

# LEGEND



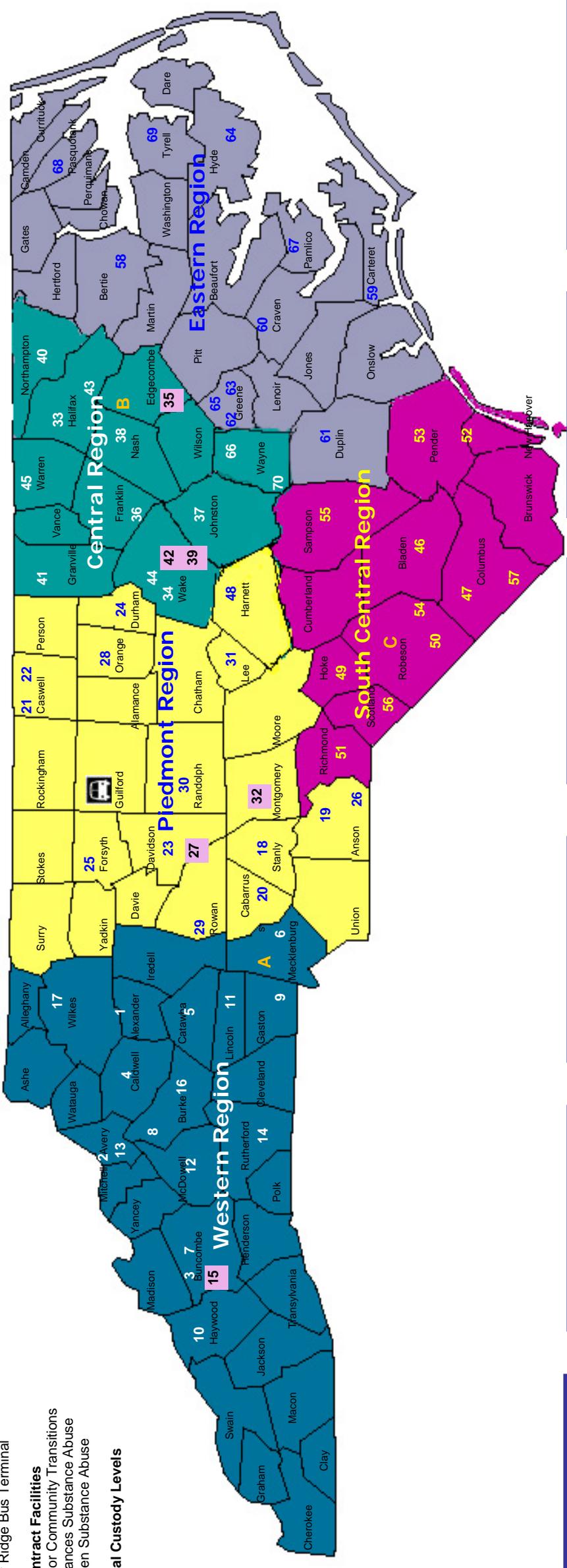
Sandy Ridge Bus Terminal

## Private Contract Facilities

- A. Center for Community Transitions
- B. Mary Frances Substance Abuse
- C. Evergreen Substance Abuse

## Correctional Custody Levels

- Minimum
- Medium
- Close



### Western Region

1	Alexander Corr. Inst.	4870
2	Avery Mitchell Corr. Inst.	4680
3	Buncombe Corr. Ctr.	4675
4	Caldwell Corr. Ctr.	4625
5	Catawba Corr. Ctr.	4555
6	Charlotte Corr. Ctr.	4530
7	Craggy Corr. Ctr.	4630
8	Foothills Corr. Inst.	3720
9	Gaston Corr. Ctr.	4515
10	Haywood Corr. Ctr.	4640
11	Lincoln Corr. Ctr.	4525
12	Marion Corr. Inst.	3730
13	Mt. View Corr. Inst.	4855
14	Rutherford Corr. Ctr.	4655
16	Western Youth Inst.	3905
17	Wilkes Corr. Ctr.	4665

### Piedmont Region

18	Albemarle Corr. Inst.	4580
19	Brown Creek Corr. Inst.	3510
20	Cabarrus Corr. Ctr.	4510
21	Caswell Corr. Ctr.	4415
22	Dan River PWF	3080
23	Davidson Corr. Ctr.	4420
24	Durham Corr. Ctr.	4210
25	Forsyth Corr. Ctr.	4430
48	Harnett Corr. Inst.	3805
26	Lanesboro Corr. Inst.	4865
28	Orange Corr. Ctr.	4240
29	Piedmont Corr. Inst.	3500
30	Randolph Corr. Ctr.	4445
31	Sanford Corr. Ctr.	4360

### Central Region

33	Caledonia Corr. Inst.	3305
34	Central Prison	3100
36	Franklin Corr. Ctr.	4215
37	Johnston Corr. Inst.	4230
38	Nash Corr. Inst.	3710
66	Neuse Corr. Inst.	3060
40	Odom Corr. Inst.	3310
41	Polk Corr. Inst.	3980
43	Tillery Corr. Ctr.	3320
44	Wake Corr. Ctr.	4265
45	Warren Corr. Inst.	4290
70	Wayne Corr. Ctr.	4175

### South Central Region

46	Bladen Corr. Ctr.	4315
47	Columbus Corr. Inst.	4355
49	Hoke Corr. Inst.	4320
50	Lumberton Corr. Inst.	4365
51	Morrison Corr. Inst.	3930
52	New Hanover Corr. Ctr.	4170
53	Pender Corr. Inst.	4150
54	Robeson Corr. Ctr.	4340
55	Sampson Corr. Inst.	4345
56	Scotland Corr. Inst.	4860
57	Tabor Corr. Inst.	4885

### Eastern Region

58	Bertie Corr. Inst.	4880
59	Carteret Corr. Ctr.	4110
60	Craven Corr. Inst.	3085
61	Duplin Corr. Ctr.	4125
62	Eastern Corr. Inst.	3400
63	Greene Corr. Inst.	4140
64	Hyde Corr. Inst.	4180
65	Maury Corr. Inst.	4875
67	Pamlico Corr. Inst.	4850
68	Pasquotank Corr. Inst.	3740
69	Tyrrell PWF	3070

### Female Command Region

35	Fountain Corr. CW	3020
39	NCCIW	3010
27	N. Piedmont Corr. CW	3090
42	Raleigh Corr. CW	3030
32	Southern Corr. Inst.	3600
15	Swannanoa Corr. CW	4635

**North Carolina Department of Correction**  
Division of Prisons

**Diagnostic and Admission Centers**

**Men**

Central Prison (Raleigh)

- Felons age 22 and older with sentences greater than 20 years (Fair) or 120 months minimum (Structured)
- Other diversions as needed

Piedmont CI (Salisbury)

- Felon offenders from Western/Piedmont counties, age 22 and older

Craven CI (Vanceboro)

- Felon offenders from Eastern/Central counties, age 22 and older

Polk CI (Butner)

- Felons age 19–26

Western Youth Institution (Morganton)

- Felons age 18 and younger
- Misdemeanants age 13–22

Neuse CI (Goldsboro)

- Misdemeanants age 22 and older.

**Women**

N.C. Correctional Institution for Women (Raleigh)

- Felons
- Misdemeanants with medical or mental health issues

Fountain Correctional Center for Women (Rocky Mount)

- Female misdemeanants except those with medical or mental health issues

# RESEARCH BULLETIN



Office of Research & Planning

Department of Correction

North Carolina Department of Correction  
 Issue No. 54 – Jan. 25, 2011  
[www.doc.state.nc.us](http://www.doc.state.nc.us)

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This document provides a quick reference of information from different sources within the North Carolina Department of Correction. Information about the Department and the Divisions can be found on the web site ([www.doc.state.nc.us](http://www.doc.state.nc.us)).

**Department of Correction Staff as of 12/31/2010 .....20,224**

	White	Black	Other	Total Percent
Male	39%	18%	2%	59%
Female	20%	20%	1%	41%

**Total Authorized Budget Requirements for Fiscal Year 2009-2010:**

Excluding Capital Expenditures.....\$1,090,905,251

Cost per day per Probationer/Parolee (FY 2009-2010)		Cost per day per Prison Inmate (FY 2009-2010)	
\$3.44	Community/Intermediate probation supervision	\$88.39	Close Custody
\$15.27	Criminal Justice Partnership Program	\$76.22	Medium Custody
\$11.07	Electronic House Arrest /Sex Offenders (GPS)	\$64.59	Minimum Custody
\$0.97	Community Work Service	\$74.34	Average Cost

**COMMUNITY CORRECTIONS OFFENDERS**

Total Supervised as of 12/31/2010				Entries to Supervision 2010	
111,859				68,490	
	Probation/Dual	Parole	Post-Release	Entry Type	
	107,646	2,030	2,183	Community	32,834 51%
<b>Sex</b>				Intermediate	14,396 22%
Male	75%	94%	94%	DWI Probation	11,494 18%
Female	25%	6%	6%	Probation (Other)	5,726 9%
<b>Race</b>				<b>Total Probation</b>	<b>64,450</b>
White	47%	44%	28%	Parole	968 56%
Black	44%	51%	63%	DWI Parole	754 44%
Other	8%	5%	9%	<b>Total Parole</b>	<b>1,722</b>
				<b>Total Post Release</b>	<b>2,318</b>

As of 12/31/2009 North Carolina ranked 14<sup>th</sup> in Probation Population, 22<sup>nd</sup> in Probation Supervision Rate (1,490 per 100,000 Population), 30<sup>th</sup> in Parole Population, and 48<sup>th</sup> in Parole Supervision Rate (50 Parolees per 100,000 Population) of the 50 states and the District of Columbia. Bureau of Justice Statistics (2010).

Sanctions	Population as of 12/31/2010	Entries to sanction in 2010	Exits from Supervision in 2010					
			Probation	Parole	Post Release	Completions	Supervision Terminated	Incarcerated *
Intensive Supervision	5,720	10,208	9,872	15%	1,091	62%	1,635	76%
Spilt Sentence	1,749	5,154	31,530	48%	602	34%	87	4%
Electronic House Arrest	540	1,581	24,348	37%	72	4%	426	18%
Day Reporting Center	797	1,326	<b>Total</b>	<b>65,750</b>	<b>1,765</b>	<b>2,148</b>		
Other Residential Prog.	274	264	*(revoked or elect to serve)					
DART-Cherry (90 Day)	218	837						
Drug Treatment Court	695	709						

Drug charges were the most frequent type of crime (20%) committed by new entries to probation in 2010, followed by driving while impaired (18%), larceny (13%), and other traffic violations (11%). Almost half of parole entries during 2010 were driving while impaired (45%). Other crimes were drugs charges – non trafficking (8%), assault (7%), and robbery (5%). The most frequent crime category for post-release supervision cases was habitual felon (27%). Other crimes were robbery (23%), and assaults (21%) followed by sexual assault (8%).

North Carolina Department of Correction  
 Office of Research and Planning  
 4221 Mail Service Center  
 Raleigh, NC 27699-4221

For more information on probation, parole, post-release, and prison populations visit the Research and Planning web page at <http://www.doc.state.nc.us/rap/rapweb/web/index.htm>.

**PRISON INMATES**

**Average Yearly Populations**

1996	30,775	2001	31,885	2006	37,038
1997	32,075	2002	32,982	2007	37,985
1998	32,601	2003	33,646	2008	38,957
1999	31,780	2004	34,988	2009	40,203
2000	31,535	2005	36,263	2010	39,899

As of 12/31/2009, North Carolina ranked 11th in Prison Population and 30th for Incarceration Rate of inmates sentenced for more than 1 year (369 Prisoners per 100,000 population) of the 50 states. Bureau of Justice Statistics (2010).

**Prison Population as of 12/31/2010: 40,379**

<b>Sex</b>	<i>Males</i>	37,537	93%
	<i>Females</i>	2,842	7%
<b>Race</b>	<i>White</i>	14,222	35%
	<i>Black</i>	23,038	57%
	<i>Other</i>	3,119	8%
<b>Conviction Status</b>	<i>Felony</i>	38,235	95%
	<i>Misdemeanant</i>	2,135	5%
	<i>Missing</i>	9	<1%
<b>Age</b>	<i>Adults</i>	38,313	95%
	<i>Youths 18 to 20</i>	1,931	5%
	<i>Youths &lt;18</i>	135	<1%

**Admissions in 2010: 28,415**

<b>Sex</b>	<i>Males</i>	25,004	88%
	<i>Females</i>	3,411	12%
<b>Race</b>	<i>White</i>	11,529	41%
	<i>Black</i>	15,132	53%
	<i>Other</i>	1,754	6%
<b>Education Level of Felon Prison Admissions in 2010</b>			
Grade	Highest Grade Claimed	Achieved Reading Grade	
0-6	1%	34%	
6.1-11.9	75%	45%	
12.0 +	24%	21%	
<b>Age</b>	<i>Adults</i>	25,195	89%
	<i>Youths 18 to 20</i>	2,763	10%
	<i>Youths &lt;18</i>	457	2%

<b>Program Assignments</b>	<i>Full Time</i>	<i>Part Time</i>
Academic Education	1,977	1,756
Admission Processing	1,944	0
Vocational Education	1,373	409
Drug/Alcohol Programs	1,107	7,915
Institutional Life	973	195
Health Maintenance	821	163
Social Skills Development	82	2,107
Personal Growth/Religious Activities	27	1,999
Family Oriented Programs	0	424

<b>Most Frequent Crimes of 2010 Admittants</b>		
Drugs Possession/ Sell (or intent)	5,180	18%
Assault	3,239	11%
Larceny	3,093	11%
DWI	2,976	10%
Breaking and Entering	2,887	10%
Traffic Violations	1,655	6%
Robbery	1,637	6%
Fraud	1,225	4%
Sexual Assault/Sex Offense	1,165	4%
Drug Trafficking	928	3%
Habitual Felon	812	3%
Murder/Manslaughter	744	3%
Possession of Firearm/Weapon	739	3%
Burglary	348	1%
Kidnapping & Abduction	300	1%
Forgery	284	1%
Violate Protective Order	201	1%
Other Crimes	1,002	4%

<b>Work Assignments</b>	
Unit Services	6,397
Food Services	3,565
Enterprise	2,064
Road Squads	2,045
Maintenance	1,973
Work Release	706
Construction	532
Local Government	421
State Agency	270
Community Work Crew	146
Other Job	1,681

<b>Released Offenders</b>		
<b>Percent of Sentences Served</b>		
	Structured	Pre-Structured
Felon	109%	40%
Misdemeanant	96%	48%

**PRISON FACILITIES as of 12/31/2010**

<b>Half-way House:</b>	1
<b>Substance Abuse Facilities:</b>	2
<b>Prisons:</b>	70
<b>Total</b>	<b>73</b>

<b>Standard (SOC) and Expanded (EOC) Operating Capacities:</b>		
	<b>SOC</b>	<b>EOC</b>
<b>Close</b>	12,360	13,424
<b>Medium</b>	12,016	14,429
<b>Minimum</b>	9,084	11,097
<b>Total</b>	<b>33,460</b>	<b>38,950</b>

<b>Largest:</b>	Tabor Correctional Institution	Capacity of	<b>SOC</b> 896	<b>EOC</b> 1,402
<b>Smallest:</b>	Haywood Correctional Center	Capacity of	106	128

## **Sentencing Law for Superior Court Judges**

North Carolina Judicial College  
September 9, 2011

### **Serving an Active Sentence**

#### 1. Jail credit

Under G.S. 15-196.1, a defendant must receive credit for the total amount of time he or she has spent in any State or local correctional, mental or other institution as a result of the charge that culminated in the sentence, including credit for all time spent in custody pending trial, trial de novo, appeal, retrial, or pending parole, probation, or post-release supervision revocation hearing. A defendant must receive credit for the following:

- Presentence commitment for study. *State v. Powell*, 11 N.C. App. 194 (1971);
- Hospitalization to determine competency to stand trial. *State v. Lewis*, 18 N.C. App. 681 (1973);
- Confinement in another state awaiting extradition to North Carolina, when that confinement is solely at the request and direction of North Carolina. *Childers v. Laws*, 558 F. Supp. 1284 (W.D.N.C. 1983);
- The active portion of a split sentence. *State v. Farris*, 336 N.C. 553 (1994);
- Time spent at DART–Cherry as a condition of probation. *State v. Lutz*, 177 N.C. App. 140 (2006);
- Time spent imprisoned for contempt under G.S. 15A-1344(e1). *State v. Belcher*, 173 N.C. App. 620 (2005).

A defendant should not receive credit for:

- Time spent under electronic house arrest. *State v. Jarman*, 140 N.C. App. 198 (2000);
- Time spent at a privately run residential treatment program as a condition of probation (in a non-DWI case). *State v. Stephenson*, \_\_ N.C. App. \_\_ (July 19, 2011).

#### 2. Sentence reduction credit

Structured Sentencing maximum sentences may be reduced by Earned Time (3, 6, or 9 days per month for felons or up to 4 days per month for misdemeanants, depending on the nature of the work or program involved) and Meritorious Time (a maximum of 30 days per month), pursuant to Division of Prisons regulations (attached).

Impaired driving sentences are eligible for Good Time (which effectively cuts sentences in half).

Pre-Structured Sentencing sentences are eligible for Good Time and Gain Time (which is similar to Earned Time).

Overall, Structured Sentencing felons tend to serve about 110% of their minimum sentence. Misdemeanants serve about 96% of their sentence. Percentage of minimum sentence served, by offense class:

- Class B1-B2: 102%
- Class C: 102%
- Class D: 105%
- Class E-F: 106%
- Class G: 107%
- Class H: 111%
- Class I: 114%

### 3. Consecutive sentences

Under G.S. 15A-1354(b), when determining the effect of consecutive sentences, the Department of Correction must treat the defendant as though he has been committed for a single term. The defendant's maximum sentence is the total of the maximum terms of the consecutive sentences, less nine months for each of the second and subsequent sentences imposed for Class B through Class E felonies. The minimum term is the total of the minimum terms of the consecutive sentences.



*State of North Carolina  
Department of Correction  
Division of Prisons*

Chapter: B  
Section: .0100  
Title: Sentence Credits  
Issue Date: 05/31/11  
Supersedes: 10/05/07

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***POLICY AND PROCEDURE***

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**.0109 SCOPE**

This policy establishes the rules and methods for computing sentence credits in the form of Good Time, Gain and Earned Time, and Meritorious Time. These rules apply to offenders sentenced to the custody of the Department of Correction **who are housed in jail, private or Division of Prisons facilities**. This policy is **not applicable** to parole or **post-release supervision** release eligibility.

**.0110 DEFINITIONS**

The following definitions apply whenever these terms are used in this policy:

- (a) Sentence Credits - Time credits applied to **the court-ordered term-of-years sentence of any inmate for the purpose of reducing** the amount of time to be served. These credits are called Good Time, Gain Time, Earned Time and Meritorious Time.
- (b) Good Time – Good time is sentence credit awarded at the rate of one day deducted for each day served in custody for good behavior and/or without an infraction of inmate conducts rules, to eligible inmates sentenced for crimes committed prior to October 1, 1994. Inmates convicted of Driving While Impaired, regardless of offense date, are eligible for good time on that **component of their** sentence only. For inmates sentenced under the Fair Sentencing Act, Good Time reduces only the time required to be served for unconditional release from prison.
- (c) Gain Time Credit- Gain Time is a sentence credit that is awarded to eligible inmates sentenced for crimes committed prior to October 1, 1994, for their participation in **approved** work and/or program activities.
- (d) Earned Time Credit- Earned Time Credit is a sentence credit awarded to eligible inmates, who are sentenced for crimes committed on or after October 1, 1994, or who are sentenced under the Structured Sentencing Act, for their participation in full time work and program activities. **Earned Time reduces only the maximum term of an inmate's sentence imposed by the court.**
- (e) Meritorious Time - Meritorious Time is a sentence credit that is awarded to eligible inmates for their exemplary acts or for working under emergency conditions, working overtime, working in inclement weather and for achievements in apprenticeship training, educational or other type programs.

- (f) Eligible Inmates - Inmates **are** eligible to earn sentence credits as outlined in Sections .0111, .0112, .0113, .0114, .0115, .0116, and .0117 of this policy.
- (g) Fair Sentencing Act - Also known as presumptive sentencing, this sentencing act applies to felonies committed from July 1, 1981 through September 30, 1994.
- (h) Structured Sentencing Act - This sentencing act determines the sentence received for crimes, except impaired driving offenses, committed on or after October 1, 1994.
- (i) **Disciplinary Infraction** – violation of inmate conduct rules and/or disobedience to a lawful order of the Department of Correction, its agents or employees, **as determined by conviction through the Disciplinary Process.**
- (j) Parole Eligibility Date - The date, provided to the Division of Prisons by the **NC Post-Release Supervision and Parole Commission**, **that** an inmate becomes eligible for parole or **Post-Release Supervision.**

#### **.0111 GOOD TIME**

This section applies to inmates sentenced as felons for crimes they committed prior to October 1, 1994 and inmates convicted of Driving While Impaired, regardless of offense date.

- (a) Inmates are awarded Good Time at the rate of one day deducted from their prison or jail term for each day they spend in custody without **a conviction through the Disciplinary Process of a violation of inmate conduct rules.**
- (b) Forfeiture of Good Time: Good Time shall be subject to forfeiture when the inmate is found guilty of violating inmate conduct rule **as determined by conviction through the Disciplinary Process.** The amount of Good Time lost for **a guilty finding for a violation of conduct rules** shall not exceed the amount of good time the inmate has earned to date.
- (c) Restoration of Forfeited Good Time: Good time **that is forfeited by an inmate may be restored to the inmate as set-forth in Section .0115 of this policy.**
- (d) **Ineligible Inmates: Inmates with sentences characterized as follows are not eligible for Good Time for the purpose of reducing their confinement or calculating an unconditional release date:**
  - (1) Inmates sentenced under the Structured Sentencing Act;
  - (2) Inmates committed to custody for contempt of court;
  - (3) Health law violators;
  - (4) Inmates sentenced under the Fair Sentencing Act for Class A & B felonies and inmates serving a life sentence for a Class C felony;
  - (5) Inmates serving an active prison term followed by a period of Special Probation;

- (6) Safekeepers;
- (7) Inmates committed for a Presentence Diagnostic Study **and**
- (8) **Any inmate serving a life sentence.**

#### **.0112 GAIN TIME**

- (a) Gain Time is sentence credit awarded to eligible inmates, who are serving sentences for crimes they committed prior to October 1, 1994, for their participation in work and/or program activities. Inmates who work full-time, or participate in full-time programs **or sentence credits rated programs** that will assist their productive re-entry into the community, shall earn Gain Time Sentence Credits which shall be regulated as either Gain Time I, II, or III.

Gain Time shall be administered and assigned as follows:

- (1) Gain Time I. In addition to Good Time credits, **eligible** inmates who perform work assignments or participate in programs that are rated as Gain Time I may receive an additional two (2) days per month deducted from their sentence. A Gain Time I rating requires the inmate to engage in a minimum of four (4) hours of unskilled or low level activity per day, but not to exceed six (6) hours per day, and to participate for the number of days per week as required by the assignment.
- (2) Gain Time II. In addition to Good Time credits, **eligible** inmates who perform work assignments and participate in programs that are rated as Gain Time II may receive an additional four (4) days per month deducted from their sentence. A Gain Time II rating requires the inmate to engage in a minimum of four (4) hours of semi-skilled or moderate level activity per day, but not to exceed eight (8) hours per day, and to participate for the number of days per week as required by the assignment.

**All Gain Time eligible inmates, who are in a Medically Unfit status, i.e., Acuity Level 3 or 4, and/or Activity Grade 4 or 5, and/or a Mental Health Grade 4 or 5, and who are housed in either regular population or on Protective Control and are not assigned to a full-time job or program activity, in addition to Good Time credits, will receive Gain Time Credit Level III six days (6), as set-forth in Section .0117 of this policy.**

- (3) Gain Time III. In addition to Good Time credits, **eligible** inmates who **perform work assignments or participate in full time programs that are rated as Gain Time III** may receive an additional six (6) days per month deducted from their sentence. A Gain Time III rating requires the inmate to engage in a minimum of six (6) hours of high skilled or high-level activity per day, but not to exceed eight (8) hours per day, and to participate for the number of days per week as required by the assignment.

**In addition to Good Time credits, all Gain Time eligible inmates who are assigned to full time educational (academic or vocational) programs may receive an additional six (6) days per month deducted from their maximum sentence. A Gain Time III rating for educational programs requires the inmate to engage in not less than twenty-eight (28) hours and not more than forty (40) hours of instruction per week and to participate for the number of hours per week as required by the assignment.**

- (b) Forfeiture of Gain Time: Under the Fair Sentencing Act, Gain Time shall not be subject to forfeiture for **a guilty finding for a violation of inmate conduct rules.**
- (c) Ineligible Inmates: Inmates with sentences **characterized as follows** are not eligible for Gain Time **for the purpose of reducing their confinement or calculating an unconditional release date:**
  - (1) Inmates sentenced under the Structured Sentencing Act;
  - (2) Inmates committed to custody for contempt of court;
  - (3) Health law violators;
  - (4) Inmates sentenced under the Fair Sentencing Act for Class A and B Felonies and inmates serving a life sentence for a Class C felony;
  - (5) Inmates serving an active prison term followed by a period of Special Probation;
  - (6) Safekeepers;
  - (7) Inmates committed for a Presentence Diagnostic Study **and**
  - (8) **Any inmate serving a life sentence.**
- (d) **Assignment and Attendance: Facility staff are responsible and accountable for ensuring that inmates are assigned to an assignment and that inmates attend their assignments for the number of hours as specified by the rules of the Gain Time level that has been allocated to the assignment, unless an appropriately authorized exception has been made.**

#### **.0113 EARNED TIME CREDITS**

- (a) Earned Time Credit is a sentence credit awarded to eligible inmates sentenced for crimes committed on or after October 1, 1994, except those sentenced on or after October 1, 1994, under G. S. 20-138.1 for impaired driving. Eligible inmates are those who work full-time, participate in full-time programs or sentence credits rated programs that would assist their productive re-entry into the community. **In addition, eligible inmates are those inmates who have completed diagnostic processing and are in an Assignment Pending, Protective Control and/or Medically Unfit status. Eligible inmates shall be awarded Earned Time Sentence Credits that shall be regulated as either Earned Time Credit Level I, II, or III.**
- (b) Eligible Inmates serving Misdemeanant Sentences shall not be awarded or receive more than a total of four (4) days of Earned Time Sentence Credits per month.

- 
- (c) Eligible inmates serving Felon Sentences shall not be awarded or receive more than a total of **nine (9) days** Earned Time Sentence Credits per month. Total credit awards are applied to reduce the inmate's maximum sentence and shall not reduce a felon inmate's incarceration period below his or her minimum sentence imposed by the court.
- (1) Earned Time Credit Level I. **Eligible** inmates who perform work assignments or participate in programs that are rated as Earned Time I may receive **three (3) days** per month deducted from their maximum sentence. An Earned Time Credit Level I rating requires the inmate to engage in a minimum of four (4) hours of unskilled or low level activity per day, **but no more than** (6) hours per day, and to participate for the number of days per week as required by the assignment.
- (A) **All Assignment Pending inmates in regular population and Protective Control are eligible to receive Earned Time Credit Level I. The inmates must be serving structured sentences for felony classes A through I, and they must not have been found guilty of a violation of inmate conduct rules within the previous four (4) months. Assignment Pending and Protective Control inmates who have been found guilty of infractions of inmate conduct rules, but who are infraction-free for four (4) consecutive months from the date of the disciplinary hearing, are eligible to receive Earned Time Credit Level I. However, having been found guilty of infractions does not preclude Assignment Pending inmates from being assigned to an appropriate regular full-time job or program activity at any time. When the facility has a full-time job or program activity available for assignment, the Assignment Pending inmate may not elect to remain in an Assignment Pending status and refuse to be assigned to the available job or program. Refusal by the inmate to participate in a program or job assignment may result in a disciplinary infraction. OPUS automatically credits eligible Assignment Pending and Protective Control inmates with Earned Time Credit Level I.**
- (B) **Eligible inmates assigned to the Security Threat Group Management Unit (STGMU) Phase 1 will be awarded Earned Time Credit Level I.**
- (2) Earned Time Credit Level II. **Eligible** Inmates who perform work assignments or participate in programs rated Earned Time Credit Level II may receive **six (6)** days per month deducted from their maximum sentence. An Earned Time Credit Level II rating requires the inmate to engage in a minimum of four (4) hours of skilled or moderate level activity per day, but not to exceed eight (8) hours per day, and to participate for the number of days per week as required by the assignment.
- Eligible** inmates assigned to the Security Threat Group Management Unit Phase 2 will be awarded Earned Time Credit Level II.

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- (3) Earned Time Credit Level III. **Eligible** inmates who perform work assignments or participate in programs that are rated Earned Time Credit Level III may receive **nine (9)** days per month deducted from their maximum sentence. An Earned Time Credit Level III rating requires the inmate to engage in a minimum of six (6) hours of high skilled or high level activity per day, but **no more than** eight (8) hours per day, and to participate for the number of days per week as required by the assignment.
- (A) **Eligible inmates who are assigned to full time educational (academic or a vocational) programs may receive nine (9) days per month deducted from their maximum sentence. Earned Time Credit Level III rating for educational programs requires the inmate to engage in not less than twenty-eight (28) hours and not more than forty (40) hours of instruction per week and to participate for the number of hours per week as required by the assignment.**
- (B) **Eligible inmates assigned to the Security Threat Group Management Unit Phase 3 will be awarded Earned Time Credit Level III.**
- (C) **All Earned Time eligible inmates who are in a Medically Unfit status, i.e., Acuity Level 3 or 4, and/or Activity Grade 4 or 5 and/or a Mental Health Grade 4 or 5, and who are in regular population or on Protective Control and are not assigned to a full-time job or program activity, will receive Earned Time Credit Level III, as set-forth in Section .0117 of this policy.**
- (d) Forfeiture of Earned Time Credit: Earned Time Credit is subject to forfeiture when the inmate is found guilty of a violation of inmate conduct rules if the inmate is sentenced under the Structured Sentencing Act. The amount of Earned Time Credit lost as a result of the infraction of inmate conduct rules shall not exceed the amount of time the inmate has earned to date.
- (e) Restoration of Forfeited Earned Time Credit: Restoration of forfeited Earned Time Credit may occur as set-forth in Section .0115 of this policy.
- (f) Ineligible Inmates: Inmates with **characterized** structured as **follows** are not eligible for Earned Time **for the purpose of reducing their confinement or calculating an unconditional release date**:
- (1) Inmates committed to custody for contempt of court;
  - (2) Health law violators;
  - (3) Inmates serving an active prison term followed by a period of Special Probation;
  - (4) Safekeepers;
  - (5) Inmates committed for a Presentence Diagnostic Study;
  - (~~6~~) Inmates whose crimes occurred prior to October 1, 1994;

- (7) Inmates convicted of DWI **and**
  - (8) **Any inmate serving a life sentence.**
- (g) **Assignment and Attendance: Facility staff are responsible and accountable for ensuring that eligible inmates are assigned to an assignment and that inmates attend their assignments for the number of hours as specified by the rules of the Earned Time level that has been allocated to the assignment, unless an appropriately authorized exception has been made.**

#### **.0114 MERITORIOUS TIME**

- (a) All inmates who are eligible for Gain or Earned Time Sentence Credit are also eligible for Meritorious Time Sentence Credit awards. **Recommendations for Meritorious Sentence Credit awards will only be entered in OPUS by the facility where the inmate is housed. A recommendation for a Meritorious Time award for an inmate by a temporary housing facility for the inmate will be forwarded to the inmate's facility of permanent or regular housing by the temporary housing facility. The prison facility of permanent or regular housing for the inmate will receive, review, approve or disapprove and enter in OPUS the final actions on the recommended Meritorious Time award.** The Facility Head or his or her designee is guided by this policy in making awards of Meritorious Time Sentence Credits to eligible inmates.
- (b) Meritorious Time credit awards for misdemeanants sentenced for crimes occurring on or after October 1, 1994, shall not exceed four (4) days per month. A facility cannot award more than 30 days per month of Meritorious Time Credit awards for felons sentenced for crimes occurring on or after October 1, 1994. **The Facility Head or designee must approve Meritorious Time awards of 30 days or less. The Director of Prisons or his or her designee must approve meritorious Time Credit awards that exceed 30 days during a calendar month.** Meritorious Time Credit awards cannot reduce a felon's period of incarceration below his or her minimum sentence.
- (c) Eligible inmates may be awarded Meritorious Time credit for working overtime, working in emergency conditions, working in inclement weather, exemplary acts, apprenticeship training, and for program and educational achievements.
- (d) Recommendations and approval of Meritorious Time Awards will be guided by and based upon the following:
- (1) Exemplary Acts and Emergency Conditions
    - (A) Meritorious Time Awards for Exemplary Acts. Meritorious Time awards for exemplary acts must be approved by the facility head and should not exceed thirty days for each act. Exemplary acts are to be construed as acts that demonstrate going well above or beyond the normal expectations and for acts of heroism.

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- (B) Meritorious Time Awards for Emergency Conditions. Inmates are eligible for Meritorious Time awards for work performed during emergency conditions. Facility Heads will determine when an emergency condition exists. Such emergency conditions may include, but are not limited to, power failures, forest fires, work stoppages, riots, and statewide emergencies as established by the State Emergency Response Network or the Governor.
- (2) Work Performed.
- (A) Overtime. Inmates are eligible to receive Meritorious Time for hours worked overtime. Overtime is defined as satisfactory performance by the inmate, as determined by the judgment of the supervisor, on a regular job or a special assignment, beyond a 40-hour workweek. Meritorious Time is awarded at the rate of one (1) day of sentence credit for each eight (8) hours of performance over forty (40) hours. Work Release Programs are not eligible to receive Meritorious Time for hours worked overtime on a Work Release job.
- (B) Inclement Weather. Inmates are eligible for Meritorious Time sentence credit for working in inclement weather. Inclement weather is defined as a chill factor of below 20 degrees Fahrenheit or temperature above 95 degrees Fahrenheit. In addition, such conditions as rain, sleet, snow, and/or other unusual or abnormal weather circumstances may be determined by the Facility Head to meet the requirements of Inclement Weather.
- (3) Apprenticeship Program.
- (A) Inmates are eligible for Meritorious Time for achievements in Apprenticeship Training. Only inmates participating in an Apprenticeship Training that has been rated and approved as an Apprenticeship Program by the Chief of Program Services, has been certified by the North Carolina Department of Labor (NCDOL) and has been issued an Apprentice Agreement form (AOP 4.09.03-Rev1) by the NCDOL, will be eligible to receive sentence credits for their achievements.
- (B) Inmates may be awarded 15 days Meritorious Time for each successful completion of 500 hours of On the Job Training (OJT) in the Apprenticeship Program. Inmates may be awarded 30 days of Meritorious Time sentence credits for each successful completion of the Journeyman Certification in the Apprenticeship Program and/or the successful completion of the Master Craftsman Certification in the Apprenticeship Program.

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- (4) Educational Program Completion.
- (A) Inmates identified as special education students by educational authorities may be awarded 5 days Meritorious Time per month for progress towards established educational goals in keeping with their educational plans.
  - (B) Inmates who complete a full-time Community College continuing education vocational program, as verified by a certificate of completion for the program, are eligible for Meritorious Time sentence credits at a rate of 5 days per achievement.
  - (C) **Inmates who achieve a Community College Certificate upon successful completion of a vocational assignment are eligible for and may receive 10 days of Meritorious Time sentence credits. Inmates who achieve a Community College Diploma upon successful completion of a vocational assignment are eligible and may receive 15 days Meritorious Time sentence credits. Inmates are not to be awarded Meritorious Time sentence credits for completion of a portion or individual component of a vocational course curriculum or vocational assignment.**
  - (D) **Inmates are eligible for Meritorious Time sentence credit for each educational degree achieved. The awarding of sentence credits for the successful completion and attainment of an educational degree is limited to the type of degrees and the amount of time awards as follows: 20 days Meritorious Time for Associate of Arts and/or Associate of Science Degree (AA, AS); 30 days Meritorious Time for Bachelor of Arts, Bachelor of Science (BA, BS) and/or Graduate Degree (MA, MS, Ph.D., etc); and 30 days Meritorious Time for achievement of the GED.**
  - (E) **Inmates can only be awarded Meritorious Time Sentence Credit once for successful completion of the same vocational program assignment during his or her current incarceration period. This restriction would not apply to the completion of the same vocational program during a succeeding period of incarceration.**

(5) Other Program Completion and/or Achievement

The Chief of Program Services, at his or her discretion, may authorize other inmate assignments, acts, conditions and achievements to be eligible for Meritorious Time Sentence Credit.

- (e) Forfeiture of Meritorious Time. Meritorious Time is subject to forfeiture for those inmates sentenced under the Fair Sentencing and the Structured Sentencing Acts when

they have been found guilty of an infraction of conduct rules. The amount of Meritorious Time lost for a guilty finding of an infraction of conduct rules shall not exceed the amount of Meritorious Time the inmate has earned to date.

**.0115 RESTORATION OF FORFEITED GOOD TIME, EARNED TIME, AND MERITORIOUS TIME**

- (a) Sentence Credits that can be forfeited are Good Time, Earned Time, and Meritorious Time. Sentence credits forfeited through disciplinary action may be restored by facility heads if 30 days or less for a calendar month and by the Director of Prisons or his or her designee if more than 30 days for a calendar month; and in the case of inmates confined to local confinement facilities, the sheriff or administrator of a regional confinement facility. Such restorations shall be based upon incidents of improved behavior by the inmate. Restoration of forfeited time cannot exceed the total time lost.
- (b) Each facility will post an Inmate Notice in areas accessible by all inmates to ensure all inmates are familiar with the requirements for restoration.
- (c) Restoration of forfeited sentence credits will be based on an inmate remaining infraction free for a specific period of time and may require compliance with an established Case Management Plan for the inmate. An inmate shall not be penalized if there are not sufficient jobs or programs at his or her facility for him or her to be assigned, as long as the inmate is on a waiting list for a job or program the inmate may have time restored.
- (d) **Forfeited sentence credits may be restored at the discretion of the Facility Head for infractions occurring prior to August 1, 2007. The waiting period for restoring sentence credits forfeited as a result of an infraction occurring on or after August 1, 2007, will be as follows:**
  - (1) Class A infractions: Any sentence credit forfeited as a result of an A class disciplinary infraction will not be eligible for restoration of forfeited time.
  - (2) Class B infractions: An inmate may request restoration after remaining infraction free for one year from the date of the disciplinary hearing. The request must be in writing to the assigned case manager who will establish a behavior agreement specifying the amount of time to be restored each month, as well as the jobs or programs the inmate must either be participating in or awaiting assignment to in order to be restored. Facility staff must enter the restored time in the Offender Population Unified System (OPUS) using the Sentence Credit/Penalty screen (OT61).
  - (3) Class C or D infractions: Sentence credits forfeited due to C or D class infractions will be automatically restored after six months if the inmate has incurred no additional rule violations. OPUS will restore the credits in increments not to exceed 10 days per month. This automated process will apply to infraction(s) with

an applied date on or after August 1, 2007. Restoration of time for infraction(s) occurring before August 1, 2007, must be requested in writing by the inmate and if approved, staff must enter in OPUS using the Sentence Credit/Penalty screen (OT61). Additional credits may be restored if the inmate makes a request in writing to the assigned case manager who will establish a behavior agreement specifying the amount of time to be restored each month, as well as the jobs/programs the inmate must either be participating in or awaiting assignment to in order to be restored.

- (e) Restored Time Limits: The restoration of forfeited time for infraction classes B, C and D will be at a rate not to exceed 30 days per month. **The total amount of restored time shall not exceed the number of days lost as a result of being found guilty of an infraction of conduct rules.** No restorations of sentence credits shall occur that will reduce an inmate's release date to less than 30 days from the date the time is being restored. **Time lost during one period of incarceration cannot be restored during a subsequent period of incarceration. Time lost during a period of incarceration for consecutive sentences can only be restored during that period of incarceration.**

#### **.0116 PROCEDURES FOR AWARDING AND CREDITING TIME**

- (a) Recording Sentence Credits
- (1) Good Time. Good Time awarding is automatically recorded and managed through OPUS for eligible inmates.
  - (2) Gain or Earned Time Credit. Gain or Earned Time Credit is automatically recorded and managed for the inmate by OPUS when the responsible staff accurately records the inmate's activity assignment in OPUS.
  - (3) **Meritorious Time for Overtime. Overtime hours are entered along with regular hours of work on the Inmate Attendance Record in OPUS. OPUS maintains a record of hours entered over forty (40) hours per week. Every eight (8) hours over forty (40) hours, OPUS automatically awards the inmate one (1) day of Meritorious Time Sentence Credit.**
  - (4) Award Limits for Overtime Meritorious Time: Staff are responsible and accountable for ensuring that inmates do not receive, on a consistent and frequently reoccurring basis, more than two (2) days per week of Meritorious Time Sentence Credit for work assignments that have been established as a seven (7) day, eight (8) hour a day assignment. It is essential that the staff person, who is responsible for entering the number of hours worked by an inmate, enter the actual number of hours worked by the inmate. Staff must not just enter the established hours for the work assignment, but must enter the actual hours worked by the inmate.

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- (5) Meritorious Acts and Emergency Conditions. The Facility Head or designee reviews and approves a Meritorious Act or Emergency Condition recommendation for Meritorious Time Sentence Credit that does not exceed 30 days or when the award does not cause the total amount of sentence credit the inmate will received during a calendar month to exceed 30 days. Awards that will exceed 30 days for a calendar month must be approved by the Director of Prisons or his or her designee. The recommendation, review, and final action for Meritorious Time are recorded on the OPUS Sentence Credit Award screens (OT60 and OT61).
- (b) Jails and Contractual Facilities Sentence Credits Management.
- (1) Sentence credits may be awarded only to inmates who are currently serving active sentences in the Division of Prisons or who are serving an active prison sentences but are housed in jail facilities or contractual housing facilities. When an inmate who is sentenced to prison, but is housed in jail pursuant to a Court Commitment, the Sheriff or Administrator of the local confinement facility shall establish procedures for granting, approving, and documenting any and all sentence credit awarded the inmate. In the case of inmates housed in jails or contractual housing facilities, the Sheriff or Administrator shall forward recommendations for any and all Meritorious Sentence Credit awards to the Chief of Program Services or designee for final review and approval.
- (2) Documentation for authorized sentence credit awards for inmates housed in a local confinement facility are recorded, reviewed, and given final approval by the Division of Prisons and recorded through the OPUS system.

**.0117 GAIN and EARNED TIME CREDIT FOR MEDICALLY AND PHYSICALLY UNFIT INMATES**

- (a) When a determination has been made by a Department of Correction medical authority that an inmate in **regular population or on protective control** is unable to engage in any available work or programs or other assignments due to a medical and/or mental health condition or a physical disability, the inmate is designated as Medically Unfit and is granted sentence credits as follows. **Gain Time eligible inmates are granted sentence credit as Gain Time Credit Level III at the rate of six days (6) days per month. Earned Time eligible inmates are granted sentence credit as Earned Time Credit Level III at the rate of nine (9) days per month.**
- (b) For the purposes of this policy, Medically Unfit shall be defined as inmates assigned Acuity **Level 3** or 4, PULHEAT Activity Grade 4 or 5, and/or Mental Health Grade 4 or 5. Sentence Credits will continue for identified inmates if transferred to a community hospital for treatment purposes.

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- (c) Medically Unfit status continues until a medical authority determines that the medical and/or mental health condition or physical disability no longer prevents assignment to work or other activities.
- (d) An inmate who is limited for some but not all work or program activities is given an available assignment appropriate to his or her medical and/or mental health condition or physical disability. The inmate is awarded sentence credits based on his or her assignment, not based on a Medically Unfit status.
- (e) The following inmates are not designated as Medically Unfit:
- (1) An inmate who refuses to participate in work or other assignments that is appropriate for his or her medical and/or mental health condition or physical disability.
  - (2) An inmate whose medical and/or mental health condition or physical disability is the result of self-injurious behavior while in prison.
  - (3) An inmate on a control or segregation status (other than Protective Control).
- (f) Medically Unfit status applies to eligible inmates as described above who are serving sentences under any sentencing act.

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Director of Prisons      Date

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# Programs in Prison

North Carolina Judicial College  
September 9, 2011

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## **Work Release**

<b>Location(s)</b>	Multiple
<b>General description</b>	Release from prison to perform paid work in the free 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 1,098 inmates who participated in work release who were released from prison in Fiscal Year 2005/06:</p> <ul style="list-style-type: none"><li>• 23.6% were returned to prison within three years (compare to 35.8% 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> DOC 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</li></ul>

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

defendant to a prison facility or jail in another county with the permission of DOC or the sheriff or board.

- G.S. 148-33.1(a): The Secretary of Correction 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.

*Division of Prisons documents*

- Work Release policy, attached.
- 2010 Div. of Prisons Work Release Summary

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

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*State of North Carolina  
Department of Correction  
Division of Prisons*

Chapter: E  
Section: .0700  
Title: **Work Release**  
Issue Date: 09/18/07  
Supersedes: 09/01/06

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***POLICY AND PROCEDURE***

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**.0701 PURPOSE**

The Work Release Program provides selected inmates the opportunity for employment in the community during the period of incarceration. The Department of Correction operates the Work Release Program to:

- (a) Respond to statutory requirements, by:
  - (1) Establishing rules and regulations for work release;
  - (2) Designing units for quartering work release inmates;
  - (3) Ensuring consideration and placement for inmates court ordered or court recommended or work release; and
  - (4) Managing and disbursing work release earnings as required by statute or court order.
- (b) Respond to the transitional needs of soon to be released inmates and the program and maintenance needs of longer term inmates.
- (c) Respond to community labor needs.
- (d) Respond to the need to support inmate families and to reduce the economic costs of prison.

**.0702 WORK RELEASE ELIGIBILITY**

Eligibility for work release participation is determined by the sentencing court, as follows:

- (a) Inmates sentenced for misdemeanor crimes after July 1, 1986, who are court ordered for work release are to be placed on work release as specified in the court order. Authorization for work release placement in this eligibility category is the sentencing court and consideration is not subject to custodial and correctional considerations as defined in E.0703 (b)(3)(A)(2) and (4).
- (b) Inmates sentenced to a total sentence length of five years or less who are court recommended for work release are to be placed on work release immediately. Authorization for immediate work release placement in this eligibility category is granted to the Director of Prisons by the Secretary of Correction unless:
  - (1) A suitable work release facility is unavailable in the area of the proposed

employment, or

- (2) Custodial and correctional consideration as defined in E.0703(b)(3)(A) would preclude granting work release.
- (c) Inmates sentenced for crimes committed after July 1, 1981, who are not court recommended for work release are eligible for work release under the conditions set forth in E.0703(c). Authorization for work release placement in this eligibility category is granted to the Director of Prisons by the Secretary of Correction.
- (d) Inmates sentenced for crimes committed prior to July 1, 1981, serving terms greater than five years are eligible for work release under the conditions set forth in E.0703(d) and only after approval by the North Carolina Parole Commission. Authorization for work release placement in this eligibility category is granted to the Secretary of Correction by the Parole Commission.
- (e) Inmates sentenced to multiple terms which place them in conflicting eligibility categories as defined herein will be determined as follows:
  - (1) Inmates sentenced to a misdemeanor offense with court ordered work release and also sentenced to a felony sentence are not eligible for immediate work release placement until the additional conditions of E.0703(b), (c) and (d) are met.
  - (2) Inmates sentenced for crimes committed before and after July 1, 1981, with sentence lengths greater than five years must meet the conditions of E.0703 (c) and (d).
  - (3) Inmates serving indeterminate sentences with a minimum of five years or less and a maximum of more than five years will be considered in the same category as inmates serving sentences greater than five years.

#### **.0703 WORK RELEASE CONDITIONS**

The following specific requirements must be met in order to grant work release for each eligibility category listed in E.0702:

- (a) Misdemeanants court ordered for work release.
  - (1) The commitment or court order from the sentencing court should provide:
    - (A) The date work release is to begin;
    - (B) The prison or local confinement facility to which the offender is to be committed;
    - (C) A provision that work release terminates the date the offender loses his job or violates the conditions of the work release program established by the Department of Correction; and

- (D) A determination as to whether the earnings of the offender are to be disbursed by the Department of Correction or by the clerk of the sentencing court in the manner that the court in its order directs.
- (2) A misdemeanor court ordered for work release will be housed at the prison facility specified by the court. However, if the facility specified cannot house work release inmates due to overcrowding or other administrative purposes, inmates can be assigned to some other appropriate prison facility. For the purposes of this Rule, Overcrowding refers to a population count above the designated capacity for the facility. Administrative purposes are defined as management practices that determine the classification, custody, programs and security at each facility.
- (3) The inmate must not be awaiting trial on felony charges or have any felony detainers pending.
- (4) The inmate will be in minimum custody level III by the date work release is ordered to begin.
- (5) A misdemeanor court ordered for work release will be processed as outlined in E.0706(a).
- (6) If court ordered work release is delayed or disapproved, the classification authority will document the reasons for such action in OPUS. The inmate should be notified by a letter that sets forth the reasons for the delay or denial.
- (7) If an inmate who is court ordered for work release and has suitable employment is disapproved, the Facility Head or designee will notify the sentencing judge by letter noting the reasons for disapproval.
- (b) Inmates sentenced to a total sentence length of five years or less who are court recommended for work release and therefore requiring immediate work release placement.
  - (1) The inmate must not be awaiting trial on felony charges or have any felony detainers.
  - (2) The inmate must have suitable employment at the time of commitment in an area where there is a facility suitable for housing the inmate.
    - (A) Suitable employment" shall require that:
      - (i) The employer must pay at least the current minimum wage;
      - (ii) The employer must participate in an insurance program, preferably the Worker's Compensation Program, which will compensate the inmate for injury by accident arising out of and

in the course of employment;

- (iii) The work setting must provide an appropriately supervised environment. Employment by a family member is prohibited. A family member is defined as father, mother, brother, sister, husband, wife, child, aunt, uncle, grandparents, in-laws, foster parent or other persons who acted in place of parents where such relationships can be verified.
  - (iv) Inmates disciplined by a regulatory body established by laws for conduct related to their work will not be placed in the same or similar work without consultation with the regulatory body and prior approval of the Secretary of Correction.
- (B) The processing diagnostic center will confirm the job offer. Verbal verification will be followed up with a letter of confirmation except with a regular work release employer. The processing diagnostic center will notify the proposed unit of housing for work release directly by telephone and will request an investigation of the work release job plan. Information concerning the inmate, the crime, the job plan particulars, and the other information as appropriate, will be provided. The receiving unit will conduct the job investigation and will provide return notification to the referring diagnostic center by telephone within three (3) working days. Diagnostic center staff will send a notification to the receiving area via a DCI terminal transmission stating a request for an investigation has been made.
- (C) If a suitable facility is not within normal commuting distance of the inmate's employment, a contract may be negotiated with the county sheriff for housing the inmate at a local confinement facility.
- (D) If suitable employment is not available at the time of the commitment, all other provisions in this subsection do not apply until such employment is secured. The following procedure shall be followed:
- (i) The staff of the diagnostic center shall counsel and assist the inmate in his job search. The assistance shall include contracts with prospective employers on behalf of the inmate.
  - (ii) If suitable employment is not secured at the completion of the regular diagnostic process, the inmate shall be assigned to an appropriate field unit by the classification authority. The assignment should be made to facilitate the inmate's search for employment. The classification authority should consider promoting the inmate to minimum custody level III for work release only if otherwise eligible to further facilitate work

release development and placement. The following is a suggested priority list of assignment locations.

- (I) An appropriate facility close to the inmate's home;
  - (II) An appropriate facility within commuting distance of a promising job market;
  - (I) An appropriate facility which is a reasonable compromise of the above priorities.
- (iii) The program staff of the inmate's facility shall counsel and assist the inmate in his job search. The assistance shall include contacts with prospective employers. While seeking work release employment, the inmate may be given any appropriate duty assignment by the classification authority but the duty assignment shall not impair the inmate's opportunity for work release. When suitable employment is obtained, the inmate shall immediately be processed in accordance with this subsection.
- (3) The following custodial and correctional considerations, as defined in (A) below, will preclude the inmate's participation in the work release program.
- (A) Even though an inmate is court recommended for work release, the inmate may be denied work release privileges by the classification authority under the following conditions:
- (i) The inmate has a prior criminal or prison record of escape or assaultive behavior which would normally result in the denial of work release privileges to an inmate who had not been recommended by the court;
  - (ii) The inmate has committed infractions subsequent to commitment under the sentence recommending work release which would normally result in the denial of work release privileges to an inmate who had not been recommended by the court;
  - (iii) The inmate has a serious health problem, mental or physical, which warrants immediate treatment or observation on a continuing basis. This problem shall be fully documented in OPUS; or
  - (iv) The inmate has committed major rule violations during a previous term of confinement during work release participation of sufficient magnitude to give cause for current program

disapproval.

- (B) If there is reason to believe that an inmate is subject to denial of work release privileges, his placement on the work release program may be temporarily delayed by the classification authority pending further study of his case and the final decision of the classification authority.
  - (C) If court recommended work release is delayed or disapproved, the classification authority will document the reasons for such action in OPUS. The inmate should be notified by a letter which shall set forth the reasons for the delay or denial.
  - (D) If an inmate who is court recommended for work release and has suitable employment is disapproved pursuant to the conditions of E.0703 (b)(3)(A)(1) through (4), the Facility Head or his designee will notify the sentencing judge by letter noting the reasons for disapproval.
- (4) Subject to the considerations set forth in E.0703(b)(3), all inmates with court recommendations for work release are immediately to be placed in a minimum custody level III, for the purpose of work release only. The inmate will not have any other community privileges unless approved as provided in the existing policy relating to outside activities (F .0600).
  - (5) Transfer to the appropriate facility will be processed by the classification authority. Court ordered/recommended inmates approved for work release shall receive first priority for housing assignments and transfers. A priority list shall be established within each area. Court recommended and approved inmates shall receive the top priority based on the length of time in the prison system. The remainder of the list shall be composed of other inmates approved for work release in order of length of time since receipt of approval.
  - (6) Inmates with a court recommendation for work release should be processed, transferred and placed on work release within ten working days of admission unless custodial and correctional considerations clearly preclude such an assignment or a work release facility is unavailable in the area of proposed employment.
  - (7) A court recommendation which states work release is recommended or which states immediate work release is recommended will be interpreted as requiring immediate work release placement.
- (c) Inmates sentenced for crimes committed after July 1, 1981, who are not court recommended for work release.
    - (1) Inmates serving sentences totaling five years or less are eligible for immediate work release consideration. Those sentenced to greater than five years must be

within three years of the maximum release date or parole eligibility date except as approved by the Director of Prisons.

- (2) The inmate must not be awaiting trial on felony charges or have any felony detainers pending.
  - (3) Suitable employment as defined in E.0703(b)(2)(A) must be available prior to work release placement but approval for the work release program can be granted before an employment plan is developed.
  - (4) If a suitable facility is not within normal commuting distance of the inmate's employment, a contract may be negotiated with the county sheriff for housing the inmate at a local confinement facility.
  - (5) The inmate must be in minimum custody level III by the date work release is to begin.
  - (6) The inmate must not have had either an escape within six months or a major infraction within three months of work release approval.
- (d) Inmates sentenced for crimes committed prior to July 1, 1981, with sentences greater than five years.
- (1) The inmate must be within three years of the maximum release date or parole eligibility date, except as approved by the Director of Prisons.
  - (2) The inmate must have approval of the Parole Commission. For those inmates on approved MAPP Agreements with a total sentence length of less than thirty years, the MAPP Agreement represents work release approval by the Parole Commission.
  - (3) The inmate must not be awaiting trial on felony charges or have any felony detainers pending.
  - (4) Suitable employment, as defined in E.0703(b)(2)(A) will be required for placement and may be required for Parole Commission approval as stated in E.0707(g).
  - (5) If a suitable facility is not within normal commuting distance of the inmate's employment, a contract may be negotiated with the county sheriff for housing the inmate in a local confinement facility.
  - (6) The inmate must be in minimum custody level III status on the date he is to begin participating in work release. However, approval for work release may be requested through the Parole Commission prior to attaining minimum custody level III.
  - (7) The inmate must not have either an escape within six months or a major infraction

within three months of work release approval.

**.0704 CONCURRENT: CONSECUTIVE SENTENCES**

(a) Inmates Received at the Diagnostic Center.

- (1) In certain situations an inmate will have concurrent or consecutive sentences and not be court recommended for work release on all sentences and therefore the negative findings controls. However, if the total sentence length is five years or less, the inmate remains eligible for immediately work release consideration. If the total sentence length is greater than five years, the inmate must be approved for work release in accordance with E. 0703 (c).
- (2) It is possible that a sentencing judge may have simply neglected to make a finding regarding work release. This is not likely in cases where the same judge imposes both sentences or where the sentence without the recommendation is a less serious misdemeanor. When this occurs, the director of the diagnostic center should be notified as soon as possible. The diagnostic center director will send a letter to the inmate informing him that he is ineligible for the work release program but that he may be placed on the program if the inmate or the inmate's lawyer can secure a recommendation from the sentencing judge. If he cannot, he must be specifically approved in accordance with E.0703 (c).
- (3) A recommendation may be presented in the form of a corrected commitment or a letter of recommendation from the sentencing judge. Upon receipt of a corrected commitment or letter of recommendation, the addressee shall immediately notify the approving authority at the facility to which the inmate is assigned. The approving authority shall process the inmate in accordance with E.0703 (b) if total sentence length is five years or less.

(b) Inmates Presently Assigned to Work Release. When an inmate is already assigned to the work release program and a second sentence without a recommendation for work release is received, the following procedure should be followed:

- (1) If the second sentence is five years or less and consecutive sentences total a maximum of five years or less, the approving authority may either leave the inmate on work release pending clarification of the court's intentions or, depending upon the nature of the second offense, remove the inmate from work release pending clarification. If the nature of the offense resulting in the second sentence is such that it appears that the inmate's presence in the community would create an unnecessary risk, the inmate should be removed from the work release program pending clarification. The inmate should be informed of his status by letter. The letter should instruct the inmate that reinstatement is possible if he or his lawyer can secure a recommendation from the sentencing judge in the form of a corrected commitment or a letter of recommendation. If a recommendation is received, the inmate will be immediately processed in accordance with E.0703(b).

If no recommendation is received, the inmate normally shall be removed from the work release program unless otherwise eligible under E.0703(c). Careful consideration with justification documented should be afforded inmates who are allowed to remain on work release without some form of recommendation from the sentencing judge. The Court's recommendation for work release on the first sentence should be considered as a positive factor if other conditions of E.0703 (c) are fulfilled.

- (2) If the second sentence is for more than five years or if consecutive sentences add up to a maximum of more than five years, the inmate should be informed by letter that he must be removed from his work release job and that he can not be reinstated without the approval of the Parole Commission or the Facility Head if sentenced for a crime after July 1, 1981.

### **.0705 PROBATION REVOKED**

Only the court which revokes probation may make an acceptable recommendation for work release. If the revoking court recommends work release in a case with a sentence of five years or less, the inmate shall be processed in accordance with E.0703(b). If the revoking court fails to recommend work release, and the judgment suspending sentence does recommend work release, a letter should be sent to the inmate informing him that he is ineligible for the work release program but that he may become eligible if he or his lawyer can secure a recommendation from the revoking court. If a recommendation is received, the inmate shall be processed in accordance with E.0703(b) .

### **.0706 PROCESSING PROCEDURES**

The following procedures specify actions to be taken to process work release for each eligibility category defined in E.0702.

- (a) The following applies to all misdemeanants who are court ordered for work release:
  - (1) Processing for misdemeanants who are court ordered for work release will include fingerprints, photographs, completion of DC-134 and 134A, personal property inventory, medical examination, psychological testing administered on a need-to-know basis, completion of OPUS documentation to include promotion to minimum custody level III for work release only and facility assignment. Verification of employment in accordance with E.0703 (b)(2)(B) and subsequent completion of sections A, B, C and D of the DC-190 will be accomplished.
  - (2) A misdemeanant court ordered for work release who has a job plan recognized or acknowledged by the sentencing court by notation on the commitment or other court document will be placed on that job upon verification of employment in accordance with E.0703(b)(2)(B). A work release job plan acknowledged by the court will not be required to meet the standards of suitable employment specified in E.0703 (b)(2)(A) and work release placement will move forward. The Facility

Head or designee will write the sentencing judge stating work release placement on the court acknowledged job plan has been approved based on the court order but that approval would not have been granted otherwise due to the job not meeting Department of Correction requirements for suitable employment. The letter should explain why the job plan does not qualify as suitable employment under Department of Correction guidelines (E.0703(b)(2)(A)).

- (3) If the sentencing court has not acknowledged a specific job plan for work release, policy requirements for suitable employment will apply.
  - (4) An inmate court ordered for work release who does not have a job plan at the time of commitment to prison will receive normal staff assistance in the job search as defined in E.0703 (b)(2)(D).
  - (5) The Director of the processing diagnostic center is designated as the approving authority for promotion and work release approval for misdemeanants who are court ordered for work release by the sentencing court.
  - (6) Transfer to the specified unit of assignment will be accomplished to ensure the inmate begins work release on the date specified in the court order or as soon thereafter as possible.
  - (7) The date the inmate begins work will be written in section G of the DC-190 by the Facility Head. The appropriate copies of the DC-190 will then be forwarded to the Work Release Accounting Office in Raleigh for clearing of section C and the opening of the Work Release Account.
- (b) The following applies to all inmates serving sentences of five years or less and recommended for work release by the sentencing court,
- (1) After completion of the reception process as defined in E.0706 (a) (1) above, the Director of the processing diagnostic center will approve promotion to minimum custody level III for work release only and will approve work release by entering and signing the appropriate IC02 and DC-190, unless custodial and correctional considerations preclude work release participation by the inmate. A negative finding at this level, however, will be referred to the Facility Head for final disposition. In any event, the approving authority will sign section H of the DC-190.
  - (2) After approval, the inmate will be transferred directly to the final facility of assignment by the processing diagnostic center to begin work release. The sending facility will be the approving authority for this classification action.
  - (3) The date the inmate begins work will be written in section G of the DC-190 by the Facility Head. The appropriate copies of the DC-190 will then be forwarded to the Work Release Accounting Office in Raleigh for clearing of section C and the opening of the Work Release Account.

- (c) The following applies to all inmates serving sentences of five years or less who were either not recommended for work release by the sentencing court, or while court recommended, were not initially approved for the program.
- (1) Sections A, B, C, and D of form DC-190 are to be filled out by the program committee and submitted to the Facility Head for approval (Section H). The Facility Head will ensure that the conditions outlined in Section B are met. Generally, the DC-190 and OPUS documentation should be submitted in a package for consideration.
  - (2) After approval by the Facility Head, the DC-190 is submitted for approval as appropriate. If the inmate is housed in a county unit, the Facility Head is the approving authority. If the inmate is housed in an institution, the Institution Head is the approving authority. The approving authority shall sign Section H of the DC-190. If the recommendation is disapproved, all copies of the DC-190 should be returned to the originating facility.
  - (3) After approval by the Facility Head, the inmate may begin work. The date the inmate begins work will be written in Section G of the DC-190 by the Facility Head. The appropriate copies of the DC-190 will then be forwarded to the Work Release Accounting Office in Raleigh for clearing of Section C and the opening of the Work Release Account.
- (d) The following applies to all inmates serving sentences greater than five years.
- (1) Sections A, B, C, and D of the DC-190 are to be filled out by the staff and referred to the Facility Head for approval (Section H). The Region Director or designee is the approving authority for work release for inmates with Life sentences and for inmates with sentences totaling 80 years or greater. The Facility Head may refer additional cases to the Region Director or designee if the Facility Head deems the specific case warrants it. The Facility Head will ensure that the conditions outlined in Section B are met. Generally, the DC-190 and IC03 should be submitted in the same time frame for consideration.
  - (2) The approving authority shall sign Section H of the DC-190. If the recommendation is disapproved, all copies of the DC-190 should be returned to and maintained at the facility housing the inmate.
  - (3) Following approval by the Facility Head, the DC-190 is forwarded to the Parole Commission except for inmates sentenced for crimes committed after July 1, 1981. Inmates sentenced for crimes committed after July 1, 1981, are placed on work release following final approval by the Facility Head.
  - (4) The inmate, Facility Head, and Work Release Accounting will be notified in writing (PC-28 and DC-190) by the Parole Commission of its decision for cases requiring Parole Commission approval.

- (5) The DC-190 is then submitted by the Facility Head to Work Release Accounting office in Raleigh after the inmate begins work. Work Release Accounting will open the work release account and will clear DC-190, Section C, with the Division of Social Services.

#### **.0707 OTHER REQUIREMENTS/CONDITIONS**

- (a) Prior to final approval for Work Release participation, the IM06 screen (Victim County Conflict) will be reviewed to ensure that if there are victim conflicts relating to housing and community based program participation that those factors will be considered during the review. For additional information, refer to the DOP Victim policy D.0909.
- (b) If an inmate is to be transferred for the purpose of work release, comments should be entered on the IM11 screen in OPUS outlining classification actions and objectives should accompany the inmate's record to the receiving unit.
- (c) The inmate should be in the appropriate minimum custody level for work release at the time of transfer. This will prevent unnecessary delays.
- (d) The issue of restitution must have been considered and appropriate forms if the inmate has been court recommended or court ordered for restitution.
- (e) Appropriate disciplinary action for major infractions committed while on the work release program shall be at the discretion of the Disciplinary Hearing Authority.
- (f) Mutual agreement programming (individual contracts) should be considered, especially with felons, by the classification/program committee whenever possible. These arrangements should include programs such as GED/ABE, alcohol, drug treatment.
- (g) For inmates who are approved by the Parole Commission for work release, the Commission will require:
  - (1) The submission of an acceptable job plan on a DC-190 by the Divisions of Prisons for initial job approval.
  - (2) The submission of any subsequent job changes to the Parole Commission are to be made by telephone. The Parole Commission may render their decision by telephone with written follow-up on form PC-28.
  - (3) Parole Commission approval for work release shall automatically be withdrawn anytime an inmate is removed from work release because of an infraction resulting in demotion to medium custody.
- (h) Facility staff will conduct periodic checks on inmates participation in the work release program at the rate of at least one time each month. These periodic checks can be by telephone or in person and will be documented at the facility.

#### **.0708 TRANSPORTATION**

Transportation to and from work release can be provided by the Department of Correction, by public transportation or by private individuals, subject to the following requirements:

- (a) Inmate transported by the Department of Correction will be charged a daily rate set by the Director of Prisons.
- (b) Inmates who use public transportation will be limited to the most direct route to and from the job site. The form of transportation and route to be used will be approved by the Facility Head of the work release facility.
- (c) Private individuals including members of the inmate's family can be approved to provide transportation to work release inmates by the Facility Head of the work release facility. Those persons providing transportation must have a valid drivers license. More than one individual can be approved to provide transportation for a work release inmate and persons providing transportation can transport more than one work release inmate. The Facility Head can disapprove any person requesting to provide transportation for any reason if in the judgment of the Facility Head approval would not be in the best interest of the inmate or would be contrary to continued successful participation on work release. The fee for private transportation will be determined at the time of approval. Those persons providing transportation to work release inmates shall be required to use the most direct route to and from the job site.
- (d) Facility Heads may enter into agreements with local transportation vendors to provide transportation for inmates on work release as long as the vendor is approved for such service and provides drivers with current Department of Motor Vehicles (DMV) appropriate licensure. To assure the best value for this service, Superintendents must advertise for transportation service in their local newspaper or obtain at least three bids from local vendors who provide such services. In the event the lowest bid is not selected, the Superintendent must document their rationale and submit it to the Region Director for final approval.
  - (1) Appropriate licensure is defined as a valid North Carolina Drivers License (NCDL) for vehicles with a gross vehicle weight of less than 26,000 pounds and transports fewer than 15 people including the driver.
  - (2) For vehicles with a gross vehicle weight of less than 26,000 pounds but capable of transporting more than 15 people a valid Commercial Drivers' License (CDL), Class C is required.
  - (3) For vehicles with a gross vehicle weight exceeding 26,000 pounds and capable of transporting more than 15 people, a valid Commercial Drivers License (CDL), Class B is required.
  - (4) To assure the "for hire" vehicle is properly licensed and certified for such transport, you should review the vendors Form E and their *Accord Certificate of Insurance* which must be for minimum of \$1.5 million. These two documents are

required for any vendor to engage in transport for hire business. This does not apply to taxi or bus services. Their criteria and licensure is governed by other public transportation regulations.

- (e) Work release inmates will not be permitted to drive to and from the unit to the job site; however, work release inmates can be granted driving privileges as part of their work release employment if approved by the Facility Head under the following conditions:
- (1) The work release employer provides a letter stating driving privileges are necessary to perform the job to which the inmate is employed;
  - (2) The vehicle to be driven is owned and insured by the employers;
  - (3) The inmate has a valid drivers license;
  - (4) The inmate has not been convicted of driving while impaired; and
  - (5) The inmate's driving record shows no moving violations for the two years prior to admission to prison.

 9-18-07  
Director of Prisons      Date

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**Division of Prisons Work Release Summary  
As of August 10, 2010**

Facility	Allctd	Assg.	%	# of Emp's	Industries Represented	
<b>Female Command</b>						
North Piedmont C.C.W.	20	0	0 %	0		
Fountain C.C.W.	62	37	60 %	6	Food Svc.	
Raleigh C.C.W.	34	11	32 %	6	Office Asst.	Food Svc.
Swannanoa C.C.W.	28	10	36 %	3	Housekeeping	Food Svc.
<b>Five Units (Six Total)</b>	<b>144</b>	<b>58</b>	<b>40 %</b>	<b>15</b>	<b>Female Command Summary</b>	
<b>Western Region</b>						
Buncombe C.C.	40	24	60 %	6	Maintenance	Auto Rep.
Caldwell C.C.	16	11	69 %	4	Manufacturing	Auto Rep.
Catawba C.C.	40	29	73 %	6	Manufacturing	Construction
Charlotte C.C.	80	22	28 %	7	Auto Rep.	Food Svc.
Foothills C.I.	13	10	77 %	1	Agriculture	Warehouse
Gaston C.C.	44	29	66 %	7	Manufacturing	Auto Rep.
Haywood C.C.	7	5	71 %	2	Janitorial	Construction
Rutherford C.C.	30	6	20 %	2	Manufacturing	
Wilkes C.C.	58	26	45 %	1	Agriculture	
<b>Nine Units (Sixteen Total)</b>	<b>328</b>	<b>162</b>	<b>49 %</b>	<b>36</b>	<b>Western Region Summary</b>	
<b>Piedmont Region</b>						
Brown Creek C.I.	79	45	57 %	9	Auto Rep.	Manufacturing
Cabarrus C.C.	20	9	45 %	3	Manufacturing	Agriculture
Dan River P.W.F.	10	1	10 %	1	Turf Maint.	
Davidson C.C.	61	36	59 %	5	Manufacturing	
Durham C.C.	30	20	67 %	7	Food Svc.	Laundry
Forsyth C.C.	54	28	52 %	7	Auto Rep.	Manufacturing
Orange C.C.	34	34	100 %	19	Manufacturing	Construction
Piedmont C.I.	20	15	75 %	3	Manufacturing	Food Svc.
Sanford C.C.	30	24	80 %	4	Manufacturing	Food Svc.
Southern C.I.	41	14	34 %	3	Manufacturing	Waste Mgt.
<b>Nine Units (Twelve Total)</b>	<b>379</b>	<b>226</b>	<b>60 %</b>	<b>61</b>	<b>Piedmont Region Summary</b>	
<b>Central Region</b>						
Tillery C.C.	30	28	93 %	1	Agriculture	
Wake C.C.	50	38	76 %	18	Food Svc.	Auto Rep.
<b>Two Units (Ten Total)</b>	<b>80</b>	<b>66</b>	<b>83 %</b>	<b>19</b>	<b>Central Region Summary</b>	

<b>South Central Region</b>							
<b>Bladen C.C.</b>	9	6	67 %	4	Auto Rep.	Manufacturing	Misc.
<b>New Hanover C.C.</b>	80	65	81 %	7	Food Svc.	Construction	Agriculture
<b>Robeson C.C.</b>	20	20	100 %	5	Construction	Manufacturing	
<b>Three Units (Twelve Total)</b>	<b>109</b>	<b>91</b>	<b>84 %</b>	<b>16</b>	<b>South Central Region Summary</b>		
<b>Eastern Region</b>							
<b>Carteret C.C.</b>	15	8	53 %	3	Maintenance	Lumber	Retail
<b>Duplin C.C.</b>	10	9	90 %	1	Agriculture		
<b>Greene C.C.</b>	5	2	40 %	2	Maintenance	Janitorial	Carpentry
<b>Pasquotank C.I.</b>	23	19	83 %	1	Agriculture		
<b>Tyrrell P.W.F.</b>	76	71	93 %	4	Construction	Food Proc.	Laundry
<b>Five Units (Thirteen Total)</b>	<b>129</b>	<b>109</b>	<b>85 %</b>	<b>11</b>	<b>Eastern Region Summary</b>		
<b>Thirty Three Units (Seventy Total)</b>	<b>1,169</b>	<b>712</b>	<b>61 %</b>	<b>158</b>	<b>Division of Prisons Summary</b>		

## **Educational Programs**

**Location(s)** Multiple

**General description** *Adult basic education (ABE).* Secondary and post-secondary educational programming for inmates.

*Mandatory educational program (MEP).* 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.

*Vocational education.* 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.

*Study release.* 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.

**Program length**

- Mandatory educational program: 4 months minimum
- Other programs vary

**Prerequisites** *Adult basic education:*

- Mainly offered to medium custody inmates but available to others on a more limited basis

*Vocational education:*

- Mainly offered to medium custody inmates but available to others on a more limited basis
- For degree- or certificate-granting programs, inmate must have a high school diploma or G.E.D.
- For other vocational programs, no diploma or G.E.D. is required

*Study release:*

- Minimum level III custody level

**Recidivism/Return to prison data**

- Of 6,824 inmates who accessed academic programming who were released in Fiscal Year 2005/06, 34.5% returned to prison within 3 years (compare to 35.8% of all inmates released from prison)

- Of 4,172 inmates who accessed vocational education

programming who were released in Fiscal Year 2005/06, 32.8% returned to prison within 3 years

**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.”

**Relevant statutes and/or policies**

Study Release policy, attached.

**Notes:**

DOP policy states that a court recommendation for study release will result in “additional consideration” for otherwise eligible inmates. The policy states that a court order for study release is neither a prerequisite nor a mandate for an inmate to participate in the study release program.

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*State of North Carolina  
Department of Correction  
Division of Prisons*

Chapter: E  
Section: .1300  
Title: **Study Release**  
Issue Date: 09/18/07  
Supersedes: 06/12/02

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**POLICY AND PROCEDURE**

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**.1301 GENERAL**

- (a) This rule sets forth the requirements, conditions, and procedures for inmate participation in the study release program.
- (b) Study release is a community based program of rehabilitation that includes any situation in which an inmate participates in an academic or vocational training program away from the correctional facility and is not supervised during the classroom training period by a correctional employee or an agent of the Department of Correction. Study release program activities include such programs as: sheltered workshops, on-the-job training, learning lab activities, specialized enrichment programs, and community college or university level course work leading to a certificate or degree. Authority to grant approval for inmates to participate in the study release program has been extended to Region Directors and Facility Superintendents from the Secretary through the Director of Prisons.

**.1302 ELIGIBILITY REQUIREMENTS**

Inmate participation in the study release program is subject to the following requirements:

- (a) The inmate must be in minimum custody, level III and must have participated in other community based activities outside the correctional facility.
- (b) The inmate must have the potential for release through parole, work release or sentence expiration following the completion of the designated study release program.
- (c) For those inmates who are found to be eligible and who are under consideration for study release participation, the following factors must be determined:
  - (1) The course of study which the inmate wishes to pursue is not available on-site at an appropriate correctional facility;
  - (2) The course of study for the participant will significantly enhance the inmate's opportunity of being a productive citizen upon release;
  - (3) There is reasonable cause to believe that the inmate has the capability of successfully completing the designed study release program; and
  - (4) There is reasonable cause to believe that the inmate will honor all the conditions of the study release participation and not abuse the privilege.
- (d) For those inmates who are court-recommended for study release participation, additional consideration will be afforded inmates in this category provided that the inmate has met

all other prerequisites for study release. A court order for study release is neither a prerequisite nor a mandate for an inmate to participate in the study release program.

- (e) Prior to final approval for Study Release participation, the IM06 screen (Victim County Conflict) will be reviewed to ensure that if there are victim conflicts relating to housing and community based program participation that those factors will be considered during the review. For additional information, refer to the DOP Victim policy D.0909.

### **.1303 STUDY RELEASE CONDITIONS**

A participant in the study release program shall adhere to the following conditions:

- (a) The inmate participant will proceed directly to and from the correctional facility using an approved means of transportation and an approved route to and from the educational facility.
- (b) Upon completion of course work at the end of the class day, the inmate will return immediately to the correctional facility by an approved route and means of transportation. Participation in activities and being at locations other than classrooms and activities associated with the classrooms are prohibited without prior approval of the facility superintendent.
- (c) The inmate will be subject to any and all rules currently described in the Division of Prisons Policies and Procedures Manual while participating in community-based programs.
- (d) Facility staff will conduct periodic checks on inmate participating in the study release program at the rate of at least one time each month. These periodic checks can be by telephone or in person and will be documented at the facility.

### **.1304 APPLICATION PROCEDURE**

- (a) The Study Release Action Form (DC-356) will be completed in Sections A, B, C, D, and F to place an inmate on study release. The following procedures will be followed in completing the DC-356:
  - (1) Circle 01 in Section "Transactions" the Study Release Action Form (DC-356) if the inmate is a new applicant. If he/she is a former study release student and is applying for reinstatement, circle 04.
  - (2) Complete Parts A, B, and C of Form DC-356.
  - (3) The rules and regulations of the Department of Correction and the conditions upon which study release is granted will be carefully explained to the inmate. He acknowledges his understanding by signing his name on the appropriate line in Part D of Form DC-356. The correctional official witnessing this is to sign his name on the designated line in Part D.
  - (4) The facility decision is to be noted by the facility superintendent in the

appropriate section of Part F of Form DC-356.

- (b) All applications, whether approved or not, and the supporting material will be maintained at the facility housing the inmate.
  - (1) The original and all copies of Study Release Action Form DC-356.
  - (2) Written verification of financial assistance; and
  - (3) Written verification of acceptance by the educational institution.
- (c) The facility or region action is to be noted by the facility superintendent or regional director in the appropriate section of Part F of the Study Release Action Form DC-356. The Facility action will constitute the Department of Correction's approval or disapproval of applicants for both full-time and part-time study release.
- (d) The Facility Officer is to distribute the DC-356 forms as follows:
  - (1) One copy to the facility study release file; and
  - (2) One copy to the facility jacket.
- (e) The supporting material should be returned to the unit to be filed in the inmate's facility jacket as follows:
  - (1) One copy of the written verification of financial assistance; and
  - (2) One copy of the written verification of acceptance by the educational institution.

### **.1305 REINSTATEMENT**

If an inmate has been on the study release program previously and wishes to re-apply, comply with the regular application procedure. Circle 04 in Section "Transactions" at the top of form DC-356.

### **.1306 STUDY RELEASE FISCAL POLICIES AND PROCEDURES**

- (a) Inmates in need of financial assistance will be allowed to seek assistance from one or more of the following sources.
  - (1) Vocational rehabilitation,
  - (2) Veterans benefits,
  - (3) Family donations,
  - (4) Personal funds,
  - (5) Scholarships,
  - (6) Basic education opportunity grants, or

- (7) Other authorized sources.
- (b) The program staff at the correctional facility or institution where the inmate is housed shall assist him/her in contacting the necessary financial source.
- (c) Financial support from any of the above-named sources for the purpose of study release activities, including tuition, books, and special equipment, shall be paid to the educational agency by the funding source. Financial support from funding sources paid directly to the inmate will be deposited into the inmate's trust fund account under a separate ledger card identified as "Educational Financing", with the requirement that withdrawal from this account will only be authorized by the unit superintendent/institution head or his designee. Unused funds following the completion or termination of study release will be placed in the inmate's regular trust fund account.
- (d) Financial support from the sponsoring educational and/or training agency where the financial support for the participant is for work performed for the sponsoring educational and/or training agency by the study release participant, such support will be deposited directly into the inmate's trust fund account. Time spent performing work tasks must not exceed the number of hours spent in class by a study release participant. The maximum number of working hours allowable shall be limited to not more than twenty hours per week.
- (e) Receipts from study release participants as a result of their work for employers other than the sponsoring educational and/or training agency shall be handled within the framework of the Work Release Program. Under this condition, an inmate must be appropriately approved for the Work Release Program prior to initiating a combined Study/Work Release Program. All guidelines, including financial and programmatic requirements, will be applied and participation in the Work Release Program is to be assured prior to the initiation of the program. If the participation in Work Release is part-time, per diem will be deducted at the rate of eight hours per them for every eight hours of Work Release participation.

### **.1307 CHANGE IN EDUCATION PLAN**

If there is any change in the inmate's course of study or education plan, the sponsoring facility/institution is requested to do the following:

- (a) Complete a new Study Release Action Form (DC-356), circle 02 in Section "Transactions", designate the name and number of the inmate in Part A, and note the change in Part C1 and
- (b) Forward the original and all copies of the new Form DC-356 according to the procedures set forth in E.1304 above.

### **.1308 REMOVAL FROM OR COMPLETION OF STUDY RELEASE**

- (a) Part E of a new Study Release Action Form (DC-356) is to be completed by the superintendent or designated official if any inmate is removed from study release for any of the following reasons:

- (1) Completed study (i.e., graduated);
  - (2) Disciplinary reasons;
  - (3) Parole/Conditional Release;
  - (4) Escape;
  - (5) Release;
  - (6) Failure to meet academic requirements of -the educational institution; and
  - (7) other (inmate put on Work Release, voluntarily terminated study release, never placed on study release).
- (b) Circle 03 section "Transactions" on Form DC-356.
  - (c) Note the name and number of the inmate in Part A of Form DC-356.
  - (d) The superintendent or designated official is to note his approval or disapproval of the action in Part F.
  - (e) The original and all copies are maintained at the Facility housing the inmate.
  - (f) The Facility Superintendent/Region Director, or designated official is requested to note his/her approval or disapproval of the action in Part F.
  - (g) The facility officials are to distribute Form DC-356 according to the procedure established in E.1304 above.

 9-18-07  
Director of Prisons      Date

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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 Department of 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. DART-Cherry for men (300 beds); Black Mountain Substance Abuse Treatment Center for Women (50 beds).

Three former programs have been closed in the past two 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 4,195 inmates who accessed DACDP services and were released in Fiscal Year 2005/06, 36.6% returned to prison within 3 years (compare to 35.8% of all inmates released from prison)

*Div. of Alcohol and Chemical Dependency Annual Report:*

- Overall, participation in DACDP programs reduced the likelihood of a return to prison by 14% for participants who exited in Fiscal Year 2006/07.
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## **Sex Offender Accountability and Recovery (SOAR)**

**Location(s)** Harnett CI

**General description** 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.

**Program length** 20 weeks

**Prerequisites**

- Felony offender
- 36-month minimum sentence (approximate)
- Age 21 or older
- Medium or minimum custody
- Must volunteer for the program
- Must admit to committing a sex crime
- No severe mental illness
- Sixth grade reading level or better

**Recidivism/Return to prison data** Of 217 inmates who *completed* SOAR between 2000 and 2009, 36 (16.5%) returned to prison at some time after their initial release:

- 14 (6%) returned due to a violation of supervision conditions
- 17 (8%) returned for subsequent non-sexual offenses
- 5 (2%) returned for new sex crime convictions

Of all inmates *assigned* to SOAR during 2005/06:

- 8.8% were reconvicted within 3 years of release
- 29.4% were re-incarcerated within 3 years of release

**Suggested sentencing language** “Recommend SOAR program when custodial classification allows.”

## **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 Division of Prisons domestic violence program, pursuant to G.S. 143B-262(e).”
<b>Relevant statutes and/or policies</b>	G.S. 143B-262(e): DOC 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. DOC 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 Division 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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## **Additional recommendations a judge might include in a judgment**

- **Delaying the start of a sentence.** G.S. 15A-1353(a): “Unless otherwise specified in the order of commitment, the date of the order is the date service of the sentence is to begin.”
- **Pregnant defendants.** G.S. 15A-1353(a): “If a female defendant is convicted of a nonviolent crime and the court is provided medical evidence from a licensed physician that the defendant is pregnant or the court otherwise determines that the defendant is pregnant, the court may specify in the order that the date of service of the sentence is not to begin until at least six weeks after the birth of the child or other termination of the pregnancy unless the defendant requests to serve her term as the court would otherwise order. The court may impose reasonable conditions upon defendant during such waiting period to insure that defendant will return to begin service of the sentence.” *See also* Jamie Markham, *Options for Pregnant Inmates*, North Carolina Criminal Law Blog (June 15, 2011), available at <http://sogweb.sog.unc.edu/blogs/ncclaw/?p=2561>.
- **Segregation from specific inmates.** The Division of Prisons will honor a court’s request for an inmate to be housed separately from persons identified in a judgment.
- **Recommendation for housing at a particular facility.** Under G.S. 148-4, the Secretary of Correction or his authorized representative determines an inmate’s place of confinement. The Division of Prisons will, however, take a judge’s recommendation for place of confinement into consideration when other factors allow.
- **Requests for psychiatric/psychological counseling.** All inmates are screened for mental health issues upon intake. If a judge recommends “psychiatric and/or psychological counseling” (using the check-box on the active judgment form) or includes a reference to mental health treatment on the form, the Division of Prisons will automatically generate an appointment with a qualified mental health professional for a more detailed appraisal.