

# **PROGRAMS IN PRISON**

Sentencing Law for Superior Court Judges

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## WORK RELEASE

<b>Location(s)</b>	Multiple
<b>General description</b>	Release from prison to perform paid work in the community.
<b>Program length</b>	Varies
<b>Prerequisites</b>	<ul style="list-style-type: none"><li>• Minimum custody level III</li><li>• No pending felony charges</li><li>• Must have “suitable employment” that pays at least minimum wage and has insurance/Workers Comp</li><li>• No serious mental or physical health problems</li><li>• For sentences longer than 5 years, must be within 3 years of maximum release or parole eligibility date</li><li>• Inmate may be denied work release if he or she has history of escape, certain infractions, or major rule violations</li></ul>
<b>Recidivism/Return to prison data</b>	<p>Of 973 inmates who participated in work release who were released from prison in Fiscal Year 2008/09:</p> <ul style="list-style-type: none"><li>• 16.2% were returned to prison within two years (compare to 24.1% of all inmates released from prison)</li></ul>
<b>Suggested sentencing language</b>	<p>The basic language for recommending/ordering work release and restitution as a condition of work release is built into the judgment forms.</p> <p><i>For sentences of 5 years or less:</i></p> <p>DAC interprets recommendations for both “work release” and “immediate work release” as a recommendation for immediate work release placement.</p> <p>The court may note on the judgment or incorporate by reference a specific job plan for the defendant, which can include reference to the defendant’s skill set, relationship with a particular employer, or other information that may facilitate work release placement.</p>
<b>Relevant statutes and/or policies</b>	<p><i>General Statutes</i></p> <ul style="list-style-type: none"><li>• G.S. 15A-1351(f): The court may recommend work release for a felon. The sentencing court may recommend or, with the consent of the defendant, order work release for a misdemeanor.</li><li>• G.S. 15A-1352(d): For misdemeanants ordered to work release, the court may commit the defendant to a specific prison facility or jail within the county in order to facilitate work release. The court may commit the defendant to a prison facility or jail in another county with the permission of DAC or the sheriff or board.</li></ul>

**Relevant statutes  
and/or policies  
(cont.)**

- G.S. 148-33.1(a): The Secretary of Public Safety shall authorize immediate work-release for any person serving a sentence not exceeding 5 years for whom the presiding judge has recommended work release when (1) it is verified that employment is available and (2) custodial and correctional considerations would not be adverse to releasing the person into the free community.
- G.S. 148-33.1(i): When a defendant is sentenced to probation, the court does not make a work release recommendation unless and until the probation is revoked.
- G.S. 148-33.2(c): When ordering an active sentence, the court must consider whether or not to recommend that the defendant pay restitution out of any work release earnings gained by the defendant.

**Notes** If a court-recommended defendant is disapproved for work release, DAC should notify the court with a letter stating the reasons for the disapproval.

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## EDUCATIONAL PROGRAMS

<b>Location(s)</b>	Multiple
<b>General description</b>	<p><i>Adult basic education (ABE).</i> Secondary and post-secondary educational programming for inmates.</p> <p><i>Mandatory educational program (MEP).</i> Facility heads are authorized to require all inmates without a high school diploma or GED who function below the 6<sup>th</sup> grade achievement level to participate in adult basic education/GED programs.</p> <p><i>Vocational education.</i> Programming focused on job skills intended to maximize an inmate's employability upon release. Broad categories of vocational education courses offered include carpentry, welding, travel and tourism, cosmetology, computer skills, typing, and horticulture.</p> <p><i>Study release.</i> Day-time release (similar to work release) for an inmate to participate in an academic or vocational training program away from a correctional facility. Study release can include such programs as on-the-job training, specialized enrichment programs, community college, or university-level course work leading to a certificate or degree.</p>
<b>Program length</b>	<ul style="list-style-type: none"><li>• Mandatory educational program: 4 months minimum</li><li>• Other programs vary</li></ul>
<b>Prerequisites</b>	<p><i>Adult basic education:</i></p> <ul style="list-style-type: none"><li>• Mainly offered to medium custody inmates but available to others on a more limited basis</li></ul> <p><i>Vocational education:</i></p> <ul style="list-style-type: none"><li>• Mainly offered to medium custody inmates but available to others on a more limited basis</li><li>• For degree- or certificate-granting programs, inmate must have a high school diploma or G.E.D.</li><li>• For other vocational programs, no diploma or G.E.D. is required</li></ul> <p><i>Study release:</i></p> <ul style="list-style-type: none"><li>• Minimum level III custody level</li></ul>
<b>Recidivism/Return to prison data</b>	<ul style="list-style-type: none"><li>• Of 7,258 inmates who accessed academic programming who were released in Fiscal Year 2008/09, 24.5% returned to prison within 2 years (compare to 24.1% of all inmates released from prison)</li><li>• Of 4,510 inmates who accessed vocational education programming who were released in Fiscal Year 2008/09, 24.8% returned to prison within 2 years</li></ul>

**Suggested sentencing language** “Recommend pursuit of G.E.D” [*if defendant does not have a high school diploma*].

“Recommend enrollment in vocational/academic programs appropriate to the defendant’s interests and aptitude.”

“Recommend study release.”

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## DIVISION OF ALCOHOL AND CHEMICAL DEPENDENCY PROGRAMS (DACDP)

**Location(s)** Multiple

**General description** DACDP provides substance abuse screening and treatment within the Division of Adult Correction.

*Screening.* DACDP uses the Substance Abuse Subtle Screening Inventory (SASSI) to screen inmates during diagnostic processing. SASSI, which has been normed for the North Carolina prison population, generates a score from 1 to 5, with 1 indicating no treatment needed and 5 indicating a need for long-term treatment. Of over 24,000 inmates screened in Fiscal Year 2009/10, 63% indicated a need for intermediate or long-term substance abuse treatment. 70% of women and 70% of men under age 22 indicated a need for intermediate or long-term treatment.

*Treatment.* DACDP runs three program types:

- Intermediate programs. Lectures and group counseling designed to break through denial about substance abuse and introduce recovery-based thinking and action. 700 average daily enrollment; 5,014 annual enrollment.
- Long-term programs. Intensive treatment for offenders with a SASSI score of 5. 250 average daily enrollment; 940 annual enrollment.
- Residential programs for probationers and parolees. DART-Cherry for men (300 beds); Black Mountain Substance Abuse Treatment Center for Women (60 beds).

Three former programs have been closed in recent years:

- Brief Treatment-48
- DACDP aftercare
- Private treatment centers—Evergreen for men (100 beds), Mary Frances for women (100 beds)

In accordance with research-supported best practices, treatment programs are targeted for completion near the time that an inmate will be released from prison (“back-end”), rather than at the beginning of a sentence.

**Program length** Intermediate programs: 35–90 days  
Long-term programs: 120–365 days  
Residential programs: 90 days (28-day programs ended in 2010)

**Prerequisites**

- 6-month minimum sentence
- Medium or minimum custody
- Screening indicates drug/alcohol problem (SASSI)

**Recidivism/Return to  
prison data**

*Sentencing and Policy Advisory Commission:*

- Of 3,915 inmates who accessed DACDP services and were released in Fiscal Year 2008/09, 25.6% returned to prison within 2 years (compare to 24.1% of all inmates released from prison)
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## SEX OFFENDER ACCOUNTABILITY AND RECOVERY (SOAR)

<b>Location(s)</b>	Harnett CI
<b>General description</b>	Treatment program for sexual offenders based on the tenets that: (a) deviant sexual behavior is learned; and (b) the treatment of sex offenders involves learning appropriate and responsible social and sexual behavior to substitute for the inappropriate and irresponsible behavior that lead to the criminal offense.
<b>Program length</b>	20 weeks
<b>Prerequisites</b>	<ul style="list-style-type: none"><li>• Felony offender</li><li>• 36-month minimum sentence (approximate)</li><li>• Age 21 or older</li><li>• Medium or minimum custody</li><li>• Must volunteer for the program</li><li>• Must admit to committing a sex crime</li><li>• No severe mental illness</li><li>• Sixth grade reading level or better</li></ul>
<b>Recidivism/Return to prison data</b>	<p>Of 217 inmates who <i>completed</i> SOAR between 2000 and 2009, 36 (16.5%) returned to prison at some time after their initial release:</p> <ul style="list-style-type: none"><li>• 14 (6%) returned due to a violation of supervision conditions</li><li>• 17 (8%) returned for subsequent non-sexual offenses</li><li>• 5 (2%) returned for new sex crime convictions</li></ul> <p>Of all inmates <i>assigned</i> to SOAR during 2008/09, 20.7% were re-incarcerated within 2 years of release</p>
<b>Suggested sentencing language</b>	“Recommend SOAR program when custodial classification allows.”

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## DOMESTIC VIOLENCE PROGRAMMING

<b>Location(s)</b>	Albemarle CI (STOP); Brown Creek CI and Dan River Prison Work Farm (DVEP)
<b>General description</b>	<p><i>STOP.</i> The STOP &amp; Change Direction domestic violence education and treatment program (“STOP”) serves three distinct categories of male inmates who have been affected by domestic violence: perpetrators, victims, and witnesses. It is a psychoeducational program designed to develop social, interpersonal, and communication skills; modify behavior; and increase knowledge about domestic violence.</p> <p><i>DVEP.</i> Domestic Violence Education Program, a shorter education and awareness program designed to help men learn to identify factors that lead to abusive/aggressive behavior patterns and equip them with basic skills designed to break the cycle.</p>
<b>Program length</b>	<ul style="list-style-type: none"><li>• STOP: 20 weeks</li><li>• DVEP: 4 weeks</li></ul>
<b>Prerequisites</b>	<ul style="list-style-type: none"><li>• 24-month minimum sentence remaining (approx.) for STOP.</li><li>• Medium custody (and willing to defer promotion to minimum custody while completing the program)</li><li>• Free of infractions for 90 days prior to class</li><li>• Adequate reading and English-language abilities</li></ul>
<b>Suggested sentencing language</b>	“Recommend assignment to any Section of Prisons domestic violence program, pursuant to G.S. 143B-704(e).”
<b>Relevant statutes and/or policies</b>	G.S. 143B-704(e): DAC must establish a domestic violence program for offenders sentenced to prison whose official record includes a finding by the court that the offender committed acts of domestic violence. DAC must ensure that those inmates complete a DV program prior to release, unless other critical requirements prevent program completion. Those reasons must be documented in the inmate’s official record.

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## SECURITY THREAT GROUP (GANG) MANAGEMENT UNIT

**Location(s):** Foothills CI (Morganton)

**General description** The Security Threat Group Management Unit has been in operation since July 11, 2005. The program can house 192 inmates validated as Security Threat Group members. The intensive program treatment is dedicated to providing a controlled environment for disruptive inmates associated with validated gangs in North Carolina and breaking gang affiliation through renunciation and specialized programming.

**Program length** 9 months, broken into three 90-day phases

**Prerequisites**

- 36-month minimum sentence length (approximate)
- 18 years old
- Validated gang member
- Review and approval by Section of Prisons STG hearing committee

**Suggested sentencing language** If appropriate, check the box on the judgment form indicating that the offense involved criminal street gang activity.

In further recommendations, "Recommend placement in Security Threat Group Management Unit."

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