



Plymouth County  
Sheriff's Department

Joseph D. McDonald, Jr.  
Sheriff

*Policy*

**490**

*Number of Pages*

**3**

*Related Standards*

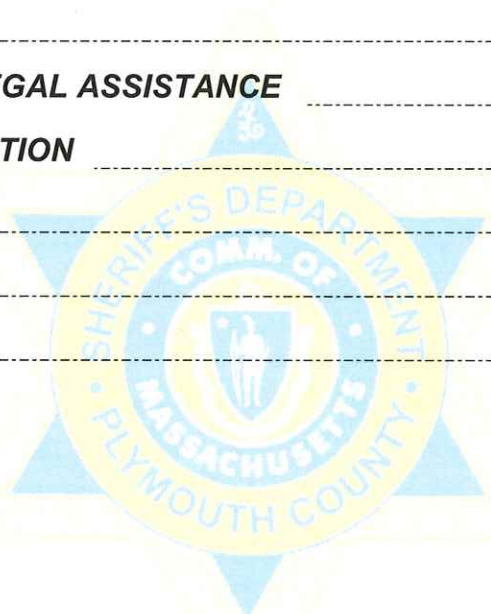
MGL: c. 124, §1 (d&q); c. 127, § 1A, 36A & 87 (Lewis vs. Casey)

103 CMR: 934.01 & .02

ACA : 4-ALDF-2A-27; 6A-01, 02, 03, 04, 05, 06; 6B-02

# LEGAL RIGHTS

<b>SUBJECT</b> .....	<b>PAGE</b>
<b>I. GENERAL INFORMATION</b> .....	<b>2</b>
<b>II. DEPARTMENT POLICY</b> .....	<b>2</b>
<b>III. PROGRAM FOR INMATE LEGAL ASSISTANCE</b> .....	<b>3</b>
<b>IV. GROUP LEGAL PRESENTATION</b> .....	<b>3</b>
<b>V. SEVERABILITY CLAUSE</b> .....	<b>3</b>
<b>VI. APPLICABILITY</b> .....	<b>3</b>
<b>VII. RESPONSIBLE STAFF</b> .....	<b>3</b>



**APPROVED:**

\_\_\_\_\_  
Joseph D. McDonald Jr.  
Sheriff

**DATE:**

5-10-2021

**I. GENERAL INFORMATION**

A. The purpose of this document is to establish Sheriff's Department policy to protect the Constitutional rights of inmates and the preservation of facility order.

B. Definition

Inmate Legal Services Attorney and / or Paralegal: The attorney and / or paralegal in the employment of the Department for the purpose of providing legal assistance to inmates.

**II. DEPARTMENT POLICY**

A. Inmates at the Plymouth County Correctional Facility have access to:

1. The courts
2. Their attorneys and attorney's authorized representatives;
3. Communications to governmental authorities.
4. Provisions for foreign nationals access to the diplomatic representative of their country of citizenship.
5. Procedures are specifically addressed in the following documents:
  - a. Procedure 401 - Inmate Booking and Admissions;
  - b. Policy 478 - Inmate Library Services;
  - c. Policy and Procedure 481 - Inmate Mail Regulations;
  - d. Procedure 482 - Inmate Telephone System
  - e. Policy and Procedure 483 - Visiting Procedure;

B. Inmates will have opportunity for access to various programs and work assignments

1. Access to programs and work assignments, and administrative decisions will be without regard to inmates' race, color, age, gender, ethnicity, sexual orientation, gender identity, religion, creed, ancestry, national origin, disability, veteran status (including Vietnam Era Veterans), genetic information or background.
2. Procedures are specifically addressed in the following documents:
  - a. Policy and Procedure 420 - Classification Policy;
  - b. Policy 440 - Treatment and Training
  - c. Policy and Procedure 441 - Academic Education Program
  - d. Policy and Procedure 442 - Vocational Training for Inmates;
  - e. Policy and Procedure 450 - Institutional Work Assignments;

C. Inmates seeking judicial or administrative redress will not be subjected to reprisals or penalties as a consequence.

1. Department policies and procedures providing for access by all inmates to an administrative remedy for redress of legitimate complaints may be found in:
  - a. Policy and Procedure 420 - Classification Policy;

- b. Policy and Procedure 430 - Disciplinary Actions;
- c. Policy and Procedure 491 - Inmate Grievances;

**III. PROGRAM FOR INMATE LEGAL ASSISTANCE**

The Department has established a program designed to assist inmates in the preparation and filing of legal papers, and accessing institutional redress of legitimate complaints, which meets and / or exceeds the minimum requirements for legal assistance programs required by applicable federal and state law. This program is administered by the Inmate Legal Services Attorney and / or Paralegal.

- A. A law library containing legal materials required by applicable federal and state law and access to equipment and supplies.
- B. A lawyer assistance program which provides:
  - 1. Inmates sufficient opportunity to meet with and be counseled by an attorney to the extent required by the demonstrated legal needs of the particular inmate.
  - 2. Indigent inmates are provided an unlimited number of postage free letters each week for privileged confidential correspondence

**IV. GROUP LEGAL RIGHTS PRESENTATIONS**

At times, notifications will be posted to announce Group Legal Rights Presentations.

- A. A sign-up sheet will be made available in each housing unit and you will be given the opportunity to attend.
- B. Presentations are open to all detainees, regardless of the presenter's intended audience, except when a particular detainee's attendance would pose a security risk.
- C. Detainees in segregation will be allowed to attend if security is not compromised.
  - 1. If it becomes necessary, presentations may be made to individuals in segregation, pending agreement with the presenter and security can be maintained.
  - 2. If a detainee in segregation cannot attend for this reason, and both he/she and the presenter(s) so request, alternative arrangements shall be made.

**V. SEVERABILITY CLAUSE**

If any article, section, subsection, sentence, clause, or phrase of this policy is for any reason held to be unconstitutional, contrary to statute, in excess of the authority of the Sheriff, or otherwise inoperative, such decision will not affect the validity of any other article, section, subsection, sentence, clause, or phrase of these regulations.

**VI. APPLICABILITY**

This policy applies to all department employees and inmates.

**VII. RESPONSIBLE STAFF**

The Superintendent, will be responsible for implementing and monitoring this policy.