RHODE ISLAND DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE

	POLICY NUMBER: 13.03-3 DOC	EFFECTIVE DATE: 04/02/12	PAGE 1 OF 8
	SUPERCEDES: 13.03-2 DOC	DIRECTOR: A. T. Wall II	
SECTION: INMATE RIGHTS		SUBJECT: ACCESS TO THE COURTS AND LEGAL MATERIALS	
AUTHORITY: Rhode Island General Laws (RIGL) § 42-56-10(22), Powers of the director; § 38-2-1, Access to public records			
REFERENCES: : ACA Standard 4-4276 (access to Law Library); Lewis v. Casey, 518 U.S. 343 (1996); Bounds v. Smith, 430 U.S. 817 (1977); Policy #'s 25.01 DOC, Institutional Library Services; 2.28-3 DOC, Medical Co-pay (re: indigent inmates)			
INMATE ACCESS THROUGH LAW LIBRARY?		X YES	
SPANISH TRANSLATION?		X YES	

I. PURPOSE:

To ensure the Rhode Island Department of Corrections (RIDOC) establishes and maintains:

A. a centralized inmate law library; and

B. satellite law libraries in each facility (containing basic legal research material)

II. POLICY:

A. Central Law Library. The Rhode Island Department of Corrections (RIDOC) provides a central law library with up-to-date constitutional, statutory, case law materials, applicable court rules and practices, as defined by Lewis v. Casey [i.e., criminal law (sentence reduction, clarification, or reconsideration; appeal of conviction; arrest/trial; or post conviction relief) and civil law (conditions of confinement)].

B. Satellite Law Libraries. In addition, satellite law libraries containing basic legal research material (e.g., Rhode Island laws and court rules; federal court rules; digests; form books; and select treatises, hornbooks and restatements of the law) and staffed by inmate law clerks are maintained in each facility.

C. Reasonable access to both the satellite libraries and materials contained in the Central Law Library, as prescribed by operating and security procedures of each facility and assistance in the use of materials are provided for each inmate.

III. PROCEDURES:

A. Central Law Library

1. The RIDOC recognizes the important role of the law library as a meaningful resource for the inmate population.

2. The Central Law Library contains law books and other legal materials selected according to recognized standards for the formation of legal collections.

B. Duties of the RIDOC Law Librarians

The duties of RIDOC's Law Librarians include, but are not necessarily limited to:

1. Ensuring each satellite law library contains:

   a. an up-to-date catalog of materials and services available in the Central Law Library;

   b. an up-to-date collection of basic legal research material;

   c. up-to-date RIDOC policies and a policy index (including bilingual);

   d. sample court forms, filing instructions and court addresses;

   e. copies of indexes and/or table of contents of hornbooks and treatises (major titles) available in the Central Law Library to facilitate more efficient inmate requests for information from the Central Law Library collection;

f. subject-appropriate pathfinders / information packs / guides to facilitate more efficient inmate requests for information, i.e., criminal law (sentence reduction, clarification, or reconsideration; appeal of conviction; arrest/trial; or post-conviction relief) and civil law (conditions of confinement).

2. Responding to inmate requests:

a. A sample RIDOC Law Library Request Form is included as Attachment 1. This form is to be used by inmates whenever they request legal materials from the Law Librarians.

NOTE: Any falsification of information contained on the Law Library Request Form will be cause for discipline up to and including loss of library privileges, disciplinary confinement, and loss of good time.

b. The Law Librarian considers the following criteria when evaluating requests from inmates:

(1) Is the request a matter of criminal law (sentence reduction, clarification, or reconsideration; appeal of conviction; arrest/trial; or post conviction relief) or civil law (conditions of confinement) and consistent with Lewis v. Casey.

(a) If so, please see item 2.b. (2) below.

(b) If not, the Law Librarian denies the request and notifies the inmate of the denial.

(2) Is an attorney representing the inmate on the matter in question?

(a) If so, the Law Librarian advises the inmate that his/her attorney is responsible for ensuring the inmate has access to the courts and/or appropriate legal materials.

(b) If not, the requested material/information is provided to the inmate.

(c) The provisions of paragraphs B.2.b. (1) and (2), which provide for denying an inmate's request for law library assistance if the inmate is represented by an attorney,

shall not apply if the inmate can demonstrate that s/he has made a significant effort to receive the desired assistance from the attorney without success. "Significant effort" shall be proven by documented attempts to reach the attorney by mail and telephone, verified by the inmate's counselor.

(d) All requests for information require confirmation that the inmate first went to his/her facility's Law Library to find the information (See Attachment 1).

(e) A Correctional Officer (C.O.) is required to sign the request form.

If a request is not signed, it will be returned to the inmate for appropriate routing.

(3) All requests received at the Central Law Library are date-stamped upon receipt and responded to within fifteen (15) business days, depending on availability. In demonstrated emergency situations, the Law Librarian, at his/her discretion will make every effort to fill requests in an expeditious manner.

Information a staff Law Librarian must retrieve: computer-assisted legal research (e.g., Westlaw or Lexis), Internet, research/reference questions.

Response time: within 15 business days, depending on availability.

(4) Photocopies

(a) Inmates may request photocopies from the Central Law Library (via the Law Librarians) and/or the satellite libraries (via the inmate Law Clerks).

(b) Inmates will be charged five cents ($0.05) per page.

(c) Law Librarians forward photocopy ledgers to Inmate Accounts at the end of each month, and affected inmates' accounts are debited the amount of their respective photocopying charges.

(5) Indigent Inmates

(a) If an inmate has an insufficient balance in his/her account, a charge will nevertheless be placed against the account. Such a charge will result in a negative balance in the inmate's account.

(b) When an inmate's account has a negative balance because of such photocopying charges, one-half of all deposits will be used as an offset to the charges until such time as the charges have been paid in full. There are no restrictions on the other half of deposits beyond normal restrictions.

(c) Indigent inmates will be allowed up to two hundred (200) pages of photocopies per month.

NOTE: Unreasonable (i.e., voluminous or repeat) requests for photocopies from indigent inmates may be denied at the discretion of the Warden or designee (satellite libraries) and/or the Law Librarians (Central Law Library).

(6) Interstate Transfers

NOTE: Generally, requests from inmates who are represented by counsel are not filled by RIDOC's Law Librarians. However, if a Rhode Island inmate who is serving his/her sentence (or a portion thereof) out of state is represented by legal counsel, but is unable to contact his/her attorney in a timely manner, RIDOC's Law Librarian may fill his/her request for information.

(a) Requests from inmates from other states who are serving their sentences in Rhode Island are forwarded to the sending state's Interstate Compact Administrator for appropriate action. RIDOC's Law Librarian may forward these requests to the sending state, or s/he may return them to the inmates, advising them of the proper procedure to follow.

(b) Requests from Rhode Island inmates who are serving their sentences in other jurisdictions must be made through the receiving state's Law Librarian or counterpart.

(1) A signed Money Transfer Slip or a check made out to the General Treasurer, State Of Rhode Island, must accompany such requests.

(2) RIDOC's Associate Director of Classification/ Interstate Compact Administrator forwards such requests to RIDOC's Law Librarian(s) via RIDOC's Special Education Director/Principal.

(3) The Librarian gathers the appropriate information and forwards it to RIDOC's Associate Director of Classification via the Special Education Director/Principal.

(4) The Associate Director of Classification forwards the requested information to the inmate via the receiving state's Interstate Compact Administrator.

NOTE: Inmates serving their sentences in other jurisdictions who wish to return to Rhode Island in order to be present in court to participate in civil litigation must fund their transport to and from Rhode Island. The Department of Corrections will not do so.

3. Ensuring materials maintained on administrative and/or disciplinary confinement law carts are current.

4. Developing Central Law Library Handbook and distributing it to facility law libraries and law clerks (how to use the new library system, how your clerk can help you, materials available, etc.).

5. Training law clerks in the methods of legal research.

C. Access and Hours – Satellite Law Libraries

Law library hours are posted in all housing units. Scheduling is determined by Wardens or designees for individual facilities. Inmates needing additional time in the law library make such requests in writing to the Warden or designee.

D. Law Library Service (Administrative and/or Disciplinary Confinement)

1. Inmates housed in administrative and/or disciplinary confinement are not permitted physical access to the law library; however, legal material is available on book carts which are located in every administrative and/or disciplinary confinement mod. Use of the cart is by request only. A request is forwarded to the facility administrative and/or disciplinary confinement officer, consistent with the rules and procedures of individual facilities.

2. Also available to inmates housed in administrative and/or disciplinary confinement is direct "in person" access to an inmate law clerk. Administrative and/or disciplinary confinement inmates desiring assistance from an inmate law clerk sign up for an appointment on an appointment sheet/request for interview form provided by the administrative and/or disciplinary confinement officer. The request is forwarded to the inmate law clerk within two (2) days. An inmate law clerk is permitted to enter the administrative and/or disciplinary confinement area and assist the administrative and/or disciplinary confinement inmate.

E. Inmate Law Clerks

1. The Warden or designee of each facility ensures at least two (2) trained inmate law clerks are hired. The Warden or designee also maintains a "pool" of trained inmate law clerks to provide coverage.

2. Minimum education and skills: high school diploma or GED; ability to type.

NOTE: Whenever possible, one should be bilingual in English and Spanish.

3. Inmate law clerks shall not perform actual research and preparation of casework for other inmates. This prohibition is intended to prevent the exchange of services for cash, favors, or goods and discourages possession of contraband in the form of another inmate's legal materials.

4. The duties and responsibilities of the satellite law libraries' inmate clerks include, but are not necessarily limited to:

a. Maintaining the inventory of material available in the facility, including administrative and/or disciplinary confinement cart inventories.

b. Maintaining RIDOC policies provided by the Central Law Library and providing appropriate access to them.

c. Maintaining sample form books, filing instructions and court addresses, provided by the Central Law Library.

d. Assisting inmates in the process of legal research (i.e., how to use resources in the law library, where to find court procedures and rules, etc.), including inmates in administrative and/or disciplinary confinement.

e. Photocopying legal material for inmates, consistent with this policy's provisions.

f. Assisting inmates to request information from the Central Law Library (by using the Central Law Library inventory, book indices, information packs, proper citation forms, etc.), when needed material is not available in the facility law library.

g. Posting the procedure for requesting information from the Central Law Library.

h. Shelving new materials received from the Central Law Library and maintaining neatness and order of collection.

i. Discarding replaced, old pocket parts and supplements, including administrative and/or disciplinary confinement cart materials, under the Law Librarians' supervision.

5. At no time will any inmate law clerk suggest, advise or infer any action which is clearly illegal or contravenes the rules or policies of the RIDOC.

6. The inmate law clerk is under the supervision of the Law Library Officer and/or the Law Librarian. When not performing their primary duties, inmate law clerks perform routine tasks such as maintaining forms and RIDOC policy books, and performing light housekeeping duties as needed.

RHODE ISLAND DEPARTMENT OF CORRECTIONS
Law Library Request Form

13.03-3 DOC
attachment 1

Inmate's Name & ID#_____ Date:_____

Facility/Mod/Cell:_____ Indigent Status: ☐ yes ☐ no Out-of-State Inmate: ☐ yes ☐ no

Nature of Request [as defined by Lewis v. Casey, 518 US 343 (1996)] Check all that apply.

A. Criminal: ☐ appeal of conviction ☐ arrest/trial
☐ post-conviction relief ☐ sentence reduction
B. Civil: ☐ conditions of confinement
C. Other (please explain):_____

An attorney ☐ is not ☐ is representing me on the above issue._____
NAME

☐ Public Defender ☐ Private Attorney _____
ADDRESS

☐ Description of attempts to contact attorney of record: _____

_____ _____

_____ _____
TELEPHONE #

Counselor's Signature:_____ Date_____

☐ This information is not available in my facility's law library.

Information being requested (include as much information as you can – the full citation, parallel citations, parties' full names, publication's full name, chapter, section, etc. Please attach a separate page, if needed.):

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____

C.O.'s Signature:_____ Date:_____

Send request slips via interdepartmental mail to: RIDOC Librarian; Dix Building

Forms not completely filled out and signed by a C.O. will be returned unanswered. The Law Library Office does not provide photocopies of information available to inmates in their facility. Always check your facility before sending requests to the Law Library Office. You will be charged $.05 per page of photocopying. Indigent inmates will receive up to 200 copies per month. Any falsification of information on this form will be cause for discipline up to and including loss of library privileges, disciplinary confinement, and loss of good time.

Librarian's response:_____

_____

_____ _____
Librarian's signature & date photocopy charge for this request