

## Prisoners' Rights

Under the U.S. Constitution, and the laws of both the federal and state governments, prisoners in the United States have certain rights. Generally, these rights are seen as being inalienable human rights, which cannot be denied to anyone, even if they have committed horrible crimes. So, even though prisoners lose a great many rights once they're convicted of crimes, they retain certain legal rights that are universal to all human beings.

However, the fact that these rights are recognized to exist doesn't mean they are always upheld.

State prison systems in the U.S. are chronically under-funded and understaffed. The prisons themselves are often very old and poorly maintained. Furthermore, while most people involved in the American prison system claim that it is dedicated to rehabilitation, the prison system still operates on an antiquated model which made punishment and confinement the top priority, for which rehabilitation was an afterthought, if it was given any consideration at all.

This confluence of factors has led to prison conditions in the United States being far from ideal.

Here are a few examples of the rights that prisoners are legally afforded:

- The right to be free from cruel and unusual punishment
- Food, clothing, shelter, and medical care
- Access to the courts to remedy alleged violations of any of their rights
- Freedom from racial segregation, unless safety requires it
- Freedom to practice one's religion, to the extent that safety and security allow
- Freedom from sexual assault or other sex crimes, whether perpetrated by prison staff, or other inmates

However, prisoners are deprived of some rights that most of us take for granted. For instance, prisoners do not have:

- A right to privacy in their cells
- Full freedom of speech
- A right to seek redress in court without first exhausting all of their remedies available internally (within the prison system)
- A right to seek damages for mental or emotional distress without showing clear evidence of physical injury
- A right to engage in religious practices with the same freedom enjoyed by the rest of us

The most basic right that prisoners enjoy is the right to be free from "cruel and unusual punishment." However, the Constitution does not define what this means. This means that the Supreme Court, over the years, has had to come up with a definition. Whether or

not a punishment is “cruel and unusual” depends heavily on the prevailing social mores at any given time period. For instance, just over a hundred years ago, flogging was a common and accepted punishment. Nowadays, however, most people view it as barbaric and unnecessary, and the Supreme Court agrees, declaring it cruel and unusual, and therefore unconstitutional.

Generally, a punishment is viewed as unconstitutionally cruel if it is disproportionate to the severity of the crime being punished. For example, life in prison may be an acceptable punishment for murder. It is not, however, an acceptable punishment for jaywalking. If any state attempted to impose such a severe punishment for such a petty crime, the sentence would almost certainly be held unconstitutional by a federal court.

Unacceptable living conditions in prisons can also amount to cruel and unusual punishment. However, this typically arises due to overcrowding, which is a result of insufficient staffing and funding. As a result, even if such conditions are ruled unconstitutional, there’s very little that a prison system can do to remedy them.

If you are incarcerated, and believe that you have been subjected to cruel and unusual punishment, or that any of your other rights as a prisoner have been violated, you should not hesitate to contact a prisoners’ rights lawyer as soon as possible.