



Illinois Department of Corrections

Administrative Directive

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| Number: 04.60.110 | Title: Satellite Law Library | Effective: 5/1/2021 |
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| Authorized by: | <i>[Original Authorized Copy on File]</i> Rob Jeffreys Acting Director |
| Supersedes: | 04.60.110 effective 2/1/2020 |

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| Authority: 730 ILCS 5/3-7-2 and 3-8-7 DR 430 and 504 | Related ACA Standards: 5-ACI-3C-01 – 04, 07, 5-ACI-3D-03, 5-ACI-5E-02, 5-ACI-7E-02 – 04 |
| Referenced Policies: | Referenced Forms: DOC 0048 – Satellite Law Library Log DOC 0296 – Offender Authorization for Payment DOC 0434 – Incident Report |

I. POLICY

The Department shall establish and maintain a Satellite Law Library in correctional facilities which have been so designated by the Director.

II. PROCEDURE

A. Purpose

The purpose of this directive is to establish written guidelines for staff regarding offender access to and maintenance of Satellite Law Libraries.

B. Applicability

This directive is applicable to all correctional facilities which have been designated by the Director to establish and maintain Satellite Law Libraries.

C. Facility Reviews

A facility review of this directive shall be conducted at least annually.

D. Designees

Individuals specified in this directive may delegate stated responsibilities to another person or persons unless otherwise directed.

E. General Provisions

1. The facility shall provide a secure area, such as a cell or other enclosed area, to house Satellite Law Libraries. The libraries shall be equipped with shelving, a chair and a work area, such as a table or desk.
2. The Chief Librarian shall:
 - a. In consultation with Legal Services, develop and maintain a list of legal materials.
 - b. Update and distribute the list, as necessary, to each facility with a Satellite Law Library.
3. The Satellite Law Library shall contain the legal materials enumerated in the list distributed by the Chief Librarian.

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4. A list of legal forms, instructional packets and titles of material maintained in the main law library shall also be available to offenders using the Satellite Law Library.
5. Nothing herein shall be construed to require access to the Satellite Law Library or to other law library services regarding matters other than those related to challenges to an offender's sentence or conviction, either directly or collaterally, or conditions of confinement or after the preparation and filing of initial pleadings.
6. Offenders who are represented by counsel need not be afforded access to the Satellite Law Library or to other law library services with respect to the case or legal matter in which representation is being provided.
7. Unless otherwise authorized by the Chief Administrative Officer (CAO), only offenders who do not have access to the main law library shall have access to the Satellite Law Library.

F. Maintenance and Control of the Satellite Law Library

1. Library staff shall write prominently with indelible marker on the books' spine or block. Simple alphanumeric codes shall be used to facilitate quick identification of volumes. A checklist of all materials in the Satellite Law Library collection shall be provided to unit staff. The list shall include the quick identification codes.
2. Satellite Law Library materials shall be used in the designated area only, unless otherwise approved by the CAO. Security staff shall do a sight inventory and a search of the Satellite Law Library between each usage and document same. Additionally, a search of each offender shall be conducted prior to entering and upon leaving the Satellite Law Library to ensure no materials have been removed or damaged and to ensure that nothing was left by the offender.
3. Offenders shall be allowed to bring with them, or the facility shall supply, a pen or pencil, paper and reasonable amounts of legal material. Additional items may be allowed as determined by the CAO.
4. Facility library staff shall inventory the Satellite Law Library collection at least once per month.
5. Where it is determined that items are missing from the collection and not found in the possession of any offender in the unit, the reporting employee shall prepare an Incident Report, DOC 0434, documenting that fact. A copy of the DOC 0434 shall be forwarded to the facility library. Library staff shall order a replacement copy of that volume periodically but not less than quarterly, unless an update is due to be issued within the next six months.
6. Facility library staff shall:
 - a. Place updated materials in the Satellite Law Library collection as the updates are received from the publisher on standing order.
 - b. Remove obsolete or replaced materials from the collection when updated material is added.

G. Hours of Operation and Offender Access

1. The Satellite Law Library shall be available for use according to a schedule established by the CAO. The schedule shall generally allow for a minimum of two-hour blocks of access time, absent security or operational problems.
2. The number of requests made by offenders to use the Satellite Law Library and actual usage shall be reviewed by library staff semiannually, or more frequently as determined necessary. To

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determine whether the Satellite Law Library availability is adequate, library staff shall confer with a senior paralegal or the Chief Librarian. Library staff shall submit recommended changes regarding law library availability to the CAO.

3. Annually, or more frequently as determined necessary, facility library staff shall:
 - a. Monitor usage of the collection and the nature of requests for materials from the main library; and
 - b. Make recommendations about additions to or deletions from the Satellite Law Library collection.
4. The Chief Librarian shall, in consultation with legal staff, review recommendations.
5. Offenders shall be allowed access to the Satellite Law Library in the order in which requests are made, with the exception of priority requests. Offenders not afforded access on one day shall have priority during the next scheduled access period.
6. Offenders with imminent court, statutory or statute of limitations deadlines should so specify these deadlines when requesting access to the Satellite Law Library. Upon verification of imminent deadlines by library staff, the offender shall be given priority access.
7. Unit staff shall maintain the Satellite Law Library Log, DOC 0048, as offenders enter and exit the Satellite Law Library.
8. Information pertaining to Satellite Law Library access shall be included in the "Offender Handbook" and in the orientation process. Procedures for requesting access to the Satellite Law Library and information regarding the collection and use of the Satellite Law Library shall be available.

H. **Procedure for Supplementing Satellite Law Library from Main Library**

1. **Requesting Materials**

An offender must submit a written request to the main library to receive any or all of the following:

- a. Loaned or personal copy of a specific case or statute, chapter or section of a textbook or treatise, or journal article (where the requestor provides an exact citation). In the event an inaccurate citation is provided, an effort shall be made to obtain the desired material, where possible.
- b. Assistance in researching a subject or topic if library staff determine the offender is not capable of doing so without assistance.
- c. Specific court forms, instructional packets or blank fill-in form motions or pleadings from the library's files which are not available in the Satellite Law Library.
- d. Assistance in drafting pleadings if library staff determine the offender is not capable of doing so without assistance.

NOTE: In determining whether an offender is capable of drafting pleadings or conducting research, the library staff may, among other matters, confer with educational or mental health staff.

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2. **Delivery of Materials**

- a. Where requested by an offender, one copy of court forms, instructional packets or blank fill-in form motions or pleadings from the library's files shall be provided to the offender at no charge. Copies of completed forms and pleadings, in numbers required by the courts, shall be provided to the offender after he or she has submitted an Offender Authorization for Payment, DOC 0296, or authorized the deduction from his or her photocopy card for photocopy charges.
- b. Photocopies of a reasonable amount of materials from the main library shall be loaned to the offender at no cost if returned to library in reusable condition. The loan period for photocopies shall be established by the CAO but shall not exceed 30 days. A reasonable number of renewals of the loan period may be granted by the library. A Request for Payment for photocopy charges shall be prepared at the time materials are loaned to the offender. The Request for Payment shall be destroyed upon return of the materials in reusable condition. If materials are not returned to the library or are in unusable condition, the Request for Payment shall be processed to charge the offender for the photocopies.
- c. Reasonable efforts shall be made to deliver requested materials within three business days, excluding holidays and weekends.
- d. All loaned materials shall be due and must be returned to the library upon the offender's transfer to another facility. Offenders shall be charged for all unreturned materials.
- e. In response to a subject or topic research request, the library may provide copies of the requested materials or, among other materials, a copy of index or digest pages or a list of pertinent citations from which the offender may request copies of specific items.
- f. The offender must indicate the order of priority when requesting large amounts of copies if the order of priority is different than the order in which materials are listed. The library shall fill the request in priority order in a manner which will not interfere with the operation of the library or its provision of services to other offenders.

I. **Abuse of Satellite Law Library Privileges**

1. Offenders who abuse Satellite Law Library privileges or destroy Satellite Law Library materials shall be disciplined in accordance with Department Rule 504.
2. Offenders may be denied access to the Satellite Law Library if found guilty of a disciplinary offense related to use of the law library for a period determined appropriate by the CAO. This determination shall be based, among other matters, on the severity of the offense, whether the offense impaired other offenders' access to the Satellite Law Library and whether the offender has been found guilty of other disciplinary offenses related to use of the law library. Satellite Law Library privileges shall not be denied permanently; and in the administration of discipline for abuse of Satellite Law Library privileges, the offender's verified court or statute of limitations deadlines shall be taken into account. Where access to the Satellite Law Library has been denied, each facility shall develop an alternative for providing necessary law library services. Alternative plans shall be reviewed by the senior para-legal for the region and the Chief Librarian and be approved by Legal Services.
3. Offenders may be required to pay restitution for replacement or repair of stolen, destroyed or damaged library materials.

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J. Miscellaneous

1. Notary services shall be available to offenders at no charge.
 2. In the event it is verified that an offender is illiterate or cannot read English, the Department shall either:
 - a. Provide a person to translate or read the law library materials and write documents; or
 - b. Upon request and after consultation with the senior para-legal of the region and the Chief Librarian, provide law library service through the services of a person who has at least the qualifications of a offender law clerk who has been trained in the uniform law clerk program or its equivalent.
 3. Reasonable steps shall be taken to have a Department employee or another authorized person available to serve as an interpreter upon request and where necessary to provide law library services. In the event an interpreter cannot be located, the Chief Librarian shall be notified.
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