

GENERAL DISTRIBUTION

**WEST VIRGINIA
DIVISION OF CORRECTIONS
& REHABILITATION**

NUMBER: 329.00

DATE: 29 October 2021

SUBJECT: LAW LIBRARIES

POLICY DIRECTIVE

PURPOSE:

To ensure the continued operation of Law Libraries and the provision of legal reference materials in adult correctional facilities.

REFERENCE:

None.

RESPONSIBILITY:

Superintendents shall be responsible for enacting Operational Procedures and Post Orders to ensure compliance with this Policy Directive.

CANCELLATION:

Any previous written instruction on the subject including DOC Policy Directive 329.00, dated 01 October 2007.

APPLICABILITY:

All facilities within the Division of Corrections and Rehabilitation (DCR) that have custody of adult inmates. This Policy is available for general distribution and is to be made available for inmate review.

DEFINITIONS:

None.

POLICY:

- I. Each adult facility within the Division of Corrections and Rehabilitation (DCR) shall maintain a Law Library as provided by this Policy Directive.

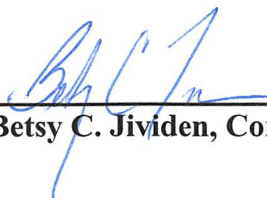
- A. For efficiency and operational necessity, the Law Library may be a separate section of the general facility library.
 - B. Each Law Library shall provide writing surfaces and seating for material review, note-taking and/or preparation of legal documents consistent with the number of occupants allowed at one time. Lighting shall be in accordance with proper reading and studying standards.
 - C. Inmates will be provided access to and the opportunity to use the Law Library within the constraints of security requirements and orderly operations of the facility. Facilities with work release units and/or work camps shall ensure access and opportunity to inmates assigned to those areas as well. No inmate shall be denied reasonable access to the Law Library.
 - D. The Law Library shall include, at a minimum, relevant and up-to-date constitutional, statutory, and case law materials, applicable court rules, and practice treatises. These may be in electronic format. Printed legal references and documents shall be checked regularly for accountability and damage and repaired or replaced as appropriate.
 - E. When an inmate is unable to make meaningful use of the Law Library on his/her own, the additional assistance necessary for effective access shall be provided.
- II. Each facility shall establish and regularly post a schedule of inmate access to the Law Library by housing unit, security classification, or other means.
- A. This schedule shall be designed to provide every inmate, except special security classifications, an equal opportunity as possible to use the Law Library.
 - B. The schedule shall consider conflicting inmate work and educational programs and make provisions to ensure that inmates involved in such programs are not precluded from reasonable access to the Law Library.
 - C. Due to library size or other reasonable security considerations, a facility may limit the number of inmates permitted to use the Law Library at any given time or close the library pursuant to security concerns.
 - D. Where staff shortages prevent a facility from escorting special security classification inmates to and from the Law Library, the facility shall provide special procedures for the housing unit so affected. These procedures shall include, but are not limited to, the following:
 - 1. Check out procedures or document print/copy services that ensure inmates receive a copy of a requested case or material within a reasonable amount of time.

2. Inmate borrowing of legal references for a period of not more than forty-eight (48) hours.
- III. As required by DCR Policy Directive 328.00, inmates shall have reasonable access to necessary supplies related to legal matters, such as paper for legal documents, writing instruments, envelopes and reasonable postage, and reasonable copying.
- A. All facilities will provide inmates with the opportunity to have copies of documents to be filed as a part of court actions. The equipment and materials are not for the duplication of court decisions or other materials of any kind which are not intended to be filed with an appropriate court.
 - B. Upon request from an inmate, and upon verification that a court action has been initiated, staff will provide the inmate with three (3) copies of legal documents necessary for filing the aforementioned court action free of charge up to a total of seventy-five (75) pages.
 - C. Inmates will be assessed ten (10) cents per page thereafter for any other requests for copies except as provided in above paragraph.
 - D. Indigent inmates may not be denied access to legal copies but may be charged a negative balance in their Trustee Account until they gain sufficient funds to reimburse the facility for copying.

ATTACHMENT(S):

None.

APPROVED SIGNATURE: _____


Betsy C. Jividen, Commissioner

10-15-21
Date