

GEORGIA DEPARTMENT OF CORRECTIONS

Standard Operating Procedures

Functional Area: POLICY AND EXECUTIVE PROCEDURE/OFFICE OF LEGAL SERVICES	Reference Number: IG01-0001	Revises Previous Effective Date:
Subject: GENERAL LEGAL & ADMINISTRATIVE SERVICES		9/01/04
Authority: OWENS/SCHOFIELD	Effective Date: 1/15/11	Page 1 of 5

I. POLICY:

To coordinate the legal needs of the Department of Corrections.

II. APPLICABILITY:

All facilities, offices, units, and sections operating under GDC Management.

III. RELATED DIRECTIVES:

NONE

IV. DEFINITIONS:

NONE

V. ATTACHMENTS:

Attachment 1 - Request for Representation

Attachment 2 - Complaint Received - Addressee not at this Address

VI. PROCEDURE:

The coordination of the legal needs of the Department of Corrections is the immediate responsibility of the General Counsel.

A. Legal Inquiries - Attorney General's Liaison.

1. Legal Inquiries. The General Counsel responds to questions within the agency regarding legal issues and seeks guidance from the appropriate division of the Department of Law when such assistance is indicated.

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2. Requests for Formal Attorney General Opinions.

- a. The requesting Division Director will confer with the General Counsel to determine if an opinion is needed. Upon such a determination, the General Counsel will forward a written request to the Commissioner presenting the facts and issues to be addressed along with a proposed draft letter.
- b. Should the Commissioner decide to request a formal Attorney General's opinion, the General Counsel will forward the request to the Attorney General and monitor the status of the opinion.

3. Litigation Affecting the Department of Corrections.

The General Counsel will confer with the Commissioner, or his designee, to keep the Commissioner informed as to the status of significant litigation. A log of all Complaints shall be maintained in the Office of Legal Services.

4. Requests for Representation.

Any employee served with a Complaint shall immediately notify his supervisor, complete a Request for Representation ("RFR") form (See Attachment 1), and forward the original and request to the Office of Legal Services. Habeas petitions do not require copies to be forwarded, as forwarding the original habeas petition to the Office of Legal Services is sufficient. The Office of Legal Services will log the Complaint and forward the original to the Department of Law. A copy shall be maintained in the Office of Legal Services.

5. The original Complaint should be sent to the Office of Legal Services within 24 hours of receipt along with a RFR form completed by the named employee(s). The Office of Legal Services will in turn present the RFR to the State Law Department on behalf of the employee.

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- a. When a Complaint is sent to the Office of Legal Services, the named employee must indicate the manner in which the Complaint was received; either by regular mail, certified mail or personal delivery. The exact date of receipt must also be indicated. When Complaints received by mail are sent to the Office of Legal Services, the original envelope **MUST** be included.
- b. If the Complaint is received by mail and the named employee has transferred, retired, or no longer works at the facility/center/office, a reasonable attempt should be made to locate the named employee. If located, the named employee should be given a copy of the Complaint, instructed to immediately complete an RFR form and contact the Office of Legal Services if he or she has any questions.
- c. If the named person is still a Department employee, the employee should be given a copy of the Complaint, instructed to immediately complete an RFR form and forward both to the Office of Legal Services along with any questions.
- d. If the named employee cannot be located within the Department or the community, the Complaint Received/Addressee Not at this Address form (see Attachment 2) should be completed and mailed along with the Complaint to the Office of Legal Services.
- e. Personal Service of Complaints naming persons who are no longer with the Department should **NOT** be accepted, unless it is a Habeas action. A Habeas action should be accepted and processed as if it is against the present warden. Habeas actions should **NOT** be forwarded to the facility/center/office where the named Warden may have been transferred.
- f. No acknowledgement or waiver of service should ever be signed at the facility or mailed to the

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court. The AG's Office will waive service when appropriate. The forms should be mailed to the Office of Legal Services with the Complaint. Employees should contact the Office of Legal Services if they have questions regarding case status.

B. LIABILITY COVERAGE FOR EMPLOYEES. Employees of the Department of Corrections are provided with certain liability insurance protection against claims for bodily injury, property damage, or personal injury to another resulting from a job related occurrence when acting in good faith and within the scope of their official duties. This insurance does not cover automobile liability or workers' compensation claims, which are handled separately.

1. If an event occurs which may result in a claim, the employee, will immediately report the event to the unit supervisor and Field Operations Manager via a written Incident Report. The report will contain as much information as possible regarding what happened, the persons affected, and the nature of damages, if known.
2. If a claim is made or suit is filed against any employee the procedure to be followed is identified under "Requests for Representation" in this SOP. The employee shall cooperate with the DOAS/Fund, the GDC Office of Legal Services, and the State Attorney General's Office, as well as any representative thereof, shall attend hearings and trials as requested and shall assist in effecting settlement and obtaining attendance of witnesses.
3. The failure of an employee to cooperate with the DOAS/Fund or the Attorney General shall terminate the DOAS/Fund's liability under these policies. The decision to settle a claim, prior to any action at law or suit in equity, shall be the responsibility of the DOAS/Fund or its representative.
4. Questions regarding this process may be directed to the Office of Legal Services, P.O. Box 1529, Forsyth, Georgia 31029, Phone (478)992-5240.