



**DEPARTMENT OF CORRECTIONS  
MONTANA STATE PRISON  
OPERATIONAL PROCEDURE**

Procedure:	<b>MSP 5.3.2 LIBRARY SERVICES</b>	
Effective Date:	July 13, 2009	Page 1 of 5 and no Attachments
Revision Date(s):	April 1, 2010, April 16, 2016, November 5, 2014, January 20, 2017, March 7, 2017, October 15, 2019	
Reference(s):	DOC Policy 5.3.2	
Signature:	/s/ Lynn Guyer / Warden	
Signature:	/s/ Gayle Butler / MCE Administrator	

## **I. PURPOSE**

To provide all staff and inmates with access to a library containing a collection of general and legal reference materials.

## **II. DEFINITIONS**

Disability – see DOC 3.3.15, Americans with Disabilities Act (ADA) Offender Accommodations, for the definition and an explanation of disability.

Librarian - the individual responsible for managing the MSP library program.

## **III. PROCEDURES**

### **A. General Requirements**

1. The library facilities at MSP will conform to contemporary library standards whenever possible.
2. The libraries will contain a collection of general, specialized, and reference materials.
3. A published schedule of hours of library service will be provided to the inmates. Schedules are subject to change. Schedules will be included for general population inmates, who have access to the library premises at the WRC, F Unit and the high and low security compounds and for inmates that receive library services in their units. Library schedules may change or be postponed depending on availability of library and security staff.
4. The library will participate in interlibrary loan programs and will continuously acquire library materials as part of the planning process.
5. Surveys may be utilized to make decisions regarding acquisition of materials as a part of a systematic strategy for determining the library service needs of the inmate population.

### **B. Education Director and Librarian Responsibilities**

1. Develop criteria for the selection of library materials that are relevant to the needs of the inmate population.
2. Provide training regarding library practices and the use of the computer and software program to each inmate assigned to be a library assistant.

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3. Ensure equal opportunity to the library for inmates with disabilities, including but not limited to ensuring that the library is accessible to such inmates, for example, verifying that the library has sufficient accessible seating positions, and that those positions and other accessible elements and routes are free of temporary obstructions, and providing reasonable accommodations (including but not limited to assistance with procuring materials for the blind) to inmates with disabilities. All accommodations shall be documented in OMIS.

### **C. Library Procedures**

1. Inmates are permitted in the library premises during their scheduled library periods only. Staff will send any inmate who is not engaged in legitimate library activities back to his housing unit.
2. Inmates will be allowed to read materials in the library.
3. Inmates who have access to the library premises will be allowed to check out books from the library. The magazines and newspapers available at the libraries are not to be checked out or removed from the library. Removal of such items will result in a disciplinary rule infraction.
  - a. The maximum number of books that may be checked out from the low side, high side, F Unit and WRC libraries is five. This limit includes books requested from the interlibrary loan program.
  - b. Books may be checked out for a period of two weeks and may be renewed once, for an additional two weeks before they are due. Overdue books may not be renewed.
  - c. Library staff will send one overdue notice, with a grace period of five library days. After that the inmate will receive a disciplinary rule infraction. The inmate will be charged a daily fee for each overdue book until it is returned to the library;
  - d. If a book is not returned, Library staff will assume the inmate has lost the book, and they will receive a disciplinary rule infraction. If found guilty, the inmate will be required to initiate a transfer of funds for the value of the book from his inmate account to the library account.
4. Inmates, living in locked housing, who do not have access to the library premises, will be allowed to check out two books on a weekly basis from the general library. Inmates will fill out an OSR and send to the high side library by Friday of each week. The MCE Librarian will deliver and retrieve books weekly to locked housing.
  - a. Librarians will be the only persons allowed to deliver and collect books in locked housing. If a correctional officer or other unit staff has removed the book from the inmate's possession, the book should be set aside and returned to the Librarian during their weekly drop off and retrieval time. Removal of a book must be documented in the Unit log book. Units will be charged with books that have been removed from inmate's cells and not returned to the library.
  - b. Books may be checked out for a period of two weeks and may be renewed once, for an additional two weeks before they are due. Librarians will document all books checked out and returned by inmates in these units.
  - c. If an inmate is not in possession of the checked-out books when the Librarian returns for book retrieval, and the unit staff has not removed the book from the inmate's possession, the inmate will receive a disciplinary rule infraction and will be responsible for the cost of the book replacement.
  - d. If the inmate has damaged the book while it is in their possession, he will receive a disciplinary rule infraction and will be responsible for the cost of the book replacement

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- e. Prior to checking out books from the libraries, or receiving books directly from librarians for inmates in locked housing, inmates should inspect the books for damage and notify the librarian of any damage they find before they check them out or sign for the received books
5. Damaged library books will be processed as follows:
  - a. if a librarian discovers damage when the item is returned, and the inmate did not report the damage prior to checking it out, the inmate will receive a disciplinary rule infraction and charged for the replacement and/or repair costs if found guilty; and
  - b. the inmate will be denied further check out of books until the costs have been paid.
6. Inmates residing in MDIU will check out books through a library cart provided in each day room. Books may be used and returned as deemed appropriate by unit staff.

#### **D. Access to the Courts**

The libraries will provide inmates access to the courts as outlined in *MSP 3.3.2*.

#### **E. Interlibrary Loan (ILL)**

1. Inmates may request ILL books from Library staff.
2. Books requested through ILL are subject to the same selection criteria as materials considered for inclusion in the libraries' collections.
3. Library staff will only utilize Montana libraries to order ILL books for inmates.
4. Library staff will allow only one ILL book at a time for an inmate.
5. Any charges assessed by the lending library for late return, abuse, or loss will be assumed by the inmate who requested the ILL book.
6. Library staff will not order ILL books for inmates housed in the MDIU or Locked Housing.

#### **F. Photocopying Services**

1. Inmates must have a copy card to have copies made; there will be no credit and no exceptions. The copy cards are as follows:

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- a. the librarians sell copy cards to inmates in denominations of \$2, \$5, and \$10. They can be purchased by filling out a money transfer;
  - b. copy cards are not transferable. Inmates found in possession of another inmate's copy card will be subject to disciplinary action unless:
    - 1) an inmate infirmity aid worker may purchase copies for the inmate they have been assigned to care for with that inmate's copy card.
  - c. Inmates who are discharging to community supervision or flat discharge may bring their copy cards to the library where they can fill out a money transfer slip for a "refund" of the balance. The librarian will process the transfer slip through inmate accounting.
2. Copies will only come in single or doubled sided. Copy fees are as follows:
- a. single-sided copies are \$0.20 per a page; and
  - b. double-sided copies are \$0.40 per a page.
3. Indigent inmates who are listed on the current indigent list will be allowed a total of 30 free pages of legal copies and/or legal forms per month.
4. Library staff will make photocopies of the following materials only:
- a. Inmate legal paperwork, including:
    - 1) General motions;
    - 2) Notice of Appeal;
    - 3) Motion to Withdraw Guilty Plea;
    - 4) Petition for Habeas Corpus Relief;
    - 5) Petition for Post-Conviction Relief, Memorandum and Affidavit
    - 6) Petition for DNA Testing
    - 7) Form 28 U.S.C. 2254
    - 8) Federal Complaint;
    - 9) In Forma Pauperis;
    - 10) Petition for Executive Clemency; and
    - 11) Application for Sentence Review
  - b. Other documents, including:
    - 1) Group Participation;
    - 2) Treatment summaries;
    - 3) SSI/SSDI eligibility;
    - 4) Medical Information;
    - 5) Court papers;
    - 6) Certificates;
    - 7) Resumes;
    - 8) Classification reports;
    - 9) Inmate copy of informal resolution form;
    - 10) Food service menus; and
    - 11) MSP procedures/policies that are allowed through libraries services.

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### **G. Collection Development**

1. New library books are subject to approval by the Education Director. Disapproval is possible, and likely, if the material suggests affiliation with unsanctioned groups or could negatively affect inmate discipline, security or rehabilitation.
2. Donated materials will be accepted or declined in accordance with the above guidelines.
  - a. Donated books may be accepted from MSP or MCE staff, community members and organizations, and from MSP inmates. Inmate donations are limited to books only.
  - b. books offered to the libraries with restrictions that require special handling, or which prevent integration of the publications into the general collection, will not be accepted;
  - c. donations become the property of the Department of Corrections once accepted and processed. All donations are subject to the libraries' regulations and procedures.
3. MSP inmate book donations:
  - a. inmates must prove that the book they would like to donate is part of his authorized personal property;
  - b. inmates must complete a library donation form for each book at the time of donation; and
  - c. inmates will be subject to disciplinary action if they donate or attempt to donate books that are not part of their authorized property.

### **H. Inmate Conduct**

1. If an inmate(s) is engaging in inappropriate or disruptive behavior, or is violating any institutional rule, Library staff will send the disruptive individual(s) back to his housing unit. The remainder of the library period may be cancelled if staff feel the situation merits that action. The disruptive inmate(s) will be subject to disciplinary action.

### **IV. CLOSING**

Questions concerning this operational procedure will be directed to the Librarian.

### **V. ATTACHMENTS**

No attachments