

CAPACITY RESTORATION PROCESS & N.C. RISE

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IMPROVING THE ITP PROCESS

- KNOW YOUR
RESOURCES
- BENEFITS OF THE N.C.
RISE PROGRAM
- INCREASE COURT
INVOLVEMENT

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HOSPITAL CONTACTS

RESOURCES FOR YOU

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NC RISE PROGRAM
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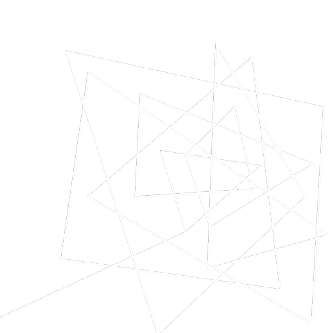
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**OTHER ISSUES
INCLUDING LOCAL
EVALUATIONS**

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THE BENEFITS OF
THE N.C. RISE
PROGRAM
ON THE CRIMINAL
COURT SYSTEM

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BENEFITS OF THE N.C. RISE PROGRAM

STATE PSYCHIATRIC HOSPITALS	N.C. RISE
Lengthy Wait Times (especially for adult males)	Significantly Lower Wait Times (if any)
Accepts Males/Females	Currently Accepts only Males
Highest Quality of Forensic Services	Exact Same Forensic Services as S.P.H. Reports.
Highest Quality of Forensic Report	Exact Same Forensic Report as S.P.H. Reports
Hospital Environment	Continuity of Jail Environment
Requires 304b Order	Requires 304b & Requires Local Sheriff MOU
Defendant Returns to Jail Following Capacity Determination	Allows Defendant to Remain in program receiving continued care until court hearing

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N.C. RISE REGIONAL PROGRAMS

DATA	MECKLENBERG	PITT
TOTAL BEDS AVAILABLE	25	10
BEDS IN USE CURRENTLY	6	3
OPEN BEDS	19	7
SIGNED MOU'S	8	5
PARTICIPATING COUNTIES	MECKLENBERG, WATUGA, ROWAN, UNION, BUNCOMBE, IREDELL, CLAY, RUTHERFORD, WILKES	PITT, WAYNE, LENOIR, GREENE, NEW HANOVER, PENDER
Wake County RISE has 10 beds, serves Wake County ITP's only.		

CURRENTLY ONLY 16 OUT OF 100 NC COUNTIES ARE UTILIZING THE N.C. RISE PROGRAM.

Data as of 10/1/2025

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COMMON ISSUES

What happens when...

- **Skipping the wait list**
 - Why are there waitlists?
- **Dismissing case prior to Defendant arriving at state hospital**
 - The order ends with the case.
- **Defendant returns to jail after capacity evaluation**
 - Was Defendant's hearing timely scheduled pursuant to statute?
 - 30 days
 - Why does this matter for capacity purposes?
 - Certain medications (e.g. forced medications) unavailable in local jails
 - Jail vs. hospital environment
- **Defendant makes bond after 207/208 or 304b is ordered.**
 - How should this be addressed when Defendant refuses to report to the initial evaluation?
 - Refuses to report to the State hospital?
 - Who is required to transport Defendant?
- **Dismissing charges after non-restorable determination**
 - Pros/Cons of dismissing prior to Defendant returning to jail vs. after Defendant Returns to Jail

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JUDGE INVOLVEMENT IS VITAL

Defendant may be out of sight... but should not be out of mind...

DEFENSE COUNSEL

- Required to continue representation after a finding of incapacity if criminal proceedings are still pending.
- Should still be in contact with Defendant while receiving forensic services.

PROSECUTOR

- Required to calendar capacity hearing within 30 days of receiving capacity report.
- May not stipulate Defendant lacks capacity, but may choose not to offer evidence contesting report.

- Moving party must provide sufficient information to the court to support request for capacity examination.
- Should timely provide relevant confidential information to examiner. G.S.15A-1002(b)(4).
- Should engage with forensic evaluator as needed.

- **CLERK:** G.S. 15A-1005 requires clerk to maintain docket of defendants determined incapable and submit semi-annually at a minimum to senior resident superior court judge.

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CLOSING THE REVOLVING DOOR

Benefits of Increased Court Involvement

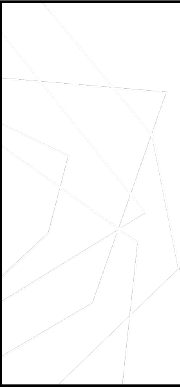
- Checks and Balances
 - Ensures the Defendant is in fact on the waitlist
 - Ensures attorneys stay involved
 - Periodic updates on Defendant's progress
 - Timely resolutions- closes revolving door.

EXAMPLES:

- Defendant found non-restorable.
Currently still waiting in jail after 2 years without a hearing.
- Defendant thought to be on waitlist for over 2 years.
304b was never ordered.
- Defendant found capable and returned to jail. Never scheduled for hearing or trial.
Decompensated.
Ordered back to Cherry 4 separate times for capacity evaluations.

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THANK YOU

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