

INTERNAL DOCUMENT

**VERMONT DEPARTMENT OF CORRECTIONS
INMATE ACCESS TO COURTS
STAFF GUIDANCE**

Contents

ACCESS TO COURTS – GENERAL OVERVIEW 2

LAW LIBRARY – GENERAL 3

 Hours of Operation: 3

LAW LIBRARY STAFF 4

 Legal Education Director: 4

 Law Library Administrator: 5

 Inmate Law Librarian and Inmate Legal Assistant: 6

 Criteria for Assignment as an ILL or ILA: 7

 Compensation for Inmate Law Library Workers: 7

LEGAL MATERIALS 7

 Legal Materials from Other States: 8

 Law Library Budget and Legal Material Replacement Procedures: 8

SUPPLIES AND SERVICES: 9

 Supplies: 9

 Mailing Services: 9

 Notary Services: 9

 Photocopying Services: 9

ACCESS TO THE LAW LIBRARY 11

 For General Population Inmates: 11

 For Inmates in Restrictive Housing: 11

LAW LIBRARY MISCONDUCT 11

LAW TERMINALS AND REMOVABLE ELECTRONIC MEDIA STORAGE 12

STORAGE OF PERSONAL LEGAL MATERIAL 14

THIS IS AN INTERNAL DEPARTMENT OF CORRECTION'S GUIDANCE DOCUMENT TO ASSIST IN UNDERSTANDING THE REQUIREMENTS OF THE DEPARTMENT'S DIRECTIVE 385. IT SHOULD NOT BE CONSTRUED TO BE THE DEPARTMENT'S POLICY BUT RATHER A WORK PRODUCT.

INTERNAL DOCUMENT

INDIGENT INMATES..... 14
 Mailing Services: 14
 Photocopying Services:..... 15
DOC POLICIES AND DIRECTIVES..... 15
“JAILHOUSE LAWYER” 16
LEGAL EDUCATION 17
ACCESS TO VERMONT LEGAL MATERIALS FOR INMATES HOUSED OUT OF STATE
..... 17

The purpose of this guidance document is to provide Department of Corrections’ (DOC) staff with instruction to assist inmates accessing the courts, as defined by this policy. It provides guidance on the management of the inmate law libraries, the resources available, supplies, and services provided to inmates through the law libraries, as well as criteria and duties of inmates hired to work in the law libraries.

ACCESS TO COURTS – GENERAL OVERVIEW

In the United States, inmates are guaranteed certain constitutional and civil rights. These rights include the right of access to the courts.

Inmates do not have an absolute constitutional right to law libraries or legal assistance; however, they do have the constitutional right of access to the courts. The right of access to courts is based on the First, Fifth and Fourteenth Amendments to the Constitution. The First Amendment provides the right to “petition the government for redress of grievances” and under the Fifth and Fourteenth Amendments, the right to due process of law.

Accordingly, state and federal correctional facilities must provide the tools by which inmates can meaningfully access the courts, and law libraries are one of several ways to do so.

DOC provides inmates with meaningful access to courts through:

1. Direct limited legal assistance from Inmate Law Librarians (ILL) and Inmate Legal Assistants (ILA); and
2. Primary and secondary legal materials located in the correctional facility law library.

The scope of the access does not apply to all legal filings but only to those areas directly related to incarceration (qualified legal claims):

1. Directly or collaterally attacking a sentence;

THIS IS AN INTERNAL DEPARTMENT OF CORRECTION’S GUIDANCE DOCUMENT TO ASSIST IN UNDERSTANDING THE REQUIREMENTS OF THE DEPARTMENT’S DIRECTIVE 385. IT SHOULD NOT BE CONSTRUED TO BE THE DEPARTMENT’S POLICY BUT RATHER A WORK PRODUCT.

INTERNAL DOCUMENT

2. Initiating habeas corpus proceedings, direct appeals, constitutional rights actions;
3. Challenging the conditions of confinement; and
4. Bringing other civil rights actions related to incarceration.

LAW LIBRARY – GENERAL

The law library contains a collection of basic Vermont and Federal legal resources, including statutes, administrative rules, court rules, and primary and secondary legal materials. Online legal research is available on the law terminals located in the law library and other locations in the correctional facility.

DOC Administrative Directives, APA Rules, Interim Memos, Inmate Guides, and a copy of the DOC Glossary are provided by the Policy Development Unit and kept in the law library.

The law library does not have legal resources for researching, or filing legal pleadings not related to qualified legal claims.

Paper, pens, pencils, and envelopes are available for purchase through commissary.

Typewriters, or other typing devices, are available in or near the law library. These are for qualified legal pleadings preparation only.

Canteen items, personal property, and other items which are unrelated to legal research or the preparation of qualified legal pleadings are not allowed in the correctional facility law libraries or when using the law terminals and typewriters.

Depending on an inmate's housing status, the inmate may be granted direct access to the law library. If access to the law library is not permitted, the inmate shall be given the opportunity to request limited resources from the law library for use in the living unit.

Hours of Operation:

All inmates shall be afforded opportunities to access a DOC law library, or the resources provided in the law library. The Superintendent may impose limitations on the number of inmates allowed in the law library at one time. Inmates shall be allowed a reasonable amount of time to do their own legal research and to prepare qualified legal claims in the law library, for those inmates where direct access to the correctional facility law library is authorized and scheduled, or in the inmate's own assigned cell or living unit.

INTERNAL DOCUMENT

1. The Superintendent shall schedule law library operating hours of no less than twenty hours each week, and shall include evening and weekend hours.
2. The allocation of twenty hours shall be determined on a facility by facility basis through local procedure. The Superintendent shall set the operational schedule for the law library giving consideration to needs of inmates assigned to work, programming, training, or education, as well as consideration to the needs of inmates assigned to restricted housing units.
3. This schedule shall include the daily hours of operation and shall be posted in all the living units and the law library.
4. In unusual or extraordinary circumstances, correctional facility staff are encouraged to provide additional access on a case by case basis. A special time allowance for research and preparation of qualified legal claims may be granted to an inmate who demonstrates, through written court documentation, a need for additional access to the law library and additional preparation time to meet an imminent court deadline of ten calendar days or less. To request extra time, the inmate must submit a [VTLL02 Law Library Use Request Form](#) to the Law Library Administrator.

Note: The law library shall be open for access at least twenty hours each week. Inmate are not entitled to access the law library for the full twenty hours each week.

LAW LIBRARY STAFF

Legal Education Director:

The DOC shall employ a Legal Education Director (LED). The LED shall be a licensed attorney responsible for:

1. Working with the DOC policy and development unit to establish policy and procedures that are consistent with the constitution, and governing law;
2. Working with facilities to ensure local procedures are in compliance with the Access to Courts policy;
3. Determining curriculum and contracting with legal educators to prepare and teach Inmate Legal Education Courses;
4. Conducting quarterly audits of the correctional facility law libraries to ensure that legal materials and equipment are well maintained, current, and that local correctional facility procedures are consistent with all requirements set forth in this policy; and
5. Collecting and interpreting monthly correctional facility reports to identify additional training needs and resources.

THIS IS AN INTERNAL DEPARTMENT OF CORRECTION'S GUIDANCE DOCUMENT TO ASSIST IN UNDERSTANDING THE REQUIREMENTS OF THE DEPARTMENT'S DIRECTIVE 385. IT SHOULD NOT BE CONSTRUED TO BE THE DEPARTMENT'S POLICY BUT RATHER A WORK PRODUCT.

INTERNAL DOCUMENT

Note: The LED shall not provide legal advice or opinions to inmates, and shall not represent inmates in any legal or administrative proceedings. Communications between the LED and any inmate are not confidential.

Law Library Administrator:

The Superintendent shall designate an Assistant Superintendent, or someone functionally equivalent, to serve as the correctional facility LLA. The LLA is responsible for:

1. Managing printed legal resources to ensure they remain current and complete;
2. Coordinating the care and maintenance of the law terminals with the vendor and LED;
3. Locating or replacing missing legal materials and texts;
4. Initiating searches to recover missing materials;
5. Initiating disciplinary proceedings for any inmate found damaging or destroying law library equipment or materials;
6. Maintaining a sufficient number of a current preprinted forms in the law library, including:
 - a. [VTLL02 Law Library Use Request Form](#);
 - b. [VTLL02a Law Library Sign in Sheet](#);
 - c. [VTLL04 Legal Research Case Request Form](#);
 - d. [VTLL05 Legal Photocopy Request Form](#);
 - e. [VTLL08 Law Terminal Use Form](#);
 - f. [VTLL09 Typewriter Use Form](#);
 - g. [VTLL10 Supply Request Form](#);
 - h. [VTLL11 End of Month Report](#); and
 - i. [Correctional Facility Inmate Law Library Job checklist](#); and [Outside Purchase/Special Package Request Form](#). (Provided for inmates to request permission to receive legal materials electronically stored on thumb drive, CD or DVD from a court or attorney);
7. Providing, in close custody units:
 - a. [VTLL04 Legal Research Case Request Form](#);
 - b. [VTLL05 Legal Photocopy Request Form](#);
 - c. [VTLL06 Book Loan Request with list of resources- Close Custody](#);
 - d. [VTLL08 Law Terminal Use Form](#); and
 - e. [Outside Purchase/Special Package Request Form](#) (to request permission to receive legal materials on electronic storage media from court or attorney.)
8. Collecting, reviewing and submitting monthly reports to the LED;
9. Monitoring the overall operations of the facility law library, ILL, and ILA, compliance with this directive and DOC policies related to inmate access to courts;
10. Discussing with the LED when hiring the ILL and ILA;
11. Ensuring that the law library is adequately staffed, the ILL and ILA are provided with a copy of the Inmate Access to Courts Inmate Guide and are trained to perform all required duties;

THIS IS AN INTERNAL DEPARTMENT OF CORRECTION'S GUIDANCE DOCUMENT TO ASSIST IN UNDERSTANDING THE REQUIREMENTS OF THE DEPARTMENT'S DIRECTIVE 385. IT SHOULD NOT BE CONSTRUED TO BE THE DEPARTMENT'S POLICY BUT RATHER A WORK PRODUCT.

INTERNAL DOCUMENT

12. Ensuring that inmates who are illiterate, have limited English proficiency (LEP), or who are prohibited from visiting the law library are assisted by a staff member; and
 - a. The LLA may arrange for another staff member to interview and aid inmates requesting assistance due to illiteracy or LEP.
13. Coordinate legal education, correctional facility location and schedule of classes with the LED and Legal Education Contractor.

Inmate Law Librarian and Inmate Legal Assistant:

1. The DOC employs inmates to work in the law library as either the ILL or as the ILA depending on training and certification.
2. ILLs and ILAs shall have a designated work space in the law library and necessary supplies to fulfill responsibilities.
3. ILLs and ILAs may provide limited assistance to inmates by:
 - a. Assisting inmates on how and where to access information, how to communicate with the LLA, LED, and the courts;
 - b. Providing information on the availability of resources, supplies, and services;
 - c. Guiding inmates through general research processes;
 - d. Reviewing photocopying requests from inmates to ensure they are complete and correct before providing photocopy requests to the LLA for processing;
 - e. Photocopying legal materials for inmates if authorized by local procedure; and
 - f. May act as a hearing assistant as needed.
4. ILLs and ILAs are responsible for managing, and accurately completing the following forms to submit to the LLA each month:
 - a. [VTLL02 Law Library Use Request Form](#);
 - b. [VTLL02a Law Library Sign in Sheet](#);
 - c. [VTLL05 Legal Photocopy Request Form](#);
 - d. [VTLL07 Law Library Inventory](#);
 - e. [VTLL08 Law Terminal Use Form](#);
 - f. [VTLL09 Typewriter Use Form](#);
 - g. [VTLL10 Supply Request Form](#);
 - h. [VTLL11 End of Month Report](#); and
 - i. [Correctional facility Inmate Law Library Job checklist](#).

The ILL or ILA shall not:

1. Provide legal advice and does not represent inmates in any court proceeding;
2. Prepare pleadings for any inmate, or on his or her behalf;
3. Sign forms or documents on behalf of an inmate;
4. Do research for inmates;

THIS IS AN INTERNAL DEPARTMENT OF CORRECTION'S GUIDANCE DOCUMENT TO ASSIST IN UNDERSTANDING THE REQUIREMENTS OF THE DEPARTMENT'S DIRECTIVE 385. IT SHOULD NOT BE CONSTRUED TO BE THE DEPARTMENT'S POLICY BUT RATHER A WORK PRODUCT.

INTERNAL DOCUMENT

5. Provide any assistance that would amount to the practice of law; and
6. Charge and receive payment, or any form of compensation, for providing assistance.

If an inmate is discovered paying, or attempting to pay, an ILL or ILA for help in the law library:

1. The inmate may be charged with the appropriate disciplinary infraction; and
2. He or she may be denied physical access to the law library for up to thirty days.
 - a. During this time, inmates can request legal research materials by sending proof of court imposed deadline and [VTLL04 Legal Research Case Request Form](#) to the LED.

Criteria for Assignment as an ILL or ILA:

Inmates interested in applying for an ILL or ILA position may request a copy of the [Correctional Facility Inmate Law Librarian and Legal Assistant Job Description](#) from the LLA. If selected for hire, inmates shall be provided with a copy of the job check list to sign.

Compensation for Inmate Law Library Workers:

ILLs and ILAs shall receive compensation for actual hours worked in the law library in accordance with [inmate pay procedures](#), and at the same rate as other correctional facility support program clerks in the certified or trainer/mentor grade level.

Any assignment or removal from an ILL or ILA position shall be in compliance with DOC policies and procedures regarding inmate work assignments.

No ILL or ILA shall be removed from his or her position as retaliation for legitimate legal activities.

LEGAL MATERIALS

DOC shall afford inmates reasonable access to the law library holdings outlined in the [VTLL07 Law Library Inventory](#), and reasonable access to necessary supplies for the preparation and filing of their own qualified legal claim with the court.

1. Legal resource materials may be made available to inmates using original materials, photocopies, or through approved electronic resources.
2. Inmates shall not write in, highlight, mark, or in any other way damage or destroy materials loaned to them and/or marked “VTDOC Law Library.” Such damage shall be considered destruction of state property, and may result in:
 - a. The inmate being charged with the appropriate disciplinary infraction; or

INTERNAL DOCUMENT

- b. The inmate being denied physical access to the law library for a period of up to thirty days.
 - i. During this time, the inmate may request a court form template and up to five court cases pertaining to qualified legal claims by sending a [VTLL04 Legal Research Case Request Form](#) to the LED for each week an inmate is prohibited from accessing the law library.

Legal Materials from Other States:

1. Vermont correctional facility law libraries are not required to maintain court forms, addresses, or other legal materials from other states. It is the responsibility of the inmate to contact the sending state's court or correctional agency to request legal materials.
2. The law library does not contain resources for researching, or filing qualified legal pleadings related to qualified legal claims from any state that is not Vermont.

Law Library Budget and Legal Material Replacement Procedures:

Legal resource materials shall be updated by the ILA or ILL as appropriate.

1. Printed legal resource materials need not be updated as frequently if current electronic versions of legal resource materials are made readily available to inmates.
2. Printed or electronic legal resource materials available directly to inmates may be supplemented by additional legal materials accessible only to staff on the shared drive located at [S:\Law Library Forms](#).

Purchasing procedures for replacement of lost or damaged legal materials, updating the collections, obtaining supplements, revisions, and subscriptions include:

1. Purchases of the annual subscriptions required to keep each inmate law library collection current, shall be made by Central Office.
2. Purchases of mandated legal materials lost, damaged, stolen, or missing from the correctional facility law library, shall be made by the correctional facility through local accounts payable procedures.
3. Purchases of law books and other materials for the law library not on the [VTLL07 Law Library INVENTORY](#), shall be at the discretion of the Superintendent and paid for by the facility.

INTERNAL DOCUMENT

SUPPLIES AND SERVICES:

Supplies:

1. Basic office supplies such as pens, paper, and envelopes for mailing qualified legal pleadings are available in the correctional facility commissary for inmates to purchase and use in the law libraries.
2. Inmates shall not purchase or provide supplies to other inmates. If discovered doing so, the inmate may be charged with the appropriate disciplinary sanction.

Law libraries shall have supplies available for indigent inmates to use while in the law library. These supplies shall be used only for legal research and preparation of qualified legal claims. Unused supplies cannot be removed from the correctional facility law library.

Mailing Services:

1. Mailing services shall be available for mailing of legal pleadings at the inmate's expense.
2. Inmates may not pay for or provide mailing services for other inmates.
3. Specialized mailing services such as overnight, Fed-Ex, UPS, registered mail, certified mail, return/receipt, etc. shall not be provided.

Notary Services:

Notary services are provided by staff who are licensed notaries, at no cost to inmates. This service is available for notarizing legal pleadings only. Inmates are limited to no more than five legal pleadings per month. Notary services may be provided on a per-request basis, or on a schedule to be posted by the correctional facility. Notary services shall be limited to legal pleadings only.

Facilities shall establish a schedule, which ensures inmates receive reasonable access to the services of a notary public within seventy-two hours of request excluding weekends and holidays.

Photocopying Services:

Photocopying services are available for making duplications of original initial pleading of qualified legal claims, at an inmate's expense.

1. Free photocopying service for legal materials shall not be provided.

THIS IS AN INTERNAL DEPARTMENT OF CORRECTION'S GUIDANCE DOCUMENT TO ASSIST IN UNDERSTANDING THE REQUIREMENTS OF THE DEPARTMENT'S DIRECTIVE 385. IT SHOULD NOT BE CONSTRUED TO BE THE DEPARTMENT'S POLICY BUT RATHER A WORK PRODUCT.

INTERNAL DOCUMENT

2. Photocopying costs shall be deducted from the inmate's account.
 - a. The fee is \$.05 per single-sided page, \$.09 per double-sided page for pages up to 8.5 by 11 inches and is consistent with the [Uniform Schedule of Public Record Charges for State Agencies](#).

Inmates must have sufficient funds in his or her inmate account to cover the cost of duplication at the time of submitting [VTLL05 Legal Photocopy Request Form](#), unless the inmate qualifies for Indigent Status.

If an inmate does not have sufficient funds in his or her account to cover the costs of photocopying services at the time of the request, he or she may obtain photocopies on a reimbursable basis if it can be demonstrated that:

1. Hand duplication cannot be accomplished, and additional photocopies are required by the court or procedural rules; or
2. The inmate can demonstrate through written court documentation that failure to immediately obtain photocopy services would directly impact his or her ability to meet a court deadline of ten calendar days or less.

To request photocopying services, the inmate must:

1. Submit a completed [VTLL05 Legal Photocopy Request Form](#), to the ILL or ILA; and
 - a. Sign the form authorizing the appropriate deductions from his or her account. Refusal to complete and sign the form, will void the request for photocopying services.

Generally, inmates shall receive his or her photocopies within five business days of submitting the Legal Photocopy Request Form.

Legal materials shall be reviewed and visually scanned by the ILL, ILA, LLA, or designated staff, prior to photocopying to insure it contains legal materials only. Refusal to permit a review of material by the ILL, ILA, LLA or designated staff prior to photocopying shall void the request for photocopying services.

Inmates cannot pay for or provide photocopying services for other inmates.

Printed materials that are in the law library or on the law terminal shall not be photocopied.

Only the LLA or designee are permitted to photocopy legal pleadings.

INTERNAL DOCUMENT

ACCESS TO THE LAW LIBRARY

For General Population Inmates:

1. To the extent possible, all inmates requesting access to the Law Library shall be scheduled for access in a manner which ensures equal opportunity.
2. Requests for access shall be granted as soon as possible. Requests for extended hours to meet a legally defined deadline shall be decided by the LLA.
 - a. The schedule for direct inmate access to the law library shall be determined by local procedure.
 - b. To schedule time in the law library, the inmate shall submit [VTLL02 Law Library Request Form](#) to the ILA, ILL, or LLA.
 - c. Canteen items, personal property, and other items which are unrelated to legal research or preparation of legal pleadings shall not be permitted in correctional facility law libraries, or in alternate legal research areas such as typewriter and terminal rooms.

For Inmates in Restrictive Housing:

Inmates housed in segregation are still able to access his or her personal legal materials, as well as legal resources from the law library.

Inmates who are assigned to a restricted housing unit may access law library resources if a law terminal is not located in those housing areas.

If a law terminal is not available, inmates may request a court form template and up to five court cases pertaining to qualified legal claims by sending a [VTLL04 Legal Research Case Request Form](#) to the LED for each week an inmate is prohibited from accessing the law library.

Inmates shall be allowed to request and receive up to three items of legal materials per day from the law library, delivered on three alternating days per week, such as, M-W-F, from the correctional facility's law library collection for in-cell use, by submitting a completed [VTLL06 Book Loan Request - Close Custody](#) to staff assigned to that unit.

LAW LIBRARY MISCONDUCT

1. The LLA, in consultation with the LED, may restrict inmates from physical access to the law library or legal services for cause if:
 - a. The inmate is found to be seeking or accepting compensation for the provision of authorized or unauthorized legal assistance to another person;

THIS IS AN INTERNAL DEPARTMENT OF CORRECTION'S GUIDANCE DOCUMENT TO ASSIST IN UNDERSTANDING THE REQUIREMENTS OF THE DEPARTMENT'S DIRECTIVE 385. IT SHOULD NOT BE CONSTRUED TO BE THE DEPARTMENT'S POLICY BUT RATHER A WORK PRODUCT.

INTERNAL DOCUMENT

- b. The inmate has signed another inmate's name, or used another inmate's name or jacket number when signing a document;
 - c. The inmate has previously damaged or misused law library holdings, equipment or supplies. Inmates who damage or misuse law library holdings, equipment, or supplies may be charged with a disciplinary infraction;
 - i. During this time, the inmate can request court forms and legal research materials pertaining to qualified legal matters by submitting a [VTLL04 Legal Research Case Request Form](#) to the LED.
 - d. There is reason to believe that the inmate's physical presence in the law library would disrupt normal operations; or
 - e. The inmate enters the law library without prior approval or without an ILL or ILA present.
2. Restrictions on law library access are subject to review by the Superintendent.

LAW TERMINALS AND REMOVABLE ELECTRONIC MEDIA STORAGE

Law terminals may be available for inmate use in the law library, as well as in other locations in each correctional facility.

1. All law terminal use shall be logged and documented by the LLA utilizing [VTLL08 Law Terminal Use Form](#).
2. The law terminal provided for inmate use shall be for legal research and viewing of authorized electronic legal materials only.
3. Relevant court form templates shall be stored on the law terminals located in the law library and select housing units.
 - a. Inmates are not allowed to print from the law terminals.
 - b. Inmates shall be able to view and take notes on the court form(s) templates provided.
 - c. Inmates may choose to handwrite or use a typewriter to type the information available on the law terminal.
 - i. Inmates assigned to a restricted housing unit where a law terminal is not located may request pre-printed court form(s) templates by submitting a [VTLL04 Legal Research Case Request Form](#) to the staff assigned to the unit.
 - ii. DOC Staff shall submit all written requests for legal materials to the LED.
 - iii. The LED shall review all requests and determine if the requests is reasonable.
 1. If approved, the LED shall provide the inmate with a printed copy of the requested material to copy by hand.
 2. If denied, the LED shall indicate the reason in writing.
4. Inmates are prohibited from storing legal materials onto the hard drive, altering any removable media, printing, or creating electronic documents, turning off or unplugging the

THIS IS AN INTERNAL DEPARTMENT OF CORRECTION'S GUIDANCE DOCUMENT TO ASSIST IN UNDERSTANDING THE REQUIREMENTS OF THE DEPARTMENT'S DIRECTIVE 385. IT SHOULD NOT BE CONSTRUED TO BE THE DEPARTMENT'S POLICY BUT RATHER A WORK PRODUCT.

INTERNAL DOCUMENT

- law terminal, monitor or surge protector or attaching anything (i.e. thumb drive, external hard drive, inserting/playing CD DVD) to the terminal or surge protector.
5. DOC shall allow inmates to receive documents either in print or on electronic media storage device from an attorney or court (external hard drive, thumb drive, CD, DVD).
 - a. Legal materials contained on electronic media storage device shall only be allowed into a correctional facility if it is sent by a court or an attorney.
 - b. There is a 5 Gigabyte maximum and the files must be PDF or MP4 only.
 - c. It is the responsibility of the sending attorney to clearly mark attorney-client privileged electronic/audio media legal materials as "Legal", "Privileged", or "Confidential" on the envelope.
 6. To receive electronic media containing legal materials from an attorney or court, an inmate must submit a completed [Outside Purchase/Special Package Request Form](#).
 - a. Inmates must first receive written permission, and the package must follow local procedures and rules. These rules may include specific times and shipping methods.
 - b. Electronic storage media mailed to the inmate is generally considered contraband and shall not be permitted in the inmate's possession or in the secure area of the facility.
 - i. Electronic media shall be confiscated in accordance with the [DOC policy on contraband](#), unless it is labeled "Legal", "Privileged", or "Confidential".
 - ii. If labeled properly, it shall be opened in the presence of the inmate and inspected for contraband.
 - c. If determined not be contraband, the electronic media shall be immediately sent to the LED, and the inmate shall be provided with a [Confiscation of Offender Property Form](#).
 7. The LED shall review the electronic media to make sure it is legal in nature, and does not contain any personal communications, inflammatory material, nudity, or sexually explicit material, in violation of the DOC policy concerning permissible inmate mail. The LED shall notify the inmate when the materials are available on the law terminal.
 - a. An electronic media folder shall be available to the inmate for up to sixty days from the date he or she is notified by the LED that his or her materials are available, and the inmate is provided with a secure password to access the folder.
 - b. The inmate shall notify the LED in writing where, outside the facility, the device shall be sent. The mailing costs will be debited from the inmate's account.
 - c. If an inmate fails to designate a method of disposal the device shall be destroyed.
 - d. Any electronic media storage device sent out of a correctional facility cannot be mailed back.
 8. Legal materials may be sent to inmates electronically through email by using JPay or GTL tablets or kiosks. Electronic media shall be reviewed and inspected for contraband.
 - i. Legal materials sent electronically **are not** protected by attorney client privilege.
 - ii. Inmates shall sign any relevant acknowledgement forms, or agree to any Terms of Use provided by DOC or vendor before being allowed to access electronic media.

INTERNAL DOCUMENT

STORAGE OF PERSONAL LEGAL MATERIAL

Inmates shall be allowed to maintain limited legal materials in their cells. Additional storage of legal materials shall follow DOC property procedures, and local facility procedures as necessary. Refer to the DOC policies on [Offender Property](#) and [Resident Handbook](#).

1. Inmates may keep one box of legal material in their cell. All legal paperwork shall be kept separate from “other” personal papers, and labeled “legal work.”
2. Inmates may only store legal materials that are needed for active legal cases.
3. Inmates may not store another inmate’s documents.
4. With reasonable suspicion, staff may visually scan any legal material kept in a cell to ensure compliance with safety and security policies, as well as contraband policies.

INDIGENT INMATES

Inmates who do not have sufficient funds in their account to cover the costs of requested mailing, printing or photocopying services at the time of the request, may obtain those services on a reimbursable basis.

Inmates who are deemed indigent shall be granted law library services with the cost added to his or her inmate account for repayment.

Inmates who do not fit the definition of indigent, but do not have the funds for a necessary action (such as mailing or photocopying), may submit a request to the LLA. The LLA shall make all final decisions whether an inmate may be deemed indigent for that purpose.

Indebtedness incurred for mailing or photocopying services shall remain on an inmate’s account until the entire debt balance is paid, or until death. Up to 100% of any monies an inmate receives from an outside source may be used for reimbursement towards incurred indigent indebtedness.

Mailing Services:

1. Postage costs incurred by DOC in providing such necessary mailing services shall be tracked for each inmate for whom these mailing services were provided, and shall be charged against the indigent inmate’s individual account for reimbursement.
2. Postage shall not exceed the current first-class mailing rate.
 - a. First-class mailing costs shall normally be limited to a maximum of seven first-class stamps per week, unless authorized for cause on an individual basis by the Superintendent or his/her designee upon recommendation of the LED.

THIS IS AN INTERNAL DEPARTMENT OF CORRECTION’S GUIDANCE DOCUMENT TO ASSIST IN UNDERSTANDING THE REQUIREMENTS OF THE DEPARTMENT’S DIRECTIVE 385. IT SHOULD NOT BE CONSTRUED TO BE THE DEPARTMENT’S POLICY BUT RATHER A WORK PRODUCT.

INTERNAL DOCUMENT

3. Specialized mailing services such as overnight, Fed-Ex, UPS, registered mail, certified mail, return/receipt, etc. shall not be provided.

Note: Inmates who do not have sufficient funds in their account to cover the costs of requested mailing services at the time of the request, but who do not qualify for indigent status, may also obtain those services on a reimbursable basis. To obtain these services, the inmate shall 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 calendar days or less from the date of the request regarding his or her own legal matter.

If the inmate cannot prove an emergent need, the legal mail may be delayed until the next week's seven stamp allotment.

Photocopying Services:

1. Any inmate who qualifies as indigent, requesting photocopying services, shall be provided with the requested copies, and the cost of the copies shall be charged to his or her individual institutional account.
2. The number of photocopies of legal pleadings shall not exceed 3 copies of any single page, or a maximum of 50 pages for all copies in any calendar month.
3. Generally, single copies of each page shall be provided, unless otherwise requested to facilitate service of court filings.
4. An exception to these limits may be made if the inmate can demonstrate, through written court documentation, that failure to immediately access photocopying services would directly impact his or her ability to meet an imminent court deadline of ten calendar days or less from the date of the request.

If an inmate does not have sufficient funds in his or her account to cover the costs of photocopying at the time of request, he or she may be provided supplies necessary to hand duplicate or type his or her copies.

DOC POLICIES AND DIRECTIVES

All DOC Directives, Interim Memos, Inmate Guides, Forms, Policy/Directive Index and the DOC Glossary shall be maintained in paper form by each correctional facility and made available in the law library for viewing by inmates permitted access to the law library.

1. DOC Central Office Policy Development Unit (PDU) shall mail paper versions of all Directives, Interim Memos, Inmate Manuals, Forms, Policy/Directive Index and the DOC Glossary to the law libraries.

THIS IS AN INTERNAL DEPARTMENT OF CORRECTION'S GUIDANCE DOCUMENT TO ASSIST IN UNDERSTANDING THE REQUIREMENTS OF THE DEPARTMENT'S DIRECTIVE 385. IT SHOULD NOT BE CONSTRUED TO BE THE DEPARTMENT'S POLICY BUT RATHER A WORK PRODUCT.

INTERNAL DOCUMENT

2. When a new or updated document is issued, Central Office shall mail a paper copy to the ILL or ILA, along with an acknowledgement form.
3. The ILL shall sign and return the acknowledgement form to the LLA, who will forward it to Central Office Policy Development Unit.
4. Correctional facility Caseworkers or other designated staff shall provide inmates unable to access the law library with access to DOC Administrative Directives, APA Rules, Interim Memos, Inmate Guides, and the DOC glossary.
5. The ILL or ILA may request replacements of materials from the LLA for law library use only. Administrative Directives, APA Rules, Interim Memos, Inmate Guides, and the DOC glossary shall not be provided to inmates.

“JAILHOUSE LAWYER”¹

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. Inmates may assist one another with legal work regulated by time, place, and manner.
2. Inmates shall not provide legal services for other inmates in exchange for any form of compensation or trade.
3. Inmates who are provided direct access to the law library may assist one another while in the law library, if doing so does not compromise the security, order, or discipline of the correctional facility.
4. General population inmates assigned to the same housing units may assist one another with legal work outside the law library in a common area provided the following are met:
 - a. All work is done during regularly scheduled dayroom hours in which they do not have conflicting work or programming scheduled;
 - b. It shall not compromise the safety and security of the correctional facility; and
 - c. Neither inmate is on restricted status.
5. When meeting in person to assist one another with legal matters, inmates are required to return all documents to their owner before parting company.
 - a. Example: Inmate A and Inmate B are working together on Inmate A’s case. Inmate A must leave to report for work. Inmate B shall return all documents to Inmate A before Inmate A leaves the company of Inmate B.

¹ A “Jailhouse Lawyer” is an inmate in a jail or other prison who, though usually never having practiced law nor having any formal legal training, represents themselves in legal matters relating to their sentence, or informally assists other inmates in legal matters relating to their sentence, to their conditions in prison, or other civil matters of a legal nature. Many states in the U.S. have Jailhouse Lawyer Statutes, some of which exempt inmates acting as jailhouse lawyers from the licensing requirements imposed on other attorneys when they are helping indigent inmates with legal matters.

THIS IS AN INTERNAL DEPARTMENT OF CORRECTION’S GUIDANCE DOCUMENT TO ASSIST IN UNDERSTANDING THE REQUIREMENTS OF THE DEPARTMENT’S DIRECTIVE 385. IT SHOULD NOT BE CONSTRUED TO BE THE DEPARTMENT’S POLICY BUT RATHER A WORK PRODUCT.

INTERNAL DOCUMENT

6. Inmates are not permitted to exchange, possess, or store another inmate's legal materials, pleadings, or mail.

LEGAL EDUCATION

Qualified legal professionals shall, from time to time, provide legal education classes. Inmates housed in general population may sign up once the class is posted. The curriculum shall include instruction in the areas of state and federal post-conviction remedies, civil rights/conditions of confinement and other access to courts relevant legal courses.

ACCESS TO VERMONT LEGAL MATERIALS FOR INMATES HOUSED OUT OF STATE

Vermont inmates housed in out-of-state, privately run correctional facilities or under the Interstate Compact, who do not have access to Vermont law pertaining to qualified legal claims, may write to the LED about post-conviction relief claims and condition of confinement/civil rights claims which arose in Vermont.