Fiscal Impact Analysis of
Permanent Rule Readoption without Substantial Economic Impact

Agency Proposing Rule Change
North Carolina Department of Health and Human Services

Contact Persons
Nadine Pfeiffer, DHSR Rules Review Manager – (919) 855-3811
Steven Lewis, Section Chief, Construction – (919) 855-3893
Carey Gurlitz, Engineering Supervisor, Construction – (919) 855-3854

Impact Summary

State Government:	Yes
Local Government:	Yes
Small Business:	No Impact
Substantial Impact:	Possible – Benefits Uncertain

Titles of Rule Changes and North Carolina Administrative Code Citations

Rule Repeal: 10A NCAC 14J .1201 Applicability – Construction

Rule Readoptions (See proposed texts of these in Appendix 1):

.0101 Definitions
.0102 Applicability – Operations and Enforcement
.0103 Applicability – Construction
.0201 Requirement for Operations Manual
.0203 Contents of Operations Manual
.0204 Review of Manual
.0301 Classification System and Total Design Capacity
.0302 Female Inmates
.0303 Confinement of Males Under 18 Years of Age
.0402 Fire Equipment
.0403 Fire Plan, Emergency Evacuation Training, and Disaster Plan
.0404 Mattresses
.0405 Keys
.0501 General Security Requirements
.0601 Supervision
.0702 Mattresses and Bedding
.0705 Personal Hygiene Items
.0904 Menus
.1001 Medical Plan
.1002 Screening of Inmates
.1202 Consultation and Technical Assistance
.1203 Compliance Review and Approval
.1207 Inmate Processing Area
.1210 Other Areas
.1212 Floors, Ceilings, and Walls
.1213 Showers and Plumbing Fixtures
.1214 Windows and Glazing
.1215 Doors, Bunks and Locks
.1218 Plumbing Systems
.1219 Electrical Systems
.1225 Standards for Dayrooms
.1226 Standards for Dormitories

Authorizing Statutes

G.S. 153A-217; G.S. 153A-220; G.S. 153A-221; G.S. 153A-222; G.S. 153A-225; G.S. 153A-228

Background

Under authority of N.C.G.S. § 150B-21.3A, Periodic review and expiration of existing rules, the Department of Health and Human Services, Director of the Division of Health Service Regulation, Rule Review Commission, Joint Legislative Administrative Procedure Oversight Committee, and the Social Services Commission approved the subchapter report with classifications for the rules located at 10A NCAC 14J – Jails, Local Confinement Facilities – on August 13, 2015, September 8, 2015, November 19, 2015, January 5, 2016, and March 9, 2016, respectively.

There were 33 rules classified in the report as necessary with substantive public interest. The Agency is presenting 32 of these rules for readoption with changes in this analysis. These rules are: 10A NCAC 14J .0101-.0103, .0201, .0203, .0204, .0301, .0302, .0303, .0402-.0405, .0501, .0601, .0702, .0705, .0904, .1001, .1002, .1202, .1203, .1207, .1210, .1212-.1215, .1218, .1219, .1225, and .1226. Rule 10A NCAC 14J .1201 is being repealed and is not included in this analysis.

The 10A NCAC 14J rules regulate the operation and construction of County Government owned jails and district jails. The State currently has 110 jails and 3 district jails. The 110 jails are located in 94 counties of the State and are owned and operated by a single County Government. The three district jails are owned and operated by two or more local County Governments. Of the 32 rules proposed for readoption, 20 rules are related to jail operations and 13 rules are related to jail design and construction. The operation and construction of county jails and district jails are funded by local county governments.

Rule Summary and Anticipated Fiscal Impact

Baseline

For jail operation, the current requirements in Rules 10A NCAC 14J .0203, .0301, .0303, .0403, .0601, .0705, .1001, and .1002 form the basis of the regulatory baseline. A questionnaire was used to assess current jail operation under this regulatory baseline. Responses were received from all of the State's 113 county jails. The responses to this questionnaire were tabulated and used to project the future impacts due to the changes proposed in these rules.

For jail construction, the current requirements in Rules 10A NCAC 14J .0103, .1203, .1207, .1210, .1214, .1215, .1218, .1219 and .1225 form the basis of the regulatory baseline. A review of jail plans either currently in review or recently reviewed and an on-site visit of existing jails was used to assess current jail design and construction under the regulatory baseline. The construction information collected from jail projects and existing projects were used to project the future impacts due to the changes proposed in these rules.

Time Frame for Analysis

The readopted rules will go into effect on December 1, 2018. The rules related to the operation of a jail will impact jails on an annual basis starting in 2019. The rules related to design and construction of a jail will have an impact starting in 2019 but this impact will continue over multiple years due to the time it takes for jail design and construction and Construction Section plan reviews. The time schedule for jail projects that were constructed from 2010 to 2015 were

reviewed and the average time frames for design, plan review and construction activities were determined and are provided in Table 1. This will be used as the time frame for the analysis.

Table 1 Years When Impacts Related to Jail Operations and Construction Will Occur

Activity Generating Cost	2019	2020	2021	2022	2023
Operation of a Jail	X	X	X	X	X
Design of jail	X				
Submittal and approval of plans to Construction Section		X			
Construction of jail			X	X	
Construction Section inspection and County corrects construction deficiencies					X

<u>Assumptions</u>

Number of Jails Impacted by proposed Operation Rules in Future Years

- Except for Rule .0301(b), the Construction Section surveyed the State's 110 jails and 3 district jails to determine how many jails are not compliant with the proposed changes to rules related to jail operations. It is assumed that the responses to the survey can be used to predict the future impact to jails and district jails from the proposed changes of the jail operations rules. The results of the survey are presented in Table 2, which indicates a specific proposed rule and the number of jails non-compliant with that rule. Proposed rules which are currently complied with by 100% of the State's jails and district jails are not listed in the table.

Table 2 Number of Jails Not Compliant with a Specific Proposed Jail Operations Rule

10A NCAC 14J Rule	Proposed Requirement	Number of Jails Not Compliant
.0203	Operation manual has policy for suicide prevention program.	3
.0303	Female inmates < 18 are housed in separate cells from adult female inmates during sleeping hours.	4
.0203, .0403	The jail has a disaster plan policy and a disaster plan.	8
.0705	Jail provides free shampoo and deodorant to inmates detained over 24 hours.	16
.1001(b)(1)	A jail's Medical Plan includes policies for the screening of inmates for their needs related to mental health, a developmental and intellectual disability, a substance use disorder	2[a]
.1001(b)(3)	A jail's Medical Plan includes policies for routine care for mental health, developmental and intellectual disability, substance use disorder	2[b]
.1002	Inmate Screening upon admission shall include screening for mental health, developmental and intellectual disability, substance use disorder	2[c]

[a]These two jails did not have a policy in their medical plan for the screening of inmates for their needs related to an intellectual and developmental disability.
[b] These two jails did not have a policy in their medical plan for routine care of intellectual and developmental disabilities.
[c] These two jails were non-compliant with the requirement to screen inmates for intellectual and developmental disabilities.

For the proposed 10A NCAC 14J Rule .0301(b), .1001 and .1002, the number of inmates incarcerated in future years will impact future fiscal impacts to County Governments. As per the Justice Bureau of Statistics, the number of inmates incarcerated in county jails across the United States had an average annual percent change of -0.9% from 2007 to 2015[1]. As provided in Table 3, the yearly Average Daily Population for North Carolina jails from 2011 to 2016 also either decreased or remained approximately the same. As a result, this analysis assumes that the total number of inmates incarcerated in near future years does not increase significantly.

Table 3 Yearly ADP 2011 to 2016

Year	Yearly ADP[a]
2011	18,358
2012	19,535
2013	19,595
2014	19,704
2015	18,456
2016	18,576

[a] The Yearly ADP is the sum of the monthly ADPs submitted by jails for the months of January to December for all jails in the State divided by 12 months.

Number of Jails Constructed in Future Years

- The Construction Section surveyed the State's 110 jails and 3 district jails to determine the number of jails to be constructed in future years. It was determined that the construction of three jails is planned in the future for the counties of Orange, Johnston, and Gaston. Additions to two jails are planned for Surry and Randolph Counties. Orange, Surry, and Randolph are currently in the pre-design phase under the direction of an architect. The County's architect was unable to predict when these jails would be submitted for plan review and when the start of construction would occur. The start of construction for the Johnston County jail is estimated to be further off from the Orange, Surry, and Randolph County jails due to site location issues[2]. Gaston County has not hired an architect for their jail addition. According to the data retrieved from the Construction Section's Plan tracking system and two projects to be submitted in 2017 (Catawba County) and 2018 (Granville County), the 10-year average number of new jail projects submitted each year is two (2009 to 2018). Using this information, there were

[1] Bureau of Justice Statistics, "Census of Jails: Population Changes, 1999-2013", (December, 2015), retrieved from https://www.bjs.gov/content/pub/pdf/cjpc9913.pdf.
[2] WNCN News, "Residents speak out against planned location of Johnston County Jail", (February, 2017), retrieved from http://wncn.com/2017/02/18/residents-speak-out-against-planned-location-of-johnston-county-jail/

two different scenarios which were developed for future jail construction that are presented below. Based on the Agency's best professional judgment, Scenario I will be used in this analysis.

- Scenario I as depicted in Table 4
  - Assumes one jail (Orange County) and additions to two existing jails (Surry and Randolph Counties) are in design starting in 2019 and start construction in 2021.
  - Assumes two jails (Johnston and Gaston Counties) start design in 2020 and start construction in 2022.
  - Starting in 2021, assumes two jails start design each year and continues through to construction. This is based on the 10-yr average of two jails submitted per year.

Table 4 Scenario I: Projected Number of Jails Constructed in Years 2019 to 2023

Activity Generating Cost	Persons Affected	2019	2020	2021	2022	2023
Design of jail or jail addition	County	3	2	2	2	2
Submittal and approval of plans to Construction Section	County, State		3	2	2	2
Construction of jail or jail addition	County			3	5	4
Construction Section inspection and County corrects construction deficiencies	County, State					3
	Total	3	5	7	9	11

- Scenario II as depicted in Table 5
  - Assumes one of the additions to an existing jail (Randolph County) has construction documents approved before December 1, 2018 and will not be included in this analysis.
  - Assumes one new jail (Orange County) and one of the additions to an existing jail (Surry County) are in design starting in 2019 and start construction in 2021.
  - Assumes two jails (Johnston and Gaston Counties) starts design in 2020 and starts construction in 2022.
  - Starting in 2021, assumes two jails start design each year and continues through to construction. This is based on the 10-yr average of two jails submitted per year.

Table 5 Scenario II: Projected Number of Jails Constructed in Future Years

Activity Generating Cost	Persons Affected	2019	2020	2021	2022	2023
Design of jail or jail addition	County	2	2	2	2	2
Submittal and approval of plans to Construction Section	County, State		2	2	2	2
Construction of jail or jail addition	County			2	4	4
Construction Section inspection and County corrects construction deficiencies	County, State					2
	Total	2	4	6	8	10

Number of Jails Receiving a Biannual Inspection in Future Years

- Currently, there are 113 jails and district jails being inspected each year. Of the 113 jails, three of these jails are vacant and do not house inmates. This analysis assumes that these three vacant jails are not closed and are inspected by the Construction Section in future years. In 2023, there is one new jail (Orange County) that will receive a biannual jail inspection, but the existing jail will be closed and will no longer be inspected. In 2023, the additions to two existing jails (Surry and Randolph Counties) will become part of the biannual jail inspections already conducted on the existing jails. Therefore, the total number of biannual jail inspections in future years is expected to remain at 113 jails per year. The three jails that are vacant and are still inspected are large jails with approximately 400 inmate beds. In the past, County Governments have not closed jails of this size. None of the new jails projected to be constructed in future years (Scenario I) will replace existing jails with 400 inmate beds.

Future Jail Construction Costs Resulting From Proposed Readopted Rules

- The Construction Section conducted onsite inspections of five existing jails and reviewed plans for eight jails (2011 to current) that are either currently in review or were reviewed. It is assumed that the construction of past jails can be used to predict the future impact to jail construction from the proposed changes of the jail construction rules.
- The results of the information collected from the onsite visits and plan reviews are provided in Table 6.
- A building cost index, which measures the escalation of construction costs in the United States, indicates that construction costs have been escalating for the past five years. Specifically, between the second quarter of 2016 and 2017, construction costs increased at a rate of 4.96%.[3] This analysis uses the construction costs occurring in 2017 as the base estimated construction cost and an escalation factor of 4.96% minus the North Carolina GSP Deflator Rate for a specific year to determine the inflation-adjusted projected construction costs growth rates occurring in 2021 to 2023. The North Carolina GSP Deflator Rates used were: 2.09% for 2018; 2.09% for 2019; 2.18% for 2020; 2.17% for 2021; 2.10% for 2022; and 2.15% for 2023.[4]

[3] Tuner Construction, "Cost Index: Turner's Second Quarter Building Cost Index Reflects Strong Market Conditions", (2017), retrieved from http://www.turnerconstruction.com/cost-index.

[4] These rates were provided by the NC OSBM, calculated from IHS Markit's regional economic projections as of July 2017.

Table 6 Number of Existing Jail Projects Not Compliant with Proposed Jail Construction Rules

10A NCAC 14J Rule	Requirement	Number of Jails Affected by Rule	Number of Jails Not Compliant with Proposed Rule
.1207	Padded cell construction	4	3
.1210	Inmate indoor exercise areas	13	0
.1210	Inmate outdoor exercise areas	13	7
.1214	Windows in cells or dayrooms; windows in dormitory	13	0
.1215	Furnish and equip cell to decrease suicide hazards;	13	0
.1218	Water temperature of 100 to 116 deg F. at inmate showers and sinks	13	1

- According to the architect for the Orange, Surry, Randolph, and Johnston County jails, these jails and jail additions will be designed to comply with the proposed readopted rules.[5] This is being done in order to avoid additional costs due to change orders during construction because it is not known whether the construction documents for these projects will be approved either before or after the effective date of the proposed readopted rules (December 1, 2018). It is assumed that compliance costs for the proposed readopted rules will start occurring during the construction of the Randolph and Gaston County jails in 2022. In 2022, the construction of the Gaston County jail is assumed to be affected by the proposed Construction rules. As noted above, the construction of the Randolph County jail is assumed to be complaint with the proposed jail construction rules.
- For jail construction starting in 2023, it is assumed that the number of future jail projects that will be affected by the proposed construction rules will be proportionally equivalent to the number of existing jails that do not currently meet the proposed standards (as indicated in Table 6) divided by the 13 existing jails. For padded cells, it is assumed that each jail will be constructed with one padded cell and that, in the absence of the proposed rule, the padded cell would not otherwise be designed in compliance with the proposed construction rules.
- For the one jail in 2022 and 2023 that is not expected to meet the outdoor exercise area requirements of 10A NCAC 14J .1210 in the absence of the proposed rule, it is assumed that these jails will be built with six housing units each requiring an outdoor exercise area of 300 square feet or a total of 1800 square feet. The Agency reviewed the past history of housing units constructed per jail project (4 to 8 housing units per jail) and determined that six housing units would be the most likely number of units constructed.
- All of these assumptions are provided in Table 7 for the years 2019 to 2023.

[5] Email dated 6/19/17 from Moseley Architects.

Table 7 Number of Future Jails Projects per Year Projected to be Affected by Proposed Construction Rules

10A NCAC 14J Rule	Requirement	2019	2020	2021	2022	2023
.1207	Padded cell construction	0	0	0	1	2
.1210	Inmate indoor exercise areas	0	0	0	0	0
.1210	Inmate outdoor exercise areas	0	0	0	1	1
.1214	Windows in cells or dayrooms; windows in dormitory	0	0	0	0	0
.1215	Furnish and equip cell to decrease suicide hazards	0	0	0	0	0
.1218	Water temperature of 100 to 116 degrees F. at inmate showers and sinks	0	0	0	0	0

Construction Section Staff Costs

- State Government is impacted by Construction Section personnel costs related to plan review, construction project inspection and the biannual inspections of jails. Hourly rates for these personnel were determined as follows. Plan review work and construction project inspections are completed by an engineer and architect, which are career banded positions. Based on the Journey Market Rate, the hourly rate for an Engineer and an Architect at a Journey Level Competency including fringe benefits is $46 per hour ($95,720/2080 hours) and $47 per hour ($98,122/2080 hours), respectively. The biannual jail inspections are conducted by a jail inspector, which is a Grade 68 position. Based on the Grade 68 Midpoint, the hourly rate for a jail inspector including fringe benefit is $35 per hour ($72,919/2080). Paper work for a biannual jail inspection are handled by an office assistant IV, which is a Grade 59 position. Based on the Grade 59 Midpoint, the hourly rate for an office assistant IV including fringe benefits is $25 per hour ($52,812/2080).
- The benefits contribution for state government staff will stay in the range 33% to 34% for the next three years.
- Subsequent years are not expected to show any significant increase in staff cost because of continuing stagnant wages and benefits.

County Government Staff Costs

- County Government is impacted by personnel costs related to biannual jail inspections. A jail administrator accompanies a Construction Section jail inspector during an inspection and spends time preparing a plan of correction after receiving a statement of deficiencies from the Construction Section. Three County Governments provided the Construction Section with the midpoint salary of a jail administrator. Based on the average of these three midpoint salaries, the hourly rate for a jail administrator including fringe benefits is $54 per hour ($113,130/2080). County Government is also impacted by personnel costs related to the screening of inmates upon admission and the transporting of inmates between jails. Detention officers are responsible for screening and transporting inmates.

Based on the average of midpoint salaries from three County Governments, the hourly rate for a detention officer including fringe benefits is $32 per hour ($65,800/2080).

Cost and Benefit Estimates

Rule 10A NCAC 14J .0101 Definitions

Purpose for rule changes

The Agency is proposing to readopt this rule with changes. Changes that were made to the rule include: adding a reference to a general statute with definitions cited in the current rule, removing definitions that are no longer needed, adding definitions that clarify the meaning of other rules, and updating definitions with current terminology and technical changes.

The following definitions were removed:

- Section
- Health screening
- Institutional restrained
- Jail annex
- Qualified medical personnel
- Registered dietitian
- Residential

The following definitions were added:

- Control center
- Construction Section
- Direct two-way voice communication
- Direct visual observation
- Disaster plan
- District confinement facility
- Emergency event
- Fire evacuation training
- Flushing rim floor drain
- Glazing
- Interlocking security feature
- Means of egress
- Medical personnel
- Mental health personnel
- Program area
- Program services
- Regional jail administrator
- Remote two-way voice communication
- Routine care
- Screenings of inmates
- Security-type
- Special inmates
- Special watch rounds
- Supervision rounds
- Total design capacity
- Unit of local government
- Video surveillance

These existing definitions were amended:

- Addition
- Alteration
- Booking Area
- Cell
- Cellblock
- Communicable disease or condition
- Confinement unit
- Contraband
- Dayroom
- Inmate processing area
- Jail
- Medical record
- Multiple occupancy cell
- Officer
- Operations manual
- Repair
- Sally port
- Satellite jail/work release unit

- Department
- Division
- Dormitory
- Emergency medical need
- Footcandle
- Governing body
- Holding area
- Holdover Facility
- Inmate
- Secretary
- Security perimeter
- Security vestibule
- Single cell
- Single segregation cell
- Tamper resistant
- View panel
- Visitation area
- Work release

Impact

There is no fiscal impact associated with the readoption of this rule.

Rule 10A NCAC 14J .0102 Applicability – Operations and Enforcement and Incorporation by Reference

Purpose for rule changes

In Paragraph (a), technical changes were made to the existing rule language. In Paragraph (b), incorporation by reference for codes, standards and rules was moved from multiple existing rules to this rule.

Impact

There is no fiscal impact associated with the readoption of this rule.

Rule 10A NCAC 14J .0103 Applicability – Construction

Purpose for rule change

This rule is used in coordination with the construction rules located in Sections .1200 and .1500. The existing rule had two categories of jail construction designated as "new jail" and "existing jail". The proposed Section .1200 rules are not retroactive to existing jails that are currently viewed as "new jails" under the current rules. Therefore, a third category of jail construction, which is designated as "existing jail II", had to be created. The proposed three categories of jail construction are:

- "New jail" for a jail with construction documents (CDs) approved after December 1, 2018 (Section .1200 rules)
- "Existing jail I" for a jail with CDs approved prior to June 1, 1990 (Section .1500 rules)
- "Existing jail II" for a jail with CDs approved on or after June 1, 1990 and prior to December 1, 2018 (older versions of Section .1200 rules in effect at the time construction documents were approved).

Many of the changes to this rule are related to adding the requirements of an "existing jail II". The rule was also reorganized to make it easier to use.

- Paragraph (a) was modified to indicate the NCSBC applicability for a "new jail".
- In Paragraph (b), the rule requirements for "new jail" construction was moved to the proposed Paragraph (c) and the applicability of the NCSBC for an "existing jail I and II" were moved from the existing Paragraph (a) to this Paragraph.
- In Paragraph (c), the rule requirements for an "existing jail", which are now an "existing

jail I and II", were moved to the proposed Paragraphs (d) and (e), respectively. In the

existing Paragraph (d), the existing rule text for "Additions" was deleted and is now in the proposed Paragraph (c). In the existing Paragraph (e), the existing rule text for "Alterations" was deleted and is now in the proposed Paragraph (c).

- The proposed Paragraph (f) adds information notifying the public that previous version of rules can be accessed from the DHSR website. The Section .1200 rules are not retroactive and once the proposed rules are readopted the public will no longer have access to them.
- The rule language in existing Paragraphs (f), (g), (h), and (i) was deleted because the requirements of these Paragraphs were based on older building code requirements that are no longer in the current North Carolina State Building Codes (NCSBC).
- The proposed Paragraph (g) notifies a governing body that vacant older jails must be inspected by the Construction Section on a biannual basis or the jail will be considered closed. Closed jails if ever reopened must comply with the requirements for a "new jail". This is a current practice of the Section. This prevents the County Government from improperly maintaining and older jail and then moving inmates back into a jail that is not safe or adequate for the inmates.
- The proposed Paragraph (h) prevents a County Government from converting an existing building that is not currently used as a jail and is not classified as an I-3 occupancy by the NCSBC without meeting the requirements for a "new jail". This ensures that the existing building is altered to be compliant with the construction rules.
- The proposed Paragraph (i) prevents a County Government from making changes to the jail by, for example, converting cells to administrative offices or renovating a waiting area for visitors into a cell block. Changes of this type have to be submitted for approval to the Construction Section. This ensures that the changes are compliant with the applicable construction rules.
- The new Paragraph (j) notifies a County Government that the construction rules can be exceeded by the County Government. This prevents North Carolina jails from being constructed only to meet minimum standards set forth in the construction rules.
- The new Paragraph (k) allows the Construction Section to grant an equivalency to a County Government for an alternate design in jail construction that decreases the jail's construction cost but achieves the same operational effectiveness as required by the construction rules. All of the other rule sets with construction rules that are under the authority of the Agency have an equivalency provision. This provision reduces the regulatory burden to the County Government while still ensuring compliance with the construction rules.
- The new Paragraph (l) notifies a County Government that the most restrictive requirement of the applicable rules, codes, or standards shall apply to jail construction. This prevents a less restrictive requirement in a code to take precedence over a more restrictive requirement in a rule.

<u>Impact</u>

State Government is impacted by the requirements of Paragraph (f) and (g) of this rule.

- Paragraph (f) requires the posting of previous rules sets on the Jail's website. Construction Section staff time would be spent posting the previous rule sets. The time to collect and post the previous rules sets by an architect is estimated to be 2 hours, which at a $47 per hour compensation rate is equal to $94. This cost is expected to occur in 2019.

- Paragraph (g) requires the inspection of jails that are vacant and do not house inmates. There are currently 3 jails of this type. Construction Section staff time would be spent inspecting and preparing inspection documents for these jails.
  -The time spent by a jail inspector to inspect a jail, create inspection documentation, and review and approve a plan of correction for one jail is estimated to be 10 hours, which at a $35 per hour compensation rate is equal to $350. The time spent by the jail secretary to handle the inspection paperwork including receiving the plan of correction and emailing documents to the jails for one jail is estimated to be 3 hours, which at a $25 per hour compensation rate is equal to $75. The annual cost is equal to $2550 ($425 x 3 jails x twice per year).
  -Jail inspector travel time to and from the three jails is estimated at 9 hours, which at a $35 per hour compensation rate is equal to $315. The annual cost is equal to $630 ($315 x twice per year)
  -The annual transportation cost is equal to $550 (514 miles x $.535 per mile x twice per year). No overnight stays are required for these inspections.
  -The total annual cost is estimated at $3730. This cost will occur in 2019 and future years.

County Governments - There should be a minor fiscal impact associated with the readoption of this rule.

- Paragraphs (a) and (b) did not impose new requirements. Paragraph (c) does impose new requirements, which are located in the proposed Section .1200 rules. The impact due to the proposed Section .1200 rules will be provided under each of those rules. The impact due to Paragraph (i), which ensures a County Government's change in use of space is compliant with these rules, is provided under Paragraph (b) of Rule .0301. Paragraph (d) and (e) are for "existing jails I and II" and do not impose new requirements. Paragraph (h), (j) and (k) do not impose new requirements. These Paragraphs notifies a County Government with important information related to jail construction. The proposed Paragraph (k) lowers the regulatory burden on the jail.
- Paragraph (g) does impose a fiscal impact on County Government because it requires the inspection of three jails that are vacant and do not house inmates. A jail administrator would spend time accompanying a Construction Section jail inspector during the jail inspection and creating and submitting a plan of correction in response to an inspection report with deficiencies. The estimated time spent by a jail administrator for this work is 6 hours for one jail. The estimated cost is $324 ($54 per hour compensation rate x 6 hour). The annual cost is $1944 ($324 x 3 jails x twice per year). This cost will occur starting in 2019 and will continue in future years.

<u>Benefits</u>

County Government

The proposed Paragraph (g) benefits a County Government by allowing an older jail that does not house inmates to be used at a later date to house inmates without expensing funds to upgrade the jail to meet the requirements for a "new jail". This benefit is unquantifiable.

The equivalency provision in Paragraph (k) may decrease the regulatory burden imposed by this rule and lower the cost of construction for a jail thereby reducing funds expensed by the County Government for jail construction. This benefit is unquantifiable.

Inmates
This proposed rule notifies jails that the minimum requirements of the construction rules may be exceeded thereby creating and even safer and secure jail environment.

Summary of Estimated Costs of Rule 10A NCAC 14J .0103

	2019	2020	2021	2022	2023
State Government	$3824	$3730	$3730	$3730	$3730
Local Government	$1944	$1944	$1944	$1944	$1944
Total	$5768	$5674	$5674	$5674	$5674

Rule 10A NCAC 14J .0201 Requirements for Operations Manual

Purpose for rule change
The Agency is proposing to readopt this rule with technical changes.

Impact
There is no fiscal impact associated with the readoption of this rule.

Rule 10A NCAC 14J .0203 Operations Manual

Purpose for rule change
The Agency is proposing to readopt this rule with changes and clarifications. Paragraph (a) was changed to require four additional areas that must be included in a jail's policies and procedures as follows: "a disaster plan as required by Rule .0403(d) of this Subchapter; "a suicide prevention program"; "Use of force"; and "Use of restraints". The purpose for adding "a disaster plan" is discussed under Rule .0403.

- A policy for "a suicide prevention program" was added to the operations manual to reduce the number of inmates committing suicides each year in county jails. Over the past six years, the number of suicides occurring in North Carolina county jails has been increasing. As Table 8 indicates, the number of suicide deaths per year has varied, but the number of suicides are trending upwards. Table 8 also indicates that the suicide rate in NC county jails has been steadily increasing with a significant increase occurring between 2014 and 2015.

Table 8 Number of Inmate Deaths Due to Suicide and Suicide Rate per Year in North Carolina Jails

Year	Number of Deaths	Yearly ADP[a]	Suicide Rate (per 10,000 inmates)[b]
2011	5	18,358	3
2012	7	19,535	4
2013	9	19,595	5
2014	10	19,704	5
2015	20	18,456	11
2016	12	18,576	6

[a]For each month of the year, a jail submits to the Construction Section a monthly Average Daily Population (ADP). The monthly ADP is calculated by adding the number of inmates confined in the jail on each day of the month and then dividing the total by the days in the month. The Yearly ADP is defined as the monthly ADP for the months of January to December divided by 12 for all jails in North Carolina.

[b]Suicide Rate is equal to Number of Suicides/Yearly ADP times 10,000.

- Use of force is the amount of force necessary to mitigate a disturbance at the jail either with an inmate or between inmates. Officers should use only the amount of force necessary to mitigate the disturbance and protect themselves and inmates from harm. The level of force an officer uses varies based on the type of disturbance caused by the inmate. A "use of force" policy provides officers with a guideline that stipulates the appropriate amount of force to be used for a particular type of disturbance.
- Restraints are used by an officer to control an inmate when the inmate is: transported; in need of a medical intervention; combative; and escaping from the jail. Different types of restraints can be used for a particular incident with an inmate. Excessive use or misuse of a restraint can seriously harm an inmate. A "use of restraint" policy provides officers with a guideline that stipulates the appropriate amount of restraint to control an inmate in certain situations.
- Other rule text changes in Paragraph (a) were either clarifications or replaced older terminology with current terminology. These changes would not impact jail operations.

Impact

State Government is impacted by the requirements of Paragraph (a) Subparagraphs (20), (23) and (24) of this rule. These Subparagraphs require additional Construction Section staff time during a biannual inspection by a jail inspector to review the jail's Operations Manual for a policy related to "suicide prevention", "use of force" and "use of restraints". The additional time is estimated at 30 minutes, which at a $35 per hour compensation rate results in a cost of $17.50 per biannual inspection. This will result in an annual cost of $3955 ($35.00 per year x 113 jails).

County Government impacts are provided below.

- Existing jails - County Government would not be impacted by the requirement to add a "use of force" and "use of restraints" policies to the operations manual because a survey of the 110 jails and 3 district jails indicated all jails in the state already have these

policies. County Government is impacted by the cost to create a policy for a "suicide prevention program". The cost to create a "suicide prevention program" policy is estimated to be $500. As indicated in Table 2, there were three existing jails without a "suicide prevention program" policy, which results in a total cost impact of $1,500. County Government is also impacted by the cost to create a policy for a disaster plan. The cost to create a "disaster plan" policy is estimated to be $500. As indicated in Table 2, there were eight existing jails without a disaster plan policy, which results in a total cost impact of $4,000. The total estimated cost is $5500. This cost will occur in 2019.

- New jails and new additions to existing jails – County Government will not be impacted by the requirement to add a "use of force, "use of restraints", and 'suicide prevention program". These policies are not site specific and are transferable from an existing jail to a new jail. By 2019, all jails and district jails in the state will have these policies. County Governments will be impacted by the requirement to have a "disaster plan" policy because these are site specific and are not transferable from an existing jail to a new jail. For new additions, the existing "disaster plan" policy will have to be revised to take into account the extra inmates housed in the new addition. In 2023, there will be one new jail and two new additions to existing jails that will need a new disaster plans in anticipation of occupying the new jails and additions. In 2023, this results in a total estimated cost of $1500 ($500 per jail x 3 jails).

Benefits

County Government

All three policies (suicide prevention program, use of force and use of restraints) should reduce litigation costs for a County Government. This benefit is unquantifiable.

Inmates

A policy for "suicide prevention program" should decrease the chances an inmate will commit suicide in jail. A "use of force" policy should help keep inmates safe from unnecessary pain and suffering from the inappropriate use of excessive force.[6] A "use of restraints" policy should help safeguard an inmate from the inappropriate use of restraints.[7] These benefits are unquantifiable.

Summary of Estimated Costs of Rule 10A NCAC 14J .0203

	2019	2020	2021	2022	2023
State Government	$3,955	$3,955	$3,955	$3,955	$3,955
Local Government	$5,500	$0	$0	$0	$1,500
Total	$9,455	$3,955	$3,955	$3,955	$5,455

[6] Jeffrey Schwartz, "Use of Force in Correctional Facilities", (November, 2012), retrieved from http://www.nccdglobal.org/newsroom/nccd-blog/use-force-correctional-facilities

[7] Darrell Ross, "The Use of Restraints and Lessons Learned", (March, 2008), retrieved from https://www.correctionsone.com/products/duty-gear/restraints/articles/1842504-The-Use-of-Restraints-and-Lessons-Learned/

Rule 10A NCAC 14J .0204 Review of Manual

Purpose for rule change

The proposed changes to this rule were technical changes.

Impact

There is no fiscal impact associated with the readoption of this rule.

Rule 10A NCAC 14J .0301 Classification System and Total Design Capacity

Purpose for rule change

The rule text changes in Paragraph (a) clarified the meaning of the Paragraph and has no impact on jail operations. Paragraph (b) of this rule added the requirement to move inmates to another jail or prison, when the "Total Design Capacity" of the jail was exceeded. At times, some jails exceed their "Total Design Capacity". Even before this change, jails exceeding their "Total Design Capacity" were considered out of compliance with the standards set forth in Section .1200 for jail construction and were required to decrease their inmate numbers to the maximum allowed by Section .1200. The purpose of this change was to make it more evident to the sheriff or regional administrator that the jail has a "Total Design Capacity" that cannot be exceeded, and to increase compliance with that design capacity. This change puts into more explicit terms the maximum number of inmates that can be housed in the jail so the sheriff or regional jail administrator are more aware of the need to move inmates to another jail or prison when this maximum number is exceeded. In addition, this change will decrease the chances that the fire exists of the jail will be blocked by inmates sleeping on mattresses on the floor of the dayroom. When jails are over capacity, there are not enough beds for inmates in the cells and some jails place beds on the dayroom or dormitory floors for the extra inmates.

Impact

State Government would be impacted by the additional time spent during a biannual inspection by a jail inspector to check the number of inmates confined in the jail. The additional time is estimated at 15 minutes, which at a $35 per hour compensation rate results in a cost of $8.75 per biannual inspection and an annual cost of $17.50 per jail. This results in an estimated annual cost of $1,978 (113 jails x $17.50 per jail).

The Impact to County Government is discussed below.

The most common course of action for a County Government when a jail is overcrowded has been to move inmates to another jail in the State that is not overcrowded. County Government would be impacted by the cost for housing an inmate at another jail (receiving jail); the cost of transporting the inmate to and from the receiving jail at the time of admittance and for court appearances; and the personnel costs for transporting the inmate to and from the receiving jail.

Because the total number of inmates that would have needed to be moved for all jails in the State in past years is unknown, the number of days these inmates were confined are unknown, and the number of times these inmate were transported back and forth between the sending jails (over capacity jails) and receiving jails (under capacity jails) is unknown the projected estimated cost impact for this change cannot be determined and is unquantifiable.

But the relative magnitude of the cost impact due to the proposed change can be surmised from the following information and Table 9.

- From 2013 to 2017, it cost jails in the state approximately $100 to $250 per inmate to house an inmate in their jail. This cost includes all costs associated with the incarceration of an inmate including operating, personnel, medical and mental health care and transportation.
- In 2017, receiving jails (jails with available capacity), charged the sending jails (over capacity jails) $50 – $55 per inmate for housing inmates. This cost does not include transportation or medical or mental healthcare costs, which are the responsibility of the sending jail. Medical and mental health costs for a particular inmate will vary depending on the health of the inmate, but the sending jail will be responsible for these costs regardless of the inmate's location. Therefore, the cost impact to the sending jail resulting from higher compliance with design capacity limits will be primarily due to additional transportation costs, plus the $50-$55 charge for housing. Moving inmates from over-capacity to under-capacity jails will likely shift staff workload accordingly, but fixed operating and personnel expenses are not expected to change at either sending or receiving jails.
- As indicated in Table 9, the number of jails with a finding of overcapacity during their biannual inspection occurring in 2015 and 2016 ranged from 2 to 5, which is 1.7% and 4.4% of all jails (113) in the state, respectively. This is a small percentage of all jails in the state. Further, the total number of inmates in these overcapacity jails ranged from 37 inmates to 81 inmates. In 2016, the total number of inmate beds in the State was 26,247, which means that an overcapacity of 81 inmates is approximately .3% of the State's total inmate bed capacity, which is also a small percentage.
- In 2016, the highest monthly Average Daily Population for all jails in the State occurred in August and was 19,020 inmates, which is significantly less than the State's inmate bed capacity of 26,247. This indicates that the State's existing jails have a significant available bed capacity for housing inmates from over capacity jails. As per the assumptions of this analysis, the number of inmates incarcerated in North Carolina jails in future years is not expected to increase significantly in the near future. Additionally, the State's inmate bed capacity is expected to increase due to construction as indicated in Table 10. Therefore, the proposed rule should not significantly increase the number of jails constructed in future years.

Table 9 Findings from 2015 and 2016 Biannual Inspections Related to Overcapacity Jails

	2015 - First Inspection Visit	2015 - Second Inspection Visit	2016 - First Inspection Visit	2016 - Second Inspection Visit
Number of jails over capacity at inspection	3	3	2	5
Total number of inmates in over capacity jails in State	41	39	37	81
Furthest two-way distance from over capacity jail to under capacity jail in miles	44	42	76	76

Table 10 Future Projected Total Design Capacity of all Jails in the State

	2016	2017	2018	2019	2020	2021	2022	2023
State Total Design Capacity	26,247	26,570[a]	26,690[a]	27,177[a]	27,586[a]	27,586	27,586	27,900

[a] In this year, the increase in TDC is due to the completion of a new jail or the addition to an existing jail that were approved prior to the effective date of the proposed Rules.

Summary of Estimated Costs of Rule 10A NCAC 14J .0301

	2019	2020	2021	2022	2023
State Government	$1,978	$1,978	$1,978	$1,978	$1,978
Local Government	U*	U*	U*	U*	U*
Total	$1,978	$1,978	$1,978	$1,978	$1,978

*Signifies unquantified impact

Rule 10A NCAC 14J .0302 Female Inmates

Purpose for rule change

The Agency is proposing to readopt this rule with technical changes.

Impact

There is no fiscal impact associated with the readoption of this rule.

Rule .0303 Confinement of Inmates Under 18 Years of Age

Purpose for rule change

This rule was changed to require female inmates under 18 years of age “to be confined in separate cells from adults during sleeping hours”. Existing rule language applies to male inmates under 18 years of age. There is a national trend to apply similar requirements to males as well as females in prisons. This is evidenced by the Prison Rape Elimination Act (PREA) Standard § 115.14 for Youthful Inmates, which is a federal law, and requires the site

and sound separation of youthful male and female offenders from adults.[8] Although PREA is not enforceable by the Agency in county jails, the purpose of the standard is to protect youthful offenders from being harmed by adult inmates. The Agency believes that in North Carolina not only should youthful male inmates be protected from harm but also youthful female inmates.

Impact

State Government is impacted by the additional Construction Section staff time needed during a biannual inspection by a jail inspector to spot check the female housing units for compliance with the proposed change. The additional time is estimated at 15 minutes, which at a $35 per hour compensation rate results in a cost of $8.75 per biannual inspection and an annual cost of $17.50 per jail. This results in an estimated annual cost of $1,978 (113 jails x $17.50 per jail).

County Government is impacted by the proposed readoption of this rule from December 1, 2018 (readopted effective date of this rule) to December 1, 2019. On December 1, 2019, Senate Bill 257, which is the Appropriations Act of 2017, will no longer allow 16 and 17 year olds of either sex to be incarcerated in a jail on a routine basis.[9] Only 16 and 17 year olds that have committed a certain type of felony and are reprimanded to a county jail by a judge will be housed in a jail. As a result, it is estimated that the number of inmates under the age of 18 housed in county jails will drop significantly. As indicated in Table 2, four jails did not comply with this proposed requirement. In 2016, there were four county jails that housed a total of 46 female inmates under the age of 18 with adult inmates during sleeping hours. It is unknown how many days these 46 youthful inmates were confined to the jail. For 2019, the cost impact for these four county jails would be the cost of transferring and housing these youthful inmates in another jail. Jails charge other jails a cost of approximately $50 to 55 per day to house inmates. Because the number of youthful inmates to be confined and the number of days they will be confined are unknown for 2019, an estimated cost for the impact of this change cannot be determined. As a result, the exact cost impact is unquantifiable.

Benefit

Female inmates under the age of 18 will not be harmed by an inmate more than 18 years of age during sleeping hours.

Summary of Estimated Costs of Rule 10A NCAC 14J .0303

	2019	2020	2021	2022	2023
State Government	$1,978	$1,978	$1,978	$1,978	$1,978
Local Government	U*	$0	$0	$0	$0
Total	$1,978	$1,978	$1,978	$1,978	$1,978

*U signifies unquantified impact

[8] National PREA Resource Center, "Youthful Inmate Implementation", retrieved from https://www.prearesourcecenter.org/training-technical-assistance/prea-in-action/youthful-inmate-implementation

[9] North Carolina General Assembly, House Bill 257, Appropriations Act of 2017, (June, 2017) retrieved from http://www.ncleg.net/Sessions/2017/Budget/2017/S257vccr.pdf

Rule 10A NCAC 14J .0402 Portable Fire Extinguishers

Purpose for rule change

The Agency is proposing to readopt this rule with technical changes. Fire extinguishers are required to comply with the North Carolina State Fire Prevention Code (NCSFC). The smoke detention equipment is required by 10A NCAC 14J Rule .0103 and it is redundant to repeat the requirement again in this rule.

Impact

There is no fiscal impact associated with the readoption of this rule.

Rule 10A NCAC 14J .0403 Fire Plan, Emergency Evacuation Training, and Disaster Plan.

Purpose for rule change

- Revised rule text in Paragraphs (a) and (b) clarifies the existing language and does not impact current jail operations.
- Paragraph (c) adds the requirement for a jail to create a disaster plan that must be submitted to the local emergency management agency. The U.S. Department of Justice, National Institute of Corrections (NIC) recommends that jails have a disaster plan. A natural disaster can threaten the lives of the jail's occupants but having a disaster plan can mitigate the impact of the disaster and decrease the risk of serious injuries and loss of life to the occupants.[10] This change to the rule ensures that all jails in the state will have a disaster plan.

Impact

State Government is impacted by the requirements of Paragraph (d) of this rule. This Subparagraph requires additional Construction Section staff time during a biannual inspection by a jail inspector to check whether a jail has an up to date disaster plan and there is documentation that the local emergency management agency has the plan. The additional time is estimated at 15 minutes, which at a $35 per hour compensation rate results in a cost of $8.75 per biannual inspection. This results in an estimated annual cost of $1978 ($17.50 x 113 jails).

County Government is impacted by the cost to create a "disaster plan", which is part of the disaster plan policy required by Rule 10A NCAC 14J .0203. Therefore, the cost for the disaster plan is included in the County Government costs impacts for Rule 10A NCAC 14J .0203.

Summary of Estimated Costs of Rule 10A NCAC 14J .0403

	2019	2020	2021	2022	2023
State Government	$1,978	$1,978	$1,978	$1,978	$1,978
Local Government	$0	$0	$0	$0	$0
Total	$1,978	$1,978	$1,978	$1,978	$ 1,978

[10] U.S. Department of Justice, National Institute of Corrections " A Guide to Preparing for and Responding to Jail Emergencies" (October, 2009), retrieved from http://static.nicic.gov/Library/023494.pdf

Benefit

Inmates and jail staff will be kept safe from risk of injuring either during or after a natural disaster occurs at the jail.

Rule 10A NCAC 14J .0404 Mattresses

Purpose for rule change

The Agency is proposing to readopt this rule with technical changes by referencing the NCSFC, which specifies the requirements for mattresses.

Impact

There is no fiscal impact associated with the readoption of this rule.

Rule 10A NCAC 14J .0405 Keys

Purpose for rule change

The Agency is proposing to readopt this rule with technical changes.

Impact

There is no fiscal impact associated with the readoption of this rule.

Rule 10A NCAC 14J .0501 General Security Requirements

Purpose for rule change

The Agency is proposing to readopt this rule with technical changes.

Impact

There is no fiscal impact associated with the readoption of this rule.

Rule 14J .0601 Supervision

Purpose for rule change

- Paragraph (a) and (c) stipulates a maximum time interval between supervision rounds and special watch rounds. In Paragraph (a), the existing rule language required officers to "make supervision rounds not less than twice per hour on an irregular basis". Rule text was added that indicated these rounds must be conducted "not more than 35 minutes" apart. In Paragraph (c), the special watch rounds, which are required for inmates on suicide watch, added rule language that stipulated the four time per hour watch be conducted "not more than 20 minutes apart." During annual jail inspections, the Construction Section has reviewed supervision round and special watch records and has observed that many jails are checking inmates on an irregular basis but the rounds are too close together thereby decreasing the effectiveness of the checks. For instance, the twice per hour supervision round is sometimes being done 10 minutes apart so the checking of inmates is really a once per hour check rather than a twice per hour check. Checking inmates in their cells as specified in the proposed rule language helps officers identify and resolve problem situations quickly. This results in a jail environment that is safe and secure for inmates, officers and visitors. A safe and secure jail environment has been identified as a basic need of inmates that should be met.[11]

[11] U.S Department of Justice, National Institute of Corrections, "Inmate Behavior Management: Guide to Meeting Basic Needs" (February, 2014), retrieved from https://s3.amazonaws.com/static.nicic.gov/Library/027704.pdf

- In Paragraph (c), the proposed rule language clarifies existing rule language related to what reasons should be used to put an inmate on special watch. The list of reasons listed in the existing rule was reformatted to make the rule easier to understand and use. There were technical changes made to the proposed Subparagraphs (1) and (2) that cites the related requirements set forth in Rule .1001 for the preservation of medical records and the initial screening upon admission of inmates, respectively.
- In Paragraphs (a) and (c), rule language was added that required the supervision rounds and supplemental watch to be conducted "24 hours a day, 7 days a week". All jails operate on a 24 hour basis and supervision rounds and supplemental watch must be conducted around the clock whenever inmates are confined in the jail. As evidenced by the Construction Section's review of supervision rounds and special watch rounds records, all jails in the state conduct their rounds 24 hours a day 7 days per week. Therefore, this change does not impact jail operations.
- The proposed rule language for Paragraph (b) clarified the supplemental methods of supervision by creating a list of the four types of supplemental supervision methods. The existing rule had a list with two Subparagraphs, but each Subparagraph had two types of supplemental supervision. This clarification makes the rule easier to understand and use. The intent of Paragraph (b) was not changed because the same four types of supplemental supervision methods were restated in the proposed rule language.
- In Paragraph (e), the existing language stated that "Officers shall not be assigned other duties that would interfere" with the supervision of inmates. The changes made to this Paragraph provided examples of other duties that an officer assigned to supervise inmates should not be doing while supervising inmates. This proposed language clarified the meaning of "other duties".
- In Paragraph (g), none of the proposed language changes impact the operation of a jail because the proposed language:
  - Clarifies that the "contingency plans" is a "contingency personnel plan" for extra personnel to supervise and control inmates during an emergency;
  - Lists the different types of emergencies that can occur at a jail; and
  - States that the "contingency personnel plan" is part of the emergency plans cited in Rule .0203(18) and the disaster plan cited in Rule .0403(d).

The proposed changes made to Paragraphs (d), (e) and (h) are technical changes.

<u>Impact</u>

County Government – There is no fiscal impact associated with the readoption of this rule.

State Government is impacted by the requirements of Paragraphs (a) and (c) of this rule. This Subparagraph requires additional Construction Section staff time during a biannual inspection by a jail inspector to check whether a jail is conducting supervision rounds not more than 35 minutes apart and special watch rounds not more than 20 minutes apart. The additional time is estimated at 30 minutes, which at a $35 per hour compensation rate results in a cost of $17.50. Jails are inspected twice per year so the annual cost is $3,955 ($35 x 113 jails).

Summary of Estimated Costs of Rule 10A NCAC 14J .0601

	2019	2020	2021	2022	2023
State Government	$3,955	$3,955	$3,955	$3,955	$3,955
Local Government	$0	$0	$0	$0	$0
Total	$3,955	$3,955	$3,955	$3,955	$3,955

Benefit

Inmates benefit from the clarifications to this rule regarding the admission screening characteristics that can be used to identify inmates at risk of committing suicide. Adequately spaced Supervision rounds should keep inmates safe from being harmed by other inmates and adequately spaced special watch rounds reduces the chance an inmates will commit suicide.

Rule 10A NCAC 14J .0702 Mattresses and Bedding

Purpose for rule change

The Agency is proposing to readopt this rule with technical changes.

Impact

There is no fiscal impact associated with the readoption of this rule.

Rule 10A NCAC 14J .0705 Personal Hygiene Items

Purpose of rule change

- This rule added the requirement for jails to provide deodorant and shampoo to inmates who are detained over 24 hours. The existing rule language, which was not changed, states that the jail provides this at no cost to the inmate. After these initial supplies are exhausted the jail may charge non-indigent inmates for a re-supply of these hygiene items. Deodorant and shampoo are considered by the Agency to be essential hygiene items for an inmate in addition to the other items listed in the existing Rule .0705.

Impact

State Government is impacted by the additional Construction Section staff time during a biannual inspection by a jail inspector to check whether the hygiene kits contains shampoo, and deodorant as well as the other hygiene items required by 10A NCAC 14J .0705. The additional time is estimated at 15 minutes, which at a $35 per hour compensation rate results in a cost of $8.75. Jails are inspected twice per year so the annual cost is $1978 ($17.50 x 113 jails)

County Government is impacted by the cost to supply shampoo and deodorant to inmates detained over 24 hours. As indicated in Table 2, there were 16 jails that do not supply shampoo or deodorant in their hygiene kits. These jails were surveyed for their current annual hygiene kit costs and the number of kits provided to inmates. As shown below, the estimated additional annual cost impact to County Government is $23,800.

Number of Jails Not Compliant	Current Total Cost of Hygiene Kits	Estimated Total Cost of Hygiene Kit with Shampoo and Deodorant[a]	Estimated Additional Cost per Year to Comply
16	$23,200	$47,000	$23,800

[a] Randolph and Moore Counties provided actual 2016-17 costs of hygiene kits with shampoo and deodorant, which were used to estimate this cost.

Benefit

The requirement for adding shampoo and deodorant to an inmate's hygiene kit will improve an inmate's personal hygiene.

Summary of Estimated Costs of Rule 10A NCAC 14J .0705

	2019	2020	2021	2022	2023
State Government	$1,978	$1,978	$1,978	$1,978	$1,978
Local Government	$23,800	$23,800	$23,800	$23,800	$23,800
Total	$25,778	$25,778	$25,778	$25,778	$25,778

Rule 10A NCAC 14J .0904 Menus

Purpose for rule change

The Agency is proposing to readopt this rule with technical changes. Paragraphs (f) and (g) lowers the regulatory burden of the jail. Paragraph (f) allows a jail to maintain records either at the jail or a remote location. Paragraph (g) allows the jail to provide the records within 30 days of the request rather than immediately.

Impact

There is no fiscal impact associated with the readoption of this rule.

Rule 10A NCAC 14J .1001 Medical Plan

Purpose for rule change

- The proposed Paragraph (a) rule language was modified for technical changes.
- In Paragraph (b)(1), "health screening of inmates upon admission" was changed to "screening of inmates upon admission as set forth in Rule .1002(a)". For this change, refer to the Purpose of rule changes for Rule 10A NCAC 14J .1002 below.
- In Paragraph (b)(3), "handling routine care for an inmate's needs related to: mental health; a development and intellectual disability; and a substance use disorder" was added to the rule. As per N.C.G.S. 153A-225, a jail is required to have a medical plan that is adopted by the governing body. This medical plan is developed by the local public health director in consultation with the local mental health, substance use disorder, and developmental disabilities authority. This change makes it more clear to county governments and local public health directors that N.C.G.S. 153A-225 requires the medical plan to include routine care not only for medical care but also for conditions and disorders related to mental health, development and intellectual disabilities and substance

abuse. Jails house a significantly greater proportion of persons with mental health and substance use disorders than found in the general public.[12]

- The remainder of the changes to this rule were technical changes.

Impact

State Government would not be impacted by the proposed Rule. As per NC 153A-225, it is not within the authority of the Agency to check the contents of the Medical Plan. The Medical Plan is the responsibility of the local or district health director and the governing body of the County Government.

County Government fiscal impacts are provided below. As indicated in Table 2, there were two jails without a medical plan policy for the routine care of inmates with a developmental and intellectual disabilities. County Governments were in compliance with the other proposed changes to this Rule.

- County Government would be impacted by the cost to create a policy for the routine care of inmates with a developmental and intellectual disability. As indicated in Table 2, there were two jails without a medical plan policy for the routine care of inmates with a developmental and intellectual disabilities. The cost to add a policy per jail would be $500 per jail, which results in a total cost impact of $1000. This cost would occur in 2019.
- County Government would also be impacted by the cost to provide routine care for inmates with a developmental and intellectual disability. This cost is unquantifiable because the exact number of inmates with a developmental and intellectual disability who would need routine care is unknown and the type of care needed is unknown. However, an approximate number of inmates at these two jails needing care for these disabilities can be determined, which provides a relative magnitude of the impact. In 2016, the two jails in Table 2 without a medical plan policy to provide routine care for these disabilities admitted approximately 6,156 inmates into their jails. According to the Bureau of Justice Statistics, 31% of inmates admitted into U.S. jails between February 2011 and May 2012 had a developmental or intellectual disability.[13] Therefore, 1900 inmates (.31 x 6,156) is a rough approximation of the number of inmates that could be expected to have a developmental and intellectual disability in these two facilities. In the general population, research has indicated that 35% of people with a developmental and intellectual disability also have a mental illness, which is approximately 665 of the 1900 inmates.[14] These 665 inmates would be treated under the two jail's existing medical plan policy for mental health. This would leave approximately 1235 inmates needing routine care for these disabilities.

---

[12] National Commission on Correctional Health Care, *Standards for Health Services in Jails*, (Chicago: NCCHC, 2008)

[13] Bureau of Justice Statistics, "Disabilities Among Prison and Jail Inmates, 2011-2012", (December, 2015), retrieved from https://www.bjs.gov/content/pub/pdf/dpji1112.pdf.

[14] National Association for the Dually Diagnosed, "Information on Dual Diagnosis", (2017), retrieved from http://thenadd.org/resources/information-on-dual-diagnosis-2/

Benefits

Inmates will benefit from the proposed rule changes because their needs related to conditions and disorders for mental health, development and intellectual disabilities, and substance abuse are more likely to be treated and taken care of.

Summary of Estimated Costs of Rule 10A NCAC 14J .1001

	2019	2020	2021	2022	2023
State Government	$0	$0	$0	$0	$0
Local Government	$1000	U*	U*	U*	U*
Total	$1000	$0	$0	$0	$0

*Signifies unquantified impact

Rule 10A NCAC 14J .1002 Screening of Inmates

Purpose for rule change

The following changes were made to this rule:

- In Paragraph (a), screening for medical care was moved from Rule 10A NCAC 14J .1001 to this rule. Screening for "mental health care needs", "development and intellectual disabilities", and "substance use disorders" was also added to this Paragraph. The screening for "risk of suicide" was added to this list because it is required by existing rule 10A NCAC 14J .0601.
- The second sentence of Paragraph (a) was moved to a new Paragraph (b). N.C.G.S. 153A-222 was cited in this Paragraph, which allows the Construction Section to gain access to records of inmate screenings.
- A Paragraph (c) was added that allows officers to only access inmate screening information in compliance with the confidentiality requirements in Rule 10A NCAC 14J .1001(b)(7).

These changes were made to: consolidate inmate screening requirements into a single rule; make officers aware of confidentiality requirements for inmate screening information by rule; and the requirements of a state general statute that allows the Construction Section to gain access to inmate screening information.

Impact

State Government would not be impacted by the proposed Rule. As per NC 153A-225, it is not within the authority of the Agency to check the contents of the screening form, which is required by the Medical Plan (Rule 10A NCAC 14J .1001).

County Government would be impacted by the cost to add questions related to a developmental and intellectual disability to their inmate screening forms and the personnel costs for a detention officer to ask recently admitted inmates these additional questions. As indicated in Table 2, there were two jails without questions related to developmental and intellectual disabilities on their inmate screening form. The cost to add questions to the inmate screening form would be $500 per jail, which results in a total cost impact of $1000. This cost would occur in 2019. The additional time expected to be spent by a detention officer screening inmates is 10 minutes, which at a $32 per hour compensation rate results in a cost of $5.30 per inmate. In 2016, there were approximately 6,156 inmates admitted to the two jails. As indicated in the assumptions, the number of inmates incarcerated in future years

is not expected to increase significantly. Therefore, the estimated cost impact is $32,630 ($5.30 x 6,156 inmates). This cost would occur in each year from 2019 to 2023.

Benefits

By consolidating inmate screening requirements into one rule, officers and medical personnel may find this rule easier to use. Inmates will benefit from this change because their mental health care needs in addition to their medical care needs may be identified and treated soon after admission to the jail.

Summary of Estimated Costs of Rule 10A NCAC 14J .1002

	2019	2020	2021	2022	2023
State Government	$0	$0	$0	$0	$0
Local Government	$33,630	$32,630	$32,630	$32,630	$32,630
Total	$33,630	$32,630	$32,630	$32,630	$32,630

Rule 10A NCAC 14J .1202 Consultation and Technical Assistance

Purpose for rule change

The Agency is proposing to readopt this rule with technical changes.

Impact

There is no fiscal impact associated with the readoption of this rule.

Rule 10A NCAC 14J .1203 Compliance Review and Approval

Purpose for rule change

- In Paragraph (a), the number of plans submitted to the Construction Section was changed from “three sets of plans” to “two sets of plans”. This change was made because for the past 20 years the Construction Section has not been forwarding a set of plans to the Division of Environmental Health, which is now the Environmental Health Section within NC DHHS. The Environmental Health Section no longer reviews plans for compliance with state sanitation rules. This is done on a local level. Governing bodies submit plans on their own to the local health department for review. The reference to the Division of Environmental Health was deleted from Paragraph (b). The number of days for Construction Section Plan Review was moved from Paragraph (b) to (a) and the number was changed from “30” days to “45 days”. The Construction Section reviews plans for many different types of facilities including hospitals, nursing, homes, adult care homes, hospices, mental health facilities, and family care homes. For the past five years, the Construction Section’s average plan review time for all facility types is approximately eight weeks. The average review time for jail projects fluctuates between four to six weeks. Changing the plan review time to 45 days or six weeks brings this rule more in line with the Construction Section’s average plan review time. This paragraph also states that the drawings must comply with Section .1200 rules and Rule 10A NCAC 14J .0103, which was moved from Paragraph (b).
- In Paragraph (b), this paragraph added a notification to governing bodies that the Construction Section’s drawing approval is dependent on the NC Department of Insurance and the local building code official’s approval NCSBC compliance. This

allows the Construction Section to withhold project approval for unresolved NCSBC deficiencies.

- In Paragraph (c), the term "Total Design Capacity" was added to this rule. Rule 10A NCAC 14J .0101 defines this term as the number of inmates that can be housed in the jail based on the requirements of Section .1200 related to square footage of cells and the number of toilets, showers and sinks accessible to inmates. Section .1200 rules limits the number of inmates a jail can house based on its size and configuration. The proposed rule requires the Construction Section to determine a jail's "Total Design Capacity" and stipulate this number to the governing body in the Construction Section's project approval letter. Currently, the Construction Section determines the "Total Design Capacity" for a jail project and communicates that number to the Construction Section's Jail Inspection Unit. Notifying the Governing body of a jail's maximum inmate capacity should help decrease the number of North Carolina jails that are overcrowded.
- This Paragraph (d) added the requirement for a governing body to request approval from the Construction Section for changes made during construction that affects compliance with the Section .1200 rules. This change should decrease the cost of construction of a jail. If construction does not comply with the Section .1200 rules, the jail must modify the construction to bring it into compliance. Changes made after construction is complete can be costly.
- Paragraph (e) added the requirement for a governing body to request an inspection date in writing at least two weeks prior to the inspection date. This is a current practice in the Construction Section. This helps the Construction Section staff avoid scheduling conflicts with other inspection requests.
- Paragraph (f) added the requirement for a governing body to receive written approval of completed construction prior to occupying the jail. This requirement ensures that the completed construction work complies with the Section .1200 rules. This is a current practice in the Construction Section.
- Paragraph (g) added the requirement for a governing body to request a renewed approval for a project that has not had a building permit issued within 24 months of Construction Section's initial approval. This ensures that the jail project complies with the current version of the Section .1200 rules.

<u>Impact</u>

State Government will be minimally impacted by changes made to this rule. Paragraphs (a), (c), (d), (e), and (f) because these requirements are current practice of the Construction Section. Paragraph (g) may have an impact by increasing Construction Section staff time spent on a second plan review of a jail. This impact is unquantifiable due to lack of information. No jail has received a second plan review due to non-issuance of a building permit.

County Government may be minimally impacted by changes made to Paragraph (a) by increasing Construction Section Review time to 45 days, thereby delaying the construction and occupancy of the jail. Current 5-year average review time for all projects in the Construction Section is in the range of 6 to 8 weeks. Jail projects reviewed within the past 5 years have been reviewed within this time range. Paragraph (g) will impact any governing

body that delays the construction of the jail for more than 24 months after Construction Section approval. This impact is unquantifiable due to lack of information.

Benefits

Inmates will benefit from the requirements in Paragraph (c), which may reduce overcrowding in jails and Paragraph (f), which ensures that the jail construction complies with the rules and provides a safe, secure and adequate environment for the inmate. Both of these benefits are unquantifiable due to lack of information.

Rule 10A NCAC 14J .1207 Inmate Processing Area and Padded Cell

Purpose for rule change

- Paragraph (a) had technical changes.
- Paragraph (b) reiterates the existing requirements in Rules 10A NCAC 14J .1221 to .1224 for the housing of an inmate in a confinement unit or cell with a toilet, sink, drinking fountain, and security mirror after the booking of an inmate has been completed. In addition, existing 10A NCAC 14J .1224(d), requires a confinement unit to have natural light. Padded cells are used for inmates undergoing detoxification for alcohol and drug abuse and do not have a toilet, sink, drinking fountain, and security mirror. If a toilet or sink were in the padded cell, the surface of these plumbing fixtures would not be padded and the intoxicated inmate could accidently fall on these fixtures and could be severely injured by the fall. Processing areas and medical areas are also not required to have natural light. Therefore, the padded cell would not meet the existing natural light requirements in Rule NCAC 14J .1224(d).
- Paragraph (c) stated that an inmate processing area or a medical area may have a padded cell. The governing body determines whether they want to construct a padded cell. If the jail has a padded cell, mandatory requirements were added for the construction of the padded cell. This ensures that padded cells are constructed to meet minimum standards and are safe for inmates undergoing detoxification from alcohol and drug abuse.[15]
- Paragraph (d) added additional fire safety requirements for a padded cell.

Impact

State Government is impacted by the requirements of Paragraph (c) and (d) for the construction of a padded cell. Construction Section staff time would be spent during plan review and construction inspection checking a padded cell on the plans and onsite for compliance with the padded cell requirements. This work would be done by an architect and engineer.

- Architect and Engineer plan review will each take an estimated 30 minutes to complete per project at a cost of $47 ($47 x .5 hr. + $46 x .5 hr.).
- Architect and Engineer inspection time will each take an estimated 30 minutes to complete at a per project cost of $47 ($47 x .5 hr. + $46 x .5 hr.).
- Costs per year are indicated below

[15] Corrections One, "Ohio considers padded cell", (March, 2013), retrieved from https://www.correctionsone.com/treatment/articles/6147040-Ohio-jails-consider-padded-cells/

Construction Section Staff Cost for Plan Review and Inspection 10A NCAC 14J .1207

	2019	2020	2021	2022	2023
Number of Jails Reviewed		3	2	2	2
Number of Jails Inspected					3
State Government	$0	$141	$94	$94	$235

County Government

If a County Government decides to construct a padded cell in their jail, the County Government will be impacted by the cost of constructing a padded cell to meet the mandatory requirements in the rule. Between 2011 and the present, there were four jails constructed with padded cells (see Table 6). Of these four jails, three jails constructed padded cells that were not compliant with the changes in the proposed readopted rule. The estimated additional cost to construct these padded cells to comply are provided below and the average cost for the three jails is equal to $1333. This average cost will be used to project the future compliance construction costs. The number of projected jails with non-compliant padded cell construction in 2022 and 2023 is two. The cost in 2017 is estimated at $2666 (2 x average cost of $1333), which results in an inflation-adjusted cost of construction for 2022 and 2023 of $3066 and $3152, respectively.

	Number of Padded Cells in Jail	Cost to Upgrade Padded Bell	Items Missing
Jail 1	1	$500	water hose connection
Jail 2	3	$2,300	Two-way voice communication, water hose connection
Jail 3	2	$1,200	Two-way voice communication
Total		$4,000	

Projected Jail Compliance Construction Cost for 10A NCAC 14J .1207

	2019	2020	2021	2022	2023
Number of Projected Jails with Non-compliant padded cell construction	0	0	0	2	2
Projected Compliance Cost to County Government	$0	$0	$0	$3,066	$3,152

Benefit

Inmates will benefit from the requirements for a padded cell. These requirements ensure that a padded cell provides a safe and adequate space for inmates undergoing detoxification from alcohol and drug abuse.

Summary of Estimated Costs per Yr. of Rule 10A NCAC 14J .1207

	2019	2020	2021	2022	2023
State Government	$0	$141	$94	$94	$235
Local Government	$0	$0	$0	$3,066	$3,152
Total	$0	$141	$94	$3,160	$3,387

Rule 10A NCAC 14J .1210 Other Areas

Purpose for rule change

- Paragraphs (a), (b), (d), and (e) of this rule had technical changes.
- Paragraph (c) proposed rule language specifies square footage requirements for inmate indoor and outdoor exercise areas. The existing rule requires a jail to have "area or areas specifically designated for exercise" but does not specify a size and location of that exercise area. The purpose of this change is to ensure that jails in the state are constructed with both indoor and outdoor exercise areas. Outdoor and indoor inmates exercise areas are required by the standards of American Correctional Association, which is a national accreditation organization that accredits jails and prisons throughout the country[16].
- Paragraph (g) added the requirement for a control center to have a bathroom nearby and a security vestibule at its entrance. The security vestibule was added to increase the security of the control room. Having a bathroom near the control room decreases the time that officers are away from the control room.

Impact

State Government is impacted by the requirements for outdoor and indoor exercise areas and the control center bathroom and security vestibule (Table7). Construction Section staff time would be spent during plan review and construction inspection checking for compliance with these requirements. This work would be done by an architect.

- Architect plan review time will take an estimated 1 hour to complete at a per project cost of $47 ($47 x 1 hr.).
- Architect inspection time will take an estimated 30 minutes to complete at a per project cost of $24 ($47 x .5 hr.).
- Costs per year are indicated below.

Construction Section Staff Cost for Plan Review and Inspection 10A NCAC 14J .1210

	2019	2020	2021	2022	2023
Number of Jails Reviewed		3	2	2	2
Number of Jails Inspected					3
State Government	$0	$141	$94	$94	$166

County Government

County Government is only impacted by the requirements for outdoor exercise areas (Table 7). In both 2022 and 2023, the assumptions on page 6 indicate that the projected square footage of outdoor area that would not be constructed in the absence of the proposed rule is 1800 square feet. The cost for construction of an outdoor exercise area is estimated at $150 per square feet. This results is a 2017 cost of $270,000. The inflation-adjusted estimated additional cost impact for complying with the proposed square footage requirements for 2022 and 2023 is $310,508 and $319,240, respectively.

[16] American Correctional Association, *Performance-Based Standards for Adult Local Detention Facilities, Fourth Edition*, (Maryland: Graphic Communications, 2004).

Projected Jail Compliance Construction Cost for 10A NCAC 14J .1210

	2019	2020	2021	2022	2023
Number of Projected Jails to be built without outdoor exercise areas.	0	0	0	1	1
Projected Compliance Cost to County Government	$0	$0	$0	$310,508	$319,240

Benefits

Inmates will have access to fresh air and sunlight, which may improve an inmate's health status thereby reducing medical costs. County Government may have a reduction in inmate health care costs. Both benefit are unquantifiable.

Summary of Estimated Costs per Yr. of Rule 10A NCAC 14J .1210

	2019	2020	2021	2022	2023
State Government	$0	$141	$94	$94	$166
Local Government	$0	$0	$0	$310,508	$319,240
Total	$0	$141	$94	$310,602	$319,406

Rule 10A NCAC 14J .1212 Floor, Ceilings and Walls

Purpose for rule change

- Requiring floors to be of a light color was removed from the rule because floors are never painted a light color in a jail. Light colored floors are impractical and would need constant cleaning.
- Areas other than confinement units were added to the rule such as cell blocks, dayrooms, the inmate processing area, and the medical area. Rule 10A NCAC 14J .0701 adopts by reference the 15A NCAC 18A Sanitation Rules for Jails. Sanitation Rules 15A NCAC 18A .1507 and .1508 require all floors, ceilings, and walls in a jail to be cleanable. This change makes this rule consistent with the 15A NCAC 18A Sanitation Rules for Jails.

Impact

There is no fiscal impact associated with the readoption of this rule.

Rule 10A NCAC 14J .1213 Showers and Plumbing Fixtures

Purpose for rule change

- In Paragraph (b), the requirements for the sloping of floors and location of floor drains was modified to make the requirement consistent with the 15A NCAC 18A Rule 10A NCAC 14J .0701 adopts by reference the 15A NCAC 18A Sanitation Rules for Jails.
- Technical changes were made to the tamper-resistant requirements for "shower fixtures and drains" and it was moved from Paragraph (b) to the new Paragraph (c).
- Technical changes were made to Paragraphs (d) and (e).
- The requirement for mouth guards on drinking fountains was deleted from the rule. Mouth guards have been used by inmates to attach a ligature and commit suicide.

Impact

There is no fiscal impact associated with the readoption of this rule.

Benefit

State Government will benefit from the removal of the requirement for mouth guards on water fountains due to a reduction of Construction Section staff time on engineering plan review. Time spent checking plans for mouth guards would be reduced by 30 minutes, which at a $46 per hour compensation rate is equal to $23. The cost reduction per year are indicated below.

Construction Section Staff Cost Reduction for Plan Review 10A NCAC 14J .1213

	2019	2020	2021	2022	2023
Number of Jails Reviewed		3	2	2	2
State Government	$0	$(69)	$(46)	$(46)	$(46)

County Government will benefit from the removal of the requirement for mouth guards due to a decrease in construction cost for the jail. A drinking fountain without a mouth guard will cost slightly less than a drinking fountain with mouth guard, but this benefit is unquantifiable.

Inmates should benefit from the removal of the requirement for mouth guards on water fountains by eliminating a connection point for a ligature that can be used to commit suicide. This should make the cell a safer environment for inmates. This could reduce the number of inmates committing suicide in county jails. This benefit is unquantifiable.

Summary of Estimated Benefits per Yr. of Rule 10A NCAC 14J .1213

	2019	2020	2021	2022	2023
State Government	$0	$(69)	$(46)	$(46)	$(46)
Local Government	$0	$0	$0	$0	$0
Total	$0	$(69)	$(46)	$(46)	$(46)

Rule 10A NCAC 14J .1214 Windows and Glazing

Purpose for rule change

- The proposed readopted rule adds specific requirements for the location and size of windows in inmate cells and dormitories of the jail. This change will ensure an appropriate amount of natural light will be provided to cells and dormitories in new jails and will be maintained in those new jails overtime. In the past, County Governments have sometimes altered the windows in a jail thereby, decreasing or removing natural light being admitted into cells. When this happens, the Construction Section requires the County Government to modify the jail's construction to allow the re-admittance of light into those existing inmate cells. But without a square footage requirement for the size of windows in inmate cells or dayrooms, the Agency cannot require a jail to put back windows equal in size to the windows removed or blacked-out. Therefore, another purpose of this proposed change is to ensure that the natural light provided to inmate cells in jails built after 2018 are not altered or removed by the County Government.

Impact

State Government is impacted by the requirements windows in cell and dormitories. Construction Section staff time would be spent during plan review and construction inspection checking for compliance with these requirements. This work would be done by an architect.

- Architect plan review time will take an estimated 1 hour to complete at a per project cost of $47 ($47 x 1 hr.).
- Architect inspection time will take an estimated 1 hour to complete at a per project cost of $47 ($47 x 1 hr.).
- Costs per year are indicated below.

Construction Section Staff Cost for Plan Review and Inspection 10A NCAC 14J .1214

	2019	2020	2021	2022	2023
Number of Jails Reviewed		3	2	2	2
Number of Jails Inspected					3
State Government	$0	$141	$82	$82	$235

County Government has no fiscal impact associated with the readoption of this rule due to the construction of a new jail. As indicated in Table 7, the number of future jail projects per year that are projected to be non-compliant with this proposed construction rule is zero. A County Government may have a fiscal impact due to future construction of non-jail facilities near the jail if those facilities allow occupants to view into the cells of the jail. This is not permitted by Paragraph (b) of this Rule, which is an existing requirement and did not change with the proposed Rule. This fiscal cost impact is unquantifiable because the number of future jails with this issue is unknown. Possible future fiscal impact would be associated with the costs of replacing transparent glazing with diffuse glazing in the windows of the jail or the construction of a solid vertical barrier between the jail and the non-jail facility. This future fiscal impact would occur after 2023.

Summary of Estimated Costs per Yr. of Rule 10A NCAC 14J .1214

	2019	2020	2021	2022	2023
State Government	$0	$141	$82	$82	$235
Local Government	$0	$0	$0	$0	$0
Total	$0	$141	$82	$82	$235

Benefits

Inmates and jail staff will benefit from the provision of natural light in cells, dormitories and dayrooms within the jail. Natural light can help create a more pleasant and humane building environment for inmate and staff. People in properly sunlit rooms will be less depressed and more relaxed.

Rule 10A NCAC 14J .1215 Doors, Bunks, Locks, and Fasteners

Purpose for rule change

- Paragraphs (a) to (c) had technical changes.
- Paragraph (d) modified the existing language to make it consistent with the security vestibule definition in 10A NCAC 14J .0101 Definitions.

- Paragraph (g) clarified requirements for inmate bunks.
- Paragraph (h) restates NCSBC requirements for upper bunks in cells required to be accessible for inmates with a disability.
- Paragraph (i) added a list of requirements for reducing suicide hazards in a jail. These requirements reduce the tie-off points in a cell that can be used by an inmate to attach a ligature and commit suicide. This will ensure that new jails built after 2018 will be safer for inmates at risk of committing suicide. It also will reduces the chances that a County Government in future years will modify cells in these new jails in a manner that increases the suicide hazards in the cell. There has been instances where a County Government has added tie-off points in a cell that was used by an inmate to commit suicide. A more detailed justification for the need to reduce suicide hazards in jails is provided in Rule 10A NCAC 14J .0203.

Impact

State Government is impacted by the requirements for equipping cells with items that will reduce suicide hazards in a jail. Construction Section staff time would be spent during plan review and construction inspection checking for compliance with these requirements. This work would be done by an architect and engineer.

- Architect and engineer plan review time will take an estimated 1 hour each to complete at a per project cost of $93 ($47 x 1 hr. + $46 x 1 hr.).
- Architect and engineer inspection time will take an estimated 30 minutes each to complete at a per project cost of $47 ($47 x .5 hr. + $46 x .5 hr.).
- Costs per year are indicated below.

Construction Section Staff Cost for Plan Review and Inspection 10A NCAC 14J .1215

	2019	2020	2021	2022	2023
Number of Jails Reviewed		3	2	2	2
Number of Jails Inspected					3
State Government	$0	$279	$186	$186	$326

County Government has no fiscal impact associated with the readoption of this rule due to the construction of a new jail. As indicated in Table 7, the number of future jails projects per year that are projected to be non-compliant for years from 2019 to 2023 due to this proposed construction rule is zero. A County Government may have a fiscal impact in future years due to the cost of replacing or adding fixtures, boxes and equipment to a cell that are compliant with this Rule. This fiscal impact cannot he quantified because the number and type of items to be replaced or added to a jail is unknown. This future fiscal impact would occur after 2023.

Summary of Estimated Costs per Yr. of Rule 10A NCAC 14J .1215

	2019	2020	2021	2022	2023
State Government	$0	$279	$186	$186	$326
Local Government	$0	$0	$0	$0	$0
Total	$0	$279	$186	$186	$326

Benefit

Inmates at risk of suicide will be housed in cells that are safer and designed for ligature resistance.

Rule 10A NCAC 14J .1218 Plumbing Systems

Purpose for rule change

- The existing Paragraphs (a) was deleted because it referenced one of the NCSBCs, which are now referenced in 10A NCAC 14J .0102.
- The proposed Paragraphs (a) added hot water temperature requirements (100 degrees F to 116 degrees F) for inmate sinks and showers. A minimum temperature requirement of 100 degrees F is a standard minimum temperature cited in other 10A NCAC facility rules (10A NCAC 13B .6226 and 10A NCAC 13D .3404). Requiring a maximum water temperature of 116 degrees F. will keep inmates safe from injuries due to scalding.
- The existing Paragraph (b) was re-organized into two Paragraphs (b) and (c). Both these Paragraphs had technical changes.

Impact

State Government is impacted by the requirements of Paragraph (a) for temperature requirements for hot water. Construction Section engineering staff time would be spent during plan review and construction inspection checking whether the hot water is provided as required. An Engineer plan review and inspection would each take an estimated that 1 hour per project at a cost of $46 ($46 x 1 hr.).

Construction Section Staff Cost for Plan Review and Construction

	2019	2020	2021	2022	2023
Number of Jails Reviewed		3	2	2	2
Number of Jails Inspected					3
State Government	$0	$138	$92	$92	$230

County Government may be impacted by an increase in construction costs for the proposed changes to Paragraph (a), which requires specific hot water temperature. As indicated in Table 5, only 1 of the 13 jails used to predict future costs was not compliant with Paragraph (a). This was an existing facility and the low temperature may not be due to initial system design but to poor maintenance of the hot water heater. As a result, this cost is unquantifiable.

Summary of Estimated Costs per Yr. of Rule 10A NCAC 14J .1218

	2019	2020	2021	2022	2023
State Government	$0	$138	$92	$92	$230
Local Government	$0	U*	U*	U*	U*
Total	$0	$138	$92	$92	$230

*****U signifies unquantified impact

Benefits

Inmates will have hot water temperatures at their sinks and showers that have a temperature that is adequate and safe.

Rule 10A NCAC 14J .1219 Electrical Systems

Purpose for rule change

- Paragraph (a) had technical changes and the existing Paragraph (b) was moved to (a).
- Paragraph (b), (d), and (e) had technical changes.
- Paragraph (c) added the requirement that fire alarm notification devices must be enclosed in a metal guard or be tamper-resistant.
- Paragraph (f) and (g) added a voluntary recommendation for what electrical systems and functions of the jail the governing body may want to provide with emergency power. A remote annunciator panel was voluntarily recommended to be located in the control center, if the fire alarm control panel was not in the control room.

Impact

There is no fiscal impact associated with the readoption of this rule.

Benefit

Jails that voluntarily supply emergency power to their control center, kitchen, hot water and heating and air conditioning do not have to move inmates to another location when there is a loss of power for an extended period of time. Locating a remote annunciator panel in the control room decreases the amount of time officers spend outside of the control room checking the status of the fire alarm system when the fire alarm system is activated.

Rule 10A NCAC 14J .1225 Standards for Dayrooms

Purpose for rule change

- Items (1) to (6) had technical changes. clarifies that a drinking fountain shall be provided in the dayroom if the inmate does not have unrestricted access to a drinking fountain in their cell.
- Items (7) and (8) changes make this Rule consistent the plumbing fixture requirements provided in 10A NCAC 14J .1223.

Impact

There is no fiscal impact associated with the readoption of this rule.

Rule 10A NCAC 14J .1226 Standards for Dormitories

Purpose for rule change

The Agency is proposing to readopt this rule with technical changes.

Impact

There is no fiscal impact associated with the readoption of this rule.

Analysis: Summary

Benefits

Inmates

Inmates will benefit the most from the readoption of these rules. Although these benefits are non-quantifiable, there positive impact is supported by national jail accreditation standards, research studies, a federal law not enforceable by the Agency in North Carolina, and the National Institute of Corrections of the U.S. Justice Department.[17] The major benefits that will be realized by inmates are provided below:

Keeping Inmates Safe from Suicide

Over the past six years, the number of suicides occurring in North Carolina county jails each year has varied but is experiencing an upward trend. Rule changes that will occur with the readoption of these rules attempt to reduce inmate suicide by adding the following items:

- Implementing a Suicide Prevention Program at a jail is considered a best practice for preventing and reducing suicides in jails and prisons.[18] Research has indicated that the implementations of a suicide prevention program does have an impact on reducing suicides.[19]
- Designing cells that are more resistant to the use of a ligature for the housing of inmates at risk of suicide is considered an important component of a suicide prevention program.[20] Additionally, it is considered a best practice to reduce the presence of tie-off points for ligatures used by inmate to commit suicide in a jail.[21]
- Restricting the spacing of special watch rounds to no more than 20 minutes apart results in more frequent monitoring of inmates in their cells by an officer, which has been identified as a significant deterrent to inmate suicide.[22]

Providing Access to the Outdoors

Inmates benefit from designing and constructing jails with outdoor areas. Outdoor exercise is seen as extremely beneficial to an inmate's emotional and physical well–being because the

---

[17] The National Institute of Corrections promotes correctional practices and facilities that maximize the safety of the community, staff and offenders, hold offenders accountable and improve the likelihood of offenders choosing law-abiding behaviors. Retrieved from https://nicic.gov/mission.

[18] National Institute of Corrections, United State Department of Justice, "Basics and Beyond Suicide Prevention in Jails", (2012), retrieved from https://s3.amazonaws.com/static.nicic.gov/Library/026251.pdf

[19] Anasseril Daniel, "Preventing Suicide in Prison: A Collaborative Responsibility of Administrative, custodial, and Clinical Staff", *Journal of the American Academy of Psychiatry and the Law* (June, 2006), retrieved from http://jaapl.org/content/34/2/165

[20] Linda Hayes, "Checklist for the "Suicide-Resistant Design of Correctional Facilities", (2011), retrieved from http://www.ncianet.org/wp-content/uploads/2015/05/Checklist-for-the-%E2%80%9CSuicide-Resistant%E2%80%9D-Design-of-Correctional-Facilities.pdf

[21] National Institute of Corrections, United State Department of Justice, "Basics and Beyond Suicide Prevention in Jails", (2012) https://s3.amazonaws.com/static.nicic.gov/Library/026251.pdf

[22] Anasseril Daniel, "Preventing Suicide in Prison: A Collaborative Responsibility of Administrative, custodial, and Clinical Staff", *Journal of the American Academy of Psychiatry and the Law* (June, 2006) http://jaapl.org/content/34/2/165

inmate is exposed to fresh air and sunlight.[23] Exercise provides a positive outlet for inmate energy and can improve an inmate's health status thereby reducing medical costs.[24]

Providing an Inmate Access to Daylight in Cells and Dormitories

Inmates benefit from being exposed to natural light. Natural light has been associated with improved mood, lower fatigue, and enhanced moral in people.[25] Research has indicated that exposure to daylighting plays a role in maintaining health.[26] This is especially true for inmates who are confined to the jail and may have restricted access to the outdoors and natural light.

Screening and Care of Inmates with Mental Health Issues

Inmates would benefit from screening upon admission for mental healthcare needs, development and intellectual disabilities, and substance use disorders and the treatment for these conditions. For an inmate, treatment reduces their suffering and the disabling effects of their illness. Thereby, helping to maximize the inmate's ability to participate in program services.[27] Treatment also improves the quality of life for impaired inmates.

Keeping Inmates Safe during Detoxification

Suicidal, mentally ill, and intoxicated inmates benefit from being accommodated in cells that meet their special needs. Padded cells are designed are constructed to meet the special needs of these inmates. Padded cells should keep inmates safe when they are undergoing detoxification from alcohol and drug abuse.

Disaster Plan

Because inmates are locked-up and cannot protect themselves, Inmates must rely on a jail to keep them safe and healthy during a natural disaster, because they are locked-up and cannot protect themselves. A natural disaster at a jail can severely impact how well the jail functions due to: a lack of water and food, an electric power outage, and the shut-down of building heating and cooling systems. A lack of essential jail functions for an extended period of time can negatively impact the health and safety of inmates. A well thought-out and organized disaster plan may mitigate the impact of the disaster and help keep inmates safe by decreasing the chances inmates will die or suffer a serious injury from the disaster. [28]

---

[23] National Institute of Corrections, Jail Design Guide, Third Edition, retrieved from http://static.nicic.gov/Library/024806.pdf

[24] Battaglia C, di Cagno A, Fiorilli G, et al. Benefits of Selected Physical Exercise Programs in Detention: A Randomized Controlled Study. *International Journal of Environmental Research and Public Health*. 2013;10(11):5683-5696. doi:10.3390/ijerph10115683.

[25] Edwards and Torcellini, "A Literature Review of the Effects of Natural Light on Building Occupants", (2002), retrieved from http://www.nrel.gov/docs/fy02osti/30769.pdf

[26] Mead MN. "Benefits of Sunlight: A Bright Spot for Human Health", *Environmental Health Perspectives*. 2008;116(4):A160-A167, retrieved from https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2290997/

[27] National Institute of Corrections, "Mental Health Services", (2004), retrieved from http://static.nicic.gov/Library/018604.pdf

[28] National Institute of Corrections, United State Department of Justice, "A Guide to Preparing for and Responding to Jail Emergencies", retrieved from http://static.nicic.gov/Library/023494.pdf

County Government

County Government will benefit from the readoption of these rules. These benefit are unquantifiable. The screening and treatment of inmates with mental health issues not only benefits inmates but also benefits County Government and jails. Treated inmates are easier to manage, which helps keep staff, volunteers, inmates and visitors of the jail safe.

County Government may have decreased liability resulting from: implementing a suicide prevention program, identifying inmates at risk of suicide, identifying and treating inmates with mental illnesses, housing inmates in padded cells during detoxification, and having a disaster plan that reduces the chances of inmates and staff being seriously injured.

Impacts

As presented above, the estimated calendar year costs and benefits from the proposed readoption of these 32 rules do not amount to an impact of $1 million or more with a year. However, many of the benefits or reductions in cost could not be quantified but may be significant. Therefore, there may be a possible substantial economic impact as a result of the readoption of these rules.

The magnitude of the expected health and safety benefits for inmates are dependent on the effectiveness of the proposed rules, which is discussed below.

- Keeping Inmate Safe from Suicide. The National Institute of Corrections has indicated that the implementation of a suicide prevention program in some jails has decreased their total suicide rate by approximately 50% in five years.[29] But research has also indicated that there are challenges with the successful implementation of a suicide prevention program, which includes difficulties with accurately identifying inmates at risk of suicide and evaluating and improving the suicide prevention program on an ongoing basis.[30]
- Improved Health of Inmate from Exposure to Daylight. Studies have shown that exposure to sunlight has decreased inmates' requests for medical care.[31] But this may be offset by the large number of inmates needing medical care due to the overall health status of the inmate population, which is much worse than that of the general population.[32]
- Mental health screening and treatment. Research has indicated that screening and treatment for mental health disorders reduces inmate suicide attempts and management problems.[33] Research has also found that not all inmates with mental health disorders are treated. Inmates with schizophrenia, which influence an inmate's behavior, are often

[29] National Institute of Corrections, United State Department of Justice, "Basics and Beyond Suicide Prevention in Jails", (2012) https://s3.amazonaws.com/static.nicic.gov/Library/026251.pdf

[30] Anasseril Daniel, "Preventing Suicide in Prison: A Collaborative Responsibility of Administrative, custodial, and Clinical Staff", *Journal of the American Academy of Psychiatry and the Law* (June, 2006) http://jaapl.org/content/34/2/165

[31] Edwards and Torcellini, "A Literature Review of the Effects of Natural Light on Building Occupants", (2002), retrieved from http://www.nrel.gov/docs/fy02osti/30769.pdf

[32] A. Macamadu, "Correctional Health Is Community Health", (2015), retrieved from http://issues.org/32-1/correctional-health-is-community-health/

[33] National Institute of Corrections, "Mental Health Services", (2004), retrieved from http://static.nicic.gov/Library/018604.pdf

medicated to maintain security in the jail environment. But inmates with depression who do not pose a security risk and are more difficult to identify may not be treated.[34]

- Reduction in Liability and Settlement Costs for County Governments. In recent years, inmate deaths in North Carolina have resulted in settlement payments to the families of those inmates in the range of $25,000 to $250,000 per inmate. Implementation of a suicide prevention program should reduce the number of inmate suicides thereby reducing the total amount of settlement costs paid by the State's jails within a calendar year. But non-compliance with existing Rules, such as a failure by jail staff to check on inmates placed on a suicide watch, has sometimes resulted in the death of an inmate and settlement payments to the inmate's family.

State

There is a non-substantial impact to the state for the readoption of these rules. The State's impact will result from an increase in the Construction Section biannual inspection time, plan review time and construction inspection time. For the State, The maximum annual cost for the readoption of these rules occurs in 2023 and is approximately $20,698 (Table 10). Costs are expected to continue at this level beyond 2023. This cost can be absorbed within the Construction Section and Department's operating budget without any increase to state funds. As shown in Table 10, the State's total calendar year impacts for 2019, 2020, 2021 and 2022 is $19,646, $20,323, $20,054 and $20,054, respectively.

Table 10 Estimated Total Impact to State (Construction Section) CY 2019 to 2023

10A NCAC 14J Rule	2019	2020	2021	2022	2023
Jail Operation Rules					
.0103	$3,824	$3,730	$3,730	$3,730	$3,730
.0203	$3,955	$3,955	$3,955	$3,955	$3,955
.0301	$1,978	$1,978	$1,978	$1,978	$1,978
.0303	$1,978	$1,978	$1,978	$1,978	$1,978
.0403	$1,978	$1,978	$1,978	$1,978	$1,978
.0601	$3,955	$3,955	$3,955	$3,955	$3,955
.0705	$1,978	$1,978	$1,978	$1,978	$1,978
.1001	$0	$0	$0	$0	$0
.1002	$0	$0	$0	$0	$0
Construction Rules					
.1207	$0	$141	$94	$94	$235
.1210	$0	$141	$94	$94	$166
.1213	$0	$(69)*	$(46)*	$(46)*	$(46)*
.1214	$0	$141	$82	$82	$235
.1215	$0	$279	$186	$186	$326
.1218	$0	$138	$92	$92	$230
Total	$19,646	$20,323	$20,054	$20,054	$20,698

***** This is a benefit or reduction in cost.

[34] Science News, "United States: Mental health care lacking in state, federal prisons", (January, 2015) from https://www.sciencedaily.com/releases/2015/01/150112081906.htm

County Government

For County Government, the proposed readoption of these rules will result in a non-substantial impact due to an increase in jail operations and construction costs. The jail operations costs impacts are due to: creating a suicide prevention program policy; creating a disaster plan policy; creating a disaster plan, and providing at no cost to inmates shampoo and deodorant after 24 hours of incarceration. The construction costs impacts are due to: the construction of a padded cell, when a padded cell is constructed on a project; and the construction of inmate outdoor exercise areas.

The following impacts were unquantifiable due to insufficient data: changes to improve compliance with design capacity limits; the requirement to separate youthful inmates from adult inmates; the cost to provide routine care for inmates with a developmental and intellectual disability; and the provision of 100 to 116 degrees F. hot water at inmate sinks and showers. .

As indicated in Table 11, the County Government's total calendar year quantified costs for years 2019, 2020, 2021, 2022, and 2023 is $65,874, $58,374, $58,374, $371,948 and $382,266, respectively.

Table 11 Estimated Total Impact to County Government CY 2019 to 2023

10A NCAC 14J Rule	2019	2020	2021	2022	2023
Jail Operation Rules					
.0103	$1,944	$1,944	$1,944	$1,944	$1,944
.0203	$5,500	$0	$0	$0	$1,500
.0301	U*	U*	U*	U*	U*
.0303	U*	$0	$0	$0	$0
.0403	$0	$0	$0	$0	$0
.0601	$0	$0	$0	$0	$0
.0705	$23,800	$23,800	$23,800	$23,800	$23,800
.1001	$1,000	U*	U*	U*	U*
.1002	$33,630	$32,630	$32,630	$32,630	$32,630
Construction Rules					
.1207	$0	$0	$0	$3,066	$3,152
.1210	$0	$0	$0	$310,508	$319,240
.1213	$0	$0	$0	$0	$0
.1214	$0	$0	$0	$0	$0
.1215	$0	$0	$0	$0	$0
.1218	$0	U*	U*	U*	U*
Total	$65,874	$58,374	$58,374	$371,948	$382,266

*****U signifies unquantified impact

Finally, the total estimated calendar year cost impact to the State and County Government is indicated in Table 12 for 2019, 2020, 2021, 2022, and 2023 and is $85,520, $78,697, $78,428, $392,002, $402,964, respectively.

Table 12 - Summary of Total Aggregate Calendar Year Impact for the Readoption of 10A NCAC 14J Rules (Impact Analysis, 2017$)

Year	**2019**	**2020**	**2021**	**2022**	**2023**
COSTS					
State - DHSR (Construction Section)					
Inspection/Enforcement	$19,646	$20,323	$20,054	$20,054	$20,698
County Government					
Jail Operations & Construction Compliance	$65,874	$58,374	$58,374	$371,948	$382,266
Total Costs	$85,520	$78,697	$78,428	$392,002	$402,964
Present Value, 2017$	$74,696	$64,240	$59,832	$279,492	$268,512
Total Costs, 2019-2023, (2017$)	$746,772				
BENEFITS					
Inmates					
Being kept safe from suicide	U*	U*	U*	U*	U*
Exposure to fresh air and sunlight	U*	U*	U*	U*	U*
Access to natural light in cells, dormitories, and dayrooms	U*	U*	U*	U*	U*
Mental health care needs treated	U*	U*	U*	U*	U*
Being kept safe during detoxification	U*	U*	U*	U*	U*
Being kept safe during a disaster	U*	U*	U*	U*	U*
County Government					
Easier management of inmates with mental illness	U*	U*	U*	U*	U*
Lower litigation costs	U*	U*	U*	U*	U*

* U signifies unquantified impact.

Appendix 1

10A NCAC 14J .0101 is proposed for readoption with substantive changes as follows:

SECTION .0100 - DEFINITIONS AND APPLICABILITY FOR JAILS

10A NCAC 14J .0101 DEFINITIONS

~~The~~ In addition to the definitions of G.S. 153A-217, the following definitions shall apply ~~in 10A NCAC 14J .0101 through .1300:~~ throughout Sections .0100-.1300 of this Subchapter:

(1) "Addition" ~~is~~ means an extension or increase in floor area or height of a building or structure.

(2) "Alteration" ~~is~~ means any change or modification in construction or use.

(3) "Booking area" ~~is~~ means ~~a secure~~ an area where a person is admitted to a jail and procedures such as searching, fingerprinting, photographing, health screening, and collecting personal history data occur.

~~(4) "Section" is the Jail and Detention Section of the Division of Health Service Regulation, Department of Health and Human Services.~~

~~(5)~~(4) "Cell" ~~is~~ means any confinement ~~unit~~ unit, except a dormitory.

~~(6)~~(5) "Cellblock" ~~is~~ means a separate and identifiable grouping of cells.

~~(7)~~(6) "Communicable disease or condition" ~~is~~ means an illness or condition as defined in G.S. ~~130A-133 which is hereby adopted by reference pursuant to G.S. 150B-14(c).~~ 130A-2.

(7) "Control center" means a room where jail personnel control the safety and security functions of the jail through the monitoring and operation of equipment that includes the communication systems, security systems, electronic surveillance systems, fire alarm system, and electronic door locking systems.

(8) "Confinement unit" ~~is~~ means a single segregation cell, a single cell, a multiple occupancy ~~cell~~ cell, or a ~~dormitory.~~ dormitory but shall not include a padded cell.

(9) "Construction Section" means the Construction Section of the Division of Health Service Regulation.

~~(9)~~(10) "Contraband" ~~is~~ means any item that a person is not authorized to possess in the jail because it is a violation of ~~law or a violation of rules.~~ G.S. 14-258.1 and G.S. 14-258.2.

~~(10)~~(11) "Dayroom" ~~is~~ means an area accessible to a single cell or a multiple occupancy ~~cell,~~ cell with ~~controlled~~ access from the cell and ~~to which inmates may be admitted~~ space for activities such as dining, showers, physical ~~exercise~~ exercise, and recreation.

~~(11)~~(12) ~~"Department", unless otherwise specified, is the North Carolina Department of Health and Human Services~~. "Department" means as defined in G.S. 153A-217.

(13) "Direct two-way voice communication" means the monitoring of inmate activity by an officer who is located within a cellblock, dayroom, or dormitory and who has oral communications with inmates without the use of a remote two-way voice communication system.

(14) "Direct visual observation" means the monitoring of inmate activity by an officer who has a personal view of the inmates without the use of video surveillance. A jail shall locate an officer either within the cellblock, dayroom, and dormitory or outside of the cellblock, dayroom, and dormitory separated by barriers with view panels. If the officer is separated by barriers from the cell block, dayroom, or dormitory, the view panels in the barriers shall be sized and located to provide the officer with a view into the interior of the cells. The front of these cells shall have bars or doors with view panels

(15) "Disaster plan" means an individual jail's plan with written policies and procedures that indicates what, how, and when actions shall be taken by a jail to maintain the security, welfare, and safety of inmates, staff, officers, and the public before and after the occurrence of an emergency event at the jail. This plan is created and written by the sheriff, regional jail administrator, or their designees.

(16) "District confinement facility" means a building operated by two or more units of local government for the confinement of inmates as provided in G.S. 153A-219.

~~(12)~~(17) ~~"Division", unless otherwise specified, is~~ "Division" means the Division of Health Service Regulation of the North Carolina Department of Health and Human Services.

~~(13)~~(18) "Dormitory" ~~is~~ means an area designed to house ~~up to 40~~ inmates ~~and~~ that combines dayroom space with sleeping space.

(19) "Emergency event" means an event caused by the occurrence of an emergency as defined by G.S. 166A-19.3(6) or the loss of a jail's utility service that includes electricity, water, gas, or communications.

~~(14)~~(20) "Emergency medical ~~problem"~~ need" ~~is a serious medical need, including severe bleeding, unconsciousness, serious breathing difficulties, head injury, severe pain, suicidal behavior or severe burns, that requires immediate medical attention and that cannot be deferred until the next scheduled sick call or clinic.~~ means a medical condition that requires medical treatment as soon as noticed and that may not be deferred until the next scheduled sick call or clinic.

(21) "Fire evacuation training" means instructing officers and jail staff in procedures related to the evacuation or relocation of building occupants when there is a fire in the jail. The instruction shall simulate an actual fire and a rehearsal of actions needed by officers and jail staff for the evacuation or relocation of building occupants but may not require the actual relocation of inmates within the jail or to the outdoors. The local fire marshal shall determine whether the rehearsal shall include the actual relocation of inmates within the jail or to the outdoors.

~~(15)~~(22) "Footcandle" ~~is~~ means the amount of light thrown on a surface one foot away from the light source. It is a unit for measuring the intensity of illumination.

(23) "Flushing rim floor drain" means a plumbing fixture that uses water activated by a flushometer valve to flush sanitary waste from the fixture to a sanitary drainage system. It shall be mounted flush to the floor.

(24) "Glazing" means any infill material in a window or view panel that includes transparent or translucent glass, polycarbonate, or a combination of glass and polycarbonate.

~~(16)~~(25) "Governing body" ~~refers to the governing body of a county or the policy-making body for a district confinement facility.~~ means as defined in G.S.153A-217.

~~(17) "Health screening" is a procedure for each newly-admitted inmate that combines visual observation with an interview to obtain relevant information about the inmate's physical and mental health.~~

~~(18)~~(26) "Holding area" ~~is~~ means a place where inmates are ~~temporarily~~ held while awaiting processing, booking, court appearance, discharge, or transfer to a ~~regular~~ confinement unit.

~~(19)~~(27) "Holdover facility" ~~is~~ means a facility as defined in G.S. ~~7A-517(16) which is hereby adopted by reference pursuant to G.S. 150B-14(c).~~ 7B-1501.

~~(20)~~(28) "Inmate" ~~is~~ means any person, whether pretrial, unsentenced, or sentenced, who is confined in a ~~jail~~ jail, a district confinement facility, or a county satellite jail/work release unit.

~~(21)~~(29) "Inmate processing area" ~~is a secure area through which inmates enter and exit, and it may be combined with the booking area.~~ means a location in a jail where the booking area and release functions for persons committed to the jail are performed.

~~(22) "Institutional Restrained" is a Building Code occupancy classification used for buildings in which persons are restrained under lock and key or other security measures which render them incapable of self-preservation due to the security measures not being under their direct control.~~

(30) "Interlocking security feature" means an electronic locking interface between two or more doors in a security vestibule that unlocks and opens one door while at the same time locking the other doors.

~~(23)~~(31) "Jail" ~~is~~ means a building or part of a building operated by a county or group of counties for the confinement of ~~inmates, including~~ inmates that includes county ~~jails,~~ jails and district confinement ~~facilities and jail annexes.~~ facilities. It shall not include a county satellite jail/work release unit governed by Part 3 of Article 10 of Chapter 153A of the General Statutes.

~~(24) "Jail annex" is a building or a designated portion of a building designed, staffed and used primarily to house inmates who do not present reasonably identifiable security risks.~~

(32) "Means of egress" means an unobstructed path of vertical and horizontal egress travel from any occupied portion of a building or structure to the outside of the building.

(33) "Medical personnel" means persons who provide medical care to inmates. Medical personnel shall include a physician, Registered Nurse, and Licensed Practical Nurse.

~~(25)~~(34) "Medical record" ~~is~~ means a record of medical problems, examinations, ~~diagnoses~~ diagnoses, and treatments.

(35) "Mental health personnel" means persons who provide mental health services to inmates. Mental health personnel shall include a psychiatrist, psychologist, Registered Nurse, and social worker.

~~(26)~~(36) "Multiple occupancy cell" ~~is~~ means a cell designed to house ~~up to four inmates.~~ more than one inmate.

~~(27)~~(37) "Officer" ~~is~~ means a person, whether sworn or unsworn, who is involved in the supervision, control, or custody of inmates.

~~(28)~~(38) "Operations manual" ~~is~~ means a set of written policies and procedures for the operation of a jail in compliance with ~~state and federal law and~~ the ~~minimum~~ standards ~~for the operation of jails.~~ set forth in Sections .0100 through .1100 and Section .1300 of this Subchapter.

(39) "Program area" means a common area or room of a jail used by inmates, officers, or visitors for religious, education, training, or recreation activities.

(40) "Program services" means activities provided to inmates by the jail that includes jail orientation, academic and vocational training, problem solving and recreational skills, and life skills in parenting and maintaining employment after release from jail.

~~(29) "Qualified medical personnel" are persons who provide medical services to inmates and who are licensed, certified, registered, or approved, in accordance with state law. It includes persons who provide limited medical services under supervision as permitted by law.~~

~~(30) "Registered dietitian" is a specialist in the field of nutrition, dietetics and food system management who maintains current registration with the Commission on Dietetic Registration of the American Dietetic Association.~~

(41) "Regional jail administrator" means a person who manages a local district confinement facility on behalf of two or more units of local government as provided in G.S. 153A-219.

(42) "Remote two-way voice communication" means the monitoring of inmate activity with a two-way voice intercom system installed between a confinement unit and a 24-hour officer staffed location away from the confinement unit.

~~(31)~~(43) "Repair" ~~is~~ means reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

~~(32) "Residential" is a Building Code occupancy classification used for buildings which provide sleeping accommodations for the occupants and in which the egress doors are unlocked at all times thereby providing free movement to the building exterior from occupied areas.~~

(44) "Routine care" means care that includes physical examinations, health screenings, diagnostic testing, and treatment for an illness, medical condition, or mental health condition that is not an emergency medical need.

~~(33)~~(45) "Sally port" ~~is~~ means an enclosed entry and exit area used either for vehicular or pedestrian traffic with gates or doors at both ends, only one of which opens at a time.

~~(34)~~(46) "Satellite jail/work release unit" ~~is~~ means a unit as defined in G.S. 153A-230.1.

(47) "Screenings of inmates" means a procedure for each newly-admitted inmate that combines visual observation with an interview to obtain information about the inmate prior to the inmate's placement in the general population of the jail. The procedure is set forth in Rule .1002 of this Subchapter.

~~(35)~~(48) ~~"Secretary", unless otherwise specified, is~~ "Secretary" means ~~the Secretary of the Department of Health and Human Services.~~ as defined in G.S. 153A-217.

~~(36)~~(49) "Security perimeter" ~~is~~ means the outer portion of a jail that provides for the ~~secure~~ confinement of inmates and that prevents the entry of ~~unauthorized~~ persons ~~or contraband.~~ not authorized by the sheriff or regional jail administrator.

(50) "Security-type" means a designation by a manufacturer that indicates the product is designed to withstand damage and destruction by inmates.

~~(37)~~(51) "Security vestibule" ~~is~~ means a ~~defined~~ space that provides security by using two or more doors, with each door able to operate independently, and that permits an officer to observe those who pass through the space.

~~(38)~~(52) "Single cell" ~~is~~ means a cell designed to house one inmate.

~~(39)~~(53) "Single segregation cell" ~~is~~ means a cell designed to house one inmate who has been removed from the general inmate population for administrative segregation, disciplinary segregation, or protective custody.

(54) "Special inmates" means an inmate that includes a geriatric inmate, an inmate with a mental health disorder, developmental disability, intellectual disability, or substance use disorder, and an inmate with a physical disability.

(55) "Special watch rounds" means an in-person check of an inmate by an officer at time intervals set forth in Rule 0601(c) of this Subchapter.

(56) "Supervision rounds" means an in-person check of inmates by an officer entering and walking through a cellblock, dayroom, or dormitory. For a cellblock or dayroom, the officer shall walk past and view into each cell and observe the inmate within the cell. If during the supervision rounds inmates are located in the dayroom and not in their cells, the officer shall observe each of the inmates located in the dayroom. For a dormitory, the officer shall walk through the dormitory and observe each inmate. An officer shall conduct the in-person check at time intervals specified in Rule .0601(a) of this Subchapter.

~~(40)~~(57) ~~"Tamper-resistant"~~ "Tamper-resistant" means ~~designed to prevent damage, destruction or interference~~ a designation by a manufacturer that indicates the product is designed to withstand dismantling of the product, removal of the product, or interference with the operation of the product by inmates.

(58) "Total design capacity" means the maximum number of inmates that can be housed in the confinement units of the jail based on the standards contained in Rule .0103 of this Section and Section .1200 of this Subchapter.

(59) "Unit of local government" means as defined in G.S. 153A-217.

(60) "Video surveillance" means the monitoring of inmate activity by a video camera installed in a cell block, dayroom, or dormitory with views of the confinement units. An officer in a location remote from the cell block, dayroom, or dormitory shall observe a live video image created by the video camera on a television monitor.

~~(41)~~(61) "View panel" ~~is~~ means a transparent panel.

~~(42)~~(62) "Visitation area" ~~is~~ means ~~a designated~~ an area where inmates are permitted to receive visitors according to the jail's policies and procedures that govern visitation.

~~(43)~~(63) "Work release" ~~refers to~~ means the release of a convicted inmate for employment in the ~~community,~~ community ~~returning to custody~~ and the return to custody of the convicted inmate during nonworking hours.

History Note: *Authority G.S. 153A-221; 153A-217*
Eff. June 1, ~~1990.~~ 1990;
Readopted Eff. December 1, 2018.

10A NCAC 14J .0102 is proposed for readoption with substantive changes as follows:

10A NCAC 14J .0102 APPLICABILITY - OPERATIONS AND ENFORCEMENT AND INCORPORATION BY REFERENCE

(a) The ~~operations and enforcement~~ standards established in Section .0100 through .1100 and Section .1300 of this Subchapter shall apply to all jails.

(b) For the purposes of the rules in this Subchapter, the following codes, rules, and standards are incorporated herein by reference including all subsequent amendments and editions. Copies of these codes, rules, and standards may be obtained or accessed from the online addresses listed:

(1) the North Carolina State Building Codes with copies that may be purchased from the International Code Council online at http://shop.iccsafe.org/ at a cost of five hundred seventy-one dollars ($571.00) or accessed electronically free of charge at http://codes.iccsafe.org/North%20Carolina.html;

(2) the North Carolina State Fire Prevention Code with copies that may be purchased from the International Code Council online at http://shop.iccsafe.org/state-and-local-codes/north-carolina/north-carolina-state-building-code-fire-prevention-code-2012-2.html at a cost of ninety-seven dollars ($97.00) or accessed electronically free of charge at http://codes.iccsafe.org/app/book/toc/2012/North_Carolina/Fire/index.html;

(3) 15A NCAC 18A .1517 with copies that may be accessed electronically free of charge at http://reports.oah.state.nc.us/ncac/title%2015a%20-%20environmental%20quality/chapter%2018%20-%20environmental%20health/subchapter%20a/15a%20ncac%2018a%20.1517.pdf;

(4) the National Fire Protection Association, National Fire Alarm and Signaling Code, NFPA 72 with copies of this code that may be purchased from the National Fire Protection Association online at

http://catalog.nfpa.org/NFPA-72-National-Fire-Alarm-and-Signaling-Code-2016-Edition-P1198.aspx?order_src=C900&gclid=CJH4hoSFis8CFdQvgQod_y8Dig for a cost of ninety-six dollars and fifty cents ($96.50) or accessed electronically free of charge at http://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards?mode=code&code=72.

History Note: *Authority G.S. 153A-221;*
Eff. June 1, ~~1990.~~ 1990:
Readopted Eff. December 1, 2018.

10A NCAC 14J .0103 is proposed for readoption with substantive changes as follows:

10A NCAC 14J .0103 APPLICABILITY – CONSTRUCTION

(a) ~~North Carolina State Building Code – Jails must meet the requirements of the North Carolina State Building Code in effect at the time of construction, additions, alterations or repairs.~~ A new jail or an addition or alteration to an existing jail I and II shall meet the requirements of the North Carolina State Building Codes.

(b) ~~New Jails – The construction standards established in Section .1200 shall apply to all jail construction for which the final working drawings are approved by the Section after the effective date of this Rule.~~ An existing jail I and II shall meet the requirements of the North Carolina State Building Codes in effect at the time of construction, addition, alteration, or repair.

(c) ~~Existing Jails – Existing jails shall continue to be governed by the existing construction standards which are now in Section .1500, and the same standards shall apply to new jails which have had final working drawings approved by the Section prior to the effective date of this Rule. Existing jails or new jails which have had final working drawings approved by the Section prior to the effective date of this Rule may choose to comply with any of the new construction standards in Section .1200 as a substitute for existing standards on the same subject in Section .3700.~~ New jail construction or any additions or alterations to an existing jail I and II that have construction documents approved by the Construction Section on or after the readopted effective date of this Rule shall meet the requirements of this Rule and the Rules of Section .1200 of this Subchapter.

(d) ~~Additions – The construction standards established in Section .1200 shall apply to any construction that adds square footage to the building and for which the final working drawings are approved after the effective date of this Rule.~~ Existing jail I construction that has construction documents approved by the Construction Section prior to June 1, 1990 shall meet the requirements of this Rule and the Rules of Section .1500 of this Subchapter.

(e) ~~Alterations or Repairs – When alterations or repairs are made to an existing jail building which affect its structural strength, exits, fire hazards, electrical systems, mechanical systems, or sanitary conditions, such alterations or repairs shall comply with the standards for new construction established in Section .1200. Unaltered portions of the building~~

~~shall only be required to comply with the new construction standards indicated in Section .1200 under the circumstances specified in Paragraphs (f)-(h) of this Rule.~~ Existing jail II construction that has construction documents approved by the Construction Section on or after June 1, 1990 and prior to the readopted effective date of this Rule shall meet the requirements of:

(1) this Rule; and

(2) Rules .1202-.1226 of this Subchapter that were in effect at the time the construction documents were approved by the Construction Section.

(f) Previous versions of the Rules of Section .1200 of this Subchapter can be accessed online at https://www2.ncdhhs.gov/dhsr/jail/index.html.

~~(f)~~(g) ~~Extensive Annual Alterations or Repairs. If, within any 12 month period, alterations or repairs costing in excess of 50 percent of the then physical value of the building are made to an existing jail, the entire jail shall conform to the construction standards for new jails established in Section .1200.~~ A jail that is closed and later reopened shall meet the requirements of Paragraph (c) of this Rule. A jail is not closed if within the same twelve month period of time the jail has either:

(1) housed inmates; or

(2) been inspected by the Construction Section as required by G.S. 153A-222.

~~(g)~~(h) ~~Reconstruction After Damage. If an existing jail is damaged by fire or otherwise in excess of 50 percent of the then physical value of the building at the time of damage, the jail shall be reconstructed in conformance with the construction standards for new jails established in Section .1200.~~ Any existing building converted from another use to a new jail shall meet the requirements of Paragraph (c) of this Rule.

~~(h)~~(i) ~~Physical Value. For the purpose of this Rule, the physical value of the jail building shall be determined by the local building inspection department.~~ Prior to changing a jail's total design capacity by the addition or removal of bunks, the alterations of rooms, or a change in use of space, the governing body shall submit a written request of the change to the Construction Section and obtain a written approval of the change from the Construction Section. For a new jail or an existing jail I, changes to their total design capacity shall comply with the requirements for a new jail as set forth in Paragraph (c). For an existing jail II, changes to its total design capacity shall comply with the requirements of Paragraph (e).

(j) This Rule and the Rules contained in Sections .1200, .1500, .1600, and .1700 of this Subchapter are minimum requirements and are not intended to prohibit jail construction, systems, or operational conditions that exceed these minimum requirements.

(k) The Division may grant an equivalency to allow an alternate design or functional variation from the requirements of this Rule and the Rules contained in Sections .1200, .1500, .1600, and .1700 of this Subchapter. The equivalency may be granted by the Division when a governing body submits a written equivalency request to the Division that indicates the following.

(1) the Rule citation and the Rule requirement that will not be met;

(2) the justification for the equivalency;

(3) how the proposed equivalency meets the intent of the corresponding Rule requirement; and

(4) a statement by the governing body that the equivalency request will not reduce the safety and operational effectiveness of the jail design and layout.

The governing body shall maintain a copy of the approved equivalence issued by the Division.

(l) If the rules, codes, or standards contained in this Subchapter conflict, the most restrictive requirement shall apply.

History Note: *Authority G.S. 153A-221;*
Eff. June 1, ~~1990.~~ 1990;
Readopted Eff. December 1, 2018.

10A NCAC 14J .0201 is proposed for readoption with substantive changes as follows:

SECTION .0200 - OPERATIONS MANUAL FOR JAILS

10A NCAC 14J .0201 REQUIREMENT FOR OPERATIONS MANUAL

~~Effective January 1, 1992, the~~ The sheriff or the ~~administrator of a~~ regional jail administrator shall develop an operations manual that meets the requirements of this Section.

History Note: *Authority G.S. 153A-221;*
Eff. June 1, 1990;
Amended Eff. June 1, ~~1991.~~ 1991;
Readopted Eff. December 1, 2018.

10A NCAC 14J .0203 is proposed for readoption with substantive changes as follows:

10A NCAC 14J .0203 CONTENTS OF OPERATIONS MANUAL

(a) The operations manual shall include written policies and procedures that address the following areas:

(1) administration and ~~management;~~ management of inmates;

(2) admissions, ~~transportation~~ transportation, and release;

(3) ~~classification;~~ classification for the placement and housing of inmates, as set forth in Rule .0301(a) of this Subchapter;

(4) security and supervision;

(5) inmate rules and discipline;

(6) management of special inmates;

(7) legal rights of inmates;

(8) health, mental health, ~~mental retardation~~ developmental disability, intellectual disability, and substance ~~abuse~~ use disorder services;

(9) food services;

(10) program services;

(11) work release;

(12) opportunities for exercise;

(13) access to legal assistance or legal materials;

(14) grievance procedures;

(15) visitation and mail policies;

(16) religious activities;

(17) ~~sanitation;~~ sanitation procedures that comply with Rule .0701 of this Subchapter;

(18) emergency ~~plans.~~ plans for a fire or an emergency situation that includes rioting, bomb threats, escapes, and the taking of hostages;

(19) a disaster plan as required by Rule .0403(d) of this Subchapter;

(20) a suicide prevention program;

(21) waiving any medical fees for indigent inmates, as required by G.S. 153A-225;

(23) use of force; and

(24) use of restraints.

(b) ~~The most recent editions of the following references are available as guides for developing policies and procedures:~~

~~(1) Appalachian State University, Model Policies and Procedures Manual for North Carolina Jails;~~

~~(2) American Correctional Association, Standards for Adult Local Detention Facilities;~~

~~(3) American Correctional Association, Standards for Small Jails;~~

~~(4) National Commission on Correctional Health Care, Standards for Health Services in Jails.~~

~~These references shall be available for inspection or loan from the Section. Consultation and technical assistance shall be available from the Section. The Section can also provide information regarding outside agencies with additional resources for developing policies and procedures.~~ In compliance with G.S. 153A-220(1), the Construction Section shall provide consultation and technical assistance to a jail upon request.

History Note: *Authority G.S. 153A-221;*
Eff. June 1, ~~1990.~~ 1990;
Readopted Eff. December 1, 2018.

10A NCAC 14J .0204 is proposed for readoption with substantive changes as follows:

10A NCAC 14J .0204 REVIEW OF MANUAL

~~The operations manual shall be reviewed and updated at least once each year by the sheriff or the administrator of a regional jail.~~ The sheriff or regional jail administrator shall review and approve the operations manual in writing annually beginning on January 1. If the operations manual has changed, it shall be updated during the review. The date of the most recent review and approval shall be stated in the operations manual. The operations manual and the written approval shall be made available to the Construction Section during an inspection upon request.

History Note: *Authority G.S. 153A-221;*
Eff. June 1, ~~1990.~~ 1990;
Readopted Eff. December 1, 2018.

10A NCAC 14J .0301 is proposed for readoption with substantive changes as follows:

SECTION .0300 - CLASSIFICATION AND HOUSING

10A NCAC 14J .0301 CLASSIFICATION SYSTEM AND TOTAL DESIGN CAPACITY

(a) Each jail shall have a written classification procedure for the placement and housing of inmates. ~~Within the limitations imposed by the design and capacity of the jail, the procedure shall assign inmates to confinement units that best meet their individual needs and that reasonably protect the inmate, other inmates, the jail staff, and the public.~~ The procedure shall include the following criteria for inmate placement:

(1) the medical needs of the inmate;

(2) the level of supervision needed by the inmate related to the inmate's assaultive or non-assaultive behavior toward officers and other inmates; and

(3) the level of security needed by the inmate to prevent the inmate's escape.

(b) When a jail exceeds its total design capacity, the sheriff, regional jail administrator, or their designees shall relocate inmates to another jail or prison to bring the number of inmates confined into compliance with the total design capacity.

History Note: *Authority G.S. 153A-221;*
Eff. June 1, ~~1990.~~ 1990;
Readopted Eff. December 1, 2018.

10A NCAC 14J .0302 is proposed for readoption with substantive changes as follows:

10A NCAC 14J .0302 FEMALE INMATES

~~Male and female inmates shall not be placed in the same confinement unit, dayroom or other living area and, in addition, female inmates shall be housed out of sight of male inmates.~~ Pursuant to G.S. 153A-228, the jail shall not house female and male inmates in the same confinement unit, dayroom, dormitory, or program area. Inmates shall be housed in the jail where they cannot converse with, see, or be seen by inmates of the opposite sex.

History Note: *Authority G.S. 153A-221; 153A-228*
Eff. June 1, 1990;
Amended Eff. December 1, ~~1991.~~ 1991;
Readopted Eff. December 1, 2018.

10A NCAC 14J .0303 is proposed for readoption with substantive changes as follows:

10A NCAC 14J .0303 CONFINEMENT OF ~~MALES~~ INMATES UNDER 18 YEARS OF AGE

~~Male inmates~~ Inmates under 18 years of age shall be confined in separate cells from ~~adult~~ inmates who are 18 years of age and older during sleeping hours.

History Note: *Authority G.S. 153A-221;*
Eff. June 1, ~~1990.~~ 1990;
Readopted Eff. December 1, 2018.

10A NCAC 14J .0402 is proposed for readoption with substantive changes as follows:

10A NCAC 14J .0402 ~~FIRE EQUIPMENT~~ PORTABLE FIRE EXTINGUISHERS

Each jail shall provide ~~the following emergency fire equipment:~~

~~(1) fire extinguishers that meet all of the requirements in National Fire Protection Association pamphlet number 10 which is hereby incorporated by reference including subsequent amendments and editions of the referenced materials [a copy can be obtained from the National Fire Protection Association, 1 Battery March Park, Post Office Box 9101, Quincy, Massachusetts 02269-9959 at a cost of seventeen dollars and fifty cents ($17.50)]; and~~

~~(2) smoke detection equipment that meets the requirements of the North Carolina State Building Code.~~

portable fire extinguishers that meet the requirements of the North Carolina State Fire Prevention Code.

History Note: *Authority G.S. 153A-221;*
Eff. June 1, 1990;
Amended Eff. December 1, ~~1991.~~ 1991;
Readopted Eff. December 1, 2018.

10A NCAC 14J .0403 is proposed for readoption with substantive changes as follows:

10A NCAC 14J .0403 FIRE ~~PLAN~~ PLAN, FIRE EVACUATION TRAINING, AND DISASTER PLAN

(a) Each jail shall have a written plan for the evacuation and control of inmates in the event of a fire. ~~The plan shall include at least quarterly fire drills, and records shall be made of the fire drills and retained. The actual movement of inmates to other areas or outside the building is not required.~~

(b) Ninety percent of officers and jail staff shall receive fire evacuation training on a quarterly basis, as determined by the sheriff or regional jail administrator. ~~Evacuation~~ The evacuation routes used in the fire evacuation training shall be posted ~~or otherwise clearly marked throughout the jail.~~ in the jail for viewing by officers. The sheriff or regional jail administrator shall maintain written documentation of the fire evacuation training. The sheriff or regional jail administrator shall make this documentation available to the Construction Section during an inspection upon request.

(c) ~~The sheriff or the regional jail administrator shall request in writing that the local fire department or fire marshall inspect the jail and review the fire plan at least once each year.~~ If the local fire department or fire marshal has not inspected the jail and approved the fire plan within twelve months of the date of their last inspection, the sheriff or regional jail administrator shall request in writing an inspection and approval of the plan from the local fire department or fire marshal. The sheriff or regional jail administrator shall maintain written documentation of either the inspection and the approved fire plan, or the written request for inspection and approval of the plan. The sheriff or regional jail administrator shall make this documentation available to the Construction Section during an inspection upon request.

(d) Each jail shall have a disaster plan that shall be documented as having been submitted to the local emergency management agency. The sheriff or regional jail administrator shall review and update the disaster plan in writing not less than once each year beginning on January 1. The date of the most recent review and approval shall be stated in the plan. The disaster plan shall be maintained at the jail and shall be made available to the Construction Section during an inspection upon request.

History Note: *Authority G.S. 153A-221;*
Eff. June 1, ~~1990.~~ 1990;
Readopted Eff. December 1, 2018.

10A NCAC 14J .0404 is proposed for readoption with substantive changes as follows:

10A NCAC 14J .0404 MATTRESSES

Mattresses shall ~~be of fire resistive and nontoxic construction~~. meet the requirements of the North Carolina State Fire Prevention Code.

History Note: *Authority G.S. 153A-221;*
Eff. June 1, ~~1990.~~ 1990;
Readopted Eff. December 1, 2018.

10A NCAC 14J .0405 is proposed for readoption with substantive changes as follows:

10A NCAC 14J .0405 KEYS

(a) Each jail that is ~~required to meet the "Institutional Occupancy - Restrained" requirements of the North Carolina State Building Code~~ classified as an Institutional Group I-3 occupancy shall have a key control ~~system that includes the following elements:~~ system. For the purposes of this Rule, "Institutional Group I-3 occupancy" means an occupancy classification as defined in the North Carolina State Building Code.

(b) The key control system shall include the following elements:

(1) a key control center that is ~~secure and~~ inaccessible to unauthorized persons at all times;

(2) a set of duplicate keys ~~to be~~ for emergency use stored ~~in a safe place~~ outside the security perimeter of the jail in a location that is inaccessible to unauthorized persons at all ~~times;~~ times and accessible to emergency personnel at all times;

(3) an accounting procedure for issuing and returning keys; and

(4) a system of keys and matching locks that are color-coded and marked for identification by ~~touch.~~ touch on both sides of doors installed in a means of egress.

History Note: *Authority G.S. 153A-221;*
Eff. June 1, ~~1990.~~ 1990;
Readopted Eff. December 1, 2018.

10A NCAC 14J .0501 is proposed for readoption with substantive changes as follows:

SECTION .0500 - SECURITY

10A NCAC 14J .0501 GENERAL SECURITY REQUIREMENTS

Each jail shall meet the following security requirements:

(1) provide for the ~~secure~~ confinement of inmates from the time of their passage through the security perimeter until release;

(2) provide for the locked storage of firearms before persons enter the security perimeter;

(3) prevent the passage of contraband;

(4) prevent ~~unauthorized~~ contact between inmates and persons from outside the ~~jail;~~ jail, unless authorized by the sheriff, regional jail administrator, or their designees;

(5) provide a ground-level perimeter exterior that is ~~well lighted; and~~ lighted; and

(6) provide a communications link with outside agencies for use in emergencies.

History Note: *Authority G.S. 153A-221;*
Eff. June 1, 1990;
Amended Eff. December 1, ~~1991.~~ 1991;
Readopted Eff. December 1, 2018.

10A NCAC 14J .0601 is proposed for readoption with substantive changes as follows:

SECTION .0600 - SUPERVISION

10A NCAC 14J .0601 SUPERVISION

(a) ~~Officers~~ A jail shall have an officer make supervision rounds and ~~directly~~ observe each inmate ~~in person at least~~ not less than twice per hour on an irregular ~~basis.~~ basis with not more than 35 minutes between rounds. Supervision rounds shall be conducted 24 hours a day, 7 days per week. The supervision rounds shall be ~~documented.~~ documented and maintained as written or electronic records. These records shall be made available to the Construction Section during an inspection upon request. ~~If remote electronic monitoring is used to supplement supervision, it shall not be substituted for supervision rounds and direct visual observation.~~ The supplemental methods of supervision specified in Paragraph (b) of this Rule shall not substitute for supervision rounds.

(b) ~~In addition to the supervision rounds required in Paragraphs (a) and (c) of this Rule, each~~ A jail shall utilize one or ~~both~~ more ~~of the following~~ supplemental methods of ~~supervision:~~ supervision 24 hours a day, 7 days a week. The supplemental methods of supervision are:

(1) ~~Direct or remote~~ direct two-way voice ~~communication with all confinement units.~~ communication;

(2) ~~Visual contact either through direct observation or by means of electronic surveillance with all confinement units.~~ remote two-way voice communication;

(3) direct visual observation; and

(4) video surveillance.

(c) ~~Officers shall directly observe, at least four times per hour, inmates who display the following behavior:~~

~~(1) physically hitting or trying to hit an officer; or~~

~~(2) being verbally abusive; or~~

~~(3) stating he will do harm to himself; or~~

~~(4) intoxicated, as determined by a score of .15 on a breathalyzer or displaying slurred speech or smelling of alcohol or inability to control body movement; or~~

~~(5) displaying erratic behavior such as screaming, crying, laughing uncontrollably, or refusing to talk at all.~~

~~In addition to displayed behavior, a previous record of a suicide attempt or a previous record of mental illness shall warrant observation at least four times per hour.~~ While an inmate is on special watch, as specified by this Paragraph, the jail shall have an officer conduct special watch rounds and observe the inmate not less than four times per hour on an irregular basis with not more than 20 minutes between rounds. Special watch shall be conducted 24 hours a day, 7 days a week. The special watch rounds shall be documented. The jail shall maintain written or electronic records of the special watch rounds and shall make these records available to the Construction Section during an inspection upon request. The supplemental methods of supervision specified in Paragraph (b) of this Rule shall not substitute for a special watch. An inmate shall be on a special watch for the following reasons:

(1) an inmate with a medical record maintained and preserved by the jail as required by Rule .1001(b)(7) of this Subchapter that indicates the inmate has attempted suicide at a previous time;

(2) an inmate who reports a previous suicide attempt or threatens to commit suicide during their initial screening upon admission required by Rule .1001(b)(1) of this Subchapter;

(3) an inmate who has been assigned to special watch by medical or mental health personnel of the jail or an officer;

(4) an inmate who displays any of the following behavior:

(A) physically hitting or trying to hit an officer;

(B) verbal abuse of other people;

(C) threatening other people or engaging in self-injury;

(D) screaming, crying, laughing uncontrollably, or refusing to talk; and

(5) an inmate who is intoxicated by alcohol or drug use as determined at intake by one of the following:

(A) a blood alcohol content level of .15 or greater as measured;

(B) use of slurred speech; or

(C) the inability to control body movement.

(d) ~~Officers shall~~ A jail shall make sure that officers remain awake at all ~~times.~~ times while on duty.

(e) ~~Officers shall not be assigned other duties that would interfere with the continuous supervision, custody or control of inmates.~~ When an officer is assigned to supervise inmates as required by Paragraph (a), (b), and (c) of this Rule, a jail shall not assign the officer other tasks that would interfere with the supervision of inmates. These other tasks shall include:

(1) delivering food to inmates;

(2) preparing inmates for and transporting inmates to court;

(3) escorting inmates to medical appointments;

(4) performing inmate booking and release functions;

(5) supervising inmates working in the jail; and

(6) exchanging inmate's soiled clothing, bed sheets, and blankets with clean clothing, bed sheets, and blankets.

(f) ~~Female~~ A jail shall have female officers ~~shall be~~ on duty when female inmates are confined.

(g) The sheriff or the ~~administrator of the~~ regional jail administrator shall develop ~~a~~ contingency personnel ~~plan~~ plans for the supervision and control of inmates during ~~an emergency, and that plan~~ a fire, an emergency event, or an emergency situation that includes rioting, bomb threats, escapes, and the taking of hostages. The contingency personnel plans shall provide for the ~~ready~~ availability of extra personnel. A contingency personnel plan shall be included in the emergency plans required by Rule .0203(18) of this Subchapter and the disaster plan required by Rule .0403(d) of this Subchapter.

(h) ~~Inmates~~ A jail shall not ~~be allowed~~ allow an inmate to supervise or assume ~~any~~ control over other inmates.

History Note: *Authority G.S. 153A-221;*
Eff. October 1, 1990;
Amended Eff. June 1, ~~1992.~~ 1992;
Readopted Eff. December 1, 2018.

10A NCAC 14J .0702 is proposed for readoption with substantive changes as follows:

10A NCAC 14J .0702 MATTRESSES AND BEDDING

(a) Mattresses, sheets, and blankets that are clean and ~~in good repair~~ are capable of being used for their intended purpose shall be supplied to ~~all~~ inmates ~~except those not~~ who are housed overnight. Clean sheets shall be issued at least once a week. ~~Mattresses shall meet the following requirements:~~

(b) Mattresses shall:

(1) ~~Mattresses shall~~ comply with ~~Commission for Public Health rules on sanitation, Title 15A Chapter 18B .0201 – .0215 and G.S. Chapter 130A-273 which are adopted by reference pursuant to G.S. 150B-14(c).~~ G.S. 106.65.95 through 106.107 and the requirements of 15A NCAC 18A .1517;

(2) ~~Mattresses shall~~ not be less than four inches ~~thick and shall be the same length and width as the jail bunks.~~ thick;

(3) be the same length and width as the jail bunks;

~~(3)~~(4) ~~Mattresses shall~~ not have any metal, plastic, or other rigid framing ~~component.~~ component; and

~~(4)~~(5) ~~Mattress~~ have ticking that is ~~shall be durable and~~ water repellent.

History Note: *Authority G.S. 153A-221;*
Eff. June 1, ~~1990.~~ 1990;
Readopted Eff. December 1, 2018.

10A NCAC 14J .0705 is proposed for readoption with substantive changes as follows:

10A NCAC 14J .0705 PERSONAL HYGIENE ITEMS

(a) Every inmate detained over 24 hours shall be issued without charge the following ~~items as appropriate:~~ items:

(1) ~~Toothbrush;~~ toothbrush;

(2) ~~Toothpaste~~ toothpaste or tooth powder;

(3) ~~Comb; and~~ comb;

(4) ~~Feminine~~ feminine hygiene ~~products.~~ products, if appropriate;

(5) deodorant; and

(6) shampoo.

(b) After ~~a newly admitted~~ an inmate has exhausted his or her initial supply of personal hygiene items listed in Paragraph (a), each jail shall make ~~the listed~~ these items available either for inmate purchase or without ~~charge.~~ charge, as determined by the jail.

History Note: *Authority G.S. 153A-221;*
Eff. June 1, 1990;
Amended Eff. January 1, ~~1992.~~ 1992;
Readopted Eff. December 1, 2018.

10A NCAC 14J .0904 is proposed for readoption with substantive changes as follows:

10A NCAC 14J .0904 MENUS

(a) ~~Menus shall be prepared~~ A jail shall prepare menus in consultation with a ~~registered~~ dietitian or nutritionist.

(b) Menus shall be written and portion sizes shall be ~~specified.~~ specified within the menu.

(c) Menus shall be dated and posted in the jail one week in advance of serving a meal.

(d) ~~Menus shall be served as written to inmates in the jail. Any necessary substitutions shall be of comparable nutritional value, and a written record of substitutions shall be kept.~~ Menus shall be served to inmates as written, unless a substitution of comparable nutritional value is served as determined by the dietitian or nutritionist. Substitutions to the menu shall be made in consultation with a dietitian or nutritionist.

(e) The same menu shall not be served at lunch and dinner on the same day.

(f) Dated menus and records of any substitutions shall be retained for three ~~years.~~ years by the jail or the jail's food vendor either at the jail or at a remote location.

(g) If requested during a Construction Section inspection, the jail shall make dated menus and records of substitutions available to the Construction Section within 30 days of the request.

History Note: Authority G.S. 153A-221;
Eff. June 1, ~~1990~~. 1990;
Readopted Eff. December 1, 2018.

10A NCAC 14J .1001 is proposed for readoption with substantive changes as follows:

SECTION .1000 - HEALTH CARE OF INMATES AND EXERCISE

10A NCAC 14J .1001 MEDICAL PLAN

(a) ~~A written medical plan shall be developed in compliance with G.S. 153A-225 and it shall be available for ready reference by jail personnel.~~ A governing body shall develop and adopt a written medical plan in compliance with G.S. 153A-225. The medical plan shall be available for reference by jail personnel. The medical plan shall include a description of the health services available to inmates.

(b) The written plan shall include policies and procedures that address the following areas:

(1) ~~Health~~ screening of inmates upon ~~admission;~~ admission as set forth in Rule .1002(a) of this Section;

(2) ~~Handling~~ handling routine medical care;

(3) handling routine care for an inmate's needs related to:

(A) mental health;

(B) a developmental and intellectual disability; and

(C) a substance use disorder;

~~(3)~~ (4) ~~The~~ the handling of inmates with chronic illnesses or ~~known~~ communicable diseases or conditions;

~~(4)~~ (5) ~~Administration, dispensing~~ administration, dispensing, and control of prescription and non-prescription medications;

~~(5)~~ (6) ~~Handling~~ handling emergency medical ~~problems,~~ needs, including ~~but not limited to emergencies involving~~ dental care, ~~chemical dependency,~~ substance use disorder, ~~pregnancy~~ pregnancy, and mental health;

~~(6)~~ (7) ~~Maintenance~~ maintenance, preservation, and confidentiality of medical records; and

~~(7)~~ (8) ~~Privacy~~ privacy during medical examinations and conferences with ~~qualified~~ medical or mental health personnel.

(c) Inmates ~~must~~ shall be provided an opportunity each day to communicate their health compliants to ~~a health professional~~ medical personnel, mental health personnel, or ~~to~~ an officer. ~~Qualified medical~~ Medical personnel or mental health personnel shall be available to evaluate the ~~medical~~ needs of ~~inmates.~~ inmates related to medical care, mental health care, a substance use disorder, and a developmental or intellectual disability. ~~A written record shall be maintained~~ A jail shall maintain a written record of ~~the request for medical care~~ an inmate's health compliants and the action ~~taken.~~ taken by the jail. The jail shall make these records available to the Construction Section during an inspection upon request.

(d) Inmates shall not ~~perform any medical functions~~ render medical care, mental health care, substance use disorder services, and developmental or intellectual disability services to anyone in the jail.

(e) ~~The medical plan shall be reviewed annually.~~ The local or district health director shall review and update the medical plan in writing not less than once each year beginning on January 1. The date of the most recent review shall be stated in the plan. The medical plan shall be maintained at the jail and shall be made available to the Construction Section during an inspection upon request.

History Note: *Authority G.S. 153A-221;153A-225*
Eff. June 1, 1990;
Amended Eff. December 1, ~~1991.~~ 1991;
Readopted Eff. December 1, 2018.

10A NCAC 14J .1002 is proposed for readoption with substantive changes as follows:

10A NCAC 14J .1002 ~~HEALTH SCREENING FORM~~ SCREENING OF INMATES

(a) ~~The health screening form completed upon admission by an officer shall be available to jail officers, and a copy of the form shall be kept in any medical file that is maintained for inmates. The form shall be reviewed for the presence~~

~~of confidential information which can not be made available to jail officers.~~ Medical personnel, mental health personnel, or an officer shall conduct and document screenings of each inmate upon admission for the following:

(1) medical care needs;

(2) mental health care needs;

(3) developmental and intellectual disabilities;

(4) substance use disorders; and

(5) risk of suicide.

(b) Medical personnel or mental health personnel shall maintain a record of the screening in each inmate's medical record. In compliance with G.S. 153A-222, documentation of the screening shall be made available to the Construction Section during an inspection upon request.

(c) Officers may access or use information from the screening in accordance with the confidentiality policy and procedures for medical records that is required by Rule .1001(b)(7) of this Section.

History Note: *Authority G.S. 153A-221;*
Eff. June 1, 1990;
Amended Eff. December 1, ~~1991.~~ 1991;
Readopted Eff. December 1, 2018.

10A NCAC 14J .1201 is proposed for readoption as a repeal as follows:

SECTION .1200 - STANDARDS FOR NEW JAIL DESIGN AND CONSTRUCTION

10A NCAC 14J .1201 APPLICABILITY - CONSTRUCTION

History Note: *Authority G.S. 153A-221;*
Eff. June 1, 1990;
Amended Eff. June 1, ~~1992.~~ 1992;
Repealed Eff. December 1, 2018.

10A NCAC 14J .1202 is proposed for readoption with substantive changes as follows:

10A NCAC 14J .1202 CONSULTATION AND TECHNICAL ASSISTANCE

~~Consultation and technical assistance in planning a new jail shall be available through the Section.~~ In compliance with G.S. 153A-220(1), the Construction Section shall provide consultation and technical assistance to a governing body in the planning and construction of a new jail or an addition, alteration, or repair of an existing jail I and II.

History Note: *Authority G.S. 153A-221;*
Eff. June 1, ~~1990.~~ 1990;
Readopted Eff. December 1, 2018.

10A NCAC 14J .1203 is proposed for readoption with substantive changes as follows:

10A NCAC 14J .1203 COMPLIANCE REVIEW AND APPROVAL

(a) ~~The~~ Prior to the construction of a new jail or the construction of an addition or alteration to an existing jail I and II, the governing body shall submit ~~copies of~~ the following to the ~~Branch~~ Construction Section for review and approval: ~~before it begins construction of a new jail and before it makes additions or alterations to an existing jail as defined by the North Carolina State Building Code:~~

(1) ~~three~~ two sets of schematic drawings and outline specifications;

(2) ~~three~~ two sets of preliminary working drawings or design development drawings and outline specifications; and

(3) ~~three~~ two sets of ~~completed final working drawings~~ construction documents and specifications.

The Construction Section shall review one set of these drawings, documents, and specifications for compliance with the standards established in this Section and Rule .0103 of this Subchapter. The Construction Section shall have 45 days from receipt of these drawings, documents, and specifications to complete their review.

(b) Upon receipt of the ~~drawings~~ drawings, documents, and specifications ~~at each stage,~~ indicated in Paragraph (a) of this Rule, the Construction Section shall send one set ~~each~~ to the ~~following for their review and approval: the~~ North Carolina Department of Insurance for plan review to ~~insure~~ confirm compliance with the North Carolina State Building ~~Code, and the Division of Environmental Health in the Department of Environment and Natural Resources to insure compliance with the rules governing sanitation as codified in 15A NCAC 18A, Section .1500 and which are hereby incorporated by reference including subsequent amendments and editions of the referenced materials. A copy of this material can be obtained free of charge from the State Division of Health Services, Environmental Health Section, Post Office Box 27687, Raleigh, North Carolina 27611-7687.~~ Codes. ~~The Section shall keep one set for its own review and approval to insure compliance with the minimum standards for the operation and construction of jails as contained in this Subchapter. Review and comment on the drawings and specifications at each stage shall be made no later than 30 days after their receipt by the Section.~~ The Construction Section's approval shall be contingent upon the approval by the North Carolina Department of Insurance and the local building code official.

(c) During their review, the Construction Section shall determine the total design capacity of the confinement units in the jail. The Construction Section's approval letter required by Paragraph (g) of this Rule shall indicate the total design capacity of the jail with a breakdown of the total design capacity as follows:

(1) total capacity of confinement units designed for male inmates who are 18 years of age or older;

(2) total capacity of confinement units designed for male inmates who are under 18 years of age;

(3) total capacity of confinement units designed for female inmates who are 18 years of age or older; and

(4) total capacity of confinement units designed for female inmates who are under 18 years of age.

(d) In order to maintain compliance with the standards established in this Section and Rule .0103 of this Subchapter, the governing body shall obtain written approval from the Construction Section for any changes made during the construction of the jail in the same manner as set forth in Paragraph (a) of this Rule.

(e) Two weeks prior to the anticipated construction completion date, the governing body shall notify the Construction Section of the anticipated construction completion date in writing either by U.S. Mail at the Division of Health Service Regulation, Construction Section, 2705 Mail Service Center, Raleigh, NC, 27699-2705 or by e-mail at DHSR.Construction.Admin@dhhs.nc.gov.

(f) Prior to inmate occupancy of the jail, the governing body shall obtain written approval of the completed construction from the Construction Section.

(g) When the Construction Section approves the construction documents and specifications, they shall provide the governing body with an approval letter. The Construction Section's approval of the construction documents and specifications shall expire 24 months after the issuance of the approval letter, unless the governing body has obtained a building permit for construction. The Construction Section shall have 45 days from receipt of a request for a renewed approval to complete their review of the request. If the Construction Section's approval has expired, the governing body may obtain a renewed approval of the construction documents and specifications from the Construction Section as follows:

(1) If the standards established in this Section and Rule .0103 of this Subchapter have not changed, the governing body shall request a renewed approval of the construction documents and specifications from the Construction Section.

(2) If the standards established in this Section and Rule .0103 of this Subchapter have changed, the governing body shall:

(A) submit revised construction documents and specifications meeting the current standards established in Rule .0103 and Section .1200 of this Subchapter to the Construction Section; and

(B) receive written approval of the revised construction documents and specifications from the Construction Section.

History Note: *Authority G.S. 153A-221;*
Eff. June 1, 1990;

Amended Eff. June 1, ~~1992.~~ 1992;

Readopted Eff. December 1, 2018.

10A NCAC 14J .1207 is proposed for readoption with substantive changes as follows:

10A NCAC 14J .1207 INMATE PROCESSING AREA AND PADDED CELL

(a) Each jail that performs a booking and release function shall have an inmate processing area that includes the following:

(1) a separate inmate entrance;

(2) a holding area with seating and access to a ~~commode,~~ toilet, lavatory, drinking fountain, and a shower;

(3) a booking area that includes space for photographing and fingerprinting ~~inmates and a telephone for making local and collect long-distance calls; and~~ inmates;

(4) a telephone for making local and collect long-distance calls; and

~~(4)~~(5) a sobriety testing area.

(b) A holding area may have a cell but it shall not be used as a confinement unit.

(c) The inmate processing area may have a padded cell. The padded cell may be located in the medical area required by Rule .1209 of this Section. The padded cell shall:

(1) be limited to one inmate;

(2) contain a flushing rim floor drain that:

(A) is capable of accepting solid waste;

(B) has its flushing control located outside of the cell; and

(C) has a tamper-resistant cover as rated by the manufacturer;

(3) be located to allow observation of the cell by an officer 24 hours a day 7 days per week;

(4) have not less than 50 square feet of floor area with no one floor dimension being less than seven feet;

(5) have not less than an eight feet clear ceiling height;

(6) provide a food pass with a lockable shutter;

(7) have a door with a view panel large enough to permit observation of the entire cell;

(8) be equipped with a fire sprinkler rated as tamper resistant by the manufacturer;

(9) have remote two-way voice communication;

(10) be padded with padding material that meets the requirements of Paragraph (c) of this Rule;

(11) be separated from the remainder of the jail as required by Paragraph (d) of this Rule; and

(12) have a water hose connection outside the cell that is not accessible to an inmate.

(d) Cell padding shall meet the requirements of the North Carolina State Fire Prevention Code. Cell padding shall be:

(1) not less than ½ inch thick;

(2) of a unitary or laminated construction designed to prevent destruction by teeth, hand tearing, or small metal objects;

(3) bonded to surfaces to prevent tearing or ripping; and

(4) without exposed seams that can be ripped open.

(e) A padded cell shall be separated from the remainder of the jail with a 1-hour fire-resistance-rated fire barrier and a fire door with a fire protection rating of not less than 45 minutes as required by the North Carolina State Building Code.

History Note: *Authority G.S. 153A-221;*
Eff. June 1, ~~1990.~~ 1990;
Readopted Eff. December 1, 2018.

10A NCAC 14J .1210 is proposed for readoption with substantive changes as follows:

10A NCAC 14J .1210 OTHER AREAS

(a) Each jail that does not contract for meals shall have a kitchen. ~~If~~ However, if a county or a region has more than one jail, it shall be required to provide only one kitchen if it meets the needs of the inmates in all of the jails.

(b) Each jail that does not contract for laundry services shall have a laundry. ~~If~~ However, if a county or a regional jail has more than one jail, it shall be required to provide only one laundry if it meets the needs of the inmates in all of the jails.

(c) Each jail shall have ~~an area or areas specifically designated for~~ indoor and outdoor physical ~~exercise.~~ exercise areas. The indoor and outdoor exercise areas shall meet the following requirements:

(1) An outdoor exercise area or areas shall:

(A) be 15 square feet per inmate for the maximum number of inmates expected to use an exercise area at one time as determined by the jail;

(B) be not less than 100 square feet for each individual exercise area serving one inmate;

(C) be not less than 300 square feet for each individual exercise area serving more than one inmate;

(D) have a hard surface for the floor;

(E) be enclosed by physical barriers that prevent inmate escape;

(F) be out of sight from the public; and

(G) if covered by a roof, be covered by noncombustible roof construction.

(2) An indoor exercise area or areas shall:

(A) be located in the dayroom, cellblock, dormitory, or a separate room located near the dayroom, cellblock or dormitory.

(B) be 15 square feet per inmate for the maximum number of inmates expected to use an exercise area at one time as determined by the jail;

(C) be not less than 100 square feet for each individual exercise area serving one inmate;

(D) be not less than 300 square feet for each individual exercise area serving more than one inmate; and

(E) if the exercise area is located in a dayroom or dormitory, be in addition to the floor area required by Rules .1225 and .1226 of this Section.

(d) Each jail shall provide areas with shelves that meet its storage needs. ~~Each jail shall provide a separate area for the secure storage of inmate personal property.~~

(e) Each jail shall have a cleaning area that is equipped with a sink and that provides for the ~~secure~~ storage of cleaning supplies and ~~equipment.~~ equipment in a locked area.

(f) Each jail shall provide ~~adequate secure~~ a separate locked storage area or areas for the storage of inmate personal property that includes storage for those inmates who are placed on work release.

(g) A control center shall have:

(1) a security vestibule at its entrance; and

(2) a room with a toilet and sink that is contiguous to the control room.

History Note: *Authority G.S. 153A-221;*
Eff. June 1, ~~1990.~~ 1990;
Readopted Eff. December 1, 2018.

10A NCAC 14J .1212 is proposed for readoption with substantive changes as follows:

10A NCAC 14J .1212 FLOORS, CEILINGS, AND WALLS

(a) ~~All ceilings, walls, and floors~~ Ceilings and walls in confinement ~~units~~ units, cellblocks, dayrooms, the inmate processing area, and the medical area shall have a finished surface that is ~~easily~~ ~~cleaned,~~ cleanable, nontoxic, and ~~predominantly~~ of light colors.

(b) Floors in confinement units, cellblocks, dayrooms, the inmate processing area, and the medical area shall have a finished surface that is cleanable and nontoxic.

History Note: *Authority G.S. 153A-221;*
Eff. June 1, 1990;
Amended Eff. December 1, ~~1991.~~ 1991;

Readopted Eff. December 1, 2018.

10A NCAC 14J .1213 is proposed for readoption with substantive changes as follows:

10A NCAC 14J .1213 SHOWERS AND PLUMBING FIXTURES

(a) Each jail shall provide at least one shower for every eight inmates.

(b) ~~Showers~~ A shower stall floor shall ~~have drains~~ be sloped to a floor drain that ~~prevent~~ prevents water from draining outside the ~~shower, and the shower fixtures and drains shall be tamper-resistant if necessary for security.~~ shower stall. The floor used to access the shower stall that is outside of the stall but contiguous to the shower stall floor shall be sloped to a floor drain.

(c) In inmate accessible areas, the shower fixture and floor drain cover shall be security-type and tamper-resistant as rated by the manufacturer.

~~(c)~~ (d) ~~Plumbing~~ In inmate accessible areas, plumbing fixtures shall be made of stainless steel or other ~~materials as necessary for security.~~ similar materials that are rated as security-type and tamper-resistant by the manufacturer.

~~(d) Drinking fountains shall be equipped with mouth guards.~~

(e) All privacy partitions in showers and bathrooms shall be high enough to allow limited privacy for the inmates while still allowing ~~adequate~~ supervision of the inmates by officers.

History Note: *Authority G.S. 153A-221;*
Eff. June 1, ~~1990.~~ 1990;
Readopted Eff. December 1, 2018.

10A NCAC 14J .1214 is proposed for readoption with substantive changes as follows:

10A NCAC 14J .1214 WINDOWS AND GLAZING

~~(a) Windows and window framing, including glazing, shall be made of materials necessary to provide the degree of security required for the area in which they are used~~.

~~(b)~~(a) ~~Glazing shall be diffused or obscured if it affords a view into confinement units from outside the jail~~. If glazing affords persons from outside of the jail a view of inmates inside the jail, the glazing shall:

(1) admit natural light into the confinement unit or dayroom;

(2) be diffused or obscured to prevent persons from outside the jail from observing inmates inside the jail.

~~(c)~~(b) ~~View panels shall be made of materials necessary to provide the degree of security required for the area in which they are used, and those used for~~ A view panel used to observe a confinement ~~units~~ unit shall have an area that permits observation of the entire unit.

(c) For a single segregation cell, a window to the outdoors shall be provided either in the cell or in the corridor that is contiguous to the cell. If the window is provided in the cell, it shall have a gross window area measuring not less than three square feet. If the window is provided in the corridor that is contiguous to the cell, the gross window area of the corridor shall be equivalent to the sum of two square feet per inmate whose segregation cell is contiguous to the corridor or 48 square feet, whichever is greater. The cell door shall have a window area measuring not less than 96 square inches.

(d) ~~Natural light shall be admitted into all confinement units either directly or indirectly.~~ Unless natural light is provided to a single cell or multiple occupancy cell from a dayroom as set forth in Paragraph (e) of this Rule, a cell shall have windows to the outdoors. The windows shall comply with the following:

(1) a single cell shall have a gross window area measuring not less than three square feet;

(2) a multiple occupancy cell with two inmates shall have a gross window area measuring not less than three square feet; and

(3) a multiple occupancy cell with three or more inmates shall have a gross window area measuring not less than five square feet.

(e) Unless natural light is provided to a single cell or multiple occupancy cell as set forth in Paragraph (d) of this Rule, a dayroom contiguous to the single cell or multiple occupancy cell shall have windows to the outdoors. The gross window area of the dayroom shall be equivalent to the sum of two square feet per inmate whose single cell or multiple occupancy cell is contiguous to the dayroom or 48 square feet, whichever is greater. Unless the front of the cell has metal bars, each cell door of the dayroom shall have a view panel with:

(1) an area measuring not less than three square feet; and

(2) transparent glazing.

(f) A dormitory as set forth in Rule .1226 of this Section shall have windows to the outdoors with a gross window area measuring not less than two square feet per inmate or 48 square feet, whichever is greater.

(g) An exterior window that is less than 18 feet above finished floor in a room or area where inmates are located shall be designed and constructed with either the height or width of its framed or barred opening not more than 5 inches in length. For the purposes of this Paragraph, a "framed or barred opening" means the area available for escape after glazing is broken and removed from a window.

(h) Windows, skylights, or a combination of windows and skylights may be used in dormitories and dayrooms to comply with the requirements of this Rule.

(i) A solar tubular skylight shall not be used to comply with this Rule. For the purposes of this Rule, a "solar tubular skylight" means a tubular daylighting device that delivers natural light from the outdoors to an interior space that is unreachable by a window and skylight installed in an exterior wall or roof.

History Note: Authority G.S. 153A-221;

Eff. June 1, 1990;
Amended Eff. December 1, ~~1991.~~ 1991;
Readopted Eff. December 1, 2018.

10A NCAC 14J .1215 is proposed for readoption with substantive changes as follows:

10A NCAC 14J .1215 DOORS, ~~BUNKS AND LOCKS~~ BUNKS, LOCKS, AND FASTENERS

(a) ~~Doors, locks and detention hardware shall be made of materials necessary to provide the degree of security required for the area in which they are used.~~ A jail shall provide doors, locks, and detention hardware that are rated by the manufacturer as security-type and as acceptable for use in correctional facilities.

(b) Fasteners used in inmate accessible areas shall be rated by the manufacturer as security-type and tamper-resistant.

~~(b)~~(c) Doors to ~~all confinement units~~ confinement units, cellblocks, inmate accessible corridors, and dayrooms shall have view panels.

~~(c) Doors shall operate independently of each other, and the cell doors in a cellblock shall be capable of simultaneous release during an emergency.~~

(d) A security vestibule and a sally port shall have:

(1) one or more interior doors or gates and an entrance door or gate;

(2) doors or gates provided with an interlocking security feature;

(3) interior doors or gates arranged to be locked and unlocked by means located outside of the security vestibule, sally port, dormitory, dayroom, and cellblock; and

(4) doors or gates provided with override capability to unlock all doors or gates in the event of an emergency.

~~(d)~~(e) Doors and locks that are electronically controlled shall be equipped with manual override.

~~(e)~~(f) Food ~~passes,~~ passes in doors, if used, shall have openings large enough to permit the passage of a food tray.

~~(f)~~(g) ~~Bunks shall have dimensions necessary to accommodate a standard detention mattress and they shall be securely anchored at least 15 inches above the floor. When one bunk is placed above another, the lower bunk shall be approximately 15 inches and the upper bunk approximately 50 inches above the floor.~~ Single segregation cells and single cells shall have a single bunk. Multiple occupancy cells and dormitories shall have single bunks or double bunks. A bunk shall:

(1) have dimensions large enough to accommodate a detention mattress;

(2) be anchored not less than 15 inches above the floor, if a single bunk or a lower bunk of a double bunk;

(3) be anchored not less than 50 inches above the floor, if an upper bunk of a double bunk;

(4) be anchored flush to the wall;

(5) have a lip to hold the mattress in place; and

(6) have tamper resistant construction.

~~(g)~~(h) ~~Doors, locks, detention hardware and bunks shall be designed to inhibit their use for an attempted suicide.~~ Cells required to be accessible for persons with disabilities as required by the North Carolina State Building Code shall not have an upper bunk.

(i) Inmate accessible areas of the jail shall be equipped or furnished in a manner that decreases suicide hazards within the jail. Items a jail shall provide to reduce suicide hazards for inmates includes the following:

(1) handrails or grab bars with a closure plate that is installed between the wall and the handrail or grab bar;

(2) exposed door hinges with a sloped top and bottom;

(3) non-vertical surfaces of door hardware with a slope;

(4) holes in the bunk mattress platform that are no more than 1/8 inch in diameter;

(5) shower heads that are not hand-held with a hose; and

(6) heating, ventilating, and air conditioning supply and return grilles with openings not more than 3/16 inches wide, if the supply and return grilles are located in a cell used to house inmates on special watch.

History Note: *Authority G.S. 153A-221;*
Eff. June 1, ~~1990.~~ 1990;
Readopted Eff. December 1, 2018.

10A NCAC 14J .1218 is proposed for readoption with substantive changes as follows:

10A NCAC 14J .1218 PLUMBING SYSTEMS

~~(a) Each jail shall have a plumbing system that complies with the Commission for Public Health Rules 15A NCAC 18A, Section .1500 and the North Carolina State Building Code, Plumbing Code, both of which are hereby incorporated by reference including subsequent amendments and editions of the referenced materials. A copy of 15A NCAC 18A, Section .1500 can be obtained free of charge from the State Division of Health Services, Environmental Health Section, Post Office Box 27687, Raleigh, North Carolina 27611-7687. A copy of the North Carolina State Building Code, Plumbing Code (Volume II of the North Carolina State Building Code) can be obtained for twenty-five dollars ($25.00) from the North Carolina Department of Insurance, Post Office Box 26387, Raleigh, North Carolina 27611.~~

~~(b)~~(a) ~~Each~~ A jail shall have a hot water supply for lavatories and showers designed to meet the ~~usual~~ needs of the number of inmates confined in the ~~jail.~~ Jail, as determined by the governing body. The hot water temperature at lavatories and showers used by inmates shall be maintained at a minimum of 100 degrees F (38 degrees C) and shall not exceed 116 degrees F (46.7 degrees C).

~~(c)~~(b) ~~The master control valves for the plumbing system shall be located outside the confinement units and shall be accessible to officers during an emergency.~~ A jail shall not locate the following valves of the water supply system in rooms or areas accessible by inmates:

(1) a shut-off valve for a supply branch line serving plumbing fixtures;

(2) a shut-off valve for a riser pipe serving plumbing fixtures; and

(3) a shut-off valve to a plumbing fixture.

(c) The shut-off valves listed in Paragraph (b) shall be accessible to officers.

History Note: *Authority G.S. 153A-221;*
Eff. June 1, 1990;
Amended Eff. June 1, ~~1992~~. 1992;
Readopted Eff. December 1, 2018.

10A NCAC 14J .1219 is proposed for readoption with substantive changes as follows:

10A NCAC 14J .1219 ELECTRICAL SYSTEMS

(a) Each jail shall have an electrical system that provides artificial lighting ~~in the confinement units of at least 30 footcandles and that can be reduced during sleeping hours.~~ of not less than:

(1) 30 footcandles of light at floor level in confinement units and dayrooms that can be reduced during sleeping hours; and

(2) 20 footcandles of light at floor level in corridors.

~~(b) Artificial lighting in the corridors shall be at least 20 footcandles.~~

~~(c)~~(b) ~~Lighting~~ In inmate accessible areas, lighting fixtures shall be ~~made of materials necessary to provide the degree of security required for the area in which they are used.~~ security-type and tamper-resistant as rated by the manufacturer.

(c) In inmate accessible areas, a fire alarm system notification appliance shall be rated as tamper-resistant by the manufacturer or enclosed in a metal guard. For the purposes of this Rule, "notification appliance" means a component of the fire alarm system as defined by the National Fire Protection Association, National Fire Alarm and Signaling Code, NFPA 72.

(d) ~~Each~~ A jail shall provide an electrical connection and an antenna or cable ~~connections~~ connection for a television in its dayroom areas.

(e) The ~~master controls and circuit breakers~~ main electrical distribution panel and electrical subpanels shall not be located ~~outside the confinement units~~ in areas accessible by inmates and shall be accessible to officers during an emergency.

(f) ~~Each jail shall have an auxiliary emergency power supply for each electrical system.~~ A jail shall provide emergency power to areas, equipment, and systems as required by the North Carolina State Building Codes. A jail may provide

additional emergency power to maintain jail operations and functions needed during a power outage. If the following functions are not provided with emergency power, the disaster plan required by Rule .0403 of this Subchapter shall indicate how these functions will be maintained during a power outage:

(1) operating equipment and systems located in the control center;

(2) heating, ventilation, and air conditioning of the jail;

(3) heating of hot water for inmate lavatories and showers; and

(4) preparing and cooking of inmate meals, if meals are prepared in the jail.

(g) If the fire alarm control panel is not located in the control center, a jail may install a remote annunciator panel in the control center to provide officers with fire alarm status information from the fire alarm control panel. For the purposes of this Rule, a "fire alarm control panel" means a component of the fire alarm system as defined by the National Fire Protection Association, National Fire Alarm and Signaling Code, NFPA 72. For the purposes of this Rule, a "remote annunciator panel" means a component of the fire alarm system as defined by the National Fire Protection Association, National Fire Alarm and Signaling Code, NFPA 72, which is herein incorporated by reference, including all subsequent amendments and editions.

History Note: *Authority G.S. 153A-221;*
Eff. June 1, ~~1990.~~ 1990;
Readopted Eff. December 1, 2018.

10A NCAC 14J .1225 is proposed for readoption with substantive changes as follows:

10A NCAC 14J .1225 STANDARDS FOR DAYROOMS

Each dayroom shall have:

(1) a ~~separate and complete~~ security vestibule at its entrance;

(2) a ~~minimum~~ floor space of not less than 105 square feet or 35 square feet per inmate, whichever is greater;

(3) ~~sufficient~~ seating for the capacity of the ~~unit~~ cellblock;

(4) ~~sufficient~~ table space for the capacity of the ~~unit~~ cellblock, unless each inmate has unrestricted access to their cell with a table and chair, in which case the dayroom shall have ~~sufficient~~ table space for 70 percent of the capacity of the ~~unit~~ cellblock;

(5) a telephone jack or ~~other telephone arrangement~~ access to a telephone provided within the dayroom;

(6) a way for officers to observe the entire area; ~~and~~

(7) one ~~toilet~~ toilet, sink, and security mirror per eight inmates, unless the inmates have unrestricted access to a cell with a toilet, sink, ~~drinking fountain~~ and security ~~mirror.~~ mirror; and

(8) one drinking fountain, unless the inmates have unrestricted access to their cell with a drinking fountain.

History Note: *Authority G.S. 153A-221;*
Eff. June 1, 1990;
Amended Eff. June 1, 1993; December 1, ~~1991~~. 1991;
Readopted Eff. December 1, 2018.

10A NCAC 14J .1226 is proposed for readoption with substantive changes as follows:

10A NCAC 14J .1226 STANDARDS FOR DORMITORIES

~~Each dormitory shall house no more than 40 inmates and shall have:~~

~~(1) a minimum floor space of 70 square feet per inmate including both the sleeping and dayroom area;~~

~~(2) one shower per eight inmates, one toilet per eight inmates, one sink with a security mirror per eight inmates, and one water fountain;~~

~~(3) a telephone jack or other telephone arrangement provided within the dormitory;~~

~~(4) space designed to allow a variety of activities;~~

~~(5) sufficient seating and tables for all inmates; and~~

~~(6) a way for officers to observe the entire area from the entrance.~~

A dormitory shall meet the requirements of G.S. 153A-221(d).

History Note: *Authority G.S. 153A-221;*
Eff. June 1, 1990;
Amended Eff. December 1, ~~1991.~~ 1991;
Readopted Eff. December 1, 2018.