

Avenal State Prison Addendum



California
Department of
Corrections and
Rehabilitation
**DEPARTMENT
OPERATIONS
MANUAL**

Chapter:	1 GENERAL ADMINISTRATION
Article:	18 LEGAL MATTERS
Section:	14010

ARTICLE 18 – GENERAL ADMINISTRATION

14010.24.1 Non-California Department of Correction and Rehabilitation (CDCR) Depositions

The party requesting a deposition of a Non-CDCR legal matter is responsible for the security coverage charges incurred.

All parties involved in the deposition must be cleared, including the court reporters. Video equipment must be pre-approved by the Warden. The requesting party must provide to the Litigation Office a copy of the Notice of Deposition and Court Order and the inmate's authorization to be video-taped. Depositions can start as early as 8:00 a.m. and must conclude at 2:00 p.m.

Custody coverage is provided at a rate of \$35.96 per hour, per Correctional Officer; if a Correctional Sergeant is also required, it will be at \$41.35 per hour. A four-hour minimum charge is required, payable by money order to Avenal State Prison, and must be received by the Litigation Office at least five (5) working days prior to the deposition. Accounting will generate a bill and give to the Litigation Office, who will send it to the requesting party via e-mail or facsimile, together with confirmation of the deposition date. If the deposition goes beyond the timeframe paid, the requesting party will be billed for the additional time.

Appointments are scheduled on Fridays only and the date and time are based on the open slot on the calendar schedule.

V. CARR
Litigation Coordinator

8/7/14
DATE

CARL WOFFORD
Warden

8/13/14
DATE

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14010.6.3**Subpoenas Who Can Accept Service**

Summons and complaints in civil or criminal matters which pertain to an employee's duties with CDCR may be served at the prison. The Litigation Coordinator, Administrative Assistant, ERO and the Case Records Manager are designated agents authorized to accept service for inmates or employees.

- Law review articles
- Court Transcripts
- Correspondence with attorneys or public officials
- Slip opinions, except as noted above
- Appeals, CDCR 128s, CDCR 115s, Medical Records, etc., except when included as a legitimate exhibit to a court case and properly cited.

14010.6.4**Subpoenas Designating an Agent to Accept Service**

Employees must authorize, in writing, the Litigation Coordinator or other designee to accept service of a subpoena in legal matters related to the employee's work with the department. Authorization remains in effect as long as the employee is assigned to the institution or until the employee revokes his/her authorization in writing to the Litigation Coordinator.

One additional copy of a petition for a Writ of Habeas Corpus filed in State court will be provided to the inmate for mailing to the appropriate district attorney, at \$0.10 per page.

Exhibits:

All exhibits cited in the legal work shall be photocopied according to the following criteria:

- Exhibits must be identified (labeled), with each page numbered.
- Exhibits must be cited in the motion and / or petition, writ, complaint, etc., which is being prepared.

No CDCR Employee shall sign acknowledging service.

14010.8**Small Claims Court**

The Litigation Coordinator is designated to appear for small claims proceedings to present the Department's response to the claimant's allegations.

Library staff will look at all materials to be copied and determine if the materials meet the requirements as stated in DOM 14010.21.4. Copy limits have been established by the California Code of Regulations, Title 153162 (c). A legal document to be duplicated for any inmate, including all exhibits and attachments, shall be limited to 50 pages in total length. The inmate shall provide to designated staff a written explanation of the need for excess document length along with an Excess Copy Justification form (Attachment A). The staff may contact the court for verification of court order requiring additional documentation. Without court order documentation, a legal document in total cannot exceed 100 pages. When a large amount of copying is required, library staff may verify the need by calling the courts. Copies will be supplied at a charge of \$0.10 per page. The inmate will sign a Central Law Library Legal Document Processing Request form authorizing the charge to be deducted from his trust account. The inmate will fill out a Request for Legal Photocopy Service form indicating the number of originals to be copied and the number of times each page is to be copied.

14010.21**Legal Copying Services**

Legal photocopy service is available at the CLL. Legal Documents, as defined in DOM 14010.21.2, Legal Documents shall be copied for all inmates regardless of their financial status. Requests for copies of legal work shall be in strict compliance with the respective court's rules, as defined in DOM 14010.21.4, Size and Number of Copies for Court Documents. Only materials demonstrated to be legal documents will be copied by library staff. It is the responsibility of the Senior Librarian, Librarian or Librarian Technical Assistant to review items submitted for copy services to insure compliance with the court's rules and CDCR copy services policies. Copy services can only be submitted in person by the inmate named on the case. No inmate may submit another inmate's legal documents for copying. CDCR disciplinary actions and forms will be photocopied only if they are part of a court-ordered submission or attached as a bona fide exhibit to a court document. CDCR 602 appeals processes will be copied at the third level only.

Same day copy work is not assured. All copies will be completed within a maximum of five (5) business days.

Requests for photocopies will be made on a Legal Materials Request form and must be approved by the library staff. Library staff has five (5) working days to complete photocopy requests during normal operations. Inmates must submit a Trust Account Withdrawal Order form for copies. The Trust Account Office determines whether or not an inmate is indigent.

All legal exhibits submitted for copying must be labeled as such, be listed in the petition's table of exhibits, and be duly cited in the body of the petition. Inmates will submit their own legal work completed in its entirety for approval and provision of legal photocopying services. Partial or incomplete documents will not be copied. Documents used for business, personal, or non-court documented cases will not be copied. The legal mandate for the CLL is to assist the inmate in the legal access and service of court cases related to the inmates controlling case and or conditions of confinement only. Fees for legal photocopying will be charged in accordance with CDCR policy and will be posted in all institutional libraries. Upon completion of copy services, it will be considered that the legal filing is completed. No other copies will be made and PLU status will be withdrawn on that case. Upon a court order extension, the thirty (30) day PLU status will be reestablished with all copy services per policy.

14010.21.2**Legal Documents**

The following are legal documents that will be copied for the purpose of providing copy service to inmates:

- Writs – habeas corpus, mandate, etc.
- Civil rights complaints.
- Civil complaints or answers.
- Petitions for hearings in appellate courts.
- Motions to proceed "in forma pauperis" (without funds to hire counsel).
- Exhibits, including slip opinions of the California Court of Appeals, when attached to petitions for hearing in the State Supreme Court.
- 602s going to the 3rd level (Sacramento).

The mailing of legal documents to courts and claims to the Board of Control is the inmate's responsibility. The inmate will submit the completed copies for submission to the court, to the Law Librarian or designee for copy service as required by the court along with the Legal Document Processing Request. The Law Librarian or designee will provide the proper amount and size envelope(s) to the inmate. The inmate will address the envelope(s) to the court of their choosing and have it verified by the Law Librarian prior to leaving the library.

14010.21.3**Non-Legal Documents**

The following are non-legal documents that will not be copied for the purpose of providing copy service to inmates:

- Law book pages

14010.22 Notarization of Legal Documents

The Litigation Coordinator is designated as the Notary Public Coordinator. Correctional Counselors will not be required to perform Notary Public duties unless they volunteer for the notary training.

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The Litigation Coordinator will keep a list of all Avenal State Prison notaries.

Inmates who are in need of notary services must send an Inmate Request for Interview to the Litigation Coordinator or have a family member, friend or business requesting the notary services contact the Litigation Coordinator. Upon receipt of a request for notary services, the Litigation Coordinator will review the Supplemental Notary Identification Tracking Form to determine if the inmate has an existing supplemental 10 card on file. If there is no card on file, a request shall be made with the Receiving and Release Sergeant for the need of a supplemental identification card.

The R&R Sergeant will ducaat the inmate to R&R within 48 hours of notification by the Litigation Coordinator to properly identify the inmate and obtain the inmate's signature on the card.

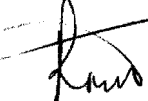
Once completed, the R&R Sergeant will coordinate with the Litigation Coordinator for delivery and proper storage of the card. The Litigation Coordinator will then proceed with the coordination of the requested notary service. Supplemental cards will not be released to the inmate. Supplemental 10 cards will be stored in the Litigation Coordinator's office.

Supplemental cards will be destroyed when the inmate transfers or paroles from Avenal State Prison.

Notary services for inmate personal matters will be charged ten dollars per signature.

ATTACHMENTS:

A - Excess Copy Justification



C. WOFFORD
Warden
Avenal State Prison