

 <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 5
	<b>Original Effective Date:</b> 04/01/93	<b>New Effective Date:</b> 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>		
<input checked="" type="checkbox"/> <b>Inmate</b> <input checked="" type="checkbox"/> <b>All Staff</b> <input type="checkbox"/> <b>Restricted</b>		
<b>Chapter:</b> 309 Resources for Inmates		
<b>Subject:</b> Law Library		
<b>Guidance Document</b>	<input checked="" type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	<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.

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MSDF – Milwaukee Secure Detention Facility

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.

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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.
  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.

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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**

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**

<b>Facility:</b> Wisconsin Correctional Center System		
<b>Original Effective Date:</b> 04/01/93	<b>DAI Policy Number:</b> 309.15.01	<b>Page</b> 5 of 5
<b>New Effective Date:</b> 08/06/20	<b>Supersedes Number:</b> 309.15.01	<b>Dated:</b>
<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> /s/ Quala Champagne		

**FACILITY PROCEDURE**

Superintendent/designee shall determine the designated area used by inmates to assist each other with legal work.