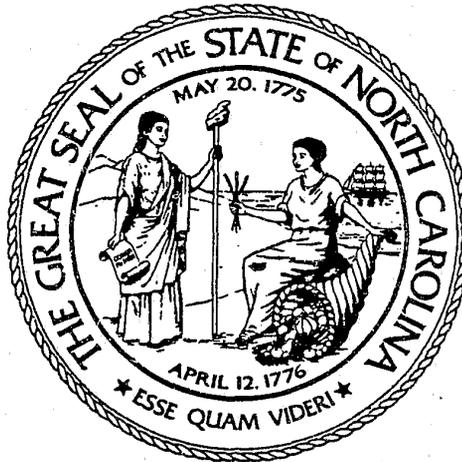


149784

**LEGISLATIVE  
RESEARCH COMMISSION**

---

**THE USE OF PRISON INMATES**



**REPORT TO THE  
1993 GENERAL ASSEMBLY  
OF NORTH CAROLINA**

149784

**U.S. Department of Justice  
National Institute of Justice**

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by

North Carolina Legislative  
Research Comm./NC Gen. Assembly

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

**A LIMITED NUMBER OF COPIES OF THIS REPORT IS AVAILABLE  
FOR DISTRIBUTION THROUGH THE LEGISLATIVE LIBRARY.**

**ROOMS 2126, 2226  
STATE LEGISLATIVE BUILDING  
RALEIGH, NORTH CAROLINA 27611  
TELEPHONE: (919) 733-7778**

**OR**

**ROOM 500  
LEGISLATIVE OFFICE BUILDING  
RALEIGH, NORTH CAROLINA 27603-5925  
TELEPHONE: (919) 733-9390**

## TABLE OF CONTENTS

Letter of Transmittal.....	i
Legislative Research Commission Membership.....	ii
PREFACE.....	1
COMMITTEE PROCEEDINGS.....	3
FINDINGS AND RECOMMENDATIONS.....	8
APPENDICES	
Relevant portions of Chapter 754 of the 1991 Session Laws authorizing the study and House Bill 867 of the 1991 Session.....	A
Membership of the LRC Committee on The Use of Prison Inmates.....	B
Selected North Carolina Statutes on Labor of Prisoners.....	C
Policies and Procedures of the North Carolina Division of Prisons on:	
Disciplinary Procedures .....	D- 1
Good Time and Gain Time .....	D-12
Mandatory Education Program.....	D-18
Incentive Wage Program .....	D-20
Correction Enterprises Updates on:	
Inmate Work Program .....	E
Private Sector/Prison Industry Enhancement .....	F
Inmate Incentive Wage Schedule .....	G
Prison Laundry Services.....	H
Summary of Napoleon Hill Foundation Program .....	I
Legislative Proposal I -- A BILL TO BE ENTITLED AN ACT TO RAISE THE MAXIMUM DAILY WAGE PAID TO PRISONERS BY PRISON ENTERPRISES AND TO PROVIDE THAT THOSE WAGES BE PAID ON AN HOURLY OR PRODUCTION-QUOTA BASIS and a Section-by-Section Analysis of the Bill.....	J
Legislative Proposal II -- A BILL TO BE ENTITLED AN ACT TO PERMIT USE OF THE PRISON ENTERPRISE LAUNDRY OPERATION IN EMERGENCY SITUATIONS and a Section-by-Section Analysis of the Bill .....	K
Legislative Proposal III -- A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM DESIGNED TO REHABILITATE PRISON INMATES AND REDUCE RECIDIVISM BY UTILIZING A COURSE OF STUDY BASED ON DEVELOPING POSITIVE MENTAL ATTITUDES and a Section-by-Section Analysis of the Bill .....	L

STATE OF NORTH CAROLINA  
LEGISLATIVE RESEARCH COMMISSION  
STATE LEGISLATIVE BUILDING  
RALEIGH 27611



January 15, 1993

TO THE MEMBERS OF THE 1993 GENERAL ASSEMBLY:

The Legislative Research Commission herewith submits to you for your consideration its report on The Use of Prison Inmates. The report was prepared by the Legislative Research Commission's Committee on The Use of Prison Inmates pursuant to Section 2.1 (23) of Chapter 754 of the 1991 Session Laws.

Respectfully submitted,

Handwritten signature of Daniel T. Blue, Jr.

Daniel T. Blue, Jr.  
Speaker of the House

Handwritten signature of Henson P. Barnes.

Henson P. Barnes  
President Pro Tempore

Cochairmen  
Legislative Research Commission

1991-1992

LEGISLATIVE RESEARCH COMMISSION

MEMBERSHIP

President Pro Tempore of  
the Senate  
Henson P. Barnes, Cochair

Senator Frank W. Ballance, Jr.  
Senator Howard F. Bryan  
Senator J. K. Sherron, Jr.  
Senator Lura Tally  
Senator Russell G. Walker

Speaker of the House of  
Representatives  
Daniel T. Blue, Jr., Cochair

Rep. Marie W. Colton  
Rep. W. Pete Cunningham  
Rep. E. David Redwine  
Rep. Frank E. Rhodes  
Rep. Peggy M. Stamey

## PREFACE

The Legislative Research Commission, established by Article 6B of Chapter 120 of the General Statutes, is a general purpose study group. The Commission is cochaired by the Speaker of the House and the President Pro Tempore of the Senate and has five additional members appointed from each house of the General Assembly. Among the Commission's duties is that of making or causing to be made, upon the direction of the General Assembly, "such studies of and investigations into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and effective manner" (G.S. 120-30.17(1)).

At the direction of the 1991 General Assembly, the Legislative Research Commission has undertaken studies of numerous subjects. These studies were grouped into broad categories and each member of the Commission was given responsibility for one category of study. The Cochairs of the Legislative Research Commission, under the authority of G.S. 120-30.10(b) and (c), appointed committees consisting of members of the General Assembly and the public to conduct the studies. Cochairs, one from each house of the General Assembly, were designated for each committee.

The study of The Use of Prison Inmates was authorized by Section 2.1 (23) of Chapter 754 of the 1991 Session Laws (1991 Regular Session). That act states that the Commission may consider House Bill 867 in determining the nature, scope and aspects of the study. Section 1 of House Bill 867 reads in part: "The Legislative Research Commission may: (1) Examine the present use of inmates for work, educational, and program assignments; and (2) Study the feasibility of using inmates for construction of prisons and other State and local facilities, maintenance of State and local facilities,

work in expanded prison enterprises, either publicly or privately owned or operated; (3) Study the feasibility of expanding State-supported and private prison enterprises; (4) Examine the feasibility of expanding local and municipal government use of inmates; and (5) Study the costs and benefits of the above actions." The relevant portions of Chapter 754 and House Bill 867 are included in Appendix A. The Legislative Research Commission grouped this study in its Labor area under the direction of Representative W. Pete Cunningham. The Committee was chaired by Senator Joe Raynor and Representative Charles Albertson. The full membership of the Committee is listed in Appendix B of this report. A committee notebook containing the committee minutes and all information presented to the committee is filed in the Legislative Library.

## COMMITTEE PROCEEDINGS

The Use of Prison Inmates Study Committee met five times prior to issuing an interim report: November 26, 1991; January 14, 1992; March 3, 1992; April 9, 1992; and April 27, 1992. In its interim report, the Committee recommended:

1. That the General Assembly enact Senate Bill 314, Prison Industry Funds, during the 1992 Session. The bill, introduced by Senator Roy Cooper, had passed the Senate and was assigned to the House Committee on Rules, Appointments and the Calendar. Senate Bill 314 authorized the Secretary of Correction to enter a lease with a private corporation for the purpose of establishing and operating a commercial enterprise to provide employment opportunities for inmates in meaningful jobs for wages. The bill was ratified by the General Assembly on July 9, 1992 as Chapter 902 of the 1991 Session Laws.

2. That the Secretary of Corrections and the Director of the Division of Prisons examine the feasibility of instituting a self-motivation course in the State prison system and report their findings to the Committee for inclusion in this final report. The Director of Programs for the Division of Prisons reviewed information on the costs and substance of the Napoleon Hill program at the request of the Committee and the Committee presents draft legislation in this report.

3. That prisoners confined in local facilities work for counties, helping to defray the costs of their incarceration and reducing the potential for violence that results from idleness in crowded cellblocks. The Committee proposed a bill to allow counties to require prisoners to work on projects to benefit units of State or local government. The bill was introduced in the 1992 Session as Senate Bill 1073, and was ratified by the General Assembly on July 6, 1992 as Chapter 841 of the 1991 Session Laws.

4. That the General Assembly encourage and support efforts by the Department of Correction to establish a plan for increasing the use of inmate labor in prison construction and maintenance projects. The Committee found that there is evidence of significant cost savings in using inmate labor in prison construction.

The Committee continued its work after the 1992 Session with four additional meetings, and makes this final report to the 1993 General Assembly.

### September 23, 1992 Meeting

The Committee held its sixth meeting on September 23, 1992. In response to a request by Representative Albertson, Jeff Collier, Correction Enterprise Farm Manager, presented information about four poultry broiler houses that are under construction in Northampton County. Collier explained that Correction Enterprises' swine facility had outlived its economic lifespan, and was closed in August of 1991. In looking at alternatives, Enterprises determined that the broiler industry appeared to be the fastest growing agribusiness during the past decade, but estimated that the cost of a self-sustaining broiler operation would range about \$400,000. Enterprises pursued an arrangement with Perdue, who agreed to supply the prison farm with birds, feed, resources to build the broiler houses, and payment for managing the birds. The project was approved, construction began in June 1992, and plans to begin operations were set for October 1, 1992. It is expected that the venture will result in over \$100,000 profit for the State. Members of the Committee were concerned about recent media reports that private-sector broiler producers viewed this project as unfair competition. Upon motion of Representative Cunningham, the Committee asked that the Department of Correction initiate a meeting with Julian Philpott of the N.C. Farm Bureau and other interested parties to work out any remaining misunderstandings.

In response to a request made by Representative Albertson, Committee Counsel obtained information on New York's mandatory work policy for inmates. New York requires that every inmate not involved in a full-day educational program have an assigned job at the facility. For an inmate who refuses to work, sanctions range from suspension of commissary to keep-locking of the inmate in a disciplinary housing unit. Lynn Phillips, Director of the N.C. Division of Prisons, told the Committee that the basic intent of the New York program is fairly consistent with other systems that emphasize work as a central component of how their prison system operates, including North Carolina. Mr. Phillips provided additional information on current operations and work policy for inmates in State prisons. Among the policies he reviewed were Inmate Disciplinary Procedures, Good Time and Gain Time, the Mandatory Education Program, and the Incentive Wage Program. These policies are set out in Appendix D of this report.

### October 13, 1992 Meeting

The Committee held its seventh meeting on October 13, 1992. Secretary of Correction Lee Bounds responded to Committee inquiries about the concept of regional correctional facilities. It had been suggested by former Parole Commission Chairman

Lou Columbo that such facilities would enhance the possibility of involving the inmates in residence in community programs. Mr. Bounds stated the Department's position that increasing complexity in the operation of confinement facilities merits careful consideration of how to spend the State's dollars in the construction and operation of confinement facilities. The Department feels that tax dollars are better spent in facilities operated by the State.

Gregg Stahl, Department of Correction, proposed that the Committee recommend a bill to raise the maximum daily wage paid to inmates by prison enterprises, and to provide that those wages may be paid on an hourly or production quota basis. According to Stahl, no additional funding would be required to accomplish this goal. Secondly, Stahl proposed that the committee recommend a bill to expand the prison enterprises laundry operation. Marvin Musselwhite, representing the N.C. Association of Textile Services, requested an opportunity to present a response to this proposal at the Committee's next meeting.

#### November 6, 1992 Meeting

The Committee held its eighth meeting on November 6, 1992. Dan Stewart, Director of Correction Enterprises, gave the Committee an update on inmate work programs (Appendix E). Stewart reported on the implementation of Senate Bill 314, ratified during the 1992 Session, which will allow the Department of Correction to work with private sector industries who will operate within the prison system with inmate labor. Stewart indicated that one of the strong points of the program is that it is tied to federal legislation which requires private industry to meet certain requirements. Mr. Stewart discussed regulations for the program, the interest of potential industries, and the obstacles in getting the operation started (Appendix F). According to Stewart, the Department is completing the development of regulations required by Senate Bill 314 and expects to apply for certification from the Bureau of Justice Assistance within the next few weeks.

At the request of the Committee, Dan Stewart and Jeff Collier of Correction Enterprises met with Ed Woodhouse for the N.C. Poultry Federation and Julian Philpott for the N.C. Farm Bureau to discuss Enterprises broiler house operation. They reported that much of the controversy related to that operation resulted from misinformation related to possible expansion of the operation, and was designed to draw attention to the dispute between growers and Perdue. Woodhouse and Philpott indicated that the Department of Correction had, to their satisfaction, addressed all the issues voiced by their constituents and that they plan to disseminate relevant information to their

constituents. Mr. Philpott indicated that the planned Enterprises broiler operation should not have a significant impact on poultry producers, but that any expansion of the program could create competition with growers in private industry because of the tight market.

Dan Stewart, Correction Enterprises Director, presented additional information on the request for an increase in inmate incentive pay. Stewart indicated that the maximum inmate incentive pay has not been increased in about 17 years, and that an inmate who works one hour may be paid the same as an inmate who works two shifts for a total of 16 hours. He urged the Committee to adopt a proposal which would permit the earning of wages based on production quotas established by Correction Enterprises. The current maximum pay is \$1.00 per day, a copy of the current inmate incentive wage schedule is shown in Appendix G of this report.

Mr. Stewart also told the Committee that the expansion of laundry services performed by Correction Enterprises is limited by statute and that work opportunities for inmates are a critical factor in the current prison expansion program. Correction Enterprises has additional laundry capacities and job opportunities that could save the State substantial sums related to training costs. If the current statutory limitation on prison laundry services is lifted, some 200 inmate jobs could be created. Stewart pointed out that neither this proposal, nor the requested increase in inmate incentive pay would require additional appropriations by the General Assembly. Information presented by Mr. Stewart in support of the expansion of prison laundries is included in Appendix H of this report.

Marvin Musselwhite, representing the N.C. Association of Textile Services and the N.C. Association of Laundries & Cleaners, indicated that the industry does not oppose the expansion of prison laundries to provide services to additional State-operated institutions. They are opposed to prison laundries' competition for county or municipal hospital work because, given the high costs of operation, minimum wage laws, and employee benefits private industry could not possibly compete. Stewart responded that Enterprises would support some compromise, as it has no desire to threaten private establishments.

During an earlier meeting of the Committee Dr. Jack Early, Director of Education for the Napoleon Hill Foundation, presented information on a motivational program for prison inmates. The "Positive Mental Attitude/ Science of Success" course is based on seventeen principles, including definiteness of purpose, personal initiative, a positive mental attitude, and self-discipline. The program is designed to help inmates learn from defeat and mistakes, to close the door on their past and to move forward.

According to information received by the Committee, the program not only helps the inmate inside the prison, but helps him after release to get control of his life and become a productive individual. Arkansas and Georgia were named as examples of states that have realized some success with the program. Harry Ballard, Chief of Programs for the Division of Prisons, shared information he received from Dr. Early, and indicated his opinion that the program could have a positive effect on inmates (Appendix I).

#### December 15, 1992 Meeting

The Committee held its ninth and final meeting to discuss and adopt recommendations and legislative proposals and to approve its final report to the Legislative Research Commission.

## FINDINGS AND RECOMMENDATIONS

After reviewing current inmate work programs and hearing comments from the Department of Correction and various other state agencies and private groups, the Committee makes the following recommendations and presents three bills for consideration.

### Recommendation #1

#### **RESTRUCTURE AND INCREASE INCENTIVE WAGE**

The Committee finds that the State of North Carolina has a strong interest in helping inmates develop employable skills and positive work habits, and that one of the most effective work programs for inmates is Correction Enterprises. Inmate incentive pay for inmates employed by Correction Enterprises has not been increased in more than fifteen years. The current statute (G.S. 148-18) allows a maximum rate of \$1.00 per day. The Committee further finds that in addition to the need to increase this amount for inflation, the current system has some built-in inequities. The concept of a daily rate has precluded piece-rate or payments based on productivity.

The Committee recommends that the maximum rate of pay for inmates employed by prison enterprises be increased to \$3.00 per day, and that those wages be may be paid on an hourly or production-quota basis as determined by prison enterprises. This recommendation is presented in Legislative Proposal I (Appendix J).

### Recommendation #2

#### **EMERGENCY USE OF PRISON LAUNDRY SERVICES**

The Committee finds that creation of work opportunities for inmates is a critical factor in the current prison expansion. Legal mandates require that inmates be providing programming, and various types of programming result in increased costs to the State. Correction Enterprises, which is self-supporting, has additional laundry capacity and job opportunities which could save the State substantial sums of money in training costs. The Committee finds that expansion of prison laundry services is one of the most economical ways to provide additional jobs for inmates, since the capital investment is already in place.

G.S. 66-58 limits the expansion of the laundry services function for the Department of Correction. The Committee finds that prison laundry services should be utilized by

State agencies and institutions as provided by current law. According to information provided by the Director of Correction Enterprises, a study of Chase Laundry at Cherry Hospital in Goldsboro indicates that a savings of \$361,500 each year could be realized if the laundry were operated with inmate labor by the Department of Correction. The study indicates that the Department of Correction would make an estimated additional profit of \$200,000 for an operational savings of \$561,500 per year for the State (See Appendix H-4). **The Committee recommends that the Government Performance Audit Committee evaluate the proposal for operation of the Cherry Hospital laundry by the Department of Correction, providing that current State employees of the laundry be placed in other positions.**

The Committee further finds that, with some exceptions, services should not be expanded to additional non-State agencies to avoid direct competition with the private sector. However, the Committee finds that in some instances the statutory restriction in G.S. 66-58 has prevented an appropriate response to emergency situations involving equipment failure or natural disasters. **The Committee recommends that prison laundry services be available to county or municipally controlled hospitals which have temporary needs for outside laundry service due to the repair or replacement of their own equipment. The Committee further recommends that prison laundry services be available to hospitals or state or local governments in the instance of a declared disaster. The Committee presents these recommendations in Legislative Proposal II (Appendix K).**

Recommendation #3  
**SELF-MOTIVATION COURSE**

The Committee finds that the cost of incarceration is especially high in terms of the waste of human resources. Experts suggest that the negative-thinking patterns of many prison inmates might be changed to help them live better, more successful lives, not only upon release, but also while they remain in prison. The Committee finds that the Napoleon Hill Foundation's "Positive Mental Attitudes/Science of Success" course has been proven to work in three significant ways: the people who complete the course show increased confidence in controlling the direction of their lives, they are more considerate of the worth and rights of others and exhibit less manipulative behavior while in prison, and they are better parole risks. **The Committee recommends that the Department of Correction institute a pilot program for inmates utilizing the Napoleon Hill Foundation's course of study based on developing positive mental attitudes, and presents Legislative Proposal III (Appendix L).**

APPENDIX A

CHAPTER 754  
SENATE BILL 917

AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, TO CREATE AND CONTINUE VARIOUS COMMITTEES AND COMMISSIONS, TO MAKE APPROPRIATIONS THEREFOR, TO DIRECT VARIOUS STATE AGENCIES TO STUDY SPECIFIED ISSUES, AND TO MAKE OTHER AMENDMENTS TO THE LAW.

PART I.-----TITLE

Section 1. This act shall be known as "The Studies Act of 1991."  
.....

PART II.-----LEGISLATIVE RESEARCH COMMISSION

Sec. 2.1. The Legislative Research Commission may study the topics listed below. Listed with each topic is the 1991 bill or resolution that originally proposed the issue or study and the name of the sponsor. The Commission may consider the original bill or resolution in determining the nature, scope, and aspects of the study. The topics are:

(23) Use of Prison Inmates (H.J.R. 867 - Albertson),  
.....

Sec. 2.7. Committee Membership. For each Legislative Research Commission Committee created during the 1991-93 biennium, the cochairs of the Commission shall appoint the Committee membership.

Sec. 2.8. Reporting Dates. For each of the topics the Legislative Research Commission decides to study under this act or pursuant to G.S. 120-30.17(1), the Commission may report its findings, together with any recommended legislation, to the 1992 Regular Session of the 1991 General Assembly or the 1993 General Assembly, or both.

Sec. 2.9. Bills and Resolution References. The listing of the original bill or resolution in this Part is for reference purposes only and shall not be deemed to have incorporated by reference any of the substantive provisions contained in the original bill or resolution.

Sec. 2.10. Funding. From the funds available to the General Assembly, the Legislative Services Commission may allocate additional monies to fund the work of the Legislative Research Commission.  
.....

PART XXI.-----EFFECTIVE DATE

Sec. 21.1. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 16th day of July, 1991.

HOUSE JOINT RESOLUTION 867

A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY VARIOUS OPTIONS FOR THE USE OF PRISON INMATES.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The Legislative Research Commission may:

- (1) Examine the present use of inmates for work, educational, and program assignments; and
- (2) Study the feasibility of using inmates for
  - a. Construction of prisons and other State and local facilities;
  - b. Maintenance of State and local facilities;
  - c. Work in expanded prison enterprises, either publicly or privately owned or operated;
- (3) Study the feasibility of expanding State-supported and private prison enterprises;
- (4) Examine the feasibility of expanding local and municipal government use of inmates; and
- (5) Study the costs and benefits of the above actions.

Sec. 2. The Legislative Research Commission may make an interim report, including any recommendations, to the 1991 General Assembly, Regular Session 1992, and a final report to the 1993 General Assembly.

Sec. 3. This resolution is effective upon ratification.

**APPENDIX B**

**USE OF PRISON INMATES  
MEMBERSHIP - 1991-1992**

**LRC Member:** Rep. W. Pete Cunningham  
3121 Valleywood Place  
Charlotte, NC 28216  
(704) 394-0919

**Members:**

**President Pro Tempore's Appointments**

Sen. Joseph B. Raynor, Cochair  
345 Winslow Street  
Fayetteville, NC 28301  
(919) 483-5948

Sen. Roy A. Cooper, III  
P.O. Drawer 4538  
Rocky Mount, NC 27803  
(919) 442-4170

Mr. William D. "Billy" Etheridge  
203 S. Barnes Street  
P.O. Box 727  
Nashville, NC 27856

Mrs. Marie Hinton  
2605 Edmonton Road  
Fayetteville, NC 28304

Sen. David R. Parnell  
P.O. Box 100  
Parkton, NC 28371  
(919) 858-3521

Sen. Aaron W. Plyler  
2170 Concord Avenue  
Monroe, NC 28110  
(704) 289-3541

Sen. Robert G. Shaw  
P.O. Box 8101  
Greensboro, NC 27419  
(919) 855-7533

**Speaker's Appointments**

Rep. Charles W. Albertson, Cochair  
Route 2, Box 141-E  
Beulaville, NC 28518  
(919) 298-4923

Rep. J. Fred Bowman  
814 N. Graham-Hopedale Road  
Burlington, NC 27215  
(919) 228-7521

Rep. Aaron E. Fussell  
1201 Briar Patch Lane  
Raleigh, NC 27609  
(919) 876-0240

Rep. Charlotte A. Gardner  
1500 W. Colonial Drive  
Salisbury, NC 28144  
(704) 636-5775

Rep. Herman C. Gist  
442 Gorrell Street  
Greensboro, NC 27406  
(919) 274-0701

Rep. Robert J. Hensley, Jr.  
124 St. Mary's Street  
Raleigh, NC 27605  
(919) 832-9650

Rep. Carolyn B. Russell  
304 Glen Oak Drive  
Goldsboro, NC 27534  
(919) 736-2665

**Staff:**  
Ms. Brenda Carter  
Research Division  
(919) 733-2578

**Clerk:**  
Ms. Gayle Christian

## APPENDIX C

### Selected North Carolina Statutes on Labor of Prisoners

#### § 148-26. State policy on employment of prisoners.

(a) It is declared to be the public policy of the State of North Carolina that all able-bodied prison inmates shall be required to perform diligently all work assignments provided for them. The failure of any inmate to perform such a work assignment may result in disciplinary action. Work assignments and employment shall be for the public benefit to reduce the cost of maintaining the inmate population while enabling inmates to acquire or retain skills and work habits needed to secure honest employment after their release.

In exercising his power to enter into contracts to supply inmate labor as provided by this section, the Secretary of Correction shall not assign any inmate to work under any such contract who is eligible for work release as provided in this Article, study release as provided by G.S. 148-4(4), or who is eligible for a program of vocational rehabilitation services through the State Vocational Rehabilitation Agency, unless suitable work release employment or educational opportunity cannot be found for the inmate, and the inmate is not eligible for a program of vocational rehabilitation services through the State Vocational Rehabilitation Agency, and shall not agree to supply inmate labor for any project or service unless it meets all of the following criteria:

- (1) The project or service involves a type of work by which inmates can develop a skill to better equip themselves to return to society;
- (2) The project or service is of benefit to the citizens of North Carolina or units of State or local government thereof;
- (3) Repealed by Session Laws 1977, c. 824, s. 2.
- (4) Wages shall be paid in an amount not exceeding one dollar (\$1.00) per day per inmate by the local or State contracting agency.

(b) As many minimum custody prisoners as are available and fit for road work, who cannot appropriately be placed on work release, study release, or other full-time programs, and as many medium custody prisoners as are available, fit for road work and can be adequately guarded during such work without reducing security levels at prison units, shall be employed in the maintenance and construction of public roads of the State. The number and location of prisoners to be kept available for work on the public roads shall be agreed upon by the governing authorities of the Department of Transportation and the State Department of Correction far enough in advance of each budget to permit proper provisions to be made in the request for appropriations submitted by the Department of Transportation. Any dispute between the Departments will be resolved by the Governor. Prisoners so employed shall be compensated, at rates fixed by the Department of Correction's rules and regulations for work performed; provided, that no prisoner working on the public roads under the provisions of this section shall be paid more than one dollar (\$1.00) per day from funds provided by the Department of Transportation to the Department of Correction for this purpose. The Department of Correction and the Department of Transportation shall develop

a program to be implemented no later than July 1, 1982, to the extent money is herein appropriated, which shall include:

(1) The use of portable toilets for inmate road crews.

(c) As many of the male prisoners available and fit for forestry work shall be employed in the development and improvement of state-owned forests as can be used for this purpose by the agencies controlling these forests.

(d) The remainder of the able-bodied inmates of the State prison system shall be employed so far as practicable in prison industries and agriculture, giving preference to the production of food supplies and other articles needed by state-supported institutions or activities.

(e) The State Department of Correction may make such contracts with departments, institutions, agencies, and political subdivisions of the State for the hire of prisoners to perform other appropriate work as will help to make the prisons as nearly self-supporting as is consistent with the purposes of their creation. The Department of Correction may contract with any person or any group of persons for the hire of prisoners for forestry work, soil erosion control, water conservation, hurricane damage prevention, or any similar work certified by the Secretary of Environment, Health, and Natural Resources as beneficial in the conservation of the natural resources of this State. All contracts for the employment of prisoners shall provide that they shall be fed, clothed, quartered, guarded, and otherwise cared for by the Department of Correction. Such work may include but is not limited to work with State or local government agencies in cleaning, construction, landscaping and maintenance of roads, parks, nature trails, bikeways, cemeteries, landfills or other government-owned or operated facilities.

(f) Adult inmates of the State prison system shall be prohibited from working at or being on the premises of any schools or institutions operated or administered by the State Division of Youth Development. (1933, c. 172, ss. 1, 14; 1957, c. 349, s. 5; 1967, c. 996, s. 13; 1971, c. 193; 1973, c. 1262, s. 86; 1975, c. 278; c. 506, ss. 1, 2; c. 682, s. 2; c. 716, s. 7; 1977, c. 771, s. 4; c. 802, s. 25.36; c. 824, ss. 1-3; 1981, c. 516; 1981 (Reg. Sess., 1982), c. 1400; 1989, c. 727, s. 218(156).)

Appendix V

DISCIPLINARY PROCEDURES

STATE OF NORTH CAROLINA  
DEPARTMENT OF CORRECTION  
DIVISION OF PRISONS

SUBJECT

- POLICIES -- PROCEDURES

TAB

5 NCAC 2B

NO

INMATE CONDUCT RULES, DISCIPLINE .0200

History Note: Statutory Authority G.S. 148-11;  
Eff. February 1, 1976;  
Amended Eff. November 1, 1991.

**.0205 AUTHORIZED DISCIPLINARY PROCEDURES**

(a) For minor offenses arising out of a single incident, one or more of the following are authorized:

- (1) reprimand;
- (2) suspension of one or more privileges for a period not to exceed 30 days. No privileges may be suspended which the facility superintendent cannot on his or her own authority grant, such as work release. Privileges which may be suspended include, but are not limited to, access to the movies, telephone, yard privileges, and recreational activities. Visitation privileges may be suspended when a disciplinary offense occurred during visitation;
- (3) extra duties; The total hours of extra duty should not exceed 40 and no more than four hours should be performed on any working day and no more than eight hours on other days. The total period over which the extra duty extends should not exceed 30 days.

(b) For major offenses arising out of a single incident one or more of the measures authorized for minor offenses may also be imposed and in addition or in lieu thereof one or more of the following:

- (1) confinement in disciplinary segregation for a period of 1 to 30 days. If the disciplinary committee imposes a maximum and minimum term of confinement, the Superintendent/Institution Head will have the discretion to release the inmate at any time within and including the minimum and maximum term. The inmate will receive day-for-day credit for time spent on administrative segregation pending a disciplinary hearing towards his total period of confinement in disciplinary segregation;
- (2) loss of up to 30 time earned by previous good conduct;
- (3) loss of any or all minimum custody privileges (work release, study release, home leave, community volunteer leave, and all authorized outside activities) or loss of minimum custody status; Only the area disciplinary committee may make punitive level adjustments. The appropriate review date of level adjustment may be determined by the area classification committee according to the inmate's behavior following the infraction. If the inmate is to be demoted out of minimum custody, he will be referred to an area classification committee according to the inmate's behavior following the infraction. If the inmate is to be demoted out of minimum custody, he will be referred to an area classification committee for reassignment in accordance with departmental procedures.

DISTRIBUTION:

**D-1**

ISSUED BY:  
DIR.DOP

APPROVED BY  
SEC.OF CORR.

DATE ISSUED  
11/1/91

SUPERSEDES ISSUE DATED  
12/16/86

PAGE  
2B-10

STATE OF NORTH CAROLINA  
DEPARTMENT OF CORRECTION  
DIVISION OF PRISONS

SUBJECT DISCIPLINARY PROCEDURES

POLICIES — PROCEDURES

TAB 5 NCAC 2B

NO

INMATE CONDUCT RULES, DISCIPLINE .0206

(c) For each unrelated offense charged on the same hearing day, additional punishment may be imposed in accordance with these Rules.

(d) Inmates who commit infractions on segregation may be confined in disciplinary segregation for additional periods of 1 to 30 days.

History Note: Statutory Authority G.S. 148-11;  
Eff. February 1, 1976;  
Amended Eff. November 1, 1991; December 1, 1990;  
July 1, 1984; June 1, 1984.

**.0206 MODIFICATIONS**

The Director of the Division of Prisons may authorize modifications of this procedure consistent with its fundamental principles, provided any modification should be in writing, approved by the Secretary of Correction, and incorporated in the policies and procedures of the Department.

History Note: Statutory Authority G.S. 148-11;  
Eff. February 1, 1976;  
Amended Eff. November 1, 1991; June 1, 1984

DISTRIBUTION:

**D-2**

ISSUED BY  
DIR.DOP

APPROVED BY  
SEC.OF CORR.

DATE ISSUED  
11/1/91

SUPERSEDES ISSUE DATED  
12/16/86

PAGE  
2B-10.1

**.0301 GENERAL**

The following rules govern the conduct of inmates under the custody of the Department of Correction:

- (1) Attitude Toward Officials. When in the presence of any state official or any member of the prison staff, inmates shall maintain an attitude of attention and respect.
- (2) Obedience to Orders. All inmates will obey promptly and properly any lawful order given them by members of the prison staff.
- (3) Work. Any inmate physically and mentally able to work may be assigned employment suitable to his capacity. Each inmate will be expected to work diligently and conscientiously to perform the tasks assigned as well as he is able. Inmates will work steadily at the job they are assigned until ordered to cease by the official in charge. Inmates will not quit or leave their assignment or engage in any other activity unless granted permission to do so by the official in charge. If sick or unable to perform the work assigned, an inmate will report the fact at once to the official in charge. Malingering, shirking, laziness, or carelessness will not be tolerated.
- (4) Care of Living Quarters. Inmates will keep their living quarters in a neat, clean, and sanitary condition. All authorized clothing and personal effects will be neatly hung or stored in designated places, and no containers for personal effects will be permitted other than those approved by the officer in charge.
- (5) Personal Cleanliness. Inmates will observe the ordinary requirements of personal hygiene, bathe and shave as often as necessary, keep teeth clean, and hair neatly cut and properly groomed.
- (6) Clothing. Inmates will possess and wear prison clothing only for the grade in which they are classified. Prison clothing will not be mutilated in any way and will be maintained in as presentable a condition as available facilities permit. Inmates are strictly forbidden to exchange articles of clothing or to possess unauthorized clothing.
- (7) Contraband. Except as specifically authorized for a proper purpose and under adequate supervision, no inmate will have in his possession or under his control any weapon, instrument or tool that could be used to effect an escape or to aid him in an assault or insurrection; any intoxicant or any controlled substance except as prescribed by a licensed physician; any obscene material; or

DISTRIBUTION

**D-3**

ISSUED BY:

APPROVED BY:

DATE ISSUED

SUPERSEDES ISSUE DATED

PAGE

- any unauthorized article of property.
- (8) Bartering and Trading. Inmates will not barter or trade with each other nor with officers or employees, except as specifically authorized by law or regulation.
  - (9) Misuse of Prison Supplies. Inmates will not waste, appropriate, or traffic in prison supplies. No food will be taken from the dining room, kitchen, or storerooms of any prison without proper authorization.
  - (10) Security of the Facility. Inmates will not participate in activities that threaten the order and security of the facility. Such activities include but are not limited to escapes, riots, insurrections, work stoppages, and unauthorized group demonstrations.
  - (11) Disorderly Conduct. Inmates will at all times behave in an orderly manner. Fighting, wrestling, or physical encounters of any kind other than those permitted by the authorized recreation program are prohibited. No loud or boisterous talking will be permitted. Booing, whistling, or shouting by individuals or groups is forbidden. Shouts of encouragement to participants in authorized athletic contests may be permitted. Belligerent, aggressive, threatening, or other conduct which might lead to violence will not be tolerated.
  - (12) Agitating. Inmates will not agitate or provoke disturbances.
  - (13) Night Rules. Inmates shall be required to be present in their assigned sleeping area when the lights are dimmed for the night. Inmates may be allowed to get up during the night as authorized by the special instructions of the officer in charge of the unit, or unless the inmate obtains permission from the staff member on duty in the sleeping quarters of the inmate.
  - (14) Sexual Misconduct. Committing, soliciting, or inciting others to commit a sexual act will be subject to disciplinary action.
  - (15) Health. Inmates will not engage in conduct which may be injurious to their health or the health of others, or disruptive to the health care delivery system. This includes but is not limited to self-inflicted injury, feigning physical or mental health illness for any purpose, acts which spread or may spread communicable diseases, misuse of medications, hygiene items, or any other health care devices or supplies.
  - (16) Honesty. Inmates will be honest and truthful. False reports, lying, stealing or other dishonest acts may be subject to disciplinary action.

DISTRIBUTION

D-4

ISSUED BY	APPROVED BY	DATE ISSUED	SUPERSEDES ISSUE DATED	PAGE
Dir. DOP	Dept. of Corr.	5/1/91	10/10/81	2B-12

STATE OF NORTH CAROLINA  
DEPARTMENT OF CORRECTION  
DIVISION OF PRISONS

SUBJECT

LIST OF INFRACTIONS

POLICIES - PROCEDURES

TAB

NO

5 NCAC 2B  
INMATE CONDUCT RULES, DISCIPLINE

.0300

- (17) Legal Assistance. Inmates are not permitted to assist each other with litigation or legal matters. The Department of Correction provides, through contractual services, licensed attorneys for this purpose.
- (18) State and Federal Laws. Inmates will obey all of the laws of the State of North Carolina and the United States of America.
- (19) Gambling. Inmate gambling is prohibited. No inmate is to have in his possession gambling paraphernalia.

History Note: Statutory Authority G.S. 148-11; 148-13;  
15A-1340.7;  
Eff. February 1, 1976;  
Amended Eff. March 2, 1981; May 1, 1991.

.0302 DISCIPLINARY OFFENSES

The following are the disciplinary offenses of the Division of Prisons. The offenses numbered 1 through 15 will be dealt with as minor disciplinary offenses unless the presence of matters in aggravation justify handling them as major offenses. It shall be a minor offense to:

DISTRIBUTION

D-5

ISSUED BY	APPROVED BY	DATE ISSUED	SUPERSEDES ISSUE DATED	PAGE
Dir. DOP	Dept. of Corr.	5/1/91	10/10/81	2B-12.1

STATE OF NORTH CAROLINA  
DEPARTMENT OF CORRECTION  
DIVISION OF PRISONS

SUBJECT:  
LIST OF INFRACTIONS

POLICIES -- PROCEDURES

TAB 5 NCAC 2B  
INMATE CONDUCT RULES,  
DISCIPLINE

NO.  
.0300

- (1) Fail to keep living quarters in a clean, proper condition;
- (2) Fail to observe basic standards of personal hygiene in bathing and grooming;
- (3) feign physical or mental illness of disablement for any purpose;
- (4) Negligently fail to perform assigned duties or perform them in a culpably inefficient manner;
- (5) Possess contraband not constituting a threat of escape or a danger of violence;
- (6)
- (7) Barter or trade;
- (8) Misuse prison supplies;
- (9) Gamble or possess gambling paraphernalia;
- (10) Willfully create a hazardous or physically offensive condition or situation;
- (11) Using language as described in 2B.0302(38), Sections (a), (b), and (c);
- (12) Fail to go to bed when lights are dimmed or get up during the night without securing permission of the correctional staff;
- (13) Use telephones or the mail in an unauthorized manner;
- (14) Be in an unauthorized location;
- (15) Attempt to commit any of the above listed offenses, aid another person to commit any of the above listed offenses, or make plans to commit any of the above listed offenses shall be a minor offense. It shall be no defense that an individual was prevented from completing any of the above offenses by prison staff or intervening circumstances.

The offenses numbered 16 through 42 shall be dealt with as major offenses unless the presence of matters in mitigation justify handling as a minor offense. It shall be a major offense to:

OFFENSES AGAINST THE SECURITY AND ORDER OF THE UNIT/INSTITUTION

- (16) Seize or hold a hostage or in any manner unlawfully detain any person against his will;
- (17) Participate actively or passively in a riot, insurrection, work stoppage or group demonstration, or incite/encourage other to riot, participate in an insurrection, work stoppage or other group demonstration;
- (18) Possess or have under control any weapon or instrument to aid in an escape, assault, insurrection or riot;
- (19) Set a fire or detonate an incendiary or explosive device;

DISTRIBUTION:

D-6

ISSUED BY:

APPROVED BY:

DATE ISSUED

SUPERSEDES ISSUE DATED

PAGE

Dir. DOP

Sec. of Correction

12/16/86

8/10/81

2B-13

STATE OF NORTH CAROLINA  
DEPARTMENT OF CORRECTION  
DIVISION OF PRISONS

SUBJECT:

LIST OF INFRACTIONS

POLICIES -- PROCEDURES

TAB

NO.

5 NCAC 2B  
INMATE CONDUCT RULES, DISCIPLINE

.0300

- (20) Fight or engage in mutual physical confrontation with fists, deadly weapons or any other means likely to produce bodily injury;
- (21) Offer, give, solicit or accept a bribe or offer to give or withhold anything to persuade an employee or inmate to neglect duties or perform favors;
- (22) Accept compensation for legal assistance;
- (23) Commit, solicit or incite others to commit any sexual act or indecently expose oneself, or touch the sexual or other intimate parts of another person for the purpose of sexual gratification;
- (24) Escape;
- (25) Leave without authorization, any job, work or program assignment location;

OFFENSES AGAINST THE PERSON

- (26) Commit an assault on the person of another with a deadly weapon or any other means likely to produce bodily injury;
- (27) Commit an assault on the person of another with intent to commit any sexual act;
- (28) Threaten or communicate a threat to the person of another;
- (29) Intentionally inflict self injury for any reason;

OFFENSES AGAINST PROPERTY

- (30) Exchange articles of clothing or possess unauthorized clothing, or mutilate or alter state issued clothing or wear same;
- (31) Wrongfully take or carry away the personal property of another or state property, or accept or buy such property with the knowledge it has been wrongfully taken;
- (32) Counterfeit, forge, alter or reproduce without authorization any document, article of identification, money or other papers, or knowingly possess such falsified materials;
- (33) Willfully damage, destroy, alter, tamper with or lose state property or property belonging to another;
- (34) Willfully tamper with, damage or block any locking device, door, gate or window;

CHEMICAL ABUSE OFFENSES

- (35) Manufacture, possess, introduce, sell or use any unauthorized controlled substance, unauthorized intoxicant or alcoholic beverage, or possess associated equipment;
- (36) Knowingly inhale, smell or breathe any vapors, fumes or odors, or possess any materials, liquids or chemicals or other substances for the purpose of inducing or attempting to induce intoxication through inhalation;
- (37) Sell, accumulate, give, misuse or hide prescribed medication;

DISTRIBUTION:

D-7

ISSUED BY:

APPROVED BY:

DATE ISSUED

SUPERSEDES ISSUE DATED

PAGE

DIR. DOP

Sec. of Correction

2R-14

POLICIES — PROCEDURES

5 NCAC 2B  
INMATE CONDUCT RULES,  
DISCIPLINE

NO.

0300

INSUBORDINATION OFFENSES

- (38) Direct toward any state officials, any member of the prison staff, or any member of the general public, oral or written language or specific gestures or acts disruptive to the security and orderly operation of the unit/institution or management and control of inmates:
- (a) that are generally considered profane, vulgar, lewd, lascivious, or indecent in character, nature, or connotation, or
  - (b) that are generally considered abusive, insolent, contemptuous, slanderous or otherwise defamatory, or
  - (c) that threaten to inflict bodily harm to any person or physical injury to the property of any person;
- (39) Willfully disobey or fail to obey promptly and properly or cause another inmate to disobey or fail to obey promptly and properly any lawful order of a prison official or employee, or any other lawful order to which subject;
- (40) Violate any law of the State of North Carolina or the United States of America that disrupts or interferes with the security and orderly operation of the unit/institution or the management and control of inmates;
- (41) Possess funds in the form other than that authorized by the Division of Prisons policies or in excess of the authorized amount;
- (42) Attempt to commit any of the above-listed offenses, aid another person to commit any of the above-listed offenses, or make plans to commit any of the above-listed offenses shall be a major offense. It shall be no defense that an individual was prevented from completing any of the above offense by prison staff or intervening circumstances.

History Note: Statutory Authority G.S. 148-11; 148-13; 15A-1340-7;  
Eff. February 1, 1976;  
Amended Eff. December 1, 1986; August 10, 1981.

0303 MINOR OFFENSES

History Note: Statutory Authority G.S. 148-13; 148-11  
15A-1340-7;  
Eff. February 1, 1976;  
Amended Eff. March 2, 1981; March 7, 1979;  
Repealed Eff. August 10, 1981.

DISTRIBUTION:

D-8

ISSUED BY:

APPROVED BY:

DATE ISSUED

SUPERSEDES ISSUE DATED

PAGE

Mr. DOP

Sec. of Correction

12/16/86

8/10/81

2B-14.1

STATE OF NORTH CAROLINA  
DEPARTMENT OF CORRECTION  
DIVISION OF PRISONS

SUBJECT:

LIST OF INFRACTIONS

POLICIES - PROCEDURES

TAB

5 NCAC 2B  
INMATE CONDUCT RULES, DISCIPLINE

NO.

.0300

.0304 OTHER RULES AND REGULATIONS

(a) Crimes. In addition to being subject to prison rules and regulations and to the punishments therein provided, inmates are subject to the criminal law of the State and are liable to all penalties thereunder. Included among offenses made criminal by law are: murder, manslaughter, assaults, kidnapping and taking hostages, arson, insurrection, escape, carrying concealed weapons, resisting officers, injuring or destroying public property, stealing, bribery, gambling, unlawful possession or use of narcotic drugs or implements, unlawful possession of intoxicants, crime against nature, conveying messages and weapons to or trading with convicts and other prisoners, subversive activities aimed at the overthrow of the government of the United States or of the State of North Carolina or any of its political subdivisions by force, or violence, or by any other lawful means, inflicting or assisting in infliction of self-injury resulting in incapacity for an inmate to perform assigned duties.

(b) Escape. Inmates who escape while participating in work release, study release, home leave, or any other program authorized under G.S. 148.4 will not be prosecuted in court for that escape if:

- (1) The offense is the inmate's first escape from an unsupervised authorized activity while serving this sentence or any previous sentence.
- (2) The inmate returns to custody voluntarily within 24 hours of the time he was ordered to return.

Escapees within this category remain subject to administrative disciplinary action for the offense.

(c) Punishment for Crimes. Except as provided above, inmates who commit an offense made criminal by law will be taken to court for trial and punishment. Crime against nature and taking of hostages are felonies punishable by a maximum of ten years imprisonment. A conviction of kidnapping carries a penalty of life imprisonment. Convictions of escape offenses carry penalties as follows:

- (1) First escape or attempt by a misdemeanor (misdemeanor) -three months to one year;
- (2) First escape or attempt by a felon (felony) six months to two years;
- (3) Second or subsequent escape or attempt by any inmate (felony) -six months to three years;
- (4) Aiding or assisting an escape or attempt (misdemeanor) - at the discretion of the Court.

History Note: Statutory Authority G.S. 14-1 through G.S. 14-437; G.S. 148-45;  
Effective February 1, 1976;  
Amended March 2, 1981.

DISTRIBUTION:

D-9

ISSUED BY:	APPROVED BY:	DATE ISSUED	SUPERSEDES ISSUE DATED	PAGE
DIR. DOP	Sec. of Correction			2B-14.2

STATE OF NORTH CAROLINA  
DEPARTMENT OF CORRECTION  
DIVISION OF PRISONS

SUBJECT:

POLICIES - PROCEDURES

LIST OF INFRACTIONS  
TAB

NO.

5 NCAC 2B  
INMATE CONDUCT RULES, DISCIPLINE

.0300

.0305 DISCIPLINARY PROCEDURES FOR LOCAL CONFINEMENT FACILITIES

(a) General. Jails, district confinement facilities, "County Farms" or any other local confinement facility incarcerating inmates serving sentences are bound by the foregoing rules and procedures governing inmate conduct and discipline. These procedures are promulgated and designed for the Division of Prisons, a large centrally controlled and uniform prison system. It is recognized that the many jails and other local confinement facilities throughout the state are not uniform in size, operation, staffing or management. Nevertheless, local facilities shall adhere to the foregoing disciplinary procedure insofar as they can be applied in view of the staffing patterns and management systems that exist in each facility.

(b) Definitions. Department of Correction job titles, committee designations and other descriptive terms in the foregoing disciplinary procedures shall be modified as follows:

- (1) Area Administrator or Institution Head - will be interpreted as including the Sheriff, Administrator of a multi-county confinement facility, or their designee.
- (2) Superintendent - will be interpreted as including the Chief Jailer or similar appropriate individual.
- (3) Reviewing Authority - will be interpreted as including the Sheriff, administrator of a multi-county confinement facility, or their designee.
- (4) State Correctional Service Members - will be interpreted as including members of jail and local confinement facilities supervisory and operational staff.
- (5) Unit and Area Disciplinary Committees - local confinement facilities shall only be required to establish one disciplinary committee which may hear both major and minor offenses.
- (6) Combined Records - will be interpreted as including the central record or file section of local confinement facilities.
- (7) DC-138 - will be interpreted as including the written record of disciplinary hearings kept by local confinement facilities.

(c) In the local confinement facilities wherein the foregoing Division of Prison rules and procedures governing inmate conduct and discipline cannot be used in their totality, departures from such rules and procedures must be governed by the following principles:

- (1) Notice of Hearing. Inmate must be given at least 24 hours advance written notice of the charges against him prior to the hearing.
- (2) Opportunity to be Heard. Inmate must be allowed to present oral and documentary evidence in his defense at the hearing.

DISTRIBUTION:

D-10

ISSUED BY:	APPROVED BY:	DATE ISSUED	SUPERSEDES ISSUE DATED	PAGE
DIR. OP	Sec. of Correction			2B-14.3

STATE OF NORTH CAROLINA  
DEPARTMENT OF CORRECTION  
DIVISION OF PRISONS

SUBJECT:

LIST OF INFRACTIONS

POLICIES - PROCEDURES

TAB

NO.

NCAC 2B  
INMATE CONDUCT RULES, DISCIPLINE

.0300

- (3) Assistance of Staff Members. If the inmate is illiterate, or the charges are complex, a staff member should be appointed to assist the accused both in preparing for the hearing and at the hearing, if requested.
- (4) Impartial Committee. The disciplinary committee should be made up of a minimum of three individuals who were not involved in the initiation of the charges to be heard and are not witnesses in the case.
- (5) Records. There must be a written statement by the committee as to the evidence relied upon and reasons for disciplinary sanctions imposed.
- (6) Administrative Review. The Sheriff, Chief Jailer or other appropriate individual shall review the disciplinary committees' decision to insure proper procedures were observed and that the inmate received a substantively full and fair hearing.

(d) Rules Governing Conduct of Inmates. Local confinement facilities must follow the foregoing policy governing the conduct of inmates, specifically the major and minor offenses as listed in Sections .0301, .0302, and .0303 and the punishments as authorized by Section .0205. These Sections shall not be deviated from, nor shall new offenses or punishments be added by local confinement authorities.

History Note: Statutory Authority 148-11; 15A-1340.7;  
Eff. February 23, 1981.

DISTRIBUTION:

D-11

ISSUED BY:

APPROVED BY:

DATE ISSUED

SUPERSEDES ISSUE DATED

PAGE

DIR. DOP

Sec. of Correction

2B-14.4

STATE OF NORTH CAROLINA  
DEPARTMENT OF CORRECTION  
DIVISION OF PRISONS

SUBJECT GOOD TIME AND GAINED TIME

POLICIES — PROCEDURES

TAB

5 NCAC 2B

NO

INMATE CONDUCT RULES, DISCIPLINE .0100

.0101 PURPOSE

(a) The General Statutes authorize the awarding of various sentence reduction credits to selected inmates. The awarding of such credits serves as an incentive for inmates to be productive and act responsibly. Effective and efficient allocation of good time and gain time awards is a critical element for maintaining order, security, and appropriate management of the inmate population.

(b) This policy establishes a method of computing sentence reduction credits in the form of Good Time for satisfactory behavior, Gain Time for participation in work or program assignments, and meritorious time for behavior or specific acts not normally required of an inmate. This policy applies to inmates confined in any facility in the Division of Prisons of the North Carolina Department of Correction, a jail, a regional confinement facility, a "County Farm" or any other local confinement facility established for the incarceration of convicted offenders.

History Note: Statutory Authority G.S. 148-11; 148-13;  
15A-1340.7;  
Eff. February 1, 1976;  
Amended Eff. November 1, 1991; September 1, 1983;  
February 1, 1982; February 23, 1981.

.0102 GOOD TIME

(a) Award of Good Time. With the exception of those inmates serving sentences as specified in Rules .0106, .0107, and .0108 and those inmates convicted of Class A and B felonies committed after the Fair Sentencing Act became effective, all inmates shall be awarded good time credits at the rate of one day deducted from the inmate's prison or jail term for each day the inmate spends in custody without a major infraction of prison conduct rules.

(b) Forfeiture. Good Time shall be subject to forfeiture through disciplinary action for conviction of major infractions as the result of violations of prison conduct rules.

(c) Restoration of Forfeited Good Time. Good Time forfeited through disciplinary action may be restored by unit superintendents, area administrators, institution heads, and, in the case of inmates confined to local confinement facilities, the sheriff or administrator of a regional confinement facility. Such restoration shall be based upon documented incidents of improved behavior by the inmate.

History Note: Filed as a Temporary Amendment Eff.  
April 1, 1983 for a Period of 60 Days to  
Expire on June 1, 1983;  
Statutory Authority G.S. 148-11; 148-13;  
15A-1340.7; Eff. February 1, 1976;  
Amended Eff. November 1, 1991; April 1, 1985;  
September 1, 1983; June 1, 1983.

DISTRIBUTION:

D-12

ISSUED BY:  
DIR. DOP

APPROVED BY:  
SEC. OF CORR.

DATE ISSUED  
11/01/91

SUPERSEDES ISSUE DATED  
6/20/85

PAGE  
2B-1

STATE OF NORTH CAROLINA  
DEPARTMENT OF CORRECTION  
DIVISION OF PRISONS

SUBJECT GOOD TIME AND GAINED TIME

POLICIES - PROCEDURES

TAB	5 NCAC 2B	NO
	INMATE CONDUCT RULES, DISCIPLINE .0100	

.0103 GAIN TIME

(a) Regular Gain Time. Inmates other than those convicted of felonies committed after the effective date of the Fair Sentencing Act who perform work, whether full-time or part-time, or participate in specific training programs which would assist their productive re-entry into the community, shall be allowed sentence reduction credits which shall be regulated as Regular Gain Time I, II, and III. Regular Gain Time shall not be subject to forfeiture for misconduct and shall be administered as follows:

(1) Regular Gain Time I. In addition to Regular Good Time credits, inmates who perform short-term work assignments and/or who participate in specific training programs requiring a minimum of four hours of productive activity per day shall receive credit at the rate of two days per month.

(2) Regular Gain Time II. In addition to the Regular Good Time credits, all inmates who satisfactorily perform job assignments and or who participate acceptably in specific training programs requiring a minimum of six hours per day shall receive credit at the rate of four days per month.

(3) Regular Gain Time III. In addition to Regular Good Time credits, all inmates performing assigned jobs with requirements for special skills or specialized responsibilities such as specialized maintenance, cook, equipment operator, canteen operator, or inmates participating in full-time specific training programs requiring a minimum of six hours per day shall receive credit at the rate of six days per month.

(b) Fair Sentence Gain Time. Inmates convicted of felonies committed on or after the effective date of the Fair Sentencing Act shall be allowed sentence reduction credits which shall be regulated as Fair Sentence Gain Time I, II, and III. The credit received shall be calculated for work performed as listed in Rule .0103(a)(1), (2) and (3). Credit shall be received for participation in study and rehabilitative programs after June 3, 1985, as calculated by using the categories in Rule .0103(a)(1), (2), and (3).

(c) Meritorious Time. the Director of the Division of Prisons or the Director's designated representative may award additional sentence reduction credits to deserving inmates. Such awards shall not exceed 30 days per month for work performed nor 30 days for each act of exemplary conduct. Consideration for meritorious time awards will be based upon the following categories:

(1) Work Performed.

(A) Overtime. Overtime is defined as satisfactory performance in a job and/or program activity beyond a regular forty-hour work week. Inmates assigned to the Work Release Program are not eligible to receive overtime based on a work release job. Fair Sentence inmates are not eligible to receive overtime based upon a program assignment. Fair Sentence inmates may receive overtime based on work performed.

DISTRIBUTION

D-13

ISSUED BY	APPROVED BY	DATE ISSUED	SUPERSEDES ISSUE DATED	PAGE
DIR. DOP	SEC. OF CORR.	11/01/91	9/5/85	2B-2

STATE OF NORTH CAROLINA  
DEPARTMENT OF CORRECTION  
DIVISION OF PRISONS

SUBJECT GOOD TIME AND GAINED TIME

POLICIES -- PROCEDURES

TAB 5 NCAC 2B  
INMATE CONDUCT RULES, DISCIPLINE .0100

NO  
.0100

(B) Adverse Working Conditions. Inmates are eligible for additional sentence reduction credit for work performed during inclement weather. Inclement weather is defined as a chill factor of below 20 degrees Fahrenheit or a temperature above 95 degrees Fahrenheit. Such conditions may include rain, sleet, snow, or other unusual or abnormal circumstances as determined by the appropriate approving authority.

(C) Emergency Conditions. Inmates are eligible for additional sentence reduction credits for work performed during emergency conditions. Facility Superintendents will determine when an emergency condition exists. Such emergency conditions may include power failures, forest fires, work stoppages, riots, state-wide emergencies established by the State Emergency Response network or other similar emergency conditions.

(2) Exemplary Conduct.

(A) Exemplary Acts. Inmates are eligible for additional sentence reduction credits, not to exceed 30 days for each act, based upon the performance of exemplary acts. Exemplary acts are defined as unusual deeds or acts performed by an inmate.

(B) Exceptional Educational Achievements. Inmates attaining an educational degree are eligible for additional sentence reduction credits at a rate of 30 days per achievement. These awards are limited to successful completion of the General Educational Development Test (GED), receipt of a vocational trades license or trades certification based on successful completion to a formal program of vocational course work and supervised training, the attainment of a Associate of Arts or Science Degree (AA, AS), or the achievement of a Bachelor of Arts or Science Degree (BA, BS) or Graduate Degree (MA, MS, Ph.D., etc.). Inmates identified as Exceptional Students Program participants or other inmates identified as special students by educational authorities may be awarded an additional five days per month for documented positive progress towards established educational goals in keeping with their individual education plans.

(3) Prison Population Reduction. Inmates may be eligible for additional sentence reduction credits for good conduct during prison population reduction pursuant to G.S. 148-13(b) and(d).

History Note: Filed as a Temporary Amendment Eff. March 21, 1987  
For a Period of 43 Days to Expire on May 1, 1987;  
Statutory Authority G.S. 148-11; 148-13; 15A-1340.7;  
Eff. February 1, 1976;  
Amended Eff. November 1, 1991; May 1, 1987;  
October 1, 1985; September 1, 1985.

DISTRIBUTION.

D-14

ISSUED BY

DIR.DOP

APPROVED BY

SEC.OF CORR.

DATE ISSUED

11/01/91

SUPERSEDES ISSUE DATED

3/23/87

PAGE

2B-2.1

STATE OF NORTH CAROLINA  
DEPARTMENT OF CORRECTION  
DIVISION OF PRISONS

SUBJECT GOOD TIME AND GAINED TIME

POLICIES — PROCEDURES

TAB

5 NCAC 2B

NO

INMATE CONDUCT RULES, DISCIPLINE .0100

.0104 PROCEDURE

(a) Recording Sentence Reduction Credits.

(1) Recording. Good time will be computed automatically on the inmate's record. Gain Time, Meritorious Time, and Restored Good Time awards must be initiated by the unit superintendent or institution head upon the designated reduction credit form and shall be approved as provided in Paragraphs (b) and (c) of this Rule. Transfers automatically terminate Regular and Fair Sentence Gain Time status for inmates in the custody of the Division of Prisons.

(2) Accumulation. Meritorious Time awards will be accumulated and recorded on an hour for hour basis including credits accumulated for part-time assignment or for multiple part-time activity participation and submitted in whole days, except such credits may be authorized for an exemplary act at a rate not to exceed 30 days for each act to the appropriate approving authority. A whole day is defined as eight hours.

(3) Local Confinement Facilities. In the case of inmates confined to local confinement facilities, pursuant to court commitment, the sheriff or administrator of a local confinement facility shall establish procedures for granting, approving, and documenting sentence reduction credits. In the case of inmates confined to local confinement facilities, pursuant to a contractual agreement with the Department of Correction, the sheriff or administrator shall forward recommendations for granting sentence reduction credits to the Division of Prisons' designated approving authority as listed in .0104(b). The Division of Prisons' approving authority will either approve, modify, or disapprove the award. All Division of Prison's authorized credits shall be recorded upon the sentence reduction credit form.

(4) Recommendations and Submission. Sentence reduction credits will be submitted only by the unit of permanent assignment for inmates in the custody of the Division of Prisons. Recommendations for sentence reduction credits for such inmates housed temporarily at a prison facility other than the regular unit of permanent assignment will be forwarded to the unit of permanent assignment for approval and recording documentation.

(b) Approving Authorities. Sentence reduction credit awards are subject to approval as follows:

(1) Unit superintendents shall have authority to approve Gain Time awards and to approve Meritorious time awards and to make lost good time awards not to exceed 10 days per month per inmate.

(2) Institution heads shall have authority to approve Gain Time awards and to approve Meritorious Time awards and to make lost good time restoration awards not to exceed 30 days per month per inmate.

(3) Area administrators shall have authority to approve Meritorious Time awards and to make lost good time restoration awards not to

DISTRIBUTION

D-15

ISSUED BY:

DIR.DOP

APPROVED BY:

SEC.OF CORR.

DATE ISSUED

11/01/91

SUPERSEDES ISSUE DATED

3/23/87

PAGE

2B-2.2

STATE OF NORTH CAROLINA  
DEPARTMENT OF CORRECTION  
DIVISION OF PRISONS

SUBJECT GOOD TIME AND GAINED TIME

POLICIES -- PROCEDURES

TAB

5-NCAC-2B

NO

INMATE CONDUCT RULES, DISCIPLINE .0100

exceed 30 days per month per inmate.

(4) All Meritorious Time awards and restoration of lost good time award which exceed 30 days in a month must be approved by the Director of the Division of Prisons.

History Note: Statutory Authority G.S. 15A-1340.7; 148-11;  
148-13;  
Eff. February 1, 1982;  
Amended Eff. November 1, 1991; August 1, 1986;  
September 1, 1983

.0105 PAROLE ELIGIBILITY DATES

(a) Except for persons who were convicted of class A or B felonies, when a parole eligibility date has been established for any inmate, then that eligibility date shall be reduced by Good Time credits awarded the inmate as provided by Rule .0102 of this Section .

(b) Forfeiture. Good Time awards applied to parole eligibility dates as provided in Paragraph (a) of this Rule subject to forfeiture upon conviction of a major disciplinary offense in the same manner as provided by Paragraph (b) of Rule .0102 of this Section.

History Note: Statutory Authority G.S. 15A-1340.7; 148-11; 148-13;  
Eff. February 1, 1982;  
Amended Eff. April 1, 1985; September 1, 1983.

.0106 SPLIT SENTENCES

Inmates serving an active prison term followed by a period of Special Probation are not eligible for Good Time, Gain Time or Meritorious Time. Inmates serving an active sentence following the revocation of Special Probation are eligible for Good Time, Gain Time, and Meritorious time.

History Note: Statutory Authority G.S. 15A-1340.7; 148-11; 148-13;  
Eff. February 1, 1982;

.0107 MANDATORY MINIMUM SENTENCES UNDER THE SAFE ROADS ACT

Inmates sentenced to a mandatory minimum term under the Safe Roads Act shall not have the statutory minimum term reduced by Good Time, Gain Time, or Meritorious Time. Such inmates are entitled to jail credit which may reduce the minimum term.

History Note: Statutory G.S. 15-196-1; 20-179(p); 148-13;  
Eff. April 1, 1985.

DISTRIBUTION

D-16

ISSUED BY:

DIR.DOP

APPROVED BY

SEC.OF CORR.

DATE ISSUED

11/01/91

SUPERSEDES ISSUE DATED

3/23/87

PAGE

2B-2.3

STATE OF NORTH CAROLINA  
DEPARTMENT OF CORRECTION  
DIVISION OF PRISONS

SUBJECT GOOD TIME AND GAINED TIME

POLICIES — PROCEDURES

TAB 5 NCAC 2B NO  
INMATE CONDUCT RULES, DISCIPLINE .0100

.0108 CRIMINAL CONTEMPT

Inmates committed to custody for criminal contempt are not eligible for Good Time, Gain Time or Meritorious Time.

History Note: Statutory Authority G.S. 5A-12(c); 148-13;  
Eff. April 1, 1985.

DISTRIBUTION

D-17

ISSUED BY

DIR.DOP

APPROVED BY

SEC.OF CORR.

DATE ISSUED

11/01/91

SUPERSEDES ISSUE DATED

3/23/87

PAGE

2B-2.4

STATE OF NORTH CAROLINA  
DEPARTMENT OF CORRECTION  
DIVISION OF PRISONS

SUBJECT:

MANDATORY EDUCATION PROGRAM

POLICIES — PROCEDURES

TAB

NO.

5 NCAC 2E  
TREATMENT

.1400

.1401 MANDATORY EDUCATION PROGRAM

The purpose of the Mandatory Education Program is to ensure that all capable inmates committed to the Department of Correction are provided with the opportunity to improve their basic literacy skills while incarcerated, in an effort to improve their prospects of becoming law-abiding and self-supporting upon their release from prison.

History Note: Statutory Authority G.S. 148-11; 148-22.1;  
Eff. August 1, 1987.

.1402 CRITERIA FOR MANDATORY PARTICIPATION

(a) The unit superintendents and institution heads are authorized to require all inmates without a high school diploma or general educational certificate who function below the sixth-grade achievement level to participate in an adult basic education/general education development (ABE/GED) program. Mandatory inmate participation in educational programs is restricted to full-time and part-time ABE/GED programs.

(b) Sessions for mandatory inmate participation are not to exceed ninety days, and no inmate will be required to participate in more than one session. However, if an inmate is transferred before completing a mandatory school program, such inmate may be required to complete any remainder of the session. Inmates completing the mandatory session may voluntarily remain in the program after ninety days or may request an alternate assignment.

(c) Any inmate having a high school diploma who is tested with the Wide-Range Achievement Test (WRAT) as functioning below the sixth-grade achievement level may also be required to participate in a ninety-day ABE/GED program.

History Note: Statutory Authority G.S. 148-11; 148-22.1;  
Eff. August 1, 1987.

.1403 IDENTIFICATION OF INMATES WITH EDUCATIONAL DEFICIENCIES

The diagnostic centers shall be responsible for identifying inmates with educational deficiencies as specified in Rule 2E .1402. The Wide-Range Achievement Test (WRAT) shall be the primary test instrument for determining achievement levels.

History Note: Statutory Authority G.S. 148-11; 148-22.1;  
Eff. August 1, 1987.

DISTRIBUTION:

D-18

ISSUED BY:	APPROVED BY:	DATE ISSUED	SUPERSEDES ISSUE DATED	PAGE
Dir. DOP	Sec. DOC	9/2/87		2E-53

STATE OF NORTH CAROLINA  
DEPARTMENT OF CORRECTION  
DIVISION OF PRISONS

SUBJECT:

MANDATORY EDUCATION PROGRAM

POLICIES — PROCEDURES

TAB 5 NCAC 2E  
TREATMENT

NO.  
.1400

.1404 ASSIGNMENT OF INMATES TO ABE/GED PROGRAMS

The appropriate unit or institution classification committee shall be responsible for recommending the assignment of inmates to the mandatory education program. The unit superintendent/institution head shall be the final approving authority for such assignments.

History Note: Statutory Authority G.S. 148-11; 148-22.1;  
Eff. August 1, 1987.

.1405 INMATE PERFORMANCE

(a) All inmates assigned to the mandatory education program are expected to work to their fullest potential and are to follow the instructions of the teacher.

(b) Any inmate found to be unable to perform school assignments due to mental incapacity or other valid reasons, as based upon the professional judgment of the teacher or other assessments, may be removed from the program.

(c) Academic records shall be maintained on all inmates in the program. Such records are available for review by the inmate and other interested parties.

History Note: Statutory Authority G.S. 148-11; 148-22.1;  
Eff. August 1, 1987.

.1406 DISCIPLINARY ACTION

(a) Any inmate assigned to the mandatory education program who refuses to attend class shall be subject to disciplinary action for disobeying a lawful order.

(b) In the classroom, any inmate who becomes a disruptive force by failing to follow the instructions of the teacher shall be subject to disciplinary action for disobeying a lawful order.

History Note: Statutory Authority G.S. 148-11; 148-22.1;  
Eff. August 1, 1987.

DISTRIBUTION:

D-19

ISSUED BY:	APPROVED BY:	DATE ISSUED	SUPERSEDES ISSUE DATED	PAGE
Dir. DOP	Sec. DOC	9/2/87		2E-5

STATE OF NORTH CAROLINA  
DEPARTMENT OF CORRECTION  
DIVISION OF PRISONS

SUBJECT:  
INCENTIVE WAGE PROGRAM

*JCS*

POLICIES — PROCEDURES

TAB  
NCAC 2B  
INMATE CONDUCT RULES, DISCIPLINES

NO.  
.0500

0501 GENERAL

The Incentive Wage Program is designed to provide monetary compensation within specific pay grades to inmates who perform full time work assignments (not less than 8 hours per day) with the Division of Prisons, Prison Enterprises, and the Department of Transportation. No inmate will be paid more than \$1 per day for performing his assigned job. To receive compensation, an inmate must perform satisfactorily for 5 consecutive working days within a weekly period beginning Monday and ending Sunday.

History Note: Statutory Authority G.S. 148-11; 148-18;  
Effective July 1, 1976.

0502 APPLICATION

(a) Pay Grade. There will be three daily rates of pay for the various specified job categories to which inmates may be assigned. The daily rates of pay will be fixed at .40, .70, and \$1.00. All job categories within the Division of Prisons and Prison Enterprises have been classified at a pay grade consistent with skills required to perform job assignments. All inmates assigned to the Department of Transportation will be compensated at a fixed rate of .70 per day.

(b) Staffing Patterns. Each institution, field unit and enterprise operation will be assigned a specific number of positions in each job category. The approved positions within each unit/institution or enterprise operation constitutes its staffing pattern. Staffing patterns of prison units or institutions may vary depending on the populations of and their custody classification. Also certain positions will be allocated to the Department of Transportation. Finally, treatment objectives of each correctional unit will influence the staffing patterns. A 30 day period will be allowed for the stabilization of job assignments to the Department of Transportation. Unit operating staffing patterns and enterprise staffing patterns will however, remain fixed. Institution heads and area administrators, with the recommendation of their superintendents, may recommend through the chain of command, the addition or deletion of positions from the staffing patterns. The expansion or contraction of operating and/or enterprise staffing patterns will not be allowed without the specific approval of the controller's office.

(c) Implementation. Institution heads and unit superintendents will be responsible for the assignment of qualified available inmates according to the fixed staffing pattern. It will be necessary for institution heads and unit superintendents to work closely with enterprise supervisors and Department of Transportation supervisory personnel on the assignment of inmates to the available jobs in the staffing pattern. Management of the unit or institutional staffing pattern may be delegated appropriately to subordinate staff. Management of the Imprest Fund for the payment of incentive wage of the inmate population will be in accordance with 5 NCAC 1C .1100, the fiscal policy for the incentive wage fund.

0200

DISTRIBUTION:

D-20

ISSUED BY:

APPROVED BY:

DATE ISSUED

SUPERSEDES ISSUE DATED

PAGE

Dir., Div. of

Sec. of Correction

2B-17

STATE OF NORTH CAROLINA  
DEPARTMENT OF CORRECTION  
DIVISION OF PRISONS

SUBJECT:  
INCENTIVE WAGE PROGRAM

POLICIES — PROCEDURES

TAB  
5 NCAC 2B  
INMATE CONDUCT RULES, DISCIPLINES

NO.  
.0500

(d) Inmate Assignment, Transfer, Suspension and Removal.

- (1) The initial assignment to various job categories within the staffing pattern will be consistent with the existing classification procedures. The classification authority should instruct inmates that those who demonstrate positive behavior through work performed will become eligible for participation in programs and outside activities. Inmates promoted from medium to minimum custody may be required to demonstrate positive behavior for a specified period through assignment to the Department of Transportation staffing pattern in exchange for these and other privileges. Initial assignment will be accomplished by completing the Incentive Wage Time Card. This card must be verified by the participating inmate. Each inmate must be informed that he must work five days before he receives pay. Also, job requirements will be specifically enumerated.
- (2) Inmates who are transferred will be compensated at the sending unit for all-work performed prior to the transfer.
- (3) Inmates may be suspended or removed from the incentive wage program where they are incapable of performing assigned tasks or for poor work performance, disrespect toward supervisory personnel, or other disciplinary infractions. Administrative removal or suspension may be documented on the reverse of the weekly time card with a simple statement of the reason for removal. The inmate will acknowledge removal by signing the time card. Other removals or suspensions must be acknowledged through disciplinary procedures (5 NCAC 2B .0200).

(e) Gained Time. Institution heads and unit superintendents may use gained time as an additional incentive for any job category requiring unusually long hours or particularly arduous work consistent with the existing gained time policy (5 NCAC 2B .0100).

(f) Short-Term Work Assignments. Inmates who are not assigned to the incentive wage staffing pattern may be required to perform short-term, unscheduled tasks necessary for the common good of the correctional community. No inmate will be assigned to a short-term task that requires more than 3 hours work for 3 consecutive days. Short-term assignments may include window washing, yard clean-up, cleanliness of dormitories and latrines, loading and unloading of trucks and other tasks required for routine operations but not allowed within the framework of the incentive wage guidelines.

(g) Vocational Training Programs. Normally, inmates assigned to educational vocational or other training programs will not receive compensation under the incentive wage program. However, area administrators and institution heads are authorized to recommend, through the chain of command, additional incentive wage positions for inmates in educational or vocational training programs where these vocational or training positions are involved in full time delivery of services. Inmates assigned to cooking schools sponsored by the Community Colleges may be paid on a short-term basis where a major portion of their program is direct delivery of food services. All recommendations will contain job descriptions that make it clear that full time services are being delivered.

DISTRIBUTION:

D-21

ISSUED BY:	APPROVED BY:	DATE ISSUED	SUPERSEDES ISSUE DATED	PAGE
Dir., Div. of	Sec. of Correction			2B-18

STATE OF NORTH CAROLINA  
DEPARTMENT OF CORRECTION  
DIVISION OF PRISONS

SUBJECT:  
INCENTIVE WAGE PROGRAM

POLICIES - PROCEDURES

TAB  
NCAC 2B  
INMATE CONDUCT RULES, DISCIPLINES

NO.

0500

History Note: Statutory Authority G.S. 148-11; 148-18;  
Effective July 1, 1976.

DISTRIBUTION:

D-22

ISSUED BY:	APPROVED BY:	DATE ISSUED	SUPERSEDES ISSUE DATED	PAGE
Dir., Div. of	Sec. of Correction			

# Appendix E



## North Carolina Department of Correction

Correction Enterprises - Caledonia Farms

P. O. Box 67 • Tillery, N. C. 27887

James G. Martin, Governor

Danny C. Stewart, CPA  
Enterprise Director

V. L. Bounds, Secretary

### M E M O R A N D U M

To: LRC Study Committee on  
Use of Prison Inmates

November 6, 1992

From: Dan Stewart  
Correction Enterprise Director

Re: Work Programs for Prison Inmates

General Statute 148-26 (e) allows certain work to be performed by prison labor in the private sector in the general areas of soil conservation, forestry, and land maintenance. That statute is as follows:

(e) The State Department of Correction may make such contracts with departments, institutions, agencies, and political subdivisions of the State for the hire of prisoners to perform other appropriate work as will help to make the prisons as nearly self-supporting as is consistent with the purposes of their creation. The Department of Correction may contract with any person or any group of persons for the hire of prisoners for forestry work, soil erosion control, water conservation, hurricane damage prevention, or any similar work certified by the Secretary of Natural Resources and Community Development as beneficial in the conservation of the natural resources of this State. All contracts for the employment of prisoners shall provide that they shall be fed, clothed, quartered, guarded, and otherwise cared for by the Department of Correction. Such work may include but is not limited to work with State or local government agencies in cleaning, construction, landscaping and maintenance of roads, parks, nature trails, bikeways, cemeteries, landfills or other government-owned or operated facilities.

The Department of Correction has conducted a preliminary investigation of the available work opportunities allowed by G.S. 148-26 (e). The results have been encouraging and are as follows:

#### Specific Projects:

Work opportunity contacts were confined to a 25 mile radius of Caledonia-Odom Prisons. Specifically, County Managers, Solid Waste Managers, the Soil Conservation Service, the County Forester for the NC Forest Service, and the Agriculture Extension Office were contacted. Representatives of each organization identified the following specific projects that we could immediately go to work on:

A. Soil Conservation (SCS) and Agricultural Projects:

- ..... Open up farm waterways into woods by hand ditching
- ..... Mulching and sowing seed for waterways and grass borders.
- ..... Fixing farm terraces and fixing washes in waterways. These are wheelbarrow, shovel, seeding and mulching projects.
- ..... Seeding and mulching dams in lagoons.
- ..... Pegging erosion netting down.

B. Forestry Projects:

- ..... TSI (Timber Stand Improvement) projects that involve thinning two - four year seeded forest. This would involve a cut, thin, fell, and leave operation on hardwood and pines less than 3" in diameter.
- ..... Tree planting in small plots
- ..... Road repair and ditching on properties managed by the Forest Service.

C. County Projects:

- ..... Cut and clean debris from county water system pump stations, water towers, and county fences.
- ..... Clean up litter and cut brush at the county dumpster sites. This would be a continuing project requiring frequent cleanup.
- ..... Tear down abandoned sheds and buildings for private individuals and the county as part of the Take Pride in NC project.
- ..... Clean and remove brush on lots owned by the county
- ..... Pickup and bag wind-blown trash at the County Landfill site. Provide clean-up workers for cutting brush areas at landfill.

These various projects provide a sampling of the work opportunities available for an inmate work force.

Income Potential:

We discussed with the above mentioned clients that DOC would be contracting the inmate work force for a fee. We discussed the economics of hand labor versus mechanical and what value could be attributed to an inmate work squad. I have summarized the issue of potential income as follows:

- A. Clean Up Work: Projects that involve cutting brush and cleaning up trash are going to be limited to the \$100 - \$200 a day

range for a squad of 25 inmates. This equates to \$.50 - \$1.00 per hour per man. The supply and demand for these type projects are such that we could easily price ourselves out of demand, if for instance, we would charge minimum wage or \$850 per day.

B. SCS Projects: There is a high demand for mulching, seeding, digging ditches through forest, pegging erosion netting, fixing terraces and washes. The private sector is not currently adequately providing these services because of the labor intensity of these type jobs. The Soil Conservation Service and ASCS provide funds for farmers to do this type of work. Funds have been lost historically because of the lack of hand labor to do these task. Based on productivity and quality, there is sufficient demand that income could be in the range of \$300 - \$500 per day (\$1.50 - \$2.50 per hour) for a squad of 25 inmates. Some equipment would be involved including hand seeders, shovels, sledge hammers, and wheelbarrows.

C. Forestry Projects: TSI (Timber Stand Improvement) projects are available. The going rate for this type work is \$30 - \$50 per acre. I would estimate that an inmate squad could accomplish about 10 acres of this work a day. This equates to \$300 - \$500 per day (\$1.50 - \$2.50 per hour) for this type work. This is another area that the private sector is not providing adequate services because of the labor intensity. All of this work could be accomplished with a bush ax, however, a small chain saw would be more efficient. Tree planting is also within this range of pay (\$45 per acre or \$450 per day).

The annual income of a 25 inmate squad utilizing the various work projects identified is in the range of \$34,000 - \$85,000. This assumes that the maximum number of days contracted work could be scheduled would be 170 days, allowing for rain, extreme temperature weather, and problems with scheduling contracted work.

Cost of Implementation:

The largest expenditures for the proposed private sector inmate work squads are transportation, security, and supervision. I have itemized the projected annual cost of this type project:

Security (2 guards- DOC).....	\$ 45,480
Supervisor (CE, PG-64).....	25,145
Bus Fuel, Repair & Maintenance (12,750 miles/yr).....	4,460
Capitalized Bus Cost (\$50,000 @ 10 yr depr.).....	5,000
Vehicle Fuel, R&M (25,000 miles/yr).....	2,750
Capitalized Vehicle Cost (\$10,000 @ 5 yr depr.).....	2,000
Overhead .....	4,600
Incentive Wage.....	4,250
Replacement Tools.....	3,000
 Total Annual Cost.....	 \$ 96,685

The most expensive item could be considered an opportunity cost, specifically the security guards, since we incur the expense of security in any scenario. Further, we are currently incurring the majority of these other cost items by working the farm gun squads.

The immediate cost of implementation of a pilot project would be minimal since supervision and equipment could be diverted from other Enterprise activities for the timeframe of such a project.

Public Perception:

There has been a noticeable decline in the past few years of visible evidence to the public that prisoners are working, specifically roadside gun-squads. This has led to the assumption that a large number of prisoners are not being required to work by DOC. A public - private sector inmate work project of this type, even on a small scale, could be the springboard for raising public awareness regarding this issue.

Because the above indicated work projects are labor intensive, our initial research indicates that the private sector is not currently performing these task. Every effort will be made to determine that inmate work projects are not in direct competition with the private sector, thus eliminating any negative public reaction on this issue .

Conclusions:

An inmate work program that is highly visible to the public and is available for hire by the private sector should offer the Department of Correction an excellent opportunity for positive public exposure regarding putting inmates to work. Given the current direction of public opinion and political thinking, any additional inmate work programs should be well received. The fact that this program does in reality reduce the taxpayers burden (when compared to traditional gun squads), should assist in its acceptance.

The Department of Correction is proceeding with a pilot program utilizing one minimum custody inmate squad (25 inmates), with equipment and buses currently owned by Correction Enterprises. DOC has requested certification of the pilot program from the Secretary of Natural Resources. After the implementation and completion of the pilot project, a decision can be made by the Department of Correction on the feasibility of a large scale project of this type.

# Appendix F

I  
Page 1

UPDATE  
PRIVATE SECTOR/PRISON INDUSTRY ENHANCEMENT PROGRAM  
(Senate Bill 314)

**Program Policies.** Program regulations and the application for certification to the federal Bureau of Justice Assistance are complete with the exception of some legal clarification on one issue which should be completed next week. A standard contract has been developed that covers such areas as: conditions of occupancy, conditions of employment of inmates, supervisor training, work stoppage, lockdowns, downtime, etc. According to the Attorney General's Office, the program regulations will also need to be processed through the Administrative Procedures Act (APA).

**Specific Regulations.** Program regulations include:

1. The employment program will not result in the displacement of employed workers.
2. The employment program will not be applied in skills, crafts or trades in which there is a surplus of gainful labor in the locality.
3. The employment program will not impair existing contracts for services.
4. Consultation with related businesses and organized labor.
5. Disbursement of inmate wages will be made in the following priority order:
  - a. Payment of Federal, State and Social Security taxes
  - b. Five percent for victims compensation through the Crime Victims Compensation Fund
  - c. Twenty percent for cost of incarceration, administrative and other costs
  - d. Support of inmate's dependents
  - e. Restitution to a crime victim by court order
  - f. Payment of civil judgements
  - g. 10 % to the inmate's trust fund until a balance of \$ 500 is reached to aid inmate at time of release
  - h. All remaining funds for inmate's personal use and trust account.

**Potential Industries.** The Department has had several companies interested in utilizing inmate labor within prison facilities under the provisions of Senate Bill 314 and the authority of the federal 1990 Crime Control Act. Industries which appear to be the most interested and are reportedly having difficulty in obtaining workers are cut and sew operations. Three textile companies have expressed interest thus far.

**Obstacles.** The primary obstacle that must be overcome involves capital and facilities. There is currently no facility space available to house these industries. For example, one company would like to have 30,000 square feet of space and could work 100+ inmates. The various options being discussed at the current time include: (1) privately built factory space with a long-term lease, (2) DOC constructed space which will require capital funds, and (3) unoccupied off-site plant space that could be secured and would allow for busing inmates to the work site.

# Appendix G

## CORRECTION ENTERPRISES

### INMATE INCENTIVE WAGE STAFFING

<u>LOCATION</u>	<u>POSITION CLASSIFICATION</u>	<u>ASSIGNED NUMBER</u>	<u>RATE OF PAY</u>	
Broughton Laundry (#8225)	Soiled Linen Workers	12	\$ 1.00	
	Washer Operators	8	1.00	
	Dryer Operators	7	1.00	
	Sheet Shakers	14	1.00	
	Ironer/Folder Operators	7	1.00	
	Press Operator	1	1.00	
	Clean Sorters	5	1.00	
	Clean Up/Janitors	2	1.00	
	Maintenance Workers	2	1.00	
	Truck Helpers	2	1.00	
		Total:	60	
	Caledonia Cannery (#8315)	General Cannery Workers	62	.40
Semi-Skilled Cannery Workers		10	.70	
Skilled Cannery Workers		9	1.00	
Farm Equipment Operator		1		
	Total:	82		
Caledonia Farms (#8321-#8329)	Herdsman II	15	.70	
	Herdsman III	14	1.00	
	Farmwork Training	10	.40	
	Mechanic II	2	.70	
	Mechanic III	2	1.00	
	Truck Driver II	6	.70	
	Truck Driver III	3	1.00	
	Wash Bay Operator II	1	.70	
	Farm Lubrication Man II	1	.70	
	Service Station III	2	1.00	
	Parts Man III	2	1.00	
	Welder III	2	1.00	
	Farm Hand	5	.40	
	Mill Operator III	5	1.00	
	Carpenter II	4	.70	
	Carpenter III	1	1.00	
	Brick Layer III	2	1.00	
	Plumber III	1	1.00	
	Painter III	1	1.00	
	Poultryman II	8	.70	
	Poultryman III	5	1.00	
	Egg Grader III	3	1.00	
Tractor Driver III	2	1.00		

<u>LOCATION</u>	<u>POSITION CLASSIFICATION</u>	<u>ASSIGNED NUMBER</u>	<u>RATE OF PAY</u>
Caledonia Farms (con'd.)	Farm Equipment Operator II	7	.70
	Farm Equipment Operator III	15	1.00
	Farm Tool Room II	1	.70
	Office Man III	1	1.00
	Heavy Equipment Operator II	2	.70
	Heavy Equipment Operator III	5	1.00
	Field Squads (5 @ 25 ea.)	125	.40
		Total: 253	
Caledonia Laundry (#8205)	General Laundry Workers	24	.40
	Semi-Skilled Laundry Workers	22	.70
	Laundry Skilled Workers	10	1.00
		Total: 56	
C.P. Laundry (#8210)	Folders	6	.70
	Washmen	2	1.00
	Ironer Operators	2	1.00
		Total: 10	
Craggy Laundry (#8215)	Boiler Operator	1	1.00
	Office Clerk	1	1.00
	Maintenance Man	1	1.00
	Check-In	5	1.00
	Washermen	2	1.00
	Flat Iron Operator	1	1.00
	Flat Iron Feeders	5	.70
	Sheet Pullers	4	.70
	Washer Helpers	2	.70
	Sheet Shakers	4	.40
	Clean Up	1	.40
	Dryer Operator	1	1.00
	Dryer Operator Helper	1	.70
	Pack-Out	3	1.00
	Pant Shakers	4	.70
	Pant Folders	4	.70
	Rough Dry Table Operator	2	.70
Rough Dry Table Helper	10	.40	
Clean Up	1	.40	
		Total: 53	
Drapery Plant (#8175)	Drapery I Workers	3	.40
	Drapery II Workers	2	.70
	Drapery III Workers	5	1.00
		Total: 10	

<u>LOCATION</u>	<u>POSITION CLASSIFICATION</u>	<u>ASSIGNED NUMBER</u>	<u>RATE OF PAY</u>
Duplicating Plant (#8130)	Stitcher Operators	2	1.00
	Spiral Punch Operators	2	1.00
	Spiral Binders	2	1.00
	Drill Operators	2	1.00
	Perfect Binder Operators	3	1.00
	Shrink Wrap Machine Operators	3	1.00
	Finished Product Checkers	3	1.00
	Xerox Copier Operators	6	1.00
	Kodak Copier Operators	6	1.00
	Cutter Operator	1	1.00
	Cutter Operator Helper	1	1.00
	Janitor	1	1.00
		Total:	32
Forestry (#8265)	0	0	0
Janitorial Products (#8155)	Soap Makers	7	1.00
	Machine Operators	11	.70
	Laborers	19	.40
	Total:	37	
Manpower Services (#8230)	Furniture Movers	16	1.00
	Total:	16	
Meat Processing (#8305)	Maintenance Helper	1	1.00
	Receiving & Storage Luggers	2	1.00
	Shipping & Order Assemblers	11	1.00
	Meat Processing Apprentice	5	1.00
	Steak Operators	1	1.00
	Breading Operators	4	1.00
	Meat Grinders	2	1.00
	Meat Cutters	3	1.00
	Meat Molding Machine	3	1.00
	Flaker Operator	1	1.00
	Meat Grinder & Mixer Operator	1	1.00
	Box Maker	1	1.00
	Tub Cleaner	1	1.00
	Janitor	1	1.00
	Total:	37	

<u>LOCATION</u>	<u>POSITION CLASSIFICATION</u>	<u>ASSIGNED NUMBER</u>	<u>RATE OF PAY</u>
Metal Products (#8160)	Welder	14	1.00
	Welder's Helper	14	1.00
	Black Iron Cleaner	3	1.00
	Stainless Steel Cleaner	4	1.00
	Janitor	3	1.00
	Shear Operator	2	1.00
	Brake Press Operator	2	1.00
	Saw Operator	2	1.00
	Stock Room Clerk	1	1.00
	Draftsman	2	1.00
	Punch Operator	1	1.00
	Painter	2	1.00
	Installation Crewman	2	1.00
		Total:	52
Metal Tag Plant (#8160)	Material Handler	37	.70
	Janitor	2	.70
	Clerk-Typist	1	1.00
	Numbers Center Operator	5	1.00
	Embossing Operator	10	1.00
	Forklift Operator	1	1.00
	Blank Press Operator	2	1.00
	Scotchlite Applicator	1	1.00
	Engraver	1	1.00
	Total:	60	
New Hanover Laundry (#8235)	Laundry Worker I	21	.70
	Laundry Worker II (Machine Opr.)	6	1.00
	Laundry Worker III	18	.70
	Total:	45	
Pkg. & Distribution (#8260)	Oil Plant Workers	5	.70
	Total:	5	
Paint Plant (#8110)	Juice Man	1	1.00
	Set-Up Man	1	1.00
	Bag Cutters	2	1.00
	Bag Throwers	2	1.00
	Platform Workers	2	1.00
	White Side Laborers	4	.70
	Yellow Side Laborers	4	.70
Upstairs Laborers	4	.70	

<u>LOCATION</u>	<u>POSITION CLASSIFICATION</u>	<u>ASSIGNED NUMBER</u>	<u>RATE OF PAY</u>
Paint Plant (#8110) (con'd.)	Label Man	1	.70
	General Laborers	13	.40
	Janitor	1	.40
		Total: 35	
Print Plant (#8115)	Press Operator II	16	1.00
	Press Operator I	9	.70
	Bindery Journeyman II	17	1.00
	Bindery Journeyman I	10	.70
	Plant Janitor	1	.70
	Make-Up Man	1	1.00
	Paste-Up Man	1	1.00
	Plate Burner	2	1.00
	Stripper	4	1.00
	Linotype Operator	1	1.00
	Typesetter Operator	2	1.00
	Mechanic Assistant	1	1.00
	Computer Operator	1	1.00
	Clerk Typist	2	1.00
Camera Operator	1	1.00	
		Total: 69	
Reupholstery Plant (#8170)	Mattress Trainee I	10	.40
	Mattress Trainee II	8	.70
	Upholsterers	12	1.00
		Total: 30	
Sampson Laundry (#8240)	Office Clerk	3	1.00
	Soiled Linen Clerk	1	1.00
	Tunnel Operator	1	1.00
	Tunnel Operator II	1	.70
	Elevator Operator	1	.70
	Scale Operator	1	.70
	Counter	3	.70
	Rewash	1	.70
	Sorters	10	.70
	Tunnel Operator (Wash Room)	1	1.00
	Shuttle Conveyor	1	1.00
	Dryer Operator	1	1.00
	Washer Operator	1	1.00
	Pullers & Loaders	3	.70
	Elevator Man	1	.70
	Sheet Shakers	15	.70
Dryer Operator	2	1.00	
Pillow Case	3	.70	

<u>LOCATION</u>	<u>POSITION CLASSIFICATION</u>	<u>ASSIGNED NUMBER</u>	<u>RATE OF PAY</u>
Sampson Laundry (con'd.)	#1 & #2 Iron	6	\$ .70
	#3 Iron	1	1.00
	#3 Iron	3	.70
	Pack Out	2	1.00
	Rough Dry Area Table Worker	1	1.00
	Rough Dry Area Counter	15	.70
	Rough Dry Area Towel Machine	4	.70
	Rough Dry Area Wash Clothes	1	.70
	Pack Out Room Workers	2	1.00
	Pack Out (Outside) Workers	2	1.00
	Steam Tunnel Workers	10	.70
	Pants Shake Out Workers	8	.70
	Gown Table Workers	10	.70
	Maintenance Workers	3	1.00
	Maintenance Workers	1	.70
	Janitors	2	.70
	Boiler Room Workers	2	1.00
	Total:	125	
Sewing Plant (#8145)	Sewing Plant Workers I	20	.40
	Sewing Plant Workers II	35	.70
	Sewing Plant Workers III	45	1.00
	Total:	100	
Sewing Plant Annex (#8145)	Sewing Machine Operators	14	1.00
	Total:	14	
Shirt Plant (#8150)	Shipping Clerks	10	.40
	Packing Clerks	26	.70
	Sewing Machine Operators	44	1.00
	Total:	80	
Sign Plant (Bunn) (#8120)	Department: H.I. Sheeting		
	Sign Trimmer #3	3	1.00
	Sign Racker #3	1	1.00
	Sander #3	2	1.00
	Sander #2	3	.70
	Total:	9	
	Department: Fabrication		
	Fabricator #3	2	1.00
	DOT Machine #3	1	1.00
	Hole Puncher (Large) #3	1	1.00
	Hole Puncher (Small) #3	1	1.00
	C/R Machine #3	3	1.00
	Tanks #3	2	1.00

<u>LOCATION</u>	<u>POSITION CLASSIFICATION</u>	<u>ASSIGNED NUMBER</u>	<u>RATE OF PAY</u>
Sign Plant (Bunn) (con'd.)	Hanger #2	2	.70
	Helper #1	2	.40
		Total:	14
Department: Shipping			
	Forklift #3	1	1.00
	Clerk/Typist #3	1	1.00
	Clerk #3	1	1.00
	Shipping & Receiving #3	3	1.00
	Stamark Barricade #3	1	1.00
	Stamark Barricade #2	1	.70
	Material Handler #3	1	1.00
	Material Handling #2	3	.70
	Helper #1	1	.40
		Total:	13
Department: Sm. Direct App.			
	Border Application #3	3	1.00
	Border Application #2	3	.70
		Total:	6
Department: Maint. Screening			
	Screen Puller #3	7	1.00
	Material Handler #2	3	.70
	Oven/Racks #3	2	.70
		Total:	12
Department: Stock Room			
	Plant Janitor #3	1	1.00
	Stockroom Clerk #3	2	1.00
	Material Handler #3	1	1.00
		Total:	4
Department: H.I. Screening			
	Screen Wash #3	1	1.00
	Screen Puller #3	2	1.00
	Material Handler #2	3	.70
		Total:	6
Department: Z-Bars			
	Z-Bar Table #3	3	1.00
	Z-Bar Table #2	3	.70

<u>LOCATION</u>	<u>POSITION CLASSIFICATION</u>	<u>ASSIGNED NUMBER</u>	<u>RATE OF PAY</u>
Sign Plant (Bunn) (con'd.)	Z-Bar Hole Driller #3	1	1.00
	Z-Bar Marker #3	1	1.00
	Total:	8	
	Department: Overlay		
	Layout #3	5	1.00
	Border Application #2	5	.70
	Packout #2	1	.70
	Total:	11	
	Department: Darkroom		
	Sign Maker #3	1	1.00
	Sign Layout #3	3	1.00
	G.S.P. #3	1	1.00
	Screen Storage #3	1	1.00
	Screen Fabricator #3	1	1.00
	Letter Cutter #3	1	1.00
	Letter Cutter #2	2	.70
	Total:	10	
	Department: Screening		
	Screen Puller #3	2	1.00
	Material Handler #2	3	.70
	Material Handler #1	2	.40
	Total:	7	
	Department: Maintenance		
	Mechanics Helper #3	3	1.00
	Total:	3	
	Department: Office		
	Office Clerk #3	3	1.00
	Labor Pool #1	8	.40
	Total:	11	
	Department: Lettering		
	Layout/Crates #3	2	1.00
	Letter Layout #3	2	1.00
	Letter Border #3	2	1.00
	Border Application #3	1	1.00
	Helper #2	3	.70
	Helper/Crates	2	.70
	Helper/Crates	1	.40
	Total:	13	

<u>LOCATION</u>	<u>POSITION CLASSIFICATION</u>	<u>ASSIGNED NUMBER</u>	<u>RATE OF PAY</u>
Sign Plant (Bunn) (con'd.)	Department: Sheeting		
	Clerk #3	1	1.00
	Heat Applicator #3	1	1.00
	Squeeze Roller/G	3	1.00
	Racker/G #3	1	1.00
	Squeeze Roller/B #3	3	1.00
	Racker/B #3	1	1.00
	Washer/Sander #3	1	1.00
	Sign Washer #2	1	.70
	Heat Applicator #2	1	.70
	Trimmer #2	6	.70
	Total: 19		
	Department: Reclamation		
	Large Shear #3	3	1.00
	Medium Shear #3	2	1.00
	Small Shear #3	1	1.00
	Sander #3	2	1.00
	VA Crates & Z-Bar #3	1	1.00
	Tag Cutter #3	1	1.00
	Forklift	1	1.00
	Large Shear Helper #3	1	1.00
	Sander Helper #2	2	.70
	Small Shear Helper #2	1	.70
	Circle Cutter #2	1	.70
	Shear Helper #2	2	.70
	Total: 18		
	Department: Packing		
	R.M. Clerk #3	1	1.00
	F.P. Clerk #3	1	1.00
	Paper Cutter #3	1	1.00
	Shear Operator #3	1	1.00
	Senior Packer #3	3	1.00
	Packer #2	4	.70
	Total: 11		
Sign Plant (Salisbury) (#8122)	Utility Worker	1	1.00
	Letter Press Workers	2	1.00
	Heat Applicators	2	1.00
	Sign Makers	9	1.00
	Total: 14		

<u>LOCATION</u>	<u>POSITION CLASSIFICATION</u>	<u>ASSIGNED NUMBER</u>	<u>RATE OF PAY</u>
Tailoring Plant (#8140)	Janitor	2	.40
	String Clippers	4	.40
	Sewing Machine Trainees	18	.70
	Sewing Machine Operators	23	1.00
	Cutter	1	1.00
	Presser	1	1.00
	Clerk	1	1.00
		Total: 50	
Tailoring Annex (#8140)	Janitor	1	.40
	Utility Workers	2	1.00
	Shipping Clerks	2	1.00
	Machine Operators	21	1.00
		Total: 26	
Umstead Laundry (#8250)	Washmen	1	1.00
	Soiled Linen Separators	10	1.00
	Dryer Operators	2	1.00
	Flat Ironer Operators	3	1.00
	Tunnel Dryer Operators	2	1.00
	Towel Folder Operators	2	1.00
	Folder Worker	2	1.00
	Sheet Shakers	18	1.00
		Total: 40	
Upholstery Plant (#8165)	Upholstery Workers	24	1.00
	Clerk	1	1.00
	Janitor	1	.40
		Total: 26	
Warehouse (CP) (#8006)	Laborer I	5	.70
		Total: 5	
Warehouse (Polk) (#8006)	Warehouse Workers	8	.70
		Total: 8	
Woodworking (#8135)	Woodworking Workers	36	1.00
	Clerk	1	1.00
	Janitor	1	.40
	Tool Room Attendant	1	.40
		Total: 39	

<u>LOCATION</u>	<u>POSITION CLASSIFICATION</u>	<u>ASSIGNED NUMBER</u>	<u>RATE OF PAY</u>
Administration (#8005)	Janitor	1	.40

\*Total Positions 1,645

# Appendix H

IV

Page 1



## North Carolina Department of Correction

Correction Enterprises

P. O. Box 29540

Chapanoke Road • Raleigh, North Carolina 27626-0540

James G. Martin, Governor

Danny C. Stewart, CPA  
Enterprise Director

V. L. Bounds, Secretary

### Expansion of Laundry Services

General Statute 66-58 limits the expansion of the laundry services function for the Department of Correction. Creation of work opportunities for inmates is a critical factor in the current prison expansion. Legal mandates require that inmates be provided programming. These various types of programming cost the state except in the case of Correction Enterprises which is self-supporting.

Correction Enterprises has additional laundry capacity and job opportunities which would save the state substantial sums in terms of training costs. Thus, this would be one of the most economical ways to provide up to a couple hundred jobs since the capital investment is already in place. Another benefit would be governmental entities such as Wake County Jail, Wilkes County Hospital, Camp McCall, Sampson County Hospital and the City of Raleigh who have inquired about DOC laundry services during the last couple of years. Laundry expansion could also assist in lower laundry cost for hospitals, especially small rural county hospitals who are often faced with insolvency resulting from reduced Federal medical assistance payments, insurance cost containment programs, etc. Another recent problem related to the legislative restriction is that Correction Enterprises was unable to respond to requests for laundry services from Charleston area hospitals in the aftermath of Hurricane Hugo when Charleston's water supply was contaminated.

Thus, removal of the restriction in G.S. 66-58 (b) (16) would lower the cost of operating the state prison system as well as assist other governmental agencies and hospitals in saving funds. No appropriation would be needed to implement this proposed change.

H-1

Correction Enterprises Laundries

November 6, 1992

<u>Laundry</u>	<u>Location</u>
A. Craggy	Asheville
B. Broughton	Morganton
C. Sampson	Clinton
D. Umstead	Butner
E. New Hanover	Wilmington
F. Caledonia	Tillery
G. Central Prison	Raleigh

State/County Hospitals

Laundry Processed by DOC

<u>Hospital</u>	<u>Location</u>
Black Mountain Center	Asheville
Alcoholic Rehabilitation Center	Asheville
Broughton Hospital	Morganton
Western Carolina Center	Morganton
Cape Fear Valley Medical Center	Fayetteville
Johnston Memorial Hospital	Smithfield
McCain Hospital	McCain
John Umstead Hospital	Butner
N.C. Alcoholic Rehabilitation Center	Butner
Murdoch Center	Butner
New Hanover Regional Medical Center	Wilmington
Halifax Memorial Hospital	Roanoke Rapids
Nash General Hospital	Rocky Mount
Nash Day Care	Rocky Mount

State Hospitals/Institutions Not Processed by DOC

Cherry

- Dix
- Caswell
- O'Berry

Goldsboro

UNC Hospital

Chapel Hill

Note - A study of Chase Laundry (Cherry Hospital) indicates that DOC could save DHR \$361,500 each year if operated with inmate labor by DOC. DOC would make an estimated additional profit of \$200,000 per year for an operational savings of over \$561,500 per year for the State of North Carolina.

As additional information, it should be noted that Broughton Hospital Laundry and Umstead Hospital Laundry were transferred to DOC in December 1990. All laundry employees were either hired by DOC as supervisors or transferred into other institutional staff positions with no loss of jobs. The transfers of these two laundries are currently saving the Department of Human Resources \$250,000 each year in operational costs and providing a profit of \$140,000 to Correction Enterprises.

This profit is used in part to pay a portion of the \$940,000 transferred by Correction Enterprises each year to the General Fund which offsets the need for appropriations. An additional \$865,000 is paid for incentive wages for inmates working outside of Correction Enterprises, such as cooks and other inmates assigned to prison unit duty. The balance of profits is used for working capital, equipment purchases and constructing new plants since Correction Enterprises is a self-supporting governmental entity.

# Appendix I

---

## THE NAPOLEON HILL FOUNDATION PROGRAM

- ◆ PMA
  - The acronym for a Positive Mental Attitude
- ◆ PRINCIPLES
  - The course consist of 17 principles of achievement
- ◆ INSTRUCTORS
  - Dr. Jack Early will provide 2 days of intensive training of those individuals that we would identify to be the instructors of the inmate participants. The instructors would be responsible for providing the instruction to the inmates and for the maintenance of classrooms, materials, and records.
  - The instructors will also go through the same materials and complete the same questionnaires that the students will be asked to fill out.
  - After completing the training program, the instructors would become certified instructors and receive a certificate from the Napoleon Hill Foundation.
- ◆ PARTICIPANTS
  - Inmates that can complete the course.
  - Inmates **MUST** volunteer to participate.
- ◆ THE PMA COURSE
  - The class size should have 10 students as a minimum and 30 as a maximum.
  - The length of each class should be 1 hour per day.
  - The class should meet 2 days per week.
  - This would provide completion of 2 principles per week.
  - The total length of time needed to complete the 17 principles would be in 8 weeks.

---

## THE NAPOLEON HILL FOUNDATION PROGRAM (CONTINUED)

- ♦ MATERIALS AND SUPPLIES

- Textbooks for the instructors \$ 10.00
- Instructor's manuals no charge, but must be returned to Napoleon Hill Foundation if program is stopped.
- Library of reference material(6 or 8 books) no charge
- Textbooks for students (non- consumable) \$ 10.00 per student

- ♦ OTHER COST

- 1/2 of Dr. Early's expenses while he is training the instructors for the 2 days.

APPENDIX J  
Legislative Proposal I

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 1993

S/H

D

THIS IS A DRAFT 31-DEC-92 14:11:16

Short Title: Inmate Incentive Pay

(Public)

---

Sponsors:

---

Referred to:

---

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO RAISE THE MAXIMUM DAILY WAGE PAID TO  
3 PRISONERS BY PRISON ENTERPRISES AND TO PROVIDE THAT  
4 THOSE WAGES BE PAID ON AN HOURLY OR PRODUCTION-QUOTA  
5 BASIS.  
6 The General Assembly of North Carolina enacts:  
7           Section 1. G.S. 148-18(a) reads as rewritten:  
8 "(a) Prisoners employed in prison enterprises shall be compensated at hourly  
9 rates fixed by the Department of Correction's rules and regulations, or on the  
10 basis of production quotas established by prison enterprises, for work  
11 performed; provided, that no prisoner working for prison enterprises shall be  
12 paid more than one dollar (\$1.00) three dollars (\$3.00) per day from funds  
13 made available by the Prison Enterprises Fund.  
14 Prisoners employed other than by prison enterprises and those involved in  
15 the maintenance and housekeeping of the prison system, shall be compensated  
16 at rates fixed by the Department of Correction's rules and regulations;  
17 provided, that no prisoner so paid shall receive more than one dollar (\$1.00)  
18 per day. ~~The source of wages and allowances provided inmates who are not~~  
19 ~~employed by prison enterprises shall be funds provided by the Department of~~  
20 ~~Transportation to the Department of Correction for this purpose.~~ The provisions  
21 of this subsection shall not apply to wages paid by private prison enterprises  
22 conducted pursuant to G.S. 148-70."  
23           Sec. 2. This act is effective upon ratification.

## ANALYSIS OF LEGISLATIVE PROPOSAL I

Section 1 of the bill allows inmates employed in prison enterprises to be compensated at hourly rates or at rates based on production quotas. Under current law, an inmate is compensated on a daily basis without regard to the number of hours worked or the amount of work performed.

Section 1 also raises the maximum daily wage rate for inmates employed in prison enterprises from \$1.00/day to \$3.00/day. According to prison officials, this would represent the first increase in the wage rate in seventeen years. This increase would come from the Prison Enterprises Fund, and would not require an additional appropriation.

Section 1 deletes language regarding the source of wages for inmates who are not employed by prison enterprises. This change would make the statute consistent with current practice, as all inmate wages are paid out of the Prison Enterprises Fund.

Section 2 makes the bill effective upon ratification.

APPENDIX K  
Legislative Proposal II

**GENERAL ASSEMBLY OF NORTH CAROLINA -**  
**SESSION 1993**

S/H

D

Short Title: Emergency Use of Prison Laundries.

(Public)

---

Sponsors:

---

Referred to:

---

- 1                                   A BILL TO BE ENTITLED  
2 AN ACT TO PERMIT THE USE OF THE PRISON ENTERPRISE  
3 LAUNDRY OPERATION IN EMERGENCY SITUATIONS.  
4 The General Assembly of North Carolina enacts:  
5       Section 1. G.S. 66-58(b) reads as rewritten:  
6       "(b) The provisions of subsection (a) of this section shall not apply to:  
7           (1) Counties and municipalities.  
8           (2) The Department of Human Resources or the Department of  
9           Agriculture for the sale of serums, vaccines, and other like  
10          products.  
11          (2) The Department of Human Resources, the Department of  
12          Environment, Health, and Natural Resources, or the  
13          Department of Agriculture for the sale of serums, vaccines,  
14          and other like products.  
15          (3) The Department of Administration, except that said agency  
16          shall not exceed the authority granted in the act creating the  
17          agency.  
18          (4) The State hospitals for the insane.  
19          (5) The Department of Human Resources.  
20          (6) The North Carolina School for the Blind at Raleigh.  
21          (7) The North Carolina Schools for the Deaf.  
22          (8) The Greater University of North Carolina with regard to its  
23          utilities and other services now operated by it nor to the sale  
24          of articles produced incident to the operation of instructional

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40

departments, articles incident to educational research, articles of merchandise incident to classroom work, meals, books, or to articles of merchandise not exceeding twenty-five cents (25¢) in value when sold to members of the educational staff or staff auxiliary to education or to duly enrolled students or occasionally to immediate members of the families of members of the educational staff or of duly enrolled students nor to the sale of meals or merchandise to persons attending meetings or conventions as invited guests nor to the operation by the University of North Carolina of an inn or hotel and dining and other facilities usually connected with a hotel or inn, nor to the hospital and Medical School of the University of North Carolina, nor to the Coliseum of North Carolina State College, and the other schools and colleges for higher education maintained or supported by the State, nor to the comprehensive student health services or the comprehensive student infirmaries maintained by the constituent institutions of the University of North Carolina.

- (9) The Department of Environment, Health, and Natural Resources, except that said Department shall not construct, maintain, operate or lease a hotel or tourist inn in any park over which it has jurisdiction. The North Carolina Wildlife Resources Commission may sell wildlife memorabilia as a service to members of the public interested in wildlife conservation.
- (10) Child-caring institutions or orphanages receiving State aid.
- (11) Highlands School in Macon County.
- (12) The North Carolina State Fair.
- (13) Rural electric memberships corporations.
- (13a) State Farm Operations Commission.
- (13b) The Department of Agriculture with regard to its lessees at farmers' markets operated by the Department.
- (13c) The Western North Carolina Agricultural Center.
- (14) Nothing herein contained shall be construed to prohibit the engagement in any of the activities described in subsection (a) hereof by a firm, corporation or person who or which is a lessee of space only of the State of North Carolina or any of its departments or agencies; provided such leases shall be awarded by the Department of Administration to the highest bidder, as provided by law in the case of State contracts and

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39

which lease shall be for a term of not less than one year and not more than five years.

- (15) The State Department of Correction is authorized to purchase and install automobile license tag plant equipment for the purpose of manufacturing license tags for the State and local governments and for such other purposes as the Department may direct.

The Commissioner of Motor Vehicles, or such other authority as may exercise the authority to purchase automobile license tags is hereby directed to purchase from, and to contract with, the State Department of Correction for the State automobile license tag requirements from year to year.

The price to be paid to the State Department of Correction for such tags shall be fixed and agreed upon by the Governor, the State Department of Correction, and the Motor Vehicle Commissioner, or such authority as may be authorized to purchase such supplies.

- (16) Laundry services performed by the Department of Correction may be provided only for agencies and instrumentalities of the State which are supported by State funds and for county or municipally controlled and supported hospitals presently being served by the Department of Correction, or for which services have been contracted or applied for in writing, as of May 22, 1973, 1973, or for which services are provided for six months or less and no more than a total of 6 months in any 24 month period, due to the malfunction of laundry equipment which is being repaired or replaced or due to renovations to the hospital laundry facility. In addition to the prior sentence, laundry services performed by the Department of Correction may be provided for the Governor Morehead School and the North Carolina School for the Deaf, Deaf, and for hospitals or state or local governments in response to an emergency, whether or not such emergency occurs within or without the state and whether or not the services are performed for an entity located within or without the state. The term "emergency" as used herein shall mean a situation declared by the governor of the state as an emergency in response to an unusual disruption of normal services and

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13

facilities and shall last only so long as the governor shall declare.

Such services shall be limited to wet-washing, drying and ironing of flatwear or flat goods such as towels, sheets and bedding, linens and those uniforms prescribed for wear by such institutions and further limited to only flat goods or apparel owned, distributed or controlled entirely by such institutions and shall not include processing by any dry-cleaning methods; provided, however, those garments and items presently being serviced by wet-washing, drying and ironing may in the future, at the election of the Department of Correction, be processed by a dry-cleaning method."

Sec. 2. This act is effective upon ratification.

## ANALYSIS OF LEGISLATIVE PROPOSAL II

Except as noted in G.S. 66-58, State law prohibits the sale of merchandise or services by governmental units in competition with citizens of this State. G.S. 66-58(b)(16) sets out guidelines for laundry services provided by the Department of Correction.

Section 1 of the bill amends G.S. 66-58 (b)(16) to allow prison laundries to provide services to hospitals on a limited basis in the event of a malfunction of the hospital's laundry equipment, or while a hospital laundry is under renovation. Such services are limited to no more than six months in a two-year period.

Section 1 also allows prison laundries to provide services to hospitals or state or local governments within or outside the State in the event of a declared disaster. An example noted by prison officials was the occurrence of Hurricane Hugo, which caused critical situations in both North Carolina and South Carolina.

Section 2 makes the bill effective upon ratification.

**APPENDIX L**  
**Legislative Proposal III**

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 1993**

S/H

D

THIS IS A DRAFT 31-DEC-92 14:11:18

Short Title: Inmate Pilot Program.

(Public)

---

Sponsors:

---

Referred to:

---

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH A PILOT PROGRAM DESIGNED TO  
3 REHABILITATE PRISON INMATES AND REDUCE RECIDIVISM BY  
4 UTILIZING A COURSE OF STUDY BASED ON DEVELOPING  
5 POSITIVE MENTAL ATTITUDES.  
6           Whereas, the State of North Carolina has a strong interest in  
7 maintaining discipline and order among the inmates in its prison system, and  
8 in lowering the rate of recidivism by making offenders more aware of the need  
9 to achieve goals without violating the rights of others; and  
10           Whereas, self-esteem and self-discipline are key elements in helping  
11 inmates development employable skills and positive work habits; and  
12           Whereas, other states have had highly successful programs utilizing  
13 the Napoleon Hill Foundation's PMA Science of Success course, which focuses  
14 on the development of self-esteem, self-discipline and other principles of  
15 successful living; Now, therefore,  
16 The General Assembly of North Carolina enacts:  
17           Section 1. The Division of Prisons of the Department of Correction  
18 shall undertake a pilot program to determine whether an inmate study course  
19 based on developing positive mental attitudes through self-esteem and self-

1 discipline will affect the incidence of institutional disciplinary infractions and  
2 recidivism. The pilot program shall be set up at a minimum of six sites  
3 statewide: one site shall be a female facility, two sites shall be youth facilities,  
4 and three sites shall be adult facilities. Of the three adult facilities, one site  
5 shall be close custody, one site shall be medium custody, and one site shall be  
6 minimum custody. In the discretion of the Department, an additional site at  
7 one of the new facilities may be selected at which the pilot program will be a  
8 component of a specialized program.

9           Sec. 2. The Division shall undertake the pilot program within funds  
10 available, and shall report on the implementation and operation of the pilot  
11 program to the Joint Legislative Commission on Governmental Operations and  
12 to the General Research Division and the Fiscal Research Division no later than  
13 May 1, 1994.

14           Sec. 3. The pilot program will be tracked and evaluated by the  
15 Department of Correction with an evaluation model that is consistent with  
16 existing models that show the program's impact on participants, both during  
17 incarceration and after release. The Department will file a written evaluation  
18 of the pilot program and any recommendations with the Chairmen of the  
19 Appropriations Committees of the General Assembly on or before May 1,  
20 1995.

21           Sec 4. This act is effective upon ratification and shall expire on  
22 June 30, 1995.

### ANALYSIS OF LEGISLATIVE PROPOSAL III

Section 1 requires the Department of Correction to undertake a pilot program to determine the effect of an inmate study course based on the development of positive mental attitudes. The pilot program is to be set up at a minimum of 6 sites statewide - 1 female facility, 2 youth facilities, and 3 adult male facilities (one project at each custody level).

Section 2 requires the Division of Prisons to report on the implementation and operation of the program by May 1, 1994.

Section 3 requires the Department of Correction to track and evaluate the program, and to file a written evaluation with the General Assembly's Appropriations Chairmen by May 1, 1995.

Section 4 makes the bill effective upon ratification, and establishes a sunset date of June 30, 1995.