



POLICY AND PROCEDURE

.2201 GENERAL JAIL HOUSING OF INMATES

The Department of **Public Safety, Prisons** may utilize jails and local confinement facilities for the custody and care of selected inmates committed to the custody of the Department. Hereinafter, the term “jail” shall be construed to include local confinement facilities. The option of using jail facilities to house inmates may be exercised under the following conditions:

- (a) To protect selected inmates from potential harm by other inmates;
- (b) To enable work release placement for selected inmates;
- (c) To provide inmate labor for public work projects; and
- (d) For other purposes at the discretion of the Secretary of **Public Safety**.

.2202 REQUIREMENTS

When inmates in the custody of the Department are to be housed at a jail facility, the following requirements must be met:

- (a) A written jail contract will be made with the sheriff or administrator of the local confinement facility for each inmate leaving the custody of the Department for housing in a jail facility. The Secretary has designated the Region Director for the region where the jail is located to serve as the approving authority for jail contracts.
- (b) The jail facility must approximate conditions of confinement available to the inmate if the inmate were to be housed in a Department of **Public Safety** facility. Conditions of confinement will include custody, housing, conditions, medical services, and program opportunities, and are further specified in the contract and in Rule .2204 of this section.
- (c) A Department of **Public Safety** facility in the same geographic region as the jail facility will be designated as the administrative support unit and will serve as the liaison between the jail facility and the Department.
- (d) The jail facility will have a copy of the manual “Operational Guidelines for Use in Jail Facility Housing for Department of **Public Safety** Inmates” and a copy of Prisons Policy and Procedures manual.

.2203 PROCEDURES

The following procedure shall be followed in transferring an inmate committed to the custody of the Department to a jail facility:

- (a) The need for jail housing will be documented on an IC05, Reclassification Action by facility staff where the inmate is assigned. Supporting information will be gathered to justify the housing request. Such information may include:
 - (1) Reports or evidence showing the threat of harm to an inmate if he/she were to remain in a Department of **Public Safety** facility;
 - (2) Supporting information showing verified work release employment available to the inmate if the inmate were to be housed in the jail facility; and
 - (3) Other information as required to justify assignment to the jail facility.
- (b) Following documentation, the inmate will be assigned to an appropriate Department of **Public Safety** facility in the same geographic region as the proposed jail facility. Coordination of transfers will follow established transfer procedures.
- (c) Once assigned, facility staff will prepare a jail contract and forward the proposed contract with supporting documentation to the Region Director for review and approval.
- (d) Facility staff will request jail facility housing by forwarding the jail contract to the sheriff or jail administrator. After the contract is approved by the sheriff or jail administrator, the Region Director will determine if the requirements in Rule 2F .2202 has been met before the inmate is assigned to the jail facility.
- (e) Following final approval for jail facility housing, the inmate will be administratively assigned to the Department of **Public Safety** facility designated as the administrative support unit for the jail. Department of **Public Safety** staff will transport the inmate to the jail facility.

.2204 CONDITIONS OF CONFINEMENT

A jail facility housing a Department of **Public Safety** inmate will be required to approximate the conditions of confinement available to the inmate if the inmate were to be housed in a Department of **Public Safety** facility.

- (a) Custody.
 - (1) Unless otherwise authorized, only minimum custody inmates can be considered for housing in jail facilities.
 - (2) The local jail facility must provide the level of supervision required by the inmate's approved custody level as stated in Section 2F .0600 and in the "Operational Guidelines for Jail Facility Housing."

- (3) Approval for promotion of an inmate transferred to a local confinement facility pursuant to this policy to higher levels of minimum custody will be in accordance with established review procedures as stated in Section 2F .0600. Promotions remain at the discretion of the facility head or Region Director and should be conducted in accordance with the following review process:
 - (A) Jail administrators may request consideration for a change in custody level to the superintendent of the designated administrative support facility;
 - (B) The facility head of the administrative support facility will document the request for promotion on the IC05, OPUS Inmate Reclassification files and make a recommendation for housing at a local confinement facility. This request will be electronically forwarded to the facility head with final approval by the Region Director; and
 - (C) The action of the approving authority will be documented on the IC05, OPUS Inmate Reclassification file and communicated in writing by the administrative support facility head to the sheriff or facility administrator.

- (b) Program Participation
 - (1) Participation in any program activity by an inmate transferred to a local confinement facility pursuant to this policy, such as work release, study release, community volunteer leaves, home leaves, or any other program which will extend the limits of confinement beyond the boundaries and supervision of the jail will require prior approval by the appropriate Region Director.
 - (2) Approval for program participation which extends the limits of confinement for an inmate transferred to a local confinement facility pursuant to this policy will follow the review procedure outlined in Rule 2F .2204(a)(3)(A) in conjunction with policy requirements for each program being considered.
 - (3) No inmate transferred to a local confinement facility pursuant to this policy may participate in a program activity which extends the limits of confinement without prior written approval from the Region Director.

- (c) Medical
 - (1) An inmate transferred to a local confinement facility pursuant to this policy who subsequently requires emergency, outside medical treatment shall receive treatment as needed and required. Follow-up notification will be provided by jail authorities to the administrative support facility head who will:
 - (A) Document the requirement for emergency medical treatment;

- (B) Arrange for post-emergency care and transfer to a Department of **Public Safety, Prisons** medical facility when necessary; and
 - (C) Receive and process bills incurred as a result of the emergency medical treatment.
- (2) An inmate transferred to a local confinement facility pursuant to this policy that requires non-routine/emergency medical treatment will be referred by jail authorities to the administrative support facility head who will schedule necessary treatment through Department of **Public Safety, Prisons** medical resources.
- (d) Inmate Conduct
- (1) An inmate transferred to a local confinement facility pursuant to this policy is required to abide by the rules and regulations established by the officials governing the operation of the jail, as well as rules and regulations established by the Division of Prisons, codified at 5 NCAC 2B 0300.
 - (2) Violations of these rules by an inmate transferred to a local confinement facility pursuant to this policy shall be reported by jail officials to the designated support facility head on Form DC-138B, Statement By Witness, summarizing the misconduct.
 - (3) The facility head will process disciplinary actions against an inmate transferred to a local confinement facility pursuant to this policy in the same manner as is done for an inmate housed in a Department of **Public Safety** facility to include:
 - (A) Designating an investigating officer to investigate the alleged misconduct;
 - (B) Determining if formal disciplinary action is required;
 - (C) Determining if a change in the inmate's status, including a return to the custody of the Division of Prisons, is warranted pending a hearing on the matter: and
 - (D) Other procedures, as required in B.0200
- (e) Sentence Reduction Credits
- (1) An inmate transferred to a local confinement facility pursuant to this policy is eligible for all sentence reduction credits and awards available to an inmate housed in a Department of **Public Safety** facility.
 - (2) Sentence reduction credits consistent with sentencing laws in effect at the time when the inmate's offenses occurred will be equivalent to those given to inmates

housed in Department of **Public Safety** facilities that are performing similar duties or are participating in similar programs.

- (3) Sentence reduction credits will be processed by the administrative support facility head utilizing the OT60/61, OPUS Sentence Reduction Credits/Awards, from jail officials, in accordance with Section B .0100.

.2205 OTHER REQUIREMENTS

- (a) The administrative support facility head will require Department of **Public Safety** staff to conduct periodic reviews of all jail inmates to evaluate progress and program participation and to respond to requests for information from the Post-Release Supervision and Parole Commission.
- (b) Jail Contract Terms
 - (1) Department of **Public Safety**, Prisons staff will adhere to the terms of the jail contract.
 - (2) Jail contracts may be terminated at any time by the sheriff or by Prisons approving authorities.



Commissioner of Prisons

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