



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

Chapter: B
Section: .0300
Title: **Inmate Conduct Rules**
Issue Date: 10/12/07
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POLICY & PROCEDURES

.0301 GENERAL

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

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

- (h) Bartering and Trading. Inmates will not barter or trade with each other nor with officials or employees, except as specifically authorized by law or regulation.
- (i) Misuse of Prison Supplies. Inmates will not waste, appropriate, or traffic in prison supplies. No food will be taken from the dining room kitchen, or storerooms of any prison without proper authorization.
- (j) Security of the Facility. Inmates will not participate in activities that threaten the order and security of the facility. Such activities include but are not limited to escapes, riots, insurrections, work stoppages, and unauthorized group demonstrations.
- (k) Disorderly Conduct. Inmates will at all times behave in an orderly manner. Fighting, wrestling, or physical encounters of any kind other than those permitted by the authorized recreation program are prohibited. No loud or boisterous talking will be permitted. Booing, whistling, or shouting by individuals or groups is forbidden. Shouts of encouragement to participants in authorized athletic contests may be permitted. Belligerent, aggressive, threatening, or other conduct which might lead to violence will not be tolerated.
- (l) Agitating. Inmates will not agitate or provoke disturbances.
- (m) Night Rules. Inmates shall be required to be present in their assigned sleeping area when the lights are dimmed for the night. Inmates may be allowed to get up during the night as authorized by the special instructions of the officer in charge of the unit, or if the inmate obtains permission from the staff member on duty in the sleeping quarters of the inmate.
- (n) Sexual Misconduct. Committing, soliciting, or inciting others to commit a sexual act will be subject to disciplinary action.
- (o) Health. Inmates will not engage in conduct which may be injurious to their health or the health of others, or disruptive to the health care delivery system. This includes, but is not limited to, self-inflicted injury, feigning physical or mental health illness for any purpose, participating in acts or possessing any instrument capable of spreading communicable diseases (e.g. tattooing instruments, needles etc.) misuse of medications, hygiene items, or any other health care devices or supplies.
- (p) Honesty. Inmates will be honest and truthful. False reports, lying, stealing or other dishonest acts may be subject to disciplinary action.
- (q) Legal Assistance. Inmates are not permitted to assist each other with litigation or legal matters. The Department of Correction provides, through contractual services, licensed attorneys for this purpose.
- (r) State and Federal Laws. Inmates will obey all of the laws of the State of North Carolina and the United States of America.
- (s) Gambling. Inmate gambling is prohibited. No inmate is to have in his/her possession gambling

paraphernalia.

- (t) Bribes. Inmates may not offer, give, solicit or accept a bribe or offer a bribe or offer to give or withhold anything to persuade staff to neglect duties or perform favors.
- (u) Refusal to submit to test. Inmates may not refuse to submit to a drug test or breathalyzer test or interfere with the taking of such tests.
- (v) Security Threat Group. Inmates may not participate in, or organize, whether individually or in concert with others, any gang or Security Threat Group. They may not participate in any behavior associated with a Security Threat Group, to include possession of Security Threat Group materials.
- (w) No inmate or group of inmates will be given the authority or control over other inmates.

.0302 OTHER RULES AND REGULATIONS

- (a) Crimes. In addition to being subject to prison rules and regulations and to the punishments therein provided, inmates are subject to the criminal laws of the State and are liable to all penalties thereunder. Included among offenses made criminal by law are: murder, manslaughter, assaults, kidnapping and taking hostages, arson, insurrection, escape, carrying concealed weapons, resisting officers, injuring or destroying public property, stealing, bribery, gambling, unlawful possession or use of narcotic drugs or implements, unlawful possession of intoxicants, crime against nature, conveying messages and weapons to or trading with convicts and other prisoners, subversive activities aimed at the overthrow of the government of the United States or of the State of North Carolina or any of its political subdivisions by force, or violence, or by any other lawful means, inflicting or assisting in infliction of self-injury resulting in incapacity for an inmate to perform assigned duties.
- (b) Escape. Inmates who escape while participating in work release, study release, home leave, or any other program authorized under G.S. 148.4 will not be prosecuted in court for that escape if:
 - (1) the offense is the inmate's first escape from an unsupervised authorized activity while serving this sentence or any previous sentence; and
 - (2) the inmate returns to custody voluntarily within 24 hours of the time he/she was ordered to return.Escapes in this category remain subject to administrative disciplinary action for the offense.
- (c) Punishment for Crimes. Except as provided above, inmates who commit an offense made criminal by law will be taken to court for trial and punishment.
- (d) Disciplinary offense reports that result in a guilty disposition will be subject to an administrative fee in accordance with Division of Prison's policy B .0203.

.0303 DISCIPLINARY PROCEDURES FOR LOCAL CONFINEMENT FACILITIES

- (a) General. Jails, district confinement facilities, "County Farms" or any other local confinement facility incarcerating inmates serving sentences are bound by the foregoing rules and procedures governing inmate conduct and discipline. These procedures are promulgated and designed for the Division of Prisons, a large centrally controlled and uniform prison system. It is recognized that the many jails and other local confinement facilities throughout the state are not uniform in size, operation, staffing or management. Nevertheless, local facilities shall adhere to the foregoing disciplinary procedure insofar as they can be applied in view of the staffing patterns and management systems that exist in each facility.
- (b) Definitions. Department of Correction job titles, Disciplinary Hearing Officer and other descriptive terms in the foregoing disciplinary procedures shall be modified as follows:
- (1) Facility Head - will be interpreted as including the sheriff, administrator of a multi-county confinement facility, or their designee.
 - (2) Facility Head - will be interpreted as including the Chief Jailer or similar appropriate individual.
 - (3) Reviewing Authority - will be interpreted as including the Sheriff, administrator of a multi-county confinement facility, or their designee.
 - (4) State Correctional Service Members - will be interpreted as including members of jail and local confinement facilities' supervisory and operational staff.
 - (5) Disciplinary Hearing Officer - local confinement facilities shall only be required to establish one Disciplinary Hearing Officer to hear disciplinary offenses.
 - (6) Combined Records - will be interpreted as including the central record or file section of local confinement facilities.
 - (7) DC- 138 - will be interpreted as including the written record of disciplinary hearings kept by local confinement facilities.
- (c) In the local confinement facilities wherein the foregoing Division of Prisons' rules and procedures governing inmate conduct and discipline cannot be used in their entirety, deviations from such rules and procedures must be governed by the following principles:
- (1) Notice of Hearing. Inmate must be given at least 24 hours advance written notice of the charges against him/her prior to the hearing.
 - (2) Opportunity to be Heard. Inmates must be allowed to present oral and documentary evidence in his/her defense at the hearing.

- (3) Assistance of Staff Members. If the inmate is illiterate, or the charges are complex, a staff member should be appointed to assist the accused both in preparing for the hearing and at the hearing, if requested. Inmates who are identified as mentally handicapped/developmentally disabled will be afforded a staff representative at each phase/level of the disciplinary process.
 - (4) Recorder. Local confinement facilities will establish a recorder to assist the hearing officer.
 - (5) Investigating Officer. Local confinement facilities will establish an Investigating Officer to investigate inmate misconduct in accordance with the procedures specified in Section B .0205 (d).
 - (6) Records. There must be a written statement by the Disciplinary Hearing Officer as to the evidence relied upon and reasons for the disciplinary sanctions imposed. Completed disciplinary packages (original copies of DC-138's) will be forwarded to the Chief Disciplinary Hearing Officer.
 - (7) Administrative Review. Inmate appeals will be forwarded to the Chief Disciplinary Hearing Officer for review to insure that proper procedures were observed and the inmate received a full and fair hearing.
- (d) Rules governing Conduct of Inmates. Local confinement facilities must follow the foregoing policy governing the conduct of inmates. Section B.0202 and the punishment as authorized by Section B.0204. Sections B.0301 and B.0302 provide a more detailed description of the rules and regulations which govern the conduct of inmates committed to the Department of Correction. These sections shall not be deviated from, nor shall new offenses or punishments be added by local confinement authorities.



Director of Prisons Date

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