



State of North Carolina
Department of Public Safety
Prisons

Chapter: G
Section: .0200
Title: **Court Related Procedures**
Issue Date: 07/29/14
Supersedes: 05/13/14

POLICY & PROCEDURES

.0201 GENERAL

Every inmate committed to the Department of Public Safety 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 PRISONS RESPONSIBILITY

- (a) Facility Responsibility: The Department shall work to facilitate the provision of legal services to inmates by the legal services 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.

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- (e) Notice. All facilities within Prisons shall post in conspicuous locations, a notice from the contractor, identifying services available and the method of contacting the legal services 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

- (a) Calls to Inmates by Attorneys - In exceptional situations where legal deadlines make a personal visit or correspondence impractical, attorneys may fax the request to the NCDPS - Prisons Executive Services Section, at 919-733-8272 or email the request to DPS_AC_Prisons_Atph@ncdps.gov for approval to contact inmate clients by telephone. The attorney must make the request in writing and indicate they do represent the inmate

they wish to contact and that a legal deadline makes a personal visit or correspondence impractical. The attorney must provide a toll-free number or number for a collect call. The request must be received 3 business days prior to the requested phone call date.

- (b) Telephonic Hearings – In exceptional situations an inmate’s attorney or court may request for an inmate to participate in a court hearing by telephone. This request may be faxed to the NCDPS - Prisons Executive Services Section, at 919-733-8272 or emailed to DPS_AC_Prisons_Attph@ncdps.gov for approval. The attorney or court must make the request in writing and indicate the date, time. The attorney or court must set up and provide a conference bridge (toll-free number) in their initial request. Requests must be made 7 business days in advance to effectively coordinate the scheduled call.
 - (1) Executive Services will provide the Facility Head with information needed concerning approval of calls to inmates by attorneys and/or telephonic hearings.
 - (2) Inmate’s refusal to participate in phone conversations at the request of the attorney or court will be documented and copies sent to the attorney/court and Executive Services Section.
- (c) Calls From Inmates to Attorneys – Calls to an attorney may be approved by the Facility Head or designee. Calls to an attorney require documentation that identifies the person being called as an attorney.
- (d) ALL calls to or from Attorneys/Court will NOT be monitored or recorded and will be made utilizing facility telephones.

.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.

George J. Solomon 7/29/14
Director Prisons Date

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