

## **Basic Rights at a Glance**

### **Rehabilitation**

Under the Alaska state constitution, prisoners must have access to rehabilitative programs, such as sex offender treatment, substance abuse treatment, and mental health treatment. DOC must also provide programs that help create or improve occupational skills, provide life skills training, and improve educational qualifications.

### **Medical Care**

Prison officials must provide prisoners with adequate medical care, including dental care and mental health care. Adequate medical care means that prison officials are not deliberately indifferent to an inmate's serious medical needs. Medical needs are usually serious when they cause pain, discomfort, or threat to good health.

To win a case regarding medical care, an inmate must show that officials knew of and did not pay attention to a substantial risk of serious harm to your health.

### **Access to Legal Materials**

Every prison in Alaska is required to provide every prisoner with access to a law library, library assistance/law librarian, and supplies for preparing legal pleadings.

Prisoners in administrative segregation or classified as maximum custody have the same right of access as other prisoners unless prison officials determine that a prisoner's use of the law library presents a threat to the security of the facility or the prisoner is in punitive segregation. In those cases, the prisoner is entitled to have four law books in his or her cell at one time and secure access to the law librarian.

### **Freedom of Religion**

Prisoners must be given a reasonable opportunity to exercise their religious beliefs without fear of penalty or retaliation. Religious practices can only be limited due to legitimate prison interests and so long as the limitations do not favor one religion over another.

### **The Right to Send and Receive Mail**

Except in the case of a prisoner's business activities, prison officials cannot limit the amount of incoming or outgoing mail. Restrictions on access to mail are only allowed if the restrictions benefit the security of the institution.

Privileged mail includes mail to and from the courts, attorneys, or paralegals and cannot be read by prison officials. Officials may open such mail only in the presence of the inmate to search for contraband. All privileged mail must be marked.

Prison staff may read and censor non-privileged mail if they are inspecting it for contraband, censoring it to maintain security or discipline, preventing criminal activity, or promoting the goal of rehabilitation.

### **Prison Transfers**

If an in-state transfer causes a prisoner to lose program opportunities or if it interferes with visiting opportunities, prisoners should receive a classification hearing.

Before a prisoner may be transferred to a contract prison outside Alaska, the prisoner must get a classification hearing. Prisoners cannot be transferred out-of-state if rehabilitation or treatment would be substantially impaired by the transfer or if the transfer decision was made in retaliation for filing a grievance or lawsuit or for exercising other constitutional rights.

### **Disciplinary Sanctions**

Punishments that involve physical abuse or dangerous conditions of confinement are unconstitutional. Prisoners are only entitled to hearings (or other due process procedures) for punishments that impose an atypical and significant hardship, which will require more than normal segregation.

### **Excessive Force by Prison Officials**

Even if a prisoner does not suffer serious injury, prison officials may not maliciously and sadistically use force to cause harm. This means that officials cannot be evil, vicious, or want to hurt a prisoner when they use force.

Whether force is excessive depends on the need for force, the relationship between the need and the amount of force used, the extent of injury suffered by the inmate, the extent of the threat to safety of staff and inmates, and efforts made to lessen the need for the amount of force used.

### **Assault by Other Inmates**

Prison officials cannot act with deliberate indifference toward a prisoner's safety. Before an official can be held liable for an assault, an inmate must show that the official actually knew about a substantial risk of serious harm and failed to respond reasonably.

Officials have a responsibility to take reasonable measures to protect obvious victims they are aware of and to separate known predators who pose a risk to the safety of other inmates from the rest of the population.

### **Humane Conditions of Confinement**

Prisoners are entitled to adequate food, clothing, shelter, and medical care. Prison officials must act reasonably if they know that a prisoner is being denied a basic human need.

Basic human needs include, but are not limited to, adequate toilet and shower facilities, basic hygiene items, sanitary food preparation and service, working plumbing, protection from infestation by insects, rodents, and other vermin, clothing and bedding, protection from extreme temperatures, clean air, clean water, lighting, protection from excessive noise, exercise, sleep, and adequate living space.

### **Classification**

Classification is the process by which DOC determines a prisoner's custody and security levels. The classification process is complicated and confusing. In some instances, a prisoner is entitled to a classification hearing before his or her classification changes.