

State of Utah - Department of Corrections



Department Manual

<i>FD15 - Indigent Status</i>	<i>PROCEDURE</i>
<i>Date Effective: 10-1-1991</i>	<i>Date Revised: 5-17-2022</i>
<i>GRAMA Designation:</i>	<i>PUBLIC</i>
<i>Authorized by:</i>	<i>Executive Director Brian Nielson</i>
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01.00 REQUIREMENTS OF THE INDIGENT STATUS PROCESS

01.01 General Regulations

- A. Upon initial entry into the institution and at the inmate's request, an inmate having less than \$9.00 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 \$9.00 on their inmate account for the previous 45 calendar days is eligible for indigent status.
- C. Any deposit, payroll, commissary return, etc., where money is deposited in the inmate's account, and it exceeds \$8.99, they are no longer indigent. The 45 days starts again the next time the balance is under \$9.00.
- D. 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).

- E. Indigent status shall include mail privileges, personal hygiene items, duplication of personal legal papers, ID cards, and writing materials.
- F. Indigent status determined under this chapter shall apply to charging 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 apply to such requests.
- G. Misuse or abuse of indigent status shall subject the inmate to disciplinary action.

01.02 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 FD03) have a note attached to the correspondence:
 - 1. containing the court/attorney, case number; and
 - 2. an explanation of why the additional postage is required.
- F. The mail unit staff shall honor reasonable requests and shall enter the reason for additional postage in the inmate's mail file.
 - 1. The reasonable request shall be the amount of postage necessary to mail the item.

01.03 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 an empty tube);
 - 3. soap (one time per week);
 - 4. a small comb (as necessary);
 - 5. a disposable razor (one time per week); and
 - 6. feminine hygiene items (female inmates only).
- B. Level 1 and 2 inmates shall receive either a razor or access to a razor, depending upon their housing location or Privilege Matrix Level (PML).
- C. The OMC/designee shall ensure that the inmate receives personal hygiene items.

01.04 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. the 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 the 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.

01.05 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/PML.

01.06 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.

01.07 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 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 GRAMA, this chapter, AC28 - Implementation of GRAMA Requirements.
- C. FB10 - Inmate Record Files.
- D. 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.