

## Minnesota's Law Library Service to Prisoners Program – Transcript of audio

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Hello, everyone. Welcome to the Academy. I'm with my colleague, Ashley Don. This is the law library service to prisoners program. She earned her GED from Hamline school of Law. She held positions of the county law librarian for two counties. She is a former professor in the legal studies department and with that introduction I will let Liz take it away. Really thank you, Donald. Thank you, everybody that is joining us here today. I will start out by giving you a little bit of information about the state law library before we talk about the service to prisoners program. The law library in Minnesota is the oldest library in the state. It was created by the act of Congress that created the territory of Minnesota. It is to purchase materials. Since 1849, the state law library has existed in various locations and has been a continuous library since I went. My role is in the Minnesota Constitution. We also show up in the Minnesota statutes references made to us in the Minnesota statutes. We were referred to as the state library. That has never been changed in the statute to say state law library. That is indeed the library that is being referred to in the statutes. We are in GPO selective depository library. We collect all federal primary materials. Our rule is if it is Minnesota and it is legal, we buy it, we keep it forever. We have the largest collection for the Court of Appeals anywhere in the state. But anywhere. We have a pretty significant collection of historic materials from other states. Early on we had an exchange program with other states and territories where we would swap materials. We have really materials from several other states in our collection. We purchase treaties that cover the types of topics that reaches the state courts. We do not purchase a lot of state material on federal topics. We have a broad collection of the types of law that will hit the appellate courts. I want to give you a little bit of information about the pilot project back in 1984. It was submitted by the department of corrections and the Minnesota Supreme Court. In the first full year of operation, you can see that 274 inmates were assisted. You received over 2500 requests. That was pretty significant for a brand-new program. It was thought to be a positive and worthwhile project. After that pilot year, it was taken out of the pilot stage and made an actual program that has been going since 1984. This is a partnership between the law library and Department of Corrections. We have the interagency agreement with them and typically we do it for two years for the biennium we started the fiscal year, 24 and 25 agreement. You can see the amount the contract is for. \$530,000. This is for the two year span. And one of the things I would like to make sure that I explain about the money that funds this, it is not tax dollars. The Department of Corrections has things that they charge inmates for. If you are going to have cable, there is a fee for that, there is a markup for things that they buy in the prisons and all of that goes into the programming fund. Our program is paid for out of that programming fund. It is useful to understand that it is not tax dollars going to this program. The Department of Corrections these they bill us for these salaries and benefits of our staff. The cost of the copier, the paper, the phone line. Back when we were doing in person visits to the prisons, mileage was included. We will have a reimbursement for the passwords that we got specifically for the law library service to prisoners librarians. They pay us and reimburse us for all of our expenses for the most part for the three staff members that fund this program. Or who are part of the program. The staff started out with one librarian in overtime another was added and then another half time librarian and was added. We have 2.5 professional librarians who do the work of providing legal resources to the incarcerated people. We also saw have someone who works as a clerk in the state law library. Her job is dedicated to the law library service to prisoners program. She handles the clerical things regarding statistics and keeping track of the materials coming in from the prisons. And that type of thing. This year we started charging back some of the time of our department head that oversees the librarians for the prisoners program. That is a new expense that we are billing back. Spending time every month for supervision and meeting

staff in doing the performance reviews and that kind of thing. That is being billed back to the D.O.C. Are librarians, to time librarians, they have the MLS. Halftime library and is in school right now. She should have her MLS next year. They are all trained as librarians. As far as their education, the training for the job itself was very much hands-on. Reading it and learning the materials from the prisons, answering requests from inmates, it was very much on the job training, for this particular position. We had a long time staff that work together for many years. Someone who went to law school and then move down to a different area and that we had someone else retire. We have had a complete overhaul of the staff in the last year. They are doing fantastic. They have made a lot of good updates to the way that we handle requests and keeping track of materials and that type of thing. They are fairly new to the role. One of the things about the librarians that work in the service to prisoners program. They are state law library employees. All of us in the state law library are court employees. I report directly to the Minnesota Supreme Court. Everyone who works in the law library is a court employee. Are librarians are also court employees. They very much, their role is very much dedicated to responding to the request from the prisons. They do not run the reference desk. They are dedicating to handling the request that comment from the prisons. They have a rule regarding the Department of Corrections library. I will talk about what they do in a little bit. Each of the prisons has a library and on site. Are librarians, the new group that we have right now, they actually had the great idea to start meeting with the D.O.C. librarians on a month the bases. They do a lot of collaboration back and forth and collaboration about how things are going. Is somebody going on vacation? Is there an issue with a particular prison where processes have to be changed in that? They have a good two-way communication going with the librarians that work in the prisons. In Minnesota, there are eight prisons and seven are male inmates and then one that is all-female. We serve all of those folks. Anyone that is housed in a Minnesota state prison is eligible to use this program. There is not a charge for them to use the program. I already talked about where the money comes from. There is not a charge for them to use the program. There are other people that are housed outside of our prisons. Some of them are housed in the county jails because of crowding situations. The D.O.C. will contract with the county jail to house some of the inmates there. There are other folks that are housed out of state typically for their own protection if it is a notorious case. The inmate will be placed outside of Minnesota for their own protection. All of those people are eligible for the services. The way that the inmates can get information from our program varies. A little bit by prison. Before COVID, one of the ways that they could make requests to us and get information was to meet one-on-one in person at the prison. Our librarians will drive to each prison and the inmates can sign up to have a meeting with the librarians. I did this one time early on in my days as state law library and we went to the maximum-security prison and for most of the people that are librarians, we just sat across the table from somebody. There are some folks we had to have that discussion through bars outside of the cell. For most of the people back then, the librarians and the incarcerated people would meet across the table. The librarians would walk around and they kind of got to know the prisons. They would walk around the prison unescorted. Through the hallways. It's kind of strange. You're walking through and they are seeing you on camera and they click open the gate. You go into the next section. That is how it works. We stopped doing prison visits when COVID hit for obvious reasons and have not restarted doing the in person visits. There is some interest in trying to do visits periodically to the prison. In person. So that the inmates have a chance to meet with the librarians in person from time to time. For the librarians to see the facilities. They can see how things operate in that particular prison. Things are different in each prison depending on what the role is and what the population is. We stopped doing the in person visits. We started doing instead, for some of the prisons was meeting online through Zoom. This has been a project to make this happen. There are still two prisons that are not participating yet. For six of the prisons, the folks can make a request to meet one-on-one online with the librarians so that they can see each other and have a conversation to make the request for the information that they need. They can also send a letter directly which is called a kite. They can send it directly to the state law

library which will go to the librarians. They also can submit to the librarians at the prison for the librarians here. Making request for what works best for them. The reason why I started talking a little bit about our collection is because I think it is important to realize how much the people that are incarcerated have access to through our collection. If it is in our collection or it is something we can access for free, we will provide it with some limits, which I will talk about in a little bit. Our librarians have access to Lexis, Westlaw, the whole print collection. Other electronic databases. Any of those resources could be used by our librarians to fill requests from people that are housed in the prisons. It is something that the prisons could not replicate themselves. It would be financially impossible to have what we have here in every prison. It's really an amazing resource for people. As far as I'm aware, there is nothing that comes close to it in any other state. The thing that is kind of old school, how we provide it. Everything is paper. They do not have access to the Internet. We have not gotten to the point where it is possible to send them emails. The librarians package of the responses to those requests and send boxes to the prisons. They get their mail and they open it and they got their responses. I'm going to jump ahead to the next bullet that talks about legal mail handling. This is pretty unique about this program. The mail that comes from us, is not opened and scanned. It is considered legal mail. Just like mail from an attorney would be handled. It is not scanned. It is not checked and it is not opened. That is demonstrative of the level of trust that this program has developed with the Department of Corrections that they allow this to happen without any sort of D.O.C. staff intervention. What we indicate to the folks is that we have a two week turnaround period it is not in our contract. There been times where we have been incredibly short-staffed and we have not been able to make that two week turnaround on the request. It is rare. Most of the time, people are getting their responses much earlier than two weeks. That is what we give them as a guideline. If there is a court date coming up, if it is time sensitive, let us know, then we can get it turned around in a week instead of two weeks. I want to give you a couple of examples of things that we receive. This was a kite that was given to one of the prison librarians and was scanned and emailed to us here at the law library. That is an example of a kite. We get letters like this. From the prisons. They do not want the librarians at the prison, they are D.O.C. staff. They do not want them looking at what they are asking for. They can contact us directly over webinar, over the phone, they can mail us directly. These responses go back to the incarcerated folks. There are libraries in each of the prisons. Considered part of the education department from the Department of Corrections. They tend to be closer to a small public library. The legal materials and legal research is farmed out to our staff. They have a core collection and I will show you what that means of legal materials and we ask they maintain in every prison library so that some of the low hanging fruit can be handled on site and it does not wire the time that is built into sending us a request. Then we send it back and there are certain things they can get on site. They are not focused on law. They are focused on general information that you would find in a small public at the library. Department of corrections also has a contract from the Lexis correctional. That is also available on site. The last time I looked at it, I thought it was pretty difficult to understand how to use it. Particularly if you do not have any legal training. There are people that use it and you find it helpful. It is not for everybody. This is -- I will show you what we provide an update every year. As part of our contract. We have this contract of materials that we ask them to have present in their libraries. We call it the core collection. You can see this on your screen, things like legal dictionaries, how to do legal writing. Minnesota rules and court rules. The federal rules that are included. They should be available in every prison on site. Folks have access to this when they go to the prison library. They have access to the prison materials. There is another page here. These are self-help materials these materials are written at an eighth grade level. They explain some of the questions they get asked fairly often. The box in the middle gives you the list of the databases that are provided through Lexis and then on the bottom, we give the prison librarians an idea that these are the kinds of forms that get asked for a lot. It is good to have these preprinted and ready to go at the library and prison. The inmates cannot go online and print these out but they can be made available to them right

on site. There are some things we do not provide. The first three bullets are things that we cannot provide. These come from the Department of Corrections. These are things they do not want us to provide. Anything from the universal commercial code, we will not provide. I don't have time to go into an exclamation. If you're not familiar with sovereign citizens, there is information on this guide for the sovereign citizens. Take a look at that at a later time. They use these materials, particularly for information about how to put a lean on people's property in a way that is not legal and harmful. The prisons do not want us giving out information that will help people who are interested in the sovereign citizen movement to do these types of things. They don't want us to give out D.O.C. policies. That is because D.O.C. prefers to give the policies out themselves. They know what the most recent version is. We were not always aware that there had been a policy change. It was better to have them provide those directly. They do not want us to provide anything from the diagnostic and statistical manual. They don't necessarily want people to be able to read up on a particular mental disorder so that it could be faked. I'm guessing that is the reason. Those three things are resources that we are not able to give out through the program. We do not deal with nonlegal material requests. We refer them back to the prison librarians to fill. We do not provide legal advice. Our three librarians as I mentioned earlier, they have MLS degrees and they do not have JDs, they are not attorneys. We cannot give legal advice. We provide legal information, not legal advice. You might be able to imagine that this can be a challenging job at times. You know, people who are part of the prison system have challenges that they face in many ways. Some are able to deal with it better than others. Language is one particular issue. One of our full-time librarians is a native Spanish speaker. That has been very helpful to have a Spanish speaker but we have folks in the prisons that speak all kinds of languages as their first language or primary language. It can be challenging to communicate and also to understand legal materials written in English. There is not much out there that is not written in English. All the case law statutes are all written in English. I can be a challenge for people. There are also people that have low literacy that are housed in the prisons. People who did not have a high school diploma. They have trouble with basic literacy. That is something that is difficult for us and for them. Our laws are not always written in a way that is easily understood when you do not have understanding of legal concepts and terminology. We do have folks that have some mental health challenges in the prisons as well. This is not a new concept to any of you. There are people that struggle with mental health issues and it can be challenging for the librarians sometimes to communicate with. They do their best. Our librarians do fantastic work. I'm very impressed with the work that they do in the service they provide. One of the other things that comes up from time to time, issues with lockdowns. There will be situations where the prison goes on lockdown because there is been some kind of injury or when the prisons were on lockdown. That means that they cannot go to the library the incarcerated folks cannot go to the library. That affects our services. During COVID there was a lot more leniency given to some of our policies because people could not get to the library and the prison to request these things that we would not normally handle. We did bend around some of those things to accommodate the fact that people could not get around. One of the other things that can be kind of tough, coordinating the services with the people who work in the prison. Every prison operates a little bit differently. Former librarians got to know this when they would visit every month. The process was a little bit different depending on which prison you are going to. The current librarians have seen this trying to do webinars. We rely on the prison guards to get the person to the room that has the computer that has the software that they can use to meet with a librarian. They have appointments. Sometimes that is tough and sometimes it is not a priority in their other things going on and they miss appointments because they cannot be escorted to the place that they need to go. That is another challenge. I will not read all of this to you, this is included in some of our materials that we give to the prisons giving them an idea of the prison librarians and what they should be providing. At the bottom, other requests that should go somewhere else, not to us and not to the prison librarians. Giving them an idea of where to send these different types of requests. This is part of our contract, attachment B of our

contract. This sets forth what our responsibilities are and what the prison library and responsibilities are. I will not read all of this to you. If you're interested, you can take a look at it in the packet of materials. This is in the contract. We do follow this. This is the flyer that gets posted at the facilities so that people can find out about the program when they first come in. And learn about what we do and what we don't do and how to contact us. This gives you an idea of what we are communicating to them. I want to give you this grid which shows what people ask for. You would think that the criminal law topic would be higher than 21%. The librarians get questions about a lot of other things. Conditions of confinement, that is relevant to their situation. We get a lot of requests for the exact citation of something. Please send me Miranda versus Arizona or please send me this particular article and we are assuming that those folks are doing some research on their own and they are finding things that the Lexis package does not happen they are contacting us to get the materials that they cannot get access to through Lexis. Quite a few requests where the person gives us an exact thing that they want. That makes it pretty easy except for send me everything that you have on search and seizure. Questions like that are more challenging. Family law, people that are housed in prisons have family law issues. Termination of parental rights cases can happen. How to suspend child support while someone is incarcerated. Custody issues. Someone can still have parental rights while they are locked up and they still want to see their kids. If that is an issue, those are the types of things that we get family law questions about. The other category is a little bit bigger than I would like it to be. There are so many things we get asked about. It is hard to break it down into more definite topics. I want to show you some statistics from last year. To give you an idea of how big this program is. You can see the number of inmates that the D.O.C. had at the beginning of the fiscal year. The number of questions on phone calls. In 2022 we did not have six prisons that were participating and in 2023 and 2024, they will continue to see the video visits increase. It has been a steady start with one. Add another one and another prison. He will continue to go up. The individual people assisted, this is a pretty astounding number of people who utilize the program. And got legal information from our librarians. I want to end with this slide. This is a note that one of our librarians God from one of the people who is incarcerated. A lot of you are librarians that are on the call. This statement that I highlighted in yellow. It is so important that people have information and access to information. These are people that cannot go to their neighborhood library. They have a right to access legal information. It is wonderful that we are able to provide that information to people who are incarcerated. It is always nice for librarians to get a thank you. I wanted to share this and give you an idea of the kinds of responses that we get from people. From the most part, people are very appreciative of the service. Very appreciative. It is nice to see that. They are feeling empowered and educated and they understand their rights better and their situation better because of the information that we are able to provide. On the slide I have given you to the email address that goes directly to me. I want to tell you, everything that is in our contract is public data. If you have any interest in seeing the contract itself, I will share that with you. I can share any information you might be interested in. This is two public entities that have a contract together. Everything is public. I'm happy to provide any information that anyone might want to look at that is more detailed than what I was going to cover in the short program. That is what I had for you. Donald, I'm not sure if there are any questions that people have typed in.

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The only thing we have in the chat is the appreciation for the noose of incarcerated people versus inmates.

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Thank you for that. It's kind of a recent change to our language. It is important to remember that people are people. Sometimes I slip up and I use the term inmate from time to time. It is something that came out of the prisons. I thought it was really interesting that the encouragement was coming from the

prisons to make that change in language. Obviously it has been embraced by us because we want people to feel respected and feel and referring to people how they want to be referred to.

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The other question is have there been set limits on how much research is done on a question?

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That is something I forgot to talk about, the limits. The limits are for every two week period it is eight items were 50 pages. There is a limit. Sometimes we have people that keep requesting and keep requesting. It's going to take several two-week periods and they keep sending in more and it is constantly like they are filling old requests because what they are asking for is bigger we have ways around that. Send me everything on search and seizure. The librarians will send them is an authoritative secondary source that talks about the law of search and seizure in Minnesota so they have somewhere to start and wrap their head around the different concepts. There are so many offshoots. Was in a car, house, consent given, there are a lot of pieces. They will send them a more general secondary source on the topic. And they can read all of that and then refer back to the program for additional details.

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This was originally scheduled to end at 2:45 I don't know if you want to go on until 3:00.

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We can do that then. Great presentation, how do you deal with books that go missing?

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We don't actually give them books. It is photocopies from materials. Actual books do not go in. They can be a means to smuggle in things. That is not allowed by the prisons. I think early on maybe books were provided. There are all kinds of things like drugs in the spine, there are lots of ways to get contraband into prisons by the use of a book. We do not send them books.

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To clarify, they send only the copies of documents, correct? They do not have to return everything to you?

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That's right. One of the things that is a challenge for the folks in prisons. Sometimes somebody's cell will be swiped and they will lose their materials. There are times when we are sending someone the same information again because they have lost it when their cell was cleaned out and the materials were taken.

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The next question, is there a limit on how much printing you can do?

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We have the limits for how much we provide per two week period we are careful of copyright. If that is the question they are getting at. If someone wanted to get copies of three quarters of a book. We would have to say no. We have to be careful about copyright.

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Will get back to the next question. Is there a current edition of the -- since it falls under a different state agency.

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We do not go in and check. We leave it up to the prison librarians to do this. It is part of the contract that they provide the core collection. The folks that are working in the prisons as librarians, they want to give people information. I have not been aware of a situation where the materials have not been provided that we have put in the core collection list.

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Is Kite an acronym for something?

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I don't know. That's a good question. I'm sorry, I don't know. I like that image too.

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Access to information has no boundaries -- do you suspect that there is been deterrence in recidivism in response to these efforts.

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I don't know. That is a little difficult for us to measure for the outcomes of what we provide. We are told from time to time that the research we help them with shortened a sentence and got them a rehearing. We do here anecdotally from time to time that somebody has won an appeal and they have had a favorable outcome. They answer so many questions that it is kind of impossible to track everybody and see what their outcome is in the end.

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All right the next question is do you have issues with individuals bypassing lockdown or disciplinary action with the things I you service. Maybe.

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The D.O.C. has been a good partner for us. I'm not aware of a situation where there has been any kind of repercussion if I understand this correctly for someone to use the program. If someone is segregated in a segregated facility or housing, they can still use the program. They can still send out mail to the program. I have not heard of that happening before. We do rely on our partners inside the prisons. To kind of keep the gears moving and let us know if that is an issue.

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All right. Here in the chat, giving an explanation of what a kite is as well. It is the access to the court requirements and cannot be used as punishment.

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Susan is one of the former librarians, hey, Susan. Hopefully I did not say anything that you disagree with. She was one of the longtime librarians before she got her law degree and moved on. You have a question, six prisons that are cooperating with the visual visits. How many prisons overall participate in that statistic?

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There are eight prisons in Minnesota. There are two that are not there yet. One of them is the maximum security prison and that one is a little bit more difficult. Susan would know this. She was a librarian with us. They do not have the privileges to get out of the cell to do a video visit. I'm not sure what all of the issues are. There are other people housed there who are housing and could participate but I suspect it is because of the secured nature of that facility that is causing problems with that extra ability to get to where they need to go to me with the librarian.

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Thank you. I do not see any more questions in the chat.

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I think so.

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Are not seeing any more questions in each eye and I would like to close it up and thank you for taking the extra time to answer these questions in the chat. Thank you for doing the tech support. We have a three-day fall 2023 library conference. I will put a link in the chat and there will be a number of sessions by the depository counsel. We hope to see you there. Thank you all and have a great day.

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Thank you. [ Event concluded ] [Event Concluded]