



# 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.

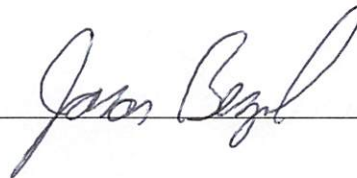
I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

\_\_\_\_\_  
Jason Benzel

Name of Individual Certifying this Document / Proposed Document

\_\_\_\_\_  
Warden of Dodge Correctional Institution

Title


\_\_\_\_\_  


Signature

\_\_\_\_\_  
6-11-2020

Date Signed

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

 <div style="text-align: center;"> <b>DIVISION OF ADULT INSTITUTIONS</b>   <b>POLICY AND PROCEDURES</b> </div>	<b>DAI Policy #:</b> 309.15.01	<b>Page</b> 1 of 9
	<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"/> 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.

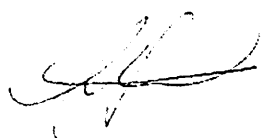
### **V. Law Library Space**

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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.

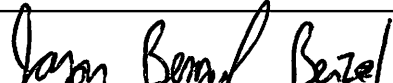
**VI. Inmate-to-Inmate Legal Assistance and Routing of Legal Mail**

- 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**

<b>Facility:</b> Dodge Correctional Institution		
<b>Original Effective Date:</b> 9/16/11	<b>DAI Policy Number:</b> 309.15.01	<b>Page</b> 5 of 9
<b>New Effective Date:</b> 6/22/2020	<b>Supersedes Number:</b>	<b>Dated:</b>
<b>Chapter:</b> 309 Resources for Inmates		
<b>Subject:</b> Law Library		
Will Implement <input type="checkbox"/> As written <input checked="" type="checkbox"/> With below procedures for facility implementation		
<b>Warden's/Center Superintendent's Approval:</b> 		

**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.

**Digitally Formatted Legal Material (DFLM)** – Legal materials in digital formats (CDs, disks, data storage devices) provided to inmates by their attorneys, courts, or other legal representatives.

**DCI** – Dodge Correctional Institution

**DOC-761** – Interview/Information Request

**RH** – Restrictive Housing

**FACILITY PROCEDURE****I. Legal Materials-General**

- A. Law Library materials required by Attachments A and B of this DAI Policy.
- B. Paper-based resources which include DAI policies and DCI procedures.
- C. An inmate's personal data storage devices and/or their DFLM 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.
- D. Library materials, personal data storage devices and/or their DFLM at the end of their Law Library use. All of these materials shall remain secured in the Library.
- E. The Librarian shall conduct a monthly inventory of both the Library and RH's Law Library materials to ensure all items are present and to replace any damaged or missing resources (i.e. DAI/DCI policies or procedures, etc).

**II. Services Available****A. Guidance**

1. Legal materials are for use in the Law Library only.

**DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES**

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2. Direction shall be limited to explaining the purpose and uses of EILLS and other resources.
- B. 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 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.
  3. Copies of court forms noted on Attachment B shall be provided at a cost of \$0.15 per page from the websites.
- C. 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 II.B of this facility procedure unless they are noted as being "free of charge" per Attachment B.
- D. Notary services are available from Library staff in accordance with DAI Policy 300.00.56.

**III. Access**

- A. Inmates shall request access to the Law Library by submitting DOC-761 to the Library staff for each visit.
- B. 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.
- C. Law Library passes are valid for a 60 minute period.
  1. Law Library passes are for Law Library access only.
  2. Access to the General Library is prohibited.
- D. Inmates may assist each other with legal work in accordance with section VI of this DAI Policy.
- E. When a verified legal deadline exists and is indicated on a DOC-761, Library staff shall attempt to schedule a Law Library pass as soon as practicable.
  1. Proof of legal deadline (a court date or legal obligation occurring within the following 45 days) shall be presented to Library staff upon honoring the pass.
  2. Acceptable verification of legal deadline shall be in the form of correspondence from a judge, attorney, clerk of court, or other agent of the court or a verified telephone message received from the agent of the court taken by a staff member.



**DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES**

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- F. Misuse of Law Library materials or privileges
  - 1. Inmates may be subject to discipline for any damage, misuse or destruction of legal materials or electronic resources and may be required to pay restitution for damaged/destroyed materials.
  - 2. Unacceptable behavior, including not focusing on legal work, may result in disciplinary action including, but not limited to, removal from the Law Library or the issuance of a conduct report.

**IV. Rules for Inmates Assisting Each Other with Legal Work**

- A. Inmates shall obtain permission from the Librarian to work together on legal matters.
  - 1. No special or additional time shall be granted for inmates to assist on legal matters.
  - 2. The work shall be done during the regular Law Library time of the inmate whose case is being prepared.
  - 3. Only one storage medium may be checked out. All work saved shall belong to the inmate who owns the storage medium.
  - 4. Assistance includes: advice, typing, research, and proofreading. Any other assistance should be reviewed and approved by the Librarian in advance.
  - 5. Any disruption caused by either inmate may lead to dismissal from the Library and/or disciplinary action.
- B. The Librarian shall only allow two inmates at one time to work together when they are in the Law Library during the same period.
- C. Only one work station at a time shall be used by inmates who are assisting another inmate with legal work.
- D. Inmates providing legal services to other inmates may only exchange legal paperwork through the U.S. Mail to ensure such materials are being transferred legally and with the owner's consent.
  - 1. Upon an inmate's written request showing good cause, the Program Supervisor may provide a written exception to this requirement.
  - 2. The mailing envelope or the Program Supervisor's written exception shall be retained by the inmate as proof of legal transfer.
  - 3. Transfer by other means shall be considered unauthorized transfer of property and/or possession of contraband-miscellaneous and may be subject to discipline.
- E. Compensation of any kind for the provision of such legal services is strictly prohibited
- F. An inmate may only request photocopies of his own legal materials.
- G. Any misuse of the inmate-to-inmate legal assistance services may result in disciplinary action.



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H. Any questions regarding use of law books should be directed to the Librarian.

**V. Law Library Services to Inmates in RH**

**A. RH – Unit 18**

1. The RH Law Library is open to all inmates housed in RH, except those inmates in controlled segregation or clinical observation status.
2. On occasion the regularly scheduled Law Library hours may be canceled due to legitimate staff shortages or other unavoidable circumstances. The Law Library shall be available to inmates during the following times:
  - a. Monday through Saturday from 5:30 p.m. to 8:00 p.m.
  - b. Sunday from 8:00 a.m. to 10:30 a.m. and 11:30 a.m. to 4:00 p.m.
3. All inmates utilizing the Law Library shall be escorted in restraints and shall be seated using a tether to secure them to the seat.
4. Inmates shall be allowed to take only legal materials, paper and pen insert to the Law Library. These items shall be given to staff prior to the inmate exiting the cell and being searched.
5. Inmates are allowed 60 minutes per visit in the Law Library.
  - a. Access shall be restricted to one inmate at a time.
  - b. More time may be granted depending on the number of requests for use.
6. Inmates may request access to the Law Library by submitting DOC-761 to the RH Sergeant.
  - a. If the requests for any given day are too numerous to accommodate all the inmates, requests shall be numbered in order received and shall be carried over to the next available time the Law Library is open.
  - b. The RH Sergeant shall be in charge of scheduling Law Library.
7. Inmates with immediate legal needs, such as immediate filing dates, are encouraged to indicate that need on DOC-761.
  - a. These inmates may be given priority.
  - b. Proof of need is required before priority is given.
8. No items may be removed from the Law Library.
9. Staff shall check the Law Library after each inmate has exited to ensure no damage has been done and no property has been left behind.
10. Requests for copies should be submitted to the DCI Library on a DOC-761, including a signed DOC-184 for copying costs.
11. RH Staff shall facilitate computer start up, including entry of the computer login information and password.
12. Directions for operating the computer and EILLS User Guide shall be available on request.

**B. Infirmary**

1. The Infirmary's EILLS is for use by all Infirmary patients, regardless of their ability to utilize the DCI Law Library, unless otherwise medically restricted.

**DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES**

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2. EILLS is available during all open dayroom hours and by special request to the Unit Officer/Sergeant.
  - a. To schedule computer time, DOC-761 shall be submitted at least 24 hours in advance.
  - b. Use is on a first come, first serve basis.
3. Inmates demonstrating time sensitive deadlines shall be given priority.
4. Requests for copies should be submitted to the DCI Library on a DOC-761, including a signed DOC-184 for copying costs.
5. Requests for assistance shall first be addressed with the Unit Officer and then to the Library utilizing DOC-761.
6. Infirmary staff shall facilitate computer start up, including entry of the computer login information and password.