

<p style="text-align: center;">GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures</p>		
Policy Name: Resident Legal Access		
Policy Number: 215.15	Effective Date: 9/18/2019	Page Number: 1 of 3
Authority: Commissioner	Originating Division: Facilities Division (Transitional Centers)	Access Listing: Level II: Required Offender Access

I. Introduction and Summary:

It is the policy of the Georgia Department of Corrections (GDC) that Transitional Center (TC) residents be provided meaningful access to the courts and access to a library for legal research.

II. Authority:

- A. U.S. Code: 42 U.S.C. § 1983;
- B. O.C.G.A.: § 9-10-14;
- C. GDC Board Rule: 125-3-3-.03;
- D. GDC Standard Operating Procedures (SOPS): 227.03, Access to Courts; 227.06, Offender Receipt of Mail; and
- E. ACA Standard: 4-ACRS-6A-02.

III. Definitions: None.

IV. Statement of Policy and Applicable Procedures:

- A. Library Access. The TC will arrange for resident access to a nearby community library or GDC reference library. 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.
 - 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, TC 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. TC 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 library access is requested.

<p style="text-align: center;">GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures</p>		
Policy Name: Resident Legal Access		
Policy Number: 215.15	Effective Date: 9/18/2019	Page Number: 2 of 3
Authority: Commissioner	Originating Division: Facilities Division (Transitional Centers)	Access Listing: Level II: Required Offender Access

3. The TC will insure that at least two (2) hours per week of actual library time is provided to those who have requested to utilize the local community library or GDC reference library. Should residents have demonstrable need for additional time, it will be the resident's responsibility to notify the TC in advance. The TC will consider the needs of the resident 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 library. The resident's work and program schedule may be considered but, if necessary, the resident should be excused from a reasonable portion of the 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 or her employer, if necessary, for time off work to visit the library. (The resident will be made aware that the TC 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 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 TC work-release resident will only be allowed confidential visits on-site with his or her attorney. After becoming eligible for general pass, a TC work-release resident may take pass to visit offsite with an attorney. A TC maintenance resident shall not receive a pass to meet with an attorney off TC property but will be allowed confidential visits on-site. Arrangements for visits by such attorneys or designees to the TC 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 designees 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 GDC Board Rule 125-3-3-.03 and GDC SOP 227.06, Offender Receipt of Mail. Legal and privileged mail cannot be restricted.

<p style="text-align: center;">GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures</p>		
Policy Name: Resident Legal Access		
Policy Number: 215.15	Effective Date: 9/18/2019	Page Number: 3 of 3
Authority: Commissioner	Originating Division: Facilities Division (Transitional Centers)	Access Listing: Level II: Required Offender Access

- 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. 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 activity may be the subject of disciplinary action. Residents, who would not in the ordinary course of TC activity come in contact with other residents, will not be allowed additional contact for legal assistance. Residents will be allowed to use the designated TC 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 TC 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 TC will provide free notary service to residents. Additionally, the TC shall make available a supply of state and federal habeas corpus forms, state inmate action forms as provided in O.C.G.A. § 9-10-14, and a supply of pleading forms as provided in 42 U.S.C. § 1983. Residents are to be advised as to how to request these services/forms during orientation and in the resident handbook.

V. **Attachments:** None.

VI. **Record Retention of Forms Relevant to this Policy:** None.