



WYOMING DEPARTMENT OF CORRECTIONS

Policy and Procedure #3.401

Inmate Access to Courts

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Authority: Wyoming Statute(s): 25-1-104; 25-1-105 ACA Standard(s): 4-4274 through 4-4276	Effective Date: May 14, 2007 Revision/Review History: Summary of Revision/Review: Establishes a new policy and procedure for providing inmate access to law library, legal services and supplies.	
Cross Reference of Policy: P&P #3.006, <i>Property Control</i> ; P&P #3.007, <i>Facility Access</i> ; P&P #3.013, <i>Searches</i> ; P&P #3.305, <i>Temporary Restriction Order</i> ; P&P #3.304, <i>Protective Custody</i> ; P&P #5.400, <i>Inmate Visiting</i> ; P&P #5.401, <i>Inmate Mail</i> ; P&P #5.403, <i>Attorney Access</i> .	Supersedes Existing Policy:	
Approved: R.O. Lampert Robert O. Lampert, Director		3/30/2007 Date

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 #306, *Search of Inmate's Legal Material*
- B. WDOC Form #307, *Notice of Confiscation*
- C. WDOC Form #325, *Law Library Requirements*
- D. WDOC Form #326, *Request for Law Library Material*
- E. WDOC Form #327, *Photocopy Request*
- F. WDOC Form #329, *Audio/Video Recordings Request*
- G. WDOC Form #330, *Conditions of Employment Agreement for Law Library Clerks*
- H. WDOC Form #332, *Request for Legal Research Assistance*
- I. WDOC Form #526, *Indigent Inmate Application and Verification*

2. OTHER – None Noted



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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.

II. POLICY

- A. **General Policy.** 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.

B. **Meaningful Access Defined.**

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 by meeting the current requirements of federal and state court decisions and any other federal or state law and shall not affect the inmate's 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, or to seek or provide assistance to others through inmate-to-inmate correspondence approved in accordance with WDOC Policy and Procedure #5.401, *Inmate Mail*.
3. As a supplement to the means of access identified in sections II.B.1. and II.B.2. 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.

III. DEFINITIONS

- A. **Attorney:** A member of a state bar association who is licensed to practice law in Wyoming or another state.



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- 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. Correctional Facility:** Any adult correctional facility operated by the Wyoming Department of Corrections or correctional facilities and county jails under contract with the Wyoming Department of Corrections.
- E. Examine:** (*For this policy only.*) To check for physical contraband, without reading or photocopying.
- F. Imminent Court Deadline:** (*For this policy only.*) A deadline imposed by the court, Wyoming Rules, or Federal Rules that will be reached within the number of calendar days established within the various sections of this policy.
- G. Indigent Inmate:** An inmate who has no source of income and no money on his/her account. Inmates who have fifteen dollars (\$15.00) or more credited to their account at any time in any given month from any source for



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discretionary spending will not be considered indigent during that month regardless of their account balance at any time during that month.

- H. Inmate:** Any person under the supervision of the Wyoming Department of Corrections who is not on parole or probation status. An inmate is a person who is incarcerated in any Wyoming Department of Corrections' correctional facility, county jail, municipal jail or in-state/out-of-state contract facilities, to include adult community corrections centers, who is committed to the custody and supervision of the Wyoming Department of Corrections.
- 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. 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.
- M. 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.
- N. 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:



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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;
 7. Legal aid clinic; or
 8. American Civil Liberties Union.
- O. Legal Material:** Legal documents, incoming legal or official mail already received, and outgoing legal and official mail not yet sent.
- P. 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.
- Q. Locked Housing Units:** Maximum security, administrative segregation, 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.
- R. 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;



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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.
- S. **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.
- T. **Privileged Mail:** Mail that qualifies as legal mail or official mail in accordance with WDOC Policy and Procedure # 5.401, *Inmate Mail*.
- U. **Protective Custody (PC):** A form of segregation from inmates housed in general population for those who have been determined to be in need of protection from other inmates.
- V. **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 will be conducted only in accordance with WDOC Policy and Procedure #5.401, *Inmate Mail*.
- W. **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.
- X. **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.



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- Y. 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 will be subject to a visual and/or hand examination.
- Z. Seizure:** To take control of, or possession of, after search or security inspection.
- AA. Special Security Housing:** (*For this policy only.*) Housing separate and apart from the general population, including facilities, units, rooms, or cells specifically designed for segregation purposes.
- BB. Temporary Protective Custody (TPC):** Pending the investigation to determine the need for protective custody, inmates will be housed for no more than thirty (30) calendar days in a segregated status.
- CC. Temporary Restriction Order (TRO):** Procedure for immediate in-cell restriction of an inmate based on various institutional safety, security and other concerns. T.R.O. shall be immediately and automatically imposed by any staff member who is advised by an inmate or has other information indicating that the inmate may be under a threat of harm from another inmate or inmates.
- 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 will 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.
- B. Reasonable Opportunities to Access Law Library.** All inmates will be afforded reasonable opportunities to access a WDOC law library as provided in this policy.
- 1.** Legal resource materials may be made available using original materials or photocopies, or by CD-ROM or other approved electronic technology, or through the WDOC law library intranet in those facilities where such access is available, if any.



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2. Legal resource materials shall not include archived copies of older versions of the required holdings outlined in WDOC Form #325, *Law Library Requirements*.
 3. Legal resource materials shall not include forms, documents or any legal materials from other states. It shall be the duty of the inmate to contact the out-of-state court to request any forms, documents or legal materials from that state.
 4. Internet access for legal research will not be made directly available to any inmate. If contract electronic legal research services are provided, access to unauthorized supporting internet connections shall be prohibited.
- C. Time Allowance.** Inmates will 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.
- D. Additional Legal Material.** Inmates who require law library materials that they are not entitled to directly access, 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, photo-copies 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 sections IV.D.3. and IV.D.4. immediately above, 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
 - b. The inmate being assessed the replacement cost of the damaged item.
7. Inmates may request to photocopy loaned items at their own expense to retain as personal legal material subject to this policy. Indigent photocopying of loaned materials will not be provided.
8. An inmate may only request loan materials for his/her own use and is required to keep such material in his/her own possession.
 - i. An inmate may not request loan materials for possession or use by another inmate(s).



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- ii. An inmate may not give, loan, or otherwise exchange such materials with other inmates.
 - iii. Facility staff will not transport loan materials by any means on behalf of any inmate to another inmate, or to any other facility, unless specifically authorized to do so by the law library coordinator or correctional facility CEO.
 - iv. Inmates are not allowed to deliver or send loan materials to other inmates or send them out of the correctional facility.
 - a. Inmates who have legal loan materials in their possession at the time their property is to be removed from the correctional facility, for any reason, are required to notify and return all legal materials to the law library.
 - b. Legal loan materials will be transported out of the correctional facility only when legal work is being formally assigned or copied by the law library coordinator or designee.
- E. Library Coordinator Assistance.** 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.



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- 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 will 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 eighteen (18) consecutive months, followed by at least six (6) 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, will 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.
- F. **Further Legal Research Assistance.** Inmates assigned to WDOC correctional facilities where legal assistance is not directly available may request legal research assistance from another correctional facility law library by use of WDOC Form #326, *Request for Law Library Material*.
 1. Inter-facility requests for additional law library services not directly available at the assigned facility will be processed with reasonable diligence.
 2. Additional legal research materials provided in response to an inter-facility request will be returned to the library at the correctional facility where the inmate is assigned within prescribed time frames. The correctional facility library will in turn return the materials to the lending law library if requested to do so by the law library coordinator at the loaning library.
 3. Telephone access to law library employees assigned to other WDOC correctional facility law libraries may be permitted on behalf of an inmate who demonstrates a need for access to such additional services to meet an imminent court deadline, but only when earlier written requests sent to that law library thirty (30) or more calendar days in advance of the scheduled court deadline have not been answered within ten (10) calendar days of the court deadline. Such access shall be coordinated by the correctional facility to which the inmate is assigned and shall occur during normal business hours for the receiving law library under the direct supervision of a staff member. Telephone access from or to inmate law library clerks will not be permitted.



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G. Access for Inmates in Restricted Housing

1. 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 the Department's intra-facility and inter-facility correspondence/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.
2. When and where available, if at all, access may also be provided to inmates assigned to these types of housing through the law library intranet service, and/or through access to satellite law library materials provided in or near the segregated housing unit.
3. 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.
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*.

H. Access for Inmates Assigned to Out-of-State Housing. Wyoming inmates housed in out-of-state facilities (state and federal) will 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, will be required to access those materials from a correctional facility in their respective state of conviction.



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2. Out-of-state facilities (state and federal) 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.
 3. Requests for law library services from Wyoming inmates in out-of-state facilities will be processed with reasonable diligence.
- I. Contract Legal Services and Satellite Law Library Materials.** When access to law library services cannot be provided as described elsewhere in this policy, inmates may be afforded meaningful access to the courts through the services of a legal services provider under contract with the WDOC, or by intranet, kiosk or other electronic means, or through access to satellite law library materials, with meaningful access to the courts being provided in the most economic yet appropriate means available as determined by WDOC.
1. Inmate access to any law library services that are delivered by a legal services provider under contract with the WDOC will be limited to those necessary to continue work on the inmate's appeal or to challenge the conditions of confinement.
- J. Law Library Hours of Operation and Procedure Governing Use**
1. At those correctional facilities, if any, where direct inmate access to the law library is permitted, normal law library hours of operation for each correctional facility will be posted.
 2. Limited work space will be provided for inmate use in all correctional facility law libraries where direct access is permitted.
 3. Assigned inmate law library clerks, if any, will 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 will 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 will be regulated by time, place, and manner.



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1. 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 section IV.E.5. of 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.
 2. 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.
 3. General population inmates assigned to the same housing unit (*i.e.*, Dorm A, C-1 Unit, *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).
 4. Except as provided in sections IV.K.2. and IV.K.3. above, 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.
 5. 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.
 6. 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, Photocopying, Mailing and Notary Services**
1. **Supplies**
 - i. Correctional facility law libraries will 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 will 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. Photocopying Services

- i. Photocopying services will be available to inmates for duplication of legal materials at the inmate's expense.
- ii. Free photocopying service of any legal materials will 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 will be deemed to void the request for photocopying services.
- iv. An inmate will 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. (*See section IV.O. of this policy*)
 - a. Duplication costs will be debited from the account of the inmate for whom these services are provided, unless a pre-paid service (as described in paragraph IV.M.2.iv.c., below) is available.
 - b. Inmates receiving photocopying services will be charged at the rate determined by the WDOC under this policy (The current rate, as of the effective date of this policy, is ten



- i. Once approved, an inmate's status as an indigent inmate will continue for a period of sixty (60) calendar days, unless the inmate has \$15.00 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 will automatically cease.
- ii. Indigent inmates who receive \$15.00 or more in any calendar month from any source shall continue to be eligible for indigence status if \$15.00 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, will 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 shall not be used for general correspondence with attorneys. Indigent inmate correspondence with attorneys shall require use of the inmate's regular indigent packet, described in WDOC Policy and Procedure # 5.401, *Inmate Mail*.
- ii. 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 future reimbursement in accordance with this policy, even if it results in a negative balance on the inmate's account.



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- 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.
- iii. Indebtedness will 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 will not result in additional arrearages for the subsequent period of consecutive indigence.
- iv. Indebtedness incurred while on indigence status 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.
- v. Ten percent (10%) of any future money received from any source to the account of any inmate in arrearage for the costs of materials and supplies under this policy, not credited to restitution or child support, shall be frozen by the business office and used for payment towards such arrearages prior to the crediting of the balance of the amount received to the inmate's personal account. This ten percent (10%) shall be independent of any other amounts targeted for reimbursement due to other debts or obligations, including the fifteen percent (15%) separately authorized for reimbursement for photocopying.
3. **Photocopying Services for Indigent Inmates.** An inmate without sufficient funds in his/her trust account to cover the costs of photocopying



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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 will 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 if:
 - a.** The inmate demonstrates the duplication cannot be accomplished by use of carbon paper and is required by the court or procedural rules, or
 - b.** 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 subparagraphs IV.O.2.i. or IV.O.2.ii. of 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, will be provided with the requested copies and shall have the cost of the copies charged to his/her individual institutional account, even if this causes indebtedness on the part of the inmate.
- 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



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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 will be deemed to void the request for photocopying service.
- viii.** Single copies of each page will 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 will 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 will 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.
- xii.** Fifteen percent (15%) of any future money received to the account of any indigent inmate in arrearage for the costs of photocopying under this policy, not credited to restitution or child support, shall be frozen by the business office and used for payment towards such arrearages prior to the crediting of the balance of the amount



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received to the inmate's personal account. This fifteen percent (15%) shall be independent of any other amounts targeted for reimbursement due to other debts or obligations, including the ten percent (10%) separately authorized for the reimbursement for indigent supplies and mailing services.

- xiii. Future money, not credited to restitution or child support, received to the account of any inmate in arrearage for the costs of photocopying under this policy who was not qualified as indigent at the time that the photocopying service was provided shall be frozen by the business office and up to the full amount received used for payment towards such arrearages prior to the crediting of the balance of the amount received to the inmate's personal account.

P. Storage, Control and Disposition of Legal Materials

- 1. Each inmate will 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 & 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.



personal property subject to restriction of access to the inmate.

- b. Computer discs or other electronic storage devices must be marked with the inmate's name and number and clearly identified as "Legal" and stored with other legal materials within designated storage when authorized for inmate possession and not in active use.
 - (1) Only legal material may be stored on these computer discs or other approved electronic storage devices. Other personal items and material may not be stored on the same electronic storage devices as legal material.
 - (2) In-cell personal possession by any inmate of legal materials stored on computer disc or other approved electronic storage device shall be limited to no more than one (1) such storage device and personal possession and access may be further restricted by correctional facility-specific policy.
 - (i) If personal possession is not authorized, these materials shall be stored in the law library if direct access to the law library is permitted, or
 - (ii) With the assigned pod officer where access to housing unit computer rooms are utilized, and
 - (iii) Shall be made available for use by the inmate upon request and as scheduled.
 - (3) Use of computer discs or other authorized storage media shall be at the inmate's own risk with replacement value limited to the cost of a blank computer disc only.
- iv. 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.

- R. Audio and Video Taped Hearing Records.** Inmates in WDOC correctional facilities will be permitted to access certified copies of audio and video recordings of official court and Wyoming Board of Parole hearings and proceedings as provided in this policy only.
- 1. 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*.
 - 2. Authorization Only when Written Records Unavailable.** Authorization will be granted for only those recordings of court and Board of Parole hearings or proceedings for which written transcripts are not available.
 - 3. Receipt from Attorney, Court, or Parole Board.** Authorized audio and video hearing records will be required to be received directly from the inmate's attorney, or from the court or Wyoming Board of Parole.
 - i.** Upon receipt in the facility mail room, authorized audio and video records will be forwarded to the correctional facility library coordinator who will control the inmate's physical access to the audio/video records.
 - ii.** Inmates will 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.
 - iii.** Only those inmates who are parties to the court or Board of Parole proceeding(s), will be authorized to review the audio/video records.
 - 4. Secure Storage.** Authorized audio and video records will be stored in a locked storage area under the control of the correctional facility library coordinator when not in use.
 - 5. Time Limit for Storage.** Items will be stored at the correctional facility for no longer than fourteen (14) calendar days. Arrangements for the inmate to view such items may be made within that time frame.



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6. **Disposition.** The audio/video record(s) will be disposed of as directed by the inmate's attorney upon completion of review and use of an authorized audio or video hearing record.
- i. If the inmate is not represented by an attorney, the audio/video record(s) will be either:
 - a. Mailed out of the correctional facility at the inmate's expense, or
 - b. Destroyed, as directed in writing by the inmate on WDOC Form #329, *Audio/Video Recordings Request*.

S. Searches of Legal Materials. Legal materials 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 will be subject to search of their persons, cells or other living units, work areas, vehicles, possessions, and other property.
 - i. In addition, all such persons and their possessions, including legal materials, will be subject to security inspection by means of an inspection device such as a metal detector, if such exists.
 - ii. Accompanying property brought into, or taken out of a WDOC correctional facility by a visitor or an inmate may also be subject to visual and/or hand examination for contraband by staff members assigned to such duty.
 - iii. Drug detection dogs may also be used to assist authorized personnel to detect and control contraband within correctional facilities and property.
- 2. Inmates, and items in their possession, may be subject to security inspection or search at anytime in accordance with WDOC Policy and Procedure # 3.011, *Searches*; but no more frequently than is necessary to control contraband or to recover stolen or missing property.
- 3. An inmate's legal material shall be subject to security inspection or search for physical contraband during any routine area search or when staff reasonably suspects the presence of contraband.
 - i. Such security inspection or search for physical contraband shall be for items of physical contraband only, shall not include the scan



searching or reading of legal materials or content, and may be conducted outside of the presence of the inmate.

- ii. Searches of law library areas, legal material storage spaces and inmate legal materials shall be conducted in a manner that reflects an awareness of and sensitivity to individual rights, and respect for the objects/materials searched.
 - iii. Care will be exercised to ensure that authorized property is not damaged, disposed of or unduly disturbed during the search.
4. An inmate's legal material will not be scanned for content or read by staff unless authorized by the WDOC correctional facility CEO based on documentation showing that there is a reasonable suspicion that the legal material contains written content or the content is not in fact privileged material or is otherwise in violation of criteria listed in WDOC Policy and Procedure #5.401, *Inmate Mail*.
- i. An inmate's legal material may be visually scanned or searched for written contraband only with the inmate's consent and in his/her presence; or,
 - ii. If without the inmate's consent or outside his/her presence,
 - a. Only when authorized in writing by the library coordinator or CEO of the correctional facility in which he or she is housed or in which his/her legal material is stored, using WDOC Form #306, *Search of Inmate's Legal Material*, and
 - b. Only when documented reasonable suspicion exists to support such a search.
 - iii. Review and visual scanning of legal materials by the library coordinator or other designated staff prior to photocopying shall not be considered to be a search or inspection for the purposes of this section.
5. Inmates will be provided a written receipt for any items of physical contraband or written contraband seized from the inmate's legal material using WDOC Form #307, *Notice of Confiscation*, to identify items of contraband seized from an inmate's legal materials.
- i. Photocopies of confiscated items may be used to facilitate the inmate disciplinary process.



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- ii. Items deemed not to be contraband through the inmate disciplinary process will be returned to the inmate.

T. Restriction of Access to Law Library or Legal Services. Inmates may be restricted from physical access to the law library or legal services for cause by the library coordinator in consultation with the correctional facility CEO or his/her designee, subject to review by the correctional facility CEO of the restriction every ninety (90) days, if:

1. The inmate uses the facilities, material or equipment for purposes not related to his/her own legal research; or,
2. If the inmate engages in unauthorized legal research or in any way seeks compensation for the provision of authorized or unauthorized legal assistance to another person; or,
3. If the inmate has previously damaged or misused law library holdings or equipment; or,
4. If 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.



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- 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.