff visited and observed law library operations within NIC's main building and WF's main law library (Annex).

### *Observation*

---

<sup>21</sup> On or about May 4, 2024, a DOC Correction Captain was injured by a malfunction of the body worn camera, that resulted in a medical emergency. ( <https://nypost.com/2024/05/04/us-news/department-of-corrections-yanks-all-3000-body-cameras-after-one-ignites-injuring-officer/> )

On August 21, 2024, the BOC monitor entered NIC's Main building and arrived at the law library at 9:12 A.M. to observe the 9:15 A.M. session. Six people in custody from the 5th floor responded to law library services. As per the schedule, 5 South and 5 North are noted on the schedule, which was made effective on July 19, 2022. People in custody utilized the typewriters and kiosks, which were all operable. Additionally, two individuals asked the legal coordinator for information regarding a motion and case law. The steady law library officer assisted people in custody with copies and escort within the law library. It must be noted that although a clerk was assigned to the law library, the individual was not in the area during the two-hour observation.

Additionally, there was no camera recording the session. However, the officer ensured that the people in custody signed in once they arrived. At approximately 10:17 A.M., two individuals were escorted back to the 5th floor because they completed their tasks. At approximately 11:20 A.M., the officer, BOC monitor, and four people in custody exited the area, ending the two-hour law library session.

### *Important Findings*

On August 22, 2024, at approximately 12:30 p.m., the BOC monitor observed Dorm 18 Upper A and B law library session. However, the person in custody council meeting was in progress and ended at approximately 1:30 P.M. Additionally, on August 23, 2024, the BOC monitor arrived at WF's law library at approximately 12:41 p.m. to observe Dorm 18 Upper A and B law library session. However, the staff was on their meal break. Law library staff stated that the sessions ended early due to people in custody wanting to return early from their session. The BOC monitor was told to return at approximately 1:30 P.M. for the next session. However, an individual was observed utilizing the newly installed teletypewriter (TTY)<sup>22</sup> device in the law library; law library services were stopped until TTY services ended. TTY devices allow people in custody who are deaf or hard of hearing, to communicate using sign language. Access to TTY is different from law library services in that the device is not used for law library resources, but instead as a way for people in custody who are deaf or hard of hearing to order commissary, speak with family, and access other services that they are unable to use in their housing area. As such, on August 27, 2024, at approximately 9:20 A.M., the BOC monitor entered WF's law library to observe Dorm 17 Upper A and B law library session. One person in custody responded from the 17 Upper B housing area and confirmed his attendance via a handheld camera that captured the session. A person in custody utilized the typewriter and requested copies of his legal paperwork when speaking with the legal coordinator. There was no person in custody law library clerk present for the session. At the time of the session, an officer was present and escorted the individual at 10:24 A.M. as he was ready to return to his housing area, terminating the law library session early.

### *Recommendations for NIC's Main Law Library*

The BOC monitor observed that no person in custody bathroom was available for individuals to use. During the interviews, multiple people in custody complained of ending their law library sessions early because once they need to use the bathroom, they must be escorted back to their assigned housing areas and cannot return. Additionally, the people in custody complained of incompetent person in custody law library workers; according to the people in custody, the law library clerk was hired to clean and doesn't have enough legal knowledge. As such, people in custody suggested that the Department hire more law library clerks for assistance.

### *Recommendations for WF's Main Law Library (Annex)*

The BOC monitor attempted to observe two law library sessions. However, the staff did not follow the afternoon schedule. Additionally, during the visit, the copy machine was down. Furthermore, staff stated they needed another officer assigned to the law library for escorting purposes. Lastly, a person in custody notified the BOC monitor of the inoperable bathroom lights. On August 28, 2024, the Programs Captain confirmed via email that the lights were repaired. It must be noted that there is a restriction on the number of people in custody who can attend law library services. Ten persons in custody are allowed in WF's law library. There are approximately 500 people

---

<sup>22</sup> TTY devices/telephone are used by individuals who are deaf or hard of hearing. These devices often have a screen allowing users to communicate via sign language.

in custody housed in WF's dorm areas; more than ten individuals from the 'A' and 'B' sides need to attend law library sessions. Because of the restriction, individuals are forced to delay their legal research and law library needs to the next day if staff cannot return to the area to pick up additional people in custody. Some individuals take turns attending law library facility sessions within their housing unit.

## **OBCC**

As of September 5, 2024, the OBCC facility had a census of 1,462 persons and 31 open housing areas. The OBCC main law library services the dormitory areas and two tower housing areas. It also services low-classification housing areas that can blend. A small room in the law library is designated to service the annex and towers; these areas cannot commingle.

### *Observation*

The BOC monitor conducted an in-person law library observation on August 21, 2024. The BOC monitor observed the main law library's second session. The session was scheduled to commence at 9:10 A.M. and end at 11:10 A.M. The law library staff at the time of observation was as follows: the legal coordinator, two person in custody clerks, and three officers (one in the legal coordinator's office, one in the main law library, and one escort). The second session was designated to service the following housing areas: 1L, 2L, 2U. The session began at 9:30 A.M., but there was a delay in the start time due to the law library only having one escort. The law library normally has two DOC officers to escort people in custody for services.

Upon arrival, people in custody were instructed to sign themselves in the law library and sign the logbook. They were also instructed to fill out a request slip if they needed a notary, discovery, printouts, or copies of motions. People in custody were then directed to the appropriate station and, if applicable, signed the appropriate logbook (copy logbook, discovery logbook, notary logbook). At the time of the tour, no Spanish-speaking law library staff were present. A handheld camera was available but was not utilized during this session.

### *Important Findings*

#### *Law Library Supplies & Use of Equipment*

During the observation period, people in custody could request the following items from the law library officer: pens, pencils, paper, and envelopes. The BOC monitor observed eight people in custody requesting notary services, which were completed by the legal coordinator in real-time. Law library equipment was also observed to be utilized:

- Two people in custody were utilizing the typewriters.
- Six people in custody were utilizing the kiosk.
- One person in custody was utilizing the tablet to view his discovery.
- The law library schedule was posted on the law library bulletin board.

#### *Law library Clerks*

The clerks were observed to be very interactive with the people in custody in the law library. One clerk assisted the people in custody with copies or legal material: the other assisted with providing blank motions or other documents. The law library officer reported that both clerks work all day because the workload is too heavy for one person in custody. She reported informing DOC that both sessions needed two clerks, and DOC reported that this was not in the budget.

#### *Law libraries sign in /sign out*

Twelve people in custody signed into the law library at 9:30 A.M. (three people in custody from 1L, six people in custody from 2L, and three people in custody from 2 Upper). At 9:48 A.M., the law library escort officer afforded an "early go back," and seven people in custody signed out of the law library. At 10:43 A.M., the law library escort

officer afforded an "early go back," and two people in custody signed out of the law library. The second session ended at 11: 10 A.M., and at this time, only two people in custody were still on site. The remaining people in custody signed out and were escorted back to housing areas at 11:10 A.M.

#### *People In Custody interviews/recommendation*

People in custody reported not having many complaints about law library services as they are provided daily. People in custody feel like staff try their best to help them. One person in custody expressed concerns related to supplies such as toner for the kiosk printer and envelopes. They noted that the law library is often out of toner and envelopes.

#### *DOC Staff interviews/recommendation*

DOC Staff: Department staff reported the only obstacle was obtaining toner for the law library. They explained that toner orders are sometimes stolen from the front gate upon delivery.

DOC Staff: Department staff recommended that the law library staff be afforded Crisis Intervention Training (CIT). They explained that CIT training is mandatory for officers who are assigned to mental observation housing areas. They further explained that providing law library staff with this training will better equip them with the knowledge of servicing and de-escalating mental observation people in custody.

#### *Annex & Tower Law Library Services*

Law library services for the Annex & Towers are provided remotely and in person. The in-person services are provided in a small room in the main law library. This room has a capacity of eight. The room has two kiosks and four typewriters. People in custody are afforded the law library via sign-up sheets and request slips; people in custody in these housing areas need to indicate on slips the services they are requesting and if they need an in-person law library. If the request can be handled remotely, the request will be filled out by the legal coordinator assigned to the annex and towers. This side of the building has two officers assigned. A notary is only provided by the legal coordinator, the only one authorized to do so. One steady officer is also in notary training. Another officer is a licensed notary; however, he is utilized as an escort. These housing areas cannot commingle due to housing categories such as protective custody, special consideration units, and medium/maximum classifications.

#### *Follow-up/Recommendations*

- The BOC monitor will follow up with the law library director regarding supplies such as manilla envelopes and toner and inquire about repairing non-functional equipment in the law library.

#### **RESH/RMSC**

On August 20, 2024, Board staff conducted an in-person observation of the RMSC law library. RMSC is the only female facility on Rikers Island.

#### *Observation*

Board staff entered the RMSC law library at 9:00 A.M. to observe the second session, which was scheduled to begin at 9:05 A.M. and finish at 11:05 A.M. Session two commenced at approximately 9:34 A.M. with 11 people in custody entering the law library and signing the logbook. The housing areas present were 4 South A, 2 East B, 2 East A, and 2 South B. People in custody immediately began utilizing the typewriters and kiosks. The officers did not use cameras. The steady morning tour officer maintained effective communication with the individuals in custody.

The law library clerk assisted the other people in custody with legal information and provided them with photocopies as needed. During the observation, it was noted that approximately seven people in custody spoke Spanish in the law library, while the officer did not speak Spanish. The legal coordinator mentioned that he was

not fluent in Spanish but knew a little. The steady officer is currently not a notary; however, she is training to become one.

Regarding obstacles encountered in the law library, the legal coordinator reported no issues. However, uniform staff mentioned that commingling individuals in custody has led to security risks and fights between those who do not get along. During a conversation with one person in custody, she expressed the need for a Blacks Law Dictionary to understand legal terms better. She requested better laptops to review their discovery, as the current ones are deemed too small and outdated. At around 9:50 A.M., two people in custody were provided medical care and escorted to the clinic. They returned at 10:13 A.M., and all people in custody were escorted back to their housing units at 10:20 A.M.

After reviewing the RMSC law library logbooks, Board staff noted no shift reductions during August 20<sup>th</sup> through August 24<sup>th</sup>. However, it was brought to BOC's attention that the logbooks do not specify a start or finish time for each law library session. Additionally, there have been instances where the people in custody did not sign out after their sessions.

#### *Important Findings*

- There is one law library in RMSC and 19 open housing units.
- People in custody use a sign-up sheet to request law library access within RMSC.
- The updated law library schedule is posted on the officer's desk.
- Upon arrival at the Law Library, people in custody signed their name and housing area in the sign-in logbook.
- The law library currently has seven operable typewriters, one copier, and seven kiosks.
- Two steady officers, one assigned to the morning tour and the other assigned to the evening tour.
- The law library staff and the legal coordinator supply clerical material for those in custody.
- RMSC has six law library sessions each day.

#### *RESH Law Library Observation*

Board staff also observed the law library's operations in RESH. The law library at ESH serves a distinct group, and its operations are tailored to meet the unique needs of that population.

#### *Observation*

Currently, the law library operates on a Tuesday to Saturday schedule. Two officers are assigned to the law library. One officer works in the morning, and the other officer covers the afternoon tour. The law library operates remotely in RESH to prevent commingling among the population. The schedule is posted in each housing area for people in custody to view. Compared to other facilities, there is no sign-up sheet in RESH. Instead, the officer visits each unit, cell by cell, to afford services to each person in custody. Currently, there are six operable typewriters and six kiosks available for use.

#### *Important Findings*

People in custody can request necessary documents by informing the officer, who then communicates with the legal coordinator. It was mentioned that neither the officers nor the legal coordinator speaks Spanish. The legal coordinator provides paper and pencils, and although there may be shortages in supplies at times, the legal coordinator stated they make it work.

While the law library officer is not a notary, the legal coordinator is a notary. Documents and services provided to people in custody are logged in an institutional logbook. People in custody can view their discovery by informing the officer and accessing it on a tablet using a USB drive.

In discussions with the law library officer, he mentioned that one of the challenges faced is the limitation on the legal coordinator's ability to interact directly with the individuals in custody due to contractual constraints that prevent them from conducting rounds for legal advice. This contractual constraint refers to a DC 37 Local advocating for their members, who were employed in the Legal Coordinator titles during the pandemic, to not be required to interact with people in custody in the law library. This gave further reasoning for the use of law library slips.

#### *Follow-up/Recommendations*

BOC recommends implementing more efficient methods for tracking each session's start and finish times. This would provide valuable insights into the amount of time the law library is being utilized and the actual arrival time of individuals in custody for services.

### **RNDC**

On August 23, 2024, Board staff conducted an extended observation of the RNDC law library. RNDC houses a large population of young adult detainees. RNDC has one law library allocated for all individuals. The area operates Tuesday through Saturday, beginning at 7:00 A.M. and ending at 9:30 P.M. Assigned to the area are two steady officers, two legal coordinators, and one clerk, a person in custody. During the morning tour, both uniform officers facilitate services. Board staff noted the presence of the legal coordinator, and the person in custody clerk. During the evening tour, the area is operated by covering officers, as no steady officers are assigned. The legal coordinator changes, while the clerk remains the same.

The law library has one schedule that includes each housing area within RNDC. The schedule has six sessions, with two hours designated for each session. Sessions consist of all populations, including young adults, and the comingling of the groups. RNDC offers in-person library services. The facility utilizes sign-up sheets provided to housing area staff during the evening tours. People in custody must sign up for the law library during the previous night to receive services the following day. Library staff gather all slips and prepare a list of individuals to be produced. Staff may allow additional people in custody to attend, even if they have not signed up before. The library has 20 seats available for the people in custody to occupy, so staff ensure that the number of people in custody escorted does not exceed that amount. During services, individuals can conduct research, review their discovery, photocopy, and print documents, complete legal forms, compose letters, and obtain assistance from the legal coordinators and staff.

#### *Observation*

Board staff conducted an in-person observation of the law library on August 23, 2024. While entering the area at approximately 10:12 A.M., five people were observed in custody: one clerk, two officers, and one legal coordinator. The housing areas present at the time of the visit were Modular 4 Upper, Mod 8 South, and Mod 4 Lower South. Individuals were observed using the typewriters and kiosks and speaking with the legal coordinator. The clerk was observed assisting individuals with legal forms and providing people in custody with writing utensils such as pencils. The group exited the law library at approximately 10:20 A.M. Board staff observed two uniform officers exit the library with five people in custody and the clerk.

Individuals were not observed signing out of the logbook. The legal coordinator remained in the area. At approximately 10:42 A.M., the next group arrived at the law library. There were 20 people in custody during this time. The housing areas comprised Modular 4 Lower North and 4 Upper North. Individuals were seen signing into the logbook. A line was formed by the legal coordinator as individuals requested copies from their Web Crims profile. The clerk assisted people in custody with obtaining legal forms and copies of documents. The officers recorded details into the logbook while reviewing all sign-in names, ensuring the count was accurate. The legal

coordinator was the only Spanish-speaking person present; however, during the observation, no person in custody required any language other than English.

This group continued to receive assistance from the legal coordinator and the clerk. A “Level ‘A’”<sup>23</sup> (a colloquial term referring to a class A use of force) was called into the area due to an exchange of words between people in custody. There was an early departure of individuals who exited the area at about 11:17 A.M. because they had completed their tasks in the library. The legal coordinator went to lunch at 11:35 A.M. The session concluded at 11:40 A.M. as the remaining person in custody exited the area. Board staff accompanied the escorts back to the housing areas. The people in custody were returned to their housing areas. The two law library officers then proceeded to gather the next group. Individuals who submitted sign-ups from the previous night were picked up, including some who did not sign up. The next group consisted of 4 Lower South and 4 Lower North, entering the library at 12:05 P.M. All were observed signing into the logbook. The legal coordinator was on lunch, resulting in no coordinator during this session. One person in custody required a notary; however, no one was present. Another uniformed officer is a notary but was not in the library on this day. The clerk and officers continued to assist with whatever they could until the legal coordinator returned. Board staff concluded the observation at noon.

Board staff reviewed the library's logbook and sign-in/sign-out book from August 20, 2024, to August 24, 2024. The logbook consisted of essential details about each tour, including but not limited to staff, housing area movement, total census of population afforded services, available equipment, and the captain's tours of the area. The sign-in book included everyone's name, housing area, and book and case number. On all days, people in custody signed into the book upon arrival. On all days, people in custody did not sign out of the book. The times in and out were indicated on some days. Each session did not equate to two hours of service. The library staff was shift reduced on August 23<sup>rd</sup> with only one active session (morning), and on August 24<sup>th</sup> with no completed sessions for the entire day.

### *Important Findings*

#### *Equipment*

- Kiosks; Eight, two inoperable
- Typewriters; Nine, one inoperable
- Copier/Printer; Two, two inoperable (Provided one temporary copier)
- Laptop; one
- Tablet; two
- Handheld Camera; zero
- Radio; zero

#### *Significant findings*

- No manilla or white envelopes were available for people in custody to mail their documents.
- A document unfamiliar to the legal coordinator was requested.
- Officers received no meal break.
- Six people in custody waited in line for assistance from the legal coordinator while the legal coordinator returned to her office to complete tasks.
- People in custody needed additional time. No sessions received two hours.
- Officers used the telephone to communicate within the facility. No radio.
- Legal coordinator went to lunch. No replacement was present during this time.
- There has been no legal research class since 2019.

---

<sup>23</sup> According to the Department's Use Of Force Directive, a Class "A" Use of Force requires medical treatment or possible hospitalization stemming from injuries such as: lacerations, fractures, loss of consciousness, etc.

Board staff has communicated with the Department’s Executive Director of Programs, regarding law library services. The facility is working closely with New York State Commission of Correction (“SCOC”) and the Department’s Facilities Maintenance Repair Division (“FMRD”) to gain approval for an additional library space within RNDC. The space will act as a satellite location, allowing the facility to afford the law library frequently and comply with the Board’s law library Minimum Standard. With approval, the command will have two locations.

Board staff informed the law library staff about recording times in and out of the logbooks. Law library staff should ensure times, names, and signatures are recorded at all times.

## **QUESTIONS FOR THE DEPARTMENT**

### **Ratio of use:**

- Has the Department assessed the number of people in custody housed in a facility against the number of people in custody that access the law library?
  - The Board’s findings indicate that during the time of BOC’s assessment, the Department housed approximately 6,415 people in custody, and out of that number, on average, approximately 316 individuals accessed the law library. That shows that less than five percent of the population used law library services between August 20, 2024, and August 24, 2024. This information was cross-referenced between facility census data and the Law Library Daily 24hr report.

### **Sign-up sheets:**

- Can the Department explain why there continues to be an inconsistent use of sign-up sheets?

### **Equipment & supplies:**

- Is there a plan to increase the number of kiosks at larger facilities? If so, please describe the plan.
- Are there service contracts for current equipment?
  - What is the lifecycle for current equipment (copy machines, kiosks, etc.)?
  - What are the reasons for delayed repairs to broken equipment?
- Is the Department investing in more equipment for people in custody to view discovery? Is there a plan to utilize kiosks for viewing discovery?

### **Notarial Services:**

- At the time of the assessment, not all staff assigned to law libraries are notaries, what is the Department’s plan to come into compliance?

### **Spanish speaking:**

- Is the Department reviewing Spanish speaking capabilities at all law libraries? At the time of the assessment RMSC, RESH, WF CDU, RNDC, OBCC Annex, and GRVC did not have access to Spanish-speaking law library personnel (this includes clerks). Other facilities had a variation of 1 or the other.

### **Restrictive Housing:**

- Currently RESH receives remote services with law library officers, can the Department explain why a legal coordinator does not tour RESH?
  - Is there a plan to hire or designate a separate legal coordinator for RESH?
- Does the Department have a plan for providing legal research classes for those housed in Restrictive Housing?

## Remote Law Library Service:

- Currently there are several locations that receive remote law library services. Why?

## Schedule Conflicts:

- Who finalizes all facility program schedules?
  - What is the Department's plan to come into compliance with law library services not overlapping with other mandated services?

## RECOMMENDATIONS

Board staff collected documents, interviewed people in custody, and staff. The information Board staff gathered and reviewed has shaped the Board's perspective on the current operational needs that may markedly improve processes and set benchmarks for future internal assessments by the Department.

1. **Equipment:** The Department should consider contracting with new kiosk vendors, with greater capacity to repair damaged equipment in a timely manner.
2. **Promote Use of Law Library Services:** Less than five percent of the incarcerated population access the law library between August 20, 2024, and August 24, 2024, while much of the population held in custody are detainees. People in custody should be informed/reminded of the existence of the law library and the resources provided.
3. **Legal Research & Education:** The Department may consider increasing law library education outside of the law library, i.e. in housing units. This may increase awareness and access to those people in custody who are new to the carceral setting.
  - a. **Legal Coordinator Continuing Education:** enhancing the legal understanding and best practices for Legal Coordinators. Specifically, this could include targeted trainings aimed at sharpening their legal research skills to better support the incarcerated population.
  - b. **Law Library Clerk Certification:** This may require a partnership between DOC and the American Association of Law Librarians (AALL)<sup>24</sup> or the University of Arizona<sup>25</sup>, which would essentially provide a certification to people in custody clerks, that could later be used to bolster employment opportunities outside of the carceral setting. These certified individuals could better assist their peers with legal research, which would be especially helpful in situations where legal equipment is damaged or Legal Coordinators are overwhelmed.
4. **Scheduling:** The Department should consider performing quarterly program schedule reviews, to assess for mandated service overlap and continuity of service.
5. **Notary Public:** Record and review Notary Public licenses to ensure that all DOC personnel assigned to the law library have active Notary Public Licenses.
6. **Education Refresher:** Conduct annual law library operations refreshers for uniformed and non-uniform. law library staff.
7. **Outside Reporting Transparency:** Report repair delays and service delivery issues to the Board in a reasonable time.
8. **Signatures & Recordkeeping:** Improve people in custody sign-in/out with times and session indications.
9. **Kiosks:** Increase the number of kiosks in largely populated facilities.
  - a. The Department may consider installing discovery specific kiosks.
10. **Copy Machines:** Review vendor contracts to consider new equipment, which is more durable and user friendly for consistent use.

---

<sup>24</sup> The American Association of Law Librarians is a professional organization that offers resources and courses in law librarianship ( <https://www.aallnet.org/careers/about-the-profession/education/> )

<sup>25</sup> The University of Arizona is an accredited institution that offers a graduate certificate in legal information. ( <https://infosci.arizona.edu/graduate-certificates/legal-information> )

11. **Laptops:** Consider increasing the size and quality of laptops for use in reviewing discovery.
12. **RESH Restrictive Housing:** The Department should consider hiring a legal coordinator specifically for RESH.
13. **Session:** The Department should consider streamlining efforts to record session start and end times.
14. **Training:** Crisis Intervention Training should be considered for law library staff. It would benefit law library staff to know how to de-escalate altercations with people in custody assigned to mental observation units, or who are known to mental health.
15. **Tablet:** The Department should consider drafting a directive or policy for DOC issued tablets, to include a section regarding the use of tablets for accessing select law library services.