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Prison and Jail Information – Georgia

WHAT TO DO IF YOU THINK YOUR CONSTITUTIONAL RIGHTS HAVE BEEN VIOLATED BY THE CONDITIONS IN PRISON OR JAIL

GEORGIA PRISONS

The U.S. and Georgia Constitutions provide people in prisons and jail the right to be free from cruel and unusual punishment. While it would seem likely that being confined in a cell with no running water or with a leaking toilet, or having to sleep on a mat on the floor, or endure hot or cold temperatures would amount to a violation of this right, proving this violation in a court of law is very difficult.

First, if you have been unable to solve the problem you reported, have a family member or friend from the outside write a brief, one-page letter to your counselor and/or to the warden, reporting the problem and asking for a particular resolution. In many cases, when prison officials realize that someone on the outside is paying attention to the treatment of inmates, they treat the inmates better. If a week passes and the problem has not been solved, your friend/family should try calling the prison to follow up. Advise your friend/family member to keep a copy of any letters that he/she sends to the prison. They should also keep records of any telephone calls they make to the institution.

It is usually best to try to work out the problem at the institutional level first. If your friend/family member does not receive an adequate response at the institutional level, we would suggest that he/she contact the GDC's Office of the Ombudsman and Family Advocacy. The Office of the Ombudsman was created in 2005 to respond to the concerns of prisoners' family members and others who wish to report complaints on behalf of people in prison. Here is the contact information for the Office of the Ombudsman:

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

Families and friends of prisoners can be highly effective advocates for the safety, health and well being of imprisoned loved ones.

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 impor-

tant 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.

Good luck and be safe.

JAIL CONDITIONS

First, if you have been unable to solve the problem you reported, we suggest that you have a family member or friend write a one-page letter to the jail administrator or Captain, reporting the problem and asking for a particular resolution. If a week passes and the problem has not been solved, your friend/family member should try calling the jail to follow up.

If you are having a medical problem, your friend/family member may wish to call the nurse or doctor who provides services at the jail. While they may not be able to discuss your specific medical needs (because of medical providers’ confidentiality) it is sometimes helpful to bring serious matters directly to the medical provider's attention. If they tell your family member that they can't talk because of confidentiality, your family member should put everything in writing and send the medical staff person a letter describing the specific problem you are having. The letter can even be hand-delivered at the jail if it is an urgent matter. If the medical care at your county’s jail is provided by an outside company, your family member may call the corporate office of the company. Sometimes it is hard to find the address or phone number of a corporate office, especially if they are out of state. If someone who is advocating for you has access to the Internet, that can be a useful way to find the company’s mailing address.

It is usually best to try to work out the problem with the jail administrator or Captain first. If that does not work, we would suggest that your friend/family member contact the Sheriff. The Sheriff is the ultimate decision-maker at the jail. Sheriffs are elected officials. They should be responsive to concerns about the health and welfare of people in jail.

If these steps do not produce a satisfactory response, you might contact your elected officials on the County Commission. County Commissioners are often at the same address as the courthouse or the Sheriff's Department. Their individual addresses should be listed in the government pages (sometimes called the "blue pages") in the phone book. In Georgia, the County Commission is responsible for deciding the budget in the Sheriff's Department. While they don't have any direct say in the operation of the jail, they help to fund jail operations.

Finally, your family member or friend could notify the county board of health in the county where the jail is located about concerns regarding health care and conditions. It may also be worthwhile to contact the Georgia Division of Public Health at (404) 657-2700.

You, or your family member who is advocating for you, should keep copies of any letters sent to the jail, the Sheriff, the County Commission or the health department.

If you are considering filing a lawsuit, you should be aware of the Prison Litigation Reform Act ("PLRA"). The U.S. Congress passed the PLRA in 1996 to make it more difficult for people in prison or jail 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 process in your jail (this is called "exhausting administrative remedies").

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