

	State of Alaska Department of Corrections Policies and Procedures		Index #: 808.12	Page 1 of 4	
			Effective: 1/25/2013	Reviewed: 1/2013	
			Distribution: Public	Due for Rev: 1/2015	
	Chapter:	Prisoner Rights			
Subject:	Photocopying for Prisoners				

I. Authority

In accordance with AS 44.28.030, AS 33.30.030, and 22 AAC 05.155, the Department of Corrections shall develop and adopt policies and procedures that are consistent with laws for the guidance, government and administration of correctional facilities, programs and field services.

II. References

Alaska Statutes
AS 33.30.030
Alaska Administrative Code
22 AAC 05.400 (d)(4)

III. Purpose

To establish procedures for prisoner access to photocopying documents.

IV. Application

All staff

V. Definitions

As used in this document, the following definition shall apply:

A. Legal Materials

Legal pleadings, exhibits, and other documents that are to be filed with the court regarding a prisoner's criminal conviction or sentencing, conditions of confinement, or parental rights litigation, and documents to be submitted to the state Board of Parole, and disciplinary or classification hearing officers/committees. The Attorney General's office can be consulted to verify whether a pleading or exhibit is necessary for access to the courts.

B. Other Requestor

Parties such as the prisoner's attorney or agent, legal representative, and immediate family member including spouse, parent, sibling or child.

C. Personal Materials

Any documents that are not Legal Materials.

D. Indigent Prisoner

A prisoner who has less than \$20 presently available in his or her account and who has had no more than \$50 in his or her account during the preceding 30 days. A prisoner with more than \$50 in his or her account during the preceding 30 days will still be considered indigent if no more than \$50 remained after mandatory deductions (restitution, fines, child support enforcement orders, violent crime compensation payments, or civil judgments, e.g.) or deductions made for educational materials or courses, counseling, or health care.

VI. Policy

It is the policy of the Department that prisoners and other non-staff requestors will be charged a fee of 15 cents per page for copies of legal materials. Indigent prisoners are

entitled to receive free copies of legal materials as is necessary for their access to the courts, subject to the obligation to pay for such free copies when funds become available. A fee of 15 cents per page will be charged for copies of authorized personal materials.

VII. Procedures

A. Copies of legal materials

A prisoner requesting photocopies of legal materials must submit a properly completed Legal Copies Request that states the number of copies to be made for the court, other parties and the prisoner. The Legal Copies Request must have attached to it the materials to be copied and a pre-addressed envelope(s) for mailing the copies. If the materials requested are located in the prisoner's institutional or medical file, the prisoner must specifically identify the documents to be photocopied. The prisoner must also submit a properly completed Commissary Request authorizing the payment for the photocopies from his or her prison account.

1. Court copies

Attached is a schedule of the numbers of copies required to be filed in various courts for various legal pleadings. The Attorney General's office can be consulted to verify the number of copies necessary for a filing, which is not listed. Note: For cases in the Alaska Court of Appeals and Alaska Supreme Court one copy of the original brief and excerpt of record are to be filed for court review. After this original brief and excerpt are approved, the prisoner must file the requisite number of final printed briefs and excerpts.

2. Copies for other parties to lawsuit

Each party to the lawsuit is entitled to a copy of the legal materials. A copy of a complaint and summons is required for each party for service of process. Once an attorney appears on behalf of a party, only that attorney must be served with the legal materials for that party. If an attorney represents more than one party, that attorney should be sent only one copy. The Attorney General's office can be consulted to verify that the parties named by the prisoner are necessary parties to the legal action. Note: For appeals, the Alaska Court of Appeals and Alaska Supreme Court issues an order, which specifies the number of briefs and excerpts of record that must be printed. Photocopies are sufficient for prisoners' printed briefs. If the prisoner is granted leave to appeal at public expense, the court will issue an order to that effect, which may state that the court will print the briefs.

3. Prisoner copy

The prisoner is entitled to one copy of the legal materials for his or her records.

4. Indigent prisoners

An indigent prisoner must state on the Legal Copies Request form that he or she is indigent. The Superintendent or designee shall verify if the prisoner is indigent and authorize legal copies to be made at no cost to the prisoner. The cost for such copies shall be paid by the indigent prisoner upon receipt of funds sufficient to remove the prisoner from indigent status.

5. Time for copying

Copies shall be made in three working days, resources permitting. The prisoner shall state the date the pleading is due in court on the request form and is responsible for completing the Legal Copies Request form sufficiently in advance to allow for three working days for copying. A prisoner may request copies to be made on an expedited basis for good cause shown on the Legal Copies Request form. The Attorney General's office can be consulted to verify whether good cause exists.

6. Verification

The prisoner shall sign the Legal Copies Request form and verify that the information on the form is true and correct. A prisoner who provides false or incomplete information on the Legal Copies Request Form may be disciplined pursuant to 22 AAC 05.400(d)(4).

B. Personal Materials

A prisoner must request photocopies of personal materials on the Personal Materials Copy Request form. The request must have the documents to be copied attached or specifically identify the documents if such documents are located in the prisoner's institutional or medical file. The Superintendent or designee shall determine whether the copying request is granted based on the number of documents requested, nature of the documents, facility resources available to accommodate the request, previous requests, and the prisoner's demonstrated need for the documents. A prisoner must also submit a properly completed Commissary Request authorizing the payment for the photocopies from his or her prison account.

1. Indigent prisoners

An indigent prisoner must state on the Personal Materials Copy Request form that he or she is indigent. The Superintendent or designee shall verify if the prisoner is indigent and determine whether copies are to be made at no cost to the prisoner. If the request is approved, the cost of such copies shall be paid by the indigent prisoner upon receipt of funds sufficient to remove the prisoner from indigent status.

2. Time for copying

Copies shall be made in five working days, resources permitting. The prisoner shall state the date the copies are required on the request form and the reason the copies are required on that date.

3. Verification

The prisoner shall sign the Personal Materials Copies Request form and verify that the information on the form is true and correct. A prisoner who provides false or incomplete information on the Personal Materials Copies Request form may be disciplined pursuant to 22 AAC 05.400(d)(4).

C. Copies of prisoner records made for other requestors may be made only if the requestor provides a written release which is signed by the prisoner and which specifically authorizes the release of the requested materials to the requestor. Copies made for other requestors must be paid for in cash at the time copies are made or as otherwise approved by the Superintendent. A receipt must be issued and the transaction recorded in accordance with procedures established by the Superintendent for the payment of photocopy fees.

- D. Copies of prisoner records may be made for other requestors if the requestor provides a court order which specifically authorizes the release of the requested materials. Copies made pursuant to a court order must be paid at the time copies are made. The Attorney General's office should be contacted to determine the scope of the court order for copies of prisoner records and to assist in providing the copies and obtaining payment.

VIII. Implementation

This policy and procedure is effective as of the date signed by the Commissioner. Each manager shall incorporate the contents of this document into local policy and procedure within 14 days. All local policies and procedures must conform to the contents of this document and any deviation from the contents of this document must be approved in writing by the Commissioner or designee.

1/25/2013

Date



Joseph D. Schmidt, Commissioner
Department of Corrections

Applicable Forms:

808.12A Legal Copies Request

808.12B Personal Materials Copy Request

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