



State of North Carolina
Department of Public Safety
Prisons

Chapter: A
Section: .0600
Title: **Policy & Procedure
Development**
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POLICY & PROCEDURES

References

Related ACA Standards

5th Edition Standards for Adult Correctional Institutions 5-ACI-1A-05, 5-ACI-1A-06, 5-ACI-1A-11, 5-ACI-1A-12, 5-ACI-1A-13, 5-ACI-1A-14, 5-ACI-1A-23, 5-ACI-5B-18, 5-ACI- 6D-10

.0601 GENERAL

The **Commissioner** of Prisons or designee is responsible for developing and maintaining the agency's operation manuals. These manuals include policies, procedures, rules, and regulations of the agency.

The **Commissioner** of Prisons or designee is responsible for consulting with other criminal justice and community services agencies in the formulation of agency policies and procedures. **All policies will be managed by the Division of Prisons Performance and Standards section in conjunction with the NCDPS Office of Policy Development and Strategic Planning.**

.0602 PURPOSE

The purpose of this policy is to establish a coordinated system for the drafting, review, and dissemination of written agency policies, procedures, and operations manuals. Guidelines shall be set for the development and revision process to ensure input from appropriate stakeholders.

.0603 SCOPE

This policy governs the management of Prisons' internal policies and procedures. **Memorandums should not be used to communicate policy. Should it become necessary, an interim policy will be issued.**

.0604 DEFINITIONS

(a) Draft

A draft is a preliminary working document that does not require action. This document is published and distributed to allow for revisions and commentary by designated staff. Draft documents will be clearly marked with "DRAFT" and the date of the draft in the header on each page of the document.

(b) Interim Policy

An interim policy may be issued after a policy is approved and published but requires an immediate change. Any interim policy is binding on all agency staff and is considered official policy until the final version of the policy is issued. All interim policies will be clearly marked with “INTERIM” and the effective date of the interim policy in the header on each page of the document.

(c) Policy Coordinator

The employee designated by the Commissioner of Prisons responsible for administering and coordinating Prisons’ policies and operations manuals review process. This includes coordinating Health Services policy, Standard Operating Procedures for Correctional Enterprise, and all other manuals.

(d) Policy and Procedure Development and Management

The processes associated with creating, distributing, implementing, and developing policies and procedures.

(e) Office of Primary Responsibility (OPR)

The director’s office, or subsection, assigned to write, revise, and/or maintain a policy draft and to complete the annual review. The OPR will coordinate information with the Policy Coordinator.

(f) Variance

Approved deviations from established policies and procedures stated in the Prisons policies and operations manuals. Requests for variances shall be coordinated by the agency Policy Coordinator and reviewed by those impacted by the variance. All variances shall be signed by the Commissioner of Prisons.

.0605 POLICY

It is the policy of Prisons to develop and maintain current and meaningful policies and operations manuals. Policy and operations manuals will assist in ensuring compliance with agency directives, professional standards, legal requirements, settlement agreements or consent decrees, accreditation standards and/or any requirements or guidelines mandated by an external agency.

.0606 POLICY AND PROCEDURE DEVELOPMENT**(a) Initiation**

Prisons staff may request policy and procedure revisions and/or additions. All recommendations for the development or revision of policies will be submitted to the **Commissioner** of Prisons through the chain of command. Requests for policy development will be sent to the Region Director and **Commissioner's office who through the Policy Coordinator will forward the suggestion to the appropriate director.** No new policy shall be developed to address an issue if the subject matter is already contained in a current policy and/or a current policy can be reasonably revised to include the subject matter. **The Policy Coordinator will ensure the staff member who requested policy changes receives communication regarding the final disposition of the suggested policy.**

Once a year, Community Volunteers will be afforded the opportunity to submit comments regarding existing policy or request additional policy which falls within their volunteer responsibility. If a community volunteer makes a policy recommendation, it is to be reviewed by the sponsoring staff member and the Warden of the facility. If the recommendation is deemed to have merit, it will be forwarded to the Policy Coordinator through the Region Director. Community volunteers who make policy recommendations will receive communication regarding the disposition of their suggestion.

If a private citizen or member of a community organization makes a policy recommendation in writing to the Commissioner of Prisons, it will be considered. The Director having responsibility will record the request, and respond to the member of the public or the community organization as to the disposition of their request.

(b) Assignment

(1) The Commissioner of Prisons or designee (Policy Coordinator) will assign an OPR to draft a new policy and procedure or revisions to an existing policy and procedure. The OPR may decide to establish a group of subject matter experts from all disciplines having interest to gather information concerning how policy should be developed with a goal to ensure inter-disciplinary implementation.

(2) This assignment will be sent initially to the Policy Coordinator who will, if necessary, assign a **policy** number for the draft.

(3) The Policy Coordinator will in consultation with the OPR decide a target date for policy development or modifications to be completed.

(4) The Policy Coordinator will forward the assignment for policy and procedure development to **the OPR.** Once a draft policy is ready for review, the OPR shall forward the draft for comment to other relevant sections. At their discretion, they

may forward the draft to others for comment, including, but not limited to, Directors, Region Directors, and Wardens. The OPR shall provide a date for the review to be complete. All recommendations will be forwarded to the OPR. A final draft shall incorporate those recommendations deemed reasonable. The OPR will forward any final draft with all background material to the responsible Director.

(c) Development

- (1) Staff involved in drafting a new proposed policy or operations manual shall analyze and research the topic and solicit input from the significant stakeholders of the proposed policy or manual. These solicitations are to be documented. The drafter shall also research any related Administrative Rules, laws, ACA expected practices, or other existing directives and, if applicable, incorporate any necessary language to comply.
- (2) A Policy Impact Analysis will be completed for all new or revised policies and/or operations manuals. It is the responsibility of the OPR to complete the required Policy Impact Analysis before submitting the new or revised policies and procedures to the Policy Coordinator. The Policy Impact Analysis will provide a summary of major revisions made to the policy, the factors supporting the revisions, and the anticipated impact on Prison and/or NCDPS operations to include changes to required staffing or resources. A Policy Impact Analysis is attached.

(d) Authorization Review

- (1) After the draft review period has expired, the OPR will make appropriate revisions and forward the revised draft policy and a policy review form to the Policy Coordinator with copies of all recommendations and comments received during the draft review period. A final draft shall incorporate those recommendations deemed reasonable. The OPR will forward any final draft with all background material to the responsible Director. Once satisfied, this information will be forwarded to the Policy Coordinator, who will prepare the packet for legal review by the NCDPS General Counsel Office and executive review by the NCDPS Office of Policy Development and Strategic Planning. The policy will be forwarded to the Director of Performance and Standards and the Assistant Commissioner for final review before forwarding to the Commissioner for signature.

(e) Annual Review

- (1) The Commissioner of Prisons or designee is responsible for ensuring Prisons policies and operations manuals are reviewed annually and updated as necessary.
- (2) The Prisons Policy Coordinator will maintain a list of review dates. A review date shall be established one-year subsequent to the date of policy signature. The OPR will be responsible for forwarding review information to the Prisons Policy

(3) Coordinator using the Policy Review Form. If no changes are recommended the Policy Review Form will be archived along with the approved policy.

(f) Distribution

(1) After the Commissioner of Prisons has approved the policy and procedure addition(s) or revisions(s), the Prisons Policy Coordinator will forward a copy of the new or revised policy and/or procedure to the operational and technical support desk for filing on the automated policy and procedures section of the Prisons web page.

(2) The Director of Performance and Standards will send an e-mail to Region Directors, Wardens, a Central Office staff and Prisons staff designated to receive such notification advising them that a policy and procedure addition(s) or revision(s) has been posted on the automated policy and procedures section of the Prisons web page.

(3) It is the responsibility of designated staff at each location to print and distribute copies of the revised policy.

(4) Wardens are responsible for ensuring that policy and procedure manuals are located in areas generally accessible to staff. At a minimum, Wardens will ensure at least one printed copy of the policy and procedure manual is located in an area accessible to staff on a 24-hour, 7 days per week basis. If the Warden chooses to ensure these requirements are met using a computer, the staff will have an ability to print the information.

(5) Wardens are responsible for notifying all staff of their ability to access Prisons Policies and Operations Manuals through access online via the DPS web page.

(6) On a monthly basis, the Warden will require the posting of a list of any new, revised or rescinded non-confidential policy or procedure on an offender bulletin board in the library or other suitable location in the institution.

.0607 POLICY RESCISSION

Rescinding Policies

(a) In the event a policy or operations manual is no longer needed or otherwise should be rescinded, the appropriate OPR will send a request to the Prisons Policy Coordinator with a brief explanation as to the reasons the policy should be rescinded. The Prisons Policy Coordinator will consider the request and the impact

rescinding the policy would have on agency stakeholders. Where appropriate, a request to rescind a policy or manual may be scheduled for review by supporting staff or an established review committee.

- (b) If it is determined appropriate to rescind the policy, the request shall be forwarded to the **Commissioner** of Prisons for consideration. If approved, the policy or manual will be rescinded and notice provided to all staff consistent with this policy.

.0608 PUBLIC AND OFFENDER ACCESS

- (a) Members of the general public may purchase copies of the policies and operations manuals by completing the order form listed on the public website. Offenders may purchase copies of the policy manuals by completing the attached form and submitting to the facility trust fund staff for processing.
- (b) Security related policies and operations manuals are not public information and are exempt from public and offender access. Security related policies and operations manuals shall be maintained in a secure area and shall not be placed in **offender** libraries or other unsecure locations.

.0609 EXCEPTIONS

In the event of a non-routine situation, the **Commissioner** of Prisons has the ability to coordinate an immediate policy revision outside of the annual review schedule using the **interim** policy process. This type of revision is extremely limited to only valid, urgent situations. **Any interim policy must be incorporated as part of existing policy no later than the annual review process. Interim policy will not be subject to the review process. All interim policies will be archived with approved policy.**

.0610 VARIANCE

- (a) A variance process is available to accommodate approved facility requests to deviate from a policy or section of a policy until the next scheduled revision is accomplished.
- (b) To be considered for a variance, Prisons personnel shall request a waiver from a policy, in whole or in part, by completing a Prisons Variance Form (**attached**) and forwarding it to the Prisons Policy Coordinator. The Prisons Variance Form must be detailed and specific as to why it is necessary for the Facility to deviate from established policy. The specific policy and section(s) must be noted. Variances must be approved by the **Commissioner** of Prisons.
- (c) The Prisons Policy Coordinator is responsible for recording the effective and expiration dates on the approved variance. The Prisons Policy Coordinator is also responsible for the distribution of the variance that is to be made available for all staff.

.0611 PRISONS ADMINISTRATIVE MANUALS

- (a) Prisons Administrative Manuals must include an introduction or section in the manual that outlines the **Director** responsible for the manual, its purpose, and the procedures for development and review. These manuals include:
- (1) Diagnostic Center Procedural Manual
 - (2) Food Services Manual
 - (3) Health Care Manual
 - (4) Program Services Manual
 - (5) Religious Practices
 - (6) Security Manual
 - (7) Correction Enterprises **Standard Operating Procedure**
- (b) The procedures should include a similar process of development, review, and distribution as outlined for Division of Prisons policies.
- (c) **The Director** responsible for Division of Prisons Administrative Manuals shall notify the **Commissioner** of Prisons annually that their manual has been reviewed and updated accordingly. This review notification must be submitted in writing to the Prisons Policy Coordinator and a copy maintained in the front of the master manual.
- (d) **Wardens** will be responsible for ensuring that all Administrative manuals are located in areas that are generally accessible to staff. At a minimum, **Wardens** will ensure that at least one printed copy of each manual is located in an area accessible to staff on a 24-hour, 7 days per week basis.
- (e) **Wardens** will be responsible for notifying all staff of their ability to access all Administrative Manuals online through the Prisons web page.

.0612 PRISONS TECHNICAL REFERENCE MANUALS

Disciplines such as Dental, Religious Services, Food Service and others may have Technical Reference Manuals (TRMs) which outline procedure but do not communicate policy. These manuals require a review each year by the Director of the discipline, with a copy of the review being forwarded to the Prisons Policy Coordinator. Information in these TRMs provide specifics for how to accomplish procedures. Information in the TRMs may be used to determine program compliance. All TRMs shall be listed on the agency's web page and be maintained by the director in a manner similar to policy and operational manuals.

.0613 FACILITY STANDARD OPERATING PROCEDURES

- (a) Each facility is responsible for implementing DOP policy. Each facility will develop Standard Operating Procedures (SOP) to provide guidance for implementing Prisons policies. Standard operating procedures may not conflict with Prisons policies. The facility SOP shall be filed along with the Division policy and must be made accessible to all employees, volunteers, and the public.
- (b) Any new or revised standard operating procedures must be made accessible to all necessary employees, volunteers, and when appropriate offenders prior to implementation of any operational or procedural changes.
- (c) The Facility SOP must be reviewed annually by the Warden and updated as needed. Written documentation of this review must be sent to the Region Director and a copy of any changes filed in the facility SOP manual.
- (d) Employees, volunteers and outside criminal justice professionals shall participate in the formulation of facility operating procedures and programs. Participation may be accomplished through staff meetings, suggestion programs, community resource councils, employee committees or similar formats.
- (e) Community agencies with which the facility may have contact should also be encouraged to participate in operating procedure development, coordinated planning, and interagency consultation. Interaction can take place in a variety of venues and forums including but not limited to staff meetings, training sessions, committees, conferences, and special events.



Commissioner of Prisons

November 03, 2020

Date

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POLICY VARIANCE REQUEST

INSTRUCTIONS

1. Complete the policy variance request form and submit it to the Prisons Policy Coordinator.
2. Prisons Policy Coordinator will review and forward to the Director of Prisons.
3. Director of Prisons will review the variance submission form from the Managing Officer and accompanying review form from the Prisons Policy Coordinator.
4. Director of Prisons will determine if a variance should be approved, denied, or approved with changes.
5. Managing Officer and Policy Coordinator will be notified of appropriate next steps in accordance with recommendation by Director of Prisons.

STEP 1: POLICY VARIANCE REQUEST

Request Submitted by:

Facility:

Date:

Affected Policy (Title/#):

Justification for variance:

Facility Head:

Signature

Date

STEP 2: PRISONS POLICY COORDINATOR REVIEW

The Policy Coordinator must forward all policy variance requests to the Director of Prisons or designee

Variance Request Reviewed by Prisons Policy Coordinator

Comments:

Policy Coordinator:

Signature

Date

STEP 3: DIRECTOR OF PRISONS REVIEW

Variance Request Approved

Variance Request Not Approved

Comments/Recommended Modification to Variance Request:

Director of Prisons/Designee:

Signature

Date

POLICY IMPACT ANALYSIS

GENERAL INFORMATION

All proposed new or revised policies must be submitted by the policy owner or designee and approved by the appropriate managerial authority.

Affected Policy (Title/#):

Please check one:

<input type="checkbox"/>	Policy and Procedure Manual
<input type="checkbox"/>	Operations Manual

Please indicate type:

<input type="checkbox"/>	New
<input type="checkbox"/>	Annual
<input type="checkbox"/>	Non-Routine

ANALYSIS

I. Please provide a brief rationale for the creation of a new policy or for the revision of existing policies. A list of all changes is not necessary, but you must provide a summary of the major changes including the reason for the change.

II. Are there any overlaps or conflicts with existing Prison policies? This includes, but is not limited to Administrative Regulations, Departmental Policies, Operations Manuals, etc. If yes, please list the related policies and explain why the policy was not consolidated into the pre-existing policy:

III. List any facilities, entities, or groups who should be exempted from the policy (i.e. offenders, contractors etc.)

IV. Please answer yes or no to the following questions. Please provide a summary in the below text box for any “YES” responses.

Does the new or revised policy:

- 1) Require updates to any Prisons’ forms?

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No

- a. If yes, what are the impacts?

- 2) Have an impact on Human Resources?

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No

- a. If yes, what are the impacts?

- 3) Have a fiscal impact or impact on Information Technology?

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No

- a. If yes, what are the impacts?

- 4) Require new or revised training for Prisons staff? (*Policies are NOT to contain a new training component without approval by the Director of Prisons.*)

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No

- a. If yes, what are the impacts?

- 5) Have an impact on Facility staff safety and security?

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No

- a. If yes, what are the impacts?

6) Have an impact on other areas of the agency?

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No

a. If yes, include evidence that such revisions were discussed with the impacted area:

Submitted by (Policy Owner):

Name: _____ **Title:** _____ **Date:** _____

Approved by:

Name: _____ **Title:** _____ **Date:** _____