BID PROPOSAL AND SPECIFICATIONS

INSTALLATION OF WIRE MESH PARTITIONS AT NHC DETENTION FACILITY

RFB # 17-0023

COUNTY COMMISSIONERS

BETH DAWSON, CHAIRMAN
JONATHAN BARFIELD, JR., VICE-CHAIRMAN
WOODY WHITE
SKIP WATERS
ROB ZAPPLE

CHRIS COUDRIET, COUNTY MANAGER

TABLE OF CONTENTS

		Page
Section 1	Advertisement	3
Section 2	Instruction to Bidders	4-8
Section 3	General Conditions	9-14
Section 4	Project Information/Scope of Work	15
Section 5	Bid Form	16-17
Section 6	Subchapter 14J-Jails, Local Confinement Facilities	18-121

Attachment: Draft Contract

Section 1 Advertisement

Sealed bids addressed to Lena Butler, Purchasing Supervisor, New Hanover County Finance Department, 230 Government Center Drive, Suite 165, Wilmington, NC 28403 and marked "**INSTALLATION OF WIRE MESH PARTITIONS: RFB # 17-0023"** will be accepted until **2:00 PM EST, Wednesday, August 31, 2016.**

The bids will be publicly opened and read aloud following the latest time for receipt of bids in the New Hanover County Finance Office, Suite 165, Conference Room 500, Wilmington, North Carolina.

Bids will be received for a Single Prime Contract. Bidders must be properly licensed under Chapter 87 of the North Carolina General Statues.

All prime bidders on this project must be pre-qualified in accordance with New Hanover County's Pre-qualification Ordinance in order to bid. Bids will not be accepted unless the bidder is pre-qualified. Pre-qualification applications may be obtained at the County Legal Department, 230 Government Center Drive, Suite 155, Wilmington, NC 28403 or by visiting the County's website at http://legalinsurance.nhcgov.com/contractors-approved-for-bidding/. Prequalification packages are due no later than 5:00 PM EST on August 16, 2016.

The County will conduct a Mandatory Pre-Bid Meeting and Tour of the Facility at 10:00 AM on August 11, 2016, at the New Hanover County Detention Facility, 3950 Juvenile Center Rd., Castle Hayne, NC, 28429. Email lbutler@nhcgov.com if you are planning on attending this meeting.

A Bid Bond Equal to 5% of the base bid price is required by all bidders. The successful bidder will be required to provide Performance and Payment bonds equal to one hundred percent (100%) of the contract price.

No Bid may be withdrawn sixty (60) days after bid opening date except as noted in the bidding documents.

The County reserves the right to waive any informalities, to reject any or all bids, and to accept that Bid or Bids which is in the best interest of the County.

Released: Friday, July 29, 2016

Section 2 Instructions to Bidders

2.1 Schedule

Advertisement	Friday, July 29, 2016
1st Round of Questions	August 8, 2016 by 5:00 pm EST
Pre-bid Meeting and Tour of Facility	August 11, 2016 @ 10:00 am New Hanover County Detention Facility, 3950 Juvenile Center Rd. Castle Hayne, NC, 28429
Prequalification Application Deadline	August 18, 2016 by 5:00 pm EST
Deadline for Final Questions	August 18, 2016 by 5:00 pm EST
Deadline for Receipt of Bids	August 31, 2016 @ 2:00 pm EST **(Bid opening to be held)** New Hanover County Finance Office Conference Room 500 230 Government Center Drive, Suite 165 Wilmington, NC 28403
Tentative Date for Award of Bid	September 19, 2016

2.2 Preparation of Bid

2.2.1 **Bids**: Bidders are instructed to submit their bid using the bid form provided. Discrepancies between words and numerals will be resolved in favor of words. Discrepancies between the multiplication of units of work and unit prices will be resolved in favor of the unit prices. Changes or corrections made in the bid must be initialed by the individual signing the proposal. **BIDS NOT SIGNED WILL BE DEEMED NONRESPONSIVE AND REJECTED.**

No telephone, electronic or facsimile proposals will be considered. **Bids received after the time and date for closing will be rejected.**

2.2.2 **Deviations**: New Hanover County reserves the right to allow or disallow minor deviations or technicalities should the County deem it to be in the best interest of the County. New Hanover County shall be the sole judge of what is to be considered a minor deviation or technicality.

2.3 Submission of Bid

Submit bid in a sealed envelope properly marked "**INSTALLATION OF WIRE MESH PARTITIONS: RFB # 17-0023"** and address to:

New Hanover County Finance Office
Attn: Lena Butler, Purchasing Supervisor
230 Government Center Drive, Suite 165
Wilmington, NC 28403

2.3.1 After release of the bidding documents, bidders should submit their first round of questions to lbutler@nhcgov.com no later than **5:00 pm EST August 8, 2016**. These questions will be discussed at the **Mandatory Prebid Meeting** scheduled for 10:00 am on August 11, 2016 at the **New Hanover County Detention Facility located at 3950 Juvenile Center Rd., Castle Hayne, NC, 28429. Bidders must attend this meeting in order for their bid to be accepted.**

Following the question and answer session, bidders will be taken on a tour of the facility. After the tour, any inquires, requests for interpretation, technical questions, clarification, or additional information should be sent to **Lena Butler, Purchasing Supervisor** by emailing lbutler@nhcgov.com no later than **August 18, 2016 by 5:00 pm EST**.

Questions and responses affecting the scope of the services will be provided to Bidders by issuance of an Addendum.

2.3.2 Bidders may not have communications, verbal or otherwise, concerning this RFB with any personnel or boards from New Hanover County, other than the person listed in this section. If any bidder attempts or completes any unauthorized communication, the County will reject the Bidder's bid.

2.3.3 All bidders who intend to submit a Bid on this project should send an email to lbutler@nhcgov.com including pertinent contact information. This will ensure that you receive all addenda issued for this RFB.

2.3 Cost of Preparation of Response

Costs incurred by prospective Bidders in the preparation of the response to this Request for Bids are the responsibility of the responding Bidders and will not be reimbursed by the County.

2.4 Execution of Agreement

The successful Bidder will be required to enter into a formal agreement that is consistent with the bid package outlined within. The Bidder to whom the Contract is awarded by County shall within 15 days after notice of award and receipt of Agreement forms from the County, sign and deliver to the County all required copies of said Agreement along with performance and payment bonds, insurance certificates, and all other required documents.

2.5 Deadline for Receipt of Bids

The deadline for receipt of bids is **Wednesday, August 31, 2016 at 2:00 PM EST**. Bids will be opened promptly and read aloud in the New Hanover County Conference Room 500 located at New Hanover County Finance Office, 230 Government Center Drive, Suite 165, Wilmington, NC 28403. Bidders or their authorized agents are invited to be present. Any bids received after the scheduled closing time for the receipt of bids will be rejected.

2.6 Withdrawal of Bid

A bidder submitting a bid for construction or repair work or for the purchase of apparatus, supplies, materials, or equipment may withdraw the bid from consideration after the bid opening without forfeiture of his bid security if the price bid was based upon a mistake, which constituted a substantial error, provided the bid was submitted in good faith, and the bidder submits credible evidence that the mistake was clerical in nature as opposed to a judgment error, and was actually due to an unintentional and substantial arithmetic error or an unintentional omission of a substantial quantity of work, labor, apparatus, supplies, materials, equipment, or services made directly in the compilation of the bid, which unintentional arithmetic error or unintentional omission can be clearly shown by objective evidence drawn from inspection of the original work papers, documents or materials used in the preparation of the bid sought to be withdrawn.

A request to withdraw a bid must be made in writing to the County prior to the award of the contract, but not later than 72 hours after the opening of bids. If the work or purchase is rebid, under no circumstances may the bidder who has filed a request to withdraw be permitted to rebid the work or purchase.

2.7 AUTHORIZED SIGNATURE

Please be advised that the person signing the bid must be authorized by your organization to contractually bind your firm with regard to prices and related contractual obligations for the delivery and installation period requested. **BIDS NOT SIGNED WILL BE REJECTED.**

2.8 BID BOND

A deposit equal to not less than five percent (5%) of the bid amount must accompany the bid. Bid deposits are not required for purchase contracts. The bid deposit may be in any of the following forms:
a. Cash
b. Cashier's check
c. Certified check
d. Bid bond executed by a surety licensed in North Carolina

The bid deposit shall be retained if the successful bidder fails to execute the contract within 10 days after the award or fails to give satisfactory surety as required.

2.9 SURETY BONDS

A performance bond in the amount of one hundred percent (100%) of the construction contract amount, conditioned upon the faithful performance of the contract in accordance with the plans, specifications and conditions of the contract. Such bond shall be solely for the protection of the contracting body that is constructing the project.

A payment bond in the amount of one hundred percent (100%) of the construction contract amount, conditioned upon the prompt payment for all labor or materials for which a contractor or subcontractor is liable. The payment bond shall be solely for the protection of the persons furnishing materials or performing labor for which a contractor, subcontractor, or construction manager at risk is liable.

The performance bond and the payment bond shall be executed by one or more surety companies legally authorized to do business in the State of North Carolina and shall become effective upon the awarding of the construction contract.

2.10 E-VERIFY

Pursuant to N.C.G.S 147-33.95(g), New Hanover County shall not enter into a contract unless the Bidder and each of its sub-contractors comply with the E-Verify requirements of N.C.G. S. Chapter 64, Article 2. Bidders are directed to review the foregoing laws. The successful Bidder must submit a certification of compliance with E-Verify to the County, and on a periodic basis thereafter as may be required by the County.

2.11 IRAN DIVESTMENT CERTIFICATION

This Act requires that the State, a North Carolina local government, or any other political subdivision of the State of North Carolina must not utilize any contractor or subcontractor

found on the State Treasurer's Final Divestment List. Contractor certifies that it or its subcontractors are not listed on the Final Divestment List created by the North Carolina State Treasurer pursuant to N.C.G.S. 147-85.60. The State Treasurer's Final Divestment List can be found on the State Treasurer's website at the address www.nctreasurer.com/Iran and will be updated every 180 days.

2.12 CONDITION OF AWARD

The award of any contract resulting from this bid will be made to the lowest responsible bidder, taking into consideration quality, performance and time specified in the bid for the performance of the contract. The term responsibility implies skill, judgment and integrity necessary to the faithful performance of the contract, as well as sufficient financial resources and ability.

In the event the lowest responsible, responsive bid is in excess of the funds available for the project, the County may enter into negotiations with the lowest responsible, responsive bidder and may make reasonable changes in the plans and specifications to bring the price within the funds available for the project and award the bid. If such negotiations prove to be unsuccessful, the County will re-advertise the project after making such changes in the plans and specifications as may be necessary to bring the cost of the project within the funds available. New Hanover County reserves the right to reject all bids received in response to this Request for Bids (RFB).

The Successful Bidder(s) will be a Contractor familiar with this type of work and who has the necessary equipment and personnel to perform the work within the time specified.

2.12 RIGHT TO REJECT

The COUNTY reserves the right to **reject any** or **all Bids**, waive irregularities in **any Bid** and make the award in the best interest of the COUNTY.

Section 3 General Conditions

A. GENERAL

It is understood and agreed that by submitting a bid that the Contractor has examined these contract documents, drawings and specifications and has satisfied himself relative to the Work to be performed.

B. MATERIALS, EQUIPMENT AND EMPLOYEES

The contractor shall, unless otherwise specified, supply and pay for all labor, transportation, materials, tools, apparatus, lights, power, fuel, sanitary facilities and incidentals necessary for the completion of his work, and shall install, maintain and remove all equipment of the construction, other utensils or things, and be responsible for the safe, proper and lawful construction, maintenance and use of same, and shall construct in the best and most workmanlike manner, a complete job and everything incidental thereto, as shown on the plans, stated in the specifications, or reasonably implied there from, all in accordance with the contract documents.

All materials shall be new and of quality specified, except where reclaimed material is authorized herein and approved for use. Workmanship shall at all times be of a grade accepted as the best practice of the particular trade involved, and as stipulated in written standards of recognized organizations or institutes of the respective trades except as exceeded or qualified by the specifications.

No changes shall be made in the Work except upon written approval and change order of the Designer/Owner. Change orders shall be subject to provisions in the current North Carolina Construction Manual.

Products are generally specified by ASTM or other reference standard and/or by manufacturer's name and model number or trade name. When specified only by reference standard, the Contractor may select any product meeting this standard, by any manufacturer. When several products or manufacturers are specified as being equally acceptable, the Contractor has the option of using any product and manufacturer combination listed.

However, the contractor shall be aware that the cited examples are used only to denote the quality standard of product desired and that they do not restrict bidders to a specific brand, make, manufacturer or specific name; that they are used only to set forth and convey to bidders the general style, type, character and quality of product desired; and that equivalent products will be acceptable. Substitution of materials, items or equipment of equal or equivalent design shall be submitted to the County for approval or disapproval; such approval or disapproval shall

be made by the County prior to the opening of bids.

If at any time during the construction and completion of the work covered by these documents, the conduct of any workman of the various crafts be adjudged a nuisance to the Owner or if any workman be considered detrimental to the work, the Contractor shall order such parties removed immediately from the site.

The contractor shall designate a foreman/superintendent who shall direct the work.

C. CODES, PERMITS AND INSPECTIONS

The Contractor shall obtain the required permits, if required, give all notices, and comply with all laws, ordinances, codes, rules and regulations bearing on the conduct of the work under this contract. If the Contractor observes that the drawings and specifications are at variance therewith, he shall promptly notify the Project Manager, Captain Mark Vincent at 910-798-4573 or email mvincent@nhcgov.com. If the Contractor performs any work knowing it to be contrary to such laws, ordinances, codes, rules and regulations, and without such notice to the Owner, he shall bear all cost arising there from.

All work under this contract shall conform to the current North Carolina Building Code and other state and national codes as are applicable.

D. SAFETY REQUIREMENTS

The Contractor shall be responsible for the entire site and the construction of the same and provide all the necessary protections as required by laws or ordinances governing such conditions and as required by the Owner or Designer. He shall be responsible for any damage to the Owner's property or that of others on the job, by himself, his personnel or his subcontractors, and shall make good such damages. He shall be responsible for and pay for any claims against the Owner arising from such damages.

The Contractor shall adhere to the rules, regulations and interpretations of the North Carolina Department of Labor relating to Occupational Safety and Health Standards for the Construction Industry (Title 29, Code of Federal Regulations, Part 1926 published in Volume 39, Number 122, Part 11, June 24, 1974 Federal Register), and revisions thereto as adopted by General Statutes of North Carolina 95-126 through 155.

The Contractor shall provide all necessary safety measures for the protection of all persons on the work, including the requirements of the AGC Accident Prevention Manual in Construction as amended, and shall fully comply with all state laws or regulations and North Carolina Building Code requirements to prevent accident or injury to persons on or about the location of the work. He shall clearly mark or post signs warning of hazards existing, and shall barricade

excavations and similar hazards. He shall protect against damage or injury resulting from falling materials and he shall maintain all protective devices and signs throughout the progress of the work.

E. TAXES

Federal Excise Taxes do not apply to materials entering into County work.

Federal Transportation Taxes do not apply to materials entering into State work.

North Carolina Sales Taxes and Use Tax do apply to materials entering into County, and such costs shall be included in the bid proposal and contract sum.

Local Option Sales and Use Taxes do apply to materials entering into County work as applicable and such cost shall be included in the bid proposal and contract sum.

F. ACCOUNTING PROCEDURES FOR REFUND OF COUNTY SALES & USE TAX

Pursuant to G.S. 105-164.14(c), the County is entitled to a refund of sales and/or use taxes paid by contractors on purchases of building materials, supplies, fixtures and equipment that become a part of or are annexed to any building or structure that is owned or leased by the County and is being erected, altered or repaired for use by the County.

Contractors shall provide a **"certified statement"** containing the specific required information. The certified statement must include all of the following information:
a. the date the property was purchased;
b. the type of property purchased;
c. the cost of property purchased and the amount of sales and use taxes paid thereon;
d. the project for which the property was used;
e. if the property was purchased in this State, the county to which it was delivered; and
f. if the property was not purchased in this State, the county in which the property was used.

If the contractor makes several purchases from the same vendor, the certified statement must indicate each invoice number, the inclusive dates of the invoices, the total amount each invoice, and the state and local sales and use taxes paid on the purchase.

The statement must also include the cost of any tangible personal property withdrawn from the contractor's warehouse stock and the amount of state and local sales or use tax paid by the contractor. If subcontractors are used, similar certified statements by his/her subcontractors must be obtained by the general contractor and furnished to the County.

Local sales or use taxes included in the contractor's statements must be shown separately from the State sales or use taxes.

The contractor's statements must not contain sales or use taxes paid on purchases of tangible personal property purchased by the contractor for use in performing the contract which does not annex to, affix to or in some manner become a part of the building or structure that is owned or leased by the County and is being erected, altered or repaired for use by the County.

Examples of property on which sales or use tax has been paid by the contractor and which shall not be included in the contractor's statement are scaffolding, forms for concrete, fuel for the operation of machinery and equipment, tools, equipment, equipment repair parts and equipment rentals.

A certified statement must be provided with each pay request. If there was no sales or use tax paid during the period, the contractor shall provide a "Zero" sales and use tax statement.

G. EQUAL OPPORTUNITY

The non-discrimination clause contained in Section 202 (Federal) Executive Order 11246, as amended by Executive Order 11375, relative to Equal Employment Opportunity for all persons without regard to race, color, religion, sex or national origin, and the implementing rules and regulations prescribed by the Secretary of Labor, are incorporated herein.
The Contractors agree not to discriminate against any employees or applicant for employment because of physical or mental handicap in regard to any position for which the employees or applicant is qualified. The Contractor agrees to take affirmative action to employ, advance in employment and otherwise treat qualified handicapped individuals without discrimination based upon their physical or mental handicap in all employment practices.

H. MINORITY PARTICIPATION

The bidder will make good faith efforts to subcontract with individuals who are minorities to include women, Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, and Asian-Indian Americans. Bidders should submit along with the bid information concerning minority business enterprises that they have contacted and those which will participate in the contract. The information will include:

1. Name, address, phone number, and email address of each minority firm
2. Description of the work to be performed by each minority firm named
3. Dollar value of the work to be performed by each firm names

I. INSURANCE

Before commencing any work or services, Contractor shall procure insurance in Contractor's name and maintain all insurance policies for the duration of the Contract of the types and in the amounts listed in the contract attached to this Request for Bids. The insurance shall provide coverage against claims for injuries to persons or damages to property which may arise from operations or in connection with the performance of the work hereunder by Contractor, its agents, representatives, employees, or subcontractors, whether such operations by itself or anyone directly or indirectly employed by it.

J. INVOICES FOR PAYMENT

Payment will be made within thirty (30) days after acceptance of the work and receipt of invoice.

Invoices should be sent to:

New Hanover County Sheriff's Office
Attn: Captain Mark Vincent
3950 Juvenile Center Rd.
Castle Hayne, NC, 28429

K. CLEANING UP

The Contractor shall keep the sites and surrounding area reasonably free from rubbish at all times and shall remove debris from the site from time to time or when directed to do so by the Owner. Before final inspection and acceptance of the project, the Contractor shall thoroughly clean the sites, and completely prepare the project and site for use by the Owner.

L. GUARANTEE

The contractor shall unconditionally guarantee materials and workmanship against patent defects arising from faulty materials, faulty workmanship or negligence for a period of twelve (12) months following the final acceptance of the work and shall replace such defective materials or workmanship without cost to the owner.

Where items of equipment or material carry a manufacturer's warranty for any period in excess of twelve (12) months, then the manufacturer's warranty shall apply for that particular piece of equipment or material. The contractor shall replace such defective equipment or materials, without cost to the owner, within the manufacturer's warranty period.

Additionally, the owner may bring an action for latent defects caused by the negligence of the contractor, which is hidden or not readily apparent to the owner at the time of beneficial occupancy or final acceptance, whichever occurred first, in accordance with applicable law.

Guarantees for roofing workmanship and materials shall be stipulated in the specifications sections governing such roof, equipment, materials, or supplies.

M. CONTRACTOR-SUBCONTRACTOR RELATIONSHIPS

The Contractor agrees that the terms of these contract documents shall apply equally to subcontractor as to the Contractor, and that the subcontractor is bound by those terms as an employee of the Contractor.

N. RESPONSIBILITY OF COMPLIANCE WITH LEGAL REQUIREMENTS

The Bidder's products, service, and facilities shall be in full compliance with any and all applicable state, federal, local, environmental and safety laws, regulations, ordinances, and standard or any standards adopted by national recognized testing facilities regardless of whether or not they are referred to in the bid documents.

Failure to comply with these provisions or any other provisions of the NC General Statutes and 10A-NCAC (Jail Code) will result in rejection of bid.

Section 4 Project Information/Scope of Work

Bidder will repair, furnish and install security partitions to include field check of dimensions and conditions at the County's Detention Facility. Work is to be performed during normal working hours and New Hanover County will provide onsite storage at no cost to the successful bidder. Bidder will be responsible for removal and disposal of debris.

Phase I: New Construction Housing Units H, J, K, R
Phase II: Maintenance and Repair Housing Units L, M, N, Q, S, T, and U

Security partitions must meet the following minimum requirements:

- Panels should be constructed of extruded aluminum
- Enamel coated (Color to be determined by owner)
- Frame for partitions 1 ¾" X 1 ¾' X ¼" aluminum Angle
- Column Supports: 2" square X 3/16" thick wall steel tube
- Security screws

Special Conditions:

- Materials constructed shall be compliant with General Statutes of North Carolina to include regulations regarding: *Jails, Local Confinement Facilities* 10A NCAC 14J
- Special tools to install or remove the partitions must be turned over to the New Hanover County Property Management Division upon completion of the installation.
- Turnkey Installation – the vendor shall be responsible for design, construction, installation, painting, and debris removal associated with the security wire mesh partitions.
- The vendor will provide a 3D diagram of the wire mesh partition and a narrative description of the installation process.
- Time line of work to be completed.
- Construction shall be tamper resistant –designed to prevent damage, destruction or interference by inmates

The bidder awarded the contract shall provide:

- Three sets of schematic drawings and outline specifications;
- Three sets of preliminary working drawings or design development drawings and outline specifications;
- Three sets of completed final drawings and specifications 10 A-NCAC 14J – 1203 Compliance Review and Approval.
-

Note: Estimated approval time for plans by state regulators is **30 days**

Section 5 Bid Form

Deadline for Receipt of Bids: 2:00 P.M. EST, AUGUST 31, 2016

I certify that this bid is made without prior understanding, agreement or connection with any corporation firm, or person submitting a bid for the same services and is in all respects fair and without collusion or fraud. I understand collusive bidding is a violation of state and federal law and can result in fines, prison sentences, and civil damage awards. I agree to abide by all conditions of this bid and certify that I am authorized to sign this bid for the bidder.

New Construction Units H,J,K,R	Phase 1
Cost of materials, supplies, and equipment	
Installation Cost	
Other Costs: (Please provide details)	
Total Cost of New Construction	

Maintenance and Repair Units L,M,N,Q,S,T,U	Phase 2
Cost of materials, supplies, and equipment	
Installation Cost	
Other Costs: (Please provide details)	
Total Cost of Maintenance/Repair of Existing Fencing	

Total Cost of Phase 1 and Phase 2 $_____

Please attach to bid proposal:

- Detailed specifications and literature that describes your product.
- Product Warranty (defects, workmanship)
- Certificate of Insurance showing limits
- Any exceptions to the bid request.

Pricing is Firm Fixed Pricing (FFP) and shall remain in effect for _____.

Bidder Information
Please check as appropriate and complete the items below.

The Bidder is:

☐	An Individual
☐	A Partnership between: _____.
☐	A Joint Venture consisting of _____.
☐	A corporation organized under the laws of the State of _____.

BY *(signature of authorized representative)*:	
NAME AND TITLE:	
COMPANY:	
ADDRESS:	
TELEPHONE:	
FAX:	
EMAIL:	

Section 6 Subchapter 14J – Jails, Local Confinement Facilities

10A NCAC 14J .0101 DEFINITIONS

The following definitions shall apply in 10A NCAC 14J .0101 through .1300:

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

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

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

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

(5) "Cell" is any confinement unit except a dormitory.

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

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

(8) "Confinement unit" is a single segregation cell, a single cell, a multiple occupancy cell or a dormitory.

(9) "Contraband" is any item that a person is not authorized to possess in the jail because it is a violation of law or a violation of rules.

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

(11) "Department", unless otherwise specified, is the North Carolina Department of Health and Human Services.

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

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

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

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

(16) "Governing body" refers to the governing body of a county or the policy-making body for a district confinement facility.

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

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

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

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

(21) "Inmate processing area" is a secure area through which inmates enter and exit, and it may be combined with the booking area.

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

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

(24) "Jail annex" is a building or a designated portion of a building designed, staffed and used primarily to house inmates who do not present reasonably identifiable security risks.
(25) "Medical record" is a record of medical problems, examinations, diagnoses and treatments.
(26) "Multiple occupancy cell" is a cell designed to house up to four inmates.
(27) "Officer" is a person, whether sworn or unsworn, who is involved in the supervision, control, or custody of inmates.
(28) "Operations manual" is a set of written policies and procedures for the operation of a jail in compliance with state and federal law and the minimum standards for the operation of jails.
(29) "Qualified medical personnel" are persons who provide medical services to inmates and who are licensed, certified, registered, or approved, in accordance with state law. It includes persons who provide limited medical services under supervision as permitted by law.
(30) "Registered dietitian" is a specialist in the field of nutrition, dietetics and food system management who maintains current registration with the Commission on Dietetic Registration of the American Dietetic Association.
(31) "Repair" is reconstruction or renewal of any part of an existing building for the purpose of its maintenance.
(32) "Residential" is a Building Code occupancy classification used for buildings which provide sleeping accommodations for the occupants and in which the egress doors are unlocked at all times thereby providing free movement to the building exterior from occupied areas.
(33) "Sally port" is an enclosed entry and exit area used either for vehicular or pedestrian traffic with gates or doors at both ends, only one of which opens at a time.
(34) "Satellite jail/work release unit" is a unit as defined in G.S. 153A-230.1.
(35) "Secretary", unless otherwise specified, is the Secretary of the Department of Health and Human Services.
(36) "Security perimeter" is the outer portion of a jail that provides for the secure confinement of inmates and that prevents the entry of unauthorized persons or contraband.
(37) "Security vestibule" is a defined space that provides security by using two or more doors, with each door able to operate independently, and that permits an officer to observe those who pass through the space.
(38) "Single cell" is a cell designed to house one inmate.
(39) "Single segregation cell" is a cell designed to house one inmate who has been removed from the general inmate population for administrative segregation, disciplinary segregation, or protective custody.
(40) "Tamper resistant" means designed to prevent damage, destruction or interference by inmates.
(41) "View panel" is a transparent panel.
(42) "Visitation area" is a designated area where inmates are permitted to receive visitors according to the policies and procedures that govern visitation.
(43) "Work release" refers to the release of a convicted inmate for employment in the community, returning to custody during nonworking hours.

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

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

The operations and enforcement standards established in Section .0100 through .1100 and Section .1300 shall apply to all jails.

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

10A NCAC 14J .0103 APPLICABILITY - CONSTRUCTION

(a) North Carolina State Building Code - Jails must meet the requirements of the North Carolina State Building Code in effect at the time of construction, additions, alterations or repairs.
(b) New Jails - The construction standards established in Section .1200 shall apply to all jail construction for which the final working drawings are approved by the Section after the effective date of this Rule.
(c) Existing Jails - Existing jails shall continue to be governed by the existing construction standards which are now in Section .1500, and the same standards shall apply to new jails which have had final working drawings approved by the Section prior to the effective date of this Rule. Existing jails or new jails which have had final working drawings approved by the Section prior to the effective date of this Rule may choose to comply with any of the new construction standards in Section .1200 as a substitute for existing standards on the same subject in Section .3700.
(d) Additions - The construction standards established in Section .1200 shall apply to any construction that adds square footage to the building and for which the final working drawings are approved after the effective date of this Rule.
(e) Alterations or Repairs - When alterations or repairs are made to an existing jail building which affect its structural strength, exits, fire hazards, electrical systems, mechanical systems, or sanitary conditions, such alterations or repairs shall comply with the standards for new construction established in Section .1200. Unaltered portions of the building shall only be required to comply with the new construction standards indicated in Section .1200 under the circumstances specified in Paragraphs (f)-(h) of this Rule.
(f) Extensive Annual Alterations or Repairs - If, within any 12 month period, alterations or repairs costing in excess of 50 percent of the then physical value of the building are made to an existing jail, the entire jail shall conform to the construction standards for new jails established in Section .1200.
(g) Reconstruction After Damage - If an existing jail is damaged by fire or otherwise in excess of 50 percent of the then physical value of the building at the time of damage, the jail shall be reconstructed in conformance with the construction standards for new jails established in Section .1200.
(h) Physical Value - For the purpose of this Rule, the physical value of the jail building shall be determined by the local building inspection department.

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

SECTION .0200 - OPERATIONS MANUAL FOR JAILS

10A NCAC 14J .0201 REQUIREMENT FOR OPERATIONS MANUAL

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

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

10A NCAC 14J .0202 PURPOSE OF OPERATIONS MANUAL

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

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

10A NCAC 14J .0203 CONTENTS OF OPERATIONS MANUAL

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

(1) administration and management;
(2) admissions, transportation and release;
(3) classification;
(4) security and supervision;
(5) inmate rules and discipline;
(6) management of special inmates;
(7) legal rights of inmates;
(8) health, mental health, mental retardation and substance abuse services;
(9) food services;
(10) program services;
(11) work release;
(12) opportunities for exercise;
(13) access to legal assistance or legal materials;
(14) grievance procedures;
(15) visitation and mail policies;
(16) religious activities;
(17) sanitation;
(18) emergency plans.

(b) The most recent editions of the following references are available as guides for developing policies and procedures:
(1) Appalachian State University, Model Policies and Procedures Manual for North Carolina Jails;
(2) American Correctional Association, Standards for Adult Local Detention Facilities;
(3) American Correctional Association, Standards for Small Jails;
(4) National Commission on Correctional Health Care, Standards for Health Services in Jails.

These references shall be available for inspection or loan from the Section. Consultation and technical assistance shall be available from the Section. The Section can also provide information regarding outside agencies with additional resources for developing policies and procedures.

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

10A NCAC 14J .0204 REVIEW OF MANUAL

The operations manual shall be reviewed and updated at least once each year by the sheriff or the administrator of a regional jail.

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

SECTION .0300 - CLASSIFICATION AND HOUSING

10A NCAC 14J .0301 CLASSIFICATION SYSTEM

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

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

10A NCAC 14J .0302 FEMALE INMATES

Male and female inmates shall not be placed in the same confinement unit, dayroom or other living area and, in addition, female inmates shall be housed out of sight of male inmates.

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

10A NCAC 14J .0303 CONFINEMENT OF MALES UNDER 18 YEARS OF AGE
Male inmates under 18 years of age shall be confined in separate cells from adult inmates during sleeping hours.

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

10A NCAC 14J .0304 CONFINEMENT OF JUVENILES UNDER AGE 16
Any juvenile under age 16 who is transferred to superior court for trial as an adult and who is ordered held in the jail pursuant to G.S. 7A-611 shall be confined in a holdover facility where the juvenile cannot converse with, see, or be seen by the adult inmates.

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

10A NCAC 14J .0305 DISCRIMINATION IN HOUSING ASSIGNMENTS
Housing assignments shall not be made on the basis of race, color, creed, national origin, or political belief.

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

SECTION .0400 - FIRE SAFETY

10A NCAC 14J .0401 EXITS
Each jail shall have readily accessible emergency exits in compliance with the North Carolina State Building Code in order to permit the prompt evacuation of inmates and staff during an emergency. Egress doors in jails which are classified as "Residential Occupancy" by the North Carolina State Building Code shall remain unlocked at all times thereby permitting free movement to the building exterior from occupied areas.

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

10A NCAC 14J .0402 FIRE EQUIPMENT
Each jail shall provide the following emergency fire equipment:

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

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

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

10A NCAC 14J .0403 FIRE PLAN

(a) Each jail shall have a written plan for the evacuation and control of inmates in the event of a fire. The plan shall include at least quarterly fire drills, and records shall be made of the fire drills and retained. The actual movement of inmates to other areas or outside the building is not required.
(b) Evacuation routes shall be posted or otherwise clearly marked throughout the jail.
(c) The sheriff or the regional jail administrator shall request in writing that the local fire department or fire marshall inspect the jail and review the fire plan at least once each year.

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

10A NCAC 14J .0404 MATTRESSES

Mattresses shall be of fire resistive and nontoxic construction.

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

10A NCAC 14J .0405 KEYS

Each jail that is required to meet the "Institutional Occupancy - Restrained" requirements of the North Carolina State Building Code shall have a key control system that includes the following elements:

(1) a key control center that is secure and inaccessible to unauthorized persons at all times;
(2) a set of duplicate keys to be stored in a safe place that is inaccessible to unauthorized persons at all times;
(3) an accounting procedure for issuing and returning keys; and
(4) a system of keys and matching locks that are color-coded and marked for identification by touch.

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

SECTION .0500 - SECURITY

10A NCAC 14J .0501 GENERAL SECURITY REQUIREMENTS

Each jail shall meet the following security requirements:

(1) provide for the secure confinement of inmates from the time of their passage through the security perimeter until release;
(2) provide for the locked storage of firearms before persons enter the security perimeter;
(3) prevent the passage of contraband;
(4) prevent unauthorized contact between inmates and persons from outside the jail;
(5) provide a ground-level perimeter exterior that is well lighted; and
(6) provide a communications link with outside agencies for use in emergencies.

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

SECTION .0600 - SUPERVISION

10A NCAC 14J .0601 SUPERVISION

(a) Officers shall make supervision rounds and directly observe each inmate in person at least twice per hour on an irregular basis. The supervision rounds shall be documented. If remote electronic monitoring is used to supplement supervision, it shall not be substituted for supervision rounds and direct visual observation.

(b) In addition to the supervision rounds required in Paragraphs (a) and (c) of this Rule, each jail shall utilize one or both of the following methods of supervision:

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

(2) Visual contact either through direct observation or by means of electronic surveillance with all confinement units.

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

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

(2) being verbally abusive; or

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

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

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

In addition to displayed behavior, a previous record of a suicide attempt or a previous record of mental illness shall warrant observation at least four times per hour.

(d) Officers shall remain awake at all times.

(e) Officers shall not be assigned other duties that would interfere with the continuous supervision, custody or control of inmates.

(f) Female officers shall be on duty when female inmates are confined.

(g) The sheriff or the administrator of the regional jail shall develop a contingency plan for the supervision and control of inmates during an emergency, and that plan shall provide for the ready availability of extra personnel.

(h) Inmates shall not be allowed to supervise or assume any control over other inmates.

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

SECTION .0700 - SANITATION AND PERSONAL HYGIENE

10A NCAC 14J .0701 SANITATION

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

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

10A NCAC 14J .0702 MATTRESSES AND BEDDING

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

(1) Mattresses shall comply with Commission for Public Health rules on sanitation, Title 15A Chapter 18B .0201 - .0215 and G.S. Chapter 130A-273 which are adopted by reference pursuant to G.S. 150B-14(c).

(2) Mattresses shall not be less than four inches thick and shall be the same length and width as the jail bunks.
(3) Mattresses shall not have any metal, plastic, or other rigid framing component.
(4) Mattress ticking shall be durable and water repellent.

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

10A NCAC 14J .0703 SHAVING
Each inmate detained over 24 hours shall be provided with individual shaving supplies, except when security considerations dictate otherwise, and inmates shall not be allowed to share razors.

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

10A NCAC 14J .0704 SHOWERS AND TOILETS
Inmates shall have access to showers a minimum of three times per week. Inmates on work release shall have daily access to showers. Bath towels and soap shall be provided. Inmates shall have unrestricted access to toilets while confined.

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

10A NCAC 14J .0705 PERSONAL HYGIENE ITEMS
Every inmate detained over 24 hours shall be issued without charge the following items as appropriate:
(1) Toothbrush;
(2) Toothpaste or powder;
(3) Comb; and
(4) Feminine hygiene products.
After a newly admitted inmate has exhausted his or her initial supply of personal hygiene items, each jail shall make the listed items available either for purchase or without charge.

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

SECTION .0800 - COMMISSARY OR CANTEEN SERVICES

10A NCAC 14J .0801 AVAILABILITY OF SERVICES
Each jail shall make commissary or canteen items, including snacks and personal care products, available for purchase by inmates. The items shall be available either directly from officers or through contract vending. The price of these items shall be no higher than local retail prices. Snacks and personal care products do not have to be made available for purchase if they are provided without charge.

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

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

SECTION .0900 - FOOD

10A NCAC 14J .0901 FOOD SERVICE

(a) In jails that purchase meals from an outside provider, a written contract shall require the provider to meet the applicable standards in this Section.
(b) Inmates who assist with the preparation or service of any meal shall be supervised at all times.

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

10A NCAC 14J .0902 MEAL SERVICE

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

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

10A NCAC 14J .0903 FOOD AND NUTRIENT REQUIREMENTS

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

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

10A NCAC 14J .0904 MENUS

(a) Menus shall be prepared in consultation with a registered dietitian.
(b) Menus shall be written and portion sizes shall be specified.
(c) Menus shall be dated and posted one week in advance.
(d) Menus shall be served as written to inmates in the jail. Any necessary substitutions shall be of comparable nutritional value, and a written record of substitutions shall be kept.
(e) The same menu shall not be served at lunch and dinner on the same day.
(f) Dated menus and records of any substitutions shall be retained for three years.

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

10A NCAC 14J .0905 MODIFIED DIETS

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

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

SECTION .1000 - HEALTH CARE OF INMATES AND EXERCISE

10A NCAC 14J .1001 MEDICAL PLAN

(a) A written medical plan shall be developed in compliance with G.S. 153A-225 and it shall be available for ready reference by jail personnel. The medical plan shall include a description of the health services available to inmates.
(b) The written plan shall include policies and procedures that address the following areas:
(1) Health screening of inmates upon admission;
(2) Handling routine medical care;
(3) The handling of inmates with chronic illnesses or known communicable diseases or conditions;
(4) Administration, dispensing and control of prescription and non-prescription medications;
(5) Handling emergency medical problems, including but not limited to emergencies involving dental care, chemical dependency, pregnancy and mental health;
(6) Maintenance and confidentiality of medical records; and
(7) Privacy during medical examinations and conferences with qualified medical personnel.
(c) Inmates must be provided an opportunity each day to communicate their health complaints to a health professional or to an officer. Qualified medical personnel shall be available to evaluate the medical needs of inmates. A written record shall be maintained of the request for medical care and the action taken.
(d) Inmates shall not perform any medical functions in the jail.
(e) The medical plan shall be reviewed annually.

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

10A NCAC 14J .1002 HEALTH SCREENING FORM

The health screening form completed upon admission by an officer shall be available to jail officers, and a copy of the form shall be kept in any medical file that is maintained for inmates. The form shall be reviewed for the presence of confidential information which can not be made available to jail officers.

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

10A NCAC 14J .1003 MEDICAL ISOLATION

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

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

10A NCAC 14J .1004 EXERCISE

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

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

SECTION .1100 - REPORTS

10A NCAC 14J .1101 MONTHLY REPORT FOR JAILS

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

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

10A NCAC 14J .1102 REPORT OF DEATH

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

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

Amended Eff. June 1, 1993;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

SECTION .1200 - STANDARDS FOR NEW JAIL DESIGN AND CONSTRUCTION

10A NCAC 14J .1201 APPLICABILITY - CONSTRUCTION

(a) North Carolina State Building Code - Jails must meet the requirements of the North Carolina State Building Code in effect at the time of construction, additions, alterations or repairs.
(b) New Jails - The construction standards established in Section .1200 shall apply to all jail construction for which the final working drawings have been approved by the Branch after the effective date of this Rule. The operational standards in Sections .0100 through .1000 of this Subchapter will affect design options and shall be reviewed prior to submittal of working drawings.
(c) Existing Jails - Existing jails shall continue to be governed by the existing construction standards which are now in Section .1500 and the same standards shall apply to new jails which have had final working drawings approved by the Section prior to the effective date of this Rule. Existing jails or new jails which have had final working drawings approved by the Section prior to the effective date of this Rule may choose to comply with any of the new construction standards in Section .1200 as a substitute for existing standards on the same subject in Section .1500.
(d) Additions - The construction standards established in Section .1200 shall apply to any construction that adds square footage to the building and for which the final working drawings are approved after the effective date of this Rule.
(e) Alterations or Repairs - When alterations or repairs are made to an existing jail building such alterations or repairs shall comply with the standards for new construction established in Section .1200. Unaltered portions of the building shall be required to comply with the new construction standards indicated in Section .1200 only under the circumstances specified in Paragraphs (f)-(h) of this Rule.
(f) Extensive Annual Alterations or Repairs - If, within any 12 month period, alterations or repairs costing in excess of 50 percent of the then physical value of the building are made to an existing jail, the entire jail shall conform to the construction standards for new jails established in Section .1200.
(g) Reconstruction After Damage - If an existing jail is damaged by fire or otherwise in excess of 50 percent of the then physical value of the building at the time of damage, the jail shall be reconstructed in conformance with the construction standards for new jails established in Section .1200.
(h) Physical Value - For the purpose of this Rule, the physical value of the jail building shall be determined by the local building inspection department.

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

10A NCAC 14J .1202 CONSULTATION AND TECHNICAL ASSISTANCE

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

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

10A NCAC 14J .1203 COMPLIANCE REVIEW AND APPROVAL

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

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

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

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

10A NCAC 14J .1204 SPECIFIC CONSTRUCTION REQUIREMENTS

(a) Jails that restrain inmates under lock and key within a building shall meet the requirements of the North Carolina State Building Code for "Institutional Occupancy - Restrained" and the additional security requirements imposed by Rule .1220.

(b) Jails that do not restrain inmates within a building by lock and key shall meet the requirements of the North Carolina State Building Code for "Residential Occupancy".

(c) The construction materials in all jails shall be sufficient to provide the degree of security required for the area in which they are used.

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

10A NCAC 14J .1205 RESERVED FOR FUTURE CODIFICATION

10A NCAC 14J .1206 ELEVATORS

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

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

10A NCAC 14J .1207 INMATE PROCESSING AREA

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

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

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

10A NCAC 14J .1208 VISITATION AREAS

(a) Each jail shall provide an area for visitation.

(b) If provided, noncontact visitation areas shall:

(1) provide seating for the inmate and visitors;

(2) provide a view panel with minimum dimensions of 1' x 1' between the inmate and visitors;

(3) provide a telephone communication system or equivalent audio link between the inmate and visitors;

(4) permit visual and auditory observation by officers; and

(5) prevent the passage of contraband.

(c) If provided, contact visitation areas shall:

(1) provide seating for the inmate and visitors; and

(2) permit visual and auditory observation by officers.

(d) Confidential attorney visitation areas shall:

(1) permit contact between the inmate and attorney;

(2) be separate and distinct from the general visitation area;

(3) provide seating and a writing table for the inmate and attorney;

(4) permit only visual monitoring by the officers;

(5) provide a way for the attorney to contact officers if needed; and

(6) provide a minimum of 30 footcandles of artificial light.

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

10A NCAC 14J .1209 MEDICAL AREA

(a) Each jail shall have a medical area that provides the following:

(1) a door that may be locked;

(2) locked storage for equipment, supplies, medications and medical records;

(3) an examination table and a handicapped-accessible sink, toilet and shower;

(4) a work station for the doctor and nurse;

(5) a telephone; and

(6) direct voice contact with officers.

(b) If a county or a region has more than one jail, it shall be required to provide only one medical area if that area meets the medical needs of the inmates in all of the jails.

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

10A NCAC 14J .1210 OTHER AREAS

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

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

(c) Each jail shall have an area or areas specifically designated for physical exercise.

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

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

(f) Each jail shall provide adequate secure storage for those inmates who are placed on work release.

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

10A NCAC 14J .1211 ADMINISTRATIVE FACILITIES

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

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

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

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

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

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

10A NCAC 14J .1213 SHOWERS AND PLUMBING FIXTURES

(a) Each jail shall provide at least one shower for every eight inmates.
(b) Showers shall have drains that prevent water from draining outside the shower, and the shower fixtures and drains shall be tamper-resistant if necessary for security.
(c) Plumbing fixtures shall be made of stainless steel or other materials as necessary for security.
(d) Drinking fountains shall be equipped with mouth guards.
(e) All privacy partitions in showers and bathrooms shall be high enough to allow limited privacy for the inmates while still allowing adequate supervision by officers.

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

10A NCAC 14J .1214 WINDOWS AND GLAZING

(a) Windows and window framing, including glazing, shall be made of materials necessary to provide the degree of security required for the area in which they are used.
(b) Glazing shall be diffused or obscured if it affords a view into confinement units from outside the jail.
(c) View panels shall be made of materials necessary to provide the degree of security required for the area in which they are used, and those used for confinement units shall have an area that permits observation of the entire unit.
(d) Natural light shall be admitted into all confinement units either directly or indirectly.

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

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

(a) Doors, locks and detention hardware shall be made of materials necessary to provide the degree of security required for the area in which they are used.

(b) Doors to all confinement units shall have view panels.

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

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

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

(f) Bunks shall have dimensions necessary to accommodate a standard detention mattress and they shall be securely anchored at least 15 inches above the floor. When one bunk is placed above another, the lower bunk shall be approximately 15 inches and the upper bunk approximately 50 inches above the floor.

(g) Doors, locks, detention hardware and bunks shall be designed to inhibit their use for an attempted suicide.

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

10A NCAC 14J .1216 SAFETY EQUIPMENT

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

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

10A NCAC 14J .1217 MECHANICAL SYSTEMS

(a) Each jail shall have heating, ventilation, and air conditioning systems that are capable of maintaining temperatures in confinement units at not less than 68 degrees Fahrenheit during the heating season and not more than 85 degrees Fahrenheit during the cooling season.

(b) The master controls for the system shall be located outside the confinement units and shall be accessible to officers during an emergency.

(c) The ducts for the systems shall be designed to prevent the escape of inmates and the passage of contraband, and they shall be designed to inhibit their use for attempted suicide.

(d) The ventilation system shall provide a minimum of ten cubic feet per minute of fresh or purified air for each inmate.

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

10A NCAC 14J .1218 PLUMBING SYSTEMS

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

Plumbing Code (Volume II of the North Carolina State Building Code) can be obtained for twenty-five dollars ($25.00) from the North Carolina Department of Insurance, Post Office Box 26387, Raleigh, North Carolina 27611.
(b) Each jail shall have a hot water supply for lavatories and showers designed to meet the usual needs of the number of inmates confined in the jail.
(c) The master control valves for the plumbing system shall be located outside the confinement units and shall be accessible to officers during an emergency.

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

10A NCAC 14J .1219 ELECTRICAL SYSTEMS
(a) Each jail shall have an electrical system that provides artificial lighting in the confinement units of at least 30 footcandles and that can be reduced during sleeping hours.
(b) Artificial lighting in the corridors shall be at least 20 footcandles.
(c) Lighting fixtures shall be made of materials necessary to provide the degree of security required for the area in which they are used.
(d) Each jail shall provide electrical and antenna or cable connections for a television in its dayroom areas.
(e) The master controls and circuit breakers shall be located outside the confinement units and shall be accessible to officers during an emergency.
(f) Each jail shall have an auxiliary emergency power supply for each electrical system.

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

10A NCAC 14J .1220 ADDITIONAL SECURITY REQ/ "INSTITUTIONAL OCCUPANCY-RESTRAINED" JAILS
Each jail that is required to meet the "Institutional Occupancy - Restrained" requirements of the North Carolina State Building Code shall also meet the following security requirements:
(1) Each jail shall have a separate entrance for inmates, and all entrances to the jail shall be controlled and visually and audibly monitored.
(2) Each jail shall have security perimeter walls that are provided with a separate and complete security vestibule, sally port, security window, security door, or other security device at each wall opening.
(3) Clothing or towel hooks shall not be used.

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

10A NCAC 14J .1221 CONFINEMENT UNITS
The governing body shall decide what confinement unit or combination of confinement units it will include in its jail: single segregation cells, single cells, multiple occupancy cells, or dormitories provided each county or region has the means to protect or isolate an inmate, when necessary, in a cell with a toilet, a sink, a drinking fountain and a security mirror.

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

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

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

Each single cell used for segregation shall have:

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

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

10A NCAC 14J .1223 STANDARDS FOR SINGLE CELLS

Each single cell shall have:

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

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

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

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

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

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

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

10A NCAC 14J .1225 STANDARDS FOR DAYROOMS

Each dayroom shall have:

(1) a separate and complete security vestibule at its entrance;
(2) a minimum floor space of 105 square feet or 35 square feet per inmate, whichever is greater;
(3) sufficient seating for the capacity of the unit;

(4) sufficient table space for the capacity of the unit unless each inmate has unrestricted access to a cell with a table and chair, in which case the dayroom shall have sufficient table space for 70 percent of the capacity of the unit;
(5) a telephone jack or other telephone arrangement provided within the dayroom;
(6) a way for officers to observe the entire area; and
(7) one toilet per eight inmates unless the inmates have unrestricted access to a cell with a toilet, sink, drinking fountain and security mirror.

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

10A NCAC 14J .1226 STANDARDS FOR DORMITORIES

Each dormitory shall house no more than 40 inmates and shall have:
(1) a minimum floor space of 70 square feet per inmate including both the sleeping and dayroom area;
(2) one shower per eight inmates, one toilet per eight inmates, one sink with a security mirror per eight inmates, and one water fountain;
(3) a telephone jack or other telephone arrangement provided within the dormitory;
(4) space designed to allow a variety of activities;
(5) sufficient seating and tables for all inmates; and
(6) a way for officers to observe the entire area from the entrance.

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

SECTION .1300 - INSPECTION AND ENFORCEMENT OF MINIMUM STANDARDS

10A NCAC 14J .1301 INSPECTIONS

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

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

10A NCAC 14J .1302 REPORT OF INSPECTION

(a) The procedures contained in G.S. 153A-222 shall govern all inspections except those that find noncompliance with one or more of the provisions listed in Paragraph (b) of this Rule.
(b) The inspector shall forward a copy of the inspection report to the Secretary within ten days after the inspection if there are findings of noncompliance with any of the following standards contained in 10A NCAC 14J or the following statutes:
(1) Classification; Section .0300;
(2) Fire Safety; Section .0400;
(3) Supervision; Section .0600;
(4) Sanitation and Personal Hygiene; Section .0700;
(5) Food; Section .0900;
(6) Medical Care of Inmates; Section .1000;
(7) G.S. 153A-224, Supervision of Jails; or

(8) G.S. 153A-226(b), Disapproval for Public Health Purposes.

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

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

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

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

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

(b) The Secretary may determine that noncompliance with any of the provisions listed in 10A NCAC 14 .1302(b) jeopardizes the safe custody, safety, health or welfare of inmates confined in the jail.

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

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

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

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

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

10A NCAC 14J .1304 AGREEMENT OF CORRECTION

(a) Before ordering corrective action or ordering the jail closed, the Secretary may direct the governing body to enter into an agreement of correction. If the Secretary chooses this option, he shall require the governing body to enter into a

written agreement within 30 days after it receives notice that conditions in the jail jeopardize the safe custody, safety, health or welfare of the inmates.
(b) The agreement of correction at a minimum shall indicate the specific areas of noncompliance with the standards or statutes, the governing body's intent to remedy noncompliance, a plan for remedying the noncompliance, a definite and reasonable number of days within which the jail will be brought into compliance, and a schedule of inspections to monitor compliance.
(c) The agreement of correction may be extended once for a period not to exceed 60 days if the time period in the initial agreement expires before the jail is brought into compliance, but only if the governing body is making a good faith effort to achieve compliance.
(d) If the jail is not brought into compliance within the time period required by Paragraph (c) of this Rule, the Secretary shall order corrective action or order the jail closed.

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

10A NCAC 14J .1305 ORDER OF CORRECTIVE ACTION OR ORDER OF CLOSURE
If the Secretary determines that an agreement of correction is not appropriate, or if he determines that a jail is not brought into compliance within the time period required by an agreement of correction, the Secretary shall order corrective action or order the jail closed. Notice of the action taken shall be given to local officials responsible for the jail as provided by G.S. 153A-223(1). Local officials may contest the Secretary's order according to the procedures outlined in G.S. 153A-223.

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

10A NCAC 14J .1306 DESIGNATION BY SECRETARY
The Secretary may designate a person to act for him with respect to matters covered by this Section. The designation shall be in writing and it shall be on file with the Section.

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

SECTION .1400 - SATELLITE JAIL/WORK RELEASE UNITS

10A NCAC 14J .1401 APPLICABILITY
The standards for definitions, operations, construction and enforcement contained in Sections .0100 - .1300 that apply to jails shall also apply to satellite jail/work release units.

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

SECTION .1500 - CONSTRUCTION STANDARDS FOR EXISTING FACILITIES

10A NCAC 14J .1501 DEFINITIONS

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

(1) "County jail" is a detention facility designated for the confinement of persons for varying periods of time including persons awaiting adjudication and short-term sentences as well as persons serving sentences while on work release. The facility is authorized, maintained and administered by officials at the county level.

(2) "Municipal jail" is a facility designated for the confinement of persons for periods not to exceed 24 hours, pending release or transfer to county jail. The facility is authorized, maintained and administered by officials at the municipal level.

(3) "Local lock-up" is a facility designated for the temporary confinement of persons not to exceed six hours pending either release or transfer to a county jail. The facility is authorized, maintained and administered by officials at the municipal level.

(4) "Regional or district jail" is a facility designated for the identical purpose as a county jail except authorization, maintenance and administration is under the control of a joint governing body comprised of authorized representatives for the participating counties.

(5) Because of current changes from the traditional in terminology associated with the confinement setting, the following comparison of a limited number of terms is included:

(a) "Terminology used in standards" is the same as "traditional or approximate synonym".

(b) "Single sleeping room" is the same as "single cell".

(c) "Multiple sleeping room" is the same as "multiple (four-man) cell".

(d) "Isolation room" is the same as "solitary cell".

(e) "Dayroom" is the same as "cell run-around".

(f) "Confinement unit" is the same as "cell-block".

(g) "Holding area" is the same as "bull pen".

(h) "Sally port" is the same as "yard gate" (for vehicles).

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

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

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

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

(2) masonry that complies with approved plans and specifications, or

(3) other materials that comply with the North Carolina State Building Code.

(b) The interior walls in security areas shall be made of:

(1) reinforced concrete that is at least four inches thick and finished smooth, or

(2) cement masonry (CMU) and brick that is at least eight inches thick, or

(3) approved steel as specified in Rule .1513 of this Section.

(c) Interior floors shall be made of concrete that is finished smooth, terrazzo, quarry tile, or other approved material.

(d) Interior ceilings shall be made of:

(1) reinforced concrete that is finished smooth, or

(2) approved steel as specified in Rule .1513 of this Section, or

(3) other approved material.

(e) Grating fronts and grating doors for single and multiple rooms shall be made of tool-resisting steel, as specified in Rule .1513(1)(a) of this Section, unless enclosed in a tool resisting perimeter.

(f) Safety vestibule grating and interior grating doors shall be made of tool-resisting steel, as specified in Rule .1513(1)(a) of this Section.

(g) Materials shall be non-combustible and shall have fire-resistive ratings if required by the North Carolina State Building Code.
(h) A local confinement facility shall not be located in or attached to buildings with less than fire-resistive construction, unless the confinement area is separated by an approved masonry firewall.

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

10A NCAC 14J .1503 DOORS
(a) All doors that open into booking or control areas of jails shall be security doors as specified in Rules .1514 and .1515 of this Section, unless other exterior security is provided, including either a sally port, a controlled gate, or fencing.
(b) Exit doors shall be security type doors and they shall be keyed to both sides.
(c) The number of exits, the width and location of exit doors, and the swing of exit doors shall comply with North Carolina State Building Code.
(d) Sally port doors shall be of the security type and shall be installed in accordance with approved plans and specifications.
(e) Swinging plate doors of approved type as specified in Rule .1515(a) to (c) of this Section shall be provided with a speaking panel and an observation port when employed on safety vestibules and in other locations as may be approved in plans and specifications.
(f) Swinging plate doors with a prison type lock or hollow metal doors of approved types with an observation port shall be used at entrances to inspection corridors. Hollow metal doors shall have heavy-duty lock with multiple tumblers.
(g) An approved grill, a hollow metal security door, or a plate security door shall be used at all entrances to security areas (see Rule .1515 of this Section).
(h) Grill doors to individual rooms shall be made of open hearth steel only if it is enclosed in a tool-resisting perimeter.
(i) Pipe chase access doors or plates shall be made of approved security-type plate or hollow metal (Rule .1516 of this Section) according to approved plans and specifications.
(j) Access doors in all inmate occupied areas shall be equipped with observation ports and food passes according to approved plans and specifications.
(k) In all areas occupied by female inmates, observation ports shall be equipped with an operating hatch that may be closed from the outside and secured to provide privacy.
(l) If electro-mechanical capability is used in a security door installation within the confinement area, the control box shall provide a mechanical over-ride in the event of power failure.
(m) All door-locking mechanisms shall be of the approved type (see Rule .1517 of this Section) and installed according to approved plans and specifications.
(n) Elevator doors opening into jail areas shall be secure and located so as to be under observation and control of officers.
(o) The controls for sally port doors shall be located within the booking control area to provide constant surveillance by supervisory personnel.

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

10A NCAC 14J .1504 WINDOWS AND SECURITY SCREENING
(a) All windows shall open and close to provide ventilation unless mechanical cooling or forced air circulation is provided.

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

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

10A NCAC 14J .1505 SINGLE ROOM REQUIREMENTS
(a) Single room areas shall be a minimum of five feet by seven feet by eight feet.
(b) The room shall have a combination lavatory, commode and drinking fountain (see Rule .1534 of this Section).
(c) Isolation rooms shall have hot and cold water.
(d) Except for local lockups, a shower with hot water shall be provided for each area of isolation rooms.
(e) An approved mirror shall be installed (see Rule .1521 of this Section).
(f) No more than one approved stationary steel bunk shall be installed in the room (see Rule .1522 of this Section).
(g) Natural light shall be admitted to the room in compliance with the North Carolina State Building Code.

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

10A NCAC 14J .1506 MULTIPLE ROOM REQUIREMENTS
(a) The capacity of multi-room units shall not exceed four inmates.
(b) The minimum room area shall be nine feet by seven feet by eight feet.
(c) The room shall have a combination lavatory, commode and drinking fountain (see Rule .1534 of this Section).
(d) The room shall have hot and cold water unless it is contained in a confinement unit with a dayroom that has hot and cold water.
(e) Except for local lockups, each room shall have a shower with hot and cold water.
(f) An approved mirror shall be installed (see Rule .1521 of this Section).
(g) No more than four approved stationary steel bunks shall be installed within each room.
(h) Natural light shall be admitted to the room in compliance with the North Carolina State Building Code.

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

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

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

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

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

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

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

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

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

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

10A NCAC 14J .1510 HOLDING AREAS

(a) Each facility with a capacity of 30 or more inmates shall have a secure holding area adjacent to the booking area where inmates can be held pending their commitment.
(b) The holding area shall be under observation by administrative jail personnel.
(c) The holding area shall be constructed of approved grill steel.

(d) The holding area shall have an approved bench and combination lavatory, commode, and drinking fountain.

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

10A NCAC 14J .1511 OTHER AREAS

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

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

10A NCAC 14J .1512 LIGHTING AND VENTILATION

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

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

10A NCAC 14J .1513 WALLS

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

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

bars spaced on 12 inch centers for 7/8 inch bars and on 18 inch centers for one inch bars;

(ii) Vertical framing bars shall be 3/8 inch x 2-1/4 inches or 3/8 inch x 2-1/2 inches tool-resisting flat bars.

(b) Open hearth steel grating shall meet the following construction requirements:

(i) Seven-eighths of an inch or one inch diameter vertical double-ribbed round bars spaced not over four inches on center, passing through and interlocking at each intersection with 3/8 inch x 2-1/4 inches or 3/8 inch x 2-1/2 inches horizontal flat bars spaced on 12 inch centers for 7/8 inch bars and on 18 inch centers for one inch bars;

(ii) Vertical framing bars shall be 3/8 inch x 2-1/4 inches or 3/8 inch x 2-1/2 inches open hearth flat bars.

(2) Steel plate used in a wall or ceiling shall meet the following construction requirements:

(a) not less than 3/16 inch open hearth steel, or

(b) not less than 1/4 inch tool-resisting steel.

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

10A NCAC 14J .1514 SLIDING DOORS

(a) Sliding doors shall be made of the same weight and quality of grating or plate as the confinement area fronts or wall in which they are installed.

(b) Sliding doors shall be approximately two feet x six feet, three inches, and shall be hung from the top by a plate door carriage.

(c) The door carriage shall have two hardened steel spindles on which will be mounted two needle-bearing or two S.K.F. or approved equal ball-bearing solid steel machined wheels.

(d) The door carriage shall be enclosed in a covered box of the prescribed type.

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

10A NCAC 14J .1515 SWINGING DOORS

(a) Plate doors installed in plate walls shall be made of steel that is at least the same quality and thickness as specified for the wall in which the door opening is installed.

(b) Plate doors installed in concrete or masonry walls shall be made of material not lighter than 3/16 inch thick open hearth steel plate framed and stiffened with angles, bars, or other shapes and securely hung to door frames made of structural or bent plate channel at least 3/16 inch thick.

(c) The depth of plate door frame shall equal the thickness of the wall.

(d) Grating doors installed either in grating, plate walls, or concrete or masonry walls shall be constructed of tool-resisting steel or open-hearth steel as specified by the plans.

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

10A NCAC 14J .1516 ACCESS DOORS AND PANELS

(a) Swinging access doors to pipe and utility spaces shall be at least one foot, eight inches x four feet in size and made of 3/16 inch steel plate.

(b) Removable access panels shall be made of 3/16 inch open-hearth steel plate and shall be large enough to permit entrance.

(c) Access panels shall be secured to the wall either by 3/8 inch hex-head screws tapped into the panel opening frame and spaced not more than eight inches on center, or they shall be secured by metal lugs at the bottom of the panel and a deadlock at the top, both of which shall be mounted at the back side of the panel to provide further security.

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

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

(a) Locking swinging doors shall use prison deadlocks with heavy multiple tumblers. The lock mechanism shall be housed in a lock case made of forged steel not less than 5-1/2 inches x 1-3/8 inches in size.

(b) Manually-operated sliding doors shall be locked by a heavy multiple tumbler that uses a snap and automatic deadlock. The lock mechanism shall be housed in a lock case made either of strong steel or malleable iron or steel not less than 10 inches x 3-1/2 inches x 1-3/8 inches in size.

(c) Food passes and shutters, where specified, shall be locked by a heavy multiple tumbler that uses a prison type snap or spring. The food pass lock shall be mounted to prevent food or other matter from coming in contact with the lock.

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

10A NCAC 14J .1518 HINGES

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

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

10A NCAC 14J .1519 OBSERVATION AND SPEAKING PANELS

(a) Observation and speaking panels shall be mounted in plate or masonry walls where shown on plans, and they shall be designed to prevent the passage of contraband.

(b) Observation and speaking panels shall be made either of polished stainless steel, chromium plated steel, brass, or aluminum.

(c) Glass in observation panels shall be bullet-proof and at least 7/8 inch thick.

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

10A NCAC 14J .1520 FOOD PASSES

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

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

10A NCAC 14J .1521 MIRRORS
(a) Mirrors shall be approximately 8 inches x 9-1/2 inches in size when provided.
(b) Mirrors shall be highly polished stainless steel or chrome plated steel, and they shall be attached securely to the wall.

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

10A NCAC 14J .1522 BUNKS
(a) Bunks shall be six feet, three inches long and not less than two feet, one inch nor more than two feet, three inches wide.
(b) The bottoms of bunks shall be 16-gauge sheet steel perforated with one inch to two inch holes for ventilation.
(c) Bunks shall be framed on the long side by angles not less than 1-1/2 inches x 2 inches x 3/16 inch in size and on the ends by 3/16 inch bent plate brackets.
(d) The required parts shall be welded together to form a one-piece bunk assembly with end brackets.
(e) The bunk brackets shall be securely fastened to cell walls.
(f) When one bunk is placed above another, the lower bunk shall be approximately 15 inches and the upper bunk approximately 50 inches above the floor.
(g) In dormitories, double bunks with approved bottoms and frames shall be securely attached either to the floor or the wall.

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

10A NCAC 14J .1523 TABLES, BENCHES AND SEATS
(a) One-piece bench and table units shall be installed as shown on the plans, and they shall be welded securely to an adjacent steel wall and anchored securely to the floor.
(b) The tops of tables and benches shall be made of at least 10-gauge sheet steel neatly flanged around the edges.
(c) Table legs and other supports shall be made of properly designed and reinforced materials.

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

10A NCAC 14J .1524 SHOWER STALLS

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

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

10A NCAC 14J .1525 REMOTE CONTROL LOCKING MECHANISMS
(a) Remote control locking and operating mechanisms for fully selective sliding doors shall be electric, electrical-mechanical, mechanical, or gang locking.
(b) Remote control locking mechanisms shall be designed and manufactured specifically for corrections use and shall be installed according to plans.

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

10A NCAC 14J .1526 MATERIAL TESTS
(a) Tool-resisting materials that are included in jail equipment shall withstand the following tests:
(1) A load test of not less than 6,000 lbs. applied at the midpoint of heat-treated 7/8 inch or one inch diameter double-ribbed round tool-resisting bar resting horizontally on two supports spaced 12 inches apart. The load shall be applied with a blunt-end rounded to a radius of approximately 1/4 inch on the edge which is in contact with the tested bar. The bar shall not assume a permanent set in excess of 1/4 inch and it shall not break under the load.
(2) Tool-resisting 7/8 inch or one inch steel bars shall not be severed within six hours by using six hacksaw blades, and it shall not be pierced by using six 1/8 inch bits, used either in a hand-operated or motor-driven drill. The hacksaw blades and bits in this test shall be the standard type found in institutions.
(b) Open-hearth steel shall be the type produced for corrections use and it shall have a chemical composition that is within the limits adopted by the Association of American Steel Manufacturers for open-hearth bars and shapes.

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

10A NCAC 14J .1527 PROTECTION EQUIPMENT FOR ELECTRICAL LIGHTS
(a) Each facility shall adequately protect electric lights in cells from damage by inmates.
(b) Fittings shall be either covered with 3/8 inch tempered lenses for diffusing light or protected with steel wire.
(c) Steel plate brackets shall be provided for mounting light receptacles.

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

10A NCAC 14J .1528 DOOR PULLS

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

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

10A NCAC 14J .1529 WIRE WINDOW GUARDS

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

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

10A NCAC 14J .1530 SECURITY SCREENS

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

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

10A NCAC 14J .1531 INSECT SCREENS AND DOORS

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

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

10A NCAC 14J .1532 KEY CABINET

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

(c) The key cabinet shall have shelves, gun racks, and key hooks as required.

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

10A NCAC 14J .1533 PLUMBING

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

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

10A NCAC 14J .1534 PLUMBING FIXTURES

(a) Plumbing fixtures shall be furnished and installed as specified on the approved plans.
(b) The plumbing construction shall withstand damage attempted without tools, and the plumbing materials shall offer maximum resistance to wear while providing sanitation in the area used.
(c) Vitreous china lavatories shall have an integral spout and drinking nozzle with a mouth guard.
(d) Lavatories shall have an integral soap dish and outlet.
(e) Lavatories shall have self-closing operating buttons.
(f) Vitreous china water closets shall be floor mounted and shall have an integral seat and base with a 1-1/2 inch back spud.
(g) The flush valve shall be tamper proof and self-closing, and siphon jet action shall be used.
(h) Commode, lavatory and drinking fountain combination units shall be made of welded stainless steel or cast aluminum except that galvanized steel shall be allowed for cabinet reinforcement.
(i) The fixture shall have tamper-proof, chrome-plated self-closing valves and a combination filler, drinking bubbler with a mouth guard and vacuum flow control.
(j) The water closet bowl shall have an integral seat and back outlet.
(k) The lavatory top, bowl, and closet bowl in the stainless steel fixture shall be 16-gauge or heavier with an 11-gauge or heavier liner.
(l) Surfaces in the stainless steel unit shall be satin finish, except the bowl shall have a high luster finish.
(m) The fixture shall be anchored through the wall with concealed bolts.
(n) A vacuum breaker shall be incorporated and a water shutoff shall be installed outside the room or dayroom.
(o) The fountain bubbler shall produce a water flow on a jet angle and the protector shall be above the water outlet to prevent the mouth from touching it. The protector shall be strong enough that the average person cannot change its configuration without tools.

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

10A NCAC 14J .1535 FLOOR DRAINS

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

History Note: *Authority G.S. 153A-220; 153A-221;*
Eff. June 1, 1990;

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

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

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

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

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

10A NCAC 14J .1601 APPLICABILITY

Existing state-funded satellite jail/work release units shall continue to be governed by the existing construction standards which are now in this Section. These same standards shall apply to new satellite jail/work release units which have had final working drawings approved by the Section prior to the effective date of this Rule. Existing state-funded satellite jail/work release units or new state-funded satellite jail/work release units which have had final working drawings approved by the Section prior to the effective date of this Rule may choose to comply with any of the new construction standards in Section .1200 as a substitute for existing standards on the same subject in Section .1500.

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

10A NCAC 14J .1602 CONFINEMENT UNIT

Each satellite jail/work release unit shall include:

(1) No more than 24 inmates per sleeping area;
(2) No less than 35 square feet per inmate devoted to sleeping area only;
(3) One shower per 10 inmates, one water closet per six inmates, one sink per six inmates and one water fountain per 10 inmates. Showers and toilet facilities shall be designed to provide maximum privacy (line of sight) while not interfering with the capability of the jail staff to complete supervision rounds;
(4) A telephone hookup or other arrangements provided within the area;
(5) A dayroom/activity room for each unit separated from the sleeping area and of a size to provide a minimum of 15 square feet per inmate;
(6) A dayroom/activity room designed to allow a variety of activities to take place and have:
    (a) sufficient seating and tables for each inmate in each confinement unit;
    (b) natural light;
    (c) artificial lighting at 30 footcandles in reading areas which may be reduced during sleeping hours;
    (d) access to toilet, sink with hot and cold water, and drinking fountain;
    (e) visual control by staff to observe entire area from point of entrance;
    (f) direct voice contact with continuously staffed post or central control center.

(7) Single occupancy sleeping areas when called for in the design. Each single occupancy area shall have:
- (a) a minimum of 35 square feet of floor space;
- (b) a minimum floor dimension of seven feet;
- (c) a toilet, sink, and drinking fountain;
- (d) a bed frame;
- (e) artificial lighting of 30 footcandles which can be reduced during sleeping hours;
- (f) natural light provided by window with exterior exposure;
- (g) direct voice contact with staff post or central control center.

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

10A NCAC 14J .1603 PROGRAMMING AREAS

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

(1) A general visitation area with:
- (a) a public entrance to the facility;
- (b) an entry located to permit direct observation and control by staff;
- (c) storage facilities for visitors' coats and packages;
- (d) a sufficient number of stations to accommodate visitation needs;
- (e) seating for both inmates and visitors.

(2) A confidential attorney visitation area that:
- (a) is separate and distinct from the general visitation area;
- (b) permits passage of papers and documents;
- (c) provides seating with a table or desk for writing for visitors and inmates;
- (d) provides artificial lighting of 30 footcandles;
- (e) permits contact visiting;
- (f) provides for visual monitoring, but not hearing by staff;
- (g) provides for visitors to contact staff if needed.

(3) If the facility is not a "work release" only facility, a medical area designed:
- (a) to prohibit access by unauthorized personnel;
- (b) to have locked storage for equipment, supplies, medications, and records;
- (c) for equipment approved by the jail physician including a sink, toilet, shower, examining table, nurses and physicians work station, telephone, and direct contact with the central control area.

(4) A food service that meets the sanitation requirements of the Commission for Public Health Title 15A Chapter 18A Section .1500, with adequate storage and food preparation areas.

(5) A laundry service (either contracted for or on premises).

(6) In a facility which is not a "work release" only facility, recreational facilities with:
- (a) an area designed for vigorous physical activities, such as volleyball, basketball, etc.;
- (b) equipment storage area;
- (c) staff observation post for all areas;
- (d) access to areas controlled by staff.

(7) A commissary through contract services or built on premises.

History Note: *Authority G.S. 153A-230.4;*
Eff. June 1, 1990;

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

10A NCAC 14J .1604 ADMINISTRATION AREA

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

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

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

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

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

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

10A NCAC 14J .1606 MECHANICAL SYSTEMS

Mechanical systems shall:

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

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

10A NCAC 14J .1607 GENERAL REQUIREMENTS

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

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

History Note: Authority G.S. 153A-230.3; 153A-230.4;

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

SECTION .1700 - MUNICIPAL LOCKUPS

10A NCAC 14J .1701 DEFINITIONS

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

(1) "Addition" is an extension or increase in floor area or height of a building or structure.
(2) "Alteration" is any change or modification in construction or use.
(3) "Booking area" is a secure area where a person is admitted to a jail and procedures such as searching, fingerprinting, photographing, health screening, and collecting personal history data occur.
(4) "Section" is the Jail and Detention Section of the Division of Health Service Regulation, Department of Health and Human Services.
(5) "Cell" is any confinement unit.
(6) "Cellblock" is a separate and identifiable grouping of cells.
(7) "Communicable disease or condition" is an illness or condition as defined in G.S. 130A-133 which is hereby adopted by reference pursuant to G.S. 150B-14(c).
(8) "Confinement unit" is a single segregation cell, a single cell, a multiple occupancy cell or a dormitory.
(9) "Contraband" is any item that a person is not authorized to possess in the lockup because it is a violation of law or a violation of rules.
(10) "Department", unless otherwise specified, is the North Carolina Department of Health and Human Services.
(11) "Division", unless otherwise specified, is the Division of Health Service Regulation of the North Carolina Department of Health and Human Services.
(12) "Emergency medical problem" is a serious medical need, including severe bleeding, unconsciousness, serious breathing difficulties, head injury, severe pain, suicidal behavior or severe burns, that requires immediate medical attention and that cannot be deferred until the next scheduled sick call or clinic.
(13) "Footcandle" is the amount of light thrown on a surface one foot away from the light source. It is a unit for measuring the intensity of illumination.
(14) "Governing body" refers to the governing body of a municipal government.
(15) "Health screening" is a procedure for each newly-admitted inmate that combines visual observation with an interview to obtain relevant information about the inmate's physical and mental health.
(16) "Inmate" is any person, whether pretrial, unsentenced, or sentenced, who is confined in a lockup.
(17) "Inmate processing area" is a secure area through which inmates enter and exit, and it may be combined with the booking area.
(18) "Institutional-Restrained" is a Building Code occupancy classification used for buildings in which persons are restrained under lock and key or other security measures which render them incapable of self-preservation due to the security measures not being under their direct control.
(19) "Medical record" is a record of medical problems, examinations, diagnoses and treatments.
(20) "Multiple occupancy cell" is a cell designed to house up to four inmates.
(21) "Municipal lockup" is a facility designated for the confinement of persons for periods not to exceed 24 hours, pending release or transfer to the county jail. The facility is authorized, maintained, and administered by municipal officials.
(22) "Officer" is a person, whether sworn or unsworn, who is involved in the supervision, control, or custody of inmates.
(23) "Operations manual" is a set of written policies and procedures for the operation of a lockup in compliance with state and federal law and the minimum standards for the operation of municipal lockups.

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

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

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

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

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

(29) "Secretary", unless otherwise specified, is the Secretary of Department of Health and Human Services.

(30) "Security perimeter" is the outer portion of a lockup that provides for the secure confinement of inmates and that prevents the entry of unauthorized persons or contraband.

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

(32) "Single cell" is a cell designed to house one inmate.

(33) "Tamper resistant" means designed to prevent damage, destruction or interference by inmates.

(34) "View panel" is a transparent panel.

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

10A NCAC 14J .1702 APPLICABILITY - CONSTRUCTION

(a) New Municipal Lockups - The construction standards established in this Section shall apply to all municipal lockup construction for which the final working drawings are approved by the Branch after the effective date of this Rule.

(b) Existing Municipal Lockups - Existing municipal lockups shall continue to be governed by the existing construction standards which are now in Section .1500 of this Subchapter and the same standards shall apply to new municipal lockups which have had final working drawings approved by the Section prior to the effective date of this Rule. Existing municipal lockups or new municipal lockups which have had final drawings approved by the Section prior to the effective date of this Rule may choose to comply with any of the new construction standards in Section .1200 as a substitute for existing standards on the same subject in Section .1500.

(c) Additions - The construction standards established in this Section shall apply to any construction that adds square footage to the building and for which the final working drawings are approved after the effective date of this Rule.

(d) Alterations or Repairs - When alterations or repairs are made to an existing municipal lockup building which affect its structural strength, exits, fire hazards, electrical systems, mechanical systems, or sanitary conditions, such alterations or repairs shall comply with the standards for new construction established in this Section. Unaltered portions of the building shall be required to comply with the new construction standards indicated in this Section only under the circumstances specified in Paragraphs (e) - (g) of this Rule.

(e) Extensive Annual Alterations or Repairs - If, within any 12 month period, alterations or repairs costing in excess of 50 percent of the then physical value of the building are made to an existing municipal lockup, the entire municipal lockup shall conform to the construction standards for new municipal lockups established in this Section.

(f) Reconstruction After Damage - If an existing municipal lockup is damaged by fire or otherwise in excess of 50 percent of the then physical value of the building at the time of damage, the municipal lockup shall be reconstructed in conformance with the construction standards for new municipal lockups established in this Section.
(g) Physical Value - For the purpose of this Rule, the physical value of the municipal lockup building shall be determined by the local building inspection department.

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

10A NCAC 14J .1703 REQUIREMENT FOR OPERATIONS MANUAL
Within 12 months after the effective date of this Rule, the chief of police or his designee responsible for operating the municipal lockup shall develop written policies and procedures that describe how the lockup will be operated.

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

10A NCAC 14J .1704 PURPOSE OF OPERATIONS MANUAL
The purpose of the operations manual is to ensure the smooth and efficient operation of the municipal lockup, and therefore it shall be detailed enough to guide officers in completing their assigned duties. The operations manual shall be available to all officers, and each officer shall be familiar with the manual.

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

10A NCAC 14J .1705 CONTENTS OF OPERATIONS MANUAL
(a) The operations manual shall include written policies and procedures that address the following areas:
(1) administration and management;
(2) admissions, transportation and release;
(3) classification;
(4) security and supervision;
(5) inmate rules and discipline;
(6) management of special inmates;
(7) legal rights of inmates;
(8) health, mental health, mental retardation and substance abuse services;
(9) food services;
(10) access to legal representation;
(11) sanitation; and
(12) emergency plans.
(b) The most recent editions of the following references are available as guides for developing policies and procedures:
(1) Appalachian State University, Model Policies and Procedures Manual for North Carolina Jails;
(2) American Correctional Association, Standards for Adult Local Detention Facilities;
(3) American Correctional Association, Standards for Small Jails;
(4) National Commission on Correctional Health Care, Standards for Health Services in Jails.

These references shall be available for inspection or loan from the Section. Consultation and technical assistance shall be available from the Section. The Section can also provide information regarding outside agencies with additional resources for developing policies and procedures.

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

10A NCAC 14J .1706 REVIEW OF MANUAL
The operations manual shall be reviewed and updated at least once each year by the police chief.

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

10A NCAC 14J .1707 CLASSIFICATION SYSTEM
Each municipal lockup shall have a written classification procedure for the placement and housing of inmates. Within the limitations imposed by the design and capacity of the lockup, the procedure shall assign inmates to confinement units that best meet their individual needs and that reasonably protect the inmate, other inmates, the jail staff, and the public.

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

10A NCAC 14J .1708 FEMALE INMATES
Male and female inmates shall not be placed in the same confinement unit, dayroom or other living area and, in addition, female inmates shall be housed out of sight of male inmates.

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

10A NCAC 14J .1709 CONFINEMENT OF MALES UNDER 18 YEARS OF AGE
Male inmates under 18 years of age shall be confined in separate cells from adult inmates during sleeping hours.

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

10A NCAC 14J .1710 DISCRIMINATION IN HOUSING ASSIGNMENTS
Housing assignments shall not be made on the basis of race, color, creed, national origin, or political belief.

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

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

10A NCAC 14J .1711 EXITS

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

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

10A NCAC 14J .1712 FIRE EQUIPMENT

Each municipal lockup shall provide the following emergency fire equipment:

(1) fire extinguishers that meet all of the requirements in National Fire Prevention Association pamphlet number 10 which is hereby adopted by reference pursuant to G.S. 150B-14(c), and

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

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

10A NCAC 14J .1713 FIRE PLAN

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

(b) Evacuation routes shall be posted or otherwise clearly marked throughout the municipal lockup.

(c) The police chief shall request in writing that the local fire department or fire marshall inspect the municipal lockup and review the fire plan at least once each year.

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

10A NCAC 14J .1714 MATTRESSES

Mattresses shall be of fire resistive and nontoxic construction.

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

10A NCAC 14J .1715 KEYS

Each municipal lockup shall have a key control system that includes the following elements:

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

(2) a set of duplicate keys to be stored in a safe place that is inaccessible to unauthorized persons at all times;
(3) an accounting procedure for issuing and returning keys; and
(4) a system of keys and matching locks that are color-coded and marked for identification by touch.

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

10A NCAC 14J .1716 GENERAL SECURITY REQUIREMENTS

Each municipal lockup shall meet the following security requirements:
(1) provide for the secure confinement of inmates from the time of their passage through the security perimeter until release;
(2) prevent the passage of contraband;
(3) prevent unauthorized contact between inmates and person from outside the lockup;
(4) provide a ground-level perimeter exterior that is well lighted; and
(5) provide a communications link with outside agencies for use in emergencies.

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

10A NCAC 14J .1717 SUPERVISION

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

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

10A NCAC 14J .1718 SANITATION AND TOILETS

Each municipal lockup shall comply with the North Carolina Commission for Public Health rules governing sanitation as codified in Title 15A Chapter 18A Section .1500 and which are hereby adopted incorporated by reference, including subsequent amendments and editions of the reference materials. A copy of this material can be obtained free of charge

from the State Division of Health Services, Environmental Health Section, Post Office Box 27687, Raleigh, North Carolina 27611-7687. Inmates shall have unrestricted access to toilets.

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

10A NCAC 14J .1719 MATTRESSES AND BEDDING

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

(1) Mattresses shall comply with Commission for Public Health rules on sanitation, Title 15A Chapter 18B .0201 - .0215 and G.S. Chapter 130A-273 which are hereby adopted by reference pursuant to G.S. 150B-14(c).
(2) Mattresses shall not be less than four inches thick and shall be the same length and width as the lockup bunks.
(3) Mattresses shall not have any metal, plastic, or other rigid framing component.
(4) Mattress ticking shall be durable and water repellent.

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

10A NCAC 14J .1720 FOOD SERVICE

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

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

10A NCAC 14J .1721 MEAL SERVICE

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

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

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

10A NCAC 14J .1722 FOOD AND NUTRIENT REQUIREMENTS

(a) The average nutrient content of weekly menus shall meet the Recommended Dietary Allowances of the National Academy of Sciences which are hereby adopted by reference pursuant to G.S. 150B-14(c).

(b) Daily menus shall include the following:

(1) Milk Group: Two servings;
(2) Fruit Group: Two servings, one of which shall be citrus;
(3) Vegetable Group: Three servings;
(4) Meat or Protein Group: Two servings;
(5) Cereal or Bread Group: Four servings of whole grain or enriched products; and
(6) Calories: 2,100 - 2,500.

(c) For all pregnant women and inmates under age 18, the milk group shall include four servings per day.

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

10A NCAC 14J .1723 MENUS

(a) Menus shall be prepared in consultation with a registered dietitian.

(b) Menus shall be written and portion sizes shall be specified.

(c) Menus shall be dated and posted one week in advance.

(d) Menus shall be served as written to inmates in the municipal lockup. Any necessary substitutions shall be of comparable nutritional value, and a written record of substitutions shall be kept.

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

(f) Dated menus and records of any substitutions shall be retained for three years.

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

10A NCAC 14J .1724 MODIFIED DIETS

(a) Modified diets shall be provided if prescribed by appropriate medical or dental personnel.

(b) Modified diets shall be provided when reasonably possible to accommodate the sincerely held religious beliefs of an inmate.

(c) Written menus for modified diets shall be prepared in consultation with a registered dietitian.

(d) Modified diets shall be served as written. Any necessary substitutions shall be of comparable nutritional value, and a written record of substitutions shall be kept. Dated menus of modified diets and records of any substitutions shall be retained for three years.

(e) Each municipal lockup shall maintain a current list of inmates requiring modified diets, and it shall be posted for use by staff.

(f) Each municipal lockup shall record the number of modified diets served at each meal, along with the name of each inmate and the type of modified diet that he or she received.

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

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

10A NCAC 14J .1725 MEDICAL PLAN

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

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

(1) Health screening of inmates upon admission;
(2) Routine medical care;
(3) The handling of inmates with chronic illnesses or known communicable diseases or conditions;
(4) Administration, dispensing and control of prescription and non-prescription medications;
(5) Handling emergency medical problems, including but not limited to emergencies involving dental care, chemical dependency, pregnancy and mental health;
(6) Maintenance and confidentiality of medical records; and
(7) Privacy during medical examinations and conferences with qualified medical personnel.

(c) Inmates must be provided an opportunity each day to communicate their health complaints to a health professional or to an officer. Qualified medical personnel shall be available to evaluate the medical needs of inmates. A written record shall be maintained of the request for medical care and the action taken.

(d) Inmates shall not perform any medical functions in the lockup.

(e) The medical plan shall be reviewed annually.

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

10A NCAC 14J .1726 HEALTH SCREENING FORM

The health screening form completed upon admission by an officer shall be available to municipal lock-up officers, and a copy of the form shall be kept in any medical file that is maintained for inmates. The form shall be reviewed for the presence of confidential information which cannot be made available to municipal lock-up officers.

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

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

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

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

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

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

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

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

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

10A NCAC 14J .1729 REPORT OF DEATH

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

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

10A NCAC 14J .1730 CONSULTATION AND TECHNICAL ASSISTANCE

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

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

10A NCAC 14J .1731 COMPLIANCE REVIEW AND APPROVAL

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

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

(b) Upon receipt of the drawings and specifications at each stage, the Section shall send one set each to the following for their review and approval: the Department of Insurance to insure compliance with the North Carolina State Building Code, and the Division of Environmental Health in the Department of Environment and Natural Resources to insure compliance with the rules governing sanitation as codified in Title 15A Chapter 18A Section .1500 and which are hereby adopted by reference pursuant to G.S. 150B-14(c). The Section shall keep one set for its own review and approval to insure compliance with the minimum standards for the operation and construction of municipal lockups as contained in this Subchapter. Review and comment on the drawings and specifications at each stage shall be made no later than 30 days after receipt by the Section.

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

10A NCAC 14J .1732 SPECIFIC CONSTRUCTION REQUIREMENTS

(a) Municipal lockups restrain inmates under lock and key within a building and therefore shall meet the requirements of the North Carolina State Building Code for "Institutional Occupancy - Restrained".

(b) The construction materials in all municipal lockups shall be sufficient to provide the degree of security required for the area in which they are used.

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

10A NCAC 14J .1733 CENTRAL CONTROL STATION

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

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

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

10A NCAC 14J .1734 ELEVATORS

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

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

10A NCAC 14J .1735 INMATE PROCESSING AREA

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

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

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

10A NCAC 14J .1736 VISITATION AREAS

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

(1) permit contact between the inmate and attorney;
(2) provide seating and a writing table for the inmate and attorney;
(3) permit only visual monitoring by the officers;

(4) provide a way for the attorney to contact officers if needed; and
(5) provide a minimum of 30 footcandles of artificial light.

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

10A NCAC 14J .1737 OTHER AREAS
Each municipal lockup that does not contract for meals shall have a kitchen.

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

10A NCAC 14J .1738 FLOORS, CEILINGS, AND WALLS
All ceilings, walls, and floors in confinement units shall have a finished surface that is easily cleaned, nontoxic, and predominantly of light colors.

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

10A NCAC 14J .1739 SHOWERS AND PLUMBING FIXTURES
(a) If provided, each municipal lockup shall have at least one shower for every eight inmates.
(b) If provided, showers shall have drains that prevent water from draining outside the shower, and the shower fixtures and drains shall be tamper-resistant if necessary for security.
(c) Plumbing fixtures shall be made of stainless steel or other suitable materials as necessary for security.
(d) Drinking fountains shall be equipped with mouth guards.
(e) All privacy partitions in showers and bathrooms shall be high enough to allow limited privacy for the inmates while still allowing adequate supervision by officers.

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

10A NCAC 14J .1740 WINDOWS AND GLAZING
(a) Windows and window framing, including glazing, shall be made of materials necessary to provide the degree of security required for the area in which they are used.
(b) Glazing shall be diffused or obscured if it affords a view into confinement units from outside the municipal lockup.
(c) View panels shall be made of materials necessary to provide the degree of security required for the area in which they are used, and those used for confinement units shall have a minimum area of 180 square inches and permit observation of the entire unit.
(d) Natural light shall be admitted into all confinement units either directly or indirectly.

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

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

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

(a) Doors, locks and detention hardware shall be made of materials necessary to provide the degree of security required for the area in which they are used.
(b) Doors to all confinement units shall have view panels.
(c) Doors shall operate independently of each other, and the cell doors in a cellblock shall be capable of simultaneous release during an emergency.
(d) Doors and locks that are electronically controlled shall be equipped with manual override.
(e) Food passes, if used, shall have openings large enough to permit the passage of a food tray.
(f) Bunks shall have dimensions necessary to accommodate a standard detention mattress and they shall be securely anchored at least 15 inches above the floor. When one bunk is placed above another, the lower bunk shall be approximately 15 inches and the upper bunk approximately 50 inches above the floor.
(g) Doors, locks, detention hardware and bunks shall be designed to inhibit their use for an attempted suicide.

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

10A NCAC 14J .1742 SAFETY EQUIPMENT

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

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

10A NCAC 14J .1743 MECHANICAL SYSTEMS

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

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

10A NCAC 14J .1744 PLUMBING SYSTEMS

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

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

10A NCAC 14J .1745 ELECTRICAL SYSTEMS
(a) Each municipal lockup shall have an electrical system that provides artificial lighting in the confinement units of at least 30 foot-candles and that can be reduced during sleeping hours.
(b) Artificial lighting in the corridors shall be at least 20 footcandles.
(c) Lighting fixtures shall be made of materials necessary to provide the degree of security required for the area in which they are used.
(d) The master controls and circuit breakers shall be located outside the confinement units and shall be accessible to officers during an emergency.

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

10A NCAC 14J .1746 CLOTHING AND TOWEL HOOKS
Clothing and towel hooks shall not be used.

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

10A NCAC 14J .1747 CONFINEMENT UNITS
The governing body shall decide what confinement unit or combination of confinement units it will include in its municipal lockup: single cells and multiple occupancy cells.

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

10A NCAC 14J .1748 STANDARDS FOR SINGLE CELLS
Each single cell shall have:
(1) a minimum floor space of 50 square feet;
(2) a minimum floor dimension of seven feet;
(3) a toilet, a sink and a drinking fountain.

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

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

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

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

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

10A NCAC 14J .1750 INSPECTIONS

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

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

10A NCAC 14J .1751 REPORT OF INSPECTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10A NCAC 14J .1753 AGREEMENT OF CORRECTION

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

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

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

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

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

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

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

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

10A NCAC 14J .1755 DESIGNATION BY SECRETARY

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

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

10A NCAC 14J .0101 DEFINITIONS

The following definitions shall apply in 10A NCAC 14J .0101 through .1300:

(1) "Addition" is an extension or increase in floor area or height of a building or structure.
(2) "Alteration" is any change or modification in construction or use.
(3) "Booking area" is a secure area where a person is admitted to a jail and procedures such as searching, fingerprinting, photographing, health screening, and collecting personal history data occur.
(4) "Section" is the Jail and Detention Section of the Division of Health Service Regulation, Department of Health and Human Services.
(5) "Cell" is any confinement unit except a dormitory.
(6) "Cellblock" is a separate and identifiable grouping of cells.
(7) "Communicable disease or condition" is an illness or condition as defined in G.S. 130A-133 which is hereby adopted by reference pursuant to G.S. 150B-14(c).
(8) "Confinement unit" is a single segregation cell, a single cell, a multiple occupancy cell or a dormitory.
(9) "Contraband" is any item that a person is not authorized to possess in the jail because it is a violation of law or a violation of rules.
(10) "Dayroom" is an area accessible to a single cell or a multiple occupancy cell, with controlled access from the cell and to which inmates may be admitted for activities such as dining, showers, physical exercise and recreation.
(11) "Department", unless otherwise specified, is the North Carolina Department of Health and Human Services.
(12) "Division", unless otherwise specified, is the Division of Health Service Regulation of the North Carolina Department of Health and Human Services.

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

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

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

(16) "Governing body" refers to the governing body of a county or the policy-making body for a district confinement facility.

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

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

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

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

(21) "Inmate processing area" is a secure area through which inmates enter and exit, and it may be combined with the booking area.

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

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

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

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

(26) "Multiple occupancy cell" is a cell designed to house up to four inmates.

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

(28) "Operations manual" is a set of written policies and procedures for the operation of a jail in compliance with state and federal law and the minimum standards for the operation of jails.

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

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

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

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

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

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

(35) "Secretary", unless otherwise specified, is the Secretary of the Department of Health and Human Services.

(36) "Security perimeter" is the outer portion of a jail that provides for the secure confinement of inmates and that prevents the entry of unauthorized persons or contraband.

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

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

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

(40) "Tamper resistant" means designed to prevent damage, destruction or interference by inmates.

(41) "View panel" is a transparent panel.

(42) "Visitation area" is a designated area where inmates are permitted to receive visitors according to the policies and procedures that govern visitation.

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

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

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

The operations and enforcement standards established in Section .0100 through .1100 and Section .1300 shall apply to all jails.

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

10A NCAC 14J .0103 APPLICABILITY - CONSTRUCTION

(a) North Carolina State Building Code - Jails must meet the requirements of the North Carolina State Building Code in effect at the time of construction, additions, alterations or repairs.

(b) New Jails - The construction standards established in Section .1200 shall apply to all jail construction for which the final working drawings are approved by the Section after the effective date of this Rule.

(c) Existing Jails - Existing jails shall continue to be governed by the existing construction standards which are now in Section .1500, and the same standards shall apply to new jails which have had final working drawings approved by the Section prior to the effective date of this Rule. Existing jails or new jails which have had final working drawings approved by the Section prior to the effective date of this Rule may choose to comply with any of the new construction standards in Section .1200 as a substitute for existing standards on the same subject in Section .3700.

(d) Additions - The construction standards established in Section .1200 shall apply to any construction that adds square footage to the building and for which the final working drawings are approved after the effective date of this Rule.

(e) Alterations or Repairs - When alterations or repairs are made to an existing jail building which affect its structural strength, exits, fire hazards, electrical systems, mechanical systems, or sanitary conditions, such alterations or repairs shall comply with the standards for new construction established in Section .1200. Unaltered portions of the building shall only be required to comply with the new construction standards indicated in Section .1200 under the circumstances specified in Paragraphs (f)-(h) of this Rule.

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

(g) Reconstruction After Damage - If an existing jail is damaged by fire or otherwise in excess of 50 percent of the then physical value of the building at the time of damage, the jail shall be reconstructed in conformance with the construction standards for new jails established in Section .1200.

(h) Physical Value - For the purpose of this Rule, the physical value of the jail building shall be determined by the local building inspection department.

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

SECTION .0200 - OPERATIONS MANUAL FOR JAILS

10A NCAC 14J .0201 REQUIREMENT FOR OPERATIONS MANUAL

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

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

10A NCAC 14J .0202 PURPOSE OF OPERATIONS MANUAL

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

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

10A NCAC 14J .0203 CONTENTS OF OPERATIONS MANUAL

(a) The operations manual shall include written policies and procedures that address the following areas:
- (1) administration and management;
- (2) admissions, transportation and release;
- (3) classification;
- (4) security and supervision;
- (5) inmate rules and discipline;
- (6) management of special inmates;
- (7) legal rights of inmates;
- (8) health, mental health, mental retardation and substance abuse services;
- (9) food services;
- (10) program services;
- (11) work release;
- (12) opportunities for exercise;
- (13) access to legal assistance or legal materials;
- (14) grievance procedures;
- (15) visitation and mail policies;
- (16) religious activities;
- (17) sanitation;
- (18) emergency plans.

(b) The most recent editions of the following references are available as guides for developing policies and procedures:
- (1) Appalachian State University, Model Policies and Procedures Manual for North Carolina Jails;
- (2) American Correctional Association, Standards for Adult Local Detention Facilities;
- (3) American Correctional Association, Standards for Small Jails;
- (4) National Commission on Correctional Health Care, Standards for Health Services in Jails.

These references shall be available for inspection or loan from the Section. Consultation and technical assistance shall be available from the Section. The Section can also provide information regarding outside agencies with additional resources for developing policies and procedures.

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

10A NCAC 14J .0204 REVIEW OF MANUAL
The operations manual shall be reviewed and updated at least once each year by the sheriff or the administrator of a regional jail.

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

SECTION .0300 - CLASSIFICATION AND HOUSING

10A NCAC 14J .0301 CLASSIFICATION SYSTEM
Each jail shall have a written classification procedure for the placement and housing of inmates. Within the limitations imposed by the design and capacity of the jail, the procedure shall assign inmates to confinement units that best meet their individual needs and that reasonably protect the inmate, other inmates, the jail staff, and the public.

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

10A NCAC 14J .0302 FEMALE INMATES
Male and female inmates shall not be placed in the same confinement unit, dayroom or other living area and, in addition, female inmates shall be housed out of sight of male inmates.

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

10A NCAC 14J .0303 CONFINEMENT OF MALES UNDER 18 YEARS OF AGE
Male inmates under 18 years of age shall be confined in separate cells from adult inmates during sleeping hours.

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

10A NCAC 14J .0304 CONFINEMENT OF JUVENILES UNDER AGE 16
Any juvenile under age 16 who is transferred to superior court for trial as an adult and who is ordered held in the jail pursuant to G.S. 7A-611 shall be confined in a holdover facility where the juvenile cannot converse with, see, or be seen by the adult inmates.

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

10A NCAC 14J .0305 DISCRIMINATION IN HOUSING ASSIGNMENTS
Housing assignments shall not be made on the basis of race, color, creed, national origin, or political belief.

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

SECTION .0400 - FIRE SAFETY

10A NCAC 14J .0401 EXITS

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

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

10A NCAC 14J .0402 FIRE EQUIPMENT

Each jail shall provide the following emergency fire equipment:

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

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

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

10A NCAC 14J .0403 FIRE PLAN

(a) Each jail shall have a written plan for the evacuation and control of inmates in the event of a fire. The plan shall include at least quarterly fire drills, and records shall be made of the fire drills and retained. The actual movement of inmates to other areas or outside the building is not required.
(b) Evacuation routes shall be posted or otherwise clearly marked throughout the jail.
(c) The sheriff or the regional jail administrator shall request in writing that the local fire department or fire marshall inspect the jail and review the fire plan at least once each year.

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

10A NCAC 14J .0404 MATTRESSES

Mattresses shall be of fire resistive and nontoxic construction.

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

10A NCAC 14J .0405 KEYS

Each jail that is required to meet the "Institutional Occupancy - Restrained" requirements of the North Carolina State Building Code shall have a key control system that includes the following elements:

(1) a key control center that is secure and inaccessible to unauthorized persons at all times;
(2) a set of duplicate keys to be stored in a safe place that is inaccessible to unauthorized persons at all times;
(3) an accounting procedure for issuing and returning keys; and
(4) a system of keys and matching locks that are color-coded and marked for identification by touch.

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

SECTION .0500 - SECURITY

10A NCAC 14J .0501 GENERAL SECURITY REQUIREMENTS

Each jail shall meet the following security requirements:

(1) provide for the secure confinement of inmates from the time of their passage through the security perimeter until release;
(2) provide for the locked storage of firearms before persons enter the security perimeter;
(3) prevent the passage of contraband;
(4) prevent unauthorized contact between inmates and persons from outside the jail;
(5) provide a ground-level perimeter exterior that is well lighted; and
(6) provide a communications link with outside agencies for use in emergencies.

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

SECTION .0600 - SUPERVISION

10A NCAC 14J .0601 SUPERVISION

(a) Officers shall make supervision rounds and directly observe each inmate in person at least twice per hour on an irregular basis. The supervision rounds shall be documented. If remote electronic monitoring is used to supplement supervision, it shall not be substituted for supervision rounds and direct visual observation.

(b) In addition to the supervision rounds required in Paragraphs (a) and (c) of this Rule, each jail shall utilize one or both of the following methods of supervision:

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

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

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

In addition to displayed behavior, a previous record of a suicide attempt or a previous record of mental illness shall warrant observation at least four times per hour.

(d) Officers shall remain awake at all times.

(e) Officers shall not be assigned other duties that would interfere with the continuous supervision, custody or control of inmates.
(f) Female officers shall be on duty when female inmates are confined.
(g) The sheriff or the administrator of the regional jail shall develop a contingency plan for the supervision and control of inmates during an emergency, and that plan shall provide for the ready availability of extra personnel.
(h) Inmates shall not be allowed to supervise or assume any control over other inmates.

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

SECTION .0700 - SANITATION AND PERSONAL HYGIENE

10A NCAC 14J .0701 SANITATION

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

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

10A NCAC 14J .0702 MATTRESSES AND BEDDING

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

(1) Mattresses shall comply with Commission for Public Health rules on sanitation, Title 15A Chapter 18B .0201 - .0215 and G.S. Chapter 130A-273 which are adopted by reference pursuant to G.S. 150B-14(c).
(2) Mattresses shall not be less than four inches thick and shall be the same length and width as the jail bunks.
(3) Mattresses shall not have any metal, plastic, or other rigid framing component.
(4) Mattress ticking shall be durable and water repellent.

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

10A NCAC 14J .0703 SHAVING

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

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

10A NCAC 14J .0704 SHOWERS AND TOILETS

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

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

10A NCAC 14J .0705 PERSONAL HYGIENE ITEMS

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

(1) Toothbrush;
(2) Toothpaste or powder;
(3) Comb; and
(4) Feminine hygiene products.

After a newly admitted inmate has exhausted his or her initial supply of personal hygiene items, each jail shall make the listed items available either for purchase or without charge.

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

SECTION .0800 - COMMISSARY OR CANTEEN SERVICES

10A NCAC 14J .0801 AVAILABILITY OF SERVICES

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

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

SECTION .0900 - FOOD

10A NCAC 14J .0901 FOOD SERVICE

(a) In jails that purchase meals from an outside provider, a written contract shall require the provider to meet the applicable standards in this Section.
(b) Inmates who assist with the preparation or service of any meal shall be supervised at all times.

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

10A NCAC 14J .0902 MEAL SERVICE

(a) Each jail shall provide at least three meals for inmates, two of which must be hot, at regular times during each 24-hour period. There shall be not more than 14 hours between the evening meal and breakfast.
(b) Food shall be served to inmates on individual serving trays. Eating utensils, consistent with security considerations, and condiments shall be provided.

(c) While food is being transported, either from inside or outside the jail it shall be covered to prevent contamination. Food must be maintained at appropriate serving temperatures as specified in Commission for Public Health Rule 15 NCAC 18A .1522.
(d) Food shall never be used as a reward or punishment.
(e) Each jail shall keep a daily record of the number of meals served.

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

10A NCAC 14J .0903 FOOD AND NUTRIENT REQUIREMENTS

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

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

10A NCAC 14J .0904 MENUS

(a) Menus shall be prepared in consultation with a registered dietitian.
(b) Menus shall be written and portion sizes shall be specified.
(c) Menus shall be dated and posted one week in advance.
(d) Menus shall be served as written to inmates in the jail. Any necessary substitutions shall be of comparable nutritional value, and a written record of substitutions shall be kept.
(e) The same menu shall not be served at lunch and dinner on the same day.
(f) Dated menus and records of any substitutions shall be retained for three years.

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

10A NCAC 14J .0905 MODIFIED DIETS

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

(f) Each jail shall record the number of modified diets served at each meal, along with the name of each inmate and the type of modified diet that he or she received.

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

SECTION .1000 - HEALTH CARE OF INMATES AND EXERCISE

10A NCAC 14J .1001 MEDICAL PLAN

(a) A written medical plan shall be developed in compliance with G.S. 153A-225 and it shall be available for ready reference by jail personnel. The medical plan shall include a description of the health services available to inmates.
(b) The written plan shall include policies and procedures that address the following areas:
(1) Health screening of inmates upon admission;
(2) Handling routine medical care;
(3) The handling of inmates with chronic illnesses or known communicable diseases or conditions;
(4) Administration, dispensing and control of prescription and non-prescription medications;
(5) Handling emergency medical problems, including but not limited to emergencies involving dental care, chemical dependency, pregnancy and mental health;
(6) Maintenance and confidentiality of medical records; and
(7) Privacy during medical examinations and conferences with qualified medical personnel.
(c) Inmates must be provided an opportunity each day to communicate their health complaints to a health professional or to an officer. Qualified medical personnel shall be available to evaluate the medical needs of inmates. A written record shall be maintained of the request for medical care and the action taken.
(d) Inmates shall not perform any medical functions in the jail.
(e) The medical plan shall be reviewed annually.

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

10A NCAC 14J .1002 HEALTH SCREENING FORM

The health screening form completed upon admission by an officer shall be available to jail officers, and a copy of the form shall be kept in any medical file that is maintained for inmates. The form shall be reviewed for the presence of confidential information which can not be made available to jail officers.

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

10A NCAC 14J .1003 MEDICAL ISOLATION

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

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

10A NCAC 14J .1004 EXERCISE
After the fourteenth consecutive day of confinement, each inmate shall be provided opportunities for physical exercise at least three days weekly for a period of one hour each of the days. Physical exercise shall take place either in the confinement unit if it provides adequate space or in a separate area of the jail that provides adequate space. The opportunity for physical exercise shall be documented.

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

SECTION .1100 - REPORTS

10A NCAC 14J .1101 MONTHLY REPORT FOR JAILS
The sheriff or the administrator of a regional jail shall complete a monthly report on Form DHR-JDS-1 and send it to the Section no later than the tenth day of the following month.

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

10A NCAC 14J .1102 REPORT OF DEATH
The report of an inmate death required by G.S. 153A-225 shall be submitted to the Section within five days.

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

SECTION .1200 - STANDARDS FOR NEW JAIL DESIGN AND CONSTRUCTION

10A NCAC 14J .1201 APPLICABILITY - CONSTRUCTION
(a) North Carolina State Building Code - Jails must meet the requirements of the North Carolina State Building Code in effect at the time of construction, additions, alterations or repairs.
(b) New Jails - The construction standards established in Section .1200 shall apply to all jail construction for which the final working drawings have been approved by the Branch after the effective date of this Rule. The operational standards in Sections .0100 through .1000 of this Subchapter will affect design options and shall be reviewed prior to submittal of working drawings.
(c) Existing Jails - Existing jails shall continue to be governed by the existing construction standards which are now in Section .1500 and the same standards shall apply to new jails which have had final working drawings approved by the Section prior to the effective date of this Rule. Existing jails or new jails which have had final working drawings approved by the Section prior to the effective date of this Rule may choose to comply with any of the new construction standards in Section .1200 as a substitute for existing standards on the same subject in Section .1500.
(d) Additions - The construction standards established in Section .1200 shall apply to any construction that adds square footage to the building and for which the final working drawings are approved after the effective date of this Rule.
(e) Alterations or Repairs - When alterations or repairs are made to an existing jail building such alterations or repairs shall comply with the standards for new construction established in Section .1200. Unaltered portions of the building

shall be required to comply with the new construction standards indicated in Section .1200 only under the circumstances specified in Paragraphs (f)-(h) of this Rule.
(f) Extensive Annual Alterations or Repairs - If, within any 12 month period, alterations or repairs costing in excess of 50 percent of the then physical value of the building are made to an existing jail, the entire jail shall conform to the construction standards for new jails established in Section .1200.
(g) Reconstruction After Damage - If an existing jail is damaged by fire or otherwise in excess of 50 percent of the then physical value of the building at the time of damage, the jail shall be reconstructed in conformance with the construction standards for new jails established in Section .1200.
(h) Physical Value - For the purpose of this Rule, the physical value of the jail building shall be determined by the local building inspection department.

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

10A NCAC 14J .1202 CONSULTATION AND TECHNICAL ASSISTANCE
Consultation and technical assistance in planning a new jail shall be available through the Section.

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

10A NCAC 14J .1203 COMPLIANCE REVIEW AND APPROVAL
(a) The governing body shall submit copies of the following to the Branch before it begins construction of a new jail and before it makes additions or alterations to an existing jail as defined by the North Carolina State Building Code:
(1) three sets of schematic drawings and outline specifications;
(2) three sets of preliminary working drawings or design development drawings and outline specifications; and
(3) three sets of completed final working drawings and specifications.
(b) Upon receipt of the drawings and specifications at each stage, the Section shall send one set each to the following for their review and approval: the Department of Insurance to insure compliance with the North Carolina State Building Code, and the Division of Environmental Health in the Department of Environment and Natural Resources to insure compliance with the rules governing sanitation as codified in 15A NCAC 18A, Section .1500 and which are hereby incorporated by reference including subsequent amendments and editions of the referenced materials. A copy of this material can be obtained free of charge from the State Division of Health Services, Environmental Health Section, Post Office Box 27687, Raleigh, North Carolina 27611-7687. The Section shall keep one set for its own review and approval to insure compliance with the minimum standards for the operation and construction of jails as contained in this Subchapter. Review and comment on the drawings and specifications at each stage shall be made no later than 30 days after their receipt by the Section.

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

10A NCAC 14J .1204 SPECIFIC CONSTRUCTION REQUIREMENTS
(a) Jails that restrain inmates under lock and key within a building shall meet the requirements of the North Carolina State Building Code for "Institutional Occupancy - Restrained" and the additional security requirements imposed by Rule .1220.
(b) Jails that do not restrain inmates within a building by lock and key shall meet the requirements of the North Carolina State Building Code for "Residential Occupancy".

(c) The construction materials in all jails shall be sufficient to provide the degree of security required for the area in which they are used.

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

10A NCAC 14J .1205 RESERVED FOR FUTURE CODIFICATION

10A NCAC 14J .1206 ELEVATORS

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

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

10A NCAC 14J .1207 INMATE PROCESSING AREA

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

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

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

10A NCAC 14J .1208 VISITATION AREAS

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

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

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

10A NCAC 14J .1209 MEDICAL AREA

(a) Each jail shall have a medical area that provides the following:

(1) a door that may be locked;
(2) locked storage for equipment, supplies, medications and medical records;
(3) an examination table and a handicapped-accessible sink, toilet and shower;
(4) a work station for the doctor and nurse;
(5) a telephone; and
(6) direct voice contact with officers.

(b) If a county or a region has more than one jail, it shall be required to provide only one medical area if that area meets the medical needs of the inmates in all of the jails.

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

10A NCAC 14J .1210 OTHER AREAS

(a) Each jail that does not contract for meals shall have a kitchen. If a county or a region has more than one jail, it shall be required to provide only one kitchen if it meets the needs of the inmates in all of the jails.
(b) Each jail that does not contract for laundry services shall have a laundry. If a county or a regional jail has more than one jail, it shall be required to provide only one laundry if it meets the needs of the inmates in all of the jails.
(c) Each jail shall have an area or areas specifically designated for physical exercise.
(d) Each jail shall provide areas with shelves that meet its storage needs. Each jail shall provide a separate area for the secure storage of inmate personal property.
(e) Each jail shall have a cleaning area that is equipped with a sink and that provides for the secure storage of cleaning supplies and equipment.
(f) Each jail shall provide adequate secure storage for those inmates who are placed on work release.

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

10A NCAC 14J .1211 ADMINISTRATIVE FACILITIES

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

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

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

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

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

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

10A NCAC 14J .1213 SHOWERS AND PLUMBING FIXTURES

(a) Each jail shall provide at least one shower for every eight inmates.
(b) Showers shall have drains that prevent water from draining outside the shower, and the shower fixtures and drains shall be tamper-resistant if necessary for security.
(c) Plumbing fixtures shall be made of stainless steel or other materials as necessary for security.
(d) Drinking fountains shall be equipped with mouth guards.
(e) All privacy partitions in showers and bathrooms shall be high enough to allow limited privacy for the inmates while still allowing adequate supervision by officers.

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

10A NCAC 14J .1214 WINDOWS AND GLAZING

(a) Windows and window framing, including glazing, shall be made of materials necessary to provide the degree of security required for the area in which they are used.
(b) Glazing shall be diffused or obscured if it affords a view into confinement units from outside the jail.
(c) View panels shall be made of materials necessary to provide the degree of security required for the area in which they are used, and those used for confinement units shall have an area that permits observation of the entire unit.
(d) Natural light shall be admitted into all confinement units either directly or indirectly.

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

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

(a) Doors, locks and detention hardware shall be made of materials necessary to provide the degree of security required for the area in which they are used.
(b) Doors to all confinement units shall have view panels.
(c) Doors shall operate independently of each other, and the cell doors in a cellblock shall be capable of simultaneous release during an emergency.
(d) Doors and locks that are electronically controlled shall be equipped with manual override.
(e) Food passes, if used, shall have openings large enough to permit the passage of a food tray.
(f) Bunks shall have dimensions necessary to accommodate a standard detention mattress and they shall be securely anchored at least 15 inches above the floor. When one bunk is placed above another, the lower bunk shall be approximately 15 inches and the upper bunk approximately 50 inches above the floor.
(g) Doors, locks, detention hardware and bunks shall be designed to inhibit their use for an attempted suicide.

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

10A NCAC 14J .1216 SAFETY EQUIPMENT

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

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

10A NCAC 14J .1217 MECHANICAL SYSTEMS

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

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

10A NCAC 14J .1218 PLUMBING SYSTEMS

(a) Each jail shall have a plumbing system that complies with the Commission for Public Health Rules 15A NCAC 18A, Section .1500 and the North Carolina State Building Code, Plumbing Code, both of which are hereby incorporated by reference including subsequent amendments and editions of the referenced materials. A copy of 15A NCAC 18A, Section .1500 can be obtained free of charge from the State Division of Health Services, Environmental Health Section, Post Office Box 27687, Raleigh, North Carolina 27611-7687. A copy of the North Carolina State Building Code, Plumbing Code (Volume II of the North Carolina State Building Code) can be obtained for twenty-five dollars ($25.00) from the North Carolina Department of Insurance, Post Office Box 26387, Raleigh, North Carolina 27611.
(b) Each jail shall have a hot water supply for lavatories and showers designed to meet the usual needs of the number of inmates confined in the jail.
(c) The master control valves for the plumbing system shall be located outside the confinement units and shall be accessible to officers during an emergency.

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

10A NCAC 14J .1219 ELECTRICAL SYSTEMS

(a) Each jail shall have an electrical system that provides artificial lighting in the confinement units of at least 30 footcandles and that can be reduced during sleeping hours.
(b) Artificial lighting in the corridors shall be at least 20 footcandles.
(c) Lighting fixtures shall be made of materials necessary to provide the degree of security required for the area in which they are used.
(d) Each jail shall provide electrical and antenna or cable connections for a television in its dayroom areas.

(e) The master controls and circuit breakers shall be located outside the confinement units and shall be accessible to officers during an emergency.
(f) Each jail shall have an auxiliary emergency power supply for each electrical system.

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

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

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

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

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

10A NCAC 14J .1221 CONFINEMENT UNITS

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

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

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

Each single cell used for segregation shall have:

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

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

10A NCAC 14J .1223 STANDARDS FOR SINGLE CELLS

Each single cell shall have:

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

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

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

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

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

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

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

10A NCAC 14J .1225 STANDARDS FOR DAYROOMS

Each dayroom shall have:

(1) a separate and complete security vestibule at its entrance;
(2) a minimum floor space of 105 square feet or 35 square feet per inmate, whichever is greater;
(3) sufficient seating for the capacity of the unit;
(4) sufficient table space for the capacity of the unit unless each inmate has unrestricted access to a cell with a table and chair, in which case the dayroom shall have sufficient table space for 70 percent of the capacity of the unit;
(5) a telephone jack or other telephone arrangement provided within the dayroom;
(6) a way for officers to observe the entire area; and
(7) one toilet per eight inmates unless the inmates have unrestricted access to a cell with a toilet, sink, drinking fountain and security mirror.

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

10A NCAC 14J .1226 STANDARDS FOR DORMITORIES

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

(1) a minimum floor space of 70 square feet per inmate including both the sleeping and dayroom area;
(2) one shower per eight inmates, one toilet per eight inmates, one sink with a security mirror per eight inmates, and one water fountain;
(3) a telephone jack or other telephone arrangement provided within the dormitory;

(4) space designed to allow a variety of activities;
(5) sufficient seating and tables for all inmates; and
(6) a way for officers to observe the entire area from the entrance.

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

SECTION .1300 - INSPECTION AND ENFORCEMENT OF MINIMUM STANDARDS

10A NCAC 14J .1301 INSPECTIONS

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

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

10A NCAC 14J .1302 REPORT OF INSPECTION

(a) The procedures contained in G.S. 153A-222 shall govern all inspections except those that find noncompliance with one or more of the provisions listed in Paragraph (b) of this Rule.
(b) The inspector shall forward a copy of the inspection report to the Secretary within ten days after the inspection if there are findings of noncompliance with any of the following standards contained in 10A NCAC 14J or the following statutes:
(1) Classification; Section .0300;
(2) Fire Safety; Section .0400;
(3) Supervision; Section .0600;
(4) Sanitation and Personal Hygiene; Section .0700;
(5) Food; Section .0900;
(6) Medical Care of Inmates; Section .1000;
(7) G.S. 153A-224, Supervision of Jails; or
(8) G.S. 153A-226(b), Disapproval for Public Health Purposes.
(c) The inspector at the same time shall submit to the Secretary a written description of the conditions that caused noncompliance and a preliminary determination of whether those conditions jeopardize the safe custody, safety, health or welfare of the inmates confined in the jail.
(d) The inspection report shall be submitted to the local officials responsible for the jail within 30 days after the inspection as required by G.S. 153A-222, and it shall include a notice that the facility was not in compliance with one or more of the provisions listed in Paragraph (b) of this Rule. The notice shall state that the report has been submitted to the Secretary on a designated date for a final determination of whether conditions at the jail jeopardize the safe custody, safety, health or welfare of its inmates. The notice shall state that local officials will be mailed a final determination within 45 days of the designated date.

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

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

(a) The Secretary shall determine whether conditions in the jail jeopardize the safe custody, safety, health or welfare of its inmates within 30 days after receipt of the inspection report and the supporting materials.
(b) The Secretary may determine that noncompliance with any of the provisions listed in 10A NCAC 14 .1302(b) jeopardizes the safe custody, safety, health or welfare of inmates confined in the jail.
(c) Although noncompliance with other specific standards or statutes may be found to jeopardize inmate or staff safe custody, safety, health or welfare, the Secretary shall determine that noncompliance with any of the following provisions contained in 10A NCAC 14J jeopardizes the safe custody, safety, health or welfare of inmates confined in the jail:

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

(d) The Secretary shall notify the local officials responsible for the jail within 15 days of his final determination if he concludes that the conditions in the jail jeopardize the safe custody, safety, health or welfare of the inmates. The Secretary shall order corrective action, order the jail closed, or enter into an agreement of correction with local officials pursuant to 10A NCAC 14J .1304.
(e) The Secretary shall notify the local officials responsible for the jail within 15 days of his final determination if he concludes that the conditions in the jail do not jeopardize the safe custody, safety, health or welfare of the inmates. The notice shall direct local officials to consider the inspection report and initiate corrective action pursuant to the provisions of G.S. 153A-222.

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

10A NCAC 14J .1304 AGREEMENT OF CORRECTION

(a) Before ordering corrective action or ordering the jail closed, the Secretary may direct the governing body to enter into an agreement of correction. If the Secretary chooses this option, he shall require the governing body to enter into a written agreement within 30 days after it receives notice that conditions in the jail jeopardize the safe custody, safety, health or welfare of the inmates.
(b) The agreement of correction at a minimum shall indicate the specific areas of noncompliance with the standards or statutes, the governing body's intent to remedy noncompliance, a plan for remedying the noncompliance, a definite and reasonable number of days within which the jail will be brought into compliance, and a schedule of inspections to monitor compliance.
(c) The agreement of correction may be extended once for a period not to exceed 60 days if the time period in the initial agreement expires before the jail is brought into compliance, but only if the governing body is making a good faith effort to achieve compliance.
(d) If the jail is not brought into compliance within the time period required by Paragraph (c) of this Rule, the Secretary shall order corrective action or order the jail closed.

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

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

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

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

10A NCAC 14J .1306 DESIGNATION BY SECRETARY

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

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

SECTION .1400 - SATELLITE JAIL/WORK RELEASE UNITS

10A NCAC 14J .1401 APPLICABILITY

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

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

SECTION .1500 - CONSTRUCTION STANDARDS FOR EXISTING FACILITIES

10A NCAC 14J .1501 DEFINITIONS

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

(1) "County jail" is a detention facility designated for the confinement of persons for varying periods of time including persons awaiting adjudication and short-term sentences as well as persons serving sentences while on work release. The facility is authorized, maintained and administered by officials at the county level.

(2) "Municipal jail" is a facility designated for the confinement of persons for periods not to exceed 24 hours, pending release or transfer to county jail. The facility is authorized, maintained and administered by officials at the municipal level.

(3) "Local lock-up" is a facility designated for the temporary confinement of persons not to exceed six hours pending either release or transfer to a county jail. The facility is authorized, maintained and administered by officials at the municipal level.

(4) "Regional or district jail" is a facility designated for the identical purpose as a county jail except authorization, maintenance and administration is under the control of a joint governing body comprised of authorized representatives for the participating counties.

(5) Because of current changes from the traditional in terminology associated with the confinement setting, the following comparison of a limited number of terms is included:

(a) "Terminology used in standards" is the same as "traditional or approximate synonym".
(b) "Single sleeping room" is the same as "single cell".
(c) "Multiple sleeping room" is the same as "multiple (four-man) cell".
(d) "Isolation room" is the same as "solitary cell".
(e) "Dayroom" is the same as "cell run-around".
(f) "Confinement unit" is the same as "cell-block".
(g) "Holding area" is the same as "bull pen".
(h) "Sally port" is the same as "yard gate" (for vehicles).

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

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

(a) The walls and roof shall be made of:
(1) reinforced concrete that complies with the North Carolina State Building Code, or
(2) masonry that complies with approved plans and specifications, or
(3) other materials that comply with the North Carolina State Building Code.

(b) The interior walls in security areas shall be made of:
(1) reinforced concrete that is at least four inches thick and finished smooth, or
(2) cement masonry (CMU) and brick that is at least eight inches thick, or
(3) approved steel as specified in Rule .1513 of this Section.

(c) Interior floors shall be made of concrete that is finished smooth, terrazzo, quarry tile, or other approved material.

(d) Interior ceilings shall be made of:
(1) reinforced concrete that is finished smooth, or
(2) approved steel as specified in Rule .1513 of this Section, or
(3) other approved material.

(e) Grating fronts and grating doors for single and multiple rooms shall be made of tool-resisting steel, as specified in Rule .1513(1)(a) of this Section, unless enclosed in a tool resisting perimeter.

(f) Safety vestibule grating and interior grating doors shall be made of tool-resisting steel, as specified in Rule .1513(1)(a) of this Section.

(g) Materials shall be non-combustible and shall have fire-resistive ratings if required by the North Carolina State Building Code.

(h) A local confinement facility shall not be located in or attached to buildings with less than fire-resistive construction, unless the confinement area is separated by an approved masonry firewall.

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

10A NCAC 14J .1503 DOORS

(a) All doors that open into booking or control areas of jails shall be security doors as specified in Rules .1514 and .1515 of this Section, unless other exterior security is provided, including either a sally port, a controlled gate, or fencing.

(b) Exit doors shall be security type doors and they shall be keyed to both sides.

(c) The number of exits, the width and location of exit doors, and the swing of exit doors shall comply with North Carolina State Building Code.

(d) Sally port doors shall be of the security type and shall be installed in accordance with approved plans and specifications.

(e) Swinging plate doors of approved type as specified in Rule .1515(a) to (c) of this Section shall be provided with a speaking panel and an observation port when employed on safety vestibules and in other locations as may be approved in plans and specifications.
(f) Swinging plate doors with a prison type lock or hollow metal doors of approved types with an observation port shall be used at entrances to inspection corridors. Hollow metal doors shall have heavy-duty lock with multiple tumblers.
(g) An approved grill, a hollow metal security door, or a plate security door shall be used at all entrances to security areas (see Rule .1515 of this Section).
(h) Grill doors to individual rooms shall be made of open hearth steel only if it is enclosed in a tool-resisting perimeter.
(i) Pipe chase access doors or plates shall be made of approved security-type plate or hollow metal (Rule .1516 of this Section) according to approved plans and specifications.
(j) Access doors in all inmate occupied areas shall be equipped with observation ports and food passes according to approved plans and specifications.
(k) In all areas occupied by female inmates, observation ports shall be equipped with an operating hatch that may be closed from the outside and secured to provide privacy.
(l) If electro-mechanical capability is used in a security door installation within the confinement area, the control box shall provide a mechanical over-ride in the event of power failure.
(m) All door-locking mechanisms shall be of the approved type (see Rule .1517 of this Section) and installed according to approved plans and specifications.
(n) Elevator doors opening into jail areas shall be secure and located so as to be under observation and control of officers.
(o) The controls for sally port doors shall be located within the booking control area to provide constant surveillance by supervisory personnel.

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

10A NCAC 14J .1504 WINDOWS AND SECURITY SCREENING
(a) All windows shall open and close to provide ventilation unless mechanical cooling or forced air circulation is provided.
(b) Windows shall be constructed of such material to contain persons within the enclosed area and to provide security from without.
(c) Windows in inspection corridors shall be designed to maximum security specifications using tool-resistant steel bars or members (equivalent to Bayley AN-1, SG-1, or SN-1, or Southern Steel Co. Type AST or SST) unless the confinement unit has a tool-resisting steel grating enclosure.
(d) Windows in the inspection corridor shall be designed to moderate security detention using mild steel bars and members (equivalent to Bayley SG-1, AN-2 or SN-2) if the confinement unit has a tool-resisting grating enclosure.
(e) Local lockups are the only exception to (c) and (d) if the windows are fixed, inaccessible, or they otherwise present no threat to safety or security.
(f) Windows shall have protective or security screening to prevent the passing of contraband except where approved exterior fencing is provided.
(g) Security screening shall be of a type to protect glass from damage and prevent the passage of contraband if inmates have access to windows (see Rule .1529 and .1530 of this Section).
(h) Windows shall be glazed with diffused or obscured glass or an approved synthetic material which admits light to all confinement areas if they afford a view into the confinement area from outside.
(i) Skylights shall meet the same requirements for light transmission and security windows, except that skylights need not be ventilating units.
(j) Windows in the booking area shall be of an approved type and construction to provide security and protection for the area.

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

10A NCAC 14J .1505 SINGLE ROOM REQUIREMENTS

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

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

10A NCAC 14J .1506 MULTIPLE ROOM REQUIREMENTS

(a) The capacity of multi-room units shall not exceed four inmates.
(b) The minimum room area shall be nine feet by seven feet by eight feet.
(c) The room shall have a combination lavatory, commode and drinking fountain (see Rule .1534 of this Section).
(d) The room shall have hot and cold water unless it is contained in a confinement unit with a dayroom that has hot and cold water.
(e) Except for local lockups, each room shall have a shower with hot and cold water.
(f) An approved mirror shall be installed (see Rule .1521 of this Section).
(g) No more than four approved stationary steel bunks shall be installed within each room.
(h) Natural light shall be admitted to the room in compliance with the North Carolina State Building Code.

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

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

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

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

10A NCAC 14J .1508 DORMITORY AREA REQUIREMENTS IN COUNTY JAIL ANNEXES
Dormitory areas in county jail annexes must not exceed the rated capacity as approved by the Section.

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

10A NCAC 14J .1509 DAYROOM AND SAFETY VESTIBULE REQUIREMENTS: COUNTY JAIL
(a) Confinement units with a capacity of over four persons, except for dormitories, shall provide a dayroom of equal area to the sleeping areas.
(b) The dayroom area shall have an approved shower with hot and cold water for every 16 inmates (see Rule .1524 of this Section), and it shall have a commode, drinking fountain, and lavatory with hot and cold water.
(c) Each dayroom shall have an approved steel bench and table (see Rule .1523 of this Section) that will accommodate all of the inmates in the confinement unit.
(d) Confinement units with a capacity of over four persons, except for dormitories, shall have a safety vestibule that permits one door to be locked before the other is opened.
(e) A combination of single rooms and four-man rooms may share a common dayroom, but the capacity of a dayroom shall not exceed 24 inmates.

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

10A NCAC 14J .1510 HOLDING AREAS
(a) Each facility with a capacity of 30 or more inmates shall have a secure holding area adjacent to the booking area where inmates can be held pending their commitment.
(b) The holding area shall be under observation by administrative jail personnel.
(c) The holding area shall be constructed of approved grill steel.
(d) The holding area shall have an approved bench and combination lavatory, commode, and drinking fountain.

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

10A NCAC 14J .1511 OTHER AREAS
(a) Each facility shall have sufficient storage space.
(b) Each county jail shall have a medical examining room that at least is equipped with an examining table and a lavatory.
(c) Each jail with a capacity of more than 20 inmates shall have secure conference areas, and the areas shall not have recording or listening devices.
(d) All confinement areas shall have adequate floor drains in accordance with approved plans and specifications (see Rule .1535 of this Section).

History Note: Authority G.S. 153A-220; 153A-221;
Eff. June 1, 1990;

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

10A NCAC 14J .1512 LIGHTING AND VENTILATION

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

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

10A NCAC 14J .1513 WALLS

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

(1) Steel grating of either tool-resisting steel or open hearth steel as specified in the plans:
  (a) Tool-resisting steel grating shall meet the following construction requirements:
    (i) Seven-eighths of an inch or one inch diameter vertical double-ribbed round bars spaced not over four inches on center, passing through and interlocking at each intersection with 3/8 inch x 2-1/4 inches or 3/8 inch x 2-1/2 inches tool-resisting flat bars spaced on 12 inch centers for 7/8 inch bars and on 18 inch centers for one inch bars;
    (ii) Vertical framing bars shall be 3/8 inch x 2-1/4 inches or 3/8 inch x 2-1/2 inches tool-resisting flat bars.
  (b) Open hearth steel grating shall meet the following construction requirements:
    (i) Seven-eighths of an inch or one inch diameter vertical double-ribbed round bars spaced not over four inches on center, passing through and interlocking at each intersection with 3/8 inch x 2-1/4 inches or 3/8 inch x 2-1/2 inches horizontal flat bars spaced on 12 inch centers for 7/8 inch bars and on 18 inch centers for one inch bars;
    (ii) Vertical framing bars shall be 3/8 inch x 2-1/4 inches or 3/8 inch x 2-1/2 inches open hearth flat bars.
(2) Steel plate used in a wall or ceiling shall meet the following construction requirements:
  (a) not less than 3/16 inch open hearth steel, or
  (b) not less than 1/4 inch tool-resisting steel.

History Note: Authority G.S. 153A-220; 153A-221;
Eff. June 1, 1990;

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

10A NCAC 14J .1514 SLIDING DOORS

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

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

10A NCAC 14J .1515 SWINGING DOORS

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

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

10A NCAC 14J .1516 ACCESS DOORS AND PANELS

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

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

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

(a) Locking swinging doors shall use prison deadlocks with heavy multiple tumblers. The lock mechanism shall be housed in a lock case made of forged steel not less than 5-1/2 inches x 1-3/8 inches in size.

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

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

10A NCAC 14J .1518 HINGES
Swinging doors shall be hung on hinges designed for jail use.

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

10A NCAC 14J .1519 OBSERVATION AND SPEAKING PANELS
(a) Observation and speaking panels shall be mounted in plate or masonry walls where shown on plans, and they shall be designed to prevent the passage of contraband.
(b) Observation and speaking panels shall be made either of polished stainless steel, chromium plated steel, brass, or aluminum.
(c) Glass in observation panels shall be bullet-proof and at least 7/8 inch thick.

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

10A NCAC 14J .1520 FOOD PASSES
(a) The food pass in plate walls shall be approximately 12 inches wide x 4-1/2 inches high. Hinged food pass shutters shall be about 13 inches wide and six inches high and they shall be made of 3/16 inch open-hearth steel plate. The shutter shall form a shelf when in open position and it shall overlap the opening around the edges.
(b) The food pass in grating walls shall be approximately 12 inches wide x 4-1/2 inches high, and a shelf 5 inches x 12 inches shall be riveted or welded to the bottom of the opening to facilitate the passage of food.

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

10A NCAC 14J .1521 MIRRORS
(a) Mirrors shall be approximately 8 inches x 9-1/2 inches in size when provided.
(b) Mirrors shall be highly polished stainless steel or chrome plated steel, and they shall be attached securely to the wall.

History Note: *Authority G.S. 153A-220; 153A-221;*
Eff. June 1, 1990;

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

10A NCAC 14J .1522 BUNKS

(a) Bunks shall be six feet, three inches long and not less than two feet, one inch nor more than two feet, three inches wide.
(b) The bottoms of bunks shall be 16-gauge sheet steel perforated with one inch to two inch holes for ventilation.
(c) Bunks shall be framed on the long side by angles not less than 1-1/2 inches x 2 inches x 3/16 inch in size and on the ends by 3/16 inch bent plate brackets.
(d) The required parts shall be welded together to form a one-piece bunk assembly with end brackets.
(e) The bunk brackets shall be securely fastened to cell walls.
(f) When one bunk is placed above another, the lower bunk shall be approximately 15 inches and the upper bunk approximately 50 inches above the floor.
(g) In dormitories, double bunks with approved bottoms and frames shall be securely attached either to the floor or the wall.

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

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

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

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

10A NCAC 14J .1524 SHOWER STALLS

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

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

10A NCAC 14J .1525 REMOTE CONTROL LOCKING MECHANISMS

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

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

10A NCAC 14J .1526 MATERIAL TESTS

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

(1) A load test of not less than 6,000 lbs. applied at the midpoint of heat-treated 7/8 inch or one inch diameter double-ribbed round tool-resisting bar resting horizontally on two supports spaced 12 inches apart. The load shall be applied with a blunt-end rounded to a radius of approximately 1/4 inch on the edge which is in contact with the tested bar. The bar shall not assume a permanent set in excess of 1/4 inch and it shall not break under the load.

(2) Tool-resisting 7/8 inch or one inch steel bars shall not be severed within six hours by using six hacksaw blades, and it shall not be pierced by using six 1/8 inch bits, used either in a hand-operated or motor-driven drill. The hacksaw blades and bits in this test shall be the standard type found in institutions.

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

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

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

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

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

10A NCAC 14J .1528 DOOR PULLS

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

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

10A NCAC 14J .1529 WIRE WINDOW GUARDS

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

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

10A NCAC 14J .1530 SECURITY SCREENS
Security screens shall be installed as indicated on the construction plans, and they shall be made of steel, stainless steel, or extruded aluminum.

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

10A NCAC 14J .1531 INSECT SCREENS AND DOORS
Insect screens and doors shall be provided as indicated on the plans, and they shall be made of extruded aluminum, stainless steel, bronze, or steel.

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

10A NCAC 14J .1532 KEY CABINET
(a) A secure key cabinet shall be provided as shown on the plans, and it shall be made of not less than 10-gauge open-hearth steel plate.
(b) The door to the key cabinet shall be hung securely on two steel pin hinges and locked with a heavy multiple tumbler security-type deadlock.
(c) The key cabinet shall have shelves, gun racks, and key hooks as required.

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

10A NCAC 14J .1533 PLUMBING
All plumbing shall be in accordance with the North Carolina State Plumbing Code and the approved plans in effect at time of construction.

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

10A NCAC 14J .1534 PLUMBING FIXTURES

(a) Plumbing fixtures shall be furnished and installed as specified on the approved plans.
(b) The plumbing construction shall withstand damage attempted without tools, and the plumbing materials shall offer maximum resistance to wear while providing sanitation in the area used.
(c) Vitreous china lavatories shall have an integral spout and drinking nozzle with a mouth guard.
(d) Lavatories shall have an integral soap dish and outlet.
(e) Lavatories shall have self-closing operating buttons.
(f) Vitreous china water closets shall be floor mounted and shall have an integral seat and base with a 1-1/2 inch back spud.
(g) The flush valve shall be tamper proof and self-closing, and siphon jet action shall be used.
(h) Commode, lavatory and drinking fountain combination units shall be made of welded stainless steel or cast aluminum except that galvanized steel shall be allowed for cabinet reinforcement.
(i) The fixture shall have tamper-proof, chrome-plated self-closing valves and a combination filler, drinking bubbler with a mouth guard and vacuum flow control.
(j) The water closet bowl shall have an integral seat and back outlet.
(k) The lavatory top, bowl, and closet bowl in the stainless steel fixture shall be 16-gauge or heavier with an 11-gauge or heavier liner.
(l) Surfaces in the stainless steel unit shall be satin finish, except the bowl shall have a high luster finish.
(m) The fixture shall be anchored through the wall with concealed bolts.
(n) A vacuum breaker shall be incorporated and a water shutoff shall be installed outside the room or dayroom.
(o) The fountain bubbler shall produce a water flow on a jet angle and the protector shall be above the water outlet to prevent the mouth from touching it. The protector shall be strong enough that the average person cannot change its configuration without tools.

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

10A NCAC 14J .1535 FLOOR DRAINS
Floor drains that are accessible to inmates shall be fitted with tamper-resistant covers.

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

10A NCAC 14J .1536 GENERAL PROVISIONS REGARDING EQUIPMENT INSTALLATION
(a) All steel equipment, except tool-resisting bars embedded in concrete floors and other such parts that are enameled or plated, shall have a prime coat applied in the fabricating shop.
(b) Paint shall be of good metallic grade.
(c) All riveting and welding connected with the installation of security equipment shall meet specifications indicated by the architect.

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

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

10A NCAC 14J .1601 APPLICABILITY

Existing state-funded satellite jail/work release units shall continue to be governed by the existing construction standards which are now in this Section. These same standards shall apply to new satellite jail/work release units which have had final working drawings approved by the Section prior to the effective date of this Rule. Existing state-funded satellite jail/work release units or new state-funded satellite jail/work release units which have had final working drawings approved by the Section prior to the effective date of this Rule may choose to comply with any of the new construction standards in Section .1200 as a substitute for existing standards on the same subject in Section .1500.

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

10A NCAC 14J .1602 CONFINEMENT UNIT

Each satellite jail/work release unit shall include:

(1) No more than 24 inmates per sleeping area;
(2) No less than 35 square feet per inmate devoted to sleeping area only;
(3) One shower per 10 inmates, one water closet per six inmates, one sink per six inmates and one water fountain per 10 inmates. Showers and toilet facilities shall be designed to provide maximum privacy (line of sight) while not interfering with the capability of the jail staff to complete supervision rounds;
(4) A telephone hookup or other arrangements provided within the area;
(5) A dayroom/activity room for each unit separated from the sleeping area and of a size to provide a minimum of 15 square feet per inmate;
(6) A dayroom/activity room designed to allow a variety of activities to take place and have:
    (a) sufficient seating and tables for each inmate in each confinement unit;
    (b) natural light;
    (c) artificial lighting at 30 footcandles in reading areas which may be reduced during sleeping hours;
    (d) access to toilet, sink with hot and cold water, and drinking fountain;
    (e) visual control by staff to observe entire area from point of entrance;
    (f) direct voice contact with continuously staffed post or central control center.
(7) Single occupancy sleeping areas when called for in the design. Each single occupancy area shall have:
    (a) a minimum of 35 square feet of floor space;
    (b) a minimum floor dimension of seven feet;
    (c) a toilet, sink, and drinking fountain;
    (d) a bed frame;
    (e) artificial lighting of 30 footcandles which can be reduced during sleeping hours;
    (f) natural light provided by window with exterior exposure;
    (g) direct voice contact with staff post or central control center.

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

10A NCAC 14J .1603 PROGRAMMING AREAS

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

(1) A general visitation area with:

(a) a public entrance to the facility;
(b) an entry located to permit direct observation and control by staff;
(c) storage facilities for visitors' coats and packages;
(d) a sufficient number of stations to accommodate visitation needs;
(e) seating for both inmates and visitors.

(2) A confidential attorney visitation area that:
(a) is separate and distinct from the general visitation area;
(b) permits passage of papers and documents;
(c) provides seating with a table or desk for writing for visitors and inmates;
(d) provides artificial lighting of 30 footcandles;
(e) permits contact visiting;
(f) provides for visual monitoring, but not hearing by staff;
(g) provides for visitors to contact staff if needed.

(3) If the facility is not a "work release" only facility, a medical area designed:
(a) to prohibit access by unauthorized personnel;
(b) to have locked storage for equipment, supplies, medications, and records;
(c) for equipment approved by the jail physician including a sink, toilet, shower, examining table, nurses and physicians work station, telephone, and direct contact with the central control area.

(4) A food service that meets the sanitation requirements of the Commission for Public Health Title 15A Chapter 18A Section .1500, with adequate storage and food preparation areas.

(5) A laundry service (either contracted for or on premises).

(6) In a facility which is not a "work release" only facility, recreational facilities with:
(a) an area designed for vigorous physical activities, such as volleyball, basketball, etc.;
(b) equipment storage area;
(c) staff observation post for all areas;
(d) access to areas controlled by staff.

(7) A commissary through contract services or built on premises.

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

10A NCAC 14J .1604 ADMINISTRATION AREA

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

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

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

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

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

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

10A NCAC 14J .1606 MECHANICAL SYSTEMS

Mechanical systems shall:

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

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

10A NCAC 14J .1607 GENERAL REQUIREMENTS

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

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

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

SECTION .1700 - MUNICIPAL LOCKUPS

10A NCAC 14J .1701 DEFINITIONS

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

(1) "Addition" is an extension or increase in floor area or height of a building or structure.
(2) "Alteration" is any change or modification in construction or use.
(3) "Booking area" is a secure area where a person is admitted to a jail and procedures such as searching, fingerprinting, photographing, health screening, and collecting personal history data occur.
(4) "Section" is the Jail and Detention Section of the Division of Health Service Regulation, Department of Health and Human Services.
(5) "Cell" is any confinement unit.
(6) "Cellblock" is a separate and identifiable grouping of cells.
(7) "Communicable disease or condition" is an illness or condition as defined in G.S. 130A-133 which is hereby adopted by reference pursuant to G.S. 150B-14(c).

(8) "Confinement unit" is a single segregation cell, a single cell, a multiple occupancy cell or a dormitory.

(9) "Contraband" is any item that a person is not authorized to possess in the lockup because it is a violation of law or a violation of rules.

(10) "Department", unless otherwise specified, is the North Carolina Department of Health and Human Services.

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

(12) "Emergency medical problem" is a serious medical need, including severe bleeding, unconsciousness, serious breathing difficulties, head injury, severe pain, suicidal behavior or severe burns, that requires immediate medical attention and that cannot be deferred until the next scheduled sick call or clinic.

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

(14) "Governing body" refers to the governing body of a municipal government.

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

(16) "Inmate" is any person, whether pretrial, unsentenced, or sentenced, who is confined in a lockup.

(17) "Inmate processing area" is a secure area through which inmates enter and exit, and it may be combined with the booking area.

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

(19) "Medical record" is a record of medical problems, examinations, diagnoses and treatments.

(20) "Multiple occupancy cell" is a cell designed to house up to four inmates.

(21) "Municipal lockup" is a facility designated for the confinement of persons for periods not to exceed 24 hours, pending release or transfer to the county jail. The facility is authorized, maintained, and administered by municipal officials.

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

(23) "Operations manual" is a set of written policies and procedures for the operation of a lockup in compliance with state and federal law and the minimum standards for the operation of municipal lockups.

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

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

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

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

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

(29) "Secretary", unless otherwise specified, is the Secretary of Department of Health and Human Services.

(30) "Security perimeter" is the outer portion of a lockup that provides for the secure confinement of inmates and that prevents the entry of unauthorized persons or contraband.

(31) "Security vestibule" is a defined space that provides security by using two or more doors, with each door able to operate independently, and that permits an officer to observe those who pass through the space.
(32) "Single cell" is a cell designed to house one inmate.
(33) "Tamper resistant" means designed to prevent damage, destruction or interference by inmates.
(34) "View panel" is a transparent panel.

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

10A NCAC 14J .1702 APPLICABILITY - CONSTRUCTION

(a) New Municipal Lockups - The construction standards established in this Section shall apply to all municipal lockup construction for which the final working drawings are approved by the Branch after the effective date of this Rule.
(b) Existing Municipal Lockups - Existing municipal lockups shall continue to be governed by the existing construction standards which are now in Section .1500 of this Subchapter and the same standards shall apply to new municipal lockups which have had final working drawings approved by the Section prior to the effective date of this Rule. Existing municipal lockups or new municipal lockups which have had final drawings approved by the Section prior to the effective date of this Rule may choose to comply with any of the new construction standards in Section .1200 as a substitute for existing standards on the same subject in Section .1500.
(c) Additions - The construction standards established in this Section shall apply to any construction that adds square footage to the building and for which the final working drawings are approved after the effective date of this Rule.
(d) Alterations or Repairs - When alterations or repairs are made to an existing municipal lockup building which affect its structural strength, exits, fire hazards, electrical systems, mechanical systems, or sanitary conditions, such alterations or repairs shall comply with the standards for new construction established in this Section. Unaltered portions of the building shall be required to comply with the new construction standards indicated in this Section only under the circumstances specified in Paragraphs (e) - (g) of this Rule.
(e) Extensive Annual Alterations or Repairs - If, within any 12 month period, alterations or repairs costing in excess of 50 percent of the then physical value of the building are made to an existing municipal lockup, the entire municipal lockup shall conform to the construction standards for new municipal lockups established in this Section.
(f) Reconstruction After Damage - If an existing municipal lockup is damaged by fire or otherwise in excess of 50 percent of the then physical value of the building at the time of damage, the municipal lockup shall be reconstructed in conformance with the construction standards for new municipal lockups established in this Section.
(g) Physical Value - For the purpose of this Rule, the physical value of the municipal lockup building shall be determined by the local building inspection department.

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

10A NCAC 14J .1703 REQUIREMENT FOR OPERATIONS MANUAL

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

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

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

10A NCAC 14J .1704 PURPOSE OF OPERATIONS MANUAL

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

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

10A NCAC 14J .1705 CONTENTS OF OPERATIONS MANUAL

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

(1) administration and management;
(2) admissions, transportation and release;
(3) classification;
(4) security and supervision;
(5) inmate rules and discipline;
(6) management of special inmates;
(7) legal rights of inmates;
(8) health, mental health, mental retardation and substance abuse services;
(9) food services;
(10) access to legal representation;
(11) sanitation; and
(12) emergency plans.

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

(1) Appalachian State University, Model Policies and Procedures Manual for North Carolina Jails;
(2) American Correctional Association, Standards for Adult Local Detention Facilities;
(3) American Correctional Association, Standards for Small Jails;
(4) National Commission on Correctional Health Care, Standards for Health Services in Jails.

These references shall be available for inspection or loan from the Section. Consultation and technical assistance shall be available from the Section. The Section can also provide information regarding outside agencies with additional resources for developing policies and procedures.

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

10A NCAC 14J .1706 REVIEW OF MANUAL

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

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

10A NCAC 14J .1707 CLASSIFICATION SYSTEM

Each municipal lockup shall have a written classification procedure for the placement and housing of inmates. Within the limitations imposed by the design and capacity of the lockup, the procedure shall assign inmates to confinement units that best meet their individual needs and that reasonably protect the inmate, other inmates, the jail staff, and the public.

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

10A NCAC 14J .1708 FEMALE INMATES

Male and female inmates shall not be placed in the same confinement unit, dayroom or other living area and, in addition, female inmates shall be housed out of sight of male inmates.

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

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

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

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

10A NCAC 14J .1710 DISCRIMINATION IN HOUSING ASSIGNMENTS

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

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

10A NCAC 14J .1711 EXITS

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

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

10A NCAC 14J .1712 FIRE EQUIPMENT

Each municipal lockup shall provide the following emergency fire equipment:

(1) fire extinguishers that meet all of the requirements in National Fire Prevention Association pamphlet number 10 which is hereby adopted by reference pursuant to G.S. 150B-14(c), and

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

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

10A NCAC 14J .1713 FIRE PLAN

(a) Each municipal lockup shall have a written plan for the evacuation and control of inmates in the event of a fire. The plan shall include at least quarterly fire drills, and records shall be made of the fire drills and retained. The actual movement of inmates to other areas or outside the building is not required.
(b) Evacuation routes shall be posted or otherwise clearly marked throughout the municipal lockup.
(c) The police chief shall request in writing that the local fire department or fire marshall inspect the municipal lockup and review the fire plan at least once each year.

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

10A NCAC 14J .1714 MATTRESSES

Mattresses shall be of fire resistive and nontoxic construction.

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

10A NCAC 14J .1715 KEYS

Each municipal lockup shall have a key control system that includes the following elements:

(1) a key control center that is secure and inaccessible to unauthorized persons at all times;
(2) a set of duplicate keys to be stored in a safe place that is inaccessible to unauthorized persons at all times;
(3) an accounting procedure for issuing and returning keys; and
(4) a system of keys and matching locks that are color-coded and marked for identification by touch.

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

10A NCAC 14J .1716 GENERAL SECURITY REQUIREMENTS

Each municipal lockup shall meet the following security requirements:

(1) provide for the secure confinement of inmates from the time of their passage through the security perimeter until release;
(2) prevent the passage of contraband;
(3) prevent unauthorized contact between inmates and person from outside the lockup;
(4) provide a ground-level perimeter exterior that is well lighted; and
(5) provide a communications link with outside agencies for use in emergencies.

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

10A NCAC 14J .1717 SUPERVISION

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

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

10A NCAC 14J .1718 SANITATION AND TOILETS

Each municipal lockup shall comply with the North Carolina Commission for Public Health rules governing sanitation as codified in Title 15A Chapter 18A Section .1500 and which are hereby adopted incorporated by reference, including subsequent amendments and editions of the reference materials. A copy of this material can be obtained free of charge from the State Division of Health Services, Environmental Health Section, Post Office Box 27687, Raleigh, North Carolina 27611-7687. Inmates shall have unrestricted access to toilets.

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

10A NCAC 14J .1719 MATTRESSES AND BEDDING

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

(1) Mattresses shall comply with Commission for Public Health rules on sanitation, Title 15A Chapter 18B .0201 - .0215 and G.S. Chapter 130A-273 which are hereby adopted by reference pursuant to G.S. 150B-14(c).
(2) Mattresses shall not be less than four inches thick and shall be the same length and width as the lockup bunks.
(3) Mattresses shall not have any metal, plastic, or other rigid framing component.
(4) Mattress ticking shall be durable and water repellent.

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

10A NCAC 14J .1720 FOOD SERVICE

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

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

10A NCAC 14J .1721 MEAL SERVICE

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

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

10A NCAC 14J .1722 FOOD AND NUTRIENT REQUIREMENTS

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

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

10A NCAC 14J .1723 MENUS

(a) Menus shall be prepared in consultation with a registered dietitian.
(b) Menus shall be written and portion sizes shall be specified.
(c) Menus shall be dated and posted one week in advance.
(d) Menus shall be served as written to inmates in the municipal lockup. Any necessary substitutions shall be of comparable nutritional value, and a written record of substitutions shall be kept.
(e) The same menu shall not be served at lunch and dinner on the same day.
(f) Dated menus and records of any substitutions shall be retained for three years.

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

10A NCAC 14J .1724 MODIFIED DIETS

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

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

10A NCAC 14J .1725 MEDICAL PLAN

(a) A written medical plan shall be developed in compliance with G.S. 153A-225 and it shall be available for ready reference by municipal lockup personnel. The medical plan shall include a description of the health services available to inmates.
(b) The written plan shall include policies and procedures that address the following areas:
(1) Health screening of inmates upon admission;
(2) Routine medical care;
(3) The handling of inmates with chronic illnesses or known communicable diseases or conditions;
(4) Administration, dispensing and control of prescription and non-prescription medications;
(5) Handling emergency medical problems, including but not limited to emergencies involving dental care, chemical dependency, pregnancy and mental health;
(6) Maintenance and confidentiality of medical records; and
(7) Privacy during medical examinations and conferences with qualified medical personnel.
(c) Inmates must be provided an opportunity each day to communicate their health complaints to a health professional or to an officer. Qualified medical personnel shall be available to evaluate the medical needs of inmates. A written record shall be maintained of the request for medical care and the action taken.
(d) Inmates shall not perform any medical functions in the lockup.
(e) The medical plan shall be reviewed annually.

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

10A NCAC 14J .1726 HEALTH SCREENING FORM

The health screening form completed upon admission by an officer shall be available to municipal lock-up officers, and a copy of the form shall be kept in any medical file that is maintained for inmates. The form shall be reviewed for the presence of confidential information which cannot be made available to municipal lock-up officers.

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

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

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

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

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

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

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

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

10A NCAC 14J .1729 REPORT OF DEATH

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

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

10A NCAC 14J .1730 CONSULTATION AND TECHNICAL ASSISTANCE

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

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

10A NCAC 14J .1731 COMPLIANCE REVIEW AND APPROVAL

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

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

(b) Upon receipt of the drawings and specifications at each stage, the Section shall send one set each to the following for their review and approval: the Department of Insurance to insure compliance with the North Carolina State Building Code, and the Division of Environmental Health in the Department of Environment and Natural Resources to insure compliance with the rules governing sanitation as codified in Title 15A Chapter 18A Section .1500 and which are hereby adopted by reference pursuant to G.S. 150B-14(c). The Section shall keep one set for its own review and approval to insure compliance with the minimum standards for the operation and construction of municipal lockups as contained in this Subchapter. Review and comment on the drawings and specifications at each stage shall be made no later than 30 days after receipt by the Section.

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

10A NCAC 14J .1732 SPECIFIC CONSTRUCTION REQUIREMENTS

(a) Municipal lockups restrain inmates under lock and key within a building and therefore shall meet the requirements of the North Carolina State Building Code for "Institutional Occupancy - Restrained".

(b) The construction materials in all municipal lockups shall be sufficient to provide the degree of security required for the area in which they are used.

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

10A NCAC 14J .1733 CENTRAL CONTROL STATION

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

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

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

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

10A NCAC 14J .1734 ELEVATORS

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

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

10A NCAC 14J .1735 INMATE PROCESSING AREA

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

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

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

10A NCAC 14J .1736 VISITATION AREAS

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

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

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

10A NCAC 14J .1737 OTHER AREAS

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

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

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

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

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

Amended Eff. December 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.

10A NCAC 14J .1739 SHOWERS AND PLUMBING FIXTURES

(a) If provided, each municipal lockup shall have at least one shower for every eight inmates.
(b) If provided, showers shall have drains that prevent water from draining outside the shower, and the shower fixtures and drains shall be tamper-resistant if necessary for security.
(c) Plumbing fixtures shall be made of stainless steel or other suitable materials as necessary for security.
(d) Drinking fountains shall be equipped with mouth guards.
(e) All privacy partitions in showers and bathrooms shall be high enough to allow limited privacy for the inmates while still allowing adequate supervision by officers.

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

10A NCAC 14J .1740 WINDOWS AND GLAZING

(a) Windows and window framing, including glazing, shall be made of materials necessary to provide the degree of security required for the area in which they are used.
(b) Glazing shall be diffused or obscured if it affords a view into confinement units from outside the municipal lockup.
(c) View panels shall be made of materials necessary to provide the degree of security required for the area in which they are used, and those used for confinement units shall have a minimum area of 180 square inches and permit observation of the entire unit.
(d) Natural light shall be admitted into all confinement units either directly or indirectly.

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

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

(a) Doors, locks and detention hardware shall be made of materials necessary to provide the degree of security required for the area in which they are used.
(b) Doors to all confinement units shall have view panels.
(c) Doors shall operate independently of each other, and the cell doors in a cellblock shall be capable of simultaneous release during an emergency.
(d) Doors and locks that are electronically controlled shall be equipped with manual override.
(e) Food passes, if used, shall have openings large enough to permit the passage of a food tray.
(f) Bunks shall have dimensions necessary to accommodate a standard detention mattress and they shall be securely anchored at least 15 inches above the floor. When one bunk is placed above another, the lower bunk shall be approximately 15 inches and the upper bunk approximately 50 inches above the floor.
(g) Doors, locks, detention hardware and bunks shall be designed to inhibit their use for an attempted suicide.

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

10A NCAC 14J .1742 SAFETY EQUIPMENT
In each municipal lockup the safety equipment, including intercoms, fire extinguishers, smoke detectors, and sprinkler heads, shall be tamper-resistant if necessary for security.

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

10A NCAC 14J .1743 MECHANICAL SYSTEMS
(a) Each municipal lockup shall have heating, ventilation, and air conditioning systems that are capable of maintaining temperatures in confinement units not less than 68 degrees Fahrenheit during the heating season and not more than 85 degrees Fahrenheit during the cooling season.
(b) The master controls for the system shall be located outside the confinement units and shall be accessible to officers during an emergency.
(c) The ducts for the systems shall be designed to prevent the escape of inmates and the passage of contraband, and they shall be designed to inhibit their use for attempted suicide.
(d) The ventilation system shall provide a minimum of ten cubic feet per minute of fresh or purified air for each inmate.

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

10A NCAC 14J .1744 PLUMBING SYSTEMS
(a) Each municipal lockup shall have a plumbing system that complies with the Commission for Public Health Rules Title 15A Chapter 18A and the North Carolina State Plumbing Code, both of which are hereby adopted by reference pursuant to G.S. 150B-14(c).
(b) Each municipal lockup shall have a hot water supply for inmate lavatories, if provided, and showers designed to meet the usual needs of the number of inmates confined in the municipal lockup.
(c) The master control valves for the plumbing system shall be located outside the confinement units and shall be accessible to officers during an emergency.

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

10A NCAC 14J .1745 ELECTRICAL SYSTEMS
(a) Each municipal lockup shall have an electrical system that provides artificial lighting in the confinement units of at least 30 foot-candles and that can be reduced during sleeping hours.
(b) Artificial lighting in the corridors shall be at least 20 footcandles.
(c) Lighting fixtures shall be made of materials necessary to provide the degree of security required for the area in which they are used.
(d) The master controls and circuit breakers shall be located outside the confinement units and shall be accessible to officers during an emergency.

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

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

10A NCAC 14J .1746 CLOTHING AND TOWEL HOOKS

Clothing and towel hooks shall not be used.

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

10A NCAC 14J .1747 CONFINEMENT UNITS

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

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

10A NCAC 14J .1748 STANDARDS FOR SINGLE CELLS

Each single cell shall have:

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

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

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

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

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

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

10A NCAC 14J .1750 INSPECTIONS

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

History Note: *Authority G.S. 153A-220; 153A-221;*
Eff. June 1, 1990;

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

10A NCAC 14J .1751 REPORT OF INSPECTION

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

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

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

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

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

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

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

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

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

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

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

(d) The Secretary shall notify the local officials responsible for the municipal lockup within 15 days of his final determination if he concludes that the conditions in the lockup jeopardize the safe custody, safety, health or welfare of the

inmates. The Secretary shall order corrective action, order the municipal lockup closed, or enter into an agreement of correction with local officials pursuant to 10A NCAC 14J .1753.
(e) The Secretary shall notify the local officials responsible for the lockup within 15 days of his final determination if he concludes that the conditions in the lockup do not jeopardize the safe custody, safety, health or welfare of the inmates. The notice shall direct local officials to consider the inspection report and initiate corrective action pursuant to the provisions of G.S. 153A-222.

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

10A NCAC 14J .1753 AGREEMENT OF CORRECTION
(a) Before ordering corrective action or ordering the lockup closed, the Secretary may direct the governing body to enter into an agreement of correction. If the Secretary chooses this option, he shall require the governing body to enter into a written agreement within 30 days after it receives notice that conditions in the lockup jeopardize the safe custody, safety, health or welfare of the inmates.
(b) The agreement of correction at a minimum shall indicate the specific areas of noncompliance with the standards or statutes, the governing body's intent to remedy noncompliance, a plan for remedying the noncompliance, a definite and reasonable number of days within which the lockup will be brought into compliance, and a schedule of inspections to monitor compliance.
(c) The agreement of correction may be extended once for a period not to exceed 60 days if the time period in the initial agreement expires before the lockup is brought into compliance, but only if the governing body is making a good faith effort to achieve compliance.
(d) If the lockup is not brought into compliance within the time period required by Paragraph (c) of this Rule, the Secretary shall order corrective action or order the lockup closed.

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

10A NCAC 14J .1754 ORDER OF CORRECTIVE ACTION OR ORDER OF CLOSURE
If the Secretary determines that an agreement of correction is not appropriate, or if he determines that a lockup is not brought into compliance within the time period required by an agreement of correction, the Secretary shall order corrective action or order the lockup closed. Notice of the action taken shall be given to local officials responsible for the lockup as provided by G.S. 153A-223(1). Local officials may contest the Secretary's order according to the procedures outlined in G.S. 153A-223.

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

10A NCAC 14J .1755 DESIGNATION BY SECRETARY
The Secretary may designate a person to act for him with respect to matters covered by this Section. The designation shall be in writing and it shall be on file with the Section.

History Note: *Authority G.S. 153A-220; 153A-221;*
Eff. June 1, 1990;

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

NORTH CAROLINA

NEW HANOVER COUNTY

AGREEMENT

THIS CONTRACT made and entered into this _____ day of _____ 2016 by and between **NEW HANOVER COUNTY**, a political subdivision of the State of North Carolina, hereinafter referred to as "County"; and _____, hereinafter referred to as "Contractor."

W I T N E S S E T H :

That the Contractor, for the consideration hereinafter fully set out, hereby agrees with the County as follows:

1. Scope of Services. Contractor shall provide equipment, labor, and materials to repair, furnish and install security partitions at the New Hanover County Detention Facility located at 3950 Juvenile Center Rd, Castle Hayne, NC, as more fully described in RFP#17-0023 and Contractor's Proposal attached hereto as Exhibit A and incorporated herein by reference.

2. Time of Performance. The term of this Agreement shall begin from Notice to Proceed and all work shall be completed by _____.

3. Payment. County hereby agrees to pay for the cost of this Contract not to exceed a sum of _____ ($_____) Dollars. Payment is contingent upon a final County inspection and acceptance of work or services.

4. Extra Work. County and Contractor shall negotiate and agree upon the value of any extra work or services prior to the issuance of a County Change Order or Renewal/Amendment (CRA) form covering said extra work or services. Such Change Order or CRA shall set forth the corresponding adjustment, if any, to the Contract Price and Contract Time.

5. Indemnity. Contractor shall indemnify and hold County, its officers, officials, agents, and employees, harmless against any and all claims, demands, causes of action, or other liability, including attorney fees, for any property damages, personal injuries or death arising out of, relating to, or resulting from the negligence, willful act, or omission of Contractor, its agents, employees and subcontractors in the performance of work or services.

6. Insurance. Before commencing any work or services, Contractor shall procure insurance in Contractor's name and maintain all insurance policies for the duration of the Contract of the types and in the amounts listed in this Contract. The insurance shall provide coverage against claims for injuries to persons or damages to property which may arise from operations or in connection with the performance of the work hereunder by Contractor, its agents, representatives, employees, or subcontractors, whether such operations by itself or anyone directly or indirectly employed by it.

7. Minimum Scope and Limits of Insurance

7.1. Commercial General Liability

7.1.1. Contractor shall maintain Commercial General Liability (CGL) and if necessary, Commercial Umbrella Liability (CUL) insurance with a total limit of not less than $5,000,000 for each occurrence for bodily injury and property damage. If such CGL insurance contains a general aggregate limit, it shall apply separately to this work or services, or the general aggregate shall be twice the required limit.

7.1.2. CGL insurance shall be written on Insurance Services Office (ISO) "occurrence" form CG 00 01 covering CGL or its equivalent and shall cover the liability arising from premises, operations, independent contractors, products-completed operations, personal and advertising injury, and liability assumed under an insured contract, including the tort liability of another assumed in a business contract.

7.1.3. County, its officers, officials, agents, and employees are to be covered as additional insureds under the CGL by endorsement CG 20 10 and CG 20 37 or an endorsement providing equivalent coverage as respects to liability arising out of activities performed by or on behalf of Contractor; products and completed operations of Contractor; premises owned, leased or used by Contractor; and under the commercial umbrella, if any. The coverage shall contain no special limitations on the scope of protection afforded to County, its officers, officials, agents, and employees.

7.1.4. Contractor's CGL insurance shall be primary as respects County, its officers, officials, agents, and employees. Any other insurance or

self-insurance maintained by County, its officers, officials, agents, and employees shall be in excess of and shall not contribute to Contractor's insurance.

7.2. Workers' Compensation and Employer's Liability

7.2.1. Contractor shall maintain Workers' Compensation as required by the general statutes of the State of North Carolina and Employer's Liability Insurance.

7.2.2. The Employer's Liability, and if necessary, CUL insurance shall not be less than $5,000,000 for each accident for bodily injury by accident, $5,000,000 for each employee for bodily injury by disease, and $5,000,000 policy limit.

7.2.3. The insurer shall agree to waive all rights of subrogation against County, its officers, officials, agents, and employees for losses arising from work or services performed by Contractor for County.

7.3. Business Auto Liability

7.3.1. Contractor shall maintain applicable Business or Personal Auto Liability and, if necessary, CUL insurance with a limit of not less than $5,000,000 each accident. Personal auto insurance may be accepted in lieu of Business Auto Insurance.

7.3.2. Such insurance shall cover liability arising out of any auto, including owned, hired, and non-owned autos used in the performance of work or services.

7.3.3. Business Auto coverage shall be written on ISO form CA 00 01, or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide Contractual liability coverage equivalent to that provided in ISO form CA 00 01.

7.3.4. Contractor's Business Auto Liability insurance shall be primary as respects County, its officers, officials, agents, and employees. Any other insurance or self-insurance maintained by County, its officers, officials, agents, and employees shall be in excess of and shall not contribute to Contractor's insurance.

7.4 Surety Bond - Performance & Payment Bonds. Contractor shall furnish and deliver to County a Payment Bond and a Performance Bond covering

the faithful performance and completion of work included in this Contract and payment for all materials and labor furnished or supplied in connection with work included in this Contract. All bonds shall be issued and furnished to County prior to, and as a condition precedent to, commencement of the Work of this Contract. The Payment Bond and Performance Bond shall be furnished on behalf of Contractor, shall name County obligee, and shall be one hundred percent (100%) of the amount of the contract price. Such bond(s) shall be solely for the protection of County. The Payment Bond and the Performance Bond shall be issued by a surety of financial standing having a rating from A.M. Best Company equal to or better than A and must be included on the approved list of sureties issued by the United States Department of Treasury. The bond shall remain in effect at least one (1) year after the date when final payment is made. The surety bond must be in the form set forth in N.C.G.S. 44A-33, without any variations therefrom. Contractor shall provide surety bond wherein Surety waives notice of all modifications, omissions, additions, changes and advance payments or deferred payments in or about the Contract, and agrees that the obligations undertaken by the Bond shall not be impaired in any manner due to any modifications, omissions, additions, changes, and advance payments or deferred payments. The surety bond must set forth no requirement that suit be initiated prior to the time stipulated in applicable North Carolina Statutes of Limitation.

7.5 Professional Liability Insurance

7.5.1 Professional shall maintain in force for the duration of this Contract professional liability or errors and omissions liability insurance appropriate to Professional's profession. Coverage as required in this paragraph shall apply to liability for a professional error, act, or omission arising out of the scope of Professional's services as defined in this Contract. Coverage shall be written subject to limits of not less than $5,000,000 per loss.

7.5.2 If coverage in this Contract is on a claims-made basis, Professional warrants that any retroactive date applicable to coverage under the policy precedes the effective date of this Contract, and that continuous coverage will be maintained or an extended discovery period will be exercised for a period of two (2) years beginning from the time that services under the Contract is complete.

7.6. Deductibles and Self-Insured Retentions

7.6.1 Any deductibles or self-insured retentions must be declared to and approved by County. At the option of County, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects County, its officers, officials, agents, or employees; or Contractor shall procure a bond guaranteeing payment of deductibles or self-insured retentions.

7.6.2. Contractor shall be solely responsible for the payment of all deductibles to which such policies are subject, regardless of whether County is an insured under the policy.

7.7. Miscellaneous Insurance Provisions.

7.7.1. Any failure to comply with reporting provisions of the policies listed in this Contract shall not affect coverage provided to County its officers, officials, agents, and employees.

7.7.2. Each insurance policy required by this Contract shall be endorsed to state that coverage shall not be canceled by either party except after thirty (30) days prior written notice has been given to County, 230 Government Center Drive, Ste. #125, Wilmington, NC 28403.

7.7.3. If Contractor's liability policies do not contain the standard ISO separation of insureds provision, or a substantially similar clause, they shall be endorsed to provide cross-liability coverage.

7.8. Acceptability of Insurers**.** Insurance is to be placed with insurers licensed to do business in the State of North Carolina with an A.M. Best's rating of no less than A VII unless County has granted specific approval.

7.9. Evidence of Insurance

7.9.1. Contractor shall furnish County with a certificate(s) of insurance, executed by a duly authorized representative of each insurer, showing compliance with the insurance requirements prior to commencing the work or services, and thereafter upon renewal or replacement of each certified coverage until all operations under this Contract are deemed complete.

7.9.2. Evidence of additional insured status shall be noted on the certificate of insurance as per requirements in this Contract.

7.9.3. With respect to insurance maintained after final payment in compliance with requirements, an additional certificate(s) evidencing such coverage shall be provided to County with final application for payment and thereafter upon renewal or replacement of such insurance until the expiration of the period for which such insurance must be maintained.

7.10. Subcontractors**.** Contractor shall include all subcontractors as insureds under its policies or shall furnish separate certificates for each subcontractor. All coverage for subcontractors shall be subject to all of the requirements stated herein. CGL coverage shall include independent contractors' coverage, and Contractor shall be responsible for assuring that all subcontractors are properly insured.

7.11. Conditions

7.11.1. Where circumstances warrant, County may, at its discretion subject to acceptance by the Risk Management and Finance Department accept letters of credit or custodial accounts in lieu of specific insurance requirements.

7.11.2. Contractor shall provide that the insurance contributing to satisfaction of insurance requirements in this Contract and shall not be canceled, terminated, or modified by Contractor without prior written approval of County.

7.11.3. Contractor shall promptly notify New Hanover County Sheriff's Office and New Hanover County Risk Management at (910) 798-7497 of any accidents arising in the course of operations under the Contract causing bodily injury or property damage.

7.11.4. County reserves the right to obtain complete, certified copies of all required insurance policies.

7.11.5. Failure of County to demand a certificate of insurance or other evidence of full compliance with these insurance requirements or failure of County to identify a deficiency from evidence that is provided shall not be construed as a waiver of Contractor's obligation to maintain such insurance.

7.11.6. County does not represent that coverage and limits will be adequate to protect Contractor and such coverage and limits shall not be deemed as a limitation of Contractor's liability under the indemnities granted to County in this Contract.

7.11.7. If Contractor fails to maintain the insurance as set forth herein, County shall have the right to purchase said insurance at Contractor's expense. Contractor agrees to reimburse County for all expenses incurred for such purchase.

7.11.8. Contractor or its agent may apply to County for approval of higher deductibles based on financial capacity and quality of the carrier affording coverage.

7.11.9. County shall have the right to prohibit Contractor or any subcontractor from performing work or services and may withhold payment until required certificates has been received and approved by County.

8. Independent Contractor. The parties mutually agree that the Contractor is an independent contractor and not an agent of the County, and as such, the Contractor shall not be entitled to any County employment benefits, such as, but not limited to, vacation, sick leave, insurance, workers' compensation, or pension and retirement benefits.

9. Default and Termination. If Contractor fails to prosecute the work or services with such diligence as will insure its completion within the Contract time, or if Contractor breaches any of the terms or conditions contained in this Contract and fails to cure said breach within two (2) days of County's mailing of Notice of Default, or otherwise fails to perform the work or services hereunder to the County's reasonable satisfaction, County may terminate this Contract forthwith. Upon termination, County may, without prejudice to an action for damages or any other remedy, take the prosecution of the work or services out of the hands of Contractor. County may enter into another Contract for the completion of the Contract, or use such other methods as may be required for the completion of the Contract. County may deduct all costs of completing the Contract from any monies due or which may become due to Contractor. In the event this Contract is terminated prior to completion of the services by the Contractor, the Contractor shall be paid for work or services performed to the date of termination. In no event will the amount due Contractor in the event of termination exceed that amount set forth in this Contract. Nothing contained herein shall prevent the

County from pursuing any other remedy, which it may have against Contractor, including claims for damages.

10. Termination for Convenience. County may terminate this Contract for convenience at any time and without cause. Upon receipt of notice, Contractor shall immediately discontinue providing the work or service and, if applicable, placing any orders for any materials, facilities, and supplies in connection with the performance of the work or services of this Contract.

11. Non-appropriation. All funds for payment by County under this Contract are subject to the availability of any annual appropriation for this purpose by the Board of Commissioners. In the event of non-appropriation of funds by the Board of Commissioners for the services provided under the Contract, County will terminate the Contract, without termination charge or liability, on the last day of the then-current fiscal year or when the appropriation made for then-current year for the services/items covered by this Contract is spent, whichever occurs first. If at any time funds are not appropriated for the continuance of this Contract, cancellation shall be accepted by the Contractor on ten (10) business days' prior written notice, but failure to give such notice shall be of no effect and County shall not be obligated under this Contract beyond the date of termination.

12. Non-waiver of Rights. The parties mutually agree that either party's failure to insist upon the strict performance of any provision of this Contract or to exercise any right based upon a breach thereof, or the acceptance of any performance during such breach, shall not constitute a waiver of any rights under this Contract.

13. Conflict of Interest. No paid employee of the County shall have a personal or financial interest, direct or indirect, as a contracting party or otherwise, in the performance of this Contract.

14. Subcontracts. The Contractor shall utilize no subcontractors for carrying out the services to be performed under this Contract without the written approval of the County.

15. Entire Contract. This Contract constitutes the entire understanding of the parties.

16. Binding Effect. This Contract shall be binding upon the parties hereto, and their heirs, successors, executors, administrators and assigns.

17. Further Actions. The parties will make and execute all further instruments and documents required to carry out the purposes and intent of this Contract.

18. Severability. If any provision of this Contract is held unenforceable, then such provision will be modified to reflect the parties' intention. All remaining provisions of this Contract shall remain in full force and effect.

19. Inclusive Terms. Use of the masculine herein shall include the feminine and neuter, and the singular shall include the plural.

20. Governing Law. All of the terms and conditions contained herein shall be interpreted in accordance with the laws of the State of North Carolina.

21. E-Verify Compliance. Pursuant to S.L. 2015-294, Contractor shall fully comply with the U.S. Department of Homeland Security employee legal status E-Verify requirements for itself and all its subcontractors. Violation of the provision, unless timely cured, shall constitute a breach of Contract.

22. Iran Divestment Act of 2016 Compliance Pursuant to N.C.G.S. 147-86.55 et. seq. The Act requires that the State, a North Carolina local government, or any other political subdivision of the State of North Carolina must not utilize any contractor or subcontractor found on the State Treasurer's Final Divestment List. Contractor certifies that it or its subcontractors are not listed on the Final Divestment List created by the North Carolina State Treasurer pursuant to N.C.G.S. 147-85.60. The State Treasurer's Final Divestment List can be found on the State Treasurer's website at the address www.nctreasurer.com/Iran and will be updated every 180 days.

23. Accounting Procedures for Refund of County Sales & Use Tax. Pursuant to G.S. 105-164.14(c), the County is entitled to a refund of sales and/or use taxes paid by contractors on purchases of building materials, supplies, fixtures and equipment that become a part of or are annexed to any building or structure that is owned or leased by the County and is being erected, altered or repaired for use by the County.

Contractors shall provide a “certified statement” containing the specific required information. The certified statement must include all of the following information:

a. the date the property was purchased;

b. the type of property purchased;

c. the cost of property purchased and the amount of sales and use taxes paid thereon;

d. the project for which the property was used;

e. if the property was purchased in this State, the county to which it was delivered; and

f. if the property was not purchased in this State, the county in which the property was used.

If the contractor makes several purchases from the same vendor, the certified statement must indicate each invoice number, the inclusive dates of the invoices, the total amount each invoice, and the state and local sales and use taxes paid on the purchase. The statement must also include the cost of any tangible personal property withdrawn from the Contractor's warehouse stock and the amount of state and local sales or use tax paid by the Contractor. If subcontractors are used, similar certified statements by its subcontractors must be obtained by the general contractor and furnished to the County. Local sales or use taxes included in the Contractor's statements must be shown separately from the State sales or use taxes. The Contractor's statements must not contain sales or use taxes paid on purchases of tangible personal property purchased by the contractor for use in performing the contract which does not annex to, affix to or in some manner become a part of the building or structure that is owned or leased by the County and is being erected, altered or repaired for use by the County.

Examples of property on which sales or use tax has been paid by the Contractor and which shall not be included in the Contractor's statement are scaffolding, forms for concrete, fuel for the operation of machinery and equipment, tools, equipment, equipment repair parts and equipment rentals.

A certified statement must be provided with each pay request. If there was no sales or use tax paid during the period, the contractor shall provide a "Zero" sales and use tax statement. .

24. Notices. All notices required hereunder to be sent to either party shall be sent to the following designated addresses, or to such other address or addresses as may hereafter be designated by either party by mailing of written notice of such change of address, by Certified Mail, Return Receipt Requested:

To County:
New Hanover County Detention Facility
Attn: Ed McMahon, Sheriff
3950 Juvenile Center Road
Castle Hayne, NC 28429
To Contractor:
_____
_____
_____

25. Assignability. The parties hereto agree that this Contract is not transferable and shall not be assigned by either party without the written consent of the other party to this Contract.

26. Contract Under Seal. The parties hereto expressly agree to create a Contract under seal.

IN WITNESS WHEREOF, the parties have hereunto affixed their hands and seals, the day and year first above written and by authority duly given.

NEW HANOVER COUNTY

[SEAL]

_____
_____ County Manager

ATTEST:

_____
Clerk to the Board

[SEAL]

CONTRACTOR

Acct#_____ Req. _____

_____ (Seal)
President

ATTEST:

_____
Secretary

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

_____
County Finance Director

Approved as to form:

_____
County Attorney

STATE OF NORTH CAROLINA

NEW HANOVER COUNTY

I, _____, a Notary Public of the State and County aforesaid, certify that Teresa P. Elmore acknowledged that she is Clerk to the Board of Commissioners of New Hanover County, and that by authority duly given and as the act of the Board, the foregoing instrument was signed in its name by its _____ County Manager, sealed with its corporate seal and attested by herself as its Clerk.

WITNESS my hand and official seal, this _____ day of _____, 2016.

_____
Notary Public

My commission expires:_____

STATE OF _____

_____COUNTY

I, _____, a Notary Public of the State and County aforesaid, certify that _____ came before me this day and acknowledged that (s)he is Secretary of _____ an_____, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President and sealed with its corporate seal.

WITNESS my hand and official seal, this ____ day of _____, 2016.

_____
Notary Public

My commission expires:_____