
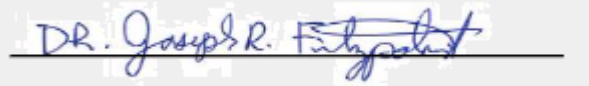


POLICY TITLE: LIBRARY SERVICES		PAGE 1 OF 8
POLICY NUMBER: 24.4		
CHAPTER 24: ADMINISTRATION OF PROGRAMS AND SERVICES		
	STATE of MAINE DEPARTMENT OF CORRECTIONS Approved by Commissioner: 	PROFESSIONAL STANDARDS: See Section VII
	EFFECTIVE DATE: February 1, 2002	LATEST REVISION: June 27, 2016

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

II. APPLICABILITY

All Departmental Adult Facilities

III. POLICY

It is the policy of the Department of Corrections to provide prisoners with reasonable opportunities to use library services to conduct legal research, address educational needs, and pursue recreational interests.

IV. CONTENTS

- Procedure A: Library, General
- Procedure B: Supervision of Library Services
- Procedure C: Library Materials, General
- Procedure D: Acquisition of Library Materials
- Procedure E: Law Library, General
- Procedure F: Law Library Materials
- Procedure G: Access to Law Library Services
- Procedure H: Selection, Training and Use of Prisoner Assistants

V. ATTACHMENTS

None

VI. PROCEDURES

Procedure A: Library, General

1. Each adult facility Chief Administrative Officer, or designee, shall ensure that general population prisoners are allowed physical access to the facility's library at least weekly on a scheduled basis, unless the rules of a particular housing unit do not permit such access or a prisoner has had his or her library privileges suspended.
2. Prisoners for whom physical access to the facility library is not allowed or who are physically unable to get to the facility library shall be permitted to request a reasonable amount of general library materials from the facility library by title or by category, if the requested materials are not available in the housing unit. Prisoners shall make their selections via a request for library services form and forward the form directly to the librarian, or other designated staff. The selected materials shall be delivered to the prisoners on a weekly basis.
3. Each adult facility Chief Administrative Officer, or designee, shall ensure that library services are available to general population prisoners daily, including evenings and weekends. In order to provide these services, a selection of library materials may be maintained in a general population housing unit upon approval of the Chief Administrative Officer, or designee.
4. A selection of library materials may also be maintained in other housing units upon approval of the Chief Administrative Officer, or designee.

Procedure B: Supervision of Library Services

1. Each adult facility shall designate a staff person who is qualified by education, training or experience to coordinate and supervise library services to serve as the facility librarian.
2. If the facility does not have a librarian with a master's of library science, information resources, media services, or related degree to coordinate and supervise library services and train library staff, the Chief Administrative Officer, or designee, shall ensure that one is available to the facility staff person who supervises facility library services and other appropriate facility staff.
3. The facility librarian shall participate in interlibrary loan programs to increase the general library materials available to prisoners.
4. The facility librarian in conjunction with the Chief Administrative Officer, or designee, shall develop facility library practices that shall include at least the following:
 - a. circulation requirements (i.e., number and type of materials permitted to be signed out per prisoner and for how long);
 - b. collection or return of signed out materials;

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
24.4 Library Services	24. Administration of Programs and Services	Page 2 of 8 6/27/16R

- c. interlibrary loan practices;
 - d. maximum number of prisoners at one time in the library;
 - e. library hours;
 - f. library rules; and
 - g. consequences for overdue, lost or damaged materials.
5. The facility librarian, or other designated staff, may suspend library privileges for up to fifteen (15) days for a prisoner who violates library rules. In addition, a prisoner who violates library rules may be subject to disciplinary or other appropriate administrative action.

Procedure C: Library Materials, General

1. Each adult facility library shall contain an appropriate collection of general library materials that meet the recreational interests and educational needs of the prisoner population.
2. Materials shall be selected to prepare prisoners for reentry, support the education curriculum and self-education, provide recreational reading, and meet informational needs.
3. A selection of daily newspapers and current periodicals shall also be available in the library.
4. Materials shall be selected in a variety of formats that may include, but is not limited to, books (hard and soft cover), pamphlets, magazines, newspapers, CDs, or DVDs.

Procedure D: Acquisition of Library Materials

1. Library materials may be purchased by the librarian using Department monies designated for that purpose. Library materials may be purchased by the librarian using monies donated by persons or organizations in the community, provided that the materials to be purchased shall be determined by the librarian and not the donor. In addition, library materials, other than required legal materials, may be purchased by the librarian using monies in the facility prisoner benefit fund, if approved by the Chief Administrative Officer, or designee.
2. Donations of materials to a facility library may be accepted by the librarian if received directly from a college or school, another library, publisher, or approved commercial distributor.
3. Donations of materials to a facility library may be accepted by the librarian from Department staff, bookstores, non-profit organizations, or other sources, except as set out below, if approved by the Chief Administrative Officer, or designee, on a case-by case basis.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
24.4 Library Services	24. Administration of Programs and Services	Page 3 of 8 6/27/16R

4. Donations of materials to a facility library may be accepted by the librarian from prisoners who are being released from the facility to the community or who are over the limit for allowable personal property.
5. Donations of materials to a facility library may not be accepted from family or friends of prisoners, or organizations largely consisting of family or friends of prisoners.
6. Library materials acquired by the facility librarian, whether by purchase or donation, must not include any materials that would be prohibited for prisoners under the Department Policy 21.2, Prisoner Mail.
7. Library materials acquired by the facility librarian, whether by purchase or donation, shall be searched in accordance with facility security practices, including, but not limited to, practices designed to detect drugs and other contraband.
8. If donated materials contain contraband, the librarian or security staff shall refer the matter to the facility correctional investigative officer, or other designated staff, for direction as to whether to dispose of the materials or preserve them for evidence.
9. Donated materials which include prohibited materials, contain contraband, are dirty or in disrepair, are repetitive of current library holdings, or are rejected for any other reason may be disposed of by facility staff without notice to the donating party.

Procedure E: Law Library, General

1. Each adult facility Chief Administrative Officer, or designee, shall ensure that general population prisoners are allowed physical access to the facility's law library at least weekly on a scheduled basis, unless the rules of a particular housing unit do not permit such access or a prisoner has had his or her law library privileges suspended.
2. Prisoners for whom physical access to the facility law library is not allowed or who are physically unable to get to the facility law library shall be permitted to request a reasonable amount of legal materials from the facility law library, by title, subject area, or legal citation if access to the requested legal materials is not available to the prisoners in the housing unit. Prisoners shall make their selections via a request for library services form and forward the form directly to the librarian, or other designated staff. The selected materials shall be delivered to the prisoners on a weekly basis. A list of all legal publications and other written legal materials in the law library shall be made available to these prisoners.
3. Special accommodations regarding additional access to the law library or law library services may be granted for prisoners who are under court deadlines or need to do more comprehensive research. Such prisoners may submit a request

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
24.4 Library Services	24. Administration of Programs and Services	Page 4 of 8 6/27/16R

for special accommodations to the Unit Manager, or other staff designated by the Chief Administrative Officer.

4. A selection of law library materials may also be maintained in housing units upon approval of the Chief Administrative Officer, or designee.

Procedure F: Law Library Materials

1. The Commissioner, or designee, shall contract with an electronic legal research service to provide access to prisoners of legal materials adequate to provide them access to the courts. The Commissioner, or designee, shall consult with the Department's legal representative in the Attorney General's Office as to what legal materials are required to be covered by the service.
2. Each adult facility Chief Administrative Officer, or designee, shall ensure that terminals to access materials through the electronic legal research service are available in the facility's law library. As determined by the Chief Administrative Officer, or designee, terminals to access materials through the electronic legal research service may be placed in housing units.
3. The electronic legal research service may be supplemented by legal publications and other written legal materials acquired by the facility librarian.
4. Legal publications and other written legal materials may be checked out of the law library by prisoners only upon approval of the librarian. For written legal materials not permitted to be removed from the law library, photocopies may be made for loan, upon approval of the librarian, or other designated staff.
5. The librarian, or other designated staff, shall ensure that prisoners with learning disabilities, literacy difficulties, language barriers, or other conditions limiting meaningful use of legal materials are provided the necessary assistance.
6. The librarian shall consult with the Department's legal representative in the Attorney General's Office with respect to the provision of legal materials to Department prisoners housed out of state.

Procedure G: Access to Law Library Services

1. Typewriters and/or word processors may be made available in the law library for general population prisoners to use for legal work. The librarian may establish a schedule for usage.
2. For purposes of this policy, a prisoner who has funds in his or her general account at the facility, excluding a personal savings escrow account, is not considered indigent and shall be required to use those funds to pay for photocopies or printouts of legal materials and documents at a cost designated by the Commissioner, or designee.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
24.4 Library Services	24. Administration of Programs and Services	Page 5 of 8 6/27/16R

3. Also, if a prisoner has an outside bank account or investments, the prisoner is not considered indigent and shall be required to use those funds to pay for photocopies or printouts.
4. A prisoner who is represented by an attorney or is requesting photocopies or printouts of legal materials or documents for a reason other than to file them in a court shall not be provided free photocopies or printouts, even if the prisoner is indigent.
5. In the case of an indigent prisoner who is not represented by an attorney, photocopies of documents to be filed with a court shall be provided free of charge by the facility librarian, or other designated staff, with the following limitations:
 - a. No more than one (1) copy (for the court) shall be made of either a petition for state post-conviction review or federal petition for habeas corpus.
 - b. Initially, no more than one (1) copy (for the court) shall be made of a civil rights, tort, or other court complaint or petition for judicial review of final agency action. If the court gives permission to the prisoner to proceed with the lawsuit, then, if it is a state court, additional copies of the complaint or petition shall be provided by the librarian, or other designated staff. In the case of a petition for judicial review of final agency action, no more than two (2) additional copies shall be provided (one for the agency and one for the Attorney General's Office). In the case of a state civil rights, tort, or other court complaint, the maximum number of additional copies shall be the number of defendants in the lawsuit. In the case of a federal court complaint, no additional copies shall be provided as the court will be making service of the complaint on the defendant(s).
 - c. No copies shall be made of exhibits or other attachments to a complaint or petition.
 - d. In the case of documents other than complaints and petitions, such as motions, oppositions, replies, briefs, and related documents, to be filed with a trial court, no more than one (1) copy for the court and one (1) copy for each attorney for the other parties in the lawsuit shall be made. No copies shall be made of documents that are not permitted to be copied under f. or g. below.
 - e. In the case of documents to be filed with an appellate court, no copies shall be made of documents already filed with the trial court, except for documents required by court rule or order to be included in an appendix to the prisoner's appellate brief. In the case of a notice of appeal, motions, oppositions and related documents to be filed with an appellate court, no more than one copy (1) for the court and one (1) copy for each attorney for the other parties in the appeal shall be made. The maximum number of copies of an appellate brief and of an appendix shall be the number specified in the court's order, but only if the prisoner has received such an order after filing a motion with the court asking permission to file a reduced number of copies. No copies shall be made of exhibits or other attachments

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
24.4 Library Services	24. Administration of Programs and Services	Page 6 of 8 6/27/16R

to a brief. No copies shall be made of documents not allowed to be copied under f. or g. below

- f. No copies (or printouts) shall be made of the text of cases, statutes, books or any other published materials. If a prisoner wishes to include such materials in documents to be filed with a court, the prisoner shall have to either give the court a cite to the particular case, statute, etc., or shall have to hand write for the court that portion of the case, statute, etc., that the prisoner wishes to bring to the court's attention.
- g. No copies (or printouts) shall be made of policies, prisoner records, including correspondence contained in those records, or other supporting documentation. If a prisoner wishes to include such materials in documents filed with a court, the prisoner shall have to hand write for the court that portion of the policy, prisoner records, etc., the prisoner wishes to bring to the court's attention. The one exception to this shall be that photocopies of such materials shall be provided to an indigent prisoner if the prisoner has handwritten out the policy, record, etc., in the prisoner's complaint, an opposing party in the lawsuit has denied the existence of the policy, record, etc., in the answer to the complaint, and the lawsuit has progressed to the stage at which it is necessary for the prisoner to prove the existence of the policy, record, etc.
- h. Under no circumstance shall a prisoner be provided with more than 100 free pages of photocopying per calendar month. This limit is in addition to the other limits set forth in this procedure.
- i. Prisoners attempting to have the facility make for them free photocopies (or printouts) to which they are not entitled under this procedure may be subject to disciplinary action and/or suspension of photocopying privileges, regardless of whether the attempt is successful or not.

Procedure H: Selection, Training and Use of Prisoner Assistants

- 1. To provide additional assistance in the library, prisoners may be trained as general and law library assistants. The librarian, or other designated staff, shall provide training to the prisoner library assistants in library operation procedures.
- 2. Prisoners who are selected to work as library assistants shall be chosen for their ability to understand basic library procedures and/or legal terminology and legal research and their communication skills.
- 3. Prisoner law library assistants may assist in legal research, including finding legal materials and information, explaining use of materials, and preparing documents, but may not give legal advice.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
24.4 Library Services	24. Administration of Programs and Services	Page 7 of 8 6/27/16R

VII. PROFESSIONAL STANDARDS

ACA:

- ACI - 4-4276** Written policy, procedure, and practice provide for the right of inmates to have access to an appropriate law library and to paper, typewriters or typing services, and other supplies and services related to legal matters. The law library includes at a minimum relevant and up-to-date constitutional, statutory, and case law materials, applicable court rules, and practice treatises. When an inmate is unable to make meaningful use of the law library on his or her own, the additional assistance necessary for effective access is provided.
- ACI - 4-4505** The institution maintains and/or provides access to comprehensive library services that include, but are not limited to, a reference collection containing general and specialized materials, and planned and continuous acquisition of materials to meet the needs of the institutional staff and inmates.
- ACI - 4-4506** The institution has a qualified staff person who coordinates and supervises library services.
- ACI - 4-4507** There is available to the institution a person with a master's of library science, information resources, media services, or related degree who assists with coordinating and supervising library services and is responsible for training of all library staff.
- ACI - 4-4508** Written policy defines the principles, purposes and criteria used in selection and maintenance of library materials.
- ACI - 4-4509** The library participates in interlibrary loan programs.
- ACI - 4-4510** Library services are available daily, including evenings and weekends.
- ACI - 4-4511** Written policy, procedure, and practice provide for the selection, training and use of inmates as library assistants.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
24.4 Library Services	24. Administration of Programs and Services	Page 8 of 8 6/27/16R