

SUBCHAPTER 14J – JAILS, LOCAL CONFINEMENT FACILITIES

SECTION .0100 - DEFINITIONS AND APPLICABILITY FOR JAILS

10A NCAC 14J .0101 DEFINITIONS

In addition to the definitions of G.S. 153A-217, the following definitions shall apply throughout Sections .0100 through .1300 of this Subchapter:

- (1) "Addition" means an extension or increase in floor area or height of a building or structure.
- (2) "Alteration" means any change or modification in construction or use.
- (3) "Booking area" means 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) "Cell" means any confinement unit, except a dormitory.
- (5) "Cellblock" means a separate and identifiable grouping of cells.
- (6) "Communicable disease or condition" means an illness or condition as defined in G.S. 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" means a single segregation cell, a single cell, a multiple occupancy cell, or a dormitory, but shall not include a padded cell.
- (9) "Construction Section" means the Construction Section of the Division of Health Service Regulation.
- (10) "Contraband" means any item that a person is not authorized to possess in the jail because it is a violation of G.S. 14-258.1 and G.S. 14-258.2 or it is not allowed by the sheriff or regional jail administrator.
- (11) "Dayroom" means an area accessible to a single cell or a multiple occupancy cell with access from the cell and space for activities such as dining, showers, physical exercise, and recreation.
- (12) "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 direct visual 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 states 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.
- (17) "Division" means the Division of Health Service Regulation of the North Carolina Department of Health and Human Services.
- (18) "Dormitory" means an area designed to house inmates 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.
- (20) "Emergency medical need" 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 and the sheriff or regional jail administrator shall determine whether the rehearsal shall include the actual relocation of inmates within the jail or to the outdoors.
- (22) "Footcandle" 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.
- (25) "Governing body" means as defined in G.S. 153A-217.
- (26) "Holding area" means a place where inmates are held while awaiting processing, booking, court appearance, discharge, or transfer to a confinement unit.
- (27) "Holdover facility" means a facility as defined in G.S. 7B-1501.
- (28) "Inmate" means any person, whether pretrial, unsentenced, or sentenced, who is confined in a jail, a district confinement facility, or a county satellite jail/work release unit.
- (29) "Inmate processing area" means a location in a jail where the booking area and release functions for persons committed to the jail are performed.
- (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.
- (31) "Jail" means a building or part of a building operated by a county or group of counties for the confinement of inmates that includes county jails and district confinement 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.
- (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.
- (34) "Medical record" means a record of medical problems, examinations, 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.
- (36) "Multiple occupancy cell" means a cell designed to house more than one inmate.
- (37) "Officer" means a person, whether sworn or unsworn, who is involved in the supervision, control, or custody of inmates.
- (38) "Operations manual" means a set of written policies and procedures for the operation of a jail in compliance with the standards 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.
- (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.
- (43) "Repair" means reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

- (44) "Routine care" means medical care that includes physical examinations, health screenings, diagnostic testing, and treatment for an illness, a medical condition, or a mental health condition that is not an emergency medical need.
- (45) "Sally port" 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.
- (46) "Satellite jail/work release unit" 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.
- (48) "Secretary" means as defined in G.S. 153A-217.
- (49) "Security perimeter" means the outer portion of a jail that provides for the confinement of inmates and that prevents the entry of persons 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.
- (51) "Security vestibule" means a 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.
- (52) "Single cell" means a cell designed to house one inmate.
- (53) "Single segregation cell" 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.
- (57) "Tamper-resistant" means 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 or computer monitor.
- (61) "View panel" means a transparent panel.
- (62) "Visitation area" means an area where inmates are permitted to receive visitors according to the jail's policies and procedures that govern visitation.
- (63) "Work release" means the release of a convicted inmate for employment in the community and the return to custody of the convicted inmate during nonworking hours.

*History Note: Authority G.S. 153A-217; 153A-221;
Eff. June 1, 1990;
Readopted Eff. September 4, 2020.*

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

(a) The 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, Rule, and standard are incorporated herein by reference including all subsequent amendments and editions. Copies of these Codes, Rule, and standard may be obtained or accessed from the online addresses listed:

- (1) All volumes of the North Carolina State Building Codes. Copies of all volumes of the North Carolina State Building Code may be purchased from the International Code Council online at www.iccsafe.org at a cost of six hundred seventeen dollars (\$617.00) or accessed electronically free of charge at www.iccsafe.org;
- (2) 15A NCAC 18A .1517; and
- (3) the National Fire Protection Association, National Fire Alarm and Signaling Code, NFPA 72. Copies 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;
Readopted Eff. September 4, 2020.*

10A NCAC 14J .0103 APPLICABILITY – CONSTRUCTION

(a) 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) 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) 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) Existing jail I construction is a jail that has construction documents approved by the Construction Section prior to June 1, 1990 and shall meet the requirements of this Rule and the rules of Section .1500 of this Subchapter.

(e) Existing jail II construction is a jail 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 and shall meet the requirements of:

- (1) this Rule; and
- (2) Rules .1202 through .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>.

(g) 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 12-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.

(h) Any existing building converted from another use to a new jail shall meet the requirements of Paragraph (c) of this Rule.

(i) Prior to changing a jail's total design capacity by the addition or removal of bunks, the alteration 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) of this Rule. For an existing jail II, changes to its total design capacity shall comply with the requirements of Paragraph (e) of this Rule.

(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 states the following:

- (1) the rule citation and the rule requirement that will not be met;
- (2) the justification for the equivalency; and
- (3) how the proposed equivalency meets the intent of the corresponding rule requirement.

In determining whether to grant an equivalency request the Division shall consider whether the request will 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;
Readopted Eff. September 4, 2020.

SECTION .0200 - OPERATIONS MANUAL FOR JAILS

10A NCAC 14J .0201 REQUIREMENT FOR OPERATIONS MANUAL

The sheriff or the 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;
Readopted Eff. September 4, 2020.

10A NCAC 14J .0202 PURPOSE OF OPERATIONS MANUAL

The purpose of the operations manual is to ensure the smooth and efficient operation of the jail, and therefore it shall be detailed enough to guide officers in completing their assigned duties. The operations manual shall be available to all officers, and each officer shall be familiar with the manual.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

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 of inmates;
- (2) admissions, transportation, and release;
- (3) 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, developmental disability, intellectual disability, and substance 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 procedures that comply with Rule .0701 of this Subchapter;
- (18) emergency 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 that includes identifying suicidal inmates, supervising suicidal inmates, and reviewing procedures and debriefing officers after an inmate suicide;
- (21) waiving any medical fees for indigent inmates, as required by G.S. 153A-225;
- (22) use of force; and
- (23) use of restraints.

(b) 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;
Readopted Eff. September 4, 2020.

10A NCAC 14J .0204 REVIEW OF MANUAL

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;
Readopted Eff. September 4, 2020.

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. The procedure shall include the following criteria for inmate placement:

- (1) the medical care needed by the inmate as required by Rules .1001 and .1003 of this Subchapter;
- (2) the level of supervision needed by the inmate related to the inmate's assaultive or non-assaultive behavior toward officers and other inmates;
- (3) the level of security needed by the inmate to prevent the inmate's escape; and
- (4) other criteria as determined by the sheriff or regional jail administrator.

(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;
Readopted Eff. September 4, 2020.

10A NCAC 14J .0302 SEPARATION OF MALE AND FEMALE 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;
Readopted Eff. September 4, 2020.

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

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

*History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Readopted Eff. September 4, 2020.*

10A NCAC 14J .0304 CONFINEMENT OF JUVENILES UNDER AGE 16

Any juvenile under age 16 who is transferred to superior court for trial as an adult and who is ordered held in the jail pursuant to G.S. 7A-611 shall be confined in a holdover facility where the juvenile cannot converse with, see, or be seen by the adult inmates.

*History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.*

10A NCAC 14J .0305 DISCRIMINATION IN HOUSING ASSIGNMENTS

Housing assignments shall not be made on the basis of race, color, creed, national origin, or political belief.

*History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.*

SECTION .0400 - FIRE SAFETY

10A NCAC 14J .0401 EXITS

Each jail shall have readily accessible emergency exits in compliance with the North Carolina State Building Code in order to permit the prompt evacuation of inmates and staff during an emergency. Egress doors in jails which are classified as "Residential Occupancy" by the North Carolina State Building Code shall remain unlocked at all times thereby permitting free movement to the building exterior from occupied areas.

*History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.*

10A NCAC 14J .0402 PORTABLE FIRE EXTINGUISHERS

Each jail shall provide 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;
Readopted Eff. September 4, 2020.*

10A NCAC 14J .0403 FIRE 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.
- (b) Jail staff shall receive fire evacuation training as required by Section 405 of the North Carolina State Fire Prevention Code. The evacuation routes used in the fire evacuation training shall be posted 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) If the local fire department or fire marshal has not inspected the jail and approved the fire plan within 12 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 the disaster plan in writing not less than once each year beginning on January 1. If the plan has changed, it will be updated during the review. The date of the most recent review 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;
Readopted Eff. September 4, 2020.*

10A NCAC 14J .0404 MATTRESSES

Mattresses shall meet the requirements of the North Carolina State Fire Prevention Code.

*History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Readopted Eff. September 4, 2020.*

10A NCAC 14J .0405 KEYS

(a) Each jail that is classified as an Institutional Group I-3 occupancy shall have a key control 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 inaccessible to unauthorized persons at all times;
- (2) a set of duplicate keys for emergency use stored outside the security perimeter of the jail in a location that is inaccessible to unauthorized persons at all 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 on both sides of doors installed in a means of egress.

*History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Readopted Eff. September 4, 2020.*

SECTION .0500 - SECURITY

10A NCAC 14J .0501 GENERAL SECURITY REQUIREMENTS

Each jail shall meet the following security requirements:

- (1) provide for the 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 contact between inmates and persons from outside the jail, unless authorized by the sheriff, regional jail administrator, or their designees;
- (5) provide a ground-level perimeter exterior that is 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;*

Readopted Eff. September 4, 2020.

SECTION .0600 - SUPERVISION

10A NCAC 14J .0601 SUPERVISION

(a) A jail shall have an officer make supervision rounds and observe each inmate at least two times within a 60 minute time period on an irregular basis with not more than 40 minutes between rounds. Supervision rounds shall be conducted 24 hours a day, 7 days per week. The supervision rounds shall be documented and maintained as written or electronic records. These records shall be made 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 supervision rounds.

(b) A jail shall utilize one or more supplemental methods of supervision 24 hours a day, 7 days a week. The supplemental methods of supervision are:

- (1) direct two-way voice communication;
- (2) remote two-way voice communication;
- (3) direct visual observation; and
- (4) video surveillance.

(c) 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 within a 60 minute period 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. Special watch shall be used 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, unless the inmate is seen by a physician who determines a special watch is not needed;
- (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, unless the inmate is seen by a physician who determines a special watch is not needed;
- (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 threatening to 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) A jail shall make sure that officers remain awake at all times while on duty.

(e) An officer or officers assigned to supervise inmates as required by Paragraph (a) and (c) of this Rule may be assigned other tasks if those tasks do not interfere with the completion of supervision and special watch rounds or are not performed at the same time as supervision and special watch rounds. These other tasks may 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) A jail shall have female officers on duty when female inmates are confined.

(g) The sheriff or the regional jail administrator shall develop contingency personnel plans for the supervision and control of inmates during 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 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) A jail shall not allow an inmate to supervise or assume control over other inmates.

History Note: Authority G.S. 153A-221;
Eff. October 1, 1990;
Amended Eff. June 1, 1992;
Readopted Eff. September 4, 2020.

SECTION .0700 - SANITATION AND PERSONAL HYGIENE

10A NCAC 14J .0701 SANITATION

Each jail shall comply with the North Carolina Commission for Public Health rules governing sanitation as codified in Title 15A Chapter 18A Section .1500 and which are hereby adopted by reference pursuant to G.S. 150B-14(c).

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .0702 MATTRESSES AND BEDDING

(a) Mattresses, sheets, and blankets that are clean and are capable of being used for their intended purpose shall be supplied to inmates who are housed overnight. Clean sheets shall be issued at least once a week.

(b) Mattresses shall:

- (1) comply with G.S. 106.65.95 through 106.107 and the requirements of 15A NCAC 18A .1517;
- (2) not be less than four inches thick;
- (3) be the same length and width as the jail bunks;
- (4) not have any metal, plastic, or other rigid framing component; and
- (5) have ticking that is water repellent.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Readopted Eff. September 4, 2020.

10A NCAC 14J .0703 SHAVING

Each inmate detained over 24 hours shall be provided with individual shaving supplies, except when security considerations dictate otherwise, and inmates shall not be allowed to share razors.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .0704 SHOWERS AND TOILETS

Inmates shall have access to showers a minimum of three times per week. Inmates on work release shall have daily access to showers. Bath towels and soap shall be provided. Inmates shall have unrestricted access to toilets while confined.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Amended Eff. March 1, 1992; December 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .0705 PERSONAL HYGIENE ITEMS

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

- (1) toothbrush;
- (2) toothpaste or tooth powder;
- (3) comb;
- (4) feminine hygiene products, if appropriate;
- (5) deodorant; and
- (6) shampoo.

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

*History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Amended Eff. January 1, 1992;
Readopted Eff. September 4, 2020.*

SECTION .0800 - COMMISSARY OR CANTEEN SERVICES

10A NCAC 14J .0801 AVAILABILITY OF SERVICES

Each jail shall make commissary or canteen items, including snacks and personal care products, available for purchase by inmates. The items shall be available either directly from officers or through contract vending. The price of these items shall be no higher than local retail prices. Snacks and personal care products do not have to be made available for purchase if they are provided without charge.

*History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Amended Eff. December 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.*

SECTION .0900 - FOOD

10A NCAC 14J .0901 FOOD SERVICE

(a) In jails that purchase meals from an outside provider, a written contract shall require the provider to meet the applicable standards in this Section.

(b) Inmates who assist with the preparation or service of any meal shall be supervised at all times.

*History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.*

10A NCAC 14J .0902 MEAL SERVICE

(a) Each jail shall provide at least three meals for inmates, two of which must be hot, at regular times during each 24-hour period. There shall be not more than 14 hours between the evening meal and breakfast.

(b) Food shall be served to inmates on individual serving trays. Eating utensils, consistent with security considerations, and condiments shall be provided.

(c) While food is being transported, either from inside or outside the jail it shall be covered to prevent contamination. Food must be maintained at appropriate serving temperatures as specified in Commission for Public Health Rule 15 NCAC 18A .1522.

(d) Food shall never be used as a reward or punishment.

(e) Each jail shall keep a daily record of the number of meals served.

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

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

10A NCAC 14J .0903 FOOD AND NUTRIENT REQUIREMENTS

- (a) The average nutrient content of weekly menus shall meet the Recommended Dietary Allowances of the National Academy of Sciences which are hereby adopted by reference pursuant to G.S. 150B-14(c).
- (b) Daily menus shall include the following:
 - (1) Milk Group: Two servings;
 - (2) Fruit Group: Two servings, one of which shall be citrus;
 - (3) Vegetable Group: Three servings;
 - (4) Meat or Protein Group: Two servings;
 - (5) Cereal or Bread Group: Four servings of whole grain or enriched products; and
 - (6) Calories: 2,100 - 2,500.
- (c) For all pregnant women and inmates under age 18, the milk group shall include four servings per day.

*History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.*

10A NCAC 14J .0904 MENUS

- (a) A jail shall prepare menus in consultation with a dietitian or nutritionist.
- (b) Menus shall be written and portion sizes shall be 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 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 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;
Readopted Eff. September 4, 2020.*

10A NCAC 14J .0905 MODIFIED DIETS

- (a) Modified diets shall be provided if prescribed by appropriate medical or dental personnel.
- (b) Modified diets shall be provided when reasonably possible to accommodate the sincerely held religious beliefs of an inmate.
- (c) Written menus for modified diets shall be prepared in consultation with a registered dietitian.
- (d) Modified diets shall be served as written. Any necessary substitutions shall be of comparable nutritional value, and a written record of substitutions shall be kept. Dated menus of modified diets and records of any substitutions shall be retained for three years.
- (e) Each jail shall maintain a current list of inmates requiring modified diets, and it shall be posted for use by staff.
- (f) Each jail shall record the number of modified diets served at each meal, along with the name of each inmate and the type of modified diet that he or she received.

*History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.*

SECTION .1000 - HEALTH CARE OF INMATES AND EXERCISE

10A NCAC 14J .1001 MEDICAL PLAN

(a) 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) screening of inmates upon admission as set forth in Rule .1002(a) of this Section;
- (2) handling routine medical care;
- (3) handling routine care for an inmate's needs related to:
 - (A) mental health;
 - (B) a developmental or intellectual disability; and
 - (C) a substance use disorder;
- (4) the handling of inmates with chronic illnesses or communicable diseases or conditions;
- (5) administration, dispensing, and control of prescription and non-prescription medications;
- (6) handling emergency medical needs, including dental care, substance use disorder, pregnancy, and mental health;
- (7) maintenance, preservation, and confidentiality of medical records; and
- (8) privacy during medical examinations and conferences with medical or mental health personnel.

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

(d) Inmates shall not render medical care or routine care for mental health, substance use disorders, and developmental or intellectual disabilities to anyone in the jail.

(e) The local or district health director shall review the medical plan to determine if it needs to be updated not less than once each year beginning on January 1. If so, he or she shall update the medical plan in writing in accordance with G.S. 153A-225. 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;
Readopted Eff. September 4, 2020.*

10A NCAC 14J .1002 SCREENING OF INMATES

(a) 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;
Readopted Eff. September 4, 2020.*

10A NCAC 14J .1003 MEDICAL ISOLATION

Each jail shall separate inmates who require medical isolation from other inmates, either by housing them in a separate area of the jail or by transferring them to another facility.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1004 EXERCISE

After the fourteenth consecutive day of confinement, each inmate shall be provided opportunities for physical exercise at least three days weekly for a period of one hour each of the days. Physical exercise shall take place either in the confinement unit if it provides adequate space or in a separate area of the jail that provides adequate space. The opportunity for physical exercise shall be documented.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Amended Eff. December 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

SECTION .1100 - REPORTS

10A NCAC 14J .1101 MONTHLY REPORT FOR JAILS

The sheriff or the administrator of a regional jail shall complete a monthly report on Form DHR-JDS-1 and send it to the Section no later than the tenth day of the following month.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1102 REPORT OF DEATH

The report of an inmate death required by G.S. 153A-225 shall be submitted to the Section within five days.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Amended Eff. June 1, 1993;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

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;
Repealed Eff. September 4, 2020.

10A NCAC 14J .1202 CONSULTATION AND TECHNICAL ASSISTANCE

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;
Readopted Eff. September 4, 2020.

10A NCAC 14J .1203 COMPLIANCE REVIEW AND APPROVAL

(a) 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 the following to the Construction Section for review and approval:

- (1) two sets of schematic drawings and outline specifications;
- (2) two sets of preliminary working drawings or design development drawings and outline specifications; and
- (3) two sets of 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 its review.

(b) Upon receipt of the drawings, documents, and specifications required by Paragraph (a) of this Rule, the Construction Section shall send one set to the North Carolina Department of Insurance for plan review to confirm compliance with the North Carolina State Building Codes. 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 its 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 state 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, it 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. 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 this Section and Rule .0103 of this Subchapter to the Construction Section; and
 - (B) receive written approval of the revised construction documents and specifications from the Construction Section.

The Construction Section shall have 45 days from receipt of a request for a renewed approval to complete its review of the request.

*History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Amended Eff. June 1, 1992;
Readopted Eff. September 4, 2020.*

10A NCAC 14J .1204 SPECIFIC CONSTRUCTION REQUIREMENTS

- (a) Jails that restrain inmates under lock and key within a building shall meet the requirements of the North Carolina State Building Code for "Institutional Occupancy - Restrained" and the additional security requirements imposed by Rule .1220.
- (b) Jails that do not restrain inmates within a building by lock and key shall meet the requirements of the North Carolina State Building Code for "Residential Occupancy".
- (c) The construction materials in all jails shall be sufficient to provide the degree of security required for the area in which they are used.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1205 RESERVED FOR FUTURE CODIFICATION

10A NCAC 14J .1206 ELEVATORS

Elevators that open into the jail shall be secure and shall be under the control and observation of officers.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

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 toilet, lavatory, drinking fountain, and a shower;
 - (3) a booking area that includes space for photographing and fingerprinting inmates;
 - (4) a telephone for making local and collect long-distance calls; and
 - (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 that is 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 or meet the requirements of Paragraph (f) of this Rule;
 - (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 (d) of this Rule;
 - (11) be separated from the remainder of the jail as required by Paragraph (e) 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.
- (f) If the padded cell has a video camera that monitors the inmate, the door's view panel may have a cover. The video camera shall be inaccessible to the inmate. An officer at the remote location from the padded cell shall observe a live video image created by the video camera on a television monitor or computer monitor. The television monitor or computer monitor shall have live video images from not more than six padded or holding cells.

*History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Readopted Eff. September 4, 2020.*

10A NCAC 14J .1208 VISITATION AREAS

- (a) Each jail shall provide an area for visitation.
- (b) If provided, noncontact visitation areas shall:
 - (1) provide seating for the inmate and visitors;
 - (2) provide a view panel with minimum dimensions of 1' x 1' between the inmate and visitors;
 - (3) provide a telephone communication system or equivalent audio link between the inmate and visitors;
 - (4) permit visual and auditory observation by officers; and
 - (5) prevent the passage of contraband.
- (c) If provided, contact visitation areas shall:
 - (1) provide seating for the inmate and visitors; and
 - (2) permit visual and auditory observation by officers.
- (d) Confidential attorney visitation areas shall:
 - (1) permit contact between the inmate and attorney;
 - (2) be separate and distinct from the general visitation area;
 - (3) provide seating and a writing table for the inmate and attorney;
 - (4) permit only visual monitoring by the officers;
 - (5) provide a way for the attorney to contact officers if needed; and
 - (6) provide a minimum of 30 footcandles of artificial light.

*History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.*

10A NCAC 14J .1209 MEDICAL AREA

- (a) Each jail shall have a medical area that provides the following:
 - (1) a door that may be locked;
 - (2) locked storage for equipment, supplies, medications and medical records;
 - (3) an examination table and a handicapped-accessible sink, toilet and shower;
 - (4) a work station for the doctor and nurse;
 - (5) a telephone; and
 - (6) direct voice contact with officers.
- (b) If a county or a region has more than one jail, it shall be required to provide only one medical area if that area meets the medical needs of the inmates in all of the jails.

*History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.*

10A NCAC 14J .1210 OTHER AREAS

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

(c) Each jail shall have indoor and outdoor physical 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.

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

(f) Each jail shall provide 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;
Readopted Eff. September 4, 2020.*

10A NCAC 14J .1211 ADMINISTRATIVE FACILITIES

Each jail shall provide space at some location for the following administrative activities:

- (1) Secretarial support;
- (2) Record storage;
- (3) Training materials and resources;
- (4) Mailboxes and bulletin boards for officers;
- (5) In-service training;
- (6) Office space for jail supervisors.

*History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.*

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

- (a) Ceilings and walls in confinement units, cellblocks, dayrooms, the inmate processing area, and the medical area shall have a finished surface that is cleanable, nontoxic, and 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;
Readopted Eff. September 4, 2020.*

10A NCAC 14J .1213 SHOWERS AND PLUMBING FIXTURES

- (a) Each jail shall provide at least one shower for every eight inmates.
- (b) A shower stall floor shall be sloped to a floor drain that prevents water from draining outside the 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.
- (d) In inmate accessible areas, plumbing fixtures shall be made of stainless steel or other similar materials that are rated as security-type and tamper-resistant by the manufacturer.
- (e) All privacy partitions in showers and bathrooms shall be high enough to allow limited privacy for the inmates while still allowing supervision of the inmates by officers.

*History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Readopted Eff. September 4, 2020.*

10A NCAC 14J .1214 WINDOWS AND GLAZING

- (a) 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.
- (b) A view panel used to observe a confinement 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) 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 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;
Readopted Eff. September 4, 2020.*

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

(a) 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.

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

(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.

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

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

(g) 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.

(h) 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. Jails shall provide items to reduce suicide hazards for inmates, including 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;
Readopted Eff. September 4, 2020.*

10A NCAC 14J .1216 SAFETY EQUIPMENT

In each jail the safety equipment, including intercoms, fire extinguishers, smoke detectors, and sprinkler heads, shall be tamper-resistant if necessary for security. Two-way voice communications shall comply with Rule .0601 of this Subchapter.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Amended Eff. June 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1217 MECHANICAL SYSTEMS

- (a) Each jail shall have heating, ventilation, and air conditioning systems that are capable of maintaining temperatures in confinement units at not less than 68 degrees Fahrenheit during the heating season and not more than 85 degrees Fahrenheit during the cooling season.
- (b) The master controls for the system shall be located outside the confinement units and shall be accessible to officers during an emergency.
- (c) The ducts for the systems shall be designed to prevent the escape of inmates and the passage of contraband, and they shall be designed to inhibit their use for attempted suicide.
- (d) The ventilation system shall provide a minimum of ten cubic feet per minute of fresh or purified air for each inmate.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1218 PLUMBING SYSTEMS

- (a) A jail shall have a hot water supply for lavatories and showers designed to meet the needs of the number of inmates confined in the 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).
- (b) 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) of this Rule shall be accessible to officers.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Amended Eff. June 1, 1992;
Readopted Eff. September 4, 2020.

10A NCAC 14J .1219 ELECTRICAL SYSTEMS

- (a) Each jail shall have an electrical system that provides artificial lighting 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) In inmate accessible areas, lighting fixtures shall be 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) A jail shall provide an electrical connection and an antenna or cable connection for a television in its dayroom areas.

(e) The main electrical distribution panel and electrical subpanels shall not be located in areas accessible by inmates and shall be accessible to officers during an emergency.

(f) 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, the terms "fire alarm control panel" and "remote annunciator panel" mean a component of the fire alarm system as defined by the National Fire Protection Association, National Fire Alarm and Signaling Code, NFPA 72.

*History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Readopted Eff. September 4, 2020.*

10A NCAC 14J .1220 ADDITIONAL SECURITY REQ/ "INSTITUTIONAL OCCUPANCY-RESTRAINED" JAILS

Each jail that is required to meet the "Institutional Occupancy - Restrained" requirements of the North Carolina State Building Code shall also meet the following security requirements:

- (1) Each jail shall have a separate entrance for inmates, and all entrances to the jail shall be controlled and visually and audibly monitored.
- (2) Each jail shall have security perimeter walls that are provided with a separate and complete security vestibule, sally port, security window, security door, or other security device at each wall opening.
- (3) Clothing or towel hooks shall not be used.

*History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Amended Eff. June 1, 1993;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.*

10A NCAC 14J .1221 CONFINEMENT UNITS

The governing body shall decide what confinement unit or combination of confinement units it will include in its jail: single segregation cells, single cells, multiple occupancy cells, or dormitories provided each county or region has the means to protect or isolate an inmate, when necessary, in a cell with a toilet, a sink, a drinking fountain and a security mirror.

*History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Amended Eff. December 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.*

10A NCAC 14J .1222 STANDARDS FOR SINGLE SEGREGATION CELLS

Each single cell used for segregation shall have:

- (1) a shower or access to a shower;
- (2) a telephone jack or other telephone arrangement;
- (3) a food pass;
- (4) a minimum floor space of 70 square feet, a minimum floor dimension of 7 feet, a toilet, a sink, a drinking fountain and a security mirror.

*History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.*

10A NCAC 14J .1223 STANDARDS FOR SINGLE CELLS

Each single cell shall have:

- (1) a minimum floor space of 50 square feet;
- (2) a minimum floor dimension of 7 feet;
- (3) a toilet, a sink, a drinking fountain and a security mirror; and
- (4) access to a dayroom.

The requirements of Paragraph (3) of this Rule shall be satisfied if inmates have unrestricted access, except during emergencies, to a dayroom that includes one toilet per eight inmates, one sink with a security mirror per eight inmates and one water fountain.

*History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Amended Eff. December 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.*

10A NCAC 14J .1224 STANDARDS FOR MULTIPLE OCCUPANCY CELLS

Each multiple occupancy cell shall house no more than four inmates and shall have:

- (1) a minimum floor space of 50 square feet for the first inmate and 35 square feet of floor space for each additional inmate;
- (2) a minimum floor dimension of seven feet;
- (3) a toilet, a sink, a drinking fountain and a security mirror; and
- (4) access to a dayroom.

*History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.*

10A NCAC 14J .1225 STANDARDS FOR DAYROOMS

Each dayroom shall have:

- (1) a security vestibule at its entrance;
- (2) a floor space of not less than 105 square feet or 35 square feet per inmate, whichever is greater;
- (3) seating for the capacity of the cellblock;
- (4) table space for the capacity of the cellblock, unless each inmate has unrestricted access to their cell with a table and chair, in which case the dayroom shall have table space for 70 percent of the capacity of the cellblock;
- (5) a telephone jack or access to a telephone provided within the dayroom;
- (6) a way for officers to observe the entire area;
- (7) one toilet, sink, and security mirror per eight inmates, unless the inmates have unrestricted access to their cell with a toilet, sink, and security 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;
Readopted Eff. September 4, 2020.*

10A NCAC 14J .1226 STANDARDS FOR DORMITORIES

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;
Readopted Eff. September 4, 2020.

SECTION .1300 - INSPECTION AND ENFORCEMENT OF MINIMUM STANDARDS

10A NCAC 14J .1301 INSPECTIONS

All jails shall be visited and inspected at least twice each year, but a jail shall be inspected more frequently if the Department considers it necessary or if it is required by an agreement of correction pursuant to 10A NCAC 14 .1304.

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.

10A NCAC 14J .1302 REPORT OF INSPECTION

(a) The procedures contained in G.S. 153A-222 shall govern all inspections except those that find noncompliance with one or more of the provisions listed in Paragraph (b) of this Rule.

(b) The inspector shall forward a copy of the inspection report to the Secretary within ten days after the inspection if there are findings of noncompliance with any of the following standards contained in 10A NCAC 14J or the following statutes:

- (1) Classification; Section .0300;
- (2) Fire Safety; Section .0400;
- (3) Supervision; Section .0600;
- (4) Sanitation and Personal Hygiene; Section .0700;
- (5) Food; Section .0900;
- (6) Medical Care of Inmates; Section .1000;
- (7) G.S. 153A-224, Supervision of Jails; or
- (8) G.S. 153A-226(b), Disapproval for Public Health Purposes.

(c) The inspector at the same time shall submit to the Secretary a written description of the conditions that caused noncompliance and a preliminary determination of whether those conditions jeopardize the safe custody, safety, health or welfare of the inmates confined in the jail.

(d) The inspection report shall be submitted to the local officials responsible for the jail within 30 days after the inspection as required by G.S. 153A-222, and it shall include a notice that the facility was not in compliance with one or more of the provisions listed in Paragraph (b) of this Rule. The notice shall state that the report has been submitted to the Secretary on a designated date for a final determination of whether conditions at the jail jeopardize the safe custody, safety, health or welfare of its inmates. The notice shall state that local officials will be mailed a final determination within 45 days of the designated date.

History Note: Authority G.S. 153A-220; 153A-221;
Eff. June 1, 1990;
Amended Eff. October 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1303 DETERMINATION THAT CONDITIONS JEOPARDIZE INMATES

(a) The Secretary shall determine whether conditions in the jail 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 14 .1302(b) jeopardizes the safe custody, safety, health or welfare of inmates confined in the jail.

(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 jail:

- (1) Mattress flame retardant requirements; Rule .0404;
- (2) Emergency exits; Rule .0401;
- (3) Fire plan; Rule .0403;
- (4) Fire equipment; Rule .0402;
- (5) Separation of male and female inmates; Rule .0302;
- (6) Separation of males under age 18; Rule .0303;
- (7) Medical plan; Rule .1001;
- (8) Disapproval for public health purposes; G.S. 153A-226(b).

(d) The Secretary shall notify the local officials responsible for the jail within 15 days of his final determination if he concludes that the conditions in the jail jeopardize the safe custody, safety, health or welfare of the inmates. The Secretary shall order corrective action, order the jail closed, or enter into an agreement of correction with local officials pursuant to 10A NCAC 14J .1304.

(e) The Secretary shall notify the local officials responsible for the jail within 15 days of his final determination if he concludes that the conditions in the jail 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.*

10A NCAC 14J .1304 AGREEMENT OF CORRECTION

(a) Before ordering corrective action or ordering the jail closed, the Secretary may direct the governing body to enter into an agreement of correction. If the Secretary chooses this option, he shall require the governing body to enter into a written agreement within 30 days after it receives notice that conditions in the jail jeopardize the safe custody, safety, health or welfare of the inmates.

(b) The agreement of correction at a minimum shall indicate the specific areas of noncompliance with the standards or statutes, the governing body's intent to remedy noncompliance, a plan for remedying the noncompliance, a definite and reasonable number of days within which the jail will be brought into compliance, and a schedule of inspections to monitor compliance.

(c) The agreement of correction may be extended once for a period not to exceed 60 days if the time period in the initial agreement expires before the jail is brought into compliance, but only if the governing body is making a good faith effort to achieve compliance.

(d) If the jail is not brought into compliance within the time period required by Paragraph (c) of this Rule, the Secretary shall order corrective action or order the jail closed.

*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.*

10A NCAC 14J .1305 ORDER OF CORRECTIVE ACTION OR ORDER OF CLOSURE

If the Secretary determines that an agreement of correction is not appropriate, or if he determines that a jail is not brought into compliance within the time period required by an agreement of correction, the Secretary shall order corrective action or order the jail closed. Notice of the action taken shall be given to local officials responsible for the jail as provided by G.S. 153A-223(1). Local officials may contest the Secretary's order according to the procedures outlined in G.S. 153A-223.

*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.*

10A NCAC 14J .1306 DESIGNATION BY SECRETARY

The Secretary may designate a person to act for him with respect to matters covered by this Section. The designation shall be in writing and it shall be on file with the Section.

*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.*

SECTION .1400 - SATELLITE JAIL/WORK RELEASE UNITS

10A NCAC 14J .1401 APPLICABILITY

The standards for definitions, operations, construction and enforcement contained in Sections .0100 - .1300 that apply to jails shall also apply to satellite jail/work release units.

*History Note: Authority G.S. 153A-230.4;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.*

SECTION .1500 - CONSTRUCTION STANDARDS FOR EXISTING FACILITIES

10A NCAC 14J .1501 DEFINITIONS

The following definitions shall apply in 10A NCAC 14J .1500:

- (1) "County jail" is a detention facility designated for the confinement of persons for varying periods of time including persons awaiting adjudication and short-term sentences as well as persons serving sentences while on work release. The facility is authorized, maintained and administered by officials at the county level.
- (2) "Municipal jail" is a facility designated for the confinement of persons for periods not to exceed 24 hours, pending release or transfer to county jail. The facility is authorized, maintained and administered by officials at the municipal level.
- (3) "Local lock-up" is a facility designated for the temporary confinement of persons not to exceed six hours pending either release or transfer to a county jail. The facility is authorized, maintained and administered by officials at the municipal level.
- (4) "Regional or district jail" is a facility designated for the identical purpose as a county jail except authorization, maintenance and administration is under the control of a joint governing body comprised of authorized representatives for the participating counties.
- (5) Because of current changes from the traditional in terminology associated with the confinement setting, the following comparison of a limited number of terms is included:
 - (a) "Terminology used in standards" is the same as "traditional or approximate synonym".
 - (b) "Single sleeping room" is the same as "single cell".
 - (c) "Multiple sleeping room" is the same as "multiple (four-man) cell".
 - (d) "Isolation room" is the same as "solitary cell".
 - (e) "Dayroom" is the same as "cell run-around".
 - (f) "Confinement unit" is the same as "cell-block".
 - (g) "Holding area" is the same as "bull pen".
 - (h) "Sally port" is the same as "yard gate" (for vehicles).

*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.*

10A NCAC 14J .1502 BUILDING MATERIALS AND CONSTRUCTION REQUIREMENTS

(a) The walls and roof shall be made of:

- (1) reinforced concrete that complies with the North Carolina State Building Code, or

- (2) masonry that complies with approved plans and specifications, or
- (3) other materials that comply with the North Carolina State Building Code.
- (b) The interior walls in security areas shall be made of:
 - (1) reinforced concrete that is at least four inches thick and finished smooth, or
 - (2) cement masonry (CMU) and brick that is at least eight inches thick, or
 - (3) approved steel as specified in Rule .1513 of this Section.
- (c) Interior floors shall be made of concrete that is finished smooth, terrazzo, quarry tile, or other approved material.
- (d) Interior ceilings shall be made of:
 - (1) reinforced concrete that is finished smooth, or
 - (2) approved steel as specified in Rule .1513 of this Section, or
 - (3) other approved material.
- (e) Grating fronts and grating doors for single and multiple rooms shall be made of tool-resisting steel, as specified in Rule .1513(1)(a) of this Section, unless enclosed in a tool resisting perimeter.
- (f) Safety vestibule grating and interior grating doors shall be made of tool-resisting steel, as specified in Rule .1513(1)(a) of this Section.
- (g) Materials shall be non-combustible and shall have fire-resistive ratings if required by the North Carolina State Building Code.
- (h) A local confinement facility shall not be located in or attached to buildings with less than fire-resistive construction, unless the confinement area is separated by an approved masonry firewall.

*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.*

10A NCAC 14J .1503 DOORS

- (a) All doors that open into booking or control areas of jails shall be security doors as specified in Rules .1514 and .1515 of this Section, unless other exterior security is provided, including either a sally port, a controlled gate, or fencing.
- (b) Exit doors shall be security type doors and they shall be keyed to both sides.
- (c) The number of exits, the width and location of exit doors, and the swing of exit doors shall comply with North Carolina State Building Code.
- (d) Sally port doors shall be of the security type and shall be installed in accordance with approved plans and specifications.
- (e) Swinging plate doors of approved type as specified in Rule .1515(a) to (c) of this Section shall be provided with a speaking panel and an observation port when employed on safety vestibules and in other locations as may be approved in plans and specifications.
- (f) Swinging plate doors with a prison type lock or hollow metal doors of approved types with an observation port shall be used at entrances to inspection corridors. Hollow metal doors shall have heavy-duty lock with multiple tumblers.
- (g) An approved grill, a hollow metal security door, or a plate security door shall be used at all entrances to security areas (see Rule .1515 of this Section).
- (h) Grill doors to individual rooms shall be made of open hearth steel only if it is enclosed in a tool-resisting perimeter.
- (i) Pipe chase access doors or plates shall be made of approved security-type plate or hollow metal (Rule .1516 of this Section) according to approved plans and specifications.
- (j) Access doors in all inmate occupied areas shall be equipped with observation ports and food passes according to approved plans and specifications.
- (k) In all areas occupied by female inmates, observation ports shall be equipped with an operating hatch that may be closed from the outside and secured to provide privacy.
- (l) If electro-mechanical capability is used in a security door installation within the confinement area, the control box shall provide a mechanical over-ride in the event of power failure.
- (m) All door-locking mechanisms shall be of the approved type (see Rule .1517 of this Section) and installed according to approved plans and specifications.
- (n) Elevator doors opening into jail areas shall be secure and located so as to be under observation and control of officers.

(o) The controls for sally port doors shall be located within the booking control area to provide constant surveillance by supervisory personnel.

*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.*

10A NCAC 14J .1504 WINDOWS AND SECURITY SCREENING

- (a) All windows shall open and close to provide ventilation unless mechanical cooling or forced air circulation is provided.
- (b) Windows shall be constructed of such material to contain persons within the enclosed area and to provide security from without.
- (c) Windows in inspection corridors shall be designed to maximum security specifications using tool-resistant steel bars or members (equivalent to Bayley AN-1, SG-1, or SN-1, or Southern Steel Co. Type AST or SST) unless the confinement unit has a tool-resisting steel grating enclosure.
- (d) Windows in the inspection corridor shall be designed to moderate security detention using mild steel bars and members (equivalent to Bayley SG-1, AN-2 or SN-2) if the confinement unit has a tool-resisting grating enclosure.
- (e) Local lockups are the only exception to (c) and (d) if the windows are fixed, inaccessible, or they otherwise present no threat to safety or security.
- (f) Windows shall have protective or security screening to prevent the passing of contraband except where approved exterior fencing is provided.
- (g) Security screening shall be of a type to protect glass from damage and prevent the passage of contraband if inmates have access to windows (see Rule .1529 and .1530 of this Section).
- (h) Windows shall be glazed with diffused or obscured glass or an approved synthetic material which admits light to all confinement areas if they afford a view into the confinement area from outside.
- (i) Skylights shall meet the same requirements for light transmission and security windows, except that skylights need not be ventilating units.
- (j) Windows in the booking area shall be of an approved type and construction to provide security and protection for the area.

*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.*

10A NCAC 14J .1505 SINGLE ROOM REQUIREMENTS

- (a) Single room areas shall be a minimum of five feet by seven feet by eight feet.
- (b) The room shall have a combination lavatory, commode and drinking fountain (see Rule .1534 of this Section).
- (c) Isolation rooms shall have hot and cold water.
- (d) Except for local lockups, a shower with hot water shall be provided for each area of isolation rooms.
- (e) An approved mirror shall be installed (see Rule .1521 of this Section).
- (f) No more than one approved stationary steel bunk shall be installed in the room (see Rule .1522 of this Section).
- (g) Natural light shall be admitted to the room in compliance with the North Carolina State Building Code.

*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.*

10A NCAC 14J .1506 MULTIPLE ROOM REQUIREMENTS

- (a) The capacity of multi-room units shall not exceed four inmates.
- (b) The minimum room area shall be nine feet by seven feet by eight feet.
- (c) The room shall have a combination lavatory, commode and drinking fountain (see Rule .1534 of this Section).
- (d) The room shall have hot and cold water unless it is contained in a confinement unit with a dayroom that has hot and cold water.

- (e) Except for local lockups, each room shall have a shower with hot and cold water.
- (f) An approved mirror shall be installed (see Rule .1521 of this Section).
- (g) No more than four approved stationary steel bunks shall be installed within each room.
- (h) Natural light shall be admitted to the room in compliance with the North Carolina State Building Code.

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.

10A NCAC 14J .1507 DORMITORY AREA REQUIREMENTS IN JAILS

- (a) The capacity of dormitories shall not exceed 16.
- (b) The minimum room area for each inmate shall be 50 square feet and 400 cubic feet per inmate.
- (c) Each dormitory shall have one combination commode, drinking fountain, and lavatory with hot and cold water for every eight inmates.
- (d) Each dormitory shall have one shower.
- (e) Each dormitory shall have an approved mirror for every eight inmates (see Rule .1521 of this Section).
- (f) Each dormitory shall have a table and bench (see Rule .1523 of this Section).
- (g) Natural light shall be admitted to the dormitory in compliance with North Carolina State Building Code.

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.

10A NCAC 14J .1508 DORMITORY AREA REQUIREMENTS IN COUNTY JAIL ANNEXES

Dormitory areas in county jail annexes must not exceed the rated capacity as approved by the Section.

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.

10A NCAC 14J .1509 DAYROOM AND SAFETY VESTIBULE REQUIREMENTS: COUNTY JAIL

- (a) Confinement units with a capacity of over four persons, except for dormitories, shall provide a dayroom of equal area to the sleeping areas.
- (b) The dayroom area shall have an approved shower with hot and cold water for every 16 inmates (see Rule .1524 of this Section), and it shall have a commode, drinking fountain, and lavatory with hot and cold water.
- (c) Each dayroom shall have an approved steel bench and table (see Rule .1523 of this Section) that will accommodate all of the inmates in the confinement unit.
- (d) Confinement units with a capacity of over four persons, except for dormitories, shall have a safety vestibule that permits one door to be locked before the other is opened.
- (e) A combination of single rooms and four-man rooms may share a common dayroom, but the capacity of a dayroom shall not exceed 24 inmates.

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.

10A NCAC 14J .1510 HOLDING AREAS

- (a) Each facility with a capacity of 30 or more inmates shall have a secure holding area adjacent to the booking area where inmates can be held pending their commitment.
- (b) The holding area shall be under observation by administrative jail personnel.
- (c) The holding area shall be constructed of approved grill steel.
- (d) The holding area shall have an approved bench and combination lavatory, commode, and drinking fountain.

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.

10A NCAC 14J .1511 OTHER AREAS

- (a) Each facility shall have sufficient storage space.
- (b) Each county jail shall have a medical examining room that at least is equipped with an examining table and a lavatory.
- (c) Each jail with a capacity of more than 20 inmates shall have secure conference areas, and the areas shall not have recording or listening devices.
- (d) All confinement areas shall have adequate floor drains in accordance with approved plans and specifications (see Rule .1535 of this Section).

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.

10A NCAC 14J .1512 LIGHTING AND VENTILATION

- (a) Lighting fixtures in sleeping rooms and dayrooms shall provide at least 30 footcandles of artificial light, and they shall have diffusers designed to illuminate a horizontal area from a ceiling or wall position.
- (b) Artificial lighting in the inspection and control corridors shall be at least 20 footcandles.
- (c) The artificial lighting at night in the sleeping rooms shall not exceed two footcandles.
- (d) The lighting levels in the non-domiciliary portions of the jail shall be within ranges recommended by the I.E.S. (Illumination Engineering Society) for the particular activity.
- (e) Lighting fixtures in the inmate-occupied areas shall be of the security type, and the wiring controls and fixtures shall be inaccessible to inmates (see Rule .1527 of this Section).
- (f) Confinement areas shall be heated within a range of not less than 70 degrees nor more than 75 degrees. Confinement areas shall not have a heater or furnace that burns liquid or solid fuel.
- (g) Wiring, temperature controls, and heat distribution equipment shall be inaccessible to inmates.
- (h) Each facility shall provide adequate air circulation and ventilation of confinement areas in compliance with the North Carolina State Building Code.
- (i) Confinement areas shall be cooled within a range of not less than 75 degrees nor more than 85 degrees.

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.

10A NCAC 14J .1513 WALLS

Walls and partitions shall be made of either reinforced concrete or masonry or the following materials:

- (1) Steel grating of either tool-resisting steel or open hearth steel as specified in the plans:
 - (a) Tool-resisting steel grating shall meet the following construction requirements:
 - (i) Seven-eighths of an inch or one inch diameter vertical double-ribbed round bars spaced not over four inches on center, passing through and interlocking at each intersection with 3/8 inch x 2-1/4 inches or 3/8 inch x 2-1/2 inches tool-resisting flat bars spaced on 12 inch centers for 7/8 inch bars and on 18 inch centers for one inch bars;
 - (ii) Vertical framing bars shall be 3/8 inch x 2-1/4 inches or 3/8 inch x 2-1/2 inches tool-resisting flat bars.
 - (b) Open hearth steel grating shall meet the following construction requirements:
 - (i) Seven-eighths of an inch or one inch diameter vertical double-ribbed round bars spaced not over four inches on center, passing through and interlocking at each intersection with 3/8 inch x 2-1/4 inches or 3/8 inch x 2-1/2 inches horizontal

- flat bars spaced on 12 inch centers for 7/8 inch bars and on 18 inch centers for one inch bars;
- (ii) Vertical framing bars shall be 3/8 inch x 2-1/4 inches or 3/8 inch x 2-1/2 inches open hearth flat bars.
- (2) Steel plate used in a wall or ceiling shall meet the following construction requirements:
- (a) not less than 3/16 inch open hearth steel, or
 - (b) not less than 1/4 inch tool-resisting steel.

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.

10A NCAC 14J .1514 SLIDING DOORS

- (a) Sliding doors shall be made of the same weight and quality of grating or plate as the confinement area fronts or wall in which they are installed.
- (b) Sliding doors shall be approximately two feet x six feet, three inches, and shall be hung from the top by a plate door carriage.
- (c) The door carriage shall have two hardened steel spindles on which will be mounted two needle-bearing or two S.K.F. or approved equal ball-bearing solid steel machined wheels.
- (d) The door carriage shall be enclosed in a covered box of the prescribed type.

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.

10A NCAC 14J .1515 SWINGING DOORS

- (a) Plate doors installed in plate walls shall be made of steel that is at least the same quality and thickness as specified for the wall in which the door opening is installed.
- (b) Plate doors installed in concrete or masonry walls shall be made of material not lighter than 3/16 inch thick open hearth steel plate framed and stiffened with angles, bars, or other shapes and securely hung to door frames made of structural or bent plate channel at least 3/16 inch thick.
- (c) The depth of plate door frame shall equal the thickness of the wall.
- (d) Grating doors installed either in grating, plate walls, or concrete or masonry walls shall be constructed of tool-resisting steel or open-hearth steel as specified by the plans.

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.

10A NCAC 14J .1516 ACCESS DOORS AND PANELS

- (a) Swinging access doors to pipe and utility spaces shall be at least one foot, eight inches x four feet in size and made of 3/16 inch steel plate.
- (b) Removable access panels shall be made of 3/16 inch open-hearth steel plate and shall be large enough to permit entrance.
- (c) Access panels shall be secured to the wall either by 3/8 inch hex-head screws tapped into the panel opening frame and spaced not more than eight inches on center, or they shall be secured by metal lugs at the bottom of the panel and a deadlock at the top, both of which shall be mounted at the back side of the panel to provide further security.

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.

10A NCAC 14J .1517 PRISON KEY-OPERATED LOCKS

- (a) Locking swinging doors shall use prison deadlocks with heavy multiple tumblers. The lock mechanism shall be housed in a lock case made of forged steel not less than 5-1/2 inches x 1-3/8 inches in size.
- (b) Manually-operated sliding doors shall be locked by a heavy multiple tumbler that uses a snap and automatic deadlock. The lock mechanism shall be housed in a lock case made either of strong steel or malleable iron or steel not less than 10 inches x 3-1/2 inches x 1-3/8 inches in size.
- (c) Food passes and shutters, where specified, shall be locked by a heavy multiple tumbler that uses a prison type snap or spring. The food pass lock shall be mounted to prevent food or other matter from coming in contact with the lock.

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.

10A NCAC 14J .1518 HINGES

Swinging doors shall be hung on hinges designed for jail use.

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.

10A NCAC 14J .1519 OBSERVATION AND SPEAKING PANELS

- (a) Observation and speaking panels shall be mounted in plate or masonry walls where shown on plans, and they shall be designed to prevent the passage of contraband.
- (b) Observation and speaking panels shall be made either of polished stainless steel, chromium plated steel, brass, or aluminum.
- (c) Glass in observation panels shall be bullet-proof and at least 7/8 inch thick.

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.

10A NCAC 14J .1520 FOOD PASSES

- (a) The food pass in plate walls shall be approximately 12 inches wide x 4-1/2 inches high. Hinged food pass shutters shall be about 13 inches wide and six inches high and they shall be made of 3/16 inch open-hearth steel plate. The shutter shall form a shelf when in open position and it shall overlap the opening around the edges.
- (b) The food pass in grating walls shall be approximately 12 inches wide x 4-1/2 inches high, and a shelf 5 inches x 12 inches shall be riveted or welded to the bottom of the opening to facilitate the passage of food.

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.

10A NCAC 14J .1521 MIRRORS

- (a) Mirrors shall be approximately 8 inches x 9-1/2 inches in size when provided.
- (b) Mirrors shall be highly polished stainless steel or chrome plated steel, and they shall be attached securely to the wall.

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.

10A NCAC 14J .1522 BUNKS

- (a) Bunks shall be six feet, three inches long and not less than two feet, one inch nor more than two feet, three inches wide.
- (b) The bottoms of bunks shall be 16-gauge sheet steel perforated with one inch to two inch holes for ventilation.
- (c) Bunks shall be framed on the long side by angles not less than 1-1/2 inches x 2 inches x 3/16 inch in size and on the ends by 3/16 inch bent plate brackets.
- (d) The required parts shall be welded together to form a one-piece bunk assembly with end brackets.
- (e) The bunk brackets shall be securely fastened to cell walls.
- (f) 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.
- (g) In dormitories, double bunks with approved bottoms and frames shall be securely attached either to the floor or the wall.

*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.*

10A NCAC 14J .1523 TABLES, BENCHES AND SEATS

- (a) One-piece bench and table units shall be installed as shown on the plans, and they shall be welded securely to an adjacent steel wall and anchored securely to the floor.
- (b) The tops of tables and benches shall be made of at least 10-gauge sheet steel neatly flanged around the edges.
- (c) Table legs and other supports shall be made of properly designed and reinforced materials.

*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.*

10A NCAC 14J .1524 SHOWER STALLS

- (a) The dimensions of showers shall be at least 30 inches x 30 inches x 7 feet.
- (b) Shower stalls shall be constructed of either concrete, masonry, at least 1/8 inch galvanized steel plate, heavy gauge aluminum plate, or heavy gauge stainless steel according to approved plans and specifications.
- (c) The shower stall shall be attached to the wall of the dayroom.
- (d) The floor of the shower stall shall be approximately eight inches above floor level and it shall slope to the floor shower drain.
- (e) A curb that is approximately four inches above the shower floor shall extend across the front of the shower stall. The top of the curb shall have a smooth edge.
- (f) The shower head and the push-button valve assembly shall be vandal proof, and the metering valve and temperature balance mechanism shall be concealed.

*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.*

10A NCAC 14J .1525 REMOTE CONTROL LOCKING MECHANISMS

- (a) Remote control locking and operating mechanisms for fully selective sliding doors shall be electric, electrical-mechanical, mechanical, or gang locking.
- (b) Remote control locking mechanisms shall be designed and manufactured specifically for corrections use and shall be installed according to plans.

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.

10A NCAC 14J .1526 MATERIAL TESTS

(a) Tool-resisting materials that are included in jail equipment shall withstand the following tests:

- (1) A load test of not less than 6,000 lbs. applied at the midpoint of heat-treated 7/8 inch or one inch diameter double-ribbed round tool-resisting bar resting horizontally on two supports spaced 12 inches apart. The load shall be applied with a blunt-end rounded to a radius of approximately 1/4 inch on the edge which is in contact with the tested bar. The bar shall not assume a permanent set in excess of 1/4 inch and it shall not break under the load.
- (2) Tool-resisting 7/8 inch or one inch steel bars shall not be severed within six hours by using six hacksaw blades, and it shall not be pierced by using six 1/8 inch bits, used either in a hand-operated or motor-driven drill. The hacksaw blades and bits in this test shall be the standard type found in institutions.

(b) Open-hearth steel shall be the type produced for corrections use and it shall have a chemical composition that is within the limits adopted by the Association of American Steel Manufacturers for open-hearth bars and shapes.

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.

10A NCAC 14J .1527 PROTECTION EQUIPMENT FOR ELECTRICAL LIGHTS

- (a) Each facility shall adequately protect electric lights in cells from damage by inmates.
- (b) Fittings shall be either covered with 3/8 inch tempered lenses for diffusing light or protected with steel wire.
- (c) Steel plate brackets shall be provided for mounting light receptacles.

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.

10A NCAC 14J .1528 DOOR PULLS

- (a) Swinging plate security doors shall have at least six inch loop pulls of polished aluminum alloy, polished bronze or chrome plated bronze.
- (b) Door pulls shall be secured to doors by security-type patch head screws, spanner screws, or hexagon nuts.

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.

10A NCAC 14J .1529 WIRE WINDOW GUARDS

- (a) Wire window guards shall cover windows as called for in the plans.
- (b) Window guards shall be made of 11-gauge steel mesh, woven three mesh to the inch, and they shall be framed with flat steel bars.
- (c) Hinges, padlocks, hasps, and staples shall be furnished for window guards.

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.

10A NCAC 14J .1530 SECURITY SCREENS

Security screens shall be installed as indicated on the construction plans, and they shall be made of steel, stainless steel, or extruded aluminum.

*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.*

10A NCAC 14J .1531 INSECT SCREENS AND DOORS

Insect screens and doors shall be provided as indicated on the plans, and they shall be made of extruded aluminum, stainless steel, bronze, or steel.

*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.*

10A NCAC 14J .1532 KEY CABINET

- (a) A secure key cabinet shall be provided as shown on the plans, and it shall be made of not less than 10-gauge open-hearth steel plate.
- (b) The door to the key cabinet shall be hung securely on two steel pin hinges and locked with a heavy multiple tumbler security-type deadlock.
- (c) The key cabinet shall have shelves, gun racks, and key hooks as required.

*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.*

10A NCAC 14J .1533 PLUMBING

All plumbing shall be in accordance with the North Carolina State Plumbing Code and the approved plans in effect at time of construction.

*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.*

10A NCAC 14J .1534 PLUMBING FIXTURES

- (a) Plumbing fixtures shall be furnished and installed as specified on the approved plans.
- (b) The plumbing construction shall withstand damage attempted without tools, and the plumbing materials shall offer maximum resistance to wear while providing sanitation in the area used.
- (c) Vitreous china lavatories shall have an integral spout and drinking nozzle with a mouth guard.
- (d) Lavatories shall have an integral soap dish and outlet.
- (e) Lavatories shall have self-closing operating buttons.
- (f) Vitreous china water closets shall be floor mounted and shall have an integral seat and base with a 1-1/2 inch back spud.
- (g) The flush valve shall be tamper proof and self-closing, and siphon jet action shall be used.
- (h) Commode, lavatory and drinking fountain combination units shall be made of welded stainless steel or cast aluminum except that galvanized steel shall be allowed for cabinet reinforcement.
- (i) The fixture shall have tamper-proof, chrome-plated self-closing valves and a combination filler, drinking bubbler with a mouth guard and vacuum flow control.
- (j) The water closet bowl shall have an integral seat and back outlet.
- (k) The lavatory top, bowl, and closet bowl in the stainless steel fixture shall be 16-gauge or heavier with an 11-gauge or heavier liner.
- (l) Surfaces in the stainless steel unit shall be satin finish, except the bowl shall have a high luster finish.

- (m) The fixture shall be anchored through the wall with concealed bolts.
- (n) A vacuum breaker shall be incorporated and a water shutoff shall be installed outside the room or dayroom.
- (o) The fountain bubbler shall produce a water flow on a jet angle and the protector shall be above the water outlet to prevent the mouth from touching it. The protector shall be strong enough that the average person cannot change its configuration without tools.

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.

10A NCAC 14J .1535 FLOOR DRAINS

Floor drains that are accessible to inmates shall be fitted with tamper-resistant covers.

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.

10A NCAC 14J .1536 GENERAL PROVISIONS REGARDING EQUIPMENT INSTALLATION

- (a) All steel equipment, except tool-resisting bars embedded in concrete floors and other such parts that are enameled or plated, shall have a prime coat applied in the fabricating shop.
- (b) Paint shall be of good metallic grade.
- (c) All riveting and welding connected with the installation of security equipment shall meet specifications indicated by the architect.

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.

SECTION .1600 - CONSTRUCTION STANDARDS FOR EXISTING STATE-FUNDED SATELLITE JAIL/WORK RELEASE UNITS

10A NCAC 14J .1601 APPLICABILITY

Existing state-funded satellite jail/work release units shall continue to be governed by the existing construction standards which are now in this Section. These same standards shall apply to new satellite jail/work release units which have had final working drawings approved by the Section prior to the effective date of this Rule. Existing state-funded satellite jail/work release units or new state-funded satellite jail/work release units 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 .1500.

History Note: Authority G.S. 153A-230.4;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1602 CONFINEMENT UNIT

Each satellite jail/work release unit shall include:

- (1) No more than 24 inmates per sleeping area;
- (2) No less than 35 square feet per inmate devoted to sleeping area only;
- (3) One shower per 10 inmates, one water closet per six inmates, one sink per six inmates and one water fountain per 10 inmates. Showers and toilet facilities shall be designed to provide maximum privacy (line of sight) while not interfering with the capability of the jail staff to complete supervision rounds;

- (4) A telephone hookup or other arrangements provided within the area;
- (5) A dayroom/activity room for each unit separated from the sleeping area and of a size to provide a minimum of 15 square feet per inmate;
- (6) A dayroom/activity room designed to allow a variety of activities to take place and have:
 - (a) sufficient seating and tables for each inmate in each confinement unit;
 - (b) natural light;
 - (c) artificial lighting at 30 footcandles in reading areas which may be reduced during sleeping hours;
 - (d) access to toilet, sink with hot and cold water, and drinking fountain;
 - (e) visual control by staff to observe entire area from point of entrance;
 - (f) direct voice contact with continuously staffed post or central control center.
- (7) Single occupancy sleeping areas when called for in the design. Each single occupancy area shall have:
 - (a) a minimum of 35 square feet of floor space;
 - (b) a minimum floor dimension of seven feet;
 - (c) a toilet, sink, and drinking fountain;
 - (d) a bed frame;
 - (e) artificial lighting of 30 footcandles which can be reduced during sleeping hours;
 - (f) natural light provided by window with exterior exposure;
 - (g) direct voice contact with staff post or central control center.

*History Note: Authority G.S. 153A-230.4;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.*

10A NCAC 14J .1603 PROGRAMMING AREAS

Each satellite jail/work release unit, when located in a separate facility from a maximum confinement unit shall have:

- (1) A general visitation area with:
 - (a) a public entrance to the facility;
 - (b) an entry located to permit direct observation and control by staff;
 - (c) storage facilities for visitors' coats and packages;
 - (d) a sufficient number of stations to accommodate visitation needs;
 - (e) seating for both inmates and visitors.
- (2) A confidential attorney visitation area that:
 - (a) is separate and distinct from the general visitation area;
 - (b) permits passage of papers and documents;
 - (c) provides seating with a table or desk for writing for visitors and inmates;
 - (d) provides artificial lighting of 30 footcandles;
 - (e) permits contact visiting;
 - (f) provides for visual monitoring, but not hearing by staff;
 - (g) provides for visitors to contact staff if needed.
- (3) If the facility is not a "work release" only facility, a medical area designed:
 - (a) to prohibit access by unauthorized personnel;
 - (b) to have locked storage for equipment, supplies, medications, and records;
 - (c) for equipment approved by the jail physician including a sink, toilet, shower, examining table, nurses and physicians work station, telephone, and direct contact with the central control area.
- (4) A food service that meets the sanitation requirements of the Commission for Public Health Title 15A Chapter 18A Section .1500, with adequate storage and food preparation areas.
- (5) A laundry service (either contracted for or on premises).
- (6) In a facility which is not a "work release" only facility, recreational facilities with:
 - (a) an area designed for vigorous physical activities, such as volleyball, basketball, etc.;
 - (b) equipment storage area;
 - (c) staff observation post for all areas;

- (d) access to areas controlled by staff.
- (7) A commissary through contract services or built on premises.

*History Note: Authority G.S. 153A-230.4;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.*

10A NCAC 14J .1604 ADMINISTRATION AREA

Each satellite jail/work release unit shall have an administrative area which shall provide:

- (1) adequate space for administrative offices accessible to the public;
- (2) clerical support areas;
- (3) record storage areas;
- (4) space for information resources, report writing, and training materials;
- (5) conference or training area;
- (6) space for unit administrator and support staff personnel.

*History Note: Authority G.S. 153A-230.4;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.*

10A NCAC 14J .1605 CONSTRUCTION MATERIALS FOR SATELLITE JAIL/WORK RELEASE UNITS

Traditional building materials may be used where safety will not be jeopardized, taking into consideration the type and level of security described in the operations program developed by the local authorities.

*History Note: Authority G.S. 153A-230.4;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.*

10A NCAC 14J .1606 MECHANICAL SYSTEMS

Mechanical systems shall:

- (1) Provide heating, ventilation, and air conditioning to meet the requirements of the N.C. Building Code;
- (2) Have master controls for electrical, plumbing, heating, and air conditioning, that are inaccessible to inmates;
- (3) Have master cutoff controls for electrical and water supplies to each confinement area (either single cells or dormitory type areas);
- (4) Have capability of maintaining temperatures in the confinement areas within 68 degrees Fahrenheit minimum in the heating season and a maximum of 85 degrees Fahrenheit during the non-heating season.

*History Note: Authority G.S. 153A-230.4;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.*

10A NCAC 14J .1607 GENERAL REQUIREMENTS

In addition to the rules in this Section, the minimum secure unit shall be designed to:

- (1) allow access for emergency equipment (e.g., fire hoses, stretchers) provided at appropriate entrances;
- (2) have auxiliary power and emergency lighting available;
- (3) have vehicle parking for both public and facility staff and be so designed to prevent unauthorized persons from entering the security perimeter.

*History Note: Authority G.S. 153A-230.3; 153A-230.4;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5,
2016.*

SECTION .1700 - MUNICIPAL LOCKUPS

10A NCAC 14J .1701 DEFINITIONS

The following definitions shall apply in 10A NCAC 14J .1700:

- (1) "Addition" is an extension or increase in floor area or height of a building or structure.
- (2) "Alteration" is any change or modification in construction or use.
- (3) "Booking area" is a secure 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) "Cell" is any confinement unit.
- (6) "Cellblock" is a separate and identifiable grouping of cells.
- (7) "Communicable disease or condition" is an illness or condition as defined in G.S. 130A-133 which is hereby adopted by reference pursuant to G.S. 150B-14(c).
- (8) "Confinement unit" is a single segregation cell, a single cell, a multiple occupancy cell or a dormitory.
- (9) "Contraband" is any item that a person is not authorized to possess in the lockup because it is a violation of law or a violation of rules.
- (10) "Department", unless otherwise specified, is the North Carolina Department of Health and Human Services.
- (11) "Division", unless otherwise specified, is the Division of Health Service Regulation of the North Carolina Department of Health and Human Services.
- (12) "Emergency medical problem" 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.
- (13) "Footcandle" is 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.
- (14) "Governing body" refers to the governing body of a municipal government.
- (15) "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.
- (16) "Inmate" is any person, whether pretrial, unsentenced, or sentenced, who is confined in a lockup.
- (17) "Inmate processing area" is a secure area through which inmates enter and exit, and it may be combined with the booking area.
- (18) "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.
- (19) "Medical record" is a record of medical problems, examinations, diagnoses and treatments.
- (20) "Multiple occupancy cell" is a cell designed to house up to four inmates.
- (21) "Municipal lockup" is a facility designated for the confinement of persons for periods not to exceed 24 hours, pending release or transfer to the county jail. The facility is authorized, maintained, and administered by municipal officials.
- (22) "Officer" is a person, whether sworn or unsworn, who is involved in the supervision, control, or custody of inmates.
- (23) "Operations manual" is a set of written policies and procedures for the operation of a lockup in compliance with state and federal law and the minimum standards for the operation of municipal lockups.

- (24) "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.
- (25) "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.
- (26) "Repair" is reconstruction or renewal of any part of an existing building for the purpose of its maintenance.
- (27) "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.
- (28) "Sally port" is 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.
- (29) "Secretary", unless otherwise specified, is the Secretary of Department of Health and Human Services.
- (30) "Security perimeter" is the outer portion of a lockup that provides for the secure confinement of inmates and that prevents the entry of unauthorized persons or contraband.
- (31) "Security vestibule" is 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.
- (32) "Single cell" is a cell designed to house one inmate.
- (33) "Tamper resistant" means designed to prevent damage, destruction or interference by inmates.
- (34) "View panel" is a transparent panel.

*History Note: Authority G.S. 153A-221;
 Eff. June 1, 1990;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.*

10A NCAC 14J .1702 APPLICABILITY - CONSTRUCTION

- (a) New Municipal Lockups - The construction standards established in this Section shall apply to all municipal lockup construction for which the final working drawings are approved by the Branch after the effective date of this Rule.
- (b) Existing Municipal Lockups - Existing municipal lockups shall continue to be governed by the existing construction standards which are now in Section .1500 of this Subchapter and the same standards shall apply to new municipal lockups which have had final working drawings approved by the Section prior to the effective date of this Rule. Existing municipal lockups or new municipal lockups which have had final 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 .1500.
- (c) Additions - The construction standards established in this Section 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.
- (d) Alterations or Repairs - When alterations or repairs are made to an existing municipal lockup 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 this Section. Unaltered portions of the building shall be required to comply with the new construction standards indicated in this Section only under the circumstances specified in Paragraphs (e) - (g) of this Rule.
- (e) 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 municipal lockup, the entire municipal lockup shall conform to the construction standards for new municipal lockups established in this Section.
- (f) Reconstruction After Damage - If an existing municipal lockup 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 municipal lockup shall be reconstructed in conformance with the construction standards for new municipal lockups established in this Section.
- (g) Physical Value - For the purpose of this Rule, the physical value of the municipal lockup building shall be determined by the local building inspection department.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1703 REQUIREMENT FOR OPERATIONS MANUAL

Within 12 months after the effective date of this Rule, the chief of police or his designee responsible for operating the municipal lockup shall develop written policies and procedures that describe how the lockup will be operated.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1704 PURPOSE OF OPERATIONS MANUAL

The purpose of the operations manual is to ensure the smooth and efficient operation of the municipal lockup, and therefore it shall be detailed enough to guide officers in completing their assigned duties. The operations manual shall be available to all officers, and each officer shall be familiar with the manual.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1705 CONTENTS OF OPERATIONS MANUAL

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

- (1) administration and management;
- (2) admissions, transportation and release;
- (3) classification;
- (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 and substance abuse services;
- (9) food services;
- (10) access to legal representation;
- (11) sanitation; and
- (12) emergency plans.

(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.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1706 REVIEW OF MANUAL

The operations manual shall be reviewed and updated at least once each year by the police chief.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1707 CLASSIFICATION SYSTEM

Each municipal lockup shall have a written classification procedure for the placement and housing of inmates. Within the limitations imposed by the design and capacity of the lockup, 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.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1708 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.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Amended Eff. December 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1709 CONFINEMENT OF MALES UNDER 18 YEARS OF AGE

Male inmates under 18 years of age shall be confined in separate cells from adult inmates during sleeping hours.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1710 DISCRIMINATION IN HOUSING ASSIGNMENTS

Housing assignments shall not be made on the basis of race, color, creed, national origin, or political belief.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1711 EXITS

Each municipal lockup shall have readily accessible emergency exits in compliance with the North Carolina State Building Code in order to permit the prompt evacuation of inmates and staff during an emergency. Egress doors in jails which are classified as "Residential Occupancy" by the N.C. State Building Code shall remain unlocked at all times thereby permitting free movement to the building exterior from occupied areas.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1712 FIRE EQUIPMENT

Each municipal lockup shall provide the following emergency fire equipment:

- (1) fire extinguishers that meet all of the requirements in National Fire Prevention Association pamphlet number 10 which is hereby adopted by reference pursuant to G.S. 150B-14(c), and
- (2) smoke detection equipment that meets the requirements of the North Carolina State Building Code.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1713 FIRE PLAN

- (a) Each municipal lockup 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) Evacuation routes shall be posted or otherwise clearly marked throughout the municipal lockup.
- (c) The police chief shall request in writing that the local fire department or fire marshall inspect the municipal lockup and review the fire plan at least once each year.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1714 MATTRESSES

Mattresses shall be of fire resistive and nontoxic construction.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1715 KEYS

Each municipal lockup shall have a key control system that includes 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 stored in a safe place that is inaccessible to unauthorized persons 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.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1716 GENERAL SECURITY REQUIREMENTS

Each municipal lockup 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) prevent the passage of contraband;
- (3) prevent unauthorized contact between inmates and person from outside the lockup;
- (4) provide a ground-level perimeter exterior that is well lighted; and
- (5) provide a communications link with outside agencies for use in emergencies.

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

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

10A NCAC 14J .1717 SUPERVISION

- (a) Officers shall make supervision rounds and directly observe each inmate in person at least twice per hour on an irregular basis. The supervision rounds shall be documented. If remote electronic monitoring is used to supplement supervision, it shall not be substituted for supervision rounds and direct visual observation.
- (b) Officers shall maintain voice or visual contact with all inmates at all times, and it shall be through either direct observation or by means of electronic surveillance.
- (c) Their shall be more frequent observation of inmates who are assaultive, suicidal, intoxicated, mentally ill or who have other special needs or problems.
- (d) Officers shall remain awake at all times.
- (e) Officers shall not be assigned other duties that would interfere with the continuous supervision, custody or control of inmates.
- (f) Female officers shall be on duty when female inmates are confined.
- (g) The police chief shall develop a contingency plan for the supervision and control of inmates during an emergency, and it shall provide for the ready availability of extra personnel.
- (h) Inmates shall not be allowed to supervise or assume any control over other inmates.

*History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.*

10A NCAC 14J .1718 SANITATION AND TOILETS

Each municipal lockup shall comply with the North Carolina Commission for Public Health rules governing sanitation as codified in Title 15A Chapter 18A Section .1500 and which are hereby adopted incorporated by reference, including subsequent amendments and editions of the reference 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. Inmates shall have unrestricted access to toilets.

*History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Amended Eff. December 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.*

10A NCAC 14J .1719 MATTRESSES AND BEDDING

Mattresses, sheets, and blankets that are clean and in good repair shall be supplied to all inmates except those not housed overnight. Sheets shall be exchanged at least once a week. Mattresses shall meet the following requirements:

- (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 hereby adopted by reference pursuant to G.S. 150B-14(c).
- (2) Mattresses shall not be less than four inches thick and shall be the same length and width as the lockup bunks.
- (3) Mattresses shall not have any metal, plastic, or other rigid framing component.
- (4) Mattress ticking shall be durable and water repellent.

*History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.*

10A NCAC 14J .1720 FOOD SERVICE

- (a) In municipal lockups that purchase meals from an outside provider, a written contract shall require the provider to meet the applicable standards in this Section.
- (b) Inmates shall not be used as the sole source of personnel for the preparation or service of any meal.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1721 MEAL SERVICE

- (a) Each municipal lockup shall provide at least three meals for inmates, two of which must be hot, at regular times during each 24-hour period. There shall be not more than 14 hours between the evening meal and breakfast. An inmate shall be provided a meal if he is in the municipal lockup during a normal meal hour.
- (b) Food shall be served to inmates on individual serving trays. Eating utensils, consistent with security considerations, and condiments shall be provided.
- (c) While food is being transported, either from inside or outside the jail, it shall be covered to prevent contamination. Food must be maintained at appropriate serving temperatures as specified in Commission for Health Service Rule 15A NCAC 18A .1522.
- (d) Food shall never be used as a reward or punishment.
- (e) Each municipal lockup shall keep a daily record of the number of meals served.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Amended Eff. December 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1722 FOOD AND NUTRIENT REQUIREMENTS

- (a) The average nutrient content of weekly menus shall meet the Recommended Dietary Allowances of the National Academy of Sciences which are hereby adopted by reference pursuant to G.S. 150B-14(c).
- (b) Daily menus shall include the following:
 - (1) Milk Group: Two servings;
 - (2) Fruit Group: Two servings, one of which shall be citrus;
 - (3) Vegetable Group: Three servings;
 - (4) Meat or Protein Group: Two servings;
 - (5) Cereal or Bread Group: Four servings of whole grain or enriched products; and
 - (6) Calories: 2,100 - 2,500.
- (c) For all pregnant women and inmates under age 18, the milk group shall include four servings per day.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1723 MENUS

- (a) Menus shall be prepared in consultation with a registered dietitian.
- (b) Menus shall be written and portion sizes shall be specified.
- (c) Menus shall be dated and posted one week in advance.
- (d) Menus shall be served as written to inmates in the municipal lockup. Any necessary substitutions shall be of comparable nutritional value, and a written record of substitutions shall be kept.
- (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.

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

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

10A NCAC 14J .1724 MODIFIED DIETS

- (a) Modified diets shall be provided if prescribed by appropriate medical or dental personnel.
- (b) Modified diets shall be provided when reasonably possible to accommodate the sincerely held religious beliefs of an inmate.
- (c) Written menus for modified diets shall be prepared in consultation with a registered dietitian.
- (d) Modified diets shall be served as written. Any necessary substitutions shall be of comparable nutritional value, and a written record of substitutions shall be kept. Dated menus of modified diets and records of any substitutions shall be retained for three years.
- (e) Each municipal lockup shall maintain a current list of inmates requiring modified diets, and it shall be posted for use by staff.
- (f) Each municipal lockup shall record the number of modified diets served at each meal, along with the name of each inmate and the type of modified diet that he or she received.

*History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.*

10A NCAC 14J .1725 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 municipal lockup 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;
 - (2) Routine medical care;
 - (3) The handling of inmates with chronic illnesses or known communicable diseases or conditions;
 - (4) Administration, dispensing and control of prescription and non-prescription medications;
 - (5) Handling emergency medical problems, including but not limited to emergencies involving dental care, chemical dependency, pregnancy and mental health;
 - (6) Maintenance and confidentiality of medical records; and
 - (7) Privacy during medical examinations and conferences with qualified medical personnel.
- (c) Inmates must be provided an opportunity each day to communicate their health complaints to a health professional or to an officer. Qualified medical personnel shall be available to evaluate the medical needs of inmates. A written record shall be maintained of the request for medical care and the action taken.
- (d) Inmates shall not perform any medical functions in the lockup.
- (e) The medical plan shall be reviewed annually.

*History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Amended Eff. December 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.*

10A NCAC 14J .1726 HEALTH SCREENING FORM

The health screening form completed upon admission by an officer shall be available to municipal lock-up 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 cannot be made available to municipal lock-up officers.

*History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Amended Eff. December 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.*

10A NCAC 14J .1727 LOGS OF ADMISSIONS AND RELEASES

Municipal lockups shall keep a log that contains at least the following information on each inmate admitted:

- (1) Inmate name,
- (2) Date and time inmate is admitted and released,
- (3) Charge,
- (4) Condition of release, and
- (5) If not released, place to which inmate was transferred.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1728 MONTHLY REPORT OF MUNICIPAL LOCKUPS

The police chief shall complete a monthly report on Form DHR-JDS-1 and send it to the Section no later than the tenth day of the following month.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1729 REPORT OF DEATH

The report of an inmate death required by G.S. 153A-225 shall be submitted to the Section.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1730 CONSULTATION AND TECHNICAL ASSISTANCE

Consultation and technical assistance in planning a new municipal lockup shall be available through the Section.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1731 COMPLIANCE REVIEW AND APPROVAL

(a) The governing body shall submit copies of the following to the Section before it begins construction of a new municipal lockup and before it makes additions or alterations to an existing municipal lockup as defined by the North Carolina State Building Code:

- (1) three sets of schematic drawings and outline specifications;
- (2) three sets of preliminary working drawings or design development drawings and outline specifications;
- (3) three sets of completed final working drawings and specifications.

(b) Upon receipt of the drawings and specifications at each stage, the Section shall send one set each to the following for their review and approval: the Department of Insurance to insure 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 Title 15A Chapter 18A Section .1500 and which are hereby adopted by reference pursuant to G.S. 150B-14(c). 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 municipal lockups 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 receipt by the Section.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1732 SPECIFIC CONSTRUCTION REQUIREMENTS

- (a) Municipal lockups restrain inmates under lock and key within a building and therefore shall meet the requirements of the North Carolina State Building Code for "Institutional Occupancy - Restrained".
- (b) The construction materials in all municipal lockups shall be sufficient to provide the degree of security required for the area in which they are used.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1733 CENTRAL CONTROL STATION

In municipal lockups that have a central control station, the station shall:

- (1) be strategically located and equipped to regulate and monitor the movement of inmates and officers;
- (2) have a security vestibule at its entrance;
- (3) have direct two-way voice communication with all confinement units;
- (4) have direct two-way voice communication with all officers as needed to maintain safety and security;
- (5) be equipped with a release mechanism to open all confinement unit doors in an emergency;
- (6) have a toilet and sink.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1734 ELEVATORS

Elevators that open into the municipal lockup shall be secure and shall be under the control and observation of officers.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1735 INMATE PROCESSING AREA

Each municipal lockup that performs a booking and release function shall have an inmate processing area with access to the following:

- (1) a booking area that includes space for photographing and fingerprinting inmates and a telephone for making local and collect long-distance calls; and
- (2) a sobriety testing area.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1736 VISITATION AREAS

Each municipal lockup shall provide a confidential attorney visitation area that shall:

- (1) permit contact between the inmate and attorney;

- (2) provide seating and a writing table for the inmate and attorney;
- (3) permit only visual monitoring by the officers;
- (4) provide a way for the attorney to contact officers if needed; and
- (5) provide a minimum of 30 footcandles of artificial light.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1737 OTHER AREAS

Each municipal lockup that does not contract for meals shall have a kitchen.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1738 FLOORS, CEILINGS, AND WALLS

All ceilings, walls, and floors in confinement units shall have a finished surface that is easily cleaned, nontoxic, and predominantly of light colors.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Amended Eff. December 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1739 SHOWERS AND PLUMBING FIXTURES

- (a) If provided, each municipal lockup shall have at least one shower for every eight inmates.
- (b) If provided, showers shall have drains that prevent water from draining outside the shower, and the shower fixtures and drains shall be tamper-resistant if necessary for security.
- (c) Plumbing fixtures shall be made of stainless steel or other suitable materials as necessary for security.
- (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 by officers.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1740 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) Glazing shall be diffused or obscured if it affords a view into confinement units from outside the municipal lockup.
- (c) 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 confinement units shall have a minimum area of 180 square inches and permit observation of the entire unit.
- (d) Natural light shall be admitted into all confinement units either directly or indirectly.

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

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

10A NCAC 14J .1741 DOORS, BUNKS AND LOCKS

- (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.
- (b) Doors to all confinement units 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) Doors and locks that are electronically controlled shall be equipped with manual override.
- (e) Food passes, if used, shall have openings large enough to permit the passage of a food tray.
- (f) 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.
- (g) Doors, locks, detention hardware and bunks shall be designed to inhibit their use for an attempted suicide.

*History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.*

10A NCAC 14J .1742 SAFETY EQUIPMENT

In each municipal lockup the safety equipment, including intercoms, fire extinguishers, smoke detectors, and sprinkler heads, shall be tamper-resistant if necessary for security.

*History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.*

10A NCAC 14J .1743 MECHANICAL SYSTEMS

- (a) Each municipal lockup shall have heating, ventilation, and air conditioning systems that are capable of maintaining temperatures in confinement units not less than 68 degrees Fahrenheit during the heating season and not more than 85 degrees Fahrenheit during the cooling season.
- (b) The master controls for the system shall be located outside the confinement units and shall be accessible to officers during an emergency.
- (c) The ducts for the systems shall be designed to prevent the escape of inmates and the passage of contraband, and they shall be designed to inhibit their use for attempted suicide.
- (d) The ventilation system shall provide a minimum of ten cubic feet per minute of fresh or purified air for each inmate.

*History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.*

10A NCAC 14J .1744 PLUMBING SYSTEMS

- (a) Each municipal lockup shall have a plumbing system that complies with the Commission for Public Health Rules Title 15A Chapter 18A and the North Carolina State Plumbing Code, both of which are hereby adopted by reference pursuant to G.S. 150B-14(c).
- (b) Each municipal lockup shall have a hot water supply for inmate lavatories, if provided, and showers designed to meet the usual needs of the number of inmates confined in the municipal lockup.
- (c) The master control valves for the plumbing system shall be located outside the confinement units and shall be accessible to officers during an emergency.

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

Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1745 ELECTRICAL SYSTEMS

- (a) Each municipal lockup shall have an electrical system that provides artificial lighting in the confinement units of at least 30 foot-candles and that can be reduced during sleeping hours.
- (b) Artificial lighting in the corridors shall be at least 20 footcandles.
- (c) Lighting fixtures shall be made of materials necessary to provide the degree of security required for the area in which they are used.
- (d) The master controls and circuit breakers shall be located outside the confinement units and shall be accessible to officers during an emergency.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1746 CLOTHING AND TOWEL HOOKS

Clothing and towel hooks shall not be used.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1747 CONFINEMENT UNITS

The governing body shall decide what confinement unit or combination of confinement units it will include in its municipal lockup: single cells and multiple occupancy cells.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1748 STANDARDS FOR SINGLE CELLS

Each single cell shall have:

- (1) a minimum floor space of 50 square feet;
- (2) a minimum floor dimension of seven feet;
- (3) a toilet, a sink and a drinking fountain.

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1749 STANDARDS FOR MULTIPLE OCCUPANCY CELLS

Each multiple occupancy cell shall house no more than four inmates and shall have:

- (1) a minimum floor space of 50 square feet for the first inmate and 35 square feet of floor space for each additional inmate;
- (2) a minimum floor dimension of seven feet;
- (3) a toilet, a sink and a drinking fountain.

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

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

10A NCAC 14J .1750 INSPECTIONS

All municipal lockups shall be visited and inspected at least twice each year, but a lockup shall be inspected more frequently if the Department considers it necessary or if it is required by an agreement of correction pursuant to Rule .1753 of this Subchapter.

*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.*

10A NCAC 14J .1751 REPORT OF INSPECTION

(a) The procedures contained in G.S. 153A-222 shall govern all inspections except those that find noncompliance with one or more of the provisions listed in Paragraph (b) of this Rule.

(b) The inspector shall forward a copy of the inspection report to the Secretary within ten days after the inspection if there are findings of noncompliance with any of the following standards contained in 10A NCAC 14J or the following statutes:

- (1) Classification; Rules .1707-.1709;
- (2) Fire Safety; Rules .1711-.1715;
- (3) Supervision; Rule .1717;
- (4) Sanitation and Personal Hygiene; Rules .1718-.1719;
- (5) Food; Rules .1720-.1724;
- (6) Medical Care of Inmates; Rules .1725-.1726;
- (7) G.S. 153A-224, Supervision of Lockups; or
- (8) G.S. 153A-226(b), Disapproval for Public Health Purposes.

(c) The inspector at the same time shall submit to the Secretary a written description of the conditions that caused noncompliance and a preliminary determination of whether those conditions jeopardize the safe custody, safety, health or welfare of the inmates confined in the municipal lockup.

(d) The inspection report shall be submitted to the local officials responsible for the municipal lockup within 30 days after the inspection as required by G.S. 153A-222, and it shall include a notice that the facility was not in compliance with one or more of the provisions listed in Paragraph (b) of this Rule. The notice shall state that the report has been submitted to the Secretary on a designated date for a final determination of whether conditions at the municipal lockup jeopardize the safe custody, safety, health or welfare of its inmates. The notice shall state that local officials will be mailed a final determination within 45 days of the designated date.

*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.*

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.*

10A NCAC 14J .1753 AGREEMENT OF CORRECTION

(a) Before ordering corrective action or ordering the lockup closed, the Secretary may direct the governing body to enter into an agreement of correction. If the Secretary chooses this option, he shall require the governing body to enter into a written agreement within 30 days after it receives notice that conditions in the lockup jeopardize the safe custody, safety, health or welfare of the inmates.

(b) The agreement of correction at a minimum shall indicate the specific areas of noncompliance with the standards or statutes, the governing body's intent to remedy noncompliance, a plan for remedying the noncompliance, a definite and reasonable number of days within which the lockup will be brought into compliance, and a schedule of inspections to monitor compliance.

(c) The agreement of correction may be extended once for a period not to exceed 60 days if the time period in the initial agreement expires before the lockup is brought into compliance, but only if the governing body is making a good faith effort to achieve compliance.

(d) If the lockup is not brought into compliance within the time period required by Paragraph (c) of this Rule, the Secretary shall order corrective action or order the lockup closed.

*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.*

10A NCAC 14J .1754 ORDER OF CORRECTIVE ACTION OR ORDER OF CLOSURE

If the Secretary determines that an agreement of correction is not appropriate, or if he determines that a lockup is not brought into compliance within the time period required by an agreement of correction, the Secretary shall order corrective action or order the lockup closed. Notice of the action taken shall be given to local officials responsible for the lockup as provided by G.S. 153A-223(1). Local officials may contest the Secretary's order according to the procedures outlined in G.S. 153A-223.

*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.*

10A NCAC 14J .1755 DESIGNATION BY SECRETARY

The Secretary may designate a person to act for him with respect to matters covered by this Section. The designation shall be in writing and it shall be on file with the Section.

*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.