



*State of North Carolina
Department of Public Safety
Prisons*

Chapter: E
Section: .3600
Title: **Offender Nonprofit Program**
Issue Date: 05/19/22
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POLICY AND PROCEDURE

References

North Carolina General Statute [148-26](#)

.3601 Purpose

It is the policy of North Carolina Department of Public Safety, Prisons to establish procedures and guidelines for management, supervision and coordination of offender work assignments for nonprofit agencies or offender volunteer labor services and/or charitable contributions by offenders to non-profit agencies, local and/or state government agencies. North Carolina General Statute 148-26 exempts certain offender assignments and/or offender volunteer labor service from the State Surplus Laws. The Nonprofit Program is subordinate to other offender work assignment needs of the prison facility and/or program assignment needs of the offender; therefore, the Nonprofit Program may not take priority over them.

.3602 General

- (a) The Offender Nonprofit Program provides eligible and selected offenders the opportunity to put their work skills and knowledge to good use through retributive acts of providing labor services and goods to government and non-profit entities. On the other hand, the program allows non-profits and governmental agencies to accomplish more with less through use of offender labor and donations. Additionally, the program saves tax dollars, and allows projects and services that otherwise may be deferred to reach fruition. Furthermore, these opportunities in life learning, education and recovery offer structure and support to help offenders realize personal and intellectual goals. Through these service experiences, offenders are gaining a work ethic and a sense of value and self worth. Finally, the service experiences help to provide offenders with tools and skills that help make them productive members of the community when they are released.
- (b) Therefore, North Carolina Department of Public Safety (NCDPS), Prisons establishes work and volunteer assignments for offenders and/or allows offenders to make donations through service projects that benefit local or state government entities and nonprofit agencies that benefit or serves the citizens of North Carolina. The work or volunteer assignments may include the use of offender labor and the use of Department of Public Safety resources in the production of finished goods. Any products made pursuant to this policy may be donated to the local or state government unit and/or the nonprofit agency at no cost. However, this program is not to be construed or used to allow offenders to conduct personal business; therefore, offenders are prohibited from receiving compensation of any sort, tangible, intangible, and/or any deferred compensation for

performing an activity or service for this program, except for those programs that allow the offender to earn an incentive wage.

.3603 Definitions

- (a) **Temporary Project** – This initiative is a temporary endeavor undertaken to create a particular product or service. Temporary means that the project has a definite beginning and a definite end. Examples of projects include seasonal activities, one-time donations or gifts, restoration of a building, landscaping project, etc. Offenders are not normally assigned to a job code when participating in these projects but volunteer their time to the project.
- (b) **Continuous Project** – This initiative does not have a definite end time and is considered an assignment. An example of this type of service is one in which the activity is anticipated to be a daily, six to eight hours, continuous service or labor. Offenders should be assigned to a job code and given incentive wage when participating in this type of activity.
- (c) **Nonprofit Agency** – a nonprofit agency or organization whose services are open to all people of North Carolina and whose mission is services oriented, charitable, humane or philanthropic in nature. The nonprofit agency must be designated as a 501 (c)(3) agency by the Internal Revenue Service.

.3604 Program Eligibility Requirements

- (a) The Non-Profit Program may be established at any prison facility. However, policy governing security and custody classification needs of offender participants and the program must be appropriate and followed.
- (b) The Warden is the first level approving authority for offender participants, the type of program offered, and/or for the governmental or non-profit entity selected for provision of offender services and labor. Form INP01 is to be used to initiate and obtain final approval.
- (c) The Warden must forward their approval to the Region Office for review and approval.
- (d) The Region Office forwards the Region approval to Rehabilitative Services (RS) for final review and approval by the Director for RS.

.3605 Nonprofit Program Conditions

- (a) The Offender Nonprofit Program for close or medium custody facilities must be conducted on facility grounds;
- (b) The Offender Nonprofit Program for minimum custody facilities may be conducted on

facility grounds either inside the perimeter fence for minimum custody or in the community as appropriate for minimum custody offenders approved for off-site privileges such as community leave passes or work release;

- (c) If a nonprofit agency worker supervises the Offender Nonprofit Program, the Offender Nonprofit Program Coordinator will orient and train the nonprofit supervisor as a Custodial Agent and have them to sign Form INP02;
- (d) All offenders, who are selected for the program either for incentive wage assignments or as volunteers, must complete or sign the Offender Nonprofit Program Agreement Form - INP03;
- (e) The Nonprofit Agency Worker can interview prospective offender participants prior to placement. If an agency terminates the participation of an offender, they must provide documentation to the facility explaining the action;
- (f) An Offender Nonprofit Program designated as a continuous operation and the offender is provided an incentive wage for his or her assignment, funds for the incentive wage shall be the responsibility of Prisons. Nonprofit agencies are prohibited from paying any wage or other compensation to an offender participating in the program.
- (g) Offenders participating in an approved ongoing Nonprofit Program are eligible to receive Gain/Earned Time III sentence credits and \$1.00 per day incentive wage. Any overtime-earned (hours over 40) are eligible for sentence credits per the policy.
- (h) Offenders participating in the Offender Nonprofit Program on a volunteer basis are eligible for Meritorious Sentence credits based on the number of service hours, e.g., eight (8) hours equals one (1) day credit. Meritorious Sentence credit should not exceed 30 days per month.
- (i) Offenders who volunteer their service to a Nonprofit Program can perform the service and/or work activities for the Nonprofit Agency on a full-time or part-time schedule. Participation in this program can be in addition to other work/program assignments, as long as it does not pose a disruption to facility schedules.
- (j) The Warden will approve transportation for offender participants using E .0700, Work Release as a guide. No fee for transportation will be charged to the offender.
- (k) Materials for use in the Offender Nonprofit Program should be donated by the Nonprofit Agency that is receiving the service. However, limited use of the Offender Welfare Fund should be permitted for resources for the program being undertaken.

.3606 Nonprofit Program Management

- (a) The Warden designates a staff person to coordinate the Offender Nonprofit Program.

- (b) The **Offender** Nonprofit Program Coordinator ensures, before the start of a Nonprofit Program, that it complies with the program policy and procedures.
- (c) The **Offender** Nonprofit Program Coordinator ensures that the Nonprofit Program Application Form-INP01 is thoroughly and accurately completed. The Coordinator submits the INP01 form for approval to the **Warden**. The **Warden** distributes the approved form to the Region Office for review and approval. The Region Office forwards the approved form to the Director for **RS** for final review and approval.
- (d) **Offender** transportation to and from an outside project location is to be approved by the **Warden**.
- (e) Each **Offender** Nonprofit Program activity site will be subject to periodic on-site monitoring by the **Offender** Nonprofit Program Coordinator to ensure program intent and compliance with the procedures.
- (f) The **Offender** Nonprofit Program Coordinator should encourage **offenders**, governmental, and non-profit agencies to participate in the program.
- (g) The **Offender** Nonprofit Program Coordinator is to follow all fiscal policies in managing and handling any funds for the program.
- (h) Monies earned by **offender** service clubs from the sale of food or photos may be used to purchase materials or supplies to be used for a service project.
- (i) Each **Offender** Nonprofit Program Coordinator will maintain documentation for a program, e.g., services performed, service hours entered in OPUS, maintain fiscal records per the fiscal policy, and documentation of program participants' orientations, training, monitoring visits, etc.
- (j) The **Commissioner** of Prisons **or designee** can terminate an **Offender** Nonprofit Program at any time.

Related Forms[INP \(01-03\)](#)**Commissioner** of PrisonsMay 19, 2022

Date

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