# Rules and Regulations of the State of Georgia

# Department 125 BOARD OF CORRECTIONS

*Current through Rules and Regulations filed through November 6, 2026*

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**ADMINISTRATIVE HISTORY**

The **Administrative History** following each Rule gives the date on which the Rule was originally filed and its effective date, as well as the date on which any amendment or repeal was filed and its effective date. Principal abbreviations used in the Administrative History are as follows:

f. - filed

eff. - effective

R. - Rule (Abbreviated only at the beginning of the control number)

Ch. - Chapter (Abbreviated only at the beginning of the control number)

ER. - Emergency Rule

Rev. - Revised

**Note: Emergency Rules** are listed in each Rule's Administrative History by Emergency Rule number, date filed and effective date. The Emergency Rule will be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency.

**EDITOR'S NOTE:** The Rules and Regulations of the State Board of Corrections (125) were originally filed and effective on December 31, 1969. By Certification filed by the Board of Offender Rehabilitation (415) with the Office of Secretary of State on July 7, 1978, the State Board of Corrections was abolished and its policy-making functions and its power to make rules and regulations were transferred to the Board of Offender Rehabilitation. Georgia Law 1985, p. 283, Section 1 changed the name of the Department of Offender Rehabilitation, the Board of Offender Rehabilitation, and the Commissioner of Offender Rehabilitation to the Department of Corrections, Board of Corrections, and the Commissioner of Corrections, respectively, amending sections throughout all codes to conform to this change. By Certification, the Official Compilation Rules and Regulations of the State of Georgia has been amended to reflect the name changes. Officials from the Department of Corrections (Board of Offender Rehabilitation) have expressed a prerogative to re-use Control Number 125, previously assigned to the "State Board of Corrections," abolished in 1976. Therefore, Control Number 125 has been assigned to the "Board of Corrections" and any reference to Control Number 125 will be with the "Board of Corrections". Consequently, all reference to the abolished "State Board of Corrections" (125) will be chronicled with that acknowledgement.

Rules 125-1-1-.03, 125-2-4-.20, 125-3-1-.01 and 125-4-8-.01 have been amended. Filed July 6, 1993; effective July 26, 1993.

Rule 125-1-1-.01 has been amended. Filed October 20, 1993; effective November 9, 1993.

Rule 125-2-1-.02 has been amended. Filed November 22, 1995; effective December 12, 1995.

Rule 125-1-2-.16 has been adopted. Rule 125-4-4-.01 has been amended. Filed December 11, 1995; effective December 31, 1995.

Rule 125-4-4-.01 has been amended. Filed October 7, 1996; effective October 27, 1996.

Rules 125-2-1-.06 and 125-2-4-.22 have been amended. Filed January 9, 1997; effective January 29, 1997.

Rules 125-2-4-.22, 125-3-2-.01, .02, .03, .08, .09, .11, and .12 have been amended. Filed October 8, 1997; effective October 28, 1997.

Rules 125-3-2-.06 and 125-3-3-.01 have been amended. Filed February 10, 1998; effective March 2, 1998.

Rules 125-2-3-.04 and 125-3-2-.04 have been amended. Filed July 13, 1998; effective August 2, 1998.

Rules 125-2-1-.02, .04, .06 to .09, .12; 125-4-4-.01, 125-4-6-.01 have been amended. Filed November 6, 1998; effective November 26, 1998.

Grant 125-1-3-.01 submitted March 18, 1999. Rule 125-3-4-.02 has been amended. Filed October 8, 1999; effective October 28, 1999.

Rule 125-4-5-.03 has been amended. Filed November 5, 1999; effective November 25, 1999.

Rule 125-2-1-.02 has been amended. Filed December 3, 1999; effective December 23, 1999.

Rule 125-2-2-.04 has been adopted. Filed August 4, 2000; effective August 24, 2000.

Rule 125-2-1-.06 has been amended. Filed July 23, 2001; effective August 12, 2001.

Rules 125-3-2-.03, .04 have been amended. Filed April 8, 2002; effective April 28, 2002.

Rules 125-2-1-.02, .12 have been amended. Filed June 10, 2002; effective June 30, 2002.

Rule 125-3-3-.09 has been amended. Filed July 16, 2002; effective August 5, 2002.

Rule 125-1-1-.06 has been amended. Filed November 12, 2002; effective December 2,

2002.

Rules 125-1-1-.09, 125-1-2-.01, .06, .08, .10 to .12, 125-2-1-.01, 125-2-3-.04, 125-2-4-.03, .06, .13, .18 to .20 and 125-3-1-.01 have been amended. Filed February 6, 2003; effective February 26, 2003.

Rules 125-1-2-.09, 125-3-2-.04, 125-3-3-.03, 125-3-4-.06, .09, 125-3-5-.03 to .05, 125-4-1-.05, 125-4-2-.10, and 125-4-4-.08 have been amended. Rule 125-1-2-.13 has been repealed and a new Rule adopted. F. March 6, 2003; effective March 26, 2003.

Chapter 125-4-9 entitled "Family Violence Intervention Program" has been adopted. Filed April 3, 2003; effective April 23, 2003.

Rule 125-3-5-.05 has been amended. Rules 125-3-5-.08 and .09 have been adopted. Filed September 4, 2003; effective September 24, 2003.

Rule 125-4-6-.05 has been amended. Filed January 8, 2004; effective January 28, 2004.

Rule 125-2-4-.22 has been amended. Filed April 1, 2004; effective April 21, 2004.

Rules 125-3-2-.10 and 125-4-4-.08 have been amended. Filed August 5, 2004; effective August 25, 2004.

Rule 125-3-6-.04 has been amended. Filed December 2, 2004; effective December 22, 2004.

Rule 125-2-1-.13 has been adopted. Rule 125-3-3-.02 has been amended. Filed May 6, 2005; effective May 26, 2005.

Rule 125-3-5-.05 has been amended. Chapter 125-3-8 entitled "Prison Industries Enhancement Program" has been adopted. Filed January 5, 2006; effective January 25, 2006.

Rule 125-2-1-.12 has been amended. Filed July 6, 2006; effective July 26, 2006.

Rules 125-3-8-.02 and .03 have been amended. Filed September 6, 2007; effective September 26, 2007.

Rule 125-1-1-.09 has been amended. Filed June 5, 2008; effective June 25, 2008.

Rules 125-2-4-.22, 125-3-2-.04, .08, and 125-4-4-.01 have been amended. Filed June 4, 2009; effective June 24, 2009.

Rule 125-2-1-.02 has been amended. Filed October 1, 2009; effective October 21, 2009.

Rule 125-4-3-.04 has been amended. File August 5, 2010; effective August 25, 2010.

Rule 125-2-4-.13 has been amended. F. Dec. 1, 2011; eff. Dec. 20, 2011.

Rules 125-2-1-.06, 125-3-1-.06 amended. F. Mar. 31, 2026; eff. Apr. 20, 2026.

**Cite as Ga. Comp. R. & Regs. R. dept. 125, ADMINISTRATIVE HISTORY**

# Chapter 125-1. ADMINISTRATION.

## Subject 125-1-1. ORGANIZATION.

### Rule 125-1-1-.01. State Board of Corrections.

The Board of Corrections consists of one member from each congressional district and five members at large appointed by the Governor with the consent of the Senate. Annually, the Board shall elect one of its members as chairperson and one of its members as vice-chairperson. One member shall be elected as Secretary of the Board and shall keep records and minutes of business and official acts of the Board.

**Cite as Ga. Comp. R. & Regs. R. 125-1-1-.01**
**Authority: Ga. Constitution 1982, Art. XI, Sec. 1, O.C.G.A. Secs. 42-2-4, 42-2-9, 42-2-11, 42-8-23.**
**History.** Original Rule entitled "State Board of Offender Rehabilitation" adopted as R. 415-1-1-.01. F. July 19, 1983; eff. August 8, 1983; renumbered as R. 125-1-1-.01. entitled "State Board of Corrections". F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** F. Oct. 20, 1993; eff. Nov. 9, 1993.

### Rule 125-1-1-.02. Authority.

The Board of Corrections, which is charged with the responsibility for establishing the general policy to be followed by the Department of Corrections, shall appoint the Commissioner of the Department of Corrections. The Board is authorized to promulgate, adopt and establish rules and regulations for the administration of the Department of Corrections and County penal institutions which are placed under Board control.

**Cite as Ga. Comp. R. & Regs. R. 125-1-1-.02**
**Authority: Ga. Constitution 1982, Art. XI, Sec. 1, O.C.G.A. Secs. 42-2-4, 42-2-11.**
**History.** Original Rule entitled "Authority" adopted as R. 415-1-1-.02. F. July 19, 1983; eff. August 8, 1983; renumbered as R. 125-1-1-.02 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

## Rule 125-1-1-.03. Commissioner of the Department of Corrections.

The Board of Corrections shall appoint a Commissioner to serve as the chief administrative officer of the Department of Corrections. The Commissioner shall hold office at the pleasure of the Board. Subject to the general policy established by the Board, the Commissioner shall supervise, direct, account for, organize, plan, administer, and execute the administrative function of the Department of Corrections.

(a) The Commissioner may create Special Rehabilitative Programs for offenders at any State Correctional Institution/Facility and establish procedures for the same.

**Cite as Ga. Comp. R. & Regs. R. 125-1-1-.03**
**Authority: Ga. Constitution 1982, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170 (O.C.G.A. 42-2-11); Ga. L. 1958, pp. 413, 414; 1962, p. 689; 1966, pp. 121, 122 (O.C.G.A. 42-2-6); Ga. L. 1956, pp. 161, 170; 1969, p. 598 (O.C.G.A. 42-2-11); Ga. L. 1978, p. 1649 (O.C.G.A. 42-2-6).**
**History.** Original Rule, entitled "Commissioner of the Department of Offender Rehabilitation," filed as Rule 415-1-1-.03 on July 19, 1983; effective August 8, 1983, renumbered as Rule 125-1-1-.03 entitled "Commissioner of the Department of Corrections". Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.
**Amended:** F. Jul. 6, 1993; eff. July 26, 1993.

## Rule 125-1-1-.04. Georgia Correctional Industries Administration.

(1) The Georgia Correctional Industries Administration is a public corporation having perpetual existence and empowered to undertake corporate functions.

(2) The State Board of Corrections shall constitute, ex officio, the Georgia Correctional Industries Administration for the purposes of this Act. The State Board of Corrections, constituted as the Georgia Correctional Industries Administration, shall have power to perfect its own organization and to adopt such rules and by-laws as may be necessary for it to carry out its duties under this Act. The Commissioner of the Department of Corrections shall serve as the executive officer of the Georgia Correctional Industries Administration.

(3) The Administration is authorized to borrow capital funds, create or modify industrial facilities and equipment, manufacture and sell within limitations, such services, goods, wares, or merchandise as may be produced wholly, or in part, by Correctional Industries, and to provide training for inmates engaged in the industrial process.

**Cite as Ga. Comp. R. & Regs. R. 125-1-1-.04**
**Authority: Ga. Constitution 1982, Act. XI, Sec. I, Par. (b); Ga. L. 1960, p. 880 (O.C.G.A. 42-10-2); Ga. L. 1980, p. 731 (O.C.G.A. 42-10-3); Ga. L. 1958, p. 1011; 1973, p. 1300; 1975, p. 1163 (O.C.G.A. 42-10-4); Ga. L. 1975, p. 488 (O.C.G.A. 42-5-60); Ga. L. 1978, pp. 1647, 1648 (O.C.G.A. 42-2-11).**
**History.** Original Rule entitled "Georgia Correctional Industries Administration," filed as Rule 415-1-1-.04 on July 19, 1983; effective August 8, 1983, renumbered as Rule 125-1-1-.04. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Rule 125-1-1-.05. Repealed.

**Cite as Ga. Comp. R. & Regs. R. 125-1-1-.05**
**Authority: Ga. Constitution 1982, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969, p. 598; 1956, pp. 161, 171 (O.C.G.A. 42-2-11); Ga. L. 1972, pp. 592, 598 (O.C.G.A. 42-7-2, 42-7-5); Ga. L. 1973, pp. 581, 582 (O.C.G.A. 42-7-15); Ga. L. 1975, p. 900 (O.C.G.A. 42-7-4); Ga. L. 1978, p. 922 (O.C.G.A. 42-7-3).**
**History.** Original Rule entitled "Youthful Offender Division," filed as Rule 415-1-1-.05 on July 19, 1983, effective August 8, 1983, renumbered as Rule 125-1-1-.05. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.
**Amended:** Rule repealed. Filed May 9, 1986; effective May 29, 1986.

## Rule 125-1-1-.06. State Board of Corrections Meetings.

The State Board of Corrections meets monthly on the first Thursday at ten o'clock in the morning. Meetings are held at the office of the Commissioner of the Department of Corrections, unless, in the discretion of the majority of the Board, it is necessary or convenient to meet elsewhere. Special meetings may be held if deemed necessary. The Board may hold executive sessions whenever, in its discretion, it is deemed advisable. Board meetings, except executive sessions, are open to the public. A majority of the Board shall constitute a quorum for the transaction of business.

**Cite as Ga. Comp. R. & Regs. R. 125-1-1-.06**
**Authority: Ga. Constitution 1982, Art. XI, Sec. 1, O.C.G.A. Secs. 42-2-11, 42-5-55.**
**History.** Original Rule entitled "State Board of Offender Rehabilitation Meetings" adopted as R. 415-1-1-.06. F. July 19, 1983; eff. August 8, 1983; renumbered as R. 125-1-1-.06 entitled "State Board of Corrections Meetings". F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** F. Nov. 12, 2002; eff. Dec. 2, 2002.

## Rule 125-1-1-.07. Adoption of Rules.

(1) The Commissioner of the Department of Corrections shall formulate and submit to the Board of Corrections those reasonable rules and regulations or changes thereto which are required to govern the Corrections System.

(2) Board approval shall be required prior to processing of new or revised rules for publication and implementation.

(3) Actions undertaken in the preparation of rules for publication including notices of intended action, provision of an opportunity for interested parties to present data, formatting, and other requirements shall be as prescribed by the Georgia Administrative Procedure Act.

**Cite as Ga. Comp. R. & Regs. R. 125-1-1-.07**
**Authority: Ga. Constitution 1982, Art. XI, Sec. 1, O.C.G.A. Secs. 42-2-11, 50-13.**
**History.** Original Rule entitled "Adoption of Rules" adopted as R. 415-1-1-.07. F. July 19, 1983; eff. August 8, 1983; renumbered as R. 125-1-1-.07 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

## Rule 125-1-1-.08. County Correctional Institutions.

(1) The Board of Corrections exercises authority over county correctional institutions in the following operational areas:

(a) Approval of architectural plans pursuant to O.C.G.A. 42-5-10 to insure that construction meets the criteria outlined in Rule 125-2-2-.01.

(b) Approval of wardens and deputy wardens who must meet minimum qualifications as set forth in O.C.G.A. 42-5-30 and defined by the Board.

(2) The Board of Corrections supplements participating counties for each state prisoner so assigned for the operation and maintenance of the institution.

(3) Should a County Correctional Institution fail to fully comply with the rules and regulations, or directives of the Board, payment of state supplement may be withdrawn and/or state inmates may be withdrawn from the County institution. The Warden and/or County Commission of the County Correctional Institution declared by the Board to be in non-compliance shall be entitled to a hearing before the State Board of Corrections to show cause why supplemental payments and/or all state inmates should not be withdrawn from the County Correctional Institution.

**Cite as Ga. Comp. R. & Regs. R. 125-1-1-.08**
**Authority: Ga. Constitution 1982, Art. XI, Sec. 1, O.C.G.A. Secs. 42-2-1, 42-2-11.**
**History.** Original Rule entitled "County Correctional Institutions" adopted as R. 415-1-1-.08. F. July 19, 1983; eff. August 8, 1983; renumbered as R. 125-1-1-.08 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** F. Oct. 23, 1990; eff. Nov. 12, 1990.

## Rule 125-1-1-.09. Records.

(1) The records of the Board of Corrections and the Department of Corrections are maintained by the Commissioner of the Department of Corrections at his office in Atlanta.

(2) The request should include the Requestor's name, mailing address, contact telephone number, and list of records requested. The Department of Corrections will provide a response within a reasonable amount of time, not to exceed three (3) business days of receipt. Reasonable fees, as allowed by the Open Records Act, may be charged for fulfillment of the request.

(3)

(a) All institutional inmate files and central office inmate files of the Department of Corrections are classified as confidential state secrets and privileged under law, unless declassified in writing by the Commissioner. These records are subject to subpoena by a court of competent jurisdiction of this state.

(b) Offenders' medical and mental health records are subject to the provisions of HIPAA.

(c) Investigative files and intelligence information compiled by the Office of Professional Standards are classified as confidential state secrets and privileged under law, unless declassified in writing by the Commissioner.

(d) Access to all other records maintained by the Department of Corrections shall be subject to the limitations imposed by state and/or federal law.

(4) Requests for information may be made in person at the Office of Legal Services, Gibson Hall, 300 Patrol Road, Forsyth, GA 31029, in writing to the Office of Legal Services, P.O. Box 1529, Forsyth, GA 31029, by telephone to (478) 992-5240, or via email to open.records@gdc.ga.gov.

**Cite as Ga. Comp. R. & Regs. R. 125-1-1-.09**
**Authority: O.C.G.A. §§ 42-2-2, 42-2-11, 42-5-36(c), 50-18-70, *et seq*.**
**History.** Original Rule entitled "Records" adopted as R. 415-1-1-.09. F. July 19, 1983; eff. August 8, 1983.
**Amended:** F. Apr. 11, 1985; eff. May 1, 1985; renumbered as R. 125-1-1-.09 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** F. Feb. 6, 2003; eff. Feb. 26, 2003.
**Amended:** F. June 5, 2008; eff. June 25, 2008.
**Amended:** F. Mar. 2, 2022; eff. Mar. 22, 2022.

# Subject 125-1-2. ADMINISTRATION.

## Rule 125-1-2-.01. General.

The Department of Corrections shall administer the supervision of probationers (O.C.G.A. 48-8-72), the State's Correctional Institutions, the Department's rehabilitative program, (O.C.G.A. 42-5-57), and the Youthful Offender Division (O.C.G.A 42-7-3).

(a) Board policy and rules shall be promulgated and, upon approval by the Board, distributed to all affected elements.

(b) Departmental procedures shall be developed and disseminated for the guidance of those concerned with the implementation of Board policy and rules.

1. The Commissioner or his designee may designate certain Standard Operating Procedures and Facility Local Policy as sealed and not subject to disclosure to the public pursuant to O.C.G.A. 50-18-70. A record may be sealed when the Commissioner or his designee determines that, in balancing the interest of the public, disclosure would endanger the life or physical safety of any person or persons. When such record is sealed no employee of the Department may release to any member of the public, including inmate, the contents of the sealed record except as the Commissioner or his designee may authorize.

(c) Each organizational unit, institution facility, and office shall prepare nd issue whatever supplementary guidance or local interpretations are required. Such guidance shall conform to the Law, Board policy, Board rules and regulations, Commissioner's directives, and management practices and procedures provided by the Department of Corrections.

**Cite as Ga. Comp. R. & Regs. R. 125-1-2-.01**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969, p. 598; 1956, pp. 161, 174 (O.C.G.A. 42-2-11); Ga. L. 1970, pp. 318, 119 (O.C.G.A. 42-5-53); Ga. L. 1972, p. 838 (O.C.G.A 42-10-2); Ga. L. 1975, p. 488 (O.C.G.A. 42-5-60); Ga. L. 1978, pp. 1647, 1648-2 (O.C.G.A 42-2-11); Ga. L. 1983, p. 507 (O.C.G.A. 42-2-2).**
**History.** Rule entitled "General," filed as Rule 415-1-2-.01 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-1-2-.01. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.
**Amended:** F. Feb. 5, 1993; eff. Feb. 25, 1993.

## Rule 125-1-2-.02. Records Management.

The Department of Corrections shall institute and administer a Records Management Program in order to establish efficient and economic control of all records. The Program will conform to all pertinent provisions of the Georgia Records Act of 1972 and is applicable to all activities under the jurisdiction of the Board of Corrections. The objective of this program is to preserve all records of continuing value either by maintenance or retirement and to destroy those which are no longer essential or useful.

(a) Creation, maintenance, review, retirement, and destruction shall be accomplished by each activity in conformance with definitive procedures published by the Records Manager for the Department of Corrections.

(b) Records shall be made and preserved to document the organization, functions, policies, decisions, procedures and essential transactions of each activity. Additionally, those records which protect the legal and/or financial rights of the State or of persons directly affected shall be preserved.

(c) Necessary safeguards to protect records against unauthorized access or removal and to prevent loss shall be instituted and maintained.

(d) Records designated as confidential by law or classified as containing information the release of which would constitute an invasion of privacy shall be so protected as to prevent unauthorized disclosure of information contained therein.

(e) Forms control authority shall be exercised as a part of the Records Management Program. Forms which address a requirement common to more than one activity shall be kept to that minimum number of current standardized forms, which are essential to the effective achievement of necessary tasks.

**Cite as Ga. Comp. R. & Regs. R. 125-1-2-.02**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969, p. 598; 1956, pp. 161, 171; 1956; pp. 161, 171, 174 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 489, 490; 1968, p. 1399 (O.C.G.A. 42-5-51); Ga. L. 1969, p. 602; 1971, pp. 435, 436; 1972, p. 582 (O.C.G.A. 42-5-59); Ga. L. 1973, pp. 1297-1299 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 491, 492; 1970 pp. 318, 319 (O.C.G.A. 42-5-53); Ga. L. 1972, p. 838 (O.C.G.A. 42-10-2); Ga. L. 1972, pp. 1267, 1268 (O.C.G.A. 45-13-40 and 45-13-41).**
**History.** Rule entitled "Records Management," filed as Rule 415-1-2-.02 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-1-2-.02. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Rule 125-1-2-.03. Fiscal Management.

Management of the fiscal affairs of the Department of Corrections shall conform to standard accounting practices and comply with the basic requirements established by the Budget Act (O.C.G.A. 45-12-70) for all state agencies.

(a) Accounting Procedures to be utilized shall be developed and disseminated to affected activities. Each applicable activity shall be required to conform to the standardized methods and procedures as published including, but not limited to, recording and summarizing all financial transactions as well as establishing positive control over and reporting each account.

(b) The annual budget shall reflect the intent of the General Appropriations Act. Reasonable account flexibility shall be maintained in order to provide a means of meeting unforeseen circumstances.

1. The Department Budget Office and the Office of Planning and Budget are charged with preparation of the annual operating budget for the Commissioner of Corrections and shall establish the criteria for supportive information required from others.

2. Appropriate Division heads, budget managers, and others involved in the budgeting effort shall be required to provide timely budgeting data to support the execution of the budget preparation cycle.

3. Division heads and budget managers, in the preparation of budgeting information must maintain realistic perspective in defining achievable goals which are within the limits of resources that are or reasonably can be expected to be made available for the desired purposes.

**Cite as Ga. Comp. R. & Regs. R. 125-1-2-.03**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L.; 1956, pp. 161, 170; 1969, p. 598; 1956, pp. 161, 171; 1956, pp. 161, 174 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 491, 492; (O.C.G.A. 42-5-53); Ga. L. 1972, p. 838 (O.C.G.A. 42-10-2), Ga. L. 1956, pp. 161, 176 (O.C.G.A. 42-5-53); Ga. L. 1969, p. 600; 1972, pp. 602, 603, 1973, p. 542 (O.C.G.A. 42-5-61); Ga. L. 1972, pp. 1267, 1268 (O.C.G.A. 45-13-40 and 45-13-41).**
**History.** Rule, entitled "Fiscal Management," filed as Rule 415-1-2-.03 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-1-2-.03. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.
**Amended:** F. Dec. 17, 1991; eff. Jan. 3, 1992.

## Rule 125-1-2-.04. Property Management.

Property is defined as any item which is basically non-consumable or non-expendable in nature; has a usable life expectancy of three or more years; is designated for accountability by the activity holding the item; or costs an amount specified in procedures.

(a) Property procurement, accountability, and management procedures shall be promulgated and disseminated by the Department of Corrections. Each subordinate activity shall be required to conform to the defined methods and procedures.

(b) Procedures utilized to process and/or execute requisitions or orders shall comply with current directives and instructions as well as conform to budgetary and accounting restraints.

(c) Property inventory and control procedures shall be developed and implemented by each activity maintaining property accountability. Such procedures shall conform to rules and regulations of the Board and directives and procedural instructions issued by the Department of Corrections.

**Cite as Ga. Comp. R. & Regs. R. 125-1-2-.04**
**Authority: Ga. Constitution 1983, Act. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 179; 1969, p. 598, 1956, pp. 161, 171; 1956, pp. 161, 174 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 491, 492; 1970, pp. 318, 319 (O.C.G.A. 42-5-**

**53); Ga. L. 1972, p. 838 (O.C.G.A. 42-10-2).**
**History.** Rule, entitled "Property Management," filed as Rule 415-1-2-.04 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-1-2-.04. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Rule 125-1-2-.05. Statistical Data.

The central office of the Department of Corrections shall collect, evaluate, and interpret statistical and other descriptive data from all available sources, including all activities under the jurisdiction of the State Board of Corrections in order to support current operational needs, evaluate on-going programs and activities, and project future requirements.

(a) The responsibility for collection and use of statistical data shall be centralized within prescribed limits.

(b) Data will be so collected and processed as to provide facts, figures and projections in such a manner as to enhance effective management of the corrections system.

(c) Uniform definitions, instructions, and reporting procedures shall be formalized and provided by reporting activities in order to assure validity of the resulting efforts.

**Cite as Ga. Comp. R. & Regs. R. 125-1-2-.05**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969 p. 598; 1956, pp. 161, 171; 1956, pp. 161, 174 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 491, 492; 1970, pp. 318, 319 (O.C.G.A. 42-5-53); Ga. L. 1972, p. 838 (O.C.G.A. 42-10-2).**
**History.** Rule, entitled "Statistical Data," filed as Rule 415-1-2-.05 on November 24, 1984; effective December 4, 1984, renumbered as Rule 125-1-2-.05. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Rule 125-1-2-.06. Supporting Agencies.

The effective coordination and use of available support from community-based agencies is encouraged by the Department. Activities involving community-based agencies will be coordinated through the central office program section charged with overseeing that activity.

(a) Each Warden/Superintendent and/or supervisor concerned shall actively develop community agency participation in support of the rehabilitative efforts of his (her) activity.

(b) Successful methods and procedures utilized may vary among the various communities. Those responsible should use whatever legal and ethical methods are available to maximize beneficial support.

(c) Active assistance should be sought from those community organizations or individuals who can provide counseling services, religious support, job placement, social casework

concerning offender families, clinical assistance and other services supportive of the institution or actively concerned.

**Cite as Ga. Comp. R. & Regs. R. 125-1-2-.06**
**Authority: Ga. Constitution 1983, Art. XI, Sec. 1, O.C.G.A. Secs. 42-2-2, 42-2-11, 42-5-53, 42-5-55, 42-10-2.**
**History.** Rule entitled "Supporting Agencies" adopted as R. 415-1-2-.06. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-1-2-.06 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** F. Feb. 6, 2003; eff. Feb. 26, 2003.

## Rule 125-1-2-.07. Research and Evaluation.

Overall direction and control shall be centralized in the Department of Corrections for such projects as the search for new correctional methodology, the design and test of approved programs and the evaluation of results in existing or special programs.

(a) The assistance of and consultation with other agencies will be obtained as appropriate.

(b) Programs recommended for adoption will provide forecasts of probable results to be achieved on a timetable basis. Periodic check-points and a methodology for systematic comparison of forecast results with actual achievements shall be provided as inherent components of each recommended program. Evaluations shall be performed by personnel independent of programmatic responsibilities.

**Cite as Ga. Comp. R. & Regs. R. 125-1-2-.07**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969 p. 598; 1956, pp. 161, 171; 1956, pp. 161, 174 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 491, 492; 1970, pp. 318, 319 (O.C.G.A. 42-5-53); Ga. L. 1972, p. 838 (O.C.G.A. 42-10-2).**
**History.** Rule, entitled "Research and Evaluation," filed as Rule 415-1-2-.07 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-1-2-.07. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Rule 125-1-2-.08. Publications.

The Department of Corrections shall produce and disseminate various materials (1) to promote public understanding of the Department's activities, functions and purposes and (2) to promote the exchange of information within the Department. These public documents shall include annual reports, newsletters, brochures, and booklets intended for general dissemination to the public, departmental personnel or government authorities.

(a) All such documents shall honestly, fairly and clearly reflect the activities of the Department and shall be produced in accordance with current requirements.

(b) Each such document shall clearly show on its cover the number of copies printed, as well as the approximate cost of the total printing.

(c) The Department shall, on or before December 1 of each year, provide to the State Librarian a list by title of all public documents published or issued by this Department during the preceding State of Georgia fiscal year. This list shall also note the frequency of publication of each public document listed.

(d) The Department shall make available to the State Librarian at least 50 copies of each of this Department's public documents. These copies are for exchange between this state and other states in the Librarian's capacity of Exchange Officer of Georgia.

(e) Wardens/Superintendents are authorized, within available resources, to support quasi-official and/or unofficial publications at their institutions. Wardens/Superintendents may dictate the bounds of propriety to which such publications must subscribe, as well as the extent of distribution of such publications. Receipt and/or internal distribution of the material shall be in accordance with the Rules of the State Board of Corrections and/or special directives and authorizations issued by the Commissioner of the Department of Corrections.

(f) Copies of these documents shall be made available to the Department.

**Cite as Ga. Comp. R. & Regs. R. 125-1-2-.08**
**Authority: Ga. Constitution 1983, Art. XI, Sec. 1, O.C.G.A. Secs. 42-2-11, 42-5-53, 42-10-2, 50-11-5, 50-11-8.**
**History.** Rule entitled "Publications" adopted as R. 415-1-2-.08. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-1-2-.08 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** F. Feb. 6, 2003; eff. Feb. 26, 2003.

## Rule 125-1-2-.09. Public Information.

The Department of Corrections is a publicly supported activity. Crime and delinquency are everyone's problems. An ultimate goal of the Department is clearly the protection of the public. The sum of the many facets of Departmental activities constitutes one of the main defenses of society against crime. The public is, therefore, vitally concerned. With the exception of that information which is protected by law or that which, if released, could be considered an invasion of privacy, those seeking information for public enlightenment are entitled to honest, frank and prompt responses to their queries concerning the activities of the Department. In order to improve public understanding and support, as well as assure credibility, dictionary meanings rather than circumscribed or parochial terms shall be applied on a consistent basis.

(a) News Media. Accredited members of the news media may be authorized through the Commissioner of Corrections to visit institutions and centers during normal business hours (8:00 AM to 4:30 PM daily, except Saturdays, Sundays, and Legal holidays). Such representatives may be permitted to tour whatever parts of the institution they desire consistent with the security of the institution and the safety of those concerned. However, media representatives shall be escorted by institutional personnel at all times during their stay at the institution. Special visits to an institution by news media representatives during

non-business hours may be authorized by prior arrangement. Such visits shall meet all other requirements for a normal business hour visit.

1. When authorized, such meetings shall be conducted under the conditions specified by the Warden/Superintendent as fulfilling the safety and security requirements of the institution concerned. Offenders shall not be interviewed by news representatives except with the consent of the offender.

2. News media representatives may be barred or ejected during times of violent or potentially violent disturbances in order that their safety and the safety of others may be protected and the security of the institution maintained or restored. Wardens/Superintendents shall exercise their judgment as to when restrictive conditions exist. Re-entry of news representatives may be permitted when safety and security reasonably may be assured.

(b) Responses to Executive and Legislative inquiries shall be handled on an expeditious basis.

**Cite as Ga. Comp. R. & Regs. R. 125-1-2-.09**
**Authority: Ga. Constitution 1983, Art. XI, Sec. 1, O.C.G.A. Secs. 42-2-11, 42-5-53, 42-5-55, 42-10-2.**
**History.** Rule entitled "Public Information" adopted as R. 415-1-2-.09. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-1-2-.09 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** F. Mar. 6, 2003; eff. Mar. 26, 2003.

## Rule 125-1-2-.10. Evaluations and Inspections.

Regularly scheduled and unannounced evaluative inspections of facilities and offices under the jurisdiction of the Board of Corrections will be conducted by designated inspection staff of the Department. A written evaluation and/or inspection report noting findings will be submitted to the Commissioner of the Department of Corrections. Additionally, copies of these reports will be provided to the affected division manager for further distribution to the facility/office administrator and in the case of county institutions, to the Chairman of the County Commissioners. Copies may also be distributed to other individuals designated by the Commissioner.

(a) The affected division manager and facility/office administrator are responsible for resolving deficiencies noted in the inspection reports.

(b) Appropriate Department of Corrections staff will be made available to provide assistance, expertise, and support to the affected division manager and facility/office administrator to aid in correcting deficiencies.

(c) The facility/office administrator will provide the Commissioner via the affected division manager a written response addressing each individual deficiency noted in the findings identifying what action was taken or is planned to remedy the deficiency.

**Cite as Ga. Comp. R. & Regs. R. 125-1-2-.10**
**Authority: Ga. Constitution 1983, Art. XI, Sec. 1, O.C.G.A. Secs. 42-2-2, 42-2-11, 42-5-3, 42-5-36, 42-5-55, 42-6-3, 42-10-4.**
**History.** Rule entitled "Evaluations and Inspections" adopted as R. 415-1-2-.10. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-1-2-.10 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** F. Feb. 6, 2003; eff. Feb. 26, 2003.

## Rule 125-1-2-.11. Investigations and Intelligence.

All investigations authorized by the Commissioner or his appointed designee concerning activities of and about inmates, probationers, facilities, and employees of the Department shall be conducted by the Investigations and Intelligence Section of the Department.

(a) The Intelligence component will collect, analyze, and internally disseminate to appropriate administrators, intelligence data in order to develop and maintain a base of information to aid in the detection of illegal activities occurring within the jurisdiction of the Department.

(b) The Internal Investigation Section will utilize the services of and cooperate with all agencies charged with the curtailment of criminal activities.

(c) Authorization to conduct criminal or non-criminal investigations will be given by the Commissioner or his appointed representative.

(d) Investigation reports and intelligence data prepared by the Internal Investigation Section are classified as confidential state secrets and privileged under Law, unless declassified in writing by the Commissioner of the Department of Corrections.

(e) Completed investigative reports shall be forwarded to the Commissioner. Copies of these reports will be provided to the affected division manager for further distribution to the facility/office administrator where appropriate. Copies may also be distributed to other individuals designated by the Commissioner.

(f) The facility/office administrator will provide the Commissioner, via the affected division manager a written closure report indicating action taken or proposed in response to the investigative findings.

(g) Staff working under the jurisdiction of the Board of Corrections will cooperate fully with the Internal Investigation Section.

**Cite as Ga. Comp. R. & Regs. R. 125-1-2-.11**
**Authority: Ga. Constitution 1983, Art. XI, Sec. 1, O.C.G.A. Secs. 42-2-2, 42-2-11, 42-5-3, 42-5-36, 42-5-55, 42-6-3, 42-10-4.**
**History.** Rule entitled "Investigations and Intelligence" adopted as R. 415-1-2-.11. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-1-2-.11 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** F. Feb. 6, 2003; eff. Feb. 26, 2003.

## Rule 125-1-2-.12. Probation Supervision.

The Department of Corrections will employ Probation Supervisors to provide support services, safeguard the community, and promote rehabilitation by supervising the activities of assigned probationers in each circuit. Said probation supervisor will:

(a) Perform assigned duties and comply with all directives in accordance with Department of Corrections policy and procedure to include:

1. Conduct investigations and make recommendations to the Court.

2. Supervise the activities of assigned probationers within the limits of available resources and offender needs for supervision to aid in satisfactory adjustment and enhancement of community safety.

3. Provide necessary supportive services including collection and disbursement of court costs, restitution and child support payments in criminal court cases; attendance of criminal court sessions and revocation hearings; and submission of regular progress reports, delinquent reports, and warrants for violators.

4. Promote progress toward rehabilitation through individual and group counseling with assigned probationers and their families; home visits and community contacts; and referral to various community-based agency rehabilitation services.

(b) Provide investigations and supervision of probationers from other states pursuant to the provisions of the Interstate Compact Act.

**Cite as Ga. Comp. R. & Regs. R. 125-1-2-.12**
**Authority: Ga. Constitution 1983, Art. XI, Sec. 1, O.C.G.A. Secs. 42-2-11, 42-5-36, 42-5-53, 42-5-55, 42-8-23, 42-10-2, 49-2-2.**
**History.** Rule entitled "Probation/Parole Supervisors" adopted as R. 415-1-2-.12. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-1-2-.12 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** Rule retitled "Probation Supervision". F. Feb. 6, 2003; eff. Feb. 26, 2003.

## Rule 125-1-2-.13. Administrative Support and Interstate Compact.

The Department shall provide the following administrative support for the Courts and the State Board of Pardons and Paroles as needed for sentencing and supervision:

(a) Provide records and information, including but not limited to: file creation and management; calculation of pertinent data; provide information for the preparation of Probation or Parole release plans and arranging related details; maintenance of records, ledgers, and statistics; and issuance of appropriate certificates, as required.

(b) Perform appropriate administrative functions relative to the implementation of matters under Interstate Compact for supervision of Probationers and Parolees.

(c) Support the courts by obtaining and providing pre-sentence investigatory information concerning those awaiting sentence and, as applicable, by arranging for Probation supervision in other states. Similar data shall be collected and provided to Probation officers in other states in support of their supervision of Georgia probationers residing in such other state under the provisions of the Interstate Compact for the Supervision of Probationers.

(d) Maintain pertinent records concerning all individuals placed on probation in Georgia under the Department's supervision.

**Cite as Ga. Comp. R. & Regs. R. 125-1-2-.13**
**Authority: Ga. Constitution 1983, Art. XI, Sec. 1, O.C.G.A. Secs. 42-2-11, 42-5-53, 42-5-55, 42-10-2, 49-2-2.**
**History.** Rule entitled "Parole Board and Judicial Support" adopted as R. 415-1-2-.13. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-1-2-.13 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Repealed:** New Rule entitled "Administrative Support and Interstate Compact" adopted. F. Mar. 6, 2003; eff. Mar. 26, 2003.

## Rule 125-1-2-.14. Emergency Coordination.

The State Board of Corrections in cooperation with the Georgia Emergency Management Agency and the Department of Defense will provide general guidelines for the creation of plans for Natural Disasters or Nuclear Emergencies. In accordance with Executive Orders on these plans, the Department of Corrections will develop and update, periodically, standing operating procedures for participation in these plans.

**Cite as Ga. Comp. R. & Regs. R. 125-1-2-.14**
**Authority: Ga. Constitution 1983, Art. XI, Sec. 1, O.C.G.A. Secs. 34-9-150, 38-3-2, 42-2-11, 42-2-41, 42-5-51 to 42-5-53, 42-5-59, 42-10-2.**
**History.** Rule entitled "Emergency Coordination" adopted as R. 415-1-2-.14. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-1-2-.14 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

## Rule 125-1-2-.15. Environmental Health and Safety Standards.

The Department of Corrections shall comply with requirements of the Public Employee Hazardous Chemical Protection and Right to Know Act of 1988; and conform to standard chemical safety practices as defined under State Law.

**Cite as Ga. Comp. R. & Regs. R. 125-1-2-.15**
**Authority: Ga. Constitution 1983, Art. XI, Sec. 1, O.C.G.A. Sec. 45-22-8.**
**History.** Original Rule entitled "Environmental Health and Safety Standards" adopted. F. May 21, 1992; eff. June 10, 1992.

## Rule 125-1-2-.16. Special School District for School Age Offenders.

In order to provide education for any school age offenders incarcerated within any facility of the Department of Corrections, the Department shall be considered a special school district. The special school district under the Department shall have the powers, privileges, and authority exercised or capable to exercise by any school district in the state. The schools within the special school district shall be under the control of the Commissioner, who shall serve as the superintendent of schools for such district. The Board of Corrections shall serve as the board of education for such district. The board, acting alone or in cooperation with the State Board of Education shall establish education standards for the district. As far as practicable, such standards shall adhere to the standards adopted by the State Board of Education for the education of school age offenders, while taking into account:

(a) The overriding security needs of the correctional institutions and other restrictions inherent to the nature of correctional facilities;

(b) The effect of limited funding on the capability of the Department of Corrections to meet certain school standards; and

(c) Juvenile education standards of the Correctional Education Association and the American Correctional Association, which shall be given primary consideration should any conflict arise.

**Cite as Ga. Comp. R. & Regs. R. 125-1-2-.16**
**Authority: Ga. Constitution 1983, Art. XI, Sec. 1, O.C.G.A. Sec. 42-2-11.**
**History.** Original Rule entitled "Special School District for School Age Offenders" adopted. F. Dec. 11, 1995; eff. Dec. 31, 1995.

# Subject 125-1-3. GRANT PROGRAMS.

## Rule 125-1-3-.01. 1999 County Workcamp Construction Grants Program.

(a) **Purpose of Program.** The purpose of the 1999 County Workcamp Construction Grants Program is for the Georgia Department of Corrections to contract with Georgia county governments to provide increased capacity for State prison inmates in county correctional institutions. The objective is to increase statewide capacity by at least 1,500 beds over current levels. This will provide more inmate workers for pubic [public] works at the municipal and county levels while increasing the overall capacity for housing State inmates.

(b) **Terms and conditions.** The contracts awarded shall not exceed $26,500,000.00 in total. Counties will be awarded funds for one hundred percent of construction costs for additional State inmate beds. Kitchen and laundry support functions for these beds will be funded as remaining funds permit. "Additional State inmate beds" is defined as any

proposed beds for State inmates additional to the current State capacity as of March 5, 1999. Funds shall be awarded only for the purpose of physical expansion of capacity, either by renovation of existing housing or by construction of new housing; no funds will be awarded for operating expenses. Any county receiving funds must agree to assign State inmates to the funded beds, provided the Department of Corrections has State inmates to be so assigned, effective for ten (10) years from date of inmate occupancy. The Rules and Regulations of the State Board of Corrections and the authority of the Commissioner, Georgia Department of Corrections, will apply to the management and use of the increased capacity.

(c) **Eligible Recipients.** County governments within the State of Georgia which currently operate correctional institutions.

(d) **Criteria for Award.** Contracts will be awarded on a priority basis. To achieve a higher priority, a county government must offer a more favorable combination of the following criteria:

1. soonest completion date;
2. economy of project;
3. greatest number of additional beds;
4. completeness of application. Contracts will then be awarded in order of priority, up to the exhaustion of grant funds.

(e) **Directions and Deadlines for Applying.** Applications will be sent to eligible counties by the Department of Corrections with an application deadline of May 14, 1999.

**Cite as Ga. Comp. R. & Regs. R. 125-1-3-.01**
**Authority: O.C.G.A. Secs. 28-5-122, 42-2-13.**
**History.** Original Grant description entitled "1999 County Workcamp Construction Grants Program" submitted March 18, 1999.

# Chapter 125-2. DEPARTMENTAL OPERATIONS.

## Subject 125-2-1. PERSONNEL.

### Rule 125-2-1-.01. Responsibility.

Efficient and effective direction and management of assigned human resources shall be the direct responsibility of Wardens/Superintendents and supervisory personnel at each level. Achievement of assigned objectives within the framework of the law and pertinent directives shall be the criteria by which accomplishment is evaluated.

(a) Each Manager, Warden/Superintendent or supervisor, at whatever level, shall account for the achievement of all assigned functions at his (her) and related subordinate levels. Certain authority may be delegated, however, assigned responsibility is not delegated.

(b) Personal honesty and integrity shall be required of all employees.

(c) Assigned duties and/or functions shall be performed promptly and in accordance with methods and limitations prescribed in the law and current directives consistent with allocated resources.

(d) All personnel shall be required to adhere to applicable rules, regulations, policies, procedures and directives published by the Department of Corrections and local implementing procedures promulgated in consonance therewith.

(e) No employee shall be permitted to enter on or remain on duty if under the influence of alcohol, drugs, or any other judgment distorting element.

(f) Any employee who is contacted with an attempt to exert influence concerning a transfer of an inmate from one correctional institution to another, or the status and assignment of an inmate within a correctional institution must document and report such a contact immediately. Documentation must include the name and address of the person contacting the employee, and the reason for the contact. Contacts which deal with the transfer of an inmate from one institution to another are referred to Offender Administration. Contacts which deal with the status or assignment of an inmate within an institution are referred to the Warden in the respective institution.

(g) The Commissioner is empowered to authorize the development and admInIstration of a drug screening program to test, for the purpose of detecting illegal drugs, any applicant for employment with the Georgia Department of Corrections; and to randomly or otherwise test current employees.

**Cite as Ga. Comp. R. & Regs. R. 125-2-1-.01**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969, p. 598; 1956, pp. 161, 171; 1956, pp. 161, 174 (O.C.G.A 42-2-11); Ga. L. 1964, pp. 491, 492; 1970, pp. 318, 319 (O.C.G.A 42-5-53); Ga. L. 1972, p. 838 (O.C.G.A. 42-10-2); Ga. L. 1972, pp. 1015, 1024; Ga. Constitution 1983, Art. I, Sec. II, Par. III; Ga. L. 1975, p. 1218 (O.C.G.A. 42-5-12).**
**History.** Rule entitled "Responsibility," filed as Rule 415-2-1-.01 on November 14, 1984, effective December 4, 1984, renumbered as Rule 125-2-1-.01. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.
**Amended:** F. Dec. 14, 1990; eff. Jan. 3, 1991.

## Rule 125-2-1-.02. Employment.

Except for those positions exempted in accordance with law, applicants for employment with the Department of Corrections shall be required to meet the current criteria for the particular position as established under the provisions of the State Personnel Administration.

(a) No applicant who has been convicted by any state or by federal government, of any crime, the punishment for which could have been imprisonment in a federal or state prison or institution or who has been convicted of sufficient misdemeanors to establish a pattern of disregard for the law is eligible for employment in a position that would required police powers; provided this subparagraph (a) shall not apply to violation of traffic laws and cases involving the operation of motor vehicles when the applicant has received a pardon.

(b) Applicants previously convicted of a misdemeanor who are former inmates, parolees, former parolees, probationers or former probationers being considered for employment by an institution under the jurisdiction of the State Board of Corrections must first be individually approved by the Commissioner of the Department of Corrections.

(c) Applicants previously convicted of a felony being considered for employment by the Department of Corrections under the jurisdiction of the State Board of Corrections must first be individually approved by the Commissioner of the Department of Corrections and then submitted to the State Board of Corrections for their review and approval.

(d) All state employees and all County Wardens, Deputy Wardens and Superintendents shall be subject to a security investigation which will, as a minimum, include a fingerprint check with state and federal agencies and verification of personal data and claimed education and employment experience. Falsification or withholding of pertinent data shall be considered cause for denial of employment or dismissal and may result in prosecution.

1. No county governing authority shall hire, in an acting capacity, for the positions of County Wardens, Deputy Wardens and Superintendents without first performing a criminal background check and credit check on the applicant. These checks will be performed by the Georgia Department of Corrections if so requested by the county governing authority. The reports shall be submitted to the Board of Corrections for review and approval prior to extending any applicant an offer of employment in an acting capacity.

(e) All County Wardens/Superintendents and Business/Records Managers must have diplomas attesting to their having been graduated from a recognized high school or possess a General Education Development (GED) certificate testifying to their having achieved high school graduation equivalency.

1. Subject to the provisions in (d)1. above, employees selected by a county governing authority to act as warden or deputy warden in a county correctional institution can only be in an acting capacity for a period not to exceed 4 calendar months from the date hired in the acting capacity unless otherwise approved by the Board of Corrections.

(f) Appointments to the positions of Warden/Superintendents and Deputy Wardens/Superintendents of State Prisons/Centers shall require the approval of the Commissioner of the Department of Corrections.

(g) The Warden/Superintendent and Deputy Warden of a County Institution shall be appointed by the County governing authority, subject to the approval of the State Board of Corrections and shall serve at the pleasure of the County governing authority, and the State Board of Corrections. The administration of county correctional institutions shall, at a minimum, include a Warden, Deputy Warden, and Business Manager. The following criteria for appointment shall apply:

1. At least thirty (30) days in advance of the appropriate meeting date for the State Board of Corrections, the County governing authority shall submit to the Commissioner of the Department of Corrections a request that a designated applicant be considered for approval as the County Warden/Superintendent and/or Deputy Warden.

2. The County governing authorities shall attach to their request a detailed resume and an executed APPLICANT fingerprint card concerning the applicant.

3. On completion of a security investigation, the Commissioner of the Department of Corrections will submit the application, the County recommendation, and his recommendation to the Board of Corrections for consideration at their next regular meeting.

4. The County Commissioners concerned and the applicant will be notified of the results of the Board action.

(h) Employees at State Prison/Center shall meet all State Personnel Administration requirements relative to the particular job to which appointed. Except for County Wardens/Superintendents as covered above, state employment criteria, although not mandatory, should be used as a guide in the hiring of County Correctional Institution employees.

(i) Each candidate for employment shall be required to undergo a medical (complete physical) examination and meet those minimum physical standards which are consistent with the requirements of the position sought.

(j) Candidates shall be selected and offered employment solely on the basis of their individual merit and capacity to perform the designated job in accordance with all state and federal laws concerning discrimination with regard to race, color, religion, national origin, sex, handicap or age, except where such affects their ability to perform assigned duties.

**Cite as Ga. Comp. R. & Regs. R. 125-2-1-.02**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 35-8-88, 42-2-1, 42-2-4, 42-2-11, 42-5-53, 42-5-55, 42-10-2, 42-19-21, 45-9-81.**
**History.** Rule entitled "Employment" adopted as R. 415-2-1-.02. F. Nov. 14, 1984; eff. Dec. 4, 1984. R. renumbered as R. 125-2-1-.02. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** F. Oct. 23, 1990; eff. Nov. 12, 1990.
**Amended:** F. Dec. 10, 1992; eff. Dec. 30, 1992.
**Amended:** F. Nov. 22, 1995; eff. Dec. 12, 1995.

**Amended:** F. Nov. 6, 1998; eff. Nov. 26, 1998.
**Amended:** F. Dec. 3, 1999; eff. Dec. 23, 1999.
**Amended:** F. June 10, 2002; eff. June 30, 2002.
**Amended:** F. Oct. 1, 2009; eff. Oct. 21, 2009.

## Rule 125-2-1-.03. Bonds.

All Wardens of county correctional institutions will be bonded in the amount of $75,000.00, all deputy wardens in the amount of $50,000.00, and all persons acting as business managers in amount of $25,000.00.

**Cite as Ga. Comp. R. & Regs. R. 125-2-1-.03**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969, p. 598; 1956, pp. 161, 171; 1956, pp. 161, 174 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 491, 492; 1970, pp. 318, 319 (O.C.G.A. 42-5-53); Ga. L. 1972, p. 838 (O.C.G.A. 42-10-2); Ga. L. 1956, pp. 161, 196 (O.C.G.A. 42-2-11); Ga. L. 1957, pp. 477, 481 (O.C.G.A. 42-2-4); Ga. L. 1985, p. 283 (O.C.G.A. 42-2-1).**
**History.** Rule entitled "Bonds", filed as Rule 415-2-1-.03 on November 14, 1984; effective December 4, 1984, renumbered as 125-2-1-.03. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.
**Amended:** F. Oct. 23, 1990; eff. Nov. 12, 1990.

## Rule 125-2-1-.04. Identification.

Each state employee of the Department of Corrections shall be issued and required to carry on his (her) person an identification card authorized by the Commissioner of Department of Corrections.

**Cite as Ga. Comp. R. & Regs. R. 125-2-1-.04**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); O.C.G.A. Secs. 42-2-4, 42-2-11, 42-5-53, 42-5-55, 42-10-2.**
**History.** Rule entitled "Identification," f. as Rule 415-2-1-.04 on Nov. 14, 1984; eff. December 4, 1984, renumbered as Rule 125-2-1-.04. F. June 28, 1985, eff. July 20, 1985, as specified by the Agency.
**Amended:** F. Nov. 6, 1998; eff. Nov. 26, 1998.

## Rule 125-2-1-.05. Uniforms.

Correctional officers and designated security personnel shall be provided uniforms and insignia as prescribed by the State Board of Corrections. Uniforms and accouterments shall be worn when and as prescribed in current Department of Corrections directives. Uniforms for officers in County correctional institutions will be those authorized by the local governing authority. All uniforms and accouterments shall be surrendered by department state employees.

**Cite as Ga. Comp. R. & Regs. R. 125-2-1-.05**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969, p. 598; 1956, pp. 161, 171; 1956, pp. 161, 174 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 491, 492; 1970, pp. 318, 319 (O.C.G.A. 42-5-53); Ga. L. 1972, p. 838 (O.C.G.A. 42-10-2);**
**History.** Rule entitled "Uniforms," filed as Rule 415-2-1-.05 on November 14, 1984; effective December 4, 1984,

renumbered as Rule 125-2-1-.05. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Rule 125-2-1-.06. Training.

(1) Employees of the Department of Corrections shall be required to participate in applicable training programs designed to foster and improve individual competence, increase operational effectiveness, and achieve established correction goals.

(a) Wardens/Superintendents and Deputy Wardens/Superintendents will be encouraged to participate in scheduled Department of Corrections training programs and/or other training courses designated by the Department of Corrections to improve their management and operational skills.

(b) All new Correctional Officers shall be required to enter the Basic Correctional Officer Training Course conducted by or under the auspices of the Department of Corrections within 120 days of employment.

(c) Other departmental personnel shall be required to complete applicable specialized training programs, such as Fire Safety, Food Service, Records Management, Counseling, etc., as scheduled and conducted by or under the auspices of the Department of Corrections.

(d) All state institutions that do not have a Tactical Squad shall maintain a Correctional Emergency Response Team. Correctional Emergency Response Teams members shall be required to successfully complete specialized riot and disturbance control training and periodic refresher training in these skills. Such training shall be approved and coordinated by the Department of Corrections Staff Training Section. Institutions having previously organized tactical squads will be exempt from this rule.

(e) Selected personnel shall be required to undergo specified training as designated by the Commissioner of the Department of Corrections from time to time.

(f) Employees shall be encouraged to broaden their understanding of existing and proposed offender rehabilitation programs and methods through use of the institutional library resources and other educational facilities.

(2) All employees of the Department of Corrections and employees of County Correctional Institutions who are authorized to exercise power of arrest shall successfully complete the program of required training mandated by the Georgia Peace Officer Standards and Training Council and any required annual in-service training. Any employee authorized to carry firearms shall re-qualify biennially with all types of firearms authorized and assigned. Only those employees who are authorized to carry a weapon will be required to complete such biennial re-qualification. Employees who may be required to use other

control items such as tear gas, riot batons, and other control weapons, shall be appropriately familiarized with their use.

(a) Certification of Correctional Officers.

1. Within 120 days of initial employment, a correctional officer must be entered in the Basic Correctional Officer Training Course.

2. The Basic Correctional Officer Training course shall, at a minimum, meet the requirements established by the Georgia Peace Officer Standards and Training Council and shall be conducted by the Georgia Corrections Academy.

3. The Director of the Training Academy or his successor shall submit verification to the Director of Personnel in the Department of Corrections that the state employee has met the training requirements mandated by the Georgia Peace Officer Standards and Training Act.

4. The Director of Training shall submit verification to the Warden of the respective county correctional institution that the county employee has met the training requirements mandated by the Georgia Peace Officer Standards and Training Act.

5. A correctional officer who fails to complete satisfactorily the basic training course shall be dismissed.

6. A correctional officer who has not successfully completed the basic training course shall not be assigned to any post involving direct contact with inmates, except to receive on-the-job training supervised by a trained employee. Neither shall a correctional officer who has not successfully completed the basic training course be assigned any duties which require the exercise of police officer power, including but not limited to exercising the power of arrest.

7. An employee who has not been certified by the Director of Training as having qualified with firearms shall not be issued a firearm or authorized to carry one by the Department.

8. Any applicant who has a domestic violence conviction may not be hired as a sworn officer requiring Peace Office Standards and Training (P.O.S.T.) certification. Any current P.O.S.T.-certified employee who is convicted of domestic violence may not possess any firearms or ammunition and may be subject to disciplinary action to include termination.

(3) Department personnel who instruct in courses mandated by the Georgia Peace Officer Standards and Training Council shall be certified by the Council. Department personnel who instruct in courses conducted by the Department of Corrections on a regular basis

shall be certified as having successfully completed a department approved instructor training program.

**Cite as Ga. Comp. R. & Regs. R. 125-2-1-.06**
**Authority: O.C.G.A. §§ 35-8-2, 42-2-11, 42-5-53, 42-5-55.**
**History.** Rule entitled "Training", f. as Rule 415-2-1-.06 on Nov. 14, 1984; eff. December 4, 1984, renumbered as Rule 125-2-1-.06. F. June 28, 1985, eff. July 20, 1985, as specified by the Agency.
**Amended:** F. Jan. 2, 1990; eff. Jan. 22, 1990.
**Amended:** F. Jan. 9, 1997; eff. Jan. 29, 1997.
**Amended:** F. Nov. 6, 1998; eff. Nov. 26, 1998.
**Amended:** F. July 23, 2001; eff. August 12, 2001.
**Amended:** F. Mar. 31, 2026; eff. Apr. 20, 2026.

## Rule 125-2-1-.07. Performance of Duty.

Managers shall identify to each employee or each category of employees the minimum acceptable standards of all such employees. Each employee shall be required to meet or exceed these standards. In addition to job performance, the following common standards shall be included for all personnel:

(a) Conduct and comportment shall be consistent at all times with that expected of law enforcement personnel.

(b) Custody of inmates and security of the institution shall be the principal responsibilities of all institutional personnel.

(c) All employees are specifically prohibited from giving, receiving, selling, buying, trading, bartering, or exchanging anything of value with any inmate. Any purchase of a bona fide inmate product, such as a hobby craft item, by an employee shall be consummated through the institutional Business Office. Supervisory personnel at all levels bear the responsibility for assuring compliance.

(d) Employees shall not, without the express written approval of the appropriate Division Director, maintain personal association with, engage in personal business or trade with, or engage in non job-related correspondence with, or correspond in behalf of or for, known inmates, active probationers, or parolees. A copy of the approved application shall be forwarded to the Department Personnel Officer and approval shall be made a part of the employee personnel file. Relatives of inmates shall follow this same procedure.

(e) It shall be unlawful for any person to obtain or procure for or give to an inmate a gun, pistol, or any other weapon, or intoxicating liquor or amphetamines, or biphetamines, or any other hallucinogenic drugs, or other drugs, regardless of the amount, or any other article or item, without the knowledge and consent of the Warden or his Deputy Warden in charge. Any person who knowingly violates the provisions of this Section shall be

guilty of a felony and upon conviction thereof, shall be imprisoned for not less than one, not more then five (5) years.

(f) An employee must obtain written approval from the Commissioners, or his duly designated agent, before soliciting for or accepting contributions of equipment or of funds to be used in the enforcement of the laws or regulations of the State or any political subdivisions thereof.

**Cite as Ga. Comp. R. & Regs. R. 125-2-1-.07**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); (O.C.G.A. 42-2-11; 42-5-53; 42-10-2; 42-5-15; 5-18 and 19); Ga. L. 1987, p. 906 (O.C.G.A. 16-10-3(a), (b), (c)).**
**History.** Rule entitled "Performance of Duty," filed as Rule 415-2-1-.07 on November 14, 1984; effective December 4, renumbered as 125-2-1-.07. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.
**Amended:** Filed September 6, 1988; effective September 26, 1988.
**Amended:** F. Nov. 6, 1998; eff. Nov. 26, 1998.

## Rule 125-2-1-.08. Personnel Actions.

(1) Performance evaluations of all employees shall be prepared and submitted in accordance with Georgia Merit System requirements and established departmental policy and procedures.

(2) The Commissioner of Corrections shall have the authority to establish an employee awards program designed to recognize and reward commendable service rendered by employees who are under the jurisdiction of the Department of Corrections.

(3) All personnel shall be required to maintain the essential physical, mental and other capabilities to perform assigned functions satisfactorily. Any employee who does not maintain such capabilities shall be separated from active service. The Commissioner may require a determination of physical and/or mental competence to be made by examination and he may use departmental medical and/or other appropriate resources as available for this purpose.

(4) Except for County Wardens/Superintendents state employment criteria, although not mandatory, should be used as a guide in the retirement and separation of County Correctional Institution employees.

(5) The Department of Corrections shall establish and operate a formal grievance procedure through which all affected personnel may air their grievances with the assurance that such complaints will be brought to the attention of departmental officials for resolution.

**Cite as Ga. Comp. R. & Regs. R. 125-2-1-.08**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); (O.C.G.A. 42-2-11; 42-5-53; 42-10-2; 42-19-21; 45-9-81); Ga. Law 1984, p. 1487.**
**History.** Rule entitled "Personnel Actions," filed as Rule 415-2-1-.08 on November 14, 1984; effective December 4, 1984, renumbered as 125-2-1-.08. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

**Amended:** Paragraphs (3) and (4) have been repealed and Emergency Rule 125-2-1-0.2 containing paragraphs 125-2-1-0.2-.08(3) and (4) adopted. Filed March 9, 1987; effective March 5, 1987, the date of adoption, to remain in effect for a period of 120 days or until the effective date of permanent paragraphs superseding this Emergency Rule, as specified by the Agency.
**Amended:** Emergency Rule 125-2-1-0.2 repealed and permanent paragraphs (3) and (4) adopted. Filed May 22, 1987; effective June 11, 1987.
**Repealed:** New paragraph (4) of same title adopted. F. Mar. 7, 1989; eff. Mar. 27, 1989.
**Amended:** F. Nov. 6, 1998; eff. Nov. 26, 1998.

## Rule 125-2-1-.09. Police Officer Powers.

(1) The Commissioner may confer all powers of a police officer of this State, including, but not limited to, the power to make summary arrests for violations of any of the criminal laws in this State and the power to carry weapons, upon persons in his employment and wardens of county correctional institutions as he deems necessary, provided that individuals so designated meet the requirements specified by all applicable laws.

(2) Arrests may be made incident to Departmental duties and under the following circumstances:

(a) Inmate, Probationer, or Parolee committing a felony not limited to commission of said crime on property under the jurisdiction of the Department.

(b) Department Personnel committing a misdemeanor or felony on premises which are under the jurisdiction of the Department.

(c) Civilian committing a misdemeanor or felony on premises under the jurisdiction of the Department.

(d) Inmate, Probationer, Parolee, Department Personnel, or Civilian committing a crime outside the Department but involving an offender within the Department's jurisdiction, such as:

1. Aiding an escape;

2. Hindering apprehension of a fugitive;

3. Obstructing officer.

(e) Probationers committing offenses for which arrest is authorized under applicable laws.

(f) Emergency situations in which citizen's arrest by a police officer is permitted by law.

(3) Correctional Officers (Correctional Officers through Chief of Security, Transfer Officers, and Canine Handlers) are not authorized by Department regulations to carry weapons off-

duty unless specifically and individually authorized in writing by their Warden/ Superintendent according to established procedure.

(4) The Department of Corrections is authorized to assist local and state law enforcement officers in the apprehension of persons convicted of or suspected of committing a crime by making canine handlers and canines trained in such apprehension available to such law enforcement officers.

(5) All statutes governing the authority, protection, and benefits of law enforcement officers apply to such personnel in this Department.

(6) In the event of the implementation of the Georgia Natural Disaster Operations Plan or the Georgia Nuclear Emergency Operations Plan by the Governor, those personnel having police officer powers are authorized to perform those law and order police functions assigned by these plans and detailed in Department of Corrections Standard Operating Procedures for these plans as now formulated or hereafter amended.

(7) Wardens and Superintendents shall have authority to deputize any person in their employ. Wardens, Superintendents and their Deputies are legally constituted arresting officers, with or without warrants, for the purpose of arresting persons violating O.C.G.A. Code Sections 42-5-14 through 42-5-18.

(8) The Commissioner of the Department of Corrections or his designee may authorize certain persons in his employment to assist law enforcement officers or correctional officers of local governments in preserving order and peace when so requested by such local authorities.

**Cite as Ga. Comp. R. & Regs. R. 125-2-1-.09**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1986, p. 1170, (O.C.G.A. 42-5-34 and 42-5-35); Ga. L. 1987, p. 454 (O.C.G.A. 42-5-35).**
**History.** Rule entitled "Police Officer Powers," filed as Rule 415-2-1-.09 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-2-1-.09. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.
**Amended:** Filed September 6, 1988; effective September 26, 1988.
**Amended:** F. Nov. 6, 1998; eff. Nov. 26, 1998.

## Rule 125-2-1-.10. Indemnification.

Personnel in the Department of Corrections who are covered by the Indemnification Act are those (1) whose principal duties relate to the supervision and incarceration of persons accused or convicted of the violation of the criminal laws of Georgia; (2) who serve as firemen; (3) who serve as emergency medical technicians; (4) and/or any probation supervisor who is required to be certified under the Georgia Peace Officer Standards and Training Act.

**Cite as Ga. Comp. R. & Regs. R. 125-2-1-.10**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1987, p. 822, (O.C.G.A. 45-9-80 through 45-9-86).**

**History.** Rule entitled "Indemnification," filed as Rule 415-2-1-.10 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-2-1-.10. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency. **Amended:** Rule repealed and a new Rule of same title adopted. Filed September 6, 1988; effective September 26, 1988.

## Rule 125-2-1-.11. Reimbursement of Personnel for Loss.

(1) The Department of Corrections will compensate an employee who is assaulted by an inmate or who is involved in the use of force on an inmate and receives damages to an item or items of wearing apparel as a result of the inmate's action. Such compensation shall be for the employee's loss in the amount of either the repair cost or the replacement value or the cost of the item and wearing apparel, whichever is less.

(2) Wearing apparel shall be defined as: clothing, functional watches, eyeglasses, hearing aids, and other prosthetic appliances. Items of jewelry are explicitly excluded.

**Cite as Ga. Comp. R. & Regs. R. 125-2-1-.11**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-37.1.**
**History.** Rule entitled "Reimbursement of Personnel for Loss" adopted as R. 415-2-1-.11. F. Nov. 14, 1984; eff. Dec. 4, 1984. R. renumbered as R. 125-2-1-.11. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

## Rule 125-2-1-.12. Administrative and Employee Housing.

In recognition of the security, emergency, and continuous operational needs of the Department, and with particular recognition of the need for a capability of immediate reaction to emergency situations, the Georgia Board of Corrections makes available housing on the premises of various institutions and prisons for certain employees of the Department who are considered essential to the operation of the Department.

(a) Each warden/superintendent shall be required, as a condition of employment, to reside in housing on the prison grounds where such housing is available unless granted an exemption by the Commissioner.

1. In the event such housing is not be available, the Department shall lease adequate housing as close to the Warden's assigned prison as possible.

2. A warden may request an exemption from the condition of employment of having to reside in housing on the prison grounds. Such requests shall be in writing, shall state the reasons why the warden is seeking the exemption, and shall be forwarded to the Commissioner for review and possible approval. If the Commissioner concludes that there is adequate justification for the warden to reside elsewhere the Commissioner may grant the request. If the Commissioner grants a warden an exemption from the condition of employment of having to reside in housing on the prison grounds then the Commissioner shall require the deputy warden for security

or the chief of security to reside in the housing on the prison grounds as a condition of employment for the deputy warden for security or the chief of security. Wardens who receive such an exemption shall be responsible for their own living expenses and shall not receive any financial assistance from the Department for their living arrangements.

3. The occupation of such housing by the warden, deputy warden for security, or the chief of security, shall be pursuant to rental agreements whereby it will be acknowledged by the warden, deputy warden for security, or the chief of security, that: the occupancy of administrative housing is a condition of employment and is not provided as an additional benefit for the performance of his job; the occupancy of the housing does not create an entitlement arising out of the employee's job; each employee shall agree to abide by the terms, conditions and provisions of the agreement as a condition of his employment; and will acknowledge that the agreement creates no estate or other interest in the real property occupied.

4. The Commissioner of the Department of Corrections or the Commissioner's designee shall be authorized to enter into and execute such agreements on behalf of the Department.

(b) The assignment of other employees to housing on the premises of various institutions and prisons shall be made by the warden/superintendent, with the approval of the Commissioner or the Commissioner's designee, on the basis of criteria approved by the Commissioner. Such criteria shall give priority to those employees designated by the warden/superintendent as first necessary, or desirable occupants capable of responding to emergency situations and then in accordance with other necessary operational needs of the prison.

1. The occupation of such housing shall be pursuant to rental agreements whereby it will be acknowledged by the employee that: the occupancy of the housing does not create an entitlement arising out of the employee's job; each employee shall agree to abide by the terms, conditions and provisions of the agreement including the timely payment of any monies due; and will acknowledge that the agreement creates no estate or other interest in the real property occupied.

2. The Commissioner of the Department of Corrections or the Commissioner's designee shall be authorized to enter into or execute such agreements on behalf of the Department.

(c) The Commissioner of the Department of Corrections shall establish rental and utility fees to be charged for employee housing. If the rental and utility fees to be charged for employee housing are set at less than fair market value the Department of Corrections shall make appropriate income tax payroll deductions for employees who reside in such housing.

**Cite as Ga. Comp. R. & Regs. R. 125-2-1-.12**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-1, 42-5-53, 42-5-55, 42-10-2, 42-10-23.**
**History.** . Original Rule entitled "Administrative and Employee Housing" adopted. F. Feb. 17, 1986; eff. Mar. 9, 1986.
**Amended**: F. May 21, 1992; eff. June 10, 1992.
**Amended**: F. Nov. 6, 1998; eff. Nov. 26, 1998.
**Amended**: F. June 10, 2002; eff. June 30, 2002.
**Amended**: F. July 6, 2006; eff. July 26, 2006.

## Rule 125-2-1-.13. Employee Benefit Funds.

Each prison, center, office, or unit operating under the jurisdiction of the Board of Corrections may establish and maintain an employee benefit fund. All employee benefit funds shall be established and maintained in accordance with standard operating procedures to be developed by the Commissioner and subject to annual audits by the Department's Fiscal Audit Section. All expenditures from an employee benefit fund must be used to purchase goods or services for the benefit of the employees of the prison, center, office, or unit that maintains the employee benefit fund from which expenditures are to be made.

**Cite as Ga. Comp. R. & Regs. R. 125-2-1-.13**
**Authority: Ga. Constitution 1982, Art. XI, Sec. 1, O.C.G.A. Secs. 42-2-11, 42-5-55.**
**History.** Original Rule entitled "Employee Benefit Funds" adopted. F. May 6, 2005; eff. May 26, 2005.

# Subject 125-2-2. BUILDING AND HOUSING STANDARDS.

## Rule 125-2-2-.01. Facilities.

All buildings which house offenders at facilities under the jurisdiction of the Board of Corrections shall meet the following criteria:

(a) The physical aspects of each building shall conform to the security requirements dictated by the classification of offenders to be housed therein.

(b) Buildings shall meet or exceed the minimum fire safety standards as established by the State Fire Marshall's office.

**Cite as Ga. Comp. R. & Regs. R. 125-2-2-.01**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); O.C.G.A. Secs. 30-3-1, 30-3-19, 42-2-11, 42-5-53, 42-10-2.**
**History.** Rule, entitled "Facilities," filed as Rule 415-2-2-.01 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-2-2-.01. Filed June 28, 1985, effective July 20, 1985, as specified by the Agency.

## Rule 125-2-2-.02. New Construction or Alterations.

The approval of the Commissioner of the Department of Corrections or his authorized representative shall be required prior to the initiation of any new construction or significant modification of existing facilities at any institution under Board jurisdiction.

**Cite as Ga. Comp. R. & Regs. R. 125-2-2-.02**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); O.C.G.A. Secs. 42-2-11, 42-3-3, 42-5-53, 42-10-2.**
**History.** Rule, entitled "New Construction or Alterations," filed as Rule 415-2-2-.02 on November 28, 1984; effective December 4, 1984, renumbered as Rule 125-2-2-.02. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Rule 125-2-2-.03. Maintenance.

Facility Administrators shall maintain buildings, facilities, and installed equipment in a manner which will assure continued effective use of those assets for the purposes for which they were created. Facility Administrators shall, to the extent achievable within available resources, comply with statewide policies and procedures as established by the Director of Central Plant Operations and Maintenance.

**Cite as Ga. Comp. R. & Regs. R. 125-2-2-.03**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); O.C.G.A. Secs. 42-2-11, 42-3-3, 42-5-51, 42-5-53, 42-5-59, 42-10-2.**
**History.** Rule, entitled "Maintenance," filed as Rule 415-2-2-.03 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-2-2-.03. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.
**Amended:** Rule repealed and a new Rule of the same title adopted. Filed September 6, 1988; effective September 26, 1988.

## Rule 125-2-2-.04. Name Designation of State Prison/Center or Part Thereof.

1. Requests to name or rename a state prison/center, or any portion thereof, in honor of an individual, will be considered on a case by case basis. Requests for this honor shall meet the criteria for the type of facility as outlined:
    a. For State Prisons:
        (1) He/She shall have made a significant contribution to the public good, or provided outstanding public service in the field of corrections or criminal justice within the State of Georgia.
        (2) He/She shall be deceased.
    b. For Centers or portions of a State Prison/Center:
        (1) The criteria is the same as outlined for a state prison except the individual may be living.

NOTE: If a center, or portion of a state prison or center, is named for a living person, the Board may reconsider the naming request should circumstances involving the person adversely impact the Georgia Department of Corrections.

2. Requests, including justification, shall be submitted in writing to the Commissioner of the Department of Corrections. The Commissioner, or designee, will review all requests and report to the Facilities Committee of the Board his/her recommendation.

3. The Facilities Committee of the Board will review the request and make a recommendation as to adoption at the Board's next scheduled meeting. The Board will take the matter under advisement for a period of 30 days to provide each member adequate time to review the proposal. The Board, at its discretion, may consider the positive impact of the request in regards to the person, township, municipality, county, or region of the State of Georgia and may consider the historical significance of the current name in the course of deliberation.

4. Approval to name shall be by a simple majority vote of the Board and authorized by a signed resolution.

5. Approval to rename shall be by a 3/4 majority vote of the Board and authorized by a signed resolution.

6. When the Board of Corrections adopts a resolution to name or rename a state prison/center, the Commissioner will notify the Division Director of Facilities Division and the Director of Public Information.
   a. The Division Director of Facilities Division will insure the appropriate signage is posted designating the state prison/center's new name.

   b. The Director of Public Information will issue a press release announcing the new name. A ceremony honoring the new name may be held at the state prison/center. The Office of Public Information will notify the family of the person for whom the state prison/center is being named, the Board of Corrections, the Commissioner of the Georgia Department of Corrections, departmental staff, and all other affected individuals involved of the specifics of the ceremony.

**Cite as Ga. Comp. R. & Regs. R. 125-2-2-.04**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); O.C.G.A. Secs. 42-2-11, 42-5-55.**
**History.** Original Rule entitled "Name Designation of State Prison/Center or Part Thereof" adopted. F. Aug. 4, 2000; eff. Aug. 24, 2000.

## Subject 125-2-3. SANITATION.

## Rule 125-2-3-.01. Responsibility.

The Warden/Superintendent, with the assistance and guidance of the institutional physician and other necessary aides, shall be responsible for the direction, coordination, and supervision of all activities associated with the maintenance of high standards of sanitation at his (her) institution. Frequent inspections and prompt corrective actions to reduce or eliminate deficiencies noted are required. Each institution is required to comply with all state and local sanitary codes and regulations as published by the Department of Public Health or the applicable County Board of Health, as appropriate.

**Cite as Ga. Comp. R. & Regs. R. 125-2-3-.01**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 12-5-92, 12-5-170, 12-8-20, 31-2-1, 42-2-2, 42-2-11, 42-5-53, 42-10-2, 49-2-2, 49-4-143.**
**History.** Rule entitled "Responsibility" adopted as R. 415-2-3-.01. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-2-3-.01 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

## Rule 125-2-3-.02. Water Supply.

Institutions shall meet or exceed the water purity requirements dictated by law and regulation. An adequate water supply which will fulfill current and near-term forecast requirements (including consumption, laundry as applicable, bathing, firefighting, etc.) is required.

**Cite as Ga. Comp. R. & Regs. R. 125-2-3-.02**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 12-5-92, 31-2-1, 42-2-11, 42-5-53, 42-10-2.**
**History.** Rule entitled "Water Supply" adopted as R. 415-2-3-.02. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-2-3-.02 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

## Rule 125-2-3-.03. Sewage and Sewage Treatment.

Facilities for the collection and disposal of sewage wastes at each institution are required to meet all applicable state and local codes and regulations. Adequate facilities to accommodate the inmate population in accordance with standards established by the Department of Health or County Board of Health shall be required.

**Cite as Ga. Comp. R. & Regs. R. 125-2-3-.03**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 12-5-170, 12-8-20, 31-2-1, 41-2-2, 42-2-2, 42-2-11, 42-5-51, 42-5-53, 42-5-55, 42-5-60, 42-10-2.**
**History.** Rule entitled "Sewage and Sewage Treatment" adopted as R. 415-2-3-.03. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-2-3-.03 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

## Rule 125-2-3-.04. Personal Hygiene.

(1) Inmates shall be furnished the basic necessities to maintain a high standard of personal cleanliness. Necessities shall include, but not be limited to, soap, razor blades or other

shaving devices, toothbrushes, toothpaste or powder, etc. Female inmates shall be provided additional hygiene items as required.

(2) Inmates who are assigned to daily work details are required to bathe daily.

(3) Inmates assigned to Food Service duties shall be required to bathe prior to reporting to their shift for such detail.

(4) Freshly laundered work uniforms shall be issued as necessary to maintain a high degree of personal cleanliness and a neat appearance. As a minimum, clean uniforms shall be issued once a week.

(5) Bedding shall be maintained in a sanitary condition by laundering linens/bedding and spraying mattresses/pillows with a disinfectant (Lysol or equivalent). Sheets and pillow cases shall be changed at least once a week. Pillows and mattresses shall be inspected and aired monthly if indicated for the specific composition, and soiled or damaged items shall be cleaned, disinfected and/or replaced as required. Blankets and mattress covers shall be laundered as necessary.

(6) Barber shops shall be maintained in accordance with standards established by the Department of Public Health or County Board of Health, as applicable. Each inmate shall have a conventional haircut. Hair shall not be longer than three (3) inches; shall not extend beyond a point which would reach the collar on an ordinary shirt; and shall not cover any part of the ears or eyebrows. Inmates may wear sideburns no longer than a point even with the bottom of the ear canal. Mustaches are permitted, but shall not extend beyond the edge of the mouth and must be kept neat and trimmed at all times. Goatees, beards, and similar facial adornments are prohibited, unless medically indicated.

(7) A foot locker and/or wall locker or other appropriate storage space shall be provided to each inmate. Each inmate shall be required to maintain his (her) personal effects and his (her) assigned area in a neat, orderly and sanitary condition at all times.

**Cite as Ga. Comp. R. & Regs. R. 125-2-3-.04**
**Authority: Ga. Constitution 1982, 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-53, 42-5-55, 42-10-2.**
**History.** Rule entitled "Personal Hygiene" adopted as R. 415-2-3-.04. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-2-3-.04 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** F. Feb. 17, 1986; eff. Mar. 9, 1986.
**Amended:** F. July 13, 1998; eff. August 2, 1998.
**Amended:** F. Feb. 6, 2003; eff. Feb. 26, 2003.

## Rule 125-2-3-.05. Laundries.

Each institution shall either maintain an operationally adequate institutional laundry facility, participate in such an operation jointly with another institution or provide commercial laundry service in order to assure an ample supply of laundered items for institutional needs. Particular

attention shall be paid to assuring the provision of clean and sanitary items related to Food Service personnel and activities.

**Cite as Ga. Comp. R. & Regs. R. 125-2-3-.05**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-53, 42-10-2.**
**History.** Rule entitled "Laundries" adopted as R. 415-2-3-.05. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-2-3-.05 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

## Rule 125-2-3-.06. Garbage.

Refuse shall be stored, handled and disposed of in such a manner as to be secure from animals, inaccessible to rats, cockroaches and flies, and so that liquids cannot leak from the covered containers. Garbage shall be disposed of daily in a timely and sanitary manner consistent with requirements established by the Department of Public Health or the County Board of Health, as applicable. Garbage containers shall be thoroughly cleaned after each disposal of such wastes.

**Cite as Ga. Comp. R. & Regs. R. 125-2-3-.06**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 12-8-20, 42-2-11, 42-5-53, 42-10-2.**
**History.** Rule entitled "Garbage" adopted as R. 415-2-3-.06. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-2-3-.06 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

## Rule 125-2-3-.07. Insect and Rodent Control.

Each institution shall establish and maintain a concerted effort to reduce and control insect and rodent infestation. Frequent inspection, particularly of Food Service areas, shall be required. Regular treatment of affected areas, using professional advice and/or assistance if required shall be undertaken.

**Cite as Ga. Comp. R. & Regs. R. 125-2-3-.07**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 12-8-20, 42-2-11, 42-5-53, 42-10-2.**
**History.** Rule entitled "Insect and Rodent Control" adopted as R. 415-2-3-.07. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-2-3-.07 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

# Subject 125-2-4. OFFENDER ADMINISTRATION.

## Rule 125-2-4-.01. Responsibility.

Except for misdemeanor offenders sentenced to confinement in-court facilities under the provisions of O.C.G.A. 17-10-3 or 17-10-4, offenders will be committed to the custody of the Commissioner of Corrections by the Court and shall be further assigned to an appropriate institution for confinement. The correctional institution to which a prisoner is assigned for confinement shall pick up and transport such prisoner, under guard, to the institution unless other arrangements have been made with a county institution. The institution having physical custody of an inmate shall be responsible for maintaining medical or hospital care.

(a) Offenders sentenced to a penal facility under O.C.G.A. 17-7-131(a) as guilty but mentally ill shall be further evaluated and then treated within the limits of state funds appropriated therefor.

1. Treatment may be provided by:

   (i) The Department of Corrections; or,

   (ii) The Department of Human Resources after transfer pursuant to procedures set forth in regulations of this Department and the Department of Human Resources.

2. An offender who is found guilty but mentally ill at the time of a felony and is placed on probation under the "Statewide Probation Act" may be required by the Court to undergo available outpatient medical or psychiatric treatment or seek similar available voluntary inpatient treatment as a condition of probation. Persons required to receive such services may be charged fees.

3. Offenders who are found guilty but mentally ill and placed on probation but whose probation is subsequently revoked will retain their guilty but mentally ill status upon entering the Department of Corrections and will be processed in the same manner as guilty but mentally insane offenders who are initially sentenced to the Department of Corrections.

(b) The Department of Corrections will bear the costs of the trial involving an inmate of the State Prison System charged with the violation of any criminal statute committed by such inmate within the confines of the State Prison, or a branch of the State Prison System, or the crime of escape, or attempted escape.

(c) The County where the inmate is confined is responsible for payment of trail costs when the criminal act takes place in a county institution, or escape, or attempted escape, is from a county institution.

**Cite as Ga. Comp. R. & Regs. R. 125-2-4-.01**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1975, p. 1590 (O.C.G.A. 42-5-5); Ga. L. 1982, p. 1476 (O.C.G.A. 27-15); Ga. L. 1982, p. 1364 (O.C.G.A. 42-5-51.**
**History.** Rule, entitled "Responsibility" filed as Rule 415-2-4-.01 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-2-4-.01. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Rule 125-2-4-.02. Jurisdiction.

When an offender has been convicted of a state misdemeanor or felony (except for misdemeanor offenders exempted under the provisions of O.C.G.A. 17-10-3 or 17-10-4), and a sentence of incarceration has been imposed on the offender to serve time in any penal institution in Georgia, the following procedures shall apply:

(a) The Clerk of the Court shall immediately notify the Commissioner, Department of Corrections, that the offender is to be committed to his custody.

(b) The Clerk of the Court shall promptly dispatch by mail a complete personal history of the offender prepared on the forms provided by the Commissioner, Department of Corrections. The following additional documents shall be included with the personal history:

1. a certified copy of the indictment, accusation or both;

2. a certified copy of the sentence;

3. affidavit of custodian reporting jail time and/or hospital confinement;

4. such other information as the Commissioner, Department of Corrections, may require, for example, immediate notification of an appeal.

(c) The County from which the commitment is made shall be responsible for paying the Clerk of the Court those fees prescribed by law for the execution of the required documentation.

(d) The Department of Corrections will provide reimbursement to counties for cost of maintaining felony prisoners in the county jails after conviction and sentencing and before such prisoners are transferred to a place of confinement as directed by the Commissioner, Department of Corrections.

1. In order for the individual to remain in, or to return to, the county of conviction to await the outcome of any appellate action, the attorney of record of the inmate must file a written request with the court setting forth that the presence of the convicted person is required within the county of conviction. A certified copy of the attorney's request and a copy of the order of the court in response to the attorney's request must be forwarded to the Department of Corrections before the convicted person will be permitted to remain in, or return to, the county jail.

2. In the event the individual remains in the county jail for motion for new trial or an appeal, he (she) will remain in the custody of the county jail or lockup until all appeals of the conviction have been disposed of or until the attorney of record for the convicted person shall file with the trial court an affidavit setting forth that the presence of the person is no longer required within the county of conviction. A certified copy of the attorney's affidavit will have to be received in the Department of Corrections from the Clerk of the Court before the Department of Corrections will resume custody of the individual or pay reimbursement.

3. Reimbursement days will only accrue fifteen days after proper documentation is received by the Department of Corrections from the Clerk of the Court. Proper documentation is set forth in subparagraph (b) of this rule.

4. The rate of reimbursement will be such as may be appropriated for this purpose by the General Assembly.

5. County Sheriffs will furnish such documentation for reimbursement as required by the Commissioner, Department of Corrections.

6. Submission of billing for payments will occur as stipulated by the Department of Corrections.

7. These provisions shall not apply to those prisoners under death sentence.

8. These provisions shall not apply to prisoners who were incarcerated by the Department of Corrections at the time they were returned to the county jail for trial or for any other purpose.

(e) Transportation to satisfy Court requirements associated with an inmate's appeal shall be the responsibility of the county concerned.

**Cite as Ga. Comp. R. & Regs. R. 125-2-4-.02**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 27-15, 42-2-11, 42-5-5, 42-5-51, 42-5-59, 42-10-2, 47-14-40.**
**History.** Rule entitled "Jurisdiction" adopted as R. 415-2-4-.02. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-2-4-.02 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

## Rule 125-2-4-.03. Identification and Classification.

(1) Identification. The Department of Corrections will furnish the institution to which an inmate is first assigned a copy of the personal history and pertinent court records concerning the inmate. Each inmate received into any institution direct from jail or who has not already been so processed, shall be fingerprinted and photographed by institutional authorities immediately following his arrival at the institution. Copies of the fingerprint record and photographs shall be distributed upon admission and upon release in accordance with current Department of Corrections instructions.

(2) Classification. The Warden/Superintendent shall appoint a classification committee which is to meet on a regularly scheduled basis. The Committee should consist of a Deputy Warden/Superintendent or senior counselor who shall act as Chairperson, at least one member of security staff, and at least one treatment staff member. The Classification Committee shall approve and/or modify all inmate performance plans and Performance Exception Reports, review security status as stipulated in Rule 125-3-1-.02 and make program assignments, work assignments, and re-assignments as appropriate. It shall also be the responsibility of the Classification Committee at each institution to develop and update the institutional privileges which may be awarded to inmates for excellent performance.

**Cite as Ga. Comp. R. & Regs. R. 125-2-4-.03**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-51, 42-5-55, 42-5-59, 42-10-2.**
**History.** Rule entitled "Identification and Classification" adopted as R. 415-2-4-.03. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-2-4-.03 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** F. Feb. 6, 2003; eff. Feb. 26, 2003.

## Rule 125-2-4-.04. Computation of Sentence.

(1) The State Board of Corrections shall formulate rules and regulations providing for uniform and consistent sentence computation in accordance with the laws of the State of Georgia. Based upon present law, the determining factor in sentence computation is the date the crime was committed. If this date is before January 1, 1984, the sentence computation must include credit as allowed under previous legislation. If the crime was committed on or after January 1, 1984, service of sentence will be on straight time. Beginning and ending dates of sentences will basically be as determined by the courts.

(2) For the purpose of sentence computation, the following definitions apply:

(a) Sentence Type:

1. Earned Time: Gives credit to those offenders who are entitled to such allowances by legislation which existed prior to January 1, 1984.

2. Straight Time: All sentences except life and death for offenses committed on or after January 1, 1984.

3. Life.

4. Death.

(b) Non-running Type: Actions that could extend the sentence end date, such as escape, toll time, appeal bond time, and intervening federal sentence.

(c) Non-running Time: The amount of time expressed by indicating a begin date and end date that will be added to the sentence end date of the sentence(s) in effect (determined by the begin date and the action), and, therefore, adjust any subsequent sentence(s) (i.e. begin and end dates) in the sentence structure. The types of non-running time are defined under non-running type.

(d) Non-earning Type: Refers to the type of revocation in which non-earning time applies. The types are: parole revocation, probation- revoke balance, probation-revoke portion.

(e) Non-earning Time: The amount of time, expressed as a begin date and end date, that will be excluded from the calculation of computation in accordance with previous legislation.

(f) Controlling Sentence: The sentence with the latest sentence end date. In the event of multiple consecutive sentences, the controlling sentence chain refers to the series of sentences with the latest sentence end date.

(g) Date Crime Committed: The date of the crime as specified in the indictment documentation.

(h) Sentence Date: The date the court handed down the sentence.

(i) Sentence Begin Date: The effective start date of the sentence. This date will consider jail time served, if appropriate, or special sentencing instructions from the court.

(j) Sentence End Date: The effective termination date of the sentence. This date will reflect the results of adding maximum sentence length to the sentence begin date plus the effects of non-running time and earned time credits.

(k) Maximum Release Date: The date an inmate would be released from Department of Corrections custody if the entire sentence was served exclusive of parole decisions. No maximum release date exists for those inmates with life or death sentences.

(l) Tentative Parole Month: Planned date (year and month) the inmate would be placed on parole which is determined by the Parole Board. A tentative parole month is established for all inmates except those with life or death sentences and sentences of twelve months or less.

(m) Parole Consideration Date: This date will apply only to life sentences and parole revocations and would represent a date when the Parole Board would consider the inmate for parole.

**Cite as Ga. Comp. R. & Regs. R. 125-2-4-.04**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-51, 42-5-100, 42-5-101.**
**History.** Rule entitled "Computation of Sentence" adopted as R. 415-2-4-.04. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-2-4-.04 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

## Rule 125-2-4-.05. Records.

In order that inmate records may be maintained in a uniform and effective manner, the following procedures shall be used:

(a) Each institution shall employ a full-time Business and/or Records Manager who shall be specifically charged with responsibility for the care and maintenance of inmate records.

The Business/ Records Manager shall be a full-time employee and shall not be a Warden/Superintendent, Deputy Warden/Superintendent or any county official.

(b) Each institution shall maintain a case file on each inmate who is incarcerated at the institution. The inmate's case file shall contain all documents, orders and correspondence pertaining to the individual and any actions taken concerning him (her). Periodic case recordings reflecting an inmate's progress or lack of progress shall also be maintained in his (her) official records.

(c) Each institution shall maintain a secure records office where all inmate case files shall be stored in a fire protected environment. Inmate records shall not be maintained in the County Courthouse, the Warden/Superintendent's residence of similar inappropriate places.

(d) No inmate shall be permitted to have access to any inmate case file.

(e) Whenever an inmate is transferred from one institution to another, his (her) case file shall be transferred with him (her).

**Cite as Ga. Comp. R. & Regs. R. 125-2-4-.05**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-51, 42-5-59, 42-10-2.**
**History.** Rule entitled "Records" adopted as R. 415-2-4-.05. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-2-4-.05 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

## Rule 125-2-4-.06. Personal Property.

When a new inmate is received into an institution direct from a jail or has not been fully processed previously, the following procedures concerning his (her) personal property shall apply:

(a) The new inmate shall surrender all of his (her) personal property including, but not limited to, clothing, money, jewelry, etc., to the Receiving Officer. The Receiving Officer shall inventory property in the presence of the inmate, prepare written inventory list, and both he and the inmate shall attest to the accuracy of the list by affixing their signature thereon. The original of the signed inventory list shall be maintained in the inmate's case file and a copy furnished the inmate concerned.

(b) The inmate shall be required to forward his (her) clothing and any other personal effects not authorized at the institution to a person designated by him (her) or donate such items to the state or county or to some recognized charitable organization. An inmate may not designate an employee of the Department of Corrections or an employee's immediate relative as a recipient of his personal effects.

(c) The inmate may request in writing that his (her) money be forwarded to a person designated by him (her). Any money retained shall be deposited in the inmate's account at the institution.

(d) All funds in inmate trust accounts which have remained unclaimed by the owner or designated guardian of the owner for more than five (5) years are presumed abandoned. In such cases the institution shall initiate the claims procedure as established by Departmental policy and procedure. The institution shall make documented efforts to locate the owner or designated guardian prior to initiating the claims procedures.

(e) Tangible personal property of inmates or other persons in the custody of Department of Corrections which has remained unclaimed for one year subsequent to parole, discharge, escape, or death shall be declared abandoned property and disposed of by public sale. The proceeds of such sale shall be deposited in the state treasury.

**Cite as Ga. Comp. R. & Regs. R. 125-2-4-.06**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-51, 42-5-53, 42-5-55, 42-5-59, 42-10-2, 44-12-199.**
**History.** Rule entitled "Personal Property" adopted as R. 415-2-4-.06. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-2-4-.06 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** F. Feb. 6, 2003; eff. Feb. 26, 2003.

## Rule 125-2-4-.07. Institutional Clothing.

(1) When an inmate arrives at the institution of his (her) initial assignment direct from jail, or for other reasons has not been issued appropriate institutional clothing, the institution shall issue seasonally appropriate clothing.

(2) All inmates, except diagnostics in the diagnostic and classification programs shall receive adequate clothing as provided for in the Department's Procedures.

(3) Diagnostics in the diagnostic and classification programs shall be provided the minimum clothing required to assure maintenance of health and sanitation standards as required by the Department's Procedures.

(4) Each institution shall maintain an inventory of clothing adequate to assure a seasonally appropriate initial issue and provide replacement clothing as required by the Department's Procedures.

**Cite as Ga. Comp. R. & Regs. R. 125-2-4-.07**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-51, 42-5-53, 42-5-59, 42-10-2.**
**History.** Rule entitled "Institutional Clothing" adopted as R. 415-2-4-.07. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-2-4-.07 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

## Rule 125-2-4-.08. Court Production.

(1) Inmates may be required to appear in court for a variety of reasons. When required to appear in court, an inmate may be placed in the temporary custody of an appropriate United States Marshal, Deputy United States Marshal, Sheriff or Deputy Sheriff. However, the Warden/Superintendent of an institution under the jurisdiction of the State Board of Corrections shall not authorize nor permit the release of an inmate in his custody unless ordered to do so by the Commissioner of the Department of Corrections or his designated representative.

(2) When ordered by the Commissioner of the Department of Corrections, the Warden having custody of an inmate who has been ordered to appear by a court order directed to the State Board of Corrections, may place the inmate in the custody of the appropriate United States Marshal, Deputy Marshal, Sheriff or Deputy Sheriff under the following circumstances:

(a) Upon receipt of an "ex parte" order issued by the judge of any court of record of Georgia wherein such proceeding is pending, the Warden/Superintendent having custody of the designated inmate may, on the order of the Commissioner, release the inmate on the date stated, to the temporary custody of the Sheriff or Deputy Sheriff of the County in which the inmate is desired as a witness or defendant.

(b) Upon receipt of a "Writ Ad Testificandum" or "Writ Ad Prodequendum" issued by the judge of the Federal Court wherein such proceeding is pending, the Warden/Superintendent, who has custody of the designated inmate, may, on order of the Commissioner, release the inmate on the date stated, to the temporary custody of the United States Marshal or Deputy Marshal to be transported to the federal judicial district where the inmate is desired.

(c) Upon receipt of an Executive Agreement between the Governor of Georgia and the Governor of another state, the Warden/Superintendent who has custody of the designated inmate may, on the order of the Commissioner, release the inmate on the date stated, to the temporary custody of the Sheriff or Deputy Sheriff, of the County of the State wherein the inmate is desired as a witness or defendant.

(d) Upon receipt of an effective production order pursuant to the Uniform Act to Secure the Attendance of Witnesses from Without the State from the Judge having jurisdiction of the inmate named therein, the Warden/Superintendent having custody of the designated inmate shall notify the Department's Offender Administration Division by telephone of the receipt of such order, and shall immediately prepare and forward to this office a confirmation memorandum with a copy of the court order. The Warden/Superintendent may then release such inmate, on the date stated, to the temporary custody of the authorized officer or produce him in the designated court according to the order of the judge, the purpose of the order being for the inmate to appear in another state as a material witness and to testify before a grand jury in a criminal investigation or in court in a criminal action. Upon receipt of the confirming memorandum and a copy of the

court order in the Central Office, acknowledgement will be forwarded to the institution.

(3) When an inmate is released to the temporary custody of a Sheriff, Deputy Sheriff, United States Marshal, Deputy U.S. Marshal, or other authorized officer or produced by the Warden/Superintendent or a member of the institutional staff, for the purposes outlined in (2)(a), (b), (c), or (d) above, any expense incidental to the production of the inmate in court and his return to the institution from which he was removed or another Georgia institution as specified by the Department, are to be borne by the agency which assumes temporary custody.

**Cite as Ga. Comp. R. & Regs. R. 125-2-4-.08**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-51, 42-5-53, 42-5-59, 42-10-2, 42-10-92.**
**History.** Rule entitled "Court Production" adopted as R. 415-2-4-.08. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-2-4-.08 of same title. F. June 28, 1985s; eff. July 20, 1985, as specified by the Agency.

## Rule 125-2-4-.09. Detainers.

(1) A detainer is a written instrument executed by the prosecuting officer of a court and filed with the Department requesting that the Department retain custody of an inmate pending delivery of the inmate to the proper authorities to stand trial upon a pending indictment or accusation, or to await final disposition on all appeals and other motions which are pending on any outstanding sentence, and to which is attached a copy of the indictment, accusation, or conviction which constitutes the basis of the request. The request shall contain a statement that the prosecuting officer desires and intends to bring the inmate to trial upon the pending indictment or accusation, and in the case of an outstanding sentence, that he intends to seek final disposition of all appeals and other motions.

(2) No Warden/Superintendent or any other institutional official is authorized to accept a detainer nor shall they accept any other form of "hold" order on an inmate unless provided through the State Board of Corrections.

(3) Any correspondence, form letter, or other documentation relative to a detainer or "hold" order on an inmate received at an Institiution from any source other than the State Board of Corrections shall be forwarded promptly to the Detainer Administrator of the Department of Corrections.

(4) The State of Georgia is signatory to the Interstate Agreement on Detainers. Under this agreement, a jurisdiction within another state also signatory to the agreement, which has an untried indictment, information or complaint on which a detainer has been lodged against an inmate incarcerated in an institution under the jurisdiction of the Georgia State Board of Corrections may secure temporary custody of the accused inmate for the purposes of bringing him (her) to trial. Proceedings for this purpose may be initiated by

an inmate or by the prosecutor of the jurisdiction which has an indictment, information or complaint pending against the inmate. Once proceedings under the Interstate Agreement on Detainers have been initiated, failure of the accusing jurisdiction to hold trial within the time periods specified in the agreement will result in the dismissal of the indictment, information or complaint and removal of the detainer unless a continuance has been granted by a court of competent jurisdiction.

(a) Forms used in achieving those functions assigned to institutions and in fulfilling certain State responsibilities under the Interstate Agreement on Detainers will be available at the Central Office. Instructions for their execution, processing and distribution are contained on the individual forms or in supplementary data provided to the institutions.

(b) Directive authority over day-to-day actions executed in the discharge of the State Board of Corrections responsibilities inherent in the Interstate Agreement on Detainers will be exercised by the Detainer Administrator of the Department of Corrections.

**Cite as Ga. Comp. R. & Regs. R. 125-2-4-.09**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-51, 42-5-53, 42-5-59, 42-6-1, 42-6-3, 42-10-2.**
**History.** Rule entitled "Detainers" adopted as R. 415-2-4-.09. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-2-4-.09 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

## Rule 125-2-4-.10. Special Notification.

A Special Notification is an intrastate request for custody placed against an inmate who is currently serving a sentence under the jurisdiction of the State Department of Corrections and who is wanted by another jurisdiction within the state on an outstanding sentence. Any Special Notification, or document constituting similar requirements, received by a Warden or Institutional Records Manager, shall be immediately forwarded to the Detainer Administrator, State Department of Corrections for necessary action.

**Cite as Ga. Comp. R. & Regs. R. 125-2-4-.10**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Sec. 42-2-11.**
**History.** Rule entitled "Special Notification" adopted as R. 415-2-4-.10. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-2-4-.10 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

## Rule 125-2-4-.11. Interstate Corrections Compact.

(1) The State of Georgia is signatory to the Interstate Corrections Compact. The purpose of this compact is to provide for the mutual development and execution of cooperative programs for confinement, treatment and rehabilitation of offenders, with the most economical use of human and material resources.

(2) When a Warden/Superintendent has an inmate who desires to be transferred to a correctional institution of a state which is signatory to the Interstate Corrections Compact, the Warden/Superintendent shall direct the inmate to prepare a letter of request for such transfer setting forth the inmate's reasons for the request. Upon receipt of such a request the Warden/Superintendent shall attach his recommendations thereto and forward the request to the Administrator of the Interstate Corrections Compact for the Department of Corrections.

(3) Upon receipt of an inmate's request and the Warden's/Superintendent's recommendation for transfer of an inmate to an institution in a member state, the Administrator, Interstate Corrections Compact, will place the inmate's name on a list of those to be considered for such transfer.

(4) If the state to which the inmate requests transfer is not signatory to the Interstate Corrections Compact or if, for any other reason, the inmate is found to be ineligible or the request is denied, the State Board of Corrections will so notify the Warden/Superintendent who shall subsequently inform the inmate.

(5) A limited number of transfers to Federal Correctional Institutions can be achieved by special agreement when an inmate requires unusual custody, care, treatment, training or rehabilitation and such is not available in the Georgia Correctional System. Such special situations must be processed individually and approved by the Board of Corrections in accordance with the merits of the case.

**Cite as Ga. Comp. R. & Regs. R. 125-2-4-.11**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-51, 42-5-53, 42-5-59, 42-10-2, 42-11-2.**
**History.** Rule entitled "Interstate Corrections Compact" adopted as R. 415-2-4-.11. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-2-4-.11 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

## Rule 125-2-4-.12. Out of State Probation.

(1) The State of Georgia is signatory to an Interstate Compact which provides for a Georgia probationer to fulfill his (her) probation requirements in a member state under the jurisdiction of a probation officer of that state. Similarly, probationers from another member state may complete the requirements of their probation in the state of Georgia under the jurisdiction of Georgia Probation officers.

(2) A probationer may be permitted to reside in another state under the following conditions:

(a) If the person is in fact a resident of or has a family residing within the receiving state and can obtain employment there. Residency shall be determined as defined in the Compact.

(b) If, though, not a resident of the receiving state, and not having his (her) family residing there, the receiving state consents to the probationer being sent there.

(c) The receiving state will be provided an opportunity to investigate the home and prospective employment of the potential probationer.

(3) The receiving state will assume the duties of visitation and supervision over the probationer using the same standards and requirements as are applied to its own probationers.

(4) The sending state reserves the right, within the restrictions as described in the Compact, but otherwise without interference, to enter a receiving state, apprehend the probationer, and return him (her) to the sending state. Extradition procedures are expressly waived under the provisions of the Compact. The decision of the sending state to retake the probationer is not reviewable by the receiving state unless there are criminal charges pending against the probationer in the receiving state.

**Cite as Ga. Comp. R. & Regs. R. 125-2-4-.12**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-53, 42-10-2, 42-11-1.**
**History.** Rule entitled "Out of State Probation" adopted as R. 415-2-4-.12. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-2-4-.12 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

## Rule 125-2-4-.13. Drivers Licenses.

(1) No state inmate shall be authorized or permitted to operate a motor vehicle or heavy equipment on the public roads or highways unless he (she) is currently licensed by the Department of Drivers Services to operate such vehicles.

(2) Inmate drivers shall be classified as either Trusty Drivers or Restricted Drivers. The two types of drivers shall be defined as follows and, at the minimum, supervised as indicated:

(a) A Trusty Driver shall be an inmate who has achieved Trusty status by meeting all requirements listed in Chapter 125-3-1-.02(6)(e) which defines that status; who is a fully qualified vehicle or equipment operator; and who has demonstrated by his attitude, adjustment and work habits that his status is valid. Such drivers, in the discretion of the Warden/Superintendent, may be assigned driving tasks which require occasional checks by supervisory personnel.

(b) A Restricted Driver, as a minimum, must have achieved a medium security classification. An inmate is not eligible if he (she) was originally under a death sentence, has been convicted of a sex offense, is known to currently be an alcoholic or a drug addict, has escaped twice, or has an unsatisfactory conduct record. Following licensing, a Restricted Driver may, at the discretion of the Warden/ Superintendent, be permitted to operate an appropriate vehicle while

under constant supervision. If authorized by the Warden/ Superintendent, such supervision may include supervision by visual contact while the inmate is driving in a convoy situation.

(3) Any Warden or Superintendent wishing an inmate to be certified pursuant to O.C.G.A. § 40-5-21(7), as amended, must meet the following requirements:

(a) All driver's licenses and instructional permits previously issued to such inmate must be surrendered to the Department prior to the issuance of the inmate drivers certificate;

(b) No inmate shall be issued an inmate drivers certificate if such inmate is currently under a departmental or court imposed suspension, cancellation or revocation;

(c) The Warden or Superintendent of the institution requesting that an inmate be issued an inmate drivers certificate shall file with the Department a completed application form prior to the issuance of such certificate;

(d) Each inmate requesting such certificate must pass all examinations required by law for the particular class of certificate applied for.

(e) An inmate drivers certificate shall be valid for four (4) years or until such time as the inmate is transferred, paroled, pardoned or released from the institution which requested the issuance of such certificate, whichever period of time is shorter;

(f) The inmate certificate will also be cancellable at the request of the Warden or Superintendent of the penal institution which requested the inmate be issued the certificate designated in this Rule.

(g) The inmate certificate shall contain the following information:

**GEORGIA DEPARTMENT OF DRIVER SERVICES**

**APPLICATION FOR INMATE DRIVERS CERTIFICATE**

**PART I--DRIVER INFORMATION: (Please Print)**

**NAME _____ CURRENT GA. LIC.# _____**

**(Last) (First) (Middle)**

**DATE OF BIRTH _____ SOC. SEC. # _____**

**NAME OF CORRECTIONAL INSTITUTION _____**

**ADDRESS _____**

**(P.O. Box) (Street) (City) (State) (Zip Code)**

**SIGNATURE _____ DATE _____**

**NOTE--Your driving record will be checked. If you are under suspension or revocation this certificate will not be issued. All licenses in your possession must be surrendered upon issuance of Inmate Certificate. Each inmate requesting such certificate must pass all examinations (vision, written, and driving) required by law for the particular class of certificate applied for, unless successfully completed within sixty (60) days prior to application.**

**PART II--CERTIFICATION BY WARDEN OR SUPERINTENDENT**

**I hereby certify the above named person to be an inmate of said Institution. I realize that I may cancel the certificate at any time. Further, I affirm that I will receive from the inmate and return to the Department of Driver Services such certificate upon the inmate's transfer, parole, pardon, or release.**

**SIGNED _____**

**TITLE _____**

**DATE _____**

**PART III--CANCELLATION OF INMATE DRIVER'S CERTIFICATE**

**NAME OF INMATE _____**

**CERTIFICATE NUMBER _____**

**DATE OF BIRTH _____ SOC. SEC. # _____**

**NAME OF CORRECTIONAL INSTITUTION _____**

**ADDRESS _____**

**(P.O. Box) (Street) (City) (State) (Zip Code)**

**This will certify that the inmate named herein is no longer the holder of such driver's certificate issued on (Date) _____ due to: (Check one)**

**____ Cancellation**

**____ Parole**

**____ Transfer**

**____ Release**

**____ Pardon**

**____ Other (Specify)**

**Such certificate number _____ is enclosed.**

**SIGNED _____**

**TITLE _____**

**DATE _____**

**Mail this certification form and certificate to Department of Driver Services, P. O. Box 80447, Conyers, Georgia 30013.**

(h) It shall be the responsibility of the Warden or Superintendent of the penal institution in which the inmate is incarcerated to secure the surrender of such certificate and return such certificate to the Department upon the inmate's transfer, parole, pardon or release.

(4) The Warden/Superintendent or his designated representative shall assure that the Inmate is fully aware of applicable legal and institutional restrictions concerning his (her) driving privilege.

(5) The institution shall maintain a record of all Special Operators Licenses issued to inmates at the institution. Renewals shall be accomplished as required.

(6) Offenders who participate in community employment programs who require an operators license shall obtain the license under the same conditions as a citizen of the community and shall be required to bear the expense of the license.

**Cite as Ga. Comp. R. & Regs. R. 125-2-4-.13**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-3-3, 42-5-24, 42-5-52, 42-5-53, 42-5-55, 42-10-2.**
**History.** Rule entitled "Drivers Licenses" adopted as R. 415-2-4-.13. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-2-4-.13 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** F. Feb. 6, 2003; eff. Feb. 26, 2003.

**Amended:** F. Dec. 1, 2011; eff. Dec. 20, 2011.

## Rule 125-2-4-.14. Marriage.

An inmate incarcerated in an institution under the jurisdiction of the State Board of Corrections may be married under the following conditions:

(a) Upon compliance with the marriage requirements of the State of Georgia, the Commissioner of Corrections may authorize the Chaplain of the institution to coordinate and/or perform the marriage ceremony or designate an authorized person to perform the marriage ceremony at the institution.

(b) The inmate and/or prospective spouse will assume all financial responsibility involved in the marriage process.

(c) Inmates will not be transported for the purpose of obtaining marriage licenses or to various institutions for marriage.

(d) The provision of this section shall not be interpreted as in any way authorizing conjugal visits.

**Cite as Ga. Comp. R. & Regs. R. 125-2-4-.14**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-51, 42-5-53, 42-5-59, 42-10-2.**
**History.** Rule entitled "Marriage" adopted as R. 415-2-4-.14. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-2-4-.14 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Repealed:** New Rule of same title adopted. F. Sept. 16, 1986; eff. Oct. 6, 1986.
**Amended:** F. July 20, 1987; eff. August 9, 1987.
**Repealed:** New Rule of same title adopted. F. Mar. 7, 1989; eff. Mar. 27, 1989.

## Rule 125-2-4-.15. Compassionate Visits and Special Leave.

(1) Inmates incarcerated in institutions under the jurisdiction of the Board of Corrections may be eligible for compassionate visits, holiday leave, special leave and emergency special leave programs.

(2) Criteria for inmate eligibility to participate in such programs shall be established by standard operating procedures promulgated by the Commissioner.

(3) Such standard operating procedures shall reflect inmate eligibility limitations imposed under relevant portions of Georgia law.

**Cite as Ga. Comp. R. & Regs. R. 125-2-4-.15**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-51, 42-5-53, 42-5-59, 42-10-2.**
**History.** Rule entitled "Compassionate Visits" adopted as R. 415-2-4-.15. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-2-4-.15 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

**Repealed:** New Rule entitled "Compassionate Visits and Special Leave" adopted. F. Dec. 14, 1990; eff. Jan. 3, 1991.

## Rule 125-2-4-.16. Repealed.

**Cite as Ga. Comp. R. & Regs. R. 125-2-4-.16**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-51, 42-5-53, 42-5-59, 42-5-80, 42-5-83 to 42-5-85, 42-10-2.**
**History.** Rule entitled "Special Leave" adopted as R. 415-2-4-.16. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-2-4-.16 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Repealed:** F. Dec. 14, 1990; eff. Jan. 3, 1991.

## Rule 125-2-4-.17. Preparation for Legal Materials.

Inmates shall be permitted legal materials (including, but not limited to, briefs, petitions, motions, pleadings, and correspondence and courts or legal counsel) and to secure assistance in the preparation of such materials, providing established procedures are observed. The following procedures are prescribed:

(a) All legal materials should normally be prepared in the assigned cell or dormitory of the inmate whose legal interest are being pursued.

(b) The Warden shall have the authority to designate other places in his institution which may be more appropriate for the preparation of legal materials. The designation of other areas should be made only when the inmate's living quarters are considered by the Warden/Superintendent to be inadequate for the preparation of legal materials.

(c) Inmates shall be permitted to use the institutional library facilities for the preparation of legal materials during the times prescribed by the Warden/Superintendent. The Warden/Superintendent may reasonably restrict the use of such facilities to assure that the effective use of the library facilities (for all its purposes) is not impaired.

(d) Each institution will maintain a capability for providing Notary Services.

(e) Upon an inmate's transfer to another institution he (she) shall be permitted to take along with his (her) other personal property, all his (her) personal legal materials. Inasmuch as an inmate may be entitled to maintain or possess a reasonable amount of personal legal material, such material must be maintained and possessed in accordance with available institutional space and may be restricted because of inadequate space and/or fire hazardous conditions.

**Cite as Ga. Comp. R. & Regs. R. 125-2-4-.17**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-51, 42-5-53, 42-5-57, 42-5-59, 42-10-2.**
**History.** Rule entitled "Preparation for Legal Materials" adopted as R. 415-2-4-.17. F. Nov. 14, 1984; eff. Dec. 4,

1984, renumbered as R. 125-2-4-.17 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

## Rule 125-2-4-.18. Transfers.

(1) The Commissioner of the Department of Corrections may designate as a place of confinement any available, suitable, and appropriate Correctional Institution operated under the jurisdiction or supervision of the State Board of Corrections. The Commissioner shall also have sole authority to transfer inmates from one correctional institution to any other institution operated under the jurisdiction of the State Board of Corrections. Neither male or female state inmates shall be assigned to serve in any manner in a county jail unless they are participating in a state sponsored project and have the approval of the Commissioner of the Department of Corrections and the sheriff or the jail administrator of the county.

(2) An inmate shall be transferred from one institution to another at the discretion of the Commissioner of the Department of Corrections.

(a) An inmate shall not be transferred without an order from the Commissioner. In case of an emergency, verbal authorization obtained by telephone and subsequently supported in writing will suffice.

(b) A Warden/Superintendent shall effect a transfer order on the date and time specified.

(c) When an inmate is transferred he (she) shall be transported in an automobile or closed vehicle. An open truck shall not be used.

(d) An inmate shall be thoroughly searched prior to transfer. If restraint equipment is required, it shall be applied in a humane manner. The inmate being transported shall not be attached to the transporting vehicle in any manner. Food, drink and rest stops shall be provided, consistent with the circumstances of the trip.

(e) When an inmate is transferred to another institution, his (her) case file, institutional account, restricted mail list, visitation lists, and other pertinent institutional records shall be transferred with him (her).

(3) The Commissioner may transfer any inmate to the federal prison system, to the prison system of another state, or to the prison system of a foreign county as permitted by law.

**Cite as Ga. Comp. R. & Regs. R. 125-2-4-.18**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-51, 42-5-53, 42-5-55, 42-5-59, 42-10-2.**
**History.** Rule entitled "Transfers" adopted as R. 415-2-4-.18. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-2-4-.18 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** F. Feb. 6, 2003; eff. Feb. 26, 2003.

## Rule 125-2-4-.19. Discharge Gratuities.

(1) State inmates who are lawfully released from any institution under the jurisdiction of the Board of Corrections shall be provided gratuities in accordance with the provisions of this Rule.

(2) When a felony inmate, who is not participating in a work release program is discharged upon completion of his (her) sentence; is conditionally released, pardoned or paroled; or is released in any other lawful manner from a state or county institution, he (she) shall receive the following clothing and monetary allowance:

(a) An inmate shall receive a travel kit, when appropriate, and suitable clothing which shall consist of those garments approved by the Board of Corrections from time to time and specified in the Departmental Procedure.

(b) An inmate shall receive an amount of money, not more than twenty-five dollars ($25.00) with the order for discharge, parole, or other lawful release.

(c) A ticket for common carrier transportation to the inmate's home, located in the United States, will be furnished.

(d) An inmate who has participated in a work release program shall NOT be furnished any of the items enumerated in subsections (2)(a), (b) and (c) of this section, above, unless it is determined that he (she) has extraordinary financial needs as established to the satisfaction of the Commissioner of Corrections.

(e) A felony inmate who is released to a Sheriff or a United States Marshal on a detainer to serve a sentence already imposed or to stand trial on pending charges, or who is released to county authorities or a detainer to serve a county sentence, shall not be entitled to the items enumerated in subsections (2)(a), (b) and (c) of this section, above, unless the inmate qualifies under terms of O.C.G.A. 42-11-1 through 42-11-3, pertaining to the transfer of an inmate to serve a concurrent State and Federal sentence or qualifies under O.C.G.A. 42-11-1 through 42-11-3, pertaining to the Interstate Corrections Compact.

(3) The clothing items enumerated in section (2)(a) of this rule, above, shall be furnished by the county to a felony (State) inmate incarcerated in a county institution at the time of his (her) discharge, unless discharged to a detainer:

(a) The Business/Record Manager of a county institution shall submit a voucher, with attached copies of the invoices or receipts from the clothing store, to the Department of Corrections for reimbursement.

(b) The voucher shall be signed by the Business/Record Manager as the bonded official of the county institution responsible for such transactions.

(c) The Department of Corrections shall reimburse a county institution for the actual costs of the clothing furnished, not to exceed that amount which the Department of Corrections may expend on like clothing for an inmate on release from a State Institution.

(4) A state inmate, convicted of and confined for an offense below the felony level, and released from detention in a lawful manner shall be provided funds in an amount not to exceed twenty-five dollars ($25.00) plus an allowance for travel as described in paragraph 125-2-4-.19(2)(c) above:

(a) A check drawn against the inmate release fund in an amount consistent with the financial needs of the inmate and within the prescribed limitations, will be forwarded with the release order to the releasing institution by the Office of the Commissioner of Corrections.

(b) A clothing issue for this type inmate is NOT authorized.

**Cite as Ga. Comp. R. & Regs. R. 125-2-4-.19**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-51, 42-5-53, 42-5-55, 42-5-59, 42-5-61, 42-10-2.**
**History.** Rule entitled "Discharge Gratuities" adopted as R. 415-2-4-.19. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-2-4-.19 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** F. Feb. 6, 2003; eff. Feb. 26, 2003.

## Rule 125-2-4-.20. Death and Interment.

When an inmate under the jurisdiction of the State Board of Corrections dies, the following procedures shall be followed:

(a) When an inmate dies from natural causes or causes certifiable by the institutional physician and he has designated a next of kin, the Warden/Superintendent or his representative will notify the next of kin and the Commissioner of Corrections promptly. The next of kin shall be informed as to the location and procedures for claiming the remains. The next of kin and the Commissioner of Corrections shall be furnished copies of a Certificate of Death.

(b) When an inmate dies suddenly or violently, or under unusual circumstances without an attending physician, notwithstanding the presence of witnesses, the following procedures shall be initiated immediately:

1. The Warden/Superintendent or his representative shall notify the Commissioner of Corrections furnishing whatever information is available at the time;

2. The Warden/Superintendent or his representative shall notify the Coroner of the county in which the death occurs. In those counties which do not have a coroner, the medical examiner shall be notified. In all instances an autopsy will be requested.

3. The Warden/Superintendent or his representative shall notify the Director of the State Crime Laboratory;

4. The Warden/Superintendent or his representative shall notify the Director of the Georgia Bureau of Investigation or his appointed representative in the district where the death occurs (Special Agent in Charge of District);

   (i) In the case of a County Institution, the Sheriff of said County shall also be notified;

5. The Warden/Superintendent or his representative shall directly notify the Internal Investigation Section between 8:00 a.m. and 4:30 p.m. on weekdays. At all other times the Communications Center at Central Office shall be notified;

6. The Warden/Superintendent or his representative shall notify the next of kin;

(c) The body of the deceased inmate shall be released to the next of kin or an agent thereof no later than 24 hours after the demand for release by the next of kin or agent thereof, unless there has been a written finding by the Peace Officer, Medical Examiner, or Coroner that foul play may have been involved in the death or there is a dispute over the legality of release.

(d) In the event of a suicide, accidental death or death under suspicious circumstances, the following procedures shall be observed:

1. The medical records of the inmate shall be copied and sent to the Health Services Unit at Department of Corrections' central office for review.

2. A written report providing the details of the death, the Coroner's or Medical Examiner's report and the other available documentation shall be submitted to the Commissioner of Corrections.

(e) Upon the death of an inmate, for whatever cause, the Director of the Crime Laboratory is to be notified.

(f) On the death of an indigent inmate, interment of such decedent shall be as provided by Georgia Law. The following procedures shall apply:

1. When the deceased inmate and his surviving family and immediate relatives are indigent, and are unable to provide for a decent burial, the governing authority of the county of his death shall furnish from county funds an amount adequate to

provide a decent burial or to reimburse whoever may have voluntarily paid for the cost of the funeral. In any event, the distribution of funds to cover such shall be governed by Georgia Law.

2. The family or close relatives of a deceased inmate who claim to be unable to provide for burial of the deceased shall make application to the county governing authority where the death occurred and declare that they are indigent and unable to provide a decent burial for the deceased;

3. In the event the deceased inmate has no family or immediate relatives or no next of kin can be located and the inmate has no funds with which to defray the cost of his funeral, the Warden/Superintendent of the institution where the death occurred shall make application for county funds for burial on behalf of the deceased inmate;

4. When an inmate dies in a State institution, the State Board of Corrections shall reimburse the county governing authority in which county the inmate died, provided expenditures have been made for the burial of the inmate in accordance with the provisions of (b)1., (b)2., and/or (b)3. of this rule. The county governing authority shall not be entitled to reimbursement if the deceased inmate was incarcerated in a county correctional institution or facility at the time of death. Indigent state inmates may be buried at Georgia State Prison by arrangement with the Warden/Superintendent of that institution.

(g) In the absence of the next of kin of the deceased inmate, the Coroner shall take possession of all property of value found on such persons, make an exact inventory thereof on his report, and surrender the property to the person entitled to its custody or possession. The Coroner's inventory shall be signed by the Coroner and the Warden/Superintendent or his representative and shall be made a permanent part of the deceased inmate's file.

**Cite as Ga. Comp. R. & Regs. R. 125-2-4-.20**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-5-55, 45-16-25, 45-16-25.1.**
**History.** Rule entitled "Death and Interment" adopted as R. 415-2-4-.20. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-2-4-.20 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** F. Sept. 6, 1988; eff. Sept. 26, 1988.
**Amended:** F. July 6, 1993; eff. July 26, 1993.
**Amended:** F. Feb. 6, 2003; eff. Feb. 26, 2003.

## Rule 125-2-4-.21. Special Alternative Incarceration.

When an individual has been sentenced under this act, placement at a designated "special alternative incarceration" unit will be approved by the Commissioner, Department of Corrections.

(a) In every case where an individual is sentenced under the terms of the special alternative incarceration code section, the Clerk of the Sentencing Court shall, within five (5) working days, mail to the Department of Corrections sentencing documents required by law.

(b) The only individuals who will be approved for participation and placement in this program will be those sentenced specifically to this program as a condition of probation as set forth under the terms of this law. The sentences received must reflect a period of incarceration of 90 days from the time of initial incarceration in the "special alternative incarceration" unit.

(c) The Department of Corrections will arrange with the Sheriff's Office to have a Sheriff's Deputy in the county of incarceration deliver individuals sentenced under the terms of this law to a designated facility within 15 days after receipt by the Department of the documents by the Clerk of the Court.

(d) At any time during the individual's incarceration in the unit but at least five (5) days prior to his (her) expected date of release, the Department of Corrections will certify to the Trial Court as to whether the individual has satisfactorily completed this condition of probation.

(e) Upon the satisfactory completion of the program by an individual the Department of Corrections will provide the sentencing court a written record of performance not less than five (5) days prior to his (her) expected date of release as notification that the individual is being released from confinement in the special alternative incarceration unit. However, should the performance of the individual be unsatisfactory, a report of such unsuccessful performance may be grounds for revocation of the probated sentence. A petition for revocation may be initiated by the probation supervisor.

(f) Individuals participating in the "special alternative incarceration" program shall be subject to all rules and regulations of the Board of Corrections as would any inmate sentenced to the custody of the Department and necessary and appropriate disciplinary action may be taken.

**Cite as Ga. Comp. R. & Regs. R. 125-2-4-.21**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-51, 42-5-53, 42-5-59, 42-8-35.1.**
**History.** Rule entitled "Special Alternative Incarceration" adopted as R. 415-2-4-.21. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-2-4-.21 of same title. F. June 28, 1985, eff. July 20, 1985, as specified by the Agency.

## Rule 125-2-4-.22. Restitution.

The Commissioner shall promulgate procedures to allow for reasonable deductions to be made from money credited to prisoner accounts for the purpose of restitution for acts occurring during a period ordered to be served in the custody of the Commissioner of the Department of Corrections. Such deductions shall be authorized to repay the costs of (1) public property, or private property in the case of an inmate housed in a private correctional facility, willfully

damaged or destroyed by an inmate; (2) medical treatment and prescription medication for injuries inflicted by an inmate upon himself, herself, or another unless the inmate has a severe mental health designation as determined by the department; (3) extraordinary costs incurred as a consequence of searching for and apprehending an inmate who has escaped or attempted to escape; and (4) quelling riots or disturbances in which the prisoner is unlawfully involved. For the purpose of administering deductions from money credited to inmate accounts, the Commissioner is authorized to implement a mandatory minimum balance applicable to all inmate accounts.

**Cite as Ga. Comp. R. & Regs. R. 125-2-4-.22**
**Authority: Ga. Constitution 1982, 1983, Art. XI, Sec. I, O.C.G.A. Secs. 17-14-13, 42-2-11, 42-5-55.**
**History.** Rule entitled "Restitution" adopted as R. 415-2-4-.22. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-2-4-.22 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Repealed:** New Rule of same title adopted. F. Sept. 6, 1988; eff. Sept. 26, 1988.
**Amended:** F. Jan. 9, 1997; eff. Jan. 29, 1997.
**Amended:** F. Oct. 8, 1997; eff. Oct. 28, 1997.
**Amended:** F. Apr. 1, 2004; eff. Apr. 21, 2004.
**Amended:** F. June 4, 2009; eff. June 24, 2009.

### Rule 125-2-4-.23. Offender Grievances.

The vast majority of offender grievances are resolved directly and promptly. In those cases where an offender grievance is not resolved at the initial level, the Warden/ Superintendent shall follow the established procedure whereby an offender who is convinced that he has a legitimate grievance is provided a reasonable opportunity to present in writing or discuss his allegations until a resolution of the alleged problem, consistent with the developed facts, has been achieved.

**Cite as Ga. Comp. R. & Regs. R. 125-2-4-.23**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-51, 42-5-53, 42-5-59, 42-10-2.**
**History.** Rule entitled "Offender Grievances" adopted as R. 415-2-4-.23. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-2-4-.23 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

# Chapter 125-3. INSTITUTIONAL AND CENTER OPERATIONS.

## Subject 125-3-1. CUSTODY AND SECURITY.

### Rule 125-3-1-.01. Responsibility.

(1) The Warden/Superintendent of each institution shall be responsible for the care, secure detention and control of all inmates assigned to his/her charge. He/She is responsible for the overall security of his/her institution and the effective accomplishment of assigned tasks. The Warden/Superintendent is similarly charged with achieving directed,

authorized and approved activities and for preventing those actions or activities which are prohibited by law, rules and regulations, or current directives.

(a) The Warden/Superintendent of any State Correctional Institution/Facility may assign any offender under his/her control whom the Warden/Superintendent believes may benefit from the Program to the Special Rehabilitative Program at that institution/facility.

(2) Each Warden/Superintendent shall develop comprehensive plans for Riot Control, Institutional disturbances of lesser scope, Escapes, Fires and Fire-fighting, Emergency Lighting and use of standby power, Natural Disasters, and local or national emergencies. Plans should be as simple as possible, consistent with quickly achieving the desired results. Institutional officials, correctional personnel, and other employees shall be instructed on the procedures contained in the plans developed and the role that each is expected to play. Initial orientation of all new employees and quarterly reorientation of personnel is required.

(3) Institutional employees shall be encouraged and required to develop their talent for observation and to report to authorities all activities or circumstances which deviate significantly from the normal.

(4) Wardens/Superintendents shall require that institutional employees respond to emergency situations in accordance with the requirements of their position and the needs dictated by the type and severity of the emergency.

(5) Guard lines shall be established at the various state and county correctional institutions. At each corner of the property line a sign shall be posted which reads as follows: Guardline of Facility. Signs shall also be posted at all entrances and exits for vehicles and pedestrians at the institution and at such intervals along the guard line as will reasonably place all persons approaching the guard line on notice of the location of the institution.

**Cite as Ga. Comp. R. & Regs. R. 125-3-1-.01**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 34-9-15, 42-2-11, 42-3-1, 42-5-14, 42-5-15, 42-5-51 to 42-5-53, 42-5-55, 42-5-59, 42-10-2.**
**History.** Rule entitled "Responsibility" adopted as R. 415-3-1-.01. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-3-1-.01 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Repealed:** New Rule of same title adopted. F. June 28, 1989; eff. July 18, 1989.
**Amended:** F. Nov. 17, 1989; eff. Dec. 7, 1989.
**Amended:** F. July 6, 1993; eff. July 26, 1993.
**Amended:** F. Feb. 6, 2003; eff. Feb. 26, 2003.

## Rule 125-3-1-.02. Inmate Security Classification.

(1) Institutional Classification Committees will review the diagnostic and classification records in order to determine the security classification assigned to each newly received inmate in accordance with the Standard Operating Procedure on Inmate Classification.

(2) Each inmate's records will be reviewed by the institutional classification committee at least annually for possible recommendations to the Department of Corrections for upward or downward adjustment of the inmate's security classification consistent with the criteria set forth in the Standard Operating Procedure on Inmate Classification.

(a) Adverse behavior on the part of an inmate may result in a review of the reclassification form for possible security change.

(b) Inmates who have detainer(s) filed may have their securities adjusted based on the severity of the detainer(s). Once the detainer is lifted, appropriate readjustment may be recommended by the institutional classification committee.

(c) Nature and circumstances of a particular offense or the inmate's criminal history may result in the denial of a security reduction, other eligibility notwithstanding.

(3) Each inmate shall be assigned to quarters, subjected to institutional controls, and permitted institutional privileges in a manner which is consistent with the degree of control indicated by his/her individual security classification.

(4) The Department of Corrections will advise the institution of any change in the security classification and maintain necessary records of the transaction in the departmental files.

(5) The following items shall be on file prior to any security reduction:

(a) An inmate must have the written recommendation of the Warden/ Superintendent.

(b) An inmate must have a fingerprint card, FBI record sheet and diagnostic summary on record in the departmental inmate file and must have a photograph not over five years old in the file.

(6) Inmate security classifications are established and defined as follows:

(a) **MAXIMUM:** Those inmates estimated to be extremely assaultive or dangerous, high escape risks and/or to have serious adjustment problems will be assigned to this category. Such inmates require constant supervision by correctional officers and shall not be assigned to routine work outside the institution.

(b) **CLOSE:** Inmates assigned to this category are suspected escape risks, habitual rule violators, have assaultive criminal or institutional history, unreliables and those against whom detainers for serious crimes are on file. These inmates require constant supervision by an armed correctional officer while outside the security boundaries and regular supervision when inside the security boundaries. (Inmates must remain at this level for one (1) year prior to consideration for reduction).

(c) **MEDIUM:** Inmates assigned this classification must have established their reliability, have no major adjustment problems and have no current alcohol or drug addiction problems. Typically, this type inmate is cooperative and rules

abiding. Such inmates require constant supervision outside the security boundaries of the institution by staff members appropriately trained and approved by the Department of Corrections, and regular supervision while inside the security boundaries. (Inmates must remain at this level for six (6) months prior to consideration for reduction).

(d) **MINIMUM:** Inmates assigned to this classification have shown themselves to be capable of abiding by rules and presenting minimum risk of escape as well as a minimum risk to community and institutional safety. Such inmates shall be subjected to hourly checks while both inside and outside the security boundaries of the institution. Such checks will be made by staff members appropriately trained and approved by the Department of Corrections. Inmates assigned to this category must not have multiple escapes or multiple violent sentences. (Inmates must remain at this level for at least three (3) months prior to consideration for reduction).

(e) **TRUSTY:** An inmate assigned to this category must have proven himself (herself) clearly trustworthy, having no adjustment problems; be fully cooperative, and have no current alcohol or drug addiction problems. Such inmates require occasional checks by staff members appropriately trained and approved by the Department of Corrections both inside and outside the security boundaries of the institution. The following criteria shall be used in recommending for Trusty status:

1. Inmates must have a minimum security classification at the time of consideration.

2. A former Trusty inmate who has been returned to incarceration as a result of violation of conditions of parole (as stipulated upon the inmate's parole certificate) may be recommended for reinstatement of Trusty status after serving three (3) months.

3. An inmate who loses his Trusty status due to violation of the rules and regulations must maintain a clear conduct record for one (1) year to be eligible for a recommendation to return to Trusty status.

4. If known to be an alcohol or drug addict at the time of commitment, sufficient evidence must be furnished indicating that the addiction is controlled.

5. An inmate is NOT eligible for Trusty Status:

   (i) if he or she is under a death sentence:

   (ii) if he or she has a life sentence which is under appeal:

(iii) if he or she has been sentenced for two (2) or more crimes of violence;

(iv) if current or prior sentence is for a felony sex offense;

(v) if he or she is serving a sentence for a crime of violence involving particularly brutal or wantonly cruel circumstances; or which involved multiple victims; or which was committed against persons employed in law enforcement, the judiciary, or corrections; or if he or she committed murder in the act of another felony.

(vi) if he or she is serving a sentence for murder, unless the Commissioner has approved in writing a finding by the Department that the murder did not involve any aggravating circumstance(s) as defined in Ga. Law 1983, p. 1806.

6. An inmate normally will not become eligible for Trusty without additional, justifying documentation when:

   (i) he or she has an outstanding detainer;

   (ii) he or she is serving a single misdemeanant sentence.

7. Time requirements stipulated for each security class must be followed unless individual specific exceptions are granted by the Department of Corrections.

8. Other policies may be promulgated in the above areas and issued as separate instructions to field units.

**Cite as Ga. Comp. R. & Regs. R. 125-3-1-.02**
**Authority: Ga. Constitution 1983, Art. XI, Sec. 1, Par. (b); Ga. L. 1956, pp. 161, 170; 1969, p. 598, pp. 161, 171 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 489, 490; 1968; p. 1399 (O.C.G.A. 42-5-51); Ga. L. 1969, p. 602; 1971, pp. 435, 436 (O.C.G.A. 42-5-59); Ga. L. 1972, p. 582; 1973, pp. 1297, 1298, 1299 (O.C.G.A. 42-5-51); Ga. L. 1956, pp. 161, 173; 1957, pp. 477, 479 (O.C.G.A. 42-2-11); Ga. L. 1969, pp.234,235 (O.C.G.A. 34-9-15); Ga. L. 1962; p. 699 (O.C.G.A. 42-5-52); Ga. L. 1956, pp. 161, 174 (O.C.G.A. 42-2-11);Ga. L. 1964, pp. 491, 492; 1970, pp. 318, 319 (O.C.G.A. 42-5-53); Ga. L. 1985, p. 283 (O.C.G.A. 42-2-1).**
**History.** Role, entitled "Inmate Security Classification," filed as Rule 415-3-1-.02 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-3-1-.02. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.
**Repealed:** New Rule of same title adopted; f. Mar. 7, 1989; eff. Mar. 27, 1989.
**Amended:** F. May 8, 1990; eff. May 28, 1990.

## Rule 125-3-1-.03. Administrative Segregation.

(1) The welfare of an institution may require that some inmates be separated from the general inmate population in order to maintain order at the institution; to protect either the individual inmate or other members of the inmate population or members of the institutional staff; or for detention pending completion of an investigation of charges against him (her).

(2) Administrative Segregation is defined as the withdrawal of an inmate from the general inmate population and his (her) detention in a separated area of the institution which is apart from any other area used to accommodate the general inmate population.

(3) An inmate may be placed at his (her) request in Administrative Segregation for his (her) own protection. The assignment should only occur if the request is in writing and confirmed by the inmate to the responsible staff member effecting the assignment. If the inmate, upon his (her) request, is denied reassignment, Administrative Segregation becomes an involuntary assignment. It then becomes the obligation of the Warden/Superintendent to review the assignment every 30 days and to consider in such review any written reasons offered by the affected inmate pertaining to continued assignment in Administrative Segregation.

(4) Subsequent to an involuntary assignment of an inmate to Administrative Segregation, the Warden/Superintendent or his designated representative shall hold a formal hearing within ninety-six (96) hours after the inmate is placed in Administrative Segregation.

(a) The inmate will be advised in writing of the reason(s) why he (she) is being placed in Administrative Segregation at least twenty-four (24) hours before the initial Administrative Segregation Hearing.

(b) For the initial Administrative Segregation Hearing the inmate may request that an employee who is on active duty and willing to represent the inmate be the inmate's advocate at this initial Administrative Segregation Hearing.

(c) At the initial Administrative Segregation Hearing, the inmate may request that witnesses be called on his (her) behalf and the Classification Committee will have the discretion to call these witnesses.

(5) The following conditions must be met prior to an inmate's being placed in Administrative Segregation for any of the reasons set forth in paragraph (1):

(a) An inmate may be assigned for an indefinite period when so authorized in writing by the Warden/Superintendent. Such assignment must be fully documented as to necessity. The documentation shall also identify the date on which the initial hearing referred to in paragraph (4) above occured, and shall identify the facts offered in rebuttal at the hearing by the inmate and by the inmate's witnesses. A copy of all documentation for the assignment shall be forwarded to the Commissioner of Corrections within fifteen (15) days of imposition. Review of each case shall be made by the Warden/Superintendent at least once every thirty (30) days.

1. The inmate may submit reasons, in writing, to the Warden/Superintendent at the time of such hearings by the Classification Committee on the question of the inmate's continued assignment to Administrative Segregation. Although a record of each Hearing should be maintained by the Warden/Superintendent, only the initial notice of the Hearing should be forwarded to the Commissioner of Corrections unless the Commissioner specifically requests more information. Nothing in this provision is intended to prohibit an inmate from contacting his (her) counselor or the Warden/Superintendent at any time concerning a change in facts or circumstances which would make the continued stay in Administrative Segregation unnecessary.

(b) In the absence of the Warden/Superintendent, the senior officer present may place an inmate in Administrative Segregation for a period not to exceed seventy-two (72) hours. The Warden/Superintendent will be notified of this action as soon as he returns to the Institution. The assignment must then be treated by the Warden/ Superintendent under the provisions of paragraphs (3) or (4).

(6) The intent of detention of an inmate in Administrative Segregation is not disciplinary in nature, but will, of necessity, preclude his (her) participation in most institutional group activities. Any restriction of the inmate's activities beyond those necessitated by the differing nature of the physical plant and surrounding circumstances shall be those assessed as a result of a disciplinary hearing.

(7) The health standards required and the rations provided shall be the same as those used for the general inmate population. Based on recommendations of the institutional physician, it may become necessary or desirable to prescribe physical exercise that can be performed in the segregated environment and reduced caloric intake as well as selected foods containing needed vitamins in order to maintain an appropriate health program for individual inmates.

**Cite as Ga. Comp. R. & Regs. R. 125-3-1-.03**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969, p. 598; 1956, pp. 161, 171; 1964, pp. 489, 490 (O.C.G.A. 42-2-11); Ga. L. 1968, p. 1399 (O.C.G.A. 42-5-51); Ga. L. 1969, p. 602; 1971, pp. 435, 436 (O.C.G.A. 42-5-59); Ga. L. 1972, p. 582; 1973, pp. 1297, 1298, 1299 (O.C.G.A. 42-5.51); Ga. L. 1956, pp. 161, 173; 1957, pp. 477, 479 (O.C.G.A. 42-2-11); Ga. L. 1960, pp. 234, 235; 1962, p. 699 (O.C.G.A. 42-5-52); Ga. L. 1956, pp. 161, 174 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 491, 492; 1970, pp. 318, 319 (O.C.G.A. 42-5-53); Ga. L. 1972, p. 838 (O.C.G.A. 42-10-2); Ga. L. 1956, pp. 161, 178 (O.C.G.A. 42-2-11); Ga. L. 1961, pp. 127, 128 (O.C.G.A. 42-5-100); Ga. L. 1964, pp. 495, 496 (O.C.G.A. 42-5-101); Ga. L. 1968, pp. 1399, 1404 (O.C.G.A. 42-5-51); Ga. L. 1976, pp. 949, 950 (O.C.G.A. 42-5-100).**
**History.** Rule, entitled "Administrative Segregation," filed as Rule 415-3-1-.03 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-3-1-.03. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Rule 125-3-1-.04. Inspections.

(1) Each Warden/Superintendent shall establish and maintain a program of regular inspections of all institutional facilities and equipment, including, but not limited to, confinement facilities, dormitories, cell houses, mess facilities, work shops, storage areas, recreational facilities, etc. Inspections shall encompass security, safety, sanitation and appearance. Additionally, such regular inspections shall be augmented by frequent irregular and unannounced spot or special inspections to detect and correct deficiencies at the earliest possible time.

(2) As a minimum, the following inspections shall be made:

(a) At least weekly general inspections of the entire institution.

(b) At least once a day, on an irregular schedule, all cells, bars, locks, windows, security doors, and other security facilities shall be thoroughly and carefully inspected to assure that they have not been tampered with and are in good condition. A written report of the inspection, including appropriate recommendations for correction of deficiencies discovered, will be submitted to the Warden/Superintendent by the inspector. The Warden/Superintendent will take whatever action is required to correct reported deficiencies in a timely manner. A copy of each of these reports and record of corrective action shall be maintained in the institutional files for a period of not less than two (2) years and made available to the State Board of Corrections Inspection Service personnel during their visits to the institution.

(3) Correctional Officers and institutional employees will be trained and encouraged to observe and report unusual conditions, events, deficiencies, or defects and suggest modifications for improvement in effectiveness of institutional facilities, equipment, and/or operations.

**Cite as Ga. Comp. R. & Regs. R. 125-3-1-.04**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969, p. 598; 1956, pp. 161, 171; 1956, pp. 161, 174 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 491, 492; 1970, pp. 318, 319 (O.C.G.A. 42-5-53).**
**History.** Rule, entitled "Inspections," filed 55 Rule 415-3-1-.04 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-3-1-.04. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Rule 125-3-1-.05. Institutional Procedures.

The following procedures shall be followed at each institution:

(a) A master count of all inmates at each institution shall be conducted at least four (4) times during each twenty-four (24) hour period. Additional counts should be made of all inmates who are maximum, close, or medium security risks and those whose work assignments offer greater opportunity for escape. The actual count of inmates located outside the institution at the time of the count may be delegated to the Correctional

Officers in charge of those groups. The counts of such groups shall be reported at the designated time to the control center or institutional office where the count is maintained where it will be verified and incorporated into the master count.

(b) Inmates, as well as all institutional areas or facilities, are subject to search at any time. Correctional Officers shall conduct periodic and random searches of inmates and cells.

(c) All Correctional Officers shall insure that the inmates assigned to their control are in the area or location where they are authorized or directed to be and that inmate movement from one location to another has been authorized or directed by proper authority.

1. All vehicular and foot traffic in or near the institution shall be controlled and supervised by a Correctional Officer.

2. All vehicles shall be garaged or parked outside the main compound. Heavy vehicles or motorized equipment shall not be brought into the compound unless absolutely essential. Insofar as possible, all deliveries shall be made outside the compound and brought inside by means of hand trucks. The ignition key to any vehicle brought into the compound shall be removed and kept in the possession of a Correctional Officer or other official. The keys to institutional vehicles not in use shall be maintained as prescribed in paragraph 125-3-1-.06(b). No inmate shall be permitted to keep a vehicle in his (her) possession.

(d) All State and County Institutions and all State Transitional Centers shall have no less than two (2) security staff on duty at the facility at any time. At least one (1) of these personnel must be a certified Correctional Officer. Night security officers shall be provided with time clocks and shall be required to punch the time clock at intervals of not more than fifteen (15) minutes with punch keys located at positions throughout the facility. Each time clock record shall be reviewed by institutional officials and maintained on file for examination by the Inspection Service of the State Board of Corrections. Large institutions equipped with an intercom system, or similar monitoring method, are exempted from this requirement. Security officers at large institutions equipped with a control center will be required to call in to the control center on a regular basis and the control center operator will then document the time, officer's name, and his (her) location.

**Cite as Ga. Comp. R. & Regs. R. 125-3-1-.05**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969, p. 598; 1956, pp. 161, 171; 1956, pp. 161, 174 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 491, 492; 1970, pp. 318, 119 (O.C.G.A. 42-5-53).**
**History.** Rule, entitled "Instructional Procedures," field as Rule 415-3-1-.05 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-3-1-.05. Piled June 28, 1985; effective July 20, 1985, as specified by the Agency.
**Amended:** F. Jan. 2, 1990; eff. Jan. 22, 1990.

## Rule 125-3-1-.06. Control of Critical Materials.

Any item that may be used to aid in or accomplish an escape, create a disturbance or which represents a hazard to the safety and security of the institution shall be placed under control and maintained under the strict supervision of institutional officials and/or employees. The following controls shall be instituted at each institution:

(a) Control of firearms and related equipment:

1. The institutional weapons arsenal shall be located in a safe and secure installation outside the inmate housing and activities area. Weapons, ammunition, gas and related emergency control equipment not currently in use shall be maintained in this secure location.

2. No firearms or other dangerous weapons, including knives, shall be permitted inside any institutional compound except in secure guard walks at those institutions so configured. All employees as well as law enforcement agents or others shall be required to deposit firearms or other dangerous instruments in the weapons storage facility prior to entering the institution. Exceptions to this rule shall be: in the event of a Riot or other serious disturbance at the institution during which, in the judgement of the Warden/Superintendent, it becomes necessary for him to undertake special emergency measures in his efforts to re-establish control, and employees certified to use less-than-lethal devices and/or munitions that meet the definition of a firearm in 18 U.S.C. § 921, 26 U.S.C. § 5845, or any regulation enacted pursuant thereto, may carry such weapons inside an institutional compound with the consent of the Warden/Superintendent.

3. Discharge of any weapon by an employee while in duty status is prohibited, except: as authorized on training ranges; under those circumstances where such action becomes essential to establish, maintain, or regain control of any offender or a facility; when required for the protection of oneself or others; or as necessary in order to prevent or control felonious actions.

4. Under no circumstances shall any inmate be permitted to gain access to any firearm, ammunition or any other critical equipment or supplies.

(b) Control of keys:

1. Each State and County Institution shall establish and maintain an accurate inventory list of all institutional keys to include identification and location of each lock, the number of keys in existence for each, and the location of each key.

2. No inmate shall be issued nor permitted to come into possession of any institutional key except for vehicle keys being used under the controlled conditions described in paragraph 125-3-1-.05(c).

3. Only officials, Correctional Officers, and necessary institutional employees shall be permitted to have possession of institutional keys.

4. Under no circumstances shall any institutional key be placed where it may be copied, imprinted, used, stolen, or otherwise come into the control or possession of an inmate.

5. Each institutional key shall be identified by an assigned number and its copy number. Lock boxes with numbered hooks on which keys shall be accounted for shall be provided and these boxes shall be maintained in such a manner as to preclude any inmate gaining access. Each institution shall establish and maintain an accurate, strict, and continuous key accountability procedure. Frequent validating inventories shall be performed.

6. Keys which are no longer directly associated with a pertinent lock or locking device shall be promptly removed from the system and destroyed or otherwise disposed of in a secure manner.

(c) In order to prevent inmate access to potential escape aids, each State and County Institution shall maintain a strong and secure tool room facility in an area apart from the inmate housing and activity areas.

1. An accurate inventory of all tools shall be established and a continuous chain of accountability maintained.

2. A Correctional Officer or other designated employee shall be charged with the responsibility for the inventory, check-in, check-out and control of tools.

3. The tool inventory shall be adjusted for accession of new tools and withdrawal of worn or broken tools.

4. Return of broken or worn tools shall be required. Disposition of obsolete, worn, damaged, or broken tools shall be accomplished in a manner and at a place where such items do not become accessible to inmates.

5. Tools to be used inside the institution (e.g. hacksaws, chisels, bolt or wire cutters, pipe wrenches, etc.) shall be held to the absolute minimum required to perform the task and used under the direct supervision of a Correctional Officer or supervisory employee until the tool is returned to the tool room.

(d) Each State and County Institution shall maintain a safe and secure storage area for flammables, explosives, poisons, and similar dangerous or controlled items. Such items shall be strictly accounted for and shall be issued, transported, used or returned to the controlled storage area only under the direct supervision of a Correctional Officer or employee qualified in the inventory, use and storage of such materials. All medicines of any type whatsoever shall be maintained under lock and key in the most secure manner achievable and shall be absolutely inaccessible to inmates.

(e) Preventing the introduction of contraband into the institution or its detection and confiscation should it enter requires that all officials and employees at the institution remain fully alert to such possibilities and provide close supervision of inmates and their activities at all times.

1. Periodic searches of all inmates, all cells, dormitories, work areas and frequent searches as well as careful supervision of all Trustees shall be undertaken.

2. Correctional Officers overseeing visits to inmates (Chapter 125-3-4), employees inspecting inmate mail (Chapter 125-3-3) and Correctional Officers inspecting incoming vehicular traffic and supplies shall be particularly alert to detect and prevent the introduction of contraband into the institution and shall use all of the technical means and other legal methods at their disposal to achieve this objective.

3. Contraband is defined as any article that is not officially issued by institutional authorities; purchased through official channels; specifically authorized by written institutional policy; or individually authorized by the Warden/Superintendent or his designated representative.

4. It shall be unlawful for any person to obtain or procure for or give to a convict a gun, pistol, or any other weapon, or intoxicating liquor or amphetamines, or biphetamines, or any other hallucinogenic drugs, or other drugs, regardless of the amount, or any other article or item, without the knowledge and consent of the Warden or his Deputy Warden in charge. Any person who knowingly violates the provisions of this Section shall be guilty of a felony and upon conviction thereof, shall be imprisoned for not less than one, not more than five (5) years.

5. "Any inmate found to be in possession of a gun, pistol, or any other weapon, any intoxicating liquor, amphetamines, biphetamines, or any other hallucinogenic drugs or other drugs, regardless of the amount, or any other item given to said inmate in violation of subsection (a) of this Code Section shall be prosecuted as set forth in Code Section 42-5-19."

**Cite as Ga. Comp. R. & Regs. R. 125-3-1-.06**
**Authority: O.C.G.A. §§ 42-2-11, 42-5-18, 42-5-19, 42-10-2.**
**History.** Rule, entitled "Control of Critical Materials," filed as Rule 451-3-1-.06 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-3-1-.06. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.
**Amended:** F. Jan. 2, 1990; eff. Jan. 22, 1990.
**Amended:** F. Mar. 31, 2026; eff. Apr. 20, 2026.

## Rule 125-3-1-.07. Fugitive Procedures.

The Warden/Superintendent is charged with the prevention of escapes from his institution. However, no matter how well the institutional personnel are trained or how efficiently the operating procedures are executed, occasional escape attempts will be made and a few inmates

will inevitably succeed in achieving temporary freedom. Escapes normally occur without warning. Time is therefore critical and early detection is paramount. The longer the delay between detection of the escape and the initiation of the institutional recapture effort the larger the area of search and the more likely the escapee is to be successful. It is therefore required that each institution create, maintain in a current state, and periodically rehearse escape plans which can be implemented quickly and effectively when needed. The following procedures shall be incorporated in institutional escape plans.

(a) Each official, Correctional Officer, or employee who discovers an escape or suspects an escape attempt is occurring, shall be required to report that fact to the Warden/Superintendent or his designated representative on an urgent basis. The institutional staff shall be alerted and directed to implement applicable portions of their escape plan immediately.

(b) Telephone and/or radio communications shall be established and maintained between the institution and appropriate law enforcement agencies including Local Police, Sheriffs Department(s), Department of Public Safety, and the Georgia Bureau of Investigation.

(c) The Warden/Superintendent or any Officer specifically designated that responsibility, shall notify and request the assistance of the following agencies immediately and provide law enforcement agencies with adequate details of the escape to enable them to participate effectively in the recapture effort:

1. The Local Police Department;

2. The Local Sheriff's Department;

3. The nearest State Police Unit;

4. The Law Enforcement agency where the fugitive is most likely to go (home town, last address, etc.);

5. If it is believed that the fugitive may go to Atlanta, the Atlanta Police Department Fugitive Squad, Commissioner or his designee should be notified;

6. Notify the Department of Correction by telephone and submit a written report of the escape or attempted escape within twenty-four (24) hours.

(d) Consistent with the requirement for continued operation of his institution, the Warden/Superintendent shall assign as many Correctional Officers, including off-duty officers, as possible to implement his escape plan and execute the search. Assistance, if required, should be requested from other nearby institutions on a reciprocating basis.

(e) When an escapee is recaptured, the Warden/Superintendent or an Officer designated by him shall promptly so advise the Commissioner or his designee and inform all Law Enforcement agencies who were notified during the execution of the escape and recapture procedures.

1. The Warden/Superintendent or a designated Officer shall return the inmate to the institution or accomplish a transfer of the inmate to another institution if so directed by the State Board of Corrections.

2. The Warden/Superintendent shall swear out a warrant (or seek an indictment before the Grand Jury) against the inmate charging him (her) with the offense of escape and notify the State Board of Corrections of his action.

3. The Warden/Superintendent shall submit a recapture report to the Department of Corrections.

(f) An inmate who escapes from an institution under the jurisdiction of the State Board of Corrections shall be reclassified to close security status by the Warden/Superintendent pending definitive actions by the central office. The inmate may be transferred to another institution if security considerations dictate such action.

(g) An offender who fails to return to confinement at the exact time specified, after having been released on the condition that he (she) will so return, shall be considered an escapee. If the offender returns within eight (8) hours of the exact time specified for return and proves he (she) did not intentionally fail to return, no charge of escape will be lodged against the offender, and the records of the Department shall reflect the facts so proven.

**Cite as Ga. Comp. R. & Regs. R. 125-3-1-.07**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1972, p. 574 (O.C.G.A. 42-1-2); Ga. L. 1956, pp. 161, 170; 1969, p. 598; 1956, pp. 161, 171 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 489, 490; 1968, p. 1399 (O.C.G.A. 42-5-51); Ga. L. 1969, p. 602; 1971, pp. 435, 436 (O.C.G.A. 42-5-59); Ga. L. 1972, p. 582; 1973, pp. 1297, 1298, 1199 (O.C.G.A. 42-5-51); Ga. L. 1996, pp. 161, 174 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 491, 492; 1970, pp. 318, 319 (O.C.G.A. 42-5-53); Ga. L. 1972, p. 838 (O.C.G.A. 42-10-2); Ga. L. 1956, pp. 161, 178 (O.C.G.A. 42-2-11); Ga. L. 1961, pp. 127, 128 (O.C.G.A. 42-5-100); Ga. L. 1964, pp. 495, 496 (O.C.G.A. 42-5-101); Ga. L. 1968, pp. 1399, 1404 (O.C.G.A. 42-5-51); Ga. L. 1976, pp. 949, 952; 1978, pp. 985, 990 (O.C.G.A. 42-5-101); Ga. L. 1983. p. 645 (O.C.G.A. 16-10-52).**
**History.** Rule, entitled "Fugitive Procedures," filed as Rule 415-3-1-.07 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-3-1-.07. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Rule 125-3-1-.08. Dog Handlers.

(1) Institutions having bloodhounds or other trail dogs used for tracking escapees or assisting law enforcement agencies shall assign and train an appropriate number of Correctional Officers in the effective and efficient handling of the institutional pack.

(2) When institutional dogs are used to trail escapees or others, whether for the owning institution or not, the institution furnishing the dogs will also provide the trained Correctional Officers to handle the dogs.

(3) Inmates shall NOT be used to handle track dogs or to participate in any tracking effort which relates to the recapture of an inmate, apprehension of a suspect(s) in support of law enforcement agencies, or other similar activities, but shall be restricted to the following:

(a) Feeding, exercising, grooming or otherwise caring for tracking dogs at the institutional kennels.

(b) Training, and/or participating in field exercises for training tracking dogs.

**Cite as Ga. Comp. R. & Regs. R. 125-3-1-.08**
**Authority: Ga. Constitution 1985, Art. Xl, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969, p. 598; 1956, pp. 161, 171; 1956, pp. 161, 174 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 491, 492; 1970, pp. 318, 319 (O.C.G.A. 42-5-53); Ga. L. 1972, p. 838 (O.C.G.A. 42-10-2); Ga. L. 1983, p. 672 (O.C.G.A. 42-5-35).**
**History.** Rule, entitled "Dog Handlers," filed as Rule 415-3-1-.08 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-3-1-.08. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Rule 125-3-1-.09. Rewards.

(1) If an inmate escaped from a state institution, the fiscal responsibility for payment of the reward rests with the Commissioner of the Department of Corrections who, at his discretion, may pay the reward to any person from funds appropriated or otherwise available to the Department of Corrections.

(2) At the discretion of the Commissioner of the Department of Corrections, a reward of up to two hundred dollars ($200.00) may be paid to persons, other than law enforcement officers, who furnish information leading to the capture of an inmate who has escaped from a state correctional institution under the jurisdiction of the State Board of Corrections.

(a) The reward shall be payable to the person making the report following the return of the inmate to the custody of the State Board of Corrections.

(b) When two or more persons furnish information which would entitle them to receive the reward, such reward shall be paid to the first person furnishing such information or pro-rated among all eligible persons if the information was furnished jointly or simultaneously.

**Cite as Ga. Comp. R. & Regs. R. 125-3-1-.09**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga L. 1972, p. 574 (O.C.G.A. 42-1-2); Ga. L. 1956, pp. 161, 170; 1969, p. 598; 1956, pp. 161, 171 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 489, 490; 1968, p. 1399 (O.C.G.A. 42-5-51); Ga. L. 1969, p. 602 (O.C.G.A. 42-5-59); Ga. L. 1970, pp. 435, 436 (O.C.G.A. 40-14-2); Ga. L. 1972, p. 582; 1973, pp. 1297, 1298, 1299 (O.C.G.A. 42-5-51); Ga. L. 1956, pp. 161, 174 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 491, 492; 1970, pp. 318, 319 (O.C.G.A. 42-5-53); Ga. L. 1972. p. 833 (O.C.G.A. 42-10-2); Ga. L. 1971, pp. 572, 573 (O.C.G.A. 42-5-3).**
**History.** Rule, entitled "Rewards," filed as Rule 415-3-1-.09 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-3-1-.09. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Subject 125-3-2. DISCIPLINE.

### Rule 125-3-2-.01. Responsibility.

A correctional community, more than other communities, cannot be operated safely, efficiently, and for the best interests of both society and inmates unless the occupants conform to established standards of orderly behavior. It shall, therefore, be the responsibility of the Warden/Superintendent at each prison, assisted by all prison employees, to establish and maintain discipline by consistently requiring obedience, order and good conduct. Each Warden/Superintendent shall assure a fair, unbiased and orderly procedure for administering corrective disciplinary actions. The Disciplinary Action taken should be the minimum which, in the Warden's/ Superintendent's judgment for each specific case, will achieve the desired results.

**Cite as Ga. Comp. R. & Regs. R. 125-3-2-.01**
**Authority: Ga. Constitution 1982, 1983, Art. XI, Sec. I, Par. (b); O.C.G.A. Secs. 42-2-11, 42-5-51, 42-5-53, 42-5-55, 42-10-2, 50-13-1.**
**History.** Rule entitled "Responsibility" adopted as R. 415-3-2-.01. F. Nov. 14, 1984; eff. Dec. 4, 1984 renumbered to R. 125-3-2-.01. F. June 28, 1985; eff. July 20, 1985, as specificed by the Agency.
**Amended:** F. Oct. 8, 1997; eff. Oct. 28, 1997.

### Rule 125-3-2-.02. Instruction of Inmates.

Upon arrival at the prison, all inmates shall be thoroughly instructed concerning the rules and regulations which will govern their conduct, privileges and responsibilities during their stay. Each inmate shall be provided a personal copy of the prison rules and regulations so that he(she) may understand the standards he(she) must maintain during his(her) assignment. Inmates should be specifically informed during their orientation of the more frequent infractions of rules and possible resulting disciplinary action (e.g. violations of rules and regulations concerning visiting privileges, mail privileges, lights out, cleanliness, etc.).

**Cite as Ga. Comp. R. & Regs. R. 125-3-2-.02**
**Authority: Ga. Constitution 1982, 1983, Art. XI, Sec. I, Par. (b), O.C.G.A. Secs. 42-2-11, 42-5-51, 42-5-53, 42-5-55, 42-5-59, 42-10-2.**
**History.** Rule entitled "Instruction of Inmates" adopted as R. 415-3-2-.02. F. Nov. 14, 1984; eff. Dec. 4, 1984 renumbered to R. 125-3-2-.02. F. June 28, 1985; eff. July 20, 1985, as specificed by the Agency.
**Amended:** F. Oct. 8, 1997; eff. Oct. 28, 1997.

### Rule 125-3-2-.03. Inmate Conduct.

Inmates in the correctional system shall be required to comply with applicable Federal and State Laws as well as the rules of the State Board of Corrections and prison rules and regulations promulgated in consonance therewith. Prison Warden/Superintendents will develop a set of conforming regulations, defining the standards of conduct demanded at their particular prison; publish the regulations in written form; and provide each inmate with a personal copy thereof.

**Cite as Ga. Comp. R. & Regs. R. 125-3-2-.03**
**Authority: Ga. Constitution 1982, 1983, Art. XI, Sec. I, Par. (b), O.C.G.A. Secs. 42-2-4, 42-2-11, 42-5-14, 42-5-51, 42-5-55, 42-5-59, 42-5-60, 42-5-63.**
**History.** Rule entitled "Inmate Conduct" adopted as R. 415-3-2-.03. F. Nov. 14, 1984; eff. Dec. 4, 1984 renumbered to R. 125-3-2-.03. F. June 28, 1985; eff. July 20, 1985, as specificed by the Agency.
**Amended:** F. Oct. 8, 1997; eff. Oct. 28, 1997.
**Amended:** F. Apr. 8, 2002; eff. Apr. 28, 2002.

## Rule 125-3-2-.04. Violations.

The following rules are established and shall govern the conduct of all inmates under the jurisdiction of the State Board of Corrections. Violations of these rules shall be punishable as institutional disciplinary infractions, violations of United States or State Law, or both, as appropriate:

(a) Violations of Statutes. Inmates under the jurisdiction of the State Board of Corrections are subject to all laws of the United States and of the State of Georgia. Any prisoner violating these laws may be charged and tried for that violation in the same manner as any other citizen in the appropriate state or federal court. The filing of charges in a judicial court of record for a violation of state or federal laws does not in any way prevent or preclude the administrative handling of the same act as a prison disciplinary matter or of the taking of disciplinary action against the prisoner in question as provided in Rule .08 below (Disciplinary Methods Permitted). These regulations are:

1. Violation of any law or statute of the State of Georgia.
2. Violation of any law or statute of the United States.

(b) Violations Against Persons.

1. B-1A: Intentionally causing the death of a Correctional Officer.
2. B-1B: Intentional causing bodily injury to a Correctional Officer.
3. B-1C: Assaulting a Correctional Officer (no injury).
4. B-1D: Intentional causing the death of other prison employee.
5. B-1E: Intentionally causing injury to other prison employee.
6. B-1F: Assaulting other prison employee (no injury).
7. B-1G: Intentionally causing the death of visitor.
8. B-1H: Intentionally causing injury to visitor.
9. B-1I: Assaulting visitor (no injury).

10. B-1J: Intentionally causing death of an inmate.

11. B-1K: Intentionally causing injury to an inmate or oneself.

12. B-1L: Assaulting an inmate (no injury).

13. B-3a: Shooting or shooting at any person with any type of firearm.

    B-3b: Stabbing or attempting to stab any person with an item that when used as a weapon may cause serious bodily injury.

14. B-4: Intentional throwing or propelling any item at another person:
    (i) Nuisance.

    (ii) Lethal.

    (iii) Bodily Fluids.

15. B-5: Verbally, or through gesture, threatening any person with death, violence or injury, or homosexual assault.

16. B-6: Threatening or menacing any person with a weapon or any other item.

17. B-7: Assault without a weapon, including fighting, boxing, wrestling, and any other form of physical encounter which causes or could cause injury to another person, except as part of an approved recreational or athletic activity.

18. B-8: Participating in homosexual or any sexual behavior or activity with any person, male or female.

19. B-9: Physically assaulting another inmate or another person sexually.

20. B-10: Soliciting or in any other way inducing any other person to participate in homosexual or any other sexual behavior or activity.

21. B-11: Indecent and unnecessary exposure of or indecent exhibition of the genital organs, to include masturbation within view of others.

22. B-12: Use of written or verbal profane, obscene (as prescribed by applicable constitutional standards) or abusive words, language, gestures or pictures to other persons.

23. B-13: Insubordination to a staff member. Insubordination is defined by cursing or showing disrespect toward any employee.

24. B-14: Offering or giving of any gift, personal service, favor, money or anything else of value to any person as a bribe, or in any other way attempting to influence that person to do anything prohibited by these rules or laws of the United States or the State of Georgia.

25. B-15: Requesting, demanding, inducing, and/or receiving any goods, property, personal service, favor, gift, or any item of value in return for protection or other services or considerations, other than services and considerations specifically authorized by the Warden by way of a published and conspicuously posted list.

26. B-16: Individually, or in participation with others, taking and holding of a staff member or of any other person as a hostage or any way restraining, holding, or confining any person against his or her will.

27. B-17: Obstructing, interfering with, or preventing any staff members from carrying out his or her orders, duties or assignments.

(c) Violations pertaining to the Security and the Orderly Operation of the Institution.

1. C-1: Participation in any meeting or gathering which is not of a type which has been authorized by the institutional staff or an individual staff member.

2. C- 2 Participation in any group demonstration, disturbance, riot, strike, refusal to work, work stoppage or work slow down which would disrupt the ordinary routine of the institution.

   (i) C-2A: Planning, conspiring, or encouraging others to participate in any group demonstration, disturbance, riot, strike, refusal to work, work stoppage, or work slowdown which would disrupt the ordinary routine of the institution.

3. C-3: Escaping, walking away or otherwise absenting oneself from the institution without prior specific authorization and permissions from a staff member.

4. C-4: Escaping, walking away or otherwise absenting oneself from the immediate jurisdiction, control or supervision of a staff member or other legal constituted authority.

5. C-5: Participating in the planning of, or otherwise conspiring with another person to escape, aid, abet, have any item of an officer's uniform, civilian clothing, staff clothing, including badges, buttons, name tags, or personal identification, or prevent the discovery of the escape or walk-away of another prisoner from the institution, or from the immediate jurisdiction, control or supervision of a staff member or other legally constituted authority.

6. C-6: Making an attempt to escape from an institution or from the authorities.

7. C-7: Unauthorized possession on one's person, in one's cell, immediate sleeping area, locker or immediate place of work assignment; unauthorized receiving from or giving to another person; unauthorized fashioning, or manufacturing; unauthorized introduction or arrangement for the introduction into the institution of:

   (i) Any key, locking device, chain, rope, ladder, tool or other item which could be used to affect an escape; provided, however, that this rule shall not prohibit possession of keys and locks used to secure an inmate's locker.

   (ii) Any mannequin, dummy, replica of a human body, or any item or device which would cause any prisoner to be counted as being present at the designated time and place when, in fact, he (she) would be absent; or in any way would aid or abet the escape or walkaways of a prisoner.

   (iii) Any mask, wig or disguise, or any other means of altering normal physical appearance which would make ready identification of a prisoner difficult.

8. C-8: Tampering with, removal of, damage to, destruction of, blocking of or any way making inoperable any lock, door, blocking device or allied equipment, or any fire or safety equipment.

9. C-9: Knowingly not being physically present at the designated time and place of a count of all the inmate population or that part of the population of which the inmate is a member without the prior knowledge and permission of a staff member.

10. C-10: Causing or participating in any interference, delay, disruption or deception with regard to the process of counting part or all of the inmate population.

11. C-11: Wearing of any mask, wig, or disguise, or any other alteration of normal physical appearance which would make ready identification of the inmate difficult.

12. C-12: Causing, through carelessness or neglect, a fire or the setting of any fire without the prior permission of a staff member.

13. C-13: Absence from one's cell or immediate housing area, place of work, training assignment, or other area designated by a staff member without the specific prior knowledge and permission of a staff member.

14. C-14: Unauthorized presence or being out of place in any building, facility, area, location, vehicle or restriction place.

15. C-15: Failure to follow, or to carry out, any written or verbal lawful and reasonable direction, instruction or order of a staff member or other legally constituted authority.

16. C-16: Failure to perform or complete any work, training or other assignment as ordered, directed or instructed, either verbally or in writing by a staff member.

17. C-17:

    (a) Being under the influence of alcohol,

    (b) being under the influence of any other drugs, narcotics, or any intoxicant, depressant or stimulant not specifically authorized, prescribed or issued by a staff member of the prison/center,

    (c) refusal to be tested for unauthorized substances.

18. C-18: Refusal to allow, hindering of, or obstruction of the search of a prisoner, his (her) cell or his (her) property by a staff member.

19. C-19: Hanging, fastening or attaching of any sheet, blanket, curtain, drapery or other materials, whether transparent or not, on any part or all of the front, or door, of a cell or around dormitory bed or other immediate sleeping area without the prior permission of a staff member.

(d) The Following Violations Which Pertain to Possession, Manufacture and Introduction of Contraband:

1. Unauthorized possession of any item on his (her) person, in his (her) cell, immediate sleeping area, locker or immediate place of work or assignment; unauthorized receiving from, or giving to another person; unauthorized fashioning or manufacturing, unauthorized introduction, or in any way arranging for the unauthorized introduction on state property of any item; unauthorized mailing, shipping, dispatching or smuggling, or in any way arranging to mail, ship, dispatch or smuggle away from state property any item considered contraband by the institution; possession of any item not sold in the institutional store, not permitted by the established policy of the institution or by these rules or which is not otherwise expressly authorized and approved for receipt and/or retention by the individual prisoner.

2. Possession on one's person, in his (her) cell, immediate sleeping area, locker, or immediate place of work or assignment of any form of securities, bonds, coins, currency, or legal tender unless expressly and specifically authorized by the individual institution concerned shall constitute contraband and be subject to forfeiture. The Warden/Superintendent or his or her representative will refer these violations to the Disciplinary Hearing Officer for investigation and a hearing as to the violation determination and a hearing as to the forfeiture. The inmate's right as to the forfeiture determination shall be the same as in the violation determination.

(i) Forfeited securities, bonds, coins, currency, or legal tender shall, in State Institutions, vest in the State, and, in County Institutions, vest in the County.

3. Possession on one's person, in one's cell, immediate sleeping area, locker or immediate place of work or assignment; receiving from or giving to another person; fashioning or manufacturing; introduction or arranging for the introduction into the institution without the prior knowledge and permission of a staff member of:

(i) Any gun, knife, club, weapon, or unauthorized pointed or sharpened instrument capable of causing or inflicting bodily injury to another person;

(ii) Any flammable, poisonous or explosive material or device or any type of ammunition; provided, however, this rule shall not prohibit possession of any item authorized for purchase at the prison store;

(iii) Any form of written petition intended for circulation among prisoners;

(iv) Any device, equipment, paraphernalia or any other item which can be used for the injection, inhalation or absorption of drugs, narcotics, intoxicants or medicines, not specifically prescribed, authorized or issued to the individual prisoner by a staff member;

(v) Any form of official papers or documents (other than papers or documents relative to judicial or administrative proceedings) or articles of identification unless expressly and specifically authorized by the individual institution concerned;

(vi) Any item of an officer's uniform, civilian clothing, or staff clothing, including badges, buttons, name tags, or items of personal identification;

(vii) Any permitted or issued clothing, tools, equipment, goods, property, materials or items in excess of the number and amount authorized or issued to the individual prisoner;

(viii) Any obscene material. "Obscene" is defined as meaning: That which considered as a whole has as its dominant theme or purpose an appeal to prurient interest or a shameful or morbid interest in nudity, sex or lewdness going substantially beyond customary limits of candor in description or representation of such matters and is utterly without redeeming social importance;

(ix) Any contraband, illegally manufactured, or altered food or drink.

(x) Any drug, narcotic, intoxicant, depressant, or stimulant, other than alcohol;

(xi) Any form of commercially produced or homemade alcohol and alcoholic beverages.

(xii) An apparatus associated with a device, or a component of a device that enables, or may be used to enable, communication with a person outside a place of incarceration, including a telephone, cellular telephone, personal digital assistant, transmitting radio, or computer connected or capable of being connected to a computer network, by wireless or other technology, or otherwise capable of communicating with a person or device outside of a place of incarceration.

4. Selling, giving, bartering, disposing of or administering any medicine, drug, narcotic, intoxicant, stimulant, depressant or medical supply other than as expressly instructed by a staff member;

5. Possession in his (her) sleeping or living area or locker presents unkept, untidy, excessively cluttered or offensive appearance, or to the degree that it restricts or interferes with the free movement of another prisoner, with officer's visual observation of the cell or sleeping area or creates a fire or safety hazard;

6. Possession on one's person, in one's cell or immediate sleeping area, immediate place of work or assignment or a locker, of more than the amount of articles allotted in the Inmate Personal Property Standard Operating Procedure without the prior knowledge and permission of a staff member.

(e) Violations Pertaining to Property and Involving Fraud:

1. Receiving from or giving to another person, possession on one's person, in one's cell, immediate sleeping area, locker, or immediate place of work or assignment any goods, property or item of value to another prisoner without prior knowledge and approval of a staff member. Giving, loaning or otherwise providing money, goods, property or any item of value to another person for profit or increased return.

2. Theft or otherwise taking possession of any goods, property, or item of value belonging to another prisoner, staff member, or any government unit of the State of Georgia without the prior authorization of a staff member or taking by the use of threats, duress, deception or force.

3. Altering, damaging, or destroying goods, property, or an item of value belonging to another person or government unit of the State of Georgia.

4. Exchanging, tracing, bartering, giving, receiving, or other participation in the transfer of money, personal property or any other item of value from one person to another without the prior knowledge and permission of a staff member.

5. Knowingly providing false reports, giving false statements, lying, misrepresenting or distorting the truth, or otherwise knowingly communicating inaccurate, untrue or misleading information to a staff member.

6. Counterfeiting, manufacture or reproduction, forgery or possession of any official paper or document, money, currency, coins or articles of identification without the prior knowledge and permission of a staff member.

7. Transfer or attempt to transfer funds from the trust account of one prisoner to that of another without the prior knowledge and permission of a staff member.

8. Exchanging, trading, bartering, giving, receiving or other participation in the transfer of money, personal property or any other item of value from one prisoner to another without the prior knowledge and permission of a staff member.

9. Contracting or arranging to fashion, design, construct or manufacture any hobby item, art work, craft item or any other item for another prisoner without the prior knowledge and permission of a staff member.

(f) Violations Pertaining to Policy and Procedures:

1. Participation in any betting, gambling or games of chance, or preparing or conducting games of chance or a gambling pool.

2. Possession on one's person, in one's cell, locker, sleeping area, immediate place of work or assignment; fashioning, designing or manufacturing, introducing or attempting to introduce into the institution any betting or gambling items without the prior knowledge and permission of a staff member.

3. Transmitting or attempting to transmit through the mail threats, demands or obscene materials (Reference Chapter 125-3-3).

4. Violation of any United States postal laws or regulations.

5. Violating or attempting to violate any institutional mailing rule or regulation.

6. Violating or attempting to violate any institutional visiting rule or regulation.

7. Use of any telephone without the prior specific knowledge and permission of a staff member.

8. Contacting or attempting to contact any person or persons outside the institution (except as specifically authorized by the telephone, mail, or visiting rules or regulations) without the prior knowledge and permission of a staff member.

9. Feigning or misrepresenting illness, injury or physical condition.

(g) Violations Pertaining to Personal Appearance and Sanitation:

1. Willful failure of an inmate to keep his body, hair and clothes in as clean, sanitary, neat and odor-free condition as is possible under the circumstances of his or her particular custody.

2. Failure of an inmate to keep his cell or immediate sleeping area clean, odor-free, sanitary, free of trash and debris and available to the visual observation of a staff member.

3. The growing or wearing of a beard, goatee or otherwise not being clean shaven, except mustaches which do not extend beyond the edge of the mouth and are kept neat and trimmed at all times. (Chapter 125-2-3).

4. The growing or wearing of thick or untrimmed sideburns or sideburns extending below a point even with the bottom of the ear lobe.

5. The growing or wearing of the hair on the head long enough to extend onto the collar of an ordinary shirt, onto the eyebrows, or to be longer than three (3) inches on top. For female inmates, the growing or wearing of hair in a manner inconsistent with Departmental standard operating procedure.

6. Wearing on the person, body or clothing of earrings, beads, pendants, medallions or other items of decoration or jewelry. Watches, standard size individual finger rings, religious medals or crosses are acceptable when in compliance with the Inmate Personal Property standard operating procedure.

(h) Violations Pertaining to Safety:

1. Failure to observe, follow and comply with any prison safety policies or rules and regulations.

2. Operation and use of any tool, equipment, machinery or vehicle without the permission of a staff member.

3. Careless, reckless or negligent operation or use of any institutional tool, equipment, machinery or vehicle.

4. Use, handling of, tampering with, or carelessly, negligently, recklessly or willfully causing damage or destruction to any piece of safety equipment or safety device, except in the case of an emergency or with the prior knowledge and permission of a staff member.

5. Repair, alterations, modification, tampering with or carelessly, negligently, recklessly or willfully causing damage to or destruction of any part of the electrical, plumbing, water, sewerage, communications and other institutional utilities without the prior knowledge and permission of a staff member.

6. Any careless, reckless, negligent or willful act or behavior which causes or could cause death or injury to another person.

7. Smoking in any area or building whenever or wherever smoking is prohibited.

(i) Disposition of Violations of Rules which are also Violations of State or Federal Statutes.

1. When a prisoner is alleged to have committed a violation of rules which is also a violation of the Laws or statutes of the State of Georgia or the United States, the processing and disposition of that violation will be handled in the same manner as acts which are not necessarily violations of statutes or laws.

2. In the case of such concurrent violations, the Warden/Superintendent, at his discretion, may request an investigation into the matter by the Deputy Commissioner of Facilities. The Deputy Commissioner may then direct that the case be referred to the appropriate state or federal authorities.

3. The Warden/Superintendent may cause the appropriate staff members or appropriate law enforcement officers to investigate the matter in question and submit the findings and evidence to appropriate prosecuting authorities within 60 days.

4. During the total investigating and charging period (i.e., thirty (30) days investigation and thirty (30) days in which charges may be filed) the inmate, at the discretion of the discretion of the Warden/Superintendent, may be assigned to Administrative Segregation and housed in a cell or other facility designated as housing for prisoners classified as security risks. The inmate will be afforded the same privileges and activities as other security inmates.

5. If no referral to appropriate authorities is made within thirty (30) calendar days of when the prisoner received his (her) copy of the disciplinary report in regards to the institutional rule violation, the investigation shall be dismissed and purged from the record.

6. Following the thirty (30) day investigative period, if the United States or State authorities have not filed formal criminal or civil charges or caused a warrant to be taken against the accused in the appropriate court of record, restrictive assignment of the inmate for this purpose shall be terminated.

7. Upon the proper filing of charges in the appropriate court of record by the local authorities within the prescribed thirty (30) calendar days, the prisoner may, at the discretion of the Warden/Superintendent, be housed in a cell or other facility designated as security housing until the case is finally decided and disposed of by the courts.

8. Should the matter not be referred to the local authorities within the prescribed thirty (30) calendar days; should the local authorities not file criminal or civil charges within the prescribed thirty (30) calendar days; should those charges be dropped or dismissed; or should the prisoner be found guilty of the charges, the prisoner in question shall be promptly referred to the Classification Committee for a review, evaluation and, if necessary, a change in his (her) status, custody, classification work or training assignment or housing location. The Classification Committee shall consider this matter within seven (7) working days (excluding weekends and holidays) from the time it is referred to it, and at that time the prisoner will be clearly informed verbally by the Committee and within three (3) additional working days will be provided with a clearly worded written statement informing him (her) that prosecution is no longer pending under state or federal statutes; and that, consequently, he (she) is being considered for reclassification of his (her) status, custody classification, assignment and housing.

(j) Categorization of Offenses and Punishments. The Commissioner of the Board of Corrections will issue separate instructions to identify each of the violations indicated above as either a low, moderate, high or greatest infraction. Such categorization of offenses shall establish the limits of punishments assessable as defined in Rule .08, below. Violations and categorization data shall be posted on inmate bulletin boards and, additionally, be readily accessible to all inmates through their counselors or other designated personnel.

**Cite as Ga. Comp. R. & Regs. R. 125-3-2-.04**
**Authority: Ga. Constitution 1982, 1983, Art. XI, Sec. 1, Par. I, (b): O.C.G.A. Secs. 42-2-11, 42-5-9, 42-5-51, 42-5-53, 42-5-55, 42-5-59, 42-5-62, 42-5-63, 42-5-100, 42-5-101, 42-10-2.**
**History.** Rule entitled "Violations" adopted as R. 415-3-2-.04. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-3-2-.04. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** F. Oct. 23, 1990; eff. Nov. 12, 1990.
**Amended:** F. July 13, 1998; eff. August 2, 1998.
**Amended:** F. Apr. 8, 2002; eff. Apr. 28, 2002.
**Amended:** F. Mar. 6, 2003; eff. Mar. 23, 2003.
**Amended:** F. June 4, 2009; eff. June 24, 2009.

## Rule 125-3-2-.05. Reporting of Incidents.

The reporting of incidents will be conducted in accordance with standard operating procedures promulgated by the Commissioner.

**Cite as Ga. Comp. R. & Regs. R. 125-3-2-.05**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b), O.C.G.A. Secs. 42-2-1, 42-2-11, 42-5-51, 42-5-53, 42-5-59, 42-5-62, 42-5-63, 42-5-100, 42-5-101, 42-10-2.**
**History.** Rule entitled "Reporting of Incidents" adopted as R. 415-3-2-.05. F. Nov. 14, 1984; eff. Dec. 4, 1984 renumbered to Rule 125-3-2-.05. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Repealed:** New Rule of same title adopted. F. Oct. 23, 1990; eff. Nov. 12, 1990.

## Rule 125-3-2-.06. Disciplinary Hearings.

Disciplinary hearings will be conducted in accordance with standard operating procedures promulgated by the Commissioner. The Commissioner is authorized to establish procedures for assessing a deduction from money credited to the inmate account in all cases in which an inmate is found guilty or pleads guilty.

**Cite as Ga. Comp. R. & Regs. R. 125-3-2-.06**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b), O.C.G.A. Sec. 42-2-11.**
**History.** Rule entitled "Disciplinary Committee" adopted as R. 415-3-2-.06. F. Nov. 14, 1984; eff. Dec. 4, 1984 renumbered to R. 125-3-2-.06. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Repealed:** New Rule entitled "Disciplinary Proceedings" adopted. F. Mar. 30, 1990; eff. Apr. 19, 1990.
**Repealed:** New Rule entitled "Disciplinary Hearings" adopted. F. Oct. 23, 1990; eff. Nov. 12, 1990.
**Amended:** F. Feb. 10, 1998; eff. Mar. 2, 1998.

## Rule 125-3-2-.07. Disciplinary Methods Prohibited.

Disciplinary actions shall not be administered by any of the following methods:

(a) Under no circumstances shall corporal punishment of any kind be administered to any inmate.

(b) No form of cruel, inhumane or unusual punishment shall be administered to any inmate.

(c) Physical force used by a Correctional Officer to control an unruly or violent inmate shall not exceed that required to maintain positive control. This provision is not intended to preclude a Correctional Officer from protecting his (her) person or others from assault, preventing escape, preventing serious injury to property, or from taking such positive action as may be required to subdue a violent and unruly inmate. Use of a control agent, such as "MACE", is considered use of force for reporting purposes. A written report setting forth the facts necessitating the use of force on an inmate shall be prepared by the Correctional Officer(s) or employee(s) involved in each such incident and submitted to the Warden/Superintendent to the Commissioner of Corrections within 72 hours after the incident.

(d) No form of special colored clothing or striped uniform may be used as a method of imposing discipline on an inmate.

(e) An inmate shall not be required to undergo a special haircut, nor shall his head be shaved as disciplinary method.

**Cite as Ga. Comp. R. & Regs. R. 125-3-2-.07**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b), O.C.G.A. Secs. 42-5-11, 42-5-51.**
**History.** Rule entitled "Disciplinary Methods Prohibited" adopted as R. 415-3-2-.07. F. Nov. 14, 1984; eff. Dec. 4, 1984 renumbered to R. 125-3-2-.07. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

## Rule 125-3-2-.08. Disciplinary Methods Permitted.

The following is a list of acceptable sanctions which can be used for disciplinary action within the system. Please note that there are now four levels of severity. No variation is permitted without prior written approval from the Division Director, Corrections Division.

(a) For low severity violations:

1. Reprimand, warning, or prison restriction shall not exceed thirty (30) days; and/or
2. Withdrawal or limitation of any or all privileges such as recreation, library, store canteen, mail, visiting, etc., shall not exceed thirty (30) days; and/or
3. Assignment to extra duty for two (2) hours per day not to exceed thirty (30) days; and/or
4. Change in work assignment or living quarters; and/or
5. Impound personal property not to exceed thirty (30) days, except religious or legal materials; and/or
6. Restrict to quarters, not to exceed thirty (30) days, except for meals; and/or
7. Restriction from special or selected group activities not to exceed thirty (30) days.

(b) For moderate severity violations:

1. The following sanctions may be imposed on all inmates either assigned to a prison/center or in work release:
   (i) Any or all procedures listed under minor violations except that the limitations on restriction, withdrawal of privileges and assignment to extra duty are increased in each case from thirty (30) days to ninety (90) days.
2. The following sanctions may to imposed only on a work release inmate:
   (i) Required counseling contacts option.
   (ii) Probated pass restriction/denial.
   (iii) Civilian clothing restriction and/or return to institutional clothing.
   (iv) Use of non-G.D.C. alternative program assignment.
   (v) Increase reporting contacts.
   (vi) Return inmate to Phase I of Work Release Program.

(vii) Extend stay in Phase I of Work Release Program.

(viii) Mandatory assignment to G.D.C. programs, counseling, or training.

(ix) Mandatory community service.

(x) Assignment to "Long Term Maintenance" duties.

(c) For high severity violations:

1. The following sanctions may be imposed on all inmates either assigned to a prison/center or in work release:

(i) Any or all procedures listed under minor or moderate violations, not to exceed ninety (90) days; and/or

(ii) Disciplinary isolation when authorized by the Warden/Superintendent not to exceed fourteen (14) days; and/or

(iii) Administrative Segregation may be imposed for an indefinite period if authorized in writing by the Warden/Superintendent (reference Rule 125-3-1-.03(4)(a)). Such segregation may follow release from disciplinary isolation in order to maintain control in unresponsive cases, or may be imposed when continued maximum control is required to protect the inmate, the prison population, or the public, or to maintain order at the prison; and/or

(iv) Raising of security status; and/or

(v) Removal from specified programs; and/or

(vi) Disciplinary transfer; and/or

(vii) Recommendations by the Warden/Superintendent for extension of the Tentative Parole Month for a period not to exceed ninety (90) days; and/or

(viii) Affect issuance of a warrant when there has been a violation of law.

2. The following sanctions may to imposed only on a work release inmate:

(i) Removal from the Work Release Program.

(ii) Probated TPM extension.

(iii) Pass restriction/denial or probated pass restriction/denial.

(iv) Return inmate to Phase I of Work Release Program.

(v) Extend stay in Phase I of Work Release Program.

(vi) Mandatory assignment to G.D.C. programs, counseling, or training.

(vii) Mandatory community service.

(viii) Assignment to "Long Term Maintenance" duties.

(ix) Increased drug and/or alcohol testing.

(x) Increased reporting contact(s).

(xi) Temporary return to prison up to 30 days.

(xii) Probated temporary return to prison.

(xiii) Use of non-G.D.C. alternative program assignment.

(d) For greatest severity violations:

1. The following sanctions may be imposed on all inmates either assigned to a prison/center or in work release:

(i) Any or all procedures listed under high severity violations; and/or

(ii) Extended isolation time to thirty (30) days, when approved by the Warden/Superintendent in writing; and/or

(iii) Assign to Administrative Segregation for an indefinite period when approved by the Warden/Superintendent in writing (reference Rule 125-3-1-.03(4)(a)). Such segregation may follow release from disciplinary isolation in order to maintain control in unresponsive cases, or may be imposed when continued maximum control is required to protect the inmate, the prison population, or the public, or to maintain order at the prison; and/or

(iv) Recommendation by the Warden/Superintendent for extension of the Tentative Parole Month for unspecified period up to and including maximum release date.

2. The following sanctions may to imposed only on a work release inmate:

(i) Removal from the Work Release Program.

(ii) Probated TPM extension.

(iii) Pass restriction/denial.

(iv) Return inmate to Phase I of Work Release Program.

(v) Extend stay in Phase I of Work Release Program.

(vi) Mandatory assignment to G.D.C. programs, counseling, or training.

(vii) Mandatory community service.

(viii) Assignment to "Long Term Maintenance" duties.

(ix) Increased drug and/or alcohol testing.

(x) Temporary return to prison up to 60 days.

(xi) Probated temporary return to prison.

(e) The Disciplinary Committee will consider previous disciplinary reports. These infractions, their severity and frequency regardless of their nature, may influence the punishment recommended by the Disciplinary Committee.

**Cite as Ga. Comp. R. & Regs. R. 125-3-2-.08**
**Authority: Ga. Constitution 1982, 1983, Art. XI, Sec. 1, Par. I, (b): O.C.G.A. Secs. 42-2-11, 42-5-51, 42-5-53, 42-5-55, 42-5-59, 42-5-100, 42-5-101, 42-10-2.**
**History.** Rule entitled "Disciplinary Methods Permitted" adopted as R. 415-3-2-.08. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-3-2-.08. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** F. Oct. 8, 1997; eff. Oct. 28, 1997.
**Amended:** F. June 4, 2009; eff. June 24, 2009.

## Rule 125-3-2-.09. Disciplinary Facilities.

Following are the disciplinary facilities and procedures for their use:

(a) An inmate may be placed in a Disciplinary Isolation cell for a period on the written authority of the Warden/Superintendent. Confinement in Disciplinary Isolation must be supported by a Disciplinary Report and a finding of guilt by the Disciplinary Hearing Officer.

(b) Disciplinary Isolation cells shall be maintained at each prison and shall meet the following specifications:

1. For new construction the minimum size of the cell shall be 5' x 10' x 7' high or equivalent. Existing cells used for this purpose are approved as an exception.

2. The cell shall be provided with adequate light (natural or artificial) and ventilation (natural or mechanical).

3. The cell shall be properly heated during cool or cold weather, provided, however, that if heated by gas, the exhaust and ventilation system shall be inspected at least once a year by a recognized safety inspector who shall certify that the exhaust and ventilation systems are in good working order. More frequent inspections will be required if malfunctions occur. If repairs are required they must be achieved and reinspection performed prior to use of the system. Inspection certificates shall be maintained on record at the prison.

4. All cells shall be free of any items such as exposed pipe, construction irregularities, accessible electrical wiring, etc., which could be used by an inmate as a weapon to harm himself (herself).

5. All installed bunk, mattress, and bed covering appropriate to the season shall be provided, except as hereinafter specified.

6. A commode, lavatory and drinking water or frequent escort to such facilities shall be provided. All future construction shall include a commode, lavatory and drinking fountain in each cell, all of which shall be controllable from outside the cell.

7. No more than one (1) inmate shall occupy a cell at a time, except in an emergency situation as follows: If sufficient cells are unavailable and an emergency situation arises necessitating the placing of more than one (1) inmate in a cell, the Warden/ Superintendent shall take the necessary action and, as soon thereafter as feasible, obtain pertinent instructions from the Commissioner of Corrections or his assistants.

(c) An Administrative Segregation facility is a designated area within the confines of the prison, separated and apart from any other area which is utilized to house the general inmate population. The basic intent of placing an inmate in Administrative Segregation is not disciplinary in nature. However, the welfare of the prison may require that some inmates be separated from the general inmate population in accordance with the provisions contained in Chapter 125-3-1 "CUSTODY AND SECURITY."

**Cite as Ga. Comp. R. & Regs. R. 125-3-2-.09**
**Authority: Ga. Constitution 1983, Art IX, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-51, 42-5-53, 42-5-55, 42-10-2.**
**History.** Original Rule entitled "Disciplinary Facilities" adopted as R. 415-3-2-.09. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-3-2-.09. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** F. Oct. 8, 1997; eff. Oct. 28, 1997.

## Rule 125-3-2-.10. Procedures and Restrictions.

The following procedures and restrictions apply to institutional practices concerning Disciplinary Isolation.

(a) An inmate may be placed in Disciplinary Isolation after other methods of disciplinary action have proved ineffective or when it is clearly obvious that maximum control is essential.

(b) An inmate placed in Disciplinary Isolation shall be provided a uniform or a one-piece coverall suit. An inmate shall not be placed in a cell naked nor shall his clothing, mattress, or bedding be removed unless, in the judgment of the Warden/Superintendent or institutional physician, the inmate is classified as violent, or likely to become so, or might commit mutilation or bodily harm to himself or others. In such cases the inmate shall be placed under close observation including, at a minimum, an hourly recorded inspection. In these cases the Warden/Superintendent shall notify the Commissioner of Corrections or appropriate assistant promptly and request further instructions.

(c) When an inmate is placed in Disciplinary Isolation, security shall notify a member of the medical staff . A licensed health care provider will perform a review of the inmate's medical records to determine if the inmate would be physically or mentally harmed by the environment of Disciplinary Isolation. The record review is be completed by the next business day. A licensed health care provider will make medical checks of inmates in Disciplinary Isolation three times weekly. The institutional physician shall advise the Warden/Superintendent if an inmate should be removed from Disciplinary Isolation for reasons of health. If such is the case, the Warden/Superintendent shall remove the inmate, as appropriate.

(d) The inmate is to be provided a breakfast, noon and evening meal similar to those served to the general population. Three meals, of which two are hot, are to be served within a 24-hour period with no more than 14 hours between the evening meal and breakfast. On weekends and holidays, provided nutritional goals are met, variations may be allowed based on food service demands. Food is not to be used as a disciplinary sanction for an individual inmate. All inmates held in Disciplinary Isolation shall be provided as much water as they wish to drink at all times.

(e) Each inmate confined to Disciplinary Isolation shall be checked on and observed at least every two (2) hours (every hour when under close observation) and a signed record or checklist, indicating the date and time of the inspection and identifying the Correctional Officer who performed the check, will be maintained by the institution. Upon release of the inmate from disciplinary isolation, the signed record shall be reviewed, dated, and signed by the Warden or his designee and placed in, and become a part of, the inmate's institutional file.

(f) No confinement to an isolation cell of greater than thirty (30) days shall be imposed without the review and approval of a Division Director of the Department of Corrections.

For a series of infractions arising from a single incident, confinement in isolation may not exceed sixty (60) days. In any event, if approval is given by the Division Director, no inmate shall remain in an isolation cell for a period greater than thirty (30) days without a period of at least twenty-four (24) hours outside of isolation.

**Cite as Ga. Comp. R. & Regs. R. 125-3-2-.10**
**Authority: Ga. Constitution 1983, Art IX, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-51, 42-5-53, 42-5-55, 42-5-59, 42-10-2.**
**History.** Original Rule entitled "Procedures and Restrictions" adopted as R. 415-3-2-.10. F. Nov. 14, 1984; eff. Dec. 4, 1984.
**Repealed:** New rule of same title adopted. F. Apr. 11, 1985; eff. May 1, 1985, renumbered as R. 125-3-2-.10. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** F. Mar. 9, 1987; eff. Mar. 29, 1987.
**Amended:** F. Sept. 6, 1988; eff. Sept. 26, 1988.
**Amended:** F. Jan. 16, 1991; eff. Feb. 5, 1991.
**Amended:** F. Aug. 5, 2004; eff. Aug. 25, 2004.

## Rule 125-3-2-.11. Disciplinary Transfer.

The Warden/Superintendent may recommend to the Commissioner of Corrections the transfer of an inmate because of unacceptable conduct. Appropriate documentation by the Warden/Superintendent should accompany the transfer recommendation. When, in the discretion of the Commission of Corrections, an inmate has failed to respond to counseling and guidance concerning his unacceptable conduct, he may be transferred to another prison.

**Cite as Ga. Comp. R. & Regs. R. 125-3-2-.11**
**Authority: Ga. Constitution 1983, Art IX, Sec. I, O.C.G.A. Secs. 34-9-15, 42-2-4, 42-2-11, 42-5-51, 42-5-52, 42-5-55, 42-5-59.**
**History.** Original Rule entitled "Disciplinary Transfer" adopted as R. 415-3-2-.11. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-3-2-.11. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** F. Oct. 8, 1997; eff. Oct. 28, 1997.

## Rule 125-3-2-.12. Use of Certain Restraints.

Handcuffs, leg chains, waist chains, and waist belts may be utilized in transferring violent or potentially dangerous inmates within a prison or between facilities. These same restraints may also be used in securing violent or potentially dangerous inmates in public and private areas such as hospitals and clinics.

**Cite as Ga. Comp. R. & Regs. R. 125-3-2-.12**
**Authority: Ga. Constitution 1983, Art IX, Sec. I, O.C.G.A. Secs. 34-9-15, 42-2-4, 42-2-11, 42-5-51 to 42-5-53, 42-5-55, 42-5-58, 42-5-59, 42-10-2.**
**History.** Original Rule entitled "Use of Certain Restraints" adopted as R. 415-3-2-.12. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-3-2-.12. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** F. Oct. 8, 1997; eff. Oct. 28, 1997.

## Subject 125-3-3. MAIL.

## Rule 125-3-3-.01. Mail.

(1) All incoming and outgoing non-privileged mail is subject to inspection and random reading by correctional staff, in order to reveal escape plots, plans to commit illegal acts, plans to violate institution rules, or other security concerns.

(2) The Superintendent may reject correspondence sent by or to an inmate if it is determined detrimental to the security, good order, or discipline of the institution, the protection of the public, or if it might facilitate criminal activity.

(3) All mail between inmates or residents shall be inspected for contraband or dangerous information.

(4) An inmate's mail privilege may be withdrawn as a result of action taken where an abuse of the mail privilege is found, or as a result of action where persons request termination of correspondence with the inmate.

**Cite as Ga. Comp. R. & Regs. R. 125-3-3-.01**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-1, 42-2-4, 42-2-11, 42-5-14, 42-5-53, 42-5-159, 42-10-2.**
**History.** Rule entitled "Mail" adopted as R. 415-3-3-.01. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-3-3-.01 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Repealed:** New Rule of same title adopted. F. Sept. 16, 1986; eff. Oct. 6, 1986.
**Amended:** F. Oct. 23, 1990; eff. Nov. 12, 1990.
**Amended:** F. Feb. 10, 1998; eff. Mar. 2, 1998.

## Rule 125-3-3-.02. Inspection of Mail.

Both outgoing and incoming mail will be inspected for contraband. Contraband is considered to be an item not issued to an inmate or available or authorized for purchase through the mail or the institutional store or specifically authorized by the Warden/Superintendent. All incoming/outgoing mail must have a complete name and address of the sender and receiver on the envelope. A complete address for outgoing/incoming inmate mail shall include the inmate's full name, state I.D. number, unabbreviated institutional name, post office box, city/state, and zip code. A return address must be present on incoming mail so that undeliverable mail may be returned to the sender. Outgoing non-privileged mail discovered to contain or reasonably suspected of containing contraband or information presenting a direct threat to institutional security may be opened and inspected.

**Cite as Ga. Comp. R. & Regs. R. 125-3-3-.02**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-4, 42-2-11, 42-5-14, 42-5-15, 42-5-53, 42-10-4.**
**History.** Rule entitled "Inspection of Mail" adopted as R. 415-3-3-.02. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-3-3-.02 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Repealed:** New Rule of same title adopted. F. Sept. 16, 1986; eff. Oct. 6, 1986.

**Amended:** F. Jan. 13, 1989; eff. Feb. 2, 1989.
**Amended:** F. May 6, 2005; eff. May 26, 2005.

## Rule 125-3-3-.03. Privileged Mail.

(1) Inmates may write uncensored and sealed letters to the following officials:

(a) The Governor.

(b) The Lieutenant Governor.

(c) Members of the General Assembly of Georgia.

(d) The President and Vice-President of the United States and Members of the United States Congress.

(e) Members of the State Board of Corrections.

(f) The Commissioner of the Department of Corrections.

(g) Deputy Commissioners of the Department of Corrections.

(h) The Executive Assistant of the Department of Corrections.

(i) Members of the State Board of Pardons and Paroles.

(j) The Courts.

(k) The Inmate's Attorney. This category shall include any attorney, licensed to practice in State or United States Courts, Courts of Appeals, or the Supreme Court, with whom the inmate has had or is attempting to establish an attorney-client relationship.

(l) The Press. The term "Press" is defined as newspapers, news magazines, news services, and radio and television stations. Privileged press mail must reflect the return address including the name of the newspaper, news magazine, news service, radio station or television station commercially printed on the envelope. The mailing address of out-going press mail must reflect the name of the newspaper, news magazine, news service, radio station or television station.

(m) Other Governmental Agencies. This category is defined as agencies or instrumentalities of municipal, county, state and federal governments.

(2) Mail to and from the above sources may be externally inspected by fluoroscope, metal detecting device, or manual manipulation for the purpose of detecting contraband. Such inspection must not be permitted to create undue delays. Any correspondence discovered

to contain or reasonably suspected of containing contraband or of being inauthentic may be opened and inspected provided such action is taken in the presence of the inmate concerned. Privileged mail shall not be subject to restriction as a disciplinary measure. All privileged mail shall be opened and inspected for contraband by an appropriately designated staff member in the presence of the respective inmate.

**Cite as Ga. Comp. R. & Regs. R. 125-3-3-.03**
**Authority: Ga. Constitution 1982, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-1, 42-2-11, 42-5-53, 42-10-2.**
**History.** Rule entitled "Privileged Mail" adopted as R. 415-3-3-.03. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-3-3-.03 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** F. Oct. 23, 1990; eff. Nov. 12, 1990.
**Amended:** F. Mar. 6, 2003; eff. Mar. 26, 2003.

## Rule 125-3-3-.04. Publications.

(1) Inmates may receive a limited number of individual books, periodicals, or newspapers produced by publishing concerns provided the publications are received direct from the publisher concerned or direct from an established retailer.

(2) Inmates may not receive books, periodicals, or newspapers the contents of which could clearly and reasonably be expected to present a threat to institutional security and discipline.

(a) Inmates may not receive publications or material which, taken as a whole, would be fund by the average person, applying contemporary community standards, to appeal to the prurient interest, which depicts or describes sexual conduct in a patently offensive way in a manner prohibited by the law of this State and by the laws of the United States, and which, taken as a whole, lacks serious literary, artistic, political, or scientific value.

(3) Membership in book clubs or similar enterprises may be restricted on a case by case basis due to the inadequate inmate funds, space limitations, or safety requirements. Each Warden/Superintendent may establish a specific limit upon the number of publications admissible per inmate, consistent with the accommodations available at his institution. Duplication of publications reasonably available through institutional library facilities may be restricted because of space or fire hazard considerations.

(4) Any publication which is determined by the personal inspection of the Warden/Superintendent or his/her assistant to be a threat to the security, discipline or good order of the institution or which violate laws of the state of Georgia can be excluded by the Warden/Superintendent. This decision will remain in force until such time as the inmate makes an appeal. Notice shall then be given to the inmate of the Warden's decision. The inmate may submit in writing to the Warden/Superintendent reasons for authorizing receipt of the publication. These written reasons shall be forwarded to the Commissioner or the Commissioner's designee along with the Warden/Superintendent's

reasons for exclusion of the publication. Notice of final determination made by the Commissioner or the Commissioner's designee shall similarly be given the inmate upon receipt by the Warden/Superintendent.

**Cite as Ga. Comp. R. & Regs. R. 125-3-3-.04**
**Authority: Ga. Constitution 1982, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-53, 42-10-2.**
**History.** Rule entitled "Publications" adopted as R. 415-3-3-.04. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-3-3-.04 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Repealed:** New Rule of same title adopted. F. June 28, 1989; eff. July 18, 1989.

## Rule 125-3-3-.05. Funds.

(1) An inmate may receive funds only in the form of United States Postal Money Orders, Cashier's Checks, or Money Orders issued by companies licensed to sell Money Orders in the State of Georgia. Those companies which currently hold a valid license to issue Money Orders are published annually by the Accounting/Payroll Section after notification from the Department of Banking and Finance. This listing is included in the standard operating procedures promulgated by the Commissioner.

(2) Mailed personal checks, business checks, and cash are not acceptable for credit to inmate accounts.

(3) Any exceptions to the above must be approved by the Warden/ Superintendent. Such exceptions may include attorney fees, institutionally authorized retail purchases, or charitable contributions.

**Cite as Ga. Comp. R. & Regs. R. 125-3-3-.05**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-4, 42-2-11, 42-5-53, 42-10-2.**
**History.** Rule entitled "Funds" adopted as R. 415-3-3-.05. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-3-3-.05. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** F. Nov. 17, 1987; eff. Dec. 7, 1987.
**Amended:** F. Dec. 10, 1992; eff. Dec. 30, 1992.

## Rule 125-3-3-.06. Packages.

(1) All packages received at the institution shall be inspected for contraband as previously defined by these rules. Unauthorized items contained in a package to an inmate, except items constituting evidence of a prosecutable offense, shall be returned to the sender by the institution and a record thereof maintained at the institution.

(2) With the prior approval of the Warden/Superintendent and within the limits established by him for his institution, items may be received by inmates which would otherwise be prohibited by these rules.

(3) Thirty days prior to Christmas, each Warden/Superintendent will publish instructions concerning the receipt of Christmas packages.

(4) Outgoing packages may be mailed by an inmate, but will be inspected for unauthorized items prior to dispatch. Postage and wrapping materials must be provided by the sender-inmate.

**Cite as Ga. Comp. R. & Regs. R. 125-3-3-.06**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-4, 42-2-11, 42-5-51, 42-5-53, 42-5-60, 42-10-2.**
**History.** Rule entitled "Packages" adopted as R. 415-3-3-.06. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-3-3-.06. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

## Rule 125-3-3-.07. Abuses.

The following acts or practices will be considered abuses of the mailing privilege:

(a) The writing of letters containing obscene, profane, or indecent language;

(b) Writings which contain threats against an individual and writings which contain escape plots;

(c) Writings which use or attempt to use the mailing privilege for any purpose which would present a clear threat or danger to institutional security and/or discipline or writings which violate postal regulations;

(d) Writings which contain derogatory or personal attacks by an inmate on any person addressed under the privileged mail authorization and receipt of sealed mail in authentic or purportedly authentic envelopes but from an inauthentic source; and

(e) The receipt of mail or an attempt to mail any letters or packages not in the prescribed manner established by the Warden at each individual institution.

**Cite as Ga. Comp. R. & Regs. R. 125-3-3-.07**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-14, 42-5-53, 42-10-2.**
**History.** Rule entitled "Abuses" adopted as R. 415-3-3-.07. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-3-3-.07. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

## Rule 125-3-3-.08. Disciplinary Action.

(1) Commission by an inmate of any of the abuses set forth in Rule 125-3-3-.07, Abuses, will result in disciplinary action which may include withdrawal of an inmate's private correspondence privilege for a specified period. In order to avoid unnecessary

apprehension among an inmate's correspondents when an inmate's mail privilege is suspended for disciplinary purposes, the institution will permit the inmate to notify persons on his mailing list of the period of suspension. Completed notification cards of indigent inmates will be processed by the institution. An inmate who is deprived of his private correspondence privilege for disciplinary reasons may appeal to the Warden/Superintendent as provided in Chapter 125-3-2, Discipline.

(2) Disciplinary action will not be taken against an inmate for committing the abuse specified in Rule 125-3-3-.07, Abuses (a), concerning the writing of letters containing obscene, profane or indecent language, unless the unauthorized language has been brought once to the attention of the inmate and he repeats said abuse in subsequent correspondence.

(3) Disciplinary action will not be taken against an inmate for committing the abuses specified in Rule 125-3-3-.07(d), Abuses, concerning derogatory or personal attacks on a person addressed under the privileged mail provision, unless the recipient of the outgoing writing complains and documents said complaint with the objectionable writing.

**Cite as Ga. Comp. R. & Regs. R. 125-3-3-.08**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-14, 42-5-53, 42-10-2.**
**History.** Rule entitled "Disciplinary Action" adopted as R. 415-3-3-.08. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-3-3-.08. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

## Rule 125-3-3-.09. Limitations.

(1) When abuses specified in Rule 125-3-3-.07(b),(c), and (e) of the mail privilege have been found, the Warden/Superintendent may prohibit further correspondence by the inmate with the person to whom the offending material is directed. Removal for abuses (a) and (d) shall be authorized only in accordance with paragraph (2) of this Rule.

(2) Where a Warden receives a complaint from a person with whom the inmate has been corresponding and where termination of the correspondence is requested, the Warden shall notify the inmate of said person's desire and inform the inmate that further correspondence with the individual shall end.

(3) The Warden shall maintain a list of persons with whom the inmate may no longer correspond as a result of action taken under paragraph (1) and/or (2) of this Rule.

(4) Where an inmate has been prohibited from corresponding with a person as a result of action taken pursuant to paragraph (1) and/ or paragraph (2) of this Rule, he may at any time apply to the Warden, in writing, for reinstatement of the privilege to correspond with the person. If reinstatement is denied, the inmate shall be informed in writing of the reason for denial. Application for reinstatement may be made only once within any sixty day period. When consideration of reinstatement is made of a person removed from the correspondence privilege under the provisions of paragraph (2) of this Rule, the Warden

or his representative shall communicate with the person making the original complaint to determine if resumption of correspondence is desired.

(5) When any mail has been rejected or not forwarded to the addressee pursuant to the foregoing rules, the inmate shall be immediately notified of that fact in writing. The notice shall identify the correspondent, shall specify the date received at the institution and identify the reason for rejection or non-forwarding.

(6) Unauthorized items enclosed with**in** a letter or package addressed to an inmate shall be **removed and processed in accordance with standard operating procedures promulgated by the Commissioner.** The letter or package shall be forwarded to the inmate and a record made of the **identity and disposition of the items removed.**

**Cite as Ga. Comp. R. & Regs. R. 125-3-3-.09**
**Authority: Ga. Constitution 1982, 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-14, 42-5-53, 42-5-55, 42-10-2.**
**History.** Rule entitled "Limitations" adopted as R. 415-3-3-.09. F. Nov. 14, 1984; eff. Dec. 4, 1984. Rule of same title renumbered as Rule 125-3-3-.09. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** F. July 16, 2002; eff. August 5, 2002.

## Rule 125-3-3-.10. Mail Handling.

Inmates shall not be utilized in processing the mail.

**Cite as Ga. Comp. R. & Regs. R. 125-3-3-.10**
**Authority: Ga. Constitution 1982, 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-4, 42-2-11, 42-5-53, 42-10-2.**
**History.** Rule entitled "Mail Handling" adopted as Rule 415-3-3-.10. F. Nov. 14, 1984; eff. Dec. 4, 1984. Rule of same title renumbered as Rule 125-3-3-.10. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

# Subject 125-3-4. VISITATION.

## Rule 125-3-4-.01. General.

Visiting is an inmate privilege not a right. As such, some or all of an inmate's visiting privileges may be suspended or revoked as a disciplinary measure; because the rules governing visiting are violated; or when the security of the institution so requires. The Warden may modify or limit the visiting privileges if it appears that the institution cannot accommodate the quantity of visitors entering the institution.

**Cite as Ga. Comp. R. & Regs. R. 125-3-4-.01**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969, p. 598; 1956, pp. 161, 171; 1956, pp. 161, 174 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 491, 492; 1970, pp. 318, 319 (O.C.G.A. 42-5-53); Ga. L. 1972, p. 838 (O.C.G.A. 42-10-2);**
**History.** Rule, entitled "General," filed as Rule 415-3-4-.01 on November 14, 1984; effective December 4, 1981, renumbered as Rule 125-3-4-.01. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Rule 125-3-4-.02. Visitor Authorization.

(1) Each new inmate shall be interviewed on arrival at the correctional institution to which he is first permanently assigned by the Warden or his designated representative and shall identify by name, address, and relationship those persons whom he desires to place on his authorized visitor list. Names proposed by the inmate may be disapproved by the Warden if the Warden determines on the basis of information known to him or information provided to him that the proposed visitor would constitute a threat to the institutional security or would undermine the rehabilitation or discipline of the inmate. As soon as possible after the Warden completes his interview of the inmate's proposed visitor list, a copy of the list including the names of those persons who are approved by the Warden will be given to the inmate. Subsequent additions of individuals to an inmate's authorized visitor list may be made upon application. An in- mate will not be permitted to have visits with persons not appearing on his authorized visitor list. Notifications of persons disapproved by the Warden for inclusion on the authorized visitor list will be the responsibility of the inmate.

(a) Any inmate with a current or prior conviction for any sexual offense as defined in subsection (1)(b) of this Rule shall not be allowed visitation with any person under the age of 18 years unless such person is the spouse, son, daughter, brother, sister, grandson, or granddaughter of the inmate and such person is not the victim of a sexual offense for which the inmate was convicted. If visitation with a minor is restricted by court order, permission for special visitation with the minor may be granted only by the court issuing such order.

(b) The term "Sexual Offense" means a violation of *Code Section* *16-6-1*, relating to the offense of rape; *Code Section* *16-6-2*, relating to the offense of sodomy and aggravated sodomy; *Code Section* *16-6-5.1*, relating to the offense of sexual assault against a person in custody; *Code Section* *16-6-22*, relating to the offense of incest; or *Code Section* *16-6-22.2*, relating to the offense of aggravated sexual battery, when the victim is under 18 years of age at the time of the commission of any such offense; or a violation of *Code Section* *16-6-3*, relating to the offense of statutory rape; *Code Section* *16-6-4*, relating to the offense of child molestation and aggravated child molestation; or *Code Section* *16-6-5*, relating to the offense of enticing a child for indecent purposes, when the victim was under 16 years of age at the time of the commission of any such offense.

(2) Upon the transfer of an inmate to another institution his authorized visitor list will be included in the records transferred to the gaining institution. The authorized visitor list is subject to revision, pursuant to these rules, by the Warden of the gaining institution.

(3) An authorized visitor's name may be removed from an inmate's visitor list for cause. Creating a disturbance, fighting, unruly behavior, behavior which seriously infringes on the rights of other visitors, or acts prejudicial to the operation of the institution are considered cause for purposes of this Rule.

(4) The Warden, at his discretion, may authorize special visits by persons not appearing on the inmate's authorized visitor list, but who for compassionate or other valid reasons could be expected under the circumstances to exert a salutary effect through their visit.

**Cite as Ga. Comp. R. & Regs. R. 125-3-4-.02**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969, p. 598; 1956, pp. 161, 171; 1956, pp 161, 174 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 491, 492; 1970, pp. 318, 319 (O.C.G.A. 42-5-53); Ga. L. 1972, p. 838 (O.C.G.A. 42-10-2); 1978, p. 1647, 1983, p. 3, 507 (O.C.G.A. 42-2-10), 1996, p. 1081, (O.C.G.A. 42-5-55(b)).**
**History.** Rule, entitled "Visitor Authorization," filed as Rule 415-3-4-.02 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-3-4-.02. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.
**Amended:** Filed Oct. 8, 1999; eff. Oct. 28, 1999.

## Rule 125-3-4-.03. Notification.

Institutions shall notify any formerly authorized visitor and the inmate in writing when his (her) name has been removed from an authorized visitor list and the reason therefor. Additionally, when an inmate has lost visitation privileges for any reason and the loss of privilege is for a period in excess of two weeks, those persons on his authorized visitor list will be notified by the inmate on a form letter provided by the institution so that potential visitors may avoid the inconvenience and frustrations associated with an unproductive trip.

**Cite as Ga. Comp. R. & Regs. R. 125-3-4-.03**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969, p. 598; 1956, pp. 161, 171; 1956, pp 161, 174 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 491, 492; 1970, pp. 318, 319 (O.C.G.A. 42-5-53); Ga. L. 1972, p. 838 (O.C.G.A. 42-10-2).**
**History.** Rule, entitled "Notification," filed as Rule 415-3-4-.03 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-3-4-.03. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Rule 125-3-4-.04. Visitation Area.

Each correctional institution shall maintain a visiting area where inmates may visit with their authorized visitors. Toilet facilities shall be available for the visitors.

**Cite as Ga. Comp. R. & Regs. R. 125-3-4-.04**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969, p. 598; 1956, pp. 161, 171; 1956, pp 161, 174 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 491, 492; 1970, pp. 318, 319 (O.C.G.A. 42-5-53); Ga. L. 1972, p. 838 (O.C.G.A. 42-10-2).**
**History.** Rule, entitled "Visitation Area," filed as Rule 415-3-4-.04 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-3-4-.04. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Rule 125-3-4-.05. Visiting Schedule.

(1) Each institution will ensure that schedules include a minimum of four hours for visitation to occur on Saturdays, Sundays, and days proclaimed by the Governor of Georgia as legal holidays. County institutions will observe such legal holidays as recognized by their local governing authority. The Commissioner may authorize the Warden/ Superintendent to modify visiting days and/or hours for specific institutions, if justified by special circumstances (e.g., small inmate population, or high usage of privilege, infirm inmates, etc.). Alterations of existing visitation schedules should be published to the inmate population in order that they advise any of their potential visitors.

(2) Each inmate, with the exception of those denied this privilege under paragraphs 125-3-4-.05(4) and 125-3-4-.05(5) below, shall assure that his/her potential visitors are informed of the visiting schedule.

(3) Out of state relatives or those who have traveled long distances and who, without special compensation might be unable to visit, may be allowed by the Warden to visit an inmate at times other than normally scheduled visiting hours. Such special visiting privileges shall be requested by the inmate prior to the date of the expected visit.

(4) Diagnostic inmates at the designated diagnostic programs shall not be permitted visitation privileges during the first six weeks of their assignment to that institution. After the first six weeks, diagnostic inmates may be permitted visitation privileges as approved by the Superintendent. Non-diagnostic inmates permanently assigned to the designated diagnostic programs shall have visitation privileges in the same manner and to the same degree as other inmates in the correctional system.

(5) If reasonable justification is established, the Warden, in his discretion, may permit an inmate to have visitors at times other than regulary established days or hours.

(6) The visitation privilege provided in these rules, except attorney- client visits, may be revoked or suspended for a period of time, in whole or in part, as a disciplinary measure. Chapter 125-3-2 identifies the circumstances under which this type of disciplinary action is authorized.

**Cite as Ga. Comp. R. & Regs. R. 125-3-4-.05**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-53, 42-10-2.**
**History.** Rule entitled "Visiting Schedule" adopted as R. 415-3-4-.05. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-3-4-.05 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** F. Sept. 6, 1988; eff. Sept. 26, 1988.

## Rule 125-3-4-.06. Supervision of Visits.

(1) All visits shall be supervised by Correctional Officers who shall be held responsible for assuring the maintenance of good order.

(2) The Correctional Officer in charge shall determine the identity of each visitor, verify his identity by examining his personal credentials, and assure that the potential visitor's name appears on the authorized visitor list of the inmate whom he desires to visit or, if the potential visitor's name does not appear on the authorized visitor list, assure that prior approval of the Warden has been obtained for the special visit. Visitors may be searched prior to being permitted visiting privileges with an inmate.

(3) All visitors shall be required to sign in and out on a visitor's register. The register shall be dated and countersigned by the Correctional Officer in charge and subsequently shall be maintained on file at the institution. Each page of the visitor's register shall reflect the following statement: It shall be unlawful for any person to obtain or procure for or give a convict a gun, pistol, or any other weapon, or intoxicating liquor or amphetamines, or biphetamines, or any other hallucinogenic drugs, or other drugs, regardless of the amount, or any other article or item, without the knowledge and consent of the Warden or his Deputy Warden in charge. Any person who knowingly violates the provisions of this Section shall be guilty of a felony and upon conviction thereof, shall be imprisoned for not less than one, not more than five years.

(4) Correctional Officers assigned to visiting area duty shall maintain particular vigilance in preventing contraband from entering the institution.

(5) Correctional Officers in charge of visiting areas shall exclude from the institution any visitor who is under, or reasonably appears to be under the influence of any intoxicant, whether alcohol or drug. Correctional Officers in charge of visiting areas shall also exclude from the institution any visitor who creates a disturbance whether by fighting, unruly behavior, behavior which seriously infringes on the rights of other visitors, or acts prejudicial to the operation of the institution. All visitors are required to wear appropriate attire to be determined by the Georgia Department of Corrections.

(6) Inmates will inform their visitors that it is a criminal offense to give a false name to an officer when signing the register.

**Cite as Ga. Comp. R. & Regs. R. 125-3-4-.06**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-14, 42-5-15, 42-5-18, 42-5-53, 42-5-55, 42-10-2.**
**History.** Rule entitled "Supervision of Visits" adopted as R. 415-3-4-.06. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-3-4-.06 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** F. Mar. 6, 2003; eff. Mar. 26, 2003.

## Rule 125-3-4-.07. Attorneys.

(1) For the purposes of this chapter, the term attorney includes an inmate's attorney of record or another attorney licensed to practice in State or United States Courts, Court of Appeals, or the Supreme Courts with whom the inmate has or is attempting to establish an attorney-client relationship. Attorneys shall be permitted to visit their clients in the

institutions during prescribed visiting periods. In addition, reasonable flexibility shall be exercised in permitting attorneys, by prior appointment, to visit with their clients during normal business hours or in special circumstances during nonbusiness hours. Inmates shall be instructed to advise his attorney that appointments to visit his client at hours other than normal visiting hours are required and, except in bona fide emergencies, must be made with institutional authorities twenty-four hours in advance. Surveillance and general supervision during the visit shall be maintained by a Correctional Officer. The Correctional Officer shall so position himself as to permit the attorney and his client to converse privately and maintain the privileged nature of their relationship. Insofar as it is consistent with institutional security and physical and financial limitations, institutional authorities are encouraged to provide space and facilities that will afford reasonable privacy for attorney-client conferences.

(2) By prior arrangement with the Warden, the inmate may be visited by a para-legal, investigator, or law assistant employed by an "attorney", as defined in paragraph (1) above. Before allowing such a visit, the Warden should require the attorney to contact him and identify the person desired to be sent in his stead; also, at each visit the Warden should require the presentation of a letter, dated no later than one week prior to presentation, signed by the attorney, and identifying the holder and inmate involved. This letter should be placed in the inmate's file. A Warden may refuse permission for such visits for cause. Cause may include any misrepresentation, made by the attorney, or para-legal, or investigator concerning the visit, as well as the existence of facts which give the Warden reason to believe the visit would pose a threat to institutional security.

**Cite as Ga. Comp. R. & Regs. R. 125-3-4-.07**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-14, 42-5-15, 42-5-53, 42-10-2.**
**History.** Rule entitled "Attorneys" adopted as R. 415-3-4-.07. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-3-4-.07 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

## Rule 125-3-4-.08. Other Visitors.

The Warden, at his discretion, and in consideration of the purpose and effects on the institution, may authorize individuals or groups (such as representatives of civic groups, church committees, students or other bona fide activities) to visit the institution. Prior to any such visit the Warden will establish the procedure he will require of the visitors. News media access is governed by Rule 125-1-2-.09(a).

**Cite as Ga. Comp. R. & Regs. R. 125-3-4-.08**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-51, 42-5-53, 42-5-57.**
**History.** Rule entitled "Other Visitors" adopted as R. 415-3-4-.08. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-3-4-.08 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

## Rule 125-3-4-.09. Disturbances.

Visitors may be barred from the institution during emergencies that effect the security of the institution.

**Cite as Ga. Comp. R. & Regs. R. 125-3-4-.09**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-14, 42-5-15, 42-5-53, 42-10-2.**
**History.** Rule entitled "Disturbances" adopted as R. 415-3-4-.09. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-3-4-.09 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** F. Mar. 6, 2003; eff. Mar. 26, 2003.

## Rule 125-3-4-.10. Packages and Letters.

An inmate, by prearrangement with the mail room and in advance of visits, may submit items or letters to the mail room which he proposes to be given to specified visitors and which would, under the provisions of Chapter 125-3-3, be acceptable for mailing. No packages or letters falling within the category of privileged mail may be given to any visitor for mailing, however, unless that visitor himself is the person to whom the package or letter is addressed or is that person's official representative. The addressed unwrapped packages and unsealed letters, as applicable, will be processed by the mail room according to procedures authorized in Chapter 125-3-3. Following inspection, such packages and/or letters should be isolated in a secure place pending the visit. The packages and/or letters will be delivered by an institutional employee to the predesignated recipient, and to no one else, and shall not again come under the control of the inmate.

**Cite as Ga. Comp. R. & Regs. R. 125-3-4-.10**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-4, 42-2-11, 42-5-14, 42-5-15, 42-5-51, 42-5-53, 42-5-55, 42-5-60, 42-10-2.**
**History.** Rule entitled "Packages and Letters" adopted as R. 415-3-4-.10. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-3-4-.10 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

# Subject 125-3-5. WORK STANDARDS.

## Rule 125-3-5-.01. Responsibility.

It is the responsibility of the Warden/ Superintendent, assisted by designated staff members as appropriate, to evaluate properly each newly arrived inmate as to his (her) work capability and capacity prior to his (her) assignment to a work detail. Work classification factors shall include, but not be limited to, consideration of all available data concerning the inmate's physical and mental condition, attitude, security rating, the nature of his (her) crime, the length of his (her) sentence, his (her) treatment plan, and his (her) personal preference if job options for which he (she) is eligible are available at the institution. The inmate's work assignment shall be determined by the data developed, including a personal interview, and shall be circumscribed as directed by the institutional physician based on the inmate's medical condition. Any inmate who has been confined under restrictive conditions for thirty (30) days or more or who has been seriously ill or injured shall be examined by the institutional physician and evaluated as to whether or not he (she) is physically qualified for assignment or reassignment to a work detail.

**Cite as Ga. Comp. R. & Regs. R. 125-3-5-.01**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 20-3-260, 42-2-4, 42-2-11, 42-5-51, 42-5-53, 42-5-59, 42-5-60, 42-10-2.**
**History.** Rule entitled "Responsibility" adopted as R. 415-3-5-.01. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-3-5-.01. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

## Rule 125-3-5-.02. Purpose.

Inmate work assignments are an integral part of the overall rehabilitative program. An opportunity shall be afforded each inmate consistent with the security requirements of the individual and good, sound, penalogical practices, to develop some vocational trade or skill through whatever on-the-job training is supportable at the institution, provided the inmate requests such training and demonstrates by his (her) attitude, conduct and work record that he (she) is deserving.

**Cite as Ga. Comp. R. & Regs. R. 125-3-5-.02**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 20-3-260, 42-2-11, 42-5-51, 42-5-59, 42-10-2.**
**History.** Rule entitled "Purpose" adopted as R. 415-3-5-.02. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-3-5-.02. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

## Rule 125-3-5-.03. Work Assignments.

(1) Each inmate not enrolled in a full-time training or rehabilitative program shall be assigned work consistent with his (her) physical and mental capacity and security needs of the individual. He (she) shall be required to perform whatever work is assigned, such as work essential to the operation of the institution, maintenance of public roads, support of public works, or performance of such other tasks as are assigned by institutional authorities and are within the legal prerogatives of the State Board of Corrections.

(2) Each inmate assigned to a work detail shall be placed under the degree of supervision which is consistent with his (her) individual security classification. The Correctional Officer or Supervisor in charge of each work detail shall be charged with the responsibility for maintaining custody, assuring discipline, achieving productivity, the care, control and maintenance of equipment, and the safety of both inmates and the general public.

(3) Should an inmate become physically or mentally incapable of performing his (her) assigned work or become a threat to the safety or security of others while on work details, the Correctional Officer or Supervisor in charge shall remove the inmate from the assignment and report the situation to his (her) superior.

(4) Should an inmate be injured or become ill while on a work assignment, the Correctional Officer or Supervisor in charge shall remove the inmate from the work assignment and provide necessary first aid. If an emergency, the Correctional Officer or Supervisor shall

assure that the inmate is promptly transported to the institutional infirmary or to the nearest medical facility or doctor having appropriate emergency capabilities.

(5) In an inmate who is physically capable of accomplishing his (her) assigned tasks refuses to perform the prescribed duties, the Correctional Officer or Supervisor concerned shall report the inmate to his (her) supervisor and complete whatever reports are required by his (her) superior and Chapter 125-3-2.

(6) An inmate may be detailed to accompany a Warden/Superintendent or a Correctional Officer on an official trip away from the institution if the services of the inmate are essential to or supportive of the official function to be achieved. No inmate shall accompany a Warden/Superintendent or Correctional Officer as a matter of convenience.

**Cite as Ga. Comp. R. & Regs. R. 125-3-5-.03**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 20-3-260, 42-2-4, 42-2-11, 42-5-51, 42-5-53, 42-5-55, 42-5-59, 42-5-60, 42-10-2.**
**History.** Rule entitled "Work Requirements" adopted as R. 415-3-5-.03. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-3-5-.03. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** F. Mar. 6, 2003; eff. Mar. 26, 2003.

## Rule 125-3-5-.04. Work Conditions.

(1) Except in emergency conditions where life or public property is in danger, Correctional Officers and inmates of state facilities should not be required to work in the rain or during periods of inclement weather conditions which jeopardize the health of those concerned:

(a) Except in those emergency situations described above, Correctional Officers and inmates of state facilities shall not be required to work on outside assignments when the temperature is below twenty-eight (28) degrees Fahrenheit;

(b) In emergency situations described above, state inmates confined in County Institutions may be required to work in inclement weather;

(c) State inmates confined in County Institutions who are usually required to work on outdoor assignments may be required by the Warden to work on such assignments during inclement weather if employees of any governmental entity within the county in which the work is to be performed are performing outdoor work during such inclement weather and such work is similar in kind or in degree of exertion to that to be performed by such inmates. Inclement weather is defined for this paragraph as weather in which there is rain or in which the temperature is below twenty-eight (28) degrees Fahrenheit. When inmates are assigned to work in such inclement weather, they shall be provided with proper warm clothing or rain attire as the conditions dictate;

(d) During hot weather, all Correctional Officers and Supervisory personnel shall be particularly alert to the early detection of symptoms and the prevention of cases of heat exhaustion. New inmates and others who have not acclimated to the environment will require the particular attention of supervisory personnel.

(2) When a Correctional Officer or work supervisor determines that a work assignment or condition in the work area constitutes a safety or security hazard, the work shall be halted and the inmates shall be moved from the unsafe condition or area to a safe and secure location or returned to the institution.

(3) Boots, gloves, seasonal clothing and similar work-related protective items shall be issued to inmates by the institution in accordance with the work to be performed.

(4) Each work detail shall be provided a first-aid kit adequate to accommodate the minor medical problems and emergency situations which can be prudently anticipated. Items withdrawn from the kit for use shall be replenished daily as required.

(5) A fire extinguisher shall be provided on each secured vehicle.

(6) Each institution shall establish and maintain an active Safety and Accident Prevention Program.

(7) All inmates shall be transported to and from assignments in a closed vehicle or a covered vehicle. In no instance shall inmates be permitted to be transported to any assignments outside the legal boundaries of their assigned institution in an open-type vehicle.

**Cite as Ga. Comp. R. & Regs. R. 125-3-5-.04**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-4, 42-2-11, 42-5-51, 42-5-55, 42-5-59, 42-5-60, 42-10-2.**
**History.** Rule entitled "Work Conditions" adopted as R. 415-3-5-.04. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-3-5-.04. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** F. Mar. 6, 2003; eff. Mar. 26, 2003.

## Rule 125-3-5-.05. Prohibition.

Except as provided for in O.C.G.A. 17-15A-4, O.C.G.A. 42-5-60(a)(1)(B), O.C.G.A. 42-5-122, Rule 125-3-5-.08, Rule 125-3-5-.09 and Rule Chapter 125-3-8:

(1) Inmates shall not be hired out to private persons or corporations.

(2) The custodian of any person who is lawfully incarcerated in a penal institution is prohibited from using such inmate or allowing such inmate to be used for any purpose resulting in private gain to any individual.

(3) Inmates may work on private property in situations in which the Commissioner deems a project to be public work, i.e., a project in which the sole benefit flows to the State, or in the case of a natural disaster or a nuclear emergency. Determinations of a public work shall be made on a case-by-case basis. Participation in response to natural disasters and nuclear emergencies shall be in accordance with approved plans.

**Cite as Ga. Comp. R. & Regs. R. 125-3-5-.05**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-1-5, 42-2-11, 42-5-51, 42-5-53, 42-5-55, 42-5-59, 42-10-2.**
**History.** Rule entitled "Prohibition" adopted as R. 415-3-5-.05. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-3-5-.05. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Repealed:** New Rule of same title adopted. F. May 9, 1986; eff. May 29, 1986.
**Amended:** F. Mar. 6, 2003; eff. Mar. 26, 2003.
**Amended:** F. Sept. 4, 2003; eff. Sept. 24, 2003.
**Amended:** F. Jan. 5, 2006; eff. Jan. 25, 2006.

## Rule 125-3-5-.06. Schedules.

(1) Each able-bodied inmate shall be required to work eight (8) hours per day, (except Saturdays, Sundays, and legal holidays) on a regular job assignment, in a special training program or on an assigned detail, except those in Administrative Segregation or Isolation or Special Management inmates who may be required to work in their assigned areas consistent with security requirements and good penalogical practice. The required work period does not include travel time to and from a work or training assignment.

(2) The standard work week shall consist of forty (40) hours for all inmates except those assigned to special functions such as meal serving, seasonal farm activities, or when emergency or unusual conditions exist. The required hours for weeks containing holidays shall be reduced proportionately. Inmates shall not be required to make up time lost due to inclement weather.

(3) Institutions shall observe a standard hour for awakening inmates as well as standard hour for bedtime. Special work schedules may be prescribed by Wardens/Superintendents for those inmates assigned to tasks requiring differing hours. Standard practices regarding schedules and exact scheduling limitations will be published in Departmental Standard Operating Procedures. Wardens/Superintendents may exercise discretion in scheduling during occurrence of special events.

(4) All State Institutions shall observe holidays proclaimed by the Governor.

(5) Non-work periods shall be provided as follows:

(a) Not less than thirty (30) minutes shall be allotted for lunch;

(b) One fifteen (15) minute rest period shall be provided in the morning;

(c) One fifteen (15) minute rest period shall be provided in the afternoon.

(6) County Institutions shall observe the following holidays:

(a) New Years Day, Independence Day, Thanksgiving Day (Fourth Thursday in November) and Christmas Day.

(b) Those holidays designated as such by their individual County Government.

**Cite as Ga. Comp. R. & Regs. R. 125-3-5-.06**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 20-3-260, 42-2-4, 42-2-11, 42-5-51, 42-5-53, 42-5-59, 42-5-60, 42-10-2.**
**History.** Rule entitled "Schedules" adopted as R. 415-3-5-.06. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-3-5-.06. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** F. June 29, 1988; eff. July 19, 1988.

## Rule 125-3-5-.07. Special Inmate Details.

Inmates detailed from correctional institutions to perform tasks in county courthouses, State Patrol barracks, National Guard Armories, jails and other authorized activities shall be governed by the following procedures:

(a) All inmates designated to perform duties under the provisions of this section must have achieved trusty status before being so assigned or under the supervision of a correctional officer.

(b) All inmates on special assignments must wear regulation inmate clothing at all times.

(c) Inmates are prohibited from using the telephone, radio, or any other communication device and shall be prohibited from going on any private property unless accompanied by the Sheriff, Deputy Sheriff, or a Correctional Officer from the institution concerned.

(d) The Warden/Superintendent of the Institution concerned or his designee shall inspect the work assignment area of each inmate at least once weekly during the hours that the inmate is on assignment at that location.

(e) Inmates on assignment to a special detail shall be placed under the direct supervision and control of a specifically identified individual assigned to that installation.

(f) No state inmate shall be assigned to a jail for service of his or her sentence unless they are participating in a state sponsored project and have the approval of the Commissioner of the Department of Corrections and the sheriff or the jail administrator of the county.

**Cite as Ga. Comp. R. & Regs. R. 125-3-5-.07**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-51, 42-5-53, 42-5-59, 42-10-2.**

**History.** Rule entitled "Special Inmate Assignment" adopted as R. 415-3-5-.07. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-3-5-.07. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

## Rule 125-3-5-.08. Nonprofit Organizations.

In accordance with O.C.G.A. 42-5-60(a)(1)(B), inmates may be allowed to participate in programs of volunteer service for nonprofit organizations in a manner which does not otherwise violate the Constitution of the State of Georgia. Requests by nonprofit organizations for the volunteer services of inmates will be handled on a case by case basis. Such requests shall be made in writing to the Director of the Facilities Division, or his/her designee, for consideration.

Each request will be evaluated giving consideration to the nonprofit organization's history of service activities and the length of time for which it has been in existence and providing such services. Any such request shall include elements whereby the volunteer inmates provide services of benefit to the community while receiving training or rehabilitation. To participate a nonprofit organization must be qualified as exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986.

Requests by nonprofit organizations for the volunteer services of inmates shall be denied if the volunteer services of the inmate will aid or benefit, directly or indirectly, any church, sect, cult, religious denomination or other sectarian institution or purpose. Requests by nonprofit organizations for volunteer services of inmates shall also be denied if inmate labor is needed to assist in the completion of any state, county, or municipal government project that serves the public interest. Nonprofit organizations which receive the volunteer services of inmates shall be prohibited from selling any goods, wares, or merchandise that has been manufactured, produced, or mined, wholly or in part, by inmates.

The Commissioner shall promulgate standard operating procedures for the operation of inmate volunteer services programs for nonprofit organizations.

**Cite as Ga. Comp. R. & Regs. R. 125-3-5-.08**
**Authority: Ga. Constitution 1982, Art. XI, Sec. 1, O.C.G.A. Secs. 42-2-11, 42-5-55.**
**History.** Original Rule entitled "Nonprofit Organizations" adopted. F. Sept. 4, 2003; eff. Sept. 24, 2003.

## Rule 125-3-5-.09. Graffiti Removal Program.

In accordance with O.C.G.A. 17-15A-4, the Board of Corrections may authorize the use of inmate labor from any penal institution or jail under its authority to remove or obliterate unlawfully placed graffiti when such graffiti is visible from any public road or other public property in a manner which does not otherwise violate the Constitution of the State of Georgia. Requests for the use of inmate labor to remove graffiti will be handled on a case by case basis. Such requests shall be made in writing to the Director of the Facilities Division, or his/her designee, for consideration.

Requests by private individuals or entities for the use of inmate labor to remove graffiti shall be denied if inmate labor is needed to assist in the completion of any state, county, or municipal government project that serves the public interest.

The Commissioner shall promulgate standard operating procedures governing requests for and the use of inmate labor in removing graffiti.

**Cite as Ga. Comp. R. & Regs. R. 125-3-5-.09**
**Authority: Ga. Constitution 1982, Art. XI, Sec. 1, O.C.G.A. Secs. 42-2-11, 42-5-55.**
**History.** Original Rule entitled "Graffiti Removal Program" adopted. F. Sept. 4, 2003; eff. Sept. 24, 2003.

## Subject 125-3-6. WORK RELEASE.

### Rule 125-3-6-.01. Responsibility.

(1) The Commissioner of Corrections shall designate those institutions which shall be authorized and directed to initiate and conduct a Work Release activity. Wardens/Superintendents at those institutions so designated shall be responsible for the execution of all functions associated with their segment of the Work Release program.

(2) As achievable, institutions sponsoring a Work Release activity will provide separate housing or quarters for assigned Work Releasees and related supporting services.

(3) Operational and administrative support, consistent with the need, shall be provided by the institution concerned.

**Cite as Ga. Comp. R. & Regs. R. 125-3-6-.01**
**Authority: Ga. Constitution 1983, Art. IX, Sec. I, O.C.G.A. Secs. 34-9-15, 42-2-4, 42-2-11, 42-5-14, 42-5-51 to 42-5-53, 42-5-59, 42-5-60, 42-10-2.**
**History.** Rule entitled "Responsibility" adopted as R. 415-3-6-.01. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-3-6-.01. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

### Rule 125-3-6-.02. Purpose.

The Work Release Program is a rehabilitative tool. It is designated to foster and develop work skills and responsible work habits by providing deserving inmates with an opportunity to assist their families while aiding themselves in their adjustment to the demands of society. Used effectively, the Program is intended to assist each participating inmate in his transition from an institutional status to his subsequent life in a community environment wherein he (she) accepts the privileges and discharges the responsibilities of citizenship in the community.

**Cite as Ga. Comp. R. & Regs. R. 125-3-6-.02**
**Authority: Ga. Constitution 1983, Art. IX, Sec. I, O.C.G.A. Secs. 34-9-15, 42-2-4, 42-2-11, 42-5-14, 42-5-51 to 42-5-53, 42-5-59, 42-5-60, 42-10-2.**
**History.** . Rule entitled "Purpose" adopted as R. 415-3-6-.02. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R.

125-3-6-.02. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

## Rule 125-3-6-.03. Eligibility.

Each inmate assigned to Work Release is selected and approved by the Commissioner or his designee. Participants are screened according to policies and procedures maintained in the Offender Administration Section. The Department of Corrections will give special consideration to requests for Work Release placement by the State Board of Pardons and Parole.

**Cite as Ga. Comp. R. & Regs. R. 125-3-6-.03**
**Authority: Ga. Constitution 1983, Art. IX, Sec. I, O.C.G.A. Secs. 34-9-15, 42-2-4, 42-2-11, 42-5-14, 42-5-51 to 42-5-53, 42-5-59, 42-5-60, 42-10-2.**
**History.** Rule entitled "Eligibility" adopted as R. 415-3-6-.03. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-3-6-.03. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

## Rule 125-3-6-.04. Operating Aspects.

(1) Work release is a rehabilitation component of the Department's operation. Each inmate assigned to Work Release is selected and approved by the Commissioner or designee. Each inmate assigned to Work Release who fails to fully comply with any of the stipulated conditions concerning Work Release rules, regulations, policies, procedures, or special conditions shall be required to appear before a Disciplinary Committee hearing, if charged with a disciplinary infraction. The Committee shall determine whether or not the allegation is sustained and shall recommend to the Warden/Superintendent whether or not the Work Releasee should be removed from the Work Release Program. The Warden/Superintendent may otherwise move an inmate from a Work Release designated facility if there is sufficient indication that he/she is endangering or jeopardizing the safe and orderly operation of the Work Release Program and/or the operation of the designated facility. Such an inmate shall be returned to the general population by way of assignment to an institutional facility. Such removal applies to all inmates assigned to Work Release designated facilities including those referred by the State Board of Pardons and Paroles and those inmates assigned to maintenance and other special assignments.

(2) Constraints:

(a) Inmates assigned to Work Release positions remain in the absolute custody of the Commissioner of Corrections. Any inmate who willfully or deliberately absconds is considered to have escaped from custody. Such incidents shall be dealt with as required by Law.

(b) Necessary safeguards and security considerations shall be applied.

(c) Willful negligence or misconduct by a Work Releasee shall be considered cause for removal from the program.

(d) Conduct which is prejudicial to continued community acceptance and support of the Work Release Program shall be considered cause for withdrawal of the privilege.

(3) Conditions:

(a) Work Release employment does not constitute nor imply a contractual agreement between the State of Georgia or the Department of Corrections and the employer, even though certain mutual responsibilities exist as a result of the nature of the Work Release program.

(b) Following assignment of an approved Work Releasee to a Work Release Center or Institutional Work Release activity, a compatible civilian job will be sought by the Work Release staff.

1. Each job offer shall be investigated to assure that the proposed job is consistent with the goals and procedures of the Work Release program.

2. Positions obtained shall not be at the expense of reducing essential civilian employment opportunities.

3. Coordination shall be achieved with local union and/or employment officials to preclude an adverse impact on civilian employment.

4. Work Releasees shall not be employed as strike breakers or in positions where their presence would evoke serious adverse public reactions.

5. Exploitation of Work Releasees by employers shall be avoided.

6. Employers shall be provided a written statement explaining the objectives of the Work Release Program and how it is administered. At the same time, they shall be provided written information as to the conditions and limitations imposed on the Work Releasee.

(4) Compensation:

(a) Compensation of Work Releasees shall be no less than that comparable to other similarly skilled workers engaged in such work in the same employment area and under similar circumstances.

(b) Each Work Releasee shall be required to execute all administrative forms and/or releases required by applicable Department of Corrections and institutional rules, regulations and directives.

(c) Work Releasees initially shall be required to deposit all earnings with institutional authorities and shall be assisted by Work Release program administrators and

counselors in creating and adhering to a budget tailored to the releasee's individual needs.

(d) Each working inmate in a Work Release Program shall have an amount equal to the cost of the inmate's keep and confinement deducted from his/her earnings. Said deductions will be paid to the State treasury for inmates housed in a Department of Corrections facilities and paid into the treasury of the county for inmates assigned to a country correctional institution. The cost of the inmate's keep and confinement shall be determined by the Department of Corrections.

(5) Clothing:

(a) A Work Releasee residing in a Work Release Center may be required to wear civilian style clothing suitable to the situation at the Center or to the releasee's employment.

(b) Work Releasees residing in a State or County Institution, although authorized to wear civilian type attire suitable to their employment while at or traveling to and from their jobs, may be required to wear regular institutional clothing while at the institution concerned.

(6) Passes:

Inmates in Work Release may be eligible to earn weekly passes not to exceed 12 hours in length and as in accordance with procedures established by the Commissioner of the Department of Corrections.

**Cite as Ga. Comp. R. & Regs. R. 125-3-6-.04**
**Authority: Ga. Constitution 1983, Art. IX, Sec. I, O.C.G.A. Secs. 34-9-15, 42-2-4, 42-2-11, 42-5-14, 42-5-51 to 42-5-53, 42-5-59, 42-5-60, 42-10-2.**
**History.** Rule entitled "Operating Assets" adopted as R. 415-3-6-.04. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-3-6-.04. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** F. Dec. 2, 2004; eff. Dec. 22, 2004.

## Rule 125-3-6-.05. Community Support.

The Warden/Superintendent or supervisor of each Work Release Center or Institutional Work Release activity shall use each appropriate opportunity to promote public understanding and support of the Work Release Program in his area of interest. Pertinent information concerning the program should be made available to those who have a capability of assisting in the execution of this rehabilitative effort.

**Cite as Ga. Comp. R. & Regs. R. 125-3-6-.05**
**Authority: Ga. Constitution 1983, Art. IX, Sec. I, O.C.G.A. Secs. 34-9-15, 42-2-4, 42-2-11, 42-5-14, 42-5-51 to 42-5-53, 42-5-59, 42-5-60, 42-10-2.**
**History.** Rule entitled "Community Support" adopted as R. 415-3-6-.05. F. Nov. 14, 1984; eff. Dec. 4, 1984,

renumbered as R. 125-3-6-.05. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

## Subject 125-3-7. WORK INCENTIVE CREDITS.

### Rule 125-3-7-.01. Responsibility.

(1) Except for inmates sentenced to life imprisonment, an inmate may be awarded work incentive credits in recognition of institutional attainments in academic or vocational education, satisfactory work assignments performance, and satisfactory compliance with established behavior standards.

(2) The department may award up to one day of credit for each day during which an inmate has satisfactorily participated in approved activities, and shall report the award of such credits to the State Board of Pardons and Paroles. The department may recommend that the awarded credits be applied by the State Board of Pardons and Paroles to advance any tentative parole release date established for the inmate.

(3) The department shall also report to the State Board of Pardons and Paroles the cases of those inmates who decline or refuse to satisfactorily participate in approved activities, who fail to comply satisfactorily with behavior standards, or who otherwise refuse to earn work incentive credits.

(4) The department may limit the work incentive credit program to those inmates most likely to benefit from said program.

(5) The specific administrative and operational processes to implement this rule shall be by standard operating procedures promulgated by the Commissioner.

**Cite as Ga. Comp. R. & Regs. R. 125-3-7-.01**
**Authority: Ga. Constitution 1982, Art. XI, Sec. 1, Par. I, (b): Ga. L. 1956, pp. 161; Ga. L. 1969, p. 598; 1978, pp. 1647; 1985, p. 3, 507 (O.C.G.A. 42-2-11); Ga. L. 1992 (O.C.G.A. 42-5-101).**
**History.** ER 125-3-7-0.3-.01 was F. Jun. 5, 1992; eff. July 1, 1992 to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER.
**Repealed:** Permanent Rule entitled "Responsibility" adopted. F. Oct. 9, 1992; eff. Oct. 29, 1992.

## Subject 125-3-8. PRISON INDUSTRIES ENHANCEMENT PROGRAM.

### Rule 125-3-8-.01. Purpose.

(1) To provide work programs of voluntary labor by inmates of state and county correctional institutions for privately owned employers to produce goods and/or services for sale to public or private purchasers.

(2) To provide substantial public benefits by:

(a) Providing job experience and skills to participating inmates;

(b) Allowing participating inmates to accumulate savings to be available at the time of release;

(c) Lowering recidivism rates;

(d) Generating taxes from inmate income;

(e) Reducing costs of incarceration by enabling participating inmates to pay room and board;

(f) Providing participating inmates with the means to pay fines, restitution, and family support.

**Cite as Ga. Comp. R. & Regs. R. 125-3-8-.01**
**Authority: Ga. Constitution 1982, Art. XI, Sec. 1, O.C.G.A. Secs. 42-2-11, 42-5-55.**
**History.** Original Rule entitled "Purpose" adopted. F. Jan. 5, 2006; eff. Jan. 25, 2006.

## Rule 125-3-8-.02. Responsibility.

(1) The Department of Corrections and the Georgia Correctional Industries Administration may administer and manage work programs employing inmates as voluntary, paid labor for privately owned employers producing goods and/or services for sale to public or private purchasers.

(2) The Commissioner shall designate institutions to be authorized and directed to conduct a work program pursuant to this rule.

(3) The Commissioner shall promulgate procedures to implement the rules of work programs established by these rules.

(4) The Department and the Georgia Correctional Industries Administration shall have the authority to publicize such work programs and invite employers to participate, subject to the provisions of Board Rule 125-3-8-.03.

**Cite as Ga. Comp. R. & Regs. R. 125-3-8-.02**
**Authority: Ga. Constitution 1982, Art. XI, Sec. 1, O.C.G.A. Secs. 42-2-11, 42-5-55.**
**History.** Original Rule entitled "Responsibility" adopted. F. Jan. 5, 2006; eff. Jan. 25, 2006.
**Amended:** F. Sept. 6, 2007; eff. Sept. 26, 2007.

## Rule 125-3-8-.03. Requirements.

(1) The Commissioner of Corrections shall seek certification for such work programs under the federal Prison Industries Enhancement Certification Program authorized by 18 U.S.C. § 1761 and other applicable federal regulations.

(2) Upon receipt of certification, the Department of Corrections and/or the Georgia Correctional Industries Administration shall administer and operate one or more of such programs, as directed by the Commissioner.

(3) Procedures promulgated by the Commissioner shall include the following assurances:

(a) Inmate participation shall be on a voluntary basis;

(b) Inmate wages shall be paid at a rate not less than that paid for work of a similar nature in the locality in which the work is to be performed;

(c) A provision of federal and state governmental benefits comparable to governmental benefits provided for similarly situated private sector employees shall be provided to participating inmates;

(d) The use of inmate labor shall not result in the displacement of employed workers, or be applied in skills, crafts, or trades in which there is a surplus of available gainful labor;

(e) The use of inmate labor shall not impair existing contracts for services;

(f) Deductions from inmate wages shall comply with 18 U.S.C. § 1761;

(g) Selection of participating inmates shall be made with careful attention to security issues;

(h) Inmates shall be properly supervised during travel and employment outside correctional facilities;

(i) Local private businesses which may be economically impacted shall be consulted;

(j) Local labor union organizations and other local employee groups with an interest in the trade or skill to be performed by participating inmates shall be consulted.

(4) The rules outlined in paragraph (3), subsections (b), (d), and (e) are promulgated and issued jointly with rules of the Department of Labor, Chapter 300.7.

(5) Procedures promulgated in accordance with this rule shall be subject to the provisions of O.C.G.A. § 50-13-4.

(6) The Department and the Georgia Correctional Industries Administration shall be compensated for any administrative costs or other costs incurred for the operation of such work programs.

(7) The Department and the Georgia Correctional Industries Administration shall be compensated for the use of employees, the use of space owned or controlled by the Department or by the Georgia Correctional Industries Administration, administrative costs or the use of any other resources in the operation of such work programs.

(8) Any program for voluntary labor by inmates created in accordance with these rules shall not be subject to the provisions of Code Section 42-5-60 prohibiting hiring out of inmates to private persons, corporations, and businesses conducted for profit; prohibiting sale of goods, wares, or merchandise manufactured, produced, or mined by inmates to private persons, firms, associations, and corporations; and limiting the amount of compensation for inmates.

(9) The Department and the Georgia Correctional Industries Administration shall rely upon the Georgia Department of Labor's determination of worker displacement, labor shortage, and payment of inmate wages at a rate not less than that paid for work of a similar nature in the locality in which the work is to be performed.

(10) Every program involving employment of an inmate by a for-profit business to manufacture, produce, or mine goods, wares, or merchandise for transportation in interstate commerce or to provide services shall conform to the rules of this chapter.

(11) Chapter 125-3-8 shall not apply to programs for the production of agricultural commodities, parts for the repair of farm machinery, or goods, wares, or merchandize manufactured for use by not-for-profit organizations, the federal government, the District of Columbia, or by any state or political division of the state.

(12) Chapter 125-3-8 shall not apply to an inmate serving a term of supervised release, as described in 18 U.S.C. § 3583.

**Cite as Ga. Comp. R. & Regs. R. 125-3-8-.03**
**Authority: Ga. Constitution 1982, Art. XI, Sec. 1, O.C.G.A. Secs. 42-2-11, 42-5-55.**
**History.** Original Rule entitled "Requirements" adopted. F. Jan. 5, 2006; eff. Jan. 25, 2006.
**Amended:** F. Sept. 6, 2007; eff. Sept. 26, 2007.

# Chapter 125-4. INSTITUTIONAL, CENTER, AND PROGRAM SERVICES.

## Subject 125-4-1. COUNSELING SERVICES.

### Rule 125-4-1-.01. Responsibility.

(1) The State Board of Corrections acting alone or in cooperation with other State, Federal, or Local agencies shall provide overall direction of the counseling programs undertaken within the correctional system.

(2) Wardens/Superintendents shall establish and maintain counseling services and programs consistent with the needs of the offender population concerned and comply with appropriate Department of Corrections standards. Each institution shall have at least one full-time counselor.

(3) counselors shall be responsible for offender management in all counseling activities, services and programs with appropriate security requirements. Although counselors do not have police powers they may be authorized to assume necessary security duties commensurate with conducting regular counseling activities, services and programs consistent with the mission of respective institutions and community rehabilitation centers. In unusual circumstances, such as offender escapes or disturbances, counselors may be authorized to assume administrative functions in order to relieve other correctional personnel or to assist in stabilizing the respective institution or community rehabilitation center.

(4) Wardens/Superintendents shall assure that every assigned offender in their respective institutions and community rehabilitation centers has access to a Counselor who will be responsible for providing needed counseling, guidance, case supervision and program coordination on a regular basis.

(5) The State Director of Counseling Services shall plan, organize, and coordinate Department counseling services and programs; develop and redefine as necessary Departmental program standards, policies, procedures and guidelines relating to counseling functions, practices and services; provide appropriate technical assistance in program implementation and management to Wardens/Superintendents and counselor supervisors, as well as provide necessary coordination with other State Program Directors and designated outside agency resources.

**Cite as Ga. Comp. R. & Regs. R. 125-4-1-.01**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969 p. 598; 1956, pp. 161, 171; 1956, pp. 161, 174 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 491, 492; 1970, pp. 318, 319 (O.C.G.A. 42-5-53); Ga. L. 1972, p. 838 (O.C.G.A. 42-10-2); Ga. L. 1956, pp. 161, 178 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 734, 735 (O.C.G.A. 42-5-57); Ga. L. 1968, pp. 1399, 1403 (O.C.G.A. 42-5-51); Ga. L. 1978, pp. 1647, 1652 (O.C.G.A. 42-2-11).**
**History.** Rule, entitled "Responsibility," filed as Rule 415-4-1-.01 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-4-1-.01. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Rule 125-4-1-.02. Purpose.

Counseling is designed to assist with offender management in assigned institutions and community rehabilitation centers by helping offenders to cope with the personal and social problems of incarceration and community adjustment. Offenders shall also be encouraged through counseling to assume individual responsibility for their rehabilitation by participation in available programs which offer opportunities to develop needed personal, social, career and citizenship skills in preparation for release.

**Cite as Ga. Comp. R. & Regs. R. 125-4-1-.02**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969 p. 598; 1956, pp. 161, 171; 1956, pp. 161, 174 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 491, 492; 1970, pp. 318, 319 (O.C.G.A. 42-5-53); Ga. L. 1972, p. 838 (O.C.G.A. 42-10-2) Ga. L. 1956, pp. 161, 178 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 734, 735 (O.C.G.A. 42-5-57); Ga. L. 1968, pp. 1399, 1403 (O.C.G.A. 42-5-51); Ga. L. 1978, pp. 1647, 1652 (O.C.G.A. 42-2-11).**
**History.** Rule, entitled "Purpose," filed sa Rule 415-4-1-.02 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-4-1-.02. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Rule 125-4-1-.03. Facilities and Equipment.

Each institution and community rehabilitation center shall provide facilities, equipment, materials, supplies and other operating funds in support of counseling services, activities and programs consistent with the needs of the offender population concerned and appropriate Department of Corrections standards.

**Cite as Ga. Comp. R. & Regs. R. 125-4-1-.03**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161,171; 1569 p.598; 1956, pp.161, 171; 1956, pp. 161, 174 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 491, 492; 1970, pp. 318, 319 (O.C.G.A. 42-5-53); Ga. L. 1972, p. 838 (O.C.G.A. 42-10-2); Ga. L. 1956, pp. 161, 178 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 734, 735 (O.C.G.A. 42-5-57); Ga. L. 1568, pp. 1399, 1403 (O.C.G.A. 42-5-51); Ga. L. 1978, pp. 1647, 1652 (O.C.G.A. 42-2-11).**
**History.** Rule, entitled "Facilities and Equipment," filed as Rule 415-4-1-.03 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-4-1-.03. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Rule 125-4-1-.04. Counselor Personnel.

(1) At each institution and community rehabilitation center, having assigned Counselor(s) on a full-time or part-time basis, the Counselor(s) shall be responsible to the Warden/Superintendent for the counseling and guidance activities undertaken at the institution and community rehabilitation center. The State Director of Counseling Services will assist the local Warden/Superintendent in implementing appropriate counseling services and programs.

(2) Counselors, other than supervisory personnel, shall provide the major functions of individual counseling, appropriate group counseling, case management and coordination of other available adjustment/rehabilitation services and programs in accordance with the rehabilitation plan for each offender.

(3) In-service counselor training will be provided by the Department of Corrections as necessary to meet the on-the-job skills required both for initial employment and career development.

**Cite as Ga. Comp. R. & Regs. R. 125-4-1-.04**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969 p. 598; 1956, pp. 161, 171; 1956, pp. 161, 174 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 491, 492; 1970, pp. 318, 319 (O.C.G.A. 42-5-**

**53); Ga. L. 1972, p. 838 (O.C.G.A. 42-10-2); Ga. L. 1956, pp. 161, 178 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 734, 735 (O.C.G.A. 42-5-57); Ga. L. 1968, pp. 1399, 1403 (O.C.G.A. 42-5-51); Ga. L. 1978, pp. 1647, 1652; 1956, pp. 161, 170; 1969, p. 259 (O.C.G.A. 42-2-11).**
**History.** Rule, entitled "Counselor Personnel," filed as Rule 415-4-1-.04 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-4-1-.04. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Rule 125-4-1-.05. Plan for Rehabilitation Services.

(1) Counselors in respective institutions and community rehabilitation centers shall review the standardized testing results and personal history data retained in each assigned offender's case file from their intake diagnostic and classification processing as well as other information for the purpose of assessing the offender for appropriate assignment to available work programs, education, and other adjustment/ rehabilitation services and programs.

(2) Counselors or designated case managers shall provide counseling, guidance and other appropriate assistance to each assigned offender in planning and recommending participation in available rehabilitation services and programs for approval by the facility/center classification committee.

**Cite as Ga. Comp. R. & Regs. R. 125-4-1-.05**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-51, 42-5-53, 42-5-57, 42-10-2.**
**History.** Rule entitled "Plan for Rehabilitation Services" adopted as R. 415-4-1-.05. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-4-1-.05. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** F. Mar. 6, 2003; eff. Mar. 26, 2003.

## Rule 125-4-1-.06. Counseling Services.

(1) In accordance with availability and each offender's planned adjustment/rehabilitation needs, the Counselor(s) shall provide counseling and guidance services and programs which may include personal/social adjustment, drug/alcohol counseling, vocational/education guidance, psychological services, family assistance, pre-release preparation, and job development as well as other appropriately defined or required counseling assistance.

(2) Counselors or designated case managers in respective institutions and community rehabilitation centers shall provide required continual case supervision and assistance for each assigned offender in meeting appropriate Department of Corrections standards.

(3) Counselors shall provide necessary coordination or referral assistance for other appropriate special institutional and community programs, activities or agencies which may be determined to enhance defined offender rehabilitation efforts.

**Cite as Ga. Comp. R. & Regs. R. 125-4-1-.06**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-51, 42-5-53, 42-5-57, 42-10-2.**
**History.** Rule entitled "Counseling Services" adopted as R. 415-4-1-.06. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-4-1-.06. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

## Rule 125-4-1-.07. Accountability.

(1) Wardens/Superintendents shall assure that the Counselor(s) maintain required case documentation and records concerning the participation and progress of individual offenders consistent with the offender population concerned, their defined rehabilitation efforts and meeting appropriate Department of Corrections standards.

(2) An evaluation of the counseling and guidance services and programs implemented at each institution and community rehabilitation center shall be conducted periodically in coordination with the State Director of Counseling Services for review and recommendations of programmatic and fiscal needs or revisions.

**Cite as Ga. Comp. R. & Regs. R. 125-4-1-.07**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-51, 42-5-53, 42-5-57, 42-10-2.**
**History.** Rule entitled "Accountability" adopted as R. 415-4-1-.07. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-4-1-.07. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

# Subject 125-4-2. EDUCATIONAL PROGRAMS.

## Rule 125-4-2-.01. Responsibility.

(1) The State Board of Corrections, acting alone or in cooperation with the State Department of Education, the State Board of Regents, or the several Federal, State or Local agencies, shall provide overall direction of the educational programs undertaken within the correctional system and shall exercise program approval authority.

(2) Wardens/Superintendents shall establish and maintain educational programs consistent with the needs and interests of the inmate population concerned and meeting appropriate Department of Education and/or Department of Labor standards.

(3) Wardens/Superintendents should solicit community support in developing and implementing educational programs and, wherever possible, should utilize existing community capabilities in the furtherance of inmate training.

**Cite as Ga. Comp. R. & Regs. R. 125-4-2-.01**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1956. pp. 161, 170; 1969 p. 598; 1956, pp. 161, 171; 1956, pp. 161, 174 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 491, 492; 1970, pp. 318, 119 (O.C.G.A. 42-5-53); Ga. L. 1972, p. 838 (O.C.G.A. 42-10-2); Ga. L. 1956, pp. 161, 178 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 734, 735 (O.C.G.A. 42-5-57); Ga. L. 1968, pp. 1399, 1403 (O.C.G.A. 42-5-51).**
**History.** Rule, entitled "Responsibility," filed as Rule 415-4-2-.01 on November 14, 1984; affective December 4,

1984, renumbered as Rule 125-4-2-.01. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Rule 125-4-2-.02. Facilities and Equipment.

Each institution shall provide whatever facilities, equipment, materials and supplies are available or can be obtained in support of training courses or programs which further rehabilitative efforts.

**Cite as Ga. Comp. R. & Regs. R. 125-4-2-.02**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969 p. 598; 1956, pp. 161, 171; 1956, pp. 161, 174 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 491, 492; 1970, pp. 318, 319 (O.C.G.A. 42-5-53); Ga. L. 1972; p. 838 (O.C.G.A. 42-10-2); Ga. L. 1956, pp. 161, 178 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 734, 735 (O.C.G.A. 42-5-57); Ga. L. 1968, pp. 1399, 1403 (O.C.G.A. 42-5-51).**
**History.** Rule entitled "Facilities and Equipment," filed as Rule 415-4-2-.02 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-4-2-.02. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Rule 125-4-2-.03. Testing.

Standarized tests to determine academic achievement levels and vocational aptitude shall be administered to each inmate in order to provide initial data on which to base training decisions. Additional testing or follow-up retesting shall be accomplished consistent with the inmate's changing interests and/or potential advancing achievement levels.

**Cite as Ga. Comp. R. & Regs. R. 125-4-2-.03**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969 p. 598; 1956, pp. 161, 171; 1956, pp. 161, 174 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 491, 492; 1970, pp. 318, 319 (O.C.G.A. 42-5-53); Ga. L. 1972, p. 838 (O.C.G.A. 42-10-2); Ga. L. 1956, pp. 181, 178 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 734, 735 (O.C.G.A. 42-5-57); Ga. L. 1968, pp. 1399, 1403 (O.C.G.A. 42-5-51).**
**History.** Rule, entitled "Testing," filed as Role 415-4-2-.03 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-4-2-.03. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Rule 125-4-2-.04. Academic Training.

(1) Each institution shall provide educational courses consistent with the capacity and the demonstrated interests of the inmate population.

(2) Training in the social and coping skills, including consumer problems, family life, and establishment of educational goals, shall be offered as a part of the educational process.

(3) Each inmate whose standard test scores indicate that his (her) educational level is below the 8th grade shall be encouraged, and where possible, assigned to attend appropriate scheduled academic courses for a minimum of ten (10) hours per week.

(4) Each institution should establish as its objective the creation and operation of a program which will fulfill inmate educational needs from the illiteracy level through the high school equivalency level.

(5) Opportunities for college level training may be provided through in-house classes, correspondence courses, and, in selected cases, through educational release.

**Cite as Ga. Comp. R. & Regs. R. 125-4-2-.04**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969 p. 598; 1956, pp. 161, 171; 1956, pp. 161, 174 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 491, 492; 1970, pp. 318, 319 (O.C.G.A. 42-5-53); Ga. L. 1972, p. 838 (O.C.G.A. 42-10-2); Ga. L. 1956, pp. 161, 178 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 734, 735 (O.C.G.A. 42-5-57); Ga. L. 1968, pp. 1399, 1403 (O.C.G.A. 42-5-51).**
**History.** Rule, entitled "Academic Training," filed as Rule 415-4-2-.04 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-4-2-.04. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Rule 125-4-2-.05. Vocational Training.

(1) Vocational and self-improvement training courses shall be offered by each institution consistent with the training assets available to the institution or obtainable in the community and in accordance with the needs and desires of the inmates concerned.

(2) New vocational programs must be based on employment potential and inmate interest and capabilities.

(3) The goal of such training should be to provide a level of skills marketable in private industry.

(4) As appropriate, the active support and assistance of Trades Advisory Councils, Department of Labor activities, State Area Vocational Technical Schools and similar organizations should be solicited.

(5) Supplementary efforts should be employed to improve achieved skills through on-the-job training, work release, educational release and related programs designed to prepare the inmate for his (her) return to society.

**Cite as Ga. Comp. R. & Regs. R. 125-4-2-.05**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969 p. 598; 1956, pp. 161, 171; 1956, pp. 161, 174 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 491, 492; 1970, pp. 318, 119 (O.C.G.A. 42-5-53); Ga. L. 1972, p. 838 (O.C.G.A. 42-10-2); Ga. L. 1956, pp. 161, 178 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 734, 735 (O.C.G.A. 42-5-57); Ga. L. 1968, pp. 1399, 1403 (O.C.G.A. 42-5-51).**
**History.** Rule, entitled "Vocational Training," filed as Rule 415-4-2-.05 on November 14, 1981; effective December 4, 1984, renumbered as Rule 125-4-2-.05. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Rule 125-4-2-.06. Live Work Training.

Inmate trainees enrolled in any vocational, technical or educational training program authorized and supported by the State Board of Corrections may repair, finish or otherwise utilize any privately owned property or equipment, as well as other property or equipment, in connection with the activities of any such training program, so long as the repair, finishing or utilization contributed to the inmate's acquisition of the desired vocational, technical, or educational skills.

**Cite as Ga. Comp. R. & Regs. R. 125-4-2-.06**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969 p. 598; 1956, pp. 161, 171; 1956, pp. 161, 174 (O.C.G.A. 42-2.11); Ga. L. 1964, pp. 491, 492; 1970. pp. 318, 319 (O.C.G.A. 42-5-53); Ga. L. 1972, p. 838 (O.C.G.A. 42-10.2); Ga. L. 1956, pp. 161, 178 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 734, 735 (O.C.G.A. 42-5-57); Ga. L. 1968, pp. 1399, 1403 (O.C.G.A. 42-5-51).**
**History.** Rule, entitled "Live Work Training," filed as Rule 415-4-2-.06 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-4-2-.06. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Rule 125-4-2-.07. Instructional Personnel.

(1) Academic instructors are required to meet State teacher certification standards. Vocational instructors must be licensed or credentialed in accordance with State Department of Education criteria.

(2) Full-time academic and Vocational teachers, other than supervisory personnel, shall spend a minimum of thirty (30) hours per week performing active instruction, testing and guidance duties.

(3) Educational supervisors having fewer than five (5) subordinates shall spend a minimum of fifteen (15) hours weekly in an active teaching role.

(4) Educational personnel shall be encouraged to attend a minimum of one training workshop, conference, or applicable college course per year to upgrade their teaching skills.

(5) In-service instruction training shall be provided by the Department of Corrections through arrangement with other appropriate agencies.

**Cite as Ga. Comp. R. & Regs. R. 125-4-2-.07**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969 p. 598; 1956, pp. 161, 171; 1956, pp. 161, 174 (O.C.G.A. 42-2-11); Ga. L. 1984, pp. 491, 492; 1970, pp. 318, 319 (O.C.G.A. 42-5-53); Ga. L. 1972, p. 838 (O.C.G.A. 42-10-2); Ga. L. 1956, pp. 161, 178 (O.C.G.A. 42-2-11); Ga. L. 1964. pp. 734, 735 (O.C.G.A. 42-5-57); Ga. L. 1968, pp. 1399, 1403 (O.C.G.A. 42-5-51).**
**History.** Rule, entitled "Instructional Personnel," filed as Rule 415-4-2-.07 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-4-2-.07. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Rule 125-4-2-.08. Library.

(1) Wardens/Superintendents shall assure that appropriate library resources are made available to staff and inmates. Larger institutions shall establish and maintain a library of coverage consistent with the size, requirements, and interests of the inmate population. Smaller institutions shall assure inmate accessibility to library materials through use of the area bookmobile service of the State Department of Education or the local library.

(2) Materials made available through the library service shall include books, newspapers, periodicals, and audio-visual materials selected to support, broaden, and strengthen institutional rehabilitation efforts. A reasonable amount of these materials shall be current publications.

(a) A number and selection of references dealing with the educational, social, cultural, and vocational needs of the inmate population shall be established and maintained consistent with the size and interest of the inmate population.

(b) Inmates' recreational needs shall be addressed through the availability of materials dealing with sports, games, crafts, arts, etc.

(c) Libraries at designated institutions shall include legal references and materials as directed by the Commissioner.

(3) Library materials shall be made available, on a regularly scheduled basis, to all inmates while they are not on work assignment and while not assigned to disciplinary isolation. This restriction does not include legal materials.

**Cite as Ga. Comp. R. & Regs. R. 125-4-2-.08**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969 p. 598; 1956, pp. 161, 171; 1956, pp. 161, 174 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 491, 492; 1970, pp. 318, 319 (O.C.G.A. 42-5-53); Ga. L. 1972, p. 838 (O.C.G.A. 42.10-2); Ga. L. 1956, pp. 161, 178 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 734, 735 (O.C.G.A. 42-5.57); Ga. L. 1968, pp. 1399, 1403 (O.C.G.A. 42-5-51).**
**History.** Rule, entitled "Library," filed as Rule 415-4-2-.08 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-4-2-.08 Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Rule 125-4-2-.09. Educational Release.

The Commissioner of Corrections may develop, administer and implement an educational release program. The program shall be designed to provide selected inmates an opportunity to undertake educational advancement through participation in available community educational activities. The objectives of the program shall be to:

(a) Expand available educational opportunities for inmates.

(b) Motivate participation in an on-going program preliminary to achievement of eligibility for educational release.

(c) Serve as a supporting corollary to the Work-Release Program.

(d) Provide coordination with community educational resources in Pre-Release phases.

**Cite as Ga. Comp. R. & Regs. R. 125-4-2-.09**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-51, 42-5-53, 42-5-57, 42-10-2.**
**History.** Rule entitled "Educational Release" adopted as R. 415-4-2-.09. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-4-2-.09. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

## Rule 125-4-2-.10. Accountability.

In order to facilitate an assessment of the effectiveness of the Department of Corrections educational programs, the following shall be required:

(a) Standard record-keeping shall be accomplished concerning inmate participation and progress.

(b) An evaluation of the educational (academic and vocational) programs implemented at each institution is to be conducted system- wide on an on-going basis.

**Cite as Ga. Comp. R. & Regs. R. 125-4-2-.10**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-51, 42-5-53, 42-5-55, 42-5-57, 42-10-2.**
**History.** Rule entitled "Accountability" adopted as R. 415-4-2-.10. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-4-2-.10. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** F. Mar. 6, 2003; eff. Mar. 26, 2003.

# Subject 125-4-3. FOOD SERVICE.

## Rule 125-4-3-.01. Responsibility.

Each facility shall establish and operate a Food Service Program in accordance with these rules and such other policies and directives not in conflict herewith as may be issued from time to time. Additionally, each facility shall conform to applicable state requirements concerning the preparation and serving of food and drink, including all pertinent regulations of the Georgia Department of Health.

**Cite as Ga. Comp. R. & Regs. R. 125-4-3-.01**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969, p. 598; 1956, pp. 161, 171; 1956, pp. 161, 174 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 491, 492; 1970, pp. 318, 319 (O.C.G.A. 42-5-51); Ga. L. 1972, p. 838 (O.C.G.A. 42-10-2); Ga. L. 1956, pp. 195, 196 (O.C.G.A. 42-2-11); Ga. L. 1971, pp. 66, 67 (O.C.G.A. 26-2-21); Ga. L. 1964, pp. 499, 501 (O.C.G.A. 49-4-142); Ga. L. 1972, p. 1069 (O.C.G.A. 49-2-2); Ga. L. 1964, pp. 499, 512; 1964, pp. 499, 518; 1964, pp. 499, 558; 1964, pp. 499, 637 (O.C.G.A. 49-4-142); Ga. L. 1972, p. 1015; Ga. L. 1978, pp. 1647, 1648 (O.C.G.A. 42-2-11).**
**History.** Rule, entitled "Requirements," filed as Rule 415-4-3-.01 on November 14, 1964; effective December 4, 1984, renumbered as Rule 125-4-3-.01. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Rule 125-4-3-.02. Facilities and Equipment.

Food Service facilities and equipment shall meet or exceed the following minimum requirements.

(a) Each institution having a Food Service activity shall obtain a Food Service Facility Permit from the Department of Health or the County Board of Health, whichever is appropriate;

(b) Each Food Service facility shall be maintained at a level of operating proficiency which will assure continual meeting of the requirements for maintenance of the Food Service Facility Permit;

(c) Dining rooms, kitchens, preparation rooms, storage rooms for refrigerated and non-refrigerated foodstuffs, and related food processing areas shall be adequate in capacity and capability to fully accommodate all feeding requirements;

(d) All equipment and areas in which food is prepared or served shall be kept clean, orderly and in a sanitary manner;

(e) Each person dining shall be provided with a plate or dining tray, a cup, a drinking glass (or substitute therefor) and a spoon. At the discretion of the Warden/Superintendent and consistent with security requirements, knives and forks may be provided for some or all inmates.

(f) Sanitary drinking fountains shall be installed and maintained in adequate numbers and locations to assure reasonable availability of water to all inmates.

(g) Ice making machines or regularly scheduled sanitary ice service shall be provided. Capacity or quantity available shall be adequate to assure meeting of institutional menu requirements and refrigerating needs.

**Cite as Ga. Comp. R. & Regs. R. 125-4-3-.02**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969, p. 598; 1956, pp. 161, 171; 1956, pp. 161, 174 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 491, 492; 1970, pp. 318, 319 (O.C.G.A. 42-5-53); Ga. L. 1972, p. 838 (O.C.G.A. 42-10-2); Ga. L. 1956, pp. 195, 196 (O.C.G.A. 42-2-11); Ga. L. 1971, pp. 66, 67 (O.C.G.A. 26-2-21); Ga. L. 1964, pp. 499, 501 (O.C.G.A. 49-4-142); Ga. L. 1972, p. 1069 (O.C.G.A. 49-2-2); Ga. L. 1964, pp. 499, 512; 1964, pp. 459, 518; 1964, pp. 499, 558; 1964, pp. 499, 637 (O.C.G.A. 49-4-142); Ga. L. 1972. p. 1015; Ga. L. 1978, pp. 1647, 1648 (O.C.G.A. 42-2-11).**
**History.** Rule, entitled "Facilities and Equipment," filed as Rule 415-4-3-.02 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-4-3-.02. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Rule 125-4-3-.03. Menu.

A master menu and standardized recipes shall be prepared and distributed by the Central Farm/Food Services Office on a basis which will facilitate and support procurement and meal

planning. Meals served at each institution shall conform to the master menu as closely as it is practical and consistent with efficient and effective food management principles.

**Cite as Ga. Comp. R. & Regs. R. 125-4-3-.03**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969, p. 598; 1956, pp. 161, 171; 1956, pp. 161, 174 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 491, 492; 1970, pp. 318, 319 (O.C.G.A. 42-5-53); Ga. L. 1972, p. 838 (O.C.G.A. 42-10-2); Ga. L. 1956, pp. 195, 196 (O.C.G.A. 42-2-11); Ga. L. 1971, pp. 66, 67 (O.C.G.A. 26-2-21); Ga. L. 1964, pp. 499, 501 (O.C.G.A. 49-4-142); Ga. L. 1972, p. 1069 (O.C.G.A. 49-2-2); Ga. L. 1964, pp. 499, 512; 1964, pp. 499, 518; 1964, pp. 499, 558 (O.C.G.A. 49-4-142); Ga. L. 1978, pp. 1647, 1648 (O.C.G.A. 42-2-11).**
**History.** Rule entitled "Menu," filed as Rule 415-4-3-.03 on November 14, 1985; effective December 4, 1984, renumbered as Rule 125-4-3-.02. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Rule 125-4-3-.04. Meals.

Each institution shall provide assigned inmates three (3) meals daily. At the discretion of the Warden/Superintendent, either two (2) or three (3) meals may be served on Friday,Saturdays, Sundays, and legal holidays. When only two (2) meals are to be served, the appropriate menu for the situation shall be selected from the master menu. Refer to Rule 125-3-2-.10(d) for meals served in Disciplinary Isolation.

**Cite as Ga. Comp. R. & Regs. R. 125-4-3-.04**
**Authority: Ga. Constitution 1982, Art. XI, Sec. 1, Par. I, (b): Ga. L. 1956, pp. 161; Ga. L. 1969, p. 598; 1978, pp. 1647; 1983 p. 3, 507 Ga. L. 1996, p. 1081 (O.C.G.A. 42-2-11, 42-2-53, 42-10-2, 42-5-53, 42-5-55(b), 26-2-21, 49-4-142, 49-2-2, 49-4-142).**
**History.** Rule entitled "Meals" adopted. F. as Rule 415-4-3-.04Nov. 14, 1984; eff. Dec. 4, 1984.
**Repealed:** New Rule of same title adopted. F. Dec. 12, 1984; eff. Jan. 1, 1985.
**Amended:** Rule renumbered as Rule 125-4-3-.04. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Repealed:** New Rule of same title adopted. F. Sept. 6, 1988; eff. Sept. 26, 1988.
**Repealed:** New Rule of same title adopted. F. Aug. 5, 2010; eff. Aug. 25, 2010.

## Rule 125-4-3-.05. Meal Charges.

The Warden/Superintendent shall require that each employee or authorized visitor sign for each meal consumed at the institutional facility. The record shall be available for inspection at the institution. Such records shall be maintained at the institution for one (1) year prior to retirement or destruction. Appropriate monetary collections shall be made from those who are required to pay for their meals. Funds collected shall be accounted for by the Business/Record Manager in accordance with established procedures.

**Cite as Ga. Comp. R. & Regs. R. 125-4-3-.05**
**Authority: Ga. Constitution 1983, Art. XI, Set. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969, p. 598; 1956, pp. 161, 171; 1956, pp. 161, 174 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 491, 492; 1970, pp. 318, 319 (O.C.G.A. 42-5-53); Ga. L. 1972, p. 838 (O.C.G.A. 42-10-2); Ga. L. 1956, pp. 195, 196 (O.C.G.A. 42-3-11); Ga. L. 1971, pp. 66, 67 (O.C.G.A. 26-2-21); Ga. L. 1964, pp. 499, 501 (O.C.G.A. 49-4-142); Ga. L. 1972, p. 1069 (O.C.G.A. 49-2-2); Ga. L. 1964, pp. 499, 512; 1964, pp. 499, 518; 1964, pp.499, 558 (O.C.G.A. 49-4-142); Ga. L. 1978, pp.1647, 1648 (O.C.G.A. 42-2-11).**
**History.** Rule, entitled "Meal Charges," filed as Rule 415-4-3-.05 on November 14, 1984; effective December 4,

1984, renumbered as Rule 125-4-3-.05. Filed June 28,1985; effective July 20, 1985, as specified by the Agency.

## Rule 125-4-3-.06. Assignment.

(1) Employees selected as Food Service personnel will be hired through normal merit system procedures and will meet all requirements for their respective positions. Inmates shall be assigned to institutional Food Service activities through the normal classification and assignment procedures at their respective institutions.

(2) Employees and inmates assigned to duties involving food handling shall be free from diarrhea and skin infections and other illnesses transmissible by food or utensils.

(3) The Food service director or person in charge of Food Service shall promptly notify the health authority when any Food Service worker is known or suspected of having an infectious disease which is transmissible by food or utensils.

(4) Preassignment medical examinations and periodic examinations are necessary only where required by the laws or regulations located in the community where the facility is located.

(5) The Food Service director or person in charge shall monitor Food Service workers on a regular basis to ensure compliance with the Department of Human Resources Rules and Regulations regarding Food Service Personnel. (Chapter 290-5-14-.04)

**Cite as Ga. Comp. R. & Regs. R. 125-4-3-.06**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969, p. 598; 1956, pp. 161, 171; 1956, pp. 161, 174 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 491, 492; 1970, pp. 318, 319 (O.C.G.A. 42-3-13); Ga. L. 1973, p. 838 (O.C.G.A. 42-10-2); Ga. L. 1956, p. 195, 196 (O.C.G.A. 42-2-11); Ga. L. 1971, pp. 66, 67 (O.C.G.A. 26-2-21); Ga. L. 1964, pp. 499, 501; 1972, pp. 1969; 1964, pp. 499, 512; 1964, pp. 499, 518; 1964, pp. 499, 558 (O.C.G.A. 49-4-142); Ga . L. 1978, pp. 1647, 1648 (O.C.G.A. 42-2-11).**
**History.** Rule, entitled "Assignment," filed as Rule 415-4-3-.07 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-4-3-.07. Filed June 28, 1985, effective July 20, 1985, as specified by the Agency.
**Repealed:** New Rule of same title adopted. F. Sept. 15, 1989; eff. Oct. 5, 1989.

## Rule 125-4-3-.07. Training.

(1) Selected inmates assigned to Food Service facilities will participate in a certified on-the-job training program. Documentation of such training shall be maintained in the inmate case file for potential use in the rehabilitation process.

(2) Food Service training sessions for supervisory employees shall be scheduled periodically by the appropriate Central Office staff. Other training as deemed necessary should be requested by the Warden/Superintendent concerned.

**Cite as Ga. Comp. R. & Regs. R. 125-4-3-.07**
**Authority: Ga. Constitution 1983, Art. XI, Sac. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969, p. 598; 1956, pp.**

**161, 171; 1956, pp. 161, 174 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 491, 492; 1970, pp. 318, 319 (O.C.G.A. 42-5-53); Ga. L. 1972, p. 838 (O.C.G.A. 42-10-2); Ga. L. 1956, pp. 195, 196 (O.C.G.A. 42-2-11); Ga. L. 1971, pp. 66, 67 (O.C.G.A. 26-2-21); Ga. L. 1964, pp. 499, 501 (O.C.G.A. 49-4-142); Ga. L. 1972, p. 1069 (O.C.G.A. 49-2-2); Ga. L. 1964, pp. 499, 512 (O.C.G.A. 49-4-142); Ga. L. 1978, pp. 1647, 1648 (O.C.G.A. 42-2-11).**
**History.** Rule, entitled "Training," filed as Rule 415-4-3-.07 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-4-3-.07. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Subject 125-4-4. MEDICAL SERVICES.

### Rule 125-4-4-.01. Responsibility.

When a person is committed to a correctional institution it becomes the responsibility of the correctional authorities to provide the necessary health care for the inmate. Medical and hospital care as required shall be provided for all inmates assigned. In no instance shall an inmate, his family or other individual be required to pay any portion of the fee or expenses for the inmate's medical or dental treatment, except as otherwise provided by law.

(a) Definitions:

1. Medical Emergency: A medical emergency is any condition which, in the judgment of a health care provider, poses an immediate threat to life or limb.

2. Chronic illness: An illness requiring care and treatment over an extended period of time. Chronic illness includes, but is not limited to, hypertension, diabetes, pulmonary illness, a seizure disorder, acquired immune deficiency syndrome, cancer, tuberculosis B, hepatitis C, rheumatoid arthritis, a autoimmune disorder, and renal disease.

(b) The Commissioner may establish procedures for a reasonable deduction from money credited to the money account of a prisoner to defray the costs paid by the Department or its contractor for medical care and/or prescription medication for a prisoner.

1. If the prisoner is incarcerated in a state prison or facility operated by a contractor of the state it shall be the responsibility of the state or its contractor to render any needed medical or hospital care.

2. The Department and its contractors are authorized to make reasonable deductions from money credited to the money account of a prisoner to defray the costs paid by the state or its contractors for:

(i) Medical treatment for a prisoner when the request for medical treatment has been initiated by the prisoner; and

(ii) Medication prescribed for treatment of a medical condition unrelated to pregnancy or a chronic illness.

3. The Department and its contractors are authorized to make reasonable deductions from money credited to the money account of a prisoner to repay the Department or its contractors for the cost of medical treatment and prescription medication for injuries inflicted by the prisoner upon himself or herself or others unless the inmate has a severe mental health designation as determined by the department.

4. The amount to be charged by the Department on individual prisoner accounts shall be established by Department policy and operating procedure. However, the Department will not deduct a medical charge amount from a prisoner's account when the account balance on the date medical care is provided is less than ten dollars ($10.00) until such time that further deposits to the account raise the balance above ten dollars ($10.00). Individual prisoner money accounts shall be frozen until all medical charges incurred by the individual prisoner have been fully paid.

5. Nothing in this rule shall be construed to relieve the governing authority, governmental unit, subdivision, or agency having the physical custody of a prisoner from its responsibility first to provide and initially pay for any needed medical and hospital care rendered to such prisoner.

(c) If the state prisoner is incarcerated in a county facility and requires emergency medical or hospital care, the Department or its contractor shall bear the costs of direct medical services required for emergency medical conditions posing an immediate threat to life or limb if the inmate cannot be placed in a state institution for the receipt of this care. The responsibility for payment will commence when the costs for direct medical services exceed $1,000.00. The Department will pay only the balance in excess of this amount. The Commissioner shall establish regulations relative to payment of such medical and hospital costs by the Department.

1. The Department of Corrections shall bear the cost of any reasonable and necessary emergency medical and hospital care which is provided to any prisoner eligible for transfer to the Department but remaining in the physical custody of a county jail. The Department shall also bear the cost of any reasonable and necessary follow-up medical or hospital care rendered to any such prisoner as a result of the initial emergency care and treatment.

2. When admission of a prisoner to a hospital becomes necessary, for any reason, the Department will be notified by the authority having physical custody of the prisoner. Such notification should be made at the time of admission to the hospital.

3. Claims received by the Department for payment under the terms of this rule will be subject to medical review. This review will address the following issues: Appropriateness of the services provided and verification of charges as being within the range of usual or customary rates for comparable services.

4. All claims for reimbursement must be submitted in accordance with instructions established by the Department of Corrections, Health Services Division. The Department will provide for the payment of medical bills by reimbursing each county on a monthly basis for expenditures incurred. The Department will not make direct payment to an individual doctor or hospital.

5. Payment will be made for medical and hospital care provided to any prisoner alter receipt by the Department of the following documents: Certified copy of sentence, certified copy of indictment, certificate of revocation (when applicable), affidavit of custodian, and personal history.

**Cite as Ga. Comp. R. & Regs. R. 125-4-4-.01**
**Authority: Ga. Constitution 1982, 1983, Art. XI, Sec. 1, Par. I, (b): O.C.G.A. Secs. 31-2-1, 34-9-150, 42-2-1, 42-2-4, 42-2-11, 42-5-2, 42-5-51 to 42-5-53, 42-5-55, 42-5-59, 42-10-2.**
**History.** Rule entitled "Responsibility" adopted as R. 415-4-4-.01. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-4-4-.01. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** ER. 125-4-4-0.1-.01 adopted. F. Apr. 7, 1986; eff. Apr. 3, 1986, the date of adoption.
**Amended:** Permanent Rule adopted. F. July 16, 1986; eff. August 5, 1986.
**Amended:** F. Oct. 23, 1990; eff. Nov. 12, 1990.
**Amended:** F. Dec. 11, 1995; eff. Dec. 31, 1995.
**Amended:** F. Oct. 7, 1996; eff. Oct. 27, 1996.
**Amended:** F. Nov. 6, 1998; eff. Nov. 26, 1998.
**Amended:** F. June 4, 2009; eff. June 24, 2009.

## Rule 125-4-4-.02. Physician.

Each institution, as a minimum, shall employ a licensed physician, or ensure access to a licensed physician, either on a full or part-time basis depending on the services provided locally and the case load. In some institutions, additional medical staff will be required, in a strength depending on the health needs of the inmate population and the medical mission of the institution.

**Cite as Ga. Comp. R. & Regs. R. 125-4-4-.02**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b);Ga. L. 1986, pp. 161, 170; 1969, p. 598; 1956, p. 161, 171; 1964, pp. 489, 490 (O.C.G.A. 42-2-11), Ga L. 1968, p. 1399 (O.C.G.A. 42-5-51); Ga L. 1969, p. 602; Ga. L. 1971, pp. 435. 436 (O.C.G.A. 42-5-59). Ga. L. 1972, p. 582, Ga. L. 1973, pp. 1297, 1298, 1299 (O.C.G.A. 42-5-51); Ga. L. 1956, pp. 161, 174 (O.C.G.A. 42-2-11) Ga. L. 1984, pp. 491, 492; Ga. L. 1970, pp. 318, 319 (O.C.G.A. 42-5-53); Ga. L. 1972, p. 838 (O.C.G.A. 42-10-2).**
**History.** Rule entitled "Physician," filed as Rule 415-4-4-.02 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-4-4-.02. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Rule 125-4-4-.03. Facilities.

As a minimum, each institution shall maintain adequate space, equipment and medical supplies for physical evaluations, administering first aid, and for the examination of inmates by the institutional physician. On the recommendation of the department Medical Administrator and at the discretion of the Commissioner, existing medical facilities and equipment at an institution, or

available to an institution, may be designated as adequate for the anticipated medical requirements.

**Cite as Ga. Comp. R. & Regs. R. 125-4-4-.03**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969, p. 598; 1956, pp. 161, 171; 1964, pp. 489, 490 (O.C.G.A. 42-2-11); Ga. L. 1968, p. 1399 (O.C.G.A. 42-5-51); Ga. L. 1969, p. 602; Ga. L. 1971, pp. 435, 436 (O.C.G.A. 42-5-59); Ga. L. 1972, p. 582; 1973, pp. 1297, 1298, 1299 (O.C.G.A. 42-5-51); Ga. L. 1956, pp. 161, 174 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 491, 492; 1970, pp. 318, 319 (O.C.G.A. 42-5-53); Ga. L. 1972, p. 838 (O.C.G.A. 42-10-2); Ga. L. 1956, pp. 161, 175 (O.C.G.A. 42-2-11).**
**History.** Rule, entitled "Facilities," filed as Rule 415-4-4-.03 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-4-4-.03. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Rule 125-4-4-.04. Health Services.

(1) Health Services will be furnished to provide treatment for discovered illnesses, injuries, immunizations and vaccinations, and psychiatric and psychological studies and/or treatment as recommended by the institutional physician.

(a) Under exclusive procedures to be followed by the Commissioner and the Chief Executive Officer of another State Department, services of a licensed physician or psychologist may be obtained on a part-time basis where the services will be in the best interest of the State.

(2) Each inmate who has a remediable physical or mental condition shall be offered suitable treatment at the institution or through extension, at other facilities accessible to the State Board of Corrections.

**Cite as Ga. Comp. R. & Regs. R. 125-4-4-.04**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969, p. 598; 1956, pp. 161, 171; 1964, pp. 489, 490 (O.C.G.A. 42-2-11); Ga. L. 1968, p. 1399 (O.C.G.A. 42-5-51); Ga. L. 1969, p. 602; Ga. L. 1971, pp. 435, 436 (O.C.G.A. 42-5-59); Ga. L. 1973, pp. 1297, 1298, 1299 (O.C.G.A. 42-5-51); Ga. L. 1956, pp. 161, 174 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 491, 492 (O.C.G.A. 42-5-53); Ga. L. 1970, pp. 318, 319 (O.C.G.A. 42-5-53); Ga. L. 1972, p. 838 (O.C.G.A. 42-10-2); Ga. L. 1964, pp. 499, 579 (O.C.G.A. 31-2-1).**
**History.** Rule, entitled "Health Services," filed as Rule 415-4-4-.04 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-4-4-.04. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Rule 125-4-4-.05. Physical Examinations.

Inmates processed through diagnostic programs will normally arrive at their assigned institutions after having been medically examined and classified. As a minimum, the physical examination shall include recording of physical measurements, blood pressure, visual and hearing examinations, clinical evaluations, and laboratory examinations to include testing for *Human Immunodeficiency Virus (HIV),* urinalysis, and serology. An executed report of the completed physical examination and a physical profile report shall be included in each inmate's medical file.

(a) The institutional physician shall provide the same minimum physical examination for inmates assigned directly to the institution from a jail.

(b) An inmate's medical records will accompany him (her) to the institution to which he (she) is assigned. Inmates who are assigned to an institution without having had a complete physical examination shall be subjected to examination by the institutional physician for the purpose of completing the examination and report. The supplementary examination should be completed as soon as practical following the inmate's arrival.

(c) In order to assure continuing validity on an inmate's work assignment or detail, the pertinent parts of a physical examination and a re-evaluation of the inmate's physical profile shall be accomplished following any serious illness or injury and prior to his (her) return to duty status.

(d) A general physical re-evaluation shall be performed to the institutional physician when requested by the Commissioner, the Departmental Medical Director, or, by the Warden/Superintendent for inclusion in the case recording program, and the results shall also be entered into the inmate's medical files.

(e) A copy of any permanent change in an inmate's physical profile shall be forwarded to the central office.

(f) Medical records shall be established and maintained as prescribed in directives and procedural guides published by the Department of Corrections.

**Cite as Ga. Comp. R. & Regs. R. 125-4-4-.05**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1988, p. 1797, (O.C.G.A. 42-5-52 and 42-9-42).**
**History.** Rule, entitled "Physical Examinations," filed as Rule 415-4-4-.05 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-4-4-.05. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.
**Amended:** Filed September 6, 1988; effective September 26, 1988.

## Rule 125-4-4-.06. Acquired Immune Deficiency Syndrome (AIDS).

Acquired Immune Deficiency Syndrome (AIDS) will be managed medically in accordance with clinical guidelines issued by the Medical Director of the Health Services Section. Administrative policies and procedures will be in accordance with standard operating procedures issued by the Health Services Section and by the Division of Facilities. Departmental policies will comply with requirements of Georgia Code Sections 42-5-52 and 42-9-42, as amended during the 1988 General Assembly.

**Cite as Ga. Comp. R. & Regs. R. 125-4-4-.06**
**Authority: Georgia Constitution 1988, Art. XI, Sec. I, Par. (b); Ga. L. 1988, p. 1797, (O.C.G.A. 42-5-52 and 42-9-42).**
**History.** Rule, entitled "Youthful Offenders," filed as Rule 415-4-4-.06 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-4-4-.06. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

**Amended:** Rule repealed. Filed May 9, 1986; effective May 29, 1986.
**Amended:** Rule entitled "Acquired Immune Deficiency Syndrome (AIDS) adopted. Filed September 6, 1988; effective September 26, 1988.

## Rule 125-4-4-.07. Dental and Optical.

All inmates shall receive dental and optical treatment including dentures and glasses, as required. Such treatment shall be provided irrespective of the length of an inmate's sentence or the proximity of his discharge date. The following procedures shall apply:

(a) Inmates in state institutions shall receive dental and optical treatment locally or at an appropriate institution designated by the Commissioner of Corrections.

(b) Inmates in county institutions shall receive dental and optical treatment locally. The expenses of such care shall be borne by the institution concerned.

**Cite as Ga. Comp. R. & Regs. R. 125-4-4-.07**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-51, 42-5-53, 42-5-59, 42-10-2.**
**History.** Rule entitled "Dental and Optical" adopted as R. 415-4-4-.07. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-4-4-.07. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

## Rule 125-4-4-.08. Special Examinations and Inspections.

When an inmate is placed in administrative segregation or disciplinary isolation, security shall notify a member of the medical staff. A licensed health care provider will review the inmates' medical record to determine if the inmate would be medically or mentally harmed by the environment of disciplinary isolation. The review of the medical record shall be completed by the close of the next business day. A licensed health care provider shall make medical checks of inmates in administrative segregation and disciplinary isolation three times weekly. The institutional physician shall advise the Warden/Superintendent as to whether or not in his/her judgment the inmate can tolerate the physical and mental stress of such confinement. If medically required, the Warden/Superintendent shall remove the inmate from disciplinary isolation.

(a) In addition to his/her other duties, the institutional physician or licensed health care provider shall inspect or cause to be inspected those institutional activities which could result in health hazards and advise the Warden/Superintendent on sanitary considerations including, but not limited to, food handlers, actual or potential food and water contaminants, and other sanitation matters which could seriously affect the health of those at the institution.

**Cite as Ga. Comp. R. & Regs. R. 125-4-4-.08**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-51, 42-5-53, 42-5-55, 42-5-59, 42-10-2.**

**History.** Rule entitled "Special Examinations and Inspections" adopted as R. 415-4-4-.08. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-4-4-.08. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** F. Mar. 6, 2003; eff. Mar. 26, 2003.
**Amended:** F. Aug. 5, 2004; eff. Aug. 25, 2004.

## Rule 125-4-4-.09. Medical Transfers.

The following procedures shall be observed should transfer of an inmate be required in order to assure proper medical care.

(a) An inmate within a state institution who develops an illness or sustains an injury which requires medical care that is unavailable at the institution shall be provided the necessary care by placement in the local hospital, transfer to another state, correctional facility, placement in the Eugene Talmadge Memorial Hospital, or treatment elsewhere as required, and determined by the Commissioner of the Department of Corrections upon recommendation by the Departmental Medical Director or the institutional physician.

(b) A state inmate who is incarcerated in a county institution and develops and illness or sustains an injury which requires treatment unavailable at that institution shall be provided any needed medical or hospital care in the local hospital or elsewhere as required by his condition. The expenses of such care shall be borne by the institution concerned.

(c) A state inmate who develops a chronic illness while incarcerated at a county institution may be transferred to a department institution for treatment provided that prior consultation between the county institution physician and the staff of the state correctional facility has determined that the inmate is classified as chronically ill and transportation of the inmate to the state correctional facility will not constitute an unacceptable risk to the health or life of the inmate.

(d) A state inmate may be transferred for specialized medical treatment to another party state or Federal Correctional Institution under the interstate corrections compact when authorized by the Commissioner of the Department of Corrections.

**Cite as Ga. Comp. R. & Regs. R. 125-4-4-.09**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-51, 42-5-53, 42-5-59, 42-10-2.**
**History.** Rule entitled "Medical Transfers" adopted as R. 415-4-4-.09. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-4-4-.09. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

## Rule 125-4-4-.10. Injury, Illness and Death.

If any state inmate develops an illness or sustains any injury that requires immediate emergency attention, the Warden/Superintendent shall arrange to provide that attention immediately at the nearest facility. The action taken will then be reported through established channels to the Commissioner of Corrections and guidance solicited as to further action.

(a) If an inmate is severely injured or develops a seriously acute illness, the Warden/Superintendent shall notify the inmate's next of kin or other individual(s), designated by the inmate. The Warden/ Superintendent shall keep such individual(s) apprised of any significant change in the inmate's condition, including death.

(b) In all such cases of serious injury or severe illness, the Warden/ Superintendent shall expeditiously notify the Commissioner of Corrections, and shall forward a summary report to the Commissioner of Corrections, after the necessary treatment has been completed.

(c) In all cases of death, the Warden/Superintendent shall immediately notify the Commissioner of Corrections, and shall provide a copy of the Certificate of Death.

**Cite as Ga. Comp. R. & Regs. R. 125-4-4-.10**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 10-5-1, 42-2-11, 42-5-51, 42-5-53, 42-5-59, 42-10-2.**
**History.** Rule entitled "Injury, Illness or Death" adopted as R. 415-4-4-.10. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-4-4-.10. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

## Rule 125-4-4-.11. Unusual Death.

Whenever any inmate in an institution under the control of the State Board of Corrections dies suddenly or under unusual circumstances, the Warden/Superintendent shall promptly notify the Commissioner of Corrections, the Director of the State Crime Lab, and the Coroner of the county in which the death occurs. Additionally, the Warden/Superintendent will provide the Commissioner of Corrections with a copy of the findings of the Coroner's inquest and furnish any other information which would be helpful in identifying the cause of death. A Death Certificate shall be furnished to the Commissioner of Corrections.

**Cite as Ga. Comp. R. & Regs. R. 125-4-4-.11**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-51, 42-5-53, 42-5-59, 42-10-2.**
**History.** Rule entitled "Unusual Death" adopted as R. 415-4-4-.11. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-4-4-.11. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

## Rule 125-4-4-.12. Medical Research.

Medical experimental and/or research activities involving either inmates or staff shall not be undertaken without the prior written approval of the Commissioner of Corrections for each project proposed. Such approval shall clearly define the type of research approved, the exact methodology to be utilized, the length of time of the project and shall require regular periodic reports during the course of the project.

**Cite as Ga. Comp. R. & Regs. R. 125-4-4-.12**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-51, 42-5-53, 42-5-59, 42-10-2.**
**History.** Rule entitled "Medical Research" adopted as R. 415-4-4-.12. F. Nov. 14, 1984; eff. Dec. 4, 1984,

renumbered as R. 125-4-4-.12. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

## Subject 125-4-5. MENTAL HEALTH SERVICES.

### Rule 125-4-5-.01. Responsibility.

When a person is committed to a correctional institution and diagnosed as having mental disorder, it is the responsibility of the Department to provide necessary mental health care for the inmate. Treatment and services as described in this chapter shall be administered by a Director of Mental Health who shall be appointed by the Commissioner. The Director shall develop and coordinate such services with appropriate Department personnel and other state agencies. An inmate, his or her family, or other individuals shall not be required to pay any portion of the fee or expenses for the inmate's mental health treatment. An inmate on work release status may be required to contribute to outpatient mental health care obtained in the community pursuant to his (her) work release plan and in accordance with current policies and procedures applicable to inmates on work release status.

**Cite as Ga. Comp. R. & Regs. R. 125-4-5-.01**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969, p. 598; Ga. L. 1978, p. 1647 (O.C.G.A. 42-2-11); Ga. L. 1956, pp. 161, 171; 1964, pp. 489, 490; 1968, p. 1399; 1969, p. 602; 1971, pp. 435, 436; 1972, p. 582; 1973, pp. 1297, 1298, 1299; Ga. L. 1979, p. 376; Ga. L. 1981, p. 1434 (O.C.G.A. 42-5-51); Ga. L. 1956, pp. 161, 174; 1964, pp. 491, 492; 1970, pp. 318, 319 (O.C.G.A. 42-5-53); Ga. L. 1972, p. 838 (O.C.G.A. 42-5-6); Ga. L. 1982, p. 1476 (O.C.G.A. 17-7-131).**
**History.** Original Rule, entitled "Responsibility," filed as Rule 415-4-5-.01 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-4-5-.01 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-4-5-.01. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

### Rule 125-4-5-.02. Scope of Services.

Mental health services shall be available to inmates who have a diagnosable and treatable mental disorder, including alcohol and drug abuse, and those inmates who are limited in their functioning due to mental retardation, as recommended by the institutional physician, psychiatrist or psychologist.

(a) The services provided shall be passed upon a written assessment performed by a licensed psychologist, psychiatrist or other physician which shall be a part of the inmate's mental health/ mental retardation record.

(b) MH/MR services shall be based upon an individualized treatment plan approved by an appropriately licensed psychiatrist or licensed pathologist or other qualified physician. The treatment plan shall be a part of the inmate's permanent mental health/mental retardation record.

(c) Mental Health/Mental Retardation records shall be established and maintained as prescribed in the policies and procedures established by the Department of Corrections.

(d) In accordance with procedures set forth in State law, the Commissioner may obtain the services of a licensed psychiatrist, licensed psychologist, or other personnel employed by another agency of state government where the services will be in the best interests of the State.

(e) Mental Health/Mental Retardation treatment and services shall be made available to inmates who have a remedial mental condition or who in the opinion of the MH/MR staff may otherwise benefit from such treatment or services at institutions designated by the Commissioner or at other facilities accessible to the Department.

**Cite as Ga. Comp. R. & Regs. R. 125-4-5-.02**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969, p. 598; Ga. L. 1978, p. 1647 (O.C.G.A. 42-2-11); Ga. L. 1956, pp. 161, 171; 1964, pp. 489, 490; 1968, p. 1399; 1969, p. 602; 1971, pp. 435, 436; 1972, p. 582; 1973, pp. 1297, 1298, 1299; Ga. L. 1979, p. 376; Ga. L. 1981, p. 1434 (O.C.G.A. 42-5-51); Ga. L. 1956, pp. 161, 174; 1964, pp. 491, 492; 1970, pp. 318, 319 (O.C.G.A. 42-5-53); Ga. L. 1972, p. 838 (O.C.G.A. 42-5-6); Ga. L. 1982, p. 1476 (O.C.G.A. 17-7-131); Ga. L. 1980, p. 675; (O.C.G.A. 45-10-20(a)(1)).**
**History.** Original Rule, entitled "Scope of Services," filed as Rule 415-4-5-.02 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-4-5-.02. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Rule 125-4-5-.03. Hospitalization.

Seriously mentally ill inmates or probationers who present a great risk of danger to themselves or others or who are unable to care for their own physical health and safety so as to create a life-endangering crisis and who cannot be safely managed in a less restrictive environment may be transferred to an appropriate mental health facility. The Commissioner shall promulgate procedures for establishing the need and method for an inmate or probationer to be transferred to an appropriate mental health facility.

**Cite as Ga. Comp. R. & Regs. R. 125-4-5-.03**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969, p. 598; 1956, pp. 161, 171; 1964, pp. 489, 490; 1968, p. 1399; 1969, p. 602; 1971, pp. 435, 436; 1972, p. 582; 1973, pp. 1297, 1298, 1299; Ga. L. 1979, p. 376; Ga. L. 1981, p. 1434 (O.C.G.A. 42-5-51); Ga. L. 1956, pp. 161, 173; 1957, pp. 447, 479; Ga. L. 1960, p. 234 (O.C.G.A. 42-5-52); Ga. L. 1969, pp. 234, 235; Ga. L. 1962, p. 699 (O.C.G.A. 42-5-52); Ga. L. 1956, pp. 161, 174; Ga. L. 1964, pp. 491, 492; Ga. L. 1970, pp. 318, 319 (O.C.G.A. 42-5-53); Ga. L. 1972, p. 838 (O.C.G.A. 42-5-6); Ga. L. 1982, p. 1476 (O.C.G.A. 17-7-131). Ga. L. 1978, p. 1647; 1983, p. 3, 507 (O.C.G.A. 42-2-11).**
**History.** Original Rule, entitled "Hospitalization," filed as Rule 415-4-5-.03 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-4-5-.03. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.
**Amended:** F. Nov. 5, 1999; eff. Nov. 25, 1999.

## Rule 125-4-5-.04. Guilty But Mentally Ill.

Individuals sentenced as "guilty but mentally ill" shall be further evaluated and then treated, if necessary, within the limits of the State funds appropriated therefor. Treatment may be provided

by the Department of Human Resources after transfer pursuant to procedures set forth in regulations of this Department and the Department of Human Resources.

(a) If a defendant who is found "guilty but mentally ill" at the time of a felony is placed on probation under the "Statewide Probation Act", the court may require that the defendant undergo available out-patient medical or psychiatric treatment or seek similar available voluntary inpatient treatment as a condition of probation. Persons required to receive such services may be charged fees.

(b) Offenders who are found "guilty but mentally ill" and placed on probation but subsequently revoked will retain their "guilty but mentally ill" status upon entering the D.O.C. prison system and will be processed in the same manner as "guilty but mentally ill" offenders who are initially sentenced to the D.O.C. prison system.

**Cite as Ga. Comp. R. & Regs. R. 125-4-5-.04**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969, p. 598; Ga. L. 1978, p. 1647 (O.C.G.A. 42-2-11); Ga. L. 1956, pp. 161, 171; 1964, pp. 489, 490; 1968, p. 1399; 1969, p. 602; 1971, pp. 435, 436; 1972, p. 582; 1973, pp. 1297, 1298, 1299; Ga. L. 1979, p. 376; Ga. L. 1981, p. 1434 (O.C.G.A. 42-5-51); Ga. L. 1956, pp. 161, 174; 1964, pp. 491, 492; 1970, pp. 318, 319 (O.C.G.A. 42-5-53); Ga. L. 1972, p. 838 (O.C.G.A. 42-5-6); Ga. L. 1982, p. 1476, (O.C.G.A. 17-7-131); Ga. L. 1960, p. 234 (O.C.G.A. 42-5-52); Ga. L. 1980, p. 675 (O.C.G.A. 45-10-20).**
**History.** Original Rule, entitled "Guilty But Mentally Ill," filed as Rule 415-4-5-.04 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-4-5-.04. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Subject 125-4-6. RECREATION.

### Rule 125-4-6-.01. Responsibility.

(1) Each institution shall develop and maintain a planned recreation and exercise program of participant sports, exercise activities, and recreational opportunities.

(2) All activities shall be supervised by a recreational specialist, or Correctional Officer or other supervisor.

(3) Opportunities shall be provided for inmates to develop their individual physical fitness through vigorous activities.

(4) The institutional recreational program shall include as wide a range of both outdoor and indoor activities as is consistent with demonstrated inmate interest and availability or obtainability of supportive recreational assets.

(5) A minimum of seven (7) hours per week shall be programmed for the unrestricted inmate population for outdoor exercise. Indoor exercise may be substituted during inclement weather wherever appropriate facilities are available.

(6) Inmates in:

(a) Maximum security inmates shall be provided a minimum of seven (7) hours of physical exercise or recreational activities per week in a manner consistent with institutional custody, security, disciplinary, and related requirements.

(b) Inmates under institutional restriction, in administrative segregation, protective custody, or disciplinary isolation shall be provided a minimum of five (5) hours of physical exercise or recreational activities per week in a manner consistent with institutional custody, security, disciplinary, and related requirements.

(7) Sports and/or recreational activities which frequently or recurrently result in serious incidents and/or disturbances shall be suspended or discontinued and other less disruptive activities substituted therefor.

**Cite as Ga. Comp. R. & Regs. R. 125-4-6-.01**
**Authority: Ga. Constitution 1983, Art. XI, Sec. 1, O.C.G.A. Secs. 42-2-11, 42-5-51, 42-5-53, 42-5-57, 42-10-2.**
**History.** Rule entitled "Responsibility" adopted as R. 415-4-6-.01. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-4-6-.01. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** F. Nov. 6, 1998; eff. Nov. 26, 1998.

## Rule 125-4-6-.02. Sports and Games.

(1) Sports and games authorized should maximize participation of inmates in the particular activity concerned. However, team development which results in competitive engagements and consequent inmate spectator enjoyment is encouraged.

(2) Wardens/Superintendents shall designate those sports and games which shall be undertaken at their institutions. The range of activities designated should be as extensive as is supportable within the limitations of inmate interest and institutional capability.

(3) Activities shall be organized and supervised to the extent required to maintain essential institutional security and control. Care should be taken to avoid diminishing the anticipated recreational benefits by excessive organization and control.

**Cite as Ga. Comp. R. & Regs. R. 125-4-6-.02**
**Authority: Ga. Constitution 1983, Art. XI, Sec. 1, O.C.G.A. Secs. 42-2-11, 42-5-51, 42-5-53, 42-5-57, 42-10-2.**
**History.** Rule entitled "Sports and Games" adopted as R. 415-4-6-.02. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-4-6-.02. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

## Rule 125-4-6-.03. Crafts and Hobbies.

With the approval of the Warden/Superintendent and within the limitations he prescribes, an inmate may pursue hobby craft work in his free time. The following limitations apply:

(a) Hobby craft activities shall be carried out under supervision in a hobby craft room provided by the institution for this purpose. Only with the specific approval of the Warden/Superintendent may hobby craft activities be undertaken in any other place.

(b) Hobby crafts which require tools, equipment, and/or materials which is classified as hazardous or as contraband shall require the specific approval of the Warden/Superintendent.

(c) Raw material, equipment, and tools needed for the manufacture of any hobby craft item, except those items utilized in institutional instructional activities, shall be ordered by the individual inmate through the office of the institutional Business/Record Manager or inmate store. Such items shall be paid for by the inmate concerned through deductions from personal funds credited to the inmate's institutional account.

(d) Except as provided in paragraph (h) below, the finished product of an inmate's hobby craft may only be sold through an outlet operated by the office of the Business/Record Manager of the institution concerned.

1. The hobby craft display counter (outlet) shall be open for business during visiting hours and at such other times as deemed appropriate by the Warden/Superintendent of the institution. Operating hours shall not be permitted to interfere with the normal routine of the institution.

2. The hobby craft display counter (outlet) shall be operated by the Business/Record Manager or an employee designated by him. Inmates shall not be permitted to operate the outlet.

3. The finished product shall be sold at a fair market price and funds derived from the sale shall be deposited to the individual inmate's institutional account in a manner similar to any other authorized deposit.

4. The sale of an inmate's hobby craft items shall be a straightforward business transaction. Such sales shall be accomplished from only one location (outlet) at each institution which shall be either the Lobby, Front Office, or other convenient location designated by the Warden/Superintendent and not located within the security sections of the institution.

(e) No institutional employee except the Business/Record Manager or his designated representative shall be involved in the procurement or disposal of hobby craft materials or finished products in any way whatsoever. The Business/Record Manager or his designated representative are solely and specifically responsible for the operation of the hobby craft program and for the inmate's institutional account.

(f) Inmates are prohibited from selling finished hobby craft products or components or any other item while on a work detail. An inmate may not mail or ship such products to individual customers or commercial outlets. All customers must purchase their finished

products or components thereof through the outlet operated by the institutional Business/Record Manager.

(g) Bona fide gifts of hobby craft items may be permitted in accordance with the provisions of Chapters 415-3-4 and 415-3-3.

(h) When arts and crafts are displayed or exhibited at museums, festivals, fairs, etc., the State Recreation Consultant for the Department of Offender Rehabilitation will handle all sales and turn over all moneys collected and copies of receipts to the Business/Record Manager of the concerned institution for credit to the appropriate inmate's account.

**Cite as Ga. Comp. R. & Regs. R. 125-4-6-.03**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969, p. 598; 1956, pp. 161, 171; 838 (O.C.G.A. 42-10-2); Ga. L. 1956, pp. 161, 178 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 734, 735 (O.C.G.A. 42-5-57); Ga. L. 1968, pp. 1399, 1403 (O.C.G.A. 42-5-51); Ga. L. 1961, pp. 45, 46 (O.C.G.A. 42-5-14).**
**History.** Rule, entitled "Crafts and Hobbies," filed as Rule 415-4-6-.03 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-4-6-.03. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Rule 125-4-6-.04. Entertainment.

(1) Radios, television sets and similar recreational items, as authorized and approved by the Warden/Superintendent, shall be provided in recreation and day rooms or equivalent facilities and/or in such other locations as the Warden/Superintendent shall specify. In institutions equipped with sound systems, Wardens/Superintendents need neither provide nor authorize additional individual radios or other entertainment devices.

(2) As a specially earned privilege, the Warden/Superintendent may authorize an inmate to have a personal radio, television, or other similar accoustical device. Such items must meet all fire and circuitry safety standards and be located and operated in accordance with the limitations prescribed by the Warden/Superintendent.

(3) Each item of personal sound producing equipment shall be equipped with earphones. Necessary modification kits shall be available for purchase through the Inmate Store.

(4) The privilege of having a personal item of entertainment equipment may be removed for disciplinary reasons or for failure to abide by prescribed limitations.

(5) Authorized personal equipment belonging to an inmate which becomes inoperable shall be shipped to a person designated by the inmate owner at the inmate's expense.

(6) Personal radios, televisions, or other such equipment shall not be sold, bartered, or exchanged between inmates or between inmates and employees.

(7) Wardens/Superintendents may authorize the showing of selected movies at the institution.

**Cite as Ga. Comp. R. & Regs. R. 125-4-6-.04**
**Authority: Ga. Constitution 1983, Art. XI, Sec. 1, O.C.G.A. Secs. 42-2-11, 42-5-51, 42-5-53, 42-5-57, 42-10-2.**
**History.** Rule entitled "Entertainment" adopted as R. 415-4-6-.04. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-4-6-.04. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

## Rule 125-4-6-.05. Institutional Store.

(1) Each institution shall operate an institutional Inmate Store for the benefit of assigned inmates.

(2) The Warden/Superintendent shall have the overall responsibilities for the operation of the Inmate Store. The Business/Records Manager, or the Recreation Director, may be assigned responsibility for store operation. An employee, or inmate under the direct supervision of the responsible officer may be designated to physically operate the store. The method of operation shall be as follows:

(a) The Inmate Store shall be operated as a profit making activity.

(b) Close liaison should be maintained between the Business/ Records Manager and the Recreation Director concerning the account balance and program planning.

(c) The Inmate Store-Benefit Fund shall be used to purchase items or services for the benefit of inmates. Such expenditures shall be as authorized and approved by the Commissioner of Corrections or the Commissioner's designated representative. Assets from these funds shall not be expended for any activity nor purpose not related to inmate welfare.

(3) No employee under the jurisdiction of the State Board of Corrections shall be permitted to operate a store at any institution for private profit. Similarly, no inmate shall be permitted to operate a store for private profit.

(4) Institutional Inmate Store shall not order, receive, or sell any item which is classified by the institution or by the State Board of Corrections as dangerous or contraband. Such items as nasal inhalators, after shave lotion with a high alcoholic content and bottled items are examples of those prohibited.

**Cite as Ga. Comp. R. & Regs. R. 125-4-6-.05**
**Authority: Ga. Constitution 1983, Art. XI, Sec. 1, O.C.G.A. Secs. 42-2-11, 42-5-14, 42-5-51, 42-5-53, 42-5-55, 42-5-57, 42-10-2.**
**History.** Rule entitled "Institutional Store" adopted as R. 415-4-6-.05. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-4-6-.05. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.
**Amended:** F. Jan. 8, 2004; eff. Jan. 28, 2004.

## Subject 125-4-7. RELIGION.

## Rule 125-4-7-.01. Religious Programs.

(1) Each institution shall provide assigned inmates with an opportunity to practice their religious faith on a regular basis. Inmates may not be required to attend Religious Services.

(2) Religious facilities, equipment, and supplies shall be provided at each institution in accordance with the needs of the institutional population.

(3) The services of a regularly ordained minister, priest, or rabbi, or imam to conduct appropriate services shall be provided to meet inmates' spiritual needs subject to capabilities of institution concerned and needs of assigned inmates. Such ministerial support may be provided on a full-time, part-time, or voluntary basis in accordance with the needs of assigned inmates and the capabilities of the institution concerned.

**Cite as Ga. Comp. R. & Regs. R. 125-4-7-.01**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969, p. 598; 1956, pp. 161, 171; Ga. L. 1956, pp. 161, 174 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 491, 492; 1970, pp. 318, 319 (O.C.G.A. 42-5-53); Ga. L. 1972, p. 838 (O.C.G.A. 42-10-2); Ga. L. 1956, pp. 161, 178 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 734, 735 (O.C.G.A. 42-5-57); Ga. L. 1968, pp. 1399, 1403 (O.C.G.A. 42-5-51).**
**History.** Rule, entitled "Religious Programs," filed so Rule 415-4-7-.01 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-4-7-.01. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Rule 125-4-7-.02. Chaplain.

At those institutions having an assigned Chaplain, on a full or part-time basis, the Chaplain shall be responsible to the Warden/Superintendent and the Director of Religious Therapy Programs for the religious activities undertaken at the institution. At those institutions having no assigned Chaplain, appropriate religious programs shall be conducted as directed by the Warden/Superintendent or his designated representative. The Director of Religious Therapy Programs will assist the local Warden/Superintendent in providing appropriate religious programs.

**Cite as Ga. Comp. R. & Regs. R. 125-4-7-.02**
**Authority: Ga. Constitution 1983, Art XI, Sec. I, Par. (b); Ga. 1956, pp. 161, 170; 1969, p. 598; 1956. pp. 161, 171; 1956, pp. 161, 174 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 491, 492; 1970, pp. 318, 319 (O.C.G.A. 42-5-53); Ga. L. 1972, p. 838 (O.C.G.A. 42-10-2); Ga. L. 1956, pp. 161, 178 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 734, 735 (O.C.G.A. 42.5-57); Ga. L. 1968, pp. 1399, 1403 (O.C.G.A. 42-5-51).**
**History.** Rule, entitled "Chaplain," filed as Rule 415-4-7-.02 on November 14, 1984; effective December 4, 1984, renumbered as Rule 125-4-7-.02. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Rule 125-4-7-.03. Visiting Clergy.

(1) With the concurrence of the Warden/Superintendent, and Consistent with inmate and institutional needs, outside clergymen or guest speakers, recognized for their concern

with religious matters, may be invited or authorized to conduct religious services for those inmates professing belief in that particular faith.

(2) Invitations to guest clergymen or other religious personalities shall be issued by the Chaplain or a representative designated by the Warden/Superintendent. Invitations shall require the concurrence of the Warden/Superintendent and shall clearly define the parameters of the visit to include restriction to religious matters, limitations of movement in the institution, etc. Special written authorization shall be required before any visiting clergyman or speaker is permitted to participate in any activity or procedure not specifically authorized in the invitation:

(a) Religious literature and related material which a visiting clergyman or guest speaker proposes to distribute shall be submitted to the institution in advance in order to avoid any inference of contraband entering the institution by this means.

(b) Visiting clergymen and guest speakers shall confine their religious activities while in the institution to those inmates who have professed a belief in the faith the visitor represents prior to their incarceration; provided, however, that upon written request an inmate shall be permitted to visit with a visiting clergyman or guest speaker regardless of the inmate's faith prior to incarceration. All visits are subject to reasonable restrictions consistent with institutional needs. Inmates who have not professed a belief in the faith the visitor represents prior to their incarceration may voluntarily attend religious services, but the visitor shall not initiate an attempt to convert such an inmate to the visitor's belief. A security officer should visit the service and he may record the presentation. Proper security, supervision and conduct shall be maintained during the service.

(c) Visiting clergymen and religious guests are subject to all rules, regulations, procedures and directives of the State Board of Corrections as well as to those of the institution which they are authorized to visit.

(3) Should a visiting clergyman wish to interview an inmate(s), he (she) shall be required to follow established institutional procedures, including those designed for the security of the institution and the safety of the individual concerned

**Cite as Ga. Comp. R. & Regs. R. 125-4-7-.03**
**Authority: Ga. Constitution 1983, Art. XI, Sec. I, Par. (b); Ga. L. 1956, pp. 161, 170; 1969, p. 598; 1956, pp. 161, 171; 1956, pp. 161, 174 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 491, 492; 1970, pp. 318, 319 (O.C.G.A. 42-5-53); Ga. L. 1972, p. 838 (O.C.G.A. 42-10-2); Ga. L. 1956, pp. 161, 178 (O.C.G.A. 42-2-11); Ga. L. 1964, pp. 734, 735 (O.C.G.A. 42-5-57); Ga. L. 1968, pp. 1399, 1403 (O.C.G.A. 42-5-51).**
**History.** Rule, entitled "Visiting Clergy," filed as Rule 415-4-7-.03 on November 14, 1984; effective December 4, 1984December 4, 1984, renumbered as Rule 125-4-7-.03. Filed June 28, 1985; effective July 20, 1985, as specified by the Agency.

## Subject 125-4-8. YOUTH SERVICES.

## Rule 125-4-8-.01. Responsibility.

The Department of Corrections shall by this rule and pursuant to O.C.G.A. 49-5-10.1, establish criteria for the periodic review of youth transferred to its custody by the Department of Children and Youth Services; to determine for each youth so transferred if such youth continues to be at risk. Should the Department of Corrections determine that such youth is no longer at risk and there no longer exists a need to incarcerate the youth in the custody of the Department of Corrections, the youth shall be transferred back to the Department of Children and Youth Services.

(a) The Department of Corrections shall apply to such youth standard operating procedures which apply to adult prisoners and which are not inconsistent with any special needs of such youth.

(b) The Department shall provide programs and services to such youth appropriate to their special needs. Any such programs and special needs shall be governed by special standard operating procedures promulgated by the Commissioner.

**Cite as Ga. Comp. R. & Regs. R. 125-4-8-.01**
**Authority: Ga. Constitution 1982, Art. XI. Sec. I, Par. (b), Ga. L. 1956, pp. 161, 168 (O.C.G.A. 42-2-11); Ga. L. 1957, pp. 477, 478 (O.C.G.A. 42-2-4); Ga. L. 1956, pp. 161, 171; 1969, p. 598, 1978, p. 1647, 1983, pp. 3, 31, 60, 507; Ga. L. 1990, pp. 1930-1939.**
**History.** Original Rule entitled "Responsibility", adopted. F. May 21, 1992; eff. June 10, 1992.
**Amended:** F. July, 6, 1993; eff. July 26, 1993.

# Subject 125-4-9. FAMILY VIOLENCE INTERVENTION PROGRAM.

## Rule 125-4-9-.01. Legal Authority.

These rules are adopted and published in accordance with the Official Code of Georgia Annotated O.C.G.A. § 19-13-10, *et seq.*

**Cite as Ga. Comp. R. & Regs. R. 125-4-9-.01**
**Authority: Ga. Constitution 1982, Art. XI, Sec. 1, Par. I, (b), O.C.G.A. Secs. 42-2-11, 42-5-55.**
**History.** Original Rule entitled a "Legal Authority" adopted. F. Apr. 3, 2003; eff. Apr. 23, 2003.

## Rule 125-4-9-.02. Title and Purpose.

These rules are known as the Rules for Family Violence Intervention Programs. The purpose of the rules is to provide for the administration and certification of Family Violence Intervention Programs by the Department of Corrections and to provide for the enforcement of certification and program requirements and for the inspection and investigation of such programs and staff, by the Department of Corrections.

**Cite as Ga. Comp. R. & Regs. R. 125-4-9-.02**
**Authority: Ga. Constitution 1982, Art. XI, Sec. 1, Par. I, (b), O.C.G.A. Secs. 42-2-11, 42-5-55.**
**History.** Original Rule entitled "Title and Purpose" adopted. F. Apr. 2, 2003; eff. Apr. 23, 2003.

## Rule 125-4-9-.03. Definitions.

Unless the context requires otherwise, the terms used in these rules mean the following:

(a) "**Participant**" means a person who commits an act of "family violence" as that term is defined below.

(b) "**Certification fee**" means the fee that is assessed by the Department for consideration of an application for program certification.

(c) "**Class**" means a group of two or more batterers who are simultaneously participating in an FVIP.

(d) "**Commission**" means the State Commission on Family Violence.

(e) "**Community Task Force on Family Violence**" or "**CTF**" means a community based family violence task force that is supported by and working in collaboration with the Commission that is responsible for coordinating the community's response to family violence.

(f) "**Department**" means the Georgia Department of Corrections.

(g) "**DHR**" means the Georgia Department of Human Resources.

(h) "**Facilitator**" means a batterers intervention group leader.

(i) "**Family violence**" means the occurrence of one or more of the following acts between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household:

(1) Commission of the offense of battery, simple battery, simple assault, assault, stalking, criminal damage to property, unlawful restraint, or criminal trespass.

(j) "**Family Violence Intervention Program**" or "**FVIP**" means any program which is certified pursuant to these rules.

(k) "**Family**" or "**household member**" means past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household.

(l) "**Lateness**" means arriving to a class after the class has started at its scheduled time.

(m) "**Monitor**" means an agent of the Department trained and authorized to conduct monitoring of the administrative and/or programmatic components of FVIPs.

(n) "**Office of Certification and Monitoring**" means the office, within the Department, which is responsible for the certification and monitoring of FVIPs.

(o) "**Person**" means any individual, agent, representative, governing or operating authority, board, organization, partnership, agency, association, corporation, or other entity, whether public or private.

(p) "**Provider**" means a person that provides an FVIP.

(q) "**SOP**" means a standard operating procedure of the Department.

(r) "**Trainee**" means a person in the process of becoming certified as a facilitator as required by these regulations.

(s) "**Trainer**" means a person providing Commission-approved training that may be credited toward the training and continuing education requirements for program facilitators.

(t) "**Victim**" means the family or household member against whom the batterer has committed, or is committing, acts of family violence.

(u) "**Victim liaison**" means a person who is a victim advocate, who has received domestic violence victim safety training, paid and subcontracted by the FVIP, and who works in a domestic violence organization that primarily serves battered women and their children.

**Cite as Ga. Comp. R. & Regs. R. 125-4-9-.03**
**Authority: Ga. Constitution 1982, Art. XI, Sec. 1, Par. I, (b), O.C.G.A. Secs. 42-2-11, 42-5-55.**
**History.** Original Rule entitled "Definitions" adopted. F. Apr. 3, 2003; eff. Apr. 23, 2003.

## Rule 125-4-9-.04. General Certification Requirements for Family Violence Intervention Programs.

(a) **Certification Required.** No program may accept a participant who is referred to the program by a court or the State Board of Pardons and Paroles pursuant to O.C.G.A. § 19-13-16 without first being certified by the Department as set forth herein.

(1) **Application for Certification.** Each program must submit to the Department completed application forms and all requested documentation, including proof of general liability insurance of at least one million dollars. Programs seeking certification which have two or more branch or satellite offices located within a single judicial circuit are required to submit only one application form. Programs

seeking certification which have one or more branch or satellite offices in separate judicial circuits must submit a completed application form for each judicial circuit in which a program is located. In the event that submitted information changes, programs must update the information and notify the Department of the changes. Failure to update information may result in a delay, denial, or revocation of certification. All applications for program certification must be signed by the program owner, or an authorized agent of the program provider. Applications must be truthful, accurate, and complete.

(2) **Certification Fee.** A $150.00 fee will be required for each application for program certification in each judicial district.

(3) **Program Participant Fee.** Each FVIP will be assessed a $20.00 fee for each participant who participates in an FVIP. FVIPs may pass this cost on to the participant. Program participant fees must be submitted to the Department by the tenth day of each month. If a participant reenrolls in an FVIP after either completing the program or being terminated from the program, the FVIP shall be assessed another $20.00 program participation fee for that participant.

(4) **Conflicts of Interest.** No person shall own, direct, facilitate in, be employed by, or be an agent of any FVIP if such status poses an actual, potential, or apparent conflict of interest. Nor shall any person own, direct, facilitate in, be employed by, or be an agent of any FVIP where there exists any type of relationship that would place the owner, director, facilitator, employee or agent in a position to exert undue influence, exploit, or take undue advantage of any participant.

(5) **Victim Safety Requirements.**

(A) Victim Contact. An FVIP may initiate contact with victims of family violence only through a paid, subcontracted victim liaison unless FVIP staff have a legal duty to warn the victim of immediate danger. All FVIP contact with victims shall be in accordance with Department SOP.

(B) FVIPs must participate in Community Task Forces on Family Violence and be a part of the coordinated community response to domestic violence.

(C) Program Termination or Completion Notifications. FVIPs shall notify all referral sources, including the courts, the Department's Probation Division (if applicable), the State Board of Pardons and Paroles (if applicable), and the victim (via the victim liaison) within four (4) working days of a participant's completion of an FVIP, or within two (2) days of a participant's termination from an FVIP. Notification of completion should only include information related to attendance, payment of fees, and participation. FVIPs shall immediately contact the victim, the victim liaison, law enforcement, referring courts, the Department's Probation Division (if applicable), and the State Board of Pardons and Paroles (if

applicable) if a participant is terminated due to violence or threats of violence towards himself or the victim.

**Cite as Ga. Comp. R. & Regs. R. 125-4-9-.04**
**Authority: Ga. Constitution 1982, Art. XI, Sec. 1, Par. I, (b), O.C.G.A. Secs. 42-2-11, 42-5-55.**
**History.** Original Rule entitled "General Certification Requirements for Family Violence Intervention Programs" adopted. F. Apr. 3, 2003; eff. Apr. 23, 2003.

## Rule 125-4-9-.05. Initial Program Certification.

(a) **Initial Certification.** Upon receipt of all required application materials the Commission will undertake a review of the application materials for purposes of determining whether the program meets all certification requirements. If the Commission determines that the program meets all program certification requirements and the standards for course content and qualifications of instructors, the Commission shall certify the program.

(b) **Revocation of Certification.** Once certified, the failure of an FVIP to begin holding classes within six months of certification and to continuously operate in compliance with these rules and regulations (with no more than a three month break in instruction) will result in revocation of certification.

(c) **Denial of Initial Certification.** Initial certification will be denied if:

(1) The program provider fails to agree in writing to submit reports and fees as required in these regulations and to allow the examination and audit of the books, records, and financial statements of the program or its authorized agent; or

(2) The owner of a program fails to agree in writing to pay to the state the fees established by Rule 125-4-9-.04(a)(2) and Rule 125-4-9-.04(a)(3); or

(3) The program fails to meet program certification requirements, including but not limited to, standards for course content and qualifications of instructors.

(d) **Notice of Denial of Initial Certification.** The Department will advise the applicant who is denied program certification, in writing, of the reasons for its decision to deny program certification. The applicant will then have twenty days from the date of the Department's denial of certification to submit additional documentation or otherwise complete the application as may be required by the Department. If the applicant again fails to demonstrate compliance with all certification requirements the Department shall deny certification.

(e) **Ongoing Certification.** Once initially certified, an FVIP will remain certified for a period of two years so long as the FVIP's certification is not suspended or revoked by the

Department. The Department may require any program applicant or FVIP to submit additional information or verification that is reasonably related to making a determination regarding initial certification or continued compliance with program requirements.

(f) **Non-transferability of Certification.** Certification of an FVIP is not transferable. If there is a change in FVIP ownership, applications for new (initial) certifications must be submitted to the Department by the proposed program provider at least 60 days prior to the effective date of any change in program ownership. All new program providers must meet all certification requirements. New program providers must return the old program certificate to the Department prior to receiving a new certificate.

**Cite as Ga. Comp. R. & Regs. R. 125-4-9-.05**
**Authority: Ga. Constitution 1982, Art. XI, Sec. 1, Par. I, (b), O.C.G.A. Secs. 42-2-11, 42-5-55.**
**History.** Original Rule entitled "Initial Program Certification" adopted. F. Apr. 3, 2003; eff. Apr. 23, 2003.

## Rule 125-4-9-.06. Requirements for Family Violence Intervention Program Curriculum.

(a) **General Model.** While certified programs may use various curricula in running programs, all certified programs will use an educational model of group intervention that adheres to the following principles regarding family violence:

(1) **Power and Control.** Program topics must follow a model that identifies and challenges family violence as an overall system of physical and emotional abuse where the participant chooses to use tactics of power and control over a victim.

(2) **Beliefs and Social Context.** Program topics shall consistently identify and challenge personal beliefs the participant holds and social contexts that support those beliefs that motivate the use of power and control tactics over the victim.

(3) **Effects.** Program topics shall consistently identify and hold the participant accountable for the physical and emotional effects on victims of the participant's violence and abuse.

(b) **Appropriate Intervention Practices.** Appropriate intervention practices are identified in Department SOP. Every program must, at a minimum, incorporate the following intervention practices:

(1) holding the participant accountable for past, present and future acts of family violence;

(2) appropriately identifying and challenging tactics of power and control;

(3) appropriately identifying and challenging myths and belief systems that support family violence; and

(4) identifying the effects a participant's abusive actions have on others, including children.

(c) **Prohibited Intervention Practices.** Prohibited intervention practices are detailed in Department SOP. The following is a list of intervention practices that are specifically prohibited from inclusion in FVIP's:

(1) any intervention approach that blames or suggests there is any behavior on the part of the victim that causes, provokes, or excuses abuse;

(2) any intervention approach that does not state clearly that participants bear sole responsibility for their choices;

(3) any couples, marriage, or family therapy or treatment;

(4) individual therapy or treatment by the program.

**Cite as Ga. Comp. R. & Regs. R. 125-4-9-.06**
**Authority: Ga. Constitution 1982, Art. XI, Sec. 1, Par. I, (b), O.C.G.A. Secs. 42-2-11, 42-5-55.**
**History.** Original Rule entitled "Requirements for Family Violence Intervention Program Curriculum" adopted. F. Apr. 3, 2003; eff. Apr. 23, 2003.

## Rule 125-4-9-.07. Program Structure Requirements.

Each program shall be structured as follows:

(a) **Orientation and Intake/Screening Interview** - Programs will conduct an initial orientation and an intake/screening interview. Intake/screening interviews will be conducted according to Department SOP. Programs may charge separate fees for the orientation and the intake/screening interview. Neither the orientation nor the intake/screening interview count toward the 24 class requirement.

(b) **Contract Execution** - Each participant will be required to sign a contract before being permitted entry into the program.

(c) **Classes** -

(1) Programs must require each participant to attend a minimum of at least twenty-four (24) once a week group classes within 27 weeks.

(2) Classes must be at least ninety (90) minutes in length. Administrative duties, including taking attendance and collecting fees, are prohibited during the 90 minutes of instruction time.

(3) Four absences must result in automatic termination from the program unless a leave of absence has been approved by the referral source and program in consultation with the victim liaison in advance of the fourth absence. Lateness is considered an absence.

(4) Classes must have a minimum of 3 and a maximum of 16 participants present.

(5) Programs must provide at least one (1) facilitator for up to eight (8) participants and two (2) facilitators for nine (9) to sixteen (16) participants.

(6) All participants in a class must be of the same gender.

(d) **Class Fees and Sliding Fee Scale**: FVIPs will charge a fee of between $5 to $50 per class. FVIPs must have a written indigent fee reduction plan for participants declared indigent by the court.

(e) **Prohibited Program Activities** - FVIPs are prohibited from the following:

(1) permitting victims to attend or participate in any FVIP classes;

(2) requiring victims to participate in any FVIP activities in any manner;

(3) issuing graduation certificates to participants who have completed the FVIP;

(4) using assessment tools, including anger and violence evaluations, for court or probation purposes which attempt to predict future use of violence; and

(5) permitting participants to violate FVIP rules, procedures and the participant's contract without escalating consequences up to and including termination from the FVIP.

**Cite as Ga. Comp. R. & Regs. R. 125-4-9-.07**
**Authority: Ga. Constitution 1982, Art. XI, Sec. 1, Par. I, (b), O.C.G.A. Secs. 42-2-11, 42-5-55.**
**History.** Original Rule entitled "Program Structure Requirements" adopted. F. Apr. 3, 2003; eff. Apr. 23, 2003.

## Rule 125-4-9-.08. Facilitator Requirements and Restrictions on Program Personnel.

Listed below are the minimum requirements for facilitators and restrictions on FVIP personnel. FVIPs will maintain documentation that all FVIP personnel meet these requirements.

(a) **Program Hiring Limitations.** FVIPs are restricted in hiring as follows:

(1) FVIPs shall not be owned or operated by any person or employ any facilitator, supervisor, or director who is under the supervision of the Department. FVIPs also shall not subcontract with any person who is under the supervision of the Department nor allow any person who is working for an independent employer to perform any type of work for the FVIP.

(2) FVIPs shall screen all potential facilitators, supervisors, owners, and directors through referral and employment checks. FVIPs will require that all proposed employees provide the details of any of the following criminal background information:

(A) Conviction, guilty plea, nolo contendere plea, for a felony or misdemeanor.

(B) Adjudication of guilt withheld for a felony or misdemeanor.

(C) Current charges of a violation of law.

(D) Reports to the Department of Family and Children's Services for child abuse or neglect.

(E) Protective order issued against them, or bond conditions resulting from an arrest.

(F) A finding of family violence was made in divorce, custody or visitation proceedings.

(3) The Department reserves the right of prior approval in such cases when there is a finding of any instance of A-F (above) for any facilitator, supervisor, owner, or director.

(4) The Department shall conduct a comprehensive criminal history background check on each FVIP employee facilitator, supervisor, owner, and director upon initial certification and at the time of hiring additional staff. Current FVIP employees must have the GCIC documentation present in their personnel file.

(b) **Facilitator Educational and Training Requirements.**

(1) **Educational Requirements.** FVIP facilitators must have either a bachelor's degree or at least two years of work with batterers, victims, or victim liaisons.

(2) **Training Requirements.** FVIP facilitators must have undergone the following training requirements. Training requirements are provided in more detail in Department SOP.

(A) 84 hours of direct face-to-face contact facilitating or co-facilitating or participation as a trainee in male batterers groups using a power and control model.

(B) 40 hours of participation in community education and advocacy,

(C) 40 hours of Commission-approved training;

(D) Completion of 4 hours of documented experiential education with other members of the coordinated community response to domestic violence.

(3) **Facilitator trainees.** If an apprenticeship or trainee period is necessary to fulfill any of the pre-requisite credentials for facilitator requirements a trainee must work under the direction and supervision of a facilitator that is providing curriculum in compliance with these regulations. Facilitator trainees must have completed forty (40) hours of Commission approved training before co-facilitating a group.

(4) **Continuing Education Requirements for Facilitators.** FVIP facilitators shall be required to fulfill the following continuing education requirements:

(A) 8 hours annually of GCFV-approved training; and

(B) 4 hours annually of experiential education with other members of the coordinated community response to domestic violence.

(5) **Personal Accountability:** For purposes of maintaining personal accountability, facilitators shall:

(A) Sign a violence-free lifestyle statement;

(B) Submit to referral and employment checks conducted by programs and criminal background checks to be performed by the Department;

(C) Report any actual, potential, or apparent conflicts of interest to the program; and

(D) Report any arrests, TPO's, or violations of the nonviolent lifestyle agreement to the program.

**Cite as Ga. Comp. R. & Regs. R. 125-4-9-.08**
**Authority: Ga. Constitution 1982, Art. XI, Sec. 1, Par. I, (b), O.C.G.A. Secs. 42-2-11, 42-5-55.**
**History.** Original Rule entitled "Facilitator Requirements and Restrictions on Program Personnel" adopted. F. Apr. 3, 2003; eff. Apr. 23, 2003.

## Rule 125-4-9-.09. Program Requirements Toward Batterers.

(a) FVIPs shall require that participants sign a contract to:

(1) Immediately stop all violence and abuse towards the victim and others;

(2) Remove all weapons from home;

(3) Respect any effort by the victim to leave the relationship;

(4) Attend 24 90-minute group classes at the rate of one class per week, on time, participating adequately, paying all required fees, completing all assignments, and adhering to the contract;

(5) Complete the FVIP where the participant originally enrolled unless approval to change FVIPs is obtained from the court or other referral source and the original program director;

(6) Be drug and alcohol free during all FVIP classes.

(7) Authorize the release of all information and acknowledge that FVIPs do not limit confidentiality and may release information to victims, victim liaisons, referring courts, law enforcement, Department staff and monitors, the Department's Probation Division, the Board of Pardons and Paroles. Participants also acknowledge the FVIP's duty to warn policy, mandatory reporting requirements, victim contact policies, and programmatic responses to continued violence or breaking the contract.

(b) **Criteria for terminating participant from an FVIP.**

(1) Participant is unwilling to sign the contract;

(2) Failure to abide by the rules and regulations of the FVIP, including participation, attendance, fee payment or any other violations of the contract, including, but not limited to:

(A) Continued use of violence or abuse towards the victim, any current family member or partner, FVIP staff, or FVIP participants;

(B) Demonstrated unwillingness to change, by refusal to hear and act on feedback, blaming victims or external circumstances, or justifying abuse;

(C) Attending class under the influence of alcohol or drugs;

(D) Refusal to remove weapons from the home;

(E) Four (4) absences from the program without a leave of absence request approved by the provider and referral source in consultation with the victim liaison in advance of the fourth absence.

**Cite as Ga. Comp. R. & Regs. R. 125-4-9-.09**
**Authority: Ga. Constitution 1982, Art. XI, Sec. 1, Par. I, (b), O.C.G.A. Secs. 42-2-11, 42-5-55.**
**History.** Original Rule entitled "Program Requirements Toward Batterers" adopted. F. Apr. 3, 2003; eff. Apr. 23, 2003.

## Rule 125-4-9-.10. Requirements of Commission-Approved Training.

(a) **Approval of Training.** The Commission must approve all training used to fulfill FVIP facilitators' requirements for initial and ongoing training. To be considered for approval, the following items shall be sent to the Commission:

(1) A completed and signed application form with all requested attachments;

(2) A detailed agenda and objectives for the training;

(3) A statement of the qualifications of the potential trainers;

(4) An evaluation for the training, which will be given to participants.

(b) **Agreement.** All trainer applicants must agree to allow Department staff or monitors, and/or victim liaisons to observe and monitor training.

(c) **Approval:** The Department will approve training at its discretion based upon training content and approval criteria detailed in Department SOP.

(d) **Withdrawn Approval:** Approval by GCFV can be withdrawn at any time if the training encourages or teaches any concept in violation of the state minimum standards for FVIPs.

**Cite as Ga. Comp. R. & Regs. R. 125-4-9-.10**
**Authority: Ga. Constitution 1982, Art. XI, Sec. 1, Par. I, (b), O.C.G.A. Secs. 42-2-11, 42-5-55.**
**History.** Original Rule entitled "Requirements of Commission-Approved Training" adopted. F. Apr. 3, 2003; Apr. 23, 2003.

## Rule 125-4-9-.11. FVIP Monitoring.

(a) FVIPs must allow scheduled and unscheduled monitoring visits by Department staff and monitors or Community Family Violence Task Force monitors. Monitoring may consist of both administrative review and group observation.

(b) FVIPs must maintain adequate documentation to ensure compliance with these minimum standards.

(c) Records of Personnel and Contract Workers. FVIPs are required to maintain personnel records for each FVIP employee and/or contract worker (excluding the subcontracted victim liaison). Each such personnel file shall contain the employee's and/or contract

worker's name, address, home phone number, social security number, date of birth, a recent clear photograph, and emergency contact information. Each personnel file shall also contain documentation of any civil or criminal proceedings involving family violence. FVIPs must also maintain signed job descriptions; signed drug-free workplace policy statements, signed sexual harassment policy statements, and documented employment, reference, and GCIC checks. In addition, facilitators' records must include a current and complete resume or official transcript and other detailed documentation that specifies where and when the facilitator has met the educational, experiential and training requirements required by these regulations, and a signed violence-free lifestyle statement.

(d) FVIPs must respond to corrective action plans issued by the Department within the Department's required time frame in order to come into full compliance.

(e) Upon request of the Commission or the Community Family Violence Task Force monitors, classes shall be recorded for the purpose of monitoring FVIP compliance with certification standards.

**Cite as Ga. Comp. R. & Regs. R. 125-4-9-.11**
**Authority: Ga. Constitution 1982, Art. XI, Sec. 1, Par. I, (b), O.C.G.A. Secs. 42-2-11, 42-5-55.**
**History.** Original Rule entitled "FVIP Monitoring" adopted. F. Apr. 3, 2003; eff. Apr. 23, 2003.

## Rule 125-4-9-.12. Enforcement of FVIP Requirements.

The Department shall have the authority to deny, suspend, and revoke certification of an FVIP for noncompliance with FVIP requirements. Additionally, the Department shall have the authority to assess an administrative fine against any FVIP for noncompliance with FVIP requirements.

(a) Grounds for denial, suspension, revocation of certification, or assessment of an administrative fine. The Department may base the denial, suspension, revocation of certification, or assessment of an administrative fine upon any of the following applicable grounds:

(1) knowingly making any verbal or written false or misleading statement of material fact or omitting to state a material fact in connection with an application for certification or recertification or in connection with an inspection or investigation;

(2) failing or refusing to provide Department representatives with meaningful access to the program or FVIP premises, facilitators and staff, participants or records (including refusing to allow Department representatives to obtain copies of documents reasonably necessary to making a compliance determination);

(3) the applicant for certification or recertification having an overall poor record of compliance, including but not limited to, denial of certification within the previous

12 months, certification revocation at any time in the past in this or any other state, or suspension within the previous two years;

(4) changing ownership of a FVIP or program in order to avoid or avert the denial, revocation, or suspension of certification;

(5) altering or falsifying any FVIP or program records;

(6) failure or refusal by an FVIP or program to remit to the Department the required program certification fees and program participant fees as outlined in these rules; and

(7) failing or refusing to comply with any of these rules, FVIP requirements or violating any law relating to the operation of an FVIP.

(b) Choice of revocation or suspension of certification, or the assessment of an administrative fine. The Department, in its discretion, may choose whether to impose suspension or revocation of certification, or the assessment of an administrative fine against an FVIP. In considering which to impose, the Department may consider the FVIP's history of compliance, the seriousness of the violations, whether the FVIP voluntarily reported problems giving rise to any violation, and whether the FVIP exhibited good faith efforts to correct areas of noncompliance prior or subsequent to their discovery by the Department.

(c) **Administrative fines.** The Department has the authority to assess an administrative fine, not to exceed $1,000.00 per violation, against any person, firm, or corporation that the Department determines to have violated any provision of the Title 19, Chapter 13, Article 1A of the Official Code Georgia Code or any order, rule, or regulation promulgated thereunder. In determining the amount of the fine, the Department may consider the seriousness of the violation, whether the same or any other program requirement has been violated previously by the same program owner, director, or facilitator, and whether procedures designated to prevent the violation were in place and were followed.

(d) **Effectuation of suspension or revocation.** If suspension or revocation of certification is imposed in accordance with the provisions of Sec. 50-13-18 of the Georgia Administrative Procedures Act, the FVIP must return said certification to the Department. The certification must be returned within ten days of the FVIP's receipt of the notification of the Department's final decision regarding suspension or revocation. The suspension or revocation becomes effective on the date indicated by the Department's order, but no time will be credited to the period of suspension or revocation until the affected certificate(s) have been received by the Department. Upon termination of any period of suspension, and upon a showing that the program has achieved full compliance with program requirements in addition to meeting any reinstatement requirements, the Department shall reissue the certification. However, nothing in these rules shall be construed to prevent the Department from denying program certification prior to any hearing on such action.

(e) **Reapplying for certification after revocation.** A program that has had its certification revoked may not reapply for certification for 18 months from the date of the revocation. The date of a revocation is the date of receipt of the revocation letter or the date a revocation appeal is denied, whichever is later. Reapplying for certification shall be subject to the same procedures as if the program were applying for certification for the first time. However, the Department may consider a program's past violations of these rules in deciding whether to approve or deny recertification.

**Cite as Ga. Comp. R. & Regs. R. 125-4-9-.12**
**Authority: Ga. Constitution 1982, Art. XI, Sec. 1, Par. I, (b), O.C.G.A. Secs. 42-2-11, 42-5-55.**
**History.** Original Rule entitled "Enforcement of FVIP Requirements" adopted. F. Apr. 3, 2003; eff. Apr. 23, 2003.

## Rule 125-4-9-.13. Applicability of Administrative Procedures Act.

All enforcement actions resulting from the enforcement Chapter shall be administered in accordance with Chapter 13 of Title 50 of the Official Code of Georgia, the "Georgia Administrative Procedures Act." The Department shall notify the FVIP or program applicant of any intended enforcement action. Any such notice shall set forth the proposed action or actions and the factual and legal basis or bases therefore. An FVIP or program desiring a hearing in response to an enforcement action against it must make a request in writing and must submit the request to the Department no later than ten (10) calendar days from the date of receipt of any notice of intent by the Department to take an enforcement action.

**Cite as Ga. Comp. R. & Regs. R. 125-4-9-.13**
**Authority: Ga. Constitution 1982, Art. XI, Sec. 1, Par. I, (b), O.C.G.A. Secs. 42-2-11, 42-5-55.**
**History.** Original Rule entitled "Applicability of Administrative Procedures Act" adopted. F. Apr. 3, 2003; eff. Apr. 23, 2003.

## Rule 125-4-9-.14. Severability.

In the event that any rule, sentence, clause or phrase of any of these rules and regulations may be construed by any court of competent jurisdiction to be invalid, illegal, unconstitutional, or otherwise unenforceable, such determination or adjudication shall in no manner affect the remaining rules or portions thereof. The remaining rules or portions thereof shall remain in full force and effect, as if such rule or portions thereof so determined, declared, or adjudicated invalid or unconstitutional were not originally a part of these rules.

**Cite as Ga. Comp. R. & Regs. R. 125-4-9-.14**
**Authority: Ga. Constitution 1982, Art. XI, Sec. 1, Par. I, (b), O.C.G.A. Secs. 42-2-11, 42-5-55.**
**History.** Original Rule entitled "Severability" adopted. F. Apr. 3, 2003; eff. Apr. 23, 2003.