



*State of North Carolina
Department of Correction
Division of Prisons*

Chapter: E
Section: .3600
Title: **Inmate Nonprofit
Program**
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POLICY AND PROCEDURE

.3601 Inmate Nonprofit Program

(a) Purpose

The purpose of this policy is to establish procedures and guidelines for management, supervision and coordination of inmate work assignments for nonprofit agencies or inmate volunteer labor services and/or charitable contributions by inmates to non-profit agencies, local and/or state government agencies. This policy and procedure is promulgated pursuant to North Carolina General Statutes, Section 148-26(e1) (2007). This enabling section of this General Statute exempts certain inmate assignments and/or inmate volunteer labor service from the State Surplus Laws. The Nonprofit Program is subordinate to other inmate work assignment needs of the prison facility and/or program assignment needs of the inmate; therefore, the Nonprofit Program may not take priority over them.

(b) General

The Inmate Nonprofit Program provides eligible and selected inmates the opportunity to put their work skills and knowledge to good use through retributive acts of providing labor services and goods to government and non-profit entities. On the other hand, the program allows non-profits and governmental agencies to accomplish more with less through use of inmate labor and donations. Additionally, the program saves tax dollars, **and allows** projects and services that otherwise may be deferred to reach fruition. Furthermore, these opportunities in life learning, education and recovery offer structure and support to help inmates realize personal and intellectual goals. Through these service experiences, inmates are gaining a work ethic and a sense of value and self worth. Finally, the service experiences help to provide inmates with tools and skills that help make them productive members of the community when they are released.

Therefore, the Department of **Public Safety, Prisons Section** establishes work and volunteer assignments for inmates and/or allows inmates to make donations through service projects that benefit local or state government entities and nonprofit agencies that benefit or serves the citizens of North Carolina. The work or volunteer assignments may include the use of inmate labor and the use of **Department of Public Safety** resources in the production of finished goods. Any products made pursuant to this policy may be donated to the local or state government unit and/or the nonprofit agency at no cost. However, this program is not to be construed or used to allow inmates to conduct personal business; therefore, inmates are prohibited from receiving compensation of any sort, tangible, intangible, and/or any deferred compensation for performing

an activity or service for this program, except for those programs that allow the inmate to earn an incentive wage.

(c) **Definitions**

- (1) **Temporary Project** – This initiative is a temporary endeavor undertaken to create a particular product or service. Temporary means that the project has a definite beginning and a definite end. Examples of projects include seasonal activities, one-time donations or gifts, restoration of a building, landscaping project, etc. Inmates are not normally assigned to a job code when participating in these projects but volunteer their time to the project.
- (2) **Continuous Project** – This initiative does not have a definite end time and is considered an assignment. An examples of this type of service is one in which the activity is anticipated to be a daily, six to eight hours, continuous service or labor. Inmates should be assigned to a job code and given incentive wage when participating in this type of activity.
- (3) **Nonprofit Agency** – Local or state government entities, a nonprofit agency or organization whose services are open to all people of North Carolina and whose mission is services oriented, charitable, humane or philanthropic in nature. The nonprofit agency must be designated as a 501 (c)(3) agency by the Internal Revenue Service.

(d) **Program Eligibility Requirements**

- (1) The Non-Profit Program may be established at any prison facility. However, policy governing security and custody classification needs of inmate participants and the program must be appropriate and followed.
- (2) The Facility Head is the first level approving authority for inmate participants, the type of program offered, and/or for the governmental or non-profit entity selected for provision of inmate services and labor. Form INP01 is to be used to initiate and obtain final approval.
- (3) The Facility Head must forward his or her approval to the Region Office for review and approval.
- (4) The Region Office forwards the Region approval to **Rehabilitative Programs and Services (RP&S)** for final review and approval by the **Director for RP&S**.

(e) **Nonprofit Program Conditions**

- (1) The Inmate Nonprofit Program for close or medium custody facilities must be conducted on facility grounds;
- (2) The Inmate Nonprofit Program for minimum custody facilities may be conducted on facility grounds either inside the perimeter fence for minimum custody level I or in the community as appropriate for minimum custody Level II or III;
- (3) If a nonprofit agency worker supervises the Inmate Nonprofit Program, the Inmate Nonprofit Program Coordinator will orient and train the nonprofit supervisor as a Custodial Agent and have him or her to sign Form INOP2;
- (4) All inmates, who are selected for the program either for incentive wage assignments or as volunteers, must complete or sign the Inmate Nonprofit Program Agreement Form - INP03;
- (5) The Nonprofit Agency Worker can interview prospective inmate participants prior to placement. If an agency terminates the participation of an inmate, they must provide documentation to the facility explaining the action;
- (6) An Inmate Nonprofit Program designated as a continuous operation and the inmate is provided an incentive wage for his or her assignment, funds for the incentive wage shall be the responsibility of Prisons. Nonprofit agencies are prohibited from paying any wage or other compensation to an inmate participating in the program.
- (7) Inmates participating in an approved ongoing Nonprofit Program are eligible to receive Gain/Earned Time III sentence credits and \$1.00 per day incentive wage. Any overtime-earned (hours over 40) are eligible for sentence credits per the policy.
- (8) Inmates participating in the Inmate Nonprofit Program on a volunteer **basis** are eligible for Meritorious Sentence credits based on the number of service hours, e.g., eight (8) hours equals one (1) day credit. Meritorious Sentence credit should not exceed 30 days per month.
- (9) Inmates who volunteer their service to a Nonprofit Program can perform the service and/or work activities for the Nonprofit Agency on a full-time or part-time schedule. Participation in this program can be in addition to other work/program assignments, as long as it does not pose a disruption to facility schedules.
- (10) The Facility Head will approve transportation for inmate participants using the Work Release Policy **(E.0708)** as a guide. No fee for transportation will be charged to the inmate.
- (11) Materials for use in the Inmate Nonprofit Program should be donated by the

Nonprofit Agency that is receiving the service. However, limited use of the Inmate Welfare Fund should be permitted for resources for the program being undertaken.

(f) Nonprofit Program Management

- (1) The Facility Head designates a staff **person** to coordinate the Inmate Nonprofit Program.
- (2) The Inmate Nonprofit Program Coordinator ensures, before the start of a Nonprofit Program, that it complies with the program policy and procedures.
- (3) The Inmate Nonprofit Program Coordinator ensures that the Nonprofit Program Application Form-INP01 is thoroughly and accurately completed. The Coordinator submits the INP01 form for approval to the Facility Head. The Facility Head distributes the approved form to the Region Office for review and approval. The Region Office forwards the approved form to the **Director for RP&S** for final review and approval.
- (4) Inmate transportation to and from an outside project location is to be approved by the Facility Head.
- (5) Each Inmate Nonprofit Program activity site will be subject to periodic on-site monitoring by the Inmate Nonprofit Program Coordinator to ensure program intent and compliance with the procedures.
- (6) The Inmate Nonprofit Program Coordinator should encourage inmates, governmental and non-profit agencies to participate in the program.
- (7) The Inmate Nonprofit Program Coordinator is to follow all fiscal policies in managing and handling any funds for the program.
- (8) Monies earned by inmate service clubs from the sale of food or photos may be used to purchase materials or supplies to be used for a service project.
- (9) Each Inmate Nonprofit Program Coordinator will maintain documentation for a program, e.g., services performed, service hours entered in OPUS, maintain fiscal records per the fiscal policy and documentation of program participants' orientations, training, monitoring visits, etc.
- (10) The Director of Prisons can terminate an Inmate Nonprofit Program at any time.



Director of Prisons

06-15-17

Date

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