



**Department of Corrections and Rehabilitation**  
**NOTICE OF CHANGE**  
**TO DEPARTMENT OPERATIONS MANUAL**

**Chapter 10, Article 12,**  
**Library and Law Library**

**Transmittal Letter Number:**

15-19

**Revision Date:**

November 4, 2015

The purpose of this document is to provide staff with information regarding revisions to Department Operations Manual (DOM) Chapter 10, Article 12, Library and Law Library.

The Department recently changed its vendor for electronic law library materials. The new vendor provides a different, though equivalent, set of legal materials. Consistent with California Code of Regulations Title 15 regulations, this DOM revision updates the list of required library and law library contents. The revision also updates position titles and reporting requirements.

Please inform all persons concerned of the contents of this notice, which shall be maintained and utilized until it is incorporated into the next online edition of the DOM. If you have any questions, please contact Brandy Buenafe, Office of Correctional Education, at (916) 322-2803.

*Original Signed By:*

RODGER MEIER for

MILLICENT TIDWELL

Director

Division of Rehabilitative Programs

## CHAPTER 10 – ADULT PROGRAMS

### ARTICLE 12— LIBRARY AND LAW LIBRARY

*Revised November 4, 2015*

#### **101120.1 Policy**

An inmate library shall be maintained by each facility, reception center, and camp and shall operate according to an operation schedule approved by the Warden or officer in charge. The schedule shall be widely distributed to the inmate body and posted throughout the facilities, reception centers, and camps. The library program shall allow for maximum inmate access and participation.

#### **101120.2 Purpose**

There shall be a general library and at least one law library in each facility with space to provide service to all segments of the facility population. Such areas shall contain space to accommodate State-owned books and non-print materials and to allow individual study of the available materials. Access to each library shall take into consideration the needs of general population inmates and inmates assigned to security, segregation, and other restricted housing units. The program shall include opportunity for independent, informal study and research, general library services, e.g., recreational reading and interlibrary loan, legal library service, and circulation legal library services.

#### **101120.3 Responsibility**

The Director, Division of Adult Rehabilitative Programs, shall be responsible for the inmate library program.

##### **Superintendent of Education**

The Superintendent of Education shall develop and monitor departmental inmate library policy.

##### **Senior Librarian**

The Senior Facility Librarian shall implement the facility library program and shall report to the Supervisor of Academic Instruction, Supervisor of Vocational Instruction or the Supervisor of Correctional Education Programs, or such person as the Supervisor of Correctional Education may designate.

##### **Librarian**

A Librarian is supervised by a Senior Librarian, when applicable. The Librarian is an entry level professional who can operate a smaller correctional library, undertake law library functions or act as a lead on or perform more complex library tasks.

##### **Library Technical Assistant**

Library Technical Assistants are paraprofessionals who perform basic library services such as copy cataloging, circulation, overdue book notifications, book repairs, library inventories or train and direct inmate library workers in those tasks. The Librarian and Library Technical Assistant may also operate small libraries under the technical direction of a Senior Librarian or provide reasonable accommodation for Developmentally Disabled Program inmates.

#### **101120.4 Replacement of a Librarian**

The SPB and DOF established the librarian series as the appropriate series to provide library services to inmates. In an emergency, the Department is authorized to utilize non-librarians to provide library services. When a librarian position is vacant, the facility shall actively recruit for a librarian to fill the position.

If a facility is unable to employ a librarian from the civil service list, the Superintendent of Education shall be notified. Approval may be given by the Superintendent of Education to fill the vacancy with a non-librarian who has adequate training in prison law library management if it can be shown that the facility has made every effort to recruit a librarian and has not been successful.

#### **101120.5 Library Services Criteria**

### **On-Site Staff**

Facility library staff (includes Senior Librarians, Librarians, and Library Technical Assistants) shall provide library services and materials.

### **Access**

Library services shall be scheduled to provide adequate inmate access, while maintaining institutional security and operational needs.

### **Collection Development**

Library materials shall be selected and provided to meet the needs and interests of the entire inmate population. Materials provided shall encompass the American Correctional Association's and the American Library Association's recommended standards and shall be augmented by reference materials necessary to meet the needs of the facility. Suggestions and requests from inmates shall be solicited both informally by suggestion box and formally by an inmate library committee meeting with library staff on a scheduled basis.

### **101120.6 Inmate Welfare Fund**

To be paid out of Inmate Welfare Fund appropriations:

- Publications: Purchase of newspaper and magazine subscriptions for library and entertainment purposes, and to supplement or support appropriation purchases.
- Fiction books, especially paperbacks, to supplement or support appropriation purchases.

### **101120.7 Establishing and Maintaining a General Library Collection**

#### **Required Reference Materials-Minimum Collection Facility**

Each institution shall maintain at least one library that is accessible to inmates that contains the following reference materials in print or electronic formats:

- An encyclopedia purchased within the last 10 years.
- An unabridged dictionary purchased within the last 5 years.
- A sign language dictionary.
- A world almanac purchased within the last 5 years.
- A world atlas purchased within the last 5 years. A road atlas shall not be included within the library collection.
- A primary dictionary purchased within the last 5 years.
- A visual dictionary purchased within the last 5 years.
- A Spanish to English-English to Spanish dictionary purchased within the last 5 years.

#### **General Library Book Circulation Collection**

The following library book stock formulas should be used as general guidelines, and are based on the use of the book collection by 55 percent of the population. The actual size of the general library collections may vary based on budgetary constraints and limitations for shelving and storage.

#### **Men's Facility**

Total facility inmate library fiction book stock = .55 x population x 7 books.

Total facility inmate library nonfiction book stock = .55 x population x 5 books.

#### **Men's Reception Center and Camp**

Total inmate library fiction book stock = .55 x population x 10 books.

Total inmate library nonfiction book stock = .55 x population x 2 books.

The library book stock formula for female inmates is based on the use of the book collection by 85 percent of the population.

#### **Women's Facility**

Total facility inmate library fiction book stock = .85 x population x 7 books.

Total facility inmate library nonfiction book stock = .85 x population x 5 books.

**Woman's Reception Center and Camp**

Total inmate library fiction book stock = .85 x population x 10 books.

Total inmate library nonfiction book stock = .85 x population x 2 books.

For hardback books, the library book stock formula for female inmates is based on six hardback books by 85 percent of the population.

**101120.7.1 Required Material to be Included in the General Library Collection**

**Multi-cultural material:**

The general library collection must contain a selection of ethnically diverse titles.

**Literacy Material**

The general library collection must contain titles representing high interest/low level reading material.

**Education Support Materials**

The general library collection must contain textbooks representing vocational and academic programs, as well as current GED programs.

**Life Survival Skills Materials**

The general library collection must contain a selection of life skills materials, including, but not limited to:

- Anger Management.
- Building self-esteem.
- Substance abuse.
- Getting and keeping jobs.
- Parenting.
- Material related to living successfully inside and outside of prison.

**101120.7.2 Donations to the General Library Collection**

Library donations for the general library collection are encouraged at the institution level:

- Inmates as well as staff and the general public shall be allowed to donate materials to the library.
- Periodicals, hard back books, paperback books, pamphlets and non-print materials are acceptable. The covers of hard back books do not have to be stripped in order to be acceptable unless local written policy specifically addresses the issue.
- Senior or Lead Librarians shall coordinate library donations.
- Documentation of any donations is required. CDCR Form 922 is the standard form of donation authorization.
- All donated library materials shall be inspected for safety, security, appropriateness, and usefulness before being placed in the collection.
- The facility is under no obligation to accept all donations for placement in the library. Those items deemed unsuitable shall be officially discarded.

**101120.7.3 Material Excluded From Inmate Libraries**

Printed material which describes the making of any weapons, explosive, poison, destructive device, or which in the Secretary's sole discretion depicts, portrays, or describes a sexual assault upon a correctional employee shall be excluded from publications furnished to facility inmate libraries. Obscene material and other forms of contraband, as described in CCR section 3006, shall be excluded from inmate libraries.

**101120.8 Circulation of General Library Materials**

To check out books and other library materials, inmates shall:

- Present their identification or privilege card to the librarian.
- Sign a trust account withdrawal order before any books are checked out to them.

- Inmates who lose or damage books or library materials shall pay for them.
- Inmates shall not loan books to other inmates.
- Display books or other materials to correctional staff upon exiting the library.

The standard check-out period will be two weeks. A library item can be renewed for an additional two weeks if there are no requests for the item. Check-out of materials can be performed either manually or via a computer. The maximum number of titles an inmate should be able to check out and have in their possession is two titles. Inmates should review any item they plan to check out to ensure that there is no unnoted damage already present. Inmates shall not loan books to other inmates.

#### **101120.8.1 Overdue, Damaged, or Lost Materials**

An inmate's check-out privileges are temporarily suspended when an inmate has an overdue, damaged, or lost book until the issue has been resolved.

##### **Overdue Materials**

One standardized overdue notice will be sent to the inmate no sooner than four to six weeks after the due date. If the inmate does not respond within two weeks of his or her overdue notice, the inmate will be charged with a non-refundable fee that is the newest list price available in a reputable trade publication. Payment of the fee does not constitute payment for the book.

##### **Damaged Materials**

Damaged material will be inspected by library staff to determine if the material remains unusable in its damaged state. A note will be placed in the body of the material noting observed damage, date and the initials of the library staff making the damage determination. If the damaged material requires repairs to continue to be usable, a non-refundable repair fee of five dollars will be charged to the inmate's trust account and a record of the repair will be maintained under the inmate's name. If the damaged material is not repairable, the replacement cost will be charged to the inmate. Payment of this fee does not allow the inmate to repossess the damaged item. Library staff will determine how to dispose of the damaged item and whether the damaged item will be repurchased for the collection.

##### **Lost Materials**

Inmates who lose books or library materials shall pay for them. Library staff will use the newest list price available in a reputable trade publication and a record of the loss will be maintained under the inmate's name. Payment of the non-refundable cost does not constitute payment for the book.

#### **101120.9 The Law Library**

The inmate law library is intended to provide inmates with meaningful access to the courts.

##### **Abuse of Law Library**

Disciplinary action for an inmate who is found to be guilty of a serious rule violation pertaining to law library resources, facilities, or staff may include a suspension of all access to the law library for up to 90 calendar days. This action does not preclude an inmate from pursuing legal research through the reasonable use of law library paging, beginning three calendar days after the date of suspension and continuing until the suspension period ends.

#### **101120.10 Inmate Access to Law Libraries**

Law library access means entry into a facility law library for the purpose of using its legal resources. A facility law library includes print or electronic copies of the required legal materials. All inmates, regardless of their classification status, shall be entitled to law library access that is sufficient to provide meaningful access to the courts. Inmates on Priority Legal User (PLU) status may receive a minimum of 4 hours per calendar week of requested access, as resources are available, and shall be given higher priority to the law library resources. Inmates on General Legal user (GLU) status may receive a minimum of 2 hours per calendar week of law library access, as resources are available.

##### **Operational Schedule**

Each facility head shall formulate an operational schedule for the inmate law library. This schedule shall include:

- Daily hours of library operation.
- Consideration to needs of inmates assigned to day work, training, or education.
- Consideration to needs of inmates assigned to security, segregated, and other restricted housing units.

#### **General Population Inmates**

All inmates in the general population shall have access to the law library, consistent with this section. General population inmates who have received PLU status shall be given priority for passes to the inmate law library.

#### **Restricted Housing Unit Access**

All inmates confined in restricted housing units shall have access to the law library, consistent with this section. Inmates in restricted housing who have received PLU status shall be given priority for escort by correctional officers to the inmate law library.

#### **Return-to-Custody (RTC) and Camps Inmate Access**

RTC inmates who request access to law library materials shall be transferred to the nearest facility for the period of time needed to complete their legal work. Camp inmates requesting access to the law library shall be returned to their "hub" facility for the period of time needed to complete their legal research.

#### **Inmates Identified as Disabled**

Inmates with visual or hearing impairments shall be afforded reasonable accommodations as necessary to facilitate their access to law library resources.

Inmates in the Developmental Disability Program (DDP) shall also be afforded reasonable law library accommodations. DDP accommodations may include, but are not limited to, identification of legal research materials, and assistance in reading and scribing forms. Designated institutions shall have Library Technical Assistants who are assigned to assist DDP inmates in their use of the law and general libraries. DDP Library Technical Assistants and all other library staff shall not function as paralegals or provide any type of legal advice, explanation, opinion, or recommendation to an inmate about possible legal rights, remedies, defenses, options, selection of forms, or strategies.

#### **Paging**

When unable to access the law library, an inmate may request access to legal material through delivery of those materials to the inmate by library staff. This process is referred to as law library paging. An inmate shall not be limited to law library paging for access to legal materials except under extraordinary circumstances including, but not limited to, the following:

- The inmate is directly under a prison lockdown.
- The inmate is under restricted movement due to his or her medical status.
- The inmate has been suspended from access to the law library pending investigation of a serious rule violation.

When GLU inmates are limited to law library paging for any reason, law library staff must deliver the requested legal materials to their cells as soon as possible, but no later than 16 calendar days from the date of the paging request. Law library staff must deliver the requested materials to PLU inmates no later than 5 scheduled working days from the date of the paging request.

#### **Lockdown Access to the Law Library by Inmates**

GLU inmates who are limited to law library paging due to a lockdown shall, whenever possible, have their law library access restored within 16 calendar days unless a high security risk continues to exist to prohibit law library access. PLU inmates limited to law library paging due to a lockdown shall have their law library access restored within 5 working days unless a high security risk continues to exist to prohibit law library access.

#### **101120.10.1 Access to the Law Library by Inmates with Established Court Deadlines**

Inmates who have established court deadlines may apply for PLU status to the prison law libraries. Inmates who are granted PLU status shall receive higher priority to prison law library resources than other

inmates. All inmates who are not on PLU status are on GLU status, unless otherwise restricted as set forth in DOM section 101120.10.

An established court deadline may be either a court imposed deadline for an active case or a deadline that is established by a statute or court order. Inmates who apply for PLU status based on a court imposed deadline must show documentation from the court to verify that deadline.

An inmate who is represented by an attorney for a case shall not be eligible for PLU status for any established court deadline pertaining to that case. An inmate with attorney representation for the established court deadline shall be entitled to GLU status only.

Inmates shall complete and sign a CDCR Form 2171, Priority Legal User (PLU) Request and Declaration, to apply for PLU status. Except under extraordinary circumstances, law library staff shall have seven calendar days after receipt of the completed and signed Form 2171 to process an inmate's application. Staff members who disapprove an inmate's application shall provide the reasons for their disapproval on the form and shall provide a copy of that document to the inmate.

An inmate who is found to have provided false information on his or her application for PLU status shall be guilty of an administrative rule violation and shall not be able to obtain PLU status based on that application.

An inmate's PLU status shall begin no earlier than 30 calendar days before the established court deadline unless the inmate can demonstrate need for a longer period of PLU status based on extraordinary circumstances beyond the inmate's control.

PLU status is intended to assist inmates to do legal work in a quiet law library setting. An inmate on PLU status who, while in the law library, is observed by staff to act in an unreasonably disruptive manner or to engage in non-legal work shall be removed from the PLU list and shall be dismissed from the library for that day. Inmates who are removed from the PLU list for these reasons shall be ineligible to reapply for PLU status for 30 calendar days, but may continue to use the law library on GLU status.

Inmates may not trade, transfer, or delegate their PLU status to other inmates. An inmate who assists another inmate in the preparation of legal documents may not use the PLU status of the inmate being assisted.

#### **101120.11 Establishment of the Law Collection and Description**

Each institution shall maintain at least one law library for the use of inmates, in print format, or electronic format, or a combination of both. Except for items that are out of print, the Law Library collection shall include, but shall not be limited to, the following current and updated legal materials or their equivalent from other publishers:

##### **Codes**

- Deering's California Codes Annotated.
- Michie, United States Code Service.

##### **Reporters**

- Michie, California Official Reports.
- Matthew Bender, California Criminal Defense Practice (latest edition).
- All Federal Appeals Court Cases as reported in the Federal Reporter.
- All Federal District Court Cases as reported in the Federal Supplement.
- All United States Supreme Court Cases.

##### **Shepards**

- United States Citations.
- Federal Citations.
- California Citations.

##### **Secondary Sources**

- A recognized law dictionary, such as Black's or Ballentine's (latest edition).

- Matthew Bender, California Evidence Courtroom Manual (latest edition).
- Matthew Bender, California Forms of Pleading and Practice (latest edition).
- The Daily Journal (newspaper) 1 year back file.
- Matthew Bender, California Criminal Discovery (latest edition).
- Michie, Federal Habeas Corpus Practice and Procedure (latest edition).
- California Code of Regulations.
- California Family Law Litigation Guide (latest edition).
- California Family Law Practice and Procedure (latest edition).
- Civil Rights Actions (latest edition).
- California Courtroom Evidence, by Cotchett.
- California Juvenile Courts Practice and Procedure (latest edition).
- California Superior Court Local Rules.
- Judicial Council of California Civil and Criminal Jury Instructions.
- Matthew Bender, Moore's Federal Practice (latest edition).
- Anderson, Constitutional Rights of Prisoners (latest edition).

#### **Electronic Collection**

An institution may have as many copies of the electronic collection (LLEDS) of legal titles placed in their general population libraries as needed. Each computer loaded with a copy must be licensed. Supplemental titles that are required but not available on LLEDS must be made readily available to inmates through other resources.

#### **101120.12 Maintaining a Current Law Library Collection**

##### **Print Law Library**

Each set of case reports and statutes shall be kept current. Lost, stolen, or missing volumes that are damaged beyond use shall be replaced. A continuing subscription to advance sheets and new volumes shall be maintained for each set of reports or cases, and supplements to each set of codes, statutes, and other reference works shall be obtained and added to each library as they become available.

Law books not listed in DOM 101120.11, but currently existing at various facilities, may be retained in facility law libraries if they are not out of date, but need not be replaced in case of loss, theft, or mutilation.

##### **Electronic Formats**

Electronic collections shall be kept current. A continuing subscription to electronic law library material shall be maintained to ensure accuracy.

Desktop LLEDS computers shall be updated by institutions information systems staff within ten business days of receipt. Touch screen kiosks shall be updated by local library staff within ten business days of receipt.

#### **101120.13 Law Library Budget/Legal Material Replacement Procedures**

Purchasing procedures for replacement of lost or damaged legal materials, updating the collections, obtaining supplements, revisions, and subscriptions include:

- Purchases of the annual subscriptions required to keep each inmate law library collection current and materials to replace items lost or damaged shall be made by the Procurement Officer at each facility. Such purchases are to be made from inmate law library funds, not regular library funds.
- Purchases of mandated law materials lost, damaged, stolen, or missing from the facility law library shall be made by the facility. The law library supervisor or designated library staff shall complete an annual inventory of the inmate law library and report to the library coordinator any lost, stolen, or missing print or electronic items or items damaged beyond use.

- Any required legal materials borrowed from outside the local facility and subsequently lost, damaged, or destroyed at the facility shall be replaced by the local facility. The law library supervisor or designated library staff shall submit a written report to the facility Warden and OCE and request funds from the institution budget for replacement of the lost title. Purchases of law books and other legal materials not on the required list shall be the responsibility of the facility.

#### **101120.14 The Circulating Law Library**

The following legal materials or their equivalent from other publishers in either electronic or print format, shall be available either through an outside source or through a circulating law library maintained by in the Department:

- Corpus Juris Secundum.
- Federal Rules Decisions.
- California Jurisprudence (latest edition).

##### **Function**

The function of the circulating law library shall be to transfer law books or other printed or digital/electronic materials to facility law libraries for the temporary use of the inmates in those facilities.

##### **Method**

No inmate may request law library materials directly from the circulating law library. All requests must be processed through the library staff member designated to request materials from the circulating law library.

Upon receiving a request from an inmate for a particular volume in the circulating law library, a facility librarian shall immediately order that volume from the librarian of the circulation law library who shall dispatch it to the requesting facility librarian immediately upon receipt of the request or notify the requesting librarian that the volume is on loan. When the volume is received at the facility library, the librarian shall immediately notify the requesting inmate. The volume may be retained at the facility library up to three days during which time it shall be available for use by any inmate. If the requesting inmate demonstrates an inability to use the volume during the three-day period, the facility librarian may retain the volume for an additional four days.

- No volume shall be retained at any facility law library for a longer period than seven days unless the librarian ascertains from the circulating law library librarian that the volume is not on request by any other (facility) library. The circulating law library librarian may direct that any volume from that library on loan to a facility library be transferred directly to another facility library in satisfaction of a loan request.
- No inmate shall request more than five volumes from the circulating law library during any one-week period.
- The circulating law library shall be operated in such a manner as to ensure maximum access by all inmates to the volumes contained in said library.
- When possible, the circulating law library shall send a duplicated copy of the requested material to the requesting library rather than send the entire volume.
- Said copy may be retained indefinitely by the inmate requesting the material.

CDCR may contract the actual operation of the circulating law library to another agency providing that the required standards of service are retained.

#### **101120.15 Photocopying/Computer Print-outs**

Legal duplication services may be provided to inmates for the purposes of initiating or maintaining a court action. The printed forms required by state and federal courts shall be made available to inmates. An inmate shall be required to pay for the duplication of printed forms and other written or typed materials, and for any special paper and envelopes required for mailing to the courts so long as the inmate has more than \$1.00 in their trust account or the inmate has attorney representation for the court action.

An inmate who is indigent and is without attorney representation for the court action shall receive legal duplicating services without charge.

A legal document to be duplicated for any inmate, including all exhibits and attachments, shall be limited to the maximum number of pages needed for the filing, not to exceed 50 pages in total length. Inmates requesting copy services must clearly identify the pages to be copied. Requests by an inmate to duplicate a legal document exceeding 50 pages in length shall be granted when accompanied by a reasonable written explanation of the need. All inmate requests for duplication services must comply with applicable regulations and with DOM Chapter 1, Article 18, Sections 14010.21 through 14010.21.4.

An indigent inmate who does not have attorney representation may receive duplication services without charge, as described in CCR subsection 3162(d).

All documents submitted for copying must be complete and ready for mailing.

Copies of law book pages, law review articles, and other documents listed in DOM Section 14010.21.3 shall not be duplicated without charge to the inmate.

#### **101120.16 Reporting Library Statistics and Activities**

A Quarterly Library Operations Report shall be completed and submitted no later than the fifteenth day of the first month of each quarter for the preceding quarter and shall be sent to the Principal Librarian. The CDC 400 Quarterly Report form shall also be accompanied by a circulation report printed from Concourse or equivalent book tracking software, which may, at the written direction of the Principal Librarian, include but not be limited to the following data: total circulation of books, genre of books circulated, and inventory information.

At the end of the fiscal year, an annual report incorporating the statistics and information of the quarterly reports of the preceding year shall be completed and submitted no later than the last working day of the first month in the new fiscal year. The Annual Report should include a brief narrative, no longer than one page, describing the achievements and challenges of the library program during the preceding year.

#### **101120.17 Revisions**

The Director, Division of Rehabilitative Programs, or designee shall be responsible for ensuring that the contents of this Article are kept current and accurate.

#### **101120.18 References**

PC §§ 2600 and 5058.

CCR (15) (3) §§ 3006, 3120, 3121, 3122, 3123, 3124, 3161, 3162, 3164, 3331(i), 3331(j), 3343(i), and 3405.

ACA Standards 4-4505 through 4-4507.