



WYOMING DEPARTMENT OF CORRECTIONS

Policy and Procedure #3.401

Inmate Access to Courts

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<p>Authority: Wyoming Statute(s): 25-1-104; 25-1-105</p> <p>ACA Standard(s): 5-1F-4100-4; 5-4A-4268; 5-3D-4274; 5-3D-4276</p>	<p>Effective Date: May 15, 2020 Revision/Review: 10/31/18 History: 08/01/17 10/22/12 05/15/15 09/12/11 12/15/14 05/14/07 10/31/13</p>
<p>Cross Reference of Policy: P&P #3.006, <i>Property Control</i>; P&P #3.013, <i>Searches</i>; P&P #5.401, <i>Inmate Mail</i>; P&P #5.403, <i>Inmate Access to Attorneys</i>.</p>	<p>Summary of Revision/Review: Updates existing policy pursuant to annual review.</p> <p>Supersedes Existing Policy:</p>
<p>Approved:</p> <p align="center">R.O. Lampert 5-1-20</p> <hr/> <p align="center">Robert O. Lampert, Director Date</p>	

APPROVED FOR INMATE DISTRIBUTION

The policy and procedures set forth herein are intended to establish directives for staff members and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty or property interests for staff members or inmates, or an independent duty owed by the WDOC to staff members, inmates, or third parties. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REFERENCE

1. ATTACHMENTS

- A. WDOC Form #159.2, *Schedule of Fees for Release of Information*
- B. WDOC Form #160.1, *Inmate Financial Transaction Form*
- C. WDOC Form #306, *Search of Inmate’s Legal Material*
- D. WDOC Form #307, *Notice of Confiscation*
- E. WDOC Form #325, *Law Library Requirements*
- F. WDOC Form #326, *Request for Law Library Material*
- G. WDOC Form 326.1, *Inmate Computer User Agreement and Password Request*
- H. WDOC Form #329, *Audio/Video Recordings Request*
- I. WDOC Form #330, *Conditions of Employment Agreement for Law Library Clerks*
- J. WDOC Form #332, *Request for Legal Research Assistance*
- K. WDOC Form #526, *Indigent Inmate Application and Verification*

2. OTHER – None Noted



I. PURPOSE

- A. **Inmate Legal Access.** The purpose of this policy is to establish a uniform set of guidelines and procedures that afford Wyoming Department of Corrections' inmates reasonable access to law library or legal services and the necessary supplies for the preparation and filing of legal documents with the courts and parole board authorities. This policy applies to WDOC facilities only.

II. POLICY

- A. **Meaningful Access to Courts.** Within the inherent limitations of resources and the need for correctional facility security, safety, health and order, it is the policy of the Wyoming Department of Corrections (WDOC) to satisfy its legal obligation to provide inmates meaningful access to the courts. Inmates shall have the basic means available to them to enable them to present their grievances to the courts.
1. Meaningful access to the courts shall be provided by affording inmates reasonable access to the law library holdings outlined in WDOC Form #325, *Law Library Requirements*, and the necessary supplies for the preparation and filing of their own legal documents with the court and parole board authorities.
 2. Written policy, procedure and practice shall ensure inmates' fundamental right of access to federal and state courts. (ACI 5-3D-4274)
 - i. WDOC shall assure that it meets the current requirements of federal and state court decisions and any other federal or state law with regard to access to courts.
 - ii. Inmates seeking judicial relief shall not be subjected to reprisals or penalties by WDOC because of their decision to seek such relief.
 - iii. Inmates retain the ability to independently pursue actions on their own or to obtain outside counsel to assist them at their own expense or on a pro bono basis. Inmates shall be afforded access to attorneys as provided in WDOC Policy and Procedure #5.403, *Inmate Access to Attorneys*. Inmates also retain the ability to seek or provide assistance to others through inmate-to-inmate correspondence when approved in accordance with WDOC Policy and Procedure #5.401, *Inmate Mail*.



3. As a supplement to the means of access identified above, inmates may also be provided with adequate assistance from persons trained in legal research, including through inmate law library clerks, when and where they are made available at the discretion of WDOC, in accordance with this policy.
- B. Access to Law Library.** It is the policy of WDOC that inmates shall have access to an appropriate law library and to paper, typewriters or computers, and other supplies and services related to legal matters as described in this policy. The law library shall include, at a minimum, relevant and up-to-date constitutional, statutory, and case law materials, applicable court rules, and practice treatises. When an inmate is unable to make meaningful use of the law library on his/her own, additional assistance necessary for effective access shall be provided as described in this policy. (ACI 5-3D-4276)

III. DEFINITIONS

- A. Attorney:** A member of a state bar association who is licensed to practice law in Wyoming or another state.
- B. Chief Executive Officer (CEO):** A CEO is identified, but not limited to, the following positions: Director, Deputy Director, division administrators, deputy administrators, wardens, district supervisors, adult community corrections coordinator, and adult community corrections directors.
- C. Contraband:** Contraband includes:
1. Any item or article which an inmate is prohibited by statute, rule or order from obtaining or possessing.
 2. Any item or article which is not authorized by regulations of the Wyoming Department of Corrections, or a subunit thereof.
 3. Any item or article which is in excess of the maximum quantity permitted by written regulations of the Wyoming Department of Corrections, or a subunit thereto, including approved property items in excess of the amounts established by WDOC Policy and Procedure #3.006, *Property Control*.
 4. Any item or article which is received or obtained from an unauthorized source.
 5. Any item or article which was once authorized but is no longer authorized or which poses a threat to security and good order.



6. Any item or article which is altered without authorization, put to an unauthorized use, or taken into an unauthorized area.
 7. Evidence of a crime or other violation.
- D. Compact Disc (CD) ROM:** A digital optical data storage disc.
- E. Digital Versatile Disc (DVD) ROM:** A disc capable of storing large amounts of data.
- F. Examine:** (*For this policy only.*) To check for physical contraband, without reading or photocopying.
- G. Imminent Court Deadline:** (*For this policy only.*) A deadline imposed by state or federal statute, the court, Wyoming Rules, or Federal Rules that will be reached within ten (10) calendar days or less, with the only exception of thirty (30) days as outlined in this policy under section IV.D.5.
- H. Indigent Inmate:** An inmate who has no source of income and no money on his/her account. Inmates who have twenty-five dollars (\$25.00) or more credited to their account at any time in any given month from any source for discretionary spending shall not be considered indigent during that month regardless of their account balance at any time during that month.
- I. Inmate Funds:** Inmates' personal money in the care and custody of the Wyoming Department of Corrections that is managed by the Wyoming Department of Corrections.
- J. Inspection:** (*For this policy only.*) To examine or view, including reading and/or photocopying.
- K. Inspection Device:** Any device (*i.e.*, metal detector, fluoroscope, *etc.*) which is used to detect contraband in the form of metal or other foreign objects.
- L. Institutional Indebtedness:** Includes fines or restitution ordered pursuant to WDOC Policy and Procedure #3.102, *Inmate Disciplinary Procedures*. Reimbursement for supplies and/or postage under WDOC Policy and Procedure #5.401, *Inmate Mail*. Reimbursement for supplies, postage, and/or photocopying fees under WDOC Policy and Procedure #3.401, *Inmate Access to Courts*. Reimbursement for supplies and/or postage for the disposition of property in accordance with WDOC Policy and Procedure #3.006, *Property Control*. Reimbursement for any other institutionally incurred indebtedness as accrued at a correctional facility.



- M. Legal Documents:** (*For this policy only.*) Pleadings (*i.e.*, complaint, petition or answer), legal motions and memoranda, affidavits, court orders and judgments, or other necessary papers submitted to a court in connection with a legal action. For purposes of this policy, legal documents include necessary papers submitted to the Wyoming Board of Parole and equivalent releasing authorities in other state and federal jurisdictions in connection with official actions and proceedings of such authorities.
- N. Legal Library Clerk:** An inmate, trained through an optional Wyoming Department of Corrections-provided vocational training program, or other certified legal research training program which has been pre-approved entirely at the discretion of the Wyoming Department of Corrections, who is subsequently selected for and assigned to work in a correctional facility law library, when such a position is authorized at the discretion of the correctional facility Chief Executive Officer, and who is to work under the direct supervision of a staff member to assist in the provision of legal access for other inmates by consulting, legal research, and typing, as necessary.
- O. Legal Mail:** Incoming or outgoing mail to or from an attorney, court or court official, clearly addressed as “LEGAL MAIL” on the addressee side of the envelope, with the designation set apart from the return address and mailing address and of sufficient size to permit easy recognition by mail room staff. Legal mail includes mail which is addressed to or received from the following:
1. Wyoming Attorney General’s office;
 2. United States Attorney General’s office;
 3. United States Department of Justice;
 4. County and prosecuting attorneys;
 5. Federal, State, Local and Tribal Courts;
 6. Attorney (this includes the Wyoming State Bar Association Office of Bar Council; please note, the address must include “Office of Bar Council”);
 7. Legal aid clinic; or
 8. American Civil Liberties Union.
- P. Legal Material:** Legal documents, incoming legal or official mail already received, and outgoing legal and official mail not yet sent.



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- Q. Library Coordinator:** Wyoming Department of Corrections employee(s) assigned to supervise correctional facility law libraries and law library services, including the activities of assigned legal clerks.
- R. Locked Housing Units:** Maximum security, restrictive housing, protective custody, temporary protective custody, Temporary Restriction Order, or other inmate housing units or status that restrict an inmate’s access to other areas of the correctional facility.
- S. Official Mail:** Unless specifically waived in writing by the officials named below, incoming and outgoing mail addressed to or from the Director of the Wyoming Department of Corrections, state elected officials, Wyoming’s state legislators, Wyoming’s United States Congressional delegation, administrators of internal grievance systems as appointed by the Director, foreign embassy consulates, and members and staff of the Board of Parole, which is clearly worded “OFFICIAL MAIL” on the addressee side of the envelope, with the designation set apart from the return address and mailing address, and of sufficient size to permit easy recognition by mail room staff. Official mail includes mail sent to or received from the following:
1. The Governor of Wyoming;
 2. The Secretary of State of Wyoming;
 3. The State Treasurer of Wyoming;
 4. The State Auditor of Wyoming;
 5. The Superintendent of Public Instruction of Wyoming;
 6. Wyoming state legislators;
 7. Wyoming United States Congressional delegates;
 8. The Director of the Wyoming Department of Corrections;
 9. Foreign embassy consulates;
 10. The Board of Parole, its members, and staff; or
 11. The inmate’s physician of record.
- T. Person Trained in Legal Research:** *(For this policy only.)* A person with sufficient training to conduct meaningful legal research and instruct, or guide, other individuals in conducting basic legal research using the information



provided by or through the Wyoming Department of Corrections under this policy, who also has the skills necessary to select, draft, or complete legal documents to be submitted to a court in connection with a legal action involving civil rights, conditions of confinement, appeals from conviction, or habeas petitions.

- U. **Practice of Law:** Pursuant to Wyoming State Bar Association Organization and Government, Rule 7, “practice of law means providing any legal service for any other person, firm or corporation, with or without compensation, or providing professional legal advice or services where there is a client relationship of trust or reliance, including appearing as an advocate in a representative capacity; drafting pleadings or other documents; or performing any act in a representative capacity in connection with a prospective or pending proceeding before any tribunal.” (2014)
- V. **Privileged Mail:** Mail that qualifies as legal mail or official mail in accordance with WDOC Policy and Procedure # 5.401, *Inmate Mail*.
- W. **Read or Scan Search:** (*For this policy only.*) The visual scanning or reading of documents to determine the nature and content of the writing. Scan searches of an inmate’s legal material shall be conducted only in accordance with WDOC Policy and Procedure #5.401, *Inmate Mail*.
- X. **Reasonable Suspicion:** (*For this policy only.*) An apparent state of objective facts and rational inferences drawn therefrom that would cause a reasonable and experienced correctional staff person to conclude that an individual is in the possession of unauthorized property or contraband.
- Y. **Search:** A close inspection, including touching in an impartial manner, of a person, a person’s cell or other living unit, vehicle, possessions, or other property, or buildings or premises, to check for contraband.
- Z. **Security Inspection:** A distinction is made between search and security inspection. The latter is accomplished by means of an inspection device (*i.e.*, metal detector), without the element of a personal contact search, although accompanying property shall be subject to a visual and/or hand examination.
- AA. **Seizure:** (*For this policy only.*) To take control of, or possession of, after search or security inspection.
- BB. **Special Security Housing:** (*For this policy only.*) Housing separate and apart from the general population, including facilities, units, rooms, or cells specifically designed for restrictive housing purposes.



- CC. **Voluntary Indebtedness:** When an inmate does not qualify for indigent status and/or incurs institutional indebtedness.
- DD. **Working Day:** (*For this policy only.*) Monday through Friday, excluding weekends and state and/or federal holidays.

IV. PROCEDURE

- A. **Access to Legal Resources.** WDOC shall afford inmates reasonable access to the law library holdings outlined in WDOC Form #325, *Law Library Requirements*, and reasonable access to necessary supplies for the preparation and filing of their own legal documents with the court and parole board authorities, in accordance with this policy and procedure.
1. Legal resource materials may be made available to inmates using original materials or photocopies, or through approved electronic resources.
 2. Legal resource materials shall be updated as appropriate. Printed legal resource materials need not be updated as frequently if current electronic versions of legal resource materials are made readily available to inmates.
 3. Printed or electronic legal resource materials available directly to inmates may be supplemented by additional materials accessible only to staff (*e.g.*, subscription to internet law library resources). When an inmate is unable to obtain desired legal material from printed or electronic resources, request for additional law library material may be made using WDOC Form #326, *Request for Law Library Material*. This form serves as a request for loaned material, and WDOC staff shall make reasonable efforts to obtain the requested material, but materials not required by WDOC Form #325, *Law Library Requirements*, are not guaranteed and may be denied if inaccessible to staff.
 - i. If the material is accessible through the electronic law library, inmates shall utilize electronic means to obtain the material. If the inmate is unable to access the electronic law library, he/she may use WDOC Form #326, *Request for Law Library Material* as outlined in this policy in section IV.G.3.
 - ii. For those facilities where a law library may be physically accessed for legal research, inmates shall utilize this resource prior to sending WDOC Form #326 *Request for Law Library Material*.
 4. Inmate law libraries are not required to maintain forms, documents, or any other legal materials from other states. It shall be the duty of the inmate to



contact the out-of-state court or correctional agency to request any forms, documents or legal materials from that state.

B. Access to Appellate Hearings via the Supreme Court of Wyoming.

Inmates may have the opportunity to observe/listen to the live stream of his/her appellate hearing.

1. The WDOC Deputy Director or designee will notify the respective facility when an appellate hearing is scheduled for an inmate housed at such facility. The facility may provide the inmate with the opportunity to observe/listen to his/her scheduled hearing should such observation not pose a threat to the security and good order of the facility.
2. Inmates shall not be authorized to observe/listen to other inmate's hearings.

C. Reasonable Opportunities to Access Law Library. All inmates shall be afforded reasonable opportunities to access a WDOC law library as provided in this policy.

1. Access to the law library may be provided by allowing inmates access to printed versions of legal resource materials, allowing inmates access to electronic versions of legal resource materials, or delivery of original or photocopied versions of legal resource materials on a check-out basis from the law library. Primary access may be provided electronically by upload to the inmate servers and/or designated terminals.

D. Time Allowance. Inmates shall be allowed a reasonable amount of time to do their own legal research and to prepare legal documents in the correctional facility law library in those facilities where direct access to the facility law library is authorized and scheduled, or in the inmate's own assigned cell or living unit.

1. Inmates will normally not be released from work or programming assignments required by their case plans in order to visit the law library, do legal research, or prepare legal documents.
2. A special time allowance for research and preparation of legal documents may be granted to an inmate who demonstrates, through written court documentation, a need for access to law library services and additional preparation time to meet an imminent court deadline of ten (10) calendar days or less from the date of the request regarding his/her own legal case.

E. Additional Legal Material. Inmates who require law library materials that they are not entitled to directly access (*i.e.* unable to access the electronic law



library material or unable to go to the law library), or items listed on WDOC Form #325, *Law Library Requirements*, that are not maintained in their assigned correctional facility's law library, may request such materials in writing, and be provided, photocopies of specific legal research materials. All items provided shall be stamped in red ink "Property of WDOC" and must be returned.

1. Inmates may request duplicated copies of specific reported cases, digest topics, and other specific parts of legal research materials listed on WDOC Form # 325, *Law Library Requirements*, by use of WDOC Form #326, *Request for Law Library Material*.
2. Such copies remain the property of the WDOC and must be returned within seven (7) days of initial receipt. Failure to do so may result in a restriction of the offending inmate's ability to make subsequent requests, until the items are returned or the inmate has made arrangements for replacement cost of the items, unless otherwise authorized by the correctional facility Chief Executive Officer (CEO).
3. Requests for legal research materials shall be limited to no more than five (5) per request, with no more than two (2) requests per inmate per week permitted.
4. An inmate may not have more than ten (10) such authorized sets of copies in his/her possession at any given time.
5. An inmate who has continued documented refusals to participate in work or programming assignments that are required by his/her individualized case plan shall be limited to no more than one (1) request per week for legal research material, with a maximum possession of five (5) authorized sets of copies, unless he/she demonstrates, through written court documentation, a need for the level of access to law library services and materials described under this policy, in order to meet an imminent court deadline of thirty (30) calendar days or less from the date of the request regarding his/her own legal case.
6. Inmates are not allowed to write in, highlight, mark or in any other way damage or destroy materials loaned to them and which are stamped in red ink as "Property of WDOC."
 - i. Such damage shall be considered destruction of state property, which may result in:
 - a. The inmate being charged with the appropriate disciplinary infraction; and/or



provide limited assistance to inmates in identifying appropriate legal resources. Inmates who require assistance, instruction, or guidance in researching a legal issue may request the same through the library coordinator using WDOC Form #332, *Request for Legal Research Assistance*. No provision is made in this system, however, for extensive, generalized legal research by WDOC employees for inmates.

1. **Limitations of Assistance.** The WDOC may not actively assist inmates in the filing of documents not involving civil rights, conditions of confinement, appeals from conviction, or habeas petitions.
 - i. Inmates who desire assistance filing pleadings or petitions in matters not related to civil rights or conditions of confinement, appeals from conviction, or habeas petitions may seek assistance of counsel, the courts, or other legal assistance outside the WDOC.
 - ii. WDOC may provide passive assistance in matters not related to civil rights or conditions of confinement, appeals from conviction, or habeas petitions by providing access to WDOC law library resources for self-research in accordance with this policy.
2. **Permissible Assistance.** The WDOC may assist inmates in the filing of documents involving civil rights, conditions of confinement, appeals from conviction, or habeas petitions, in the following ways only.
 - i. In addition to providing opportunities to access law library or research services as provided in this policy, the library coordinator may assign trained personnel or inmate(s) to provide the requested legal research assistance or may provide that assistance him/herself.
 - a. The library coordinator or trained personnel may instruct the individual on how and where to access the requested information, provide information on the availability and use of forms, and guide the requesting inmate through the general research process, but shall not conduct independent legal research for or on the behalf of any inmate.
3. **Inmate Law Library Clerks.** If legal research assistance is not provided directly through the library coordinator or other trained personnel, a full-time appropriately trained inmate law library clerk may be provided to assist in the preparation and filing of legal documents with the court through consulting, legal research, and typing as necessary.



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- i. Inmate law library clerks shall not assist other inmates in a manner that amounts to engaging in the practice of law (*see definition*).
 - ii. Inmate law library clerks shall not be assigned to any correctional facility unless the library coordinator determines sufficient need for such a position, other means of providing assistance are not reasonably available, such position(s) is authorized upon the discretion of the correctional facility CEO, a WDOC provided vocational training or other pre-approved legal research training program has been successfully completed by the assigned individual, and inmates are otherwise prohibited from assisting one another with legal research in person or through the U.S. mail system by institutional policy or practice.
4. **Criteria for Assignment as a Law Library Clerk.** Inmate law library clerks should meet the following criteria for assignment:
 - i. The inmate law library clerk should possess a GED or high school diploma, with a tested educational attainment level of 10th grade or above.
 - ii. The inmate law library clerk must be in compliance with his/her individualized case plan requirements for programming and have no major disciplinary infractions within the last six (6) months.
 - iii. A genuine interest in helping inmates with their legal needs will be required and determined by interviews conducted by a selection committee that includes the library coordinator, a case manager and a security representative, at the minimum.
 - iv. Qualified applicants must be able to demonstrate detailed knowledge of the legal system, legal research abilities, legal writing skills, ability to communicate, typing skills, and a model facility record of demeanor and rule adherence.
 - v. Qualified applicants shall be selected based on completion of a pre-approved legal assistant training curriculum, which may be developed and provided by the WDOC as a vocational training program or otherwise authorized. Such training, if any, shall be provided entirely at the option and upon the approval of WDOC only.
 - vi. Qualified applicants shall be required to sign a confidentiality agreement indicating that they will not disclose information received during the course of their assignment pertaining to



specific inmates or inmate complaints, except upon the direction of the law library coordinator.

vii. Qualified applicants selected for assignment shall sign and abide by the conditions of WDOC Form #330, *Conditions of Employment Agreement for Law Library Clerks*.

viii. Assignment as a law library clerk shall be limited to a maximum term of thirty-six (36) consecutive months, followed by at least twelve (12) months reassignment and removal from law library clerk status prior to becoming eligible for subsequent re-assignment as a law library clerk.

5. **Compensation for Legal Library Clerks.** Qualified inmate law library clerks, who are subsequently selected and assigned to work as law library clerks in the law library by the library coordinator, shall receive compensation for actual hours worked in the law library, in accordance with the inmate pay procedures and at the same rate as other facility support program clerks in the certified or trainer/mentor grade level.

i. Inmate law library clerks shall be prohibited from charging or receiving any form of compensation other than that authorized under the inmate pay procedures and paid to them directly by WDOC.

ii. Any attempt to charge or receive any form of compensation or trade from other inmates or persons for legal services inside or outside of the law library setting will:

a. Result in immediate removal from all legal library clerk duties and disqualify that individual for future assignment as a legal library clerk in any WDOC institution or contract facility;

b. Subject the offending inmate(s) to immediate disciplinary action; and,

c. Result in the confiscation of all related unauthorized legal work from any inmate(s) involved in soliciting, offering, providing or receiving the trade or compensation.

6. **Assignment and Removal of Inmate Legal Clerks.** Assignment and removal of inmate legal clerks shall be in compliance with WDOC policies and procedures regarding inmate work assignments and shall not be based upon retaliation for legitimate legal activities.



G. Further Research Assistance. Inmates assigned to WDOC correctional facilities where research assistance is not directly available may request legal research assistance from another correctional facility law library by use of WDOC Form #332, *Request for Legal Research Assistance*.

1. Inter-facility requests for additional law library services not directly available at the assigned facility shall be processed with reasonable diligence.
2. Additional research assistance or materials provided in response to an inter-facility request shall be returned to the library at the correctional facility where the inmate is assigned within prescribed time frames. The correctional facility library shall return the materials to the lending law library if requested to do so by the law library coordinator at the loaning library.
3. It shall be the responsibility of the law library coordinator at the facility without research assistance to contact a facility with such resources and to request and facilitate assistance on behalf of the requesting inmate.

H. Access for Inmates in Restricted Housing

1. To ensure legal rights, inmates in restrictive housing and any special management housing shall have access to both personal legal materials and available legal reference materials. (ACI 5-4A-4268)
2. Inmates assigned to locked housing units, special security housing, protective custody, temporary protective custody, temporary restriction order or other restricted housing may be afforded access to law library services through electronic resources located in those housing areas and/or through an intra-facility loan system, which requires that the inmate provide a specific written request for materials to the library coordinator, who will then respond to the request and cause delivery of the available items back to the requesting inmate.
3. When electronic resources are not available, inmates assigned to these types of housing may request duplicated copies of specific reported cases, digest topics, and other specific legal research materials by use of WDOC Form #326, *Request for Law Library Material*.
4. All copies of cases and other loaned resource materials must be returned to the correctional facility law library within seven (7) days of initial receipt.



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5. Failure to return all copies of cases and other loaned resource materials to the correctional facility law library within seven (7) days of initial receipt may result in a restriction of the offending inmate's ability to make subsequent requests, until the items are returned, or the inmate has made arrangements for replacement cost of the items, unless otherwise authorized by the correctional facility CEO.
 6. Legal research assistance in connection with a legal action involving civil rights, conditions of confinement, appeals from conviction, or habeas petitions may also be requested by use of WDOC Form #332, *Request for Legal Research Assistance*.
- I. Access for Inmates Assigned to Out-of-State Housing.** Wyoming inmates housed in out-of-state facilities shall be afforded access to law library services upon the same basis as Wyoming-housed inmates.
1. Inmates from out-of-state facilities requiring access to state legal research materials from their state of conviction, other than Wyoming, shall be required to access those materials from a court or correctional facility in their respective state of conviction.
 2. Designated staff members from out-of-state facilities housing Wyoming inmates may access Wyoming legal research materials and assistance on behalf of an inmate through e-mail directed to a library coordinator of a Wyoming correctional facility or through other WDOC-approved communication. WDOC will make reasonable efforts to provide the out-of-state facility with the requested legal research materials for a Wyoming inmate housed at that facility.
 3. A Wyoming inmate housed in an out-of-state facility may contact the inmate law library at Wyoming Medium Correctional Institution or Wyoming State Penitentiary directly to request Wyoming legal research materials.
 4. Requests for law library services from Wyoming inmates in out-of-state facilities shall be processed with reasonable diligence. Law library coordinators at WDOC facilities may waive or modify normal requirements for the lending of materials when the out-of-state inmate demonstrates a hardship in complying with the ordinary lending requirements.
- J. Law Library Hours of Operation and Procedure Governing Use**
1. At those correctional facilities where direct inmate access to the law library is permitted, normal law library hours of operation shall be posted.



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2. Limited work space shall be provided for inmate use in all correctional facility law libraries where direct access is permitted.
 3. Assigned inmate law library clerks, if any, shall be provided work space, typewriter or word processor equivalent, and other required supplies. Paper, carbon paper, envelopes, *etc.* shall not be considered supplies that the law library is required to provide.
 4. Canteen items, personal property, and other items which are unrelated to legal research or preparation of legal documents shall not be permitted in correctional facility law libraries where direct inmate access is permitted or in alternate legal research areas, such as computer rooms.
- K. Inmates Providing Legal Services for Other Inmates.** Inmates may provide assistance to one another in accordance with this policy and procedure; however, such assistance may be regulated by time, place, and manner. Inmates who do not abide by the regulations outlined in this policy may be subject to disciplinary actions.
1. Assistance to another inmate within the context and limitations of this policy shall not amount to the act of practicing law (*see definition*).
 2. Inmates are not authorized to provide legal services for other inmates in exchange for any form of compensation or trade, except as otherwise authorized under this policy. Inmates who are determined to be providing or receiving legal services in exchange for any form of compensation or trade in violation of this policy shall be subject to immediate disciplinary action in accordance with the inmate code of discipline and shall be precluded from helping other inmates in the future.
 3. Inmates who are provided direct access to the law library may assist one another while in the law library upon the approval of the library coordinator, if to do so does not compromise the safety and security of the correctional facility.
 4. General population inmates assigned to the same housing unit (*i.e.*, Dorm A, Unit C-1, *etc.*) may assist one another with legal work outside the law library in a common area of their assigned housing unit during regularly scheduled dayroom hours in which they do not have conflicting work or programming scheduled, if to do so does not otherwise compromise the safety and security of the correctional facility or result in possible exposure to either inmate's stated conflicts and neither inmate is on restricted status, such as Temporary Restriction Order (TRO).



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5. Except as provided in this policy, assistance between inmates shall be limited to that authorized as inmate to inmate correspondence under WDOC Policy and Procedure #5.401, *Inmate Mail*, or as otherwise authorized by this policy.
 6. When legal documents are exchanged inside or outside the law library, other than through authorized inmate to inmate correspondence, all involved inmates must be present.
 7. When meeting in person to assist one another with legal work as authorized by this section, inmates are required to return all documents to their owner before parting company.
- L. Prohibition Against Providing Legal Supplies for Other Inmates.** Inmates may not purchase or provide legal supplies for the use of other inmates.
- M. Supplies, Printing, Photocopying, Mailing and Notary Services**
1. **Supplies**
 - i. Correctional facility law libraries shall have supplies (*e.g.*, pen, paper) available for indigent inmates using the law library facilities, where direct access is permitted.
 - a. These supplies shall be used only for legal research and the preparation of legal documents.
 - b. Unused supplies shall not be removed from the facility law library.
 - c. Envelopes for mailing of legal documents and other necessary supplies shall be available for purchase from the correctional facility canteen for inmates who do not qualify for indigent status.
 - ii. Inmates may not purchase or provide legal supplies for the use of other inmates.
 2. **Printing Services**
 - i. To offset the associated costs of printers, printer cartridges, printing paper and supplies, and necessary staff resources, correctional facilities may charge inmates for use of printers, at a predetermined posted rate not to exceed ten cents (\$0.10) per page.



- ii. Correctional facility Operational Procedures shall define the manner in which inmates are to be charged for the use of facility printers.
- iii. An inmate shall be required to have sufficient funds in his/her inmate funds account to cover the costs of printing at the time of a request to obtain printing services, unless the inmate qualifies for Indigent Status as described in this policy.

3. Photocopying Services

- i. Photocopying services shall be available to inmates for duplication of legal materials at the inmate's expense.
- ii. Free photocopying service of any legal materials shall not be provided.
- iii. An inmate's legal materials may be reviewed and visually scanned by the library coordinator or designated staff prior to photocopying to insure it contains legal materials only.
 - a. Refusal by the inmate to permit review of material by the library coordinator or designated staff prior to photocopying shall be deemed to void the request for photocopying services.
- iv. An inmate shall be required to have sufficient funds in his/her inmate funds account to cover the costs of duplication at the time of a request to obtain photocopying services, unless the inmate qualifies for Indigent Status as described in this policy.
 - a. Duplication costs shall be debited from the account of the inmate for whom these services are provided, unless a pre-paid service is available as described in this policy.
 - b. Inmates receiving photocopying services shall be charged at the rate of ten cents (\$0.10) per copy page for legal materials. Legal materials shall include legal documents, legal resource materials listed on WDOC Form #325, *Law Library Requirements*, and materials necessary for pending litigation. Requests for photocopies of public records or criminal history records shall be charged in accordance with WDOC Form #159.2, *Schedule of Fees for Release of Information*, per copy page unless otherwise provided by this policy.



has \$25.00 or more received to his/her account from any source, including but not limited to institutional pay and money received from outside sources, during that sixty (60) calendar day period, in which case his/her indigence status shall automatically cease.

- ii. Indigent inmates who receive \$25.00 or more in any calendar month from any source shall continue to be eligible for indigence status if \$25.00 or less is credited to his/her individual account balance for discretionary spending due to court ordered obligations, fines, and restitution payments that are debited from the amount received prior to posting to the account balance for discretionary spending.
- iii. Each indigent inmate must reapply for that status every sixty (60) calendar days.

2. Indigent Supplies and Mailing Services

- i. An inmate without sufficient funds in his/her trust account to pay for the costs of necessary supplies and mailing services, who also qualifies for indigent inmate status under this policy at the time of his/her request, shall be provided such supplies and mailing services, in addition to the regular indigent packet provided pursuant to WDOC Policy and Procedure #5.401, *Inmate Mail*, to make required filings with the courts and parole board authorities as required by law and court and procedural rules.
 - a. The indigent inmate supplies and mailing services provided to make required filings with the courts and parole board authorities may also be used for correspondence with attorneys. Indigent inmate correspondence with attorneys may utilize either the indigent supplies and mailing services provided by this policy or the regular indigent packet, described in WDOC Policy and Procedure # 5.401, *Inmate Mail*.
- ii. Inmates who do not have sufficient funds on their account to cover the costs of requested mailing services for legal mail at the time of the request, but who do not qualify for indigence status, may also obtain those services on a reimbursable basis as voluntary indebtedness, if and only if:
 - a. If the inmate can demonstrate through written court documentation that failure to immediately obtain mailing services would directly impact the requesting inmate's



ability to meet an imminent court deadline of ten (10) calendar days or less from the date of the request regarding his/her own legal case.

- iii. Costs incurred by the Department in providing such necessary supplies and/or mailing services shall be tracked for each inmate for whom these supplies and/or mailing services were provided, and shall be charged against an indigent inmate's individual account for reimbursement as incurred indigent indebtedness, or if obtained in accordance with paragraph ii (a) above as incurred voluntary indebtedness.
 - a. The cost for supplies provided to the inmate and charged against his/her account shall not exceed the cost of purchase of those supplies.
 - b. Postage provided under this section shall not exceed the current first-class mailing rate.
 - c. First-class mailing costs shall normally be limited to a maximum of \$5.00 per week, unless otherwise authorized for cause on an individual basis by the correctional facility CEO or his/her designee upon the recommendation of the law library coordinator or his/her designee.
 - d. Specialized mailing services such as overnight, Fed-Ex, UPS, registered mail, certified mail, return/receipt, *etc.*, shall not be provided.
- iv. Indebtedness shall continue to accrue for materials and services provided to any inmate on indigence status. If the inmate has been on indigence status for a period of at least one hundred and eighty (180) consecutive calendar days, the costs of indigent supplies and mailing services provided after that date shall not result in additional arrearages for the subsequent period of consecutive indigence.
- v. Indebtedness incurred while on indigence status and/or as voluntary indebtedness shall remain on the inmate's account subject to reimbursement until the entire indebtedness balance is paid or until the inmate is released from WDOC control and supervision upon parole or discharge.
 - a. As outlined in Policy and Procedure #1.103, *Disbursement of Inmate Earnings*. Inmates who incur indigent charges



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will be assessed up to fifty percent (50%) of unobligated funds remaining from each month's institutional incentive wages for the purpose of reimbursement towards incurred indigent indebtedness. Such reimbursement will be secondary to reimbursement for voluntary indebtedness.

- b. As outlined in Policy and Procedure #5.401, *Inmate Mail*, inmates who incur indigent charges will be assessed up to fifty percent (50%) of any monies received from any outside source, for the purpose of reimbursement towards incurred indigent indebtedness. Such reimbursement will be secondary to reimbursement for voluntary indebtedness (i.e., any inmate who has both voluntary indebtedness and indigent indebtedness will have 50% of any monies received from any outside source assessed for the purpose of reimbursement towards voluntary indebtedness incurred from any source and will then also have 50% of any monies remaining thereafter assessed for the purpose of reimbursement towards indigent indebtedness incurred from any source.)
 - c. As outlined in Policy and Procedure #5.401, *Inmate Mail*, inmates who incur voluntary indebtedness charges for mailing services of legal mail or other institutional indebtedness will be assessed up to fifty percent (50%) of any monies received from any outside source for the purpose of reimbursement towards such indebtedness.
3. **Printing Services for Indigent Inmates.** An inmate without sufficient funds in his/her trust account to cover the costs of printing at the time of request may be provided supplies necessary to handwrite the material. In the event that a court requires printed material and refuses to accept handwritten filings from the inmate, the inmate may be authorized to print those items necessary for the court filing on a reimbursable basis.
- i. Printing services provided to any inmate who can demonstrate a requirement to provide filings in printed material, and who does not have sufficient funds in his/her account to cover the full costs of printing at the time of the request to obtain printing services, shall be provided with the requested documents and shall have the cost of the printing charged to his/her individual institutional account with any remaining charges accrued to the inmate's account for future reimbursement in accordance with this policy.



- ii. Printing services for indigent inmates and others qualifying under this section shall be limited to printing of the requesting inmate's personal legal documents necessary for the specific court filing only, as defined under this policy.
 - a. Costs incurred by the Department in providing such printing shall be tracked for each inmate for whom these services were provided and shall be charged against an inmate's individual account for future reimbursement in accordance with this policy.
 - b. Indebtedness shall continue to accrue for printing services provided to any inmate on indigence status. If the inmate has been on indigence status for a period of at least one hundred and eighty (180) consecutive calendar days immediately preceding the date of the request for printing services, the costs of indigent printing services provided after that date shall not result in additional arrearages for the subsequent period of consecutive indigence.
- iii. Indebtedness incurred for printing services shall remain on the inmate's account subject to reimbursement until the entire indebtedness balance is paid or until the inmate is released from WDOC control and supervision upon parole or discharge.
 - a. As outlined in Policy and Procedure #1.103, *Disbursement of Inmate Earnings*. Inmates who incur indigent charges will be assessed up to fifty percent (50%) of unobligated funds remaining from each month's institutional incentive wages for the purpose of reimbursement towards incurred indigent indebtedness. Inmates who do not qualify for indigent status who incur voluntary indebtedness charges will be assessed up to one hundred percent (100%) of unobligated funds remaining from each month's institutional incentive wages for the purpose of reimbursement towards incurred voluntary indebtedness. Indigent reimbursement will be secondary to reimbursement for voluntary institutional indebtedness.
 - b. As outlined in Policy and Procedure #5.401, *Inmate Mail*. Inmates who incur indigent charges will be assessed up to fifty percent (50%) of any monies received from any outside source for the purpose of reimbursement towards incurred indigent indebtedness. Inmates who do not qualify for indigent status who incur voluntary indebtedness



charges for printing services under this policy will be assessed up to fifty percent (50%) of any monies received from any outside source for the purpose of reimbursement towards incurred voluntary indebtedness. Indigent reimbursement will be secondary to reimbursement for voluntary institutional indebtedness (i.e., any inmate who has both voluntary indebtedness and indigent indebtedness will have 50% of any monies received from any outside source assessed for the purpose of reimbursement towards voluntary indebtedness incurred from any source and will then also have 50% of any monies remaining thereafter assessed for the purpose of reimbursement towards indigent indebtedness incurred from any source.)

4. **Photocopying Services for Indigent Inmates.** An inmate without sufficient funds in his/her trust account to cover the costs of photocopying at the time of request may be provided supplies necessary (i.e., paper and carbon paper) to hand duplicate or type the material.
 - i. Upon the request of an inmate qualified as indigent under this policy, the library coordinator shall authorize the photocopying of items documented as attachments to an official court filing, exhibits, or other legal documents, on a reimbursable basis.
 - ii. Inmates who do not have sufficient funds on their account to cover the costs of requested photocopying services at the time of the request, but who do not qualify for indigence status, may also obtain those services on a reimbursable basis as voluntary indebtedness if:
 - b. The inmate demonstrates the duplication cannot be accomplished by use of carbon paper and is required by the court or procedural rules, or
 - c. If the inmate can demonstrate through written court documentation that failure to immediately obtain photocopy services would directly impact the requesting inmate's ability to meet an imminent court deadline of ten (10) calendar days or less from the date of the request regarding his/her own legal case.
 - iii. Photocopying services provided to any inmate who qualifies under this section, and who does not have sufficient funds in his/her account to cover the full costs of duplication at the time of the request to obtain photocopying services, shall be provided with the



requested copies and shall have the cost of the copies charged to his/her individual institutional account with any remaining charges accrued to the inmate's voluntary indebtedness account for future reimbursement in accordance with this policy.

- iv. Photocopying services for indigent inmates and others qualifying under this section shall be limited to photocopying of the requesting inmate's personal legal documents only, as defined under this policy.
- v. The number of photocopies of legal documents provided to indigent inmates and others qualifying under this section shall not exceed three (3) copies of any single page or a maximum of fifty (50) pages for all copies in any calendar month unless the inmate can demonstrate through written court documentation that failure to immediately obtain additional photocopy services would directly impact the requesting inmate's ability to meet an imminent court deadline of ten (10) calendar days or less from the date of the request regarding his/her own legal case.
- vi. Legal documents of indigent inmates and of others qualifying under this section may be reviewed and visually scanned by the library coordinator or designated staff member prior to photocopying to insure the material contains legal documents only. Attachments and exhibits shall only be copied if they are referenced as part of the original complaint or petition.
- vii. Refusal by the inmate to permit review of material by the library coordinator or designated staff prior to photocopying shall be deemed to void the request for photocopying service.
- viii. Single copies of each page shall be provided, unless otherwise requested by the inmate specifically to facilitate service of court filings.
- ix. Costs incurred by the Department in providing such photocopying shall be tracked for each inmate for whom these services were provided and shall be charged against an indigent inmate's individual account for future reimbursement in accordance with this policy, even if it results in a negative balance on the inmate's account.
- x. Indebtedness shall continue to accrue for photocopying services provided to any inmate on indigence status. If the inmate has been on indigence status for a period of at least one hundred and eighty



(180) consecutive calendar days immediately preceding the date of the request for photocopying services, the costs of indigent photocopying services provided after that date shall not result in additional arrearages for the subsequent period of consecutive indigence.

- xi. Indebtedness incurred for photocopying services shall remain on the inmate's account subject to reimbursement from any monies received from any source until the entire indebtedness balance is paid or until the inmate is released from WDOC control and supervision upon parole or discharge.
 - a. As outlined in Policy and Procedure #1.103, *Disbursement of Inmate Earnings*. Inmates who incur indigent charges will be assessed up to fifty percent (50%) of unobligated funds remaining from each month's institutional incentive wages for the purpose of reimbursement towards incurred indigent indebtedness. Inmates who do not qualify for indigent status who incur voluntary indebtedness charges will be assessed up to one hundred percent (100%) of unobligated funds remaining from each month's institutional incentive wages for the purpose of reimbursement towards incurred voluntary indebtedness. Indigent reimbursement will be secondary to reimbursement for voluntary institutional indebtedness.
 - b. As outlined in Policy and Procedure #5.401, *Inmate Mail*. Inmates who incur indigent charges will be assessed up to fifty percent (50%) of any monies received from any outside source for the purpose of reimbursement towards incurred indigent indebtedness. Inmates who do not qualify for indigent status who incur voluntary indebtedness charges for photocopy services under this policy will be assessed up to fifty percent (50%) of monies received from any outside source for the purpose of reimbursement towards incurred voluntary indebtedness. Indigent reimbursement will be secondary to reimbursement for voluntary institutional indebtedness (i.e., any inmate who has both voluntary indebtedness and indigent indebtedness will have 50% of any monies received from any outside source assessed for the purpose of reimbursement towards voluntary indebtedness incurred from any source and will then also have 50% of any monies remaining thereafter assessed for the purpose of



reimbursement towards indigent indebtedness incurred from any source.)

O. Storage, Control and Disposition of Paper Legal Materials

1. Each inmate shall be responsible for maintaining custody of his/her own legal materials up to the amount allowed to be retained in the inmate's assigned cell or room in accordance with fire code and property matrix limits. (See WDOC Policy and Procedure #3.006, *Property Control*.)
 - i. In-cell storage of legal materials shall be limited to no more than the amount that can be stored within the inmate's assigned in-cell storage container (tote or locker) along with the inmate's other personal property.
 - ii. Legal material must be clearly marked and separated from personal mail and papers in accordance with the WDOC Policy and Procedure #3.006, *Property Control*.
 - iii. Only if otherwise authorized by written institutional procedures and in compliance with property matrix limits, fire code, and other safety restrictions, a single, separate designated storage container no larger than two (2) cubic feet in volume may be approved for issue/purchase to the inmate upon documented need, or purchased through the canteen, to be used exclusively for the storage of legal material.
2. Legal materials in excess of the amount permitted to be retained by the inmate in the inmate's assigned cell may be placed in designated storage for the inmate.
 - i. Legal material in excess of the amount permitted to be retained by the inmate in the inmate's assigned cell shall be limited to two (2) cubic feet of additional storage space.
 - ii. Legal material in excess of the amount permitted to be retained by the inmate in the inmate's assigned cell will only be stored for the inmate when the inmate is able to demonstrate to the correctional facility CEO, law library coordinator, or his/her designee that:
 - a. The material deals with an active court case or an ongoing issue; or
 - b. The inmate is able to demonstrate other reasonable need for maintenance of the legal material on site.



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3. Legal materials in excess of the amount permitted to be retained by the inmate in the inmate's assigned cell may be destroyed upon the written request of the inmate, or sent out of the correctional facility at the inmate's own expense upon the inmate's request, when it is determined that the material does not meet the criteria as outlined in this policy.
 - i. WDOC Policy and Procedure #3.006, *Property Control*, shall dictate the documentation and removal of such items as excess property and the documentation of their disposition by the inmate, using required forms.
 4. An inmate is allowed to maintain only his/her own legal work in his/her personal possession or cell.
 - i. Legal materials not belonging to the inmate in possession of the inmate may result in a Notice of Charges.
 - ii. Legal materials not belonging to the inmate in possession of the inmate may result in the confiscation of the legal material as contraband.
- P. Storage, Control, and Disposition of Electronic Legal Material.** Written policy, procedure, and practice govern inmate access and use of information technology computing devices. This policy is reviewed annually by the Chief Information Officer or equivalent, updated as necessary, and shall be communicated to all staff and offenders. (ACI 5-1F-4100-4)
1. Each correctional facility may authorize inmates to store legal materials on an inmate network. Electronic legal material may be stored on the inmate network only if the material was accessed from the programs on the inmate computers. Inmates shall only be authorized electronic storage amount up to 650 MB per inmate.
 - i. Storage of legal, educational, personal materials onto an inmate network shall require that the inmate receives authorization from the law library coordinator/designee to do so.
 - ii. Inmates shall sign the WDOC Form 326.1, *Inmate Computer User Agreement* prior to accessing the designated inmate computers. The signed user agreement shall be placed in the inmate's education file.
 - a. WDOC Form 326.1, *Inmate Computer User Agreement* shall be scanned in and saved in accordance with the naming convention.



- iii. Inmates shall clearly mark the electronic file storage of legal material as “Legal” in order to separate out other miscellaneous materials that may be saved in the inmate’s file.
 - iv. Materials stored on the inmate network are subject to inspection and search under the same conditions as any other legal materials.
 - v. An inmate’s decision to store legal material electronically shall not in and of itself result in greater access to designated legal services or access to computer equipment than that provided to other inmates.
2. Inmates may only receive electronic legal materials directly from an attorney or the courts. Inmates shall be allowed to retain those materials provided they are not otherwise deemed contraband by the facility. Authorized CD ROM or DVD shall not be allowed to be possessed in-cell. Such material shall not be transferred to the inmate network.
- i. Inmates may only receive and retain a total of one (1) CD ROM or one (1) DVD ROM via the mail from a legal representative. The CD ROM or DVD ROM shall be treated as “legal mail” and the provisions in Policy and Procedure #5.401, *Inmate Mail* shall apply to CDs or DVDs containing legal material.
 - a. If legal material sent in from an authorized legal entity (*e.g.* courts, attorney, etc.) contains material considered contraband but is determined to be legal then the Warden shall implement measures to allow the inmate to access the legal material under a controlled environment.
 - b. Should an inmate demonstrate an exigent circumstance (*e.g.* a deadline to file an appeal, a court deadline, etc.) via written court documentation, statute, or rule the Warden may allow additional CDs or DVDs to be sent in from an inmate’s attorney or the courts should the necessary legal material only be available electronically.
 - i. Once the inmate’s active litigation is closed the inmate shall be required to reduce the CDs or DVDs to a total of one (1).
 - c. If an attorney/legal representative sends in more than one (1) CD or DVD, without prior approval, the CDs or DVDs will be rejected.



must be compatible with the programming available on the inmate computers to access these files.

- i. **Prior Authorization.** An inmate will be required to first request and receive prior authorization to receive and access the recordings from the correctional facility library coordinator by use of WDOC Form #329, *Audio/Video Recordings Request*.
 - a. Per W.S. §§ 16-4-405 (a)(vi) and (b), parole hearings are executive sessions and the minutes are confidential and may only be produced in response to a valid court order.
- ii. **Authorization Only when Written Records Unavailable.** Authorization shall be granted for only those recordings of court hearings or proceedings for which written transcripts are not available.
- iii. **Receipt from Attorney, Court, or Parole Board.** Authorized audio and video hearing records shall be required to be received directly from the inmate's attorney, the court, or Wyoming Board of Parole.
 - a. Upon receipt in the facility mail room, authorized audio and video records shall be forwarded to the correctional facility library coordinator who will control the inmate's physical access to the audio/video records.
 - b. Inmates shall be permitted to review authorized audio and video records only in correctional facility law libraries or designated classrooms and as permitted by the correctional facility library coordinator.
 - c. Only those inmates who are parties to the court or Board of Parole proceeding(s), shall be authorized to review the audio/video records.
- iv. **Secure Storage.** Authorized audio and video records shall be stored in a locked storage area under the control of the correctional facility library coordinator when not in use.
- v. Inmates assigned to locked housing units, special security housing, protective custody, temporary protective custody, Temporary Restriction Order, or other restricted status may have custody of his/her own legal materials restricted until his/her return to general population status, when such access could present an immediate



safety or security concern as determined by the housing unit manager.

4. Disposition and Transferring of Inmates Electronic Files

- i.** When an inmate transfers to another WDOC facility or contracted facility his/her legal material is considered the inmate's property and shall be available to access at the facility he/she transfers to. The WDOC shall maintain the inmate's electronic legal material until release (*i.e.* discharge or parole).
 - a.** For out-of-state transfers the WDOC shall work with the facility to provide the inmate his/her legal material in the acceptable format.
 - b.** Inmates who transfer to an ACC shall be provided his/her legal material when requested by the inmate.
- ii.** When an inmate releases (*i.e.* discharges or paroles) from a WDOC facility or contracted facility his/her electronic files shall be removed from the inmate network.
 - a.** The inmate may request his/her electronic file be converted onto a CD before releasing (*i.e.* discharge or parole) from a WDOC facility. Such requests shall be submitted using WDOC form #320. All requests for converting file material to a CD shall be submitted to the facility IT representative within one (1) month from expected release or upon notice of expected release.
 - iii.** Authorized CD ROMs or DVDs, to include audio and/or video hearing records, shall be treated as inmate's property. While such legal material may not be maintained in-cell, this legal material shall be transferred when an inmate moves to another facility and/or the legal material shall be provided to the inmate upon release from a facility.

Q. Searches of Legal Materials. All legal materials, to include electronic, shall be subject to inspection and search, in accordance with WDOC Policy and Procedures # 5.401, *Inmate Mail*, and # 3.013, *Searches*.

- 1.** All inmates and visitors confined, working or visiting in a WDOC correctional facility shall be subject to search of their persons, cells or other living units, work areas, vehicles, possessions, and other property.



5. There is reason to believe that the inmate's physical presence in the law library, in those correctional facilities where direct access is permitted, would disrupt normal operations.

V. TRAINING POINTS

- A. TRUE OR FALSE? WDOC is required by policy to afford inmates reasonable access to law library or legal services and to necessary supplies for the preparation and filing of legal documents with the courts and parole board authorities.
- B. TRUE OR FALSE? Legal material includes any documents that an inmate claims to be legal material or any document that is stored in any container clearly identified by the inmate as containing legal material.
- C. What is the definition of an indigent inmate?
- D. TRUE OR FALSE? Unless otherwise granted a special time allowance, an inmate should not be released from work or programming assignments required by their case plans to attend the law library, do legal research, or prepare legal documents.
- E. TRUE OR FALSE? An inmate may not have more than ten (10) sets of authorized copies of legal materials in his/her possession at any given time.
- F. Under what circumstances can an inmate who is not indigent obtain free photocopying services?
- G. TRUE OR FALSE? An inmate's legal material is subject to inspection or search in accordance with WDOC policies on Inmate Mail and/or Searches.
- H. TRUE OR FALSE? An inmate's physical access to the law library or to legal services may be restricted for cause by the library coordinator.