



UNITED STATES PENITENTIARY
ADMINISTRATIVE MAXIMUM FACILITY
Florence, Colorado 81226

**INSTITUTION
SUPPLEMENT**

Number : FLM 1315.07E
Date : January 14, 2009
Subject : Legal Activities, Inmate

1. **PURPOSE AND SCOPE:** It is the policy of the United States Penitentiary, Administrative Maximum and Federal Prison Camp, Florence, Colorado, to provide reasonable access to legal materials, counsel, and reasonable opportunity to prepare legal documents. The purpose of this institution supplement is to provide procedures and guidelines for implementing Federal Prison System Program Statement 1315.07, Legal Activities, Inmates, dated November 5, 1999.

2. **DIRECTIVES AFFECTED:**

Directives Referenced:

Program Statement 1315.07, Legal Activities, Inmates, dated November 5, 1999.

Program Statement 5265.11, Correspondence, dated July 9, 1999.

Program Statement 5267.08, Visiting Regulations, dated May 11, 2006.

Directives Rescinded:

* Institution Supplement FLM 1315.07D, Legal Activities, Inmate, dated November 3, 2006. *

3. **CORRECTIONAL STANDARDS REFERENCED:** Standards 4-4266, 4-4267 are referenced. ACA Foundation/Core Standards for Adult Correctional Institutions: FC2-4082, C2-4047, C2-4108; FC2-4086, C2-4104, C2-4197; FC2-4088 and C2-4105.

4. **"MAIN" AND "BASIC" LAW LIBRARIES:**

A. The "main" law library at ADX Florence is located in the Education Department. The FPC "main" law library is located in the Education Department. Operating hours are Sunday thru Saturday from 8:00 a.m. to 8:30 p.m.

- B. The "basic" law libraries are located in each housing unit within the ADX.
- C. Legal materials/books not available in the basic law libraries may be requested from the main law library by submitting an ADX Law Library request form.
1. The request form for items must be received in the Education Department one day prior to delivery. Requests should be specific and contain volume and page number. For example, **Jones v. Davis**, 325 F. Supp 329.
 2. Delivery will be provided to all units on Monday, Tuesday, Thursday and Friday.
 3. Accommodations are given to those inmates with a **verified** imminent court deadline (i.e., five books for five days). An imminent court deadline is a deadline thirty (30) days or less. No deliveries will be made on legal holidays or weekends.
 4. An inmate may request and have in his possession no more than three (3) law books or program statements from the main law library at one time. Requestor must retain the checked out items in his possession until recovered by staff.
 5. Check out time on materials from the main law library generally will not exceed 24 hours, except on weekends and holidays. *
 6. * Inmates who lose, damage, or refuse to return material checked out to them will receive an incident report and the legal material will be retrieved by staff. This may also result in an adjustment of the delivery of legal materials to the inmate.
- D. Requests to the main law library for legal materials maintained in the basic law libraries ordinarily will not be granted.

Previously issued books must be returned before new requests will be filled. Check out privileges can be suspended if books are not returned within the time limits listed in Section 4(C)(5). Finally, if books are destroyed, altered, marked on etc., the inmate who checked out the book will be held responsible and will be subject to disciplinary action and restitution.

5. **MAINTENANCE OF LAW LIBRARIES:**

- A. Overall supervision for the upkeep and operation of the law libraries is the responsibility of the Supervisor of Education and Law Library Technician.
- B. Responsibility for the day to day operations of the various law libraries is as follows:
 - 1. General Population Units: Unit Manager and Law Library Coordinator.
 - 2. Main Law Library: Law Library Coordinator.
 - 3. Special Housing Unit: Unit Officer and Law Library Coordinator.
 - 4. Control Unit: Unit Officer and Supervisor of Education.
 - 5. Step Down Units: Unit Officer and Law Library Coordinator.

6. **LEGAL RESEARCH AND PREPARATION OF LEGAL DOCUMENTS:**

- A. The main law library is not open for direct access to any of the inmate population at ADX Florence. The main law library operates as a check out source for legal materials. Normally, requests for legal materials maintained in the main law library are answered within 24 hours. Legal materials from the main law library may be checked out on Mondays, Tuesdays, Thursdays and Fridays, excluding all federal holidays and weekends. For materials available through the main law library, see Program Statement 1315.07, Legal Activities, Inmates, Attachment A, dated November 5, 1999.
- B. Inmates will be allowed to assist one another in the research and preparation of legal documents. Due to potential separation requirements and security concerns, inmates may not necessarily be allowed to have the specific inmate of their request help them in such endeavors. Inmates who seek assistance from other inmates are usually limited to those inmates on their respective range of the unit. Inmates housed within the segregation units are normally limited to the assistance of other inmates on their respective ranges. Any legal assistance from one inmate to another will need the approval of the unit manager. Possession of three (3) law books or program statements, as outlined in Section 4(C)(4), applies.
- C. Inmates in general population who have been requested to provide legal assistance to an inmate housed in a closed unit (special housing, control, or

hospital) may do so only if they are co-defendants or co-plaintiffs in a particular case. This legal assistance may only be done in writing.

Such written legal materials may always be inspected by staff to assure it neither jeopardizes the security or orderly operation of the institution nor violates any institution regulation.

Possession of three (3) law books or program statements, as outlined in Section 4(C)(4), applies. The Associate Warden (Programs) has final approval on all legal correspondence between inmates at this institution to other inmates within this institution.

- D. Inmates will be allowed a reasonable amount of basic law library time to prepare legal documents, to include Special Housing Unit. Inmates who are required to meet verified deadlines in connection with pending litigation may request "extra" basic law library time through their unit manager. Each unit maintains a unit law library log and an inmate may request his name be placed on the list for its use. Inmates are placed in the unit law library according to the order in which they sign up for its use. For materials available through the basic law libraries see Program Statement 1315.07, Legal Activities, Inmates, Attachment C, dated November 5, 1999.

Inmates who request to do legal research and preparation during their regularly scheduled work time are required to do such legal research and preparation during all available leisure time before approval is given to do such research and preparation during scheduled work hours.

Unit staff may authorize an inmate to work reduced hours when such requests are made. Unit staff will verify deadlines in connection with the pending litigation and "extra" time requests require approval of the unit manager.

- E. The inmate's correctional counselor is responsible for implementing the procedures for duplicating legal documents as outlined in Program Statement 1315.07, Legal Activities, Inmates, dated November 5, 1999, Section 5(g) and 6(g). Copies will cost the inmates ten cents per page. Legal copies must be paid for using form BP-199. Inmates requesting copies must submit an Inmate Request to Staff form to the Law Library Coordinator.

At FPC, copying facilities are available in the Education Department for use at the inmate's expense.

- F. Inmates may be allowed to maintain legal material necessary for legal actions and legal reference books if they are not available in the institution's main law library or cannot otherwise be obtained by the institution for use by the inmate population.

The amount of storage space provided for excess legal materials is dependent upon the amount of space available and legal materials will be limited to that amount which can be neatly stored in an inmate's cell. Ordinarily, the amount will be limited to a level of three (3) cubic feet per inmate.

An inmate, who claims a need for additional space for material in connection with legal activities, may be provided space for additional storage on a temporary basis. Such requests should be made through his unit team. In no case shall the amount of personal legal materials be such as to pose a fire, sanitation, security, or housekeeping hazard. The Legal Department should be consulted, by appropriate staff, if there is a question as to the need for bulky or excess legal material.

7. TYPEWRITERS AND GOVERNMENT STATIONERY:

- A. No typewriters will be made available for inmate use at the ADX. Upon request, inmates will be provided with names of local typing services. The Education Department will provide fee schedules and specific information to the inmates regarding the service.

- * B. Typewriters are available for legal use only in the FPC Law Library. Inmates must verify to a staff member they are typing legal work. Unauthorized use of these typewriters may result in disciplinary action. Inmates utilizing the typewriters will be required to provide their own typewriter ribbons and correction tape. These items are available for purchase through the commissary, with a possession limit of two. Indigent inmates will be allowed to check out ribbons through the Education Department. Typewriters will not be reserved by inmates, and any paper or materials left at the typewriters after and between shifts will be considered contraband. *

- C. Government stationery, including government eagle stationery, shall not be utilized or issued to inmates. Stationery required to complete courses of study or legal material will be issued to the units by the Education Department.

8. **PROCEDURES GOVERNING USE AT FPC FLORENCE:** Institution Law Library materials will not be removed from the Law Library. The materials are available on a first come, first served basis and must be returned in the condition in which they were received. Unauthorized possession of Law Library materials by an inmate will generally warrant disciplinary action. Further rules governing the use of the Law Library are posted in the Library and in the Education Handbook. It is the responsibility of each user to be familiar with these rules. Inmates will not be excused from work assignments to utilize the Law Library, unless they have a current pending court date and approval of absence from work by the detail supervisor and the Warden. A Law Library Checkout Form will be kept and maintained to record participation levels.

9. **ATTORNEY VISITS:** Procedures for attorney visits are outlined in Program Statements 1315.07, Legal Activities, Inmates, dated November 5, 1999, Section 10, Visits by Attorneys.

10. **PARALEGALS, CLERKS, AND LEGAL ASSISTANTS:** Requests to enter the institution and correspond with an inmate as an attorney's "legal representative" will be processed by the Unit Team with the assistance of the Legal Department, if necessary.

11. **RESPONSIBLE DEPARTMENT:** The Education Department is responsible for the annual review/revision of this supplement.

_____ R. Wiley, Warden _____ Date

_____ **DISTRIBUTION:**

_____ Directives Libraries
_____ All Department Heads
_____ Associate Warden (Programs)
_____ Associate Warden (Operations)
_____ Education Services, NCRO
_____ AFGE
_____ Inmate Law Library