NEBRASKA ADMINISTRATIVE CODE

TITLE 81 – JAIL STANDARDS BOARD

CHAPTER 12 - STANDARDS FOR JAIL FACILITIES - INMATES' RIGHTS

**001 Policy.** It is the policy of the State of Nebraska that all jail facilities shall employ measures which guarantee inmates their right to freedom of expression, freedom to exercise religious beliefs, access to the media, and access to legal representation and legal materials. Such measures shall be consistent with the Standards established herein and shall be reflected in the facility's written policies and procedures.

**002 Freedom of Expression**. An inmate's right to freedom of expression shall be insured through ~~the employment of provisions~~ written policies and procedures which include at least the following:

**002.01** Inmates may circulate to be read by other inmates anything which these Standards permit to be mailed or brought into the jail facility.

**002.02** Inmates shall be allowed to write and circulate among other inmates anything which does not present a threat to jail facility security and order.

**002.03** ~~Unless it presents a threat to jail facility security and order, i~~Inmates shall be permitted to discuss any subject among themselves that does not present a threat to jail facility security and order.

**002.04** The right of inmates to circulate written material does not create a requirement for jail facility staff to assist them to do so.

**002.05** Foreign nationals shall have access to the diplomatic representative of their country of citizenship.

**003 Freedom of Religion**. The facility administrator shall, to the best of his ability, insure the right of inmates to practice and express their religious beliefs.

**003.01** An inmate's free exercise of religion shall be subject only to those limitations necessary to maintain jail facility order and security.

**003.02** Inmates shall not be in any way rewarded or punished for their participation or non-participation in religious activities or practices.

**004 Access to the Courts**. Inmates' rights to have access to the courts shall be insured and safeguarded by each facility administrator. Inmates have the right to present any issue, including, but not limited to the following:



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**004.01** Challenging the legality of their conviction of confinement.

**004.02** Seeking redress for illegal conditions or treatment while under correctional control.

**004.03** Pursuing remedies in connection with civil legal problems.

**004.04** Asserting against correctional or other governmental authority, any other rights protected by the Constitution, Nebraska Revised Statutes, or these Standards.

**005 Access to Legal Representation**. Each facility administrator shall insure and safeguard an inmate's right of access to legal representation.

**006 Access to Legal Materials**. In detention facilities, inmates shall have access to or have the opportunity to purchase legal materials and supplies ~~an~~and services related to legal matters. Indigent inmates shall be provided sufficient materials and supplies needed for preparation of legal documents. In addition to other legal research materials purchased or received by inmates, the facility administrator shall insure that inmates have access to at least the following materials:

**006.01** A leading law dictionary;

**006.02** Nebraska Revised Statutes;

**006.03** Rules of the United States District Court and the appropriate local district court having jurisdiction over the jail facility;

**006.04** A list of all legal representatives in the county; and

**006.05** These Standards.

**007 Access to the Media**. In detention facilities, inmates shall have access to media representatives through personal interviews, telephone interviews, or correspondence.

**007.01** Inmates' access to the media shall be subject only to those limitations necessary to maintain jail facility order and security.

**007.02** Inmates' contact with media representatives should be considered confidential.

**007.03** Inmates shall not be subject to administrative disciplinary action as a result of their contact with the media.

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