



Cumberland County Sheriff's Office Standard Operating Procedure

Title: Inmate Rights, General	No: F-100
Effective Date: October, 2018 Last Review: October, 2018	Distribution: Corrections Personnel
Review Date: October 2019	Number of Pages: 3
Rescinds: September, 2007	Accreditation Standard: 4-ALDF-6A-06-08, 6C-19
Associated With: N/A	Approved by: <i>Kevin J. Joyce</i> <i>*Electronic signature date: 10/27/2018</i> Sheriff's Signature

Policy F-100 Inmate Rights, General

Federal and state courts have handed down numerous decisions affirming the constitutional rights of inmates in our jail systems. These decisions have consistently held that officials responsible for correctional and detention facilities can be held civilly liable for facilities and practices which deny or contradict the constitutional rights of inmates in their custody.

Officers of the Cumberland County Jail commit themselves to practices necessary to guarantee inmates their rights. Inmate rights include rights consistent with the constitutional provisions of the United States and the State of Maine, as interpreted by the courts. The Jail Administrator is responsible for familiarity with these court decisions, and for communicating them to other officers.

DEFINITIONS:

Inmate Rights: Conditions of confinement and benefits which have been established by the courts as minimum requirements for the housing and handling of inmates. Rights have been established through court interpretation of constitutional guarantees, and address such areas as access to the courts, physical conditions of confinement, food, free speech and association, mail, visiting, due process, disciplinary proceedings, sanitation, hygiene, exercise, health care and freedom of religion.

PROCEDURE A Inmate Rights, General

1. The Jail Administrator will regularly review recent court cases and detention standards. This will be for the purpose of maintaining the facility state and federal standards. Any issue at the Cumberland County Jail that does not fall within the standards set, will be corrected by the Jail Administrator or his/her designee.



2. The Training Unit will ensure that all officers receive training (at least annually) in inmate rights.
3. Inmates have certain rights relative to their conditions of confinement. Pursuant to other policies in this manual, staff will ensure the following rights are granted. These rights include access to the following:
 - A. Supervision in all aspects of institutional life by staff, not inmates.
 - B. Cell housing or closely supervised pods, with the specific type of housing assignment depending on the inmate's classification and the type of housing available in the jail.
 - C. Clean and orderly surroundings.
 - D. Adequate toilet, bathing, and laundry facilities
 - E. Adequate lighting, heating, and ventilation.
 - F. Living conditions that are in compliance with state, federal, and local fire and safety regulations.
 - G. A nutritionally adequate diet.
 - H. Clean, fitted, and seasonable clothing
 - I. A reasonable effort shall be made to maintain the privacy and dignity of all inmates. This shall include but not be limited to, providing covering for inmates whose privacy has been compromised due to lack of adequate clothing. This shall apply to all inmates at all times, including upon arrival, during incarceration, and upon release.
 - J. A dignified conversational form of address, by last name rather than by number.
 - K. Participation in the classification process.
 - L. Personal grooming choices regarding appearance, limited only by jail requirements for safety, security, I.D., or hygiene.
 - M. Protection of legitimate property and financial interests through a power of attorney; no inmate will be permitted to conduct a business of any type while in confinement.
 - N. Right to grieve issues without reprisals.
 - O. Right to Adequate medical treatment.
 - P. Right to Access to the courts.
 - Q. Right to Freedom of religion, subject to the restrictions justified by law under the Religious Freedom Restoration Act.
 - R. Inmates shall be permitted reasonable access to their files and records pursuant to M.R.S.A. Title 1 sections 402 and 408.
 - S. Freedom from unreasonable searches of person or property.
 - T. Foreign national inmates shall have access to the diplomatic representative of their country of citizenship. The respective representative's telephone number can be found on the Pod bulletin board.

- U. Inmates shall have the right to get married after approval by proper authority. Federal and ICE authorities will be notified prior to any of their detainees getting married.
- V. Under Detention Standards governing U. S. Immigration and Customs Enforcement, all ICE detainees will have access to Immigrant Legal Advocacy Project (ILAP) via the inmate telephone system at no cost to the detainee. The telephone number is 207-780-1593.
- W. Pro-bono legal groups and Non-Governmental Organizations (NGO) may wish to provide pamphlets, posters, or other legal reference materials to detainees. In some instances these organizations want to provide materials to be placed in the facility law libraries. It is required that ICE review and approve these materials before they are provided to U.S. Immigration and Customs Enforcement (ICE) detainees.