DEPARTMENT OF CORRECTIONS

MAINE CORRECTIONAL CENTER

MALE
Prisoner Handbook

SCOTT R. LANDRY
Superintendent

JOSEPH PONTE
Commissioner

TABLE OF CONTENTS

PART I: Facility Operating Procedures

1. Following Orders 4
2. Personal Conduct 4
3. Personal Safety 4
4. Identification Card 4
5. Pass System 4
6. Rules and Regulations 5
   Count, Contraband and Search, Clothing, Personal Hygiene, Housing, Unit Rules, Tobacco, Fire Safety, Movement, Dining Hall, Work/School
7. Disciplinary Action/Acts Prohibited 10
8. Security Threat Groups/Gangs 10
9. Housing Assignment 10
10. Personal Property 11
11. Information, Problem Solving, Request System, and Grievances 11
12. Maintenance 12
13. Emergency Situations 12

PART II: Facility Services

1. Classification 13
2. Sentence Computation and Credits 13
3. Religious Services 13
4. Health Care Services 14
   Emergency, Access to Services, Lay-in Status, Co-Pay Medication, Medical, Dental, Optical and Diabetic Call
5. Food Service 15
6. Recreation 15
7. Prisoner Account 16
   Incoming Funds, Outgoing Funds, and Prisoner Pay
8. Canteen 16
9 Mail 17
   General Mail, Privileged Mail, Publications, Packages, Certified Mail
10. Telephones 21
   Prisoner Telephone System, Authorization, Termination, Legal Calls, Monitoring of Calls
11 Visits 24
   General Visitation, Approval Process, Restricted Visits, Contact/Non-Contact Visiting, Termination, Minors, Visit Rules
12. Laundry 27
13. Barber Services 27
14. Library 28
15. Notary Public 28
16. Court Trip 28
17. Orientation 28
18. Prisoner Communication List 29
19. Appendix 30
   A- Discipline Policy 31
   B- Property Policy with Allowable List 70
   C- Grievance Policy 88
   D- Prevention of Sexual Abuse in Prison 106

MAINE CORRECTIONAL CENTER
PRISONER HANDBOOK

The Prisoner Handbook provides information about the Department of Corrections and the operation of the facility. The Handbook will help you know what services are available and what your obligations are. You are responsible for familiarizing yourself with the contents of the Handbook.

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 the rules.

If you respect the property of others and 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.

Maine Correctional Center is a Medium/Minimum Male/Female Facility

The mailing address is:
John Doe (MDOC#)
17 Mallison Falls Road
Windham, Maine 04062

UNIT MANAGEMENT

Maine Correctional Center is organized on a plan of Unit Management.

Each Unit Manager is responsible for the overall management of the Unit, including both prisoners and staff. The Unit Manager reports directly to the Deputy Superintendent for Programs.

The Housing Unit Team, made up of a Housing Unit Officer, Case Worker, Correctional Care and Treatment Worker, Mental Health Clinician, Unit Sergeant, and a Unit Clerk, carries out direct supervision of the prisoners in each unit. The Housing Unit Team manages and coordinates all aspects of your daily activities while you are at the Maine Correctional Center.

FACILITY OPERATING PROCEDURES

1. **FOLLOW ORDERS.** You must obey any order issued to you by a staff member. If more than one order has been given, obey the last order. Failure to comply with an order will result in disciplinary action.

2. **PERSONAL CONDUCT.** You are required to conduct yourself in an appropriate manner. The staff is committed to protecting your rights and treating you with dignity. We expect no less of you. As a prisoner you must:

   A) Treat all staff and other prisoners with respect, dignity, courtesy and fairness.

   B) Follow the rules and regulations of the facility.

   C) Follow the directions and orders of the staff.

   D) Cooperate fully to maintain both a clean, healthy environment and a clean, neat personal appearance.

   E) Respect the facilities property and the personal property of others.

   F) **Do not use loud, abusive, or profane language.**

   G) Respect the privacy of others.

   H) Communicate your needs.

   I) Do not gossip or judge others.

   J) Participate fully in programs and activities for your own growth.

   K) Be honest.

3. **PERSONAL SAFETY.** If you believe that your personal safety is at risk, report your concerns to a staff member. The Department and this facility are committed to ensuring your safety.

4. **IDENTIFICATION CARD.** You will be issued an Identification Card (I.D.), which must be in your possession whenever you are outside your Housing Unit. If a staff member asks you for your I.D. card, you must surrender the card.

   Failure to have your I.D. card, or surrender it to a staff member, or possession of another prisoner's I.D. card, or defacing, tampering with or altering your I.D. card, is prohibited and will subject you to disciplinary action.

   If you lose, misplace, destroy or alter your I.D. card, you must immediately report it to the Unit Housing Officer. You will be assessed five dollars ($5.00) for a new I.D. card. If the original I.D. card is found, you must surrender the original I.D. card to staff. Prisoners cannot possess more than one (1) I.D. card at any given time, unless part of a specific program requirement.

5. **PASS SYSTEM.** A prisoner going from one place to another within the Maine Correctional Center must have an authorized signed pass in his/her possession, except during mass movement such as to and from meals, work call, school call, recreation call, and religious programs. The pass must be signed by a staff member at the place of departure and at the place of arrival. If you are in an area that you are not authorized to be in, or if you do not have a proper pass, you will be subject to disciplinary action. You must surrender your movement pass to Unit Staff upon completion of movement.

6. **RULES AND REGULATIONS.** Compliance with the rules and regulations is essential to the good order of the facility and the mutual well being of all. Failure to comply with **any and all rules of this facility** will subject you to disciplinary action.

COUNT. Counts are conducted at various times each day. For each count you must be in your Housing Unit, unless you have been approved to be at another place. For a Formal Flesh Count, you must be in your cell and remain clearly visible to the Officer taking the Formal Flesh Count, with lights on in the cell. Each prisoner will stand by or sit on their bed for each count, except when they are incapable of doing so as a result of a disability. If you are away from your Housing Unit during a count, follow the instructions of the Officer taking the count. For any other count taken you are not required to be in your cell unless the Officer taking the count deems it necessary. Your cell light will be turned on during a count if the Officer deems it necessary. If a recount is necessary, you must repeat the count procedure. Prisoner may not hide under clothing, bed linen, or other property and may not block any view ports or windows or in any other way interfere with the Housing Officer taking count.

B) **CONTRABAND AND SEARCH.**

1) You are prohibited from being in possession of or using contraband. Contraband is anything not authorized to be in your possession or anything used in an unauthorized or prohibited manner. In general, an item is contraband if it has: (1) not been issued by the facility, (2) not been approved by staff as incoming property, (3) not been purchased through the canteen, (4) been altered in any way, or (5) the amount in your possession exceeds the authorized limit.
2) Materials, symbols, colors, or pictures involving any Security Threat Group Affiliation (STGA) are contraband, and will result in a disciplinary action.
3) Institutional equipment and supplies found in a prisoner's possession in other than the authorized area are contraband.
4) You, your cell, and your property are subject to a search by staff at any time. Searches may be conducted **with** or **without** the prisoner present. All areas of the facility including your Housing Unit, work area, and personal property is subject to search at any time by an authorized staff member. Supervisors need not be present during searches.
5) Contraband will be confiscated and disposed of according to Department policy.

C) **CLOTHING/ACCESSORY REGULATIONS.**

1) You must wear state issued clothing in the way it was designed to be worn, i.e., pants above the hip, brim of hats forward, shirt and pants must be fully buttoned and shirt must be tucked in. You must be decently clothed outside of your cells and showers. Wearing dirty or soiled clothing is not permitted.
2) Alteration or mutilation of state-issued clothing items is prohibited; such items shall be confiscated.
3) Footwear will be worn outside of the cells and shower shoes will only be worn to and from the showers.
4) Baseball Caps will be issued to outside work crews and will only be worn during work hours. Bandanas, homemade caps and stacking of caps are not permitted. Alterations of any authorized headgear is not permitted.
5) Sunglasses are not allowed to be worn indoors.

D) **PERSONAL HYGIENE.**

1) You must maintain a satisfactory level of personal hygiene. Uncleanliness contributes to the spread of disease. Body odor is offensive to others.
2) Hair, beards, and mustaches must be trimmed to meet standards of hygiene and work safety.

E) **HOUSING RULES.**

THE POPULATION MUST:

1) Comply promptly with the instructions of the staff.
2) Be properly dressed at all times and wear the issued uniform.
3) Make bed and leave a clean cell whenever cell is exited.
4) Be prepared for daily cell inspections. Prisoners are to step out of cell during cell inspections.
5) Leave their unit for meals on time, and upon completion, return directly to the unit.
6) Have I.D.'s on their person at all times.
7) Place the T.V. only on the designated T.V. stand.
8) Be properly dressed to and from the shower.

THE POPULATION MUST NOT:

1) Move any unit furniture.
2) Place feet on unit furniture.
3) Enter another prisoner's cell.
4) Place anything in windows/lights.
5) Be in the Officer's Station, unless assigned janitor duties for that specific area.
6) Wear anything on heads other than issued headgear, and only when outside.
7) Wear shower shoes outside of unit.
8) Wear sunglasses indoors.
9) Store cleaning materials in cell.
10) Place anything on cell walls.
11) Take radios, TV sets or any electronic equipment out of the cell.
12) Be on the top tier unless your cell is located there or loiter around cell doors or along top/bottom tier.
13) Drape personal property over the side or foot of the bed.
14) Make or utilize clotheslines.
15) Reserve showers for one another or doubling with another prisoner while showering.

THE POPULATION IS AWARE THAT;

1) They must immediately return to their cell and shut the cell door when count is announced or any other time ordered to lockup. Prisoners must secure in their cells whenever a fight or similar incident occurs.
2) They will be charged for a lost I.D. ($5.00 voucher will be signed).
3) They must report damaged property immediately to staff.
4) They are responsible for reading all posted notices.
5) Cell Call Buttons (where available) are to be used to communicate your desire to exit the cell during recreation, or request staff assistance during an emergency. Misuse will lead to disciplinary action.
6) Request to staff must be in writing.
7) The day room, T.V. Room, and quiet room are not for exercising, religious worship or any unauthorized meeting, unless designated for a specific program.
8) Cell shakedowns will be conducted on a random basis as authorized by Administrative Directive with or without the prisoner being present.
9) Random and suspected use urine tests will be conducted.
10) Commissary items will be allowed in the unit T.V. room, game room and quiet room. The staff will monitor the cleanliness and if deemed necessary will not allow food items in these areas.

OUT OF UNIT MOVEMENT

1) Movement requires a pass unless instructed otherwise.
2) All movement will be announced. While proceeding to your destination, you must proceed directly to and from, without stopping.
3) Walk through all metal detectors.
4) You will have five (5) minutes after chow call or program call to leave the unit before you are late.
5) No item may be taken from the dining hall.

INFORMAL RESOLUTION / ROOM RESTRICTION (R.R.)

1) ROOM RESTRICTION IS DEFINED AS: Prisoners are restricted to their cell or room with the door closed tightly. M.P.U. and the Security Building doors will be locked. Prisoners have lost the privilege of using the day room, and all other common areas except as follows:

   [ ] may go to work [ ] may go to medication

   [ ] may go to visits [ ] may go to meals
2) Prisoners may not have visitors at their door. The door must remain tightly closed.
3) Prisoners must report to the Housing Unit Officer whenever they leave the cell/room.
4) One (1) 15 minute personal phone call per week will be permitted on Sunday evenings. (Behavior Warranted)
5) All other phone calls will not be permitted, except for verified emergencies. The Caseworker/CCTW or Unit Sergeant must authorize this call.
6) Prisoners may shower daily at the designated time.
7) Prisoner's room will be posted "PRISONER ON ROOM RESTRICTION – NO VISITING."

HOUSING UNIT RULES-CELLS

1) You are responsible for the contents of your cell, damage to your cell or contraband found in your cell. Search your cell thoroughly when you move in. If you find contraband, notify the Housing Unit Officer immediately.

2) You are not permitted to enter any cell other than the one assigned to you.

3) You must keep your cell clean. Trash should be removed daily by discarding it in the trash bins. Food items must be properly stored. Wake up will be at 0600; you are expected to be up, dressed, and bed made by 0630 (unless otherwise posted), i.e., blankets and sheets straightened and tucked in, before you exit your cell.

4) It is your responsibility to secure your door upon exiting your cell for any reason. Frequent movement in and out of your cell requiring Unit Staff to repeatedly open your door may result in restrictions on entry and exit.

5) All electronic equipment must be used with earphones (exception being the television).

6) You are not permitted to use an authorized antenna in an unauthorized way.

7) You are not permitted to hang a clothesline.

8) You are not permitted to write or hang pictures on cell walls. No obscene, sexually explicit pictures or drawings may be displayed anywhere.

9) Nothing may be affixed to any part of the bunk.

10) You are not permitted to cover light fixtures, or hang drapery over the front of your cell door or window, or obstruct an open view into your cell.

11) You are not permitted to tamper with, block, remove, or alter the vents in your cell.

12) You are not permitted to tamper with or block the cell call button.

13) Institutional equipment and supplies found in a prisoner's possession in other than in authorized area are contraband.

14) You, your cell, and your property are subject to a search by staff at any time. Searches may be conducted with or without the prisoner present.

15) You must maintain a fire safe condition in your cell. You are not permitted to have flammable materials or an excessive amount of papers.

16) No items from your cell shall be placed outside your cell door.

17) You must not tamper with the electrical wiring or electrical fixtures or appliances in any way.

18) You will comply with all other Unit specific rules posted by your Unit Manager.

F) **TOBACCO.** All Maine Department of Correctional Facilities are tobacco free facilities. Possession of tobacco, or tobacco related devices including but not limited to – electronic cigarettes, pipes, lighters, matches, and cigarette paper. etc., are prohibited in this facility. If found in your possession, you will be subject to disciplinary action.

G) **FIRE SAFETY.**

1) You must maintain a fire-safe condition in your cell. You are not permitted to have flammable materials or an excessive amount of papers.
2) You must familiarize yourself with the fire exits in areas you regularly use.
3) You must participate in any fire drill.
4) You must not tamper with the electrical wiring or electrical fixtures or appliances in any way.
5) No items other than foot wear or trash containers are allowed on the cell floor. Foot lockers are stored under your bunk
6) Books, canteen items, clothing and other personal property shall be stored in the lockers or fire resistant containers provided. The Lids and doors will be kept closed when not in use.
7) Paper or Plastic Bags are not to be used as liner for the cell wastebaskets.
8) Power cords and wiring may not be used to support any device. Radios, headphones, etc. must be placed on a flat surface.
9) No homemade shelves shall be taped, hung or affixed to cell surfaces in any way.

H) **MOVEMENT AND CORRIDOR REGULATIONS.**

1) During movement you must walk at a normal pace. Neither running, nor loitering is permitted. You must walk through all metal detectors.
2) You must maintain a distance of more than five (5) feet from any corridor gate when it is being opened or closed.
3) You are not permitted to stop at the Control Centers unless you are authorized.
4) If an order to "CLEAR THE CORRIDOR" is issued, or if staff is seen running in the corridor, you are to immediately move to the side of the corridor and position yourself against the wall.
5) If a "Recount" order is issued, you must return to your Housing Unit immediately.

I) **DINING HALL.**

1) You will have five (5) minutes after chow call to leave the unit before you are late. Being late will cause you to miss chow.
2) Cutting in line is not permitted.
3) You are responsible for receiving a complete tray; only one (1) trip through the serving line is allowed.
4) No items will be taken into the Dining Hall.
5) No items may be taken from the Dining Hall.
6) You will have up to (30) thirty minutes to eat your meal, including movement to and from the Dining Hall.
7) You must take your tray to the scullery after you finish your meal.

8) You must leave the Dining Hall after you finish eating and go directly to your assigned area.

J) **WORK/SCHOOL REGULATIONS.**

1) You will have five (5) minutes after work/school call to leave the Housing Unit before you are late. **Being late will result in a loss of work/school for that day.**

2) You must be dressed in the authorized uniform for your respective work/school and program areas.

3) No unauthorized items may be taken to the work/school areas, for example, non-work-related reading materials, coffee cups, clothing, and food items.

4) No unauthorized item may be removed from the work/school area.

5) Prisoner I.D. Cards must be in your possession at all times whenever you are outside of your Housing Unit.

6) At work, you are responsible for any tool/equipment issued to you. Upon receiving or returning any tool/equipment you must check the tool/equipment for any defects. If the issued tool/equipment is damaged or is not working properly during the work period, you must notify the issuing staff immediately. If you lose or intentionally damage any tool/equipment, you will be subject to disciplinary action under the charge of Destruction of Property.

7. DISCIPLINARY ACTION/ACTS PROHIBITED. Violation of facility rules or commission of a disciplinary offense will subject you to disciplinary action under the Maine Correctional Center Disciplinary Code. The Disciplinary Code establishes disciplinary offenses, authorized sanctions and the process for adjudication. The Disciplinary Code is located in Appendix A of this Handbook. You are advised to familiarize yourself with the provisions of the Code. Policies change periodically and the most recent version are available to view in library.

A) If you lose your copy of this Handbook (with disciplinary code), it is your responsibility to notify the unit staff to obtain a new one. You will be assessed a $5.00 charge for replacement.

B) If you are found to be guilty of a Disciplinary Code/Violation, you are subject to the following restrictions:

I. Counseling, Verbal Reprimand, Warning

II. Disciplinary Segregation

III Disciplinary Restriction

IV. Loss of Good Time ~~or deduction~~

V. Loss of Privileges

VI. Extra Work in lieu of recreation

VII Monetary Sanctions

VIII Restitution

IX. Classification Change

8. SECURITY THREAT GROUPS/GANGS. 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 is not allowed and will subject you to disciplinary action.

9. **HOUSING ASSIGNMENT.** Assignment to a Housing Unit is based upon your work or school assignment or other classification status.

A) Cell assignments within the Unit are made by the Unit Housing Officer, with the approval of the Unit Sergeant. All cell assignments are final.

10. **PERSONAL PROPERTY.** You are permitted to have personal property in your possession subject to the property standards for the Security Level of the facility. The standards regulate the total volume of property, the type of property, the specific articles allowed, the quantity of each article, and the conditions of ownership/access. The allowable property for this facility is stated in the Allowable Items List, Appendix B of this Handbook.

A) **Prisoner's Risk of Possession.** 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.

B) **Markings.** A prisoner's personal property, i.e., radio, T.V., etc., will be permanently marked with the prisoner's name and number. Any alteration of personal property markings will subject you to the policy governing Contraband.

C) **Volume of Property.** See Appendix B.

D) **Transfer.** If you transfer to another facility, you must pack all your property and take it to reception for inventory. Under ordinary circumstances, your property will accompany you.

1) If you have been transferred here and you have property at another Facility, contact your Caseworker/CCTW for assistance.

E) **Disposal of Unauthorized Property; Disposal of Contraband Property; Unclaimed Property** will be disposed in accordance to Department Policy.

11. **INFORMATION, PROBLEM SOLVING, REQUEST SYSTEM, AND GRIEVANCES.**

A) **Information.**

1) **Bulletin Boards.** Bulletin Boards are located in the Housing Units and at various locations throughout the facility. Up-to-date information about the operation of the facility is regularly posted on the Bulletin Boards. Only authorized material may be posted on a Bulletin Board; posting of unauthorized material will subject you to disciplinary action.

2) **Housing Unit Team.** If you need to know something that is not posted on the Bulletin Board, contact your Unit Housing Officer.

B) **Problem Solving.** Most problems can be solved through verbal contact with the staff member in charge; the Unit Housing Officer, your Unit Caseworker, CCTW, Unit Sergeant, or Unit Manager. Explain the problem and follow the advice or instruction.

C) **Prisoner Request System.** The Prisoner Request System provides an informal way of obtaining information or a written answer to a question or an issue about a policy, procedure or practice from a staff member, up to and including the Unit Manager. Request Forms are available from the Unit Housing Officer. You are not allowed to send, simultaneously, multiple requests on the same topic to more than one staff member. You must wait for the person's reply before sending another staff person a request on the same topic.

D) **Prisoner Grievance Procedure.** The Prisoner Grievance Procedure provides a process for reviewing and resolving complaints of prisoners, other than complaints concerning matters for which there is a separate grievance process or separate appeal procedure. A summary of the Prisoner Grievance Procedure, explaining how to use it, is in appendix C of this Handbook. Grievance Forms may be obtained in your housing unit or from the Library. Questions about the use of the Prisoner Grievance Procedure may be sent to your Caseworker or CCTW on a request form.

1) The name of the Grievance Coordinator is posted on the Bulletin Board.

2) **Expedited Grievance.** In those instances in which a prisoner believes that he/she has an expedited grievance (one for which response within the regular time limits would subject the prisoner to substantial risk of harm to physical or mental health or safety), he/she may so note on the grievance form and, if so, shall state his/her reasons for requesting expedited processing of the grievance. The Grievance Policy is in Appendix C.

12. MAINTENANCE. You should report any equipment malfunction to the Housing Unit Officer or your Work Supervisor.

13. EMERGENCY SITUATIONS, CODES, DISTURBANCES. Wherever you are in the facility, whether you are in the Unit day room, at school, work, chow hall, etc., if an emergency or a disturbance occurs, you are to follow explicitly the directions of the staff person there. In addition, you should do the following:

A) **In the Corridors.** Immediately move to the side of the corridor against the wall. Remain silent. Follow the directions of the staff in the area.

B) **In the Unit.** Wherever you are in the Unit, i.e., T.V. room, shower, quiet room, laundry, day room, bathroom, etc., immediately return to your cell and secure/close your cell door. Remain silent. NOTE: If a disturbance is in the immediate vicinity of your assigned cells, follow the instructions of the staff person in the area.

C) **In the Dining Hall.** If seated, remain seated. If not seated move immediately to the sides, against the wall. Remain silent. Follow the instructions of the staff person in the area.

D) **In the Multi-Purpose-Room or Gym.** Move immediately to the sides, against the nearest wall. Remain Silent. Follow the instructions of the staff person in the area.

E) **In School/Voc.Ed/Library.** Remain seated if in a classroom. Remain silent. Follow the instructions of the staff person in the area.

F) **At your Work assignment outside of the Unit.** Remain silent. Follow the instructions of the staff person in the area.

PART II

FACILITY SERVICES

1. **CLASSIFICATION.** Classification is the on going process of collecting and evaluating information about you to determine your risk and needs level for the purpose of deciding the facility or unit where you will be housed, your treatment needs, and what programs would be suitable. The Classification Officer or designee will chair the Reception Classification Committee.

   A) **Unit Classification Committee**. The Unit Classification Committee consists of staff members that make decisions about your classification status, job placement, needs assessment, risk evaluation, program participation, etc. The Unit Classification Committee is comprised of unit staff and is chaired by the Unit Manager or designee.

   B) **Transfer**. Decisions involving a transfer are made at the discretion of the CAO. If you want to be considered for a transfer, initiate a Transfer Request in writing to your Unit Classification Committee and your request will be reviewed.

   C) **Prisoner Records**. The facility maintains a record of the status of your sentence (including any pending charges) and of your overall performance. Questions about information in your Record should be directed to your Caseworker/Care and Treatment Worker.

2. **SENTENCE COMPUTATION AND CREDITS**. The Department of Corrections is responsible for the computation of sentences. The Records Office will periodically issue a Good Time Sheet, which will provide information about the computation of your sentence(s). Any questions regarding your sentence or good time should be forwarded to The Records Department on a Request Slip.

   A) **Pre-Sentence Detention Time (Jail Time)**. It is your responsibility to write to the Jail Administrator in the county from which you were detained to receive credit for any Jail time served.

   B) **Access to Prisoner Records.** To review or receive copies of documents in your record (other than mental health or substance abuse treatment records) you must submit a written request to the caseworker or CCTW. Copies are made at the prisoner's expense - .25 cents per page.

   C) **Access to Mental Health or Substance Abuse Records.** The psychiatrist or psychologist may deny access if review of record will be detrimental to the mental health of the prisoner. A written request to review must be submitted to the Medical Department or Correctional Recovery Academy.

3. **RELIGIOUS SERVICES**

   A) A Prisoner Request Form to the Religious Coordinator is necessary to sign up for religious programs, such as Bible Study.

   B) Prisoners housed in the Segregation Unit will not be allowed to participate in any of the Religious Programs.

   C) The schedule of religious services is posted on your unit bulletin board in your housing unit along with any necessary changes.

   D) A Prisoner Request Form to the Religious Coordinator is necessary to request s special religious diet. All other diets are to be directed to the medical department.

   E Schedule conflict (with work or school) you have the option of choosing to attend a religious program of your tradition.

F) A prisoner may request a copy of the Bible, Tanakh, or Qur'an from the Religious Coordinator for personal use. Other religious items must be purchased through the canteen.

G) For allowable religious property that is not available through the canteen, a Prisoner Request Form should be sent to the Religious Coordinator seeking approval and information on the correct procedure to obtain allowable religious property.

H) **Marriage**. A request to be married must be sent by the prisoner to your **Caseworker or Correctional Care and Treatment Worker.** The request must contain the name of the intended bride/groom and his/her residence address. The intended bride/groom must not apply for a marriage license until specifically told to do so. The prisoner must also agree to all other requirements of the Marriage Policy and Procedure.

4. HEALTH CARE SERVICES

A) **Emergency**. If you have an emergency health problem or an injury, tell a staff member immediately. Emergency response is available 24 hours every day and will be assessed by Medical to determine the degree of urgency.

B) **Access to Services**. Routine access to Health Care Services is through Sick Call by submitting a request. The Health Services Request Box (Medical Box) is located in your Housing Unit.

C) **No prisoner shall be denied necessary health care because of a lack of ability to pay.**

D) **Prisoner Co-Pay.** All prisoners shall be charged a fee of $5.00 for each visit for medical or dental services and $3.00 for each prescription, non-prescription medication and prosthetic device. The following services are **exempt** from the payment of a fee:

1) Services initiated by facility staff
2) Pregnant prisoners
3) A prisoner who exhibits emotional or behavioral functioning that is so impaired as to interfere with his or her capacity to remain in a correctional setting as determined by the facility's psychologists or psychiatrist.
4) Follow-up treatment ordered by facility health care staff. A new co-pay charge shall be made if an unrelated problem is presented during follow-up care.
5) Emergency treatment, as determined by facility health care staff.
6) Treatment for an injury, which occurred while performing a work assignment.

E) **Sick Call**.

1) To sign up for Sick Call, put a request in the Medical Box. You will be seen as soon possible; providing, your request is properly filled out, including your name, prisoner number, Housing Unit, and nature of illness are on the request.
2) Remain in your Housing Unit until notified to report to the designated Medical Area.
3) If a prisoner refuses medical treatment a Refusal of Treatment Form will be signed. You are still responsible to go to the Medical Department when called; at that time you will state your refusal of treatment.

F) **Lay-in Status**. Lay-in status is a restriction of movement because of a medical condition. Lay-in status restrictions are: confinement to cell; no work; no school; no unit recreation.

G) **Medication**. Medical staff will administrator medication. You must take the medication in the presence of staff.

1) Prisoners whose movements are restricted will receive medication at their cell.
2) Medication is dispensed only at Medication Call which will be announced seven (7) days a week at designated times and places. (Posted on Unit Bulletin Board)

H) **Medical**. Put a request in the Medical Request Box.

I) **Dental**. Put a request in the Medical Request Box.

J) **Optical**. Put a request in the Medical Request Box.

K) **Special Equipment**. If special equipment is prescribed for you, you will sign a form, authorizing your possession and use of the equipment, and stating an expiration date. At the expiration, you must return the equipment to the Medical Department. You are responsible for the condition of the equipment while it is assigned to you.

L) **Diabetic Call**. The Diabetic status prisoner(s) will report for treatment at designated times and places.

5. FOOD SERVICES. Food services are the responsibility of the Food Service Manager.

A) **Special diet.** Medical staff, to address a medical condition, may prescribe a Therapeutic Diet. If you are authorized to receive a therapeutic diet, a pass will be issued stating the diet authorized.

1) The Medical Department will notify the Food Service Department of any (special) medical diet issued to prisoners within the facility.
2) Abuse of a Medical Diet Pass or of any other special diet plan may result in revocation of the pass and/or disciplinary action.

6. RECREATION. Coordination of recreation activities is the responsibility of the Recreation Director.

A) **General Recreation.** General recreation is carried out daily in the Housing Unit Recreation Yard, or in the day room of your Housing Unit. A recreation schedule and any unit rules will be posted on the Bulletin Board in your Housing Unit

1) Recreation equipment is available in your Housing Unit. You must sign out any equipment you use. You will be responsible for its return in good condition.
2) In an outdoor activity, you must stay within the designated boundaries of the recreation area.

B) **Gymnasium and Recreation Hall.** The Recreation Director will establish rules and procedures for the conduct of each activity; as stated:

1) NO HORSEPLAY OR UNSPORTSMANLIKE CONDUCT. (This is an "Adult" facility, Rec-Program is about "Respect")
2) NO ABUSE OF REC-EQUIPMENT OR THE FACILITY. (Rec-Program and Rec-Areas will be closed if necessary)
3) NO REMOVAL OF ANY EQUIPMENT FROM GYM/REC HALL. (Rec-Areas will be closed if any equipment is missing from inventory)
4) NO REC-EQUIPMENT WILL BE ISSUED WITHOUT ID CARD. (All Rec-Equip. will be picked-up & returned by "YOU")
5) NO CANTEEN BAGS (Food or Drinks) ALLOWED IN THE GYM. (Rec-Areas will be kept "clean" and "safely used during Rec.)

6) NO FOOD OR DRINKS ALLOWED ON THE GAME TABLES (Pool Tables / Ping-Pong Tables; Trash Cans will be used.)
7) NO WEIGHT LIFTING WITHOUT VIEWING "SAFETY TAPE" ("Safety Tape" will be shown weekend in the Rec Hall)
8) NO LIFTING "FREE WEIGHTS" WITHOUT A "SPOTTER" (Unnecessary injuries may result in the loss of "Free Weights")
9) NO LIFTING WEIGHTS WITHOUT A T-SHIRT ON AT ALL TIMES. (Prevent disease, no contact with any weight equip. without a "T"!)
10) NO RECREATION WITHOUT PROPER "DRESS CODE" (No shoes, boots or black-soled sneakers on the B-Ball court); (No altered or homemade clothing/rec-equipment, no sunglasses)

7. PRISONER ACCOUNTS. Each Prisoner will have a Prisoner Account in which will be deposited any wages or allowances paid by this facility and any funds received from approved sources outside this facility.

A) **Incoming Funds.** It is recommended that mailed funds are in the form of a U.S. Postal Money Order. Personal checks and money orders are accepted, with a fourteen (14) day hold. A receipt of incoming funds will be provided to you. All checks issued by Government Agencies are subject to verification eligibility by the issuing agency. **DO NOT SEND CASH.** If cash is received in the mail it will be placed on the prisoner's account and a check is made out and mailed back to the sender. Check and money orders must contain the sender's name and address; otherwise they will not be processed.

B) **Outgoing Funds.** You may send funds from your prisoner account to an approved party. Send a prisoner Money Request Transfer form to Prisoner Accounts; properly filled out with a pre-addressed envelope and a stamp attached. Prisoner Accounts will furnish a receipt for all transactions for money withdrawn from your account by Special Request.

C) **Prisoner Pay.** Prisoner pay is posted in your account per institutional schedule.

8. CANTEEN. The Canteen provides for prisoners to purchase items not provided by the institution. Spending limits will be determined by the CAO. Limits will be posted in each unit. Canteen services are provided by an outside private vendor.

A) **Placing an Order.** Only the money that is on your account when your order is processed is available for purchases. All order forms must be placed through the Kiosk located in your housing unit. Orders will be processed and closed out on Thursdays at 4:00 P.M. Prisoners housed in areas without Kiosks will submit paper orders no later than 4:00 P.M. on Thursday.

B) **Substitutions.** There will be no substitutions for items out of stock or for items ordered in error.

C) **Delivery.** Canteen orders are delivered every Monday. To receive your order you must; (1) present your I.D. card; (2) examine the contents of your order with the canteen service staff and verify against your receipt. Any items not received will be credited back to your account within 48 hours. If you have received an incorrect item, you may elect to keep it or refuse the item. If you ordered the item and no longer want it, you must refuse the entire order. Property items ordered are shipped separated from food orders and arrive approximately 2 weeks after the order has been placed and delivered through reception.

D) **Excessive Canteen** Canteen items shall not accumulate in the cell/living area in excess of the limitation per the allowable item list (Appendix B) and will be disposed of in accordance with Department Policy. All canteen items must be stored in lockers or storage bags/boxes.

E) **Property Returns**. Property may be refused or returned, for incorrect size or if the item is damaged or not functioning property, to the canteen vendor. All credits are processed through the vendor, **NOT** through the facility.

9. MAIL. Maine Department of Corrections Policy/Procedure governing mail is available in the Library. The information stated in this Handbook does not supersede or overrule those Policy and Procedures in any way, and is provided to guide the ordinary use of mail. Each prisoner is allowed 2 free letters on Monday's. They may be general ***OR*** legal mail but ONLY 2 are free.

A) **Prisoner Mail, General**

1) You will be allowed to send and receive mail to and from whomever you wish, ***except for prisoners incarcerated in a correctional facility***, as long as the mail does not violate any restrictions set out in Department of Corrections policy and procedures.

2) You will also ***not*** be allowed to send or receive mail from the following; victims of your crime, those prohibited by court order, by a condition of probation including any condition of probation that is currently in effect, is to become effective at a later date, or is no longer in effect as the result of a current probation revocation. You may request a waiver by writing to VICTIM SERVICES, STATION 111, AUGUSTA, ME 04333.

3) All incoming mail will be opened and inspected for contraband. Incoming privileged mail will be opened and inspected for contraband, but only in the presence of the prisoner. Outgoing general mail may be opened and inspected on a random basis as authorized by the Chief Administrative Officer, or designee, or when staff have a reasonable suspicion that the mail contains contraband or is otherwise in violation of policy and procedures. Outgoing privileged mail may be opened and inspected when staff has a reasonable suspicion that the mail contains contraband or is otherwise in violation of policy and procedures but only in the presence of the prisoner. Correspondence written in code or in language that cannot be translated by facility staff or an interpreter will be considered contraband.

4) Mail will be collected from and distributed to prisoners on every day in which mail service is provided to the facility excluding weekends and holidays. Mail will not be withheld any longer than is necessary for inspection or for reading unless it is secured as evidence.

5) There will be no limit on the amount of mail you send or receive, providing that you have sufficient funds to pay the postage. You will not be allowed to possess mail or correspondence in excess of that which is set out in the policy and procedures governing allowable items.

6) Prisoners may only send packages through the U.S. Postal Service.

7) Any incoming mail that has no return address will not be delivered and will be opened and read by the Chief Administrative Officer, or designee.

B. Outgoing/Incoming General Correspondence

1) **Outgoing General Correspondence**

a) Each facility will provide envelopes and writing materials in reasonable quantities to prisoners to ensure an opportunity for constructive correspondence. You will be offered free postage for up to two one-ounce letters per week, which may not be carried over from week to week.

b) You will place all outgoing general correspondence in a designated secure prisoner mailbox, except that a prisoner who has no access to a prisoner mailbox will hand all outgoing correspondence to a housing unit staff person. The staff will place the prisoner correspondence in a prisoner mailbox.

c) All outgoing general correspondence will conform to the following standards:

i) Your full name and MDOC#, facility name, and facility address will be in the upper left hand corner of the envelope. You will put nothing other than the recipients name and address, your return address and the proper postage on the envelope. Any envelope not meeting these requirements will be returned to you unless it is evidence of a violation of a facility rule or criminal activity, or violation of a court order or condition of probation currently in effect.

ii) The envelope will not contain contraband or any item intended for any person other than the addressee, including a letter intended for another person. Any mail in violation of these requirements will be secured for use in administrative or court proceedings.

iii) The correspondence will be sealed by you.

d) The mail or designated staff will visually and physically inspect each outgoing envelope to ensure that a Department of Corrections disclaimer appears on the envelope ant to check for possible contraband. *******DISCLAIMER******* **(THIS CORRESPONDENCE IS FORWARDED FROM THE MAINE CORRECTIONAL CENTER. THE CONTENTS HAVE NOT BEEN EVALUATED AND THE MAINE CORRECTIONAL CENTER IS NOT RESPONSIBLE FOR THE SUBSTANCE OR CONTENT OF THE ENCLOSED COMMUNICATION.**

e) A collection schedule of outgoing mail is posted in all housing units.

2) **Incoming General Correspondence**

a) Mail or other designated staff will open and inspect all incoming general correspondence envelopes to check for checks, money orders, or contraband. If checks or money orders are found, they will be removed and credited to your account. If contraband is found, it will be removed and handled in accordance with departmental policies and procedures.

b) Cash received in the mail is contraband. It will NOT be credited to the prisoners account and will be handled according to Department Policy.

c) A schedule of mail distribution is posted in all housing units.

d) You will not be allowed to distribute any other person's mail. You will not be allowed to have access to another prisoner's mail.

C. **Outgoing/incoming Privileged Correspondence**

1) **Privileged correspondence** is correspondence concerning a legal matter or official government business involving a prisoner between that prisoner and any of the following:

   a) Attorneys;

   b) Judges and Clerks of Courts:

   c) Appointed and Elected Federal, State, Tribal, and Local Government Officials, including but not limited to, the President, the Governor, Commissioners of State Departments, Federal and State Senators and Representatives, Tribal Chiefs, and Mayors and Town and City Councilors.

   d) Chief Advocate of the Department of Corrections and Advocates of other Government Agencies; and

   e) Legal Advocacy Organizations, including, but not limited to: American Civil Liberties Union, Maine Equal Justice Partners, Maine Civil Liberties Union, Disability Rights Center, and NAACP Legal Defense Fund.

2) **Outgoing Privileged Correspondence**

   a) Outgoing privileged correspondence will meet the same requirements as outgoing general correspondence except that the words **"Privileged Mail"** will be written by you on the front of the envelope.

   b) Mail or other designated staff will handle outgoing privileged correspondence in the same manner as outgoing general correspondence. Prisoners without funds will be provided free postage for outgoing privileged correspondence.

   c) Any abuse of the privileged correspondence process (e.g. using the process to send personal correspondence) will result in a restriction on the amount of privileged correspondence that you may send and any other restrictions as determined by the Chief Administrative Officer or designee.

3) **Incoming Privileged Correspondence**

   a) Incoming correspondence shall be treated as privileged only if it is in an official envelope with a verifiable return address and clearly indicates that it was sent from a privileged correspondent.

   b) Mail or other designated staff shall handle incoming privileged mail in the same manner as incoming general correspondence, except that it may not be opened without the prisoner being present, unless the privileged correspondence is from the Commissioner of Correction, in which case it may be opened outside the presence of the prisoner. If incoming privileged mail is inadvertently opened outside the presence of the prisoner, that shall be noted on the envelope and an entry shall be made in a mail log.

   c) Mail or designated staff will open and inspect the privileged correspondence in your presence to check for checks, money orders, or contraband. If checks or money orders are found they will be removed and credited to your account. If contraband is found, it will be removed and handled in accordance with departmental policies and procedures.

   d) Mail or other designated staff shall ensure that a prisoner receiving privileged correspondence signs for its receipt, unless the privileged correspondence is from the Commissioner of Corrections, in which case no signature is necessary.

Publications

1) Only magazines and newspapers sent from publishers or commercial distributors may be received by prisoners. Books are allowed ONLY through approved vendors (see policy). If a magazine, or newspaper is received from other than a publisher or commercial distributor, or a book received from non-approved vendors the prisoner will be notified in writing and the publication will be immediately disposed of. Prisoners access to these publications will be prohibited only when the Chief Administrative Officer, or designee, determines that:
   a) The publication constitutes a threat to safety, security, or the orderly management of this facility.
   b) The publication contains sexually explicit material which, by its nature of content, poses a threat to the orderly management of this facility.
   c) The publication facilitates criminal activity; or
   d) The publication is substantially detrimental to a prisoner's rehabilitation, e.g. a sex offender receiving magazines containing pictures of children in underwear or otherwise not fully clothed.
2) For all purposes, it is presumed that any material which depicts or describes explicit sex acts, or sex with animals or children or material which is sadomasochistic, material depicting or describing the use or manufacture of drugs, alcoholic substances, firearms, explosives, weapons, security systems, or skills, implements, or other information which could reasonably be used to effect escape or cause harm or injury to persons or property, material related to gangs or gang activities, or material which promote hate, violence or bias is prohibited. Other materials may also be prohibited as directed by the Chief Administrative Officer or designee.
3) If the publication is found to be unacceptable by the Chief Administrative Officer, or designee, you will be promptly notified in writing and the publication will be immediately disposed of.
4) Audio CDs or Play Station game CDs must be received sealed in their original packages and are subject to media review. The CDs will be opened and marked with the prisoner's name and MDOC number.
5) DVDs are not allowed in The Department of Corrections facilities. DVDs found in any prisoner's possession will be contraband and the prisoners Play Station Game System will also be contraband for using the system for other than its intended use. The prisoner will not be allowed to purchase another game system.
6) Mail, with a verifiable name and return address, regardless of the postage class, that primarily discusses religious, legal, political or educational subject matter will be inspected and delivered according to Policy 21.2.
7) Commercial "junk mail", regardless of the postage class, including but not limited to, commercial catalogs, commercial advertisements, solicitations for commercial products or service, and CD club membership offers, will be disposed of.

Packages

1) Prisoners may only receive packages through the U.S. Postal Service or other recognized mail deliver service and processed by the facility.
2) Mail or other designated staff will search each incoming package for contraband. If contraband is found it will be removed and handled in accordance with departmental policies and procedures.
3) Any mail order packages will be returned to the sender.

4) Mail or other designated staff will forward allowable incoming packages to the facility property officer or other designated staff. The facilities property officer or other designated staff will ensure that the package that is to be given to you are added to your personal property inventory form and that an updated copy of the form is forwarded to housing unit staff. Any item that is not given to you will be disposed of in accordance with departmental policies and procedures.

5) The facilities property officer or other designated staff will ensure that any items being sent out of the facility by you belong to you and are removed from your personal property inventory form and that a copy of the updated inventory form, is forwarded to housing unit staff.

6) The facilities property officer or other designated staff will ensure that an outgoing package is sealed, properly marked with your return address in the upper left hand corner. Then complete an address label to be affixed to the package.

F) **Certified Mail**

1) Mail or other designated staff will handle incoming certified mail for you in the same manner as other incoming mail, unless it is return receipt requested. If it is receipt return requested, staff will not sign for it, without your prior written approval.

2) If you are sending certified mail, you will be provided the necessary forms and be required to pay the additional charges.

G) **Forwarding Prisoner Mail/Change of Address**

1) All changes of your address will be entered into the database and placed in your Administrative Record and Case Management Record.

2) During the release planning process, you will be asked to provide your home address or other forwarding address.

3) If mail is received for a former prisoner, the mail will be forwarded to the last know address or other forwarding address for 90 days. If no forwarding address exists or the 90-day period has expired, the mail will be returned to the sender.

10. Telephones. Maine Department of Corrections Policy/Procedure governing the use of telephones is available in the Library. The information stated in this Handbook does not supersede or overrule those Policy and Procedures in any way, and is provided to guide the ordinary use of telephones authorized for prisoners to use.

A) Prisoner Telephone System, General

1) All of your telephone calls will be placed though the prisoner telephone system, unless otherwise by the Chief Administrative Officer or designee.

2) You will not be permitted to make collect calls, use credit or debit cards, call forwarding, three way calling, or conference calling. You will not be allowed to make calls to toll free numbers.

3) The Maine Correctional Center will make available specialized services or equipment for providing telephone access to any prisoner in need of reasonable accommodation due to a physical disability. Specialized services or equipment may include but are not limited to TTY and translations.

4) In the event of an emergency involving a member of your family, and if staff can verify that the emergency exists by contacting the appropriate agency, your Correctional Caseworker/Correctional Care and Treatment Worker or other designated staff will notify you and may allow a special phone call unless one of the circumstances set out in the ***Telephone Calls Process*** is known to exist.

5) You should check the bulletin boards in your Housing Unit for the telephone schedule. All telephone calls will be placed through the prisoner telephone system will be made during the authorized time. Except for a prisoner in high risk management, administrative segregation, or disciplinary segregation, the number of phone calls that you may make will not be limited unless staff determines it is necessary to allow other prisoners reasonable access to the prisoner telephone system. All your calls will be for a maximum of 15 minutes. **You must be respectful of others wanting to use the telephone.**

6) The Maine Correctional Center will not be responsible for calls made through the prisoner telephone system, regardless of whether a call is successfully completed or not. If you experience any problems completing a phone call you may submit a Prisoner Telephone System Trouble Report Form to designated staff.

7) The Chief Administrative Officer or designee will determine telephone privileges for all prisoners who are housed outside of the Maine Correctional Center, e.g. in hospitals, nursing homes, half way houses, etc.

B) Telephone Calls Process

1) The prisoner telephone system no longer has the capability to make collect phone calls. For those prisoners who do not receive deposits into either of their facility account (trust, phone) you may submit a Phone Call Allowance Application in order to call immediate family members. Applications will be processed as quickly as possible. A written notification will be sent to each prisoner informing them of the approval or denial of the applications.

   a) An application must be submitted to your Caseworker or CCTW. Individuals that have more than $10.00 on their facility accounts are not eligible for the Phone Call Allowance. Approved prisoners will have up to $2.50 each week placed on their phone account ($5.00 bi-weekly), capped at a maximum of $10.00 in the account at any one time. The obligation for the prisoner to repay these funds will remain active in the prisoners account for six (6) months and be paid from money received by the prisoner in either the phone or trust account. After six (6) months, the charge shall be deleted from the prisoners facility account. New charges shall continue to accrue. Prisoners may only select immediate family members to call for this allowance program. Immediate family members are spouse or domestic partner, parents, child, sibling, grandparent or grandchild, whether the relationship is natural, adoptive, foster or through marriage.

2) A specific number may be blocked from your authorized telephone list and the number may be blocked as necessary when any of the following circumstances are known to exist:

   a) If you are convicted of or otherwise known to have committed a sex offense or child abuse against a minor.

   b) When contact between you and another person is prohibited by court order (e.g., custody order, protection order)

   c) When your parental rights have been terminated.

d) When contact between you and another person is prohibited by a condition of probation of either person.

e) You may be prohibited by the Chief Administrative Officer or designee from making a phone call to any other person when there is reasonable suspicion that allowing a call would facilitate criminal activity or violation of facility rules or would create a risk to the safety of persons, security, or orderly management of the facility.

f) The Chief Administrative Officer, or designee, may prohibit you from making phone calls to any other person, when there is reasonable suspicion that you or other person has violated or will violate the telephone procedures.

C) Termination of Calls and Suspension of Telephone Privileges

1) Your call may be terminated at any time for reasons of safety, security, or good orderly management of the facility.

2) The Chief Administrative Officer, or designee, will determine whether to impose a suspension or restriction of telephone privileged due to your conduct that caused the termination of your phone call.

3) You will be notified in writing of a suspension or restriction of telephone privileges.

D) Legal Calls

1) A legal phone call is a call concerning a legal matter between you, your attorney or a legal advocacy organization, including but not limited to: the American Civil Liberties Union, Maine Equal Justice Partners, Maine Civil Liberties Union, Disability Rights Center, and the NAACP Legal Defense Fund.

2) Legal calls are confidential. Submit these numbers to your unit team so they can be determined as privileged.

3) The length of the legal phone calls will not be limited unless staff determines it necessary to allow other prisoners access to the prisoner telephone system. All other rules governing prisoner phone calls will apply.

E) Monitoring of Prisoner Calls

Your telephone conversations are subject to being recorded or listened to, with the exception being legal calls. Conversations, which violate the Policy and Procedures of the Department of Corrections, may be basis for criminal or disciplinary action.

11. Prisoner Visitation. It is the policy of the Department of Corrections to permit you to have visits with family, friends and professional visitors under the conditions that are consistent with the safety, security, and orderly management of the facility

A. **General Visitation**

1) You should check your Unit Housing bulletin board for the scheduled times of your visits.

2) You will be provided information concerning the facility schedule and rules and must share them with your approved visitors.

3) Prisoners housed in MPU are allowed one (1) visit per week in accordance with MPU management guidelines.

4) All visits will be scheduled with at least twenty (24) hours notice.
5) You will be responsible to notify your visitors if any limits are placed on their visits for any reason.
6) The Chief Administrative Officer or designee will determine visiting privileges for all prisoners who are housed outside the facility, e.g., in hospitals, nursing homes, halfway houses, etc.
7) The Chief Administrative Officer or designee may allow exceptions to the visitation schedule and visitor authorization requirements.

B. **Regular Visitor Approval Process and Authorized Visitor List**

1) You will be responsible to provide Visitor Application Form to your potential visitors.
2) Prisoners will be allowed up to two (2) visits per week, one during the week (Tuesday—Friday) and on the weekend (Saturday—Sunday), if space is available when the visitor calls to schedule the visit.
3) A potential visitor will be required to complete a Visitor Application Form. A background check of proposed adult visitors (eighteen years of age or older, married, or emancipated by court order) will be conducted. For persons under the age of eighteen years of age who are married or emancipated by court order, a copy of the marriage certificate or court order must be attached to the application form. After a background check is completed the visitors that are cleared will be added to your Authorized Visitor List.
4) You may request at anytime that a visitor be deleted from your authorized visitor list by writing to the visit officer or other staff designated by the Chief Administrative Officer.

C. Restricted Visitor List

1) A person will be included on your Restricted Visitor List under the following circumstances:
   a) When contact between you and another person is prohibited by court order (e.g., custody order, protection order).
   b) When your parental rights have been terminated.
   c) When contact between you and another person is prohibited by a condition of probation of either person. This includes any condition of probation that is: currently in effect, is to become effective at a later date, or is no longer in effect as the result of a current probation revocation.
   d) The visitor's privileges to visit at any Department facility are under suspension.
   e) The visitor is a former prisoner within one year of discharge from any correctional facility for whom an exception to visit has not been approved by the Chief Administrative Officer or designee.
   f) Visitors on active probation, deferred disposition or have pending charges.

D. Processing Visitors

1) All visitors will be subject to a search for possible contraband and weapons.
2) Your visitor is required to present government issued pictured identification, such as a driver's license, prior to admittance into the facility.
3) Professional visitors (lawyers, etc.) should contact your caseworker/CCTW for special arrangements.

E. Contact and Non-Contact Visiting

1) If you are on disciplinary segregation, administrative segregation, or high-risk management status you will be having non-contact visits.
2) Non-contact visitation may also be required when an adequate search of your visitor cannot be conducted due to the presence of a cast, prosthetic device, oxygen tank, wheelchair, or other medically required devices.
3) Non-contact visitation may also be required for purposes of safety, security, or orderly management of the facility.

F. Termination of Visits and Suspension of Visitation Privileges

1) You may refuse to attend or continue a visit at any time. Your visitor may also refuse to attend or continue a visit at any time. The visit will then be terminated.
2) The Shift Commander may terminate your visit when the conduct of you or your visitor creates a risk to safety, security, or orderly operation of the facility. Visiting privileges due to the conduct may be suspended or restricted. The suspension or restriction may be imposed on either you, your visitor or both.

G. Visits by Minors

Minors (persons under 18 years of age, unless married or emancipated by court order) are permitted to visit you. Minor visitors must be accompanied by a parent or legal guardian who is an adult (persons 18 years of age or older, married, or emancipated by court order).

H. Visit Room Rules

1) Persons suspected of carrying a weapon, who appear to having been drinking intoxicants, or appear to be under the influence of a controlled substance will be not admitted. Consuming or possessing alcohol or drugs on State property is a violation of State Law.
2) Visitors may use the bathrooms in the Control lobby. Prisoners may not use the bathroom during visits; and the visit is considered ended when the prisoner leaves the visit room.
3) With contact visits, a prisoner and visitor 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. Petting or sexual contact will be considered reason for ending 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.
4) All children must be seated within the immediate vicinity of the parents or guardians. They may not sit unsupervised. They may not climb on furniture or disturb other visitors in any way, which includes yelling, screaming, throwing things.
5) Loud and profane language is prohibited. Be respectful of others.
6) NOTHING will be passed between visitors and prisoners. TOBACCO IS CONTRABAND.
7) Prisoners and visitors shall not move about the visit room or visit with other prisoners or their visitors.

8) Prisoners may not bring any item into the visit room unless they have written authorization. They must leave their jackets and any other items in the pat search room before entering the visit room. No cameras allowed.

9) Other than legal documents which must be verified by the Visit Officer, visitors are not allowed to bring anything into the visit room for delivery to a prisoner. Lockers and coat racks are available in the visit room. The State, however, assumes no responsibility for items a visitor brings into the facility. Bassinets, car seats, strollers, stuffed animals, etc., will not be allowed into the visit area.

10) Prisoners will remain seated until the visitor(s) get their coats and leave the visiting room. The prisoner will straighten the chairs and clean up his/her visit area.

11) Prisoners will be properly dressed for visits. This includes a blue shirt buttoned up and tucked in. Jackets and hats will not be worn in the visit room.

12) All persons entering the visit room are subject to search prior to and as a condition of visiting. Contraband for the purpose of this section is defined as "a dangerous weapon, any tool or other thing that may be used to facilitate a violation of Section 757 (Escape), or any other thing which a person confined in official custody is prohibited, by statute or regulation, from making or possessing. Examples of contraband are: weapons, cutting blades, drugs, marijuana, alcohol, files, money, and tobacco. Persons violating this rule will be suspended from visiting and are subject to criminal prosecution.

13) All visitors are required to produce a State or Federally issued picture ID. Refusal or failure to produce sufficient identification or the falsifying of identifying information may result in the denial of visits.

14) Visitors must be properly attired. **ACCEPTABLE DRESS**: Jeans and slacks, skirts and dresses knee length or longer. Knee length shorts. Tops and shirts that are loose fitting and completely cover the upper torso. **UNACCEPTABLE DRESS:** Gym shorts, boxer shorts, short-shorts or any items of clothing with rips, tears or revealing holes. Clothing which makes reference to drugs, sex, violence or with vulgar or obscene language. Bare midriffs, half shirts, halter-tops, tank tops, pajamas, lingerie, or see-through clothing of any kind. No bare feet.

15) Dress code rules may be waived in cases where your children (0-10) and senior citizens (60 and over) are involved. Officers will use common sense, respect and discretion. In instances where clothing worn by a visitor comes into question, the Visiting Desk Officer will notify the Area Sergeant. Following a visual inspection, the Sergeant 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. There is no appeal.

12. <u>Laundry</u>. The Unit laundry schedule and regulations will be posted on the Bulletin Board in your Housing Unit.

13. <u>Barber Services</u>. The schedule for barber services is posted on the Bulletin Board in your Housing Unit. Haircuts will be limited to basic design. No specialty or shaving inserts permitted. **One haircut every eight (8) weeks, however, prisoners may pay the established price if they wish to have a haircut sooner.**

14. **Library and Law Library.** The schedule and borrowing procedures are posted on the Bulletin Board in your Housing Unit. If you have specific questions about library services, including copying documents and the law library, send a request slip to the Library. You are responsible for all material that you borrow from the Library.

    A) **Remain in Library.** You must remain in the Library for the duration of the session unless called by staff to report to another area of the facility.

    B) **Congregate.** Prisoners may not congregate in groups in any part of the Library.

    C) **Search.** All prisoners are subject to searches while in the Library.

15. **Notary Public.** Services of a Notary Public must be requested via a Prisoner Request Form. Please check your Housing Unit bulletin board to determine the name of the Notary Public assigned to your unit. The function of the Notary Public is to verify that the signature, which appears on a document, is the signature of the person who is named in the document as the signatory.

16. **Court Trip.** A Court Trip is a trip from this facility to a state or federal court, and any return. You must be properly dressed.

    1) You are permitted to take legal materials with you that pertain to the case at hand. These materials must be surrendered to the transporting staff during transit. The materials will be returned to you when you are in secure lockup at the court and, on the return, when you are back in the facility.

    2) You will be subject to the use of restraints according to Department Policy.

    3) You are not permitted to obtain or receive any item from any person while on a Court Trip.

17. **Orientation.** Within first 24 hours you will receive a brief orientation providing you with verbal and written information that you will need to know immediately. A comprehensive orientation shall occur within 4 weeks after arrival. You will be required to attend orientation sessions. The purpose of these sessions is to inform you of how the facility works, what your obligations are, and what programs and services are available.

18. **Access to Diplomatic Represenatives.** *(Foreign Nationals Only)*
    If you are not a U.S. Citizen and wish to contact your diplomatic representative, submit a request slip to your Caseworker or Correctional Care and Treatment Worker. They will provide you with contact information.

Prisoner Communication List
Getting Answers to Questions you may have!

The following list establishes whom you should contact with questions about services, programs or general information at the Maine Correctional Center. Prisoners should submit a request slip to the staff person or Department indicated. You **MUST** contact the 1st level staff person, and allow enough time for a reply, before proceeding to contact the 2nd level staff person. Once a request for information has been received you will either be scheduled for an appointment or you may receive a written reply. Requests for information should be as specific as possible.

Department	1st level	2nd level
Medical		
Medical Care	Medical Dept.	HSA
Eye Care	Medical Dept.	HSA
Dental Care	Medical Dept.	HSA
Psychiatry	Medical Dept.	HSA
Co-Pay Appeal	HSA	Dep. Sup. -Programs
Mental Health		
Counseling Services	Mental Health Worker	Dir. Of Mental Health
Crisis Intervention	Mental Health Worker	Dir. Of Mental Health
Social Services		
General Information	Caseworker/CCTW	Unit Manager
Notary Requests	Caseworker/CCTW	Unit Manager
Prisoner Welfare	Caseworker/CCTW	Unit Manager
Religious Services		
Services/Counseling/Study	Religious Coordinator	Dep. Sup. -Programs
Community Services		
Furloughs	Caseworker/CCTW	Superintendent
SCCP	Community Prgs. Coordinator.	Superintendent
Work Release/Public Rest	Caseworker/CCTW.	Superintendent
Marriages	Caseworker/CCTW	Unit Manager
Substance Abuse Treatment Services		
Corr.Recovery Academy	CRA Director	Unit I – Unit Manager
AA Meetings	Volunteer Coordinator	Dep. Sup. -Programs
Victim Services		
Impact of Crime	Caseworker/CCTW	Dep.Sup.-Programs
Visiting Services		
Visit Schedules	Unit Housing Officer	Unit Sergeant

Recreation/Activities

Recreation Programs	Recreation Director	Dep Sup.-Security
Unit Recreation Activities	Unit Housing Officer	Unit Sergeant

Educational/Vocational Services

Academic Programs	School Dept.	Dep.Sup.-Programs
Parenting Program	School Dept.	Dep.Sup.-Programs
Vocational Programs	School Dept	Dep.Sup.-Programs

Library Services

General & Law Library	MCC Librarian	Dep.Sup.-Programs
Photocopying	MCC Librarian	Dep.Sup.-Programs

Industries Programs

Woodshop	Industries Manager	Dir. of Admin. Services
Upholstery	Industries Manager	Dir. of Admin. Services
Garment	Industries Manager	Dir. of Admin. Services
Computer Refurbishing	Industries Manager	Dir. of Admin. Services

Sanitation/Hygiene

Personal Hygiene	Unit Housing Officer	Unit Sergeant
Haircuts	Unit Housing Officer	Unit Sergeant
Laundry	Unit Housing Officer	Unit Sergeant

Food Services

All General Services	Food Services Manager	Dir. of Admin. Services

Business Office

Prisoner Account Information	Prisoner Accts. Clerk	Dir. of Admin. Services
Money Transfers	Prisoner Accts. Clerk	Dir. of Admin. Services

Classification & Records

Release Dates	MCC Records Dept.	MCC Class. Officer
Reclassification Requests	Caseworker/CCTW	Unit Manager
Job Assignments	Caseworker/CCTW	Unit Manager
Ad- Seg Reviews	Caseworker/CCTW	Unit Manager
Good Time	MCC Records Dept.	MCC Class. Officer
Restoration of lost G.T.	Unit Manager	Superintendent
Detainers/Warrants	MCC Records Dept.	MCC Class. Officer

Security

Housing Issues	Unit Housing Officer	Unit Sergeant
Facility Issued Items	Unit Housing Officer	Unit Sergeant
Allowable Items	Unit Housing Officer	Unit Sergeant
Property Issues	Reception Officer	Unit Sergeant
Mail	Unit Housing Officer	Unit Sergeant
Visits	Visit Officer	Unit Sergeant

Note: Life threatening or verifiable emergency situations are to be directed immediately to the Unit Housing Officer.

PRISONER HANDBOOK
APPENDIX A

POLICY TITLE: PRISONER DISCIPLINE
POLICY NUMBER: 20.1
CHAPTER 20: PRISONER DISCIPLINE PAGE 1 OF 25

POLICY TITLE: PRISONER ALLOWABLE PROPERTY
POLICY NUMBER: 10.1
CHAPTER 10: PRISONER PROPERTY PAGE 1 OF 10

POLICY TITLE: PRISONER GRIEVANCE PROCESS, GENERAL
POLICY NUMBER: 29.01
CHAPTER 29: CLIENT GRIEVANCE RIGHTS PAGE 1 OF 11

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

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

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

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

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.

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

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

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

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

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

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.

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.

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.

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.

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

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.

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.

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

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.

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.

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.

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**

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.**

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.**

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.

MAINE DEPARTMENT OF CORRECTIONS
DISCIPLINARY REPORT

☐ BCF ☐ CCF ☐ DCF ☐ MCC ☐ MSP ☐ SMRC

Disciplinary Case No: _____

DISCIPLINARY INCIDENT REPORT

_____
Name of Prisoner MDOC# Incident Date Incident Time

_____
Place of Incident Housing Unit

Violation(s) (Class and Name)

_____
_____

Description of Incident (including names of any known staff witnesses)

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

There are ☐ Additional Pages Attached to this Report

_____ _____ _____
Reporting Staff's Signature Date & Time Name and Title (Print)

PHYSICAL EVIDENCE (IF APPLICABLE)

Description and Disposition of Evidence

_____
_____
_____
_____

_____ _____ _____
Staff's Signature Date & Time Name and Title (Print)

Disciplinary Case No: _____

Prisoner Name: _____ MDOC#_____

Continuation of Disciplinary Incident Report (if applicable)

_____

_____

Reporting Staff's Signature

Disciplinary Case No: _____

Prisoner Name: _____ MDOC#_____

SHIFT SUPERVISOR'S OR UNIT MANAGER'S REVIEW AND APPROVAL

Report clearly sets forth incident and charge and:

☐ Formal resolution without attempting informal resolution necessary for proper discipline and control

☐ Prisoner refused proposed informal resolution

☐ Prisoner failed to abide by agreed to informal resolution

Forwarded report for investigation to security staff.

_____ _____ _____

Signature of Supervisor or Manager Date & Time Name & Title (Print)

INVESTIGATION

Investigation Initiated by: _____ Date & Time: _____

Prisoner's Statement (including names of any known witnesses)

_____

_____

_____

_____

_____

_____

_____ _____

Prisoner's Signature Date

Forwarded report (including investigation) to unit clerk or other staff designated to process disciplinary paper work.

_____ _____ _____

Investigating Officer's Signature Date Name & Title (Print)

Disciplinary Case No: _____

Prisoner Name: _____ MDOC#_____

DISMISSAL (IF APPLICABLE)

This report is dismissed because:

☐ Facts as described in report do not constitute a violation.

☐ Time frame for completing and submitting report not adhered to.

☐ Prisoner's statutory or constitutional rights appear to have been violated. (Requires consultation with the Attorney General's Office)

Explanation:

_____

_____

_____

_____

_____

_____

Forwarded to Chief Administrative Officer, or designee.

_____	_____	_____
Signature of Disciplinary Hearing Officer	Date	Name & Title (Print)

MAINE DEPARTMENT OF CORRECTIONS
LETTER OF NOTIFICATION OF DISCIPLINARY HEARING

Disciplinary Case No._____

Prisoner Name: _____ MDOC#_____

ON_____YOU WERE PLACED ON REPORT FOR THE FOLLOWING DISCIPLINARY VIOLATION(S) (CLASS AND NAME):

_____
_____
_____

YOU ARE SCHEDULED FOR A DISCIPLINARY HEARING IN FRONT OF _____ ON _____ AT _____.

YOU MAY CHOOSE BETWEEN THE FOLLOWING OPTIONS THAT I WILL READ TO YOU AT THIS TIME.

OPTION #1

The violation with which I am being charged and the possible penalties for the charges have been explained to me. I wish to waive my right to a formal hearing on these charges. I understand that the charges will be reviewed with me by the disciplinary hearing officer, but that no evidence will be presented at the review other than the documents given to me with this notice. I wish to plead (guilty) or (no contest). I will accept the finding as to guilt of the charges. I acknowledge that I waive my right to appeal that finding but retain my right to appeal the disposition. I (wish) (do not wish) to be represented at the review by _____, counsel substitute. I understand that I must provide the name of my counsel substitute to the disciplinary hearing officer within the next 24 hours. I understand it is my responsibility to ensure my counsel substitute is notified as to the time and date of the review.

_____ _____
Signature of Prisoner Date

OPTION #2

The violation with which I am being charged and the possible penalties for the charges have been explained to me. I wish to appear before a formal disciplinary hearing. I (do) (do not) waive my right to a 24 hour notice. I (wish) (do not wish) to be represented at the hearing by _____ counsel substitute. I (wish) (do not wish) to call _____ to testify as witness(es) at the hearing. I understand that I must provide the names of my counsel substitute and my witness(es) to the disciplinary hearing officer within the next 24 hours. I understand that it is my responsibility to ensure my counsel substitute is notified as to the time and date of the hearing.

_____ _____
Signature of Prisoner Date

_____ _____ _____ _____
Signature of Staff Date Time Name & Title (Print)

MAINE DEPARTMENT OF CORRECTIONS
DISCIPLINARY HEARING SUMMARY

Disciplinary Case No._____

Prisoner Name: _____ MDOC#_____

Stated below are the summary and findings of the disciplinary hearing officer.

Date of Hearing: _____

Counsel Substitute Representation: Yes ☐ No ☐

SUMMARY OF HEARING

The disciplinary report and charge(s) were read and explained to the prisoner. The prisoner acknowledged his/her understanding of the report and charges.

The prisoner plead: ☐ guilty ☐ no contest ☐ not guilty to the charges.

The prisoner offered the following explanation:

_____
_____
_____

NAME OF ANY WITNESS AND SUMMARY OF TESTIMONY AND ANY EXHIBIT PRESENTED

_____
_____
_____

REASON(S) FOR WITHHOLDING OR RESTRICTING TESTIMONY OR EXHIBITS OR FOR FAILURE OF WITNESS TO TESTIFY

_____
_____
_____

FINDINGS

Prisoner was found ☐ guilty ☐ not guilty of the charge(s) of_____
_____

REASON(S) AND EVIDENCE RELIED ON FOR DECISION:_____
_____
_____
_____

Charge(s) of _____were dismissed
(See Attachment B)

Disciplinary Case No._____

Prisoner Name: _____ MDOC#_____

If a prisoner who has been identified as mentally ill or developmentally disabled is found guilty of any charge, document below consultation with mental health staff prior to determining disposition.

_____

_____

RECOMMENDED DISPOSITION(S)

Charge found guilty of _____

_____ Counseling, Warning, or Verbal Reprimand.

_____ Days Disciplinary Segregation

_____Days Disciplinary Restriction Privileges, if any, granted:_____

_____

_____Days Loss of Good Time or Deductions

_____Days Loss of Following Privileges:_____

_____Days of Extra Work in Lieu of Recreation

_____ Amount of Monetary Sanction

_____Amount of Restitution (Explain basis for amount of restitution recommended)

_____

Charge found guilty of _____

_____ Counseling, Warning, or Verbal Reprimand.

_____ Days Disciplinary Segregation

_____Days Disciplinary Restriction Privileges, if any, granted:_____

_____

_____Days Loss of Good Time or Deductions

_____Days Loss of Following Privileges:_____

_____Days of Extra Work in Lieu of Recreation

_____ Amount of Monetary Sanction

_____Amount of Restitution (Explain basis for amount of restitution recommended)

_____

☐ Consecutive ☐ Concurrent to disposition(s) on above charge.

Disciplinary Case No._____

Prisoner Name: _____ MDOC#_____

Charge found guilty of _____

_____ Counseling, Warning, or Verbal Reprimand.

_____ Days Disciplinary Segregation

_____Days Disciplinary Restriction Privileges, if any, granted:_____

_____

_____Days Loss of Good Time or Deductions

_____Days Loss of Following Privileges:_____

_____Days of Extra Work in Lieu of Recreation

_____ Amount of Monetary Sanction

_____Amount of Restitution (Explain basis for amount of restitution recommended)

_____

☐ Consecutive ☐ Concurrent to disposition(s) on above charges.

Charge found guilty of _____

_____ Counseling, Warning, or Verbal Reprimand.

_____ Days Disciplinary Segregation

_____Days Disciplinary Restriction Privileges, if any, granted:_____

_____

_____Days Loss of Good Time or Deductions

_____Days Loss of Following Privileges:_____

_____Days of Extra Work in Lieu of Recreation

_____ Amount of Monetary Sanction

_____Amount of Restitution (Explain basis for amount of restitution recommended)

_____

☐ Consecutive ☐ Concurrent to disposition(s) on above charges.

Disciplinary Case No._____

Prisoner Name: _____ MDOC#_____

NOTIFICATION OF RIGHT TO APPEAL

Prisoner provided copy of summary and informed of right to appeal.

_____ _____ _____
Signature of Disciplinary Hearing Officer Date Time

Prisoner's action: Waived right ☐ Did not waive right ☐

_____ _____
Signature of Prisoner Date

If prisoner did not waive right to appeal, prisoner given an appeal form (Attachment F).

_____ _____ _____
Signature of Prisoner Date Time

_____ _____ _____
Signature of Disciplinary Hearing Officer Date Name (Print)

MAINE DEPARTMENT OF CORRECTIONS
APPEAL AND DECISION ON APPEAL

Disciplinary Case No. _____

Prisoner Name: _____ MDOC#_____

APPEAL OF FINDING OF GUILT AND/OR RECOMMENDED DISPOSITION

TO: Chief Administrative Officer, or designee

On_____, I appeared at a disciplinary hearing. I wish to appeal the finding of guilt and/or the recommended disposition(s) on the following disciplinary violation(s) (class and name): _____

_____

_____

I wish to appeal for the following reasons: _____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____
Prisoner's Signature

Must be received by the Chief Administrative Officer, or designee, within fifteen (15) days following the summary of the disciplinary hearing unless the prisoner is due to be released sooner. In that case, it must be received no later than one hour prior to the prisoner's release.

_____	_____	_____
Receiving Person's Signature	Date & Time	Name and Title (Print)

Disciplinary Case No. _____

Prisoner Name: _____ MDOC#_____

DECISION ON APPEAL BY CHIEF ADMINISTRATIVE OFFICER, OR DESIGNEE

☐ Decision and recommended disposition(s) of the disciplinary officer are:

☐ Affirmed ☐ Modified ☐ Reversed

If modified, describe modification:

_____

_____

_____

_____

☐ Disciplinary report is dismissed (see Attachment B)

☐ Disciplinary matter is remanded to:

☐ Disciplinary hearing officer for new hearing

☐ Shift supervisor or unit manager for attempt at informal resolution

_____ _____ _____

Signature of Chief Administrative Officer, or Designee Date Name (print)

MAINE DEPARTMENT OF CORRECTIONS

Prisoner Name: _____ MDOC#_____

Disciplinary Case #_____

DATE: _____

TO: Commissioner

FROM: Chief Administrative Officer

SUBJECT: Disciplinary Segregation

In compliance with Title 34-A M.R.S.A, Section 3032(3) (E), I am informing you that_____ was placed in disciplinary segregation on _____. The prisoner is due to be released from disciplinary segregation on _____. The prisoner was placed in disciplinary segregation as a result of the following disciplinary violation(s) (class and name):

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

DISCIPLINARY CHRONOLOGY

PRISONER NAME: _____ MDOC#_____

CASE #	DATE	VIOLATION (CLASS AND NAME)	FINDING	FINAL DISPOSITION	DATE OF CAO'S DECISION

PRISONER PROPERTY & ALLOWABLE ITEMS LIST
APPENDIX B

1. **FOOD/VENDING ITEMS/WRITING SUPPLIES -** At the Maine Correctional Center you will be allowed to posses NO MORE than (3) three of any one item sold in the commissary or purchased through the vending machines.

2. **OVER THE COUNTER MEDICINE -** At the Maine Correctional Center you will be allowed to posses NO MORE than:

Rolaids - 3 Rolls

Tums - 3 Containers

Blistex - 3 Tubes

Coughdrops - 3 Bags

Vitamins - 1 Container

Advil/Tylenol/Aspirin/Coldenoyl - 20 Packets

3. **Any Allowable Items Found in Excess** of the maximum quantity allowed will be contraband and handled in accordance with Department Policy. Food/Vending Machine items found in excess will be disposed of.

POLICY TITLE: PRISONER ALLOWABLE PROPERTY POLICY NUMBER: 10.1 CHAPTER 10: PRISONER PROPERTY		PAGE 1 OF 10
	STATE of MAINE DEPARTMENT OF CORRECTIONS Approved by Commissioner:	PROFESSIONAL STANDARDS: See Section VII
EFFECTIVE DATE: January 15, 2004	LATEST REVISION: June 10, 2013	CHECK ONLY IF APA [ ]

I. AUTHORITY:

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

II. APPLICABILITY:

All 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
Procedure C: Religious Items
Procedure D: Extra Allowable Personal Property
Procedure E: Record Keeping
Procedure F: Other Provisions

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

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:

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;

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,

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 posses 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

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

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.

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.

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.**

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)** **PROPERTY OF THE STATE**
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** **NOTE: Prisoners required to secure property box. Staff will secure lock upon completion of inventory**

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** **NOTE: Purchase price may not exceed $100**
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)**

FOOTWEAR/CLOTHING (CONTINUED)		
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	**SQUEEZE TYPE ONLY 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**

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**

PHOTOGRAPHS (NO POLAROIDS) (NO NUDE PHOTOS, e.g., EXPOSED FEMALE BREASTS, MALE OR FEMALE BUTTOCKS OR GENITALS ALLOWED)	**60**	**(RECEIVED VIA MAIL) MUST BE KEPT IN PHOTO ALBUM**
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

GUITAR W/ FOLLOWING ACCESSORIES: **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.)**
GUITAR EFFECTS PEDALS	**1** **Allowable as extra allowable property as set forth in the Department's Policy 10.1, Prisoner Allowable Property**	
HARMONICA	**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	**Canteen purchase** **No speakers**
DISC PLAYER w/ AC ADAPTER & MINI HEADPHONES	1	**Canteen purchase**
AM/FM RADIO – CLEAR CASE, NO SPEAKERS	1	**Canteen purchase**
ANTENNA (AS APPROVED BY DEPT.)	1	**Canteen purchase**
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	**MAY ONLY BE USED TO PLAY VIDEO GAMES OR AUDIO CDs**
MEMORY CARD FOR VIDEOGAME PLAYER	2	**Canteen purchase**
HEADPHONES w/ ADAPTER	1	**Canteen purchase (In addition to mini headphones w/ disc player)**
HEADPHONE EXTENSION	1	**Canteen purchase – NOT TO EXCEED 6'**
CABLE SPLITTER, TV CABLES, ADAPTERS, ETC.	DETERMINED BY FACILITY	**Canteen purchase – If items are determined necessary by facility.**
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	**NO HYBRID CDs – NO DVDs OR COMBINATION AUDIO/VIDEO CDs – MUST BE MARKED WITH PRISONER'S NAME & MDOC NUMBER – EXPLICIT LYRICS, EITHER FACTORY LABELED OR DETECTED DURING REVIEW, ARE NOT ALLOWED**
CD STORAGE CASES	2	**Clear – Canteen purchase Only**
CD PLAYER LENS CLEANER	1	
VIDEOGAME CDs	Included in total of 30 (with audio CDs)	**MAX RATING "T"**

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.

POLICY TITLE: PRISONER GRIEVANCE PROCESS, GENERAL POLICY NUMBER: 29.01 CHAPTER 29: CLIENT GRIEVANCE RIGHTS		PAGE 1 OF 11
	STATE of MAINE DEPARTMENT OF CORRECTIONS Approved by Commissioner:	PROFESSIONAL STANDARDS: See Section VII
EFFECTIVE DATE: January 13, 2003	LATEST REVISION: August 15, 2012	CHECK ONLY IF APA [X]

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:

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.

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 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.

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.

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

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

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.

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

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.

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.**

PRISONER GRIEVANCE FORM
Policies 29.1 and 29.2

MAINE DEPARTMENT OF CORRECTIONS

TO BE COMPLETED BY GRIEVANCE REVIEW OFFICER:

DATE RECEIVED_____

LOG NUMBER _____

Name	**MDOC Number**	**Housing Unit**

A grievance must be filed with the Grievance Review Officer within fifteen (15) days of the matter being grieved. If you are filing after the expiration of the fifteen (15) day limit because it was not possible for you to have filed a grievance within the fifteen (15) day limit, explain what prevented filing within the time limit in the space below.
Explanation:

_____

USE ONLY THE SPACE BELOW
Concisely state the specific nature of your complaint, including all persons and dates involved, and state the specific remedy requested. You must include information showing when the fifteen (15) day time limit began:

_____
_____
_____
_____
_____
_____
_____
_____
_____

_____ _____
Signature of Prisoner Date

Before filing a grievance with the Grievance Review Officer, you must have made an attempt at an informal resolution, by submitting this form to a supervisor designated by the facility Chief Administrative Officer within five (5) days of the matter being grieved.

Print Name of Supervisor (or HSA, if applicable)	**Signature of Supervisor** (or HSA, if applicable)	**Date of Receipt of Form**

☐ Complaint Resolved. Describe resolution, including implementation date: _____

_____
_____

Signature of Staff Resolving Complaint **Signature of Prisoner Agreeing to Resolution**

☐ Complaint Not Resolved. Describe actions taken in attempt to resolve:

_____
_____

Signature of Staff Attempting Resolution **Date Form Returned to Prisoner**

Original to Grievance Officer
Prisoner to keep copy

MAINE DEPARTMENT OF CORRECTIONS
NOTIFICATION OF DISMISSAL AND/OR RETURN

TO:	**MDOC #:**	**DATE RECEIVED:**
FROM: , GRIEVANCE REVIEW OFFICER		

DISMISSAL

☐ Your complaint has been dismissed due to the following:

☐ This matter is not grievable because:

- ☐ A separate appeal procedure exists.
- ☐ It does not directly affect you.
- ☐ A Departmental employee or contractor is not responsible.
- ☐ This is a complaint about a decision of the Grievance Review Officer.

☐ Your complaint is a duplicate of an earlier grievance.

☐ You did not attempt an informal resolution, as required by the Grievance Policy.

☐ Your grievance form was filed after the fifteen (15) day time limit had expired and it was possible for you to have filed within the time limit.

☐ Your grievance appeal form was filed after the fifteen (15) day time limit had expired and it was possible for you to have filed within the time limit.

☐ There has been an obvious abuse of the grievance process by you in that:

YOU MAY NOT APPEAL A DISMISSAL

_____ _____
Signature of Grievance Review Officer Date

RETURN

☐ Your grievance form is being returned for you to provide sufficient information to show when the fifteen (15) day time limit began. You must supply this information and return this grievance form for processing within the original fifteen (15) day time limit.

_____ _____
Signature of Grievance Review Officer Date

MAINE DEPARTMENT OF CORRECTIONS

RESPONSE TO GRIEVANCE – LEVEL I

LOG NUMBER:

TO:

FROM: , GRIEVANCE REVIEW OFFICER

RESPONSE (Level I):

Appeal form attached

Signature

Date

MAINE DEPARTMENT OF CORRECTIONS

RESPONSE TO GRIEVANCE – LEVEL II

LOG NUMBER:

TO:

FROM: , CHIEF ADMINISTRATIVE OFFICER, OR DESIGNEE

RESPONSE (LEVEL II):

Appeal form attached

Signature Date

TO BE COMPLETED BY GRIEVANCE REVIEW OFFICER:

DATE RECEIVED _____

LOG NUMBER _____

MAINE DEPARTMENT OF CORRECTIONS
PRISONER'S APPEAL OF GRIEVANCE RESPONSE

TO: GRIEVANCE REVIEW OFFICER

FROM: _____

LOG NUMBER: _____

This appeal must be filed with the Grievance Review Officer within fifteen (15) days of the date of the response. If you are filing this appeal after the expiration of the fifteen (15) day limit because it was not possible for you to file an appeal within the fifteen (15) day limit, explain what prevented filing within the time limit in the space below.
Explanation:

_____
_____
_____
_____

I am appealing the following response:

☐ **LEVEL I – RESPONSE FROM GRIEVANCE REVIEW OFFICER**

☐ **LEVEL II – RESPONSE FROM CHIEF ADMINISTRATIVE OFFICER**

REASON(S):
(**USE ONLY THE SPACE BELOW)**

_____
_____
_____
_____
_____
_____
_____

_____ _____
Signature of Prisoner Date

Original to Grievance Officer
Prisoner to keep copy

Prisoner - Appeal of Grievance Response
Attachment E

DOC FORM
08/15/2012R
29.1 and 29.2 (AF)

MAINE DEPARTMENT OF CORRECTIONS
Notification of Suspension of Access to the Grievance Process

TO: _____ _____
Name MDOC #

FROM: Commissioner of Corrections, or designee, or facility Chief Administrative Officer

You are hereby notified that your access to the grievance process has been suspended for ninety days (90) days, starting on _____ and ending on _____.

This suspension is based on your abuse of the grievance process in that you have:

☐ filed one or more frivolous grievances

☐ filed multiple grievances on the same subject

☐ otherwise created an administrative burden

☐ knowingly made a false statement in a grievance

Specifically, you have_____

_____

_____

_____

_____

_____

_____.

This means that you may not file a grievance during the period of suspension, unless it concerns a violation of a constitutional right.

_____ _____
Signature Date

Supervisors with jurisdiction for informal resolution of grievances	
Subject Area	Supervisor
Accounts/money transfers	Senior Staff Accountant
Administrative Records	Classification Officer
Allowable property	Property Officer
Canteen/Commissary	Deputy Superintendent of Support Services
Case management records	Caseworker/CCTW
Clothing and other State issued items	Property Officer
Education	Deputy Superintendent of Programs
Food service	Food Service Manager
Housing assignment	Unit Supervisor/Unit Manager
IBF	Senior Staff Accountant
Industries	Deputy Superintendent of Support Services
Laundry	Deputy Superintendent of Support Services
Library services	Librarian
Mail	Deputy Superintendent of Support Services
Medical care (including eye and dental care)	Health Services Administrator
Mental health care	Health Services Administrator
Packages	Deputy Superintendant of Support Services
Physical conditions (including sanitation)	Unit Supervisor/Unit Manager
Publications	Deputy Superintendent of Support Services
Recreation	Recreation Supervisor
Religious issues	Chaplain
Restitution deductions	Senior Staff Accountant
Restitution set up (MSP and MCC only)	Classification Officer
Sentence calculation (including detention time and good time)	Classification Officer
Staff abuse or Excessive force	Employee's Immediate Supervisor
Substance abuse services	Deputy Superintendent of Programs
Telephone	Superintendent's Secretary
Unit property issues	Unit Sergeant/Unit Manager
Visits	Operations Sergeant
Vocational services	Deputy Superintendent of Programs
Other staff action/decision	Employee's Immediate Supervisor

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.

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.