

State of North Carolina
Department of Public Safety
Prisons

Chapter: A
Section: .0600
Title: **Policy & Procedure
Development**
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POLICY & PROCEDURES

.0601 GENERAL

The Director of Prisons or designee is responsible for developing and maintaining the agency's operation manuals. These manuals include policies, procedures, rules, and regulations of the agency.

The Director of Prisons or designee is responsible for consulting with other criminal justice and community services agencies in the formulation of agency policies and procedures.

.0602 PURPOSE

The purpose of this policy is to establish a coordinated system for the drafting, review, and dissemination of written agency policies, procedures, and operations manuals. Guidelines shall be set for the development and revision process to ensure input from appropriate stakeholders.

.0603 SCOPE

This policy governs the management of Prisons' internal policies and procedures.

.0604 DEFINITIONS

(a) Draft

A draft is a preliminary working document that does not require action. This document is published and distributed to allow for revisions and commentary by designated staff. Draft documents will be clearly marked with "DRAFT" and the date of the draft in the header on each page of the document.

(b) Interim

An interim policy may be issued prior to the final version and issuance of a policy. An interim policy is binding on all agency staff and is considered official policy until the final version of the policy is issued. Interim documents will be clearly marked with "INTERIM" and the effective date of the interim policy in the header on each page of the document.

The employee designated by the Director of Prisons responsible for administering and coordinating the Prisons policies and operations manuals review process, and has also been assigned reviewer authority for policy or operations manuals.

The processes associated with creating, distributing, implementing, and developing policies and procedures.

Any employee assigned to write, revise, and/or maintain a policy draft.

Approved deviations from established policies and procedures stated in the Prisons policies and operations manuals.

.0605 POLICY

.0606 POLICY AND PROCEDURE DEVELOPMENT

(a) Initiation

Prisons staff may request policy and procedure revisions and/ or additions. All recommendations for the development or revision of policies will be submitted to the Director of Prisons through the chain of command. Requests for policy development will be sent to the Region Director and Director's office. Policy initiated by Prisons level staff will be sent to the Director's office, section chiefs, Deputy Directors, and Assistant Directors as deemed appropriate. No new policy shall be developed to address an issue if the subject matter is already contained in a current policy and/or a current policy can be reasonably revised to include the subject matter.

(b) Recommendation

All recommendations for policy and procedure development will identify the staff submitting the recommendation and the particular development action recommended. Justifications for policy and procedure development including proposed content revisions must be provided.

(c) Assignment

- (1) The Director of Prisons or designee will assign a Policy Owner or a committee of subject matter experts to draft a new policy and procedure or revisions to an existing policy and procedure.
- (2) This assignment will be sent initially to the Prisons Policy Coordinator who will, if necessary, assign the section number for the draft to the Policy Owner.
- (3) The Prisons Policy Coordinator will forward the assignment for policy and procedure development to the Policy Owner assigned by the Director of Prisons or designee with copies distributed to the region directors, assistant directors, facility head, or manager of the staff assigned to the policy and procedure development.

(d) Development

- (1) Staff involved in drafting a new proposed policy or operations manual shall analyze and research the topic and solicit input from the significant stakeholders of the proposed policy or manual. The drafter shall also research any related Administrative Rules, ACA expected practices, or other existing directives and, if applicable, incorporate any necessary language to comply with such standards.
- (2) The draft document will be completed and submitted to the Prisons Policy Coordinator within time frames as specified by the Director of Prisons.

(e) Review

- (1) Upon the completion of a policy and procedure draft, the Prisons Policy Coordinator will send, via e-mail, an attachment of the draft policy to Region Directors, Facility Heads, and Prison staff as identified by the Policy Coordinator to receive such notifications.
- (2) Deputy Directors, Region Directors, Assistant Directors, Facility Heads and facility staff are encouraged to submit comments and recommendations during the policy and procedure draft review period directly to the Policy Owner of the draft policy. The Policy Owner will provide an overview of the comments and recommendations to the Director and/or Region Directors.
- (3) A Policy Impact Analysis will be completed for all new or revised policies and/or operations manuals. It is the Policy Owner's responsibility to obtain the required Policy Impact Analysis approvals before submitting the new or revised policies and procedures to the Prisons Policy Coordinator. The Policy Impact Analysis will provide a summary of major revisions made to the policy, the factors

supporting the revisions, and the anticipated impact on Prison and/or NCDPS operations.

- (4) All draft policies with substantive changes or additions that affect the offender population will be sent to the NC Department of Public Safety (NCDPS) General Counsel for review.
- (f) Authorization Review
- (1) After the draft review period has expired, the Policy Owner will make appropriate revisions and forward the revised draft policy to the Prisons Policy Coordinator with copies of all recommendations and comments received during the draft review period.
 - (2) The Policy Owner and the Prisons Policy Coordinator will present the final draft version to the Director of Prisons and/or Region Directors. Final revisions will be made by the Policy Owner or designated staff and submitted to the Prisons Policy Coordinator for final action review and approval by the Director of Prisons.
- (g) Annual Review
- (1) The Director of Prisons or designee is responsible for reviewing the Prisons policies and operations manuals annually and updating them as necessary.
 - (2) The annual review date will be displayed on the Prisons Policy and Procedures web page and written documentation maintained by the Prisons Policy Coordinator.
- (h) Distribution
- (1) After the Director of Prisons has approved the policy and procedure addition(s) or revisions(s), the Prisons Policy Coordinator will forward a copy of the new or revised policy and/or procedure to the operational and technical support desk for filing on the automated policy and procedures section of the Prisons web page.
 - (2) The Prisons Policy Coordinator will send an e-mail to Region Directors, Facility Heads, and Prisons staff designated to receive such notification advising them that a policy and procedure addition(s) or revision(s) has been posted on the automated policy and procedures section of the Prisons web page.
 - (3) It is the responsibility of designated staff at each location to print the revised policy and make and distribute copies.
 - (4) Facility Heads are responsible for ensuring that policy and procedure manuals are located in areas generally accessible to staff. At a minimum, Facility Heads

will ensure at least one printed copy of the policy and procedure manual is located in an area accessible to staff on a 24-hour, 7 days per week basis.

- (5) Facility Heads are responsible for notifying all staff of their ability to access Prisons Policies and Operations Manuals through access online via the DPS web page.

.0607 POLICY RESCISSION

Rescinding Policies

- (a) In the event a policy or operations manual is no longer needed or otherwise should be rescinded, the appropriate Policy Owner will send that request to the Prisons Policy Coordinator with a brief explanation as to the reasons the policy should be rescinded. The Prisons Policy Coordinator will then consider the request and the impact rescinding the policy would have on agency stakeholders. Where appropriate, a request to rescind a policy or manual may be scheduled for review by supporting staff or an established review committee.
- (b) If it is determined appropriate to rescind the policy, the request shall be forwarded to the Director of Prisons for consideration. If approved, the policy or manual will be rescinded and notice provided to all staff consistent with this policy.

.0608 PUBLIC AND OFFENDER ACCESS

- (a) Members of the general public may purchase copies of the policies and operations manuals by completing the order form listed on the public website. Offenders may purchase copies of the policies and operations manuals by completing the attached form and submitting to the facility trust fund staff for processing.
- (b) Security related policies and operations manuals are not public information and are exempt from public and offender access. Security related policies and operations manuals shall be maintained in a secure area and shall not be placed in inmate libraries or other unsecure locations.

.0609 EXCEPTIONS

In the event of a non-routine situation, the Director of Prisons has the ability to coordinate an immediate policy revision outside of the annual review schedule using an abbreviated version of the policy process. This type of revision is extremely limited to only valid, urgent situations and only after the policy owner receives authorization from the Director of Prisons to proceed with the revision.

.0610 VARIANCE

- (a) A variance process is available to accommodate approved facility requests to deviate from a policy or section of a policy until the next scheduled revision is accomplished.
- (b) To be considered for a variance, Prisons personnel shall request a waiver from a policy, in whole or in part, by completing a Prisons Variance Form and forwarding it to the Prisons Policy Coordinator. The Prisons Variance Form must be detailed and specific as to why it is necessary for the Facility to deviate from established policy. The specific policy and section(s) must be noted. Variances must be approved by the Director of Prisons.
- (c) The Prisons Policy Coordinator is responsible for recording the effective and expiration dates on the approved variance. The Prisons Policy Coordinator is also responsible for the distribution of the variance that is to be made available for all staff.

.0611 PRISONS ADMINISTRATIVE MANUALS

- (a) Prisons Administrative Manuals must include an introduction or section in the manual that outlines the Central Manager responsible for the manual, its purpose, and the procedures for development and review. These manuals include:
 - (1) Case Managers Resource Manual
 - (2) Diagnostic Center Procedural Manual
 - (3) Food Services Manual
 - (4) Health Care Manual
 - (5) Program Services Manual
 - (6) Religious Practices
 - (7) Security Manual
 - (8) Correction Enterprises
- (b) The procedures should include a similar process of development, review, and distribution as outlined for the Division of Prisons policies and operations manuals.
- (c) Central Management staff responsible for Division of Prisons Administrative Manuals shall notify the Director of Prisons annually that their manual has been reviewed and updated accordingly. This review notification must be submitted in writing to the Prisons Policy Coordinator and a copy maintained in the front of the master manual.
- (d) Facility Heads will be responsible for ensuring that all Administrative manuals are located in areas that are generally accessible to staff. At a minimum, Facility Heads will ensure that at least one printed copy of each manual is located in an area accessible to staff on a 24-hour, 7 days per week basis.
- (e) Facility Heads will be responsible for notifying all staff of their ability to access all Administrative Manuals online through the Prisons web page.

.0612 FACILITY STANDARD OPERATING PROCEDURES MANUAL

- (a) Each facility is responsible for developing facility operating procedures for operating and maintaining the facility. Standard operating procedures should provide guidance for implementing Prisons policies. Standard operating procedures may not conflict with Prisons policies. The manual must be made accessible to all employees, volunteers, and the public.
- (b) Any new or revised standard operating procedures must be made accessible to all necessary employees, volunteers, and when appropriate offenders prior to implementation of any operational or procedural changes.
- (c) The facility standard operation procedures manual must be reviewed annually by the Facility Head and updated as needed. Written documentation of this review must be sent to the Region Director and a copy filed in the facility's SOP manual.
- (d) Employees, volunteers and outside criminal justice professionals shall participate in the formulation of facility operating procedures and programs. Participation may be accomplished through staff meetings, suggestion programs, community resource councils, employee committees or similar formats.
- (e) Community agencies with which the facility may have contact should also be encouraged to participate in operating procedure development, coordinated planning, and interagency consultation. Interaction can take place in a variety of venues and forums including but not limited to staff meetings, training sessions, committees, conferences, and special events.

Director of Prisons

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Date

POLICY IMPACT ANALYSIS

GENERAL INFORMATION

All proposed new or revised policies must be submitted by the policy owner or designee and approved by the appropriate managerial authority.

Affected Policy (Title/#):

Please check one:

Please indicate type:

New

Annual

Non-Routine

ANALYSIS

I. Please provide a brief rationale for the creation of a new policy or for the revision of existing policies. A list of all changes is not necessary, but you must provide a summary of the major changes including the reason for the change.

II. Are there any overlaps or conflicts with existing Prison policies? This includes, but is not limited to Administrative Regulations, Departmental Policies, Operations Manuals, etc. If yes, please list the related policies and explain why the policy was not consolidated into the pre-existing policy:

III. List any facilities, entities, or groups who should be exempted from the policy (i.e. offenders, contractors etc.)

IV. Please answer yes or no to the following questions. Please provide a summary in the below text box for any “YES” responses.

Does the new or revised policy:

1) Require updates to any Prisons’ forms?

Yes

No

a. If yes, what are the impacts?

2) Have an impact on Human Resources?

Yes

No

a. If yes, what are the impacts?

3) Have a fiscal impact or impact on Information Technology?

Yes

No

a. If yes, what are the impacts?

4) Require new or revised training for Prisons staff? (*Policies are NOT to contain a new training component without approval by the Director of Prisons.*)

Yes

No

a. If yes, what are the impacts?

5) Have an impact on Facility staff safety and security?

Yes

No

a. If yes, what are the impacts?

6) Have an impact on other areas of the agency?

Yes

No

a. If yes, include evidence that such revisions were discussed with the impacted area:

Submitted by (Policy Owner):

Name:

Title:

Date:

Approved by:

Name:

Title:

Date:

POLICY VARIANCE REQUEST

INSTRUCTIONS

1. Complete the policy variance request form and submit it to the Prisons Policy Coordinator.
2. Prisons Policy Coordinator will review and forward to the Director of Prisons.
3. Director of Prisons will review the variance submission form from the Managing Officer and accompanying review form from the Prisons Policy Coordinator.
4. Director of Prisons will determine if a variance should be approved, denied, or approved with changes.
5. Managing Officer and Policy Coordinator will be notified of appropriate next steps in accordance with recommendation by Director of Prisons.

STEP 1: POLICY VARIANCE REQUEST

Request Submitted by:

Facility:

Date:

Affected Policy (Title/#):

Justification for variance:

Facility Head:

Signature

Date

STEP 2: PRISONS POLICY COORDINATOR REVIEW

The Policy Coordinator must forward all policy variance requests to the Director of Prisons or designee

Variance Request Reviewed by Prisons Policy Coordinator

Comments:

Policy Coordinator:

Signature

Date

STEP 3: DIRECTOR OF PRISONS REVIEW

Variance Request Approved

Variance Request Not Approved

Comments/Recommended Modification to Variance Request:

Director of Prisons/Designee:

Signature

Date