

# Criminal Pro Se One-time Provision of Supplies and Information Packet

Name: \_\_\_\_\_

BA#: \_\_\_\_\_

Location: \_\_\_\_\_

Quantity	Supplies Provided
5	golf size pencils
1	eraser
4	pads 8 ½ x11" lined paper - not for use in printer
1	3 ½" open ended accordion file folder for documents
5	manila folders
1	ream of printer paper (500 sheets)
10	business size envelopes
3	extra large envelopes
1	Form 699-- Criminal Pro Se Status Confirmation
1	Memo-- Pro Se Westlaw Legal Research Workstation & Printer Use Program
1	Services Available for a Criminal Pro Se Detainee Handbook
1	Ad Seg Procedures - Attachment E
1	Expert Service Policies of the Department of Public Defense
1	Court Order Authorizing Expert Services at Public Expense (ORES) - Superior Court
1	Court Order to Seal (ORSF / (ORSD) Superior Court
1	Motion & Order to Seal Documents (ORSD) Clerks Action Required - Superior Court
1	Court Order Appointing Independent Expert or Professional Person & Directing Payment to be Reimbursed by DSHS - (ORAP) Superior Court
1	Court Order Authorizing Expert Services at Public Expense (ORES) - District Court
1	Motion & Order to Seal Documents (ORSD) Clerks Action Required - District Court
1	Court Order Appointing Independent Expert or Professional Person & Directing Payment to be Reimbursed by DSHS - (ORAP) District Court
1	Limited Power of Attorney Form
1	Form 582-- Westlaw Workstation Conditions of Use
1	Westlaw Correctional Facilities Legal Databases
1	Start Instructions for Basic Computer Use
1	Getting Started with Westlaw Correctional Facilities - Reference Guide
1	Westlaw Menu

Received By: \_\_\_\_\_  
defendant signature

Date: \_\_\_\_\_

Delivered By \_\_\_\_\_  
DAJD staff signature

Date: \_\_\_\_\_

It is your responsibility as the defendant to keep track and most effeciently use the provided supplies for all of your legal case work and case preparation.

**This one-time issued package of supplies is given to you free of charge no matter how many cases, criminal and civil, you are working on. If more supplies are needed, it will be at your expense, or, refer to the instructions from the Department of Public Defense if you are indigent.**





**King County  
Department of Adult and Juvenile Detention**

TO: \_\_\_\_\_ B/A \_\_\_\_\_ Date: \_\_\_\_\_

**RE: CRIMINAL PRO SE STATUS Confirmation**

The Department of Adult and Juvenile Detention, (DAJD), has confirmed that you have been designated as pro se on your pending criminal case cause number. You will be recognized as pro se until you are sentenced. After sentencing you will be removed from the pro se list.

***\*Please Note: DAJD staff cannot provide any type of legal advice or assistance in the preparation of your case. DAJD reserves the right to modify support or services that we provide at any time.***

This criminal matter meets DAJD criteria for pro se services; therefore, you are provided:

- Information about serving as your own attorney on this criminal case; and
  - Forms from the Department of Public Defense, (DPD); and
  - A one-time package of writing supplies and forms. This is issued by DAJD, at no cost to you, for the preparation of your case. A one-time issuance means for the duration of your incarceration, regardless of the amount of criminal, civil, or appellate cases you file with other courts. You must use these supplies judiciously and appropriately for your personal case(s). Additional supplies may be purchased from commissary and will be billed to your inmate account, or, you may request funds for additional supplies from DPD. If indigent, you may obtain a weekly indigent pack from commissary. Be sure to mark the "indigent pack" on the commissary form, it is not delivered automatically.
- ♦ **Legal Research Workstation Access:** Legal research information is provided on a legal computer workstation in place of books. You are allowed a two-hour session two times a week. You are being provided a schedule of your monthly workstation sessions, and will receive your next month's schedule at the end of each month.
1. **Priority** scheduling is given to criminal pro se defendants.
  2. **Items allowed in the workstation during your session are:** Writing paper, pencils, and up to one box of your pro se case legal paperwork.
- ♦ **Printing and Printer Paper:** You are allowed by DAJD to print research information from the computer workstation printer for your case preparation. You have been provided, at no cost to you, a one-time ream (500 sheets) of printing paper. This should be used judiciously and with discretion because DAJD will not provide additional paper. This one-time issuance means for the duration of your incarceration, and is for use on any and all cases you are pursuing. An additional ream of paper may be purchased by sending a white Kite to Inmate Management & Services, IMS. This is the only supply item not on commissary. Kite IMS for current price and to place your order. Funds will be verified before delivering the paper and the cost will be deducted from your account.
- ♦ **If you need copies of anything you are working on, you will need to make that request to your standby counsel, or handwrite them out. King County Jails do not make copies.**





## King County

### Department of Adult and Juvenile Detention

King County Correctional Facility, (KCCF)  
500 Fifth Avenue  
Seattle, WA 98104

Maleng Regional Justice Center (MRJC)  
620 West James Street  
Kent, WA 98032

TO: \_\_\_\_\_ BA# \_\_\_\_\_ Loc: \_\_\_\_\_

FM: Inmate Management Services

RE: **Pro Se Westlaw Legal Research Workstation and Printer Use Program**

This letter is to outline the process and procedures for using the Westlaw Legal Research Workstation and printer.

You are required to follow the rules posted in the workstation area and maintain good behavior during your workstation sessions. As an authorized pro se defendant, you are allowed a two hour session two times a week. Once placed on the verified pro se list, you will be scheduled for the Legal Research Workstation in monthly increments, and provided a copy of your scheduled times. A Correction Officer will call you out on the day and time you are scheduled to go.

The Legal Research Workstation replaces the use of legal books, texts, and printing of specific legal cases since all the needed research data is available on the Legal Research Workstation. The Jail does not provide any legal books, texts, legal materials, or print copies.

You are authorized to print copies of your research while attending your session. You should take into consideration your limited amount of printing paper and use it at your discretion. You will be issued a complimentary ream of 500 sheets of paper from the Department of Adult & Juvenile Detention, (DAJD) upon your authorization to become pro se. It is your responsibility to use it for the purpose of your case preparation. Additional paper can be purchased by submitting a white Kite to Inmate Management Services and the funds will be deducted from your inmate account, or by making a written request to the Department of Public Defense, (DPD). Only after they have approved your request will you receive more paper.

Your one time pro se package of supplies consists of:

- 5- golf size pencils
- 1- eraser
- 4- 8 x 11 lined legal pads
- 1- 3 ½ " open ended accordion file folder for documents
- 5- manila folders
- 1- ream of printing paper
- 10- legal size business envelopes
- 3- extra large envelopes

Also included in this packet are a few forms from DPD. If the form you require is not included, you may request that form from your standby counsel, or handwrite one from examples displayed on the Legal Workstation. You may purchase additional supplies from commissary, or if indigent, obtain a weekly indigent writing pack from commissary. To receive the indigent package you must mark the commissary form indicating "Indigent package" every week you want to receive it. Officers and staff will not respond to requests for additional supplies outside of commissary. Supplies given by DAJD are to help you in the preparation of your personal case only and should not be given out to other inmates. Additional supplies may be requested of DPD. Refer to the handbook described below for the procedure of making this request.

As a criminal pro se defendant, included in the packet is a handbook entitled "Services Available For A Criminal Pro Se Detainee." This handbook addresses every subject you will encounter in preparing your pro se case. This is a great reference tool for any questions you have on processes and procedures. DPD has provided information in the handbook that will assist you also.

Any copies that you should need will have to be requested through your standby counsel or DPD.

#### **WORKSTATION POSTING**

Attention Defendants,

The printer is provided as a privilege to assist DAJD authorized pro se defendants in your personal research and case preparation. Information printed is only for your personal use.

Printer program rules are:

1. Only DAJD authorized pro se defendants may use the workstation printer and paper.
2. Only printing paper issued by DAJD can be used in the printer
3. DAJD authorized pro se defendants are provided a ream of paper. (One-time does not mean once per session.)
4. Instructions for using the printer are posted in the workstation.
5. Printed information from the computer workstation is not for distribution or sale.
6. If the printer is not working notify the unit officer.
7. You are responsible for clearing print jobs still waiting to be printed.
8. Provide adequate time before your session ends so that any printing of cases is completed.
9. Your session will not be extended nor will your printed materials be provided to you after your session time has ended. Printing paper left in the printer or workstation will not be replaced.
10. Officers' duties do not include assisting in the use of the PC or printer.
11. Any violation of these rules may result in an infraction or loss of use of the workstation.

**SERVICES AVAILABLE  
FOR A CRIMINAL *PRO SE* DETAINEE**

**2013**

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## I. Introduction

ATTENTION! THIS *PRO SE* SERVICES DOCUMENT IS NOT INTENDED TO BE A SUBSTITUTE FOR THE ADVICE AND ASSISTANCE OF A LAWYER. THIS *PRO SE* SERVICES DOCUMENT DOES NOT CONTAIN LEGAL ADVICE FOR ANY *PRO SE* INMATE'S LEGAL PROCEEDING(S). THIS *PRO SE* SERVICES DOCUMENT MAY BECOME OUT-OF-DATE BECAUSE LAWS CONSTANTLY CHANGE.

The purpose of this *pro se* services document is to provide information regarding the legal services and resources made available to criminal *pro se* defendants incarcerated in the King County Department of Adult and Juvenile Detention (DAJD) King County Correctional Facility, (KCCF) and Maleng Regional Justice Center, (MRJC) facilities. This document is also to serve as notice to the courts, stand by counsel, and *pro se* defendants regarding what legal resources and services are available or unavailable in the DAJD facilities.

The Department of Adult & Juvenile Detention's primary responsibility is the safety and security of inmates, staff, and visitors. DAJD is therefore limited as to the type of services it can provide to *pro se* inmates.

A defendant in a criminal case may waive his or her right to counsel and represent him or herself, in other words to act *pro se*. The Court will conduct an interview or hearing to ensure the defendant's waiver is knowing, voluntary, and intelligent before the defendant can become *pro se*. The court may also appoint standby counsel, if the defendant qualifies for one.

If the court allows the *pro se* defendant to proceed without standby counsel or the *pro se* defendant chooses not to use one, the defendant is expected by DAJD to prepare his/her criminal defense within the existing policies and procedures of DAJD as provided by law and within the penological constraints of the facility.

The defendant cannot ask DAJD officers or staff for legal advice. The law prohibits DAJD officers and staff from providing legal advice because they are not attorneys or trained to do so.

## II. Escort of Defendant to Juvenile, District and Superior Courts And Security of the Courtrooms

Escorting *pro se* inmates to courtrooms and managing *pro se* inmates in courtrooms is a delicate balancing act of security and of the defendant's rights. It is the responsibility of the King County DAJD Court Detail, Seattle and Kent Divisions, to maintain safe and secure courtrooms and to provide for the safe and secure transport of in-custody defendants. The following are the general DAJD courtroom safety and security procedures when escorting and managing *pro se* in-custody defendants.

### A. Escort to the Courtrooms

1. Defendant shall be escorted to court hearings by DAJD Court Detail Officers.
2. DAJD will not provide security escort to inmates on matters initiated by an agency outside of the court system. In this case, the initiating agency may provide the escort and assume responsibility.
3. Any escort to the outside of a DAJD facility, other than to another DAJD facility, and the juvenile, district, or superior courthouses, must be court ordered. DAJD does not have resources to provide additional escorts, and any escort to locations other than the aforementioned locations could pose a major security risk to DAJD officers, the defendant, and the public.

### B. Movement and Security in the Courtroom

1. To provide for the security of the court, the *pro se* inmate cannot be present for security planning.
2. Leg restraints, hand cuffs, and jail issued clothing will be expected to remain on the defendant **during all pre-trial matters.**
3. During trial, the defendant will be allowed to present themselves without cuffs, in civilian attire, and a leg restraint, i.e. Oregon Boot or "restraint boot," underneath their clothing, unless otherwise prohibited or permitted by the Court.
  - a. The restraint boot allows for normal walking but will "lock" if he/she attempts to run.
  - b. The non-visible leg restraint will help ensure the protection of the jurors and public in the court and prevent escape attempts, while not prejudicing the defendant in front of the jury.
4. A twenty foot margin shall be maintained between the detainee and other persons in the court room. This is to prevent possible intimidation and/or assault on witnesses, victims, or jurors.
5. A podium is appropriate for the defendant and prosecutor to stand behind when addressing the court or witnesses. This equalizes the defendant in the eyes of the jury as both prosecution and defense may address the court from the podium. The podium is the line the defendant will not be allowed to cross. This still allows both sides to have equal movement and prevents immediate contact or intimidation of witnesses/victims.
6. **Any variation of, or deviation from, this expected protocol of security performed by DAJD Court Detail shall be by Court Order only.**

Services Available For A Criminal Pro Se Detainee

C. Evidence/Weapons

1. *Pro se* inmates will **not** be allowed to handle any weapons in evidence.
2. Any reports or exhibits should be delivered to witnesses with the assistance of counsel or bailiff. This will reduce and prevent contact with the witnesses/victims.
3. Requiring counsel or bailiff to assist with the showing of evidence to the witness/victim will ensure that the defendant does not inflict emotional trauma, assault witnesses/victims, agents of the court, or use these weapons as a means of escape.

D. Handling Legal Material

1. For security and staffing reasons, it will not be the responsibility of DAJD Court Detail Officers to handle or to carry any legal material to court.
2. It will be the responsibility of *pro se* defendants to take to court their needed legal paper work to assist with their defense.

E. Storage of Clothing

1. Both DAJD jail facilities have limited space to store clothing. The long standing practice for DAJD is to store one set of clothing per inmate. The Property Room does not have the capacity to store more clothing per inmate.
2. In cases where more than one set of clothing is necessary, i.e. to conduct a longer trial, DAJD requires a court order.

**DAJD RESPECTFULLY REQUESTS THE COURTS TO TAKE INTO CONSIDERATION THE FOLLOWING BEFORE ORDERING EXTRA STORAGE FOR CLOTHING:**

- a. Standby counsel's office or vehicle is a reasonable and logical alternative for storage. A set of clothing can be traded out for another set of clothing every morning. This is a very common practice.
- b. Security risks are involved. More clothing is an additional opportunity for the inmate to bring contraband back to the facility.
- c. Precedence in the courtroom. As storage is already an issue, if one inmate is allowed to receive additional clothing, then so is another. DAJD cannot afford the space or staff time to manage numerous inmates clothing if provided this privilege.

### III. Access to the Courts and Legal Materials

"[A]rticle I, section 22 affords a pretrial detainee who has exercised his constitutional right to represent himself, a right of reasonable access to state provided resources that will enable him to prepare a meaningful *pro se* defense. What measures are necessary or appropriate to constitute reasonable access lies within the sound discretion of the trial court after consideration of all the circumstances, including, but not limited to, the nature of the charge, the complexity of the issues involved, the need for investigative services, the orderly administration of justice<sup>1</sup>, the fair allocation of judicial resources (i.e., an accused is not entitled to greater resources than he would otherwise receive if he were represented by appointed counsel), legitimate safe and security concerns<sup>2</sup>, and the conduct of the accused<sup>3</sup>." State v. Silva, 107 Wash. App. 605, 27 P.3d 663 (Div. 1) (2001).

#### A. Legal Research Workstation

1. About the Workstation; a legal research workstation contains a computer which accesses an online legal research database provided by Westlaw. The computer is capable of accessing Westlaw only; no other computer or online programming can be accessed by this computer. Instructions and rules for use of and conduct in the workstation are posted in each work station. (See Attachment A)
2. Available Material (Westlaw); all legal texts, including but not limited to Federal, State, and Local Court Rules, Washington Practice, and Rules of Evidence, are available through the Westlaw database. (See Attachment B).
  - a. DAJD does not contract with the King County Library System thus; the legal workstation replaces use of, or access to, legal texts. DAJD does not contract with any library system for any service(s).
  - b. **If the Court orders additional legal texts or books be provided to the *pro se* defendant, then DAJD respectfully requests that the order be directed to the Department of Public Defense for obtaining the additional texts. DAJD does not have any legal texts.**
3. Time in the Workstation; in-custody defendants who are court authorized and verified by DAJD to act *pro se* will be allowed to use the legal research workstation for a maximum of four hours a week.
  - a. When the *pro se* defendant is added to DAJD's authorized list, a schedule will be provided by DAJD staff to the defendant, for a two hour session, two times a week, at the legal research workstation.
  - b. DAJD is averaging 15-20 *pro se* inmates in each facility at any given time. Of these *pro se* inmates, 7-10 are *pro se* criminal defendants. Thus, DAJD will prioritize times accordingly: criminal *pro se* inmates; civil *pro se* inmates; and represented inmates.
  - c. Unforeseen events may cause the Westlaw system or computer to fail. In these cases, DAJD will attempt to reschedule times accordingly.

<sup>1</sup> Fritz, 21 Wn. App. At 361 (*pro se* cannot use right of self-representation to unjustifiably delay scheduled trial or obstruct orderly administration of justice).

<sup>2</sup> See Taylor, 880 F.2d at 1047

<sup>3</sup> Fritz, 21 Wn. App. At 363. See, e.g., *In re Whitaker*, 513 U.S. 1, 115 S. Ct. 2, 130 L. Ed.2d 1 (1994) (petitioner not entitled to proceed *in forma pauperis* in frivolous petition for damages of two dollars in allegedly illegal taxes as unfair burden in allocation of judicial resources).

Services Available For A Criminal Pro Se Detainee

- d. Per direction and order of the court only, will DAJD attempt to give more time to an individual criminal *pro se* defendant.

**DAJD RESPECTFULLY REQUESTS THE COURT TO BALANCE THE COMPLEXITY OF THE ISSUES IN EACH CASE AND THE EXPECTED TIME OF TRIAL AGAINST DAJD'S NEED TO ACCOMMODATE ALL OTHER *PRO SE* INMATES, DAJD STAFF TIME, AND ROUTINE SCHEDULES (I.E. FOOD SCHEDULE, TIME OUT OF CELL) FOR EACH *PRO SE* INMATE IN THE FACILITY SCHEDULED TO BE ON THE WORKSTATION.**

4. Materials Permitted: while in the Legal Research Workstation, *pro se* defendants are allowed to have legal pads, pencils, and up to one storage box of their *pro se* case legal paperwork at a time.
5. Printer: The defendant will have access to a printer to print the legal research information they are working on at the workstation.
  - a. Defendants will be given a free one-time ream of printer paper (500 sheets).
    - (1) This does not mean one ream per session. The ream (500 sheets) of printer paper is issued by DAJD one-time only during a *pro se* inmate's entire incarceration for all of their *pro se* case(s) and legal research printing.
    - (2) It is the responsibility of the defendant to keep track and most efficiently use the printer and the amount of paper provided for all of their legal work at the legal research workstation.
    - (3) If an additional ream of paper is required by the *pro se* defendant, they should contact the DPD and/or court to seek funds from DPD to purchase more printing paper. After DPD authorizes the expense, you may send a kite along with the DPD authorization to Inmate Management & Services for the paper to be delivered. (The cost of the paper will include the cost of the printing ink.)
    - (4) The defendant may not collect or possess more than one unused ream of printing paper at any time.
  - b. Inmates are responsible for:
    - (1) Managing their usage of the printer and following the instructions posted in the workstation (See Attachment C);
    - (2) Clearing print jobs still waiting to be printed;
    - (3) Providing themselves with adequate time before the session ends, so that any printing of cases is completed; and
    - (4) Notifying the officer of any printer problems. Officers' duties do not include assisting in the use of the PC or printer. They are only required to document printing problems, notify the Helpdesk of the problem or outage, and to replace the ink cartridge as notified and as necessary.
  - c. The workstation session is not extended nor are the printed materials provided to the inmate after the session time has ended. Printing paper left in the printer or workstation is not replaced.
  - d. Printed information from the computer workstation is not for distribution or sale.

## Services Available For A Criminal Pro Se Detainee

6. Appropriate Use; Pro *se* inmates shall be responsible for the appropriate use of the equipment. Those who damage the legal research equipment, materials, rooms, or disrupt escort to or from their housing to the legal workstation shall receive disciplinary action including, but not limited to, the following:
    - a. Restitution for replacement and/or repair of damages;
    - b. Loss of access during the repair or replacement period; or for a set period of time;
    - c. Implementation of restraint chains during future sessions which restrict movement;
    - d. Disciplinary confinement and/or other sanctions (e.g. loss of goodtime, etc.);
    - e. Notice to the court of defendants' behavior and actions taken; and impact this has on other defendants to do their on-line legal research.
- B. Writing Supplies and Other Legal Materials
1. DAJD has experienced a significant increase in the amount of *pro se* criminal defendants and litigants. As a result, the demand for writing supplies and other legal materials has put a significant drain on funding and staff time. In order to balance each *pro se* inmate's right to access the courts and DAJD's priority in staying efficient in order to maintain security, DAJD has decided to provide writing supplies and other legal materials in the following manner.
  2. One-time packet; All court authorized *pro se* inmates are authorized a "one-time" packet of writing supplies and other legal material for preparation of all of their cases. This packet is only issued once, regardless of the amount of criminal, civil, or appellate cases the *pro se* plaintiff files with any court. This one-time packet is a reasonable amount of material for which each *pro se* inmate **will not** be charged.
  3. Materials included in the one-time criminal *pro se* package of supplies:
    - a. Five (5) golf size pencils;
    - b. One (1) eraser;
    - c. Four (4) 8 ½ x11" lined legal pads;
    - d. One (1) 3 ½" open ended accordion file folder for documents;
    - e. Five (5) manila folders;
    - f. One (1) 500 sheet ream of printer paper (as previously mentioned);
    - g. Ten (10) business size, and three (3) extra large envelopes;
    - h. Various court orders, motions, and forms for legal preparation;
    - i. Various reference materials & instructions for use in the computer workstation.
  4. Defendant shall be able to purchase extra legal pads, pencils, pre-stamped envelopes, and postage when ordering commissary.
    - a. If the defendant has less than one dollar on their inmate account, they may obtain a weekly indigent pack consisting of one (1) pencil, three (3) sheets of paper, and three (3) legal envelopes from commissary.
    - b. An IFP criminal *pro se* defendant who desires additional materials shall send a written request to DPD for authorized funds for pro se services and/or supplies. The written request is to list specific items and amount needed. Defendant shall also state the justification for the request as it applies to their specific pro se cause number. (DAJD is not responsible

## Services Available For A Criminal Pro Se Detainee

for denials or decisions made by DPD regarding funding.) A copy of DPD's funding approval must be received by this department.

- c. If the *pro se* inmate has used the entire ream of paper for printing legal cases for their *pro se* cause number, another ream may be purchased by sending a kite to Inmate Management & Services. This is the only supply item not available through commissary which can be purchased separately. (Kite for current price).
5. It is the responsibility of the *pro se* defendant to keep track of and most efficiently use the provided supplies for all of their legal work and preparation of their cases.
6. *Pro se* inmates may argue that this amount of materials is insufficient to pursue civil cases in addition to their criminal cases.

**DAJD RESPECTFULLY REQUESTS THE COURTS TO CONSIDER THE APPROPRIATE MEASURES AND REMEDIES AVAILABLE THROUGH THE COURTS IN WHICH INMATES FILE CIVIL CASES, SOMETIMES NUMEROUS CIVIL CASES, TO MAKE SURE THERE ARE ENOUGH SUPPLIES FOR THEIR CRIMINAL CASES, e.g. MOTIONS FOR STAY, MOTIONS FOR CONTINUANCE.**

### C. Legal Document Storage

1. To and From Court: DAJD is placed into a difficult position when expected or asked to handle or manage *pro se* defendants' materials. To minimize DAJD contact with a defendant's legal materials and thereby avoid accusations of mishandling or mismanagement by DAJD staff, DAJD requests that every effort be made to require legal materials to be delivered and removed by the *pro se* defendant's standby counsel, investigator, or the Court.
2. Property Bin: the *pro se* defendant is issued one gray bin, approximately 18"x 24"x 6" at booking which is used to store defendants' legal and personal property.
3. Storage Boxes: DAJD may provide additional storage boxes, if, the department finds the gray storage bin to be insufficient to contain all the defendant's legal materials:
  - a. These boxes are provided following DAJD staff verification that materials do not fit in the issued gray bin or that other additional boxes are full.
  - b. *Pro se* defendants are allowed up to four 12"x18"x11" legal material storage boxes in their cell at one time. This is limited in number due to cell space, required access into the cell by officers, potential fire hazard, cleanliness, and management of the materials.
  - c. If the defendant still requires additional storage for legal materials, up to four more of the same size storage boxes will be provided. At no time can there be more than 4 boxes in the cell at one time. Additional boxes will be stored in the Jail Property Room and exchanged box for box, not ever exceeding a four box limit in the cell.
  - d. Access to the boxes placed in the Jail Property Room is allowed three times a week. A Kite should be submitted to the Property Room.

## Services Available For A Criminal Pro Se Detainee

### D. Copy work

DAJD does not provide any type of copying services. If the defendant absolutely needs copies of their work product, the options available are:

- a. First and best choice is to make that request to the standby counsel. The standby counsel can pick up and return the copies requested.
- b. Hand write the copies. The courts will accept handwritten copies written in pencil.
- c. Last, a request can be made to DPD. Submit your request in writing and wait for a written response.

**DAJD RESPECTFULLY REQUESTS THE COURTS TO CONSIDER THE LIMITED STAFF THAT DAJD HAS, AND THAT PROVIDING TIME AND LABOR INTENSIVE PROCESSES SUCH AS COPYING FOR MULTIPLE PRO SE INMATES BECOMES AN UNDUE HARDSHIP ON THIS DEPARTMENT.**

### E. Electronic Equipment

1. Fax; DAJD is unable to provide resources for faxing materials. NO faxing shall be provided by DAJD; instead the defendant can provide or mail the document to their standby counsel or other parties, e.g. non-jail staff or the court, and request that they fax the document.
2. Word Processors/Laptops; DAJD does not have word processors or laptop computer resources for defendants; therefore writing paper and pencil is made available while in jail.
3. Cameras; are prohibited due to security and privacy issues in DAJD facilities. If a request for a photo is made, it must first be approved by a DAJD Major or above, and be accompanied with a court order.
4. Audio; cassette tape players or MP3 players; customarily are not allowed in DAJD facilities. Audio recording is prohibited, but the player device may be approved for the purpose of playing audio evidence/discovery when accompanied with a court order.
5. Email/Internet; NO emailing or internet access will be provided to a *pro se* inmate by DAJD. Legal Workstation computers have only the capability to access the Westlaw database. No other programs or online capabilities are accessible. Attempts to access other sites, or misuse/abuse the computer, equipment, furniture, or room will result in disciplinary action.

### F. Access to Notary

1. Documents provided to the Court rarely require notarization. Declarations without the signature of a notary satisfy most Courts.
2. Notary service is available in the jail upon written request. Payment for notary services will be charged to the inmate's account.
3. Notary will not be provided to indigent inmates unless authorized by the Court as IFP on the specific criminal case; and a notarized document is required under Court Order or Rule.



#### IV. Corresponding and Communicating with The Courts, Attorneys, Investigators, Witnesses and Public

##### A. Phone Privileges

1. Phone Access: Defendants shall have phone access during the hours which are designated in the housing unit to which they are assigned or according to their classification status.
  - a. General group housing: Phone access for inmates in general group housing with good behavior shall not be less than 3 hours daily during dayroom access hours.
  - b. Administrative Segregation. (For Ad Seg definition, see attachment E). Phone access for inmates in Ad Seg shall be during the individual defendant's one hour daily dayroom access. The dayroom time shall vary to provide all inmates in the living area phone time during evenings and daytime hours.

\*Note: Ad Seg status requires physical separation from all other inmates. Inmates can talk to one another through the openings in the cell doors. Also, because there are other inmates housed in individual cells of each Ad Seg living unit, the time in the dayroom everyday is limited in use in order to provide equal access privileges for each individual.
  - c. Disciplinary Confinement: Phone access for an inmate in disciplinary confinement shall be Sunday, Tuesday, and Thursday, for one hour during dayroom access time. This applies for up to ten days per sanction.
2. Phone calls: Defendants in general group housing shall have access to make collect phone calls, the same as other inmates in their housing location, and also to phone by direct dial to standby legal counsel. Phone calls to attorneys or standby counsel are not monitored by DAJD. Other calls can either be made collect or by purchasing phone time through GTL.
3. Indigent or IFP Phone Calls: Defendants that are indigent or in *forma Pauperis* may be provided pin numbers to make phone calls. The Global Tel Link or "GTL" has contracted with DAJD to provide indigent or *pro se* inmates the ability to place phone calls through a "pin system."
  - a. *Pro se* defendants may apply directly to DPD for funding to make direct calls through the GTL system to specific phone numbers and persons who are directly related to their defense preparation. Approved funding orders will be provided to the MRJC Detention Facility Major's office, regardless of housing assignment, for implementation and billing to DPD.
  - b. The Court may also order funding or direct phone call capability to approved numbers for a *pro se* inmate through the GTL System. DAJD will provide the *pro se* inmate a pin number, and all calls will be billed to DPD. \*Please note; only numbers approved by Court Order will be added to a Pin Account.
4. Recorded Phone Calls: Phone conversations are recorded as a security measure to prohibit criminal activity within DAJD facilities, except telephone calls with your attorney or standby counsel.

Services Available For A Criminal Pro Se Detainee

- a. No state or federal privacy protections are violated by DAJD because all inmates are warned prior to making the call, via recorded message and signs posted, that the phone conversation will be recorded. (Note: WAC 289 did not apply to County Jails and has recently been repealed).
  - b. Requests by *pro se* defendants to not record, track, or monitor phone calls with standby counsel, investigator, expert witnesses, etc. must be provided to the MRJC facility Major via Court Order.
5. Restrictions on Phone Calls, "Phone Blocks," and "Phone Deadlock"
- a. Phone access restrictions will occur for any of the following reasons:
    - (1) A court has ordered that the defendant be restricted from phone use.
    - (2) DAJD has more than five phone numbers which the defendant must be prevented from calling.
    - (3) The defendant has broken the phone.
    - (4) The Court has ordered or made a ruling that defendant has made repeated harassing, threatening, or unlawful phone calls while incarcerated.
  - b. Phone blocks: The Court or criminal Prosecutor may provide DAJD with numbers that need to be blocked from an inmate's calls for reasons such as violations of a No Contact Order. Calls to defense counsel or standby attorneys and expert witnesses or investigators approved by the court will not be blocked without a court order.
  - c. Phone Deadlock: Phone deadlock means that an inmate's right to use a phone for any reason, other than communicating with standby counsel, assigned investigator, or assigned legal assistant, has been revoked. This decision is usually made after attempts to invoke phone blocks have failed. Arrangements to speak with his assigned counsel, legal assistant, or investigator may be made by the *pro se* defendant.
    - (1) **The only way for DAJD to enforce phone deadlock is to place the inmate in Administrative Segregation.**
    - (2) Due Process requires DAJD to provide all inmates a "meaningful hearing" to keep the inmate in Ad Seg; however, DAJD cannot make the determination of whether an inmate is in violation of a no contact order, tampering with witnesses, or interfering with judicial proceedings. DAJD does not have the staff resources or legal experience to make such discretionary decisions.

**THUS, DAJD RESPECTFULLY REQUESTS THAT IF THE COURT OR CRIMINAL PROSECUTING ATTORNEY'S OFFICE WISHES TO KEEP THE INMATE ON PHONE DEADLOCK, THEN THE COURT MAKE A FINDING AND ORDER ONE OF THE FOLLOWING AS A REASON FOR PHONE DEADLOCK:**

- (a) **Witness tampering.**
- (b) **Continued violation of a no contact order and phone blocks already in place are insufficient.**
- (c) **Interference with judicial proceedings.**
- (d) **Other reasons provided by the Court.**

Services Available For A Criminal Pro Se Detainee

B. Mail Privileges

1. Incoming Legal Mail

- a. Incoming legal mail shall arrive via US mail or via standby counsel to inmate at visitation.
- c. Discovery and legal forms may be provided via US mail, defense counsel/standby counsel at visitation, or at court hearings.

2. Outgoing Legal Mailing

- a. Outgoing legal mail shall be sent via US postal service at defendant's expense. Defendants, who provide to DAJD a copy of court authorized status as in *forma Pauperis*, will have their legal postage paid.
- b. DAJD does not have the resources to send special delivery, certified, or registered mail. DAJD will send mail in a timely manner through US mail only.

3. Mail Restrictions

- a. DAJD may restrict legal mail privileges for rule infractions, e.g. using legal mail supplies for personal mail or personal use. Non-legal mail addressed to personal addresses in stamped legal mail envelopes will be returned to the inmate and will result in disciplinary action. Legal mail privileges are to be used for court mailings, court personnel, attorneys, legal assistance, and investigators.
- b. DAJD shall restrict incoming, outgoing, or all mail when ordered by the Court. Defendants under court ordered mail restrictions shall arrange for essential written communications to be delivered via standby counsel, legal assistant, or investigator following court review.
  - (1) Mail cannot be blocked by address or person.
  - (2) Restrictions on mail can only be requested in the form of no incoming mail, no outgoing mail, or no mail privileges at all.

4. Delivery of Subpoenas; Subpoenas shall be delivered by court direction to the Sheriff's office or through standby counsel, or an investigator.

C. Visitation

1. Standby Counsel; *Pro se* defendant may access assigned standby counsel through:

- a. Jail scheduled face-to-face visit.
- b. Jail window or attorney conference booth with pass through. This unscheduled form of visitation is available daily by counsel showing bar card and personal government issued ID.

2. Investigator or Paralegal; If an investigator or paralegal is assigned by the Court via court order, then DAJD prefers access be made available through the jail window visitation. This unscheduled form of visitation is available daily by showing their ID and receiving background or Rolodex clearance. Legal materials can be passed to a DAJD Officer to hand to the defendant and return via the same pass through window. If the Court orders face-to-face contact visits, then, following background clearance, access must be scheduled with DAJD staff and the investigator or paralegal must be accompanied with the standy attorney at all times.

3. Expert Witness (es); If an expert witness is assigned by the Court, then DAJD prefers access be made available through the jail window visitation or attorney window conference booth with pass through. This form of visitation is scheduled

## Services Available For A Criminal Pro Se Detainee

through the Programs Office as a Professional Window Visit. If the Court orders face-to-face contact evaluations/visits, then, following clearance, access must be scheduled with DAJD staff.

**NOTE: ALL FACE-TO-FACE VISITS ARE A SECURITY CONCERN FOR DAJD. DAJD RESPECTFULLY REQUESTS THE COURT TO CONSIDER THIS CONCERN BEFORE ISSUING AN ORDER.**

### D. Depositions and interviews

1. Notice and scheduling; *Pro se* defendants shall provide information to the department's Corrections Programs Administrator's (CPA) office for DAJD review if a deposition/interview is occurring in the jail. DAJD needs to appropriately and adequately screen process, authorize, and notify any professional visitors before providing them with jail access. Thus, *pro se* written requests must be received at least five (5) business days prior to the requested date.
  - a. *Pro se* defendants are encouraged to seek assistance from stand-by counsel to help arrange for the interview or deposition of selected parties.
  - b. The following information is to be provided by the *pro se* defendant:
    - (1) The name of each professional requested to attend.
    - (2) The contact information of each person requested to attend, unless a King County employee.
2. By Security Glass/Phone; if a deposition/interview can occur through the security glass and over the window interview phone system, the scheduling may be arranged with notification to DAJD. DAJD shall permit *pro se* inmate window interview visitation.
3. Attorney Room or Multi-Purpose Room; if a deposition/interview is to occur inside of the jail, it shall be arranged in compliance with the jail's "Face-to-Face Interview" guidelines.
  - a. DAJD shall review all face-to-face interview requests and court orders.
  - b. Authorized persons for face to face access must also clear all security and safety concerns, including the Sea-King, WACIC, NCIC III background checks and DOL credential verification of professional licenses. This is the same process as all other Face to Face requests to DAJD.
  - c. Video cameras are prohibited due to security and privacy issues. If a request for such equipment is made, it must first be approved by a DAJD Major or above, and be accompanied with a court order. All video depositions/interviews shall be conducted by court order only.
4. Outside of Facilities; if a deposition/interview is to occur outside of the facilities, the court will need to arrange release and the necessary escort for the defendant. DAJD does not have the resources to provide defendant escort for depositions/interviews outside of the facilities. Standby counsel may help to arrange out of custody interview of witnesses.

**E. Instructions for filing pre-trial criminal motions with the Clerk's Office and routing copies in King County Superior Court**

**It is your responsibility to file your pre-trial criminal motion with the Clerk's Office. It is your responsibility to make sure a copy of your motion is also sent to the Judge, your lawyer (if you currently have one) and the prosecutor. THE CLERK'S OFFICE WILL NOT FORWARD A COPY OF YOUR MOTION TO THE JUDGE, YOUR LAWYER OR THE PROSECUTOR.**

1. All pre-trial criminal motions in King County Superior Court **must** be filed with the Clerk's Office.
  - If you have a Seattle case number, mail your motion to:  
Department of Judicial Administration (Clerk's Office)  
516 3<sup>rd</sup> Avenue Room E-609  
Seattle, WA 98104
  - If you have a Kent case number, mail your motion to:  
Department of Judicial Administration (Clerk's Office)  
401 Fourth Avenue North Room 2C  
Kent, WA 98032-4429

The following information must be on the front page of your motion:

- The case name
  - The case number
2. A **COPY** of all pre-trial criminal motions **must** be mailed to the Chief Criminal Judge. **The Judge makes all decisions in your case and will not see your motion unless you send a separate copy to the Judge.**
    - If you have a Seattle case number, mail a copy of your motion to:  
Chief Criminal Judge (Seattle)  
King County Superior Court  
516 3<sup>rd</sup> Ave, Room C-203 / Mailstop: KCC-SC-0203  
Seattle, WA 98104
    - If you have Kent case number, mail a copy of your motion to:  
Chief Criminal Judge (MRJC)  
King County Superior Court  
401 Fourth Avenue North, Room 2D  
Kent, WA 98032
  3. A **COPY** of all pre-trial criminal motions **must** be mailed to your lawyer, if you currently have one.
  4. A **COPY** of all pre-trial criminal motions **must** be mailed to the prosecutor's office.
    - If you have a Seattle case number, mail a copy of your motion to:  
King County Prosecuting Attorney  
Criminal Division  
516 3<sup>rd</sup> Ave, Room W 554  
Seattle, WA 98104
    - If you have Kent case number, mail a copy of your motion to:  
King County Prosecuting Attorney  
401 Fourth Avenue North, Room 2A  
Kent, WA 98032

**F. Instructions for filing post-trial or post-sentencing motions with the Clerk's Office and routing copies to the trial or sentencing Judge in King County Superior Court**

**It is your responsibility to file your post-trial or post-sentencing motion with the Clerk's Office. It is your responsibility to make sure a copy of your motion is also sent to the Judge, your lawyer (if you currently have one) and the prosecutor. THE CLERK'S OFFICE WILL NOT FORWARD A COPY OF YOUR MOTION TO THE JUDGE, YOUR LAWYER OR THE PROSECUTOR.**

1. All post-trial or post-sentencing criminal motions in Superior Court **must** be filed with the Clerk's Office.

- If you have a Seattle case number, mail your motion to:  
Department of Judicial Administration (Clerk's Office)  
516 3<sup>rd</sup> Avenue Room E-609  
Seattle, WA 98104
- If you have a Kent case number, mail your motion to:  
Department of Judicial Administration (Clerk's Office)  
401 Fourth Avenue North Room 2C  
Kent, WA 98032-4429

The following information must be on the front page of your motion:

- The case name
- The case number

2. A **COPY** of all post-trial or post-sentencing criminal motions **must** be mailed to your trial/sentencing judge. **The Judge makes all decisions in your case and will not see your motion unless you send a separate copy to the judge.**

- If you have a Seattle case number, mail a copy of your criminal motion to:  
Name of trial/sentencing judge (Seattle)  
King County Superior Court  
516 3<sup>rd</sup> Ave, Room C-203 / Mailstop: KCC-SC-0203  
Seattle, WA 98104
- If you have Kent case number, mail a copy of your motion to:  
Name of trial/sentencing judge (MRJC)  
King County Superior Court  
401 Fourth Avenue North, Room 2D  
Kent, WA 98032

3. A **COPY** of all post-trial or post-sentencing criminal motions **must** be mailed to your lawyer, if you currently have one.

4. A **COPY** of all post-trial or post-sentencing criminal motions **must** be mailed to the prosecutor's office.

- If you have a Seattle case number, mail a copy of your criminal motion to:  
King County Prosecuting Attorney  
516 3<sup>rd</sup> Ave, Room W-554  
Seattle, WA 98104
- If you have Kent case number, mail a copy of your motion to:  
King County Prosecuting Attorney  
401 Fourth Avenue North, Room 2A  
Kent, WA 98032

## V. Miscellaneous

- A. Assistance from Other Detainees
1. Assistance from other inmates within the same housing unit is permitted; however, there shall be no exchange of valuables for service. An inmate may be infraacted for the exchange of valuables for services.
  2. The defendant's placement or helper's placement in the jail will be based on institutional needs and operation. Placement is not changed for the assistance of another inmate, or will any special privileges be provided to receive another inmates assistance.
- B. Defendant Review of Evidence
1. Defendant may review evidence while in court.
  2. Pictures provided by standby attorney's or legal assistants while in the institution are permitted with the exception of any photographs that would violate DAJD's policies.
  3. Security concerns prohibit review of items of contraband and/or potential weapons inside the institution.
  4. Sexual material is prohibited inside of the institution.
- C. Defendant housing and privileges
- a. *Pro se* status shall have no impact on the defendant's housing assignments, security level, or custody status. Safety, security, disciplinary, and capacity concerns and issues, are reasons for custody assignments and changes.
  - b. *Pro se* defendants shall have the same privileges and housing as others in that classification status.





## AD SEG PROCEDURES ---Attachment E

**Administrative Segregation (Ad Seg):** An individual management routine and single cell housing assignment separate from other inmates.

This placement and classification is a managerial (administrative) decision applied to an inmate whose continued presence in general population presents a serious threat to life, property, self, staff or other inmates. All Ad Seg placement and routines are administrative and a hearing is not required, except in the event of an infraction disciplinary hearing.

Note: Administrative Segregation status requires physical separation from all other inmates; however, inmates can talk to one another through the openings in the cell doors. Also, because there are other inmates housed in individual cells of each Ad Seg living unit, the daily time in the dayroom is limited in order to provide equal access privileges for each individual.

### **Ad Seg Consists of Six Housing Categories**

1. **Ultra Security:** Within the maximum security level of classification, this is the highest security and classification management status. Placement here are for inmates who:
  - a. are facing a possible death penalty;
  - b. assault staff;
  - c. have an attempted or planned escape from an institution or from officers;
  - d. are suspected of terrorist types of acts and other extreme security and safety risks.
2. **Legal:** Legal Ad Seg status is determined by the department through:
  - a. a court order, which for compliance, necessitates placement into Ad Seg housing;
  - b. information received from the prosecuting attorney;
  - c. other DAJD sources providing information such as:
    - i. phone harassment of witnesses;
    - ii. running criminal activities over the telephone;
    - iii. multiple "keep separate from" entries;
    - iv. ingestion of contraband;
    - v. juvenile conviction which by law requires cell housing separate from the adult population (usually single cell housing);
    - vi. multiple co-defendants on serious charges who must be isolated to prevent communication.
    - vii. other, to be described as implemented.
3. **Protective Custody:** Protective custody inmates are deemed to be at risk in general population due to special circumstances such as:
  - a. criminal charges;
  - b. physical characteristics;
  - c. victimization;

- d. career in law enforcement;
  - e. relative in law enforcement.
4. **Pre-Disciplinary Segregation:** Inmates who have been infraacted for a rule violation and actively present a risk to others if left in their current housing to await their disciplinary hearing are classified in Pre-Disciplinary Segregation. This housing status is determined by Sergeant rank or above, with documentation.
  5. **Post-Disciplinary Hearing Segregation (Disciplinary Deadlock):** This housing sanction is for inmates who have been found guilty in their disciplinary hearing. Disciplinary Deadlock consists of limited dayroom access and privileges for a specific time period.
  6. **Behavior Management Administrative Segregation:** For inmates with a documented history of physical aggression, multiple serious or major rule violations, incompatibility with others, or whose presence in population is expected to create a serious disruption to routine facility operations. Behavior Management Ad Seg consists of the following:
    - a. **intensive management unit (IMU);** for inmates who:
      - i. do serious flooding and/or damage of a housing unit;
      - ii. seriously damage or destroy DAJD property (i.e. windows, doors, sprinkler systems, intercoms, lights, phones, etc.);
      - iii. are likely to require being placed into four point physical restraints and observation when out of their housing area due to their destructive and injurious behavior.
    - b. **behavior administrative segregation;** for inmates who:
      - i. have a documented history of physical threats or assaults to staff and/or inmates;
      - ii. display recent and ongoing physically aggressive, resistive, intimidating, predatory, or threatening behaviors;
      - iii. have continuous incompatibility with other inmates, whose current behavior *and* history indicates the continuation of disrupting safe operations.

**Administrative Segregation Status Inmates Shall Have the Following Provisions:**

1. Housed in cells substantially similar to those cells used for general population.
2. Scheduled to receive a daily hour of dayroom access with good behavior, for phone access, exercise, personal time, and shower on an individual cell-only basis.
3. Permitted correspondence.
4. Allowed access to legal material and representation.
5. Served meals meeting dietary nutritional standards in their cell area.
6. Provided access to medical care in accordance with NCCHC standards.
7. Granted one-to-one religious access to approved clergy.
8. Have visitation scheduled for a minimum of three hours weekly.
9. Allowed commissary privileges. The amount and type of commissary shall vary depending on the *type* of Ad Seg, and may be limited as a result of behavior or a disciplinary sanction.
10. Allowed a minimum three hours of outside recreation per week based on good behavior and weather permitting.

# **EXPERT SERVICES OF THE DEPARTMENT OF PUBLIC DEFENSE**

## **REFERENCES:**

**The policies for attorneys of the Department of Public Defense are governed by the following:**

- ◆ Revised Code of Washington (RCW), Chapter 10.101
- ◆ King County Code (KCC) 2.60
- ◆ Criminal Rules (CrR) 3.1 (f)
- ◆ Local Criminal Rules (LCrR) 3.1 (f)
- ◆ King County Superior Court Criminal Department Manual

## **DEFINITIONS:**

**Definitions for this document:**

- ◆ Order: Refers to an Order Authorizing Expert Services at Public Expense
- ◆ Expert Authorization: Refers to Expert Service Authorization and Request for Payment form
- ◆ Attorney/counsel: Refers to all attorneys: private, public defender and pro se detainees

## **POLICIES:**

### **General Provisions**

The King County Department of Public Defense (DPD) may approve requests for payment of experts and investigators at public expense for indigent persons in criminal, juvenile, and mental illness cases. Requests in Involuntary Treatment Act (ITA) cases are approved by the ITA Commissioner.

Requests must be submitted to DPD prior to the expenditure of funds. DPD is not responsible for payment for services rendered before such approval.

### **Trial Judges' Authorizations**

Trial judges can authorize expert services during a trial up to a maximum of \$250 per individual expert. Authorization for these services will be granted only if the urgency of the request is demonstrated. The judge's order authorizing expert services at public expense must be submitted to DPD.

### **Out of State Experts**

If Attorneys are requesting an out-of state service provider, they must explain which local experts/providers they have contacted and why those providers could not be used. If an out of area provider is requested, counsel must demonstrate that providers in neighboring states or provinces have been contacted before seeking an out-of-area provider.

### **Approval Process**

DPD will review Attorneys' requests as soon as possible. Additional information may be requested by phone or email. Attorneys' timely response will allow the processing of the request to be completed.

Allow at least five working days for DPD to approve the request. If Attorneys believe their request is a rush, they should write RUSH and include trial date on the front of the Order Authorizing Expert Services. Rush processing shall be fewer than five working days.

### **Notification of the Approval or Denial**

DPD will email Attorneys, or deliver to pro se detainees, notification and will include a copy of the Order. DPD may approve the Order as requested, may approve but modify the Order, or may deny the Order. DPD will also email Attorneys, or deliver to pro se detainees, a copy of the Expert Service Authorization and Request for Payment form, which Attorneys must return with the Expert's Invoice for payment to DPD.

DPD will not send Attorneys a copy of any other documents submitted with the Order. Attorneys must retain a copy of their documents.

### **Appealing a Denial**

If a request has been modified or denied, requests can be resubmitted to DPD by hardcopy with additional information for reconsideration. Such second requests must include all the information to be considered by DPD. Documents in the prior request will not be cross-referenced by DPD in considering the second request.

Requests that have been denied or modified may also be appealed to the Chief Criminal Judge or to the Chief Maleng Regional Justice Center (MRJC) Judge, pursuant to King County Superior Court Criminal Department Manual Section 10. If the judge approves the Order, counsel must furnish a copy of the Order to DPD. DPD will then issue an Expert Service Authorization and Request for Payment form, which will permit the authorization to be paid.

### **Cost Limitations**

Expert payments are subject to the following guidelines, which can be exceeded only in extraordinary circumstances. Requests must detail the justification to exceed these limits.

- ◆ Psychological or psychiatric evaluations (e.g. diminished capacity, or for sentencing). Not to exceed \$2,400.
- ◆ Evaluations regarding competency or insanity. See Washington Administrative Code (WAC) 275-59, which establishes the Department of Social and Health Services (DSHS) reimbursable rate of \$800. DPD will not exceed an additional \$800.

- ◆ Sexual deviancy evaluations. Not to exceed \$1,600, including polygraph.
- ◆ Investigators for cases. Attorney, or Standby Counsel, must provide DPD with a copy of the investigator's license if not on file. When requesting investigator services in cases involving an anticipated substantial amount of investigation, those requests should be made for 50 hours maximum per request, and if needed a supplemental request may be made upon or close to exhaustion of the previous request, identifying what investigation services are left to be done and the number of hours needed. Not to exceed \$30 per hour.
- ◆ Sexual predator evaluations. See WAC 275-156, which establishes the DSHS reimbursable rate of \$1,200.
- ◆ Forensic evaluations (e.g. fetal alcohol, eyewitness reliability, etc). Not to exceed \$500.
- ◆ Miscellaneous: Fingerprinting, handwriting, voice identifications, and other experts; extraordinary case preparation costs. Not to exceed \$250.
- ◆ Transcripts of court hearings and trials will be paid as expert expenses where necessary for subsequent proceedings. Transcription of witness interviews will generally not be paid for and will only be paid for if counsel demonstrates the clear necessity for such transcripts in light of anticipated trial testimony.
- ◆ Material witness travel expenses can be requested by the expert request procedure. Counsel must attach a copy of the Court's order finding the witness material. RCW 10.55.060 provides \$.10 per mile and \$5.00 per day witness fees (payable by the Court, not DPD). Depending on the actual cost of the material witness to appear and the ability of the witness to travel, appear at court and return home in the same day, DPD will consider a request for funds to cover the cost of the travel in excess of that provided by the court. If DPD is reimbursing the cost of travel, any amounts paid by the Court pursuant to RCW 10.55.060 for appearance of witness may be deducted from the reimbursement.

### **Expert Travel Expenses**

Attorneys must submit requests for travel expenses for expert witnesses to DPD as an Order Authorizing Expert Services, using the forms and procedures as defined in the paragraphs above. The request must include a proposed/pending travel itinerary including: dates necessary for travel by air, rail, auto; hotel needs; car rental, if necessary. When travel time for experts is requested, attorneys are encouraged to discuss with the expert prior to the request, the willingness of such expert to accept a reduced rate for travel time. Such travel rate should be noted in the request. Estimated cost of travel must be stated in the request.

- ◆ DPD will send approval to counsel or pro se defendant. After the request is approved, the travel agency sends an E-ticket pending notice to DPD and DPD approves the issuance of a ticket.

**Passport Travel**

Phone: 425-524-7448 or 425-483-8687

- ◆ Once an Order is granted, counsel must contact Passport Travel to verify and initiate confirmation of E-ticketing. Passport Travel has agreed to not disclose specific travel itineraries to persons other than DPD and its contracted counsel, and has further agreed to notify DPD if there is any request for this information from other parties.
- ◆ Passport Travel forwards E-ticket confirmation to DPD and counsel.
- ◆ Passport Travel can also book ground transportation if these arrangements are necessary.
- ◆ Lodging, meals and mileage costs are reimbursable at the federal rate. Please contact your Standby Counsel or DPD for rates. DPD does not reimburse for tips, interest, or late charges.

**Insufficient Authorized Amount**

If the amount of compensation is anticipated to exceed the amount authorized, a second request following these same procedures must be submitted to authorize additional services before they are provided.

**Missed Appointments**

For missed appointments (e.g. polygraph), DPD will pay for the first appointment, but will not pay for a second appointment unless counsel can demonstrate good cause for the first missed appointment.

**Privately Retained Attorneys with Indigent Clients**

Occasionally a person other than the indigent defendant may retain and pay private counsel to represent an indigent defendant. Pursuant to State v. Punsalan, 156 Wn.2d 875 (2006), private counsel may seek funding for expert services for their indigent defendant. In such cases, counsel shall follow the procedures outlined herein. In addition, counsel shall submit a copy of the retainer agreement, including agreements signed by defendant and any third party guarantors to said agreement. The defendant shall undergo DPD's screening process to establish indigency. In some cases, DPD will require the funding person to sign a promissory note to repay any funds provided for expert services.

## **RESPONSIBILITIES**

### **Applying for Expert Services at Public Expense**

- ◆ Attorneys must use the forms provided in the Services Available For A Criminal Pro Se Detainee packet, or those forms listed below as provided to them by their Standby Counsel from the DPD website -under Attorney Resources, Business Section - for the applicable Orders:
  - Order Authorizing Expert Services at Public Expense
  - Motion and Order to Seal Documents, CrR 3.1
  - Order Appointment Independent Expert or Professional Person and Directing Payment to be Reimbursed by DSHS
  
- ◆ Attorneys must attach a Motion and Certification for Appointment of Expert, which sets forth:
  - the legal issue to be addressed and how the issue arises in the context of the facts of this specific case;
  - a factual statement sufficient to establish the basis for the legal issue and detailed explanation to justify the use of an expert under the circumstances of the case. For psychological evaluations, specify the mental health/legal issue being assessed (e.g. competence, NGRI – Not Guilty by Reason of Insanity - or other specific issue) and include the observations and/or information which led Attorneys to request this evaluation;
  - the expert's credentials;
  - the proposed scope of work;
  - estimated hours;
  - requested hourly rate;
  - the customary rate for the expert and customary rate in King County; and,
  - a copy of the Certification for Determination of Probable Cause. If a certification of probable cause is not available, please include an explanation.
  
- ◆ Standby Counsel may deliver the Motion and Order, or send by U.S. Postal Service mail, to the DPD Office at:
  - King County Office of Public Defense
  - Chinook Building Fifth Floor
  - 401 Fifth Ave.
  - Seattle, WA 98104
  - DPD will not accept faxed expert order requests. The requests must be brought to the DPD office or sent by U.S. Postal Service mail to DPD at the Chinook Building at the above address. Attorneys, and Standby Counsel, must bring the motion and order to DPD at the Chinook Building **or** send by U.S.P.S. mail.

- For sealing expert requests, the expert request (motion and order) must be submitted to the Chief Criminal Judge at the King County Courthouse with a motion to seal and/or for a protective order before submitting the expert request to DPD.

### **Payment of Experts**

DPD payment of experts is as follows:

- ◆ DPD will send Attorneys via email, or have delivered to pro se detainees, an "Expert Service Authorization and Request for Payment" form for each approved order.
- ◆ Once services have been rendered and Attorneys have received an invoice from the expert, they must sign and return this form together with the invoice to DPD.
- ◆ The DPD Legal Administrative Specialist will confirm that the request does not exceed the approved amount or include work that was started prior to the authorization date, and will process the billing for payment.
- ◆ For inquiries concerning payment status or for "Expert Service Authorization and Request for Payment" forms, Attorneys should submit their questions via e-mail if possible. Attorneys may, and Pro Se Detainees shall, contact DPD at 206-296-7662 for this information.
- ◆ Requests for expert services for King County District Court should be submitted to DPD, and for payment, invoices should be submitted to DPD.





**NOW THEREFORE**, pursuant to CrR 3.1 (f), **IT IS ORDERED** that \_\_\_\_\_ is authorized to perform the expert services indicated above at public expense in the amount not to exceed \$ \_\_\_\_\_ /hr. and a maximum of \$ \_\_\_\_\_ (Amounts exceeding \$250 per expert must be submitted to the OPD Administrator.) If the expert is to perform a competency or insanity defense evaluation,

**A FURTHER APPLICATION** is submitted herewith for an additional \$800 that is reimbursable by DSHS.

If expert *testimony* is permitted, it shall be compensated at not more than \$ \_\_\_\_\_ per hour for a maximum of \_\_\_\_\_ hours. (Please check item below).

**This ORDER** approves this additional amount.

**An ADDITIONAL APPLICATION** will be made for testimony if required and permitted.

**PAYMENT IN EXCESS OF THE ABOVE LIMIT(S) WILL NOT BE MADE WITHOUT PRIOR AUTHORIZATION.**

**THIS PROVIDES** notification to the Department of Adult Detention that the above-named expert be granted admittance to the King County Correctional Facility at reasonable times as necessary to perform said services, along with the following equipment:

Standard psychological testing equipment and materials authorized to be admitted into DJAD facility with expert.

Other electronic equipment authorized to be admitted to DJAD facility with expert, specifically: \_\_\_\_\_

**IT IS FURTHER ORDERED** that the attorney shall deliver to the service provider a copy of this order before the expert service begins.

**This Expert Order will be Sealed**  
(If Order is to be sealed, a Motion/Order to Seal **MUST** accompany this Order.)

**This Expert Order will NOT be Sealed**

Attorney is:  **Appointed**

**Retained**

**Pro Bono**

**Pro Se**

**PRESENTED BY:**

**APPROVED**

**DENIED**

\_\_\_\_\_  
Attorney for Defendant

Email: \_\_\_\_\_

Telephone: \_\_\_\_\_

\_\_\_\_\_  
for the Office of the Public Defender

**OR Trial Judge (If Less Than \$250)**

Date submitted: \_\_\_\_\_

Date ORDERED: \_\_\_\_\_

If denied, reasons therefore: \_\_\_\_\_

IN THE SUPERIOR COURT OF WASHINGTON STATE FOR KING COUNTY

_____	)	Cause No.
	)	
Plaintiff/Petitioner	)	
v.	)	<b>ORDER TO SEAL</b>
	)	(ORSF) / (ORSF)
_____	)	
	)	(Clerk's Action Required)
Defendant/Respondent	)	

**FINDINGS:**

The Court has reviewed the motion and declaration of the applicant and finds the following compelling circumstances for sealing the document(s) indicated below or the above captioned file: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NOW THEREFORE IT IS HEREBY ORDERED THAT:**

The Clerk of the Court shall seal the following document(s) in this cause:  
(List the title, sub number and file date if available)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

or

The Clerk of the Court shall seal the file.

Access to the sealed document(s) or file is limited to the following persons, who are authorized to review the file or documents without further court order:

\_\_\_\_\_  
\_\_\_\_\_

In the event of an application for the opening of the sealed document or file, a hearing shall be noted and notice shall be given or attempted to the following persons in addition to the parties, or their counsel if represented:

\_\_\_\_\_  
\_\_\_\_\_

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
JUDGE/COURT COMMISSIONER

Presented by:

Approved for Entry:

\_\_\_\_\_  
Printed Name: \_\_\_\_\_

\_\_\_\_\_  
Printed Name: \_\_\_\_\_

\_\_\_\_\_  
Attorney For: \_\_\_\_\_

\_\_\_\_\_  
Attorney For: \_\_\_\_\_

\_\_\_\_\_  
Bar No.: \_\_\_\_\_

\_\_\_\_\_  
Bar No.: \_\_\_\_\_

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Address: \_\_\_\_\_

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IN THE SUPERIOR COURT OF WASHINGTON  
FOR KING COUNTY

STATE OF WASHINGTON, )  
 )  
 Plaintiff ) No. \_\_\_\_\_  
 )  
 v. ) MOTION AND ORDER TO SEAL  
 ) DOCUMENTS, CrR 3.1(f)  
 )  
 ) (ORSD)  
 Defendant )  
 ) CLERK'S ACTION REQUIRED

MOTION

Defendant, appearing *ex parte*, moves that the documents referenced below be placed under court seal. The grounds for this motion are that these records are confidential, privileged and governed by rules of confidentiality for attorney work product, CrR 3.1(f).

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Attorney for Defendant

**FINDINGS:** The court finds that said documents, pursuant to CrR 3.1(f) are protected by the attorney-client and work product privileges, and are not subject to disclosure to the state or to the public. Now, therefore,

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**IT IS ORDERED** that the following documents be placed under court seal, that said documents be used only by the court for purposes of the defense motion to authorize expert services at public expense, and that said documents shall not otherwise be disclosed to the public or the state absent further order of the court. (Note to attorneys: The titles of the documents below *must match exactly* the title *as it appears* on each document).

\_\_\_\_\_ Dated: \_\_\_\_\_  
\_\_\_\_\_ Dated: \_\_\_\_\_  
\_\_\_\_\_ Dated: \_\_\_\_\_  
\_\_\_\_\_ Dated: \_\_\_\_\_  
\_\_\_\_\_ Dated: \_\_\_\_\_

**IT IS FURTHER ORDERED** that this order shall be filed in the court file, unsealed.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
JUDGE

**SUPERIOR COURT OF WASHINGTON  
COUNTY OF KING**

<b>STATE OF WASHINGTON</b> Plaintiff	)	NO. _____
	)	
v.	)	
	)	
Defendant/Respondent	)	<b><u>ORDER APPOINTING INDEPENDENT EXPERT OR PROFESSIONAL PERSON AND DIRECTING PAYMENT TO BE REIMBURSED BY DSHS</u></b>
		<b><u>(ORAP)</u></b>

**THIS MATTER** having come before the undersigned authorized representative of the Office of the Public Defender (OPD), upon motion of \_\_\_\_\_, attorney for defendant/respondent, and it appearing that there is an issue regarding one or more of the following:

- The defendant's competency to stand trial;
- The defendant's ability to distinguish right from wrong at the time of the offense;
- The defendant's mental condition as relevant to the appropriateness of conditional release with final discharge from a hospital or other facility;
- The defendant's mental condition as relevant to the appropriateness of transfer to a mental health facility; or
- The defendant's mental condition as relevant to other proceedings pursuant to the provisions of RCW 10.77.020.

Or, Respondent is in need of expert services pursuant to RCW 71.09 for the following:

- An expert/professional examination pursuant to RCW 71.09.050, RCW 71.09.090(3);
- An expert/professional examination pursuant to RCW 71.09.070 (annual review, RCW 71.09.092);
- Deposition costs, including transcriptions;
- Discovery costs; or

- Trial preparation expenses, including travel;
- Defendant's attorney represents that previous request(s) for DSHS funding was/were dated \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ for purpose(s) of \_\_\_\_\_

And it further appears that the defendant is indigent and is unable to pay for the services of an independent expert or professional person to perform expert assistance to the defendant.

**NOW THEREFORE, IT IS HEREBY ORDERED** that \_\_\_\_\_ is appointed to examine the above-named defendant/respondent in order to perform independent expert professional assistance for the defendant/respondent, pursuant to the provisions of RCW 10.77 or RCW 71.09.

**IT IS FURTHER ORDERED** that pursuant to RCW 10.77 or RCW 71.09, the above-named independent expert or professional person is permitted reasonable access to the defendant for purpose of the examination, and to all medical, psychological and psychiatric reports and the relevant reports and records pertaining to the defendant.

- IT IS FURTHER ORDERED** that pursuant to RCW 10.77.020 and WAC 388-875-0040 that expert or professional services shall be reimbursed up to, but not to exceed \$800.00.
- IT IS FURTHER ORDERED** that pursuant to RCW 71.09.050, RCW 71.09.110 and WAC 388-885-020 that the Department of Social and Health Services shall be responsible for actual costs relating to the evaluation and trial preparation for the respondent. This Order authorizes \$ \_\_\_\_\_.

**IT IS FURTHER ORDERED** that, according to the provisions of RCW 10.77.020 and RCW 71.09.110, the Department of Social and Health Services shall assume the financial responsibility for the services of the defendant's independent expert or professional person including payment of fees for the examination, preparation of written report, travel time, testimony and any other related expenses required by this order.

- This Expert Order will be Sealed
- This Expert Order will NOT be Sealed

Attorney is:  Appointed  Retained  Pro Bono  Pro Se

**PRESENTED BY:**

- APPROVED
- DENIED

\_\_\_\_\_  
 Attorney for Defendant  
 Email: \_\_\_\_\_  
 Telephone: \_\_\_\_\_  
 Date submitted: \_\_\_\_\_

\_\_\_\_\_  
 for the Office of the Public Defender  
  
 Date ORDERED: \_\_\_\_\_

If denied, reasons therefore: \_\_\_\_\_



**KING COUNTY DISTRICT COURT  
STATE OF WASHINGTON  
\_\_\_\_\_ DIVISION**

STATE OF WASHINGTON Plaintiff v. Defendant	) ) ) ) ) ) )	NO. _____  <u>ORDER AUTHORIZING</u> <u>EXPERT SERVICES AT</u> <u>PUBLIC EXPENSE</u>  (ORES)
---	---------------------------------	---

**THIS MATTER** comes before the undersigned authorized representative of the Office of the Public Defender (OPD) on behalf of the defendant, through his/her attorney, \_\_\_\_\_, for expert services necessary to an adequate defense in this case to be performed at public expense. The services requested are for:

- |   |   |
|---|---|
| <input type="checkbox"/> Psychological Evaluation | <input type="checkbox"/> Investigative              |
| <input type="checkbox"/> Psychiatric Evaluation   | <input type="checkbox"/> Sexual Deviancy Evaluation |
| <input type="checkbox"/> Evidence Examination     | <input type="checkbox"/> Alternate Placement        |
| <input type="checkbox"/> Forensic                 | <input type="checkbox"/> Other: _____               |

Defense attorney represents that previous request(s) for funding was/were dated \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ for the purpose of \_\_\_\_\_.

The client is:  in-custody or  out-of-custody, and the trial date set is: \_\_\_\_\_.

The attached documentation and declaration of counsel show that such expert services are necessary to an adequate defense, the number of hours and hourly rate expected, and that the defendant is financially unable to obtain them.

**NOW THEREFORE**, pursuant to LCrRLJ 3.1, **IT IS ORDERED** that \_\_\_\_\_ is authorized to perform the expert services indicated above at public expense in the amount not to exceed \$ \_\_\_\_\_/hr. and a maximum of \$ \_\_\_\_\_ (Amounts exceeding \$250 per expert must be submitted to the OPD Administrator.) If the expert is to perform a competency or insanity defense evaluation,

**A FURTHER APPLICATION** is submitted herewith for an additional \$800 that is reimbursable by DSHS.

If expert *testimony* is permitted, it shall be compensated at not more than \$ \_\_\_\_\_ per hour for a maximum of \_\_\_\_\_ hours. (Please check item below).

- This **ORDER** approves this additional amount.  
 An **ADDITIONAL APPLICATION** will be made for testimony if required and permitted.

**PAYMENT IN EXCESS OF THE ABOVE LIMIT(S) WILL NOT BE MADE WITHOUT PRIOR AUTHORIZATION.**

**THIS PROVIDES** notification to the Department of Adult and Detention that the above-named expert be granted admittance to the King County Correctional Facility at reasonable times as necessary to perform said services, along with the following equipment:

- Standard psychological testing equipment and materials authorized to be admitted into DJAJD facility with expert.  
 Other electronic equipment authorized to be admitted to DJAJD facility with expert, specifically: \_\_\_\_\_

**IT IS FURTHER ORDERED** that the attorney shall deliver to the service provider a copy of this order before the expert service begins.

This Expert Order will be Sealed

This Expert Order will NOT be Sealed

Attorney is:  Appointed  Retained

Pro Bono  Pro Se

**PRESENTED BY:**

**APPROVED**

**DENIED**

\_\_\_\_\_  
Attorney for Defendant

\_\_\_\_\_  
for the Office of the Public Defender

Email: \_\_\_\_\_

Telephone: \_\_\_\_\_

Date submitted: \_\_\_\_\_

Date ORDERED: \_\_\_\_\_

If denied, reasons therefore: \_\_\_\_\_  
\_\_\_\_\_  
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**KING COUNTY DISTRICT COURT  
STATE OF WASHINGTON  
\_\_\_\_\_ DIVISION**

STATE OF WASHINGTON, )  
 )  
 Plaintiff ) No. \_\_\_\_\_ )  
 )  
 v. ) **MOTION AND ORDER TO SEAL** )  
 ) **DOCUMENTS, LCrRLJ 3.1** )  
 )  
 Defendant ) **(ORS)** )  
 ) **CLERK'S ACTION REQUIRED** )

**MOTION**

Defendant, appearing *ex parte*, moves that the documents referenced below be placed under court seal. The grounds for this motion are that these records are confidential, privileged and governed by rules of confidentiality for attorney work product, LCrRLJ 3.1.

DATED this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Attorney for Defendant

**FINDINGS:** The court finds that said documents, pursuant to LCrRLJ 3.1, are protected by the attorney-client and work product privileges, and are not subject to disclosure to the state or to the public. Now, therefore, it is hereby

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ORDERED that the following documents be placed under court seal, that said documents only be used by the court for purposes of the defense motion to authorize expert services at public expense, and that said documents shall not otherwise be disclosed to the public or the state absent further order of the court.

\_\_\_\_\_ Dated: \_\_\_\_\_  
\_\_\_\_\_ Dated: \_\_\_\_\_  
\_\_\_\_\_ Dated: \_\_\_\_\_  
\_\_\_\_\_ Dated: \_\_\_\_\_  
\_\_\_\_\_ Dated: \_\_\_\_\_

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_.

\_\_\_\_\_  
JUDGE

**KING COUNTY DISTRICT COURT  
STATE OF WASHINGTON  
\_\_\_\_\_ DIVISION**

STATE OF WASHINGTON )  
                   Plaintiff )  
                                   ) )  
                   v. ) )  
                                   ) )  
                   Defendant/Respondent )  
                                   ) )  
 \_\_\_\_\_ )

NO. \_\_\_\_\_

**ORDER APPOINTING INDEPENDENT  
EXPERT OR PROFESSIONAL  
PERSON AND DIRECTING PAYMENT  
TO BE REIMBURSED BY DSHS**

**(ORAP)**

**THIS MATTER** having come before the undersigned authorized representative of the Office of the Public Defender (OPD), upon motion of \_\_\_\_\_, attorney for defendant/respondent, and it appearing that there is an issue regarding one or more of the following:

- The defendant's competency to stand trial;
- The defendant's ability to distinguish right from wrong at the time of the offense;
- The defendant's mental condition as relevant to the appropriateness of conditional release with final discharge from a hospital or other facility;
- The defendant's mental condition as relevant to the appropriateness of transfer to a mental health facility; or
- The defendant's mental condition as relevant to other proceedings pursuant to the provisions of RCW 10.77.020.

Or, Respondent is in need of expert services pursuant to RCW 71.09 for the following:

- An expert/professional examination pursuant to RCW 71.09.050, RCW 71.09.090(3);
- An expert/professional examination pursuant to RCW 71.09.070 (annual review, RCW 71.09.092);
- Deposition costs, including transcriptions;
- Discovery costs; or

- Trial preparation expenses, including travel;
- Defendant's attorney represents that previous request(s) for DSHS funding was/were dated \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ for purpose(s) of \_\_\_\_\_

And it further appears that the defendant is indigent and is unable to pay for the services of an independent expert or professional person to perform expert assistance to the defendant.

**NOW THEREFORE, IT IS HEREBY ORDERED** that \_\_\_\_\_ is appointed to examine the above-named defendant/respondent in order to perform independent expert professional assistance for the defendant/respondent, pursuant to the provisions of RCW 10.77 or RCW 71.09.

**IT IS FURTHER ORDERED** that pursuant to RCW 10.77 or RCW 71.09, the above-named independent expert or professional person is permitted reasonable access to the defendant for purpose of the examination, and to all medical, psychological and psychiatric reports and the relevant reports and records pertaining to the defendant.

- IT IS FURTHER ORDERED** that pursuant to RCW 10.77.020 and WAC 388-875-0040 that expert or professional services shall be reimbursed up to, but not to exceed \$800.00.
- IT IS FURTHER ORDERED** that pursuant to RCW 71.09.050, RCW 71.09.110 and WAC 388-885-020 that the Department of Social and Health Services shall be responsible for actual costs relating to the evaluation and trial preparation for the respondent. This Order authorizes \$ \_\_\_\_\_.

**IT IS FURTHER ORDERED** that, according to the provisions of RCW 10.77.020 and RCW 71.09.110, the Department of Social and Health Services shall assume the financial responsibility for the services of the defendant's independent expert or professional person including payment of fees for the examination, preparation of written report, travel time, testimony and any other related expenses required by this order.

- This Expert Order will be Sealed
  - This Expert Order will NOT be Sealed
- Attorney is:  Appointed  Retained  Pro Bono  Pro Se

**PRESENTED BY:**  APPROVED  DENIED

\_\_\_\_\_  
 Attorney for Defendant  
 Email: \_\_\_\_\_  
 Telephone: \_\_\_\_\_  
 Date submitted: \_\_\_\_\_

\_\_\_\_\_  
 for the Office of the Public Defender  
 Date ORDERED: \_\_\_\_\_

If denied, reasons therefore: \_\_\_\_\_







## **Westlaw Workstation Conditions of Use**

*You must accept all conditions and terms of use prior to beginning your research.*

### **Conditions of Use**

- **Your scheduled session may be shortened at any time.**
- **You are to comply with officer directives immediately.**
- **Officers cannot assist you with the workstation, use of the computer, or printer.**
- **There are no "in and out" privileges. Leaving the workstation early terminates your session.**
- **Only one person shall access the legal research workstation at a time per the schedule.**
- **No food or beverages are allowed in the workstation.**
- **Do not damage equipment in the workstation. You may be infracted, or lose the privilege.**
- **Only printing paper may be used in the printer. The printer is provided as a privilege to assist only DAJD authorized pro se defendants in their personal research and case preparation. Only pro se defendants may request, and are provided with, a one-time ream (500 sheets) of printing paper. One-time means once per entire booking, no matter how many civil or criminal cases you are pursuing.**
- **It is the responsibility of the defendant to keep track and most efficiently use the printer and the amount of paper provided for all your legal research.**
- **Printed information from the legal computer workstation is for your personal use only while you are in jail. It is not for distribution, sale, or removal from the facility until your release.**
- **Your session will NOT be extended, nor will your printed materials be provided to you after your session time has ended. Provide adequate time before your session ends so that any printing of cases is completed. Printing paper left in the printer or workstation will not be replaced.**
- **Instructions for using the computer and printer are posted in the workstation. You are responsible for clearing print jobs still waiting to be printed.**
- **The legal workstation replaces use of other legal texts.**

### **What Is Allowed During the Session**

The following items are allowed in workstation during your session:

- Writing paper
- Pencils
- One box of pro se case legal paperwork
- Printing paper (authorized pro se inmates only)

# Westlaw Workstation Conditions of Use

## **Behavior and Damage Consequences**

- Report any problems or damage with the computer or printer immediately to a staff member.
- Any violation of these program rules, damage or abuse of the computer or printer, using non-printer paper, or use by an unauthorized inmate, may result in an infraction and/or loss of use of the workstation. If you damage the legal research equipment, room, or disrupt escort to or from your housing, you are subject to disciplinary action.
- The inmate workstation is for legal research only. Any activity other than the intended use, including manipulating the system, or attempting to access sites other than Westlaw Legal Research, may result in disciplinary action.
- Disciplinary action may include but is not limited to:
  - Restitution for replacement or repair of damages;
  - Loss of legal research access during repair; or longer period of time;
  - Disciplinary sanctions. (Can include loss of access, disciplinary confinement, and/or other sanctions);
  - Use of restraint chains during future research sessions;
  - Notice to the court of your behavior and actions taken.

## **Session Access**

The legal computer workstation is set up for your independent use and has a HELP function which you can access by clicking on "Help." Allow some time to become familiar with the system during your first visit.

Inmates who have been confirmed as pro se on a pending criminal case, or civil habeas corpus or terms of confinement matter have priority use of the legal computer workstations. Send proof from the court of your pro se status to Inmate Management & Services for priority scheduling.

Requests to use the legal computer workstation by all other inmates are processed in the order received and are only allowed one hour per week as space is available for research.

## **STAFF IS NOT AVAILABLE TO ANSWER QUESTIONS ON YOUR LEGAL RESEARCH**

Limited forms are included in your initial one-time only packet for criminal pro se cases. If additional forms are needed, you should request them from your standby legal counsel, the court, or handwrite them from examples given in the legal computer workstation.

**Send questions or concerns about this system, or your access, on a white KITE to:  
Inmate Management & Services.**

## Westlaw Correctional Facilities Legal Databases

**Includes the following research books and resources (or equivalent).**

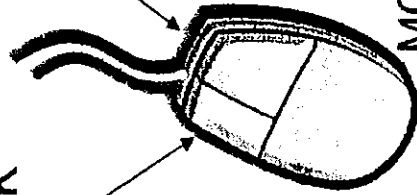
9th Circuit District and Appeals Court from 1900
Appellate case law for all 50 states (Court of Appeals)
Archived Washington Codes from 1991
Citation Service - see KeyCite
Dictionary – see American Law Reports and American Jurisprudence 2d
Federal Case Law (all)
Federal Civil Judicial Rules
Federal Criminal Rules and Procedures
Federal Sentencing Guidelines
Jury Instructions
Local Federal District & Bankruptcy Rules
Prisoner's Manual – use ALR, AMJUR, Washington Practice
RCW Table of Contents
Revised Code of Washington (RCW) and RCWA
Secondary Sources: explaining evidence, search and seizure, trials, violent crimes, etc. – see ALR, AMJUR, Washington Practice
United States Code Annotated (USCA)
United States Constitution
US Public Laws
US Supreme Court from 1794
USCA Table of Contents
Washington Administrative Code
Washington Administrative Code Table of Contents
Washington Adult Sentencing Guidelines
Washington Advance Legislative Service
Washington Attorney General opinions from 1949
Washington Bankruptcy Pleading Forms – use AMJUR and Washington Practice
Washington Constitution
Washington Court Rules, annotated, State, Local, Federal
Washington Domestic Relations Forms – use Washington Practice
Washington Law Digest - Washington Practice
Washington Municipal Code – see Washington Administrative Code and Revised Code of Washington
Washington regulation tracking from 1990
Washington secondary law treatises – see Washington Practice
Washington State Court of Appeals Volume 1, plus all other volumes
Washington State Register – see Washington Administrative Code and Revised Code of Washington
Washington State Supreme Court - Vol. 1, plus all other volumes
Washington Uniform Commercial Code Forms – see Washington Practice

# Start Instructions

## KCCF 10<sup>th</sup> Floor Workstation

LEFT  
CLICK

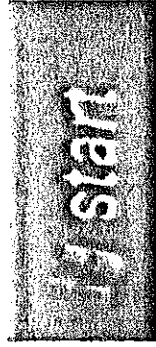
RIGHT  
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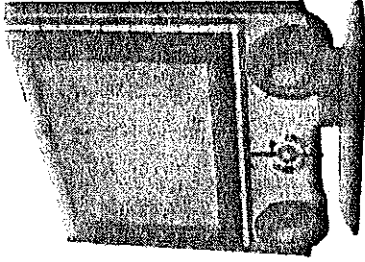
MOUSE



CURSOR



START  
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DESKTOP

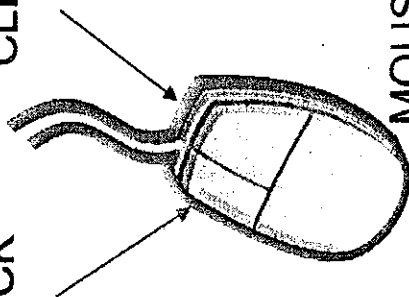
### ❖ Using the mouse:

- Left click on the WESTLAW icon
- Scroll to the bottom
- Left click on GO
- Scroll to the bottom
- Left click on GO

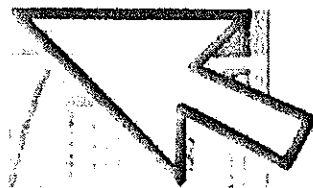
# Start Instructions

## KCCF 11<sup>th</sup> Floor Workstation

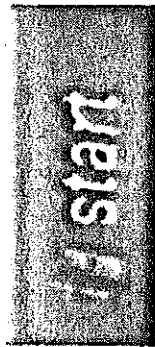
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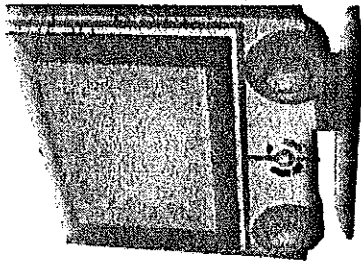
MOUSE



CURSOR



START  
BUTTON



DESKTOP

### ❖ Using the mouse:

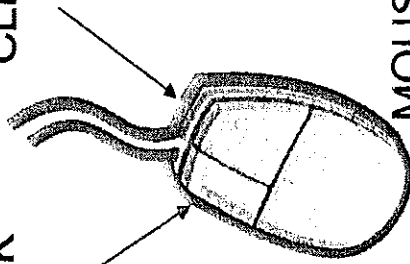
- Left click on the START icon
- Left click on PROGRAMS
- Left click on ACCESS LEGAL RESEARCH
- Left click on WESTLAW
- Left click on GO

# Start Instructions

## MRJC D-unit & P-unit Workstation

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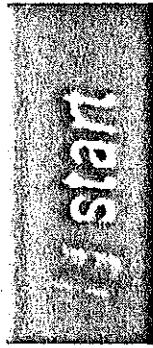
RIGHT  
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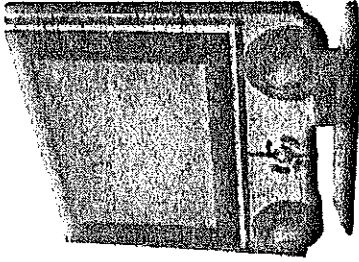
MOUSE



CURSOR



START  
BUTTON



DESKTOP



### ❖ Using the mouse:

- Left click on the START icon
- Left click on ACCESS LEGAL RESEARCH
- This opens the WESTLAW page
- Scroll down the page by dragging the scrollbar on the right
- Select "I Agree" and Left click GO



RJC-Dunit

# Getting Started with Westlaw Correctional Facilities

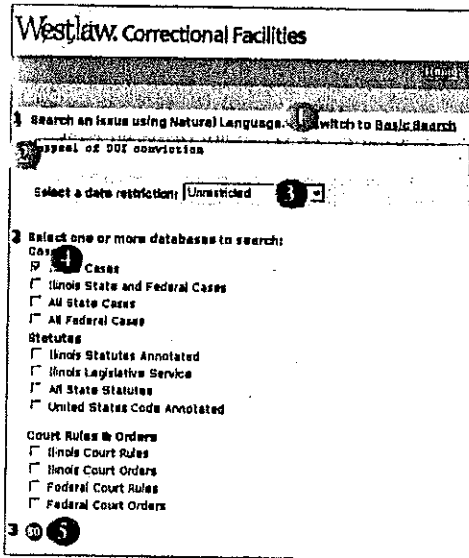
The Westlaw Correctional Facilities Home page provides templates for searching and retrieving documents and checking citations, and you can also access KeySearch™ to help you construct a search related to your legal issue. To return to the Home page during your research, click Home on the toolbar.

## Searching for Documents

The Search template provides two search methods. The *Natural Language* search method allows you to type a description of your issue in plain English. For more advanced searches, use the *Basic* search method.

Complete these steps to create a Natural Language search:

1. Click Natural Language, if it's not already selected.
2. Type a description of your issue in the text box.
3. To restrict your search result by date (optional), select a date restriction from the *Select a date restriction* drop-down list.
4. Select the check boxes next to the databases you want to search.
5. Click GO. A list of all documents retrieved by your search is displayed. To view a document in the list, click its title.

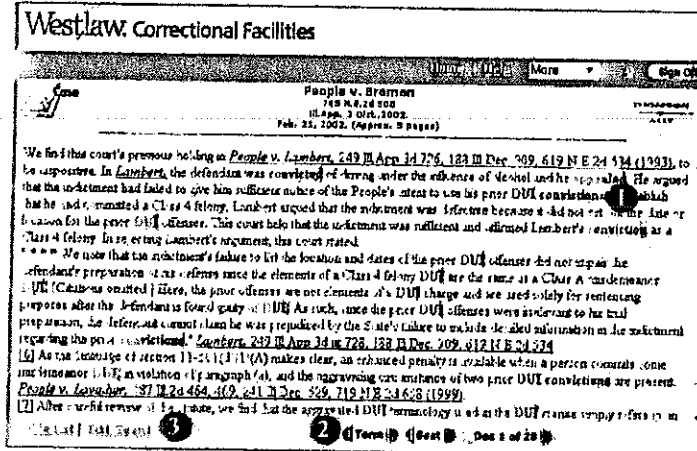


Searching using the Natural Language search method

## Browsing a Search Result

Navigation features allow you to easily browse your documents.

1. Your search terms are highlighted in yellow.
2. Click the Term and Best arrows to view important sections of the document. Click the Document (Doc) arrows to view the next or previous document in your search result.
3. Click Edit Search to revise your search.



Browsing your Natural Language search result

## Finding a Case

You can quickly retrieve a case if you know its citation or title. For example, to retrieve *Thompson v. Kinro, Inc.*, 525 N.E.2d 528, type the citation or the title in the Find a Case template. Then click GO.

Using the Find a Case template

## Finding a Statute

To retrieve a statute when you know its citation, type the citation in the Find a Statute template, then click GO.

To access the Table of Contents service, click Find a Statute using the Table of Contents. Browse the table of contents by clicking the plus (+) and minus (-) symbols. To retrieve a specific section, click its hypertext link.

Using the Find a Statute template

## Checking a Case or Statute in KeyCite

Use the Check a Case in KeyCite or Check a Statute in KeyCite template to help you determine whether a case or statute is good law and to retrieve citing references, which may lead you to additional relevant information.

Type the case or statute citation in the appropriate text boxes and click GO. The KeyCite history for the document is displayed.

Using the KeyCite templates

## Viewing KeyCite History and Citing References

1. The document you are checking in KeyCite is marked with a blue arrow.
2. A KeyCite status flag lets you immediately know the status of a case or statute.

A red flag (►) warns that the case is no longer good law for at least one of the points it contains. In statutes, a red flag indicates that a section has been amended or repealed by a session law or that it has been declared unconstitutional or preempted.

A yellow flag (►) warns that the case has some negative history but hasn't been reversed or overruled. In statutes, a yellow flag indicates that pending legislation affecting a section is available or that the section was limited on constitutional or preemption grounds or its validity was otherwise called into doubt.

A blue H (H) indicates that a case has some history.

A green C (C) indicates that a case has citing references but no direct or negative indirect history.

3. To view a list of documents that cite your case or statute, click KC Citing Ref.

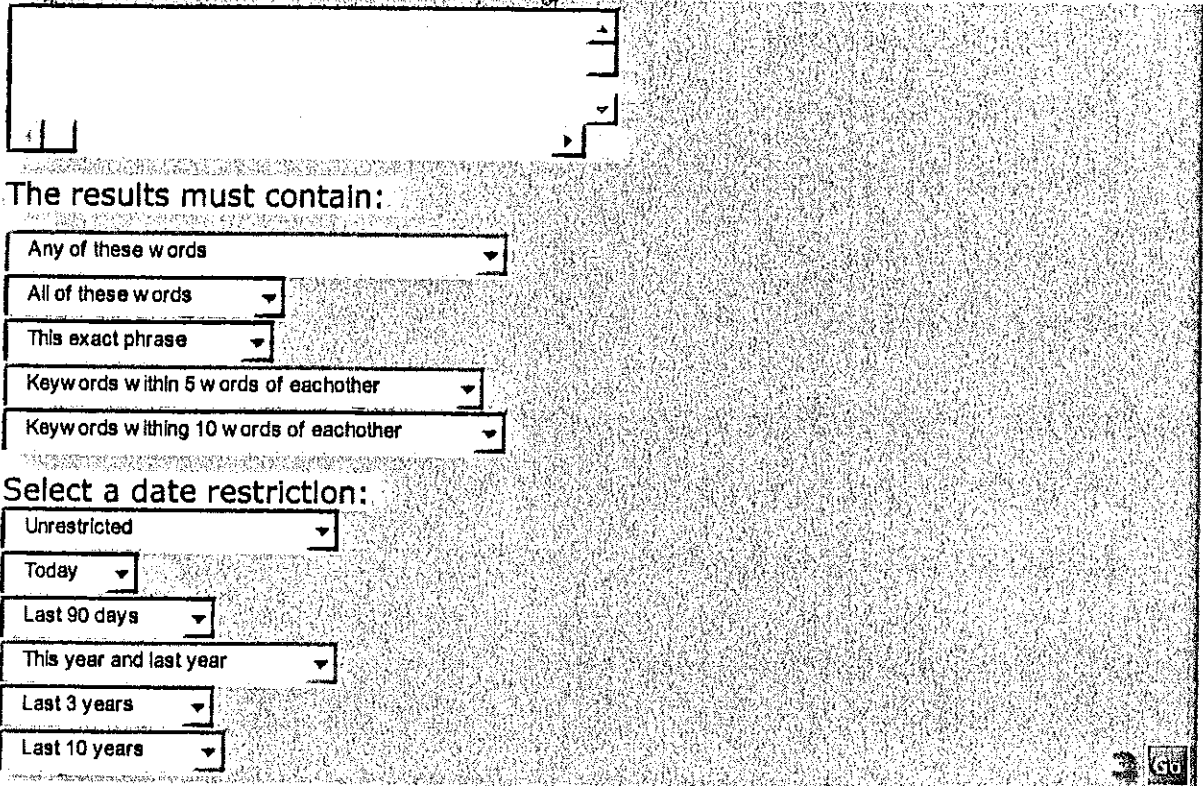
Viewing your KeyCite result



# Westlaw Menu

## Search

1 Search an issue using Basic Search. Or, switch to [Natural Language](#)



The results must contain:

- Any of these words
- All of these words
- This exact phrase
- Keywords within 5 words of each other
- Keywords within 10 words of each other

Select a date restriction:

- Unrestricted
- Today
- Last 90 days
- This year and last year
- Last 3 years
- Last 10 years

Go

2 Select one or more databases to search:

### Cases

- Washington State Cases
- Washington State and Federal Cases
- All State Cases
- All Federal Cases

### Statutes

- Washington Statutes Annotated
- Washington Legislative Service

# Westlaw Menu

- All State Statutes
- United States Code Annotated

## Court Rules & Orders

- Washington Court Rules
- Washington Court Orders
- Federal Court Rules
- Federal Court Orders

## Administrative and Executive Materials

- Washington Attorney General Opinions
- Washington Administrative Code

## Other Legal Reference Materials

- Washington Practice Library
- American Law Reports
- American Jurisprudence

### Find a Case

**Find a Case if you know the citation. Fill in one template and click Go.**

State:

Federal:

**Find a Case if you know the title (enter at least one party name).**

,

# Westlaw Menu

## Find a Statute

Find a Statute if you know the citation. Fill in one template and click Go.

State:  
WA ST s

Federal:  
 U.S.C.A.

[Find a Statute using the Table of Contents](#)

## Check a Case in KeyCite

Check a Case in KeyCite to see if it is still good law. Fill in one template and click Go.

State:  
 P.3d

Federal:  
 F.Supp.2d

## Check a Statute in KeyCite

Check a Statute in KeyCite to see if it is still good law. Fill in one template and click Go.

State:  
WA ST s

Federal:  
 U.S.C.A.

## Westlaw Menu

### Check a Citation in KeyCite

Check a citation in KeyCite to see if it is still good law. Enter a citation and click Go.

Enter citation:

### KeySearch

Retrieve cases and secondary sources using KeySearch.

Keysearch will help you select terms relating to your issue and create a search for you.

### KeySearch

A research tool that identifies the terms and key numbers most relevant to your legal issue and creates a query for you.

Click a  or its corresponding topic to browse more subtopics.

Search the list of topics and subtopics for these terms:

### KeySearch Tips