US Department of Justice
Federal Bureau of Prisons
Federal Correctional Institution
Ray Brook NY 12977

INSTITUTION SUPPLEMENT

NUMBER: RBK 1315.07D
DATE: December 01, 2011
SUBJECT: LEGAL ACTIVITIES, INMATE
OPI: EDUCATION

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1. **PURPOSE AND SCOPE:** The purpose of this supplement is to establish local procedures for implementing Program Statement 1315.07, Legal Activities, Inmate. This supplement should be read in conjunction with that Program Statement.

2. **DIRECTIVES AFFECTED:**

   A. Directives Referenced:

   Program Statement 1315.07, Legal Activities, Inmate, November 5, 1999;
   Program Statement 5265.11, Correspondence, July 9, 1999;
   Program Statement 5266.10, Incoming Publications, January 10, 2003;
   Program Statement 5267.08, Visiting Regulations, May 11, 2006;
   Institution Supplement 5265.11C, Correspondence, February 4, 2009;
   Institution Supplement 5267.08B, Visiting Regulations, January 2, 2009;
   Institution Supplement 5580.07A, Personal Property, Inmate, January 2, 2009.

   B. Directives Rescinded:

   Institution Supplement 1315.07C, Inmate Legal Activities, December 1, 2010.

3. **CORRECTIONAL STANDARDS REFERENCED:**

   American Correctional Association Standards for Adult Correctional Institutions 4th Edition: 4-4269, 4-4274, 4-4275, 4-4276, 4-4500.

4. **PROVISIONS FOR LEGAL RESEARCH:**

   A. This institution maintains a "Main" and a "Basic" Law Library possessing those materials required by Federal Bureau of Prisons' Program Statement 1315.07.
   B. The Main Law Library is located in the Education Department.

Main Law Library Hours	From	To
Mondays – Thursdays	7:30 am 12:30 pm 4:30 pm	11:15 am 3:15 pm 8:15 pm
Fridays	7:30 am 12:30 pm	11:30 am 3:30 pm
Saturdays	7:15 am	3:15 pm

C. Inmates may only use the Law Library during their leisure, non-working hours or while on an authorized legal activities work proscription to meet an imminent court deadline.

D. BASIC LAW LIBRARY

The Basic Law Library is in the Special Housing Unit (SHU). The Basic Law Library is available to inmates assigned to SHU, for legal research or work, seven (7) days per week from 8:00am – 9:00pm. The Law Library may be unavailable at certain times due to the operation of SHU.

Inmates in SHU may request Basic Law Library access by submitting an "Inmate Request to Staff Member Form" to the SHU #1 Officer. Based on demand for Law Library access, inmates will be given at least one hour in the Basic Law Library per day, per request. More time may be allowed depending on the volume of inmate requests.

5. **PREPARATION OF LEGAL MATERIALS BY INMATES**:

A. Non-Duty Hours: Inmates are expected to prepare legal documents during their non-duty, non-working leisure time. Legal work should not interfere with normal institutional programs.

B. Imminent Court Deadline: Inmates facing an imminent court deadline[1] for current, active litigation may submit a written request to the Unit Manager requesting time off from their assigned work detail to meet an imminent court deadline. Inmates requesting time off from their work detail to meet an imminent court deadline should complete Section A of Attachment A to this Institution Supplement and submit it to their Unit Manager.

If necessary, the Unit Manager will confer with the Legal Liaison to verify the imminent court deadline. The inmate's Unit Manager will review all of the available relevant information, including the amount of available leisure-hour Law Library access and make a recommendation to the Associate Warden (Programs). Temporary reassignment from a regular work assignment to the Law Library in order to meet an imminent court deadline requires the associate Warden's approval. Maximum reassignment is five (5) days. If additional time is necessary, another request (Attachment A) must be submitted and approved.

Approved inmates will be assigned to the Education Department work detail and must report to the Law Library at work calls on the day(s) they are excused from their regular work detail. Following expiration of the temporary assignment to Education, the inmate will return to his previously assigned work detail.

C. Legal Assistance: There is no formal legal assistance program at FCI Ray brook. Accordingly, inmates in general population may assist each other in the preparation of legal documents. Inmate Law Librarian-Clerks may advise and assist inmates in the preparation of their materials, but they are not expected to draft or produce legal documents. Inmates cannot be compensated for assisting other inmates with legal work. Inmates in the Special housing Unit may not assist or e assisted by another inmate while assigned to SHU.

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[1] An imminent court deadline is one which occurs in the next 14 to 20 days, which the inmate could not have reasonably anticipated with sufficient certainty to have prepared the necessary response during the inmate's available non-working leisure time.

The Law Library and the Education Department Library reading area are the only areas of the institution designated for inmates to assist each other with their legal work or research. Inmates are not permitted to remove another inmate's legal material, or copies of legal material from the library area. When an inmate is assisting another, the assisting inmate may remove only handwritten notes if the notes do not contain a case caption, document title, or the name of any inmate. Any document left unattended in the Law Library or Education Department is considered nuisance contraband and will be disposed of according to established procedures.

D. Supplies: The Education Department will supply the Law Libraries with the necessary supplies, e.g., paper, carbon paper, pencils, etc., for preparing legal documents.

Other supplies may be purchased from the institution's commissary, i.e., large mailing envelopes, typewriter ribbons, pens, etc.

E. Typewriters: Typewriters are available in the Main Law Library.

It is prohibited to use these typewriters for other than legal work, i.e., typing personal or business letters. These typewriters are only for typing legal documents, i.e., complaints, petitions, motions, memorandums of law, or administrative remedy requests.

F. Standard United States District Court Forms: The standard forms for filing petitions and lawsuits in the US District Court are available locally, and may be obtained from the Law Library Clerks. A list of the currently available forms is posted in the Law Library or available from the Law Library Clerks.

6. **PURCHASE AND DISPOSAL OF LAW BOOKS AND LEGAL MATERIALS BY INMATES:**

A. Purchases: Law books and printed legal materials may be purchased from the publisher or a book store without prior approval, subject to the personal property limits established in Institution Supplement RBK 5580.06A, *Personal Property, Inmate*. An inmate may not purchase legal materials for other inmates.

The institution assumes no responsibility for the safekeeping of personal property legal materials.

B. Disposal: When the inmate is finished with a personally purchased law book or legal materials, he must dispose of it or send it home at his expense.

7. **AUDIO CASSETTE TAPES IN LIEU OF WRITTEN TRANSCRIPTS:**

A. US Parole Commission Hearing Tapes: Inmates may listen to US Parole Commission Tape only during their leisure hours in the Education Department. Inmates may not possess the cassette tapes outside of the Education Department. The tapes will be available for three (3) weeks, after which time the tapes will be returned to the Unit Team.

B. Other Hearing Tapes: Other OFFICIAL HEARING tapes will be approved for receipt and review only under extraordinary circumstances. Inmates must submit a written request to the Unit Manager to receive tapes. If approved by the Unit Manager and the Associate Warden of Programs, the Unit Team will arrange for the delivery of the tapes and coordinate with the Education Department to allow the tapes to be available for three (3) weeks. Inmates may listen to the tapes during their leisure hours only. Inmates may not possess the cassette tapes outside of the Education Department. After the

three (3) week period, the tapes will be returned to the sender or other addressee, by the Unit Team, at the inmate's expense.

8. **REPRODUCTION OF LEGAL DOCUMENTS OR MATERIALS FOR INMATES:**

A. An inmate granted permission by the courts to proceed *In Forma Pauperis*, does not have a procedural or substantive right to free copies. If required to provide copies of documents that cannot be produced by other means, i.e., carbon paper, inmates may use the inmate access photocopier available in the Education Department to reproduce legal materials at their own expense.

INMATES USE OF THE PHOTOCOPIER AT THEIR OWN RISK. Institution staff and the photocopier vendor are not responsible for the machine's failure to produce copies. Neither the institution, nor the photocopy machine vendor is obligated to refund any money lost in the copier. All profits derived from the photocopier vendor accrue to the benefit of the Inmate Trust Fund.

Education Department staff are responsible for placing a sign on the machine, upon determination that it is not in proper working order, to give inmates notice.

In the event the inmate photocopier is not operational, the inmate's Unit Team is responsible for making inmate legal copies. The Unit Team will require the inmate to execute a "Request for Withdrawal of Inmate Personal Funds" (Form BP-199) for the photocopies, at the same price as charged by the inmate copier. No part of the funds collected for Unit Team produced photocopies benefit the Inmate Trust Fund. This paragraph does not infer any requirement or authorization for the reproduction of documents at the request of SHU inmates, other than what is (a) required by the court and (b) cannot be otherwise reproduced.

B. It is recommended that inmates forward their materials to family, friends, lawyers, etc., for reproduction and forwarding to the appropriate court or office. Inmates may not have large quantities of photocopies returned to them at the institution.

C. If an inmate is currently without funds, he may request necessary photocopies from his Unit Manager. Since public funds are involved, all inmates requesting photocopies are required to demonstrate the number of copies required by the court, and show that the documents/exhibits are referenced in their writ or petition. Inmates may be permitted to retain one copy of the reproduced document for personal use, in addition to those copies required by the court.

If the inmate demonstrates that more than one copy must be submitted to the court and that the duplication cannot be accomplished by use of carbon paper, Unit Team shall duplicate legal documents at times scheduled by staff so as not to interfere with regular institution operations. The inmate shall bare the cost of duplication at the same price per copy as the inmate access photocopier. The Unit Manager may waive the cost if the inmate is without funds[2] or if the material to be duplicated is minimal, and the inmate's request for duplication are not large or excessive.

If the cost is not waived, the inmate must execute a "Request for Withdrawal of Inmate Personal Funds" (Form 199), payable to the US Treasury, Miscellaneous Receipts, for the full price of the photocopies. The Warden may subsequently waive the cost of photocopies after a reasonable effort to collect the charges has proven unsuccessful.

D. Ordinarily, copies of progress reports, incident reports, parole actions and other records contained in an inmate's Central File will not be duplicated unless the requesting inmate demonstrates these items are needed as exhibits. Manuals, Program Statements and Institution Supplements need not be reproduced, as quotations and citations from the materials are normally sufficient.

9. **ATTORNEYS:**

A. Retention of Attorneys: Retention of an attorney shall be the prerogative of each inmate. There are no local legal service agencies that provide free counsel to federal prisoners.

B. Attorney Visits: Refer to Program Statement 5267.08, *Visiting Regulations*, and Institution Supplement RBK 5267.08, *Visiting Regulations*. All visiting attorneys must complete the VISITING ATTORNEY STATEMENT, Form BP-S241.013, before visiting. An APPLICATION TO ENTER INSTITUTION AS REPRESENTATIVE, Form BP-S243.013, must be completed for every person requesting to enter the institution as the representative, e.g., investigator, paralegal, translator, etc., of a licensed attorney before we permit him or her to enter and visit with an inmate. The Unit Team should coordinate, investigate, and as appropriate, approve applications to enter the institution as a representative.

C. Attorney Correspondence: Refer to Program Statement 5265.11, *Correspondence*, and Institution Supplement RBK5265.11, *Correspondence*.

10. **ADMINISTERING OATHS AND ACKNOWLEDGMENTS:**

Most documents do not need to be signed or witnessed by a Notary Public. Title 28 U.S.C. § 1746 provides that an unsworn declaration under the penalty of perjury may be used with "like force and effect" as a sworn declaration, verification, certification, statement, oath or affidavit; when such action is required by any law, rule, regulation, order or requirement of the United States. Since most documents that inmates sign are pursuant to a United States law, rule or regulation; a notarized oath is not necessary.

Consistent with the information above, designated staff members who are a New York State Notary Public will administer oaths and acknowledgments and will only notarize documents that absolutely require a notary. **Staff will decline to notarize documents that do not need to be notarized.** The Unit Team will direct inmates to the appropriate Notary Public.

11. **SERVICE OF PROCESS:**

Staff will effect service of process upon inmates at this facility on behalf of the United States government, or any agency thereof, including the judicial and legislative branches. Staff will also effect service of process on behalf of state boards of parole, parole commissions, pardon offices or any criminal matter, including Orders of Protection. In these cases, the staff member effecting service may execute and return an acknowledgment of service to the sending authority.

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[2] An inmate without funds is defined as an inmate who has not had a balance of $6.00 or more in his Inmate Trust Fund Account in the past 30 days.

Staff **will not** effect service of process on behalf of foreign countries, states, providence, territories, etc., including the judiciary or legislative branches, unless the United States is a party to the action. Furthermore, staff will not effect service of process in private civil, paternity or domestic matters. All documents will be returned to the sender.

The Essex County Sheriff and the New York State Police are authorized to effect personal service of process upon inmates at this facility. At a time not to interfere with the normal operation of the institution, staff will escort the deputy or trooper to D building, where we will also bring the inmate and allow personal service of process. As a courtesy to local law enforcement, every effort should be made to expeditiously accommodate their request to effect service of process. Requests by other parties, e.g., private process servers or private investigators, to effect service of process on an inmate will be treated as a request for a special visit and handled by the Unit Team in the manner described above.

12. **PATERNITY TESTING:**

It is common practice to collect hair, blood, saliva or other body fluids and test the samples of individuals to establish paternity. Inmates may voluntarily agree to submit to such testing, generally requested by state agencies or private parties. It is the responsibility of the party desiring the sample collection and test to arrange with the inmate's Unit Team a convenient schedule for collecting a test sample. A phlebotomist or other trained sample collection profession will be allowed to visit the inmate, during non-visiting hours and collect the necessary samples for testing purposes. Staff must directly supervise the inmate and visitor during the sample collection. Federal Bureau of Prisons staff will not participate in securing, drawing, transporting, or disposing of blood or associated materials or waste from sample collection without the prior consent of the Warden and/or Bureau of Prisons' Legal Counsel.

13. **EFFECTIVE DATE**: This supplement is effective upon issuance.

R. A. Perdue
Warden

cc: RBK Law Library

FCI RAY BROOK
INAMTE REQUST FOR LEGAL DEADLINE
WORK PRSCRIPTION AND CALCULATION WORKSHEET

Section A (Inmate Completes)

Date: _____ Unit: _____

Name: _____ Reg No: _____

Work Detail: _____ Work Hours: _____

Supervisor: _____

Eligible for Vacation: Yes / No Vacation Hours Available: Yes / No

Name of Action: _____

Court: _____

Title of Document to be prepared: _____

Date of Notice of Court Deadline: _____

Section B (Staff Complete)

Verified Date of Legal Deadline: _____

Verified By: _____ Date: _____

RECOMMEND APPROVAL: _____ RECOMMEND DENIAL: _____

Beginning: _____

Ending: _____

_____ _____
Unit Manager Unit Manager

Section C (Associate Warden Completes)

_____ Assign inmate to Education work detail as recommended above for legal work proscription to meet imminent court deadline. Work restricted to the following document or case:

Document: _____

Docket No: _____

_____ Request Denied.

_____ _____
Associate Warden, Programs Date

Forward copy of completed form to Supervisor of Education.