


STATE OF MARYLAND  
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES  
DIVISION OF CORRECTION

 DIVISION OF CORRECTION DIRECTIVE	<b>PROGRAM:</b>	<b>INMATES</b>		
	<b>DCD #:</b>	<b>200-2</b>		
	<b>TITLE:</b>	<b>Legal Assistance</b>		
	<b>ISSUED:</b>	<b>July 15, 2007</b>		
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	<b>APPROVED:</b>	<i>J. Michael Stouffer</i>	<b>for</b>	<b>John A. Rowley</b> <b>ACTING COMMISSIONER</b>

I. References:

- A. Criminal Procedure Article, Annotated Code of Maryland, Title 7
- B. MCCS Standard .05C
- C. DCD's 195-1; 220-004, 250-1

II. Applicable to: All Institutions

III. Purpose: To establish general policy and procedure for providing legal assistance to inmates.

IV. Definition: Legal material as used in this directive means written matter used by an inmate in connection with a judicial proceeding of which the inmate is a party.

V. Policy:

- A. The Division of Correction allows inmates in its custody to read and possess law books and other legal materials.
- B. Wardens may establish, by institutional directive, limitation on amount of legal material inmates may possess if the limitation is based on overriding fire, safety or security issues.
- C. The Division of Correction allows an inmate to provide legal assistance to another inmate free of charge. The Division of Correction does not allow an inmate to charge in any way another inmate for legal assistance.

VI. Procedure:

- A. The warden shall ensure that inmates requesting legal assistance are advised that:
  - 1. Courts appoint counsel to represent indigent inmates in proceedings under the Uniform Post-Conviction Procedure Act, and in direct appeals to both the

Court of Special Appeals and the Court of Appeals of Maryland.

2. The U.S. District Court for Maryland will appoint counsel to represent inmates when the court considers such representation necessary.
  3. To proceed in forma pauperis, the inmate must file the appropriate affidavit as well as a certified copy of his/her institutional account for the past twelve-months.
- B. The warden shall ensure that all inmates are aware that they may request copies of the instructions and forms for filing federal civil rights complaints and that these forms are available to inmates.
- C. Staff may refer inmates requesting legal assistance to the following:
1. A legal referral service or directory,
  2. Clerks of courts,
  3. PRISM (Prisoner Rights Information System of Maryland, Inc.)
    - a. PRISM will provide representation and assistance only in cases dealing with the status of conviction and actions under 42 U.S.C., Section 1983, to challenge conditions of confinement. This includes legal services for representation in select cases at Inmate Grievance Office hearings and appeals when the grievance involves a civil rights or constitutional issue, assistance with problems concerning prison conditions or administration (e.g., disciplinary actions, medical complaints, mistreatment, etc.), problems related to parole, and problems related to sentences such as sentence computation, diminution of confinement credits, etc.
    - b. PRISM does not provide representation in criminal, domestic and civil court actions.
  4. State Public Defender
    - a. The public defender will provide assistance and representation to inmates who have the following legal problems: detainees, representation at parole revocation hearing, if requested; application of post-conviction relief habeas corpus proceedings; and other criminal matters.
    - b. The public defender cannot represent inmates at parole hearings, disciplinary hearings, Inmate Grievance Office hearings, or any domestic or civil court actions.

VII. Attachments:

- A. Appendix 1, Instruction for Filing a Complaint by a Prisoner under the Civil Rights Acts, 42 U.S.C. § 1983
- B. Appendix 2, Form 1, Form to Be Used by a Prisoner in Filing a Complaint under the Civil Rights Act, 42 U.S.C. § 1983 **(NOT INCLUDED)**
- C. Appendix 3, Form 2, Declaration in Support of Request to Proceed in Forma Pauperis. **(NOT INCLUDED)**
- D. Appendix 4, Request for Waiver of Prepayment of the Filing Fee

VIII. Rescissions: DCD 200-2, dated September 15, 1998

Distribution

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