 <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 7
	Original Effective Date: 12/13/12	New Effective Date: 05/15/20
	Supersedes: 300.00.67	Dated: 03/01/17
	Administrator's Approval: Makda Fessahaye, 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		
Guidance Document	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Posting date 5/15/20

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)

Wisconsin Administrative Code s. DOC 306.20 – Personal Property

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

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

DFLM – Legal materials on a data storage device which is 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

RH – Restrictive Housing

DAI Policy #: 300.00.67	New Effective Date: 05/15/20	Page 2 of 7
Chapter: 300 Administrative		
Subject: Digital Formatted Legal Materials		

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. Military.
9. Exception requests shall be submitted to DOC Legal Counsel for review and approval.

B. Each facility shall designate staff responsible for receiving and processing DFLM.

C. The inmate shall be notified by the DFLM coordinator/designee of any DFLM received by the facility. A DOC-237 shall not be completed.

Each facility shall designate staff to review the content with the inmate present to ensure content is legal in nature.

D. 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 after consultation with Office of Legal Counsel.

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. Inmate shall provide sufficient information to justify the need for materials which may be substantiated by staff.

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.

DAI Policy #: 300.00.67	New Effective Date: 05/15/20	Page 3 of 7
Chapter: 300 Administrative		
Subject: Digital Formatted Legal Materials		

- 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.
- 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 pertaining to a criminal matter 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.
 - 1. Inmates intending to pursue federal habeas relief following the exhaustion of their first criminal appeal as of right shall inform institution staff in writing.
 - 2. DFLM pertaining to a criminal matter to be reviewed or being reviewed by means of a federal habeas petition shall be stored at a designated secure location determined by facility procedure until the first appeal is exhausted in federal court.
- B. DFLM pertaining to a civil matter shall be stored at a designated secure location determined by facility procedure until the first appeal is exhausted in state or federal court.
- C. The DFLM shall not be stored in the inmate's property.
- D. Once the DFLM is no longer allowed to be stored or the inmate decides it is no longer needed, the material shall be disposed of in accordance with DAI Policy 306.00.16.
- E. If an inmate has been released without their DFLM and cannot be located, the DFLM shall be retained in accordance with Administrative Code DOC 309.20 (4).

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 only receive black and white copies of documents/photographs from DFLM. Exceptions may be made if the inmate can provide justification that color is an issue central to his or her case.

DAI Policy #: 300.00.67	New Effective Date: 05/15/20	Page 4 of 7
Chapter: 300 Administrative		
Subject: Digital Formatted Legal Materials		

- 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 any data storage device.
- 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:** _____
Makda Fessahaye, Administrator

DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

Facility: Green Bay Correctional Institution		
Original Effective Date: 10/1/18	DAI Policy Number: 300.00.67	Page 5 of 7
New Effective Date: 4/26/21	Supersedes Number:	Dated:
Chapter: 300 Administrative		
Subject: Digital Formatted Legal Materials		
Will Implement <input type="checkbox"/> As written <input checked="" type="checkbox"/> With below procedures for facility implementation		
Warden's/Center Superintendent's Approval: Warden Dylon Radtke		

REFERENCES

DOC—2838 – Data Storage Device Activity Log

DEFINITIONS, ACRONYMS AND FORMS**FACILITY PROCEDURE**

- I. **Receipt of Digital Formatted Legal Material**
 - A. Upon receipt by the institution, the property room staff will document the DFLM on the DFLM envelope in the following manner:
 1. Date received
 2. Action taken
 3. Printed name and signature of the staff member
 - B. The DFLM will then be placed in the DFLM envelope and forwarded to the Records Supervisor.
 - C. The Records Supervisor will notify the inmate that the materials are available for review. The Records Supervisor will review the content with the inmate to ensure content is legal in nature.
 - D. Questionable content will be forwarded to the Security Director for further review. The Warden/designee will determine the course of action for DFLM that is deemed inappropriate.
 - E. When DFLM is found in legal mail during mail delivery, unit staff will provide the inmate with a DOC-2646 for review and signature. The DOC-2646 and DFLM will then be forwarded to the property room. The inmate will not be given the DFLM at that time. The property room staff will then forward the DFLM to the Records Supervisor for processing.
- II. **Guidelines for Access**
 - A. The Records Supervisor/designee will provide the inmate with a DOC-2646 for signature and distribute accordingly.
 - B. DFLM can be viewed by the inmate on a designated computer under the supervision of staff.

DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

Facility: Green Bay Correctional Institution		
New Effective Date: 4/26/21	DAI Policy Number: 300.00.59	Page 6 of 7
Chapter: 300 Administrative		
Subject: Digital Formatted Legal Materials		

- C. The institution Records Department will determine the time of review and duration of review based on time, availability of equipment, staffing and deadline.

III. Storage and Removal

- A. Storage and removal of DFLM will be facilitated by the Records Department.
- B. Once the DFLM is no longer allowed to be stored, or the inmate no longer needs it, the materials will be either mailed out at the inmate's expense or disposed.
 - 1. The inmate shall review DOC-2646 and complete the disposal section, including signature.
 - 2. DFLM to be mailed out shall be accompanied by a completed DOC-184, and forwarded by the Records Supervisor to the mailroom.
 - 3. DFLM to be disposed of shall be given to the Security Supervisors by the Records Supervisor.

IV. Copies

- A. A written request must be submitted to the Records Department for copies. The inmate will receive a pass to Records to review the DFLM and show Records staff which materials they would like copies of. A copy fee will be assessed.

V. Transfer of inmate

- A. When an inmate transfers, the DFLM will be sent from the Records Department to the receiving institutions DFLM Coordinator. A memo indicating the number of items being transferred will accompany the DFLM.

RESPONSIBILITY**I. Staff**

- A. All Staff
 - 1. Forward DFLM to the Records Supervisor
- B. Mailroom
 - 1. Determine cost of shipping and complete DOC-184
 - 2. Forward DOC-184 to Business Office for processing.
 - 3. Upon verification of funds, send out DFLM.
- C. Records Supervisor
 - 1. Document when DFLM is received and secured in Records Department.
 - 2. Schedule time for inmate to review DFLM in library or RH Unit.
 - 3. Document when DFLM is:
 - a. Viewed
 - b. Mailed out
 - c. Disposed of

DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

Facility: Green Bay Correctional Institution		
New Effective Date: 4/26/21	DAI Policy Number: 300.00.59	Page 7 of 7
Chapter: 300 Administrative		
Subject: Digital Formatted Legal Materials		

4. In RH, load DFLM in stand-alone computer and review material with inmate present to assure it is legal in nature. Once inmate has completed review of the DFLM it shall be returned to the Records Department.
5. Print copies of DFLM as requested by inmate
6. Forward completed DOC-184 to Business Office for processing.

D. Security Supervisors

1. Dispose of DFLM provided by the Records Supervisor

E. Business Office

1. Process DOC-184

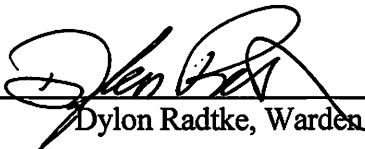
II. Inmate

A. Sign DOC-2646

B. Notify the Records Supervisor when DFLM is no longer needed.

C. Complete and submit a DOC-184 to request copies or to mail out DFLM

Warden's Approval: _____


Dylon Radtke, Warden

Date Signed: 4-26-21

