

 <p style="text-align: center;"><b>DIVISION OF ADULT INSTITUTIONS</b></p> <p style="text-align: center;"><b>POLICY AND PROCEDURES</b></p>	<b>DAI Policy #:</b> 300.00.67	<b>Page</b> 1 of 7
	<b>Original Effective Date:</b> 12/13/12	<b>New Effective Date:</b> 05/15/20
	<b>Supersedes:</b> 300.00.67	<b>Dated:</b> 03/01/17
	<b>Administrator's Approval:</b> Makda Fessahaye, Administrator	
<b>Required Posting or Restricted:</b>		
<input checked="" type="checkbox"/> Inmate <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Restricted		
<b>Chapter:</b> 300 Administrative		
<b>Subject:</b> Digital Formatted Legal Materials		
<b>Guidance Document</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Posting date</b> 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

<b>DAI Policy #:</b> 300.00.67	<b>New Effective Date:</b> 05/15/20	<b>Page</b> 2 of 7
<b>Chapter:</b> 300 Administrative		
<b>Subject:</b> 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.

<b>DAI Policy #:</b> 300.00.67	<b>New Effective Date:</b> 05/15/20	<b>Page</b> 3 of 7
<b>Chapter:</b> 300 Administrative		
<b>Subject:</b> 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 (5).

#### **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.

<b>DAI Policy #:</b> 300.00.67	<b>New Effective Date:</b> 05/15/20	<b>Page</b> 4 of 7
<b>Chapter:</b> 300 Administrative		
<b>Subject:</b> 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**

<b>Facility:</b> Taycheedah Correctional Institution		
<b>Original Effective Date:</b> 12/13/2012	<b>DAI Policy Number:</b> 300.00.67	<b>Page</b> 5 of 7
<b>New Effective Date:</b> 03/05/2021	<b>Supersedes Number:</b> 300.00.67	<b>Dated:</b> 08/21/2017
<b>Chapter:</b> 300 Administrative		
<b>Subject:</b> Digital Formatted Legal Materials		
<b>Will Implement</b> <input type="checkbox"/> As written <input checked="" type="checkbox"/> With below procedures for facility implementation		
<b>Warden's/Center Superintendent's Approval:</b> Warden Jennifer McDermott		

**REFERENCES**

900.40.03 Photocopy Services

**DEFINITIONS, ACRONYMS, AND FORMS**DOC-184 – Disbursement RequestDOC-761 – Interview Request FormTCI – Taycheedah Correctional Institution**FACILITY PROCEDURE****I. Receiving DFLM**

- A. DFLM will be forwarded to the librarian/designee upon arrival at the institution.
- B. Librarian shall notify inmate that materials are available for review in the library. Librarian shall review the content with the inmate present to ensure content is legal in nature.
- C. Content that is questionable or not legal in nature shall be forwarded to the Security Director for further review.

**II. Guidelines for access**

- A. Librarian shall provide the inmate with a DOC-2646 for signature and distribute accordingly.
- B. DFLM can be viewed by the inmate on the Simpson or RH Unit Law library computers under the supervision of library staff.
- C. Inmate shall be provided time to view DFLM in accordance with the TCI facility procedure for DAI 309.15.01 Law Library Policy.
- D. Upon completion of review, librarian shall have inmate sign DOC-2646 and designate disposal of DFLM.

**III. Storage and retrieval**

- A. DFLM shall be secured in the librarian's office in Simpson Library.

**DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES**

<b>Facility:</b> Taycheedah Correctional Institution		
<b>New Effective Date:</b> 03/05/2021	<b>DAI Policy Number:</b> 300.00.67	<b>Page</b> 6 of 7
<b>Chapter:</b> 300 Administrative		
<b>Subject:</b> Digital Formatted Legal Materials		

- B. Once the DFLM are no longer allowed to be stored, or the inmate no longer needs them, the materials will be either mailed out at the inmate's expense or disposed.
  - 1. 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 librarian to the mailroom.
  - 3. DFLM to be disposed of, shall be given to Security Supervisors by the librarian.

**IV. Copies**

- A. Copies of documents from the DFLM will be at the same cost of photocopies for legal materials. Inmates are responsible for the costs of their own copies.
- B. Inmates requesting copies shall submit a DOC-184 to the library, with a clear description of what materials they want copied / printed.

**Responsibilities:****I. Staff**

- A. All staff
  - Forward DFLM to librarian/designee.
- B. Mailroom
  - 1. Determine cost for shipping and complete DOC-184.
  - 2. Deliver DOC-184 to Business Office for processing.
  - 3. Upon verification of funds, send out DFLM.
- C. Librarian
  - 1. Document when DFLM received and secured in library office.
  - 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
  - 4. In RH Unit, load DFLM discs/flash drive in law library computers and review material with inmate present to assure it is legal material. Once inmate has completed viewing the legal material the DFLM shall be returned to the library.
  - 5. Print copies of DFLM as requested by inmate.
  - 6. Forward completed DOC-184 to the Business Office for processing.
- D. Security
  - 1. Assist librarian monitoring inmates in the library.
  - 2. Transport DFLM material to the librarian in Simpson.

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<b>Facility:</b> Taycheedah Correctional Institution		
<b>New Effective Date:</b> 03/05/2021	<b>DAI Policy Number:</b> 300.00.67	<b>Page</b> 7 of 7
<b>Chapter:</b> 300 Administrative		
<b>Subject:</b> Digital Formatted Legal Materials		

E. Security Supervisors  
Dispose of DFLM provided by librarian/designee

F. Business Office  
Process DOC-184.

**II. Inmate**

A. Sign a DOC-2646.

B. To request copies or to mail out the DFLM inmate shall complete a DOC-184.

C. Notify librarian when DFLM are no longer needed by completing DOC-2646 disposal of materials section.

D. Notify librarian of release/transfer by submitting a DOC-761 as soon as possible, so DFLM can be processed accordingly.