

13 R 85

STATE OF NORTH CAROLINA

FILED

IN THE GENERAL COURT

BEAUFORT COUNTY

2013 SEP 13 P 12:26

OF JUSTICE

SUPERIOR COURT DIVISION

BEAUFORT CO., C.S.C.

BY NB

IN RE: THE EMERGENCY EVACUATION  
OF THE BEAUFORT COUNTY JAIL  
JUNE 7-9, 2013

**ORDER PURSUANT  
TO NCGS § 162-39(a)(c)**

**THIS MATTER**, coming on to be heard before the undersigned Senior Resident Superior Court Judge for the Second Judicial District, upon request by the Sheriff of Beaufort County to repopulate the Beaufort County Jail, and the Court, after considering the request, the information supplied by Beaufort County Public Works Director Christina L. Smith, P.E., the letter of consulting engineer D. Wilson Pou, P.E., the jail inspection reports for the past three years, all corrective action taken by the County since the Order of the Court dated June 13, 2013, and the age and physical limitations of the jail facility, hereby finds that the Sheriff of Beaufort County has complied with the Order, and the jail has not been used to house inmates, and the County of Beaufort has taken steps necessary to partially correct the Emergency and Life Safety Building code problems, and continue to work on code compliance issues for the jail.

Based upon the work done upon the jail since the Court's last Order, and the written letter of the consulting engineer, the Court finds that the Beaufort County Jail has been repaired to a reasonably safe condition on a temporary basis, and that the jail should be repopulated when Beaufort County has concluded all cosmetic, plumbing, and other maintenance necessary to repopulate the jail.

The Court also finds that the jail facility continues to violate State Jail Standards in that plumbing problems have persisted off and on, there is no smoke evacuation system, and there continues to be over-population for the number of prisoners for which the facility was constructed, and permitted. Such over-population is not in compliance with the operating permit for the facility, is dangerous to staff and inmates, and results in health and safety issues on a regular basis.

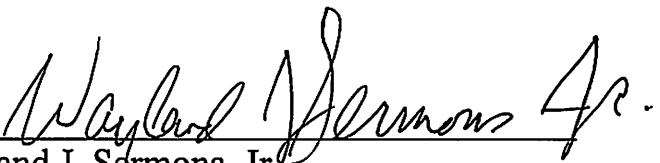
That the Beaufort County Commissioners have a duty to provide a jail facility which conforms to the minimum standards pursuant to N.C.G.S. § 153A-221. That the Commissioners have located and are in the process of authorizing the design and construction of a county jail which will meet the minimum standards in the State of North Carolina.

That it is within the power of the Superior Court pursuant to N.C.G.S. § 162-39(a), to enter Orders which provide for housing prisoners in a fit and secure jail. That the Court enters this Order of repopulation on a temporary basis while a permanent solution is being implemented, with the requirement that the Beaufort County Board of Commissioners provide the Court with updates on or before each week of administrative Court in Beaufort County on the progress being made to provide a facility which meets the minimum standards in the State of North Carolina.

**NOW, THEREFORE**, the Court hereby enters the following **ORDER**:

1. That the Sheriff of Beaufort County may repopulate the Beaufort County jail when all cosmetic and other improvements are finalized, on a temporary basis.
2. That the Beaufort County Board of Commissioners shall continue to plan and design a county jail that meets the minimum standards in the State of North Carolina. That such planning and construction shall proceed in as timely a manner as possible given the time restraints of architectural services, financing, and construction times.
3. That the Beaufort County Board of Commissioners shall submit in writing a progress report detailing the status of such county jail facility, on or before each Administrative Session of Beaufort County Criminal Superior Court. A list of the Administrative Session Court dates is attached hereto.
4. That the Court retains jurisdiction for the purpose of insuring the health, safety and security of prisoners in the Beaufort County jail, and for the purpose of reviewing and approving the progress of the Board of Commissioners providing a county jail which meets the minimum standards of the State of North Carolina.

This the 13<sup>th</sup> day of September, 2013.

  
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Wayland J. Sermons, Jr.  
Senior Resident Superior Court Judge  
Second Judicial District

# **Beaufort County Superior Court Calendar for 2013**

## **Administrative Criminal Sessions**

### **Date**

September 30

November 4

December 9

# **Beaufort County Superior Court Calendar for 2014**

## **Administrative Criminal Sessions**

### **Date**

January 27

February 10

March 17

April 7

June 2

July 28

August 25

September 29

November 3

December 8