



Division of Pretrial  
Detention and Services  
Directive

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Approved by:  
**Wendell M. France**  
Commissioner

<b>Title:</b> Detainee Legal Matters	<b>Directive Number:</b> DPDS.200.0001
<b>Related MD Statute/Regulations:</b> N/A	<b>Supersedes:</b> PDS.185-7, titled Detainee Legal Matters and issued on October 31, 2007
<b>Related ACA Standards:</b> 4-ALDF-6A-01, 02 and 03	<b>Authorized by:</b> Warden
<b>Related MCCS Standards:</b> .05C	<b>Effective Date:</b> January 31, 2011
<b>Number of Pages:</b> 3	
<b>Related Publications:</b> DPDS.195.0001, Resident Visiting Procedures DPDS.250.0001, Mailroom Operations	

**.01 Purpose**

This directive established policy and procedures ensuring the rights of detainees in legal matters, to include access to courts, counsel and law library.

**.02 Scope.**

This directive applies to all persons committed to the Division of Pretrial Detention and Services.

**.03 Policy.**

All detainees shall be afforded access to courts, legal reference materials and confidential contact with legal counsel or their authorized representatives to include, mail, telephone and visits or conferences within the parameter of security.

**.04 Definitions.**

A. In this directive, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Counsel" means the public defender system, private attorney, or any other appropriate criminal justice agency.
- (2) "Legal mail" means mail from a court, judge, clerk of court, attorney-at-law, the ACLU, Legal Aid Bureau, commissioner of DPDS, elected or appointed official or representative of DPSCS, Parole Commission or Inmate Grievance Commission when received on official stationery of the individual or agency; or mailed addressed from a detainee to any of the above individuals or agencies.

**.05 Responsibility.**

The warden shall be responsible to ensure the provision of reasonable detainee access in the following legal matters:

A. Courts

Detainees shall be allowed to present to the courts any issue or submit any grievance without undue delay or reprisal. This shall include but not be limited to:

- (1) Challenging the legality of their convictions or confinement;
- (2) Seeking redress for alleged illegal conditions or treatment while confined;
- (3) Pursuing remedies in connection with civil matters; and
- (4) Asserting the rights protected by the constitution, statutory provisions, or common law, etc.

B. Counsel

Attorneys of record, and their authorized representatives, shall be permitted to consult with detainees in a private and confidential setting, within the parameters of security. Access shall include the opportunity for communication during other than normal visiting hours upon request and on the basis of special circumstances. Contact shall include, but not be limited to:

- (1) Telephone communications accessed through:
  - (a) Housing assignments featuring telephones within the unit;
  - (b) Scheduled/documented provision of telephone access for populations under restricted movement/mobility, (e.g. segregation, protective custody, infirmary);
  - (c) Assistance from a Case Manager upon receipt of a written request/justification from the detainee who wishes to place a cost-free attorney call; and
  - (d) Other measures to be implemented by the warden as needed;
- (2) Uncensored correspondence in compliance with DPDS.250.0001 titled, Mailroom Procedures; and
- (3) Visits which do not count against the detainee's allotted number of non-legal visits.

C. Library

Within those restrictions necessary to maintain facility order and security, detainees shall:

DPDS.200.0001

- (1) Have reasonable access to an appropriate law library possessing an adequate collection of standard research and references materials or specific, and adequate alternatives; and
- (2) Be permitted to obtain and retain personal legal references and research materials.

**.06 Attachment(s).**

There is no attachment to this directive.

**.07 History.**

- A. This directive replaces DPDS.185-7, titled Detainee Legal Matters and issued on October 31, 2007.
- B. This directive supersedes provisions of any other prior existing Division communication with which it may be in conflict.