

GEORGIA DEPARTMENT OF CORRECTIONS		
Standard Operating Procedures		
Functional Area: Facilities Operations	Reference Number: IIA01-0009 (201.04)	Revises Previous Effective Date: 08/01/09
Subject: CHARGES TO INMATE/ PROBATIONER ACCOUNTS FOR HEALTH CARE, WILLFUL ACTS, MANAGEMENT OF INMATE/ PROBATIONER ACCOUNTS AND COURT COSTS		
Authority: Bryson / Jacobs	Effective Date: 04/21/15	Page 1 of 10

I. POLICY:

- A. It is the policy of the Georgia Department of Corrections to maintain facility/center offender accounts in accordance with all Georgia Department of Corrections Standard Operating Procedures and State and Federal Laws. It is the responsibility of all state facilities/centers and county facilities housing state offenders to insure that costs as outlined below are appropriately assessed.
- B. Pursuant to O.C.G.A. 42-5-54, 42-5-55, 42-12-1 thru 9; and the 1996 Federal Prison litigation Reform Act the Georgia Department of Corrections is authorized to recover certain costs from state offenders to insure housed in its custody. These include:
1. A reasonable amount of the costs of the following acts, as determined by the Commissioner of Corrections or his designee, may be deducted from the inmate's/probationer's account:
 - a. Public property or private property, in the case of an inmate housed in a private correctional facility, willfully damaged or destroyed or converted by the offender during his/her incarceration.
 - b. Medical treatment for injuries intentionally inflicted by the offender upon himself/herself or others.

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- c. Searching for and apprehending the offender when he/she escapes or attempts to escape; such costs to be limited to those extraordinary costs incurred as a consequence of the escape.
 - d. Quelling any riot or other disturbance in which the offender is unlawfully involved.
2. Under O.C.G.A. 42-5-55, the authority to defray the costs paid by the state is granted for the following areas:
 - a. Medical treatment for an offender when the request for medical treatment is self-initiated. An offender will be charged a fee of \$5.00, for medical treatment requested by the offender, with the exception of emergency services deemed necessary by the facility/center health care providers or other responsible staff.
 - b. Medication prescribed for the treatment of a medical condition unrelated to a pregnancy or a chronic illness will be charged a fee of \$5.00.
 - c. All facilities/centers are authorized to charge a \$ 1.00 per month fee for the establishment and management of all offender accounts.
3. The 1996 Federal Prison Litigation Reform Act mandates that offenders pay filing fees in lawsuits filed under 42 U.S.C. 1983, also referred to as prisoner civil rights suits and that payments be assessed from offender accounts, as instructed by the Court.
4. The Georgia Prison Litigation Reform Act of 1996 (O.C.G.A. 42-12-1 thru 9) mandates that offenders be required to pay court costs and fees as determined by the County Clerk of Court upon the filing of an action. Upon notification by the Court, the facility is mandated to freeze the offender account and pay all funds in the account, or those subsequently

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received, to the court until all court fees have been satisfied.

5. For each inmate, a \$4.00 charge for each disciplinary report in which he/she is found guilty of and not overturned on appeal.

C. Nothing in this Standard Operating Procedure will be construed to relieve the governing authority, governmental unit, subdivision, or agency having physical custody of the offender from its responsibility to provide and pay for any needed medical and hospital care rendered to such offender.

D. Notwithstanding any other provision of this SOP, the deductions from money credited to the account of an offender as authorized will not be made whenever the balance in his/her account is \$10.00 or less.

II. APPLICABILITY:

All State Facilities, Privately Operated Prisons, Probation Detention Centers, transitional Centers, Boot Camps, Diversion Centers and County Correctional Institutions housing state offenders.

III. RELATED DIRECTIVES:

- A. O.C.G.A.42-12-1 thru 9, 42-4-70, 42-4-71, 42-5-54 and 42-5-55.
- B. 1996 Federal Prison Litigation Reform Act.
- C. GDC Board Rules: 125-2-4-.22, 125-4-4-.01.
- D. GDC SOPs: IIB02-0001, IIB04-0001, IVI01-0007, VH03-0003 and VH07-0001.

IV. DEFINITIONS:

A. Reasonable Deduction: A reasonable deduction to recover costs will be any amount up to, but not exceeding, the documented costs associated with a willful act on the

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part of a state offender. The specific types of costs are enumerated in Section I. A of this SOP.

- B. Emergency: A condition that, in the judgement of the health care provider or other responsible staff, requires medical attention that cannot wait until the next regularly scheduled sick call.
- C. Medical treatment: Each visit initiated by the offender to a facility physician, physician's extender, including a physician's assistant or nurse practitioner, registered nurse, licensed practical nurse, medical assistant, dentist, dental hygienist, optometrist, or psychiatrist for examination or treatment.
- D. Offender: A person who is detained in a state facility/center, probation detention center, transitional center, boot camp, diversion center, in a county correctional institution, or privately operated prison housing state offenders by reason of having been convicted of a felony or a misdemeanor.

V. ATTACHMENTS:

NONE.

VI. PROCEDURE:

Facilities/ Centers may use the following procedures to recover specified costs as outlined in I.A through D form state offenders:

A. Repayment of Costs for Willful Acts:

- 1. A reasonable deduction (as defined in section IV-A) from an inmate's/probationer's account may be made to repay the costs of the following in accordance with O.C.G.A. 42-5-55 (b) 1 (A-D):
 - a. Public property or private property, in the case of an inmate housed in a private correctional facility, willfully damaged or destroyed by the offender during his/her incarceration.

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- b. Medical treatment for injuries intentionally inflicted by the offender upon himself/herself or others, including costs associated with required medical evaluations resulting from prohibited acts by offenders.
 - c. Searching for and apprehending the offender when he/she escapes or attempts to escape; such costs to be limited to those extraordinary costs incurred as a consequence of escape.
 - d. Quelling any riot or other disturbance in which the offender is unlawfully involved.
2. When an offender is suspected of committing any of the above willful acts, a disciplinary report must be completed charging the offender with the applicable offense and must be processed in accordance with GDC SOP IIB02-0001. Pending the outcome of the disciplinary proceedings, the inmate's/probationer's account will be temporarily frozen for withdrawals or transfers.
3. An itemized list of expenses and/or items damaged and costs to repair or replace will be prepared by the facility/center Business Manager and will be presented as evidence at the disciplinary hearing. Cost estimates will reflect actual costs of supplies and materials. If outside contractors are used to perform work, no labor or service charges will be included. With medical expenses, reasonable fees for services provided, to include all outside charges, will be included in the itemized statement.
4. If found guilty of the offense, repayment of reasonable costs will be ordered. The inmate's/probationer's account will be permanently frozen at this time for the actual amount of repayment ordered. If there are no other pending expenses, the offender may continue using available funds over the amount of the repayment ordered.
5. When an inmate's/probationer's account is frozen under this procedure, the disciplinary report will

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be automatically processed through all levels of appeal if the amount of repayment is \$200.00 or more. If the repayment is less than \$200.00, it will be appealed only if the offender initiates an appeal.

- a. In the case of an automatic appeal, all documents relevant to the case will also be forwarded in a single packet (disciplinary packet to include the investigator's report, all witness statements, and all other supporting documentation; incident report; cost estimates; and statement of account). It is the responsibility of each Warden/Superintendent to insure that this material is forwarded for review. Failure to submit the appeal package within thirty (30) days after the date of the hearing will result in the disciplinary report being expunged and the inmate's/probationer's account unfrozen. Each case will be closely reviewed through the appeal process to insure that all procedures were followed, all documentation is in order and all charges are reasonable.
6. If the amount of repayment is \$200.00 or more, no deductions will be made from the frozen account until the appeals process is completed through all levels. If the repayment ordered is under \$200.00, the deduction will be made after the review and approval of the Warden/Superintendent.
 - a. In the case of an appeal which results in the removal of the sanction of repayment of funds where the amount was under \$200.00, the Supervisor of Inmate Affairs will notify the facility/center Business Manager who will insure that the appropriate offender account is credited for any debited funds.
7. When funds are available in the inmate's/probationer's account to pay his/her debt in full, the facility's/center's business office will issue a check for the full amount of the

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repayment, provided the appeals are completed. The check will be forwarded to the Central Office Accounting Section, along with a Revenue Document and all other documents relating to the incident. If the debt originated at another facility/center, the Revenue Document will indicate that the payment should be credited to the originating facility/center and copies of the Revenue Document and related information will be forwarded to the originating facility/center. The Business Managers of both facilities/centers will coordinate to insure that the payment is credited to the appropriate account.

8. Procedures outlined in SOP IVI01-0007 must be utilized to assess and collect damages/expenses to be repaid.

B. Deductions for Self-Initiated Medical Care:

1. Medical treatment that is requested by the offender is subject to a \$5.00 co-payment charge per request. This includes sick call and non-emergent or routine "walk-in" visits to Medical as authorized by O.C.G.A. 42-5-55 (b) (2).
2. Certain medical services deemed necessary
3. Medical services initiated by the institution, or required by the Department or by state law, will be exempt from the fee. Such services will be provided as required by GDC procedures and will be exempt from the medical co-payment. These services are outlined in SOP VH07-0001 (VI-E).
4. For Residents of Diversion and work release residents of Transitional Centers, a \$10.00 co-payment will apply when seen by on-site health care providers for non-emergency medical care. For all other circumstances for non-work release residents, the \$5.00 co-payment will continue to apply. Residents will continue to pay the full expense of all medical services received from local health care providers.

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5. Procedures outlined in GDC SOP VH07-0001 and IVI01-0007 must be followed in assessing and collecting co-payments for medical care.

6. Nothing in this SOP will be construed to authorize anyone to refuse medical care to a state offender merely because he or she has insufficient funds to cover costs.

C. Monthly Fee for the Management of Offender Accounts:

1. All unfrozen offender accounts which have a minimum balance of \$11.00 at the end of each month will be assessed a monthly account management fee of \$1.00 per month in accordance with O.C.G.A. 42-5-55 (e).

2. This fee will be deducted and managed in accordance with GDC SOP IVI01-0007.

D. Fees Assessed through the 1996 Federal Prison Litigation Reform Act:

1. When an offender files a lawsuit in federal court and has not paid the \$120.00 filing fee in its entirety, the balance is owed to the federal court.

2. Upon notification from the court, monthly payments will be paid to the Federal Clerk of Court in the appropriate federal judicial district in the amount of 20% of the balance of the offender account on the last working day of each month until the filing fee is paid in full.

3. Procedures for payment as outlined in GDC SOP IVI01-0007 will be followed.

E. Court Fines and Fees assessed through the Georgia Prison Litigation Reform Act of 1996 (O.C.G.A. 42-12-1 thru 9):

1. When an offender seventeen (17) years of age or older files a civil legal action, the offender is responsible for paying court costs and fees as assessed by the Court.

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2. The Clerk of Court will notify the Superintendent or Warden at the facility/center where the offender is housed that a civil action has been filed and the amount of court costs and fees due and payable.
3. Upon notification of costs and fees, the inmate's/probationer's account will be immediately frozen if sufficient funds are not available to pay all court costs and fees in full. If funds are available, court costs and fees will be paid in full.
4. If an account is frozen, all deposits received will be forwarded to the Clerk of Court until all court costs and fees are paid in full. Upon payment in full, the freezing of the account will be terminated if there are no other pending payments.
5. Procedures for payment as outlined in GDC SOP IVI01-0007 will be followed.

F. Priority Order of Payments from Offender Accounts:

1. As long as an offender has funds, all assessments will be remitted in the order they are received.
2. When funds are not available in an inmate's/probationer's account to cover all costs incurred, the account will be immediately frozen. Costs will be remitted to the appropriate recipient (s) as funds are received utilizing the following priority order:
 - a. Room and Board charges for Diversion and Transitional Center residents.
 - b. Monthly assessments due under the Federal Prison Litigation Reform Act.
 - c. Court costs due under Georgia's Prison Litigation reform Act of 1996.
 - d. Other legislated costs to include those contained in O.C.G.A. 42-5-54 and 42-5-55.

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- e. Other Court costs (i.e. fines, restitution, etc.) as applicable.
 - f. All other costs mandated by Georgia Department of Corrections Standard Operating Procedures.
 - g. Offender request (s) for disbursement of funds.
- G. Management and Transfer of Offender and Offender Account when the Account is Frozen:
1. When an offender is transferred to another state facility/center while his/her account is frozen, the receiving facility/center will be provided a complete set of documents itemizing all outstanding debts. The receiving facility/center will assume full responsibility for the administration of the account and the collection and processing of all debts.
 2. When an inmate's/probationer's account is frozen based on outstanding debts, the offender should not be recommended by the facility's/center's Classification Committee for transfer to a County Institution until such time as all debts are paid and the account is unfrozen.
 3. When an offender with a frozen account is transferred to a County Correctional Institution based on departmental need, the following procedures will be utilized:
 - a. The business manager at the sending facility/center will clearly document the account status, identifying all outstanding debts. All authorized deductions will be made from the inmate's/probationer's account prior to transfer as long as these deductions do not take the balance of the account below \$10.00.
 - b. The County Correctional Institutions will be responsible for continuing to collect and pay on all outstanding debts authorized by State or Federal Prison Litigation Reform legislation.

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The sending institution will forward all documentation received from the Courts. The County Correctional Institutions will fully document all collections and payments.

- c. Outstanding debts for willful acts or medical co-pay for self-initiated medical treatment will be documented on the inmate's/probationer's account ledgers. While County Correctional Institutions will not be required to collect on these debts, these debts will remain in an inactive status. If the offender is later transferred back to a state facility/center during the same period of incarceration, these debts will be activated and collection would resume.
4. When an inmate's/probationer's account is frozen as a result of debts owed related to SB 587 or Prison Litigation Reform legislation, he/she will be eligible to claim indigent status for purposes of postage in accordance with GDC SOP IIB04-0001 until all obligations are satisfied. In accordance with SOP IIB04-0001, the costs for all indigent postage received will be assessed to the inmate's/probationer's account and when funds are available, the costs will be reimbursed to the Inmate benefit fund.
5. In no case will an inmate's/probationer's discharge gratuities be affected by his/her account status. At the time of release or discharge, if any funds remain on the inmate's/probationer's account and he/she still owes any outstanding debts based on SB 587 or Prison Litigation Reform legislation, all remaining funds will be applied toward those debts. If an offender is returned to custody after release, an attempt will be made to collect monies still owed from incidents or medical visits, which occurred during previous incarcerations.