



POLICY STATEMENT
Commonwealth of Pennsylvania • Department of Corrections

Policy Subject: Access to Provided Legal Services		Policy Number: DC-ADM 007
Date of Issue: April 6, 2015	Authority: Signature on File John E. Wetzel	Effective Date: April 13, 2015

I. AUTHORITY

The Authority of the Secretary of Corrections to direct the operation of the Department of Corrections is established by Sections 201, 206, 506, and 901-B of the Administrative Code of 1929, 71 P.S. §§61, 66, 186, and 310-1, Act of April 9, 1929, P.L. 177, No. 175, as amended.

II. APPLICABILITY

This policy is applicable to all facilities operated under the jurisdiction of, or conducting business with the Department of Corrections.

III. POLICY

It is the policy of the Department that legal reference materials are acquired, maintained, and made available to an inmate, and that assistance in the use of legal reference materials is made available to an eligible inmate.¹

IV. PROCEDURES

All applicable procedures are contained in the procedures manual that accompanies this policy document.

¹ 4-4274, 4-4276, 4-4505

V. SUSPENSION DURING AN EMERGENCY

In an emergency or extended disruption of normal facility operation, the Secretary/designee may suspend any provision or section of this policy for a specific period.

VI. RIGHTS UNDER THIS POLICY

This policy does not create rights in any person nor should it be interpreted or applied in such a manner as to abridge the rights of any individual. This policy should be interpreted to have sufficient flexibility to be consistent with law and to permit the accomplishment of the purpose(s) of the policies of the Department of Corrections.

VII. RELEASE OF INFORMATION AND DISSEMINATION OF POLICY

A. Release of Information

1. Policy

This policy document is public information and may be released upon request.

2. Confidential Procedures (if applicable)

Confidential procedures for this document, if any, are not public information and may not be released in its entirety or in part, without the approval of the Secretary of Corrections/designee. Confidential procedures may be released to any Department of Corrections employee on an as needed basis.

B. Distribution of Policy

1. General Distribution

The Department of Corrections' policy and procedures shall be distributed to the members of the Central Office Executive Staff, all Facility Managers, and Community Corrections Regional Directors on a routine basis. Distribution of confidential procedures to other individuals and/or agencies is subject to the approval of the Secretary of Corrections/designee.

2. Distribution to Staff

It is the responsibility of those individuals receiving policies and procedures, as indicated in the "General Distribution" section above, to ensure that each employee expected or required to perform the necessary procedures/duties is issued a copy of the policy and procedures either in hard copy or via email, whichever is most appropriate.

VIII. SUPERSEDED POLICY AND CROSS REFERENCE

A. Superseded Policy

1. Department Policy

DC-ADM 007, Access to Provided Legal Services, issued December 1, 2009, by former Secretary Jeffrey A. Beard, Ph.D.

2. Facility Policy and Procedures

This document supersedes all facility policy and procedures on this subject.

B. Cross Reference(s)

1. Administrative Manuals

DC-ADM 816, "Inmate Compensation"

2. ACA Standards

a. Administration of Correctional Agencies: None

b. Adult Correctional Institutions: 4-4274, 4-4276, 4-4505

c. Adult Community Residential Services: None

d. Correctional Training Academies: None



PROCEDURES MANUAL
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Release of Information:

Policy Document: This policy document is public information and may be released upon request.

Procedures Manual: The procedures manual for this policy may be released in its entirety or in part, with the prior approval of the Secretary/designee. Unless prior approval of the Secretary/designee has been obtained, this manual or parts thereof may be released to any Department employee on an as needed basis only.

**DC-ADM 007, Access to Provided Legal Services
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Section 1 – Law Libraries and Services¹

A. Facility Acquisition and Maintenance of Legal Reference Materials

1. Each facility will acquire and maintain specific legal reference material. The facility's Main Law Library shall maintain material in accordance with the **Main Law Library Legal Reference Materials List (Attachment 1-A)**; a Mini Law Library shall maintain material in accordance with the **Mini Law Library Legal Reference Materials List (Attachment 1-B)**, and a Capital Case Mini Law Library shall maintain material in accordance with the **Capital Case Mini Law Library Legal Reference Materials List (Attachment 1-C)**.²
2. Legal reference materials will be supplemented or replaced as required at the direction of the Library Staff based upon the facility's specific need.³
3. Where creation of a new Mini Law Library would constitute an undue expense, given its proposed usage, the facility may develop alternative procedures to ensure the protection of an inmate's constitutional right of access to court. The proposed alternative is subject to the approval of the facility's designated Regional Deputy Secretary.

B. Law Library Services

1. Each facility shall develop local procedures governing the operation of the facility's Main Law Library, Mini Law Library, and Capital Case Mini Law Library, if any. Local procedures shall establish the following:
 - a. specific hours during which the facility's Main Law Library, Mini Law Library, and Capital Case Mini Law Library, if any, shall be open. At a minimum, library services shall be available daily, including evenings and weekends;⁴
 - b. the manner in which inmates must request access to the Main Law Library, Mini Law Library, and Capital Case Mini Law Library, if any; and
 - c. any other aspect of the operation of the facility's Main Law Library, Mini Law Library, and Capital Case Mini Law Library.
2. Use of the Main Law Library at each facility shall be limited to each inmate housed in general population at such facility.
3. Due to the limited size of each Mini Law Library, use of a Mini Law Library at a facility shall be limited to the **non-general population inmates housed on the unit for which the Mini Law Library is designated by the facility**. Use of a Capital Case Mini Law

¹ 4-4276

² 4-4508

³ 4-4508

⁴ 4-4510

Library shall be limited to capital case inmates at the facility.⁵ Research periods will be scheduled and assigned in time blocks of two hours each, for a maximum of six hours per week for **any inmate unless additional time is available as set forth in Subsection B. 5 below.**

4. A Mini Law Library shall be available for legal research seven days a week, eight hours per day, as needed.
5. Should library space be available due to a lack of demand, an inmate may be permitted to continue to use the **relevant Mini Law Library or Capital Case Mini Law Library** beyond the assigned period, not to exceed the normal hours of operation **of the relevant Mini Law Library or Capital Case Mini Law Library.**
6. Legal reference materials acquired and maintained in a Mini Law Library **or Capital Case Mini Law Library** shall not be circulated and shall remain within the Mini Law Library **or Capital Case Mini Law Library** at all times.
7. The Mini Law Library or **Capital Case Mini Law Library** at each facility shall accommodate and may be used by up to two inmates at a time. Any two inmates may be prohibited from using the Mini Law Library or **Capital Case Mini Law Library** simultaneously if facility staff determines that such inmates should be kept separate for security reasons.
8. No particular inmate or group of inmates is to be given priority access to the sign-up sheets or to a Mini Law Library or **Capital Case Mini Law Library.** Access to the sign-up sheets and to a Mini Law Library **or Capital Case Mini Law Library** will neither be delayed nor withdrawn from any inmate for disciplinary reasons, unless the disciplinary violation is associated with the misuse of the Mini Law Library or **Capital Case Mini Law Library.**

C. Inter-Library Loan

1. **Legal material that is not available via the law library computers may be requested through inter-library loan. Legal material that may be requested does not include items that express non-judiciary opinions and analyses of the law, such as law review articles, legal newspapers and/or legal journals.**
2. **Inter-library loan, including legal inter-library loan, is a privilege and is not to be misused or abused. Any inmate whose inter-library loan requests result in the Department incurring total out-of-pocket costs in excess of \$15.00 in a rolling one-year period shall not be permitted to anticipate postage, copying or other costs for inter-library loan purposes for the subsequent rolling two year period.**
3. **A copy of the DC-ADMs, Department Policies and Procedures Manuals that are available to the public shall be maintained in the Main Law Library. The copy of**

⁵ 4-4273, 4-4268

such policies and procedures manuals may not be removed from the Main Law Library and may not be defaced or destroyed by an inmate. The librarian shall update the DC-ADMs when amended and the Department Policies and Procedures Manuals when, in the librarian's discretion there is a major change to it or if directed to do so by the Department's Bureau of Standards, Policies and Internal Audits.

4. *The librarian shall print one copy of the following policies and procedures manuals and place them in each mini-law library: DC-ADM 001, "Inmate Abuse," DC-ADM 007, "Access to Provided Legal Services," DC-ADM 008, "Prison Rape Elimination Act (PREA)," DC-ADM 201, "Use of Force," DC-ADM 801, "Inmate Discipline," DC-ADM 802, "Administrative Custody Procedures," DC-ADM 804, "Inmate Grievance System," and Department Policies and Procedures Manuals 13.1.1, "Management and Administration of Health Care Services," 13.2.1, "Access to Health Care," and 13.8.1, "Access to Mental Health Care." The preceding DC-ADMs and Department Policies and Procedures Manuals may not be removed from the mini-law library or defaced or destroyed. The librarian will inventory the copies of the preceding DC-ADMs and Department Policies and Procedures Manuals and replace any that are missing or unusable no more often than once per quarter. The librarian, in his or her discretion may also replace one of the preceding DC-ADMs or Department Policies or Procedures Manuals if there are major changes to it or if directed to do so by the Department's Bureau of Standards, Policies and Internal Audits.*
5. *An inmate may request his/her own copy of a DC-ADM, Department Policy or Procedures Manual that is available to the public by filing a DC-135A, Inmate Request to Staff Member form with the librarian. The Department will not copy less than an entire section of any DC-ADM, Department Policy or Procedures Manual. The fee for any such copy must be prepaid and shall be the then current per page copying fee charged by the Department.*

D. Determining the Need for Extra Library Time

The following criteria shall be used when determining the need for additional time in the Main Law Library.

1. *Priority 1 – Inmate challenges to criminal convictions or conditions of confinement where the inmate has an express court order establishing a deadline or such a deadline is established automatically under applicable court rules. When in doubt the Librarian or the Library Assistant may consult with the Office of Chief Counsel for the appropriate rule.*
 - a. *Within this category consideration shall be given to the actual due date and the amount of library time reasonably needed to perform the necessary legal work.*
 - b. *Inmates are required to show Library staff their copy of the court order or rule of court stating that there is a deadline in their case and staff may make a copy of the notice or rule, but at no cost to the inmate.*

- c. ***Inmates who are given extra time and do not appear at the Main Law Library at their appointed time will forfeit the extra time unless they have a legitimate excuse.***
2. ***Priority 2 – Inmate cases not covered in Priority 1 such as civil matters not involving prison conditions litigation (e.g. divorce, custody or foreclosure) where there is an express deadline imposed by the court or applicable rule.***
3. ***Priority 3 - Inmates with litigation for which there is no deadline shall be scheduled for law library by signing up in accordance with the facility's general practice. They do not need additional time if they have no deadline.***

E. Photocopying Services

Each facility shall provide on-site legal document photocopying services to an inmate. Photocopying services will be available to every inmate at \$.10 cents per side. ***Inmates without funds in their accounts must submit a request to the Business Manager per Department policy DC-ADM 803, "Inmate Mail and Incoming Publications." All documents submitted for copying are subject to inspection by any Department employee for security, potential copyright violation or violations of Department policy.***

F. Non-English Speaking Inmates

1. The Department will make reasonable efforts to provide non-employee translation services for non-English speaking inmates for the purposes of:
 - a. communicating with the Library staff and/or Inmate Legal Reference Aides;
 - b. translating (orally or in writing) legal materials or court documents; and
 - c. transcribing into English, documents prepared for submission to court.
2. Non-employee translator services are limited to the purposes set forth above and do not extend beyond those translator services available in the surrounding community.
3. Translator services will only be available for on-site services and will not be available for any reason when an inmate is away from the facility.

G. Notary Services

1. The Department will provide certain notary services without charge to an inmate. Notary services are limited to documents for which there is no alternative to the action of a notary public. The Department will not provide notary services for documents that can be executed subject to the penalty for unsworn falsification to authorities. Additionally, notary services will not be provided for grievances, misconduct appeals, requests to staff members, or photographs. The Pennsylvania Rules of Civil Procedure and the

Pennsylvania Rules of Appellate Procedure allow a person signing a document to include a statement that the document is made subject the penalties of **18 Pa.C.S. §4904.28 (Pennsylvania Statute)**. **U.S.C. §1746 (Federal Statute)** provides the same authority for federal court matters.

2. A Department notary cannot provide legal advice, make legal recommendations or give legal opinions to an inmate.
3. A Department notary will not provide notary services for documents that are presented in any language other than English unless the notary can communicate in and read the language used in the document.
4. An inmate requesting the services of a notary shall:
 - a. present the original document to the notary public for review;
 - b. answer the notary public's questions concerning the document and the requested notary services;
 - c. present the Department issued inmate identification card to the notary public for review;
 - d. sign and date the document in the presence of the notary public; and
 - e. sign the notary public register when requested.
5. Failure to do any action or to provide the Department notary public with any of the information listed in **Subsection G.4. above**, may result in the denial of notary public services.
6. A Department notary public shall:
 - a. review any document for which notary services are requested to verify that:
 - (1) the document is an "original," i.e., unsigned or any previously affixed signatures are in ink rather than a facsimile or photocopied document with the signature reproduced;
 - (2) the document is complete with pages consecutively numbered and that there are no missing pages;
 - (3) the document does not contain blanks which should be completed prior to the inmate affixing his/her signature; and
 - (4) the document is not fraudulent on its face, a type of document that cannot be subject to the notary public's services or one for which an alternative to notary public services exists.

- b. determine that the requested services are within the powers conferred by the notary public's commission and not against the Department's policies;
 - c. verify the identity of the inmate prior to the inmate signing the document; and
 - d. observe the inmate signing the document.
7. An inmate shall use the procedure set forth in Department policy **DC-ADM 804** to address issues concerning the provision of notary public services if those issues cannot be resolved informally.

H. Inmates Transferred Out-of-State

Requests for Pennsylvania legal materials received from an inmate who has been transferred out-of-state pursuant to an Interstate Corrections Compact (ICC) will be referred to the librarian at the inmate's last Department facility. The facility will be responsible for copying the requested material if available and forwarding it to the law librarian at the out-of-state facility where the inmate is confined. An inmate Legal Reference Aide may perform the necessary copying operation.

**MAIN LAW LIBRARY
Legal Reference Materials**

Available on CD-Rom:

Ballentine's Law Dictionary (substituted for Black's)

Civil Rights Action

Constitutional Rights of Prisoners

Criminal Defense Techniques

Dunlap-Hanna Pennsylvania Forms

Federal Court Rules

Federal Habeas Corpus Practice and Procedure

Legal Research Guide

Matthew Bender Master Agreement

Moore's Federal Practice – Criminal

Moore's Federal Practice – Criminal Index

Ohlbaum on the Pennsylvania Rules of Evidence

Pennsylvania Administrative Code

Pennsylvania Advance Legislative Service

Pennsylvania Benchbook for Criminal Proceedings

Pennsylvania Benchbook for Criminal Proceedings – Index

Pennsylvania Constitution

Pennsylvania Court Rules

Pennsylvania Evidence Courtroom Manual

Pennsylvania Judicial Decisions – (Prior to 1960) (PA Commonwealth, Superior and Supreme Courts)

Pennsylvania Judicial Decisions (1960 to 1989) (PA Commonwealth, Superior and Supreme Courts)

Pennsylvania Judicial Decisions – (1990 to Present) (PA Commonwealth, Superior and Supreme Courts)

Pennsylvania Judicial Decisions – Case Update

Pennsylvania Law Encyclopedia

Pennsylvania Opinions of the Attorney General

Pennsylvania Statutes Annotated (more commonly referred to as Purdon’s)

Shepard’s Federal Citations

Shepard’s Pennsylvania Citations

Supreme Court Reports – Case Update

**Supreme Court Reports, Lawyer’s Edition, 2nd Series, Vols. 1 to 133
(United States Supreme Court)**

Supreme Court Reports, Lawyer’s Edition, 2nd Series, Vols. 134 to present (United States Supreme Court)

**Supreme Court Reports, Lawyer’s Edition, Vols. 1-100
(United States Supreme Court)**

U.S. District Court – 1st Circuit

U.S. District Court – 2nd Circuit (1980 to 1989)

U.S. District Court – 2nd Circuit (1990 to 1996)

U.S. District Court – 2nd Circuit (1997 to 2001)

U.S. District Court – 2nd Circuit (2002 to Present)

U.S. District Court – 2nd Circuit (Prior to 1980)

***DC-ADM 007, Access to Provided Legal Services Manual
Section 1 – Law Libraries and Services***

Issued: 4/6/2015
Effective: 4/13/2015

Attachment 1-A, Page 2

**U.S. District Court – 3rd Circuit (1988 to 1997)
(includes District Courts for PA)**

**U.S. District Court – 3rd Circuit (1998 to Present)
(includes District Courts for PA)**

**U.S. District Court – 3rd Circuit (Prior to 1988)
(includes District Courts for PA)**

U.S. District Court – 4th Circuit (1991 to Present)

U.S. District Court – 4th Circuit (Prior to 1991)

U.S. District Court – 5th Circuit (1998 to Present)

U.S. District Court – 5th Circuit (Prior to 1998)

U.S. District Court – 6th Circuit (1990 to Present)

U.S. District Court – 6th Circuit (Prior to 1990)

U.S. District Court – 7th Circuit (2000 to Present)

U.S. District Court – 7th Circuit (1992 to 1999)

U.S. District Court – 7th Circuit (Prior to 1992)

U.S. District Court – 8th Circuit (1996 to Present)

U.S. District Court – 8th Circuit (Prior to 1996)

U.S. District Court – 9th Circuit (1994 to Present)

U.S. District Court – 9th Circuit (Prior to 1994)

U.S. District Court – 10th Circuit (1994 – Present)

U.S. District Court – 10th Circuit (Prior to 1994)

U.S. District Court – 11th Circuit (1991 to Present)

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U.S. District Court – Case Update

U.S. District Court – District of Columbia

U.S. District Court of Appeals – DC Circuit

U.S. Court of Appeals – 1st Circuit

U.S. Court of Appeals – 2nd Circuit (1958 to Present)

U.S. Court of Appeals – 2nd Circuit (Prior to 1958)

U.S. Court of Appeals – 3rd Circuit

U.S. Court of Appeals – 4th Circuit (1995 to Present)

U.S. Court of Appeals – 4th Circuit (Prior to 1995)

U.S. Court of Appeals – 5th and 11th Circuit (1975 to 1989)

U.S. Court of Appeals – 5th and 11th Circuit (1990 to Present)

U.S. Court of Appeals – 5th and 11th Circuit (Prior to 1975)

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U.S. Court of Appeals – 10th Circuit

U.S. Court of Appeals – Case Update

U.S. Court of Appeals – Federal Court

Understanding Criminal Procedure

United States Code Service (commonly referred to as US Code or Statutes)

United States Constitution

United States Supreme Court: Bench Opinions

Books:

Criminal Procedure in a Nutshell

Civil Rights, Civil Liberties Litigation 4th Edition

Legal Research in a Nutshell

Post Conviction Remedies

Prisoners and the Law

Rights of Prisoners, 4th Edition

West Pennsylvania Practice (Volumes on Criminal Procedure only)

Forms:

Post Conviction Relief Act (PCRA) – Each facility has the discretion to charge up to \$1.50 for each form. To obtain a copy of the PCRA, submit a request slip to the Main Law Library

The libraries are not required to maintain any other forms to be provided to inmates.

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U.S. District Court – 9th Circuit (1994 to Present)

U.S. District Court – 9th Circuit (Prior to 1994)

U.S. District Court – 10th Circuit (1994 – Present)

***DC-ADM 007, Access to Provided Legal Services Manual
Section 1 – Law Libraries and Services***

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U.S. District Court – 10th Circuit (Prior to 1994)

U.S. District Court – 11th Circuit (1991 to Present)

U.S. District Court – 11th Circuit (Prior to 1991)

U.S. District Court – Case Update

U.S. District Court – District of Columbia

U.S. District Court of Appeals – DC Circuit

U.S. Court of Appeals – 1st Circuit

U.S. Court of Appeals – 2nd Circuit (1958 to Present)

U.S. Court of Appeals – 2nd Circuit (Prior to 1958)

U.S. Court of Appeals – 3rd Circuit

U.S. Court of Appeals – 4th Circuit (1995 to Present)

U.S. Court of Appeals – 4th Circuit (Prior to 1995)

U.S. Court of Appeals – 5th and 11th Circuit (1975 to 1989)

U.S. Court of Appeals – 5th and 11th Circuit (1990 to Present)

U.S. Court of Appeals – 5th and 11th Circuit (Prior to 1975)

U.S. Court of Appeals – 6th Circuit (1995 to Present)

U.S. Court of Appeals – 6th Circuit (Prior to 1995)

U.S. Court of Appeals – 7th Circuit (1993 to Present)

U.S. Court of Appeals – 7th Circuit (Prior to 1993)

U.S. Court of Appeals – 8th Circuit (1995 to Present)

U.S. Court of Appeals – 8th Circuit (Prior to 1995)

U.S. Court of Appeals – 9th Circuit (1995 to Present)

U.S. Court of Appeals – 9th Circuit (Prior to 1995)

U.S. Court of Appeals – 10th Circuit

U.S. Court of Appeals – Case Update

U.S. Court of Appeals – Federal Court

Understanding Criminal Procedure

United States Code Service (commonly referred to as US Code or Statutes)

United States Constitution

United States Supreme Court: Bench Opinions

Books:

Criminal Procedure in a Nutshell

Civil Rights, Civil Liberties Litigation 4th Edition
Legal Research in a Nutshell

Post Conviction Remedies

Prisoners and the Law

Rights of Prisoners, 4th Edition

West Pennsylvania Practice (Volumes on Criminal Procedure Only – Not Pa Digest)

Forms:

Post Conviction Relief Act (PCRA) – Each facility has the discretion to charge up to \$1.50 for each form. To obtain a copy of the PCRA, submit a request slip to the Main Law Library

The libraries are not required to maintain any other forms to be provided to inmates.

Section 2 – Inmate Access to Services

A. Legal Assistance Services¹

1. To be eligible to receive legal assistance an inmate must:
 - a. be legitimately illiterate;
 - b. lack the skills or comprehension to speak or understand English in its written form; or
 - c. have a disability that substantially interferes with his/her ability to use or understand legal materials.
2. An otherwise eligible inmate is not entitled to legal assistance in a case where he/she is being represented by an attorney.
3. Each facility will make legal assistance services available to an eligible inmate.² Legal assistance will consist of the following:
 - a. information regarding available methods for informal dispute resolution, including the inmate grievance system;
 - b. provision of citations to procedural rules, statutes and cases;
 - c. assistance in preparing documents that are stylistically and grammatically suitable for filing with a court or administrative agency;
 - d. assistance in using the law library and an explanation of the proper methods for conducting legal research and the drafting of pleadings and other documents to be filed pro se by the inmate with a court or administrative agency (but not actually drafting documents for the inmate);
 - e. identification of procedural forms that will assist an inmate in preparing documents to be filed in cases pending before a court or administrative agency;
 - f. assistance in locating mailing addresses for the courts and preparing envelopes for mailing;
 - g. reading selected and relevant prepared packages of information, inmate required cases or materials or correspondence or orders from the Court verbatim. The facility will provide for non-employee translation services for a Non-English speaking inmate; and

¹ 4-4276

² 4-4511

- h. transcription of an inmate's oral statements into documents or forms for the inmate to file in court. Such transcription services shall not include any legal advice (which constitutes the practice of law) to the inmate concerning the content of the filing. In the event that the inmate seeks to prepare a document that contains threatening or obscene language or otherwise may violate federal, state or local law, the Library Assistant or Legal Reference Aide shall bring the matter to the attention of his/her supervisor before completing the proposed court document.

4. Inmate Requests for Legal Assistance

Each inmate shall follow the procedures listed below to request legal assistance.

- a. submit requests for legal assistance through use of the **DC-135A, Inmate Request to Staff Member** (an inmate who is illiterate or otherwise unable to complete the **DC-135A** may have the form completed by his/her Counselor, Unit Manager or other designated individual); and
- b. once received, library staff will review the request to determine eligibility for assistance, and where appropriate, will: (1) appoint an Inmate Legal Reference Aide to provide legal assistance to the requesting general population inmate; or (2) personally provide legal assistance to the requesting inmate. Only Department staff can provide legal assistance to inmates in a Level 5 Housing Unit.

B. Office of Chief Counsel – Inmate Legal Reference Aide Training

1. The Office of Chief Counsel will provide introductory training to an Inmate Legal Reference Aide on the use of legal reference materials and preparation of forms necessary to file legal claims.
2. The library staff shall notify the Office of Chief Counsel within fifteen days of the time an Inmate Legal Reference Aide is selected so that training can be arranged.

C. Library Staff

1. Library staff shall refer any matter determined to be frivolous or unlawful to the Facility Manager/designee for review.
2. Library staff shall not engage in providing legal advice (advice regarding the substantive or procedural adequacy of a pleading or document) or engage in any activity that constitutes the practice of law.
3. Library staff shall not provide copies of legal materials to an inmate. Inmates will be responsible for purchasing copies of legal materials in accordance with **Section 1** of this procedures manual.

D. Inmate Legal Reference Aide³

1. Administrative Considerations

Selection as an Inmate Legal Reference Aide shall be considered a full-time assignment. The number of Inmate Legal Reference Aides appointed at each facility shall be based upon the following factors:

- a. the total number of inmates in general population;
- b. the historical usage of the law library;
- c. the number of hours the law library is open; and
- d. the amount of space available in the law library.

2. Selection of Inmates

Each facility will select and appoint inmates to serve as Inmate Legal Reference Aides. To be selected as an Inmate Legal Reference Aide, an inmate must meet the following minimum criteria:

- a. not have been found guilty of any Class I misconduct(s) during the preceding nine months;
- b. have served at least six months at a state correctional facility, except that inmates serving life sentences or sentences longer than 10 years must have served at least three years at a state correctional facility;
- c. hold a high school diploma or GED equivalent;
- d. display a high school reading level;
- e. have good communication skills, including good command of the English language, both in terms of reading and vocabulary skills;
- f. desire to work in the library and have the ability to establish rapport with people;
- g. have moderate typing skills;
- h. have the ability to learn the legal collection format and the proper method of legal research;
- i. be designated as custody level 3 (medium) or lower; and

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j. be approved by the facility Corrections Librarian.

3. Duties

The Inmate Legal Reference Aides, under the supervision of the Corrections Librarian shall:

- a. organize and maintain the facility main Law Library in proper order and in a neat and clean manner;
- b. assist the Corrections Librarian in the filing of supplements and updates to the legal collection;
- c. assist inmates to:
 - (1) use legal digests and case reporters and the electronic resources available to inmates to locate relevant Pennsylvania and federal cases;
 - (2) use indexes, statutory and regulatory compilations to locate relevant Pennsylvania and federal statutes and regulations;
 - (3) locate rules of procedure governing proceedings before Pennsylvania and federal courts and administrative agencies;
 - (4) locate forms useful in the preparation of pleadings and other documents to be filed in actions pending before Pennsylvania and federal courts and administrative agencies;
 - (5) notify the Corrections Librarians of missing supplements or updates to the legal collection; and
- d. complete logs identifying for whom work was performed, when the work was received, and when a particular project was completed.
- e. where designated by the Library Staff, provide legal assistance to an eligible inmate;
- f. Inmate Legal Reference Aides may not provide legal advice (advice regarding the substantive or procedural adequacy of any such pleading or document) to or draft any document for an inmate. General information concerning a legal topic shall not be considered “legal advice.” For example, the Legal Reference Aide may provide general advice concerning the types of claims commonly asserted in a Post Conviction Relief Act petition and assist the inmate in locating general materials relevant to filing such a petition. However, a Legal Reference Aide may not explain how the general materials or specific statutes or cases may apply to the facts in the inmate’s specific situation. An Inmate Legal Reference Aide may provide assistance that does not constitute the practice of law to a general population inmate in the facility at which both inmates are housed. Inmates in a Restricted Housing Unit

(RHU), Special Management Unit (SMU), Special Assessment Unit (SAU), Capital Case Unit, Security Threat Group Management Unit (STGMU), Secure Residential Treatment Unit (SRTU) or any other Level 5 housing unit may receive assistance from a staff member designated by the Facility Manager, but may not receive assistance from an Inmate Legal Reference Aide;

- g. Inmate Legal Reference Aides may not work on personal legal matters while on duty. Personal legal matters must be completed as a patron of the library on the inmate's personal time; and
- h. Inmate Legal Reference Aides shall not provide copies of legal material to an inmate. Inmates will be responsible for purchasing copies of legal materials in accordance with **Section 1** of this procedures manual.

4. Training⁴

The Department will provide or arrange for each Inmate Legal Reference Aide to receive instruction in the performance of the duties listed in **Subsection D. above**. Training/instruction shall include:

- a. the distinction between legal assistance and legal advice;
- b. proper abbreviations and citations;
- c. use of statutory sources (federal and state);
- d. use of case law sources (federal and state);
- e. use of any secondary authority sources available in the library; and
- f. proper supplementation and maintenance of the legal collection.

5. Compensation for Inmate Legal Reference Aides

Initially, an Inmate Legal Reference Aide will be compensated at Class II, Step A of Department policy **DC-ADM 816, "Inmate Compensation System."** Following an orientation period conducted by the Corrections Librarian, the compensation of an Inmate Legal Reference Aide may be increased to Class **III**, Step A. After being placed on Class III, Step A an Inmate Legal Reference Aide may get raises in accordance with Department policy **DC-ADM 816**, at appropriate intervals.

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6. Termination of Inmate Legal Reference Aide Assignment
 - a. An inmate may be removed from his/her assignment as an Inmate Legal Reference Aide upon request from the Corrections Librarian by the Unit Team using the staffing process.
 - b. As a result of a misconduct proceeding.

DC-ADM 007, Access to Provided Legal Services Procedures Manual
Glossary of Terms

Corrections Librarian – Employee of the Department appointed to the Corrections Librarian classification.

Department – The Pennsylvania Department of Corrections.

Facility – Any State Correctional Facility, Community Corrections Center, Community Contract Facility or Motivational Boot Camp operated by the Department.

Frivolous – Frivolous, as in “frivolous lawsuit,” means the allegation or the relief sought lacks any arguable basis in **law or** fact.

General Population – The housing status that the majority of inmates within a particular facility are assigned. General population consists of those inmates not housed within a RHU, SMU, SAU, **SRTU**, **STGMU**, Capital Case Unit, or Diagnostic Unit of a particular facility.

Illiterate – An inmate who demonstrates a reading level equivalent to or below that of a student at the eighth grade level.

Inmate Legal Reference Aide – An inmate who has received instruction by **the Office of Chief Counsel** and is authorized by the Department to assist another inmate with the use of legal materials and to assist an eligible inmate with the preparation of documents necessary to file legal claims.

Main Law Library – The Legal Reference Collection materials located in an area accessible by General Population inmates.

Mini Law Library – The Legal Reference Collection materials located in a **non-general population housing unit**.

Non-English Speaking Inmate – An inmate who is unable to speak the English language well enough to communicate his/her needs.