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	POLICY AND PROCEDURE		SUPERSEDES:	4160.4E January 22, 2015	
			OPI:	PROGRAMS	
			REVIEW DATE:	April 26, 2017	
			Approving Authority	Thomas Faust Director	
	SUBJECT:	LIBRARY SERVICES			
NUMBER:	4160.4F				
Attachments:	Attachments – Attachment A - E				

SUMMARY OF CHANGES:

Section	Change
	<i>Inmate Legal Assistants has been changed to Inmate Legal Clerks throughout.</i>
	<i>Segregation Housing Units has been changed to Restrictive Housing Units throughout.</i>
	<i>Minor changes made throughout.</i>

APPROVED:



Thomas Faust, Director

4/26/2016

Date Signed

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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 access legal information that may assist them in their pursuit to successfully return to the community.
 - d. Inmates shall have access to District of Columbia Public Library (DCPL) materials via mobile library services.
5. **DIRECTIVES AFFECTED**
 - a. **Directives Rescinded**
 - 1) PP 4160.4E Library Services (1/22/15)

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b. Directives Referenced.

- 1) PP 4030.1 Inmate Grievance Procedures (IGP)
- 2) PP 4070.4 Inmate Correspondence and Incoming Publications
- 3) PP 4160.3 Access to Legal Counsel

6. AUTHORITY

- a. DC Code § 24-211.02. Prowers; Promulgation of Rules
- b. Procurier v. Martinez, 416 U.S. 396 (1974)
- c. Bounds v. Smith, 430 U.S. 817 (1977)
- d. Memorandum of Understanding (FY 2016) between DC Department of Corrections and DC Public Library regarding the “Mobile Library”

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. LAW LIBRARY SERVICES ADMINISTRATION AND MANAGEMENT

- a. The Deputy Warden for Programs and Case Management shall delegate to the Law Librarian responsibility for the Law Library. The Law Librarian and library clerk or other qualified staff shall coordinate and supervise law library services.
- b. Law Library staff shall maintain procedures for:
 - 1) Systematically acquiring new legal materials,
 - 2) Promoting the use of libraries,
 - 3) Maintaining an appropriate atmosphere for learning to take place,
 - 4) Organizing and classifying materials,
 - 5) Circulating and retrieving materials,

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- 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 inmates in locating materials and knowing what library materials are available, and
 - 9) Taking steps to ensure the library is functional in design and inviting in appearance.
- c. Selection and Maintenance of Library Materials
- 1) The law librarian shall maintain a full array of reference, reading, and audio/visual materials for educational, informational, and legal purposes.
 - 2) The law 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 law 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.

9. INMATE LEGAL CLERKS

- a. The job of each inmate legal clerk 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 clerk 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.

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- c. Inmate legal clerks will not be subjected to any form of reprisal for giving legal assistance to other inmates.

10. LAW LIBRARY HOURS

- a. Each housing unit is scheduled to visit the Law Library for two (2) hours each week. Schedules are posted in each housing unit.
- 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 open for use by staff or inmates for other purposes. An exception can be made for the use of infrequent program uses, i.g., voting, SAT testing, and GED testing.
- 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 LexisNexis capabilities in South 1 through the DOC 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.

11. RULES FOR LAW LIBRARY AND LAW LIBRARY MATERIAL USE

- a. There will be no food or drink in the law library.
- b. Inmates must have a movement pass prior to entering the law 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. Saving documents on the computer or inputting codes to prevent other inmates from using the computer is prohibited and may be subject to disciplinary action.
- e. When library materials are lost, stolen, damaged, or destroyed the market value for the materials will be reimbursed by the responsible library user (the person to whom the item is checked out). Replacement for books will be

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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 accordingly under Policy 5300.1, Inmate Disciplinary and Administrative Housing Procedures with destruction of property or other designated code violation, which will result in having library services suspended.
 - 2) A debit memo in the amount of the cost of the replacement materials will be submitted to the Finance Office.
 - 3) Inmates who are determined by the Finance 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. The rules and regulations are posted in the law library. Failure to abide by the regulations may result in temporary suspension of library privileges and/or a misconduct report. Temporary suspension of law library privileges may only be imposed with the consent of the Warden. Suspended privileges shall be reinstated upon the recommendation of the Warden.
- f. All materials will be returned to library services upon inmate discharge.

12. 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 logbook to indicate the time of arrival and time of departure.
- b. *Restrictive Housing Inmates*
 - 1) Restrictive Housing inmates shall submit an inmate request form through the Case Manager. The Case Manager shall forward the request slips to the Law Librarian each day, Monday through Friday (except holidays).

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- 2) Inmates who are in restrictive housing may request a face-to-face meeting with the law librarian for assistance but not request legal advice. They may do so by submitting a request through the Case Manager.
 - 3) The Law Librarian shall conduct a weekly walk through of the restrictive 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 if 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 Law Librarian shall consider reasonable self-imposed deadlines if essential to the proper course of litigation.

13. **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.

14. **INMATE 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 defense attorney (or attorney's staff including investigators, law clerks, law students 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.

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- 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) Defense attorneys may request that their clients at the Jail be allowed to review their surveillance cds/dvds on a laptop computer provided by the DOC.
 - 2) 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 only after receiving, **from the defense attorney**, a signed copy of the Acknowledgment and Waiver of Liability Form (Attachment C) from *Access to Legal Counsel* (PP 4160.3), which includes a certification that the cds/dvds provided contain only video/audio surveillance, that the discs contain no printed discovery materials, line sheets, or contraband, that the defense attorney has marked each disc with the reviewing inmate's name and DCDC number, and that the defense attorney waives liability by the District of Columbia for the use of the accommodation. This allows DOC to accept the tapes without having to review them.
 - 3) Embedded 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. Only copies of cds/dvds shall be submitted to the Office of the General Counsel; defense counsel shall maintain the originals. By accepting the discs, the DOC and the General Counsel shall not be responsible for them as bailors in fact or law. 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.

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- 4) The alternative review procedure does not guarantee that an inmate will review any/all cds/dvds provided. The procedure is subject to the availability of DOC staff to facilitate the program, laptop computers, and available cells. The procedure is triaged on a first-come, first-served basis and DOC cannot guarantee that any inmate will review his/her cds/dvds within any allotted period of time. Additionally, the inmate will be required to sign the Inmate Acknowledgement and Release (Attachment D) from *Access to Legal Counsel* (PP 4160.3), when presented with the opportunity for surveillance review. The inmate can refuse to review his/her discs when presented with the alternative review procedure. If an inmate refuses to sign the form or refuses the opportunity to review his/her surveillance notification will be made and the signed form with the inmates refusal shall be given to the Office of General Counsel.
- 5) If the alternative surveillance review program is in any way delaying the inmate's ability to review the recorded audio and video surveillance, it is defense counsel's responsibility to review the cds/dvds with their client in attorney visitation. Defense counsel may contact the DOC Office of the General Counsel to have the inmate's cds/dvds returned to them.
- 6) 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.
- 7) At the Jail, the inmate identified for surveillance review shall be moved from his housing unit and placed in administrative restrictive housing (lockdown). 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 restrictive housing including recreation and legal visits.
- 8) Inmates shall be placed in designated cells on South 1 that have been wired with electrical outlets for the use of the laptop equipment. If those cells are not available, they may use the laptop battery. Charges 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.

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- 9) When the inmate indicates that he has completed his review, he will return to his previous housing unit.
- 10) No inmate will be provided extra law library time to review surveillance evidence.

15. 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.

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- 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 48 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 D) 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 from legal clerks, or who has concerns regarding compliance with this directive, shall notify the Law Librarian.
- 2) A response shall be provided within the time limits specified by *PP 4030.1, Inmate Grievance Procedures*.

16. MOBILE LIBRARY SERVICES

- a. Mobile Library service will be managed by the DCPL.
- b. Mobile Library service shall maintain a full array of educational, informational, and recreational reading materials that meet the security and content requirements of PP 4070.4, Inmate Correspondence and Incoming Publications.
- c. In selecting materials for acquisition, DCPL shall evaluate the existing collection and select new materials based on: requests from inmates, overall purpose of acquisition, quality of writing/production, popular appeal, and authoritativeness or reputation of the publisher/producer.

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- d. Mobile Library materials shall be purchased from reputable sources.

17. MOBILE LIBRARY PROCEDURES

- a. A mobile book cart will be brought to each housing unit on a rotating schedule with a robust selection of books. Inmates may check out two (2) reading materials from the DCPL Librarian.
- b. Inmates housed in restrictive housing units must complete the DCPL Mobile Library Segregated Unit Request Slip (Attachment A) for mobile library material use.
- c. DCPL Librarians shall issue inmates a book receipt (Attachment B) for each item checked out that will include return dates.
- d. Books from the DCPL may be checked out for one (1) week. Items may be renewed once. All books checked out are logged on the DCPL paper Circulation Log (Attachment C).
- e. Loaned materials must be returned before checking out additional material. Materials on the mobile library will be regularly rotated among the housing units.

18. RULES FOR MOBILE LIBRARY MATERIAL USE

- a. Inmates who lose, steal, damage, or destroy three (3) books will be suspended from using general libraries for a period of 30 days.
- b. In addition, inmates who willfully or maliciously lose, steal, damage, or destroy library materials will have a disciplinary report filed charging them with Theft, Minor Contraband and/or Damage or destruction of property.
- c. Loan of library materials from one inmate to another is not permitted.
- d. All materials will be returned to library services upon inmate release/transfer. A book-return bin is located in the Inmate Reception Center.

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Attachments

Attachment A – DCPL Mobile Library Segregated unit Request Slip

Attachment B – DCPL Book Receipt

Attachment C – DCPL Paper Circulation Log

Attachment D – Inmate Legal Request Slip

Attachment E – Law Library Schedule

DOC/PP4160.4F/4/26/16



DCPL Mobile Library Restrictive Housing Unit Request Slip

Inmate Name: _____ DCDC#: _____

Housing Unit and Cell Number: _____ Date: _____

Please place a check in the boxes of genres that you are interested in:

Check	Genre (Topic)
	Non-Fiction (Circle): History, Biography, Educational
	Non-Fiction (Circle): Self-help, How-To, Inspirational
	Popular Fiction
	Science Fiction/Fantasy
	Mysteries
	Westerns
	Other (fill-in):

Are there any specific authors who you are interested in reading books by? _____

Based upon your response, you will be provided with up to two books. Books may be borrowed for 1 month. When books are returned, a new request may be submitted.

Staff Signature

Date



DCPL Book Receipt

<p style="text-align: center;">DCPL Book Receipt</p> <p style="text-align: center;"> dc public library</p> <p>Name: _____</p> <p>Return Date: _____</p> <p>Title(s): _____</p> <p>_____</p>	<p style="text-align: center;">DCPL Book Receipt</p> <p style="text-align: center;"> dc public library</p> <p>Name: _____</p> <p>Return Date: _____</p> <p>Title(s): _____</p> <p>_____</p>
<p style="text-align: center;">DCPL Book Receipt</p> <p style="text-align: center;"> dc public library</p> <p>Name: _____</p> <p>Return Date: _____</p> <p>Title(s): _____</p> <p>_____</p>	<p style="text-align: center;">DCPL Book Receipt</p> <p style="text-align: center;"> dc public library</p> <p>Name: _____</p> <p>Return Date: _____</p> <p>Title(s): _____</p> <p>_____</p>
<p style="text-align: center;">DCPL Book Receipt</p> <p style="text-align: center;"> dc public library</p> <p>Name: _____</p> <p>Return Date: _____</p> <p>Title(s): _____</p> <p>_____</p>	<p style="text-align: center;">DCPL Book Receipt</p> <p style="text-align: center;"> dc public library</p> <p>Name: _____</p> <p>Return Date: _____</p> <p>Title(s): _____</p> <p>_____</p>
<p style="text-align: center;">DCPL Book Receipt</p> <p style="text-align: center;"> dc public library</p> <p>Name: _____</p> <p>Return Date: _____</p> <p>Title(s): _____</p> <p>_____</p>	<p style="text-align: center;">DCPL Book Receipt</p> <p style="text-align: center;"> dc public library</p> <p>Name: _____</p> <p>Return Date: _____</p> <p>Title(s): _____</p> <p>_____</p>

DISTRICT OF COLUMBIA - DEPARTMENT OF CORRECTIONS
CENTRAL DETENTION FACILITY
Inmate Legal Request Slip

LAW LIBRARY OPERATION

NAME _____ DATE _____

DCDC _____ UNIT _____ CELL _____

PLEASE EXPLAIN THE NATURE OF YOUR REQUEST BELOW.

- 1 _____
- 2 _____
- 3 _____
- 4 _____
- 5 _____
- 6 _____
- 7 _____
- 8 _____
- 9 _____
- 10 _____

Inmate's Signature _____ Date _____
Your signature constitute receipt of legal material and/or document(s) processed & return.

SUPPLIER'S NAME-PRINT: _____

SUPPLIER'S SIGNATURE: _____

DATE ITEMS SUPPLIED: _____

DC DEPARTMENT OF CORRECTIONS
 Central Detention Facility
 Law Library Schedule

Attachment E
PP 4160.4

<u>Time</u>	<u>Monday</u>
8:45 am – 10:45am	Southwest Two
10:45am – 12:45 pm	Northwest Three
12:45 pm - 2:45 pm	North 3

<u>Time</u>	<u>Tuesday</u>
8:45 am – 10:45am	Northeast Three
10:45am – 12:45 pm	Southwest Three
12:45 pm - 2:45 pm	Southeast Three

<u>Time</u>	<u>Wednesday</u>
8:45 am – 10:45am	Southwest One
10:45am – 12:45 pm	Northeast Two
12:45 pm - 2:45 pm	Adult Education

<u>Time</u>	<u>Thursday</u>
8:45 am – 10:45am	Southeast Two
10:45am – 12:45 pm	Northwest Two
12:45 pm - 2:45 pm	Southeast One

<u>Time</u>	<u>Friday</u>
8:45 am – 10:45am	South Two (Intake)
10:45am – 12:45 pm	Northwest One
12:45 pm - 2:45 pm	North Two

3:30 pm – 7:00 pm	Monday - Friday	GED Preparation (every 2 months)
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***Restrictive Housing Visitation Schedule**

<u>Time</u>	<u>Tuesday</u>	<u>Friday</u>
9:00 am – 11:00 am	North One South Three (Thompson)	South One Northeast One Juvenile-CTF (will send request slip(s) to Law Library. Case Manager and Program Manager)

*Restrictive Housing visitation schedule are subject to change due to the nature of the Law Library Schedule.
 *NOTE: All status units receive service only through a Library Request Slip, which can be retrieved from the Officer in Charges (OIC) or Case Manager of each unit. OIC/Case Manager in the Intake Unit will take request slips around to all cells and return the request to the Law Library Officer, Law Library staff, and place in department (DOC) mail.