

SISSETON-WAHPETON SIOUX TRIBE

CHAPTER 31

TREATMENT OF PRISONERS

S. W. S. T. CODE
 Amendment
 New Adoption
Judicial Approved

Council Adopted

RULES OF GENERAL APPLICATION

31-01-01 BASIC PRINCIPLE

The following rules shall be applied impartially:

1. There shall be no discrimination on grounds of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
2. On the other hand, it is necessary to respect the religious beliefs and moral precepts of the group to which a prisoner belongs.

31-02-01 REGISTER

In every place where persons are imprisoned there shall be kept a bound registration book with numbered pages in which shall be entered in respect of each prisoner received:

1. Information concerning his identity;
2. The reasons for his commitment and the authority thereof;
3. The day and hour of his admission and release.

31-02-02 No person shall be received in an institution without a valid commitment order of which the details shall have been previously entered in the register.

31-03-01 SEPARATION OF CATEGORIES

The different categories of prisoners shall be kept in separate institutions or parts of institutions taking account of their sex, age, criminal record, the legal reason for their detention, and the necessities of their treatment. Thus:

1. Men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women, the whole of the premises allocated to women shall be entirely separate.
2. Untried prisoners shall be kept separate from convicted prisoners.
3. Persons imprisoned for debts and other civil prisoners shall be kept separate from person imprisoned by reason of a criminal offense.
4. Young prisoners shall be kept separate from adults.

31-04-01 ACCOMMODATIONS

Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself. If for special reasons, such as temporary overcrowding, it become necessary for the Chief of Police to make an exception to this rule, it is not desirable to have two prisoners in a cell or room.

31-04-02 Where dormitories are used, they shall be occupied by prisoners carefully selected as being suitable to associate with one another in those conditions. There shall be regular supervision by night in keeping with the nature of the institution.

31-04-03 All accommodations provided for the use of prisoners, and in particular, all sleeping accommodations, shall meet all requirements of health, due regard being paid to climatic conditions, and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.

31-04-04 In all places where prisoners are required to live or work:

1. The windows shall be large enough to enable prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation.
2. Artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight.

31-04-05 The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.

31-04-06 Adequate bathing and shower installations shall be provided so that every prisoner may be enabled and required to have a bath or shower at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.

31-04-07 All parts of an institution regularly used by prisoners shall be properly maintained and kept scrupulously clean at all times.

31-05-01 PERSONAL HYGIENE

Prisoners shall be required to keep their persons clean, and to this end, they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.

31-06-01 CLOTHING AND BEDDING

Every prisoner who is not allowed to wear his own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him in good health. Such clothing shall in no manner be degrading or humiliating.

- 31-06-02 All clothing shall be clean and kept in proper condition. Underclothing shall be changed and washed as often as necessary for the maintenance of hygiene.
- 31-06-03 In exceptional circumstance, whenever a prisoner is removed outside the institution for an authorized purpose, he shall be allowed to wear his own clothing or other inconspicuous clothing.
- 31-06-04 If prisoners are allowed to wear their own clothing arrangements shall be made on their admission to the institution to ensure that it shall be clean and fit for use.
- 31-06-05 Every prisoner shall, in accordance with local or national standards, be provided with a separate bed, and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.
- 31-07-01 **FOOD**
Every prisoner shall be provided by the administration at the usual hours, with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served, with due regard to age, physical condition and nature of work to be performed.
- 31-07-02 Drinking water shall be available to every prisoner whenever he needs it.
- 31-08-01 **EXERCISE AND SPORT**
Every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily, if the weather permits.
- 31-08-02 Young prisoners and others of suitable age and physique, shall receive physical and recreational training during the period of exercise. To this end, space, installations and equipment should be provided.
- 31-09-01 **MEDICAL SERVICES**
At every institution there shall be available the services of at least one qualified medical officer who should have some knowledge of psychiatry. The medical services should be organized in close relationship to the general health administration of the community or Reservation. They shall include a psychiatric service for the diagnosis and, in proper cases, the treatment of states of mental abnormality.
- 31-09-02 Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners and there shall be a staff of suitably trained officers.

- 31-09-03 The services of a qualified dental officer shall be available to every prisoner.
- 31-09-04 In women's institutions there shall be special accommodation for all necessary prenatal and postnatal care and treatment. Arrangements shall be made whenever practicable for children to be born in a hospital outside the institution. If a child is born in prison, this fact shall not be mentioned in the birth certificate.
- 31-09-05 Where nursing infants are allowed to remain in the institution with their mothers, provisions shall be made for a nursery staffed by qualified persons, where the infant shall be placed when they are not in the care of their mothers.
- 31-09-06 The medical officer shall see and examine every prisoner as soon as possible after his admission and thereafter as necessary, with a view particularly to the discovery of physical or mental illness and the taking of all necessary measures; the segregation of prisoners suspected of infectious or contagious conditions; the noting of physical or mental defects which might hamper rehabilitation, and the determination of the physical capacity of every prisoner for work.
- 31-09-07 The medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is especially directed.
- 31-09-08 The medical officer shall report to the Director whenever he considers that a prisoner's physical or mental health has been or will be seriously affected by continued imprisonment or by any condition of imprisonment.
- 31-09-09 The medical officer shall regularly inspect and advise the Director upon:
1. The quantity, quality, preparation and service of food;
 2. The hygiene and cleanliness of the institution and the prisoners;
 3. The sanitation, heating, lighting and ventilation of the institution;
 4. The suitability and cleanliness of the prisoners' clothing and bedding;
 5. The observance of the rules concerning physical education and sports, in cases where there is no technical personnel in charge of these activities.

- 31-09-10 The Director shall take into consideration the reports and advice that the medical officer submits according to Section 31-09-07 and 31-09-09 and, in case he concurs with the recommendations made, shall take immediate steps to give effect to those recommendations; if they are not within his competence, or if he does not concur with them, he shall immediately submit his own report and the advice of the medical officer to higher authority.
- 31-10-01 **DISCIPLINE AND PUNISHMENT**
Discipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody and well-ordered life.
- 31-10-02 Collective punishments shall be prohibited. In case where breaches of discipline are committed within a group of prisoners or within the whole body of inmates, but where the actual perpetrators cannot be identified, the prison regime may not be modified in the interests of good order, but with due respect to the principles set forth in Section 31-10-01.
- 31-10-03 No prisoner shall be employed, in the service of the institution in any disciplinary capacity.
- 31-10-04 This rule shall not, however, impede the proper functioning of systems based on self-government, under which specified social, educational, or sports activities or responsibilities are entrusted, under supervision, to prisoners who are formed into groups for the purposes of treatment.
- 31-10-05 The following shall always be determined by the law or by the regulation of the competent administrative authority:
1. Conduct constitutes a disciplinary offense;
 2. The types and duration of punishment which may be inflicted;
 3. The authority competent to impose such punishment.
- 31-10-06 No prisoner shall be punished except in accordance with the terms of such law or regulation, and never twice for the same offense.
- 31-10-07 No prisoner shall be punished unless he has been informed of the offense alleged against him and given a proper opportunity of presenting his defense. The competent authority shall conduct a thorough examination of the case.
- 31-10-08 Where necessary and practicable, the prisoner shall be allowed to make his defense through an interpreter.
- 31-10-09 Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman, or degrading punishment shall be completely prohibited as punishments for disciplinary offenses.

31-10-10 Punishment by close confinement or reduction of diet shall never be inflicted unless the medical officer has examined the prisoner and certified, in writing, that he is fit to sustain it.

31-10-11 The same shall apply to any other punishment that may be prejudicial to the physical or mental health of a prisoner. In no case may such punishment be contrary to or depart from the principle stated in Section 31-10-09.

31-10-12 The medical officer shall visit daily prisoners undergoing such punishments and shall advise the Director if he considers the termination or alteration of the punishment necessary on grounds of physical or mental health.

31-11-01 INSTRUMENTS OF RESTRAINT

The use of chains or irons shall be forbidden. Handcuffs and strait jackets may never be used as a punishment. No means of constraint of any kind may be used except in the following cases:

1. As a precaution against escape during a transfer, provided that they shall be removed when the prisoner appears before a judicial or administrative authority;
2. On medical grounds by direction of the medical officer;
3. By order of the Chief of Police, if other methods of control fail, in order to prevent a prisoner from injuring himself or others or from damaging property; in such instances, the Chief of Police shall at once consult the medical officer and report to the higher administrative authority.

31-11-02 The patterns and manner of use of instruments of restraint shall be decided by the Chief of Police or administrative authority. Such instrument must not be applied for any longer time that is strictly necessary.

31-12-01 INFORMATION TO AND COMPLAINTS BY PRISONERS

Every prisoner on admission shall be provided with written information about the regulations governing the treatment of prisoners of his category, the disciplinary requirements of the institution, the authorized methods of seeking information and making complaints, and all such other matters as are necessary to enable him to understand both his rights and his obligations and to adapt himself to the life of the institution.

31-12-02 If a prisoner is illiterate, the aforesaid information shall be conveyed to him orally.

31-12-03 Every prisoner shall have the opportunity each week day of making requests or complaints to the Director of the institution or the officer authorized to represent him.

- 31-12-04 Every prisoner shall be allowed to make a request or complaint, without censorship as to substance, but in proper form, to the administration, the judicial authority or other proper authorities through approved channels.
- 31-12-05 Unless it is evidently frivolous or groundless, every request or complaint shall be promptly dealt with and replied to without undue delay.
- 31-13-01 **CONTRACT WITH OUTSIDE WORLD**
Prisoners shall be allowed under necessary supervision to communicate with their families and reputable friends at regular intervals, both by correspondence and by receiving visitors.
- 31-13-02 Prisoners shall be kept informed regularly of the more important items of news by the reading of newspaper, periodicals or special institutional publications, by hearing wireless transmissions, by lectures, or by any similar means as authorized or controlled by the administration.
- 31-14-01 **BOOKS**
Every institution shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.
- 31-15-01 **RELIGION**
No prisoner shall be refused aid from an approved representative of a church or non-religious body providing spiritual and moral welfare (moral advisor). If a prisoner declines such aid, it shall not be forced upon him.
- 31-15-02 If, in any institution, there is a sufficient number of prisoners belonging to the same religion or sharing the same spiritual and/or moral principles, a chaplain of the relevant denomination or a moral advisor shall be appointed to minister to their needs, if possible, on a full-time basis.
- 31-15-03 Chaplains and advisors shall be authorized to hold regular religious services or meetings for the purpose of meditation and, if necessary, to have private interviews with such prisoners as requested by them.
- 31-15-04 Where possible, prisoners shall be allowed to satisfy the demands of their religious, spiritual, or moral convictions by attending religious services and meetings for the purpose of meditation. Religious, spiritual, and/or moral reading-matter shall be made available to them.

- 31-16-01 RETENTION OR PRISONER'S CLOTHING**
All money, valuables, clothing, and other effects belonging to a prisoners which, under the regulations of the institution, he is not allowed to retain shall, on his admission to the institution, be placed in safe custody. An inventory thereof shall be signed by the prisoner. Steps shall be taken to keep them in good condition.
- 31-16-02** On the release of the prisoner, all such articles and money shall be returned to him except in so far as he has been authorized to spend money or send any such property out of the institution, or it has been found necessary on hygienic grounds to destroy any articles of clothing. The prisoner shall sign a receipt for the articles and money returned to him.
- 31-16-03** Any money or effects received for a prisoner from outside shall be treated in the same way.
- 31-16-04** If a prisoner brings in any drugs or medicine, the medical officer shall decide what use shall be made of them.
- 31-17-01 NOTIFICATION OF DEATH, ILLNESS, TRANSFER, ETC**
Upon the death or serious illness of, or serious injury to a prisoner, or his removal to an institution for the treatment of mental affections, the Director shall at once inform the spouse, if the prisoner is married, or the nearest relative and shall in any event inform any other person previously designated by the prisoner.
- 31-17-02** A prisoner shall be informed at once of the death or serious illness of any near relative. In the case of the critical illness of a near relative, the prisoner shall be authorized, whenever circumstances allow, to go to his bedside either under escort or alone.
- 31-17-03** Every prisoner shall have the right to inform at once his family of his imprisonment or his transfer to another institution.
- 31-18-01 REMOVAL OF PRISONERS**
When prisoners are being removed to or from an institution, they shall be exposed to public view as little as possible, and proper safeguards shall be adopted to protect them from insult, curiosity, and publicity in any form.
- 31-18-02** The transport of prisoners in conveyances with inadequate ventilation or light, or in any way which would subject them to unnecessary physical hardship, shall be prohibited.
- 31-18-03** The transport of prisoners shall be carried out at the expense of the administration and equal conditions shall obtain for all of them.

31-19-01 INSTITUTIONAL PERSONNEL

The institution administration shall provide for the careful selection of every grade of the personnel, since it is on their integrity, humanity, professional capacity, and personal suitability for the work that the proper administration of the institution depends.

31-19-02 The institution administration shall constantly seek to awaken and maintain in the minds of the personnel the conviction that they are performing a major social service.

31-19-03 To secure the foregoing ends, personnel shall be appointed on a full-time basis as professional institution officers and have security of tenure subject only to good conduct, efficiency, and physical fitness. Salaries shall be adequate to attract and retain suitable men and women; employment benefits and conditions of service shall be favorable in view of the exacting nature of the work.

31-19-04 The personnel shall possess an adequate standard of education and intelligence.

31-19-05 Newly engaged personnel shall be given a course of training in their general and specific duties and be required to pass theoretical and practical tests.

31-19-06 After entering on duty and during their career, the personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organized at suitable intervals.

31-19-07 All members of the personnel shall at all times so conduct themselves and perform their duties as to influence the prisoners for good by their examples and to command their respect.

31-19-08 The Director of an institution shall be adequately qualified for his task by character, administrative ability, suitable training and experience; and,

1. He shall devote his entire time to his official duties and shall not be appointed on a part-time basis.
2. He shall reside on the premises of the institution or in its immediate vicinity.

31-19-09 The Director and the majority of the personnel of the institution shall be able to speak the language of the greatest number of prisoners or a language understood by the greatest number of them; and,

1. Whenever necessary, the services of an interpreter shall be used.

31-19-10 In an institution for both men and women, the part of the institution set aside for women shall be under the authority of a responsible woman officer who shall have the custody of the keys to all parts of the institution; and

1. No male member of the staff shall enter the part of the institution set aside for women unless accompanied by a woman officer.

31-19-11 Officers of the institution shall not, in their relations with the prisoners, use force except in self-defense or in cases of attempted escape, or active or passive physical resistance to an order based on law or regulation. Officers who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the Director of the institution; and,

1. Institution officers shall be given special physical training to enable them to restrain aggressive prisoners.
2. Except in special circumstances, staff performing duties which bring them into direct contact with prisoners should not be armed. Furthermore, staff should, in no circumstances, be provided with arms unless they have been trained for their use.

31-20-01 **PUBLIC RELATIONS**

The institution authorities shall employ all relevant means to make the public aware of the important social service being rendered.

**RULES APPLICABLE TO SPECIAL CATEGORIES
PRISONERS UNDER SENTENCE**

31-21-01 **GUIDING PRINCIPLES**

Imprisonment and other measures which result in cutting off an offender from the outside world are afflictive by the very fact of taking from the person the right of self-determination by depriving him of his liberty. Therefore, the prison system shall not, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in such a situation.

31-21-02 The purpose and justification of a sentence of imprisonment or a similar measure derivative of liberty is ultimately to protect against crime. This end can only be achieved if the period of imprisonment is used to ensure so far as possible, that upon his return to society, the offender is not only willing but able to lead a law-abiding and self-supporting life.

31-21-03 To this end, the institution should utilize all the remedial, educational, moral, spiritual, and other forces and forms of assistance which are appropriate and available; and should seek to apply them according to the individual treatment needs of the prisoners.

31-21-04 The regime of the institution should seek to minimize any differences between prison life and life at liberty which tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings; and,

1. It is desirable that appropriate measures be taken to ensure for the prisoner a gradual return to life in society. This aim may be achieved, depending on the case, by a pre-release regime organized in the same institution or in another appropriate institution, or by release on trial under some kind of supervision which must not be entrusted to the police but should be combined with effective social aid.
2. It would be advisable to institute a system of leave for certain prisoners, especially toward the end of their term of imprisonment, to enable them to start readjusting to the society to which they will return when discharged.

31-21-05 The treatment of prisoners should emphasize not their exclusion from the community, but their continuing part in it. Community agencies should, therefore be enlisted wherever possible to assist the staff of the institution in the task of social rehabilitation of the prisoners. There should be in connection with every institution, social workers charged with the duty of maintaining and improving all desirable relationships of a prisoner with his family and with valuable social agencies. Steps should be taken to safeguard, to the maximum extent compatible with the law and the sentence, the rights relating to civil interests, social security rights, and other social benefits of prisoners.

31-21-06 The medical services of the institution shall seek to detect and shall treat any physical or mental illnesses or defects which may hamper a prisoner's rehabilitation. All necessary medical, surgical, and psychiatric services shall be provided to that end.

31-21-07 The fulfillment of these principles requires individualization of treatment and for this purpose, a flexible system of classifying prisoners in groups; it is therefore desirable that such group should be distributed in separate institutions for the treatment of each group; and,

1. These institutions need not provide the same degree of security for every group. It is desirable to provide varying degrees of security according to the needs of different groups. Open institutions, by the very fact that they provide no physical security against escape,

but rely on the self-discipline of the inmates, provide the conditions most favorable to rehabilitation for carefully selected prisoners.

2. On the other hand, it is undesirable to maintain prisons which are so small that proper facilities cannot be provided.

31-21-08. The duty of society does not end with a prisoner's release. There should, therefore, be governmental or private agencies capable of lending the released prisoner efficient after-care directed toward the lessening of prejudice against him and towards his social rehabilitation.

31-22-01 TREATMENT

The treatment of prisoners sentenced to imprisonment or a similar measure shall have, as its purpose so far as the length of the sentence permits, to establish in them the will to lead law-abiding and self-supporting lives after their release and to fit them to do so. The treatment shall be such as will encourage their self-respect and develop their sense of responsibility.

31-22-02 To this end, all appropriate means shall be used, including religious, spiritual and moral care, education, vocational guidance and training, social casework, employment counseling, physical development and strengthening of moral character, in accordance with the individual needs of each prisoner, taking account of his social and criminal history, his physical and mental capacities and aptitudes, his personal temperament, the length of his sentence and his prospects after release; and,

1. For every prisoner with a sentence of suitable length, the Director shall receive, as soon as possible after his admission, full reports on all the matters referred to in the foregoing paragraph. Such reports shall always include a report by a medical officer, wherever possible qualified in psychiatry, on the physical and mental condition of the prisoner.
2. The reports and other relevant documents shall be placed in an individual file. This file shall be kept up to date and classified in such a way that it can be consulted by responsible personnel whenever the need arises.

31-23-01 CLASSIFICATION AND INDIVIDUALIZATION

Classification shall have a dual purpose:

1. To direct the prisoners toward specialized institutions, due regard being paid to their personal characteristics;

2. To ensure in those institutions the division of prisoners into groups for treatment in order to facilitate their social rehabilitation.

- 23-02** Separate institutions or separate sections of an institution shall therefore be used for the treatment of the different classes of prisoners.
- 31-23-03** As soon as possible after admission and after a study of the personality of each prisoner with a sentence of suitable length, a program of treatment shall be prepared for him in the light of the knowledge obtained about his individual needs, his capacities, and disposition.
- 31-23-04** The regime of every specialized institution and the methods of treatment which are used with regard to the various groups of prisoners shall be adjusted to the personality of the subjects dealt with, in order to facilitate the acceptance of discipline, to develop a sense of responsibility and to stimulate the cooperation of the prisoners in their treatment.
- 31-24-01** **WORK**
Prison labor must not of an afflictive nature.
- 31-24-02** All prisoners under sentence shall be required to work subject to their physical and mental fitness as determined by the medical officer.
- 24-03** Sufficient work of a useful nature shall be provided to keep prisoners actively employed for a normal working day.
- 31-24-04** So far as possible the work provided shall be such as will maintain or increase the prisoner's ability to earn an honest living after release.
- 31-24-05** Within the limits compatible with proper vocational section and with the requirements of institutional administration and discipline, the prisoners shall be able to choose the type of work they wish to perform.
- 31-24-06** Where prisoners are employed in work not controlled by the administration, they shall always be under the supervision of the institution's personnel. Unless the work is for other departments of the government, the full normal wages for such work shall be paid to the administration by the persons to whom the labor is supplied, account being taken of the output of the prisoners.
- 31-24-07** The precautions laid down to protect the safety and health of free workmen shall be equally observed in institutions; and,

1. Provisions shall be made to protect prisoners against industrial injury, including occupational diseases, on terms not less favorable than those extended by law to free men.

31-24-08 The maximum daily and weekly working hours of the prisoners shall be fixed by law or by administration regulation, taking into account local rules or custom in regard to the employment of free workmen; and,

1. The hours so fixed shall leave one rest day a week and sufficient time for education and other activities required as part of the prisoners, if possible without interrupting the prisoners' work routine.

31-24-09 There shall be a system of equitable remuneration of the work of prisoners;

1. Under the system prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to send a part of their earnings to their families.
2. The system should also provide that a part of the earnings should be set aside by the administration so as to constitute a saving fund to be handed over to the prisoner on his release.

31-25-01 EDUCATION AND RECREATION

Provisions shall be made for the further education of all prisoners capable of profiting thereby, including religious or moral instruction. The education of illiterates and young prisoners shall be compulsory and special attention shall be paid to it by the administration;

1. So far as practicable, the education of prisoners shall be integrated with the educational system of the Reservation so that after their release they may continue their education without difficulty.

31-25-02 Recreational and cultural activities shall be provided in all institutions for the benefit of the mental and physical health of prisoners.

31-26-01 SOCIAL RELATIONS AND AFTER-CARE

Special attention shall be paid to the maintenance and improvement of such relationships between a prisoner and his family as are desirable in the best interests of both.

31-26-02 From the beginning of a prisoner's sentence, consideration shall be given to his future, after release; and he shall be encouraged and assisted to maintain or establish such relationships with persons or agencies outside the institution as may promote the best interests of his family and his own social rehabilitation.

31-26-03 Services and agencies, governmental or otherwise, which assist released prisoners to re-establish themselves in society shall ensure, so far as possible and necessary, that released prisoners be provided with appropriate documents and identification papers, have suitable homes, work to go to, are suitably and adequately clothed with regard to the climate and season, and have sufficient means to reach their destination and maintain themselves in the period immediately following their release.

31-26-04 It is desirable that the activities of such agencies shall be centralized or coordinated as far as possible in order to secure the best use of their efforts.

31-27-01 **INSANE AND MENTALLY ABNORMAL PRISONERS**

Persons who are found to be insane shall not be detained in prisons and arrangements shall be made to remove them to mental institutions under medical management;

1. Prisoners who suffer from other mental diseases or abnormalities shall be observed and treated in specialized institutions under medical management.

31-27-02 It is desirable that steps should taken, by arrangement with the appropriate agencies, to ensure, if necessary, the continuation of psychiatric treatment after release and the provisions of social psychiatric after-care.

31-28-01 **PRISONERS UNDER ARREST OR AWAITING TRIAL**

Prisoners arrested or imprisoned by reason of a criminal charge against them, who are detained either in police custody or in prison custody (jail), but have not been tried and sentenced, will be referred to as "untried prisoners" hereinafter in these rules;

1. Unconvicted prisoners are presumed to be innocent and shall be treated as such.
2. Without prejudice to legal rules for the protection of individual liberty or prescribing the procedure to be observed in respect to untried prisoners, these prisoners shall benefit by a special regime which is described in the following rules in its essential requirements only.

31-28-02 Untried prisoners shall be kept separate from convicted prisoners;

1. Young untried prisoners shall be kept separate from adults and shall, in principle, be detained in separate institutions.

31-28-03 In principle, untried prisoners shall be given separate accommodations.

- 31-28-04 Within the limits compatible with the good order of the institution, untried prisoners may, if they so desire, have their food procured at their own expense from the outside, either through the administration or through their family or friends. Otherwise, the administration shall provide their food.
- 31-28-05 An untried prisoner shall be allowed to wear his own clothing if it is clean and suitable.
- 31-28-06 An untried prisoner shall always be offered opportunity to work, but shall not be required to work. If he chooses to work, he shall be paid for it.
- 31-28-07 An untried prisoner shall be allowed to procure at his own expense or at the expense of a third party such books, newspapers, writing materials and other means of occupation as are compatible with the interests of the administration of justice and the security and good order of the institution.
- 31-28-08 An untried prisoner shall be allowed to be visited and treated by his own doctor or dentist if there is reasonable ground for his application and he is able to pay any expenses incurred.
- 31-28-09 An untried prisoner shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communication with his family and friends, and for receiving visits from the,, subject only to such restrictions and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution.
- 31-28-10 For the purpose of his defense, an untried prisoner shall be allowed to apply for free legal aid where such aid is available and to receive visits from his legal advisor with a view to his defense and to prepare and hand to him confidential instructions. For these purposes, he shall, if he so desires, be supplied with writing material. Interviews between the prisoner and his legal advisor may be within sight but not within the hearing of a police or institution official.

31-29-01 SEVERABILITY

If any clause, sentence, paragraph, section, or part of this code shall, for any reason be adjudicated by any Court of competent jurisdiction, to be invalid or unconstitutional, such judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which the judgement shall have been rendered.

S. W. S. T. CODE

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