

	<b>DEPARTMENT OF PUBLIC SAFETY</b>  <b>CORRECTIONS ADMINISTRATION</b> <b>POLICY AND PROCEDURES</b>	<b>EFFECTIVE DATE:</b> <b>JUN 1 1994</b>	<b>POLICY NO.:</b> <b>COR.12.12</b>
		<b>SUPERSEDES (Policy No. &amp; Date):</b> <b>NEW</b>	
<b>SUBJECT:</b>  <b>LAW LIBRARY ACCESS</b>		<b>Page 1 of 4</b>	

No. 94-24435

## 1.0 PURPOSE

To establish guidelines for inmate access to the law library and the use of materials within the library.

## 2.0 REFERENCES AND DEFINITIONS

### .1 References

Policy COR.12.02, Inmate Access to Courts, Legal Services, and Legal Materials.

Policy COR.01.07, Liberty Interest Disclaimer.

### .2 Definitions

Docketed Status - an inmate with an active court case.

## 3.0 POLICY

A law library shall be established and maintained at each correctional facility to aid inmates in their right of access to the courts. All inmates shall be allowed reasonable access to the materials in the library. The amount of access time may vary depending upon the availability of facility resources and staff commitments.

## 4.0 PROCEDURES

### .1 Law Library Hours

- a. Adequate time for research in the library shall be provided to all inmates who request access. Each facility shall permanently post a notice on the bulletin board of each inmate residency unit which outlines the hours and days the library will be available to inmates. The notice shall also inform inmates how they may request access and where they may acquire a request form.

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- b. Non docketed inmates shall be allowed a minimum of two (2) hour sessions per week in the library.
- c. Docketed inmates shall be allowed a minimum of six (6) hour sessions per week.

**.2 Scheduling Access to the Law Library**

To enable the law library to plan a session which will not conflict with any religious programs inmates may have scheduled, inmates must inform the library of the day and time of planned attendance of these programs. If no attendance of religious programs is planned during the time of anticipated use of the library, then this must be so indicated on their request.

**a. Inmates with Docketed Status**

- 1. Inmates with docketed status shall be given preference over non-docketed inmates in scheduling time in the library.
- 2. Docketed inmates must provide the library with a copy of their court case. The library will retain this copy for their files. It is the inmate's responsibility to update their docket status.
- 3. A Request for Law Library Session, Form DOC 8737 (reference Attachment A) shall be completed by the inmate indicating any planned attendance of religious programs and forwarded to the library. Facilities may require the inmates' case manager to sign the form prior to forwarding it to the library as verification of the information on the request.
- 4. Form DOC 8737 must be forwarded to the library at least one (1) week in advance of anticipated use of the library. However, the library will consider unexpected court deadlines and may make scheduling adjustments accordingly. A note explaining any unexpected deadlines must be attached to the request form. Library staff will refer questionable requests claiming unexpected court deadlines to the facility warden or the Attorney General's Office for assistance.

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b. Inmates with Non-Docketed Status

1. Non-docketed inmates shall complete a Request for Law Library Session, Form DOC 8737 indicating any planned attendance of religious programs and forward it to the library. Facilities may require the inmates' case manager to sign the form prior to forwarding it to the library as verification of the information on the request.
2. Form DOC 8737 must be forwarded to the library at least one (1) week in advance of anticipated use of the library.
3. Scheduling for non-docketed inmates will be on a time available basis with docketed inmates' given priority.

.3 Notification of Confirmed Sessions

Inmates shall be notified of their scheduled use of the law library. An approved schedule will be posted on their residency bulletin board. In addition, confirmed schedules may also be broadcast on closed-circuit television at the those facilities that have the capability.

.4 Rules for Use of the Law Library

- a. Each correctional facility law library shall establish a set of rules governing inmate use of the library. The library staff shall provide these rules to all inmates who submit a request for access to law library or make inquiries about its availability.
- b. The rules shall employ a standard format as outlined in Attachment B. The information presented under each major section of Attachment B are guidelines designed to aid in the development of these rules. Details of the rules may vary from one facility to another, depending upon the security classification of the facility or inmate and availability of resources.
- c. The last page of the rules shall have an acknowledgement of receipt of these rules as shown in Attachment B. Inmates shall be requested to sign this acknowledgment and a librarian shall witness the signature.

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**5.0 SCOPE**

This policy applies to all library services section heads under the Library Services Branch of the Corrections Program Services Division.

**APPROVAL RECOMMENDED:**

*Eric Penarosa*

Eric Penarosa, Deputy Director for Corrections

*6/01/94*

Date

**APPROVED:**

*George W. Sumner*

George W. Sumner, Director

*6/1/94*

Date

ATTACHMENT A

STATE OF HAWAII  
DEPARTMENT OF PUBLIC SAFETY

\_\_\_\_\_ FACILITY  
Inmate Request Form  
REQUEST FOR LAW LIBRARY SESSION

TO: LIBRARY UNIT

Date: \_\_\_\_\_

FROM: \_\_\_\_\_  
(PRINT) LAST FIRST

HSE: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
MOD BLK QUAD

SECURITY CLASSIFICATION \_\_\_\_\_

SID NO.: # \_\_\_\_\_

DOCKETED STATUS:  YES  NO

Please schedule me for next week's LAW LIBRARY session:

[Scheduling will be space available. To be scheduled for more than one session, you must have documents on file with the Library unit indicating your "Docketed Status"]

**NOTICE:** YOU ARE RESPONSIBLE TO INFORM US OF THE NAME, DATE AND TIME RELIGIOUS PROGRAMS WHICH MAY CONFLICT WITH SCHEDULING OF YOUR LAW LIBRARY TIME. Please clearly PRINT all conflicts on the lines below.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Case Manager's Signature

\_\_\_\_\_  
Inmate's Signature

## ATTACHMENT B

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(Name of Facility)

### RULES OF THE LAW LIBRARY

#### I. ESCORT REQUIREMENTS

This section shall outline any inmate escort requirements to and from the library. These requirements will depend upon the security classification of the facility and inmate. If no escorts are considered necessary, then it should be so noted in this section.

#### II. INSPECTION AND SEARCH UPON ENTERING OR LEAVING THE LIBRARY

1. Outline any library sign in/out requirements.
2. Outline any requirements for search of person or search of authorized material brought by an inmate upon entering and leaving the library.

#### III. MATERIALS THAT MAY BE BROUGHT INTO THE LIBRARY

Outline in this section what materials an inmate is authorized to bring with them such as legal papers, pens, paper, books, etc.

#### IV. MATERIALS AND EQUIPMENT PROVISIONS

1. This section would outline any items or equipment the inmate will be provided while in the library such as pens, paper, erasers, staplers, hole punchers, correction fluid, typewriter, etc. What the library will not provide may also be outlined.
2. This section may also indicate what materials in the library the inmate shall not have access to such as telephone books, certain reference materials, etc.
3. Any special request forms for borrowing materials would be also outlined here.

**ACKNOWLEDGMENT OF RECEIPT OF RULES  
OF THE LAW LIBRARY**

On \_\_\_\_\_, I, \_\_\_\_\_, received  
(Print Inmate's Name)  
the "Rules of the Law Library" for \_\_\_\_\_ library.  
(Facility)

The Rules were reviewed with me by staff. I understand that the rules constitute an order and failure to follow the rules may result in immediate removal from the Law Library and/or appropriate disciplinary action.

Inmate Signature: \_\_\_\_\_

Staff Signature: \_\_\_\_\_

Date: \_\_\_\_\_

c: Inmate File

V. COPY MACHINE USE

1. This section would outline any provisions for copy machine use which may be unique to the facility beyond those already specified in Department policy. There is no need to repeat here what is already in policy COR.12.02.
2. Any special procedures for requesting copies of legal materials and their cost would be outlined here.

VI. UNAUTHORIZED AREAS

If there are any special areas within the library that are off limits to inmates, they can be specified here.

VIII. LAW LIBRARY SCHEDULING

This section would outline any special provisions on scheduling time in the library such as deadline for submitting requests for library access.

VIII. MUTUAL ASSISTANCE IN THE LIBRARY

This section could include provisions such as:

1. Inmates are allowed to converse on legal matters only.
2. Inmates shall not be allowed to provide legal assistance to other inmates or instruct inmates in the preparation of writs or other legal documents.
3. Inmates shall not inquire from staff about the schedules and cases of other inmates.
4. Inmates shall not furnish any of their legal materials for either copying or review to other inmates or staff without prior written approval of the Branch Administrator.

IX. CONDUCT

This section would outline any special provisions for conduct in the library such as:

1. Inmates shall not be allowed to fraternize or socialize.
2. Inmates are not allowed to sit on floors or tables.

3. Abusive language shall not be used.
4. No hugging shall be allowed.
5. There shall be no loud or boisterous noise.
6. Inmates shall not smoke in the library.

X. REST ROOM FACILITIES

This section would include any special provisions for use of the rest room while inmates are in the library.