



CHAIRMAN'S MEMORANDUM

NO. 5-2003 FEBRUARY 24, 2003

TO: SHERIFFS, JAIL ADMINISTRATORS, COMMISSIONERS OF CORRECTION

RE: ELECTRONICALLY MAINTAINED LEGAL REFERENCE MATERIALS

Pursuant to 9 NYCRR §703.1.4, each local correctional facility is required to maintain, within the facility, certain legal reference materials for prisoner use. Since this standard became effective December 15, 1977, it is doubtful that the drafters anticipated the availability of such materials via CD-ROM, the Internet, or other electronic means, and as such there is no mention of the same. Nevertheless, it has been the Commission's position that local correctional facilities may indeed provide access to legal reference materials by the Internet, CD-ROM, or other electronic means, as long as such access is equal to or greater than that of a law library composed entirely of books.

The Commission acknowledges that, especially for smaller county jails, maintaining an up-to-date law library of required legal reference materials can result in a significant expense. In many instances, the decision of a facility to provide a portion of the legal reference materials by electronic means can result in a significant decrease in this expense. However, please be advised that the Commission's Office of Counsel has accessed and examined most, if not all, of the available electronic legal research services, and has yet to find a service that provides all of the legal reference materials required to be kept in the facility. In addition, the Office of Counsel has determined that some available services fulfill many more of the requirements than others. For this reason, I would strongly encourage any facility currently exploring the option of electronically maintained legal reference materials to contact Brian M. Callahan, Esq. of the Commission's Office of Counsel for guidance.

Alan J. Croce, Chairman/Commissioner

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