

GEORGIA DEPARTMENT OF CORRECTIONS		
Standard Operating Procedures		
Functional Area: Facility Operations	Reference Number: IID04-0013	Revises Previous Effective Date: 9/01/04
Subject: Resident Legal Access		
Authority: Owens/Hodges	Effective Date: 8/01/09	Page 1 of 3

I. POLICY:

It is the policy of the Georgia Department of Corrections that residents be provided access to the courts.

II. APPLICABILITY:

Transitional Centers

III. RELATED DIRECTIVES:

- A. U.S. Code: 42 USCA 1983
- B. O.C.G.A.: 9-10-14
- C. Board Rules: 125-3-3-.03
- D. GDC SOPS: IIB04-0001, IIA14-0001

IV. DEFINITIONS:

NONE

V. ATTACHMENTS:

NONE

VI. PROCEDURE:

- A. Reference Library. The Center will arrange for resident access to a nearby community Law Library or GDC Reference Libraries. Depending on the requirements of the library, this access will be granted either through special passes that allow the unescorted resident to visit the library or by staff-escorted visits.

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1. Passes issued to residents for this purpose will not be dependent upon criteria utilized by general passes but are based solely on need. Until eligible for pass, Transitional Center work-release residents will be escorted to a GDC reference library at a GDC prison. Once eligible for pass, work-release residents may take a pass to use a local library for legal research. Transitional Center maintenance residents will always be escorted to a GDC reference library at a GDC prison.
 2. Residents will be required to submit a written request to the Superintendent at the beginning of the week in which access is requested.
 3. The Center will insure that at least 2 hours per week of actual library time is provided to those who have requested to utilize the local law library or GDC reference library. Should residents have demonstrable need for additional time, it will be the resident's responsibility to notify the Center in advance. The Center will consider their needs and make every effort to provide reasonable additional time, limited only by staff supervision availability, the efficient and orderly operation of the facility, and limitations imposed by the host law library. The resident's work and program schedule may be considered but, if necessary, the resident should be excused from a reasonable portion of his schedule to allow access to the local library or GDC reference library.
 4. It will be the resident's responsibility to make arrangements with his employer, if necessary, for time off work to visit the reference library. (The resident will be made aware that the Center has no control over employers and that policy in this area is within the sole province of the individual employer.)
- B. Consultation With Attorneys. Residents may be granted special passes to visit their attorney of record or another licensed attorney with whom the resident is attempting to establish an attorney-client relationship or an approved designee of such attorney. Passes issued

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to residents for this purpose will not be dependent upon criteria utilized for general passes, but are based solely on need. Until eligible for pass, a Transitional Center work-release resident will only be allowed confidential visits on-site with his or her attorney. After becoming eligible for general pass, a Transitional Center work-release resident may take pass to visit off-site with an attorney. A Transitional Center maintenance resident shall not receive a pass to meet with an attorney off center property but will be allowed confidential visits on-site. Arrangements for visits by such attorneys or designates to the Center during prescribed visiting hours or other approved hours will be made through the Superintendent's office. Arrangements for phone calls from an attorney will be coordinated through the Superintendent's office. Residents may call attorneys or designates as needed. Such calls may not be restricted as a disciplinary measure.

- C. Legal and Privileged Mail. Legal and privileged mail will be managed according to the Rules of the Board of Corrections 125-3-3-.03 and SOP IIB04-0001. Legal or privileged mail cannot be restricted.
- D. Possession and Preparation of Legal Materials. Residents may possess legal materials in their living areas to the extent that they do not, in combination with other personal property, present a fire, sanitation, security, or housekeeping problem. This policy concerning the possession of legal materials does not in any way allow the keeping of additional personal property beyond that allowed under department rules. Material in excess of that allowable must be removed according to departmental SOP. A resident may not possess the legal materials (including transcripts, pleadings, briefs, law books, and any other legal material) of another resident at any time. Such possessions will subject the resident to a disciplinary report and confiscation of these legal materials and their return to the owner. Residents may assist other residents in the preparation of legal documents and legal mail. However, no payment or consideration may be given or received and such may be the subject of disciplinary action. Residents, who would not in the ordinary course of Center activity come in contact with other residents, will not be allowed

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additional contact for legal assistance. Residents will be allowed to use the designated Center areas or their living area during prescribed times to pursue legal matters. Time limitations are bound only by normal center function and routine such as work hours, lights out time, count times, etc. The Center will retain the right to reasonably restrict use of the designated areas to insure effective use by all residents.

- E. Notary Service and Legal Forms. The Center will provide free notary service. Additionally, State and Federal habeas corpus forms and state inmate action forms under O.C.G.A. Section 9-10-14 and forms under 42-USCA 1983 are to be available. Residents are to be advised as to how to request these services during orientation and in the resident handbook.