


POLICY TITLE: LEGAL RIGHTS OF PRISONERS		PAGE 1 OF 2
POLICY NUMBER: 19.1		
CHAPTER 19: PRISONER RIGHTS		
	STATE of MAINE DEPARTMENT OF CORRECTIONS	PROFESSIONAL STANDARDS:
	Approved by: <u><i>Martin Magnusson</i></u> Signature of Commissioner	See Section VII
EFFECTIVE DATE: October 12, 2004	LATEST REVISION: September 30, 2008	CHECK ONLY IF APA []

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

II. APPLICABILITY

All Departmental Adult Facilities

III. POLICY

Staff at each facility shall ensure that the legal rights of prisoners are protected.

IV. CONTENTS

Procedure A: Legal Rights of Prisoners
 Procedure B: Staff Responsibilities

V. ATTACHMENTS

None

VI. PROCEDURES

Procedure A: Legal Rights of Prisoners

1. Prisoners have legal rights, which include, but are not limited to, reasonable access to:
 - a. Confidential visits with their attorneys and representatives of legal advocacy organizations, as set out in Policy 21.4, Prisoner Visitation.
 - b. Confidential telephone calls with their attorneys and representatives of legal advocacy organizations, as set out in Policy 21.3, Prisoner Telephone System;

- c. Confidential correspondence with their attorneys and representatives of legal advocacy organizations, as set out in Policy 21.2, Prisoner Mail;
- d. Legal Materials, as set out in Policies 15.1 – 15.4 - Special Management, and 24.4, Library Services, General Guidelines;
- e. Courts to challenge the legality of their convictions or sentences or the conditions of their confinement, as set out in Policy 21.2, Prisoner Mail).

Procedure B: Staff Responsibilities

1. Staff shall take steps necessary, as outlined in relevant policies, procedures, and practices, to assist prisoners in exercising their legal rights.
2. Staff shall report suspected violations of the legal rights of prisoners to the Chief Administrative Officer, or designee. If, after review by the Chief Administrative Officer, or designee, it is determined that a violation might have occurred, all information regarding the violation shall be reviewed by the Chief Administrative Officer, who shall decide if further investigation or action is required.
3. Staff shall not impose or threaten to impose any penalty on a prisoner for exercising a legal right or for reporting a violation of a legal right.
4. If, for any reason, a prisoner is prohibited or restricted in the exercise of a legal right, the staff prohibiting or restricting the exercise of the right shall document what right was involved and why its exercise was prohibited or restricted. The report shall be forwarded to the staff member’s immediate supervisor, with a copy to the Chief Administrative Officer.

VII. PROFESSIONAL STANDARDS

ACA:

- 4-4274 **Written policy, procedure, and practice ensure the right of inmates to have access to courts.**
- 4-4275 **Written policy, procedure, and practice ensure and facilitate inmate access to counsel and assist inmates in making confidential contact with attorneys and their authorized representatives; such contact includes, but is not limited to, telephone communications, uncensored correspondence, and visits.**
- 4-ACRS-6A-01 **Offenders have access to counsel and confidential contact with attorneys and their authorized representatives. Contact includes, but is not limited to, telephone communications, uncensored correspondence, and visits.**
- 4-ACRS-6A-02 **Offenders have access to the courts and to a law library.**

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