



STATE OF MICHIGAN
DEPARTMENT OF CORRECTIONS
LANSING

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DIRECTOR'S OFFICE MEMORANDUM 2019 - 10

EFFECTIVE: January 1, 2019

DATE: December 13, 2018

TO: Executive Policy Team
Administrative Management Team
Wardens

FROM: Heidi E. Washington, Director

SUBJECT: PD 05.03.115 Law Libraries

SUPERSEDES DOM 2018 - 10 (effective 01/01/2018)

The Department has implemented a system by which most general population prisoners will conduct legal research through an Electronic Law Library (ELL) system. Segregation prisoners and general population prisoners who do not currently have direct access to a law library will be provided copies of legal research materials in accordance with current policy requirements and this Director's Office Memorandum. A contract was awarded to LexisNexis (effective 11/4/13) to provide ELL service in addition to select "hard copy" publications. The ELL allows connection to the LexisNexis website only. All other internet access is restricted.

The "hard copy" law library collection that is required to be maintained within all main law libraries is in Attachment A of PD 05.03.115 (effective 02/02/16). Pursuant to PD 05.03.115, the "hard copy" law library collection must be purchased using state-appropriated funds. Additional copies of the required items must be available if demand cannot be met with a single copy. All items are to be kept current. Items that are lost, defaced, stolen, or destroyed must be promptly replaced, using state-appropriated funds. The Prisoner Benefit Fund (PBF) may be used to purchase additional law library items consistent with PD 04.02.110 "Prisoner Benefit Fund" and PD 05.03.115.

Since the minimum law library access set forth in PD 05.03.115 is based on the time needed to conduct legal research using only "hard copy" publications, the minimum law library access requirements have been reduced. Prisoners shall be provided a minimum of four hours a week in the law library, in sessions of at least one hour. Law library time includes ELL use, "hard copy" research, or a combination of both. These are minimum requirements and, if resources permit, prisoners may be approved to use the law library for more than one hour. Additional time also shall be provided as set forth in Paragraph O of PD 05.03.115. Each law library shall continue to 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.

Prisoners using Department computers designated for use with the ELL are not subject to the pre-approval requirements or the direct and continuous observation standard as outlined in PD

01.04.105 “Use of Department Computer Equipment, Software, and Services.” In addition, the requirements identified in OP 01.04.105B “Offender Access and Use of Computers” are not applicable to prisoner use of the ELL computers. However, supervision of prisoners while in the law library must be provided consistent with current operating procedure requirements. Any specific approvals, limitations, or restrictions on ELL use will be identified by the Correctional Facilities Administration (CFA) Deputy Director or designee.

PRISONERS IN SECURITY LEVEL I

Currently, Paragraph P of PD 05.03.115 states that prisoners 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. Paragraph P is revised to require delivery of these items at least two days each week.

PRISONERS IN SEGREGATION

Currently, Paragraph R of PD 05.03.115 states that prisoners in segregation shall be provided, upon request, at least five items at one time from the required main law library collection at least three days each week. Paragraph R is revised to require delivery of these items at least two days each week.