

# MAINE STATE PRISON



## *PRISONER HANDBOOK*

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# MAINE STATE PRISON **PRISONER HANDBOOK**

The MAINE STATE PRISON is a maximum-security male correctional facility that provides a variety of programs and services within a supervised environment. This Prisoner Handbook is designed to provide prisoners with an overview of information regarding programs, services, custodial and supervision issues. It is important that all prisoners are informed regarding treatment and work program goals, available services, security rules and regulations.

Treatment programs include Medical and Mental Health counseling, Education, Pastoral and Recreation activities. Work Programs in Industries include Upholstery and Wood Shop. Work programs in institutional services include Kitchen, Housing and Laundry. Both programs provide employment and skills development.

Institutional Services include Business Services, Canteen and Mailroom. This handbook is primarily intended to serve as a guide for prisoners assigned to General Population status.

Prisoners assigned to the Special Management Unit may be governed by additional rules and/or restrictions based on specific security requirements. Additional information regarding prisoners assigned to the Special Management Unit is contained within this handbook.

The information contained in this book is intended as a guide and may periodically be updated or may contain errors. This handbook is not intended to provide all the answers to the many questions that may arise. If you have questions please refer to the Prisoner Communication Contact List and address them to the appropriate Correctional staff person.

Security and discipline play a major role in providing a safe and orderly facility. Each prisoner should ensure that they are well informed as to the rules and regulations of this facility. You are subject, by law, to the authority of the Department of Corrections. You must comply with the rules of this facility even if you have not been sentenced. You are responsible for familiarizing yourself with the contents of this handbook. This handbook will assist you in determining what your obligations are and what programs and services are available to you.

This administration will attempt to keep prisoners informed when necessary in order to prevent confusion and inconsistency.

Warden Rodney Bouffard

# UNIT MANAGEMENT

The Maine State Prison is organized under a plan of Unit Management. There are three separate housing units, Medium, Close and Special Management, each with individual pods.

Through Unit Management each housing unit operates semi-independently under the guidance and authority of the Warden. In addition the Unit Teams collaborate with and report to Deputy Warden of Program Services to accomplish Unit Management objectives.

The Unit Team is comprised of the Unit Manager, Zone Supervisors/ Sergeants, Caseworkers, Correctional Officers, Correctional Care & Treatment Workers, Psychiatric Social Worker and the Unit Clerk. The Unit Team manages and coordinates all aspects of your daily activities while you are at MSP. The Team conducts classification hearings, supervises unit operations and enforces rules and regulations as well as the implementation of policy and procedure. The individual Unit Teams are also responsible for planning and implementing Individual Case Plans (ICP) for the prisoners.

Any problems that prisoners encounter should be addressed through the Prisoner Communication Contact list found within this Handbook, with assistance from your Unit Team.

**MAINE STATE PRISON**  
**SECURITY PERIMETER FENCE WARNING**

The Maine State Prison is secured with three (3) perimeter fences. The innermost fence is the zone fence. The intermediate fence is the taut wire fence and the outermost fence is the outer perimeter fence.

Any prisoner observed beyond the zone fence or attempting to get beyond the zone fence will be considered attempting an escape from the facility and will be referred for criminal prosecution as well as be subject to internal disciplinary proceedings.

Any prisoner observed making contact with the taut wire fence, or beyond the taut wire fence will be referred for criminal prosecution and/or may be subject to the use of deadly force to prevent escape.

**ORIENTATION**

It is the policy of the Department of Corrections that each adult facility provides a comprehensive orientation program for each prisoner. The purpose of the orientation is to provide information to the prisoner that will support the goals of unit management and inform the prisoner of programs, services, expectations and appropriate personal conduct.

Within the first 24 hours of arrival at the Maine State Prison you will be given a brief orientation providing you with verbal and written information that you will need to know immediately. Within 7 days of your arrival you will receive an in-depth orientation, which will guide you through your stay at the Maine State Prison.

A Correctional Caseworker or Correctional Care & Treatment Worker will be available to assist you during your confinement at this facility.

**Specific information can be found in Departmental Policy Title: ORIENTATION: 22.3 located in the Prisoner Law Library .**

**IDENTIFICATION CARD**

Upon initial processing into this facility you will be issued a primary Identification Card. (ID) at no charge. This Identification Card must be worn at all times whenever you are out of your cell and surrendered to any Correctional staff person upon request.

- a. The ID must be clipped on shirt pocket or chest area with the picture visible at all times.  
Exceptions to this rule may be made in the Recreation and Industrial areas (you are still required to have your ID with you).
- b. If you lose, misplace, destroy, or alter your ID card, you must immediately report it to your Housing Unit Officer. A five-dollar (\$5) replacement fee may be assessed if your ID is lost, altered or destroyed.
- c. Prisoners are forbidden from having possession of or using any other prisoners ID.

## **PRISONER DISCIPLINE**

You are required to conduct yourself in a responsible, courteous and lawful manner at all times. It is the policy of the Maine Department of Corrections to designate violations of prisoner discipline and dispositions for the purpose of maintaining order within the institution as well as the safety and security of all individuals.

You must obey all lawful orders issued to you by any Correctional staff member. If more than one lawful order has been given, obey the last order issued. Failure to comply with a lawful order or directive may result in disciplinary action.

**Specific Rule violations and their respective sanctions can be found in Departmental Policy Title: Prisoner Discipline, Policy Number: 20.1 located in the Library and within this Handbook.**

## **PRISONER SEARCHES & CONTRABAND**

### **Pat down/Strip Searches**

- a. Pat down searches may be conducted randomly for any reason.
- b. Strip searches will be conducted when Correctional staff determines there is reasonable suspicion that a prisoner has contraband on his person that cannot be retrieved using a less intrusive type of search.
- c. As a matter of routine, strip searches will be performed under the following circumstances:
  - 1) Upon prisoner's admission to the facility.
  - 2) Prior to any transport outside facility and upon return to the facility.
  - 3) Following visits.

***NOTE: All persons, property and areas within the Maine State Prison are subject to search at any time.***

## **CONTRABAND**

Contraband is anything not authorized by proper authority. In general, (but not limited to) an item (s) is contraband if:

- a. It is not listed on the Prisoner Allowable Property List.
- b. It exceeds the allowable limits of the Prisoner Allowable Property List.
- c. It has been altered in any way from its original state, or it has been abused in any way.
- d. It belongs to another prisoner.
- e. It is being used for something other than its intended purpose.
- f. It is being used to conceal unauthorized items.

Failure or refusal to fully comply with the contraband procedure may subject you to disciplinary action.

## **DRUG and ALCOHOL TESTING**

The Department Of Corrections is committed to zero tolerance practices that combat the illegal use of drugs and alcohol by prisoners at the Maine State Prison. While incarcerated at the Maine State Prison you may be required to submit to drug and alcohol testing according to departmental policy.

**Specific rules governing this policy can be found in Departmental Policy Title: DRUG and ALCOHOL TESTING OF ADULT CLIENTS, Policy Number: 20.2 located in the Library.**

## **PRISONER MOVEMENT**

Movement by any prisoner through the institution is permitted only during designated “mass movement” times or with a movement pass.

**NOTE: An institution wide announcement will be made as to the beginning and end of “mass movement”.**

The following are designated as mass movement times:

- a. To and from meals.
- b. To work and from work, at the beginning and at the end of the work period.
- c. To recreation/programs and from recreation/programs, at the beginning and at the end of the recreation period and at designated times throughout the recreation period.

Prisoner movement through out the facility during non-mass movement times shall be accomplished by obtaining a “movement pass” from a correctional staff person authorizing you to go to a specific destination.

It is your responsibility to ensure the pass is presented to the staff person upon your arrival at the designated destination.

Once your business has concluded, you must return directly to the area from which the pass originated unless the work/rec period has ended or unless instructed otherwise.

When moving through the facility, prisoners are required to walk on the right side of the painted line on the outside walkways, and right side of all interior corridors. No more than two (2) prisoners may walk abreast of each other. Running in unauthorized areas of the institution is prohibited.

When moving from one area to another, prisoners will not stop or loiter unless authorized.

Unauthorized movement through the institution may subject you to disciplinary action.

## **INSTITUTIONAL COUNT**

Major institutional prisoner counts are conducted at four specific times each day. All major and emergency counts will be announced institutional wide.

For each count you must:

- A. Be in your assigned cell unless you have specific permission from a correctional staff person to be elsewhere.
- B. Be sitting on or standing by your bed facing the door.
- C. Your cell light must be on at the direction of correctional staff until the conclusion of the count.

***Failure to fully comply with all count procedures may subject you to disciplinary action.***

## DAILY INSTITUTIONAL SCHEDULE

**NOTE:** Times are approximate based on institutional need.

ACTIVITY	START TIME	FINISH TIME
Prisoner WAKEUP, Bugle	05:45	
<b>AM 1 Prisoner Count</b>	<b>05:45</b>	<b>when complete</b>
Breakfast	06:45	07:50
Cell Inspections – All areas	07:00	08:00
Prisoner AM Work/Rec Period	07:50	10:50
Visit Period	08:30	10:30
Recall Bugle	10:50	
Prisoner Mass Movement	10:50	11:00
<b>AM 2 Prisoner Count</b>	<b>11:20</b>	<b>when complete</b>
Lunch	11:35	12:50
Prisoner PM Work/Rec Period	12:50	15:50
Visit Period	13:00	15:00
Recall Bugle	15:50	
Prisoner Mass Movement	15:50	16:00
Dinner	16:00	17:30
<b>PM 1 Prisoner Count</b>	<b>17:40</b>	<b>when complete</b>
Visit Period	18:30	20:30
Pod Activity (work/rec)	18:30	20:55
<b>PM 2 Prisoner Count</b>	<b>21:00</b>	<b>when complete</b>
End of Prisoner Day		

## WEEKLY INSTITUTIONAL SCHEDULE

ACTIVITY	SUN	MON	TUE	WED	THU	FRI	SAT
Medical	X	X	X	X	X	X	X
Central laundry	0	X	X	X	X	X	0
Business Office	0	X	X	X	X	X	0
Mail	0	X	X	X	X	X	0
Education	0	X	X	X	X	X	0
Library	0	X	X	X	X	X	0
Substance Abuse	0	X	X	X	X	X	0
Industries	0	X	X	X	X	X	0
Recreation	X	X	X	X	X	X	X
Canteen	0	0	0	X	0	0	0
Pastoral Services	X	X	X	X	X	X	X

X = Open

0= Closed

## **PERSONAL PROPERTY/PRISONER CLOTHING**

While you are housed at the Maine State Prison, you will be required to wear State issued prisoner clothing and/or authorized personal clothing.

The following requirements for the appropriate wearing of prisoner clothing are as follows:

- a. Trousers must be worn above the hip.
- b. Shirts must be buttoned.
- c. Unauthorized alterations to any clothing are prohibited.
- d. The wearing of any personal headgear while indoors is prohibited.
- e. The wearing of nonprescription sunglasses while indoors is prohibited.
- f. You are responsible for all State items issued to you and must immediately report defective, damaged or unusable items to your Unit Team.
- g. Appropriate footwear must be worn outside of the housing unit. (Shower shoes may only be worn within the pod)
- h. A prisoner's property is retained at the prisoner's own risk. The Department will not be responsible for any property personally retained by the prisoner which is lost, stolen, damaged, consumed or discarded while in the prisoner's cell or on the prisoner's person.
- i. A prisoner's personal property, i.e., radio, T.V., etc., will be permanently marked with the prisoner's name and number. You will be subject to disciplinary action for any alteration of personal property markings.
- j. The prisoner is responsible to secure his personal property in his assigned storage box with padlock when leaving his cell.
- k. It is the prisoner's responsibility to report any stolen personal property by another prisoner to a correctional staff member.

Sweatpants, shorts, T-shirts, and tank tops may be worn throughout the facility except in the following areas, visits, dining halls, and where job assignments prohibit the wearing of such clothing due to safety/sanitation reasons i.e. kitchen and some work sites. The supervisor of each area shall establish what clothing items are allowed to be worn.

When outside of your housing pod all clothing shall be worn in the manner it was designed to be worn, i.e. **the waist of the pants above the hip, shirts and pants buttoned, shirt tucked in.** Shirts are not required to be tucked in while inside your housing pod. Except when in your cell or in the shower, you must be clothed at all times. Sunbathing is prohibited.

**Specific rules governing this policy can be found in Departmental Policy Title: PRISONER PERSONEL PROPERTY, Policy Number: 10.1 located in the Library and within this Handbook.**

**Disposal of contraband property will be done in accordance with Department policy.**

## **SAFETY & SANITATION**

### **A. Personal Safety**

1. If you believe that your safety or health or that of another person is at risk, immediately report your concerns to any staff member. The Maine Department of Corrections and this facility are committed to ensuring everyone's safety.

### **B. Fire Safety**

For Health, Fire and Safety reasons:

1. You are not permitted to have any flammable liquids or other materials, which pose a safety, health or fire hazard in your possession. You are expected to comply with instructions pertaining to accountability and use of tools and hazardous materials.
2. You must familiarize yourself with the fire exits in all areas of the institution you may travel through. Fire exit evacuation plans are posted in all buildings within the institution.
3. You must cooperate fully with any fire drill as directed by correctional staff.
4. State law and institutional regulations prohibit you from tampering with or blocking any locking device, door, fire alarm, smoke alarm, heat sensor, electrical outlet or any other safety device.
5. You are prohibited from causing a false alarm.
6. **Smoking is prohibited at the Maine State Prison.** You are prohibited from the use and possession of all tobacco products and/or tobacco related devices.

### **C. Sanitation**

You are expected to maintain a satisfactory level of personal and living area hygiene.

**Specific information governing this policy can be found in Departmental Policy titles: Sanitation and Hygiene, 17.1 and Personal Hygiene, 17.2 available in the Library.**

## **LAUNDRY SERVICES**

Laundry services are available to all prisoners. The Maine State Prison Laundry will clean all state clothing, linens and bedding for prisoners.

Prisoners assigned to the Medium, G-Pod housing unit are provided with in-pod washing machines and dryers to launder clothing.

## **CANTEEN**

The Maine State Prison offers contracted canteen services. Hygiene items, a variety of food items, and approved property items are available for purchase through a kiosk system in each pod. Day and time of weekly order deliveries can be obtained through Unit staff.

Special Order items (e.g. guitars, video game systems, music CDs, etc.) are acquired through a Central Property ordering system.

## **FOOD SERVICE/DINING FACILITY**

The Maine State Prison is committed to providing prisoners with nutritious meals served under sanitary conditions. In addition, this facility will provide prisoners who have a legitimate healthcare or religious based need, a special diet to fulfill those dietary needs.

**Specific information governing this policy can be found in Departmental Policy Title FOOD SERVICE MANAGMENT, Policy Number: 16.1, 16.2,16.3 located in Library.**

### **While in the Dining Facility you must be:**

1. Dressed appropriately and conduct yourself in a courteous and orderly manner at all times.
2. You may talk with people near you in the food line and with people at your table.
3. Cutting in line is not permitted.
4. You are allowed only **one tray** of food from the serving line per meal. Waste or misuse of state food may subject you to disciplinary action.
5. All food must be consumed in the Dining Facility. No items may be taken into or from the Dining Facility.
6. You will have twenty (20) minutes to eat your meal.
7. You must take your tray; silverware, cup, bowl and any refuse to the designate area after you finish your meal.
8. You must leave the Dining Hall after you finish eating.

## **GENERAL POPULATION HOUSING UNIT REGULATIONS**

Unit specific housing regulations shall be posted and/or available in each pod.

All prisoners will be required to display an I.D. in their cell door window.

**PRISONER GRIEVANCE POLICY**

The purpose of this policy is to establish a process for reviewing and resolving grievances brought by prisoners. Prior to a prisoner filing most lawsuits, the prisoner must attempt to resolve his complaint by using this process.

\*\*Prior to filing a grievance you are required to attempt an informal resolution with the supervisor having jurisdiction in that area of concern.

**Listed below are the supervisors with jurisdiction for various grievance issues.**

Prisoner Accounts .....	Business Office
Restitution Deductions.....	Business Office
Restitution Set Up.....	Classification Officer
IBF .....	Business Office
Staff Action/Decision.....	Employee’s Immediate Supervisor
Staff Abuse/Excessive Force .....	Employee’s Immediate Supervisor
Food .....	Food Service Manager
Religious Issues .....	Chaplain
Education .....	Teacher
Library Services .....	Librarian
Recreation .....	Recreation Supervisor
Canteen Services.....	Asst. Prison Steward (Kent Moshier)
Medical/Mental Health .....	Health Services Administrator
Mental Health Stabilization Unit .....	Mental Health Director
Prisoner Administrative Records .....	Assistant Classification Officer
Prisoner Case Management Records .....	Caseworker/CCTW
Goodtime.....	Classification Officer
Substance Abuse .....	Substance Abuse Counselor
Visits .....	Visit Sergeant
Prisoner Mail.....	Mail Clerk
Packages.....	Property Officer
Allowable Property .....	Property Officer
Unit Property Issues.....	Zone Supervisor/ Unit Manager
Media Review .....	Media Review Sergeant
Telephone.....	Caseworker/CCTW
Sanitation .....	Area Supervisor
Safety .....	Area Supervisor
Laundry .....	Industries Manager
Drug Testing .....	Shift Commander

**Specific procedures governing this policy can be found in Departmental Policy Title: GRIEVANCE PROCESS, GENERAL, 29.1 & GRIEVANCE PROCESS, MEDICAL AND MENTAL HEALTH CARE, 29.2 located in the Library and within this Handbook.**

## **PRISONER VISITATION**

### **Application Process**

- No visitor except immediate family members shall be on more than one (1) prisoner's visit list.
- Immediate family includes spouse, natural, foster or adoptive mother, father, son, daughter, grandfather or grandmother, grandchild, brother or sister, or step-mother, step-father, step-son, step-daughter, step-grandfather or step-grandmother, step-grandchild or step-brother or step-sister.
- Visitor Clearance Forms can be obtained from the prisoner that you wish to visit, from the Lobby Officer, Maine State Prison, or from the **Maine State Prison Visits Website:**  
**<http://www.maine.gov/corrections/facilities/msp/MSPVisiting.htm>**
- Fill out an application, only one name per application.
- Make sure that you sign the application and return it to the Maine State Prison, **Attention: Visits, Maine State Prison.**
- Clearances may take up to six (6) weeks for processing. It may take longer if an applicant has a criminal record.
- Family members as defined above may be granted NON-CONTACT visits prior to being cleared for CONTACT visits.
- A minor visitor must have an application completed on their behalf and must be accompanied at the visit by an immediate family member or legal guardian who is an adult. An adult who is not an immediate family member or legal guardian may also be allowed to bring in a minor visitor with written permission of the parent(s) having legal custody or the legal guardian of the minor and with the prior approval of the Chief Administrative Officer.

**NOTE** - The Maine Department of Corrections policies for prisoner communications have been revised to include the following; "a prisoner who is convicted of/or otherwise known to have committed a domestic violence offense against a person" shall not be allowed to contact the victim through mail, telephone, or visits "without prior approval of the Commissioner or designee". This recent policy revision supersedes any previously approved Visitor Application.

**NOTE** - The Maine Department of Corrections policies for prisoner communications have been revised to include the following; "a prisoner who is convicted of/or otherwise known to have committed a sex offense or child abuse against a minor" shall not be allowed to contact the victim through mail, telephone, or visits "without prior approval of the Commissioner or designee". This recent policy revision supersedes any previously approved Visitor Application.

### **VISIT TIMES**

Approved visitors will be permitted "walk-in visits" for prisoners with contact visit status. A prisoner must be within his allotted number of visits per week. **Note: The Warden may require a prisoner with contact visit status to have his visits scheduled in advance.**

A prisoner's approved visitors are allowed to visit the prisoner during all visit periods of a day, however these visits will count towards the prisoner's allowable number of visits per week, i.e. **Medium Unit prisoners are allowed 4 visits per week and Close Unit prisoners are allowed 3 visits per week and Special Management prisoners are allowed 1 non-contact visit per week.**

**1) Hours of Walk-In Visits:**

Sunday – Thursday – Friday - Saturday  
8:30 a.m. to 10:30 a.m.  
1:30 p.m. to 3:30 p.m.  
\*6:30 p.m. to 8:30 p.m.

\*Only for general population prisoners housed in the Close Custody Unit and Medium Custody Unit

**2) Scheduling of Non-Contact Visits**

Approved visitors must pre-schedule visit appointments for prisoners on non-contact visit status. A prisoner must be within his allotted number of visits per week. Visit appointments must be made by telephone only. Visitors may telephone (207) 273-5302 from 8:30 a.m. to 11:00 a.m. and from 2:00 p.m. to 5:00 p.m.; Monday, Tuesday, and Wednesday only. **Note:** Visitors may no longer schedule visit appointments by email. It is the responsibility of the prisoner to notify friends and family members of any change in their visit status.

**Appropriate Attire**

The following items are considered inappropriate attire for the Maine State Prison and will **not** be allowed:

- Any clothing that reveals undergarments or cleavage.
- Camouflage
- Flip-flops and other open-toed footwear
- Headgear of any kind, i.e. hats, bandanas etc
- Hooded sweatshirts/shirts
- Jackets or outer attire
- Midriff-bearing shirts
- Scarves
- See through, mesh and fishnet articles
- Shorts/skorts
- Sleeveless shirts
- Spandex, or other tight fitting clothing
- Unbuttoned, or unzipped outer shirts
- No ripped or torn clothing

Skirts and dresses shall be no shorter than just above knee length. Open back shoes are acceptable as long as a barrier (socks/nylons) is worn.

Sweaters are permitted as long as they are fully worn, with any zippers/buttons fastened. Children shall also be appropriately attired.

Consider where you are visiting, failure to follow the appropriate attire directive may result in termination of your visit.

**NOTE- Attire requirements are subject to change.**

### **M.R.S.A. TITLE 17-A, SECTION 757**

A person is guilty of **TRAFFICKING IN PRISON CONTRABAND** if:

- That person intentionally conveys or attempts to convey contraband to any person in official custody; or,
- Being a person in official custody, he intentionally makes, obtains, or possesses contraband.

Contraband, for the purpose of this section, is defined as a dangerous weapon, any tool or other thing that may be used to facilitate escape or any other thing that a person confined in official custody is prohibited by statute from making or possessing. Examples of contraband are: weapons, cutting blades, files, drugs, including marijuana, and alcohol. Punishment may include imprisonment for up to 5 years.

### **M.R.S.A. TITLE 17-A, SECTION 757-A**

A person is guilty of **TRAFFICKING OF TOBACCO** in adult correctional facilities if:

- That person intentionally conveys or attempts to convey tobacco or tobacco products to a person confined in an adult correctional facility that has banned the use of tobacco or tobacco products by prisoners; or
- That person is confined in an adult correctional facility that has banned the use of tobacco or tobacco products by prisoners and the person intentionally obtains or possesses tobacco or tobacco products.

**ALL MAINE DEPARTMENT OF CORRECTIONS FACILITIES HAVE BANNED THE USE OF TOBACCO OR TOBACCO PRODUCTS BY PRISONERS.**

**Punishment may include imprisonment for up to 6 months.**

### **VISIT ROOM RULES**

- Nothing will be passed between the visitor and prisoner.
- With contact visits, a visitor and prisoner may embrace or kiss briefly at the beginning and end of the visit. Prisoners and visitors may hold hands during the remainder of the visit. The hands of the prisoner and visitor must be visible at all times. Unless otherwise restricted, prisoners may hold their minor children in their laps.
- There shall be no profane or loud language.
- Electronics are not allowed in the Visit Room, including but not limited to cell phones, games etc.
- Prisoners and visitors are not allowed to move around the visit room or converse with other prisoners.
- Food, drinks, toys, candies and gum from the outside are not allowed in the visit room. Clear baby bottles and clear training cups for infants and toddlers are permitted. Also allowed into the visit room for the care of infants and toddlers, is one diaper and a small amount of wipes.
- Outer clothing/apparel is not allowed into the visit room. Sweaters are permitted as long as they are fully worn, with any zippers/buttons fastened. Lockers are available in the Lobby to store items.

- The prisoner or visitor will carry no articles into the visit room. No prisoner property or funds will be accepted by staff in connection with a visit.
- All visitors are required to dress in a reasonable fashion to ensure the good order of the visiting room. Please refer to Appropriate Attire area of this guide for information. In instances where clothing worn by a visitor comes into question, the Visiting Sergeant or Shift Commander will make the determination if the visitor will be permitted to visit. If the visit is not allowed, the visitor will be advised to leave the property.

**Additional information for Prisoner Visitation is available in the Prisoner Visitation Policy, 21.4 located in the Prison Library.**

## **CLASSIFICATION SYSTEM**

The Department of Corrections and the Maine State Prison employ a Classification System that supports staff efforts to identify, evaluate and appropriately determine risk factors as well as the appropriate care and treatment of prisoners.

### **A. Reception Classification Committee**

The Reception Classification Committee will be responsible for initial intakes at a designated intake and reception facility. The primary focus of this committee is to receive, process and classify newly committed prisoners to the Maine Department of Corrections.

### **B. Unit Management Team Classification**

After initial intake classification the Unit Management Team will review and assess each prisoner's classification status as well as issue cell assignments, job placement, needs assessment, risk evaluation, and program participation.

**Specific information governing this policy can be found in Departmental Policy Title: CLASSIFICATION and CASE MANAGEMENT, Chapter 23, Policy Number 23.1 located in the Library.**

## **LIBRARY SERVICES**

This facility provides prisoners with reasonable opportunities to access library services, which includes legal research and recreational reading materials. The Library is located in the activities building.

**Specific information governing this program policy can be found in Departmental Policy Title: LIBRARY SERVICES, Chapter 24, Policy Number: 24.4 located in the Library.**

## **RELIGIOUS SERVICES**

The Maine State Prison will attempt to accommodate any prisoner who expresses a desire to practice a religion of their choice (as recognized by the Maine State Prison) provided this does not present a threat to safety, security or the orderly management of the facility.

Each recognized religious group has one study period and one religious service/ceremony. The recognized practices are as follows: Christian (Catholic & Protestant), Buddhists, Hindu, Jehovah Witness, Judaism, Muslim, Native American, Odinism, Pagan, and Wiccan. Other activities: Yokefellows, Spiritual Counseling, Pastoral Visits, Kairos Weekends, and reunions, Bible Study, and band practice. Schedules for all services are posted. The Chaplain participates in new prisoner orientation.

A limited and pre-approved list of religious items that are allowed is available through the Chaplain's office. These items may be purchased at the prisoner's expense through approved vendors only.

**Specific information governing this policy can be found in Departmental Policy Title: RELIGIOUS SERVICES, Chapter 24 Policy Number: 24.3 located in the Library.**

### **MARRIAGE.**

Marriages by prisoners will be allowed in accordance with Departmental Policy. For further information contact your assigned Caseworker or Correctional Care & Treatment Worker.

**Specific information governing the PRISONER MARRIAGE policy can be found in Departmental Policy Title: PRISONER Marriages, Chapter 24 Policy Number: 24.7 located in the Library.**

### **HEALTH CARE SERVICES.**

This Facility will ensure that necessary health care services are administered to prisoners regardless of their ability to pay. A system of health care services has been put in place to ensure a responsible health care authority addresses all levels of health care and provide for the physical and mental well being of the prisoner population.

#### **Prisoner Co-Pay**

- A. A fee for medical and dental visits, prescription medications and prosthetic devices shall be charged to prisoners and all such fees collected shall be retained by the facility to offset the cost of medical and dental care.
- B. No prisoner shall be denied necessary health care as a result of the inability of the prisoner to pay.
- C. Unless specifically exempted by policy, all prisoners shall be assessed a fee of \$ 5.00 for each medical or dental visit and \$ 3.00 for each prescription, non-prescription medication and prosthetic device.
- D. Prisoners receiving services initiated by facility staff are exempt from co-pay fees.

#### **Medical and Mental Health Services**

- A. If you have an emergency medical or mental health issue, immediately notify any Correctional Staff person. Emergency response is available 24 hours every day and will be assessed by a qualified medical professional.
- B. Routine access to Medical, Dental, Optical and Mental Health Care services is accomplished by submitting a medical services request form.
- C. The Health Services Request Box (Medical Box) is located in your Housing Unit.
- D. Medical staff will collect health services requests daily and you will be notified of your appointment.

**Specific information governing the HEALTH CARE SERVICES policy can be found in Departmental Policy Title: GOVERNANCE AND ADMINISTRATION, Chapter 18 Policy Number: 18.1 located in the Library.**

See also Prisoner Health & Hygiene Guide.

## **PRISONER FINANCIAL RECORDS**

The Maine State Prison maintains all financial records of prisoners incarcerated here in accordance with legal requirements and general accounting practices. Prisoner's having or receiving funds will be issued a receipt for each financial transaction affecting the balance of his account.

When a prisoner is transferred from MSP to another facility, the funds are automatically transferred to the new facility.

Upon release or discharge the prisoner will be given any remaining funds. However, phone account funds will be forwarded to the prisoner after release via mail unless the prisoner has requested that phone funds be included with his other funds. Such request must be made 5 business days prior to his release date.

**Specific information governing the PRISONER FINANCIAL RECORDS policy can be found in Departmental Policy Title: PRISONER FINANCIAL RECORDS, Chapter 11 Policy Number: 11.4 located in the Library.**

## **PRISONER SAVINGS**

Any prisoner who earns money for work performed shall be required to have a percentage of his earnings placed in a personal savings account.

**Specific information governing the PRISONER SAVINGS PLAN policy can be found in Departmental Policy Title: PRISONER SAVINGS PLAN, Chapter 25, Policy Number: 25.4 located in the Library.**

## **EDUCATIONAL PROGRAMMING**

The Education Department offers a wide variety of academic and life skill programs. Certified teachers oversee the academic programs. HiSET tutoring and testing is provided. Additionally, several peer tutors are available for individual and small group studies. Education is open Monday through Friday (except holidays). Educational programs can be requested by submitting a request slip or letter to the Education Department. All are welcome to come and discuss interests and needs. Programs are described within the informational brochures available in the Activities Building, as well as all housing units.

**Specific information governing the EDUCATION policy can be found in Departmental Policy Title: EDUCATIONAL PROGRAMMING, Chapter 24 Policy Number: 24.5 located in the Library.**

## **RECREATION PROGRAMMING**

The Maine State Prison provides recreational programs and activities to all eligible prisoners in a safe and secure environment in order to promote health and reduce idleness. It is the goal of the Recreation Department to work with all housing units and populations to provide leisure time activities.

Centralized indoor and outdoor recreational activities are offered to all eligible general population inmates, which includes structured team activities such as: basketball, softball, volleyball, and soccer as well as handball and horseshoes. Also available is a weight room, a barbershop, pool room, and a music room.

**Specific information governing the RECREATION policy can be found in departmental Policy Title: RECREATION PROGRAMMING, Chapter 24 Policy Number: 24.6 located in Library.**

## **SUBSTANCE ABUSE SERVICES**

As part of a zero tolerance initiative to address the illegal use of drugs and alcohol within the Maine State Prison, a Substance Abuse Program is available to address chemical dependency issues of prisoners. Substance Abuse programming can be mandated as part of an Individual Case Plan or can be requested by a prisoner. Substance Abuse staff work extensively with their clients on transitional planning frequently referring clients to halfway houses, residential and outpatient programs.

**Specific information governing the SUBSTANCE ABUSE policy can be found in Departmental Policy Title: COUNSELING and TREATMENT SERVICES, Chapter 24 Policy Number: 24.2 located in the Library.**

## **PRISONER MAIL**

A prisoner shall be allowed to send mail to and receive mail from anyone the prisoner wishes except that if a prisoner wishes to correspond with another person incarcerated in a juvenile or adult detention or correctional facility, the prisoner must have the approval of the Chief Administrative Office of both facilities. (see Mail Policy for more details)

**NOTE-** The Maine Department of Corrections policies for prisoner communications have been revised to include the following; “a prisoner who is convicted of/ or otherwise known to have committed a domestic violence offense against a person” shall not be allowed to contact the victim through mail, telephone, or visits “without prior approval of the Commissioner or designee”. This recent policy revision supersedes any previously approved Visitor Application.

**NOTE-** The Maine Department of Corrections policies for prisoner communications have been revised to include the following; “a prisoner who is convicted of/ or otherwise known to have committed a sex offense child abuse against a minor” shall not be allowed to contact the victim through mail, telephone, or visits “without prior approval of the Commissioner or designee”. This recent policy revision supersedes any previously approved Visitor Application.

This facility shall provide envelopes and writing materials in reasonable quantities to prisoners to ensure an opportunity for constructive correspondence.

The Maine State Prison will provide free postage for each prisoner up to two one-ounce letters per week, which may not be carried over from week to week. The following is the free mail schedule:

**Close - Tuesday      Medium - Wednesday      SMU & Infirmary - Thursday**

Prisoners taking advantage of free mail must mail letters the evening before the above days. Prisoners in the Close and Medium Units shall write their housing unit on the face of the envelope.

Prisoners sending letters out of the facility at their own expense should affix proper postage. Prisoners in the SMU shall submit a money transfer for the correct amount of the postage.

All incoming mail shall be inspected for contraband. Cash money is not permitted at this Facility. Cash will be returned to the sender or, when the sender is unidentifiable, placed in the Prisoner Benefit Fund account. Incoming privileged mail shall be inspected in the presence of the prisoner.\

### **The following is designated as privileged mail:**

1. Attorneys
2. Maine Human Rights Commission
3. Judges, court clerks, and courts

4. Appointed and elected government officials, including but not limited to; the President, the Governor, commissioners of state agencies other than the Department of Corrections, federal and state senators and representatives, tribal chiefs, and mayors and town and city councilors
5. Advocates of government agencies
6. Legal advocacy organizations, including but not limited to ACLU, Maine Equal Justice Partners, MCLU, Disability Rights Center and NAACP Legal Defense Fund and National Lawyers Guild

All outgoing mail shall have the prisoner's full name, MDOC#, facility address (Maine State Prison, 807 Cushing Road, Warren Maine 04864-4600) and the notice and disclaimer that it is coming from a correctional facility. The envelope shall not contain contraband. Third party mail is prohibited. All packages shall be processed and mailed through the Property Room.

Two mailboxes are located by the mess halls. The green mailbox is for in-house mail. The blue mailbox is for outgoing mail.

Outgoing mail pickup time is 8:00 a.m. Monday –Friday except Holidays. Outgoing SMU and Infirmary mail will be collected in the P.M. All incoming prisoner mail is passed out in the Units during the P.M.

**Specific information governing the PRISONER MAIL policy can be found in departmental Policy Title: PRISONER MAIL, Chapter 21 Policy Number: 21.2 located in the Library.**

### **PRISONER TELEPHONES**

Prisoner phones are available for use in the living areas. A PIN number must be entered in order to use the phones. You will be issued a PIN number by your caseworker/CCTW. All phone problems should be reported to your caseworker/CCTW.

**NOTE**-All prisoner phone calls, except legal phone calls, may be monitored/recorded.

**NOTE**-The Maine Department of Corrections policies for prisoner communications have been revised to include the following; “a prisoner who is convicted of/otherwise known to have committed a **domestic violence offense against a person**” shall not be allowed to contact the victim through mail, telephone, or visits “without prior approval of the Commissioner or designee”. This recent policy revision supersedes any previously approved Visitor Application.

**NOTE**-The Maine Department of Corrections policies for prisoner communications have been revised to include the following; “a prisoner who is convicted of/otherwise known to have committed a **sex offense or child abuse of a minor**” shall not be allowed to contact the victim through mail, telephone, or visits “without prior approval of the Commissioner or designee”. This recent policy revision supersedes any previously approved Visitor Application.

### **SECURITY THREAT GROUPS**

Prisoners are prohibited from being members of a security threat group, i.e. gang or other **unauthorized** group of prisoners.

### **VOLUNTEER AVAILABILITY**

Volunteers at the Maine State Prison provide services to prisoners through the Education, Substance Abuse, and Religious Services departments. Prisoners can access these services and programs through these departments by submitting a request slip.

## Section 2

### **SPECIAL MANAGEMENT UNIT HOUSING RULES FOR B POD Maine State Prison – Special Management Unit**

The policy and practice of the Maine State Prison is to maintain safe and secure housing for prisoners whose behavior indicates they require more controls than are available in a typical housing unit within this facility.

Prisoners meeting Departmental criteria for a more secure and controlled housing area are assigned to the Maine State Prison-Special Management Unit (SMU). Specific housing area components of the SMU are Disciplinary Segregation, Administrative Segregation and the Mental Health Stabilization Unit. Program opportunities and treatment services are available to prisoners housed in the Special Management Unit and are consistent with current legal requirements and professional standards.

The following housing rules for prisoners provide information about the Department of Corrections and the operation of the SMU at the Maine State Prison. These housing rules will help you know what programs and services are available and what your obligations are. You are responsible for familiarizing yourself with the contents of these rules, keeping in mind that it is subject to changes. When a change is to be made, notifications will be made by memos distributed from the Unit Manager's office. You are subject, by law, to the authority of the Department of Corrections, even if you have not been sentenced.

You must comply with the rules of the facility. Staff will enforce these rules. If you respect the property of others and their privacy, comply with the rules of the facility, and obey the orders of the staff: more opportunities for personal development will be open to you. The time you spend here can be productive, if you are determined to make it so. (see also Mental Health Handbook and Program Description for Administrative Segregation)

#### **Conditions of Administrative Segregation & Disciplinary Segregation**

1. Prisoners will be provided the following items.
  - toothbrush
  - toothpaste
  - comb
  - soap
  - deodorant
  - toilet paper
  - 1 towel
  - 1 wash cloth
  - 2 bed sheets
  - 1 pillow and case
  - 2 blankets
  - 1 mattress
2. AdSeg prisoners are permitted 1 telephone call per week (excluding legal and verified emergency calls).
3. Prisoners are permitted 1 telephone call within 24 hours of placement on Disciplinary Segregation Status (excluding legal and verified emergency calls).

4. If the prisoner is maintained on Disciplinary Segregation Status for longer than 60 days he will be permitted 1 ten minute call per week.
5. Personal legal materials and religious materials, correspondence and writing materials are permitted as long as they can all be contained in an approved accordion folder.
6. Incoming mail is permitted per facility mail procedures.
7. Out of cell exercise will be 1-hour per day, five days per week, outdoors weather permitting.
8. Prisoners will have the opportunity to shower and shave 3 times per week.
9. A prisoner uniform and footwear designated by the SMU will be issued.

### **MOVEMENT**

Movement in or out of B pod requires that the prisoner in under escort and in restraints unless otherwise approved by the Unit Team.

**WORK POOL** – It is asked that all prisoners housed in the SMU work to maintain its cleanliness.

1. Prisoners who are approved by the Unit Team will be asked to participate in the work pool.
2. A positive or negative behavior management form will be placed in the prisoner's file, depending on participation, to be reviewed by the Unit Management Team.
3. Prisoners will receive a shower upon completing work assignment

### **STATE ISSUED PROPERTY**

#### **SB101-SB110:**

1. **Bedding** - mattress (2), blanket (2), sheet (2), pillow (1), & pillow case (1) (If a security mattress is issued than no pillow or pillow case will be issued.)
2. **Clothing** - orange pants (1), orange shirt (1), boxers (1), socks (1), sweat shirt (1)
3. **Footwear** - orange shoes (1) & shower shoes (1)
4. **Towel** (1)
5. **Washcloth** (1)
6. **Hygiene** - toothbrush (1 finger brush), toothpaste as needed, soap (1 bar/week), toilet paper (1 for 1exchange on scheduled days), deodorant
7. **Stationary Supplies** -10 sheets of paper, 5 envelopes, SMU approved pen, & money transfers
8. **Inclement Weather Gear** - coats, hats, & mittens

## **SB111-SB225:**

1. **Bedding** - mattress (1), blanket (2), sheet (2), pillow (1), & pillow case (1)
2. **Clothing** - orange pants (2), orange shirt (2), boxers (2), socks (2), sweat shirt (1)
3. **Footwear** - orange shoes (1) & shower shoes (1)
4. **Towel** (2)
5. **Washcloth** (2)
6. **Hygiene** - toothbrush, toothpaste, soap, toilet paper, comb, and shaving supplies
7. **Stationary Supplies** - paper, envelopes, pen, & money transfers
8. **Medical Items** - provided by medical department
9. **Inclement Weather Gear** - coats, hats, & mittens

**Note:** All property items must be stored in a neat and orderly manner. All bedding including mattress must remain on the bunk at all times. Abuse or misuse of the bedding or mattress will result in the loss of those items. Only state issued property will be placed in the laundry bags. You, your cell, and your property are subject to a search by staff at any time. Searches may be conducted with or without your presence.

## **LAUNDRY**

Upon admission to SMU prisoners will receive State Issued Property. Prisoners wishing to have their clothing cleaned will place them in a laundry bag to be picked up in the morning. Linen laundering and blanket exchange will be done in accordance with the SMU laundry schedule.

Prisoners will be held responsible for all issued items. Any misuse, abuse, or destruction of issued items will result in disciplinary action to include a request for restitution. The Laundry schedules will be posted in each housing area. Prisoners housed in SB101-SB110 will trade out their clothing on a 1-for-1 basis on scheduled days.

## **ACQUISITION OF PERSONAL PROPERTY**

1. Allowable personal property will go through the property officer before being given to the prisoner. Prisoner will address request for any exchanges or deliveries to their C.C.T.W.
2. Excess personal property or non-allowable personal property will be handled in accordance with the policy and procedures for contraband.
3. Only magazines/newspapers ordered through publisher/subscription service and arriving at the facility via the U.S. postal Service will be permitted. All staples will be removed upon arrival, and the prisoner's name will be written on the front cover to identify ownership. Any magazine, newspaper, etc. found with the prisoner's name removed or altered, will be considered contraband.
4. No personal property, including funds to be placed in a prisoner's account, may be brought in by visitors.

All funds to be placed in a prisoner's account must arrive at the facility via the U.S. Postal Service.

## **PRISONER PROPERTY**

Listed below are the items which **Administrative Segregation** prisoners housed in both B Pod and C Pods are allowed to have in their cells.

1. **Wedding Band** – Maximum value \$100.00
2. **Religious Publications** (other than bound books, as approved by the Chief of Security, on a case by case basis.)
3. **Religious Items** – Maximum value \$20.00 (as approved by the Chief of Security)
4. **Education books and Materials** (as approved by the Unit Manager)
5. **Fifteen (15) Photos**
  - (a) Not larger than 5 x 7
  - (b) Non-self-processing (no Polaroid)
  - (c) No picture frames or photo albums
  - (d) Xerox copies or computer generated pictures larger than 5 x 7 are not allowed (ex: 8 ½ x 11 sheet with multiple pictures)
6. **Legal Materials** - Limited to no more than **2 accordion folders full**, neatly organized, each folder not to exceed 4 inches and together not to exceed 8 inches in thickness. If the prisoner does not have an accordion folder, than the papers must be neatly stacked and will not exceed 8 inches in thickness. In order to keep to this limit, prisoners must dispose of excess legal papers through the contraband process or designate legal papers to be placed in storage at the facility. Legal papers to be placed in storage must be labeled by the prisoner, for easy identification in case the prisoner wishes to exchange legal papers in their cell for legal papers in storage. Exchange requests must be made in writing to their C.C.T.W. (Such requests will belimited if excessive).
7. **Personal Correspondence** – Will be kept in **1small accordion folder** neatly organized. Folders will not be overstuffed and must not exceed 1 inch in thickness. If the prisoner does not have an accordion folder, than the papers must be neatly stacked and will not exceed 1 inch in thickness. Accordion folders that are destroyed must be replaced through Canteen at your own expense (Legal and Personal).
8. **Address Book** – Maximum value \$3.00
  - (a) No plastic or wire binding
  - (b) No staples
  - (c) Not larger than 3x5
9. **Prescription Glasses** – No contact lenses or wire rimmed glasses are allowed unless approved through the Unit Management Team (these items are **NOT ALLOWED** to prisoners housed in **SB101-SB110**).
10. **Dentures with denture cup**

11. **Magazines/Newspapers/Books** – Combination of 15 books/magazines/newspapers (including legal, education and religious books). A prisoner may only have 3 library books in his possession at a time. Any newspaper over 1 week old will be considered contraband.

No publication that creates a risk to the safety, security, and orderly management of the facility will be allowed.

Only those books that are provided by or ordered through the institution are permitted. Only magazines and newspapers ordered through publication services and arriving at the facility via the U. S. Postal Service will be permitted.

When a prisoner acquires more than 15 publications in his cell, publications may be removed and returned to the library or personal magazines/newspapers/other publications in excess of the limit may be immediately disposed of by M.S.P. staff, per the 30-day property disposal guidelines.

All magazines must have the prisoners name, MDOC number and housing number on the cover or they will be considered contraband. No hardcover books will be allowed in the SMU.

### **DISCIPLINARY TIME PROPERTY**

**Disciplinary Time prisoners are allowed to have in their cells the same as above with the following exceptions:**

**DISCIPLINARY TIME** - No more than three (3) items of general reading materials at any time. Reading materials will only be acquired through the library. Prisoners will not be allowed personal books, magazines or newspapers, while on Disciplinary Time.

**SB101-SB110** – Prisoners housed on lower “EL” in B-Pod are limited to 3 books which may be general reading, religious, or educational. All reading materials will be acquired through the library. Prisoners will not be allowed personal books, magazines or newspapers.

**Note: Privileges may be suspended at the discretion of any Security Supervisor, if at any time the inmate’s behavior becomes detrimental to good order, and may be restricted up to seven (7) days.**

### **RECREATION RULES**

**RECREATION** – Recreational activities are limited at this facility. Recreation/exercise will be outdoors, and will not be allowed during inclement weather.

1. When prisoners are released for recreation, they will be placed in the SMU outside recreation areas.
2. Horseplay or shouting will not be permitted at any time. Loud or disruptive behavior, as well as violation of facility rules, will result in immediate termination of the exercise period.
3. While being escorted to the designated recreation areas, prisoners will not talk to prisoners remaining in their cells otherwise they will be escorted back in their cell forfeiting their recreation.
4. Clothing and footwear will be properly worn at all times in the recreation areas. Anytime a prisoner chooses to wear a sweatshirt, his colored uniform shirt will be worn over the top of the sweatshirt.

5. Prisoners may return to their cell anytime during their assigned recreation period upon obtaining permission from the Housing Unit Officer. **However**, once a prisoner has elected to return to his cell, he will not be permitted to return to the recreation area.
6. Prisoners are not permitted to lean against walls or windows in the recreation areas.
7. No gambling of any kind is permitted.
8. Outside exercise will be limited to: In-place calisthenics, walking, and jogging.
9. If a prisoner wears a coat/sweatshirt out to recreation area he must keep it on. Removing the item will because for termination of his recreation period.

#### **RECREATION FOR SB101-SB110**

1. Prisoner's bed must be made and cell must be cleaned in order to receive recreation.
2. Prisoner must turn the cell light on.
3. Prisoner will then hand out all articles of clothing so that the Pod Officer(s) may check for contraband.
4. The Pod Officer will then give the prisoner instructions to follow during the strip search.
5. Once the strip search is complete the prisoner will place both hands into the tray slot so that a Pod Officer may cuff him.
6. Once the handcuffs are on the prisoner will take two (2) steps forward and face the back wall of the cell.
7. When the cell door is opened the prisoner will wait for the Pod Officer to tell him to step back and not to turn around.
8. The prisoner will then be escorted to SB105 where he will take two (2) steps into the cell and wait for the cell door to close.
9. The Pod Officer will then tell the prisoner to place his hands into the tray slot so that the Pod Officer can remove the handcuffs.
10. The prisoner will then be directed to open the door at the back of the cell which goes into a concrete recreation area surrounded by four (4) walls.

#### **RECREATION FOR SB111-SB225**

1. Prisoner's bed must be made and cell must be cleaned in order to receive recreation.
2. Prisoner must turn the cell light on.
3. Prisoner will then hand out all articles of clothing so that the Pod Officer(s) may check for contraband.
4. The Pod Officer will then give the prisoner instructions to follow during the strip search.
5. Once the strip search is complete the prisoner will place both hands into the tray slot so that a Pod Officer may cuff him.
6. Once the handcuffs are on the prisoner will take two (2) steps forward and face the back wall of the cell.

7. When the cell door is opened the prisoner will wait for the Pod Officer to tell him to step back and not to turn around.
8. The prisoner will then be escorted to the outside individual recreation area.
9. As soon as the prisoner is secured the Pod Officer will remove the handcuffs.

**NOTE: VIOLATION OF THE ABOVE LISTED RULES MAY RESULT IN LOSS OF RECREATION PRIVILEGES AND/OR DISCIPLINARY ACTION.**

### **HAIRCUTS**

Haircuts are done by a general population prisoner barber and are offered once per month.

### **CELL CLEANING**

#### **SB101-SB110**

1. Cell cleaning will be offered on Saturdays by night shift.
2. Cell cleaning will only be done through the tray slot.
3. Prisoners will be offered the following items for cleaning:
  - a) Toilet brush
  - b) Small cell broom
  - c) Clean damp mop
  - d) Cleaning chemicals poured on prisoner's toilet paper

#### **SB111-SB225**

1. Cell cleaning will be offered 3 times a week by night shift only.
2. Cell cleaning will only be done through the tray slot.
3. Prisoners will be offered the following items for cleaning:
  - a) Toilet brush
  - b) Small cell broom
  - c) Clean damp mop
  - d) Cleaning chemicals poured on prisoner's toilet paper

### **RAZOR PROCEDURE**

#### **SB101-SB110**

**Prisoners are not allowed to shave.**

#### **SB111-SB225**

1. Prisoners are allowed to shave three (3) times a week on scheduled days (Sun/Tue/Fri) time permitting.
2. All prisoners will receive one razor on shaving day. **Note: The officer will use discretion if another razor is needed (i.e. new prisoner, beard, etc.).**
3. All prisoners will have ten minutes to shave. **Note: The officer will use discretion if more time is needed (i.e. new prisoner, beard, etc.).**

4. When finished, the prisoner will place the razor on the tray slot with the protective cover on the blade.
5. Do not bend, mutilate, or destroy the razor in any way.
6. Failure to comply with these rules or failure to conduct yourself in an orderly manner during the use of the razor will result in the prisoner being placed on razor restriction and/or a disciplinary report will be filed.

**NOTE: If the prisoner is placed on razor restriction, the prisoner will have to request in writing to the Unit Management Team to be taken off said restriction. The Unit Management Team will be in charge of removing the razor restriction when deemed necessary.**

### **WRITING UTENSILS AND PAPER**

1. Pens/Pencils/Paper/Envelopes will be handed out by night shift only.
2. Pens- will be handed out to all B and C- Pod prisoners. Pens will be issued on a one for one basis. Prisoners must turn in an empty pen to receive a new one.
3. Paper and envelopes will be issued as follows: 10 Pieces of paper and 5 envelopes will be issued to the top Mezzanines every Monday/Wednesday/Friday and the Lower Mezzanines on Tuesday/Thursday/Saturday.
4. Any abuse of this privilege will result in possible termination of privilege and possible disciplinary action.  
Some Examples of abuse:
  - a) Toilette paper scattered throughout room
  - b) Prisoner caught throwing paper on the corridor.
  - c) Prisoner covering vents or cell window with paper.

### **Section 3**

1. Prisoner Written Communication Contact List
2. Policy and Procedure Chapter 10.1: Prisoner Allowable Property
3. Policy and Procedure 20.1: Prisoner Disciplinary, Procedure D: Acts Prohibited (Violations)
4. Policy and Procedure 29.1: Grievance Process, General
5. Policy and Procedure 29.2: Grievance Process, Medical and Mental Health Car

**Maine State Prison  
Prisoner Written Communication Contact List**

**Department** ..... **1<sup>st</sup> Level Staff Person**..... **2<sup>nd</sup> Level Staff Person**

**Education Services**

Academic/Vocational Programs ..... Teacher ..... DW Prisoner Programs

**Administration**

Restoration of Lost Good Time ..... Warden  
 Permission to Marry ..... Caseworker/CCTW ..... Warden  
 Classification Recommendations ..... Classification Officer.....DW Operations  
 Prisoner to Prisoner Correspondence ..... Warden

**Discipline**

Disciplinary Boards ..... Hearing Officer.....DW Operations

**Finance**

Prisoner Accounts..... Business Office..... DW Admin. Services  
 Industries Payroll..... Industries Accountant ..... DW Admin. Services

**Food Service**

All General Services..... Food Service Manager..... DW Admin. Services

**Civic Groups**

Jaycees, NAACP, LTG, Veterans ..... Group Liaison..... DW Prisoner Programs

**Industries**

Work Programs..... Program Supervisor ..... Industries Manager  
 Safety Training ..... Industries Manager

**Jobs**

Jobs Outside Unit ..... Area Supervisor ..... Unit Team  
 Jobs Inside Unit ..... Pod Officer/Zone Supervisor..... Unit Team

**Library Services**

General Services ..... Librarian ..... DW Prisoner Programs  
 Law Library ..... Librarian ..... DW Prisoner Programs

**Medical and Health Care**

Medical Services ..... Health Services Administrator ..... DW Prisoner Programs

**Mental Health Care**

Psychologist..... Director Mental Health Services ..... DW Prisoner Programs  
 Psychiatrist ..... Health Services Administrator  
 Director Mental Health Services ..... Deputy Warden of Prisoner Programs  
 Medium Unit ..... Psych. Social Worker ..... Unit Manager  
 Close Unit..... Psych. Social Worker ..... Unit Manager

**Personnel**

Employee Complaints\* ..... Employee’s Supervisor

\*Note - If you have a complaint regarding an employee you should contact that employee’s supervisor. If an appeal is necessary, utilize the chain of command. Please contact any staff member about how to use the chain of command.

**Prisoner Communication**

Mail/Publications..... Mail Room Clerk..... Prison Administrative Coordinator

Packages ..... Property Officer..... Property Supervisor

**Records**

Prisoner Administrative Records..... Assistant Classification Officer..... Classification Officer

Prisoner Case management Records..... Caseworker/CCTW ..... Unit Manager

**Releases**

Release Dates ..... Classification Officer.....Deputy Warden of Operations

Detainers/Warrants ..... Assistant Classification Officer..... Classification Officer

**Recreation/Activities**

Recreation Programs ..... Recreation Officer ..... Recreation Supervisor

Canteen..... Asst. Prison Steward (Kent Moshier)..... DW Admin. Services

**Religious/Spirituality Services**..... Chaplain..... DW Prisoner Programs

**Sanitation/Hygiene**

Personal Hygiene..... Pod Officer ..... Zone Supervisor

Laundry ..... Laundry Supervisor ..... Industries Manager

**Substance Abuse**

Services ..... Substance Abuse Counselor ... Deputy Warden of Prisoner Services

**Security**

Security Matters ..... Area Sergeant ..... Shift Commander

Visits..... Area Sergeant ..... Shift Commander

Media Review..... Media Review Sergeant..... Shift Commander

Contraband ..... Area Sergeant ..... Shift Commander

**Unit Management**

Classification ..... Caseworker/CCTW ..... Unit Manager

Transfers..... Unit Management Team..... DW Prisoner Programs

Unit Security..... Zone Supervisor ..... Unit Manager

Housing (within pod)..... Pod Officer ..... Zone Supervisor

Housing (within unit) ..... Zone Supervisor ..... Unit Manager

Telephone Matters..... Caseworker/CCTW ..... Prison Administrative Coordinator

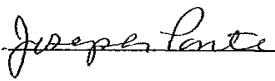
Money Transfers..... Zone Supervisor ..... Unit Manager

Unit Team Decisions ..... Unit Manager.....Deputy Warden Prisoner Programs

Unit Issued Property ..... Pod Officer ..... Zone Supervisor

**Maine State Prison  
Prisoner Written Communication Contact List**

<b>Department .....</b>	<b>1<sup>st</sup> Level Staff Person.....</b>	<b>2<sup>nd</sup> Level Staff Person</b>
<b>Other</b>		
Photocopying .....	Librarian	
Notary Request/Work.....	Caseworker/CCTW.....	Unit Manager
Facility Issued Property .....	Property Officer .....	Property Sergeant
Prisoner Marriages (arrangements) .....	Caseworker/CCTW.....	Unit Manager
Renewal of Driver's License .....	Caseworker/CCTW.....	Unit Manager

<b>POLICY TITLE: PRISONER ALLOWABLE PROPERTY</b>		<b>PAGE <u>1</u> OF <u>10</u></b>
<b>POLICY NUMBER: 10.1</b>		
<b>CHAPTER 10: PRISONER PROPERTY</b>		
	<b>STATE of MAINE</b> <b>DEPARTMENT OF CORRECTIONS</b>  <b>Approved by Commissioner:</b>  	<b>PROFESSIONAL STANDARDS:</b>  <b>See Section VII</b>
	<b>EFFECTIVE DATE:</b> <b>January 15, 2004</b>	<b>LATEST REVISION:</b> <b>June 10, 2013</b>

**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 Adult Correctional Facilities

**III. POLICY:**

It is the policy of the Department of Corrections that the property allowed to prisoners be consistent, except as otherwise provided by this policy and other applicable Departmental policies.

**IV. CONTENTS:**

- Procedure A: Allowable Property, General
- Procedure B: Medical Items
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- Procedure E: Record Keeping
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**V. ATTACHMENTS**

- Attachment A: Prisoner Allowable Property List (Male Prisoners – Female Prisoners)
- Attachment B: Prisoner Property Inventory (Male Prisoners – Female Prisoners)
- Attachment C: Prisoner Acknowledgement of Receipt of Property
- Attachment D: Disposition of Property by Facility Form
- Attachment E: Disposition of Property by Prisoner Form

## VI. PROCEDURES:

### Procedure A: Allowable Property, General

1. Each prisoner shall receive a copy of this policy and the appropriate Prisoner Allowable Property List (Attachment A) during the prisoner's initial orientation at a Department of Corrections facility.
2. Each facility shall allow property to prisoners as described on the Prisoner Allowable Property List, except as otherwise provided in this policy or other applicable Departmental policies. No items additional to those on this list shall be allowed to prisoners, except for those prisoners at minimum or community security facilities, or as otherwise specified in this policy. Items on the list shall not be determined non-allowable or otherwise restricted, except for those prisoners on administrative segregation status, disciplinary segregation status, or reception status, or as otherwise specified in this policy.
3. At minimum or community facilities, prisoners shall be allowed to purchase personal clothing items in styles and colors other than those allowed at facilities with a higher security level, but must remain within the maximum quantities of each item, as set out on the allowable property list. All personal clothing items must be purchased through facility canteen services or purchased through special order or other arrangements made by the facility. These items are not transferable to Department of Corrections facilities with a higher security level and, in the event of such a transfer, shall be disposed of by the prisoner as set out in Procedure F.
4. At minimum or community facilities, the Chief Administrative Officer, or designee, shall establish facility specific written practices regarding state issued or personal work-related clothing, footwear, tools or other work-related items, e.g., lunch coolers for work crews. All personal work-related clothing or footwear items must be purchased through the facility canteen services or purchased through special order or other arrangements made by the facility. Work-related items may not be obtained via any other means. Work-related items are not transferable to other Department of Corrections facilities with a higher security level. Work-related items purchased by the prisoner that are no longer required for work purposes shall be handled as set out in Procedure F.
5. Prisoners on administrative segregation status or disciplinary segregation status shall only be allowed those property items listed in Chapter 15, Special Management. Prisoners on reception status shall only be allowed property items in accordance with facility-specific written practices for prisoners on that status. In addition, a prisoner not on one of these statuses who is housed in a housing unit primarily used for prisoners on one of these statuses shall only be allowed those property items allowed prisoners on one of these statuses, unless otherwise approved by the Commissioner of Corrections. Personal property items generally

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allowed prisoners under this policy, but not allowed to a prisoner under this procedure, shall be stored at the facility until allowed to the prisoner, except for food/drink items and property considered non-allowable or contraband as outlined in this policy. Food/drink items shall be immediately disposed of by the facility and non-allowable or contraband personal property items shall be handled as set out in Procedure F.

6. Any item not allowed under this policy shall be considered non-allowable property. If possession of the item is prohibited under state or federal law or under Department Policy 20.1, Prisoner Discipline, it shall be considered contraband for purposes of this policy.
7. Each facility shall provide prisoners with written information as to those items available for purchase through the facility canteen services or through special order arrangements made by the facility and approved by the Commissioner, or designee.
8. All allowable property must be acquired as set out on the Prisoner Allowable Property List. No means of acquiring property other than those specified are permissible.
9. A prisoner may not acquire, directly or indirectly, personal property from a volunteer or staff. A prisoner may not acquire personal property during visits.
10. Only authorized staff may issue state property to prisoners.
11. A prisoner may not acquire, directly or indirectly, any property from another prisoner.
12. A prisoner may not acquire, directly or indirectly, personal property from the family or visitors of another prisoner, without the prior written approval of the Chief Administrative Officer, or designee.
13. A prisoner may acquire through the mail only those items specified as allowed in Department Policy 21.2, Prisoner Mail.
14. A prisoner leaving on a furlough pass/furlough leave or participating in a community transition program may not take any property, other than item(s) approved by the Chief Administrative Officer, or designee, out of the facility. When returning from the furlough pass/furlough leave or a community transition program, the prisoner may bring back to the facility only those items taken out by the prisoner.
15. Prisoners are responsible to secure all property allowed to them utilizing storage containers and locking devices issued by the state. In addition, prisoners shall:

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- a. Maintain copies of all Prisoner Property Inventory forms (Attachment B) provided by staff to document proof of issuance of state property and ownership of personal property and shall show these forms upon request of any staff. If a prisoner fails to show proof of issuance of state property or proof of ownership of personal property, said property shall be considered contraband, unless the facility has conclusive documentation;
  - b. Ensure that property is used only for its intended use and as authorized in this policy;
  - c. Ensure that no property is used to manufacture contraband or conceal non-allowable items or contraband;
  - d. Ensure that no property is altered or tampered with in any manner; and
  - e. Not dispose of any inventoried property without the approval of the facility property officer.
16. Prisoner property is subject to search at any time for any reason without the consent of the prisoner.
17. All allowable prisoner personal property, with the exception of open food/drink items and opened hygiene items, are transferable between all Departmental facilities. State issued items, with the exception of state issued clothing, footwear, and work-related items allowed at the receiving facility, are not transferable. Unopened hygiene items are transferrable when a prisoner is transferred to an equal or lesser security level facility only. The receiving facility shall inventory items received and remove any non-allowable or contraband items. Any non-allowable or contraband personal property items shall be handled as set out in Procedure F. Unless the item is secured as evidence for a disciplinary or court proceeding, any reusable non-allowable or contraband state issued items shall be returned to the sending facility and any non-allowable or contraband state issued items that are not reusable shall be disposed of by the receiving facility.
18. All allowable property shall be stored at all times within state issued storage containers, with the exception of state issued linens, items currently being worn or used by the prisoner, items allowed to be displayed in the prisoner's room, and items that do not fit within the issued storage containers. Letters and legal documents shall be limited to a maximum of one (1) letter size accordion folder for personal documents and two (2) legal size accordion folders for legal documents. A prisoner may request extra storage outside of the prisoner's room for legal documents pertaining to current or anticipated legal proceedings.
19. A property item shall be considered non-allowable property or contraband if it:
- a. Does not meet the description of an item on the Allowable Property List;

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- b. Was not acquired by a means allowed as set out on the Prisoner Allowable Property List or Policy 21.2 Prisoner Mail;
  - c. Was acquired from a person not allowed under this policy;
  - d. Was acquired in a way that constitutes a violation of Policy 20.1, Prisoner Discipline;
  - e. Has been used for other than its intended use and as authorized in this policy;
  - f. Has been altered, tampered with, used to manufacture contraband, or used to conceal non-allowable property or contraband;
  - g. Exceeds the maximum quantity allowed; or
  - h. As otherwise specified in this policy.
20. Unless an item is secured as evidence for a disciplinary or court proceeding, any reusable non-allowable or contraband state issued items shall be returned to facility inventory and any non-allowable or contraband state issued items that are not reusable shall be disposed of by the facility.
21. A property item considered non-allowable or contraband shall be confiscated immediately and handled as set out in Procedure F.
22. Otherwise allowable personal property shall not be allowed to a prisoner if, upon the item's receipt at the facility, a search that is necessary to maintain safety or security causes damage to the item.
23. Prisoners are responsible to report immediately any missing state issued property to the property officer, or other staff designated by the Chief Administrative Officer. A prisoner may be held accountable for missing state issued property.
24. Prisoners are responsible to report immediately any missing personal property to the property officer or other staff designated by the Chief Administrative Officer. Personal property shall be considered contraband if the property appears to belong to a person other than the prisoner in whose possession it is found or if it is unclear to whom it belongs, as determined by the Chief Administrative Officer, or designee. Unless the property is secured as evidence for a disciplinary or court proceeding or the property is able to be returned to its rightful owner, the property shall be disposed of by the facility.
25. Prisoners may display allowable religious items in their rooms in a way that does not interfere with safety or security. If permitted by the Chief Administrative Officer,

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or designee, prisoners housed at minimum or community security facilities may display other allowable personal property items in their rooms. Rules regarding those items permitted for display shall be established in writing and available to all prisoners and staff. These requirements shall be reviewed at least annually and revised as necessary.

26. A committee, comprised of Department staff appointed by the Commissioner, shall meet at least semi-annually to review the facilities' compliance with this policy, review any requests for revisions to the Prisoner Allowable Property List, and make recommendations to the Commissioner regarding revision(s). The Chief Administrative Officer, via the facility's committee representative, shall submit facility requests for revision to the Prisoner Allowable Property List.

**Procedure B: Medical Items**

1. Medical items provided by the facility's health care department, purchased through special order arrangements made by the facility, or purchased through facility canteen services are allowable property.
2. If an item creates a safety or security concern, designated supervisory staff shall consult with designated health care staff in order to determine how to meet the medical needs of the prisoner without creating an undue risk to safety or security, including, but not limited to, modifying the item, restricting the prisoner, or providing an alternative item.

**Procedure C: Religious Items**

1. Religious items that are permitted by and acquired in accordance with Department Policy 24.3, Religious Services, are allowable property.

**Procedure D: Extra Allowable Personal Property**

1. Allowable musical instruments (guitar {including effects pedal} and harmonica) and game systems (Play Station 2 {including games and controllers}) are extra allowable property. Unless more than one of these items is already in the possession of a prisoner as of the latest revision date of this policy, a prisoner shall be allowed to purchase and possess only one (1) of these items at a time.
2. Any finding of guilt for a class A or B disciplinary violation shall result in the extra allowable property being considered non-allowable and being handled as set out in Procedure F.
3. The prisoner may request permission from the Chief Administrative Officer to purchase a replacement ninety (90) days after a finding of guilt and completion of imposed disciplinary sanctions only if the prisoner has not been found guilty of any other disciplinary violation of any class since the finding of guilt and has no

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disciplinary matter pending. If the request is approved, the prisoner may only purchase and possess one (1) extra allowable property item (and its allowed accessories) at a time.

**Procedure E: Record Keeping**

1. At intake or transfer, an accurate accounting shall be completed of all state issued property, all allowable personal property with a value of \$100.00 or more, and non-allowable and contraband property brought with each prisoner received at a Departmental correctional facility. Staff shall use the Prisoner Property Inventory form (Attachment B), Prisoner Acknowledgement of Receipt of Property form (Attachment C), Disposition of Property by Facility Form (Attachment D), and Disposition of Property by Prisoner Form (Attachment E), and the prisoner property form in CORIS, as applicable. The staff completing the form(s) and the prisoner shall sign the form(s) and the prisoner shall be given a copy of the form(s).
2. After intake or transfer, any item received at the facility and allowed to a prisoner, other than canteen items, photographs, correspondence and items sent with correspondence, legal materials, and newspapers and magazines, shall be accounted for using the Prisoner Acknowledgement of Receipt of Property form, and the prisoner property form in CORIS, as applicable. The staff completing the form(s) and the prisoner shall sign the form(s) and the prisoner shall be given a copy of the form(s).
3. Any item sent out from the facility by a prisoner shall be noted on the Disposition of Property by Prisoner form, and removed from the prisoner property form in CORIS, as applicable. All items otherwise disposed of shall be noted on the Disposition of Property by Facility form, and removed from the prisoner property form in CORIS, as applicable. The staff completing the form(s) and the prisoner shall sign the form(s) and the prisoner shall be given a copy of the form(s).
4. Any time the property in a prisoner's possession is physically inventoried, the Prisoner Property Inventory form shall be completed, signed, and dated by the staff conducting the inventory. A physical inventory of all property shall be done whenever a prisoner is to be transferred to another facility, is placed on administrative segregation status or disciplinary segregation status, the prisoner's property is placed in storage, a prisoner's room is searched, or the prisoner is released. If any non-allowable or contraband property is found, it shall be accounted for using the Disposition of Property by Facility Form and Disposition of Property by Prisoner Form, and the prisoner property form in CORIS, as applicable. The staff completing the form(s) and the prisoner shall sign the form(s) and the prisoner shall be given a copy of the form(s).
5. If a physical inventory has not been conducted for a reason outlined above within the previous quarterly period, the Personal Property Inventory form, and the

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prisoner property form in CORIS, as applicable, shall be updated using the Prisoner Acknowledgement of Receipt of Property forms, Disposition of Property by Facility Forms, and Disposition of Property by Prisoner Forms. The staff completing the form and the prisoner shall sign the form(s) and the prisoner shall be given a copy of the form(s).

6. Any prisoner property to be stored for any reason shall be placed in secure storage at the facility prior to the end of the shift. A copy of the appropriate form(s) shall be affixed to or placed in the bag with the property. When a prisoner receives property from storage, it shall be accounted for using the Prisoner Property Inventory form and the prisoner property form in CORIS, as applicable. The staff completing the form and the prisoner shall sign the form and the prisoner shall be given a copy of the form.
7. Prisoners receiving property shall examine each item and note any problems at the time of signing for its receipt.
8. All forms related to prisoner property shall be maintained by the facility property officer.

**Procedure F: Other Provisions**

1. The Chief Administrative Officer, or designee, shall ensure that provisions are made for the secure storing of prisoner personal property being stored by facility staff. The Chief Administrative Officer, or designee, shall also ensure that each prisoner is provided the means for secure storing of allowable property in the possession of the prisoner.
2. Although prisoners are allowed personal property at their own risk, a prisoner may make a claim for replacement/reimbursement of any item(s) lost or damaged due to the fault of staff. The prisoner shall be required at the time of the claim to provide proof of purchase and ownership. If it is determined that staff were at fault, the value of the item(s) shall be depreciated, depending on the date of purchase and the condition of the item(s), if known by staff. All claims shall be reviewed on a case-by-case basis and replacement/reimbursement decisions shall be made by the Chief Administrative Officer, or designee. The maximum allowable amount for replacement/reimbursement for a single item is \$100.00, with the exception of a guitar (acoustic or electric), which may be valued above \$100.00 and with a cap of \$300.
3. Unless an item is secured as evidence for a disciplinary or court proceeding, non-allowable or contraband prisoner personal property without substantial monetary value (e.g., stickers, paper clips, etc.) shall be disposed of by staff.

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4. Unless an item is secured as evidence for a disciplinary or court proceeding, non-allowable, non-transferable, or contraband personal property that would create a risk to safety or security if handled or stored (e.g., food/drink item(s), broken item(s) with sharp edges, etc.) shall be disposed of by staff. Prior to its disposal, staff shall take a photo of any nonfood/drink item that, in its original state, had substantial monetary value and of any item that is evidence for a disciplinary proceeding but is disposed of because it cannot be safely handled or stored pending the proceeding.
5. Unless an item is secured as evidence for a disciplinary or court proceeding, personal property that is contraband because its possession is prohibited by federal or state law (e.g., alcohol, illegal drug(s), weapon(s), escape tool(s), etc.) shall be turned over to the facility Correctional Investigative Officer, or other designated staff for disposal.
6. Except for an item disposed of by staff as set out above, allowable personal property that is non-transferable must be disposed of by the prisoner within thirty (30) days of when the prisoner is notified of the transfer or, if the prisoner has not been notified, within thirty (30) days of when the transfer has taken place. The Disposition of Property by Prisoner Form shall be completed for all such property. During the thirty (30) days, the property shall be stored at the transferring facility (unless the prisoner requests it to be stored during those 30 days at the receiving facility and both facilities agree).
7. Except for an item disposed of by staff as set out above, non-allowable personal property that is not contraband must be disposed of by the prisoner within thirty (30) days of when the prisoner is notified that it is not allowable. The Disposition of Property by Prisoner form shall be completed for all such property.
8. Unless an item is secured as evidence for a disciplinary or court proceeding and except for an item disposed of by the staff or returned to its rightful owner as set out above, contraband property must be disposed of by the prisoner within thirty (30) days of when the prisoner is notified it is contraband. The Disposition of Property by Prisoner Form shall be completed for all such property.
9. If contraband personal property is secured as evidence for a disciplinary or court proceeding, it shall be handled as follows:
  - a. If the item is used as evidence in a court proceeding, its final disposition shall be determined by the prosecuting attorney or the Department's legal representative in the Attorney General's office.
  - b. If the item is used as evidence only in a disciplinary proceeding, it shall be disposed of by designated staff after notifying the prisoner using a Disposition of Property by Facility form. A photo shall be taken of the item prior to its disposal and the photo shall be retained in the disciplinary record.

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- c. If the item planned for use as evidence in any proceeding is not used, but it is clear it is contraband, it shall be disposed of by designated staff after notifying the prisoner using a Disposition of Property by Facility form. A photo shall be taken of the item prior to its disposal.

## VII. PROFESSIONAL STANDARDS

### ACA:

- ACI - 4-4292** Written policy and procedure govern the control of personal property and funds belonging to inmates and are made available to inmates upon admission and when updated.
- ACI - 4-4293** Written policy, procedure, and practice specify the personal property inmates can retain in their possession.
- ACI - 4-4294** Written policy and procedure govern the control and safeguarding of inmate personal property. Personal property retained at the institution is itemized in a written list that is kept in the permanent case file; the inmate receives a current copy of this list.
- 4-ACRS-1A-15** Offenders are permitted to decorate their living and sleeping quarters with personal possessions. Rules regarding the decorating of living/sleeping quarters are available to all offenders and staff. The rules are reviewed annually and revised, if necessary.
- 4-ACRS-7D-13** Procedures specify the personal property that offenders can retain in their possession and govern the control and safeguarding of such property.
- 4-ACRS-7D-14** Personal property stored in the facility is itemized on a written list that is signed by the offender, and kept in a permanent file. The offender receives a copy listing the property retained for storage.

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**MAINE DEPARTMENT OF CORRECTIONS  
PRISONER ALLOWABLE PROPERTY LIST\*\*  
MALE PRISONERS**

\*\* Does not include prisoners described in Policy 10.1, Procedure A. 4.

ITEM(S) ALLOWED	MAXIMUM QUANTITY ALLOWED	ADDITIONAL INFORMATION/REQUIREMENTS
ID CARD	1	State Issue (Replacement at prisoner's expense) <b>PROPERTY OF THE STATE</b>
STORAGE BOX OR LOCKER	1	State Issue * Non-transferable
BOX LOCK, COMBINATION	1	State Issue (Replacements will be prisoner's responsibility – one for one basis) * Non-transferable <b>NOTE: Prisoners required to secure property box. Staff will secure lock upon completion of inventory</b>

**FOOTWEAR/CLOTHING:**

SHOWER SHOES	1 PAIR	State Issue or Canteen Purchase
SNEAKERS/SHOES/ BOOTS	2 PAIR	One pair of sneakers/shoes allowed in at Intake State issue or Canteen purchase <b>NOTE: Purchase price may not exceed \$100</b>
SHOELACES	1 SET PER FOOTWEAR PER YEAR	Received with footwear
ODOR EATERS	1 SET PER FOOTWEAR	Canteen Purchase
UNDERWEAR (boxers or briefs)	7	White Only State Issue or Canteen purchase
SOCKS	7 PAIR	White Only State Issue or Canteen purchase
T SHIRT	4	White Only State Issue or Canteen purchase
T SHIRT (Maroon)	1	Hospice Volunteer Only when fulfilling hospice responsibilities
JEANS	4 PAIR	State Issue
SWEATPANTS	2 PAIR	State Issue Gray Only
BELT OR SUSPENDERS	1	State Issue Belt – Tan Only
THERMAL UNDERWEAR (IF MEDICALLY REQUIRED OR ISSUED DUE TO WORK ASSIGNMENT)	2 PAIR	State Issue or Canteen purchase * Non-transferable (if State issued)

<b>FOOTWEAR/CLOTHING (CONTINUED)</b>		
GYM SHORTS (NO CUT OFFS) (WORN IN LIVING AREA AND TO AND FROM REC. ONLY)	2 PAIR	7" – 9" inseam Gray Only Canteen purchase
SHIRTS	4	State Issue – Blue Only
SWEATSHIRTS	2	State Issue – Gray Only
TANK TOPS – APPROVED TYPE (WORN IN LIVING AREA AND TO AND FROM REC. ONLY)	3	Gray Only Canteen Purchase
BALL CAP	1	Gray Only Canteen Purchase
BALL CAP (WHITE)	1	Food service worker Only, if allowed by facility, and when fulfilling job duties. Replacement will be prisoner's responsibility
WINTER HAT	1	State Issue
WINTER COAT *	1	State Issue
GLOVES/MITTENS (SEASONAL)	1 PAIR	State Issue
COAT HANGERS	IF ALLOWED AT FACILITY	State Issue - * Non-transferable
LAUNDRY BAGS	2	State Issue – white Only (If required by facility)
ATHLETIC SUPPORTER, GROIN	1	Canteen purchase
ATHLETIC SUPPORTERS, i.e., ANKLE, KNEE, WRIST	2 EACH	Canteen purchase
WEIGHTLIFTING BELT	1	Canteen purchase
WEIGHTLIFTING STRAPS	1 SET	Canteen purchase
WEIGHTLIFTING GLOVES	1 PAIR	Canteen purchase

### **HYGIENE ITEMS**

TOOTHBRUSH	1	State Issue or Canteen Purchase
TOOTHPASTE	1	State Issue or Canteen Purchase Transferable if in original packaging unopened. Permitted in State storage as allowed by facility.
TOOTHBRUSH HOLDER	1	Canteen Purchase Clear Only
DENTAL FLOSS	1	SHORT LENGTHS ONLY Canteen Purchase
DENTURE CUP	1	Canteen Purchase

MOUTHWASH	1	Canteen Purchase - Transferable if in original packaging unopened. Permitted in State storage as allowed by facility.
DENTURE ITEMS (CLEANING TABLETS, POLIGRIP, ETC.)	1 EACH	Canteen Purchase - Transferable if in original packaging unopened. Permitted in State storage as allowed by facility.
LIP BALM	1	<b>SQUEEZE TYPE ONLY</b> Canteen Purchase - Transferable if in original packaging unopened. Permitted in State storage as allowed by facility.
COMB	1	State Issue or Canteen Purchase
HAIR BRUSH	1	Canteen Purchase
HAIR PICK	1	Canteen Purchase
NAIL CLIPPER (TOENAIL OR STANDARD)	1	Canteen Purchase
PONYTAIL HOLDERS	1 PKG	Canteen Purchase
SOAP BOX, CLEAR	1	Canteen Purchase
SOAP	1	State Issue or Canteen Purchase
DEODORANT	1	State Issue or Canteen Purchase Transferable if in original packaging unopened. Permitted in State storage as allowed by facility.
SHAMPOO	1	State Issue or Canteen Purchase Transferable if in original packaging unopened. Permitted in State storage as allowed by facility.
HAIR CARE PRODUCTS (IN ADDITION TO SHAMPOO)	3 (AT ANY ONE TIME)	Canteen Purchase Transferable if in original packaging unopened. Permitted in State storage as allowed by facility.
SKIN CARE PRODUCTS (IN ADDITION TO SHAVING CREAM & SOAP)	3 (AT ANY ONE TIME)	Canteen Purchase Transferable if in original packaging unopened. Permitted in State storage as allowed by facility.
SHAVING CREAM	1	Canteen Purchase Transferable if in original packaging unopened. Permitted in State storage as allowed by facility.
DISPOSABLE RAZOR	1	State Issue – NOTE: 1 for 1 BASIS - Permitted in State storage as allowed by facility.
ELECTRIC RAZOR	1	Canteen Purchase

### STATE ISSUED BEDDING/LINEN

MATTRESS	1	State Issue *Non-transferable
PILLOW	1	State Issue *Non-transferable
BEDSHEETS	2	State Issue *Non-transferable
PILLOW CASE	1	State Issue *Non-transferable
BLANKETS	2	State Issue *Non-transferable
TOWELS	3	State Issue *Non-transferable
WASHCLOTHS	2	State Issue *Non-transferable

## PERSONAL ITEMS ALLOWED

WEDDING RING, BAND TYPE, WITHOUT STONE – NO OTHER PERSONAL JEWELRY FROM HOME ALLOWED	1	MAY BE BROUGHT IN AT INTAKE OR RECEIVED AS PART OF APPROVED MARRIAGE CEREMONY
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## MISCELLANEOUS ITEMS

DRINKING CUP, NOT INSULATED	1	State Issue
CEREAL/SOUP BOWL W/ LID	1	Canteen Purchase
ACCORDION FOLDERS (LEGAL SIZE) TO HOLD LEGAL MATERIALS	2	State Issue – Replacement will be prisoner's responsibility – one for one basis
LEGAL MATERIALS	MUST FIT IN THE TWO (2) LEGAL SIZE ACCORDION FOLDERS PROVIDED. ALL OTHER LEGAL MATERIALS WILL BE STORED BY FACILITY	MAY BE BROUGHT IN AT INTAKE, RECEIVED THROUGH MAIL, OR VIA LIBRARY
ACCORDION FOLDER (LETTER SIZE) TO HOLD PERSONAL MAIL	1	State Issue – Replacement will be prisoner's responsibility – one for one basis
PERSONAL CORRESPONDENCE		MUST FIT IN THE LETTER SIZE ACCORDION FOLDER PROVIDED.
POSTAGE STAMPS	2 BOOKS	Canteen Purchase
WRITING SUPPLIES (PAPER, ENVELOPES, ETC.) PENS (BLUE CLEAR BARREL ONLY), GREETING CARDS	AS SPECIFIED BY FACILITY	Canteen Purchase
PHOTO ALBUM	1	Canteen Purchase

<b>PHOTOGRAPHS (NO POLAROIDs) (NO NUDE PHOTOS, e.g., EXPOSED FEMALE BREASTS, MALE OR FEMALE BUTTOCKS OR GENITALS ALLOWED)</b>	<b>60</b>	<b>(RECEIVED VIA MAIL) MUST BE KEPT IN PHOTO ALBUM</b>
TYPEWRITER	1	Canteen Purchase CLEAR PLASTIC
ART SUPPLIES (DRAWING PAPER PADS, COLORED PENCILS)	1 PAD 1 SET PENCILS (not to exceed 36 pencils)	Canteen Purchase
WRIST WATCH	1	Canteen Purchase Only – Not allowed to be brought in at Intake (WATCH BATTERY MUST BE IN WATCH)
CALCULATOR, CLEAR	1	Canteen Purchase
ADDRESS BOOK – SOFTCOVER, NO WIRE	1	Canteen Purchase
SUNGLASSES (NON-MIRRORED – NON-METAL)	1	Canteen Purchase
PLAYING CARDS	2 DECKS	Canteen Purchase
CALENDAR	2	Canteen Purchase for personal OR one religious (via publisher, commercial distributor or religious catalog)
CELL LAMP	1	Canteen Purchase
REPLACEMENT BULBS FOR LAMP		Canteen purchase – One for one basis
CELL FAN 6"	1	Not allowed at MSP – Upon transfer to MSP, will be processed as non-allowable
SURGE PROTECTORS	1	IF ALLOWED FOR SALE AT FACILITY) * Non-transferable
MESH BAG FOR CANS	1	State Issue (if used by facility) One for one basis – Prisoners will be charged for replacements - * Non-transferable
MULTIVITAMIN	1 PKG.	Canteen purchase
ASPIRIN, TYLENOL, ADVIL, COUGHDROPS, ANTACIDS, AND OTHER OTC MEDICATIONS	DETERMINED BY FACILITY	Canteen purchase
HANDKERCHIEFS	3	Canteen purchase May not be worn on head, altered or marked. White Only.
WATCH BATTERY	1	In watch – One for one exchange

## MEDICAL ITEMS

MEDICAL DEVICES, e.g., DENTURES, PROSTHETICS		May be brought in at Intake. Any item creating a safety or security risk must be approved by Chief Administrative Officer, or designee.
PRESCRIPTION EYEGLASSES		May be brought in at Intake. All new prescriptions provided by Medical
MEDICATIONS		Other than OTC medications sold in Canteen and allowed in amounts specified by the facility, all medications will be provided by Medical

## MUSICAL INSTRUMENTS -- MUST BE ORDERED THROUGH PRACTICES ESTABLISHED BY FACILITY

<b>GUITAR W/ FOLLOWING ACCESSORIES:</b> Guitar Strings (exchanged on a one to one basis, as established by facility) Soft Case Plastic Guitar Picks Plastic Key Winder Guitar Strap	1  Allowable as extra allowable property as set forth in the Department's Policy 10.1, Prisoner Allowable Property	Purchase price may not exceed \$600 (electric) and \$400 (acoustic). Storage and use of guitars and guitar effects pedals will be determined by each facility based on space constraints, etc., (e.g.) stored in cells/rooms, stored in music room, stored in recreation – allowed for use in cells/rooms, in music room, in recreation, etc.)
<b>GUITAR EFFECTS PEDALS</b>	1  Allowable as extra allowable property as set forth in the Department's Policy 10.1, Prisoner Allowable Property	
<b>HARMONICA</b>	1  Allowable as extra allowable property as set forth in the Department's Policy 10.1, Prisoner Allowable Property	

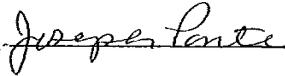
## ELECTRONIC EQUIPMENT & COMPONENTS

15" OR LESS (DIAGONALLY MEASURED) TV – CLEAR CASE	1	<b>Canteen purchase No speakers</b>
DISC PLAYER w/ AC ADAPTER & MINI HEADPHONES	1	<b>Canteen purchase</b>
AM/FM RADIO – CLEAR CASE, NO SPEAKERS	1	<b>Canteen purchase</b>
ANTENNA (AS APPROVED BY DEPT.)	1	<b>Canteen purchase</b>
VIDEOGAME PLAYER – PLAYSTATION 2 – NO MODEM – CD TYPE ONLY w/ APPROPRIATE CABLES/ADAPTERS)	1 Allowable as extra allowable property as set forth in the Department's Policy 10.1, Prisoner Allowable Property	<b>MAY ONLY BE USED TO PLAY VIDEO GAMES OR AUDIO CDs</b>
MEMORY CARD FOR VIDEOGAME PLAYER	2	<b>Canteen purchase</b>
HEADPHONES w/ ADAPTER	1	<b>Canteen purchase (In addition to mini headphones w/ disc player)</b>
HEADPHONE EXTENSION	1	<b>Canteen purchase – NOT TO EXCEED 6'</b>
CABLE SPLITTER, TV CABLES, ADAPTERS, ETC.	DETERMINED BY FACILITY	<b>Canteen purchase – If items are determined necessary by facility.</b>
AUDIO CDs (NO EXPLICIT LYRICS) AND CD CLEANING DISC – ALL MUST HAVE FACTORY LABEL)	30 Religious CDs and videogames will be included in total count	<b>NO HYBRID CDs – NO DVDs OR COMBINATION AUDIO/VIDEO CDs – MUST BE MARKED WITH PRISONER'S NAME &amp; MDOC NUMBER – EXPLICIT LYRICS, EITHER FACTORY LABELED OR DETECTED DURING REVIEW, ARE NOT ALLOWED</b>
CD STORAGE CASES	2	<b>Clear – Canteen purchase Only</b>
CD PLAYER LENS CLEANER	1	
VIDEOGAME CDs	Included in total of 30 (with audio CDs)	<b>MAX RATING "T"</b>

## PUBLICATIONS

DICTIONARY	1	Canteen purchase – Will be counted in total book count
HARDCOVER/SOFTCOVER BOOKS, NEWSPAPERS, MAGAZINES	15	Newspapers or magazines DIRECTLY from publisher or commercial distributor, books DIRECTLY from publisher or APPROVED commercial distributor. In addition to the above sources, religious publications may be received directly from religious catalogs available from the facility chaplain, or other designated facility staff. – Overall count includes dictionary and any religious books. Packing list/invoice must be included with shipment for books.
POLITICAL OR RELIGIOUS MATERIALS, e.g., BROCHURES, PAMPHLETS, CATALOGS	MUST FIT IN THE LETTER SIZE ACCORDION FOLDER (PROVIDED)	
EDUCATIONAL AND TREATMENT PROGRAM MATERIALS		AS PROVIDED BY PROGRAM STAFF – MUST BE FOR CURRENT EDUCATIONAL/TREATMENT NEEDS

**RELIGIOUS ITEMS (OTHER THAN RELIGIOUS PUBLICATIONS) MUST BE ACQUIRED IN ACCORDANCE WITH POLICY 24.3, PROCEDURE D.**

<b>POLICY TITLE: PRISONER DISCIPLINE</b>		<b>PAGE 1 OF 25</b>
<b>POLICY NUMBER: 20.1</b>		
<b>CHAPTER 20: PRISONER DISCIPLINE</b>		
	<b>STATE of MAINE</b> <b>DEPARTMENT OF CORRECTIONS</b>	<b>PROFESSIONAL STANDARDS:</b>  <b>See Section VII</b>
	<b>Approved by Commissioner:</b>  	
<b>EFFECTIVE DATE:</b> <b>July 30, 2002</b>	<b>LATEST REVISION:</b> <b>April 15, 2013</b>	<b>CHECK ONLY IF</b> <b>APA [ X ]</b>

**I. AUTHORITY**

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Sections 1402, 1403, and 3032.

**II. APPLICABILITY**

All Departmental Adult Facilities

**III. POLICY**

It is the policy of the Department of Corrections to designate prisoner disciplinary violations and dispositions for the purpose of maintaining the orderly management of correctional facilities, as well as safety and security. This policy also applies to prisoners of the Department who are outside a Departmental facility at the time of the violation. It is also the policy of the Department of Corrections to assure that, in all matters of prisoner discipline, procedures that are consistent with the constitutional and statutory rights of the individual prisoner shall be followed. Disciplinary action is not to be capricious or retaliatory in nature, and a fair and impartial disposition shall be made in each case. Each facility shall ensure that all prisoners are provided with the information outlined in this policy and procedures. This policy and procedures shall be reviewed annually and revised as necessary.

**IV. CONTENTS**

- Procedure A: Informal Resolution
- Procedure B: Formal Resolution
- Procedure C: Disciplinary Hearing
- Procedure D: Classes of Violations and Dispositions
- Procedure E: Acts Prohibited (Violations)
- Procedure F: Classification Review

## V. ATTACHMENTS

- Attachment A: Informal Resolution of Rule Violation Agreement
- Attachment B: Disciplinary Report
- Attachment C: Letter of Notification of Disciplinary Hearing
- Attachment D: Notice of Continuation – Disciplinary Hearing
- Attachment E: Disciplinary Hearing Summary
- Attachment F: Appeal and Decision on Appeal
- Attachment G: Disciplinary Report Information
- Attachment H: Disciplinary Segregation Report to Commissioner
- Attachment I: Disciplinary Chronology

## VI. PROCEDURES

### Procedure A: Informal Resolution

1. Any facility staff that observes, receives a report of, or otherwise discovers prisoner conduct that is considered a violation of any rule shall dispose of such incident informally or formally.
2. To resolve a rule violation informally, the facility staff may propose to the prisoner to counsel, warn, verbally reprimand, assign extra work, require restitution if property was destroyed or damaged, or impose restrictions on privileges. Any extra work, restitution, or restrictions shall be:
  - a. In accordance with informal sanctions approved by the Commissioner;
  - b. Imposed by agreement between the prisoner and the staff who observed or discovered the behavior (or if observed or discovered by a person who is not facility staff, by agreement between the prisoner and the facility staff to whom the conduct was reported). The agreement shall be in writing, include the prisoner's waiver of his/her right to a formal hearing on the rule violation, and be signed by the prisoner, the facility staff, and the Shift Supervisor or Unit Manager. (see Attachment A, Informal Resolution of Rule Violation Agreement);
  - c. Imposed for no more than seven (7) days, which may be consecutive or intermittent (if extra work or restrictions); and
  - d. Documented by recording an entry in CORIS.
3. If the prisoner refuses the proposed informal resolution, then the staff shall complete and submit a disciplinary report in accordance with the formal resolution process.
4. Any proposed informal resolution of a rule violation that has been agreed to by a prisoner shall be reported immediately to a Shift Supervisor or Unit Manager for approval, modification, or disapproval. If the Shift Supervisor or Unit Manager

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does not approve the proposed informal resolution, he/she may: (1) modify the resolution, with the agreement of the prisoner, (2) direct the staff to proceed formally, or (3) direct the staff to drop the issue.

5. The Shift Supervisor, Unit Manager, or designee, shall ensure an approved informal resolution is satisfactorily completed and documented on the Informal Resolution Rule Violation Agreement and in CORIS.
6. A rule violation that is informally resolved does not constitute a disciplinary violation for the purpose of determining eligibility for a furlough pass or furlough leave or for participation in any other program. However, a prisoner counsel substitute receiving an informal resolution may not continue in that position.
7. The conduct leading to an informal resolution may be one factor used in considering whether to actually grant a furlough pass or furlough leave or approve participation in any other program.
8. If a prisoner does not abide by the informal resolution, the prisoner shall be charged with the original rule violation, as well as a disciplinary violation of Informal or Formal Resolution.

**Procedure B: Formal Resolution**

1. Any facility staff that observes, receives a report of, or otherwise discovers prisoner conduct that is considered a violation of any rule shall dispose of such incident informally or formally.
2. Any proposal to proceed with a formal resolution of a rule violation without first attempting an informal resolution shall be reported immediately to a Shift Supervisor or Unit Manager for approval or disapproval. If the Shift Supervisor or Unit Manager does not approve proceeding with a formal resolution, he/she may direct the staff to (1) attempt an informal resolution with the prisoner, or (2) drop the issue. If the Supervisor or Manager approves proceeding formally, the following procedures apply.
3. When facility staff considers a formal resolution of an alleged rule violation necessary for proper discipline and control, and the Shift Supervisor or Unit Manager agrees, or a prisoner refuses a proposed informal resolution, or a prisoner fails to abide by an agreed to informal resolution, the staff shall complete a Disciplinary Report (see Attachment B) and deliver it personally to a Shift Supervisor or Unit Manager prior to the end of the next day that the staff is working, unless that would be more than 72 hours, in which case the staff shall complete and deliver the report prior to going off duty. When the charge involves drug or alcohol testing, the request for test form, a printout, photocopy, or photograph of the test results, and the chain of custody form, if any, shall be

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attached to and become part of the disciplinary report. The timeframe for submission of the disciplinary report begins when the behavior is observed or discovered by facility staff. If a violation is observed or discovered by any person who is not facility staff and is reported to facility staff, the timeframe for submission of the disciplinary report begins after receipt of the report by facility staff.

4. The Shift Supervisor or Unit Manager receiving the disciplinary report shall review the report with the reporting facility staff without unnecessary delay to ensure that the report clearly sets forth the incident and the charge. If it does not, the Supervisor or Manager shall assist the reporting staff in writing the report more clearly. The Shift Supervisor or Unit Manager shall sign the report once approved.
5. A prisoner may not be segregated or otherwise restricted merely because of a pending discipline. However, as a separate matter, a prisoner who may pose a continuing threat may be placed on emergency observation status and otherwise restricted as provided in Policy 15.1, Administrative Segregation Status. This is not punishment and shall not be considered in determining the appropriate disposition for a disciplinary violation.
6. If the alleged violation might constitute Murder or a Class A, B, or C crime, the Chief Administrative Officer of the correctional facility shall refer the matter to the appropriate prosecutor. If the alleged violation might constitute any other crime, the Chief Administrative Officer of the correctional facility may refer the matter to the appropriate prosecutor. Even when a decision to refer for prosecution is made, the alleged violation may be processed as a disciplinary matter. The time frames for processing the alleged violation as a disciplinary matter may be suspended by the Chief Administrative Officer if processing the alleged violation as a disciplinary matter might compromise a criminal investigation or prosecution.
7. Once a disciplinary report has been reviewed and signed by the receiving Shift Supervisor or Unit Manager, that Supervisor or Manager shall forward the report to a security staff person for investigation.
8. The investigator shall be someone other than the receiving Shift Supervisor or Unit Manager and shall not be involved in either the incident or its write up. The investigator shall initiate an investigation into the alleged violation within twenty-four (24) hours and shall complete the investigation without unnecessary delay. The investigator shall read the disciplinary report to the prisoner and ask the prisoner if he/she wishes to make a statement. If the investigator cannot contact the prisoner due to the prisoner's unavailability (e.g., at court, in the hospital, or on escape), the contact shall take place as soon as possible after the prisoner becomes available. The prisoner shall notify the investigator of any known witnesses. The investigator shall forward the prisoner's statement, including the

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names of any known witnesses, to a staff person designated by the facility Chief Administrative Officer to process disciplinary paperwork.

9. The facility Chief Administrative Officer shall designate facility staff to act as disciplinary hearing officers. No person may act as a disciplinary hearing officer unless he/she has been trained in this policy and procedures. The training shall be documented in the staff person's training file.
10. Only a designated disciplinary hearing officer, or the Chief Administrative Officer, or designee, may dismiss a disciplinary report and only if the facts as described in the disciplinary report do not constitute a violation, the timeframe for completing and submitting the disciplinary report was not adhered to, or there appears to have been a violation of the prisoner's statutory or constitutional rights. Before dismissing a report due to an apparent violation of the prisoner's rights, the disciplinary hearing officer or Chief Administrative Officer, or designee, shall consult with the Department's legal representative in the Attorney General's Office. Whenever a report is dismissed, the person making the decision to dismiss shall document the reason(s) for the dismissal in writing.
11. If the disciplinary report has not been dismissed, a staff person designated to process disciplinary paperwork shall provide to the prisoner without unnecessary delay a Letter of Notification of Disciplinary Hearing (see Attachment C); a list of counsel substitutes; and copies of the disciplinary report, other reports of the incident (unless confidential), any photographs relating to the incident (unless it would compromise safety or security), and the prisoner's statement, if any, to the investigator. Under no circumstances may a prisoner be provided a photograph of a victim, personal information relating to a victim (e.g., social security number, personal address, or phone number), an audio or video recording, or an actual exhibit.
12. The notification shall inform the prisoner of the name and class of the violation(s) charged, the name of the disciplinary hearing officer scheduled, and that, if he/she wishes to call witnesses at the hearing, he/she shall inform the disciplinary hearing officer of the witnesses he/she wishes to call within twenty-four (24) hours after he/she receives the notification.
13. The disciplinary hearing officer shall be someone other than the receiving Shift Supervisor or Unit Manager and shall not be involved in either the incident or its write up, but may be a person who merely processed the disciplinary paperwork. The fact that a person took some action outside the disciplinary process after the incident was over including, but not limited to, placing the prisoner on emergency observation status, does not disqualify the person from acting as the disciplinary hearing officer. A change in the scheduled disciplinary hearing officer does not require a new notification to the prisoner.

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14. The notification shall also inform the prisoner that, if he/she wishes to be represented by counsel substitute, he/she shall inform the disciplinary hearing officer of the counsel substitute he/she has selected within twenty-four (24) hours after he/she receives the notification. It is the responsibility of the prisoner to secure counsel substitute and inform him/her of the date and time of the hearing. Facility staff shall facilitate communication between the prisoner and the counsel substitute he/she requests. If the date or time of the hearing is changed, the prisoner shall receive written notice of the change sufficiently in advance of the hearing to permit the attendance of his/her counsel substitute, if any.
15. A counsel substitute is a staff member of the Department of Corrections or a prisoner approved by the Chief Administrative Officer who voluntarily assists a prisoner in preparing and presenting his/her defense at a disciplinary hearing. If it is determined at any time during the disciplinary process that a prisoner is not capable of preparing and presenting his/her defense effectively on his or her own behalf, the disciplinary hearing officer shall assign a staff counsel substitute to assist the prisoner and shall continue the disciplinary hearing, if necessary, to permit the counsel substitute to effectively assist the prisoner. A prisoner may not be approved as a counsel substitute unless he/she has not been found guilty of a Class A or B disciplinary violation for six (6) months prior to approval. The prisoner must remain free of disciplinary violations, whether resulting in an informal or formal resolution. No person may act as counsel substitute unless he/she has been trained in this policy and procedures. Each facility shall have a minimum of one (1) facility staff member trained and available to act as a counsel substitute. The training shall be documented in the staff person's training file.

**Procedure C: Disciplinary Hearing**

1. The disciplinary hearing officer shall hold a hearing on the alleged violation without unnecessary delay, provided that the hearing may not be held sooner than twenty-four (24) hours after the prisoner receives the notification of the hearing, unless the prisoner waives, in writing, his/her right to the twenty-four (24) hour notice. The hearing shall be held no later than seven (7) days, excluding weekends and holidays, after the prisoner receives the notification of the hearing, unless it is continued for good cause shown. If a hearing cannot take place within the seven (7) days due to the prisoner's absence from the facility (e.g., court, hospital, escape), it shall be scheduled for as soon as practicable, but no later than seven (7) days, excluding weekends and holidays, after the prisoner's return to Departmental custody. The reason(s) for any delay or for any continuance shall be documented.
2. At any time prior to his/her hearing, the prisoner may waive, in writing, his/her right to a formal hearing. Such waiver may be made in connection with either a

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plea of guilty or a plea of no contest. The waiver shall be submitted to the disciplinary hearing officer, who shall review the case with the prisoner charged in order to recommend an appropriate disposition. By waiving his/her right to a formal hearing, the prisoner waives his/her right to appeal the finding of guilt. He/she does, however, maintain his/her right to appeal the recommended disposition.

3. Either before or during the hearing, the disciplinary hearing officer may continue the hearing for good cause shown, but in no case may the continuance be for more than thirty (30) additional days (see Attachment D, Notice of Continuation-Disciplinary Hearing). Requests to the disciplinary hearing officer for continuance made by the prisoner shall be in writing and shall be submitted to the disciplinary hearing officer prior to the hearing, unless the cause for the continuance arises during the hearing. Generally, hearings will not be continued to permit recreation, visits, programs, or other similar activities.
4. Either before or during the hearing, the disciplinary hearing officer may dismiss the disciplinary report if and only if one of the reasons set out in Procedure B. 10 exists.
5. The prisoner charged has a right to be present at the hearing, which right may be waived by the prisoner. He/she also has the right to be assisted at the hearing by a counsel substitute. The disciplinary hearing officer may, however, conduct the hearing in the absence of the prisoner charged or counsel substitute, if the prisoner or counsel substitute fails to appear for the hearing after he/she has been duly notified or if, immediately prior to or during the hearing, the prisoner's behavior or counsel substitute's behavior is inconsistent with the hearing process to the extent that the prisoner or counsel substitute must be excluded or removed from the hearing room. If a hearing is conducted without the prisoner or counsel substitute being present, the circumstances of the prisoner's or counsel substitute's absence shall be documented in the written summary.
6. At the opening of the hearing, the disciplinary report and charge(s) shall be read and fully explained to the prisoner by the disciplinary hearing officer. The prisoner shall enter a plea to the charge(s). The prisoner shall be given an opportunity to reply to the charge(s). The disciplinary hearing officer may ask the prisoner questions.
7. The disciplinary hearing officer may permit the prisoner, or his/her counsel substitute, to call one or more witnesses and to question any witness who testifies in person or by telephone at the hearing. The disciplinary hearing officer may require that the prisoner, or the counsel substitute, question any witness indirectly by relaying questions through the disciplinary hearing officer. Testimony from witnesses may be presented in writing with the permission of the disciplinary hearing officer. A prisoner shall not be given permission to have a

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witness from outside the correctional facility physically brought to the disciplinary hearing. However, testimony from an outside witness may be presented by telephone or in writing with the permission of the disciplinary hearing officer. The disciplinary hearing officer may call one or more witnesses and question any witness who testifies in person or by telephone at the hearing.

8. Permission to call or question a witness, including a witness testifying by telephone, shall not be unreasonably withheld or restricted. Whenever permission to call or question a witness is withheld or restricted, the disciplinary hearing officer shall document the reason(s) in the written summary. If a witness is to be permitted to testify, the disciplinary hearing officer shall take all reasonable steps to ensure the testimony of the witness is presented at the hearing. Whenever permission has been granted to call a witness and the witness does not testify, the disciplinary hearing officer shall document the reason(s) in the written summary.
9. The disciplinary hearing officer may permit the prisoner, or his/her counsel substitute, to present or examine exhibits. Permission to present or examine exhibits shall not be unreasonably withheld or restricted. The disciplinary hearing officer may present and examine exhibits.
10. Whenever permission to present or examine exhibits is withheld or restricted, the disciplinary hearing officer shall document the reason(s) in the written summary. When examination by a prisoner of an exhibit would compromise security or safety, the disciplinary hearing officer may permit the prisoner to examine a photograph of the exhibit or may permit an examination of the actual exhibit or a photograph of the exhibit by staff acting as counsel substitute. When a prisoner's listening to an audio recording or viewing a video recording of an incident would compromise security or safety, the disciplinary hearing officer may permit staff acting as counsel substitute to listen to or view the recording.
11. When confidential information is necessary to support a finding of guilt, a written summary of the confidential information that does not reveal the identity of the informant shall be presented at the hearing in the presence of the prisoner. The Shift Supervisor or Unit Manager who received the disciplinary report shall ensure that the written summary is provided to the disciplinary hearing officer prior to the hearing, and the disciplinary hearing officer shall ensure that the written summary is read to the prisoner or otherwise presented at the hearing and is made part of the record of the hearing.

The Shift Supervisor or Unit Manager who received the disciplinary report shall ensure that the identity of the informant, the detailed statement of the informant, and the reason(s) for relying on the informant or the information is provided to the disciplinary hearing officer prior to the hearing, and the disciplinary hearing officer shall ensure that this confidential information is not presented at the hearing or otherwise revealed to the prisoner who is the subject of the hearing, a

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prisoner acting as counsel substitute, or any other prisoner. This confidential information shall be retained in accordance with Department policy and procedure but shall not be made part of the disciplinary documentation accessible to the prisoner.

12. Upon completion of the hearing, the disciplinary hearing officer shall determine guilt or innocence for any charge not dismissed. The finding of guilt or innocence must rest solely upon evidence produced at the hearing, including, but not limited to, the disciplinary report, the prisoner's statement, if any, to the investigator, any exhibits, and the testimony of any witnesses. In the case of a charge for which possession is an element, and more than one prisoner exercises control over an area in which the item was found, a finding of possession by one or more prisoners may be based on a determination that there is some evidence that the prisoner or prisoners exercised control over the item. Otherwise, a finding of guilt must be based on a determination that it is more probable than not that the prisoner committed the violation. A positive drug or alcohol test result (confirmed by an independent test, if required by the Department's Drug and Alcohol Testing Policy) is sufficient to meet this standard for the disciplinary violations of Alcohol, Trafficking, Trafficking Marijuana, or Under the Influence or Taking of Substances, whichever is applicable. A prisoner may be found guilty of a lesser violation than the one charged, provided that the lesser violation is of the same nature as the violation charged. The disciplinary hearing officer shall recommend a disposition authorized for each violation of which the prisoner was found guilty. The disciplinary hearing officer shall separately specify the recommended disposition for each charge a prisoner is found guilty of.
13. In the case of a prisoner who has been found guilty and who has been identified as mentally ill or developmentally disabled, the disciplinary hearing officer shall consult with the appropriate mental health staff prior to determining the disposition.
14. The prisoner shall be advised of the decision and the basis for it and of the disposition recommended for each guilty finding. The disciplinary hearing officer shall prepare a written summary of the evidence presented, the decision, a statement of the reason(s) and evidence relied on for the decision and the recommended disposition for each guilty finding (see Attachment E, Disciplinary Hearing Summary). The summary shall also contain documentation of any consultation with mental health staff.
15. A copy of this summary shall be provided to the prisoner, as soon as possible following the conclusion of the hearing. This summary must be provided within twenty-four (24) hours of the conclusion of the hearing, unless the prisoner has less than forty-eight (48) hours until release, in which case, it must be provided

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immediately following the conclusion of the hearing. Upon request, a copy shall be provided to the reporting staff.

16. When the prisoner is provided the summary, the prisoner shall be advised by the disciplinary hearing officer that he/she may appeal the decision and recommended disposition within fifteen (15) days (or other timeframe for a prisoner who has less than fifteen (15) days until release) to the Chief Administrative Officer, or designee, of the facility where the disciplinary hearing was held. The disciplinary hearing officer shall ask the prisoner whether the prisoner wishes to waive the right to appeal.
17. If the prisoner signs the waiver or if a prisoner who does not sign the waiver does not submit a timely appeal, no appeal will be considered and the prisoner's Unit Manager shall ensure that the disposition(s) are imposed.
18. If the prisoner does not sign the waiver, an appeal (see Attachment F) may be submitted to the Chief Administrative Officer, or designee, within fifteen (15) days (or other timeframe for a prisoner who has less than fifteen (15) days until release) of the prisoner's receipt of the summary. If a timely appeal is submitted, the Chief Administrative Officer, or designee, shall review and consider the appeal, the decision, and the recommended disposition. The timeliness of the appeal is determined by the date and time it is received by the Chief Administrative Officer, or designee.
19. Prisoners shall have the right to appeal the disciplinary decision and the recommended disposition made by the disciplinary hearing officer.
  - a. For prisoners who have at least fifteen (15) days until release, then, within fifteen (15) days from the prisoner's receipt of the summary of the disciplinary hearing officer's decision and recommended disposition, a prisoner found guilty may submit to the Chief Administrative Officer, or designee, an appeal, with reasons therefore, prepared by the prisoner or counsel substitute on a form provided to the prisoner by the disciplinary hearing officer.
  - b. For prisoners who have less than fifteen (15) days until release, no later than one (1) hour prior to release, a prisoner found guilty may submit to the Chief Administrative Officer, or designee, an appeal, with reasons therefore, prepared by the prisoner or counsel substitute on a form provided to the prisoner by the disciplinary hearing officer.
20. The Chief Administrative Officer, or designee, may affirm, modify, or reverse the decision and/or recommended disposition(s) of the disciplinary hearing officer, dismiss the disciplinary report if and only if one of the reasons set out in Procedure B. 10 exists, or remand the matter to the disciplinary hearing officer

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for a new hearing or to the Shift Supervisor or Unit Manager who received the disciplinary report for an attempt at an informal resolution. The Chief Administrative Officer, or designee, may not reverse a decision or remand a matter unless the prisoner has been found guilty of a disciplinary charge and may not increase the severity of the disposition recommended by the disciplinary hearing officer.

21. The prisoner shall be notified in writing as to the decision on the appeal of his/her case by the Chief Administrative Officer, or designee (see Attachment F). The disposition(s) may not be imposed prior to the review, which must be completed within thirty (30) days of receipt of the appeal.
22. Any written waiver signed by a prisoner as part of the disciplinary process is final and may not be withdrawn.
23. Designated staff shall complete and maintain appropriate documentation for every disciplinary case in which a prisoner is found guilty. (see Attachment G, Disciplinary Report Information, Attachment H, Disciplinary Segregation Report to Commissioner and Attachment I, Disciplinary Chronology)
24. If, at any time during the disciplinary process, the prisoner is found not guilty or the disciplinary report is dismissed, the disciplinary report and any other disciplinary documents shall be forwarded to the Chief Administrative Officer, or designee, who shall examine the documents and then destroy them. In a case in which a prisoner is found guilty of some, but not all charges, the parts of the disciplinary documents listing the charges for which the prisoner was found not guilty or which were dismissed shall be blacked out after review by the Chief Administrative Officer, or designee. Documents, other than disciplinary documents, which describe the incident, such as emergency observation documents, log book entries, etc., shall not be destroyed, or blacked out.
25. The Chief Administrative Officer, or designee, may at any time modify a disposition of disciplinary segregation time to a disposition of disciplinary restriction time of the same number of days.
26. The Chief Administrative Officer, or designee, may at any time suspend some or all of any disciplinary disposition that the prisoner has accumulated if the prisoner has demonstrated an extended period of good behavior. The suspension may be revoked in whole or in part by the Chief Administrative Officer, or designee, if the prisoner is found guilty of having committed a new violation at any time.
27. After consultation with appropriate medical or mental health staff, the Chief Administrative Officer, or designee, may at any time suspend some or all disciplinary segregation time or disciplinary restriction time that a prisoner has accumulated to the extent necessary to address medical or mental health needs.

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After consultation with appropriate medical or mental health staff, the suspension may be revoked in whole or in part by the Chief Administrative Officer, or designee, if the prisoner's medical or mental health condition allows.

28. The Chief Administrative Officer, or designee, shall review all disciplinary hearings and dispositions to assure conformity with Departmental Policy.

**Procedure D: Classes of Violations and Dispositions**

1. The purpose of this section is to define and grade violations in order to limit official discretion and to give fair warning to the prisoner of what conduct is prohibited and what the possible consequences of disciplinary violations are. It is also the purpose of this section to prescribe punishments that are proportionate to the seriousness of the violation.
2. Disciplinary segregation is confinement in a cell, room or other living space assigned to a prisoner on disciplinary segregation status. A prisoner on disciplinary segregation status shall be treated in accordance with Departmental Policy 15.2, Disciplinary Segregation. Disciplinary restriction is confinement to the prisoner's own cell, room, or other living space. Privileges, including work, programming, and recreation, are suspended, unless specified otherwise. Prisoners on disciplinary restriction shall not be allowed any electronic entertainment equipment or musical instruments.
3. Violations are divided into four (4) categories: A, B, C, and D, with A being the most serious violation. A prisoner found guilty of more than one (1) charge may receive concurrent or consecutive dispositions. Dispositions received for new violations are consecutive to any dispositions received for prior violations and not yet completed.
4. If a prisoner commits another violation within one hundred and twenty (120) days of committing a previous violation of the same class or a higher class, the prisoner may receive a disposition for a "multiple violation" of the class of the more recent violation and receive a disposition allowed for the next higher class of violation, e.g., a Class "C" violation may be disposed of as a Class "B" violation upon a finding of guilt if the prisoner committed a Class "C" or higher class violation within the 120 days prior to the commission of the new violation.
5. In any case, the disciplinary hearing officer may recommend the imposition of a punishment and the suspension of all or some of its execution. The Chief Administrative Officer, or designee, may accept or reject the recommendation. If the prisoner commits another violation within ninety (90) days from the date of suspension of the punishment by the Chief Administrative Officer, or designee, the suspension may be revoked in whole or in part by the Chief Administrative Officer, or designee, upon a finding of guilt of the new violation.

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6. Non-contact visitation may be required by the Chief Administrative Officer for a prisoner who is found guilty of a disciplinary drug or tobacco violation (Test, Refusing to Take Drug Test; Trafficking; Trafficking Marijuana; Under the Influence or Taking of Substance {other than an alcoholic substance}; Smoking) or found guilty of a criminal violation of Trafficking in Prison Contraband or Trafficking in Tobacco. Such a restriction may be imposed for either a definite or indefinite period of time.
7. A prisoner found guilty of a Class A or B disciplinary violation shall be required to dispose of all grandfathered personal property within thirty (30) days by one of the pre-approved disposition methods for non-allowable property (mailing the property out at the prisoner's expense, sending the property out with a visitor, or donating the property to the facility for disposition).
8. The following are the standard punishments that may be imposed upon a finding of guilt of a violation.

**Class A Dispositions:**

1. Disciplinary segregation or disciplinary restriction or both, up to a total of thirty (30) days.
2. Loss of good time or deductions, up to thirty (30) days.
3. Loss of privileges for no more than thirty (30) days.
4. Assignment of extra work in lieu of recreation for no more than thirty (30) days.
5. Monetary sanction, up to \$100.00.
6. Restitution (to replace or repair property destroyed or damaged or to pay the cost of medical care).
7. Counseling/verbal reprimand/warning.
8. Any combination of the above.

**Class B Dispositions:**

1. Disciplinary segregation or disciplinary restriction or both, up to a total of twenty (20) days.
2. Loss of good time or deductions, up to twenty (20) days.
3. Loss of privileges for no more than twenty (20) days.

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4. Assignment of extra work in lieu of recreation for no more than twenty (20) days.
5. Monetary sanction, up to \$75.00.
6. Restitution (to replace or repair property destroyed or damaged or to pay the cost of medical care).
7. Counseling/verbal reprimand/warning.
8. Any combination of the above.

**Class C Dispositions:**

1. Disciplinary segregation or disciplinary restriction or both, up to a total of ten (10) days.
2. Loss of good time or deductions, up to ten (10) days.
3. Loss of privileges for no more than ten (10) days.
4. Assignment of extra work in lieu of recreation for no more than ten (10) days.
5. Monetary sanction, up to \$50.00.
6. Restitution (to replace or repair property destroyed or damaged or to pay the cost of medical care).
7. Counseling/verbal reprimand/warning.
8. Any combination of the above.

**Class D Dispositions:**

1. Disciplinary segregation or disciplinary restriction or both, up to a total of five (5) days.
2. Loss of good time or deductions, up to five (5) days.
3. Loss of privileges for no more than five (5) days.
4. Assignment of extra work in lieu of recreation for no more than five (5) days.

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5. Monetary sanction, up to \$25.00.
6. Restitution (to replace or repair property destroyed or damaged or to pay the cost of medical care).
7. Counseling/verbal reprimand/warning.
8. Any combination of the above.

**Procedure E: Acts Prohibited (Violations)**

**Absence.** Absence from any work, education, or other program assignment without authorization from the program Supervisor, or Unit Manager, or designee. Class D.

**Alcohol.** Trafficking, possession or use of any alcoholic beverage or the adulteration of any food or drink for the purpose of making an intoxicating beverage. Class A.

**Administrative Burden.** Performing any action with the intention to cause or with the knowledge it will cause a waste of Department of Corrections staff time. Class C.

**Animal.** Mistreatment of an animal, including abuse, neglect, or harassment. Class A.

**Assessment.** Refusing or failing to appropriately participate in a required program screening or assessment, such as substance abuse screening, sex offender risk assessment, etc. Class A.

**Bodily Injury.** Inflicting bodily injury on oneself or another person or any attempt to inflict bodily injury on oneself or another person. Class A.

**Body Fluid.** Spitting, excreting, urinating on/at another individual, throwing any body fluid or any fluid appearing to be or stated to be a body fluid on/at another individual, or contaminating any item with any body fluid or any fluid appearing to be or stated to be a body fluid. Body fluid includes feces, urine, blood, saliva, vomit, semen, or any other human body fluid. Class A.

**Business.** Engaging in any business activity or profession without authorization from the Chief Administrative Officer. Class B.

**Canine.** Mistreatment of a Department canine, including inflicting bodily injury, threatening to strike or otherwise injure, or harassment, or interference with the

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canine's performance of its duties, including blocking or hindering its access, substantially restricting its movement, and disguising a scent. Class A.

**Communicating.** Communicating, directly or indirectly, with any person who the prisoner is prohibited from having contact with as a condition of probation, or supervised release for sex offenders, by a court order, or as a result of having been forbidden to harass that person pursuant to 17-A M.R.S.A. Section 506-A. Class A.

**Community Release Violation.** Any violation of a community release program agreement, e.g., public service release, work release, education release, furlough leave, furlough pass, supervised community confinement. Class A.

**Count.** Intentional non-presence at, interference with, delay of, or refusal to cooperate with the taking of a prisoner count, formal or informal. Class A.

**Counterfeiting.** Counterfeiting, forging, or reproduction of any document, article of identification, stock or other security, cash, check, money order, or any other legal currency, telephone calling card, credit, debit or ATM card, or prisoner store card, debit card, or money transfer, or the possession of any counterfeit, forged, or reproduced document, article of identification, stock or other security, cash, check, money order, or any other legal currency, telephone calling card, credit, debit or ATM card, or prisoner store card, debit card, or money transfer. Class A.

**Currency.** Possession or use of any article of identification, stock or other security, cash, check, money order, or any other legal currency, telephone calling card, credit, debit, or ATM card, or prisoner store card, debit card, or money transfer, bank account number, credit, debit, or ATM card number, telephone PIN number, computer password, or any other PIN number, password, or access code unless authorized by the Commissioner of Corrections. Class A.

**Deadly Instrument.** Possession of, or the trafficking in, any firearm, knife, weapon, sharpened instrument, chemical, explosive, ammunition, or device which could be a deadly instrument. Class A.

**Debt.** Incurring any debt, to include but not be limited to, subscribing to a magazine or ordering a book without pre-payment, taking out a loan, applying for a credit card, or any other action designed to obtain goods or services prior to paying for them. Class B.

**Deception.** Creating or reinforcing a false impression, including a false impression as to identity, value, knowledge, or intention, for the purpose of depriving another party of money or other property. Class A

**Demonstration.** Organizing, engaging in, or encouraging any unauthorized group demonstration. Class A.

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**Destruction of Property (More than \$50).** Willful destruction of any property not the prisoner's, of which the cost of replacement or repair, including labor, is in excess of \$50.00. Class A.

**Destruction of Property (\$50 or less).** Willful destruction of any property not the prisoner's, of which the cost of replacement or repair, including labor, is \$50.00 or less. Class B.

**Disorderly Behavior.** Failure of the prisoner to conduct himself/herself in an orderly and courteous manner at all times. Class C.

**Disregard of Orders, Encouraging.** Encouraging others to disregard orders, instructions, rules, or assignments. Class B.

**Disturbance, Property Damage or Personal Injury.** Planning, attempting to create, or creating a disturbance resulting in property damage or personal injury to others, or the reasonable result of which, if not quelled, could be the destruction of property or personal injury to others. Class A.

**Disturbance.** Planning, attempting to create, or creating a disturbance involving no destruction of property or injury to another person or threat of such destruction or injury. Class B.

**DNA Sample, Refusing to Provide.** Refusing to cooperate with the collection of a DNA sample as required by Title 25 M.R.S.A. Section 1574. Class A.

**Electronic Communication Devices.** Possession of any electronic communication device, including, but not limited to, cell phone, radio, or pager, without authorization from the Commissioner. Class A

**Equipment.** Using machinery, computers, or other equipment without authorization from the staff in charge of the equipment or using authorized machinery, computers, or other equipment for an unauthorized purpose. Class B.

**Escape.** Escape, attempting to escape, or planning an escape. Class A.

**Escape Tool.** Possession of any tool, item, or material which could reasonably be expected to aid in an escape or escape attempt. Class A.

**Evidence.** Willful destruction or concealment of any item that is evidence or appears to be evidence of a disciplinary violation or a crime. Class A.

**Exposure.** Exposing one's private body parts to another person for the purpose of causing discomfort or offense to the other person or gratifying sexual desire. Class A.

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**Extortion.** The demanding and/or receiving anything of value, in return for protection of any kind, by threat of bodily harm or duress. Class A.

**False Statement (Force or Duress).** Soliciting a false statement, whether verbal or written, by any means involving force or duress. Class A.

**False Statement.** Making or soliciting a false statement, whether verbal or written. Class B.

**Fighting.** Any physical encounter between two or more persons the object of which is bodily injury. Class B.

**Fire (Intentional).** The intentional ignition of combustible materials, the reasonable result of which could be injury to any person or the destruction of property. Class A.

**Fire (Negligence).** Negligent ignition of combustible materials, the reasonable result of which could be property damage or personal injury. Class B.

**Gambling.** Gambling, including participation in legal gambling, such as state sponsored lottery games, or possession of instruments of gambling. Class B.

**Giving or Receiving.** The giving or receiving of any article of identification, stock or other security, cash, check, money order, or any other legal currency, telephone calling card, credit, debit, or, ATM card, store card, or prisoner debit card, bank account number, telephone calling card or PIN number, or credit, debit, or ATM card number, or other item between a prisoner and another prisoner, visitor, or volunteer. The giving or receiving of any of the above between a prisoner and the family or friend of another prisoner or between a prisoner and staff without authorization from the Chief Administrative Officer. Class C.

**Harassment.** Harassment by words, gesture, or other behavior of any person that is motivated by the person's race, color, ethnicity, national origin, religion, creed, gender, sexual orientation, or similar circumstance, physical or mental disability, or crime. Class A.

**Horseplay.** Engaging in horseplay and physical encounters not part of an organized recreation program. This violation does not include physical encounters the object of which is threat of injury or actual injury to another prisoner. Class D.

**Hostage Taking.** Taking of or being an accessory to the taking of a hostage or substantially restricting the movement of another person. Class A

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**Housing Regulations.** Failure to abide by housing regulations not specifically covered in this policy but approved for use in the housing area concerned and conspicuously posted in the area. Class D.

**Hygiene.** Failure to maintain personal hygiene and/or failure to maintain assigned living space in a sanitary and safe condition, as prescribed by the housing area rules. Class B.

**Identification.** Failure to display issued identification in the required manner. Class C

**Influencing Staff.** Promising, offering, or giving to any department staff any monetary or other benefit for the purpose of influencing such staff in the performance of official duties. Class A.

**Informal or Formal Resolution.** Failing to abide by an informal or formal resolution of a disciplinary incident. Class B.

**Interference.** Interfering or encouraging others to interfere with any staff in the performance of his/her duties, to include passive physical resistance. Class B.

**Leaving a Place of Assignment.** Leaving a place of assignment or otherwise moving through the correctional facility without authorization from the staff in charge of the place of assignment. Class C.

**Mail.** Violating mail rules. Class B.

**Martial Arts.** Demonstrating or practicing wrestling, boxing, or other martial arts without authorization. Class C.

**Medication.** Unauthorized possession, giving, receipt, concealment, or hoarding of any medication or any medication related item, or abuse of any medication or medication related item. Class B.

**Money.** Failure to deposit money earned, or inherited by or otherwise credited to the prisoner into the prisoner's account at the facility. Class D.

**Noises.** Making loud noises, except for sounds made as part of an athletic or similar event, e.g., clapping, cheering, etc. Class D.

**Order, Refusing to Obey.** Refusing to obey any lawful order, instruction, rule, or assignment. Class C.

**Order, Negligent Failure to Obey.** Negligent failure to carry out any lawful order, instruction, or assignment. Class D.

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**Possession.** Possession of any item which was not issued to the prisoner, sold through the commissary, or otherwise authorized to be in the prisoner's possession or unauthorized alteration of an authorized item. Class C.

**Provocation.** Provocation by words or gesture of any person. Class C.

**Rioting.** Rioting or being an accessory to a riot. Class A.

**Rules.** Failure to abide by the rules of any program not specifically covered in this policy. Class D.

**Running.** Running, except when engaged in an authorized activity or during an emergency. Class C.

**Safety.** Failure to follow any safety procedure or use proper safety clothing or equipment provided by the correctional facility, whether during practice or actual performance of work or other activity. Class C.

**Security Threat Group Affiliation.** Being affiliated with, possessing or displaying any materials, symbols, colors, or pictures of any identified security threat group, or engaging in behavior that is uniquely or clearly associated with a security threat group. Class A.

**Sexual Activity by Force or Duress.** Any sexual activity involving duress, force, or violence. Class A.

**Sexual Activity Not under Duress or Force.** Any sexual activity not involving force, violence, or duress. Class B.

**Smoking.** Trafficking, possession or use of tobacco, or trafficking or possession of tobacco related devices, including, but not limited to, pipes, lighters, matches, cigarette papers, and cigarette rollers, without authorization from the Commissioner. Class B.

**Soliciting.** Soliciting money or other property from another party other than a family member without authorization from the Chief Administrative Officer. Class B.

**Tampering.** Tampering with, blocking, or obtaining control of any safety or security device, including, but not limited to, any locking device, key or key card, door, fire alarm, smoke alarm, heat sensor, fire sprinkler, security touch screen, radio, or causing a false alarm. Class A.

**Tattooing.** Tattooing or any other intentional puncturing of one's own skin or the skin of another or the possession of tattooing equipment. Class A.

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**Telephone.** Violating telephone rules. Class B.

**Test, Refusing to Take Alcohol Test.** Refusing or failing to take an alcohol test, refusing or failing to provide an adequate specimen, tampering with the specimen, or refusing or failing to follow instructions for providing an adequate and uncontaminated specimen. Class A.

**Test, Refusing to Take Drug Test.** Refusing or failing to take a drug test, refusing or failing to provide an adequate specimen, tampering with the specimen, or refusing or failing to follow instructions for providing an adequate and uncontaminated specimen. Class A.

**Theft (More than \$25).** Theft of the property of another party, where the value of such property is greater than \$25.00. Class A.

**Theft (\$25 or less).** Theft of the property of another party, where the value of such property is \$25.00 or less. Class B.

**Threatening.** Threatening to strike or otherwise injure another individual, to include direct or indirect communication. Class B.

**Throwing.** Throwing any object or substance. Class B.

**Trafficking.** Trafficking of a drug, regardless of whether or not prescribed to the prisoner, or possession or use of a prescription drug not prescribed to the prisoner by the facility healthcare staff, or possession or use of a non-prescribed scheduled drug of the W, X, Y classification, or related paraphernalia, as defined by 17-A M.R.S.A. Class A.

**Trafficking Marijuana.** Trafficking, possession or use of a non-prescribed Schedule Z substance or related paraphernalia (marijuana or its derivatives and paraphernalia related to its use). Class A.

**Under the Influence or Taking of Substance.** Drinking, sniffing, ingesting, or otherwise taking and/or being under the influence of any alcoholic, chemical, or medicinal substance, other than one prescribed to the prisoner by facility healthcare staff. Class A.

**Visiting.** Violating visiting rules. Class B.

**Waste (More than \$10).** Waste, misuse, or negligent destruction of State property with a value in excess of \$10.00. Class C.

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**Waste (\$10 or less).** Waste, misuse, or negligent destruction of State property, with a value of \$10.00 or less. Class D.

**Work, Refusal.** Refusing to work, failing to work as instructed, or leaving work without permission. Class B.

**Written Communication.** Unauthorized passing, giving or receiving of any written communication without authorization. Class C.

**THE AFOREMENTIONED VIOLATIONS INCLUDE THE PLANNING OF, ATTEMPT OF, AND/OR PARTICIPATION AS AN ACCESSORY IN THE VIOLATION. An attempt is an act which constitutes a substantial step in a course of conduct that will end in the commission of a prohibited act. A prisoner is an accessory if he/she knowingly provides assistance to another prisoner committing a violation.**

**For purposes of any violation which includes possession as an element, possession means to have physical possession or otherwise exercise control over an item on the prisoner's person or in his/her assigned area, e.g., room, cell, work area, or locker.**

**Procedure F: Classification Review**

1. Conduct constituting a disciplinary violation may result in changing a prisoner's custody level, housing status, and/or programs, or the taking of any other action based on a determination that such action is in the interest of the prisoner, in the interest of the prisoner population, or in the interest of safety, security, or orderly management of the facility, regardless of whether the disciplinary process is initiated and, if initiated, regardless of whether the conduct leads to an informal resolution or formal resolution of the violation. A dismissal or a finding of not guilty does not preclude taking any such action. Such action is not in the nature of punishment.

**VII. PROFESSIONAL STANDARDS**

**ACA:**

**ACI – 4-4226** Written rules of inmate conduct specify acts prohibited within the institution and penalties that can be imposed for various degrees of violation.

**ACI – 4-4227** There is a written set of disciplinary procedures governing inmate rule violations.

**ACI – 4-4228** A rulebook that contains all chargeable offenses, ranges of penalties, and disciplinary procedures is given to each inmate and staff member and is translated into those languages spoken by significant numbers of inmates. Signed acknowledgement of receipt of the rulebook is maintained in the

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inmate's file. When a literacy or language problem prevents an inmate from understanding the rulebook, a staff member or translator assists the inmate in understanding the rules.

- ACI – 4-4229 All personnel who work with inmates receive sufficient training so that they are thoroughly familiar with the rules of inmate conduct, the rationale for the rules, and the sanctions available.
- ACI – 4-4230 There are written guidelines for resolving minor inmate infractions, which include a written statement of the rule violated and a hearing and decision within seven days, excluding weekends and holidays, by a person not involved in the rule violation; inmates may waive their appearance at the hearing.
- ACI – 4-4231 Written policy, procedure, and practice provide that, where an inmate allegedly commits an act covered by criminal law, the case is referred to appropriate court or law enforcement officials for consideration for prosecution.
- ACI – 4-4232 Written policy, procedure, and practice provide that when rule violations require formal resolution, staff members prepare a disciplinary report and forward it to the designated Supervisor.
- ACI – 4-4233 Disciplinary reports prepared by staff members include, but are not limited to, the following information:
- specific rule(s) violated
  - a formal statement of the charge
  - any unusual inmate behavior
  - any staff witnesses
  - any physical evidence and its disposition
  - any immediate action taken, including the use of force
  - reporting staff member's signature and date and time of report
- ACI – 4-4234 Written policy, procedure, and practice specify that, when an alleged rule violation is reported, an appropriate investigation is begun within 24 hours of the time the violation is reported and completed without reasonable delay, unless there are exceptional circumstances for delaying the investigation.
- ACI – 4-4235 Within the disciplinary procedures document there is a provision for prehearing detention of inmates who are charged with a rule violation. The inmate's pre-hearing status is reviewed by the warden/superintendent or designee within 72 hours, including weekends and holidays.
- ACI – 4-4236 Written policy, procedure, and practice provide that an inmate charged with a rule violation receives a written statement of the charge(s), including a description of the incident and specific rules violated. The inmate is given the statement at the same time that the disciplinary report is filed with the disciplinary committee but no less than 24 hours prior to the disciplinary hearing. The hearing may be held within 24 hours with the inmate's written consent.
- ACI – 4-4237 Written policy, procedure, and practice provide that an inmate may waive the right to a hearing provided that the waiver is documented and reviewed by the chief executive officer or designee.

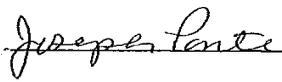
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- ACI – 4-4238 Written policy, procedure, and practice provide that inmates charged with rule violations are scheduled for a hearing as soon as practicable but no later than seven days, excluding weekends and holidays, after being charged with a violation. Inmates are notified of the time and place of the hearing at least 24 hours in advance of the hearing.
- ACI – 4-4239 Written policy, procedure, and practice provide for postponement or continuance of the disciplinary hearing for a reasonable period and good cause.
- ACI – 4-4240 Written policy, procedure, and practice provide that disciplinary hearings on rule violations are conducted by an impartial person or panel of persons. A record of the proceedings is made and maintained for at least six months.
- ACI – 4-4241 Written policy, procedure, and practice provide that inmates charge with rule violations are present at their hearings unless they waive that right in writing or through their behavior. Inmates may be excluded during the testimony of any inmate whose testimony must be given in confidence; the reasons for the inmate’s absence or exclusion are documented.
- ACI – 4-4242 Written policy, procedure, and practice provide that inmates have an opportunity to make a statement and present documentary evidence at the hearing and can request witnesses on their behalf; the reasons for denying such a request are stated in writing.
- ACI – 4-4243 Written policy, procedure, and practice provide that a staff member or agency representative assists inmates at disciplinary hearings if requested. A representative is appointed when it is apparent that an inmate is not capable of collecting and presenting evidence effectively on his or her own behalf.
- ACI – 4-4244 Written policy, procedure, and practice provide that the disciplinary committee’s decision is based solely on information obtained in the hearing process, including staff reports, the statements of the inmate charged, and evidence derived from witnesses and documents.
- ACI – 4-4245 Written policy, procedure, and practice provide that a written record is made of the decision and the supporting reasons, and that a copy is given to the inmate. The hearing record and supporting documents are kept in the inmate’s file and in the disciplinary committee’s records.
- ACI – 4-4246 Written policy, procedure, and practice provide that if an inmate is found not guilty of an alleged rule violation, the disciplinary report is removed from all of the inmate’s files.
- ACI – 4-4247 Written policy, procedure, and practice provide for review of all disciplinary hearings and dispositions by the warden/superintendent or designee to assure conformity with policy and regulations.
- ACI – 4-4248 Written policy, procedure, and practice grant inmates the right to appeal the decisions of the disciplinary committee to the warden/superintendent or designee. Inmates have up to 15 days of receipt of the decision to submit an appeal. The appeal is decided within 30 days of its receipt, and the inmate is promptly notified in writing of the results.

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- ACI – 4-4252** Written policy, procedure, and practice provide that an inmate is placed in disciplinary detention for a rule violation only after a hearing by the disciplinary committee or hearing examiner.
- ACI – 4-4255** There is a sanctioning schedule for institutional rule violations. Continuous confinement for more than 30 days requires the review and approval of the warden/superintendent or designee. Inmates held in disciplinary detention for periods exceeding 60 days are provided the same program services and privileges as inmates in administrative segregation and protective custody.
- ACI – 4-4399** There is consultation between the facility and program administrator (or a designee) and the responsible health care practitioner (or designee) prior to taking any action regarding chronically ill, physically disabled, geriatric, seriously mentally ill, or developmentally disabled offenders in the following areas:
- housing assignments
  - program assignments
  - disciplinary measures
  - transfers to other facilities
- When immediate action is required, consultation to review the appropriateness of the action occurs as soon as possible, but no later than seventy-two hours.
- 4-ACRS-6C-01** There is a process for informal resolution of minor infractions of facility rules.
- 4-ACRS-6C-02** An offender charged with a major rule violation receives a written statement of the alleged violation(s), including a description of the incident and specific rules violated.
- 4-ACRS-6C-03** The facility’s disciplinary process is defined and provides appropriate procedural safeguards, to include:
- Report of incident and charge
  - Notice
  - Time to prepare for hearing
  - Assistance as needed
  - Timely hearing
  - Opportunity to present evidence
  - Fair decision
  - Written notice of decision
  - Opportunity to appeal
- 4-ACRS-6C-04** The facility implements a system of progressive discipline.

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<b>POLICY NUMBER: 29.01</b>		
<b>CHAPTER 29: CLIENT GRIEVANCE RIGHTS</b>		
	<b>STATE of MAINE DEPARTMENT OF CORRECTIONS</b>	<b>PROFESSIONAL STANDARDS:</b>
	<b>Approved by Commissioner:</b>  	<b>See Section VII</b>
<b>EFFECTIVE DATE:</b> January 13, 2003	<b>LATEST REVISION:</b> August 15, 2012	<b>CHECK ONLY IF APA [ X ]</b>

**I. AUTHORITY:**

The Commissioner of Corrections adopts this policy pursuant to 34-A M.R.S.A. Section 1402(5).

**II. APPLICABILITY:**

All Adult Correctional Facilities

**III. POLICY:**

The purpose of this policy is to establish a grievance process for reviewing and resolving complaints of prisoners, other than complaints concerning matters for which there is a separate grievance process or separate appeal procedures. It is anticipated that prior to filing a lawsuit, a prisoner of the Department of Corrections will attempt to resolve his or her complaint by using the grievance process. The grievance procedure is evaluated at least annually to determine its efficiency and effectiveness.

**IV. CONTENTS:**

- Procedure A: Prisoner Grievance Process, General
- Procedure B: Informal Resolution
- Procedure C: First Level Review of a Prisoner's Grievance
- Procedure D: Second Level Review of a Prisoner's Grievance
- Procedure E: Third Level Review of a Prisoner's Grievance
- Procedure F: Abuse of the Grievance Process
- Procedure G: Grievance Records

**V. ATTACHMENTS:**

- Attachment A: Prisoner Grievance Form
- Attachment B: Notification of Dismissal and/or Return
- Attachment C: Response to Grievance – Level I
- Attachment D: Response to Grievance – Level II
- Attachment E: Prisoner’s Appeal of Grievance Response – Levels I and II
- Attachment F: Notification of Suspension of Access to the Grievance Process

**VI. PROCEDURES:**

**Procedure A: Prisoner Grievance Process, General**

1. The Chief Administrative Officer of each adult correctional facility shall designate a Grievance Review Officer and another staff person to be acting Grievance Review Officer in his/her absence. The Chief Administrative Officer shall designate supervisors responsible to attempt informal resolutions with prisoners for subjects within their jurisdiction and shall ensure that the list of those designated is distributed to all prisoners.
2. During the orientation process for each prisoner admitted or transferred to an adult correctional facility, a copy of this policy and procedures shall be provided and the grievance process and how to obtain assistance with the process shall be explained.
3. It is the responsibility of the Correctional Caseworker or Correctional Care and Treatment Worker assigned to a prisoner who needs assistance with the grievance process to provide assistance in a timely manner, including, but not limited to, as appropriate, a sign language interpreter, foreign language interpreter, reasonable accommodation for a prisoner with a physical or mental disability, assistance to an illiterate prisoner, and assistance to a prisoner whose access to paper and/or writing materials has been restricted for safety or security reasons. A prisoner may also be assisted in the grievance process by another staff member on a voluntary basis or by any other person with whom the prisoner is permitted to have contact, provided that in all cases the grievance form and any grievance appeal forms are filed by the prisoner.
4. A prisoner may file a grievance with the appropriate facility Grievance Review Officer to request administrative review of any policy, procedure, practice, condition of confinement, sentence calculation (including, but not limited to, an issue with credit for detention time or awarding of deductions or good time), action, decision, or event that directly affects the prisoner, that the prisoner believes is in violation of his/her rights or is in violation of Departmental policies and procedures, and for which the prisoner believes a Departmental employee or contractor is responsible. A prisoner may not file a grievance regarding the following subjects, since there exists separate appeal procedures for these matters:

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- a. Classification procedures and decisions including, but not limited to, a decision to place a prisoner on administrative segregation or protective custody status or a decision about custody level, a work assignment, participation in an institutional or community-based program, or transfer;
  - b. Disciplinary procedures and decisions, including, but not limited to, a decision to withdraw deductions or good time;
  - c. Furlough pass/furlough leave procedures and decisions; and
  - d. Out of state transfer procedures and decisions, including, but not limited to, a decision to transfer a prisoner out of state or a decision not to return a prisoner from out of state.
5. A prisoner may not file a grievance under this policy regarding medical care or mental health care, since there exists a separate grievance process for these subjects (Policy 29.2, Prisoner Grievance Process, Medical and Mental Health Care). A prisoner may not file a grievance under this policy regarding community corrections matters, since there exists a separate grievance process for those (available by request from the facility library). A prisoner may not file a grievance under this policy alleging sexual misconduct, since there exists a separate grievance process for this subject. (Policy 6.11, Sexual Misconduct, PREA and Maine Statutes).
  6. The Chief Administrative Officer, or designee, of each adult correctional facility shall ensure that prisoner grievance forms (Attachment A) are readily available to all prisoners. A prisoner may use only this form to submit a grievance. Any attempt by a prisoner to submit a grievance by a letter or in any other way shall not be accepted.
  7. A prisoner shall be allowed to submit a grievance form or a grievance appeal form in an envelope sealed by the prisoner and addressed to the appropriate Grievance Review Officer. Any attempt by a prisoner to submit a grievance or a grievance appeal to anyone other than the appropriate Grievance Review Officer shall not be accepted. The Chief Administrative Officer, or designee, shall provide a grievance mailbox or other means for prisoners to submit grievance forms and grievance appeal forms to the facility Grievance Review Officer. A prisoner who has a grievance about a matter that occurred at a Departmental facility that he or she was previously housed in shall be allowed to submit a grievance form or grievance appeal form to that facility's Grievance Review Officer by mailing it through the U.S. Mail. If the prisoner wishes to have it treated as privileged mail, he or she may do so by marking it as such on the outside of the envelope.

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8. A prisoner housed at one Departmental facility who has a grievance about a matter that occurred at another Departmental facility shall direct the grievance form to the Grievance Review Officer at the facility where the matter occurred.
9. A prisoner housed in a jail or in another jurisdiction's facility who has a grievance about a matter that occurred while housed at a Departmental facility shall request a grievance form from the Grievance Review Officer at the Departmental facility where the prisoner was previously housed and shall submit the grievance form to that Grievance Review Officer. A prisoner housed in a jail or another jurisdiction's facility who has a grievance about the provision of access to legal materials or a sentence calculation while housed in the jail or other jurisdiction's facility but for which a Departmental employee is responsible shall mail the grievance form to the Grievance Review Officer at the Departmental facility where the responsible Departmental employee works. A prisoner housed in a jail or another jurisdiction's facility who has a grievance about any other matter shall use that facility's grievance process.
10. If a prisoner's grievance concerns a policy, procedure, practice, or condition of confinement, the grievance form must be filed within fifteen (15) days of when the policy, procedure, practice, or condition of confinement first affected the prisoner. If the grievance concerns a sentence calculation, the grievance form must be filed within fifteen (15) days of when the prisoner was sent the quarterly progress report that first showed the allegedly erroneous sentence calculation. If the grievance concerns an action or decision that is ongoing, the grievance form must be filed within fifteen (15) days of when the action first occurred or the decision was first made. If the grievance concerns any other action, decision, or event, the grievance form must be filed within fifteen (15) days of when the action, decision, or event occurred. In any case in which a grievance implicates more than one of the above, the grievance form must be filed within the shortest of the above time limits.
11. The Chief Administrative Officer, or designee, shall ensure that grievance forms and grievance appeal forms are collected and date stamped at least once every business day. A grievance form or grievance appeal form is considered filed on the day it is collected and date stamped. The Grievance Review Officer shall grant an exception to the time limit for filing if and only if the prisoner makes a clear showing that it was not possible for the prisoner to file the form within the fifteen (15) day period. The fact that a prisoner was seeking assistance, gathering information, or conducting research shall not be grounds for an exception to the time limit for filing a grievance form or grievance appeal form, unless the prisoner's Correctional Caseworker or Correctional Care and Treatment Worker confirms that it was not possible for the prisoner to file the form without assistance and that the Correctional Caseworker or Correctional Care and Treatment Worker was unable to provide the assistance in a timely manner. The fact that a prisoner is not housed at a Departmental facility shall

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not be grounds for an exception to the time limit for filing a grievance form or grievance appeal form.

12. The prisoner shall state, using one grievance form only, as briefly and concisely as possible, the specific nature of the complaint, including all the persons and dates involved. The prisoner shall provide sufficient information to show when the fifteen (15) day time limit began. The prisoner shall also state the specific remedy requested.
13. A prisoner may not bring up more than one subject in any one grievance. Except for photocopies of relevant documents (e.g., property inventory sheet, proof of purchase, health care report, etc.), the prisoner shall not submit any attachments with the grievance form.
14. No prisoner using the grievance process in good faith shall be subjected to retaliation in the form of an adverse action or a threat of an adverse action for using the grievance process. However, a prisoner may have his/her access to the grievance process suspended under Procedure F. and/or may be subjected to disciplinary action for abuse of the grievance process.
15. A prisoner shall be entitled to pursue, through the grievance process, any complaint that the prisoner has been subjected to retaliation for using the grievance process in good faith.
16. A prisoner may withdraw his/her grievance at any time by written notice to the Grievance Review Officer.

**Procedure B: Informal Resolution**

1. Unless the prisoner is housed in a jail or another jurisdiction’s facility, before filing any grievance form, a prisoner shall make an attempt to resolve the complaint in an informal manner by contacting, as soon as possible and no later than within the first five (5) days of the fifteen (15) day time period, an available supervisor who is designated on the Chief Administrative Officer’s list as having jurisdiction over the subject. The prisoner shall provide to the supervisor, at the time of the contact, the grievance form that the prisoner is proposing to file. The form must meet the requirements of Procedure A, 12 and 13.
2. The supervisor shall sign the form and note on it when the prisoner contacted the supervisor about the complaint. The supervisor shall then attempt or shall designate another staff person to attempt, as soon as possible, to informally resolve the complaint, if possible. The supervisor, or designee, shall determine, in his or her discretion, whether it is appropriate to meet with the prisoner as part of this attempt. Any informal resolution requires the agreement of the supervisor, or designee, and the prisoner and must be consistent with Departmental policies, procedures, and practices.

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3. If the complaint is resolved, the supervisor, or designee, shall note on the form what the resolution is, including the implementation date, have the prisoner sign the form acknowledging the resolution of the complaint, and return the original to the prisoner, keeping a copy for the supervisor's files. If the informal resolution is not implemented by the specified date, the prisoner may file a grievance within fifteen (15) days of the date specified. This grievance shall be handled through the formal grievance process, with no requirement of any further attempt at an informal resolution.
4. If the complaint is not resolved, the supervisor, or designee, shall list on the form the actions taken in the attempt to resolve the complaint. The supervisor, or designee, shall return to the prisoner the original form, with the date of return noted, no later than within five (5) days of the contact, keeping a copy for the supervisor's files. Neither the supervisor, nor the supervisor's designee, may refuse to comply with any requirement of this procedure, for any reason.
5. If the prisoner has complied with all of the requirements of this procedure, but the complaint is not resolved for any reason, the prisoner must file a grievance form within the original fifteen (15) day time limit in order to utilize the grievance process.
6. A prisoner housed in a jail or another jurisdiction's facility is not required to comply with the requirements of this procedure.

**Procedure C: First Level Review of a Prisoner Grievance**

1. The Grievance Review Officer shall first review a grievance form to determine whether the subject is grievable, whether the grievance form has been filed within the fifteen (15) day time limit (or an exception should be granted), whether the prisoner has complied with the requirements of Procedure B (unless the prisoner is housed in a jail or another jurisdiction's facility), whether the complaint is a duplicate of an earlier grievance, or whether there has been an obvious abuse of the grievance process by the prisoner.
2. If the Grievance Review Officer determines the subject is not grievable, the grievance form has been submitted untimely, the prisoner has not complied with the requirements of Procedure B, the complaint is a duplicate of an earlier grievance, the grievance is obviously frivolous in nature or there has otherwise been an obvious abuse of the grievance process by the prisoner, the Grievance Review Officer shall dismiss the complaint and return the original grievance form to the prisoner, along with a form noting the reason for the dismissal of the complaint (Attachment B). (A prisoner who files a grievance form properly completed by a designated supervisor within the fifteen (15) day time limit and whose only failure was contacting the supervisor beyond the first five (5) days of the time limit shall not have the grievance dismissed.) When a grievance is

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dismissed, the Grievance Review Officer shall make a copy of the grievance form and the form noting the reason for dismissal for the file. No appeal of a dismissal is allowed.

3. Any attempt to file a grievance about a decision of the Grievance Review Officer acting as the Grievance Review Officer shall be treated as not grievable and dismissed. No appeal of a dismissal is allowed.
4. If the information provided by the prisoner on the grievance form is not sufficient for the Grievance Review Officer to determine whether it was filed within the required fifteen (15) day time limit, the Grievance Review Officer shall immediately return the original grievance form to the prisoner, along with a form noting the reason for the return of the complaint (Attachment B). The Grievance Review Officer shall make a copy of the grievance form and the form noting the reason for return for the file. The prisoner must resubmit the grievance form with the missing information within the original fifteen (15) day time limit for filing a grievance in order to utilize the grievance process.
5. If a complaint is dismissed, but the Grievance Review Officer determines that the complaint requires follow up, the Grievance Review Officer shall forward the complaint to the Chief Administrative Officer, or designee, for determination, outside the grievance process, as to any other action required.
6. Unless the complaint is dismissed or returned for additional information, the Grievance Review Officer shall date the form with the date the grievance was date stamped, log the receipt of the grievance, and assign to the grievance a log number. The log number shall consist of the last two digits of the year, the initials for the facility, and the order of receipt of the grievance (e.g., the thirteenth grievance received by the Maine State Prison Grievance Review Officer in the year 2011 would be logged as 11-MSP-13). That log number shall be used to identify the grievance throughout the entire grievance process.
7. If the grievance concerns a decision of the person designated as Grievance Review Officer (made by that person in a capacity other than Grievance Review Officer), the Grievance Review Officer shall immediately forward the grievance to the other staff designated as acting Grievance Review Officer for review and shall so advise the prisoner.
8. Once logged, the Grievance Review Officer shall investigate the grievance. This may include, but is not limited to, conducting interviews with the prisoner, staff, or others, requesting copies of documents, requesting oral or written reports from staff, reviewing policies and procedures, etc. All staff shall cooperate fully with the requests of the Grievance Review Officer.
9. The Grievance Review Officer shall respond to the grievance, in writing, no later than thirty (30) days following receipt of the grievance form, indicating any action

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taken to resolve the prisoner's grievance or the reasons for the denial of the grievance (Attachment C). The Grievance Review Officer shall include a grievance appeal form (Attachment E) with the response.

10. If the only remedy for the grievance requires action by the Chief Administrative Officer, the Grievance Review Officer shall forward the grievance, together with any investigative reports and other documentation, to the Chief Administrative Officer for review and shall so advise the prisoner.
11. If the only remedy for the grievance requires action by the Commissioner (e.g., changing a Departmental policy or procedure), the Grievance Review Officer shall forward the grievance to the Commissioner for review and shall so advise the prisoner.
12. If a response cannot be made within the thirty (30) days, the Grievance Review Officer shall so advise the prisoner and shall indicate when the response will be made, which must not be later than an additional ten (10) days.
13. If the matter being grieved might also be the subject of or otherwise involve a criminal investigation, the Grievance Review Officer shall immediately contact the Department's Assistant Attorney General for instruction as to how to respond to the grievance. The Grievance Review Officer shall not inform the prisoner that the subject has been referred to the Attorney General's Office and shall not provide any other information to the prisoner prior to receiving this instruction.

**Procedure D: Second Level Review of a Prisoner's Grievance**

1. If, after receipt of the response from the Grievance Review Officer, the prisoner wishes to appeal, the appeal must be filed with the Grievance Review Officer, using the grievance appeal form, within fifteen (15) days of the date of the response (the date the Grievance Review Officer signs the response and sends it to the prisoner). The prisoner shall include on the appeal form the log number assigned to the grievance by the Grievance Review Officer. If the prisoner does not appeal within the fifteen (15) day time period, the Grievance Review Officer shall close the case. A prisoner may use only this form to submit an appeal. Any attempt by a prisoner to submit an appeal via letter or in any other way shall not be accepted.
2. The prisoner shall state, using one grievance appeal form only, the reasons for the appeal. The prisoner shall not raise an argument on appeal that was not raised in the original grievance or the response to the original grievance. Except for photocopies of relevant documents (e.g., property inventory sheet, proof of purchase, health care report, etc.), the prisoner shall not submit any attachments with the grievance form.

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3. The Grievance Review Officer shall first review a grievance appeal form to determine whether the grievance appeal form has been filed within the fifteen (15) day time limit (or an exception should be granted). If the Grievance Review Officer determines the grievance appeal form has been submitted untimely, the Grievance Review Officer shall dismiss the appeal and return the grievance appeal form to the prisoner, along with a form noting the reason for the dismissal of the appeal (Attachment B). The Grievance Review Officer shall make a copy of the grievance appeal form and the form noting the reason for dismissal for the file. No appeal of a dismissal is allowed.
4. Unless the appeal is dismissed, the Grievance Review Officer shall log the receipt of the appeal and forward the grievance appeal form, together with all prior correspondence and documentation, to the Chief Administrative Officer.
5. The Chief Administrative Officer, or designee, shall review all prior correspondence and documentation and may require additional investigation before making a written response to the prisoner.
6. The Chief Administrative Officer, or designee, shall respond to the grievance, in writing, within twenty-five (25) days of filing of the appeal, indicating any action taken to resolve the prisoner's grievance or the reasons for the denial of the appeal (Attachment D). The Chief Administrative Officer, or designee, shall include a grievance appeal form with the response.
7. If the only remedy for the grievance requires action by the Commissioner (e.g., changing a Departmental policy or procedure), the Chief Administrative Officer, or designee, shall require the Grievance Review Officer to forward the appeal, together with all prior correspondence and documentation, to the Commissioner for review and shall so advise the prisoner.

**Procedure E: Third Level Review of a Prisoner's Grievance**

1. If, after receipt of the response from the Chief Administrative Officer, the prisoner wishes to appeal, the appeal must be filed with the Grievance Review Officer, using the grievance appeal form, within fifteen (15) days of the date of the response (the date the Chief Administrative Officer signs the response and sends it to the prisoner). The prisoner shall include on the appeal form the log number assigned by the Grievance Review Officer to the grievance. If the prisoner does not appeal within the fifteen (15) day time period, the Grievance Review Officer shall close the case. A prisoner may use only this form to submit an appeal. Any attempt by a prisoner to submit an appeal via letter or in any other way shall not be accepted.
2. The prisoner shall state, using one grievance appeal form only, the reasons for the appeal. The prisoner shall not raise an argument on appeal that was not raised in the original grievance or the response to the original grievance. Except

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for photocopies of relevant documents (e.g., property inventory sheet, proof of purchase, health care report, etc.), the prisoner shall not submit any attachments with the grievance form.

3. The Grievance Review Officer shall first review a grievance appeal form to determine whether the grievance appeal form has been filed within the fifteen (15) day time limit (or an exception should be granted). If the Grievance Review Officer determines the grievance appeal form has been submitted untimely, the Grievance Review Officer shall dismiss the appeal and return the grievance appeal form to the prisoner, along with a form noting the reason for the dismissal of the appeal (Attachment B). The Grievance Review Officer shall make a copy of the grievance appeal form and the form noting the reason for dismissal for the file. No appeal of a dismissal is allowed.
4. Unless the appeal is dismissed, the Grievance Review Officer shall log the receipt of the appeal and forward the grievance appeal form, together with all prior correspondence and documentation, to the Commissioner.
5. The Commissioner, or designee, shall review all prior correspondence and documentation and may require additional investigation before making a written response to the prisoner, which must be done within twenty (20) days of filing the appeal. A copy of the response shall be forwarded to the Grievance Review Officer and the Chief Administrative Officer.
6. This level is the final administrative level of appeal.

**Procedure F: Abuse of the Grievance Process**

1. If the Commissioner, or designee, or the Chief Administrative Officer determines that a prisoner has abused the grievance process by filing a frivolous grievance (a grievance is not frivolous if it is a complaint about a violation of law, a violation of policy or procedures, a risk to health or safety, or an ongoing or frequent deviation from a normal practice or condition of confinement), by filing multiple grievances on the same subject, or by otherwise creating an administrative burden, or by knowingly making a false statement in a grievance, the Commissioner, or designee, or the Chief Administrative Officer, may suspend the prisoner's access to the grievance process for up to a ninety (90) day period. If the Commissioner, or designee, or the Chief Administrative Officer suspends a prisoner's access to the grievance process, the Commissioner, or designee, or the Chief Administrative Officer shall notify the prisoner in writing (Attachment F). If the Chief Administrative Officer suspends a prisoner's access to the grievance process, the Chief Administrative Officer shall ensure that the Commissioner, or designee, is notified of this decision at least one (1) week prior to notifying the prisoner. If the Commissioner, or designee, does not agree with the Chief Administrative Officer's decision, he or she shall notify the Chief Administrative Officer prior to the expiration of the one (1) week time period.

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2. If a prisoner who has had his or her access to the grievance process suspended three (3) or more times continues to abuse the grievance process, the Commissioner may impose an indefinite suspension.
3. A prisoner who has been suspended from access to the grievance process may not file a grievance during the period of suspension, unless it concerns a violation of a constitutional right.
4. A prisoner who has received an indefinite suspension may apply to the Commissioner for reinstatement of access to the grievance process no earlier than one (1) year after the suspension was imposed and no more frequently than annually thereafter. The decision whether to reinstate access to the grievance process is at the sole discretion of the Commissioner.

**Procedure G: Grievance Records**

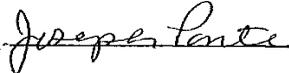
1. Records regarding the filing and disposition of individual grievances shall be collected and maintained systematically within each correctional facility and shall be handled in the same manner as other prisoner records.
2. Each correctional facility shall send quarterly reports to the Commissioner concerning the operation of the grievance process. These reports shall include the numbers and types of grievances logged, the numbers of grievance appeals logged, the response times to each, and the highest level response and the nature of the resolution in each case.

**VII. PROFESSIONAL STANDARDS:**

**ACA:**

- ACI - 4-4284** There is a written inmate grievance procedure that is made available to all inmates and that includes at least one level of appeal.
- 4-ACRS-6B-03** A grievance procedure that includes at least one level of appeal is available to all offenders. The grievance procedure is evaluated at least annually to determine its efficiency and effectiveness. The quantity and nature of offender grievances is aggregated and analyzed annually.

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	<b>STATE of MAINE DEPARTMENT OF CORRECTIONS</b>  <b>Approved by Commissioner:</b>  	<b>PROFESSIONAL STANDARDS:</b>  <b>See Section VII</b>
	<b>EFFECTIVE DATE:</b> January 13, 2003	<b>LATEST REVISION:</b> August 15, 2012

**I. AUTHORITY:**

The Commissioner of Corrections adopts this policy pursuant to 34-A M.R.S.A. Section 1402(5).

**II. APPLICABILITY:**

All Adult Correctional Facilities

**III. POLICY:**

The purpose of this policy is to establish a grievance process for reviewing and resolving complaints of prisoners concerning medical and mental health care. It is anticipated that prior to filing a lawsuit, a prisoner of the Department of Corrections will attempt to resolve his or her complaint by using the grievance process.

**IV. CONTENTS:**

- Procedure A: Prisoner Health Care Grievance Process, General
- Procedure B: Informal Resolution
- Procedure C: First Level Review of a Prisoner's Grievance
- Procedure D: Second Level Review of a Prisoner's Grievance
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**V. ATTACHMENTS:**

- Attachment A: Prisoner Grievance Form
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- Attachment C: Response to Grievance – Level I
- Attachment D: Response to Grievance – Level II
- Attachment E: Prisoner’s Appeal of Grievance Response – Levels I and II
- Attachment F: Notification of Suspension of Access to the Grievance Process

**VI. PROCEDURES:**

**Procedure A: Prisoner Health Care Grievance Process, General**

1. The Grievance Review Officer designated to review grievances under Policy 29.1, Grievance Process, General, shall also serve as the Grievance Review Officer for health care issues. The staff person designated to be acting Grievance Officer under Policy 29.1 shall have that same function under this policy.
2. Prior to using the grievance process, a request for medical or mental health care must first be made by the prisoner using the established facility health care procedures (e.g., by submitting a sick call slip, submitting a request for mental health services, or presenting a problem during a chronic care clinic).
3. The facility’s Health Services Administrator (HSA) shall be responsible to attempt, or designate staff to attempt, informal resolutions with prisoners for medical and mental health care complaints.
4. During the orientation process for each prisoner admitted or transferred to an adult correctional facility, a copy of this policy and procedures shall be provided and the health care grievance process and how to obtain assistance with the process shall be explained.
5. It is the responsibility of the Correctional Caseworker or Correctional Care and Treatment Worker assigned to a prisoner who needs assistance with the grievance process to provide assistance in a timely manner, including, but not limited to, as appropriate, a sign language interpreter, foreign language interpreter, reasonable accommodation for a prisoner with a physical or mental disability, assistance to an illiterate prisoner, and assistance to a prisoner whose access to paper and/or writing materials has been restricted for safety or security reasons. A prisoner may also be assisted in the grievance process by another staff member on a voluntary basis or by any other person with whom the prisoner is permitted to have contact, provided that in all cases the grievance form and any grievance appeal forms are filed by the prisoner.
6. A prisoner may file a grievance with the Grievance Review Officer to request administrative review of any policy, procedure, practice, action, decision, or event that directly affects the medical or mental health care received by the prisoner, that he/she believes is not responsive to his/her medical or mental

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health needs, is in violation of his/her rights or is in violation of Departmental policies and procedures, and for which he/she believes a Departmental health care employee or contractor is responsible.

7. The Chief Administrative Officer, or designee, of each adult correctional facility shall ensure that prisoner grievance forms (Attachment A) are readily available to all prisoners. A prisoner may use only this form to submit a grievance. Any attempt by a prisoner to submit a grievance by a letter or in any other way shall not be accepted.
8. A prisoner shall be allowed to submit a grievance form or a grievance appeal form in an envelope sealed by the prisoner and addressed to the Grievance Review Officer. Any attempt by a prisoner to submit a grievance or a grievance appeal to anyone other than the appropriate Grievance Review Officer shall not be accepted. The Chief Administrative Officer, or designee, shall provide a grievance mailbox or other means for prisoners to submit grievance forms and grievance appeal forms to the facility Grievance Review Officer. A prisoner who has a grievance about a medical or mental health care matter that occurred at a Departmental facility that he or she was previously housed in shall be allowed to submit a grievance form or grievance appeal form to that facility's Grievance Review Officer by mailing it through the U.S. Mail. If the prisoner wishes to have it treated as privileged mail, he or she may do so by marking it as such on the outside of the envelope.
9. A prisoner housed at one Departmental facility who has a grievance about a medical or mental health care matter that occurred at another Departmental facility shall direct the grievance form to the Grievance Review Officer at the facility where the matter occurred.
10. A prisoner housed in a jail or in another jurisdiction's facility who has a grievance about a medical or mental health care matter that occurred while housed at a Departmental facility shall request a grievance form from the Grievance Review Officer at the Departmental facility where the prisoner was previously housed and shall submit the grievance form to that Grievance Review Officer. A prisoner housed in a jail or another jurisdiction's facility who has a grievance about a medical or mental health care matter that occurred at that facility shall use that facility's grievance process.
11. If a prisoner's grievance concerns a policy, procedure, or practice concerning medical or mental health care, the grievance form must be filed within fifteen (15) days of when the policy, procedure, or practice first affected the prisoner. If the grievance concerns an action, decision, or event concerning medical or mental health care that is ongoing, the grievance form must be filed within fifteen (15) days of when the action or event first occurred or the decision was first made. If the grievance concerns any other action, decision, or event concerning

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medical or mental health care, the grievance form must be filed within fifteen (15) days of when the action, decision, or event occurred. In any case in which a grievance implicates more than one of the above, the grievance form must be filed within the shortest of the above time limits.

12. The Chief Administrative Officer, or designee, shall ensure that grievance forms and grievance appeal forms are collected and date stamped at least once every business day. A grievance form or grievance appeal form is considered filed on the day it is collected and date stamped. The Grievance Review Officer shall grant an exception to the time limit for filing if and only if it the prisoner makes a clear showing that it was not possible for the prisoner to file the form within the fifteen (15) day period. The fact that a prisoner was seeking assistance, gathering information, or conducting research shall not be grounds for an exception to the time limit for filing a grievance form or grievance appeal form, unless the prisoner's Correctional Caseworker or Correctional Care and Treatment Worker confirms that it was not possible for the prisoner to file the form without assistance and that the Correctional Caseworker or Correctional Care and Treatment Worker was unable to provide the assistance in a timely manner. The fact that a prisoner is not housed at a Departmental facility shall not be grounds for an exception to the time limit for filing a grievance form or grievance appeal form.
13. The prisoner shall state, using one grievance form only, as briefly and concisely as possible, the specific nature of the medical or mental health care complaint, including all the persons and dates involved. The prisoner shall provide sufficient information to show when the fifteen (15) day time limit began. The prisoner shall also state the specific remedy requested.
14. A prisoner may not bring up more than one medical or mental health care subject in any one grievance. Except for photocopies of relevant documents (e.g., health care report, etc.), the prisoner shall not submit any attachments with the grievance form.
15. No prisoner using the grievance process in good faith shall be subjected to retaliation in the form of an adverse action or a threat of an adverse action for using the grievance process. However, a prisoner may have his/her access to the grievance process suspended under Procedure F. and/or may be subjected to disciplinary action for abuse of the grievance process.
16. A prisoner shall be entitled to pursue, through the grievance process, any complaint that the prisoner has been subjected to retaliation for using the grievance process in good faith.
17. A prisoner may withdraw his/her grievance at any time by written notice to the Grievance Review Officer.

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## **Procedure B: Informal Resolution**

1. Unless the prisoner is housed in a jail or another jurisdiction's facility, before filing any grievance form, a prisoner shall make an attempt to resolve the complaint in an informal manner by contacting, as soon as possible and no later than within the first five (5) days of the fifteen (15) day time period, the facility's Health Services Administrator. The prisoner shall provide to the Health Services Administrator, at the time of the contact, the grievance form that the prisoner is proposing to file. The form must meet the requirements of Procedure A, 13 and 14.
2. The Health Services Administrator shall sign the form and note on it when the prisoner contacted the HSA about the complaint. The Health Services Administrator shall then attempt or shall designate another staff person to attempt, as soon as possible, to informally resolve the complaint, if possible. The Health Services Administrator, or designee, shall determine, in his or her discretion, whether it is appropriate to meet with the prisoner as part of this attempt. Any informal resolution requires the agreement of the Health Services Administrator, or designee, and the prisoner and must be consistent with Departmental policies, procedures, and practices.
3. If the complaint is resolved, the Health Services Administrator, or designee, shall note on the form what the resolution is, including the implementation date, have the prisoner sign the form acknowledging the resolution of the complaint, and return the original to the prisoner, keeping a copy for the Health Services Administrator's files. If the informal resolution is not implemented by the specified date, the prisoner may file a grievance within fifteen (15) days of the date specified. This grievance shall be handled through the formal grievance process, with no requirement of any further attempt at an informal resolution.
4. If the complaint is not resolved, the Health Services Administrator, or designee, shall list on the form the actions taken in the attempt to resolve the complaint. The Health Services Administrator, or designee, shall return to the prisoner the original form, with the date of return noted, no later than within five (5) days of the contact, keeping a copy for the Health Services Administrator's files. Neither the Health Services Administrator, nor the Health Services Administrator's designee, may refuse to comply with any requirement of this procedure, for any reason.
5. If the prisoner has complied with all of the requirements of this procedure, but the complaint is not resolved for any reason, the prisoner must file a grievance form within the original fifteen (15) day time limit in order to utilize the grievance process.

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6. A prisoner housed in a jail or another jurisdiction's facility is not required to comply with the requirements of this procedure.

**Procedure C: First Level Review of a Prisoner Grievance**

1. The Grievance Review Officer shall first review a grievance form to determine whether the grievance form has been filed within the fifteen (15) day time limit (or an exception should be granted), whether the prisoner has complied with the requirements of Procedure B (unless the prisoner is housed in a jail or another jurisdiction's facility), whether the complaint is a duplicate of an earlier grievance, or whether there has been an obvious abuse of the grievance process by the prisoner.
2. If the Grievance Review Officer determines the subject is not grievable, the grievance form has been submitted untimely, the prisoner has not complied with the requirements of Procedure B, the complaint is a duplicate of an earlier grievance, the grievance is obviously frivolous in nature or there has otherwise been an obvious abuse of the grievance process by the prisoner, the Grievance Review Officer shall dismiss the complaint and return the original grievance form to the prisoner, along with a form noting the reason for the dismissal of the complaint (Attachment B). (A prisoner who files a grievance form properly completed by the Health Services Administrator within the fifteen (15) day time limit and whose only failure was contacting the Health Services Administrator beyond the first five (5) days of the time limit shall not have the grievance dismissed.) When a grievance is dismissed, the Grievance Review Officer shall make a copy of the grievance form and the form noting the reason for dismissal for the file. No appeal of a dismissal is allowed.
3. Any attempt to file a grievance about a decision of the Grievance Review Officer acting as the Grievance Review Officer shall be treated as not grievable and dismissed. No appeal of a dismissal is allowed.
4. If the information provided by the prisoner on the grievance form is not sufficient for the Grievance Review Officer to determine whether it was filed within the required fifteen (15) day time limit, the Grievance Review Officer shall immediately return the original grievance form to the prisoner, along with a form noting the reason for the return of the complaint (Attachment B). The Grievance Review Officer shall make a copy of the grievance form and the form noting the reason for return for the file. The prisoner must resubmit the grievance form with the missing information within the original fifteen (15) day time limit for filing a grievance in order to utilize the grievance process.
5. If a complaint is dismissed, but the Grievance Review Officer determines that the complaint requires follow up, the Grievance Review Officer shall forward the

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complaint to the Chief Administrative Officer, or designee, for determination, outside the grievance process, as to any other action required.

6. Unless the complaint is dismissed or returned for additional information, the Grievance Review Officer shall date the form with the date the grievance was date stamped, log the receipt of the grievance, and assign to the grievance a log number. The log number shall consist of the last two digits of the year, the initials for the facility, and the order of receipt of the grievance (e.g., the thirteenth grievance received by the Maine State Prison Grievance Review Officer in the year 2011 would be logged as 11-MSP-13). That log number shall be used to identify the grievance throughout the entire grievance process.
7. Once logged, the Grievance Review Officer shall investigate the grievance. This may include, but is not limited to, conducting interviews with the prisoner, staff, or others, requesting copies of documents, requesting oral or written reports from staff, reviewing policies and procedures, etc. All staff shall cooperate fully with the requests of the Grievance Review Officer.
8. The Grievance Review Officer shall respond to the grievance, in writing, no later than thirty (30) days following receipt of the grievance form, indicating any action taken to resolve the prisoner's grievance or the reasons for the denial of the grievance (Attachment C). The Grievance Review Officer shall include a grievance appeal form (Attachment E) with the response.
9. If the only remedy for the grievance requires action by the Chief Administrative Officer, the Grievance Review Officer shall forward the grievance, together with any investigative reports and other documentation, to the Chief Administrative Officer for review and shall so advise the prisoner.
10. If the only remedy for the grievance requires action by the Commissioner (e.g., changing a Departmental policy or procedure), the Grievance Review Officer shall forward the grievance to the Commissioner for review and shall so advise the prisoner.
11. If a response cannot be made within the thirty (30) days, the Grievance Review Officer shall so advise the prisoner and shall indicate when the response will be made, which must not be later than an additional ten (10) days.

**Procedure D: Second Level Review of a Prisoner's Grievance**

1. If, after receipt of the response from the Grievance Review Officer, the prisoner wishes to appeal, the appeal must be filed with the Grievance Review Officer, using the grievance appeal form, within fifteen (15) days of the date of the response (the date the Grievance Review Officer signs the response and sends it to the prisoner). The prisoner shall include on the appeal form the log number

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assigned to the grievance by the Grievance Review Officer. If the prisoner does not appeal within the fifteen (15) day time period, the Grievance Review Officer shall close the case. A prisoner may use only this form to submit an appeal. Any attempt by a prisoner to submit an appeal via letter or in any other way shall not be accepted.

2. The prisoner shall state, using one grievance appeal form only, the reasons for the appeal. The prisoner shall not raise an argument on appeal that was not raised in the original grievance or the response to the original grievance. Except for photocopies of relevant documents (e.g., health care report, etc.), the prisoner shall not submit any attachments with the grievance form.
3. The Grievance Review Officer shall first review a grievance appeal form to determine whether the grievance appeal form has been filed within the fifteen (15) day time limit (or an exception should be granted). If the Grievance Review Officer determines the grievance appeal form has been submitted untimely, the Grievance Review Officer shall dismiss the appeal and return the grievance appeal form to the prisoner, along with a form noting the reason for the dismissal of the appeal (Attachment B). The Grievance Review Officer shall make a copy of the grievance appeal form and the form noting the reason for dismissal for the file. No appeal of a dismissal is allowed.
4. Unless the appeal is dismissed, the Grievance Review Officer shall log the receipt of the appeal and forward the grievance appeal form, together with all prior correspondence and documentation, to the Chief Administrative Officer.
5. The Chief Administrative Officer, or designee, shall review all prior correspondence and documentation and may require additional investigation before making a written response to the prisoner.
6. The Chief Administrative Officer, or designee, shall respond to the grievance, in writing, within twenty-five (25) days of filing of the appeal, indicating any action taken to resolve the prisoner's grievance or the reasons for the denial of the appeal (Attachment D). The Chief Administrative Officer, or designee, shall include a grievance appeal form with the response.
7. If the only remedy for the grievance requires action by the Commissioner (e.g., changing a Departmental policy or procedure), the Chief Administrative Officer, or designee, shall require the Grievance Review Officer to forward the appeal, together with all prior correspondence and documentation, to the Commissioner for review and shall so advise the prisoner.

**Procedure E: Third Level Review of a Prisoner's Grievance**

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1. If, after receipt of the response from the Chief Administrative Officer, the prisoner wishes to appeal, the appeal must be filed with the Grievance Review Officer, using the grievance appeal form, within fifteen (15) days of the date of the response (the date the Chief Administrative Officer signs the response and sends it to the prisoner). The prisoner shall include on the appeal form the log number assigned by the Grievance Review Officer to the grievance. If the prisoner does not appeal within the fifteen (15) day time period, the Grievance Review Officer shall close the case. A prisoner may use only this form to submit an appeal. Any attempt by a prisoner to submit an appeal via letter or in any other way shall not be accepted.
2. The prisoner shall state, using one grievance appeal form only, the reasons for the appeal. The prisoner shall not raise an argument on appeal that was not raised in the original grievance or the response to the original grievance. Except for photocopies of relevant documents (e.g., health care report, etc.), the prisoner shall not submit any attachments with the grievance form.
3. The Grievance Review Officer shall first review a grievance appeal form to determine whether the grievance appeal form has been filed within the fifteen (15) day time limit (or an exception should be granted). If the Grievance Review Officer determines the grievance appeal form has been submitted untimely, the Grievance Review Officer shall dismiss the appeal and return the grievance appeal form to the prisoner, along with a form noting the reason for the dismissal of the appeal (Attachment B). The Grievance Review Officer shall make a copy of the grievance appeal form and the form noting the reason for dismissal for the file. No appeal of a dismissal is allowed.
4. Unless the appeal is dismissed, the Grievance Review Officer shall log the receipt of the appeal and forward the grievance appeal form, together with all prior correspondence and documentation, to the Commissioner. The prisoner shall not raise an argument on appeal that was not raised in the original grievance, the response to the original grievance, or the response to the appeal to the Chief Administrative Officer.
5. The Commissioner, or designee, shall review all prior correspondence and documentation and may require additional investigation before making a written response to the prisoner, which must be done within twenty (20) days of filing the appeal. A copy of the response shall be forwarded to the Grievance Review Officer and the Chief Administrative Officer.
6. This level is the final administrative level of appeal.

**Procedure F: Abuse of the Grievance Process**

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1. If the Commissioner, or designee, or the Chief Administrative Officer determines that a prisoner has abused the grievance process by filing a frivolous grievance (a grievance is not frivolous if it is a complaint about a violation of law, a violation of policy or procedures, a risk to health or safety, or an ongoing or frequent deviation from a normal practice or condition of confinement), by filing multiple grievances on the same subject, or by otherwise creating an administrative burden, or by knowingly making a false statement in a grievance, the Commissioner, or designee, or the Chief Administrative Officer, may suspend the prisoner's access to the grievance process for up to a ninety (90) day period. If the Commissioner, or designee, or the Chief Administrative Officer suspends a prisoner's access to the grievance process, the Commissioner, or designee, or the Chief Administrative Officer shall notify the prisoner in writing (Attachment F). If the Chief Administrative Officer suspends a prisoner's access to the grievance process, the Chief Administrative Officer shall ensure that the Commissioner, or designee, is notified of this decision at least one (1) week prior to notifying the prisoner. If the Commissioner, or designee, does not agree with the Chief Administrative Officer's decision, he or she shall notify the Chief Administrative Officer prior to the expiration of the one (1) week time period.
2. If a prisoner who has had his or her access to the grievance process suspended three (3) or more times continues to abuse the grievance process, the Commissioner may impose an indefinite suspension.
3. A prisoner who has been suspended from access to the grievance process may not file a grievance during the period of suspension, unless it concerns a violation of a constitutional right.
4. A prisoner who has received an indefinite suspension may apply to the Commissioner for reinstatement of access to the grievance process no earlier than one (1) year after the suspension was imposed and no more frequently than annually thereafter. The decision whether to reinstate access to the grievance process is at the sole discretion of the Commissioner.

**Procedure G: Grievance Records**

1. Records regarding the filing and disposition of individual grievances shall be collected and maintained systematically within each correctional facility and shall be handled in the same manner as other prisoner records.
2. Each correctional facility shall send quarterly reports to the Commissioner concerning the operation of the grievance process. These reports shall include the numbers and types of grievances logged, the numbers of grievance appeals logged, the response times to each, and the highest level response and the nature of the resolution in each case.

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**VII. PROFESSIONAL STANDARDS:**

**ACA:**

**ACI - 4-4394** There is a system for resolving offender grievances relating to health care concerns.

**4-ACRS-4C-01** (MANDATORY) Offenders have unimpeded access to health care and to a system for processing complaints regarding health care.

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To: All Prisoners  
From: Commissioner Ponte  
Date: March 06, 2013  
Re: Prisoner safety concerning the Prevention of Sexual Misconduct

It is important that each and every prisoner is safe from sexual misconduct from other prisoners and/or staff. To that end, **the Maine Department of Corrections has a zero tolerance policy for sexual misconduct.** This guide will give you information as to what you can do to reduce the chance of being sexually assaulted or the subject of other sexual misconduct, how to report a sexual misconduct, and what the facility's response to such a report will be. Again, sexual misconduct from any source will not be tolerated at any Departmental facility.

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It is the policy of the Maine Department of Corrections that staff-on-prisoner and prisoner-on-prisoner sexual misconduct will not be tolerated -- **all sexual conduct, including sexual contact, is against the Department's rules and considered to be sexual misconduct.** All allegations of sexual misconduct or threats of sexual misconduct will be thoroughly investigated. Furthermore, any perpetrator will be disciplined and/or prosecuted.

Under prisoner discipline, Policy 20.1, any prisoner sexual activity involving duress, force, or violence is a Class A disciplinary violation. Any prisoner sexual activity not involving force, violence, or duress is a Class B violation.

Departmental Policy 6.11, Sexual Misconduct (PREA and Maine Statutes), provides definitions and Maine Criminal Statute references. These definitions and references are also included with this guide.

**NOTE:** It is not sexual contact or touching when an employee is doing a physical search or medical staff is doing a medical examination according to approved departmental policies and/or procedures.

Because of the difference in power between prisoners and staff, legally **there can never be a consensual relationship between the two. Also, any consensual relationships between prisoners are prohibited.**

**You have the right to be safe from sexual misconduct.** While you are incarcerated, no one has the right to pressure you to engage in sexual acts. You do not have to tolerate sexual misconduct or pressure to engage in unwanted sexual behaviors regardless of your gender, age, size, race, ethnicity, sexual orientation, or other characteristics. You have the right to be safe from unwanted sexual advances and acts.

**ABOUT YOUR SAFETY:** If you feel that someone is pressuring you or sexually harassing you, staff are available to help you deal with this problem. If you are being pressured, threatened or extorted for sex, you should report this to staff. You should feel free to discuss your concerns about sexual misconduct, or implied or threatened sexual misconduct with any staff member. If you are in an emergency situation, approach any staff member. You may also use the prisoner phone to directly call the Correctional Investigator (phone number provided in your handbook). In addition you should report any retaliation you experience for reporting or cooperating with an investigation of sexual misconduct or sexual harassment.

## **AVOIDING SEXUAL MISCONDUCT**

Here are some things you can do to protect yourself against sexual misconduct.

- 1) Carry yourself in a confident manner at all times. Do not permit your emotions (fear/anxiety) to be obvious to others.
- 2) Do not accept gifts or favors from others. Most gifts or favors come with strings attached to them.
- 3) Do not accept an offer from another prisoner to be your protector.
- 4) Find a staff member with whom you feel comfortable discussing your fears and concerns.
- 5) Be alert! Do not use contraband substances such as drugs or alcohol: these can weaken your ability to stay alert and make good judgments.
- 6) Be direct and firm if others ask you to do something you don't want to do. Do not give mixed messages to other prisoners regarding your wishes for sexual activity.
- 7) Stay in assigned areas of the institution.
- 8) Choose your associates wisely. Look for people who are involved in positive activities such as education programs, counseling programs or religious activities. Stay involved in positive activities.
- 9) Trust your instincts. If you sense that a situation may be dangerous, it probably is. If you fear for your safety, report your concerns to staff.

**What to do if you are a victim of sexual misconduct.** If you become a victim of sexual misconduct, you should report it immediately to staff, which will offer you immediate protection and, in the case of sexual assault will refer you for a medical examination and clinical assessment. Assistance will be provided regardless of whether or not you name the responsible prisoner or staff member; however, specific information may make it easier for staff to help you. Even though you may want to clean up after an assault, it is important to see medical staff BEFORE you shower, wash, drink, eat, smoke, change clothing or use the bathroom. Medical staff will examine you for injuries which may or may not be readily apparent to you. You may also be checked for sexually transmitted diseases and gather physical evidence of assault. All medical and mental health care provided to you as a result of a report of sexual misconduct will be provided to you at no cost. The individual or individuals responsible can only be disciplined and/or prosecuted if the misconduct is reported.

**How do you report an Incident of Sexual Misconduct?** It is important that you tell a staff member if you have been sexually assaulted. **You can tell any caseworker, mental health worker, chaplain, security staff member, medical practitioner, administrative staff member, investigator, or any other employee.** Department staff members are instructed to keep the reported information confidential and only discuss it with the appropriate officials on a need to know basis. You also have the option of reporting the misconduct or threats in writing. You may write to a member of the administrative staff, a caseworker, a mental health staff member, a chaplain, a security supervisor, a member of Central Office, the investigator, or any other employee you trust. However, any delay in reporting an incident will make investigating the incident far more difficult. The Department's toll- free PREA hotline number is **1-855-279-4763**. The Maine Coalition Against Sexual Assault crisis and support's toll- free number is **1-800-871-7741**.

**What happens when you report an incident of Sexual Misconduct?** Allegations of sexual misconduct are first assigned to one of the Department's investigators. The allegations will be thoroughly investigated. A report made in good faith based upon a reasonable belief that the alleged conduct did occur does not constitute lying for the purpose of disciplinary action even if investigation does not establish evidence sufficient to substantiate the allegation. No reprisals of any kind shall be taken against a prisoner for good faith reporting of sexual misconduct or sexual threats. However, if investigation discloses that a person who knew that the information was false made the allegation intentionally or with malice, he or she may be charged with falsely reporting an incident and/or may be

subject to disciplinary action. A person is guilty of falsely reporting an incident if it is proven beyond a reasonable doubt that, knowing the information reported, conveyed or circulated to be false or baseless, he or she reports to a law enforcement officer or agency the alleged occurrence of an offense or incident which did not in fact occur.

**Seek Medical Attention:** If you have been sexually assaulted, you should seek medical attention immediately. Although it may be difficult, it is important that you do not shower after the assault. Showering may wash off the hair and body fluids which are critical evidence, especially with the potential use of DNA technology. Also, do not wash, destroy or discard the clothes and underwear that you had on at the time of the assault, as these items may be used to collect critical evidence. You will be checked at a hospital for the presence of physical evidence. A medical professional will perform a medical examination as deemed appropriate based upon his or her professional judgment, and document the existence of physical evidence which remains after the assault. This physical evidence is crucial in corroborating that the sexual assault occurred and in identifying the assailant. The examination will be conducted privately and professionally at the hospital. You should seek medical help if you have been sexually assaulted or had sexual relations with others, to determine if you have been exposed to the HIV virus or other sexually transmitted diseases. Female prisoners may be tested for pregnancy when appropriate.

**Confidentiality:** Information concerning the identity of a prisoner victim reporting sexual misconduct, and the facts of the report itself, shall be limited to those who have a need to know in order to make decisions concerning the prisoner victim's welfare. If a case is forwarded for prosecution, certain information may have to be shared during the court proceedings.

**Counseling Programs for Victims of Sexual Misconduct:** If you have been the victim of sexual misconduct by staff or prisoners, you will be referred for counseling and/or advice from a mental health clinician. Crisis counseling, coping skills, suicide prevention and mental health counseling are all available to you. Often, people may require help to recover from the emotional effects of sexual misconduct. If you are a victim of a sexual misconduct while in prison, or if you were victimized in the past, professional staff are available to provide treatment.

In summary, the Department of Corrections has a zero tolerance policy for sexual misconduct. Accordingly, all allegations of sexual misconduct or sexual threats will be thoroughly investigated. Any victim of sexual misconduct will be treated in a sensitive manner with due consideration to the effects of sexual misconduct. Furthermore, any perpetrator of a sexual misconduct incident will be dealt with severely through discipline and/or prosecution to the fullest extent permitted by law.