

Pfeiffer, Nadine

From: Gurlitz, Carey
Sent: Friday, March 09, 2018 1:01 PM
To: Pfeiffer, Nadine
Subject: FW: [External] Response to proposed rule changes

Nadine:
Please see comments below Chris Woods comments.

Thanks,
Carey Lang Gurlitz, PE, MSE
Engineering Supervisor
Division of Health Service Regulation, Construction Section North Carolina Department of Health and Human Services

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-----Original Message-----

From: Wood, Chris
Sent: Friday, March 09, 2018 12:13 PM
To: Gurlitz, Carey
Subject: FW: [External] Response to proposed rule changes

I got this today and thought you may want to look at it. I have not responded to his concerns but I told him I was going to send this to you and that I would look over the comments.

Thanks

Chris W Wood
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Construction Section
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-----Original Message-----

From: Eric D. Cone [mailto:econe@co.stokes.nc.us]
Sent: Friday, March 09, 2018 9:39 AM
To: Wood, Chris
Subject: [External] Response to proposed rule changes

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Mr. Wood,

I apologize that I could not attend the public hearing on Tuesday due to a conflict with another meeting. There are a few things I would like to bring to your attention about the proposed jail rule changes. I just ask that you take the time to read over our concerns and pass those concerns on to others that should have the opportunity to review our position.

I had the chance to attend the meeting hosted by the Sheriff's Association last week and I appreciate the association trying to work with both the Sheriff's and the Construction section to look over the proposed changes and try to come to a positive resolution on this issue. I would have like to been able to hear the interpretation of the rules from someone in the construction section to help me understand the intent and the position the construction section takes. With that being said, here are some things I found that may create some issues for Stokes County and other medium size jails.

I will try to make this brief but through enough to where you all can hopefully understand our position.

1. Definition #21 – It is authorizing the Fire Marshal to be able to require a complete evacuation. This is giving the authority to an outside agency to force the Sheriff to compromise the safety of the jail and staff by removing all inmates unnecessarily. This would also require the Sheriff to staff this incident in turn effecting his budget for additional personal. Unfortunately we operate on a very tight budget as we are a rural county with a small tax base. You all are proposing a contingency plan be created and in place. With that plan being created, this should prepare facilities for a complete evacuation emergency. Please do not require this.
2. Definition #56 – I believe the North Carolina Sheriff's Association (NCSA) is looking at this and proposing just some modification to the wording. We would support the NCSA on this.
3. Definition #60 – As with rules, if interpreted exactly as written, sometimes can be written in a manner that was not the intention. In this rule I read where it says thatSHALL observe a live video image created by the video camera.....

The word SHALL draws a little concern as most jail have numerous cameras. The cameras that are constantly observed are the cameras that need the most attention but not all cameras are usually monitored at one time. We would ask for another look at that and maybe a change in the wording or deletion of that portion.

4. Rule .0300 – The NCSA is looking at some requested wording changes and we would support that modification

5. Rule .0300 – I understand the intention of the rule change about overcrowding. I would request that some time frame be added into the language. As we work hard to keep our numbers under our rated capacity, there are times that for 24 or 48 hours we may be over but knowing it is short time, we are able to work things out temporally. It is not an issue that we take lightly and make all efforts to keep our on-site numbers under our rated capacity, but at times, with Writs, weekenders, or a heavy court day, we may be temporarily over capacity. We ask that the rule be looked at to include a time frame to allow the jail to comply. If the inspector shows up as Writs are coming in, then we could look like we are out of compliance, but when inmates on Writs are brought in from surrounding counties, they are typically transported back on the same day if overcrowding is an issue.

6. Rule .0302 – Female Inmates – As with single story older jails we are able to keep all females out of eye sight of the males inmates, but unfortunately the conversing portion is something that we CANNOT meet is this passes. We have a designated female housing unit but yelling through the jail is something that we make a disciplinary issue but cannot be stooped by the layout of our jail. Our jail has 4 segregation cells that is used for disciplinary cells, medical watches, suicide watches and any other special watches. They are side by side but are not gender specific. There is no way to stop conversations between the cells. We would ask that the rule include language that the male and female inmates cannot converse with one another with some type of barrier. This would indicate no face to face contact with we currently meet that standard without any issues.

7. Rule .0403 – Fire evacuation training/ Disaster training – If this is required can it be on an annual basis so that it could be included in the annual in-service training period. This would not affect the quarterly fire drills.

8. Rule .0601 – I understand the intent of the 35 minute addition and believe this is something we can comply with although with limited staffing numbers it will be very difficult at times. As with law enforcement, we will adapt and overcome!

9. Rule .0601 – Parts C(1) and C(2) – The NCSA is looking at this about what type of history and a length of time. We support the NCSA on this issue.

10. Rule .0601 – A lot of discussion has gone on in our department if we can meet the portion about not assigning any other duties. We took an honest look at this as we understand the intent of what you are trying to implement. With that being said, I do not think that we can truly meet that with a co-ed jail. In an effort to work with the PREA requirements about males and females being separate, we also apply that to officers supervising opposite sex inmates if staffing allows it. This means for Stokes County, since we only have one female housing unit that a female officer would have to be assigned to make the round in the housing unit taking only about 5-10 minutes as it is a small housing unit. Then we would have a male officer assigned to the male units. With only 4 officers on staff, we now have lost 2 to rounds only, 1 in the control room and that would only leave 1 officer to complete all the other task. There is no way we could comply with this idea. I would propose the rule stay the same as written. We are already accountable to the public and your office if rounds are not completed. Sheriff's policy and procedures that are in place should be enough without the need for the modification to this rule. Please look at this closely.

There are several other rules that the NCSA is looking at and I will not comment on those as the association I believe is going to make a valid proposal on those and work really hard with you guys to come to a positive resolution. I would ask that you consider the effects of the medium to small size jails and how this would affect time financially and the procedural issues. We do not have jails with multiple floors or large staffing.

In closing, anything that does pass, I would ask that you change the implementation date. If it not practical that rules would change and be imposed on a facility with no time to comply or financial consideration being considered. The December 1, 2018 is not giving any time to a jail to come into compliance and it would be in the middle of a budget cycle. Please consider and changes taking effect on or later than December 1, 2020.

Thank you for your consideration of the concerns I have expresses.

Sincerely,

Captain Eric Cone
Stokes County Sheriff's Office
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Danbury, NC 27016
336-593-8787

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