


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: See Section VII
	Approved by: <u><i>Martin Magnusson</i></u> Signature of Commissioner	
EFFECTIVE DATE: October 12, 2004	LATEST REVISION:	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 (see Policy 21.4, Prisoner Visitation)
 - b. Confidential telephone calls with their attorneys and representatives

of legal advocacy organizations (see Policy 21.3, Prisoner Telephone System);

- c. Confidential correspondence with their attorneys and representatives of legal advocacy organizations (see Policy 21.2, Prisoner Mail);
- d. Legal Materials (see Policy 15.2, Disciplinary Segregation and 24.4, Library Services, General Guidelines);
- e. Courts to challenge the legality of their convictions or sentences or the conditions of their confinement (see 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: 2-CO-3C-01, 3-4262, 3-4263, 3-4264, 4-ACRS-6A-01, 4-ACRS-6A-02

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