

CHAPTER 12 – DIVISION OF CORRECTIONS

SUBCHAPTER 12A – SECTION RULES: GENERAL ADMINISTRATION

SECTION .0100 – GENERAL ADMINISTRATION

14B NCAC 12A .0101 LOCATION

History Note: Authority G.S. 143B-10; 143B-260; 143B-261.1;
Eff. December 1, 2008;
Transferred from 05 NCAC 01F .0101 Eff. June 1, 2013;
Expired Eff. February 1, 2018 pursuant to G.S. 150B-21.3A.

14B NCAC 12A .0102 COST OF COPIES

History Note: Authority G.S. 132-6.2; 143B-10; 150B-19;
Eff. January 1, 2009;
Transferred from 05 NCAC 01F .0102 Eff. June 1, 2013;
Expired Eff. February 1, 2018 pursuant to G.S. 150B-21.3A.

SECTION .0200 - PETITION FOR RULEMAKING

14B NCAC 12A .0201 FILING A PETITION FOR RULEMAKING

(a) Any person may petition the Department of Correction (DOC) to adopt a new rule, or amend or repeal an existing rule by submitting a rule-making petition to DOC. The petition shall be addressed to:

The North Carolina Department of Correction
Controller's Office
2020 Yonkers Road; MSC 4220
Raleigh, North Carolina 27699-4220

(b) The petition shall be labeled "Petition for Rule-making" and must include the following information:

- (1) the name(s) and address(es) of the petitioner(s);
- (2) a citation to any rule for which an amendment or repeal is requested;
- (3) a draft of the proposed text of the requested rule or amended rule;
- (4) an explanation of why the new rule or amendment or repeal of an existing rule is requested;
- (5) the effect of the new rule, amendment, or repeal on the procedures of DOC;
- (6) a fiscal note on the impact of the proposed rule on existing practices in the area involved, including cost factors and basis of analysis; and
- (7) any other information the person submitting the petition considers relevant.

History Note: Authority G.S. 150B-18; 150B-19; 150B-20; 150B-21;
Eff. December 1, 2008;
Transferred from 05 NCAC 01F .0201 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

SUBCHAPTER 12B – PRISONS: PUBLIC COMMUNICATIONS

SECTION .0100 – INMATE USE OF MAIL

14B NCAC 12B .0101 GENERAL

(a) Inmates may write to anyone, but an individual inmate's privileges to write to a particular person or persons may be withdrawn by the superintendent/warden of the correctional facility to which the inmate is assigned, upon request of the recipient, or if the recipient is a minor, at the request of his or her parents or legal guardian. Writing privileges also may be terminated for any of the reasons stated in Rule .0307(e) of this Section. The reason for withdrawal must be stated in a written notice to the inmate that should refer specifically to the letters previously returned.

(b) It is the purpose of the mail policy to protect citizens in the community from offensive or threatening letters and prevent criminal activities and escape plots from developing through correspondence. To accomplish this, it is the responsibility of each facility mail room to stamp the outside of each piece of outgoing inmate mail (including packages) with the name of the correctional facility, (ex., Mailed from Columbus Correctional Center). The stamp should be affixed to the front of the envelope above the address and between the return address and the postage stamp. This is not required at community residential facilities, i.e., Wilmington Residential Facility for Women.

(c) The superintendent/warden will be responsible for developing and implementing facility mail procedures consistent with this policy. The facility procedures must be reviewed annually to assure compliance with current Division of Prisons policy.

*History Note: Authority G.S. 148-11;
Eff. November 1, 1991;
Transferred from 05 NCAC 02D .0306 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

14B NCAC 12B .0102 CORRESPONDENCE
14B NCAC 12B .0103 PROCEDURES FOR CENSORSHIP
14B NCAC 12B .0104 PACKAGES AND OTHER ITEMS

*History Note: Authority G.S. 148-11;
Eff. November 1, 1991;
Amended Eff. October 1, 1992;
Transferred from 05 NCAC 02D .0307 Eff. June 1, 2013 (14B NCAC 12B .0102);
Transferred from 05 NCAC 02D .0308 Eff. June 1, 2013 (14B NCAC 12B .0103);
Transferred from 05 NCAC 02D .0309 Eff. June 1, 2013 (14B NCAC 12B .0104);
Expired Eff. February 1, 2018 pursuant to G.S. 150B-21.3A.*

SECTION .0200 - INMATE LABOR FOR PUBLIC WORK PROJECTS

14B NCAC 12B .0201 POLICY

(a) General. The policy of the State of North Carolina is that all able-bodied prison inmates shall be required to perform diligently all work assignments provided for them. Work assignments and employment shall be for the public benefit to reduce the cost of maintaining the inmate population while enabling inmates to acquire or retain skills and work habits needed to secure honest employment after their release.

(b) Conditions for Use of Inmate Labor. The use of inmate labor for public work projects must meet the following conditions:

- (1) The project or service involved is a type of work that inmates are qualified to perform.
- (2) The project or service is of benefit to the citizens of North Carolina or units of state or local government.
- (3) The project or service is not one that would normally be performed by private industry or non-inmate labor if inmate labor were not available.

(c) Contracts. The Department of Correction may make contracts with departments, institutions, agencies, and other political subdivisions of the State of North Carolina for the use of inmate labor that will help make the prisons as nearly self-supporting as is consistent with the purpose of their creation.

(d) Prohibitions. The following prohibitions apply to inmates being used for public work projects:

- (1) Inmates who are eligible and have been accepted for work release, study release and vocational rehabilitation may not be used.
- (2) Adult inmates are prohibited from working at or being on the premises of any school or institution operated or administered by the Division of Youth Services, Department of Human Resources.

*History Note: Authority G.S. 66-58; 148-26;
Eff. February 11, 1976;
Amended Eff. June 1, 1984;
Transferred from 05 NCAC 02D .0701 Eff. June 1, 2013;*

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

14B NCAC 12B .0202 APPROVAL OF CONTRACTS

*History Note: Authority G.S. 148-26.5;
Eff. June 1, 1984;
Transferred from 05 NCAC 02D .0706 Eff. June 1, 2013;
Expired Eff. February 1, 2018 pursuant to G.S. 150B-21.3A.*

SUBCHAPTER 12C - TREATMENT

SECTION .0100 - ARTS AND CRAFTS

14B NCAC 12C .0101 DONATIONS

If a group, organization, or individual desires to make a monetary or material donation to the unit as a whole for hobbycraft activities, it may be accepted, but no gift or donation of hobbycraft tools or materials shall be accepted for a specified individual inmate.

*History Note: Authority G.S. 143B-361.1; 148-11;
Eff. March 17, 1978;
Transferred from 05 NCAC 02E .1005 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

SECTION .0200 - RESTITUTION/REPARATION PROGRAM

14B NCAC 12C .0201 PROCEDURES: NOTIFICATION: COMPLETED RESTITUTION/REPARATION

The following procedures apply to the notification of the completion of orders/recommendations of restitution.

- (1) If an inmate chooses to fulfill his restitution obligations through his own funds, the following procedures are to be followed:
 - (a) If the inmate's family pays off his restitution indebtedness to the court, they will supply to the unit a receipt from the sentencing court noting the full payment of the inmate's restitution obligation, along with the victims' names and docket number.
 - (b) If the inmate deposits sufficient funds in his trust fund account to pay in full his restitution indebtedness, the unit will forward a trust fund check to the victims, noting "full payment" on the check.
 - (c) Following the completion of either one of the above requirements, Form DC-191-A will be sent to the clerk of the sentencing court by the unit superintendent or institution head of the facility to which the inmate is assigned, noting and verifying full payment of this inmate's restitution indebtedness.
- (2) If the inmate decides to pay his restitution indebtedness through his work release earnings, the following procedures are to be followed:
 - (a) Work release accounting will be responsible for making deductions from his work release earnings to make restitution payment or payments with the last payment to the victim noting "paid in full."
 - (b) Following this, Form DC-191-A will be completed by the Work Release Accounting Office and sent to the sentencing court, noting the completion of this inmate's restitution indebtedness.

*History Note: Authority G.S. 148-11; 148-33.2;
Eff. June 10, 1978;
Amended Eff. February 10, 1981;*

*Transferred from 05 NCAC 02E .1104 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

SUBCHAPTER 12D – CUSTODY AND SECURITY

SECTION .0100 – SEARCH AND SEIZURE

14B NCAC 12D .0101 SEARCHES OF VISITORS AND OTHER PERSONS

- (a) Before and after every visiting period within the confines of a facility, a search of the room or area where the visits are held will be made to assure that no contraband has been concealed in or under any structure, equipment or furniture.
- (b) All visitors and all other persons who seek entry to any facility for any purpose may be subjected to a routine search of their person or their effects upon entering or leaving a facility or any time they are within the confines of a facility. Such searches are authorized at the discretion of the Officer-In-Charge. Appropriate documentation shall be made to the Superintendent.
- (c) A routine search may also include the search of personal effects. Personal effects such as handbags, boxes, briefcases, or other items under the immediate control or access of the visitor, should remain outside the confines of the facility. When in the judgment of the Officer-In-Charge that it is necessary for any of these personal effects to be carried within the Institution, such personal effects will be subject to a thorough search. Visitors who refuse to agree to a search of personal effects will not be authorized to visit.
- (d) Routine searches of visitors and other persons seeking entry to a facility must be conducted by an officer of the same sex as the visitor or other person seeking entry to a facility. Wherever possible, more than one staff person should be present for such searches. If an officer of the same sex as the visitor is not available to conduct the routine search, visitors suspected of carrying contraband on their person must be denied entry into the facility. When visitors are suspected of carrying contraband, the Officer-In-Charge is authorized to request the assistance of local law enforcement provided that such assistance results in a search of the visitor by an officer of the same sex.
- (e) If contraband is found on the person or in the personal effects of the visitor, the contraband should be confiscated and local law enforcement authorities notified immediately. Reasonable efforts short of the Use of Force should be utilized to encourage the visitor to remain until local law enforcement authorities arrive. If the visitor refuses to remain, as much descriptive and informational data as can be accumulated by correctional staff regarding the identity of the visitor and direction of departure and method of departure, should be communicated to the local law enforcement officers.
- (f) A visitor seeking entry to the facility can avoid a routine search by leaving the facility. If the visitor refuses to submit to a routine search, the visitor shall be denied access to the facility. The visitor should also be considered for exclusion from an inmate's approved visitor's list in accordance with 05 NCAC 02D .0201(d)(1).
- (g) If prior to visitation, prison officials receive reliable information that a visitor will attempt to smuggle contraband into the facility, the Officer-In-Charge should contact the local law enforcement agency for assistance.
- (h) Complete searches of visitors is solely the authority of local law enforcement authorities with the consent of the visitor or by local law enforcement authorities having the legal basis to conduct the search. While such searches may be conducted on agency property, Division staff should not provide assistance. Any assistance provided should be in response to a request from local law enforcement authorities and predicated upon the maintenance of order and security at the facility.

*History Note: Authority G.S. 14-258.1; 15A-404; 148-4; 148-11;
Eff. November 1, 1991;
Transferred from 05 NCAC 02F .0104 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

SECTION .0200 – PROGRAM MANAGEMENT

14B NCAC 12D .0201 PROGRAM SPONSORS

14B NCAC 12D .0202 REVIEW WHERE ORGANIZATION BARRED

History Note: Authority G.S. 148-4; 148-11;
Eff. May 17, 1976;
Transferred from 05 NCAC 02F .0204 Eff. June 1, 2013 (14B NCAC 12D .0201);
Transferred from 05 NCAC 02F .0207 Eff. June 1, 2013 (14B NCAC 12D .0202);
Expired Eff. February 1, 2018 pursuant to G.S. 150B-21.3A.

SECTION .0300 – JAIL FACILITY HOUSING

14B NCAC 12D .0301 OTHER REQUIREMENTS

History Note: Authority G.S. 148-11; 148-32.1;
Eff. March 1, 1987;
Transferred from 05 NCAC 02F .2205 Eff. June 1, 2013;
Expired Eff. February 1, 2018 pursuant to G.S. 150B-21.3A.

SUBCHAPTER 12E – COURT RELATED PROCEEDINGS

SECTION .0100 – ACCESS TO THE COURTS

14B NCAC 12E .0101 ACCESS TO PRIVATE COUNSEL

History Note: Authority G.S. 148-11;
Eff. June 16, 1978;
Amended Eff. December 1, 1989;
Transferred from 05 NCAC 02G .0205 Eff. June 1, 2013;
Expired Eff. February 1, 2018 pursuant to G.S. 150B-21.3A.

14B NCAC 12E .0102 TELEPHONE ACCESS TO INMATE CLIENTS

History Note: Authority G.S. 148-11;
Eff. December 1, 1989;
Transferred from 05 NCAC 02G .0206 Eff. June 1, 2013;
Expired Eff. February 1, 2018 pursuant to G.S. 150B-21.3A.

SUBCHAPTER 12F – RELIGIOUS PRACTICE

SECTION .0100 – ISLAMIC SERVICES AND PRACTICES

14B NCAC 12F .0101 ADVISORY COMMITTEE ON RELIGIOUS MINISTRY IN PRISONS

History Note: Authority G.S. 143B-10; 148-11;
Eff. April 1, 1990;
Transferred from 05 NCAC 02H .0106 Eff. June 1, 2013;
Expired Eff. February 1, 2018 pursuant to G.S. 150B-21.3A.

SUBCHAPTER 12G – PRIVATE CORRECTIONAL SERVICE PROVIDERS

SECTION .0100 – PARTNERSHIP PROGRAM

14B NCAC 12G .0101 GRANT AWARD CONTRACTS

History Note: Authority G.S. 143B-273.8;
Eff. July 1, 1995;
Transferred from 05 NCAC 05 .0101 Eff. June 1, 2013;
Expired Eff. February 1, 2018 pursuant to G.S. 150B-21.3A.

SUBCHAPTER 12H – CORRECTIONAL SERVICE PROVIDERS

SECTION .0100 – GENERAL

14B NCAC 12H .0101 APPLICATION

14B NCAC 12H .0102 PURPOSE

History Note: Authority S.L. 2001-378;
Temporary Adoption Eff. March 6, 2002;
Eff. April 1, 2003;
Transferred from 05 NCAC 06 .0101 Eff. June 1, 2013 (14B NCAC 12H .0101);
Transferred from 05 NCAC 06 .0102 Eff. June 1, 2013 (14B NCAC 12H .0102);
Expired Eff. February 1, 2018 pursuant to G.S. 150B-21.3A.

SECTION .0200 - HIRING

14B NCAC 12H .0201 HIRING STANDARDS

History Note: Authority S.L. 2001-378;
Temporary Adoption Eff. March 6, 2002;
Transferred from 05 NCAC 06 .0201 Eff. June 1, 2013;
Expired Eff. February 1, 2018 pursuant to G.S. 150B-21.3A.

SECTION .0300 – TRAINING

14B NCAC 12H .0301 TRAINING STANDARDS

History Note: Authority S.L. 2001-378;
Temporary Adoption Eff. March 6, 2002;
Eff. April 1, 2003;
Transferred from 05 NCAC 06 .0301 Eff. June 1, 2013;
Expired Eff. February 1, 2018 pursuant to G.S. 150B-21.3A.

SECTION .0400 – COMPLIANCE

14B NCAC 12H .0401 REVIEW OF COMPLIANCE

History Note: Authority S.L. 2001-378;
Temporary Adoption Eff. March 6, 2002;
Eff. April 1, 2003;
Transferred from 05 NCAC 06 .0401 Eff. June 1, 2013;
Expired Eff. February 1, 2018 pursuant to G.S. 150B-21.3A.