

 <p style="text-align: center;">DIVISION OF ADULT INSTITUTIONS</p> <p style="text-align: center;">POLICY AND PROCEDURES</p>	DAI Policy #: 300.00.67	Page 1 of 4
	Original Effective Date: 12/13/12	New Effective Date: 03/01/17
	Supersedes: 300.00.67	Dated: 06/15/16
	Administrator's Approval: Jim Schwochert, Administrator	
Required Posting or Restricted:		
<input checked="" type="checkbox"/> Inmate <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Restricted		
Chapter: 300 Administrative		
Subject: Digital Formatted Legal Materials		

POLICY

The Division of Adult Institutions shall establish uniform guidelines for inmates to view legal material received in digital format. These guidelines shall provide inmates adequate opportunity to have access to legal material in digital format while ensuring access to the material is controlled in accordance with the security needs of the facility.

REFERENCES

Wisconsin Statutes s. 809.30 – Rule (Appeals in s. 971.17 proceedings and in criminal, Ch. 48, 51, 55, 938, and 980 cases)

DAI Policy 306.00.16 – Contraband

DAI Policy 306.00.27 – Transportation of Inmates

DAI Policy 309.04.01 – Inmate Mail

DAI Policy 309.15.01 – Law Library

DAI Policy 309.20.03 – Inmate Personal Property and Clothing

DAI Policy 309.51.01 – Legal Loans

DEFINITIONS, ACRONYMS, AND FORMS

CD – Compact disc

Codec – A device or computer program capable of encoding or decoding a digital data stream or signal.

Data Storage Device – Instrument in various formats to facilitate transfer or storage of computer generated documents and media. Often, a portable/removable device commonly known as a USB drive, flash drive, jump drive, thumb drive, USB key, USB stick, memory stick, or USB portable hard drive. Other formats may include read only computer disks (CD, CD-ROM, DVD-ROM) and ‘floppy’ disks.

DFLM – Legal materials in digital formats (CDs, disks, data storage devices) provided to inmates by their attorneys, courts, or other legal representatives.

DOC – Department of Corrections

DOC-237 – Property Receipt/Disposition

DOC-2646 – Use of Digitally Formatted Legal Materials for Inmates

DVD – Digital versatile disc

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RH – Restrictive Housing

PROCEDURE

I. Receiving Legal Material in Digital Format

- A. DFLM may be received from:
 1. Courts.
 2. Administrative Law Judge.
 3. Division of Hearings and Appeals.
 4. Attorney(s).
 5. Public Defender's Office.
 6. Parole Commission.
 7. Social Security Office.
 8. Exception requests shall be approved and submitted by DOC staff for review by DOC Legal Counsel.
- B. The inmate shall be notified of DFLM received by the facility. A DOC-237 shall not be completed.
- C. Each facility shall designate staff responsible for receiving and processing legal material received in digital format.
- D. Each facility shall designate staff to review the content with the inmate present to ensure content is legal in nature.
- E. If any file is found to contain contraband, the data storage device may be subject to disposal in accordance with DAI Policy 306.00.16.

II. Permitted DFLM

- A. DFLM shall be permitted into the facility for pending litigation. All other requests shall be considered on a case by case basis and substantiated by the inmate.
- B. Quantity of DFLM received and stored shall not exceed 25 items. Exceptions shall be considered on a case by case basis by the DFLM Coordinator.

III. Guidelines For Access

- A. A DOC-2646 shall be provided to the inmate for signature. If the inmate refuses to sign the form the inmate shall not be given access to the material and it shall be sent out at the inmate's expense or disposed of.
- B. Each facility shall establish a process identifying the location and supervision requirements for inmates in general population or in RH to view DFLM on stand alone computers.
- C. The inmate shall be provided an opportunity to review the material as soon as reasonably possible after the inmate makes the request. Inmates providing proof of a short deadline shall be prioritized for viewing the material.

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D. Inmates shall be provided time to review DFLM in accordance with guidelines for Law Library use. Additional time may be provided as determined appropriate.

IV. Storage and Removal

A. DFLM shall be stored at a designated secure location determined by facility procedure until the first criminal appeal as of right pursuant to Wisconsin Statutes s. 809.30 is exhausted in state court. All other DFLM (e.g., civil litigation) shall be disposed of after viewing, according to this Section IV.C.

B. The DFLM shall not be stored in the inmate's property.

C. Once the DFLM is no longer allowed to be stored, or the inmate decides it is no longer needed, the material must be disposed of by:

1. Mailing out at the inmate's expense.
2. Disposed of.

V. DFLM Transferred Between Facilities

A. The DFLM Coordinator at the sending facility shall ensure the DFLM is clearly identified and transferred via a secure method to the receiving facility.

B. DFLM shall be handled by staff only.

C. The receiving facility shall route to the DFLM Coordinator.

VI. Copies

A. An inmate may receive copies of documents from DFLM.

B. Each facility shall establish a process that defines how an inmate is to request and receive copies of documents from DFLM. The inmate is responsible for the cost of copies.

VII. Allowed Formats to View Material

A. DFLM shall be on a flash drive or read-only CD/DVD.

B. E-mails to staff containing DFLM are not permitted.

C. DFLM shall be compatible to be viewed in Microsoft Office. Video shall be exported to media in a format, and using a codec, that can be viewed on any computer running Microsoft Windows without the need for special software/viewers to be installed.

D. Laptops shall be allowed to be brought into a facility by the entities listed in Section I.A. to view legal materials with an inmate.

Administrator's Approval: _____ **Date Signed:** _____

Jim Schwochert, Administrator

DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

Facility: Name		
Original Effective Date:	DAI Policy Number: 300.00.67	Page 4 of 4
New Effective Date: 00/00/00	Supersedes Number:	Dated:
Chapter: 300 Administrative		
Subject: Digital Formatted Legal Materials		
Will Implement <input type="checkbox"/> As written <input type="checkbox"/> With below procedures for facility implementation		
Warden's/Center Superintendent's Approval:		

REFERENCES

DEFINITIONS, ACRONYMS, AND FORMS

FACILITY PROCEDURE

- I.
 - A.
 - B.
 - 1.
 - 2.
 - a.
 - b.
 - c.
 - 3.
 - C.

II.

III.

RESPONSIBILITY

I. Staff

II. Inmate

III. Other