



Overview of Detention Standards: Law Libraries and Legal Resources



Law Library Design

Design: The law library should be in a designated room, or if facility design prevents a specific room, a suitable area should be identified. The area or room should be well-lit, reasonably isolated from noisy areas, and have sufficient space and resources to facilitate detainees' legal research and writing. NDS 2019 6.3(II)(A), PBNDS 2011 6.3(V)(A), PBNDS 2008 6.36(V)(A)

Furnishings: The law library shall be furnished with an adequate number of tables and chairs to facilitate detainees' legal research and writing. PBNDS 2011 6.3(V)(A), PBNDS 2008 6.36(V)(A)

Law Library Supervision

The facility shall develop procedures that effectively prevent detainees from damaging, destroying or removing equipment, materials or supplies from the law library. Facilities are encouraged to monitor detainee use of legal materials to prevent vandalism. Supervision shall not be used to intimidate or otherwise impede detainees' lawful use of the law library. PBNDS 2011 6.3(V)(B), PBNDS 2008 6.36(V)(B)

Law Library Content and Equipment

Required Holdings: A list of the required materials may be found in the relevant detention standards, as follows:

- PBNDS 2011 Appendix 6.3.A (required materials) and Appendix 6.3.B (optional materials). PBNDS 2011 6.3
- PBNDS 2008 Attachment A to Section 6.36 (required materials) and Attachment B to Section 6.36 (optional materials). PBNDS 2008 6.36
- NDS 2019 - ICE/ERO shall provide each facility an electronic version of required ICE/ERO law library reference materials. The facility shall post a list of its holdings in the law library and/or make a list of holding available electronically. NDS 2019 6.3(II)(C)

Acquisition of Materials: Contact ICE/ERO for electronic versions¹ of the required law library reference materials, which are updated quarterly. NDS 2011 6.3(V)(E)(1), PBNDS 2011 6.3(V)(E)(1), PBNDS 2008 6.36(V)(E)(2)(a)

Requests for Additional Material: Detainees are permitted to request additional legal material not available in the law library by submitting a written request to the law library coordinator, who shall inform the Field Office (ICE/ERO) of the request as soon as possible. NDS 2019 6.3(II)(C), PBNDS 2011 6.3(V)(G), PBNDS 2008 6.36(V)(G)

- Requests from detainees will normally be answered within five (5) business days, but those who are facing imminent deadlines will receive priority. NDS 2019 6.3(II)(C), PBNDS 2011 6.3(V)(G), PBNDS 2008 6.36(V)(G)
 - Under PBNDS 2011, those facing imminent deadlines for Expedited Removal proceedings will receive a response within two (2) business days. PBNDS 2011 6.3(V)(G)

Materials from Outside Persons or Organizations: Outside persons and organizations may submit published or unpublished legal material for inclusion in a facility's law library. If the material is in a language other than English, an English translation must be provided. The facility must immediately forward the material to ICE/ERO or their local Office of the Principal Legal Advisor point of contact for review and approval prior to usage. NDS 2019 6.3(II)(D), PBNDS 2011 6.3(V)(F), PBNDS 2008 6.36(V)(F)

Personal Legal Materials: Detainees are permitted to retain all personal legal material upon admittance to the general population or segregation, unless such material creates a safety, security, and/or sanitation hazard. The facility may require

¹ Please note that the AILA Asylum is a required resource listed in the PBNDS 2008 and 2011 Detention Standards; however it cannot be loaded on to the Electronic Hard Drives and must be purchased separately by ICE/ERO. For more information, please contact the Legal Access team at ICE/ERO headquarters at (b) (7)(E) @ice.dhs.gov.



detainees with a large amount of personal legal material to place some of the material in a personal property storage area, with access permitted during designated hours. The facility shall grant requests for access to such stored legal material as soon as possible, but not later than 24 hours after receipt of the detainee request, unless documented security concerns preclude action within this time frame. NDS 2019 6.3(II)(K), PBND 2011 6.3(V)(J), PBND 2008 6.36(V)(K)

Required Equipment: Law libraries are required to have an adequate number of computers² for legal research, a printer or the ability to print, a copier of the ability to make copies, and writing implements and paper. NDS 2019 6.3(II)(B), PBND 2011 6.3(V)(D), PBND 2008 6.36(V)(D)

Additionally, PBND 2008 and 2011 require a means of saving legal work in a secure and private electronic format that is password protected, as well as other types of office supplies (e.g. two-hole punches, folders, computer disk containers, etc.). PBND 2011 6.3(V)(D), PBND 2008 6.36(V)(D)

Inspection of Equipment: Equipment should be inspected at least once a week by a designated employee to ensure that everything in the law library is in good working order and to stock sufficient supplies. NDS 2019 6.3(II)(B), PBND 2011 6.3(V)(D), PBND 2008 (6.36)(V)(D)

Other Law Library Supplies and Related Services

Mailing and Legal Correspondence Supplies: The facility should provide indigent detainees with free envelopes and stamps for mail related to a legal matter, including correspondence to a legal representative, potential legal representative, or any court. Indigent detainees³ will be permitted to mail a reasonable amount of mail each week, including at least five pieces of special correspondence and three pieces of general correspondence. NDS 2019 6.3(II)(M), PBND 2011 6.3(V)(L), PBND 2008 6.36(V)(M)

Requests to send international mail shall be honored as is reasonable. PBND 2011 6.3(V)(L), PBND 2008.6.36(V)(M)

Notaries and Certified Mail: The facility shall provide assistance to any detainee⁴ who requests a notary public, certified mail, or other such services to pursue a legal matter, and if the detainee is unable to meet the need through a family member, friend, or community organization. NDS 2019 6.3(II)(N), PBND 2011 6.3(V)(M), PBND 2008 6.36(V)(N)

Photocopies and Printing: A facility shall ensure that detainees can obtain copies of legal material when copies are reasonable and necessary for a legal proceeding involving the detainee. Detainees may be provided access to a copier or printer or may request to have copies made. NDS 2019 6.3(II)(H), PBND 2011 6.3(V)(H), PBND 2008 6.36(V)(H)

Requests for photocopies may only be denied if the document(s) might pose a risk to the security and orderly operation of the detention facility, there are other legitimate security reasons, copying would constitute violation of any law or regulation, or if the request is clearly abusive or excessive. NDS 2019 6.3(II)(H), PBND 2011 6.3(V)(H), PBND 2008 6.36(V)(H)

Facility staff shall inspect documents to ensure they comply with the rules for photocopying but may not read a document that on its face clearly a legal document involving the detainee. PBND 2011 6.3(V)(H), PBND 2008 6.36(V)(H)

Detainees may not be charged for copying or printing a reasonable amount of legal material. NDS 2019 6.3(II)(H)

Law Library Access

Hours: Each detainee shall be permitted to use the designated law library for a minimum of five (5) hours per week during a reasonable time of day. NDS 2019 6.3(II)(F), PBND 2011 6.3(II)(3), PBND 2008 6.36(V)(C)

- If resources allow, detainees should be permitted to access the law library no less than 15 hours per week. PBND 2011 6.3(II)(3)

² The Office of Detention Oversight determines adequacy by considering the following: total number of law libraries maintained, total number of computers/printers, law library schedule, number of detainees/housing units to determine law library rotations.

³ A detainee is considered "indigent" if he or she has less than \$15.00 in his or her account. PBND 2011 6.3(V)(L), PBND 2008 6.36(V)(M)

⁴ Please note: If the facility follows PBND 2011 or 2008, the detainee must be unrepresented in order to receive the above assistance.



Detainees shall not be forced to forgo recreation time to use the law library. Requests for additional time to use the law library shall be accommodated to the extent possible, including accommodating work schedules when practicable, consistent with the orderly and secure operation of the facility. PBND 2011 6.3(II)(5), PBND 2008 6.36(V)(C)

Requests for Additional Time: Requests for additional law library time should be accommodated to the extent possible, consistent with the orderly and secure operation of the facility. Special priority should be given to such requests from a detainee who is facing a court deadline. NDS 2019 6.3(II)(F), PBND 2011 6.3(II)(3), PBND 2008 6.36(V)(C)

Detainees in Special Management Units: Detainees housed in Administrative Segregation or Disciplinary Segregation units have the same law library access as the general population, unless compelling security concerns require limitations. NDS 2019 6.3(II)(L), PBND 2011 6.3(II)(9), PBND 2008 6.36(V)(C)

Denial of Access: A detainee shall not be denied access to law libraries and legal materials as a disciplinary measure, reprisal, retaliation, or penalty. NDS 2019 6.3(II)(L), PBND 2011 6.3(V)(K), PBND 2008 6.36(V)(L)

Denial of access to the law library must be supported by compelling security concerns, for the shortest period required by security, fully documented in the special management housing logbook, and (for facilities that follow PBND 2011 and 2008) documented, with reasons listed, in the detention file. NDS 2019 6.3(II)(L), PBND 2011 6.3(V)(K), PBND 2008 6.36(V)(L)

Contact the Field Office (ICE/ERO) if a detainee is denied access to the law library and send a copy of the documentation of that denial. NDS 2019 6.3(II)(L), PBND 2011 6.3(V)(K), PBND 2008 6.36(V)(L)

Assisting Detainees with Legal Research

Assistance by Facility Staff: Facility staff shall provide assistance to detainees in accessing legal materials where needed (e.g., orientation to written or electronic media and materials; assistance in accessing related programs, forms and materials). NDS 2019 6.3(II)(I)(1), PBND 2011 6.3(V)(I)(1)

Detainees with disabilities, limited English proficient detainees, and illiterate detainees who request assistance or otherwise indicate difficulty accessing or comprehending the legal materials, must be provided assistance beyond access to a set of English-language law books. Facilities must establish procedures to assist these detainees and should contact ICE/ERO if they are unsuccessful in providing sufficient assistance. NDS 2019 6.3(II)(J), PBND 2011 6.3(V)(I)(3), PBND 2008 6.36(V)(J)

Assistance by Other Detainees: Detainees are permitted to assist other detainees in researching and preparing legal documents upon request, except when such assistance poses a security risk. Such assistance is voluntary, and no detainee may charge a fee or accept anything of value for assistance. NDS 2019 6.3(II)(I)(2), PBND 2011 6.3(V)(I)(2), PBND 2008 6.36(V)(I)

Assistance by Outside Volunteers or Programs: PBND 2011 facilities are encouraged to allow outside volunteers and programs who train detainees to help other detainees to access legal materials. PBND 2011 6.3(V)(I)(2). In NDS 2019 facilities, outside volunteers and programs are permitted to assist detainees access legal materials. NDS 2019 6.3(II)(I)(2)

Contact Information

If you have questions related to this flyer please contact (b)(7)(E) @ice.dhs.gov.



Additional Information on InSight

ERO Legal Access Resource Center: Tools and resources for legal access issues may be found here.

