

**10A NCAC 14J .1752 DETERMINATION THAT CONDITIONS JEOPARDIZE INMATES**

(a) The Secretary shall determine whether conditions in the municipal lockup jeopardize the safe custody, safety, health or welfare of its inmates within 30 days after receipt of the inspection report and the supporting materials.

(b) The Secretary may determine that noncompliance with any of the provisions listed in 10A NCAC 14J .1751(b) jeopardizes the safe custody, safety, health or welfare of inmates confined in the lockup.

(c) Although noncompliance with other specific standards or statutes may be found to jeopardize inmate or staff safe custody, safety, health or welfare, the Secretary shall determine that noncompliance with any of the following provisions contained in 10A NCAC 14J jeopardizes the safe custody, safety, health or welfare of inmates confined in the lockup:

- (1) Mattress flame retardant requirements; Rule .1711;
- (2) Emergency exits; Rule .1713;
- (3) Fire plan; Rule .1713;
- (4) Fire equipment; Rule .1712;
- (5) Separation of male and female inmates; Rule .1708;
- (6) Separation of males under age 18; Rule .1709;
- (7) Medical plan; Rule .1725;
- (8) Disapproval for public health purposes; G.S. 153A-226(b).

(d) The Secretary shall notify the local officials responsible for the municipal lockup within 15 days of his final determination if he concludes that the conditions in the lockup jeopardize the safe custody, safety, health or welfare of the inmates. The Secretary shall order corrective action, order the municipal lockup closed, or enter into an agreement of correction with local officials pursuant to 10A NCAC 14J .1753.

(e) The Secretary shall notify the local officials responsible for the lockup within 15 days of his final determination if he concludes that the conditions in the lockup do not jeopardize the safe custody, safety, health or welfare of the inmates. The notice shall direct local officials to consider the inspection report and initiate corrective action pursuant to the provisions of G.S. 153A-222.

*History Note: Authority G.S. 153A-220; 153A-221;*

*Eff. June 1, 1990;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.*