



State of North Carolina
Department of Correction
Division of Prisons

Chapter: G
Section: .0200
Title: **Court Related Procedures**
Issue Date: 10/05/07
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POLICY & PROCEDURES

.0201 GENERAL

Every inmate committed to the Department of Correction shall be afforded reasonable access to the courts. In an effort to provide such access, there is a contract for attorneys to provide assistance for inmates.

.0202 ACCESS TO COURTS

Inmates are to be counseled and encouraged to utilize the legal services contractor in order to access the courts. No inmate will be penalized due to allegations against the Department or its employees presented in petitions and complaints.

.0203 DIVISION OF PRISONS RESPONSIBILITY

- (a) Facility Responsibility: The Department shall work to facilitate the provision of legal services to inmates by the contractor. Each facility head will be responsible for the following:
- (1) Appointing a facility coordinator for inmate access to the contractor;
 - (2) Insuring that unit staff become familiar with the names and proper identification of contractor's staff; and
 - (3) Designating reasonably private area(s) in the facility for the inmate and attorney to meet, consistent with custody, security, and operational requirements. The contractor's attorneys, as well as any private attorney retained by an inmate, will not be permitted access to staff or other areas of the facility without the approval of the Department's General Counsel.
- (b) Inmate Court Attire. In accordance with G.S. 15-176, when an inmate appears in any criminal court proceeding as a party, the inmate must wear civilian clothing. Discharge clothing will be provided for this purpose. Unless otherwise directed by the Attorney General's Office, inmates appearing in court for civil action will be neatly attired in prison clothing commensurate with their custody grade.
- (c) Legal Mail. Written communication to and from the legal services contractor shall be considered legal mail and shall be managed in accordance with Division Policy and Procedures, D .0300.
- (d) Notary Services. Each facility will have available a Notary Public to notarize legal papers for inmates at reasonable times.

- (e) Notice. All facilities within the Division of Prisons shall post in conspicuous locations, a notice from the contractor, identifying services available and the method of contacting the contractor.
- (f) Orientation. Newly admitted inmates will be provided orientation during the Diagnostic process regarding the availability of legal assistance from the contractor.
- (g) Complaints. Each facility head will be responsible for documenting staff and inmate complaints regarding the contractor's staff or provision of services. Complaints should be forwarded through the chain of command to the Director of Prisons.
- (h) Supplies. Inmates will be provided with paper, carbon paper, and writing implements with which the legal services contractor may be contacted. The Department will not provide typewriters nor photocopy services for the preparation of legal documents.
- (i) Law Libraries and Legal Material. The Department will not provide law libraries, legal texts or other legal materials.

.0204 INMATE - CONTRACTOR ACCESS

The primary and preferred method of inmate access to the courts is through the attorney assistance program as established by the Department under the contract as specified in Division Policy and Procedures, G .0201. Inmates should be encouraged to contact the legal services contractor for legal assistance.

- (a) Special Provisions for Non-English speaking or Illiterate Inmates. The facility head or their designee will initiate the contact on behalf of any non-English speaking or illiterate inmate who makes it known that legal assistance is requested. Once contact has been made, the contractor is responsible for providing any special assistance which may be needed.
- (b) Access to Inmates. The contractor will be provided access to its inmate clients as frequently as is required to provide adequate legal representation and consistent with the terms and conditions as specified in the contract. Contact between inmates and the contractor is to be in the form of written correspondence or personal visits.

.0205 ACCESS TO PRIVATE COUNSEL

Inmates may retain private counsel for legal representation. Such attorneys shall be permitted access to inmates in accordance with Division Policy and Procedures D.0203 (b), and must show proof that an attorney-client relationship has been established with an inmate in a matter which may be pending before the court.

.0206 TELEPHONE ACCESS TO INMATE CLIENTS

In exceptional situations where legal deadlines make a personal visit or correspondence impractical, attorneys may initiate a request with the Department's General Counsel's Office for approval to contact inmate clients by telephone. Authorization will be provided to the facility head by the Department's General Counsel's Office.

.0207 PRO SE REPRESENTATION

Inmates may represent themselves in legal matters before the courts.

.0208 LEGAL MATERIALS

An inmate may possess legal texts and materials consistent with Division Policy and Procedures F.0503 (b) and D .0100. However, such items will not be provided by the Department.

- (a) The amount of legal materials and texts which an inmate may be permitted to keep at the prison facility will be limited based upon the following:
 - (1) The amount of personal storage space provided, based upon the inmate's custody classification;
 - (2) The amount of personal storage space available within the prison facility's physical plant; and
 - (3) The security, safety, sanitation and fire hazard considerations affecting the orderly operation of the prison facility.
- (b) Items of personal property, including legal materials, which exceed the amount the prison can reasonably accommodate, will be disposed of in accordance with Division Policy and Procedures F .0504. The inmate may mail the items to an addressee of their choice at the inmate's expense. Indigent inmates may have items mailed through the Inmate Welfare Fund.

.0209 INMATE ASSISTANCE

The establishment of the attorney assistance program with a duly licensed legal services contractor negates the need for one inmate to provide legal assistance to another inmate. It shall be a disciplinary infraction for inmates to provide legal assistance to other inmates or to otherwise practice law as defined by G.S. 84-2.1. Inmates who violate this rule may be charged with violating disciplinary offense D16 in accordance with policy and procedures B.0200 and/or prosecuted under G.S. 84-4 and G.S. 84-8.

 10-05-07

Director of Prisons Date

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