



**DISTRICT OF COLUMBIA
DEPARTMENT OF CORRECTIONS**

Program Statement

OPI:	PROGRAMS
Number:	4160.4C
Supersedes:	4160.4B (2/25/08)
Date:	December 6, 2011
Subject:	Library Services

-
1. **PURPOSE AND SCOPE.** To establish guidelines for rendering both legal and general library services to inmates confined at the Central Detention Facility (CDF).

 2. **POLICY.** It is DOC policy to:
 - a. Provide inmates with access to courts and other legal assistance.
 - b. Provide general library services for educational, cultural and recreational use.

 3. **NOTICE OF NON-DISCRIMINATION**
 - a. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §2.1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

 4. **PROGRAM OBJECTIVES.** The expected results of this program are:
 - a. Inmates shall have access to courts and other legal services.
 - b. Inmates shall have access to a law librarian and legal reference materials to facilitate the preparation of legal documents.
 - c. Inmates shall have opportunities to successfully return to the community and reduce the negative effects of confinement.

 5. **DIRECTIVES AFFECTED**
 - a. Directives Rescinded
 - 1) PS 4160.4B Library Services (2/28/08)

b. **Directives Referenced.**

- 1) PS 4030.1 Inmate Grievance Procedures (IGP)

6. **AUTHORITY**

- a. DC Code § 24-211.02. Prowers; Promulgation of Rules
- b. Proconier v. Martinez, 416 U.S. 396 (1974)
- c. Bounds v. Smith, 430 U.S. 817 (1977)

7. **STANDARDS REFERENCED**

- a. American Correctional Association 4th Edition Standards for Adult Detention Facilities: 4-ALDF-2A-62, 4-ALDF-5B-07, 4-ALDF-5C-05, 4-ALDF-6A-01, 4-ALDF-6A-02 and 4-ALDF-6A-03.

8. **LIBRARY SERVICES ADMINISTRATION AND MANAGEMENT**

- a. The Deputy Warden of Programs shall delegate to the Law Librarian responsibility for the Law Library and general reading libraries. The Law Librarian and library clerk or other qualified staff shall coordinate and supervise library services.
- b. Law library staff shall maintain procedures for:
 - 1) Systematically acquiring new materials,
 - 2) Promoting the use of the libraries,
 - 3) Maintaining an appropriate atmosphere for learning to take place,
 - 4) Organizing and classifying materials,
 - 5) Circulating and retrieving materials,
 - 6) Instituting methods of operation to ensure delivery of library services and legal access in a professional, timely and orderly manner,
 - 7) Directly supervising library operations and enforcing rules,
 - 8) Controlling all inmate movement and activities within the library,
 - 9) Assisting inmates in locating materials and knowing what library materials are available, and
 - 10) Taking steps to ensure the library is functional in design and inviting in appearance.
- c. Selection and Maintenance of Library Materials
 - 1) The librarian shall maintain a full array of reference, reading, and audio/visual materials for educational, informational, and recreational purposes.

- 2) The librarian shall actively solicit input from the inmates and staff to determine the needs and desires of the facility population, programs and activities.
- 3) In selecting materials for acquisition, the librarian shall evaluate the existing collection and select new materials based on: requests from inmates and staff, overall purpose of acquisition, quality of the writing/production, popular appeal, authoritativeness or reputation of the publisher/producer.
- 4) Donated books will only be accepted from sources approved by the Warden.
- 5) Library materials shall be purchased from reputable sources.

9. **INMATE LEGAL ASSISTANTS**

- a. The job of each inmate legal assistant is to be a regular full or part-time job, depending on need, and pay for these positions shall be at the regular rate of pay for inmates at the facility.
- b. Each inmate legal assistant is to be given space to work in the law library itself and will be available to provide assistance with legal research and writing to inmates at the facility.
- c. Inmate legal assistants will not be subjected to any form of reprisal for giving legal assistance to other inmates.

10. **GENERAL LIBRARIES**

- a. Satellite libraries shall be maintained on each housing unit. Inmates may check out reading materials from the housing unit Case Manager.
- b. Books from the satellite library may be checked out for one (1) week (seven calendar days). An item may be renewed if there have been no reserves placed on the title.
- c. Loaned materials must be returned before checking out additional material. Materials in the satellite libraries may be regularly rotated among the units.

11. **LIBRARY HOURS**

- a. Each housing unit is scheduled to visit the Law Library for two (2) hours each week.
- b. The law library will be closed on holidays and weekends.
- c. The library is for the use of inmates as a law library and will not be closed for use by staff or inmates for other purposes.

- d. During emergency situations, notice regarding law library access shall be communicated to inmates.
- e. If an inmate needs additional Law Library time, they can seek assistance from their attorney to arrange for the use of a Laptop with Lexis capabilities in South 1 through the Office of General Counsel.
 - 1) A court order will not be required to make these arrangements.
 - 2) The inmate will be returned to his original housing unit when finished.

12. RULES FOR LIBRARY AND LIBRARY MATERIAL USE

- a. There will be no food or drinks in the library.
- b. Inmates must have a movement pass prior to entering the library.
- c. Talking must be kept to a low voice. Inmates who do not comply may be asked to leave and may be subject to disciplinary action.
- d. When library materials are lost, stolen, damaged, or destroyed the replacement cost for the materials will be reimbursed by the responsible library user (the person to whom the item is checked out). Replacement cost for books will be estimated by the Law Librarian. Replacement cost for magazines will be based on current subscription prices.
 - 1) In addition to payment of replacement cost, inmates who willfully or maliciously lose, steal, damage, or destroy library materials will have a misconduct report filed charging them with taking, damaging, disfiguring, abusing, or wasting property.
 - 2) A debit memo in the amount of the cost of the replacement materials will be submitted to the Business Office.
 - 3) Inmates who are shown by the Business Office to be indigent or who do not have the full amount in their account, will be carried with a negative balance until such time sufficient funds are available in the accounts to pay for items to be replaced.
- e. Loan of library materials from one inmate to another is not permitted.
- f. The rules and regulations are posted in the library. Failure to abide by the regulations may result in temporary suspension of library privileges and/or a misconduct report. Temporary suspension of library privileges may only be imposed with the consent of the Warden. Suspended privileges shall be reinstated upon the recommendation of the Warden.

13. ACCESS TO LAW LIBRARY

- a. *General Population Inmates.* General population inmates may sign up for visits to the law library on the housing unit. Upon entering the library, each inmate shall sign the library sign-in/out log to indicate the time of arrival and time of departure.
- b. *Special Management Inmates*
 - 1) Special Management inmates shall submit an inmate request form through the Case Manager. The Case Manager shall forward the request slips to the Librarian each day, Monday through Friday (except holidays).
 - 2) Inmates who are housed in a specialized unit may request a face-to-face meeting with the law librarian or a trained legal clerk for assistance on legal matters. They may do so by submitting a request through the Case Manager when nearing court deadlines.
 - 3) The Librarian shall conduct a weekly walk through of the segregation housing units to address the inmate's needs regarding library or legal reference materials.
- c. An inmate may be relieved from an assigned work squad duty or educational program to visit the law library to prepare for a court deadline that is within seventy-two (72) hours and the inmate is not represented by counsel in the pending matter.
- d. For purposes of this directive, a court deadline shall generally mean a time limit imposed by the court, applicable rules of procedure, or statutes. The librarian shall consider reasonable self-imposed deadlines if essential to the proper course of litigation.

14. LIBRARY SUPPLIES

- a. The law library shall have adequate computer terminals available during library hours for the exclusive use of inmates for legal research and preparation.
- b. The Law Librarian shall maintain adequate supplies of copy paper, legal paper, envelopes, paper clips, staples, and writing utensils for inmates using the law library facilities.

15. REVIEW OF RECORDED AUDIO AND VIDEO SURVEILLANCE.

When an inmate has large numbers of hours of audio and video surveillance to review that are recorded, there are a number of options for how an inmate can review them.

a. **Review in Attorney Visitation**

- 1) The inmate's attorney, the attorney's staff including investigators, law clerks, law student's and interpreters can enter the Jail and CTF in accordance with

DOC rules and procedures with a laptop computer with the surveillance recordings downloaded on cds/dvds and/or the hard drive of the computer and review the surveillance with their client in attorney visitation.

- 2) The visitor shall not give the cds/dvds to the inmates to bring back to their cells. The visitor must account for the cds/dvds at departure from the Jail. Cds/dvds are contraband in the Jail and if passed to an inmate by an attorney, the attorney may have their visiting rights suspended or revoked and may be reported to the Bar and the Court.

b. **Review in the Central Detention Facility and Correctional Treatment Facility**

- 1) Attorneys may request that their clients at the Jail be allowed to review their surveillance cds/dvds on a laptop computer. Upon advanced request, the Department of Corrections Office of the General Counsel will accept custody of audio and video surveillance cds/dvds for an inmate to review so long as they are submitted by the attorney of record with a letter certifying that the cds/dvds contain only video/audio surveillance and no printed discovery materials or contraband. This allows DOC to accept the tapes without having to review them.
- 2) Each inmate's disc(s) should be prepared and marked with the name or names and DCDC number(s) of the inmates who are to review them printed clearly on the front. Printed discovery material shall not be included on the discs and must be submitted in hard copy. Any printed material or otherwise unauthorized material concealed in the discs shall be deemed contraband and the attorney introducing it to the DOC may be banned from the facility or face disciplinary action by the Court and Bar. Imbedded and formatting information contained in the video and audio surveillance supplied by the government shall not be deemed contraband and may remain in the cds/dvds.
- 3) The inmate's defense counsel should advise the inmate of the surveillance review procedure in advance in order to reduce the likelihood that the inmate will refuse the procedure because of misunderstanding. If an inmate refuses to the procedure, he will be provided a waiver indicating it was offered to him and then declined. If he refuses to sign the waiver, it shall be noted by the staff on the document. An inmate may change his mind at a later date and can request the process be initiated again through his counsel and the DOC General Counsel. An inmate can re-review his tapes upon request following the same procedures.
- 4) At the Jail, the inmate identified for surveillance review shall be moved from his housing unit and placed in administrative segregation. The inmate will be provided a laptop in his cell and his discs full time. While on the surveillance review unit, the inmate will receive the same out of cell time as other inmates in administrative segregation including recreation, social and legal visits, phone use, commissary and the other privileges accorded an inmate in segregation.

- 5) Charge's for the laptops are located on the Unit and laptops shall be recharged by the staff when the battery runs low. It takes approximately 4-5 hours to recharge a battery in full and the computer should run for 4 to 12 hours. It should be noted that some surveillance review will run down a charge much faster and will require more frequent charging.
- 6) When the inmate indicates that he has completed his review, he will return to his previous housing unit.
- 7) No inmate can be provided extra law library time to review surveillance evidence.

16. PHOTOCOPY RULES

a. Pleadings and Motions

- 1) Inmates shall submit motions and other legal pleadings to the law librarian or the library clerk for photocopying.
- 2) US District Court. The law library will provide four (4) copies of motions and other legal pleadings (the original and one copy for the Court, one copy for opposing counsel in a case with only one attorney or firm as opposing counsel, and one copy for the inmate).
- 3) DC Superior Court. The law library will provide three (3) copies of motions and other legal pleadings (the original for the Court, one copy for opposing counsel in a case with only one attorney or firm as opposing counsel, and one copy for the inmate).
- 4) Published cases shall not be copied as exhibits to motions and newspaper articles shall not be copied unless directly pertinent to the motion.
- 5) Copies of motions and other legal pleadings shall be returned to inmates no later than the following work day. Pleadings and motions with court deadlines receive priority copying.
- 6) In addition to copies made for court filings, an inmate shall be permitted to have copies of correspondence, pleadings and motions made for potential counsel, and counsel already representing the inmate.
- 7) Where it appears that the copying privilege is being abused, the librarian may require justification for the requested copying.
- 8) The inmate's counsel shall not use this provision to obtain copies of pleadings or motions that they have prepared.

- 9) All rules regarding the copying and mailing of legal pleadings shall be the same for those in a specialized unit as for those in the general population.

b. **Cases**

- 1) The Law Librarian shall provide requested copies of cases to the requesting inmate within 24 hours (exclusive of non-work days), subject to a court filing deadline.
- 2) Inmates without court deadlines may request copies of up to five (5) cases once a week.
- 3) Copies of the requested legal materials to inmates without a court deadline will be delivered to the inmate within five (5) working days.
- 4) Copied materials shall become the property of the requesting inmate. The law librarian or law clerk shall indicate on the Inmate Legal Request Slip form (Attachment 1) when the requested material was received and when the inmate was given notice of the arrival of the materials.

c. **Complaint Procedures**

- 1) Any inmate who encounters difficulties obtaining legal materials or counseling from legal assistants, or who has concerns regarding compliance with this Program Statement, shall file an Inmate Grievance Form.
- 2) A response shall be provided within the time limits specified by *PS 4030.1, Inmate Grievance Procedures*.

A handwritten signature in black ink, appearing to read 'Thomas Faust', with a stylized flourish at the end.

Thomas Faust
Acting Director

Attachments

- Attachment 1 – Law Library Material Request Form
- Attachment 2 – Law Library Schedule