

	<b>State of Alaska</b> <b>Department of Corrections</b> <b>Policies and Procedures</b>	<b>Index #:</b> 814.02	<b>Page</b> 1 of 4
		<b>Effective:</b> 5/16/2013	<b>Reviewed:</b>
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<b>Chapter:</b> Library Services			
<b>Subject:</b> Law Library			

I. Authority

In accordance with 22 AAC 05.155, the Department will maintain a manual comprised of policies and procedures established by the Commissioner to interpret and implement relevant sections of the Alaska Statutes and 22 AAC.

II. References

Alaska Administrative Code

22 AAC 05.540

III. Purpose

To establish uniform procedures within the Department for provision of institutional law libraries.

IV. Application

All staff and prisoners.

V. Policy

A. Each institution shall have a law library that includes, at a minimum, up-to-date constitutional, statutory, and case law materials, applicable court rules, and practice treatises.

B. Each institution shall provide each prisoner with timely access to the law library, library assistance, and supplies for preparing legal pleadings.

VI. Procedures

A. Law Librarian

1. The Superintendent shall provide an experienced or trained law librarian or assistant law librarian to help prisoners using the library. The law librarian may be a prisoner. The librarian must:
  - a. Know the resources available in the institutional law library databases;
  - b. Be able to perform basic legal research using the Lexis/Nexis Digital Law Library system.
  - c. Understand the basic differences between the state and federal judicial systems; and
  - d. Be able to locate and reference the Court Rules of Procedure using the Lexis/Nexis Digital Law Library.
2. The Superintendent shall establish procedures for the selection and training of prisoners as law librarians or assistants.
3. The Superintendent shall provide an experienced or trained replacement within a reasonable period of time when the position becomes vacant.

B. Library Access

1. The Superintendent shall give a prisoner access to the law library within one working day of the prisoner's request, absent unusual circumstances.

2. Time limitations on the law library terminals shall be established and specified by the Superintendent.
3. Intentional physical abuse or attempts to compromise the security or integrity of the law library equipment shall result in an individualized determination restricting the prisoner's access to the law library and its equipment.

C. Library Collection

Each institutional law library must contain at least one computer terminal that provides access to legal materials in a digital format.

D. Assistance

1. A prisoner may receive assistance from another prisoner within the same facility only to use the law library, conduct legal research, or prepare legal pleadings. A prisoner has no right to assistance from a specific prisoner.
2. A prisoner must secure the Superintendent or designee's approval before receiving assistance from any person other than the law librarian. The Superintendent may withhold approval only for legitimate reasons that relate to the security or orderly administration of the institution.
3. A prisoner who assists another prisoner may not charge, demand, or receive payment of any kind for services rendered.
4. A prisoner may not possess another prisoner's legal materials outside the law library.
5. The Superintendent may limit or deny assistance to or from a prisoner in segregation or maximum custody housing for security reasons, except for services provided by the law librarian.

E. Supplies

1. Typewriter/Paper

Superintendents shall provide at least one properly functioning typewriter for every 100 prisoners based on the maximum capacities of each institution. Prisoners shall be provided access to 1) typing paper and 2) photocopies (at the discretion of the Superintendent) as necessary for legal filings. These shall be provided to indigent prisoners at no charge.

2. Limiting Access to Typewriter

If a Superintendent decides to limit a prisoner's access to a typewriter through an individualized determination because of a safety or security risk, the Superintendent shall give the prisoner a pen with black ink and/or pencil and paper to prepare legal pleadings or correspondence.

F. Segregation, Maximum Custody, and Restricted Access Prisoners

1. Prisoners in administrative segregation or classified maximum custody must be provided the same access to the law library materials as the general population unless the Superintendent makes an individualized determination that the prisoner's use of the law library materials presents a substantial threat to the security or order of the facility.
  2. If the prisoner has an individualized law library restriction and is not entitled to physical access to the law library, the prisoner may be provided copies of as many as 10 cases in his or her cell at one time.
  3. The prisoner may have the assistance of the law librarian in locating, researching, and obtaining legal materials. Staff shall arrange for secure visits between the prisoner and the librarian.
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### G. Requests for Legal Material

A prisoner may request and obtain legal materials when the prisoner is not entitled to physical access to the law library. "Legal materials" include research materials that attorneys commonly rely on to prepare legal pleadings, documents, and briefs. In order to obtain legal material from the institutional law library, prisoners and staff must follow the steps below.

#### 1. Request Form

A prisoner must fill out form 814.02A, Law Library Request Form, and give the form to the Facility Standards Officer through the law librarian. The Facility Standards Officer, or other authorized staff member, shall review the request for completion or determine whether the requested material is unavailable at the institution and then either approve or deny the prisoner request.

#### 2. Time

The Facility Standards Officer or designee and the law librarian shall decide if the requested material should be provided on an expedited basis (within two working days), prioritized (within five working days), or provided within a routine time period (10 working days).

- a. The Facility Standards Officer shall expedite a prisoner's request if the prisoner has to file a reply memorandum under state or federal rules, or the court imposes a filing deadline of less than five days.
- b. The prisoner must show evidence of an actual court deadline for expedited and priority requests.

#### 3. Prisoner Access

The law librarian shall give the prisoner access to the material as soon as the library receives it. Such research material will be copied onto goldenrod-colored paper and becomes the property of the institution, not a particular prisoner.

#### 4. Printing and Photocopying.

- a. Printing of legal materials directly by prisoners is prohibited. Apart from printing for prisoners without access to the law library, digital printouts of legal cases and materials shall be considered a request for personal materials and approved at the discretion of the Superintendent as specified in Policy and Procedure #808.12.
- b. Prisoners wanting printed legal cases and materials shall submit both Law Library Request Form 814.02A and Personal Materials Copies Request Form 808.12B for each request.
- c. Copies of legal pleadings shall be requested as specified in Policy and Procedure 808.12 (Photocopying for Prisoners). Prohibited Requests

#### 5. The Department will not honor requests for:

- a. An entire issue of a law review (prisoners may request particular law review articles);
  - b. Copies of more than 10 cases at one time; after the first 10 are delivered and returned, a prisoner may request up to 10 additional cases.
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VII. Implementation

This policy and procedure is effective as of the date signed by the Commissioner. Each Manager shall incorporate the contents of this document into local policy and procedure. All local policies and procedures must conform to the contents of this document; the Division Director must approve any deviation from the contents of this document in writing.

5/16/13

\_\_\_\_\_  
Date

SIGNATURE ON FILE

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Joseph D. Schmidt, Commissioner  
Department of Corrections

Applicable forms:

814.02A Law Library Request

*Original 9/30/1985*  
*Revised: 7/7/1995*  
*Revised: 4/9/2002*  
*Revised: 10/23/2005*

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