

REQUEST FOR TECHNICAL CHANGE

AGENCY: Secretary of the Department of Health and Human Services

RULE CITATION: 10A NCAC 14J, All Rules Submitted

DEADLINE FOR RECEIPT: Wednesday, March 13, 2019

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

I am just confirming that these Rules were approved by the Social Services Commission on September 12, 2018 and the Governor on February 5, 2019, as required by G.S. 153A-221(c). Is that correct?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: February 27, 2019

REQUEST FOR TECHNICAL CHANGE

AGENCY: Secretary of the Department of Health and Human Services

RULE CITATION: 10A NCAC 14J .0101

DEADLINE FOR RECEIPT: Wednesday, March 13, 2019

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In Item (5), line 16, identifiable to whom?

In Item (10), lines 28-29, how will this determination by the sheriff or regional jail administrator be communicated?

In Item (14), Page 2, line 1, what is "personal"?

On line 3, so that I'm clear – you mean they must be posted in the cellblock, dayroom, and dormitory – all three places, rather than one of the three?

In Item (15), line 7, consider replacing "indicates" with "states"

I take it Item (20) will only relate to inmates?

In Item (43), Page 4, line 22, does your regulated public know what "renewal" means?

In Item (44), line 27, insert "medical" before "care"

In Item (54), Page 5, line 13, should this read "an inmate with special needs that includes..."?

In Item (60), line 36, I am only asking – they cannot view it on a computer monitor?

In the History Note, Page 6, line 7, please put the citations in numerical order.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel

Date submitted to agency: February 27, 2019

10A NCAC 14J .0101 is readopted with changes as published in 32:14 NCR 1371-1387 as follows:

SECTION .0100 - DEFINITIONS AND APPLICABILITY FOR JAILS

10A NCAC 14J .0101 DEFINITIONS

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

- (1) "Addition" ~~is~~ means an extension or increase in floor area or height of a building or structure.
- (2) "Alteration" ~~is~~ means any change or modification in construction or use.
- (3) "Booking area" ~~is~~ means ~~a secure an~~ an area where a person is admitted to a jail and procedures such as searching, fingerprinting, photographing, health screening, and collecting personal history data occur.
- ~~(4) "Section" is the Jail and Detention Section of the Division of Health Service Regulation, Department of Health and Human Services.~~
- ~~(5)~~ (4) "Cell" ~~is~~ means any confinement ~~unit~~ unit, except a dormitory.
- ~~(6)~~ (5) "Cellblock" ~~is~~ means a separate and identifiable grouping of cells.
- ~~(7)~~ (6) "Communicable disease or condition" ~~is~~ means an illness or condition as defined in G.S. ~~130A-133~~ which is hereby adopted by reference pursuant to G.S. 150B-14(e). 130A-2.
- (7) "Control center" means a room where jail personnel control the safety and security functions of the jail through the monitoring and operation of equipment that includes the communication systems, security systems, electronic surveillance systems, fire alarm system, and electronic door locking systems.
- (8) "Confinement unit" ~~is~~ means a single segregation cell, a single cell, a multiple occupancy ~~cell~~ cell, or a ~~dormitory.~~ dormitory, but shall not include a padded cell.
- (9) "Construction Section" means the Construction Section of the Division of Health Service Regulation.
- ~~(9)~~ (10) "Contraband" ~~is~~ means any item that a person is not authorized to possess in the jail because it is a violation of ~~law or a violation of rules.~~ G.S. 14-258.1 and G.S. [14-258.2.] 14-258.2 or it is not allowed by the sheriff or regional jail administrator.
- ~~(10)~~ (11) "Dayroom" ~~is~~ means an area accessible to a single cell or a multiple occupancy ~~cell,~~ cell with ~~controlled access from the cell and to which inmates may be admitted~~ space for activities such as dining, showers, physical ~~exercise~~ exercise, and recreation.
- ~~(11)~~ (12) "Department", ~~unless otherwise specified, is the North Carolina Department of Health and Human Services.~~ "Department" means as defined in G.S. 153A-217.
- (13) "Direct two-way voice communication" means the monitoring of inmate activity by an officer who is located within a cellblock, dayroom, or dormitory and who has oral communications with inmates without the use of a remote two-way voice communication system.

- (14) “Direct visual observation” means the monitoring of inmate activity by an officer who has a personal view of the inmates without the use of video surveillance. A jail shall locate an officer either within the cellblock, dayroom, and dormitory or outside of the cellblock, dayroom, and dormitory separated by barriers with view panels. If the officer is separated by barriers from the cell block, dayroom, or dormitory, the view panels in the barriers shall be sized and located to provide the officer with a view into the interior of the cells. The front of these cells shall have bars or doors with view panels.
- (15) “Disaster plan” means an individual jail’s plan with written policies and procedures that indicates what, how, and when actions shall be taken by a jail to maintain the security, welfare, and safety of inmates, staff, officers, and the public before and after the occurrence of an emergency event at the jail. This plan is created and written by the sheriff, regional jail administrator, or their designees.
- (16) “District confinement facility” means a building operated by two or more units of local government for the confinement of inmates as provided in G.S. 153A-219.
- ~~(12)~~ (17) “Division”, unless otherwise specified, is “Division” means the Division of Health Service Regulation of the North Carolina Department of Health and Human Services.
- ~~(13)~~ (18) “Dormitory” is means an area designed to house up to 40 inmates and that combines dayroom space with sleeping space.
- (19) “Emergency event” means an event caused by the occurrence of an emergency as defined by G.S. 166A-19.3(6) or the loss of a jail’s utility service that includes electricity, water, gas, or communications.
- ~~(14)~~ (20) “Emergency medical problem” need” is a serious medical need, including severe bleeding, unconsciousness, serious breathing difficulties, head injury, severe pain, suicidal behavior or severe burns, that requires immediate medical attention and that cannot be deferred until the next scheduled sick call or clinic. means a medical condition that requires medical treatment as soon as noticed and that may not be deferred until the next scheduled sick call or clinic.
- (21) “Fire evacuation training” means instructing officers and jail staff in procedures related to the evacuation or relocation of building occupants when there is a fire in the jail. The instruction shall simulate an actual fire and a rehearsal of actions needed by officers and jail staff for the evacuation or relocation of building occupants but may not require the actual relocation of inmates within the jail or to the outdoors. The local fire marshal 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.
- ~~(15)~~ (22) “Footcandle” is means the amount of light thrown on a surface one foot away from the light source. It is a unit for measuring the intensity of illumination.
- (23) “Flushing rim floor drain” means a plumbing fixture that uses water activated by a flushometer valve to flush sanitary waste from the fixture to a sanitary drainage system. It shall be mounted flush to the floor.

- (24) "Glazing" means any infill material in a window or view panel that includes transparent or translucent glass, polycarbonate, or a combination of glass and polycarbonate.
- ~~(16)~~ (25) "Governing body" refers to the governing body of a county or the policy making body for a district confinement facility. means as defined in G.S.153A-217.
- ~~(17)~~ "Health screening" is a procedure for each newly admitted inmate that combines visual observation with an interview to obtain relevant information about the inmate's physical and mental health.
- ~~(18)~~ (26) "Holding area" is means a place where inmates are temporarily held while awaiting processing, booking, court appearance, discharge, or transfer to a regular confinement unit.
- ~~(19)~~ (27) "Holdover facility" is means a facility as defined in G.S. 7A-517(16) which is hereby adopted by reference pursuant to G.S. 150B-14(e). 7B-1501.
- ~~(20)~~ (28) "Inmate" is means any person, whether pretrial, unsentenced, or sentenced, who is confined in a jail, jail, a district confinement facility, or a county satellite jail/work release unit.
- ~~(21)~~ (29) "Inmate processing area" is a secure area through which inmates enter and exit, and it may be combined with the booking area. means a location in a jail where the booking area and release functions for persons committed to the jail are performed.
- ~~(22)~~ "Institutional Restrained" is a Building Code occupancy classification used for buildings in which persons are restrained under lock and key or other security measures which render them incapable of self preservation due to the security measures not being under their direct control.
- (30) "Interlocking security feature" means an electronic locking interface between two or more doors in a security vestibule that unlocks and opens one door while at the same time locking the other doors.
- ~~(23)~~ (31) "Jail" is means a building or part of a building operated by a county or group of counties for the confinement of inmates, including inmates that includes county jails, jails and district confinement facilities and jail annexes. facilities. It shall not include a county satellite jail/work release unit governed by Part 3 of Article 10 of Chapter 153A of the General Statutes.
- ~~(24)~~ "Jail annex" is a building or a designated portion of a building designed, staffed and used primarily to house inmates who do not present reasonably identifiable security risks.
- (32) "Means of egress" means an unobstructed path of vertical and horizontal egress travel from any occupied portion of a building or structure to the outside of the building.
- (33) "Medical personnel" means persons who provide medical care to inmates. Medical personnel shall include a physician, Registered Nurse, and Licensed Practical Nurse.
- ~~(25)~~ (34) "Medical record" is means a record of medical problems, examinations, diagnoses diagnoses, and treatments.
- (35) "Mental health personnel" means persons who provide mental health services to inmates. Mental health personnel shall include a psychiatrist, psychologist, Registered Nurse, and social worker.
- ~~(26)~~ (36) "Multiple occupancy cell" is means a cell designed to house up to four inmates. more than one inmate.

- (27) (37) "Officer" ~~is~~ means a person, whether sworn or unsworn, who is involved in the supervision, control, or custody of inmates.
- (28) (38) "Operations manual" ~~is~~ means a set of written policies and procedures for the operation of a jail in compliance with ~~state and federal law and the minimum standards for the operation of jails. set forth in Sections .0100 through .1100 and Section .1300 of this Subchapter.~~
- (39) "Program area" means a common area or room of a jail used by inmates, officers, or visitors for religious, education, training, or recreation activities.
- (40) "Program services" means activities provided to inmates by the jail that includes jail orientation, academic and vocational training, problem solving and recreational skills, and life skills in parenting and maintaining employment after release from jail.
- (29) ~~"Qualified medical personnel" are persons who provide medical services to inmates and who are licensed, certified, registered, or approved, in accordance with state law. It includes persons who provide limited medical services under supervision as permitted by law.~~
- (30) ~~"Registered dietitian" is a specialist in the field of nutrition, dietetics and food system management who maintains current registration with the Commission on Dietetic Registration of the American Dietetic Association.~~
- (41) "Regional jail administrator" means a person who manages a local district confinement facility on behalf of two or more units of local government as provided in G.S. 153A-219.
- (42) "Remote two-way voice communication" means the monitoring of inmate activity with a two-way voice intercom system installed between a confinement unit and a 24-hour officer staffed location away from the confinement unit.
- (31) (43) "Repair" ~~is~~ means reconstruction or renewal of any part of an existing building for the purpose of its maintenance.
- (32) ~~"Residential" is a Building Code occupancy classification used for buildings which provide sleeping accommodations for the occupants and in which the egress doors are unlocked at all times thereby providing free movement to the building exterior from occupied areas.~~
- (44) "Routine care" means care that includes physical examinations, health screenings, diagnostic testing, and treatment for an illness, a medical condition, or a mental health condition that is not an emergency medical need.
- (33) (45) "Sally port" ~~is~~ means an enclosed entry and exit area used either for vehicular or pedestrian traffic with gates or doors at both ends, only one of which opens at a time.
- (34) (46) "Satellite jail/work release unit" ~~is~~ means a unit as defined in G.S. 153A-230.1.
- (47) "Screenings of inmates" means a procedure for each newly-admitted inmate that combines visual observation with an interview to obtain information about the inmate prior to the inmate's placement in the general population of the jail. The procedure is set forth in Rule .1002 of this Subchapter.
- (35) (48) "Secretary", ~~unless otherwise specified, is~~ "Secretary" means the Secretary of the Department of Health and Human Services. as defined in G.S. 153A-217.

- (36) (49) "Security perimeter" ~~is~~ means the outer portion of a jail that provides for the ~~secure~~ confinement of inmates and that prevents the entry of ~~unauthorized persons or contraband~~. not authorized by the sheriff or regional jail administrator.
- (50) "Security-type" means a designation by a manufacturer that indicates the product is designed to withstand damage and destruction by inmates.
- (37) (51) "Security vestibule" ~~is~~ means a ~~defined~~ space that provides security by using two or more doors, with each door able to operate independently, and that permits an officer to observe those who pass through the space.
- (38) (52) "Single cell" ~~is~~ means a cell designed to house one inmate.
- (39) (53) "Single segregation cell" ~~is~~ means a cell designed to house one inmate who has been removed from the general inmate population for administrative segregation, disciplinary segregation, or protective custody.
- (54) "Special inmates" means an inmate that includes a geriatric inmate, an inmate with a mental health disorder, developmental disability, intellectual disability, or substance use disorder, and an inmate with a physical disability.
- (55) "Special watch rounds" means an in-person check of an inmate by an officer at time intervals set forth in Rule .0601(c) of this Subchapter.
- (56) "Supervision rounds" means an in-person check of inmates by an officer entering and walking through a cellblock, dayroom, or dormitory. For a cellblock or dayroom, the officer shall walk past and view into each cell and observe the inmate within the cell. If during the supervision rounds inmates are located in the dayroom and not in their cells, the officer shall observe each of the inmates located in the dayroom. For a dormitory, the officer shall walk through the dormitory and observe each inmate. An officer shall conduct the in-person check at time intervals specified in Rule .0601(a) of this Subchapter.
- (40) (57) ~~"Tamper-resistant"~~ "Tamper-resistant" means ~~designed to prevent damage, destruction or interference~~ a designation by a manufacturer that indicates the product is designed to withstand dismantling of the product, removal of the product, or interference with the operation of the product by inmates.
- (58) "Total design capacity" means the maximum number of inmates that can be housed in the confinement units of the jail based on the standards contained in Rule .0103 of this Section and Section .1200 of this Subchapter.
- (59) "Unit of local government" means as defined in G.S. 153A-217.
- (60) "Video surveillance" means the monitoring of inmate activity by a video camera installed in a cell block, dayroom, or dormitory with views of the confinement units. An officer in a location remote from the cell block, dayroom, or dormitory shall observe a live video image created by the video camera on a television monitor.
- (41) (61) "View panel" ~~is~~ means a transparent panel.

1 ~~(42)~~ (62) "Visitation area" ~~is~~ means ~~a designated~~ an area where inmates are permitted to receive visitors
2 according to the jail's policies and procedures that govern visitation.

3 ~~(43)~~ (63) "Work release" ~~refers to~~ means the release of a convicted inmate for employment in the ~~community,~~
4 community ~~returning to custody and the return to custody of the convicted inmate~~ during
5 nonworking hours.

6
7 *History Note: Authority G.S. 153A-221; 153A-217;*

8 *Eff. June 1, ~~1990~~, 1990;*

9 *Readopted Eff. July 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Secretary of the Department of Health and Human Services

RULE CITATION: 10A NCAC 14J .0102

DEADLINE FOR RECEIPT: Wednesday, March 13, 2019

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (b), lines 8 and 9, please capitalize "Codes" and state "Rule"

What "standards" are you incorporating? Is it Subparagraph (b)(4)?

In (b)(1), line 11, please state "the North Carolina Building Codes. Copies may be purchased..." Please make conforming changes to (b)(2) and (b)(4), as well.

In (b)(1) and (2), why not just use the url of www.iccsafe.org? I tried to use the url you provided on line 14 and it did not work and these specific urls can change quickly. I think providing the main site may be the better approach.

In (b)(2), this Code is part of the NC Building Code. Why are you incorporating it separately?

In (b)(3), since you are citing to a Rule in the Code, you don't have to provide a url to the NCAC.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: February 27, 2019

10A NCAC 14J .0102 is readopted as published in 32:14 NCR 1371-1387 as follows:

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

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

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

- (1) the North Carolina State Building Codes with copies that may be purchased from the International Code Council online at <http://shop.iccsafe.org/> at a cost of five hundred seventy-one dollars (\$571.00) or accessed electronically free of charge at <http://codes.iccsafe.org/North%20Carolina.html>;
- (2) the North Carolina State Fire Prevention Code with copies that may be purchased from the International Code Council online at <http://shop.iccsafe.org/state-and-local-codes/north-carolina/north-carolina-state-building-code-fire-prevention-code-2012-2.html> at a cost of ninety-seven dollars (\$97.00) or accessed electronically free of charge at http://codes.iccsafe.org/app/book/toc/2012/North_Carolina/Fire/index.html;
- (3) 15A NCAC 18A .1517 with copies that may be accessed electronically free of charge at <http://reports.oah.state.nc.us/ncac/title%2015a%20-%20environmental%20quality/chapter%2018%20-%20environmental%20health/subchapter%20a/15a%20ncac%2018a%20.1517.pdf>; and
- (4) the National Fire Protection Association, National Fire Alarm and Signaling Code, NFPA 72 with copies of this code that may be purchased from the National Fire Protection Association online at http://catalog.nfpa.org/NFPA-72-National-Fire-Alarm-and-Signaling-Code-2016-Edition-P1198.aspx?order_src=C900&gclid=CJH4hoSFis8CFdQvgOod_y8Dig for a cost of ninety-six dollars and fifty cents (\$96.50) or accessed electronically free of charge at <http://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards?mode=code&code=72>.

History Note: *Authority G.S. 153A-221;*
Eff. June 1, 1990. 1990;
Readopted Eff. July 1, 2019.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Secretary of the Department of Health and Human Services

RULE CITATION: 10A NCAC 14J .0103

DEADLINE FOR RECEIPT: Wednesday, March 13, 2019

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), and elsewhere the terms are used, what are "existing jail I" and "existing jail II"? Are these terms known to your regulated public?

In (b), line 9, I note that of all the terms used, only "construction" is not defined in Rule .0101. I take it your regulated public knows what this means?

In (c), line 16, and elsewhere the term is used, what is "approved"? Is this approval given pursuant to other rules in the Subchapter?

In (i), Page 2, line 11, should it be "alteration" singular?

Why do you need Paragraph (j)?

In (k), if the governing body submits a request that meets (k)(1) through (4), under what circumstances will the Division grant or deny the request? If the idea is to use (k)(4) as guidance, why not state this:

(a) The Division may grant an equivalency to allow an alternate design or functional variation from the requirements of this Rule and the rules contained in Sections .1200, .1500, .1600, and .1700 of this Subchapter. The equivalency may be granted by the Division when a governing body submits a written equivalency request to the Division that ~~indicates~~ 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; and~~ requirement.
- ~~((4) a statement by the governing body that the~~

In determining whether to grant an equivalency request the Division shall consider whether the request will ~~not~~ reduce the safety and operational effectiveness of the jail design and layout.

On line 22, please replace "indicates" with "states" or "provides"

In (k)(3), line 25, how will this intent be determined?

Amanda J. Reeder
Commission Counsel
Date submitted to agency: February 27, 2019

Why do you need Paragraph (I)? Is it necessary for the interpretation of this Rule?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: February 27, 2019

10A NCAC 14J .0103 is readopted as published in 32:14 NCR 1371-1387 as follows:

10A NCAC 14J .0103 APPLICABILITY – CONSTRUCTION

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

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

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

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

(e) ~~Alterations or Repairs~~ When alterations or repairs are made to an existing jail building which affect its structural strength, exits, fire hazards, electrical systems, mechanical systems, or sanitary conditions, such alterations or repairs shall comply with the standards for new construction established in Section .1200. Unaltered portions of the building shall only be required to comply with the new construction standards indicated in Section .1200 under the circumstances specified in Paragraphs (f) - (h) of this Rule. Existing jail II construction that has construction documents approved by the Construction Section on or after June 1, 1990 and prior to the readopted effective date of this Rule shall meet the requirements of:

(1) this Rule; and

(2) Rules .1202 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>.

(f) (g) ~~Extensive Annual Alterations or Repairs~~ If, within any 12 month period, alterations or repairs costing in excess of 50 percent of the then physical value of the building are made to an existing jail, the entire jail shall conform to the construction standards for new jails established in Section .1200. A jail that is closed and later reopened shall meet

the requirements of Paragraph (c) of this Rule. A jail is not closed if within the same twelve month period of time the jail has either:

(1) housed inmates; or

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

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

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

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

~~(2) the justification for the equivalency;~~

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

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

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

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

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

Eff. June 1, 1990-1990;

Readopted Eff. July 1, 2019.

1 10A NCAC 14J .0201 is readopted as published in 32:14 NCR 1371-1387 as follows:

2
3 **SECTION .0200 - OPERATIONS MANUAL FOR JAILS**

4
5 **10A NCAC 14J .0201 REQUIREMENT FOR OPERATIONS MANUAL**

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

8
9 *History Note: Authority G.S. 153A-221;*

10 *Eff. June 1, 1990;*

11 *Amended Eff. June 1, ~~1991~~, 1991;*

12 *Readopted Eff. July 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Secretary of the Department of Health and Human Services

RULE CITATION: 10A NCAC 14J .0203

DEADLINE FOR RECEIPT: Wednesday, March 13, 2019

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a)(18), line 24, I am simply inquiring – you mean “emergency situation” and not “emergency event” (which is defined in Rule .0101?)

In (a)(20), was this clarifying language added in response to public comment?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: February 27, 2019

10A NCAC 14J .0203 is readopted with changes as published in 32:14 NCR 1371-1387 as follows:

10A NCAC 14J .0203 CONTENTS OF OPERATIONS MANUAL

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

- (1) administration and ~~management~~; management of inmates;
- (2) admissions, ~~transportation~~ transportation, and release;
- (3) ~~classification~~; classification for the placement and housing of inmates, as set forth in Rule .0301(a) of this Subchapter;
- (4) security and supervision;
- (5) inmate rules and discipline;
- (6) management of special inmates;
- (7) legal rights of inmates;
- (8) health, mental health, ~~mental retardation~~ developmental disability, intellectual disability, and substance abuse use disorder services;
- (9) food services;
- (10) program services;
- (11) work release;
- (12) opportunities for exercise;
- (13) access to legal assistance or legal materials;
- (14) grievance procedures;
- (15) visitation and mail policies;
- (16) religious activities;
- (17) ~~sanitation~~; sanitation procedures that comply with Rule .0701 of this Subchapter;
- (18) emergency ~~plans~~; plans for a fire or an emergency situation that includes rioting, bomb threats, escapes, and the taking of hostages;
- (19) a disaster plan as required by Rule .0403(d) of this Subchapter;
- (20) a suicide prevention [program]; 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) ~~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.~~

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

5
6 *History Note: Authority G.S. 153A-221;*

7 *Eff. June 1, 1990. 1990:*

8 *Readopted Eff. July 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Secretary of the Department of Health and Human Services

RULE CITATION: 10A NCAC 14J .0204

DEADLINE FOR RECEIPT: Wednesday, March 13, 2019

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

On line 6, what do you mean by "January 1"? Do you mean that the year begins on January 1, or that the Rule will become effective January 1, 2020?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: February 27, 2019

1 10A NCAC 14J .0204 is readopted as published in 32:14 NCR 1371-1387 as follows:

2
3 **10A NCAC 14J .0204 REVIEW OF MANUAL**

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

9
10 *History Note: Authority G.S. 153A-221;*

11 *Eff. June 1, 1990. 1990:*

12 *Readopted Eff. July 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Secretary of the Department of Health and Human Services

RULE CITATION: 10A NCAC 14J .0301

DEADLINE FOR RECEIPT: Wednesday, March 13, 2019

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a)(2), line 13, delete the "and" at the end of the line.

In (a)(4), was this language added in response to public comment?

And do you want to include any limits on the criteria here?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: February 27, 2019

10A NCAC 14J .0301 is readopted with changes as published in 32:14 NCR 1371-1387 as follows:

SECTION .0300 - CLASSIFICATION AND HOUSING

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

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

- (1) the medical ~~[needs of]~~ care needed by the [inmate]; 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; and
- (3) the level of security needed by the inmate to prevent the inmate's ~~[escape;]~~ 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; 1990;

Readopted Eff. July 1, 2019.

1 10A NCAC 14J .0302 is readopted with changes as published in 32:14 NCR 1371-1387 NCR as follows:

2
3 **10A NCAC 14J .0302 SEPARATION OF MALE AND FEMALE INMATES**

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

8
9 *History Note: Authority G.S. 153A-221; 153A-228;*
10 *Eff. June 1, 1990;*
11 *Amended Eff. December 1, ~~1991~~. 1991;*
12 *Readopted Eff. July 1, 2019.*

1 10A NCAC 14J .0303 is readopted as published in 32:14 NCR 1371-1387 NCR as follows:

2
3 **10A NCAC 14J .0303 CONFINEMENT OF ~~MALES~~ INMATES UNDER 18 YEARS OF AGE**

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

6
7 *History Note: Authority G.S. 153A-221;*

8 *Eff. June 1, ~~1990~~, 1990;*

9 *Readopted Eff. July 1, 2019.*

1 10A NCAC 14J .0402 is readopted as published in 32:14 NCR 1371-1387 as follows:

2
3 **10A NCAC 14J .0402 ~~FIRE EQUIPMENT~~ PORTABLE FIRE EXTINGUISHERS**

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

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

10 (2) ~~smoke detection equipment that meets the requirements of the North Carolina State Building Code.~~
11 portable fire extinguishers that meet the requirements of the North Carolina State Fire Prevention Code.

12
13 *History Note: Authority G.S. 153A-221;*

14 *Eff. June 1, 1990;*

15 *Amended Eff. December 1, ~~1991~~. 1991;*

16 *Readopted Eff. July 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Secretary of the Department of Health and Human Services

RULE CITATION: 10A NCAC 14J .0403

DEADLINE FOR RECEIPT: Wednesday, March 13, 2019

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (b), line 8, please insert "Prevention" after "Fire"

In (c), line 15, who is "their" here? The local fire department/marshal or the jail?

In (d), line 22, what do you mean by "January 1"? Do you mean that the year begins on January 1, or that the Rule will become effective January 1, 2020?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: February 27, 2019

10A NCAC 14J .0403 is readopted with changes as published in 32:14 NCR 1371-1387 as follows:

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

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

(b) ~~[Ninety percent of officers and jail]~~ Jail staff shall receive fire evacuation training ~~[on a quarterly basis, as determined by the sheriff or regional jail administrator.]~~ as required by Section 405 of the North Carolina State Fire

Code. ~~Evacuation~~ The evacuation routes used in the fire evacuation training shall be posted ~~or otherwise clearly marked throughout the jail.~~ in the jail for viewing by officers. The sheriff or regional jail administrator shall maintain written documentation of the fire evacuation training. The sheriff or regional jail administrator shall make this documentation available to the Construction Section during an inspection upon request.

(c) ~~The sheriff or the regional jail administrator shall request in writing that the local fire department or fire marshal inspect the jail and review the fire plan at least once each year. If the local fire department or fire marshal has not inspected the jail and approved the fire plan within 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 ~~[and update]~~ 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 ~~[and approval]~~ shall be stated in the plan. The disaster plan shall be maintained at the jail and shall be made available to the Construction Section during an inspection upon request.

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

Eff. June 1, 1990. 1990;

Readopted Eff. July 1, 2019.

1 10A NCAC 14J .0404 is readopted as published in 32:14 NCR 1371-1387 as follows:

2
3 **10A NCAC 14J .0404 MATTRESSES**

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

6
7 *History Note: Authority G.S. 153A-221;*

8 *Eff. June 1, ~~1990~~ 1990;*

9 *Readopted Eff. July 1, 2019.*

1 10A NCAC 14J .0405 is readopted as published in 32:14 NCR 1371-1387 as follows:

2
3 **10A NCAC 14J .0405 KEYS**

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

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

- 9 (1) a key control center that is ~~secure and~~ inaccessible to unauthorized persons at all times;
- 10 (2) a set of duplicate keys ~~to be for emergency use stored in a safe place outside the security perimeter~~
11 ~~of the jail in a location~~ that is inaccessible to unauthorized persons at all times; times and accessible
12 to emergency personnel at all times;
- 13 (3) an accounting procedure for issuing and returning keys; and
- 14 (4) a system of keys and matching locks that are color-coded and marked for identification by ~~touch.~~
15 touch on both sides of doors installed in a means of egress.

16
17 *History Note: Authority G.S. 153A-221;*

18 *Eff. June 1, 1990; 1990;*

19 *Readopted Eff. July 1, 2019.*

1 10A NCAC 14J .0501 is readopted as published in 32:14 NCR 1371-1387 as follows:

2
3 **SECTION .0500 - SECURITY**

4
5 **10A NCAC 14J .0501 GENERAL SECURITY REQUIREMENTS**

6 Each jail shall meet the following security requirements:

- 7 (1) provide for the ~~secure~~ confinement of inmates from the time of their passage through the security
8 perimeter until release;
- 9 (2) provide for the locked storage of firearms before persons enter the security perimeter;
- 10 (3) prevent the passage of contraband;
- 11 (4) prevent ~~unauthorized~~ contact between inmates and persons from outside the ~~jail~~; jail, unless
12 authorized by the sheriff, regional jail administrator, or their designees;
- 13 (5) provide a ground-level perimeter exterior that is ~~well-lighted; and~~ lighted; and
- 14 (6) provide a communications link with outside agencies for use in emergencies.

15
16 *History Note: Authority G.S. 153A-221;*
17 *Eff. June 1, 1990;*
18 *Amended Eff. December 1, ~~1991~~, 1991;*
19 *Readopted Eff. July 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Secretary of the Department of Health and Human Services

RULE CITATION: 10A NCAC 14J .0601

DEADLINE FOR RECEIPT: Wednesday, March 13, 2019

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), line 7, and (c), line 33, I take it your regulated public knows what is "irregular" based upon the language on line 8?

On lines 9 and 34, documented how? Does your regulated public know?

On line 37, you state, "An inmate shall be on special watch for the following reasons:" and then in (c)(1) through (c)(5), Page 2, you state "An inmate" and that is redundant. Also, in (c)(2) through (c)(5), you state "an inmate who" I suggest you amend Page 1, line 37 to state "Special watch shall be used for the following reasons:"

In (c)(4)(C), line 12, should there be a "to" after "threatening"?

In (c)(4)(D), line 13, I take it "uncontrollably" is known to your regulated public?

In (e), line 20, so that I'm clear – why are you not including Paragraph (b)?

In (g), line 34, so that I'm clear – you are defining "emergency situation" to include "rioting, bomb threats, escapes, and taking of hostages"?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: February 27, 2019

10A NCAC 14J .0601 is readopted with changes as published in 32:14 NCR 1371-1387 as follows:

SECTION .0600 - SUPERVISION

10A NCAC 14J .0601 SUPERVISION

(a) ~~Officers~~ A jail shall have an officer make supervision rounds and ~~directly~~ observe each inmate ~~in person at least~~ [not less than] twice per hour at least two times within a 60 minute time period on an irregular basis. basis with not more than [35] 40 minutes between rounds. Supervision rounds shall be conducted 24 hours a day, 7 days per week. The supervision rounds shall be ~~documented.~~ documented and maintained as written or electronic records. These records shall be made available to the Construction Section during an inspection upon request. ~~If remote electronic monitoring is used to supplement supervision, it shall not be substituted for supervision rounds and direct visual observation.~~ The supplemental methods of supervision specified in Paragraph (b) of this Rule shall not substitute for supervision rounds.

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

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

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

- (1) ~~physically hitting or trying to hit an officer; or~~
- (2) ~~being verbally abusive; or~~
- (3) ~~stating he will do harm to himself; or~~
- (4) ~~intoxicated, as determined by a score of .15 on a breathalyzer or displaying slurred speech or smelling of alcohol or inability to control body movement; or~~
- (5) ~~displaying erratic behavior such as screaming, crying, laughing uncontrollably, or refusing to talk at all.~~

~~In addition to displayed behavior, a previous record of a suicide attempt or a previous record of mental illness shall warrant observation at least four times per hour.~~ While an inmate is on special watch, as specified by this Paragraph, the jail shall have an officer conduct special watch rounds and observe the inmate not less than four times [per hour] 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. An inmate shall be on a special watch for the following reasons:

- (1) an inmate with a medical record maintained and preserved by the jail as required by Rule .1001(b)(7) of this Subchapter that indicates the inmate has attempted suicide at a previous ~~time;~~ 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;~~ 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~~ people, or ~~threatening or~~ engaging in self-injury;
 - (D) screaming, crying, laughing uncontrollably, or refusing to talk; and
 - (5) an inmate who is intoxicated by alcohol or drug use as determined at intake by one of the following:
 - (A) a blood alcohol content level of .15 or greater as measured;
 - (B) use of slurred speech; or
 - (C) the inability to control body movement.
- (d) ~~Officers shall~~ A jail shall make sure that officers remain awake at all times. ~~times while on duty.~~
- (e) ~~Officers shall not be assigned other duties that would interfere with the continuous supervision, custody or control of inmates.~~ When an An officer or officers is assigned to supervise inmates as required by Paragraph (a), (b), (a) and (c) of this Rule, a jail shall not assign the officer Rule may be assigned other tasks that would if those tasks do not interfere with the supervision of inmates, completion of supervision and special watch rounds or are not performed at the same time as supervision and special watch rounds. These other tasks shall 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) ~~Female~~ A jail shall have female officers shall be on duty when female inmates are confined.
- (g) ~~The sheriff or the administrator of the regional jail administrator shall develop a contingency personnel plan plans for the supervision and control of inmates during an emergency, and that plan a fire, an emergency event, or an emergency situation that includes rioting, bomb threats, escapes, and the taking of hostages. The contingency personnel plans shall provide for the ready availability of extra personnel. A contingency personnel plan shall be included in the emergency plans required by Rule .0203(18) of this Subchapter and the disaster plan required by Rule .0403(d) of this Subchapter.~~

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

2
3 *History Note: Authority G.S. 153A-221;*

4 *Eff. October 1, 1990;*

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

6 *Readopted Eff. July 1, 2019.*

1 10A NCAC 14J .0702 is readopted as published in 32:14 NCR 1371-1387 as follows:

2
3 **10A NCAC 14J .0702 MATTRESSES AND BEDDING**

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

7 (b) Mattresses shall:

- 8 (1) ~~Mattresses shall comply with Commission for Public Health rules on sanitation, Title 15A Chapter~~
9 ~~18B .0201—.0215 and G.S. Chapter 130A 273 which are adopted by reference pursuant to G.S.~~
10 ~~150B-14(e); G.S. 106.65.95 through 106.107 and the requirements of 15A NCAC 18A .1517;~~
11 (2) ~~Mattresses shall not be less than four inches thick and shall be the same length and width as the jail~~
12 ~~bunks. thick;~~
13 (3) ~~be the same length and width as the jail bunks;~~
14 ~~(3) (4) Mattresses shall not have any metal, plastic, or other rigid framing component. component; and~~
15 ~~(4) (5) Mattress have ticking that is shall be durable and water repellent.~~

16
17 *History Note: Authority G.S. 153A-221;*

18 *Eff. June 1, 1990. 1990;*

19 *Readopted Eff. July 1, 2019.*

1 10A NCAC 14J .0705 is readopted as published in 32:14 NCR 1371-1387 as follows:

2
3 **10A NCAC 14J .0705 PERSONAL HYGIENE ITEMS**

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

5 (1) ~~Toothbrush;~~ toothbrush;

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

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

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

9 (5) deodorant; and

10 (6) shampoo.

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

14
15 *History Note: Authority G.S. 153A-221;*

16 *Eff. June 1, 1990;*

17 *Amended Eff. January 1, 1992, 1992;*

18 *Readopted Eff. July 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Secretary of the Department of Health and Human Services

RULE CITATION: 10A NCAC 14J .0904

DEADLINE FOR RECEIPT: Wednesday, March 13, 2019

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (e), line 11, should "menu" be "meal"?

In (f), line 13, insert a comma after "vendor"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: February 27, 2019

1 10A NCAC 14J .0904 is readopted as published in 32:14 NCR 1371-1387 as follows:

2
3 **10A NCAC 14J .0904 MENUS**

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

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

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

7 (d) ~~Menus shall be served as written to inmates in the jail. Any necessary substitutions shall be of comparable~~

8 ~~nutritional value, and a written record of substitutions shall be kept.~~ Menus shall be served to inmates as written,

9 unless a substitution of comparable nutritional value is served as determined by the dietitian or nutritionist.

10 Substitutions to the menu shall be made in consultation with a dietitian or nutritionist.

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

12 (f) Dated menus and records of any substitutions shall be retained for three ~~years.~~ years by the jail or the jail's food

13 vendor either at the jail or at a remote location.

14 (g) If requested during a Construction Section inspection, the jail shall make dated menus and records of substitutions

15 available to the Construction Section within 30 days of the request.

16
17 *History Note: Authority G.S. 153A-221;*

18 *Eff. June 1, 1990. 1990;*

19 *Readopted Eff. July 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Secretary of the Department of Health and Human Services

RULE CITATION: 10A NCAC 14J .1001

DEADLINE FOR RECEIPT: Wednesday, March 13, 2019

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (b)(2), line 12, I take it that "routine medical care" is known to your regulated public? I note that "routine care" is defined in Rule .0101(44) and that includes medical care.

In (b)(3)(B), line 15, should the "and" be "or"? This would make it consistent with (c), line 29.

In (d), line 33, delete the comma after "care"

On line 34, replace "and" with "or" as that appears to be what you mean. Thus, the sentence will read, "Inmates shall not render medical care or routine care for mental health..."

In (e), line 37, what do you mean by "January 1"? Do you mean that the year begins on January 1, or that the Rule will become effective January 1, 2020?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: February 27, 2019

10A NCAC 14J .1001 is readopted with changes as published in 32:14 NCR 1371-1387 as follows:

SECTION .1000 - HEALTH CARE OF INMATES AND EXERCISE

10A NCAC 14J .1001 MEDICAL PLAN

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

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

- (1) ~~Health~~ screening of inmates upon ~~admission~~; admission as set forth in Rule .1002(a) of this Section;
- (2) ~~Handling~~ handling routine medical care;
- (3) handling routine care for an inmate's needs related to:
 - (A) mental health;
 - (B) a developmental and intellectual disability; and
 - (C) a substance use disorder;
- ~~(3) (4) The the~~ handling of inmates with chronic illnesses or ~~known~~ communicable diseases or conditions;
- ~~(4) (5) Administration, dispensing~~ administration, dispensing, and control of prescription and non-prescription medications;
- ~~(5) (6) Handling~~ handling emergency medical ~~problems~~, needs, including ~~but not limited to emergencies involving dental care, chemical dependency, substance use disorder, pregnancy pregnancy,~~ and mental health;
- ~~(6) (7) Maintenance~~ maintenance, preservation, and confidentiality of medical records; and
- ~~(7) (8) Privacy~~ privacy during medical examinations and conferences with ~~qualified~~ medical or mental health personnel.

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

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

(e) ~~The medical plan shall be reviewed annually.~~ The local or district health director shall review and update the medical plan in writing not less than once each year beginning on January 1. The date of the most recent review shall

1 be stated in the plan. The medical plan shall be maintained at the jail and shall be made available to the Construction
2 Section during an inspection upon request.

3
4 *History Note: Authority G.S. 153A-221; 153A-225;*
5 *Eff. June 1, 1990;*
6 *Amended Eff. December 1, ~~1991~~. 1991;*
7 *Readopted Eff. July 1, 2019.*

1 10A NCAC 14J .1002 is readopted as published in 32:14 NCR 1371-1387 as follows:

2
3 **10A NCAC 14J .1002 ~~HEALTH SCREENING FORM~~ SCREENING OF INMATES**

4 ~~(a) The health screening form completed upon admission by an officer shall be available to jail officers, and a copy~~
5 ~~of the form shall be kept in any medical file that is maintained for inmates. The form shall be reviewed for the presence~~
6 ~~of confidential information which can not be made available to jail officers. Medical personnel, mental health~~
7 ~~personnel, or an officer shall conduct and document screenings of each inmate upon admission for the following:~~

8 (1) medical care needs;

9 (2) mental health care needs;

10 (3) developmental and intellectual disabilities;

11 (4) substance use disorders; and

12 (5) risk of suicide.

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

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

18
19 *History Note: Authority G.S. 153A-221;*

20 *Eff. June 1, 1990;*

21 *Amended Eff. December 1, ~~1991~~. 1991;*

22 *Readopted Eff. July 1, 2019.*

1 10A NCAC 14J .1201 is repealed through readoption as published in 32:14 NCR 1371-1387 as follows:

2
3 **SECTION .1200 - STANDARDS FOR NEW JAIL DESIGN AND CONSTRUCTION**

4
5 **10A NCAC 14J .1201 APPLICABILITY - CONSTRUCTION**

6
7 *History Note: Authority G.S. 153A-221;*

8 *Eff. June 1, 1990;*

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

10 *Repealed Eff. July 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Secretary of the Department of Health and Human Services

RULE CITATION: 10A NCAC 14J .1202

DEADLINE FOR RECEIPT: Wednesday, March 13, 2019

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

On line 6, what does the term "existing jail I and II" mean?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: February 27, 2019

1 10A NCAC 14J .1202 is readopted as published in 32:14 NCR 1371-1387 as follows:

2
3 **10A NCAC 14J .1202 CONSULTATION AND TECHNICAL ASSISTANCE**

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

7
8 *History Note: Authority G.S. 153A-221;*

9 *Eff. June 1, 1990. 1990;*

10 *Readopted Eff. July 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Secretary of the Department of Health and Human Services

RULE CITATION: 10A NCAC 14J .1203

DEADLINE FOR RECEIPT: Wednesday, March 13, 2019

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), lines 4-5, what does the term "existing jail I and II" mean?

On line 7, I take it that "approval" is based upon the language on lines 12-13?

In (b), line 15, replace "indicated in" with "required by"

In (c), line 27, replace "their" with "its"

On line 28, replace "indicate" with "provide" or "state"

In (f), Page 2, is this an additional approval?

In (g), line 7, replace "they" with "it"

On lines 10-11, should the sentence "The Construction Section shall have 45 days from receipt of a request for a renewed approval to complete their review of the request" be at the end of the Paragraph?

On line 11, replace "their" with "its"

And what is the "renewed approval" on lines 10-11? Is this because the initial approval expired?

In (g)(2)(A), line 20, please replace "Section .1200 of this Subchapter" with "this Section" And to be consistent with the rest of the Rule, consider stating "this Section and Rule .0103 of this Subchapter." (See for example line 14).

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel

Date submitted to agency: February 27, 2019

10A NCAC 14J .1203 is readopted as published in 32:14 NCR 1371-1387 as follows:

10A NCAC 14J .1203 COMPLIANCE REVIEW AND APPROVAL

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

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

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

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

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

- (1) total capacity of confinement units designed for male inmates who are 18 years of age or older;
- (2) total capacity of confinement units designed for male inmates who are under 18 years of age;
- (3) total capacity of confinement units designed for female inmates who are 18 years of age or older;
- and
- (4) total capacity of confinement units designed for female inmates who are under 18 years of age.

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

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

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

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

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

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

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

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

History Note: Authority G.S. 153A-221;
Eff. June 1, 1990;
Amended Eff. June 1, ~~1992~~, 1992;
Readopted Eff. July 1, 2019.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Secretary of the Department of Health and Human Services

RULE CITATION: 10A NCAC 14J .1207

DEADLINE FOR RECEIPT: Wednesday, March 13, 2019

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), line 4, I take it "booking and release function" is a term known to your regulated public?

In (c), line 14, consider adding "that is" before "required"

In (c)(10), line 30, I think you meant to cross-reference Paragraph (d).

In (c)(11), line 31, I think you meant to cross-reference Paragraph (e).

Was Paragraph (f) added in response to public comment?

Page 2, line 7, so that I'm clear – they cannot use computer monitors or laptops?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: February 27, 2019

10A NCAC 14J .1207 is readopted with changes as published in 32:14 NCR 1371-1387 as follows:

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

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

- (1) a separate inmate entrance;
- (2) a holding area with seating and access to a ~~commode,~~ toilet, lavatory, drinking fountain, and a shower;
- (3) a booking area that includes space for photographing and fingerprinting ~~inmates and a telephone for making local and collect long-distance calls; and inmates;~~
- (4) a telephone for making local and collect long-distance calls; and
- ~~(4)~~ (5) a sobriety testing area.

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

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

- (1) be limited to one inmate;
- (2) contain a flushing rim floor drain that:
 - (A) is capable of accepting solid waste;
 - (B) has its flushing control located outside of the cell; and
 - (C) has a tamper-resistant cover as rated by the manufacturer;
- (3) be located to allow observation of the cell by an officer 24 hours a day 7 days per week;
- (4) have not less than 50 square feet of floor area with no one floor dimension being less than seven feet;
- (5) have not less than an eight feet clear ceiling height;
- (6) provide a food pass with a lockable shutter;
- (7) have a door with a view panel large enough to permit observation of the entire [cell; 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 (c) of this Rule;
- (11) be separated from the remainder of the jail as required by Paragraph (d) of this Rule; and
- (12) have a water hose connection outside the cell that is not accessible to an inmate.

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

- (1) not less than ½ inch thick;
- (2) of a unitary or laminated construction designed to prevent destruction by teeth, hand tearing, or small metal objects;
- (3) bonded to surfaces to prevent tearing or ripping; and

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

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

5 (f) If the padded cell has a video camera that monitors the inmate, the door's view panel may have a cover. The video
6 camera shall be inaccessible to the inmate. An officer at the remote location from the padded cell shall observe a live
7 video image created by the video camera on a television monitor. The television monitor shall have live video images
8 from not more than six padded or holding cells.

9
10 History Note: Authority G.S. 153A-221;

11 Eff. June 1, ~~1990~~. 1990;

12 Readopted Eff. July 1, 2019.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Secretary of the Department of Health and Human Services

RULE CITATION: 10A NCAC 14J .1210

DEADLINE FOR RECEIPT: Wednesday, March 13, 2019

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), line 5, you state, "it shall be" and it appears that "it" refers to the "jail" On the same line, you refer to "if it meets the needs" I take it the second "it" refers to the kitchen? And please note a similar question for "laundry" in (b).

In (c)(1)(A), line 13, and (c)(2)(B), line 25, please insert a comma after "time"

In (c)(2)(A), line 23, please insert a comma after "cellblock"

In (d), will the storage needs be determined by the governing body? If so, it's fine as written. If however the agency is mandating standards, please state them here.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: February 27, 2019

10A NCAC 14J .1210 is readopted as published in 32:14 NCR 1371-1387 as follows:

10A NCAC 14J .1210 OTHER AREAS

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

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

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

(1) An outdoor exercise area or areas shall:

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

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

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

(D) have a hard surface for the floor;

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

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

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

(2) An indoor exercise area or areas shall:

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

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

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

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

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

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

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

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

(g) A control center shall have:

1 (1) a security vestibule at its entrance; and

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

3
4 *History Note: Authority G.S. 153A-221;*

5 *Eff. June 1, ~~1990~~ 1990;*

6 *Readopted Eff. July 1, 2019.*

1 10A NCAC 14J .1212 is readopted as published in 32:14 NCR 1371-1387 as follows:

2
3 **10A NCAC 14J .1212 FLOORS, CEILINGS, AND WALLS**

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

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

9
10 *History Note: Authority G.S. 153A-221;*

11 *Eff. June 1, 1990;*

12 *Amended Eff. December 1, ~~1991~~, 1991;*

13 *Readopted Eff. July 1, 2019.*

1 10A NCAC 14J .1213 is readopted as published in 32:14 NCR 1371-1387 as follows:

2
3 **10A NCAC 14J .1213 SHOWERS AND PLUMBING FIXTURES**

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

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

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

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

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

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

16
17 *History Note: Authority G.S. 153A-221;*

18 *Eff. June 1, 1990-1990;*

19 *Readopted Eff. July 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Secretary of the Department of Health and Human Services

RULE CITATION: 10A NCAC 14J .1214

DEADLINE FOR RECEIPT: Wednesday, March 13, 2019

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

I take it your regulated public is familiar with the term "glazing"?

In (f), line 35, consider deleting "as set forth in Rule .1226 of this Section" I think just stating "A dormitory shall have windows..." is sufficient here.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: February 27, 2019

10A NCAC 14J .1214 is readopted as published in 32:14 NCR 1371-1387 as follows:

10A NCAC 14J .1214 WINDOWS AND GLAZING

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

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

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

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

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

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

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

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

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

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

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

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

~~(2) transparent glazing.~~

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

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

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

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

10
11 *History Note: Authority G.S. 153A-221;*
12 *Eff. June 1, 1990;*
13 *Amended Eff. December 1, ~~1991~~. 1991;*
14 *Readopted Eff. July 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Secretary of the Department of Health and Human Services

RULE CITATION: 10A NCAC 14J .1215

DEADLINE FOR RECEIPT: Wednesday, March 13, 2019

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (d)(3), line 16, just so I'm clear – the interior doors/gates of the vestibule or sally port must be unlocked by means located outside of the vestibule, the sally port, the dormitory, the dayroom, and the cellblock? All five places?

In (g)(6), please hyphenate “tamper-resistant” be consistent with the term in Rule .0101 and in (b) of this Rule.

In (i), line 37, consider rewriting this sentence to state: “Jails shall provide items to reduce suicide hazards for inmates, including the following:”

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: February 27, 2019

10A NCAC 14J .1215 is readopted as published in 32:14 NCR 1371-1387 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) be anchored flush to the wall;

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

(6) have tamper resistant construction.

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

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

- 1 (1) handrails or grab bars with a closure plate that is installed between the wall and the handrail or grab
- 2 bar;
- 3 (2) exposed door hinges with a sloped top and bottom;
- 4 (3) non-vertical surfaces of door hardware with a slope;
- 5 (4) holes in the bunk mattress platform that are no more than 1/8 inch in diameter;
- 6 (5) shower heads that are not hand-held with a hose; and
- 7 (6) heating, ventilating, and air conditioning supply and return grilles with openings not more than 3/16
- 8 inches wide, if the supply and return grilles are located in a cell used to house inmates on special
- 9 watch.

10

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

12 *Eff. June 1, ~~1990~~ 1990;*

13 *Readopted Eff. July 1, 2019.*

10A NCAC 14J .1218 is readopted as published in 32:14 NCR 1371-1387 as follows:

10A NCAC 14J .1218 PLUMBING SYSTEMS

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

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

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

- (1) a shut-off valve for a supply branch line serving plumbing fixtures;
- (2) a shut-off valve for a riser pipe serving plumbing fixtures; and
- (3) a shut-off valve to a plumbing fixture.

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

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

Eff. June 1, 1990;

Amended Eff. June 1, 1992; 1992;

Readopted Eff. July 1, 2019.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Secretary of the Department of Health and Human Services

RULE CITATION: 10A NCAC 14J .1219

DEADLINE FOR RECEIPT: Wednesday, March 13, 2019

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (e), just so I'm clear – the offices can only access the electrical system during an emergency?

In (g), why not combine lines 32-36 to state: “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.”?

If you do not want to do that, do delete the incorporation by reference language on lines 35036, as you already incorporated this standard in Rule .0102.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: February 27, 2019

10A NCAC 14J .1219 is readopted as published in 32:14 NCR 1371-1387 as follows:

10A NCAC 14J .1219 ELECTRICAL SYSTEMS

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

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

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

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

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

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

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

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

~~(f) Each jail shall have an auxiliary emergency power supply for each electrical system.~~ A jail shall provide emergency power to areas, equipment, and systems as required by the North Carolina State Building Codes. A jail may provide additional emergency power to maintain jail operations and functions needed during a power outage. If the following functions are not provided with emergency power, the disaster plan required by Rule .0403 of this Subchapter shall indicate how these functions will be maintained during a power outage:

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

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

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

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

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

- 1 *History Note:* *Authority G.S. 153A-221;*
- 2 *Eff. June 1, ~~1990~~ 1990;*
- 3 *Readopted Eff. July 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Secretary of the Department of Health and Human Services

RULE CITATION: 10A NCAC 14J .1225

DEADLINE FOR RECEIPT: Wednesday, March 13, 2019

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In Item (4), line 10, and Item (8), line 16, you refer to "their" cell, meaning that inmate's cell? But in Item (7), line 15, the inmates must have access to "a" cell. Is this difference intentional?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: February 27, 2019

10A NCAC 14J .1225 is readopted as published in 32:14 NCR 1371-1387 as follows:

10A NCAC 14J .1225 STANDARDS FOR DAYROOMS

Each dayroom shall have:

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

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

Eff. June 1, 1990;

Amended Eff. June 1, 1993; December 1, ~~1991~~ 1991;

Readopted Eff. July 1, 2019.

1 10A NCAC 14J .1226 is readopted as published in 32:14 NCR 1371-1387 as follows:

2
3 **10A NCAC 14J .1226 STANDARDS FOR DORMITORIES**

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

- 5 (1) ~~a minimum floor space of 70 square feet per inmate including both the sleeping and dayroom area;~~
6 (2) ~~one shower per eight inmates, one toilet per eight inmates, one sink with a security mirror per eight~~
7 ~~inmates, and one water fountain;~~
8 (3) ~~a telephone jack or other telephone arrangement provided within the dormitory;~~
9 (4) ~~space designed to allow a variety of activities;~~
10 (5) ~~sufficient seating and tables for all inmates; and~~
11 (6) ~~a way for officers to observe the entire area from the entrance.~~

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

13
14 *History Note: Authority G.S. 153A-221;*

15 *Eff. June 1, 1990;*

16 *Amended Eff. December 1, 1991. 1991:*

17 *Readopted Eff. July 1, 2019.*