



*State of North Carolina*  
*Department of Public Safety*  
*Prisons*

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Section: .1600  
Title: **Safekeepers**  
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**POLICY & PROCEDURES**

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**.1601 SCOPE AND DEFINITIONS**

- (a) The purpose of this policy is to establish guidelines for the Prisons to cooperate with county jails to assist with the housing of prisoners when necessary for safety and security reasons and to comply with the General Statutes through the safekeeper program.
- (b) The following definitions apply whenever these terms are used:
- (1) Safekeeper - A prisoner held in any county jail who: poses a serious escape risk; exhibits violently aggressive behavior that cannot be contained and warrants a higher level of supervision; needs to be protected from other **prisoners** and the county jail facility cannot provide such protection; is a female or a person 18 years of age or younger and the county jail facility does not have adequate housing for such prisoners; is in custody at a time when a fire or other catastrophic event has caused the county jail facility to cease or curtail operations; otherwise poses an imminent danger to the staff of the county jail facility or to other prisoners in the facility; or requires medical or mental health treatment.
  - (2) Offender Population Unified System (OPUS) - The approved computerized system for the Department of Public Safety.
  - (3) Automated Jail Transportation Files - Computerized OPUS screens for scheduling new admissions in the Prisons.
  - (4) Scheduling Authority - Authority designated by the Director of Prisons to the Assistant Director for Auxiliary Services to oversee admission scheduling functions.
  - (5) **Offender** Assignment System - Computerized OPUS screens for classifying, managing and tracking **offenders'** progress through the Prisons. This includes custody, security, job/program activities, housing and status assignments.

**.1602 GENERAL PROVISIONS AND NOTIFICATION**

- (a) Admission Authority
- (1) During normal working hours, jail authorities schedule safekeepers by calling the Prisons' transfer offices. Admission scheduling is accomplished through the automated jail transportation files of OPUS utilized by these offices. Safekeepers are routinely accepted if the safekeeper count is less than the statutory limit of two

hundred (200). Receiving units are notified of scheduled admissions via OPUS screens. The transfer staff may contact the Prisons Administration Medical or Mental Health services staff for recommendation on the appropriate admission site to meet the reported medical or mental health needs.

- (2) During non-working hours, jail authorities schedule safekeepers by calling the Randall Building security officer.
  - (A) If the safekeeper count is two hundred (200) or less, the security officer contacts the receiving unit's officer-in-charge and provides the safekeeper count. The request for admission is routinely authorized if the statewide count is less than the statutory limit.
  - (B) If the total safekeeper count exceeds two hundred (200), the security officer contacts the Prisons Administration duty officer for authorization to accept.
  - (C) The security officer completes the required OPUS screens for all safekeepers scheduled after normal working hours and prints one copy for Transfer Branch staff to review on the next scheduled work day.
- (3) When the safekeeper count reaches the statutory limit of two hundred (200), further safekeeper admissions are authorized only by the Secretary of Public Safety, or his designee, on a case-by-case basis according to the following criteria:
  - (A) The acceptance of safekeepers beyond the statutory limit must be authorized by the Secretary of Public Safety, or his designee, and is limited to acute medical or mental health cases or extraordinary situations where specialized confinement space is not available in local facilities.
  - (B) Requests which fall into the medical and mental health categories are evaluated by the Population Manager or Assistant Director for Auxiliary Services during normal working hours and the Prisons Administration duty officer during nights, weekends and holidays. Additional evaluation by medical or mental health professionals may be required at Central Prison or NCCIW prior to making a decision. Decisions will be made in a timely manner by the reviewing authority. Admission is approved only if it is determined that these cases are valid emergencies based upon the information provided.
  - (C) Local sheriffs shall be requested to exchange safekeepers previously accepted who do not meet the emergency criteria in order to accommodate acceptance as described in paragraphs (A) and (B) above. Release instructions shall be in accordance with C.1608.

- (4) The jail is informed if denial of safekeepers is necessary. Form DC-116 is completed to document the denial.

### **.1603 ADMISSION PROCEDURES**

- (a) The facilities designated in C.1605 to receive safekeepers will perform the admission processing functions on OPUS as established in the Diagnostic Center Procedure Manual (DCPM).
- (b) Safekeepers will be transported by jail authorities to a Prisons facility. To be accepted, all safekeepers must have an order signed by a superior or district court judge. When, due to an emergency and it is not feasible to obtain an order signed by a superior or district court judge prior to the transfer, the sheriff is authorized to sign the order and shall, as soon as possible after the emergency, obtain the order signed by the judge.
- (c) Arrival at the designated facility will be documented through the OPUS arrival confirmation files. Upon admission, intake procedures which include identification, criminal history investigation (DCI), local orientation, and health screening will be conducted.

### **.1604 CONDITIONS OF CONFINEMENT**

For safekeepers, conditions of confinement must be met as established in C.1200. Additionally,

- (a) Safekeepers must be housed separately from general population offenders, except when admission to a medical or mental health unit is required, or when the offender is convicted on other unrelated charges and has been committed to the Department of Public Safety.
- (b) Safekeepers will normally be transported to and from prison facilities and county jails by the sending sheriff. However, transportation within the Prisons will be provided by prison staff. When transporting safekeepers, the same security precautions will be exercised as when transporting convicted offenders.
- (c) Safekeepers shall be required to maintain their living areas in a neat, clean, and sanitary manner. This includes all tasks necessary to maintain a suitable living environment. This requirement is restricted to their sleeping, dayroom, and bathing areas only. Safekeepers are generally not convicted offenders and, therefore, cannot be required to perform other work assignments.
- (d) Safekeepers will not participate in program activities with the general prison population, except as authorized in .1604 (a). However, they will be provided controlled access to Chaplaincy, library, certain special education services for those under the age of 21, and recreation, consistent with C .1200. Safekeepers are not eligible for sentence reduction credits.

- (e) Safekeepers shall have access to the Administrative Remedy Procedure the same as convicted **offenders** and their grievances will be managed through this procedure.
- (f) Safekeepers shall be expected to follow the rules and regulations common to all **offenders**. The disciplinary procedures used for **offenders** are applicable to safekeepers. Safekeepers are subject to the same disciplinary sanctions as general population **offenders**, except the loss of sentence reduction credits.
- (g) Safekeepers will be provided non-contact visits consistent with C .1215.b. Safekeeper visiting will be separate from the convicted offenders.
- (h) Safekeeper telephone calls will be consistent with D .0803(b)(3)(B), which controls **offender** access to telephone privileges.
- (i) Male felon safekeepers will be clothed in a gold color jumpsuit and male misdemeanor safekeepers will be clothed in a green color jumpsuit. Female safekeepers will be clothed in a yellow color dress for identification purposes.
- (j) Upon completion of initial processing, safekeepers will be assigned to case managers who will monitor their activities through regular contacts. Case managers will also review the safekeeper files regularly to keep abreast of any housing or custodial changes that may occur.
- (k) Safekeepers shall be provided access to needed medical, dental and mental health services as determined by a qualified medical, dental or mental health professional. Safekeepers will be exempt from medical co-pay.

#### **.1605 DESIGNATION OF PRISON FACILITIES**

- (a) The Director of Prisons will designate authorized facilities for admission and housing safekeepers. Safekeepers are housed apart from the general population except as noted below when inpatient medical and mental health services are required.
  - (1) Central Prison shall receive all adult male safekeepers committed from the courts requiring immediate medical or mental health care.
  - (2) North Carolina Correctional Institution for Women shall receive and house all female safekeepers committed for safekeeping.
  - (3) **Central Prison** is designated to receive and house male safekeepers, ages **22** and above.
  - (4) Foothills Correctional Institution shall receive and house male youthful offenders eighteen (18) years of age and under committed for safekeeping.

- (5) Polk Correctional Institution shall receive male youthful offenders, aged-nineteen (19) through twenty-one (21) charged with felony offenses and committed for safekeeping.
- (b) Safekeepers may be housed with convicted offenders at an inpatient prison medical or mental health unit when such is required to provide services deemed necessary by a health care clinician. Inpatient treatment units designated for safekeepers are as follows:
- Mental Health:           Central Prison Mental Health Unit  
                                  NCCIW Mental Health Unit
- Medical:                    Central Prison Medical Unit  
                                  NCCIW Medical Infirmary

#### **.1606 ASSIGNMENT AND TRANSFER**

- (a) Following completion of admission processing procedures, safekeepers will be assigned to appropriate prison facilities designated by the Director of Prisons as providing housing and services for the management of safekeepers.
- (b) Following a safekeeper's assignment to a designated facility, the safekeeper will remain at that facility until recalled by the court, unless:
- (1) the safekeeper requires medical services not available at the designated facility; or
- (2) the safekeeper's behavior has deteriorated to the point that the staff at the designated facility feels more security is needed.
- (c) Safekeepers requiring medical services shall be transported to Central Prison. Safekeepers with emergency medical needs shall be sent to the nearest medical provider as deemed appropriate by the designated facility's medical staff. Safekeepers requiring additional security shall be referred to the Director's Classification **Committee (DCC)** for appropriate assignment.
- (d) All transfers of safekeepers for non-medical concerns shall be coordinated through the Population Management Section of the Prisons.
- (1) Safekeeper Management Authority
- (A) The designated facility authority is responsible for coordinating and directing the assignment of safekeepers.
- (B) Facility assignment will be made following record reviews of pending charges, history of predatory behavior, criminal history, physical and mental health status, and any other relevant information provided by the

jail and documented on the OR60 screens or as might otherwise be made available to the record.

- (C) All classification actions for safekeepers will be documented using the appropriate OPUS files.
- (D) The following will be general criteria for housing:
  - (i) Male safekeepers requiring inpatient medical, or mental health treatment, regardless of crime categorization, will generally be housed at Central Prison. This may include inmates under twenty-two (22) years of age if inpatient treatment is needed. Inmates identified as pending trial for capital cases, or identified as substantial security or escape risk will be housed at Central Prison.
  - (ii) **Central Prison** will generally house adult males **twenty-two (22)** years of age and above committed for safekeeping.
  - (iii) Female safekeepers will be housed at the North Carolina Correctional Institution for Women; and
  - (iv) Male safekeepers eighteen (18) years of age and under will be housed at Foothills Correctional Institution.
  - (v) Male safekeepers, ages 19-21, awaiting trial for offenses categorized as felon, will be housed at Polk Correctional Institution.
- (E) In those cases where safekeepers are transferred to another facility, the sending facility shall notify the committing county of the transfer.

#### **.1607 USE OF FORCE**

The Prisons use of force policy applies to safekeepers under the supervision of Prisons.

#### **.1608 RELEASE**

- (a) A copy of the safekeeper release form is required for the release of a safekeeper. The receiving officer shall be required to sign this document, which will be retained by the Prisons.
- (b) Safekeepers are released only to law enforcement officers who present appropriate identification. Generally, these officers will represent the county issuing the safekeeping order. Upon receipt of written authorization from the committing county, the safekeeper may be released to officers from another jurisdiction upon presentation of identification.

- (c) Transportation to and from the local confinement facility is provided by jail authorities.
- (d) The Secretary, or his designee, may refuse to accept any safekeeper and may return any safekeeper transferred under a safekeeping order when the statutory limit is reached. The Secretary, or designee, may, when the statutory limit is reached, require the sheriffs to take custody of any safekeeper in order to accommodate an emergency request.
- (e) When a safekeeper is housed in the Department of Public Safety for medical, dental or mental health treatment and the treatment is complete, the facility officer-in-charge will notify the sending sheriff and request that the **safekeeper** be returned to the county jail.
- (f) Safekeeper's personal property will be handled consistent with F .0500, Inmate Personal Property, for regular population inmates. When a safekeeper is transferred from one facility to another or is returned to the county jail, his/her personal property will accompany them the same as any other transfer or release.
- (g) When safekeepers are released from the custody of the Prisons, records will be retained by the releasing facility for five (5) years.

#### **.1609 FISCAL**

- (a) The Department of Public Safety Accounting Office bills the county jails for costs associated with housing safekeepers in the Prisons.
- (b) If a prisoner is transferred to a Prisons facility, the county from which the prisoner is transferred shall pay the Department of Public Safety for maintaining the prisoner for the time designated by the court at the per day, per **offender** rate at which the Department of Public Safety pays a local jail for maintaining a prisoner; provided, however, that a county is not required to reimburse the state for maintaining a prisoner who was a resident of another state or county at the time he/she committed the crime for which he is a safekeeper.
- (c) The Department of Public Safety will bill counties for the costs of extraordinary medical care incurred while the prisoner was in the custody of the Department. Extraordinary medical care is defined as:
  - (1) Medical expenses incurred as a result of providing health care to a prisoner as an inpatient (hospitalized);
  - (2) Other medical expenses when the total cost exceeds thirty-five dollars (\$35.00) per occurrence or illness as a result of providing health care to a prisoner as an outpatient (non-hospitalized); and
  - (3) Cost of replacement of eyeglasses and dental prosthetic devices if those eyeglasses or devices are broken while the prisoner is incarcerated, provided the

prisoner was using the eyeglasses or devices at the time of his commitment and then only if prior written consent of the county is obtained by the Department.

- (d) Facilities that have been designated to house safekeepers shall process invoices for medical and mental health services in accordance with C.1609(c) and forward them to the Accounting Office in Raleigh for payment. The DC-702 shall be completed by listing the appropriate charge code, safekeeper name and number, and the county to be billed.

**.1610 DEATH**

Once a safekeeper is pronounced as being deceased, the county Sheriff shall be immediately notified.



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Director of Prisons

November 6, 2017

Date

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