

# Southern Center for Human Rights

83 Poplar Street, NW, Atlanta, Georgia 30303-2122  
(404) 688-1202 Fax (404) 688-9440  
E-mail: [rights@schr.org](mailto:rights@schr.org) Web Site: <http://www.schr.org>

## *Excessive Force - Georgia*

The Southern Center for Human Rights represents prisoners in class action lawsuits that challenge unconstitutional and other illegal practices and policies in prisons and jails. Unfortunately, we have limited resources to help improve conditions in prisons and jails throughout the South, so we are not able to take on as many cases as we would like to. We are only able to take cases where we receive numerous complaints about a particular problem, and generally limit our cases to class actions and impact litigation. At this time, we are not in a position to take on any new cases at all. We do, however, have some suggestions for you.

First, we would suggest that you contact the new Offender Ombudsman to report the incident that you described. Here is her address:

Ms. Shervonda Fields  
Office of the Ombudsman and Family Advocacy  
Georgia Department of Corrections  
2 Martin Luther King Jr. Drive, S.E.  
East Tower, Suite 954  
Atlanta, GA 30334  
(404) 657-7588 (T)  
(404) 651-6537 (F)  
Email: [ombudsman@dcor.state.ga.us](mailto:ombudsman@dcor.state.ga.us)

Second, we would suggest that you have a family member or friend from the outside write or call the warden, insisting that he or she look into the problem you reported. In many cases, when prison officials realize that someone on the outside is paying attention to their treatment of inmates, they treat the inmates better. Your family member should request that the warden investigate these problems, and let the family member know what he or she finds out. If they do not hear anything back within a week, they should try calling the prison directly. They should keep a copy of any letters they send to the prison, and keep records of any telephone calls they make to the institution.

Third, if you are considering filing a lawsuit on your own, you should be aware of the Prison Litigation Reform Act ("PLRA"). Congress passed the PLRA in 1996 in order to make it more difficult for prisoners to file civil rights lawsuits in federal court. One of the most important parts of the PLRA is its requirement that prisoners must exhaust all available administrative remedies before filing suit. See 42 U.S.C. § 1997e(a). In other words, before you file a lawsuit in federal court challenging prison conditions or your treatment in jail or prison, you must go through all the steps of any administrative grievance procedures in your institution (this is called "exhausting administrative remedies").

In the Georgia prison system, there is a 3-step administrative grievance process. You must file an informal grievance within 10 days of the incident you are complaining about. Once you receive a response to your informal grievance, you must file a formal

grievance within 5 days. If the formal grievance is denied, you have 5 days to file an appeal. It is very important to comply with these deadlines. If you miss the deadlines, file your grievance and appeal anyway and explain why you were not able to file them by the date required (e.g. officers would not give you a form). Keep records of what you have filed and any responses you receive. If a staff person tells you not to file a grievance, be sure to keep track of who said this and when he said it. Even if you believe that the grievance procedure is not effective at your prison, you must exhaust the grievance process if you wish to file a lawsuit in federal court. The law is very strict: your federal civil rights case will be dismissed if you have not first exhausted the administrative procedure that is available to you.