

Adequate Access: The Role of the Law Library in Serving System Impacted Communities

Ithaka S+R requests \$288,512.52 for a 24 month applied research grant that will examine the national landscape of law library access for people who are incarcerated, and the current state of the field of law librarianship in facilitating access to the law for those impacted by the legal system, both inside and outside of the prison. This National Leadership Grant will advance Goal 2, Objective 1 by exploring and answering the following research questions: **1)** What service models have Departments of Corrections (DOC) used to comply with their legal obligation to provide access to legal information to people in prison? **2)** How do these models compare, and which are most effective? **3)** How are law librarians currently facilitating access to the law for system impacted individuals and communities? **4)** What training and resources are needed to support law librarians in providing effective and equitable services?

Project Justification The United States incarcerates more people than any other country in the world. For individuals impacted by the legal system, access to the law is of critical importance. A series of Supreme Court rulings, notably *Bounds vs. Smith* (1977) and *Lewis vs. Casey* (1996), have established a limited right for people in prison to access the law, but did not define standards or means of access, leading DOCs to adopt a patchwork of approaches. Most, however, have sought to meet these legal requirements by providing incarcerated persons with some form of access to a *law library*.

Through Ithaka S+R's current IMLS funded planning grant, it has become clear that access to the law is a topic of high priority, especially among those who have been incarcerated. Our interviews and focus groups have revealed a variety of service models (and gaps) by which people in prison are provided access to legal information: e.g. in-house law libraries, reference by mail to county law libraries, hiring professional law librarians, and "train the trainer" models which seek to train incarcerated individuals themselves as legal reference clerks. Not surprisingly, these diverse efforts are supported by a variety of funding models with significant implications for access, quality, and equity. Despite this variety, we know little about the efficacy of these models. Likewise, the law librarian profession itself has shown wide variation in its awareness and knowledge of best practices to provide high quality services to this particular patron group. Given the variety of approaches, lack of research identifying effective models and practices, as well as the importance of access to legal information for system impacted communities, the time is ripe for addressing these critical questions.

Project Work Plan This project will be implemented along three main research phases, with opportunities for public engagement throughout, as well as a final synthesis and dissemination phase, 24 months in total. This work will include: desk research, including a **policy scan** of the DOC directives across the country that establish how access to legal information is provided, **semi-structured interviews** with people who are currently or formerly incarcerated, as well as with representatives from legal aid groups, to determine the variation between policy and practice, and **semi-structured interviews** and a **survey** of law librarians to benchmark the capacity of the field to provide services to the justice impacted population.

Phase 1: Project Launch and Preliminary Research (6 months) Ithaka S+R will begin by assembling a project advisory committee of 6 experts, comprising representatives of the law librarian, justice impacted, corrections, and scholarly communities. Diane Rodriguez, former president of the American Association of Law Libraries (AALL), and Darnell Epps, a [formerly incarcerated advocate](#) and Yale Law student, have both agreed to join the committee, and to assist with the recruitment of additional members. The committee will provide guidance on the IRB submission that will govern all participant engagement in the project, support stakeholder outreach, and review all research instruments and project outputs. During this phase we will also begin conducting desk research to surface and synthesize the publicly available information regarding access to legal information and services for people in prison. This landscape review will include a scan of the 50 state DOC directives that establish law library services in their jurisdictions, "inmate handbooks" that may provide more detail regarding individual access and terms of use, as well as relevant articles and white papers. Based on the landscape review, we will publish an **interim report** detailing the range of models by which DOCs provide access to the law.

Phase 2: Semi-Structured Interviews (8 months) Understanding the difference between policy and practice, as well as what contributes to or thwarts the effectiveness of different models of service provision, will be

essential to the success of this project. To document existing practices, and to gather perspectives on what is currently working, Ithaka S+R will leverage its extensive networks in the justice impacted, advocacy, and corrections communities to recruit (ca. 30) subjects to participate in a series of semi-structured interviews from the following stakeholder groups: currently or formerly incarcerated persons, especially those who served as law library clerks, or less formally as “jailhouse lawyers;” representatives from legal aid and advocacy groups; law librarians employed by the DOC, and other relevant DOC staff. The preceding list is designed to ensure that our project is able to address the multiple dimensions of the question of access. Ithaka S+R will develop interview protocols, tailored to each stakeholder group, to facilitate guided conversation addressing the following topics: **1)** the logistics and costs of accessing the law library; **2)** the quality of legal information provided; **3)** the adequacy of access to training or legal professionals; **4)** the availability of specialty assistance (e.g. for persons with disabilities, limited English proficiency, etc.); **5)** the overall level of satisfaction with the service. Ithaka S+R will synthesize and publish these findings in a **companion report** and publicize its findings through a **webinar** and **conference presentations**.

Phase 3: Survey of Law Librarians and Dissemination (10 months) Law libraries and librarians play a critical role in providing the broader public with access to legal information, yet the extent to which these professionals are equipped and empowered to serve persons and communities impacted by the criminal justice system is unclear. The project’s final research phase will expand its focus to include the perspectives of the broader field, not just those currently providing services to persons in prison. In doing so, we hope to document the broader profession’s positions on a series of basic questions: **1)** general awareness of impacted individuals and communities’ needs; **2)** knowledge of best practices and service models for serving impacted populations; **3)** what training and resources are needed to support effective and equitable service delivery. Ithaka S+R will field a **survey of law librarians**, distributed through AALL’s channels and advertised across additional, relevant professional networks, to explore these questions. We will also conduct (ca. 15) follow up interviews with law librarians, including leadership at AALL, for added depth and nuance. In documenting the broader field’s position on these questions, rather than just those already doing the work, we aim to map the untapped potential in the broader field for providing access to the law to impacted communities, as well as the challenges and resources needed to provide such services. Findings will be published in a **report** and presented at **conferences** and **webinars**.

Project Staff: The project will be led by Kurtis Tanaka, Ph.D., Senior Program Manager for Justice Initiatives at Ithaka S+R, with support from a senior analyst and analyst on the Justice Initiatives team. Researcher Makala Skinner, who led Ithaka S+R’s IMLS funded [All Archivists Survey](#), will lend methodological expertise to the survey of law librarians.

Diversity Plan The project we are proposing reflects a commitment to diversity, equity, and inclusion, through its design and anticipated results. We will prioritize the inclusion of justice impacted voices in every project activity, from the assembly of our advisory committee, to the recruitment of our interview subjects. By laying the groundwork to facilitate *access to the law* for incarcerated patrons, our project will meet a crucial equity *and* legal standard for an often neglected population of library users.

Project Results Ultimately, this project seeks to improve access to the law and legal information among people who are incarcerated, and communities impacted by the legal system. It will accomplish this through two primary interventions: First by identifying the main challenges, barriers, and models for providing this access in prisons; Second, by assessing the current state of the field of law librarianship related to providing access to the law to impacted communities, and by surfacing the training and resource needs of law librarians. This research will thereby provide policymakers, advocates, and library professionals with comparative information on the effectiveness of different service models, as well as the training and resource needs of law librarians to provide this service.

Budget Summary We estimate that this project will cost a total of \$288,512.52 over a grant period of 24 months, including \$147,676.29 in salaries and wages, 47,256.41 in fringe benefits, \$9,000 for travel, \$15,000 for honoraria to compensate advisors and support formerly and currently incarcerated patrons’ participation in the project, \$3,000 in transcription costs, and \$66,579.81 for indirect costs (negotiated rate 30.0%).