

North Carolina Department of Public Safety
Prisons
Policy Summary Sheet



Diagnostic Centers

Chapter: C

Section: .0200

Current Review Date:

September 9, 2020

Reviewed By:

Prisons Rehabilitative Services

Next Review Due:

September 9, 2021

Current Revision Date:

September 9, 2020

Supersedes Revision Dated:

February 01, 2018

Current Revision Summary (if applicable):

Added: References

Related ACA Standard

5th Edition Standards for Adult Correctional Institutions 5-ACI-1A-02,
5-ACI-3D-09, 5-ACI-5A-01, 5-ACI-5A-03, 5-ACI-5A-04, 5-ACI-5A-05,
5-ACI-6A-21, 5-ACI-7B-03, 5-ACI-3D-10, 5-ACI-3D-12, 5-ACI-3D-13,
5-ACI-3D-15, 5-ACI-6A-32, PREA Standard: 28 CFR 115.41

All current changes are highlighted in yellow. General changes throughout policy include changing “him or her” to “them,” and “Director” to “Commissioner” Other minor grammatical corrections made where necessary.

Specific Changes

.0202 ORGANIZATION

Page 1 (a) Removed “Admitting facility- the admitting facility receives offenders from sentencing courts and provides for physical examinations, fingerprinting and identification photographs,” and “In addition to the services provided by an admitting facility.” Added additional verbiage “offenders to include.”

Page 2 (a) Verbiage added “post-release and parole offenders with revocations awaiting Post-Release Supervision and Parole Commission hearings, and interstate compact offenders. In general, diagnostic centers at designated

admission locations provide for physical/dental examinations, mental health screening, photographing, fingerprinting and identification of marks and/or other unusual characteristics,” “Specifically.”

“(1) Prepares a summary admission report for new admissions. Social and criminal data will be entered into the electronic record. Also included is the legal aspects of the case; medical, dental and mental health history/psych evaluation; occupational/educational status and interests; vocational programming; recreational preference and needs assessment; staff recommendations, if any; and pre-institutional assessment information.”

(4) “security Risk Group affiliations,”

(6) Assigns to a housing unit,

(7) Records basic personal data for mail and visitation. Explains mail and visiting procedures to offenders,

(8) Assists offenders with notifying their next of kin and family,

(9) Assigns a register number,

(10) Provides offenders written orientation materials,

(11) Documents any reception/orientation completed.”

.0203 PROCEDURE

Page 3(a) 1 Removed “Eastern Correctional Institution 3400 Maury, NC / Female CRV Offenders except medical/mental health.”

Page 4 (a) 2 Added additional Verbiage “Escapees” at the beginning of the paragraph.

Page 4 (a) 5 Added additional verbiage “including personal funds,” “search,” and “disposed.”

Page 4 (a) 7 Added additional verbiage “They will be issued clean, laundered clothing, as needed. Offenders will be provided showering and hair care products as necessary to maintain hygiene.”

Page 4 (a) 9 Added additional verbiage “Staff will ensure the offender is legally committed to the institution.”

Page 5 (a) added an additional section: “Screening for risk of victimization and abusiveness:

(A) All offenders and safekeepers shall receive a PREA screening inventory, administered via the web-based OPUS intake system, within 72 hours after admission to being sexually abused by other offenders or their risk of being sexually abusive towards other offenders. The screening shall use an objective screening instrument that complies with the Prison Rape Elimination Act standards, 28 C.F.R. Part 115.

(B) The responses to the Screening Inventory, are confidential; therefore, the facility shall implement appropriate controls on the dissemination of responses to

questions asked in order to ensure that sensitive information is not exploited to the offender's detriment by staff or other offenders.

(C) Offenders may not be disciplined for refusing to answer or for not disclosing complete information during screening or assessment.

(D) The facility shall make individualized determination for housing, program, job, bed, and education assignments, to ensure the safety of each offender on a case-by-case basis.

(E) The initial screening shall consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the agency, in assessing offenders for risk of being sexually abusive

(F) In deciding whether to assign a transgender or intersex offender to a facility for male or female offenders, and in making other housing and programming assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the offender's health and safety, and whether the placement would present management or security problems.

(G) Placement and programming assignments for each transgender or intersex offender shall be reassessed by the case manager at least twice each year to review any threats to the safety experienced by the offender.

(H) A transgender or intersex offender's own views with respect to their own safety shall be given serious consideration.

(I) Transgender and intersex offenders shall be given the opportunity to shower separately from other offenders."

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"(J) The agency shall not place lesbian, gay, bisexual, transgender, or intersex offenders in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such offenders.

(K) The agency shall implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the offender's detriment by staff or other offenders

Use of Protective Custody:

(A) Offenders at high risk for sexual victimization shall not be placed in restrictive housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. If a facility cannot conduct such an assessment immediately, the facility may hold the offender in restrictive housing for no more than 24 hours while completing the assessment.

(B) The facility shall assign such offenders to restrictive housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days. Refer to Diagnostics Services Procedural Manual for requirements to meet the policy and PREA national standards.

Medical and Mental Health Screening; History of Sexual Abuse:

(A) If the screening for risk of victimization and abusiveness indicates that a prison offender has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the offender is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.

(B) If the screening for risk of victimization and abusiveness indicates that a prison offender has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the offender is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening.

(C) Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.

(D) Medical and mental health practitioners shall obtain informed consent from offenders

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before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the offender is under the age of 18.

Use of Screening information:

(A) The information from the screening for risk of victimization and abusiveness shall be used to inform housing, bed, work, education, and program assignments with the goal of keeping separate those offenders at high risk of being sexually victimized from those at high risk of being sexually abusive.

Offender Education:

1. RECEPTION/TRANSFER: All offenders shall receive, during reception, information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment, and how to report incidents or suspicions of sexual abuse and sexual harassment to include third-party reporting within timeframes established under the Prison Rape Elimination Act standards.

2. INTAKE: All offenders shall receive comprehensive education about sexual abuse and sexual harassment. Such education shall be completed within 30 days of intake and upon transfer to a different facility.

(A) Comprehensive education shall include:

(i) Offenders' rights to be free from sexual abuse and sexual harassment;
(ii) Offenders' rights to be free from retaliation for reporting incidents of sexual abuse and sexual harassment; and

(iii) The agency's policies and procedures for responding to incidents of sexual abuse and sexual harassment.

(iv) Methods available to offenders for reporting incidents of sexual abuse or sexual harassment internally and to an external agency or entity.

(B) Education for Offenders shall be offered by staff that have completed the PREA Train the Trainer Offender Education course.

TRANSFER: All offenders shall receive education about sexual abuse and sexual harassment upon transfer to a different facility.

(A) Education shall be completed utilizing the Offender FACTSHEET OPAT101 Facilitator Talking Points.

(B) Each offender shall receive a copy of the PREA Brochure.”

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“C) Each offender will sign the Orientation Form and placed in their field jacket.

(D) Education for offenders shall be offered by a designated employee at the facility.

(4) Appropriate provisions shall be made as necessary for offenders not fluent in English, persons with disabilities and those with low literacy levels.

(5) Additional sexual abuse and sexual harassment information shall be provided through offender brochures, handbooks and posters.

(6) All materials provided to offenders on the subject of sexual abuse and sexual harassment, and any lesson plans used during any presentations on this topic shall be approved by the Department of Public Safety’s PREA Office.”

Page 8 (c) 4 Added additional verbiage “by Prisons.”

Page 9 (c) 6 Removed “IC04 and IC05,” and added “on the web.”

Page 9 (d) 4 Added additional verbiage at the end “Screening for potentially violent predator’s as defined by PREA and found in 28 CR 115.41.”

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Correctional Planner II

September 9, 2020

Date