



U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS

FEDERAL CORRECTIONAL INSTITUTION
JESUP, GEORGIA 31599

NUMBER: JES 1315.07G

DATE: September 1, 2009

SUBJECT: INMATE LEGAL ACTIVITIES

Institution Supplement

1. **PURPOSE.** This institution supplement is prepared to outline local procedures to implement Federal Bureau of Prison's Program Statement 1315.07 at the Federal Correctional Institution, Federal Satellite Low and the Camp at Jesup, Georgia. This institution supplement must be read in conjunction with the directives affected.
2. **DIRECTIVES AFFECTED.**
 - A. Federal Bureau of Prison's Program Statement 1315.07, Legal Activities, Inmate, dated November 5, 1999, is referenced.
 - B. Federal Correctional Institution Supplement JES 1315.07F, Inmate Legal Activities, dated February 28, 2007, is hereby rescinded.
3. **STANDARDS REFERENCED.** American Correctional Association Standards for Adult Correctional Institutions 4th Edition 4-4274 and 4-4276.
4. **DESCRIPTION OF IMPLEMENTATION.**
 - A. **Time Allowance:** Inmates will be allowed to utilize the Law Library during non-scheduled working hours. "Off duty" inmates will be authorized to use the Law Library. In cases with a confirmed imminent court deadline, a special time allowance may be approved by the inmate's unit manager. The unit manager will assign the inmate to "Legal Idle" assignment in SENTRY. This is a work detail supervised by education staff. The inmate is required to be in the Law Library during working hours. The "Request for Special Time Allowance" form (Attachment A) can be obtained and used in conjunction with such deadlines.
 - B. **Movement:** At all times, inmate movement to and from the Law Library will be during controlled moves within the Federal Correctional Institution and the Federal Satellite Low.
 - C. **Hours of Operation:** The inmate Law Library will be open according to a current schedule posted in the respective education department. The institution Law Library is closed on federal holidays.

- D. **Special Housing Unit:** Inmates housed in the Special Housing Unit, (SHU), will be provided access to the Law Library via an Inmate Request to Staff form to the Special Housing Unit officer. Legal material not required per basic inventory in the Special Housing Unit but is mandatory in the main Law Library is available upon written request. The material requested by an inmate will not exceed two volumes and may be retained for two days. Once results are received, allow a minimum of three days for processing. If material is needed for a longer period of time, an additional request must be submitted. Inmates may bear the costs for requests for cases or materials that require excessive copying unless deemed indigent by the institution. The Education Supervisor will conduct an inventory of the main Law Library on a quarterly basis to ensure appropriate materials are present. Missing items will be replaced and a report of inspection results will be reported to the AW (I&E).
- E. **Supplies:** Paper and carbon paper are available in the Commissary for purchase by the inmate.
- F. **Reproduction:**
1. All legal copies will be reproduced by utilizing the commissary card debit copying machine that is located in the Law Library. Inmates will be charged for copies at a cost of .10 cents each. If the copy machine is not working, then the inmate must submit an "Inmate Request to Staff " form to his Unit Correctional Counselor requesting legal copies. The request must detail the amount of copies that are required and the duplication shall be done so as not to interfere with regular institution operations. Prior to receiving the copies, the inmate must complete a "Request for Withdrawal of Inmate Personal Funds" form (BP-CMS-21/24). This will allow the institution to deduct the cost of the copying from the inmates' commissary account.
 2. In order to receive "free legal copies", the inmate must be declared indigent by the institution. To be declared indigent, the inmate must maintain a monthly commissary account balance of \$5.25 or less for a period of three months. If the inmate receives more than this amount in a month, then he will not be deemed indigent.

G. Unsworn Declarations, Oaths/Affirmations, Acknowledgments, and Notaries:

1. UNSWORN DECLARATIONS: Since most documents inmates sign are pursuant to a United States law, rule, or regulation, a sworn oath is often NOT required. The inmate should prepare and sign an unsworn declaration himself and include the below language. This is the same language we use in staff declarations which are filed in court.

“I declare (or certify, verify, or state), under penalty of perjury, that the foregoing is true and correct. Executed on (date).”

Signature

Below are examples of when an unsworn declaration may not be legally sufficient: (The burden on the inmate to show an unsworn declaration is not sufficient.)

Depositions
Oath of office
Oath required to be taken before an official other than a Notary.
Telephone court hearings
Marriage License
Divorce papers
Proof of paternity
State documents

2. OATH AND ACKNOWLEDGMENTS: An Oath/Affirmation is a commitment to tell the truth (especially in a court of law); to lie under oath is to become subject to prosecution for perjury. An Acknowledgment is an attestation by a duly authorized official that a person proved to the official's satisfaction their identity and the signature on the document belongs to the signer. Staff need only provide the above services if the inmate can prove an unsworn declaration is not sufficient. Inmates will be directed to the Unit Manager to determine if the document requires an oath/affirmation.

The Case Manager will visually scan the document to understand what the document is and the effect of his/her signature on the document. He/She should also ensure they are only signing that the inmate has been given the oath, has sworn (or affirmed) to it, and has signed such document. The Case Manager must have the person face them and raise their right hand when giving the oath or

affirmation. If the Case Manager is uncomfortable or has questions about rendering the oath or signing the document, contact should be made to the appropriate Unit Manager and/or CLC. After the Case Manager receives an affirmative answer, the proper stamp is affixed in the appropriate place. The stamp must be worded as follows:

_____, _____, *Authorized by Act of July 7, 1955, as amended, to administer oaths (18 U.S.C. § 4004).*

3. NOTARY: If the inmate requests a Notary, he will be directed to the Unit Manager. The burden is on the inmate to demonstrate that a Notary is required as opposed to an unsworn declaration, or the employee oath/acknowledgment. If the inmate can properly prove an unsworn declaration is insufficient, an oath may be given. If the inmate can demonstrate to the Unit Manager that neither of these options are legally acceptable by the appropriate authorities, the Unit Manager will consider appropriate action for obtaining Notary services. Notaries should only be used in limited situations wherein the use of notary services is required by a state or federal law or regulation. Some examples when a Notary may be needed (Inmate must prove the service is required):

- Real Estate Deeds and Mortgage Documents
- Automobile Titles
- Applications for Visas
- Business License
- Probate documents
- Paternity documents
- Child Custody or Guardian documents
- Indemnity Agreement
- Loan Applications
- Contracts
- Power of Attorney
- Bill of Sale

Once the Unit Manager deems notary services is required or necessary, he/she will contact the CMC to have a Notary come into the institution and the inmate will pay for the services. If the inmate is indigent, a staff Notary will perform the service for the inmate.

There is no legal requirement to provide an inmate notary services in all situations. If the Notary feels uncomfortable signing or not signing a document,

they should refer to their state requirements. To the extent Notaries believe their state requirements are inconsistent with their role as a federal employee and/or beyond their comfort level, staff may decline providing services and legal counsel should be sought from the CLC. Notaries should always know what the signer's document is, and the intended use. Notaries have a legal obligation to beware of fraud and mis-use. If they believe the document may contain fraudulent information, they can decline to perform the service. Notaries should not execute a false or incomplete certificate, nor be involved with any transaction that the Notary believes is false, deceptive or fraudulent. If a Notary is used from the institution, they must perform the function for free. If a Notary is used from the community the inmate is responsible for payment.

H. Inmate Access to Computers/CD Players/VCR Players (Devices) and Removable Media Storage:

Computers, CD Players and VCR Players are available for inmate use in the Education Department at the FSL and the FCI, and in the Multi-Purpose room at the Camp. Computers, CD Players and VCR Players must be scheduled for use with the Education Staff on a first come/first serve basis. Multiple requests for use will be accommodated with a two hour usage limit. Inmates with filing/court appearance deadlines can request additional/priority time with supervising staff. All Computer/CD Player/VCR Player use will be logged and documented by supervising staff. The devices provided for inmate use will be for viewing/reviewing/playing only, and inmates will not be permitted to use devices with the capability to alter the removable media or create electronic documents.

Removable media (Compact Disks (CD), VCR tapes, or audio tapes) that an attorney seeks to provide for an inmate's review and that contain potential evidence in the inmate's ongoing litigation will be processed as special legal mail. The inmate, or his/her attorney, should request a "Legal Material Authorization Form" (Attachment B) from the Unit Team staff. A completed copy of this form must be included in the package containing the material from the attorney. Electronic media without the proper authorization form will be returned to the sender.

The receiving Unit Team staff will complete the "Inmate Acknowledgment of Receipt of Property Form" located at the bottom of attachment B, in the presence of the inmate and retain this form in the inmate's file. Such items will be mailed directly to the inmate. Once opened in the presence of the inmate, the inmate's Unit Team will take physical possession of the electronic media. The Unit Team will take the electronic media to Education Staff for storage. Inmates will not

have any electronic media in their possession.

A copy of Attachment B “Legal Material Authorization” form will be provided to the inmate by Unit Team staff. This document must be retained for any removable media in the institution for the inmate. When court proceedings are completed, it will be the responsibility of the inmate to mail the removable media back to the his/her attorney within 30 days. This will be coordinated through Unit Staff. _____

Legal materials for inmates housed in the SHU will be maintained in SHU and the OIC and/or SHU Lieutenant will be responsible for ensuring the above mentioned procedures are also followed in SHU.

5. **ATTACHMENTS.** Attachment A - Inmate Request for Special Time Allowance.
Attachment B - Legal Material Authorization Form
6. **OFFICE OF PRIMARY INTEREST.** Warden’s Office.

Anthony Haynes
Warden

DISTRIBUTION: WARDEN
EXECUTIVE STAFF
EDUCATION
CMC
DEPARTMENT HEADS
SERO

INMATE REQUEST FOR SPECIAL TIME ALLOWANCE

FPC - Jesup
FCI - Jesup
FSL - Jesup

DATE: _____

TO: _____
UNIT MANAGER

I request that a "Special Time Allowance" be granted for legal research and preparation of documents in order to meet an imminent court deadline. The following information and documentation is submitted to substantiate my request. It is understood all documentation will be returned to me regardless of the approval or denial of my request. By my signature below, I grant permission for the copying of any attached documentation needed by FCI/FSL/FPC staff to enable processing of my request.

1. Days/Time Requested: _____
2. Court Date or Submission Deadline: _____
3. Court Location and Name: _____
4. Type of Legal Proceeding: _____
5. Case or Docket Number: _____
6. Processing pro se: _____
7. Proceeding in Forma Pauperis: _____
8. Attached Documentation, i.e., Court Order:
 - A. _____
 - B. _____
 - C. _____
 - D. _____
 - E. _____

NAME: _____ REG. NO.: _____
WORK ASSIGNMENT: _____ UNIT: _____

NOTE: If you fully demonstrate a requirement to meet an imminent court deadline in your request, it can be disposed of promptly. You will be interviewed, if necessary, in order to satisfactorily handle your request. Your failure to fully establish a requirement for extra time to research and prepare legal documents will result in disapproval of the request.

APPROVED/DISAPPROVED: _____ DATE: _____

UNIT MANAGER: _____

CC: Central File, Education, Detail Supervisor, Inmate

LEGAL MATERIAL AUTHORIZATION FORM

Inmate Name: (Last, First, MI)		BOP Register Number:	Federal Case Number:
Number of Compact Discs:	Number of Cassettes:		Trial Date:
Number of VCR Tapes:			
Requesting Attorney's Name:	Business Address:		Phone: Fax:
State & Bar No.:			

Package Requirements:

- CD's must be in a paper sleeve
- Documents and/or images on CD should be in PDF format for compatibility purposes
- All media must be clearly labeled as "Legal" with the inmate's name, register number, and case number and must consist of ongoing litigation
- All media must be numbered in a manner indicating the total number of electronic media being mailed in the package (e.g., 1 of 10)
- Cassettes should be clear in color
- No items other than CDs, VCR Tapes, or Cassettes will be accepted in the package
- Personal CD players and cassette players are **not** permitted.

ATTORNEY CERTIFICATION OF LEGAL MATERIAL:

I, _____, hereby declare that the items contained in this package consist
(Attorney's Name)
solely of my client's legal material and no sexually explicit material is included in this package. I understand that any unauthorized material contained in this package will result in the entire package being returned undeliverable. I also certify that all of the information contained on this form is true and correct to the best of my knowledge.

Attorney's signature

Date

BOP USE ONLY

Inmate Acknowledgment of Receipt of Property:

The above referenced attorney has produced _____ CDs _____ VCR Tapes, and/or _____ cassettes (please circle those that apply), which are pertinent to your case for your review. All removable media will be stored in the Education Department and must be checked out. You should direct any questions about these materials to your attorney.

Inmate's signature

Register Number

Date

