



State of North Carolina
Department of Public Safety
Prisons

Chapter: **E**
Section: **.2200**
Title: **Offender Construction Program (OCP)**
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POLICY & PROCEDURES

References

Related ACA Standards

5th Edition Standards for Adult Correctional Institutions 5-ACI-7A-03, 5-ACI-7A-04, 5-ACI-7A-05, 5-ACI-7A-06, 5-ACI-7A-07, 5-ACI-7A-13

.2201 PURPOSE

The **Offender Construction Program (OCP)** is a partnership among the offices of the Secretary of the Department of Public Safety, **Rehabilitative Services (RS)** and Department of Public Safety Central Engineering. It is utilized to meet the demands of the facility construction, expansion, and renovation projects by using **offender** labor to reduce the cost of **NCDPS** construction projects. The program also serves to provide **offenders** an opportunity to learn on the job **apprenticeship level** marketable skills **within the engineering construction trades of Concrete Finisher, Masonry, Carpentry, Fence Installer, Drywall, Painter, Welding, Pipe Fitter, Plumber, HVAC Technician, and Electrician;** to help them prepare for their eventual release back into the community.

.2202 PROGRAM MANAGEMENT

Central Engineering will manage the construction aspect of the projects including but not limited to planning the project, providing equipment for the jobs, and supervising the job sites. **RS** will designate a coordinator to manage the **OCP** activities among Prison Administration, Central Engineering, and the involved prison facilities as well as **offender** activities including coordinating transportation, clothing, food, housing, etc. The **RS Offender Construction Program Coordinator** will also screen and approve all **offenders** for assignment to the OCP. Prior to the start of any construction projects, a pre-construction meeting will be held with all involved parties. The pre-construction meeting will ensure all involved parties understand project details, needs, responsibilities and project support will be determined and assigned. The **RS OCP Coordinator** will prepare a written summary of pre-construction and other meetings to enhance communication and understanding and will distribute it to all involved parties. After the project has begun, the **RS OCP Coordinator** will make frequent site visits in order to maintain and facilitate good communication between all parties.

.2203 SUPERVISION

Any individual approved by Central Engineering to supervise offenders must be approved, certified and trained by Prisons' staff to be a Custodial Agent. The guidelines for this process may be found in Prisons' Policy & Procedure Chapter F .1400 Custodial Agents. Approved Custodial Agents shall carry their pink custodial agent card at all times while supervising offenders assigned to the Offender Construction Program.

.2204 SAFETY

- (a) Responsibility: Offender safety while assigned to the Offender Construction Program is the primary responsibility of the Central Engineering Supervisors. They must ensure the offenders under their supervision are properly trained on safety procedures and equipment established by their agency's guidelines. Offenders will be monitored and required to follow safety training and expectations. Further, offender assignment procedures for the Offender Construction Program assignments will include the use of the established Incentive Wage Description Form (IW01) and Essential Functions Checklist (EFC) forms developed and maintained in the Offender Assignment Manual. These forms also cover safety procedures as well as other essential job-related expectations.

(b) Prohibitions: The following prohibitions apply to the Offender Construction Program.

(1) Offenders are prohibited from working on the premises of any institution operated or administered by the Youth Development Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety unless approved by the Assistant Commissioner of Prisons and then, a complete sight and sound barrier must be erected and maintained during the course of the labor being performed by adult offenders.

(2) Offenders are prohibited from working at a school while students are on the property. This includes either public or private elementary, middle or high schools. Prior to any work being done on school property, the school administrator or principal must provide a letter certifying that there will be no students on the property during the time the work is being performed.

.2205 OFFENDER SELECTION AND REMOVAL CRITERIA

- (a) Eligibility

Prospective candidates for the OCP will be screened by the following criteria:

- (1) Offenders must be serving a felony sentence.
- (2) Offenders must be 21 years of age.

- (3) **Offenders** must be infraction free for the immediate past 90 days.
 - (4) **Offenders** must not be validated SRG.
 - (5) **Offenders** must be in minimum or medium custody per project demands.
 - (6) **Offenders** must not have pending in-state felony charges/detainers, federal charges/detainers, out-of-state charges/detainers, or deportation charges/detainers.
 - (7) **Offenders**' records must not contain infractions for assault, hostage taking, riot, escape from minimum custody, possession of incendiary or explosive device, gang activity, bribery of staff, extortion, strong-arming, weapon possession or attempting to commit any of the above within the last 5 incarcerated years.
 - (8) **Offenders** must be in overall good health. **Offenders** with Activity Grades of 2 can participate with the approval of Medical Staff.
 - (9) Sex **offenders** are not eligible for assignment to **OCP** minimum custody assignments.
 - (10) **Offenders** must not have any history of escape from medium or close custody or more than one escape from minimum custody.
 - (11) No Offender convicted of an assaultive crime against a government official, law enforcement, or correctional staff shall be eligible for any assignment that allows for access to a class "A" tool (see Chapter: F .2700 – Tool Control), (.2703) (b) (1) - Class "A" Tools.
 - (12) To ensure continuous eligibility for the **OCP**, facility program staff will monitor **offenders** assigned to the program for disqualifiers after initial **OCP** assignment (i.e. pending charges, etc.) If any disqualifiers are found, the **RS OCP** Coordinator will be notified.
- (b) Screening of Prospective Candidates
- (1) Upon admission to the Department of Public Safety Diagnostic Centers staff will use established screening tools to identify **OCP** prospective candidates with skills in the construction field. The Case Analyst will complete a Skill Questionnaire for all **offenders** with experience in the construction field. Completed Questionnaires will be forwarded to the **RS OCP** Coordinator. The Skill Questionnaires are available on the internal webpage at: http://internal.doc.state.nc.us/dop/program_services_forms.html .

- (2) Case Managers will instruct interested **offenders** to complete the **OCP** Skills Questionnaire for their specific trade skills. Completed Questionnaires will be forwarded to the **RS OCP** Coordinator.
 - (3) The **RS OCP** Coordinator will score all Questionnaires, screen the **offenders** for eligibility, and maintain a current log of eligible and available **offenders**. In addition, the **RS OCP** Coordinator will use OPUS applications to identify prospective candidates. The **RS OCP** Coordinator will notify Case Managers of identified prospective candidates in order for them to contact the candidate to discern the candidates' interest. As needed, Central Engineering staff will conduct recruitment visits to facilities to interview interested prospective **offender** candidates for the **OCP**. The **RS OCP** Coordinator will coordinate and schedule the recruitment visits with the prison facility and Central Engineering to ensure good communications and that the **offenders** to be interviewed are available.
- (c) Assignment of Eligible Offenders
- (1) The **RS OCP** Coordinator will contact the Case Manager for eligible and qualified **offenders** that are ready to be assigned and/or transferred to an **OCP**.
 - (2) The **RS OCP** Coordinator will make all initial assignments to the **OCP**. The **RS OCP** Coordinator will make the referral and approve the referral on the IJ02 **Offender** Activity Referral screen. At the point of approving the referral the **RS OCP** Coordinator will enter F14 comments indicating that the **offender** meets all eligibility requirements for an **OCP** assignment. The **RS OCP** Coordinator will then assign the **offender** using the IJ11 **Offender** Activity Assignment Screen. **Offenders** being reassigned to the **OCP** through promotions and jobsite transfers will be assigned by the facility at which the **offender** is housed. If an **offender** is removed from **OCP** and returns at a later date an initial assignment will again be made by the **RS OCP** Coordinator.
 - (3) An **offender** who agrees to be assigned and transferred as necessary for an **OCP** assignment is required to remain assigned to the **OCP** for at least twelve (12) months or until the job is complete, whichever occurs first. **Offenders** who agree to participate in the apprenticeship program will be required to make a three (3) year commitment.
 - (4) **Offenders** assigned to the **OCP** are subject to transfer to another facility for **OCP** assignment without prior notice.
- (d) Removal of an **Offender** from the **OCP**.

The reason for removing an **offender** from the **OCP** shall be documented in OPUS in the comments section of the IJ11 screen when the **offender** is removed. All requests for removal of an **offender** from the **OCP** will be made to the **RS OCP** Coordinator with the

reason for the request. The **RS OCP** Coordinator will enter the necessary comments in OPUS. **Offenders** can be removed from the program for several reasons including, but not limited to:

- (1) Completion of assignment
- (2) Removal by Central Engineering staff due to poor performance or conduct
- (3) Removal by Central Engineering staff due to lack of trade skills.
- (4) Disciplinary action
- (5) Administrative needs
- (6) **Offender** Request

Once an **offender** is removed, it will be at the discretion of the **RS OCP** Coordinator to reassign the **offender** to the program after consultation with Central Engineering. If removed due to disciplinary, the **offender** will have to wait 90 days before he is eligible to be reassigned.

.2206 HOUSING OF OFFENDERS ASSIGNED TO THE OCP

OCP offenders will be housed at various facilities according to the location of the current jobsite. **OCP offenders** will adhere to all Adult Facilities Policies and Procedures.

(a) Meals

OCP offenders shall be provided the same quality of meals as other offenders assigned to the facility regardless of the time leaving for work or returning from work. A pack out lunch is allowed based on the approved menu by the Food and Nutrition Management Office.

(b) General Services

OCP offenders shall be provided the same opportunity to receive case management, canteen, library, recreation, and other facility services as other **offenders** assigned to the facility. Case management requirements shall be followed according to the Case Management Policy.

(c) Clothing

OCP offenders shall be provided clothing consistent with the Department of Public Safety, Prisons Fiscal Policy. This will include seven (7) sets of clothing per week and

one (1) pair of steel toe boots. During winter months, **OCP offenders** shall be provided thermal underwear pants and shirts as well as one (1) Brown winter coat. Clothing for inclement weather, including but not limited to, gloves, raincoats, extra socks, etc. will be provided by the housing facility when inclement weather conditions are expected.

(d) Incentive Wage and Sentence Credits

- (1) **OCP offenders** shall receive \$3.00 per day, not to exceed \$21.00 per week.
- (2) **OCP offenders** shall receive sentence credits based on the following criteria:
 - (A) **Offenders** will receive gain/earned time level III at a rate of (Six [6] or nine [9] days per month reduction from sentence depending on sentence type.
 - (B) **Offenders** will receive 15 days of meritorious time for each complete month of work.
 - (C) **Offenders** will receive meritorious time for overtime work over 40 hours per week.
 - (D) **Offenders** will receive meritorious time for inclement weather when approved by Adult Facilities Staff. Per Prisons Policy on Sentence Credits, Chapter B Section .0114 2B, Inclement Weather is defined as a chill factor below 20 degrees Fahrenheit or temperature above 95 degrees Fahrenheit. Also, such conditions as rain, sleet, snow, or other unusual or abnormal circumstances may be determined by the appropriate facility head to meet the requirements of this policy. **The Offender Construction Program** site supervisor will turn in inclement weather time per the above policy. The time will be evaluated and approved by the facility at which the offenders are working and entered at the housing facility as merit time.

(e) Work Time

OCP offenders will work the following standard schedule as determined by Department of Public Safety Central Engineering.

Daylight Savings Time

Monday through Thursday, 10 hours per day, 7:00am – 5:30pm

Off on Friday

Standard Time

Monday through Thursday, 9 hours per day, 7:30am – 5:00pm

Friday, 4 hours, 7:30am – 11:30am

Work times are subject to change as needed by Central Engineering due to unexpected delays. An offender's total work days per week shall be determined by dividing total hours worked by 8. Travel time will be included in the calculation. Any partial day shall be credited as a full day. An offender who is unable to attend work due to court, sickness, injury, etc. will not be compensated for that day.

(f) **OCP** Down-Time Procedures

(1) Occasionally, there are times when an **OCP** crew experiences up to 60 days down-time due to the project they are working on being temporarily shut down, i.e. inclement weather, lack of materials, inspections, etc. Additionally, a crew may experience down-time during the transition from one project to the next project. It is essential that these qualified skilled offenders remain assigned to their **OCP** assignment during down-time. The aforementioned should be the case because it is often difficult to identify available offenders with the level of skills required for the Program. Central Engineering staff invests a lot of time training these offenders. They save the state money by providing labor for Department construction and renovation projects. Therefore, to reduce the loss of available and trained offenders for **OCP** projects and to be consistent in how we manage these offenders during their down-time, the following procedures are to be followed by all.

- (A) When there is other work available at the housing facility, the offender remains assigned to the **OCP** and continues to be housed at the current housing facility. The facility can work these offenders in areas as needed and as would benefit the facility. In this case, the actual work hours are entered on the IJ61 screen under the offender's current activity code. The offender's gain or earned time rate and the offender's incentive wage rate at the time of the down-time remain the same regardless of the work being performed.
- (B) When there is no available work at the housing facility, the offender remains assigned to the **OCP** and continues to be housed at the current housing facility. The facility staff will enter one hour for each day, Monday through Friday, on the IJ61 screen under the offender's current activity code. This is in accord with the Incentive Wage policy due to the offenders being available to perform their job assignment, but unable to be deployed due to their project being shut down.
- (C) After 60 days of down-time, an offender's request to be removed from the OCP assignment and housing may be honored as appropriate and feasible. The **OCP offender** may be transferred to another job site or removed from the program and reassigned to another position at the current facility. If

the delay exceeds 60 days, the OCP offender will continue to be compensated as long as the project is ongoing (i.e. delays caused by outside contractors in which the OCP crew is not allowed on the jobsite.)



Commissioner of Prisons

August 25, 2020

Date

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