

CHAPTER X

INMATE LEGAL ASSISTANCE PROGRAM

I. GENERAL

- A. The purpose of MDOC Inmate Legal Assistance Program (ILAP) is to provide inmates with reasonable and adequate opportunity to present conditions of confinement and post-conviction claims. Information is provided to each inmate that will aid them in understanding how to access the program and gain legal assistance in accordance with inmate-related policies and procedures.
- B. Each state and private institution will have an ILAP. A schedule designating respective units shall be developed and approved for each institution/facility by the Director of ILAP. The institutional Superintendent shall ensure that inmates in satellites and pre-release substance abuse centers in their respective area are afforded a reasonable schedule by the legal assistance staff.

II. GAINING ASSISTANCE

- A. The inmate must request a copy of the Legal Assistance Request Form from the tower officer in their housing unit.
- B. The form must be filled out completely by the inmate, unless they cannot write. However, in all situations, the person requesting assistance must sign the form. Case managers will answer questions regarding accessing the program and will assist illiterate inmates in completing request forms.
- C. Once the form is completed, it should be returned to the ILAP office according to the institutional/ facility procedures.
- D. Inmates will be given notice of ILAP arrival. Inmates will be fully dressed and have legal paperwork ready to receive services on their assigned day. Failure to be fully dressed and have paperwork ready will constitute a refusal by the inmate to receive services for that week.

III. REVIEWING THE REQUEST

- A. After the request has been reviewed, the ILAP staff will either schedule the inmate for assistance or will notify them that their request is being returned with an explanation of that return.
- B. If, after attempting to pursue a claim the inmate is still in need of further assistance, a conference will be scheduled with an attorney or paralegal.
- C. If the inmate needs additional research, it will be provided to the inmate upon their request.
- D. Copies of legal documents will be made for the inmate when the work is completed, signed, and ready to be mailed. ARP grievances and RVR's will not be copied until and unless they are made exhibits to a complaint. No case law will be copied as exhibits to legal work.

IV. MAILING PROCEDURE

- A. All outgoing inmate mail is subject to inspection, except mail from inmates to their designated attorney, any state or federal court, or any public or MDOC official.
- B. Mail from an inmate to any of the above listed persons or agencies will be considered confidential. ILAP staff will verify the authenticity of the correspondence. It will be placed in an envelope, sealed in the presence of the ILAP staff member, and it will not be opened or otherwise inspected.
- C. An indigent inmate is defined as one who is without funds and has maintained the balance of less than a first class stamp or less for 30 consecutive days preceding the requested mailing. Indigent inmates who need to send legal mail will have to prove the mail is for pending litigation. Proof will consist of showing the documents to the reviewing staff member who will be looking for court docket numbers, plaintiff versus requests from either the court or attorney general for specific documents, etc. If requested information is not provided or the inmate refuses to show the mail to the staff reviewing such mail, the letter(s) will not be processed.
- D. Inmates without sufficient funds in their accounts to pay for postage for legal mail will have the postage supplied and the mail sent. The cost of the postage will be deducted from the inmate's account, and a negative balance will be reflected on the account.

V. GENERAL INFORMATION

- A. Each inmate is responsible for his own legal work.
- B. All supplies are issued on a "need" basis, with Court provided forms supplied at each location and made available to inmates upon request on their assigned day.
- C. DOC does not provide legal representation to inmates through this program.
- D. Inmates may possess their legal papers in their housing unit according to institution/facility procedures.

- E.** Any legal assistance done by an inmate for another inmate for any type of compensation is prohibited and subjects both inmates to disciplinary action.
- F.** At all state institutions ARPs and or ARP appeals are filed by submitting an ILAP request form indicating any deadline date. ILAP staff will pick up the ARP's and or ARP appeals on or prior to the inmate's deadline date and place it on the legal mail log for delivery to ARP.
- G.** Should Court and ARP deadlines fall on a date prior to the inmate's scheduled service day, the inmate should complete an ILAP request form and submit it to the tower officer along with proof of the deadline. The officer will telephone ILAP so ILAP staff can provide services prior to the deadline date.
- H.** Attorney calls can be made from the unit without being monitored by placing the attorney's name and number on the inmate call list and indicating that person as an attorney.
- I.** Each inmate is responsible for submitting an ILAP request to add his/her attorney to the attorney of record list. No attorney will be allowed to visit until the inmate has done so.