



**State of North Carolina
Department of Correction
Division of Prisons**

POLICY & PROCEDURES

Chapter: **E**
Section: **.2200**
Title: **Inmate Construction
Program**
Issue Date: 08/16/10
Supersedes: 06/11/10

.2201 PURPOSE

The Inmate Construction Program (ICP) is a partnership among the offices of the Secretary of Department of Correction, Division of Prisons, and Department of Correction Central Engineering. It is utilized to meet the demands of the Division of Prisons' facility construction, expansion, and renovation projects by using inmate labor to reduce the cost of Division of Prisons construction projects. The program also serves to provide inmates an opportunity to learn on the job marketable skills to help them prepare for their eventual release back into the community.

.2202 PROGRAM MANAGEMENT

Central Engineering will manage the construction aspect of the projects including but not limited to planning the project, providing equipment for the jobs, and supervising the job sites. The Division of Prisons will designate a coordinator to manage the Inmate Construction Program including coordinating all Inmate Construction Program activities among Prison Administration, Central Engineering, and the involved prison facilities as well as inmate activities including coordinating transportation, clothing, food, housing, etc. The Division Coordinator will also screen and approve all inmates for assignment to the Inmate Construction Program. Prior to the start of any construction projects, a pre-construction meeting will be held with all involved parties. The pre-construction meeting will ensure all involved parties understand project details, needs, responsibilities and project support will be determined and assigned. The Division Coordinator will prepare a written summary of pre-construction and other meetings to enhance communication and understanding and will distribute it to all involved parties. After the project has begun, the Coordinator will make frequent site visits in order to maintain and facilitate good communication between all parties.

.2203 INMATE SELECTION AND REMOVAL CRITERIA

(a) Eligibility

Prospective candidates for the Inmate Construction Program will be screened by the following criteria:

- (1) Inmates must be serving a felony sentence.
- (2) Inmates must be 21 years of age.
- (3) Inmates must be infraction free for the immediate past 90 days.

- (4) Inmates must not be validated STG.
 - (5) Inmates must be in minimum or medium custody per project demands.
 - (6) Inmates must not have pending in-state felony charges/detainers, federal charges/detainers, out-of-state charges/detainers, or deportation charges/detainers.
 - (7) Inmates' Divisional records must not contain infractions for assault, hostage taking, riot, escape from minimum custody, possession of incendiary or explosive device, gang activity, bribery of staff, extortion, strong-arming, weapon possession or attempting to commit any of the above within the last 5 incarcerated years.
 - (8) Inmates must be in overall good health. Inmates with Activity Grades of 2 can participate with the approval of Division Medical Staff.
 - (9) Sex offenders are not eligible for assignment to ICP minimum custody assignments.
 - (10) Inmates must not have any history of escape from medium or close custody or more than one escape from minimum custody.
 - (11) Any case can be referred to a committee for review, however all waivers to the above criteria must be reviewed by a committee. The committee will consist of a minimum of three members (Department Heads, or their designee, from Program Services, Classification, and Security). The committee will report their findings to the Assistant Director of Support Services, or their designee, for final approval.
 - (12) To ensure continuous eligibility for ICP, facility program staff will monitor ICP cases for disqualifiers after initial ICP assignment (i.e. pending charges, etc.) If any disqualifiers are found the Division ICP Coordinator will be notified.
- (b) Screening of Prospective Candidates
- (1) Upon admission to the Department of Correction, Division of Prisons, Diagnostic Centers staff will use established screening tools to identify ICP prospective candidates with skills in the construction field. The Case Analyst will complete a Skill Questionnaire for all inmates with experience in the construction field. Completed Questionnaires will be forwarded to the Division Coordinator. The Skill Questionnaires are available on the internal webpage at: http://internal.doc.state.nc.us/dop/program_services_forms.html .
 - (2) Case Managers will instruct interested inmates to complete the ICP Skill Questionnaire for their specific trade skills. Completed Questionnaires will be forwarded to the Division Coordinator.

- (3) The Division Coordinator will score all Questionnaires, screen the inmates for eligibility, and maintain a current log of eligible and available inmates. In addition, the Division Coordinator will use OPUS applications to identify prospective candidates. The Division Coordinator will notify Case Managers of identified prospective candidates in order for them contact the candidate to discern the candidates' interest. As needed, Central Engineering staff will conduct recruitment visits to facilities to interview interested prospective inmate candidates for the ICP. The Division Coordinator will coordinate and schedule the recruitment visits with the prison facility and Central Engineering to ensure good communications and that the inmates to be interviewed are available.

(c) Assignment of Eligible Inmates

- (1) The Division Coordinator will contact the Case Manager for eligible and qualified inmates that are ready to be assigned and/or transferred to an ICP.

(2) The Division ICP Coordinator will make all initial assignments to the Inmate Construction Program. The Division Coordinator will make the referral and approve the referral on the IJ02 Inmate Activity Referral screen. At the point of approving the referral the Division Coordinator will enter F14 comments indicating that the inmate meets all eligibility requirements for ICP assignment. The Division Coordinator will then assign the inmate using the IJ11 Inmate Activity Assignment Screen. Inmates being reassigned to ICP through promotions and jobsite transfers will be assigned by the facility at which the inmate is housed. If an inmate is removed from ICP and returns at a later date an initial assignment will again be made by the Division Coordinator.

- (3) An inmate who agrees to be assigned and transferred as necessary for an ICP assignment is required to remain assigned to the Inmate Construction Program for at least six (6) months or until the job is complete, whichever occurs first. Inmates who agree to participate in the apprenticeship program will be required to make a three (3) year commitment.

- (4) Inmates assigned to the Inmate Construction Program are subject to transfer to another facility for ICP assignment without prior notice.

(d) Removal of Inmate Construction Program Inmate

The reason for removing an inmate from the Inmate Construction Program shall be documented in OPUS in the comments section of the IJ11 screen when the inmate is removed. All requests for removal of an inmate from the Inmate Construction Program will be made to the Division ICP Coordinator with the reason for the request. The Division ICP Coordinator will enter the necessary comments in OPUS. Inmates can be removed from the program for several reasons including, but not limited to:

- (1) Completion of assignment
- (2) Removal by Central Engineering staff due to poor performance or conduct
- (3) Removal by Central Engineering staff due to lack of trade skills.
- (4) Disciplinary action
- (5) Administrative needs
- (6) Inmate Request

Once an inmate is removed, it will be at the discretion of the Division Coordinator to reassign the inmate to the program after consultation with Central Engineering. If removed due to disciplinary, the inmate will have to wait 90 days before he is eligible to be reassigned.

.2204 HOUSING OF INMATE CONSTRUCTION PROGRAM INMATES

Inmate Construction Program inmates will be housed at various facilities according to the location of the current jobsite. Inmate Construction Program inmates will adhere to all Division of Prisons Policies and Procedures.

(a) Meals

Inmate Construction Program inmates shall be provided the same quality of meals as other inmates assigned to the facility regardless of the time leaving for work or returning from work. A pack out lunch is allowed based on the approved menu by the Central Food Services Office.

(b) General Services

Inmate Construction Program inmates shall be provided the same opportunity to receive case management, canteen, library, recreation, and other facility services as other inmates assigned to the facility. Case management requirements shall be followed according to the Case Management Policy.

(c) Clothing

Inmate Construction Program inmates shall be provided clothing consistent with the Department of Correction Fiscal Policy. This will include seven (7) sets of clothing per week and one (1) pair of steel toe boots. During winter months, Inmate Construction Program inmates shall be provided thermal underwear pants and shirts as well as one (1) Brown winter coat. Clothing for inclement weather, including but not limited to, gloves, raincoats, extra socks, etc. will be provided by the housing facility when inclement weather conditions are expected.

(d) Incentive Wage and Sentence Reduction Credits

- (1) Inmate Construction Program inmates shall receive incentive wage based on the following schedule:
 - (A) Newly hired inmates begin at \$1.50 per day.
 - (B) After 30 days, he will be eligible to be promoted to \$2.00 per day.
 - (C) After 90 days, he will be eligible to be promoted to \$2.50 per day.
 - (D) After 150 days, he will be eligible to be promoted to \$3.00 per day.
- (2) Inmate Construction Program inmates shall receive sentence reduction credits based on the following criteria:
 - (A) Inmates will receive gain time III or earned time III depending on sentence type (Six [6] days per month reduction from sentence).
 - (B) Inmates will receive 15 days of meritorious time for each complete month of work.
 - (C) Inmates will receive meritorious time for overtime work over 40 hours per week.
 - (D) Inmates will receive meritorious time for inclement weather when approved by Division of Prisons Staff. Per DOP Policy on Sentence Reduction Credits, Chapter B Section .0114 2B, Inclement Weather is defined as a chill factor below 20 degrees Fahrenheit or temperature above 95 degrees Fahrenheit. Also, such conditions as rain, sleet, snow, or other unusual or abnormal circumstances may be determined by the appropriate facility head to meet the requirements of this policy. ICP site supervisor will turn in inclement weather time per the above policy. The time will be evaluated and approved by the facility at which the inmates are working and entered at the housing facility as merit time.

(e) Work Time

Inmate Construction Program inmates will work the following standard schedule as determined by Department of Correction Central Engineering.

Daylight Savings Time

Monday through Thursday, 10 hours per day, 7:00am – 5:30pm
Off on Friday

Standard Time

Monday through Thursday, 9 hours per day, 7:30am – 5:00pm
Friday, 4 hours, 7:30am – 11:30am

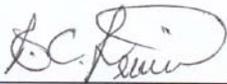
Work times are subject to change as needed by Central Engineering due to unexpected delays. An inmate's total work days per week shall be determined by dividing total hours worked by 8. Travel time will be included in the calculation. Any partial day shall be credited as a full day. An inmate who is unable to attend work due to court, sickness, injury, etc. will not be compensated for that day.

(f) Inmate Construction Program Down-Time Procedures

(1) Occasionally, there are times when an ICP crew experiences up to 60 days down-time due to the project they are working on being temporarily shut down, i.e. inclement weather, lack of materials, inspections, etc. Additionally, a crew may experience down-time during the transition from one project to the next project. It is essential that these qualified skilled inmates remain assigned to their ICP assignment during down-time. The aforementioned should be the case because it is often difficult to identify available inmates with the level of skills required for the Program. Central Engineering staff invests a lot of time training these inmates. They save the state money by providing labor for Department construction and renovation projects. Therefore, to reduce the loss of available and trained inmates for ICP projects and to be consistent in how we manage these inmates during their down-time, the following procedures are to be followed by all. If an Inmate Construction Program project is shut down temporarily due to inclement weather, lack of materials, inspections, etc. the following procedures will be followed.

- (A) When there is other work available at the housing facility, the inmate remains assigned to the Inmate Construction Program and continues to be housed at the current housing facility. The facility can work these inmates in areas as needed and as would benefit the facility. In this case, the actual work hours are entered on the IJ61 screen under the inmate's current activity code. The inmate's gain or earned time rate and the inmate's incentive wage rate at the time of the down-time remain the same regardless of the work being performed.
- (B) When there is no available work at the housing facility, the inmate remains assigned to the Inmate Construction Program and continues to be housed at the current housing facility. The facility staff will enter one hour for each day, Monday through Friday, on the IJ61 screen under the inmate's current activity code. This is in accord with the Incentive Wage policy due to the inmates being available to perform their job assignment, but unable to be deployed due to their project being shut down.
- (C) After 60 days of down-time, an inmate's request to be removed from ICP assignment and housing may be honored as appropriate and feasible. The Inmate Construction Program inmate may be transferred to another job

site or removed from the program and reassigned to another position at the current facility. If the delay exceeds 60 days, the ICP inmate will continue to be compensated as long as the project is ongoing (i.e. delays caused by outside contractors in which the ICP crew is not allowed on the jobsite.)

 8/16/10

Director of Prisons Date

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