 <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 8
	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.
- V. Law Library Space**

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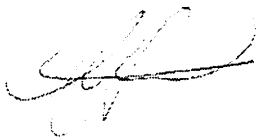
Chapter: 309 Resources for Inmates

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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

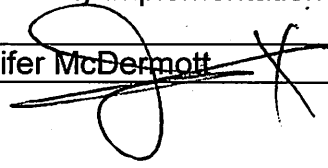
- A. Facilities shall develop a procedure to regulate how inmates may assist each other with legal work per Wisconsin Administrative Code s. DOC 309.155.
- B. Inmates are not allowed to store other inmate's legal work on storage device.
- C. Inmate-to-inmate legal mail shall not be routed via intra-facility 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

Facility: Kettle Moraine Correctional Institution		
Original Effective Date: 9/11/09	DAI Policy Number: 309.15.01	Page 5 of 8
New Effective Date: 8/10/2020	Supersedes Number:	Dated:
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: Warden Jennifer McDermott 		

DEFINITIONS, ACRONYMS, AND FORMS**DFLM** – Digitally Formatted Legal Material**KMCI** – Kettle Moraine Correctional Institution**RHU** – Restrictive Housing Unit**DOC-184** – Disbursement Request**FACILITY PROCEDURE****I. Law Collection Use in the School Library**

- A. The KMCI Law Library shall maintain a collection of legal materials (in EILLS and/or print format) as well as other supplemental materials deemed necessary and/or useful by the Librarian or Education Director.
- B. The Librarian shall maintain and supervise the use of Law Library materials and services.
- C. Inmates shall have access to these materials, in accordance with space, resources, staff and population considerations.
- D. Inmates shall return Law Library materials at the end of their Law Library use. All Law Library materials shall remain in the Law Library.
- E. The Librarian shall conduct a quarterly inventory of both the school and RHU's Law Library materials to ensure all items are present and to replace any damaged or missing resources.
- F. Inmates requesting a printed copy of their personal legal work, a particular case that has been accessed from EILLS or documents from court websites shall submit a signed DOC-184 to the Librarian specifically citing the form title, case name, case date, etc.
 1. Copies cost \$0.15 per page.
 2. The Librarian shall maintain a copy of the DOC-184 submitted from the inmate.
 3. The colored papers used as appellate brief covers are available from the Librarian and are only provided as noted in Section II.C.1-4 of this DAI policy for a cost of \$0.15 per page.

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- G. The Librarian shall provide court forms at a cost of \$0.15 per page from the websites noted on Attachment B. All other legal forms that are not required by the court shall have to be purchased by the inmate using the process noted in Section I. F.1-3 of this facility procedure unless they are noted as being "free of charge" per Attachment B.
- H. Inmates may request accommodations for documented special needs (including physical and cognitive disabilities) as noted in Section III.D. of this DAI policy by submitting a request to the Librarian.
- I. Access to law materials and services
1. Law Library may be utilized any time inmates have scheduled unit Library.
 2. Additional Law Library access may be approved (i.e. for imminent court deadlines, etc.). Inmates shall submit a written request to the Education Director/designee outlining their supporting documentation to assist in the review process.
 3. The librarian shall have a sign-up list to allow inmates to sign up for law library sessions.
 - a. Sign-up will be for the following week.
 - b. Number of open spaces shall be determined by the librarian.
 - c. Inmates may sign up for two separate slots if available.
 4. Each inmate using the EILLS shall note law library usage on the library sign in form.
 5. Each inmate using the law collection shall request materials from the designated Law Library clerk.
 6. An inmate's personal data storage device and/or law reference collection materials shall be checked out for use in the Law Library only. The inmate shall give his ID to the Librarian in order to check out these materials.
 7. Only designated Library clerk(s) shall be permitted to dispense materials from the legal reference collection.
 8. Inmates on room/bunk confinement or loss of library restriction may use law collections with written approval from the Education Director/designee.
- J. Rules for inmates assisting each other with legal work
1. Inmates shall obtain permission from the Librarian to work together on legal matters.
 - a. No special or additional time will be granted for inmates to assist on legal matters.
 - b. The work shall be done during the regular Law Library time of the inmate whose case is being prepared.
 - c. Only one storage medium may be checked out. All work saved shall belong to the inmate who owns the storage medium.
 - d. Assistance includes: advice, typing, research, and proofreading. Any other assistance should be reviewed and approved by the Librarian in advance.

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- e. Only one work station at a time shall be used by inmates who are assisting another inmate with legal work.
2. Inmates providing legal services to other inmates shall only exchange legal paperwork through the U.S. Mail to ensure such materials are being transferred legally and with the owner's consent.
 - a. Upon an inmate's written request showing good cause, the Education Director may provide a written exception to this requirement.
 - b. The mailing envelope or the Education Director's written exception shall be retained by the inmate as proof of legal transfer.
 - c. Transfer by other means shall be considered unauthorized transfer of property and/or possession of contraband-miscellaneous.
3. Compensation of any kind for the provision of such legal services is strictly prohibited.
4. An inmate shall only request photocopies of his own legal materials.
5. Any questions regarding use of law books should be directed to the Librarian.

II. Law Collection Use in the RHU

- A. Inmates housed in the RHU have access to an EILLS workstation. They may access a basic reference collection to supplement it via the Librarian or use of the law collection in RHU.
- B. No legal work may be passed between inmates housed in the RHU. Inmates shall only use the U.S. Mail to send legal work to each other while housed in RHU.
- C. Access to law materials and services
 1. Inmates housed in the RHU shall have access to the unit's Law Library as governed in the RHU Inmate Handbook and as facilitated by unit staff.
 2. Upon entry into the RHU's Law Library, inmates are required to sign the DOC-2757 in RHU to document use of law materials.
 3. Inmates are not permitted to work jointly with another inmate in the RHU Law Library.
 4. Any material needed over and above what is available in RHU's Law Library shall be requested in writing to KMCI's Librarian and shall include the following information:
 - a. Name and title to who the request is directed.
 - b. Citation of case name, book title and volume number.
 - c. Inmate's name, number, housing unit and cell number.
 - d. Date of the request.
 5. The Librarian shall provide the available materials requested. The materials shall be delivered to the RHU as soon as possible, or generally, within two business days.
 - a. This includes any DFLM stored in the Library that belongs to the inmate.
 - b. It shall be sent to RHU via Patrol staff.

DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

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- c. DFLM shall be stored in the inmate's file in RHU when not being used by the inmate. It shall not be stored in his property.
 - 6. When the inmate is released from the RHU, any materials loaned to him from the school Law Library or RHU Law Library shall be returned to the RHU staff at the time of the inmate's release.
 - a. RHU staff shall ensure the materials from that unit are either placed back in the RHU Law Library or returned to the Librarian.
 - b. RHU staff shall return any DFLM belonging to the inmate to the Librarian via Patrol staff. At no time should it be in the inmate's possession other than when he is using it in the Law Library.
- D. Misuse of legal materials
RHU staff shall review the printed materials and inspect electronic equipment in the RHU Law Library after an inmate is done utilizing it to determine if anything was damaged.