



*State of North Carolina
Department of Public Safety
Prisons*

Chapter: F
Section: .1400
Title: **Custodial Agents**
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POLICY AND PROCEDURE

.1401 PURPOSE

This policy is designed to establish how employees of State Government, and Non- State Government agencies are approved as custodial agents to utilize inmate labor and to provide transition/re-entry services. This policy also establishes training guidelines, procedures, and expectations for all custodial agents assisting in meeting the needs and interests of the inmate population for providing work skills through labor services or assisting with transitional needs as inmates prepare for release.

.1402 CUSTODIAL AGENTS FOR INMATE LABOR

Government Agency Employees Utilizing Inmate Labor as Custodial Agents – Other state agencies, in addition to North Carolina Department of Public Safety Prisons who utilize inmate labor may have their employees classified as custodial agents of the North Carolina Department of Public Safety Prisons. This includes departments, institutions, agencies and other political subdivisions of the state of North Carolina. Examples of these agencies may include the Department of Transportation, Correction Enterprises and local counties, cities and/or towns engaged in approved labor contracts with Prisons. Designated employees labeled as custodial agents under this heading will be responsible for complying with guidelines issued for the management and control of medium and minimum custody inmates.

a. Government Agency Employees utilizing inmate labor as custodial agents will be required to complete the four (4) hour orientation and training for custodial agents. This training will include the one-hour PREA instructional course that complies with the Prison Rape Elimination Act of 2003. These employees will be given an understanding of the tobacco and cell phone laws as it applies to employees or non-employees within a correctional setting and the non-disclosure agreement. These employees must sign the Acknowledgement of Volunteer Training and Orientation form.

b. A labor contract will be signed by the state or other government agency that represents the employees detailing the services to be provided and locations to be served.

c. A CJ Leads criminal background check will be conducted on all prospective custodial agents upon their initial application.

d. Candidates must sign the Acknowledgement of Volunteer Training and Orientation form, and all other required forms, annually to retain their classification as a custodial agent.

e. Employees will be issued a pink custodial agent card upon a favorable criminal background investigation and upon the completion of all training.

f. All Custodial agents will be subject to a CJ Leads criminal background check once every 5 years after being granted custodial agent status.

1403 CUSTODIAL AGENTS FOR RE-ENTRY SERVICES

1. **Government Agency Employees** providing transitional/re-entry services as Custodial Agents – Employees of state agencies and other government agencies, other than North Carolina Department of Public Safety, who provide any type of assistance with transitional services towards an offender's release, associated with re-entry planning, may be classified as custodial agents of North Carolina Department of Public Safety Prisons. Designated employees labeled as custodial agents under this heading will be responsible for complying with guidelines issued for the management and control of inmates within their respective custody levels.

a. **Government agency employees** will complete the four (4) hour orientation and training for custodial agents. This training will include the one hour PREA instructional course that complies with the Prison Rape Elimination Act of 2003. The employees of other state and government agencies will be given an understanding of the tobacco and cell phone laws as it applies to employees or non-employees within a correctional setting and the non-disclosure agreement.

b. A mutual agreement will be signed by the state or other government agency that represents the employees detailing the services to be provided and locations to be served.

c. The state or other government agency shall be provided a copy of the mutual agreement.

d. A CJ Leads criminal background check will be conducted on all prospective custodial agents upon their initial application.

e. Candidates must sign the Acknowledgement of Volunteer Training and Orientation form, and all other required forms, annually to retain their classification as a custodial agent.

f. All Custodial agents will be subject to a CJ Leads criminal background check once every 5 years after being granted custodial agent status.

g. **These employees** will utilize their current issued identification card from their prospective agency to enter the facility for the purpose of providing services.

2. **Custodial Agents for Re-entry Purposes:** This group will include specific community providers within surrounding counties of the designated Reentry/Transition Prison facilities. Facility Heads or their designee of the designated Reentry/Transition Prison facilities will approve and oversee the issuance of the custodial agent pink identification card. They may provide services to all minimum custody inmates on-site and to minimum custody II and III inmates off-site. Examples of Community providers would include work force agencies, food banks, and Local Re-entry Councils. Designated employees labeled as custodial agents under this heading will be responsible for complying with guidelines issued for the management and control of minimum custody inmates.

a. These employees will be required to complete the four (4) hour orientation and training for custodial agents. This training will include the one-hour PREA instructional course that complies with the Prison Rape Elimination Act of 2003. These employees will be given an understanding of the tobacco and cell phone laws as it applies to employees or non-employees within a correctional setting and the non-disclosure agreement.

b. **Candidates must** submit to a CJ Leads criminal background check, upon their initial application, and sign the Acknowledgement of Volunteer Training and Orientation form, and all other required forms, annually to retain their classification as a custodial agent.

c. They will be issued a pink custodial agent card upon a favorable criminal background investigation and with completion of all training.

d. Custodial Agents must submit to a CJ Leads criminal background check once every 5 years after being granted custodial agent status.

.1404 APPLICATION

Facility Heads or their designees will be responsible for the issuance of the Manual of Instruction for Correctional Agents to custodial agents, for initial and annual training and certification, and for the termination of status as a custodial agent. Classification of other state employees will be based on the following guidelines:

- (1) Determination. Region Directors or their designees will meet, as necessary, with Facility Heads or designees to determine whether employees of a specific state agency or employees of a non-state agency will be designated as custodial agents of Prisons. Recommendations will be submitted to the head of the state agency or to the head of the non-state agency and to the Director of Prisons or designee for final approval. Reentry, Programs & Services will also make recommendations in conjunction with Prisons Management for agencies that should be approved for custodial agent partnerships.
- (2) Designation. When employees of the specific state agency have been designated

as custodial agents of Prisons, the Region Directors, and Administrators/Superintendents will be notified. Facility Heads will attempt to ensure that individuals designated as custodial agents understand and are capable of carrying out Prisons rules relating to the custody, control, and welfare of inmates. In addition, the below designations apply to each custodial agent:

For designation of state and other government agency employees approved as custodial agents for utilizing inmate labor, refer to section .1402 a, b, c and d.

For designation of state employees of other state agencies providing re-entry/transitional services, refer to section .1403, 1, a – f.

For designation of employees of a non-state agency providing re-entry/transitional services, refer to section .1403, 2, a – d.

- (3) Termination. Individuals designated as custodial agents will lose their classification when:
 - (A) The requirement for inmate labor is terminated;
 - (B) They are no longer employees of the approved state agency;
 - (C) The mutual agreement for transition/re-entry services is no longer needed or is terminated by either the outside agency or Prisons;
 - (D) Prisons rules regarding the custody, control, or welfare of inmates are violated.
- (4) Facility Heads will consult with the head of the state agency or their designee prior to the de-certification of any custodial agent. Any disagreement between the two managers that cannot be resolved should be referred to the Region Director for assistance in resolution.
- (5) Surrender of Certification Cards. Agents of the Department will be required to surrender certification cards when their status as custodial agents is terminated. Their supervisor at the agency of employment will return surrendered certification cards to the issuing authority.



Commissioner of Prisons

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