

STATE OF VERMONT
AGENCY OF HUMAN SERVICES
DEPARTMENT OF CORRECTIONS

Directive: 385

Subject: Inmate Access To Courts
Effective Date: January 11, 1999 Review and Re-Issue Date:
Supersedes: 8/1/97 APA Rule Number:

Recommended for approval by:		Authorized By:	
_____	_____	_____	_____
Signature	Date	Signature	Date

1. Authority:

1.1. Pursuant to 3 V.S.A. § 3052, and 28 V.S.A. Chapters 1, 3, 5, 9 and 11, the Commissioner of the Vermont Department of Corrections shall determine, establish, and administer the policies for the Vermont Department of Corrections.

2. Purpose:

2.1. The purpose of this policy is to enhance access to the courts by offenders in the physical custody of the Vermont Department of Corrections and to reduce litigation pertaining to access to courts.

3. Applicability/Accessibility

3.1. Anyone may have a copy of this policy.

4. Policy

4.1. The United States Supreme Court has ruled that inmate access to courts is the responsibility of Departments of Corrections. The Vermont Department of Corrections has elected to provide access by a combination of direct legal assistance, primary and secondary legal materials and inmate education under the supervision of an attorney. The scope of the access does not apply to all legal filings but only to state and federal post-conviction relief and civil rights complaints pertaining to conditions of confinement. The services outlined in this policy are in conjunction with those services available to needy inmates outlined in 13 V.S.A. Chapter 163. The Director of Correctional Services will prepare a directive to ensure implementation of this policy.

5. Training Method

5.1.

6. Quality Assurance Processes

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6.1.

7. Financial Impact:

8. References

3 V.S.A. § 3052 (a) and 28 V.S.A. §102 (b) (2) and (1). Bounds v. Smith, 430 U.S. 817 (1977); Halpin, et al. v. Patrissi, et al./ Civil Nos. 5:89-CV-359; 5:92-45; 5:92.CV-75; 5:92-CV-295. Lewis v. Casey, 116 S.Ct. 2174 (U.S.Ariz. 1996).

9. Responsible Director and Draft Participants

POLICY