



*State of North Carolina
Department of Public Safety
Prisons*

Chapter: G
Section: .0100
Title: **Outstanding Charges/
Detainers**
Issue Date: 11/03/21
Supersedes: 10/20/14
Expiration: Policy Revision Publication

INTERIM POLICY & PROCEDURE

The purpose of this interim policy is to make a change to a policy prior to the annual review date. The interim policy will be incorporated into the actual policy during the next annual review. All interim policies shall be updated no more than six months past the annual review date. Revisions are highlighted in turquoise. Please review published policy for reference.

NEW LANGUAGE

.0104

- (b) Each time an **offender** has a custody evaluation, facility staff will verify any and all pending charges/detainers recorded on the Detainers and Pending Charges screen (OR45) **by checking AOC and/or CJ LEADS for in-state pending charges and detainers and DCI for out-of-state pending charges and detainers.** If the charges have been resolved, facility staff will update the OR45 screen to reflect the new status, provided the charges have been entered as pending or undocumented. Note that comments explaining the disposition of the charges and the confirmation source must be entered before updates can occur. In the case of documented detainers that have been resolved, Combined Records will update the status code, upon receipt of written notification from the appropriate Clerk of Court/District Attorney. Entries of this type will update the **Offender** Custody Classification Case Factor screen, accordingly.
- (c) In the case of a felon who, because of a serious pending felony charge/detainer, case factors at a more secure custody grade than **their** current assignment, facility staff will make a recommendation for demotion or retention in custody based on an objective analysis of all pertinent factors. Further investigation of a serious detainer, to determine the basis of the charge and the prosecuting official's intention to proceed, may be initiated by facility staff prior to making a recommendation. If a hearing by a classification committee is required, the accused **offender** will be notified by facility staff at least twenty-four (24) hours in advance of the hearing, by way of Form DC-123. The notice will Page 11 of 13 Chapter G .0100 10/20/14 Outstanding Charges/Detainers specify the nature of the charge so the **offender** may speak in **their** own behalf. Final custody action decisions will be made in accordance with Departmental classification request and review procedures. (See policy on **Offender Custody Classification, Chapter C .0100**).

- (d) Misdemeanants with serious pending felony charges/detainers will be considered for demotion to medium custody with assignment to an appropriate medium custody facility. A notice to offender is required prior to the classification action being generated.
- (e) In any case in which a detainer is based on serious charges and the offender's presence at the unit/institution constitutes a threat to order and security, the offender may be placed on Restrictive Housing for Administrative Purposes pending a hearing and transfer to a more secure facility. (See policy on Restrictive Housing for Administrative Purposes, Chapter O .0100).

SUMMARY:

- .0104 (b) through (e) have been revised to address the minimum custody collapse.

FILING:

This Interim Policy will be filed in the Power DMS system and on the Prisons web page along with the original policy.

RESPONSIBILITIES:

The Director of Rehabilitative Services is responsible for ensuring the content of this interim policy and procedure is included in a revised policy and updated through the annual review process.



Commissioner of Prisons

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November 3, 2021

Date