

POLICY TITLE: ACCESS TO LEGAL RIGHTS		PAGE 1 OF 2
POLICY NUMBER: 14.1		
CHAPTER 14: RESIDENT RIGHTS		
	STATE of MAINE DEPARTMENT OF CORRECTIONS Approved by Commissioner: 	PROFESSIONAL STANDARDS: See Section VII
	EFFECTIVE DATE: February 1, 2002	LATEST REVISION: November 9, 2017

I. AUTHORITY

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

II. APPLICABILITY

All Departmental Juvenile Facilities

III. POLICY

Staff at each juvenile facility shall ensure that residents have the means to access their legal rights.

IV. CONTENTS

Procedure A: Access to Legal Rights
Procedure B: Staff Responsibilities

V. ATTACHMENTS

None

VI. PROCEDURES

Procedure A: Access to Legal Rights

1. Residents 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, including, but not limited to, the American Civil Liberties Union (ACLU) of Maine, GLBTQ Legal Advocates & Defenders (GLAD),

Maine Equal Justice Partners (MEJP), Disability Rights Maine (DRM), NAACP Legal Defense Fund, and the National Lawyers Guild;

- b. confidential telephone calls with their attorneys and representatives of legal advocacy organizations, including, but not limited to, the American Civil Liberties Union (ACLU) of Maine, GLBTQ Legal Advocates & Defenders (GLAD), Maine Equal Justice Partners (MEJP), Disability Rights Maine (DRM), NAACP Legal Defense Fund, and the National Lawyers Guild;
- c. confidential correspondence with their attorneys and representatives of legal advocacy organizations, including, but not limited to, the American Civil Liberties Union (ACLU) of Maine, GLBTQ Legal Advocates & Defenders (GLAD), Maine Equal Justice Partners (MEJP), Disability Rights Maine (DRM), NAACP Legal Defense Fund, and the National Lawyers Guild;
- d. confidential correspondence with the courts;
- e. legal materials; and
- f. courts to challenge the legality of their adjudications or dispositions or the conditions of their confinement.

Procedure B: Staff Responsibilities

- 1. Staff shall take steps necessary, as outlined in relevant policies, procedures, and post orders, to assist residents in exercising their legal rights.
- 2. Staff shall report suspected violations of the legal rights of residents to the Deputy Superintendent of Operations, or designee. If after a review by the Deputy Superintendent of Operations, or designee, it is determined that a violation might have occurred, all information regarding the violation shall be forwarded to the Superintendent, who shall decide if further investigation or action is required.
- 3. Staff shall not impose or threaten to impose any penalty on a resident for exercising a legal right or for reporting a violation of a legal right.
- 4. If for any reason a resident 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 forwarded to the Superintendent.

VII. PROFESSIONAL STANDARDS:

ACA:

4-JCF-3A-01 Juveniles have access to counsel, confidential contact with attorneys, their authorized representatives, the courts, and to legal material. Contact includes, but is not limited to, telephone communications, uncensored correspondence, and visits.

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