DEPARTMENT OF CORRECTIONS

Policy Number: 302.015
Title: Access to Electronic Legal Materials
Effective Date: 6/16/20

PURPOSE: To provide guidelines to ensure offenders have reasonable access to electronic legal materials related to their legal cases received from a licensed attorney who represents or represented them.

APPLICABILITY: All facilities

DEFINITIONS:
Electronic legal materials – legal materials received from a licensed attorney, including documents, video or audio recordings, or photographs stored electronically on DVDs or CDs. No other media format accepted (e.g. flash drives).

PROCEDURES:

A. Offenders must:
1. Inform their attorneys that electronic legal materials must be clearly labeled as electronic legal materials, as well as indicating case name, file number, and status.
2. Inform their attorneys that electronic legal materials cannot be printed or copied at the facility.
3. Inform their attorneys that electronic legal materials photos need to be on a separate DVD/CD from written documents.
4. Let the staff coordinating access know they are transferring, or once transferred, let the receiving facility staff coordinating access know they have electronic legal material at the former facility.

B. Mailroom staff must:
1. Forward electronic legal material to the staff coordinating access if properly labeled.
2. Return material to the attorney if not appropriately labeled as electronic legal material.
3. Log the date and destination of any material forwarded or returned.

C. Facility staff designated to coordinate access for offenders must:
1. Call the offender to open the mail that contains the electronic legal material.
2. Log opening of material. Obtain the offender signature.
3. Complete a cursory review of content on the stand-alone computer to assure it is case-related and does not violate any DOC policy, specifically Policy 301.030, "Contraband."
4. Any questions of content should be directed to the litigation coordinator or the office of special investigations (OSI).
5. Deny any material which violates policy. If appropriate, write an incident report and enter the material into evidence. If not, return material to the mailroom for notice of non-delivery.
6. Arrange for the offender to view the material within seven working days on a stand-alone computer to protect network from virus.
7. Log dates and times offender is provided access. Obtain offender signature.
8. Securely store the electronic legal material when not being viewed in a locked cabinet or desk.
9. After sixty days, the offender must arrange for disposition of the material either by sending it to an address provided by the offender or turning it over to the property department for

disposal in accordance with property policy. The offender may request an extension of time by providing justification that the material is still needed.

10. Retain all logs showing when the offender opened and had access to electronic legal material.
11. The access log must be sent to the records unit for scanning into ODocs.

INTERNAL CONTROLS:

A. Logs of when offenders have access to electronic legal materials, as well as when and how the materials were disposed of, are scanned into ODocs.

ACA STANDARDS: None

REFERENCES: Policy 302.250, "Offender Property"
Policy 301.030, "Contraband"

REPLACES: Policy 302.015, "Access to Electronic Legal Materials," 12/5/17.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: Offender Electronic Legal Materials Log (302.015A)

APPROVALS:
Deputy Commissioner, Community Services
Deputy Commissioner, Facility Services
Assistant Commissioner, Operations Support
Assistant Commissioner, Criminal Justice Policy, Research, and Performance