

State of Vermont Agency of Human Services Department of Corrections	Title: Inmate Access to the Courts		Page 1 of 2
Chapter: Correctional Services	# 385	Supersedes: 385 dated 1/11/1999 and 385.01 1/11/1999	
Attachments, Forms & Companion Documents: All attachments, forms, and companion documents associated with this directive are available on the Department's website			
Local Procedure(s) Required: Yes Applicability: All staff (including volunteers and contractors) Security Level: "B"- Anyone may have access to this document.			
Approved: <div style="display: flex; justify-content: space-between;"> <u>Lisa M. Menard, Commissioner</u> <u>Date Signed</u> <u>Date Effective</u> </div>			

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2 **PURPOSE**

3 The purpose of this policy is to establish a uniform set of guidelines and procedures that provide
4 Vermont Department of Corrections' (DOC) inmates adequate, effective, and meaningful access to
5 courts, law libraries, legal services and the necessary supplies for the preparation and filing of initial
6 pleadings with the courts. This policy shall only apply to claims challenging sentences, directly or
7 collaterally, or the conditions of their confinement.

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9 **PHILOSOPHY**

10 Within the inherent limitations of resources and the need for correctional facility security, safety,
11 health and order, every inmate has the fundamental constitutional right of access to state and federal
12 courts, legal counsel, and public officials and agencies. It is the philosophy of the DOC to provide
13 reasonable and meaningful access to these entities through a combination of resources and services.
14 Courts also have stated that law libraries and prison legal-assistance programs were valued as
15 contributing to rehabilitation.

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17 **AUTHORITY**

18 3 V.S.A. § 3052 (a) and 28 V.S.A. §102 (b) (2) and (1);

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20 **REFERENCE**

21 [\(02\) Policy Development, Implementation, and Management](#); [\(306.01\) Incapacitated Persons \(INCAPS\)](#);
22 [\(321.01\) Inmate/Inmate Property](#); [\(321.02\) Inmate/Inmate Claims – Facility and Field](#); [\(325\) Telephone](#)
23 [Use - APA Rule # 13-043](#); [\(327\) Visits - APA Rule # 79-26](#); [\(327.01\) Inmate Visits](#); [\(403.04\) Inmate](#)

1 [Observation Checks & Accountability](#); [\(409.01\) Searches](#); [\(409.04\) Inmate/Inmate Drug Testing](#);
2 [\(409.05\) Inmate Mail, Publications, and Audio/Video Regulations](#); [\(410\) Due Process](#); [\(410.01\) Facility](#)
3 [Rules and Inmate Discipline](#); [\(Interim Procedure\) Contraband Classification and Disposition](#); [\(410.06\)](#)
4 [Restrictive Housing Status, Conditions of Confinement](#); ACA 3-4262-4264: Inmate legal activities
5 Visits w/Attorneys, unmonitored attorney telephone calls, unrestricted & uncensored correspondence
6 with attorneys, indigent inmate postage, law library legal materials, jailhouse lawyers; law library
7 operations, notary publics, prohibition on retaliation; personal legal materials; legal services for
8 segregated inmates; and American Correctional Association 4th Edition Standards for Adult
9 Correctional Institutions: 4-4268, 4-4269, 4-4273, 4-4274, 4- 4275, 4-4276, 4-4277, 4-4442, and 4-4505,
10 4-4506, 4-4508, 4-4509, 4-4510, 4-4511
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12 **POLICY**

- 13 1. DOC shall ensure that inmates are provided with meaningful access to courts consistent with
14 legitimate penological objectives. All inmates shall be given adequate opportunity to prepare and
15 file legal papers to attack sentences, directly or collaterally; challenge the conditions of
16 confinement; and initiate habeas corpus proceedings, direct appeals, constitutional rights actions
17 and other civil rights actions related to incarceration.
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- 19 2. The right of access to courts applies to inmates regardless of financial status. Indigent inmates
20 shall be given access and opportunity to obtain legal services and shall not be denied access to
21 the law library based on their status as an indigent inmate, or their inability to pay for those
22 services as required by this policy.
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- 24 3. The right of access to courts shall apply to inmates regardless of their classification.
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- 26 4. DOC staff shall not interfere with, harass, punish, or otherwise penalize any inmate as a result of:
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 - 28 a. Participation in litigation, either as a party or a witness,
 - 29 b. Filing or threatening to file a lawsuit, grievance, appeal, or other complaint about prison
30 conditions or official misconduct; or
 - 31 c. Discussing with others actual or potential legal action or other forms of grievance and
32 complaint.
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