

 <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

DAI Policy #: 309.15.01	New Effective Date: 01/06/20	Page 2 of 7
Chapter: 309 Resources for Inmates		
Subject: Law Library		

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.

DAI Policy #: 309.15.01	New Effective Date: 01/06/20	Page 3 of 7
Chapter: 309 Resources for Inmates		
Subject: Law Library		

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

DAI Policy #: 309.15.01	New Effective Date: 01/06/20	Page 4 of 7
Chapter: 309 Resources for Inmates		
Subject: Law Library		

- 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: Wisconsin Secure Program Facility		
Original Effective Date: 04/01/93	DAI Policy Number: 309.15.01	Page 5 of 7
New Effective Date: 08/21/20	Supersedes Number: 309.15.01	Dated: 03/18/16
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: Warden Gary Boughton		

REFERENCES

DAI 309.56.01 - Technology

DEFINITIONS, ACRONYMS, AND FORMS

WSPF – Wisconsin Secure Program Facility

I. General Guidelines**A. Law Library Materials**

1. The WSPF Law Library shall maintain a collection of legal materials (in the EILLS System or print format)
2. The Law Librarian/ designee shall conduct periodic inventory of these materials, to ensure all materials are maintained, and any materials which are damaged, lost, or stolen are replaced.

B. Law Library Services

1. Applications for legal assistance through LAIP are available from the Law Library.
2. Photocopy service of legal materials is available through the Law Library. Legal copies may be obtained at \$0.15 per page. All copies shall be stamped "inmate copy" and marked with the inmate's DOC number.
3. Available legal books from Attachment A of this policy may be checked out through the Law Library for a period of one week. Books cannot be borrowed from the unit law libraries.

C. Access to the unit electronic law library.

1. Requests to use the electronic law library shall be made to the unit sergeant. Inmates should indicate on the written request if they are on the priority list and are requesting additional time in the law library.
2. Inmates will be provided Electronic Law Library time as assigned. A generic account has been provided for EILLS.
3. Inmates with a documented need may be placed on the legal priority list 30 days prior to the court deadline. An inmate may submit a request to be placed on the priority list to the Institution Law Librarian along with court documentation which indicates a court deadline.
4. Inmates on the priority list shall be scheduled ahead of all other requests. All remaining inmate requests shall be scheduled based on time and space available in the law library.
5. Inmates on room confinement shall not attend the law library unless they have been approved for the priority list. Inmates who have been approved

DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

Facility: Wisconsin Secure Program Facility		
New Effective Date: 08/21/20	DAI Policy Number: 309.15.01	Page 6 of 7
Chapter: 309 Resources for Inmates		
Subject: Institution Law Library		

for the priority list shall be allowed the equivalent of two sessions in the law library.

6. Inmates found using a different computer program or changing the preset computer settings may be subject to discipline.
 7. A record shall be kept on each unit recording the inmate's usage of the electronic law library.
 - a. Staff shall maintain and complete the DOC-2757.
 - b. Staff shall enter the information from the DOC-2757 into the institution multi-purpose log as the inmates attend law library.
 - c. The original DOC-2757's shall be routed to the Security Department.
 8. Inmates in general population are eligible for an EDNET word account, to type their own briefs/legal work. All work typed on an inmate's EDNET account will be saved in their personal folder. Inmates may request an EDNET account by sending an information request to the Institution Law Librarian requesting the account. Request shall include the last 4 digits of the requestor's social security number. Legal documents cannot be saved on a disc.
 9. Inmates may purchase a flash drive to use for their legal work from the Business Office. Please see DAI Policy 309.56.01 Technology.
 10. Inmates in general population may be allowed up to three one hour sessions as unit operations and time permits per week.
 11. Restrictive housing inmates may be allowed one hour and fifteen minutes per week of access to the materials in the electronic law library.
 12. When entering the electronic law library, inmates in restrictive housing maybe allowed their legal court order relating to an active/or appeal case, a writing pad, and a pen. These materials shall be inspected for contraband.
- D. Access to printed legal materials.
1. If materials are determined by the Law Librarian/designee to be damaged, or missing, a conduct report may be written and the inmate may be charged restitution.
 2. Inmates requesting a printed copy of a case shall submit a signed disbursement to the Law Librarian, indicating:
 - a. The Case Cite name; for example: (Greason v. Kemp; brief of citation (981 F.2d 829);
 - b. A date; for example:(1990).
 - c. A parallel cite is also required where applicable; for example: Neely v. State, 292 N.W. 2d. 859; 97 WIS. 2d 38(1980) or Cruz v. Beto, 92 S. Ct. 1079 (1972); 405 U.S. 319, 31 I.Ed 2d 263. Cases cannot be purchased through legal loan.
 3. General population inmates requesting printed copies of their own legal work in their EDNET files shall submit a signed disbursement to the Law Librarian.
 4. WSPF shall provide binding services for legal materials required to be bound by Federal or State Courts. Inmate shall provide court

DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

Facility: Wisconsin Secure Program Facility		
New Effective Date: 08/21/20	DAI Policy Number: 309.15.01	Page 7 of 7
Chapter: 309 Resources for Inmates		
Subject: Institution Law Library		

documentation stating this requirement. The cost for this service is as follows:

- a. 1-50 pages at \$1.00
- b. 51-100 pages at \$1.50
- c. 101-150 pages at \$2.00
- d. Any document over 151 pages will be assessed \$0.50 for every additional 50 pages.