MICHIGAN DEPARTMENT OF CORRECTIONS **POLICY DIRECTIVE**	EFFECTIVE DATE 11/01/2010	NUMBER 05.03.115
SUBJECT LAW LIBRARIES	SUPERSEDES 05.03.115 (07/21/08)	
	AUTHORITY MCL 791.201	
	ACA STANDARDS 4-4268, 4-4276, 4-4505, 4-4508, 4-4511, 2-CO-5F-01, 2-CO-3C-01	
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POLICY STATEMENT:

Correctional Facilities Administration (CFA) institutions shall have law libraries available for prisoner use as set forth in this policy.

RELATED POLICY:

05.03.116 Prisoners' Access to the Courts

POLICY:

GENERAL PROVISIONS

A. Each CFA institution shall have at least one main law library for prisoner use. Law libraries are to be used for legal research and legal writing purposes only. A prisoner who uses the law library for other purposes (e.g., "visiting") or who fails to follow library rules may have that session terminated and be required to leave the library. A prisoner who engages in behavior in the law library for which a major misconduct will be written shall have that session terminated and be required to leave the library consistent with Paragraph Z.

REQUIRED MAIN LAW LIBRARY COLLECTION

B. All main law libraries shall contain all of the items listed in Attachment A. Additional copies of required items must be available if demand cannot be met with a single copy. State-appropriated funds are to be used to purchase these items, but shall not be used to purchase any other items. All items shall be kept current. Items that are lost, defaced, stolen, or destroyed must be promptly replaced, unless no longer available from the publisher, using state-appropriated funds.

C. At least every six months, each law library shall be inventoried to identify any items from the required collection which need to be replaced. Items that are not part of the required collection also shall be inventoried at least every six months. It shall be documented when each item was inventoried, including the edition or update where appropriate, the date of the inventory and, for the required collection, when any necessary replacements were ordered and received. The inventory shall be retained by the librarian in accordance with the Department's Retention and Disposal Schedule.

SUPPLEMENTING MAIN LAW LIBRARY COLLECTION

D. The Prisoner Benefit Fund (PBF) may be used to purchase additional law library items consistent with the requirements set forth in PD 04.02.110 "Prisoner Benefit Fund". Items purchased and updated through the PBF shall remain in the law library unless the law librarian and a majority of the PBF committee agree the items should be eliminated, or until the items are worn out or replaced by a new copy or revised edition.

E. Donated law books may be accepted from courts, attorneys, law firms, and other legitimate organizations and individuals if it is determined by the librarian that the books will be useful additions to

the law library collection, subject to approval from the Warden or designee. Approval from the Director is not required to accept such donations; however, books shall not be accepted from an offender or an individual known to be related to an offender. All donated books shall be inspected for contraband prior to being made available to prisoners. Donated books which contain contraband may be discarded by the librarian without notice to the donating party.

F. Librarians shall establish and maintain cooperative relationships with other libraries as set forth in PD 05.03.110 "Institutional Library Services" to enable prisoners to have access to additional legal research items through inter-library loans, when available, or to purchase photocopies of items not available in the institutional law library. If a prisoner requests the law librarian or designee to obtain an item from another library, the librarian or designee shall submit the request to the other library as soon as practicable after the request is received. Copies from other libraries become the property of the prisoner and the prisoner is therefore responsible for the cost of those copies, including any required postage; funds shall not be loaned for this purpose.

G. Prisoners may request and receive copies of Michigan statutes that are not part of the law library collection through the main law library. The copies become the property of the prisoner and the prisoner is therefore responsible for the cost of those copies; funds shall not be loaned for this purpose.

MAIN LAW LIBRARY FACILITIES

Location

H. The main law library shall be located in an area where there is sufficient room to house the required law library collection and to allow for expansion as additional items are added. It shall be functional in design, having sufficient space for tables and seating for law library users. It also shall be well lighted and free from noise and other distractions which would impair concentration.

Staffing

I. The librarian in charge of the general library pursuant to PD 05.03.110 "Institutional Library Services" also shall be in charge of the law library. Library coverage generally shall be provided only by the librarian or a library assistant/library technician; however, another staff person shall provide coverage when the librarian and his/her staff are temporarily away from the library (e.g., staff meeting) or absent from the facility, including if the positions are temporarily vacant. Prisoners may be assigned as law library clerks pursuant to PD 05.01.100 "Prisoner Program Classification".

J. Librarians and their staff shall successfully complete training offered by the Department in the proper use of the law library collection, conducting legal research, and how to assist prisoners in the use of the law library collection. Prisoners assigned as law library clerks also shall be required to successfully complete the training. However, neither staff nor prisoner clerks shall provide legal advice beyond instructions on use of the law library collection. Prisoner clerks shall not have authority to deny other prisoners access to the library or the law library collection.

Hours of Use

K. Each law library shall be open a minimum of 25 hours per week, with at least 12 of those hours being after 5:00 p.m. or on weekends. Law library operating schedules shall be adjusted as necessary if demand for access to the law library cannot be met within established hours.

L. Subject to Paragraphs X and Z, each general population prisoner shall be permitted at least six hours per week of law library use, in sessions of not less than two hours each, unless a shorter session is requested by the prisoner and approved by the librarian or designee; a session terminated pursuant to Paragraph A or Z is not required to be rescheduled to meet this requirement. Travel time to and from the library shall not be counted in the allotted library time. Time spent by a prisoner meeting with a prisoner providing legal assistance through the Legal Writer Program also shall not be counted in the

allotted library time.

M. Prisoner requests to use the law library shall be submitted in accordance with facility procedures. Law library requests shall be processed within two business days after receipt by library staff. The prisoner shall be scheduled to attend law library as soon as the law library schedule permits, unless there are other higher priority call-outs that cannot be waived or the prisoner requests a later date which is approved by the librarian or designee. "Emergency" law library call-outs shall be allowed under written criteria developed by the Warden or designee.

N. Law library operating schedules shall ensure that a prisoner who chooses to use his/her six hours of law library will not be deprived of yard privileges due to a complete overlap in the yard and law library time schedules. If there is some overlap, it shall not exceed two of the required six hours unless yard time is available to the prisoner at other times during the week.

O. A prisoner who has direct access to the main law library and has a court deadline requiring additional time in the law library may request additional time from the librarian or designee. The prisoners may be required to present documentation supporting the need for the additional time. Additional time shall be granted if there is a demonstrated need for the additional time. The additional hours are to be scheduled outside the prisoner's assignment hours when possible.

LIMITATIONS ON DIRECT ACCESS TO MAIN LAW LIBRARY

Prisoners in Security Level I

P. Except as set forth in Paragraph Q, prisoners housed in security Level I of institutions with more than one security level shall either be allowed to go to the main law library or allowed to receive upon request at least five items at one time from the required main law library collection at least three days each week. Requested items shall be delivered to the prisoner on the next day library services are provided to Level I following receipt of the request, unless the item has been loaned to another prisoner. A prisoner shall be allowed to keep requested items for at least 24 hours.

Q. Prisoners in security Level I at the Bellamy Creek Correctional Facility who request access to a main law library for legal research shall be temporarily transferred to security Level II at that facility until their legal research has been completed. Prisoners temporarily transferred to security Level II may be assigned full-time to the law library to complete the research in lieu of being assigned to work or school. In such cases, the prisoner will not be paid for the library assignment but will receive credit for the assignment on the Security Classification Screen - Review form (CSJ-481) as set forth in OP CFA 05.01.130 "Completion of Security Classification Forms - for Male Prisoners".

Prisoners in Segregation

R. Prisoners in segregation shall not be allowed to go to the main law library; instead, the prisoners shall be allowed to receive upon request at least five items at one time from the required main law library collection at least three days each week. The Segregation Law Library Request Form (CSJ-601) shall be used for this purpose. Requested items shall be delivered to the prisoner on the next day that scheduled service is provided to the housing unit after receipt of the request unless the item has been loaned to another prisoner. Copies of specifically identified items (e.g., a court case) may be provided in lieu of providing an entire volume. A prisoner shall be allowed to keep requested items, or copies provided in lieu of the requested items, for at least 24 hours.

S. Upon request, prisoners in segregation shall be provided access to a copy of Attachment A to this policy directive. Access may be provided through a mini-law library established pursuant to Paragraph V, through unit staff, or by any other means. The prisoner shall be allowed access to the list for at least 2 hours.

T. Prisoners in segregation who are on a paper restriction pursuant to PD 04.05.120 "Segregation

Standards" shall be provided access to items from the required main law library collection and items pursuant to Paragraph S in the same manner as access is provided to legal documents pursuant to PD 04.05.120.

U. If approved by the Warden, a mini law library may be established and maintained for use by prisoners in administrative segregation. Prisoners shall be allowed to use the mini law library two hours per week, with additional time allowed if space is available. Additional time shall be provided upon request to prisoners who have a court deadline requiring additional time in the law library consistent with the requirements set forth in Paragraph O for general population prisoners.

V. Mini law libraries shall contain all the items listed in Attachment B and are to be purchased with state-appropriated funds. The mini law library collection shall be kept current. Items that are lost, defaced, stolen, or destroyed must be promptly replaced, unless no longer available from the publisher, using state-appropriated funds. The collection shall be inventoried in the same manner as the main law library collection. If the mini law library collection is kept in a cell or room reserved exclusively for that purpose, the cell or room shall have at least a chair, a writing surface, shelving for the collection, and adequate lighting.

Toplock

W. Prisoners on toplock shall be allowed to go to the main law library in the same manner as general population prisoners.

Medical/Psychiatric Inpatient Units

X. Prisoners in a residential medical or psychiatric unit shall be allowed to request and receive items from the required main law library collection in the same manner as segregation prisoners. In lieu of receiving items from the main law library, the prisoner may be allowed to go to the main law library in the same manner as general population prisoners with the approval of the Warden or designee and the treating physician/psychiatrist.

Reception Facilities

Y. As determined by the Warden, prisoners in a reception facility shall either be allowed to go to the main law library in the same manner as general population prisoners or request and receive items from the required main law library collection in the same manner as segregation prisoners.

PRISONER MISCONDUCT

Z. A prisoner who engages in conduct in the main or mini law library for which a Class I or Class II misconduct will be written shall have that session terminated and be required to leave the library; the prisoner also may be temporarily barred from further access to the library pending the hearing on the misconduct. If the prisoner is found guilty of the misconduct, s/he may be barred from further access to the library; in such cases, items from the required main law library collection shall be brought to the prisoner in the same manner as for segregation prisoners.

AA. In addition to being barred from further access to the law library, a prisoner who is found guilty of a Class I or Class II misconduct for damaging or destroying law library items may be limited to only receiving copies of requested items from the main law library collection; this limitation also may be temporarily imposed pending the misconduct hearing. If the requested items cannot be copied or the prisoner continues to damage or destroy the copies provided, the Administrator of the Office of Legal Affairs or designee shall be consulted on additional restrictions that may be imposed.

PROCEDURES

BB. Wardens shall ensure that procedures are developed as necessary to implement requirements set forth

in this policy directive this shall be completed within 60 calendar days after the effective date of the policy directive. This requirement includes ensuring that their existing procedures are revised or rescinded, as appropriate, if inconsistent with policy requirements or no longer needed. Facility procedures shall not conflict with procedures issued by the Director.

AUDIT ELEMENTS

CC. A Primary Audit Elements List has been developed and is available on the Department's Document Access System to assist with self audit of this policy pursuant to PD 01.05.100 "Self Audit of Policies and Procedures".

ATTACHMENTS

DD. This policy includes the following attachments:

1. Attachment A - Minimum Collection for Main Law Library

2. Attachment B - Minimum Collection for Mini Law Library

APPROVED: PLC 10/01/10

ATTACHMENT A

REQUIRED COLLECTION FOR MAIN LAW LIBRARY

MICHIGAN MATERIALS

1. Michigan Compiled Laws Annotated (preferred) *
   (a) Volumes on U.S. and Michigan Constitutions
   (b) Volume containing Administrative Procedures Act (MCL 24.201 - 24.328)
   (c) Volumes containing the Motor Vehicle Code (MCL 257.1 – 257.end)
   (d) Volumes containing the Mental Health Code (MCL 330.1001 – .2003a)
   (e) Volume containing Drug Laws (MCL 333.7101 - 333.7545)
   (f) Volumes containing the Revised Judicature Act (MCL 600-101 – 600.end)
   (g) Volumes containing Penal Code; Code of Criminal Procedure; Corrections Code (MCL 750.1 - 830.End)

   Publisher: Thomson/West

   or

   Michigan Compiled Laws Service (Formerly Michigan Statutes Annotated) *
   Volumes: Equivalent to MCLA volumes required

   Publisher: Lexis Publishing Company

2. Michigan Digest - 2nd Series (preferred) *
   Volumes: All
   Publisher: Thomson/West

   or

   Callahan's Michigan Digest *
   Volumes: All
   Publisher: Lexis Publishing Company

3(a). Michigan Reporter
   Volumes: Vol. 378 (1986) to present
   Publisher: Thomson/West

   or, instead of (a),

(b). Michigan Reports (formerly Michigan Supreme Court Reports)
   Volumes: Vol. 424 (1986) to present, plus subscription to advance sheets
   Publisher: Thomson/West

   and

(c). Michigan Appeals Reports *
   Volumes: Vol. 148 (1986) to present, plus subscription to advance sheets
   Publisher: Thomson/West

4. Shepard's Michigan Citations
   Volumes: covering 1986 to present, plus subscription to advance sheets
   Publisher: Lexis Publishing Co.

*Must have current pocket parts or supplements for all required volumes.

5. Gillespie - Michigan Criminal Law and Procedure *
   Volumes: All of Volumes 1 - 4
   Publisher: Thomson/West

6. Michigan Rules of Court - State
   Volumes: Current
   Publisher: Thomson/West

7. Michigan Criminal Jury Instructions *
   Volumes: Current
   Publisher: Institute of Continuing Legal Education

8. Michigan Model Civil Jury Instructions (formerly Michigan Standard Jury Instructions – Civil) *
   Volumes: Current
   Publisher: Institute of Continuing Legal Education

9. Gromek, Lydick and Bosh - Michigan Appellate Handbook *
   Volumes: Current binder plus any updates issued
   Publisher: Institute of Continuing Legal Education

10. The Sentencing Guidelines Manual
    2000 to present
    Publisher: State Bar of Michigan (updates available upon request)

    or

    Michigan Sentencing Guidelines Manual
    2000 to present
    Publisher: Thomson/West

11. Filing Appeals and Original Actions - A Guide for Appellants Without Attorneys (current edition)
    Source: Michigan Court of Appeals (updates currently available online at the following: courtofappeals.mijud.net/clerkoffice/ppmanual)

12. Defender Trial Book (current edition)
    Publisher: State Appellate Defender Office

13. Defender Plea, Sentencing & Post-Conviction Book (current edition)
    Publisher: State Appellate Defender Office

14. Criminal Defense Newsletter (current and preceding one year period)
    Publisher: State Appellate Defender Office

15. State Court Administrative Office Approved Forms (current edition plus any supplements)
    Publisher: State Court Administrative Office

*Must have current pocket parts or supplements for all required volumes.

FEDERAL MATERIALS

16. United States Code Annotated (preferred) *
Volumes: Constitution (All), Title 18 (All), Title 28 (All), Title 42 (All)
Publisher: Thomson/West

or

United States Code Service
Volumes: Equivalents to USCA volumes required
Publisher: Thomson/West

17. Supreme Court Reporter
Volumes: From Vol. 90 (1970) to present, plus subscription to advance sheets
Publisher: Thomson/West

or

United States Supreme Court Reports, Lawyers' Edition, 2nd series to present
Volumes: From Vol. 25 (1970) to present, plus subscription to advance sheets
Publisher: Thomson/West

18. Federal Reporter, 2nd series to present
Volumes: From Vol. 421 (1970) to present, plus subscription to advance sheets
Publisher: Thomson/West

19. Federal Supplement, 1st series to present
Volumes: From Vol. 307(1970) to present, plus subscription to advance sheets
Publisher: Thomson/West

20. Federal Practice Digest, 3rd series, as available, and 4th series*
Volumes: All for 4th series including advance sheets
Publisher: Thomson/West

21. Shepard's United States Citations
Volumes: All related to required volumes of Supreme Court Reporter chosen (see Item #17 above), plus subscription to advance sheets for those volumes
Publisher: Lexis Publishing Co.

22. Shepard's Federal Citations
Volumes: All related to required volumes of Federal Reporter and Federal Supplement (see Items #18 and #19 above), plus subscription to advance sheets
Publisher: Lexis Publishing Co.

23. Federal Civil Judicial Procedure and Rules * (current edition - available in paperback)
Publisher: Thomson/West

GENERAL MATERIALS

24. Black - Black's Law Dictionary (8th or subsequent edition)
Publisher: Thomson/West -

25. Cohen and Olson - Legal Research in a Nutshell (current edition)
Publisher: Thomson/West

*Must have current pocket parts or supplements for all required volumes.

26. Israel and LaFave - Criminal Procedure: Constitutional Limitations in a Nutshell (current edition)
Publisher: Thomson/West

27. Branham - The Law and Policy of Sentencing, Corrections and Prisoners' Rights in a Nutshell * (current edition)
Publisher: Thomson/West

28(a). Palmer, J.W. - Constitutional Rights of Prisoners (current edition)
Publisher: Anderson Publishing Co.

and

(b). Hertz-Liebman, J. - Federal Habeas Corpus Practice and Procedure (current edition)
Volumes: All
Publisher: Lexis Publishing Company

or, instead of (a) and (b),

(c). Mushlin, Michael - Rights of Prisoners (current edition plus any supplements)
Publisher: Thomson/West

29. Department administrative rules

30. Non-exempt Department policy directives and Director's Office Memoranda

31. Non-exempt Department-wide operating procedures and CFA operating procedures

32. Non-exempt operating procedures for the institution where the library is located

33. The Hearings Handbook

34. Michigan Bar Journal - Directory Issue (April each year)
Publisher: State Bar of Michigan

35. Diplomatic List (current edition; available online)
Publisher: U.S. Department of State

36. Consular Notification and Access - (current edition as provided by Director’s Office)
Publisher: U.S. Department of State

37. Defender Habeas Book (current edition)
Publisher: State Appellate Defender Office

38. Bahrych and Rombauer - Legal Writing in a Nutshell (current edition)

39. Collins - Section 1983 Litigation in a Nutshell (current edition)

40. Rothstein, Raeder and Crump - Evidence in a Nutshell (current edition)

41. Vieira - Constitutional Civil Rights in a Nutshell (current edition)

*Must have current pocket parts or supplements for all required volumes.

APPROVED: DHH 1/25/13

ATTACHMENT B

MINIMUM COLLECTION FOR MINI LAW LIBRARY

MICHIGAN MATERIALS

1. Michigan Compiled Laws Annotated *
(a) Volumes containing U.S. and Michigan Constitutions
(b) Volume containing Administrative Procedures Act (MCL 24.201 - 24.328)
(c) Volume containing Drug Laws (MCL 333.7101 - 333.7545)
(d) Volumes containing Penal Code; Code of Criminal Procedure; Corrections Code (MCL 750.1 - 830.End)
(e) Copy of MCL 600.2963 of the Revised Judicature Act
(f) Copy of MCL 600.5501, et seq. (Prisoner Litigation Reform Act)

Publisher: Thomson/West

or

Michigan Compiled Laws Service (formerly Michigan Statutes Annotated) *
Equivalent to MCLA items required
Publisher: Lexis Publishing Company

GENERAL MATERIALS

1. A treatise on Michigan criminal law and procedure
2. Superseded advance sheets of Shepard's Citations (United States, Federal and Michigan)
3. A treatise (e.g., Nutshell Series) on prisoners' rights
4. A treatise on habeas corpus
5. A general treatise on criminal law and on criminal procedure
6. A legal dictionary
7. Federal rules of civil and criminal procedure
8. The Prisoner Guidebook
9. Attachment A to this policy directive and a current list of the main law library collection
10. The indexes to non-exempt Department policy directives and Director's Office Memoranda
11. The index to Department administrative rules
12. The indexes to the Department and institution operating procedures
13. The Hearings Handbook

*Must have current pocket parts or supplements for all required volumes.