

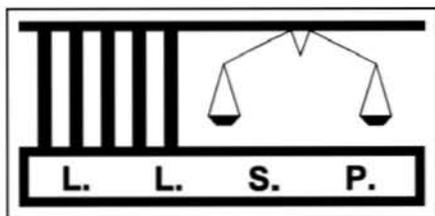
LAW LIBRARY SERVICE TO PRISONERS

2004 ANNUAL REPORT

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Introduction by the New Head of Outreach Services

As the new supervisor of Law Library Services to Prisoners (LLSP), I want to provide a context for this year's annual report. The mission of LLSP is to provide law library service to inmates incarcerated in Minnesota. We do this by providing access to legal materials, both at the correctional facilities and the Minnesota State Law Library (MSLL). Circuit-riding prison law librarians, based at MSLL, conduct regularly scheduled visits to eight adult correctional facilities to meet with inmates. Questions that cannot be answered on-site using the prison collections of core legal materials are researched at MSLL. Inmates also write or call LLSP for legal information. We also provide law library services to Minnesota inmates housed in other facilities and Department of Corrections staff. This, in a nutshell, is our program.

Over the course of twenty years, one of our primary goals has been to provide the best possible service at the least possible cost. In other words, we constantly work to keep the program's expenses to a minimum and maximize the resources that are available for the program.

A core collection of legal materials is available at each of the prison libraries. Each title in the collection is reviewed annually, as is the collection as a whole, to assure that inmates have access to primary legal information at each facility. By reviewing the collection, we also determine if it is still the most cost-effective way to provide basic legal materials and information to inmates. The LLSP librarians also provide access to the materials found at the State Law Library, where most of the research is done for

prisoners. MSLL is the second largest collection of legal materials in Minnesota; it not only has a large print collection, but also many online resources, such as Westlaw and Lexis. By making these resources available for prisoner requests, we are able to provide inmates with information on any legal topic. Having our office space and collection provided by the State Law Library is of great savings to the program.

Each year, as our statistics show, the LLSP program provides more inmates with more information. In 2004, we delivered approximately 29,000 items to almost 1,800 inmates, and items delivered to Department of Corrections staff doubled. One of the reasons we are able to do this is our use of high-level interns and volunteers. Our interns and volunteers worked 595 hours in 2004. Without their help, we wouldn't be able to manage the number of requests we receive, and their assistance saves the program a considerable amount of money.

Inmates tell us frequently how much they appreciate our help (see the testimonial boxes in this report), especially since the discontinuance of the Ombudsman for Corrections and Legal Aid to Minnesota Prisoners programs and funding cuts to the State Public Defender. We believe that by educating inmates about the resources available to them and providing access to the legal information they request, the work of LLSP diminishes the number of lawsuits filed by Minnesota prisoners - and there is some statistical evidence that Minnesota prisoners file fewer lawsuits than inmates in other states.

When I became the supervisor of LLSP in August, one of my first goals was to visit the prisons and observe the LLSP librarians at work. I have been impressed with the quality of service

and sheer number of prisoner requests handled. I'm most impressed, however, by the staff and their commitment to the program. It is because of them that the LLSP program has accomplished so much and been so successful in its twenty years of service to prisoners and the Department of Corrections. They have been tremendously resourceful and imaginative in adapting the program to changing circumstances. I have no doubt we will continue to adjust the program as needed, yet continue to provide the excellent service that is a hallmark of the program. The current staff of LLSP consists of **Timothy Baland, Deb Kitzmann, Stephanie Thorson, and Susan Trombley.**

Daniel Lunde
Head of Outreach Services

Inmate Testimonial:

“**W**ith all the things I request, I decided to just go straight to the source. Thank you for your help. It is greatly appreciated. You don't know how important the Law Library is to all of us. If it wasn't for you I wouldn't have a way to get a thing. . . I gotta reach out to whoever I can.”

Highlights and Observations - 2004

20th Anniversary Celebration:

On May 14, 2004, an open house was held at the Judicial Center to commemorate the twentieth anniversary of Law Library Service to Prisoners (LLSP). The program, which provides legal research to Minnesota inmates, began as a pilot project in 1984 - with one librarian who visited five correctional facilities on a regular basis and a part-time clerk who assisted with photocopying. After twenty years, two full-time and one half-time librarians visit eight correctional facilities regularly.

Law Library Service to Prisoners is a cooperative venture between the Minnesota

Department of Corrections and the Minnesota State Law Library. We believe it to be unique in the nation in the method of providing meaningful court access for prison inmates. The anniversary celebration featured Justice Sam Hanson welcoming attendees on behalf of the Minnesota Supreme Court and Warden Connie Roehrich (Faribault Prison) welcoming participants on behalf of the Department of Corrections. Jim Zellmer, formerly of the Department of Corrections, and former State Law Librarian, Marvin R. Anderson, not only regaled attendees with tales of the creation of the program, but also reiterated their ongoing belief in the worth of this inter-agency venture. Mary McComb, Manager of Litigation and Offender Property Claims (Department of Corrections), concluded with her perspective on the worth of the program. “I see every inmate suit filed against the Department of Corrections,” she told the audience, “and I am so happy to be able to tell inmates to visit their law libraries to help construct more coherent pleadings.” McComb said that inmates who can research their claims are better able to determine whether or not to proceed, and, if they do proceed, can write a more reasoned complaint, making handling the complaint that much easier.

More than one speaker commented on the current public sentiment regarding prisoners. With other programming scaled back, the Law Library is one of the few remaining opportunities for inmates to learn about the criminal justice system and their role in it. The Minnesota State Law Library, the Minnesota Supreme Court and the Minnesota Department of Corrections look forward to continuing this long and fruitful collaboration.

A Year of Change:

Of the many changes in 2004, most notable was Karen Westwood's resignation. Karen was Head of Outreach and Public Services and managed the LLSP program for several years. Karen is currently advancing her career by attending law school at Hamline University. In August, Daniel Lunde, former Head of Public Services, as well as Head of Library

Development and Special Projects, assumed Karen’s management position. Daniel visited most of the prisons with the circuit-riding librarians and met with prison library staff and inmates.

Volunteers and Interns:

LLSP received 595 hours of dedicated help from its volunteers and interns in 2004.

Joan O., a LLSP volunteer for more than nine years, provided many hours of quality service, retrieving and copying legal materials for inmates. Patricia W. also worked as a volunteer this year. Three unpaid library interns, all College of St. Catherine’s Library School Masters Degree students, worked many hours this year. Jana P., Louise C., and Jonathan C. processed and researched inmate requests. These interns took the skills and concepts used in the classroom and applied them to real world situations at LLSP. The assistance of the interns and volunteers has been invaluable.

Statistical Summary:

One of the ways LLSP measures its performance is by comparing the percent change in the total number of items delivered to the percent change in the adult inmate population. In a typical year, the percent change in the total number of items delivered is equal to or less than the percent change in the adult inmate population. However, 2004 was not typical. In 2004, the total number of items delivered increased by 16.6%, while the adult inmate population increased by 11.4%—a difference of 5.2%.

LLSP attributes most of the difference to the June 24, 2004, decision of the United States Supreme Court in Blakely v. Washington, 124 S.Ct. 2531 (2004). In Blakely, the Court ruled that a jury, not a judge, must find beyond a reasonable doubt the existence of aggravating factors used to justify an upward departure from the sentencing guidelines. Under Blakely, upward departures from the Minnesota Sentencing Guidelines recommendation are unconstitutional if a judge, not a jury, determines the existence of aggravating factors. LLSP received numerous requests for Blakely, cases cited in Blakely, subsequent Blakely-related court decisions, and other Blakely-related articles and information. Other factors that may have contributed to the 5.2% difference include the following:

- steady increases in new commitments,
- longer sentences for crimes,
- dramatic increases in release returns,
- decreases in funding and elimination of other agencies and organizations providing legal and social services to inmates, and
- restrictions placed upon and privileges taken away from inmates.

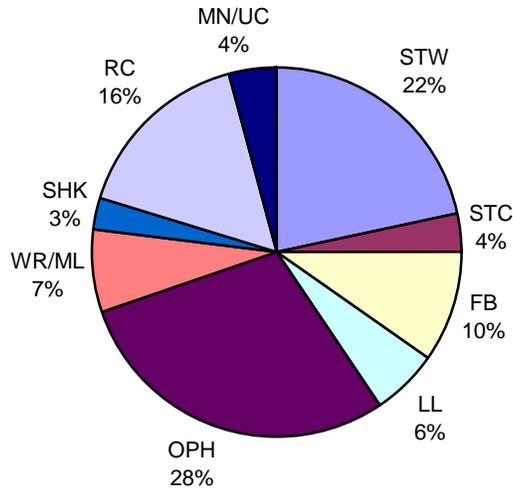
Inmate Testimonial:

“Thank you very much for your time and effort in this matter, and your office has been exemplary in assisting my cause on previous occasions, and all has been gratefully appreciated.

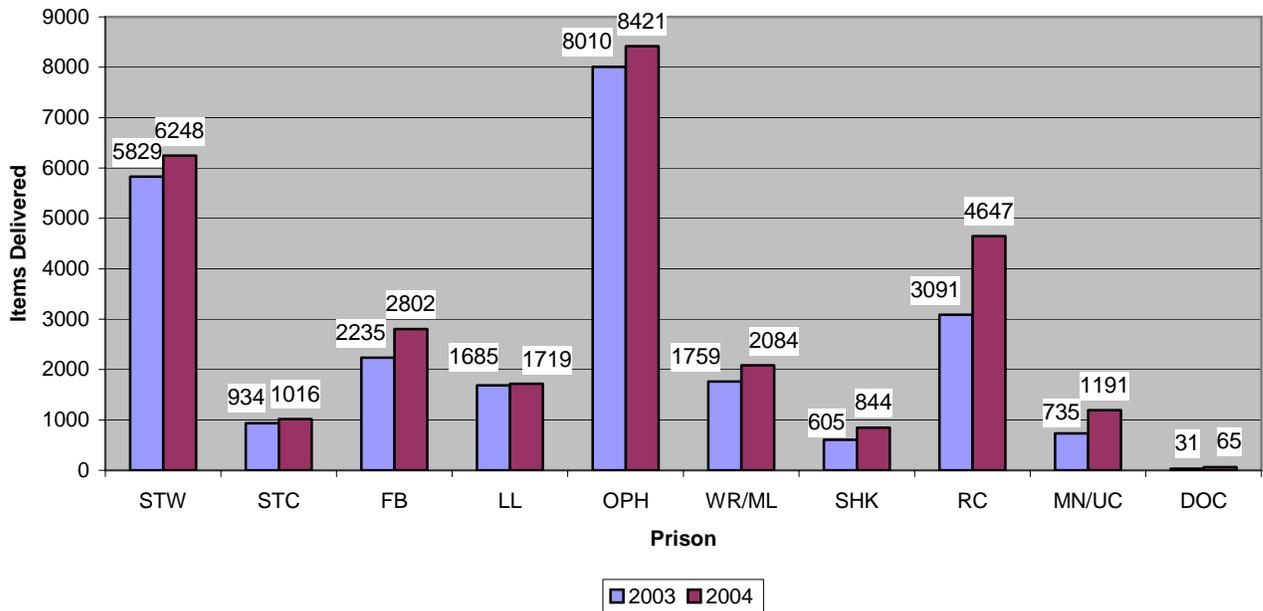
Statistical Overview:

LLSP Activities	2002	2003	2004	2003-2004 % Change
Requests Processed	23617	24914	29037	+16.5%
On-Site Meetings with Inmates	1520	1680	1598	-4.9%
Individuals Assisted	1562	1504	1766	+17.4%

Distribution of Inmate Requests by Facility 2004



Items Delivered to Inmates at Each Facility 2003-2004



Abbreviations for correctional facilities used above: STW – Stillwater, STC – St. Cloud, FB – Faribault, LL – Lino Lakes, OPH – Oak Park Heights, WR/ML – Willow River/ Moose Lake, SHK – Shakopee, RC – Rush City, MN/UC – Minnesota Under Contract, and DOC – Department of Corrections.