

10A NCAC 14J .0101 is proposed for readoption with substantive changes as follows:

SECTION .0100 - DEFINITIONS AND APPLICABILITY FOR JAILS

10A NCAC 14J .0101 DEFINITIONS

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

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

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

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

- 1 ~~(28)~~ (38) "Operations manual" ~~is~~ means a set of written policies and procedures for the operation of a jail in
 2 compliance with ~~state and federal law and the minimum standards for the operation of jails.~~ set
 3 forth in Sections .0100 through .1100 and Section .1300 of this Subchapter.
- 4 (39) "Program area" means a common area or room of a jail used by inmates, officers, or visitors for
 5 religious, education, training, or recreation activities.
- 6 (40) "Program services" means activities provided to inmates by the jail that includes jail orientation,
 7 academic and vocational training, problem solving and recreational skills, and life skills in parenting
 8 and maintaining employment after release from jail.
- 9 ~~(29)~~ "Qualified medical personnel" ~~are persons who provide medical services to inmates and who are~~
 10 ~~licensed, certified, registered, or approved, in accordance with state law. It includes persons who~~
 11 ~~provide limited medical services under supervision as permitted by law.~~
- 12 ~~(30)~~ "Registered dietitian" ~~is a specialist in the field of nutrition, dietetics and food system management~~
 13 ~~who maintains current registration with the Commission on Dietetic Registration of the American~~
 14 ~~Dietetic Association.~~
- 15 (41) "Regional jail administrator" means a person who manages a local district confinement facility on
 16 behalf of two or more units of local government as provided in G.S. 153A-219.
- 17 (42) "Remote two-way voice communication" means the monitoring of inmate activity with a two-way
 18 voice intercom system installed between a confinement unit and a 24-hour officer staffed location
 19 away from the confinement unit.
- 20 ~~(31)~~ (43) "Repair" ~~is~~ means reconstruction or renewal of any part of an existing building for the purpose of
 21 its maintenance.
- 22 ~~(32)~~ "Residential" ~~is a Building Code occupancy classification used for buildings which provide sleeping~~
 23 ~~accommodations for the occupants and in which the egress doors are unlocked at all times thereby~~
 24 ~~providing free movement to the building exterior from occupied areas.~~
- 25 (44) "Routine care" means care that includes physical examinations, health screenings, diagnostic
 26 testing, and treatment for an illness, a medical condition, or a mental health condition that is not an
 27 emergency medical need.
- 28 ~~(33)~~ (45) "Sally port" ~~is~~ means an enclosed entry and exit area used either for vehicular or pedestrian traffic
 29 with gates or doors at both ends, only one of which opens at a time.
- 30 ~~(34)~~ (46) "Satellite jail/work release unit" ~~is~~ means a unit as defined in G.S. 153A-230.1.
- 31 (47) "Screenings of inmates" means a procedure for each newly-admitted inmate that combines visual
 32 observation with an interview to obtain information about the inmate prior to the inmate's placement
 33 in the general population of the jail. The procedure is set forth in Rule .1002 of this Subchapter.
- 34 ~~(35)~~ (48) "Secretary", ~~unless otherwise specified, is~~ "Secretary" means the Secretary of the Department of
 35 Health and Human Services. as defined in G.S. 153A-217.

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

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

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

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

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

9 *Readopted Eff. December 1, 2018.*