

	MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES	
	Subject INMATE LEGAL SERVICES	Policy Number DP-6
		Effective Date 12-18-24
Related Information DI-5, <i>Pro Per Inmates</i> DK-1, <i>Inmate Mail</i> GH-2, <i>Internal Investigations</i>	Supersedes DP-6 (10-27-21)	

PURPOSE

The purpose of this Office Policy is to establish guidelines and procedures for providing Pro Per (In Propria Persona) inmates with legal services and materials.

POLICY

It is the policy of the Office to ensure employees are available to assist in providing and filing legal forms and documents for those inmates representing themselves in a criminal matter, a "Fugitive of Justice" action, a civil rights action, any civil suit relating to the conditions of confinement, habeas corpus matters, or any civil suit being filed against a government entity.

DEFINITIONS

Indigent Inmate (Pro Per): An inmate who has one dollar or less in their inmate funds account for at least 14 consecutive days.

Inmate Tablet: A handheld computerized electronic device used by inmates to stream music, movies, games, submit inmate forms electronically, and communicate with members of the public and legal representatives. The inmate tablet is provided and maintained by a contracted vendor. Inmate tablets are battery operated and must be returned to the charging station on a regular basis in order to be charged.

Legal Mail: Mail that inmates send to, or receive from, their attorney of record or with whom an attorney-client relationship has been established, including court approved or appointed defense team members, private investigators, and mitigation specialists. For the purpose of this Office Policy, the term legal mail is synonymous with privileged mail. 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 themselves in their criminal case, has been issued a valid court order or minute entry stating that they may represent themselves, and in a criminal case has been assigned advisory counsel. For the purpose of this Office Policy, self-representation in a civil matter only applies to a civil rights action, any civil suit relating to the conditions of confinement, habeas corpus matters, or any civil suit being filed against a government entity or in which a government entity has been named as a defendant.

PROCEDURES

1. **Legal Services Offered to Inmates:** The Ancillary Services Division will be responsible for maintaining the Inmate Legal Services Unit (ILS) to provide specific legal services to inmates. ILS will maintain

Arizona and federal statutes and decisions, procedural rules, case law materials, and court rules and practices. ILS does not provide a list of books or legal documents available to inmates.

- A. Pro Per inmates may request legal material or needed information from ILS by submitting an *Inmate Request Form* or an *Inmate Legal Request Form* either electronically through the inmate tablet or by submitting a hard copy version of either form.
 1. The inmate must provide their case number on each request before it is accepted for processing.
 2. Research requests do 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 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 Arizona and federal courts;
 - c. Notarizing court documents;
 - d. Providing the necessary legal materials to research relevant matters in their specific case;
 - e. Filing, mailing, and/or delivering motions prepared and completed by inmates in Arizona and federal courts and ensuring that copies have been made and mailed to the affected parties, as requested by the inmate; and
 - f. Providing legal form packets, as specified in this Office Policy, to each inmate as required.
 - B. ILS will normally respond to an inmate's request using due diligence upon receipt. Multiple requests by inmates will be processed as expeditiously as practical. The *Inmate Request Form* or *Inmate Legal Request Form* will be date-stamped by ILS upon receipt and again when a response has been issued. Electronic inmate tablet requests are automatically dated when entered by the inmate and when a response is provided by ILS. More in-depth requests may require additional research and processing time. ILS will retain all received and processed *Inmate Request Forms* and/or *Inmate Legal Request Forms* for five years.
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.
 3. **ILS Access:** Inmates will not be allowed to telephone or visit ILS. All requests from inmates for legal services offered through the ILS shall be submitted in hard copy or electronically, as specified in this policy.
 4. **Legal Advice:** Office personnel, to include ILS personnel, are prohibited from offering legal opinions or advice to inmates. Office personnel shall not assist inmates in the submission or preparation of judicial documents, to include the photocopying of judicial documents, other than providing the necessary forms, papers, or writing implements, unless required to do so in the performance of their duties, or by court order.

5. **Forwarding of Information and Materials:** The jail facility commander or designee shall ensure that the information and materials sent by ILS are forwarded to the inmate as soon as practical.
 - A. Information or material 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 custody, an appropriate notation shall be indicated on the requested material and returned to ILS and retained for five years.
6. **Legal Supplies:**
 - A. Pro Per inmates may order writing materials from the Inmate Canteen.
 - B. Pro Per indigent inmates eligible to receive assistance from ILS are those who have less than one dollar in their Inmate Fund Account for at least 14 consecutive days. These inmates may request free writing materials on a weekly basis. These materials include the following:
 1. Three large manila envelopes;
 2. Six unstamped, letter size envelopes;
 3. 50 sheets of paper (pad);
 4. Six small pencils; and
 5. One eraser.
 - C. Pro Per indigent inmates eligible to receive assistance from ILS may request additional supplies in reasonable quantities.
 1. The inmate will be required to submit an *Inmate Request Form* or an *Inmate Legal Request Form* either electronically through the inmate tablet or by submitting a hard copy version of either of these forms to the ILS indicating the specific supplies requested.
 2. ILS shall be responsible for approving or denying the request and monitoring and tracking inmates who are provided supplies to ensure the additional supplies issued are being used for bona fide legal purposes.
 - D. Additional guidelines and procedures for Office personnel regarding the management of Pro Per inmates are specified in Office Policy DI-5, *Pro Per Inmates*. Information regarding legal services or legal supplies for Pro Per inmates is provided within the electronic or hard copy version of the *Informational Handbook for Inmates*.
 - E. Inmates who are not Pro Per should request legal supplies from their attorney or order writing materials from the Inmate Canteen.
 - F. Storage of legal materials by a Pro Per inmate shall be maintained, as specified in Office Policy DI-5, *Pro Per Inmates*.

7. **Processing Legal Mail:**

- A. Pro Per inmates may submit unstamped and properly addressed outgoing legal mail to ILS. ILS will be responsible for processing this mail through the Maricopa County Administration Building Mail Room.
- B. Inmates who are represented by private or public legal counsel may submit unstamped and properly addressed outgoing legal mail to their attorneys of record to ILS. ILS will be responsible for processing this mail through the Maricopa County Administration Building Mail Room.
- C. ILS does not process incoming legal or non-legal mail for any inmate. All incoming mail is processed through the Office Central Mail Room, as specified in Office Policy DK-1, *Inmate Mail*.

8. **Requests Prior to or Following Release from Office Custody:** Prior to release from custody, an inmate may request copies of legal materials that have not yet been filed, or delivered prior to release, be forwarded to their new mailing address. Additionally, the inmate will be required to submit a signed, notarized, written statement with an *Inmate Legal Service Form* requesting that the paperwork be forwarded to them. In the event legal materials are received for an inmate who has been released, ILS will retain copies and/or original legal materials in ILS closed files in accordance with the set retention schedule. Following an inmate's release to another correctional facility, ILS will make all attempts to forward legal materials that had not yet been filed, mailed, or delivered prior to their release.

9. **Mishandling of Inmate Mail:** The procedures for the handling of inmate mail by employees shall be followed, as specified in this policy and Office Policy DK-1, *Inmate Mail*. Deviation from these procedures may be considered misconduct. Any employee who becomes aware of a complaint or an allegation of employee misconduct shall follow procedures, as specified in Office Policy GH-2, *Internal Investigations*.