

Notice to Attorneys Sending Electronic Legal Materials to Correctional Facilities

This document outlines the procedure which attorneys shall follow when sending electronic media containing legal materials to an inmate being supervised at a correctional facility.

This document shall also serve as notice to attorneys that all legal material sent electronically to an inmate being supervised at a correctional facility will be reviewed in accordance with Directive #385 Inmate Access to Courts. Thus, if you intend this communication to be protected by the Attorney Client privilege the information should be delivered to your client in a different method.

Sending Legal Materials Via Electronic Media:

1. Prior to receiving electronic media containing legal materials pertaining to qualified legal claims from an attorney or court, the inmate must submit a completed Outside Purchase/Special Package Request Form.
 - a. The inmate must first receive written permission, and the package must follow local procedures and rules. These rules may include specific times and shipping methods.
 - b. It is your responsibility to communicate with the inmate to determine what additional steps must be taken.
2. Electronic media mailed into a correctional facility is considered contraband. Inmates will not be permitted to have direct possession of the electronic media and it will not be permitted inside the secure area of the correctional facility. Electronic media sent to an inmate will be confiscated in accordance with the DOC policy on [Contraband](#).
 - a. You may label the mail as “Legal”, “Privileged”, or “Confidential”, and it will be opened in the presence of the inmate and inspected for contraband.
3. There is a five (5) Gigabyte maximum and the files must be **PDF** or **MP4** only.
4. The Legal Education Director (LED) will review all electronic media sent into the correctional facility to ensure it is legal in nature, and does not contain any personal communications, inflammatory material, nudity, or sexually explicit material in violation of the DOC policy concerning permissible inmate mail.
5. An electronic media folder shall be created for the inmate and placed on the law computer for up to 60 days from the date he or she is notified by the LED that his or her materials are available, and the inmate is provided with a secure password to access the folder.

Limits on Confidentiality and Attorney-Client Privilege:

Inmates may be granted access to utilize law terminals located in a correctional facility to complete legal research or view authorized electronic versions of legal materials.

1. All materials sent electronically into a correctional facility shall be subject to all DOC policies concerning mail handling.
2. Before use of the law terminals, inmates shall agree to the Terms of Use, including the provision that all correspondence and communications between the inmate and third parties are subject to monitoring, recording, interception, and disclosure.
3. Attorneys are responsible for redacting any prohibited information from documents intended for the inmate, prior to scanning or recording. If you have any additional questions about this, please refer to the [inmate mail](#) policy.