



*State of North Carolina
Department of Public Safety
Prisons*

Chapter: A
Section: .0600
Title: **Policy & Procedure
Development**
Issue Date: 02/11/22
Supersedes: 11/03/20

POLICY AND PROCEDURE

References

5th Edition Standards for Adult Correctional Institutions

Related ACA Standards

5-ACI-1A-05, 5-ACI-1A-06, 5-ACI-1A-12,
5-ACI-1A-13, 5-ACI-1A-14, 5-ACI- 6D-10

.0601 GENERAL

- (a) 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.
- (b) 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 **North Carolina Department of Public Safety** (NCDPS) Office of Policy and Strategic Planning.

.0602 PURPOSE

It is the policy of **North Carolina Department of Public Safety, Prisons** 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.

.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.

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- (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 **POLICY AND PROCEDURE**” and the effective date of the interim policy in the header on each page of the document.
- (c) **Operations Manual** – A guide that defines the technical procedures and processes associated with any set of job responsibilities or expectations (i.e. Diagnostic Services, Religious Practices, etc.) Operations manuals shall serve as technical support or procedural guides only and shall not contain language that sets policy requirements or standards or conflicts with existing policies or ACA expected practices. All operations manuals should refer to regulations, policies, procedures, and standards that govern the procedures being defined. Operations Manuals are for employee use only and shall not be disseminated for public use. The manual owner is responsible for the accuracy of the contents of the operations manuals associated with their respective areas.
- (d) **Policy and Procedure Development and Management** – The processes associated with creating, distributing, implementing, and developing policies and procedures.
- (e) Policy **Manager** – The **Division** 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, **Security policy**, and all other manuals.
- (f) **Policy Owner** – The director’s office, subsection, or other office assigned responsibility to write, revise, and/or maintain a policy or operations manual and to complete the annual review. The **Policy Owner** will coordinate information with the Policy **Manager**.
- (g) **Standard Operating Procedure (SOP)** – A set of instructions designed to assist staff with carrying out routine procedures. An SOP provides guidance on how staff will carry out Prisons policy at the given facility.
- (h) 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 **Manager** 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 **North Carolina Department of Public Safety (NCDPS)**, 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 FORMAT

Prisons' policies shall be formatted in the following manner:

- (a) Policy drafts must be developed using the most current NCDPS Prisons policy template. If the previous revision was developed in an outdated format, the Policy Owner is responsible for transitioning the policy into the current, approved format.
- (b) New and existing policy shall be revised, published, and maintained in Power DMS. Performance and Standards shall also keep files within the :I drive for historical reference and as backup to Power DMS.
- (c) Policy text shall be formatted in Microsoft Word, Times New Roman, font size 12. All paragraphs within the policy shall be formatted with a justified alignment.
- (d) Appropriate ACA Expected Practices must be cited in the header of the policy. Expected Practices will be identified within policies with bold and italics followed by the Expected Practice in parentheses. The Audit Administrator is responsible for identifying Expected Practices applicable to the policy.
- (e) Any related legislation or administrative rule must be properly cited in the header of the policy. The Policy Owner is responsible for identifying legislation or administrative rule applicable to the policy.
- (f) Definitions must be listed in alphabetical order. Only terms specifically referenced within the policy should be included in the definition section.
- (g) The policy statement must begin with the phrase, "It is the policy of North Carolina Department of Public Safety, Prisons...". This phrase shall not be abbreviated or altered.
- (h) When using an acronym, the entire title must be written out within the body of the policy, immediately followed by the acronym in parentheses. The acronym may be used within that policy from that point forward.
- (i) References to other NCDPS Prisons policies must include the policy number and the full name of the policy referenced.
- (j) Policies with corresponding Operations Manuals must reference the manual within policy.
- (k) A policy containing a component that addresses a topic managed by a section outside of Prisons must receive approval from that section prior to implementation (i.e. Combined Records, Office of Staff Development and Training (OSDT), etc.)

- (1) When referencing a form within the policy, the form must be cited using the full name of the form and the form number, when applicable. Forms shall be listed at the end of the policy. The Policy Owner shall provide the form or link to the form during the review process.

.0607 POLICY AND PROCEDURE DEVELOPMENT

(a) Initiation

- (1) 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 **Manager** 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 **Manager** will ensure the staff member who requested policy changes receives communication regarding the final disposition of the suggested policy.
- (2) 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 **Manager** through the Region Director. Community volunteers who make policy recommendations will receive communication regarding the disposition of their suggestion.
- (3) 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 **Policy Owner** 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 **Manager**) will assign a **Policy Owner** to draft a new policy and procedure or revisions to an existing policy and procedure. The **Policy Owner** 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 **Manager** who will, if necessary, assign a policy number for the draft.

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- (3) The Policy **Manager** will, in consultation with the Policy Owner decide a target date for policy development or modifications to be completed.
 - (4) The Policy **Manager** will forward the assignment for policy and procedure development to the **Policy Owner**. Once a draft policy is ready for review, the **Policy Manager** 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 **Policy Manager** shall provide a date for the review to be complete. All recommendations will be forwarded to the **Policy Owner**. A final draft shall incorporate those recommendations deemed reasonable.
- (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/**Manual Review Form** will be completed for all new or revised policies and/or operations manuals. It is the responsibility of the **Policy Owner** to complete the required Policy/**Manual Review Form** and submit to the **Policy Manager**. The Policy/**Manual Review Form** will provide a summary of revisions to be made to the policy. **After receiving the Policy/Manual Review Form, the Policy Manager will determine the appropriate workflow, and notify staff required of their role in the revision process.**
- (d) Authorization Review
- After the draft review period has expired, the **Policy Owner** will make appropriate revisions and forward the revised draft policy and a Policy/**Manual** review form to the **Policy Manager** with copies of all recommendations and comments received during the draft review period. A final draft shall incorporate those recommendations deemed reasonable. Once satisfied, this information will be forwarded to the **Policy Manager**, 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 (5-ACI-6D-10).***

- (2) The Policy **Manager** will maintain a list of review dates. A review date shall be established one-year subsequent to the date of policy signature.
 - (3) The **Policy Owner** will be responsible for forwarding review information to the Policy **Manager** using the Policy/**Manual** Review Form. If no changes are recommended the Policy/**Manual** Review Form will be archived along with the approved policy.
 - (4) **Wardens are responsible for ensuring Standard Operating Procedures and Post Orders are reviewed on an annual basis.**
- (f) Distribution
- (1) After the Commissioner of Prisons has approved the policy and procedure addition(s) or revisions(s), the Policy **Manager** 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 **distribute a notification** to Region Directors, Wardens, Central Office staff and **designated** Prisons staff 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. **A summary sheet is posted along with the revised policy indicating changes made. Published policies are also available on Power DMS. Staff with access to Power DMS are required to acknowledge they have read and understand the policy by electronic signature.**
 - (3) ***New or revised policies and procedures are disseminated to appropriate staff and volunteers, and when necessary offenders, prior to implementation (5-ACI-1A-14).***
 - (4) It is the responsibility of designated staff at each location to print and distribute copies of the revised policy.
 - (5) 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 (5-ACI-1A-12).*** If the Warden chooses to ensure these requirements are met using a computer, the staff will have an ability to print the information.
 - (6) 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.

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- (7) 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.

.0608 POLICY RESCISSION

- (a) In the event a policy or operations manual is no longer needed or otherwise should be rescinded, the appropriate **Policy Owner** will **complete the Policy/Manual Review Form** with a brief explanation as to the reasons the policy **or manual** should be rescinded. The Policy **Manager** 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, **or designee**, for consideration. If approved, the policy or **operations** manual will be rescinded and notice provided to all staff consistent with this policy.

.0609 PUBLIC AND OFFENDER ACCESS

- (a) **Members of the general public may view and print the Policy and Procedure manual from the public website (5-ACI-1A-12).** Offenders may purchase a copy of the policy manual by completing the **Offender Prisons Manual Order 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.

.0610 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 require approval from the General Counsel Office and the Commissioner of Prisons/designee and** will not be subject to the **full** review process. All interim policies will be archived with approved policy.

.0611 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.

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- (b) To be considered for a variance, Prisons personnel shall request a waiver from a policy, in whole or in part, by completing a **Policy Variance Form** and forwarding it to **their Director or Region Director**. The **Policy 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. **The Director or Region Director will review the request and forward to the Policy Manager if they agree with the request.** Variances must be **reviewed by the Policy Owner and approved by the Commissioner of Prisons or designee.**
- (c) The Policy **Manager** is responsible for recording the effective and expiration dates on the approved variance. The Policy **Manager** is also responsible for the distribution of the variance that is to be made available for all staff.

.0612 PRISONS OPERATIONS MANUALS

- (a) Prisons **Operations** 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, **but are not limited to:**
- (1) Diagnostic Center Procedural Manual
 - (2) Health Care Manual
 - (3) Program Services Manual
 - (4) Religious Practices
 - (5) Security Manual
 - (6) 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 **Policy Owner** 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 **shall be completed on the Policy/Manual Review Form and submitted to the Policy Manager for review and documentation.**
- (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.

.0613 FACILITY STANDARD OPERATING PROCEDURES

- (a) Each facility is responsible for implementing DOP policy. Each facility will develop Standard Operating Procedures to provide guidance for implementing Prisons policies. Standard operating procedures **shall be facility specific and** may not conflict with Prisons

- policies. SOPs should not be limited to copying policy verbatim. *The facility SOP shall be filed at the facility along with the Division policy and must be made accessible to all employees.*
- (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 (5-ACI-1A-13).*
- (c) *The Facility SOP must be reviewed annually by the Warden and updated as needed (5-ACI-1A-13).* 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 (5-ACI-1A-05).* 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 (5-ACI-1A-06).* 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.
- (f) Facilities shall maintain archived policies on the :I drive for historical records.



Commissioner of Prisons

February 11, 2022

Date

A.0600_02_11_22