



WISCONSIN DEPARTMENT OF CORRECTIONS

Governor Tony Evers / Secretary Kevin A. Carr

GUIDANCE DOCUMENT CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections §227.10 and §227.11 of the Wisconsin Statutes.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

Timothy A. Nelson

Name of Individual Certifying this Document / Proposed Document

Warden

Title


Handwritten signature of Timothy A. Nelson in black ink.

Signature

04/17/2020

Date Signed

Department of Corrections – Wisconsin
Office of the Secretary
Wis. Stat. § 227.112(6)
DOC-2910 (Rev. 12/2019)

 <p style="text-align: center;">DIVISION OF ADULT INSTITUTIONS</p> <p style="text-align: center;">POLICY AND PROCEDURES</p>	DAI Policy #: 309.15.01	Page 1 of 7
	Original Effective Date: 04/01/93	New Effective Date: 01/06/20
	Supersedes: 309.15.01	Dated: 11/15/15
	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: 309 Resources for Inmates		
Subject: Law Library		
Guidance Document	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Posting date 12/23/19

POLICY

The Division of Adult Institutions shall ensure inmates are afforded meaningful access to the courts, judicial process, legal services and legal materials by providing an adequate law library consistent with the Wisconsin Administrative Code.

REFERENCES

Wisconsin Statutes s. 809.19 – Rule (Briefs and appendix)

Wisconsin Administrative Code s. DOC 303.70 – Minor Penalties

Wisconsin Administrative Code s. DOC 303.72 – Major Penalties and Schedule of Penalties

Wisconsin Administrative Code s. DOC 309.51(2)(a) – Funds for Legal Correspondence and Copying

Wisconsin Administrative Code s. DOC 309.155 – Legal Services

DAI Policy 300.00.35 – Americans with Disabilities Act

DAI Policy 300.00.56 – Notary Services to Inmates

DAI Policy 309.51.01 – Legal Loans

Attachment A – Legal Research Collection

Attachment B – Legal Forms Resources

DEFINITIONS, ACRONYMS, AND FORMS

DAI – Division of Adult Institutions

DOC – Department of Corrections

DOC-184 – Disbursement Request

DOC-1008 – Area Pass Log

DOC-2757 – Library Attendance Log

Electronic Inmate Law Library System (EILLS) – Web-based legal research system customized for the Wisconsin DOC by a state contracted vendor.

Law Library – Designated location(s) within the facility where access to legal materials, information and resources is provided in print and/or electronic format.

MSDF – Milwaukee Secure Detention Facility

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USPS – United States Postal Service

PROCEDURE

I. Law Library Services

- A. Technical assistance for the use of the DOC provided legal materials shall be available.
- B. Legal advice shall not be provided to inmates by staff or inmate library workers.
- C. Fee-based photocopying and computer printing of legal documents shall be provided.
 1. Photocopying and printing of legal documents shall be provided at a cost consistent with Wisconsin Administrative Code s. DOC 309.51(2)(a).
 2. All requests for photocopying and printing of legal documents shall be accompanied by a completed DOC-184.
 3. Printing or photocopying of legal research materials shall be limited to one set of requested documents per inmate unless a need for multiple sets can be verified.
 4. Inmates requesting documents printed from EILLS shall note the identifying information (i.e., name and citation) of the item(s) on the DOC-184.
 5. Legal loan photocopies and computer printouts shall be provided in accordance with DAI Policy 309.51.01.
- D. Notary services may be provided in accordance with DAI Policy 300.00.56.
- E. Electronic filing (e-filing) services for court documents may be provided in accordance with a facility's agreement with specific court(s).

II. Law Library Materials

- A. Facilities shall provide a law library with a required core collection of legal information and resources as noted in Attachment A.
 1. Access to the majority of legal resources shall be provided using EILLS.
 2. Individual libraries may supplement the legal core collection with other legal resources.
- B. Facilities shall provide current legal forms from the resources noted in Attachment B when requested by inmates.
 1. Costs for copies of legal forms shall be charged as consistent with Section I.C. of this policy.
 2. Inmates are responsible for identifying the legal forms they are requesting by noting the form name and the form number on the DOC-184.
 3. No more than the required number of forms shall be provided.
 4. When an inmate requests a copy of a legal form, it shall be obtained from the websites noted in Attachment B of this DAI policy.

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5. Inmates may correspond directly with the court to request legal forms at their own expense.
- C. Facilities shall provide colored paper for use as appellate brief covers as required.
1. Blue, red and gray colored paper shall be made available.
 2. In accordance with appellate court rule:
 - a. Only the color of paper required at the time requested shall be provided.
 - b. No more than the required number of sheets of colored paper shall be provided.
 3. Costs for colored paper provided for brief covers shall be charged as consistent with Section I.C. of this policy.
 4. Inmates are responsible for verifying their need of appellate brief covers (e.g., by presenting their appellate court briefing order/schedule).

III. Access to Law Library

- A. Facilities shall:
1. Specify the frequency and duration of law library access using the criteria below for scheduling access.
 - a. Date of request.
 - b. Existence of court deadline(s).
 - c. Need for equitable access for all inmates.
 - d. Number of available EILLS computers.
 - e. Number of access requests from inmates.
 2. Ensure the law library is available for a reasonable number of hours to allow inmates time for research to meet court deadlines.
- B. Maintain records of individual inmate use of the law library using either a DOC-1008 or DOC-2757.
- C. Inmates participating in the Challenge Incarceration waive their rights to law library access under Wisconsin Administrative Code s. DOC 309.155 and DOC 309.51.
- D. Reasonable accommodations shall be made for inmates with documented disabilities in accordance with DAI Policy 300.00.35.

IV. Law Library Staffing

- A. Facilities shall have at least one librarian/designee who is responsible for the supervision of the law library.
- B. Facilities, with the exception of minimum security centers and MSDF, shall provide inmate library workers to assist inmates in using the legal research resources. Legal advice shall not be given.

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V. Law Library Space

- A. Facilities shall provide space for EILLS workstations and other legal materials and resources. Typewriters and/or word processing equipment may be provided.
- B. EILLS workstations and other legal resources shall be provided in Restrictive Housing units with staff supervision.

VI. Inmate-to-Inmate Legal Assistance and Routing of Legal Mail

- A. Facilities shall develop a procedure to regulate how inmates may assist each other with legal work per Wisconsin Administrative Code s. DOC 309.155.
- B. Inmates are not allowed to store other inmate's legal work on storage device.
- C. Inmate-to-inmate legal mail shall not be routed via intra-facility mail.
- D. Inmates shall be required to utilize the USPS to correspond and share documents with other inmates.
- E. Inmates shall retain all envelopes associated with any legal correspondence sent to them from other inmates.



Administrator's Approval: _____

Makda Fessahaye, Administrator

Date Signed: 12/20/19

DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

Facility: Chippewa Valley Correctional Treatment Facility		
Original Effective Date: 06/19/09	DAI Policy Number: 309.15.01	Page 5 of 7
New Effective Date: 05/15/20	Supersedes Number: 309.15.01	Dated: 02/12/16
Chapter: 309 Resources for Inmates		
Subject: Law Library		
Will Implement <input type="checkbox"/> As written <input checked="" type="checkbox"/> With below procedures for facility implementation		
Warden's/Center Superintendent's Approval: Timothy A. Nelson, Warden		

REFERENCES

CVCTF 990.201 – Inmate Library Services

DEFINITIONS, ACRONYMS, AND FORMS

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.

DOC-009 – Adult Conduct Report

DOC-761 – Interview/Information Request

LAIP – Legal Assistance to Institutionalized Persons

FACILITY PROCEDURE

- I. Law Library Materials
 - A. Inmates will have reasonable access to materials within the limits of available space, resources, equipment, and staff.
 - B. Computers will be available in the main law library area to access the electronic legal database. Instruction manuals on use of the legal database are available.
 - C. Legal print and electronic materials are inventoried perpetually and equipment is inspected for serviceability.
- II. Law Library Services
 - A. Information is available on how to contact the LAIP Program at the UW-Madison Law School. Services provided by the State Public Defender's Office and other agencies offering legal assistance and advice are also available.
 - B. Legal consultation on a person-to-person basis may be pursued between inmates. Inmates must inform the Librarian of their intent to work together upon entering the library.

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- III. Access to the Law Library**
- A. The behavior rules and hours of operation are the same for general library and law library use.
 - B. The main law library operating hours are posted in the library and on the living unit floors. Each floor has designated library times.
 - C. Daily library periods are 75 minutes. Evening periods are 105 minutes.
 - D. Computers are available for legal research and word processing. Computer use is on a “first come – first served” basis. Inmates with a court-mandated legal deadline may have preference for use.
 - E. Inmates may request printed copies of information from the legal computers.
 - F. Inmates may save their legal work on a data storage device.
- IV. Special Provision – Law Library Access**
- A. Inmates with a pressing and documented legal concern or court filing deadline who cannot complete their legal work during assigned library periods may apply for additional law library time.
 - B. Written documentation indicating a scheduled court date or deadline must be provided to the librarian or designee. Extra time can then be scheduled.
 - C. Inmates should not apply for extra time more than 35 days in advance of their deadline or if they have not utilized the entire library time normally available to them.
 - D. Upon approval, the inmate must speak with the Librarian to schedule extra law library time. Extra time can be up to eight extra hours per week for a maximum of 30 days. The Librarian will keep track of the extra time to ensure the inmate does not abuse this access. Abuse will be reported to the Program Supervisor.
 - E. Inmates with work assignments during the day must receive prior approval from their supervisor to use the library. If possible, extra hours should be scheduled outside of work or other assignments.
 - F. Inmates granted extra law library time have priority over other inmates for computer use.
 - G. Inmates pursuing non-legal activities or found helping others during their extra law library time shall have their extra law library privileges revoked. The Program Supervisor will be notified of this situation.

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RESPONSIBILITY**I. Staff****A. Librarian**

1. Maintain inmate law library use records.
2. Maintain scheduled library hours.
3. Train inmate library clerks.
4. Complete DOC-009 and DOC-184 for damaged or lost materials as appropriate.
5. Prepare request for repair and replacement of materials and equipment as needed.
6. Provide photocopying service as needed.
7. Keep available the required colored paper.

B. Program Supervisor

1. Review requests for purchase of legal materials. Forward appropriate requests to the Correctional Management Services Director.
2. Monitor library schedule and use of law library.
3. Review information on inmates with revoked extra law library time.

C. Correctional Management Services Director

Review requests for purchase of library materials.

II. Inmate**A. Inmate Law Library Clerk**

1. Assist inmates in using the legal research resources.
2. Assist inmates on how to use law library computers.
3. Properly shelve all legal materials.
4. Close down computers and typewriters at the end of the day.
5. Inventory main law library.

B. Inmate Library Patron

1. Follow law library policies and procedures.
2. Record your name on sign-up sheet before using computers.
3. Apply for additional law library time as needed using DOC-761.
4. Inform Librarian if you will be working with another inmate on legal issues.