

Inmate Rights, Privileges and Responsibilities



Oklahoma Department of Corrections
Employee Development Unit

2016

Course Information:

Course name:	Inmate Rights, Privileges and Responsibilities
Course author and date:	Lynne Presley, August 2002
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OP-090124 "Inmate Grievance Process," Effective Date: 06/15/15

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https://www.law.cornell.edu/wex/prisoners_rights

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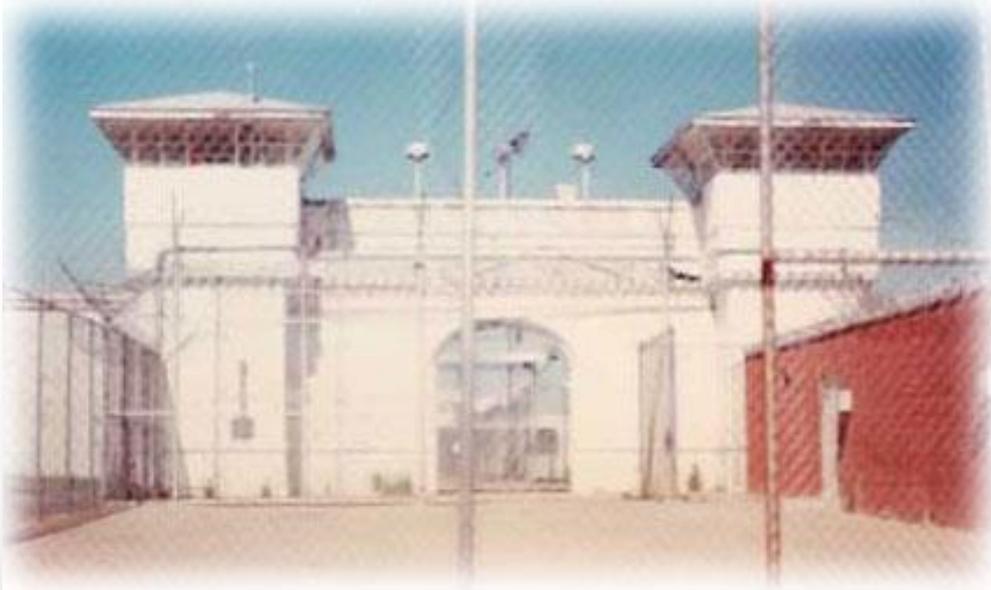
Course Objectives:

At the end of this course, students will be able to:

1. Explain the 17 basic Inmate rights, privileges and responsibilities.
2. Compare the difference between a right and a privilege.

Introduction:

It is no secret that stereotypes and misconceptions about incarcerated persons abound. One common misconception about inmates is that they lose all rights when they enter prison. Actually, they DO have rights and privileges – and corresponding responsibilities.



This course covers **OP-030123, “Inmate Rights, Privileges and Responsibilities.”**

It is important for staff members to understand the parameters of their authority with regard to the inmates they supervise. Likewise, it is important for inmates to understand what rights they have and do NOT have under the law.

Rights versus Privileges

Rights:

Rights are guaranteed by the U.S. Constitution or state/federal statute, which may not lawfully be suspended for any reason without due process of law.



Privileges:

Privileges are granted, sometimes conditionally, by the written rules governing the operations of a facility, which may be suspended in accordance with those rules.



U.S. Constitution

inmate's Rights and Protection Under the Law:

- **The First Amendment:** Guarantees the right to free speech and free exercise of religion. For inmates, that means to the extent that the exercise of those rights does not interfere with their status as inmates or the overall security of the institution.
- **The Fifth Amendment:** Guarantees the right to due process. inmates are afforded due process in their administrative appeals and the right to access a parole board.
- **The Eighth Amendment:** Guarantees the right to be free from “cruel and unusual” punishment. For inmates, this means freedom from inhumane treatment as well as a minimum standard of living, including proper medical care.
- **The Fourteenth Amendment:** Guarantees the right to equal protection under the law. This protects inmates from discrimination based race, sex, religion or national origin.

Who is covered by this policy?

The legal rights covered in this course are available to ALL inmates.

No inmate under the jurisdiction of the Oklahoma Department of Corrections will be discriminated against because of their race, religion, nationality, gender, political belief, or handicap.



Rights, Privileges and Responsibilities:

The Basic 17

Inmates under the jurisdiction of the Oklahoma Department of Corrections have 17 basic rights, privileges and related responsibilities.

It is the responsibility of each facility head to make sure inmates are aware of these “basic 17” items, and every employee should know them as well.

Rights, Privileges and Responsibilities: #1

Right

Inmates have the right of access to the courts through unrestricted and confidential correspondence.



Responsibility

Inmates have the responsibility to present honestly to the court any petitions, questions, or problems and to refrain from abusing the resources available to achieve access.

Rights, Privileges and Responsibilities: #2

Right

Inmates have the right to confidential interviews and correspondence with an attorney.

Responsibility

Inmates have the responsibility to not abuse the confidential contacts made available.



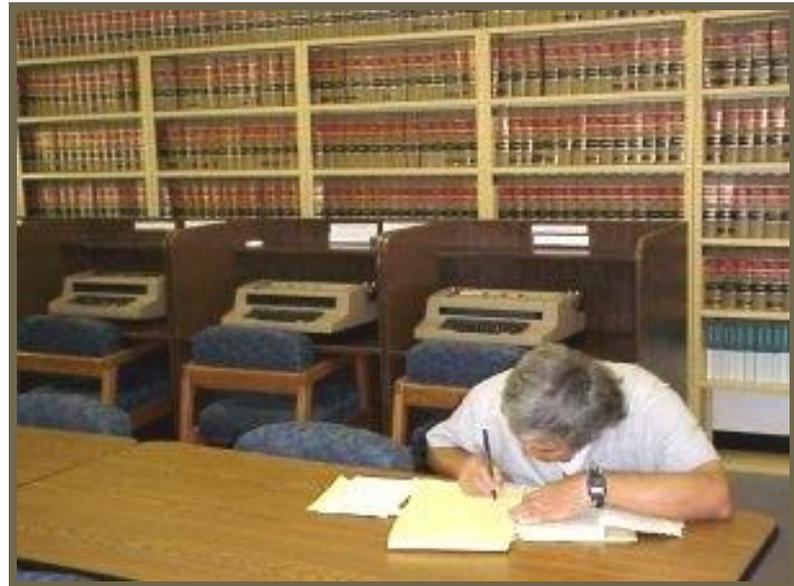
Rights, Privileges and Responsibilities: #3

Privilege

Inmates have the privilege to participate in the use of law library reference materials and the right to receive legal assistance from other inmates at the facility the inmate is currently assigned to.

Responsibility

Inmates have the responsibility to safeguard law library reference materials.



Rights, Privileges and Responsibilities: #4

Privilege

Inmates have the privilege to file administrative grievances as outlined in [OP-090124](#) entitled “Inmate Grievance Process” and to receive assistance from other inmates in doing so, all at the facility the inmate is currently assigned to.

Responsibility

Inmates have the responsibility to present honestly to administrative staff any complaints, problems or grievances and to file grievances within the guidelines specified in [OP-090124](#) and the responsibility not to abuse the grievance process.

Rights, Privileges and Responsibilities: #5

Right

Inmates have the right to a healthful place in which to live, which includes clean and orderly surroundings, nutritious meals, proper bedding and clothing, adequate opportunities to shower, proper ventilation for warmth and fresh air; access to recreational opportunities and outdoor exercises when weather permits; and personal hygiene articles.

Responsibility

Inmates have the responsibility to eat properly, to follow dietary restrictions imposed by health care providers, to follow the laundry and shower schedule, and to maintain neat and clean living quarters.



Rights, Privileges and Responsibilities: #6

Right

Inmates have the right to access to constitutionally necessary medical, mental health and dental care.



Responsibility

Inmates have the responsibility to seek medical, mental health and dental care in an honest manner only when necessary and to follow health directives recommended or prescribed by health care providers; the responsibility not to cause intentional illness or injury to self or others.

Rights, Privileges and Responsibilities: #7

Right

Inmates have the right to correspond with public officials, officials of the confining authority, and members of the Pardon and Parole Board, in keeping with department procedures.

Responsibility

Inmates have the responsibility to be truthful.



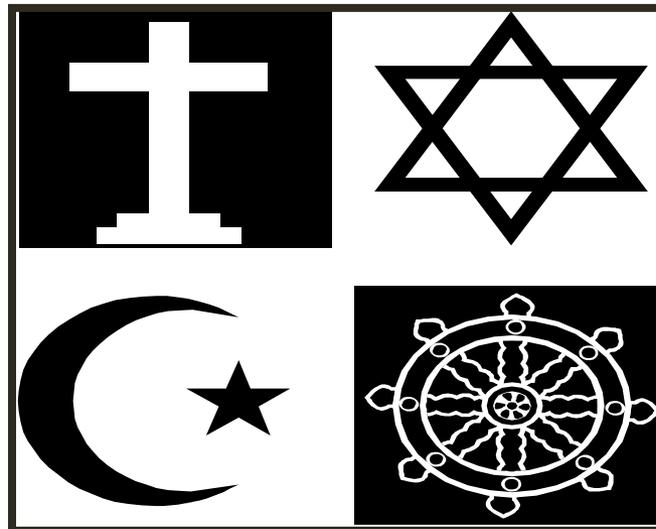
Rights, Privileges and Responsibilities: #8

Right

Inmates have the right to practice a religion within the limitations of the law, resources available and security procedures in effect.

Responsibility

Inmates have the responsibility to not abuse the religious practices available.



Rights, Privileges and Responsibilities: #9

Privilege

Inmates have the privilege to be treated respectfully, impartially, and fairly by all persons, which includes being called by name rather than prison number.

Responsibility

Inmates have the responsibility to treat other inmates and staff with respect.



Rights, Privileges and Responsibilities: #10

Right

inmates have the right to be informed of the appropriate rules, procedures, and schedules governing the operations of the facility.

Responsibility

inmates have the responsibility to know and abide by the rules and procedures.



Rights, Privileges and Responsibilities: #11

Right

Inmates have the right to due process hearings for alleged rule violations before punishment is imposed which results in the revocation of earned credits.

Responsibility

Inmates have the responsibility to cooperate fully in investigations, to abide by the rules, to strive for self-achievement, and to make constructive future plans.



Rights, Privileges and Responsibilities: #12

Right

Inmates have right to equal access to various programs and work assignments as available, in keeping with their eligibility, interests, needs, and abilities.

Responsibility

Inmates have the responsibility to take advantage of activities which may enhance their ability to live a successful and law abiding life in the community.



Rights, Privileges and Responsibilities: #13

Privilege

Inmates have the opportunity and privilege to be involved in decisions concerning classification status.

Responsibility

Inmates have the responsibility to be present for classification actions when directed by and posted by the case manager/unit manager.



Rights, Privileges and Responsibilities: #14

Right

Inmates have the right to protection from personal abuse, corporal punishment, personal injury, unhygienic conditions, property damage, and harassment.

Responsibility

Inmates have the responsibility to abide by department and facility rules and regulations, to refrain from creating unhygienic conditions and from damaging property or harassing staff or other inmates.



Rights, Privileges and Responsibilities: #15

Right

Inmates have the right to be considered for parole pursuant to rules established by the Pardon and Parole Board except as excluded by statute.



Responsibility

Inmates have the responsibility to abide by the rules, to strive for self-achievement, and to make constructive future plans, as a basis for earning parole.



Rights, Privileges and Responsibilities: #16

Privilege

Inmates have the privilege to earn credits in accordance with statute.



Responsibility

Inmates have the responsibility to abide by department and facility rules and regulations and to enroll in and complete needed programs.



Rights, Privileges and Responsibilities: #17

Privilege

Inmates who are foreign nationals have the privilege for reasonable access to a diplomatic representative of their country of citizenship.

Responsibility

Inmates have the responsibility to not abuse this contact and to be honest in all discussions.



- ❑ Rights, privileges and responsibilities of inmates will be posted on bulletin boards that are accessible to all inmates.
- ❑ All agency personnel will be aware of and instructed in inmates' rights, privileges and responsibilities.
- ❑ All facility heads will insure inmates' rights, privileges and responsibilities are not violated.

inmate Access



Special Privileges and Responsibilities

- ❑ Each unit manager, with the approval of the facility head and the division manager, may establish privileges and responsibilities for their unit. However, these will not conflict with the rights, privileges and responsibilities set forth in **OP-030123 “Inmate Rights, Privileges and Responsibilities.”**
- ❑ Specific unit privileges and responsibilities will be posted on the unit bulletin board. Each inmate will be informed of specific unit privileges and responsibilities upon reception into the unit.

In Conclusion:

U.S. Courts tend to give deference to prison officials with respect to an inmate's claim his/her rights were violated. Often times, negligence or an oversight by prison officials will not be substantial enough for courts to grant the inmate the relief sought. With respect to prison regulations that may intrude on the inmate's constitutional rights, the courts apply a legal standard which determines whether there is a compelling and legitimate state interest with respect to the prison regulation; if so, the regulation is upheld.

The purpose of this course is to make you aware that inmates under custody of the Oklahoma Department of Corrections have certain rights, privileges and responsibilities. By following department policies and procedures, employees should avoid violating the rights of the inmates they supervise.

Thank you for completing this course.