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|  <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> 309.15.01   | <b>Page</b> 1 of 7                     |
|  | <b>Original Effective Date:</b><br>04/01/93  | <b>New Effective Date:</b><br>01/06/20 |
|  | <b>Supersedes:</b> 309.15.01   | <b>Dated:</b> 11/15/15                 |
|  | <b>Administrator's Approval:</b> Makda Fessahaye, Administrator  |  |
|  | <b>Required Posting or Restricted:</b><br><input checked="" type="checkbox"/> Inmate <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Restricted |  |
| <b>Chapter:</b> 309 Resources for Inmates  |  |  |
| <b>Subject:</b> Law Library  |  |  |
| <b>Guidance Document</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <b>Posting date</b> 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**

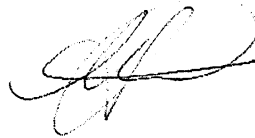
A. Facilities shall have at least one librarian/designee who is responsible for the supervision of the law library.

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.

### **V. Law Library Space**

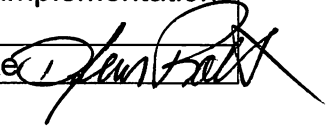
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- A. Facilities shall provide space for EILLS workstations and other legal materials and resources. Typewriters and/or word processing equipment may be provided.
  - B. EILLS workstations and other legal resources shall be provided in Restrictive Housing 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:** \_\_\_\_\_ **Date Signed:** 12/20/19  
Makda Fessahaye, Administrator

**DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES**

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|---|--|--|
| <b>Facility:</b> Green Bay Correctional Institution   |  |  |
| <b>Original Effective Date:</b>   | <b>DAI Policy Number:</b> 309.15.01                                      | <b>Page</b> 5 of 7                               |
| <b>New Effective Date:</b> 11/2/20  | <b>Supersedes Number:</b><br>900.309.22.01, 900.309.22.04,<br>900.309.06 | <b>Dated:</b><br>5/16/08,<br>6/18/08,<br>5/16/08 |
| <b>Chapter:</b> 309 Resources for Inmates   |  |  |
| <b>Subject:</b> Law Library   |  |  |
| <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 Dylan Radtke  |  |  |

**REFERENCES**DAI Policy 309.56.01 – TechnologyGBCI 900.309.22.07 – Inmate E-Filing Procedure – Eastern/Western District USDC**DEFINITIONS, ACRONYMS AND FORMS**GBCI – Green Bay Correctional Institution**FACILITY PROCEDURE**

## I. General Guidelines

## A. Law Library Materials

1. The GBCI Law Library shall maintain a collection of legal materials (in the EILLS System or print format).
2. The Librarian/designee shall conduct a quarterly inventory of these materials to ensure all materials are maintained, and any materials which are damaged, lost, or stolen are replaced.
3. Inmates may check out up to three law items at a time to be used in the library only.
  - a. The library clerks will check out the requested materials at the transaction counter.
  - b. The borrower must sign for each item.
  - c. The borrower is responsible for any damaged, defaced, or missing materials. The inmate assigned to an electronic law library workstation is also responsible for its care and proper use while assigned.
  - d. Inmates are responsible for the return of checked-out materials before the end of the period.

## B. Law Library Services

1. The librarian and inmate library clerk(s) are available to provide assistance in learning how to use the EILLS workstations in the GBCI library. An EILLS user manual is also available for use in the library.
2. Photo copy services will be for approved legal materials will be provided in accordance with section I. C. of this DAI Policy.
  - a. Two sided copies will be charged as two pages.
  - b. Copies will be made on a first come, first serve basis, as time permits. Approved photocopy requests related to verified, current court deadlines will be given priority.

**DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES**

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- c. The library does not offer enlarging/reducing services.
- d. Prior to making copies the librarian/designee will verify the inmate has sufficient funds for copy request.

**C. Law Library Access – General Population**

1. Access to the law library is by either a recreational library pass or a deadline pass.
2. Inmates are allowed only one library pass per day.
3. Inmate must legibly and accurately fill out a DOC-761. This request must be placed in the library mailbox in the Rotunda. These are the only requests that will be processed.
4. After receiving a recreational library pass to work on legal work, an inmate must wait two days before he is eligible for another recreational library pass.
5. Inmates requesting a deadline pass must submit official court documents (or copies) verifying the deadline for the pending court case to the librarian. The deadline must be verifiable.
6. The librarian will verify the court deadline and will maintain a copy of the official document for his/her own records.
7. The librarian/designee and Education Director are the final decision makers on the need for deadline passes and the library time required to prepare for the deadline.
8. Deadline passes may be issued for up to thirty calendar days prior to a court deadline. Only work on the court ordered deadline legal case for which the pass was issued is allowed while on a deadline pass.
9. Deadline pass privileges may be terminated for any of the following:
  - a. Inmate engages in any activity other than approved legal work.
  - b. Inmate misses two scheduled deadline passes
  - c. Inmate signs out of the library early twice.
  - d. Inmate violates rules and regulations governing conduct in the library.
  - e. Inmate Requests to be removed from deadline pass status.
  - f. Inmate completes required legal work.
10. Pass Control is responsible for scheduling all passes. A supervisor, librarian or teacher may not issue a pass for an inmate to go from work or school to the library. Only Pass Control schedules passes.
11. Requests for passes are processed in the order entered into the database and are processed each day.
12. Work and school have priority over library time. Library passes will be scheduled to avoid conflict with an inmate's class or work schedule
13. Scheduling criteria for passes include the following:
  - a. Date of pass request
  - b. Need for equal access for all inmates
  - c. Existence of a verifiable court-ordered deadline.
  - d. Lack of conflict between available library time and an inmate's work or school schedule.

**DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES**

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**D. Law Library Space**

1. Up to eight EILLS workstations are available in the GBCI Library for purposes of legal research.
  2. Only one law library user is allowed at each EILLS workstation
  3. Conversation is not allowed in the EILLS legal research computer area.
  4. Reading of newspapers, magazines, and other general library materials is not allowed in the EILLS legal research computer area
- E. Up to two typewriters are available in the GBCI library that may be used for typing legal documents.**
1. Printwheels and ribbons for use in the library typewriters may be checked out from the library staff desk on a first-come, first-serve basis.
  2. Inmates should bring their own typing paper to the library for typing. In the event an inmate is unable to provide his own typing paper, one sheet of typing paper may be provided in accordance with DAI 309.56.01.
- F. Up to six work processing workstations are available in the GBCI Library that may be used for generating legal documents. Use of the word processing workstations is provided in accordance with DAI 309.56.01.**
- G. Inmates in restricted housing status in RHU and the Step Unit have access to EILLS work stations on their respective units. Scheduling of usage of these workstations is done by unit staff.**