



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

Chapter: F
Section: .1400
Title: **Custodial Agents**
Issue Date: 10/05/07
Supersedes: 02/01/02

POLICY & PROCEDURES

.1401 GENERAL

- (a) Employees of the Division of Prisons responsible for the control and custody of inmates are hereby designated custodial agents of the Director of the Division of Prisons. Identification cards noting their authority will be issued. Region Directors and Facility Heads will oversee issuance of identification cards to custodial and program personnel under their supervision. Upon termination of any employee, identification cards will be returned to the issuing unit and destroyed.
- (b) Other employees of the Department of Correction may be classified as Division of Prisons custodial agents within the scope of G.S. 148-4 when approved by the Director of the Division of Prisons or his/her designated representative.

.1402 OTHER STATE EMPLOYEES AS CUSTODIAL AGENTS

- (a) Employees of other state agencies utilizing inmate labor may have their employees classified as custodial agents of the Division of Prisons. This includes departments, institutions, agencies and other political subdivisions of the state of North Carolina. Designated employees will be responsible for complying with guidelines issued to the Department of Transportation for the management and control of minimum custody inmates.
- (b) Application. Facility Heads will be responsible for the issuance of instructional books to employees of other state agencies classified as custodial agents, for initial and annual training and certification, and for the termination of status as an agent. Classification of other state employees will be based on the following guidelines:
 - (1) Determination. Region Directors or designees will meet, as necessary, with Facility Heads to determine whether employees of a specific state agency will be designated as custodial agents of the Division of Prisons. Recommendations will be submitted to the head of the state agency and to the Director of the Division of Prisons or designee for final approval.
 - (2) Designation. When employees of the specific state agency have been designated as custodial agents of the Division of Prisons, the Region Director will be notified. Facility Heads will attempt to insure that individuals designated as custodial agents understand and are capable of carrying out Division of Prisons rules relating to the custody, control, and welfare of inmates. These agents will receive an initial orientation, to include the one-hour PREA instructional course

that complies with the Prison Rape Elimination Act of 2003. Following that orientation, they will be issued a certification card. This card is valid for one year. Facility Heads will insure that these custodial agents receive annual refresher training and a new card.

- (3) Termination. Individuals designated as custodial agents will lose their classification when:
- (A) The requirement for inmate labor is terminated;
 - (B) They are no longer employees of the approved state agency;
 - (C) Division of Prisons rules regarding the custody, control, or welfare of inmates are violated. Facility Heads will consult with the head of the state agency or designee prior to the de-certification of a custodial agent. Any disagreement between the two managers that cannot be resolved should be referred to the Region Director for assistance in resolution.
- (4) Surrender of Certification Cards. Agents of the Department will be required to surrender certification cards when their status as custodial agents terminates. Their supervisor at the agency of employment will return surrendered certification cards to the issuing authority.

 10-05-07

Director of Prisons Date

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