**Case Law Activity Key**

Have students read the court decision *Turner v. Safely* and answer the following questions.

1. Regulations were in place regarding correspondence between family members who are offenders at different institutions, and between offenders concerning legal matters, but allowed correspondence based on each offender’s classification or treatment. Offender-to-offender correspondence was prohibited.
2. A policy prohibiting the marriage of offenders, except under compelling circumstances; generally a pregnancy or the birth of an illegitimate child.

**What are the two main issues?**

1. Does a policy that regulates correspondence between family members housed at different institutions and between offenders concerning legal matters, but allows other correspondence between offenders violate the constitutional rights of the offenders? **No**
2. Does a policy permitting an offender to marry only under compelling reasons violate an offender’s constitutional rights? **Yes**

**What was the court’s decision?**

The Federal District Court found both regulations unconstitutional, and the Court of Appeals affirmed.

**What factors can be considered in making the reasonableness determination?**

A policy impinging on offender’s constitutional rights is valid if it reasonably relates to the interest of the penal facility. The factors of reasonableness include

1. Is there a valid connection between the policy and the government interest justifying it?
2. Does the offender have alternate methods of exercising their rights?
3. How will the constitutional right impact correctional officers, prison resources, and offenders?
4. Are there any alternatives to granting the right?