



# HOW TO PROTECT YOUR RIGHTS WHEN INCARCERATED

Property of the Athens Anti-Discrimination Movement (AADM)

## Background on Inmate Rights

- ❖ By nature, convicted prisoners are not entitled to enjoy all the constitutional rights as free citizens. However, prison officials don't have discretion to restrict any right without order and safety considerations.
- ❖ All prisoners are protected under the Eighth Amendment Protection against cruel and unusual punishment.
- ❖ All prisoners have the right to complain about prison conditions as well as to voice their concerns to prison officials and the courts.

## Assault & Excessive Force

The 8th Amendment protects prisoners against cruel and unusual punishment – prisoners are entitled to relief if there is a violation of that constitutional protection.

One can prevail on an excessive force claim if it can be proved that the application of force was:

- ❖ Not in good faith,
- ❖ Not part of an effort to restore discipline, or
- ❖ Was based, even in part, on a malicious and sadistic intent.

### *Transportation*

You have a right to be informed before a transfer to another prison, or legitimate punishment in solitary confinement.

## **Sexual Assault & Harrassment**

- ❖ Sexual abuse by other inmates often happens because staff fail to take adequate steps to protect inmates or respond appropriately to prisoner complaints.
- ❖ If you or someone you love has been sexually assaulted in prison, you must file a grievance.
- ❖ Grievances can be filed by third parties on behalf of inmates as well as by inmates themselves.
- ❖ Prisoners who have been sexually assaulted have the right to receive medical care, including psychological services.
- ❖ Prison staff are not allowed to have any kind of relationship, sexual or romantic, with inmates.
- ❖ Consent is never a legal defense for these relationships.

## **Discrimination**

- ❖ Prison officials have a constitutional obligation to treat inmates equally regardless of race, religion, or gender and the prison cannot segregate inmates without a legitimate reason.
- ❖ This reason cannot be due to inherent biases or other personal beliefs of the prison officials.

## **Health Problems & Pregnancy**

### *Pregnancy*

- ❖ Inmates have the right to an abortion if they so choose, as well as the right to refuse such a procedure.
- ❖ Inmates have the right to prenatal and other medical care for their pregnancy needs and postpartum care – inmates cannot be forced to pay for the medical care they receive for these purposes.

### *Health Problems*

- ❖ Inmates have a constitutional right to access medical care anytime they need for free. They also have right to access nourishing/nutritious food on a daily basis.

## **Access to Publications & Mail**

- ❖ All prisoners have a right to personally access and receive reading materials, publications, and other similar materials under the First Amendment.
- ❖ Prison authorities can generally decide to censor a publication that contains sexual content or violence for reasonable goals such as prison security, but they cannot reject publications solely because they disagree with their political viewpoint.
- ❖ Prison officials can go through incoming mail, read e-mails, and monitor outgoing communications to ensure that it does not contain any messages that could harm the facility's safety and discipline.

