

# Prison Law Library

## Guidelines

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Prepared by a Joint Committee from the

*American Association of Law Libraries*

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*American Library Association*

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*American Corrections Association*

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*& joined by*

*Correctional Education Association*

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## Introduction

In Bounds v. Smith 430 U.S. 817 (1977), the United States Supreme Court held that prisoners must be provided meaningful access to the courts, and indicated that prisoner access to the courts could be provided through prison law libraries. One result of this ruling has been continuing concern among corrections officials, law librarians, and attorneys as to what constitutes an adequate prison law library, and how such a facility should be staffed, managed, funded, and administered. The following guidelines have been developed to assist corrections officials, law librarians and attorneys in addressing these concerns. It is important to understand that the following statements represent guidelines for prison law libraries, and should be used to further the spirit of the law first established in Bounds v. Smith. These guidelines are not intended as hard and fast rules to be rigidly adhered to in all circumstances. These guidelines are arranged by topic to facilitate their use.

### PRISON LAW LIBRARY GUIDELINES

#### ADMINISTRATION

1. The law librarian shall be involved in the planning and development of the prison law library policies, procedures and operations including:
  - (a) selecting and processing the legal collection, including the creation of a collection development policy;
  - (b) hiring, training and supervising law library personnel, both civilian and inmate;
  - (c) design of physical facilities;
  - (d) developing and implementing policies and procedures, in cooperation with institution officials;
  - (e) budgeting;
  - (f) periodic inventory;
  - (g) policy and procedure development and review.
2. The law librarian shall develop, implement and evaluate short-range goals and long range goals to include:
  - (a) measurable objectives;
  - (b) task analyses;
  - (c) implementation strategies;
  - (d) evaluations.
3. These goals should be reviewed as necessary, but at least annually, and should be included in the correctional facility's overall plan.

4. The law librarian shall direct all law library staff, services and operations. The primary duties of the law librarian shall be to:
  - (a) develop, maintain and update the legal collection;
  - (b) select, train and supervise civilian and inmate staff;
  - (c) assist inmates in locating and using law library materials;
  - (d) arrange and/or conduct training for civilian and inmate law library staff;
  - (e) maintain familiarity with trends in contemporary law library management, and remain informed about legal issues affecting inmates.
5. The correctional agency legal counsel shall review all major aspects of prison law library operations for compliance with court mandates.

#### COLLECTION

1. The selection of materials for the prison law library shall be the responsibility of the prison law librarian in consultation with correctional agency officials and agency legal counsel and/or the state law library.
2. Agency legal counsel should approve the basic legal collection at least once.
3. All legal materials shall be kept current through supplements, continuations, replacements, etc.
4. Where heavy demand exists, duplicate copies should be considered.
5. Legal titles recommended by staff or inmates shall be evaluated as to their value to the law library, and their conformity to the law library's collection development policy and budget allowances.
6. Law library materials shall include a variety of formats that fit within the law library's collection development policy such as:
  - (a) hardcover books with current supplements if any
  - (b) soft cover books
  - (c) legal forms
  - (d) photocopies of court cases and relevant legal articles/excerpts
  - (e) Microfiche or microfilm
  - (f) videos for training and legal education programs
  - (g) CD-Rom products (based on product availability, cost, and availability of equipment necessary for access)

7. The most recent update of the Recommended Collections for Prison and Other Institution Law Libraries, published by the American Association of Law Libraries, shall serve as one of the primary selection tools for the prison law library.
8. In some states, it may be necessary to add or substitute titles specific to that state or region for example, the Navajo code in a southwestern state.
9. Where the prison provides less than the AALL recommended collection, the agency legal counsel should approve the legal collection.
10. The law librarian shall be responsible for the protection and preservation of the legal collection.
11. Legal books and other legal materials should be maintained in good physical condition through binding, mending or replacement as required.
12. A thorough inventory of the legal collection shall be performed regularly, at least once a year, to identify lost, stolen or damaged titles.
13. An ongoing process should be adopted to identify lost or damaged titles.
14. Follow-up steps should be taken by law library staff and correctional officers to recover lost and missing legal books and materials.
15. The collection shall include materials designed specifically for a person representing himself/herself.
16. These materials should range in subjects from understanding the law through doing legal research and preparing legal documents and forms, and should include both civil and criminal materials.

## PERSONNEL/STAFFING

1. The law librarian shall be considered a professional in a supervisory position. Requirements for this position will include familiarity with basic library management.
2. The law librarian's qualifications shall include:
  - (a) a professional library degree (M.L.S.) is preferred.
  - (b) Significant (two or more years) prior library training and/or experience may be substituted for the professional library degree.and
  - (c) prior legal training and/or experience (equivalent to at least one semester of legal research)and/or
  - (d) Some prior correctional work experience, or indication of the ability to work within a correctional environment is desirable.
3. The law librarian shall select all law library staff, both civilian and inmate.
4. Law library staff, both civilian and inmate, shall have job descriptions outlining their specific duties and responsibilities.
5. Compensation for law library civilian staff shall be internally equitable, and externally competitive with other professional and paraprofessional positions.
6. The law librarian shall receive periodic training in legal research and management skills (minimum of once per year).
7. Civilian law library staff shall receive additional training to expand their job skills.
8. The law library budget shall include funds for job-related continuing education programs for civilian staff.

## FACILITY

1. The prison law library shall be separate from the general prison library, if possible.
2. In addition to the central law library, there may be smaller, satellite law libraries.
3. The size and number of the law library facilities should be determined in accordance with the institution's population size, and the usage of the law library.
4. The law library shall be appropriately lighted, ventilated, heated and cooled.
5. There shall be sufficient table space to allow inmate law library patrons to spread out their books and papers while doing their legal work.
6. Workroom space shall be provided in the law library for the law library workers to perform technical processing and other work duties.
7. Sufficient shelving shall be provided to hold the legal collection.
8. The shelving arrangement shall facilitate ease in using the collection as well as maintaining security for the legal collection.
9. Additional space and shelving as required for the planned expansion of the legal collection should be included in the law library plan.
10. The law library shall be designed and arranged so as to provide security for staff, inmates, and the legal collection.
11. The law librarian should have a separate area or office with visibility of the prison law library.

## AGENCY LEGAL COUNSEL

1. As needed, the prison law librarian and/or prison administration shall consult with Agency Legal Counsel with regard to matters including but not limited to:
  - (a) Quality and sufficiency of the basic legal collection
  - (b) Hours of law library operation
  - (c) Availability of law library and/or legal resources for inmates in protective custody, segregation, or who are not able to have direct physical access to the law library.
  - (d) The definition and determination of 'indigence' relevant to the law library charges for photocopying, supplies and postage.
  - (e) Training programs and materials for inmate law clerks, and inmate patrons of the law library
  - (f) Law library policy on photocopying of inmate legal materials if such services are available.
2. Additional consultation shall occur, as necessary, when major changes are made in any of the above areas.

## SERVICES

1. Law library staff shall provide legal research assistance to inmate patrons, but shall not provide legal counsel or advice.
2. Legal research assistance should involve recommending choices of legal resources, and information on how to use them, if needed.
3. Policies, procedures, and information concerning access to the law library, and a complete inventory of legal materials held by the law library, shall be available for inmate examination in the law library.
4. The law library shall provide basic legal research training materials for all interested inmates.
5. The law library shall provide beginning and intermediate training in legal research for inmate law clerks, as needed.
6. Videos, instructional materials, and specialists should be provided to assist in the legal training of inmate law clerks.

7. Reasonable and timely access to legal materials shall be provided to inmates in segregation status, administrative segregation status, protective custody status, and any other isolated status.
8. The law library shall generally be a non-circulating reference collection:
9. Individual law libraries may permit certain legal materials to circulate for a designated period of time
10. Photocopy machine or service may be available to inmates for the reproduction of legal documents to be filed with the courts.
11. Policies regarding charges for photocopying of inmate legal documents shall be determined by the correctional facility.
12. Public notary service shall be available to inmates, either by a civilian law library staff member, or offered elsewhere in the institution. Policies and procedures for availability of and access to notary services shall be publicized to the entire inmate population.

#### ACCESS

1. Law library hours shall include some evening and weekend (entire day) hours, for the benefit of inmates who are unable to use the law library during weekday daytime hours.
2. Reasonable and timely access to legal materials shall be provided to inmates housed in segregation units and other isolation units who do not have physical access to the law library, in accordance with the policies of the institution.
3. Starter Collections' of legal materials may be used in segregation units, as an alternative to providing physical access to the main prison law library.
4. Law library access, (either directly or indirectly through delivery of law library materials) shall be provided to inmates in special populations including, but not limited to segregation units, protective custody units and mental health units.



## BUDGET

1. The budget for the prison law library shall be sufficient to provide for:
  - (a) maintenance of a current legal collection to include acquisition of:
    - (1) new titles
    - (2) supplements
    - (3) cost increases of legal publications
    - (4) replacement or repair of lost, stolen, or damaged portions of the legal collection and law library equipment.
  - (b) salaries of qualified staff
  - (c) office supplies, services, and equipment as needed
2. Funds shall be budgeted for staff continuing education and staff development activities.

## SUPPLIES

1. Official court legal forms shall be available to inmates in the law library. If not available, information shall be provided on how to obtain specific legal forms directly from the specific court.
2. The law library and/or inmate store shall offer paper and writing supplies for inmates to use within the law library for legal work. Indigent inmates shall be provided basic supplies (paper, pen, etc.) at no cost.
3. It is recommended that:
  - (a) typewriters in working condition may be provided for inmate patrons in the legal library.
  - (b) the use of typewriters in the law library be restricted to legal work only.
  - (c) Inmates may be permitted to purchase their own typewriter for use in their housing units and in the law library.

## SECURITY

1. The prison law librarian and civilian law library staff shall secure the legal collection against theft and damage.
2. Law library staff shall be on special alert where there is inmate movement to and from the law library.
3. In some facilities, an inmate may be required to turn in his identification card on entering the law library. In many cases, the inmate may be required to surrender his identification card in exchange for use of legal materials.
4. A correctional officer shall be assigned to work in or near the law library
5. The correctional officer should be responsible for law library security, including: searching inmates who enter or leave the law library, and providing visual observation of the law library.
6. Law library civilian staff shall cooperate with correctional custody staff regarding enforcement of law library rules and policies.
7. A written policy shall be developed addressing security issues in the prison law library.
8. A written policy shall be developed addressing response to emergencies such as fire, evacuation, flood, and riot in the prison law library area.
9. Rules governing expected inmate behavior in the law library shall be posted in the prison law library.