

STATE OF UTAH
DEPARTMENT OF CORRECTIONS

DIVISION OF PRISON OPERATIONS MANUAL

Volume: Facilities Operation: Inmate Management

Chapter: **FD15 INDIGENT STATUS**

Date Effective: 10-1-1991

Date Reviewed: 10-2-2017

Pages: 7

Authorized By:

Executive Director, Department of Corrections

FD15/01.00 GENERAL PROVISIONS

FD15/01.01 Purpose of Chapter

FD15/01.02 Cross Reference

FD15/01.03 Policy

FD15/01.04 Rationale

FD15/01.05 Definitions

FD15/02.00 REQUIREMENTS OF THE INDIGENT STATUS PROCESS

FD15/02.01 Procedure: General Regulations

FD15/02.02 Procedure: Indigent Mail

FD15/02.03 Procedure: Personal Hygiene Items

FD15/02.04 Procedure: Duplication of Personal Legal Papers

FD15/02.05 Procedure: Personal Writing Material

FD15/02.06 Procedure: Inmate ID Cards

FD15/02.07 Procedure: Inmate Request for Copies of
Information from their UDC Records

FD15/01.00 GENERAL PROVISIONS

FD15/01.01 Purpose of Chapter

- A. The purpose of this chapter is to provide policy, procedure, rationale and other requirements for indigent status.
- B. This chapter is not designed or intended to confer due process rights on offenders, revoke official discretion, or limit management flexibility.

FD15/01.02 Cross Reference

AC28 Implementation of GRAMA Requirements
DG23 Indigent Status
FD03 Inmate Mail Procedures
FD06 Legal Access
FD12 Inmate Funds
FD14 Inmate Property

FD15/01.03 Policy

It is the policy of the Utah Department of Corrections that certain inmates, including inmates who have less than \$9.00 in their inmate account for 45 calendar days, may be considered indigent and shall not be denied basic prison necessities.

FD15/01.04 Rationale

Some inmates do not have the resources to obtain the basic necessities for living in a secure environment.

FD15/01.05 Definitions

- DX** direct exchange; item must be turned in to receive a new one
- GRAMA** Governmental Records Access & Management Act
- ID card** picture identification card issued by the institution
- indigent status** an inmate who has been determined by the department to not have the resources to obtain the basic necessities for living in a secure environment

Procedure: General Regulations

- A. Upon initial entry into the Institution and at the inmate's request, an inmate having less than nine dollars initially posted to their inmate account immediately qualifies for indigent status until their account exceeds \$8.99.
- B. Except in cases of abuse or misuse, an inmate who has had less than nine dollars on their inmate account for the previous forty-five calendar days is eligible for indigent status.
- C. An inmate who does not meet the requirements in subsection A or B may petition the Housing Deputy Warden/designee for a determination of temporary indigent status.
 - 1. The petition shall be in writing and explain the reasons for consideration.
 - 2. If approved, indigent status is deemed to be temporary (sufficient to meet the immediate need).
- D. Indigent status shall include mail privileges, personal hygiene items, duplication of personal legal papers, ID cards, and writing materials.
- E. Indigent status determined under this chapter shall apply to the charging of fees for the duplication or compilation of inmates' records and all other records maintained by the department, including policies and procedures, and personal legal papers. The provisions of GRAMA and AC28, "Implementation of GRAMA Requirements" also applies to such requests.
- F. Misuse or abuse of indigent status shall subject the inmate to disciplinary action.

Procedure: Indigent Mail

- A. Inmates approved for indigent mail may receive one First Class, one-ounce envelope or equivalent per week, unless otherwise approved by the Deputy Warden/designee.

- B. A typical First Class, one-ounce letter consists of:
 - 1. one envelope; and
 - 2. a maximum of five 8-1/2 inch by 11 inch sheets of paper.
- C. Inmates who do not use their weekly postage allocation shall not be allowed to carry it over to the following week nor use their indigent status for the purpose of sending out another inmate's mail.
- D. Postage shall be placed on envelopes at the Mail Unit upon receipt.
- E. An inmate requiring additional postage on privileged correspondence shall (refer to FDr03) have a REQUEST FOR ADDITIONAL PRIVILEGED MAIL POSTAGE FORM (see FD15/02.08) attached to the correspondence:
 - 1. containing the court/attorney, case number; and
 - 2. an explanation why additional postage is required.
- F. Mail Unit staff shall honor reasonable requests and shall enter the reason for additional postage in the inmate's mail file. (The reasonable request shall be that amount of postage necessary to mail the item.)

FD15/02.03

Procedure: Personal Hygiene Items

- A. Subject to security restrictions inmates approved for indigent status may receive:
 - 1. a toothbrush (DX as necessary);
 - 2. toothpaste (one time per week, exchange for empty tube);
 - 3. soap (one time per week);
 - 4. a small comb (as necessary); and
 - 5. a disposable razor (DX one time per week).
 - 6. feminine hygiene items (female inmates only).

- B. Level I and II inmates shall receive either a razor, or access to a razor, depending upon their housing location or privilege matrix level.
- C. The OMC/designee shall ensure that the inmate receives personal hygiene items.

FD15/02.04

Procedure: Duplication of Personal Legal Papers

- A. An indigent inmate is eligible to have twenty-five pages of personal legal material photocopied each week.
- B. An inmate's indigent eligibility shall be verified by submitting a completed "Duplication of Legal Papers for Indigent Inmate" form signed by their Housing Unit Manager/designee.
- C. Procedure to obtain personal legal material photocopies:
 - 1. obtain an envelope entitled "Attorney Request" from housing unit staff;
 - 2. insert completed and authorized "Duplication of Legal Papers for Indigent Inmate" form and legal materials to be duplicated (not to exceed 25 pages) into the "Attorney Request" envelope;
 - 3. check the outside envelope section in the box entitled "Legal Material to be Copied"; and
 - 4. envelope shall include:
 - a. inmate's full name;
 - b. offender number;
 - c. specific housing unit;
 - d. write "INDIGENT" in the space which follows "Amount of Enclosed Money Transfer"; and
 - e. write exact number of pages in the document to be copied.
- D. Failure to completely provide all required information may result in the request being denied and returned.

- E. Falsification of indigent status may result in the initiation of disciplinary action and restitution being assessed against the inmate.
- F. Inmates who use or attempt to use their indigent status to make copies for other inmates shall be subject to disciplinary action and suspension of copying privilege.
- G. Due to exigent circumstances if more than 25 pages need to be copied the following procedure shall be followed:
 - 1. the inmate shall attach a written explanation to the legal material to be copied, articulating the specific reasons additional pages are required; and
 - 2. upon receipt and approval of the written explanation, the contract attorney shall date, place signature and honor the requests.

FD15/02.05

Procedure: Personal Writing Materials

- A. Inmates approved for indigent status may receive:
 - 1. twenty-five sheets of inmate writing paper per week;
 - 2. one inmate embossed envelope per week (provided for indigent mailing purposes); and
 - 3. two clear barrel pens with blue ink and one pencil (DX) as needed.
- B. The Housing Unit Manager/designee shall ensure, upon request from the inmate, that the inmate receives the writing materials mentioned above as per security/privilege level.

FD15/02.06

Procedure: Inmate ID Cards

- A. Inmates shall be provided an ID card during the R&O process.
- B. Inmates shall report lost or stolen ID cards immediately to the Housing Unit Manager/designee.

- C. The Housing Unit Manager/designee shall:
 - 1. verify if the inmate is on indigent status; and
 - 2. arrange to have the ID card reissued.
- D. Inmates on indigent status shall not be required to pay the \$5.00 replacement fee for a new ID card.

FD15/02.07

Procedure: Inmate Request for GRAMA/Inmate Records

- A. Requests for the duplication or compilation of GRAMA/inmate records shall be submitted on a Records Request form which is obtained from the housing unit manager/designee.
 - 1. Indigent inmates who are otherwise entitled to receive records pursuant to GRAMA, may be allowed to receive a maximum of 100 pages per calendar year (January 1 - December 31) free of charge.
 - 2. If an indigent inmate is denied a fee waiver for copies, based on reaching the 100 pages, they may appeal their request for additional copies to the Administrative Services Director detailing the reason for the request.
- B. The processing of Records Requests shall be in accordance with this chapter, AC28, "Implementation of GRAMA Requirements", and FB10, "Inmate Record Files."
- C. Inmates who use or attempt to use their indigent status to have copies made for other inmates shall be subject to disciplinary action and suspension of copy privileges.