

Section 8.10 *Limitations on the Exercise of Religious Beliefs*

(a) Any determination to limit the exercise of the religious beliefs of any prisoner shall be made in writing and shall state the specific facts and reasons underlying such determination. A copy of this determination, including the appeal procedure, shall be sent to the Board and to any person affected by the determination within 24 hours of the determination.

(b) This determination must be based on specific acts committed by the prisoner during the exercise of his or her religion that demonstrate a serious and immediate threat to the safety and security of the institution. Prior to any determination, the prisoner must be provided with written notification of the specific charges and the names and statements of the charging parties, and be afforded an opportunity to respond.

(c) Any person affected by a determination made pursuant to this Section may appeal such determination to the Board.

(i) The person affected by the determination shall give notice in writing to the Board and the Department of his or her intent to appeal the determination.

(ii) The Department and any person affected by the determination may submit to the Board for its consideration any relevant material in addition to the written determination.

(iii) The Board or its designate shall issue a written decision upon the appeal within 14 business days after it has received notice of the requested review.

Section 8.11 *Effective Date*

This Part shall take effect May 1, 1978.

PART 9—ACCESS TO COURTS

Section

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Section 9.1 *Policy*

Prisoners are entitled to access to courts, attorneys, legal assistants and legal materials.

Section 9.2 *Judicial and Administrative Proceedings*

(a) Prisoners shall not be restricted in their communications with courts or administrative agencies pertaining to either criminal or civil proceedings.

(b) Timely transportation shall be provided to prisoners scheduled to appear before courts or administrative agencies. Vehicles used to transport prisoners must meet all applicable safety and inspection requirements and provide adequate ventilation, lighting and comfort.

Section 9.3 *Access to Counsel*

(a) Prisoners shall not be restricted in their communication with attorneys. The fact that a prisoner is represented by one attorney shall not be grounds for preventing him or her from communicating with other attorneys. Any properly identified attorney may visit any prisoner with the prisoner's consent.

(i) An attorney may be required to present identification to a designated official at the central office of the Department in order to obtain an institutional pass. This pass shall remain in effect for a minimum of three years and shall permit the attorney to visit any prisoner under the custody of the Department.

(ii) The Department may only require such identification that is normally possessed by an attorney.

(b) The Department may limit visits to an attorney of record or an attorney with a court notice for prisoners undergoing examination for competency pursuant to court order.

(c) Visits between prisoners and attorneys shall be kept confidential and protected, in accordance with the provisions of Part 10. Legal visits shall be permitted at least eight hours per day between 8 a. m. and 8 p. m. During business days, four of those hours shall be 8 a. m. to 10 a. m., and 6 p. m. to 8 p. m. The Department shall maintain and post the schedule of legal visiting hours at each institution.

(d) Mail between prisoners and attorneys shall not be delayed, read, or interfered with in any manner, except as provided in Part 12.

(e) Telephone communications between prisoners and attorneys shall be kept confidential and protected, in accordance with the provisions of Part 11.

Section 9.4 *Access to Co-defendants*

Upon reasonable request, regular visits shall be permitted between a detainee and all of his or her co-defendants who consent to such visits. If any of the co-defendants are incarcerated, the Department may require that an attorney of record be present.

Section 9.5 *Attorney Assistants*

(a) Law students, legal paraprofessionals, and other attorney assistants working under the