



*State of North Carolina  
Department of Public Safety  
Prisons*

Chapter: F  
Section: .0400  
Title: **Emergency Leave**  
Issue Date: 09/05/14  
Supersedes: 08/16/10

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***POLICY & PROCEDURES***

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**.0401 GENERAL**

This policy establishes specific procedures for granting emergency leave to inmates within the North Carolina Prisons pursuant to General Statute 148-4.

For the purpose of this policy, immediate family will be limited to father, mother, brother, sister, husband, wife, child, foster parents or other persons who have acted in the place of parents where such relationships can be verified. Inmates in minimum custody may be approved for emergency leaves for grandparents. Medium and close custody inmates are not allowed emergency leaves for grandparents unless they served as a guardian or parent.

**.0402 APPROVING AUTHORITY**

The Director of Prisons has been designated by the Secretary of Public Safety as the approving authority under circumstances requiring an extension of the limits of the place of confinement of any inmate confined within the North Carolina Prisons. The Director will exercise this authority in accordance with the following regulations:

- (a) In-State Emergency Leaves – The authority of the Director of Prisons to extend the limits of the place of confinement shall be delegated for close, medium and minimum custody inmates only as follows:
  - (1) Minimum Custody Inmates – Facility Heads shall have the authority to extend the limits of confinement for minimum custody. Staff supervision is at the discretion of the Facility Head.
  - (2) Medium Custody Inmates - . The Facility Head or their designee is the approving authority for medium custody inmates in regular population or on administrative or disciplinary segregation.
  - (3) Close Custody Inmates - The Region Director or their designee may approve a close custody inmate in the regular population or on protective control, administrative or disciplinary segregation to attend a private viewing.
  - (4) Inmates with Life Sentences - The Region Director, or their designee is the approving authority for emergency leaves for all inmates with Life sentences regardless of custody classification.

- (b) Emergency Leaves Outside the State of North Carolina. Emergency leaves outside the State of North Carolina shall be limited to minimum custody inmates subject to the approval of the Region Director, or his/her designee.

**.0403 EMERGENCY LEAVE**

- (a) Control Population Inmates – Inmates on control status HCON, MCON, and ICON, except protective control should not be approved for emergency leave.
- (b) Close and medium custody inmates should be considered for emergency leave for a private viewing. They will not be allowed to attend a funeral service. Close custody and medium custody inmates approved for a private viewing may only have immediate family present at the time of the private viewing. Close and medium custody inmates may not go to a private residence as part of an emergency leave.
- (c) Minimum custody inmates may attend either a private viewing or funeral service. Emergency leaves may be granted up to a maximum of 24 hours for minimum custody inmates by the approving authority. In addition to immediate family members as defined in section .0401, emergency leave may be granted for grandparents of minimum custody inmates by the approving authority. In accordance with Section F.0402, emergency leave may be approved for either:
- (1) Critical illness of an immediate family member or grandparent. The nature of the illness of an immediate family member shall be verified by competent medical authority. The meaning of the word “critical” implies probable death within a short period of time. The birth of a child will not be regarded as a critical illness unless the attending physician advises that the wife’s condition is abnormal or that unusually serious factors are involved, or;
  - (2) Death of an immediate family member or grandparent. Verification of the death of an immediate family member may be verified by law enforcement officials (Sheriff or Chief of Police), a physician, coroner, or Director of Social Services.
- (d) Emergency Leaves Outside the State of North Carolina (Minimum Custody Inmates). Emergency leaves outside the State of North Carolina shall be limited to minimum custody inmates subject to the approval of the Region Director or his/her designee. Minimum custody inmates authorized to leave the State of North Carolina shall be required to post a cash bond of \$500 with the superintendent or institution head. The posting of the bond shall be mandatory. Refer to DPS Fiscal Policy and Procedure .0800 for additional information. Additionally, each minimum custody inmate authorized to leave the State of North Carolina shall be required to sign the necessary waiver of extradition forms prior to his departure on emergency leave.
- (e) Regardless of emergency leave approval, an inmate must be informed in a timely manner of the verifiable death or critical illness of an immediate family member.

**.0404 FISCAL RESPONSIBILITIES**

The Facility Head as set forth above shall be responsible for administration of the fiscal responsibilities in accordance with DPS Fiscal Policy and Procedure.0800 (Emergency Leave).

*George Solomon* 9/5/14  
Director of Prisons                      Date

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