



*State of North Carolina
Department of Public Safety
Prisons*

Chapter: F
Section: .0400
Title: **Emergency Leave**
Issue Date: 06/11/21
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POLICY & PROCEDURES

References	5 th Edition Standards for Adult Correctional Institutions
Related ACA Standards	5-ACI-5F-04, 5-ACI-7D-18
North Carolina General Statutes	148-4

.0401 GENERAL

This policy establishes specific procedures for granting emergency leave to offenders within the North Carolina Prisons pursuant to General Statute 148-4.

For the purpose of this policy, immediate family will be limited to father, mother, brother, sister, husband, wife, child, foster parents or other persons who have acted in the place of parents where such relationships can be verified. Offenders in minimum custody may be approved for emergency leaves for grandparents. Medium and close custody offenders are not allowed emergency leaves for grandparents unless they served as a guardian or parent.

.0402 APPROVING AUTHORITY

The Commissioner of Prisons has been designated by the Secretary of the Department of Public Safety as the approving authority under circumstances requiring an extension of the limits of the place of confinement of any offender confined within the North Carolina Prisons. The Commissioner will exercise this authority in accordance with the following regulations (5-ACI-5F-04):

- (a) In-State Emergency Leaves – The authority of the Commissioner of Prisons to extend the limits of the place of confinement shall be delegated for close, medium, and minimum custody offenders only as follows:
- (1) Minimum Custody Offenders – The Warden shall have the authority to extend the limits of confinement for minimum custody. Staff supervision is at the discretion of the Warden.
 - (2) Medium Custody Offenders – The Warden or their designee is the approving authority for medium custody offenders in regular population or on protective control to attend a private viewing.
 - (3) Close Custody Offenders – The Region Director or their designee may approve a close

custody offender in the regular population or on protective control, to attend a private viewing.

- (4) Offenders serving Life Sentences – The Region Director, or their designee is the approving authority for emergency leaves for all offenders serving Life sentences regardless of custody classification.
- (b) Emergency Leaves Outside the State of North Carolina – Emergency leaves outside the State of North Carolina shall be limited to minimum custody offenders subject to the approval of the Region Director, or their designee.

.0403 EMERGENCY LEAVE

- (a) Control Population Offenders – Offenders on any control status, except protective control should not be approved for emergency leave. At the discretion of the Warden, and on a case by case basis, Web based video viewing for offenders assigned to RHAP and RHDP may be considered.
- (b) Close and medium custody offenders should be considered for emergency leave for a private viewing. They will not be allowed to attend a funeral service. Close custody and medium custody offenders approved for a private viewing may only have immediate family present at the time of the private viewing. Close and medium custody offenders may not go to a private residence as part of an emergency leave.
- (c) Minimum custody offenders may attend either a private viewing or funeral service. Emergency leaves may be granted up to a maximum of 24 hours for minimum custody offenders by the approving authority. In addition to immediate family members as defined in section .0401, emergency leave may be granted for grandparents of minimum custody offenders by the approving authority. In accordance with Section F.0402, emergency leave may be approved for either:
 - (1) ***Critical illness of an immediate family member or grandparent (5-ACI-7D-18)***. The nature of the illness of an immediate family member shall be verified by competent medical authority. The meaning of the word “critical” implies probable death within a short period of time. The birth of a child will not be regarded as a critical illness unless the attending physician advises that the wife’s condition is abnormal or that unusually serious factors are involved, or;
 - (2) Death of an immediate family member or grandparent. Verification of the death of an immediate family member may be verified by law enforcement officials (Sheriff or Chief of Police), a physician, coroner, or Director of Social Services.
- (d) Emergency Leaves Outside the State of North Carolina (Minimum Custody Offenders) – Emergency leaves outside the State of North Carolina shall be limited to minimum custody offenders subject to the approval of the Region Director or their designee. Offenders authorized to leave the State of North Carolina shall be required to post a cash bond of \$500 with the Warden. The posting of the bond shall be mandatory. Refer to DPS Fiscal Policy and Procedure .0800 for additional information. Additionally, each minimum custody offender authorized to leave the State

of North Carolina shall be required to sign the necessary waiver of extradition forms prior to their departure on emergency leave.

- (e) ***Regardless of emergency leave approval, an offender must be informed in a timely manner of the verifiable death or critical illness of an immediate family member (5-ACI-7D-18).***

.0404 FISCAL RESPONSIBILITES

The Warden as set forth above shall be responsible for administration of the fiscal responsibilities in accordance with DPS Fiscal Policy and Procedure.0800 (Emergency Leave).



Commissioner of Prisons

June 06, 2021

Date