

	MARICOPA COUNTY SHERIFF'S OFFICE Policy & Procedure		Joseph M. Arpaio – Sheriff
	Subject INMATE LEGAL SERVICES		Policy Number DP-6
			Effective Date 05-14-09
Related Information		Supersedes DP-6 (04-09-99)	

PURPOSE

This Policy establishes guidelines for providing Pro Per and Pro Se inmates with legal services.

POLICY

It is the policy of the Office to ensure that staff is available to assist in providing and filing legal papers and documents for those inmates representing themselves in a criminal matter, a "Fugitive of Justice" action, a civil right's action, a civil matter in which they are named as the respondent, any civil suit relating to the conditions of confinement, or any civil suit being filed against a government entity. Criminal services or materials are not normally provided to inmates who are represented by counsel in a criminal matter.

DEFINITIONS

Privileged Mail: Mail that inmates send to, or receive from, their attorneys of record or with whom an attorney-client relationship has been established, such as the press, courts, court staff, other court officials including probation officers, officials of the confining authority, or administrators of the grievance system. (Note: Whenever an inmate receives mail from an attorney, it shall be presumed that an attorney-client relationship exists.)

Pro Per (In Propria Persona) Inmate: An inmate who has elected to represent himself in his criminal case, has been issued a valid court order or minute entry stating that he may represent himself, and has been assigned advisory counsel.

Pro Se Inmate: An inmate representing himself in a civil matter. In this Policy, it shall apply only to suits against government entities over conditions of confinement, other civil rights issues, or civil matters filed against the inmate in which he is named the respondent.

PROCEDURES

- Legal Services Offered to Inmates:** The Ancillary Services Section will be responsible for maintaining the Inmate Legal Services Unit (ILS) to provide specific legal services to inmates. ILS will maintain State and Federal statutes and decisions, procedural rules, case law materials, and court rules and practices. All other materials needed to fill the requests for services will be acquired from the Maricopa County Superior Court Law Library. ILS does not provide a list of books or legal documents available to any inmate. Criminal legal services or materials are not normally provided to inmates who are represented by counsel in a criminal matter. Pro Per and Pro Se inmates may submit an *Inmate Request Form* to ILS requesting legal material or needed information. The inmate must provide his case number on each request before it is accepted for processing. The request does not need to state the exact citation number of the material requested, but the inmate may be asked to provide further cite information. The services offered to Pro Per or Pro Se inmates, who provide a required case number, include, but are not limited to, the following:

- A. Assisting in accessing the appropriate, assigned legal aid organizations and judicial or law enforcement officials.
 - B. Providing the proper forms and formats for filing motions in the State and Federal courts.
 - C. Notarizing legal documents.
 - D. Providing the necessary legal materials to research relevant matters in their specific case.
 - E. Filing motions prepared and completed by inmates in State and Federal courts and ensuring that copies have been made and mailed to the affected parties.
 - F. Providing legal form packets, as specified in this Policy, to each pre-trial inmate as required.
2. **Written/Verbal Communication with ILS:** Written correspondence or verbal communication between the inmate and ILS is not privileged and will not be considered as such. ILS staff is prohibited from offering legal opinions or advice to inmates.
 3. **ILS Access:** Inmates will not be allowed to telephone or visit the ILS Unit.
 4. **Legal Advice:** Office personnel will not involve themselves with an inmate's legal matter, other than providing the *Inmate Request Form* and forwarding the request to ILS. Providing or offering legal opinions and advice is strictly prohibited.
 5. **Request Response Timeframes:** ILS will normally respond to an inmate's request in a timely manner using due diligence upon receipt. The *Inmate Request Form* will be date-stamped by ILS upon receipt and again when a response has been issued. More in-depth requests may require additional research and processing time. Multiple requests by inmates will be processed as expeditiously as practical. The ILS Supervisor will retain all received and processed *Inmate Request Forms*.
 6. **Forwarding of Information and Materials:** The jail commander, or his designee, shall ensure that the information and materials sent by ILS are forwarded to the inmate in a timely manner with due diligence of their receipt.
 - A. Information or material being sent to an inmate no longer located at the specified housing unit will be forwarded to the inmate's current housing unit.
 - B. When an inmate is no longer in Office custody, an appropriate notation shall be indicated on the requested material, and returned to ILS.
 7. **Legal Supplies:**
 - A. Pro Per and Pro Se inmates may order writing materials from the Inmate Canteen.
 - B. Inmates eligible to receive assistance from ILS who have less than five dollars in their Inmate Fund Account may request free writing materials on a bi-weekly basis. These materials include, but are not limited to, the following:
 1. One large manila envelope.
 2. Two unstamped, business-size envelopes.
 3. Five sheets of paper.

4. Two small pencils.
 5. One eraser.
 - C. Inmates eligible to receive assistance from ILS may request additional supplies in reasonable quantities. The inmate will be required to submit an *Inmate Request Form* to ILS indicating the specific supplies requested. ILS shall be responsible for approving or denying the request, and monitoring and tracking those inmates who are provided supplies to ensure that the additional supplies issued are being used for bona fide legal purposes.
 - D. Inmates who are not Pro Per or Pro Se should request legal supplies from their attorney.
8. **Processing Mail:**
- A. Pro Per and Pro Se inmates may submit unstamped and properly addressed privileged mail to ILS. ILS will be responsible for processing the mail through the Maricopa County Mail Room.
 - B. Inmates who have been assigned private or public legal counsel may submit unstamped, privileged mail properly addressed to their attorneys of record to ILS to be forwarded through the Maricopa County Mail Room.
9. **Requests Prior to or Following Release from Office Custody:** Prior to, or following, release from Office custody to another correctional or law enforcement agency, an inmate may request that legal materials be forwarded to him at his new address. In this case, the inmate will be required to submit a signed, notarized, written statement requesting that the paperwork be forwarded to him. In the event legal materials are received for an inmate who has made no such request, the ILS Supervisor shall prepare a response to the originator, explaining the reason for the material's return.