



*State of North Carolina*  
*Department of Public Safety*  
*Prisons*

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Procedures**  
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## **POLICY & PROCEDURES**

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### **.1501 GENERAL**

The following procedures outline offender releases from the custody of North Carolina Prisons. These guidelines include a description of the processes through which an offender can be released from prison custody, with specific instructions for North Carolina Prisons staff to ensure that the release is affected accurately. This material also includes the processes completed by other related authorities (i.e., Combined Records, Post-Release Supervision and Parole Commission, and the Division of Community Corrections (DCC)).

### **.1502 DEFINITIONS**

For the purposes of this policy, the following definitions apply:

- (a) **EXPIRATION OF SENTENCE** - When an offender has completely served all sentences and will not be reporting to Parole or Post-Release Supervision. This is commonly known as the offender's projected release date (PRD) or max out.
- (b) **COURT-ORDERED RELEASE** - This release is the result of authorization by the courts for the offender to be released from the custody of the North Carolina Prisons.
- (c) **RELEASE SAFEKEEPER** - This release returns a safekeeper offender to the custody of the appropriate Sheriff upon presentation of credentials and proper related court documents.
- (d) **PRE-SENTENCE DIAGNOSTIC (PSD) RELEASE** - This release occurs when a court-ordered PSD study has been completed.
- (e) **RELEASE FROM INTERSTATE CORRECTIONS COMPACT (ICC)** - This release occurs when the sending state authorizes the offender's release.
- (f) **PARDON** - A pardon occurs when the Governor of North Carolina forgives an offender's sentence.
- (g) **CONDITIONAL COMMUTATION** - This release occurs when the Governor of North Carolina reduces an offender's sentence to the time he or she has already served (commonly known as commuted to time served).

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- (h) **POST-RELEASE SUPERVISION** - Post-release supervision is mandated by statute following release from certain active structured sentence terms.
  - (i) **PAROLE** - Release on parole is an action by the Parole Commission and can include 6-month mandatory parole, 90-day mandatory parole, misdemeanor parole, one-third parole, regular parole, community service parole, and conditional release (Committed Youthful Offender only) and parole to DWI school (28 and 90 day programs).
  - (j) **DECLINE TO REVOKE** - This is an action by the Parole Commission which indicates that the offender's parole supervision time is to continue. If the offender has no other active prison time to complete, a release from custody and return to parole supervision will be affected. If there is an active prison sentence to complete, (i.e., has received an additional sentence while on parole), the offender will remain in custody until the active sentence has expired.
  - (k) **SEX OFFENDERS** - Offenders identified as those offenders convicted of specific statutorily defined assaultive offenses of a sexual nature.
  - (l) **DEATH** - When an offender dies while in the custody of North Carolina Prisons.
  - (m) **DIRECT RELEASE** – This procedure applies to offenders that are released to the community as post-release or parole supervisees. Exceptions are indicated in section .1503 below.
  - (n) **RELEASE OFFICER** – A certified Probation Parole Officer designated to assist with releasing an offender from custody by initiating the process to begin the Post-Release or Parole Supervision period.

The foregoing are the standard releases within the North Carolina Prisons. Combined Records should be contacted for releases from jails.

### **.1503 PROCEDURE**

#### **(a) PROCEDURES FOR ALL OFFENDER RELEASES**

- (1) Offenders scheduled for release shall be listed on the facilities Release Planning List (IPT batch job 02), and the Scheduled Release List (IPT batch job 10).
- (2) All releases are authorized by Combined Records on the Significant Issues/Case Management Note screen (IP60/61) with exceptions being Safekeeper Release, PSD Release, and Release from Interstate Corrections Compact. IP60/61 notes shall include comments as to the specific approved release date, and a screen print of IP60/61 shall serve as the authority to release the offender. A copy of the screen print must be placed in the offender's facility jacket for future reference.

- (3) The External Movements screen (IP20) must be completed before the offender departs to ensure no unaudited sentences exist.
- (4) If, because of meritorious time being approved, an offender's projected release date changes after the release is approved, Combined Records shall be notified immediately. Facility staff, if possible, should award sentence reduction credits well in advance of projected release dates to avoid changes in approved release dates.
- (5) Staff must complete the Inmate Release Plan screen (IP55) for any offender to be released with exceptions being Safekeeper Release, PSD Release, and Release from Interstate Corrections Compact. IP55 completion must be as accurate and complete as possible, with the entry of the state and county code being essential. Staff shall not enter a post office box as the offender's proposed release plan. The Plan must be completed before the offender is released.
- (6) Any questions or concerns about the validity of the instructions should be directed to Combined Records at (919) 716-3200 during normal working hours.
- (7) All efforts shall be made on the part of Prisons to transfer the offender to the facility closest to the planned place of residence for all applicable releases. When possible this should be done fourteen (14) days prior to the projected release date. Certain offenders are eligible for custody change for release purposes. All offenders shall be screened for transfer to the closest facility to facilitate release. The Release Officer at the receiving facility will review the post release papers with the offender. Any exceptions to this provision shall be communicated among all parties.
- (8) In the interest of safety and security, offender releases from Prisons shall occur Monday through Friday, between the normal business hours of 8 am – 5pm. If the date of an offender's release from custody falls on a Saturday, a Sunday, or a holiday, the offender may be awarded Discretionary Time credits such that the offender is released on the last preceding weekday prior to the offender's projected release date. Understanding that circumstances will arise that require an exception to this provision (i.e., the offenders minimum release date falls on a Saturday, Sunday, or holiday) every effort shall be made to facilitate releases during the time frame as noted above.

Specific instructions regarding each type of release are:

(b) DIRECT RELEASE

All offenders released to Post-Release Supervision or Parole will be direct released with the exception of the following:

- Offenders determined to be homeless;

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- Offenders with pending charges (where bond has not been posted);
  - Offenders with outstanding warrants;
- (1) When an offender is required to be picked up by the Supervising Officer, the Officer shall contact the facility at least fourteen (14) days prior to the scheduled release date and request the offender be transferred to the facility most convenient to the Officer for pick-up.
  - (2) The Supervising Officer shall utilize CJ LEADS and ACIS to determine if the offender has any pending charges or detainers in North Carolina. Information regarding any pending charges or detainers shall be relayed to the Release Officer by the Supervising Officer and the Releasing Prison Facility.

For offenders with pending charges or outstanding warrants, before the date of release, the Supervising Officer shall ensure the local sheriff in the county where the charge(s) are pending is made aware the offender will need to be picked up for transport to the local confinement facility.

- (3) The assigned case manager shall work with the Release Officer to find a suitable home plan for the offender. The assigned case manager shall confirm the home plan within 30 days of release and reconfirm within 14 days of release.

(c) COURT-ORDERED RELEASE

- (1) When a Superior or District Court Judge vacates an offender's sentence, Combined Records shall first notify the facility by telephone to inform them that the offender must be released. A related comment will then be placed on the Significant Issues/Case Management Note screen (IP60/61), and the facility will receive a faxed copy of the court order from Combined Records. If the court-ordered release documentation is forwarded directly to the prison facility, Combined Records should be contacted immediately.
- (2) The facility shall not release the offender until all steps have been completed by Combined Records. A copy of the court order must be retained by the facility for future reference.
- (3) If a judge orders an offender to be released from the North Carolina Prisons' custody directly from court (frees the offender), the facility should immediately contact Combined Records.

(d) SAFEKEEPER RELEASE

- (1) Procedures for the release of a Safekeeper offender are directed under Section .1608, Releases, in Chapter C, Section .1600, Safekeepers.

- (2) Any questions as to the validity of the proposed release of a safekeeper should be directed to Combined Records at (919) 716-3200 during normal working hours.
- (e) PRE-SENTENCE DIAGNOSTIC STUDY (PSD) RELEASE
- (1) Upon completion of the PSD committee report, the Diagnostic Services Branch will send a DCI message authorizing the sheriff of the committing county to assume custody of the PSD, and notifying the assigned diagnostic center of the same. No PSD is released without this authorization. All PSD's are returned to their respective counties on or before the expiration date of the commitment.
  - (2) Any valid concerns about release following a PSD should be directed to the DSB at (919) 838-3700 during normal working hours.
- (f) RELEASE FROM INTERSTATE CORRECTIONS COMPACT (ICC)
- (1) That sending state shall forward all related papers to the Classification Services Section. Classification Services is the final approving authority for actions regarding ICC cases for North Carolina Prisons.
  - (2) Classification Services shall notify the appropriate facility by telephone and forward to the facility the related documentation along with specific instructions.
  - (3) Questions concerning ICC releases should be directed to the Classification Services Manager at (984) 255-6100 during normal working hours.
- (g) PARDON
- (1) Combined Records manages this release and will notify the facility by telephone to inform them of the pardon. Release instructions will then be entered on the Significant Issues/Case Management Note screen (IP60/61), with comments as to the approved pardon date.
  - (2) A screen print of IP60/61 shall serve as unit authority to release the offender. A copy of IP60/61 must be placed in the offender's facility jacket for future reference.
- (h) CONDITIONAL COMMUTATION
- (1) Combined Records manages conditional commutations and will notify the facility by telephone to inform them of an offender's commutation. Release instructions will then be entered on the Significant Issues/Case Management Note screen (IP60/61).

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- (2) A screen print of IP60/61 shall serve as unit authority to release the offender. A copy of IP60/61 is to be placed in the offender's unit jacket for future reference.
- (i) POST-RELEASE SUPERVISION
- (1) The Parole Commission sets the conditions of post-release supervision, which are provided to Division of Community Corrections (DCC).
- (2) Eligibility for post-release supervision applies to class B1 through E structured sentence felons with offense dates from October 1, 1994 through November 30, 2011 and all felony structured sentences with offense dates on or after December 1, 2011.
- (3) Eligibility for post-release supervision will fall under one of two categories: regular post-release supervision or early post-release supervision. Both types require that an offender with felony offense be released from prison and placed on post-release supervision on the date equivalent to the maximum prison sentence minus jail credit, less nine/twelve month or 5 year for felony cases or a 4 month deduction for Aggravated Level 1 DWI (which ever is applicable), less any earned time awarded by the Department of Public Safety or the custodian of a local confinement center. The difference between the two types involves structured sentence time being served in conjunction with pre-structured sentence time. If the offender is serving structured sentence time for a felony, the offender will be released on regular post-release supervision. If the offender is serving structured sentence time for a felony and is also serving a pre-structured sentence time, he may be eligible for early post-release supervision which may occur prior to the maximum release date. Note that either type of post-release supervision is not a parole, and the offender can neither refuse nor be denied the release. If the offender attempts to refuse post-release supervision, contact the Post-Release/Parole Supervision Office at (919) 716-3107.
- (4) When an offender is scheduled for post-release supervision, the post-release papers will be printed from the OPUS On the Web Offender Release Checklist screen. This option will appear after the Parole Commission has approved the release. The Release Officer will provide three (3) sets of the approved post-release papers to be reviewed with the offender.
- (5) The Release Officer will read the release agreement and have the offender sign all sets where indicated to acknowledge awareness and understanding. The offender is provided with one copy of the Release Order and one signed Release Agreement. The facility will retain one copy and the Release Officer will retain a copy.
- (6) For any specific DCC release instructions, view the Release Plan Notes. DCC staff enters relevant release instruction comments through the F23 key on the Offender Release Plan screen (IP55).
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- (7) The Facility Parole Results Review screen (PC15) will indicate a parole release date has been set. All post-release supervision cases will be documented by Combined Records on the significant Issues/Case Management Note screen (IP60/61). The Facility Parole Review screen (PC40) will not show a release on/after date, but will note the comment: **\*\*See IP60/61 for release date.\*\***
  - (8) The PC40 screen will include any related Parole Commission comments regarding the case.
  - (9) Post-release supervision cases must be released on the scheduled release date as prescribed by statute, including cases where the release date falls on weekends and holidays. If the offender scheduled for post-release supervision has not been released from the prison unit by the designated Release Officer by 5 p.m. on the scheduled release date, the prison unit is to call the Electronic House Arrest (EHA) Base Station at 1-800-735-1432 to report the problem. EHA will contact appropriate personnel who will assist in releasing the offender.
  - (10) OPUS will automatically print the “Transfer of Custody” form when the post-release movement code is entered on the External Movement screen (IP20). This form should be given to the parole officer releasing the offender to ensure information related to offender’s prison adjustment, control status, STG affiliation, and other critical information is available to the supervising officer.
  - (11) Any questions or concerns about post-release supervision should be directed to the Parole Commission at (919) 716-3010 during normal working hours.
- (j) PAROLES
- (1) The Facility Parole Results Review screen (PC15) allows a facility to confirm the offender has been approved for parole. The Facility Parole Review screen (PC40) will show the type of parole approved and the earliest possible date of release. Comments regarding release are also provided on PC40.
  - (2) Offenders are cleared for parole on PC40 by entering CLR in the Facility Action. However, offenders should be cleared for parole by the facility that releases the offender. The clearing should be done immediately before the offender departs the facility (i.e., not several hours before he or she leaves, not several hours after departure). If an offender who was cleared needs to be changed to hold, refer to the Parole Commission instructions.
  - (3) Except for a parole to a detainer (federal, in state, out of state), all paroles are normal paroles. Normal paroles will be forwarded to the facility where the offender is housed along with instructions concerning the release of the offender. Parole documents forwarded to the facility will include:
    - (A) PCAR115 - Facility instructions for release (to be retained by the facility); (Batch job 15)
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- (B) Two (2) copies of PCAR110A - Certificate of Parole (the facility is to retain one copy and provide one copy to the offender); (Batch job 15)
  - (C) Three (3) copies of PCAE111C - Parole Agreement. (Batch job 15)
  - (4) The assigned Release Officer will contact the facility to arrange release.
  - (5) The Release Officer will read the parole papers to the offender explaining the conditions and have the offender sign all copies where indicated to acknowledge awareness and understanding. The offender is provided with one set and the facility will retain one copy. The Release Officer will ensure the remaining sets of signed parole papers are forwarded to the Post-Release/Parole Supervision Office.
  - (6) Parole to a detainer will be accompanied by special instructions for the facility.
  - (7) Any facility that has an offender scheduled to be paroled should have the appropriate paperwork at least 24 hours ahead of time. If a facility does not have the documentation on the day before the scheduled parole, the facility is directed to contact the Parole Commission at (919) 716-3010.
  - (8) Mandatory parole cases, including 6-month and 90-day end of term cases, must be released on the scheduled release date as prescribed by statute, including cases where the release date falls on weekends and holidays. If the offender scheduled for 90-day mandatory parole has not been released from the prison unit by the Release Officer by 5 p.m. on the scheduled release date, the prison unit is to call the Electronic House Arrest (EHA) Base Station at 1-800-735-1432 to report the problem. EHA will contact appropriate personnel who will assist in releasing the offender.
  - (9) OPUS will automatically print the "Transfer of Custody" form when the parole movement code is entered on the External Movement screen (IP20). This form should be given to the parole officer releasing the offender to ensure information related to offender's prison adjustment, control status, STG affiliation, and other critical information is available to the supervising officer.
  - (10) Any other concerns or questions about parole should be directed to the Parole Commission at (919) 716-3010 during normal working hours.
- (k) **DECLINE TO REVOKE**
- (1) When an offender is returned to prison as a parole violator without additional sentences, and the Commission declines to revoke the offender, Combined Records staff receives the alert that the offender is not being revoked, and by telephone verifies with the housing facility that there are no additional sentences or pending charges on this offender.



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- (2) After verification, Combined Records will place a comment on the Significant Issues/Case Management Note screen (IP60/61) advising the facility to reinstate the offender to parole and then notify the facility by telephone to verify. The IP60/61 is the facility's authority to release the offender.
  - (3) The facility will not receive any additional documents because the previous parole action and documentation are still in effect. Any questions on matters related to a Decline to Revoke release without an additional sentence should be directed to Combined Records at (919) 716-3200 during normal working hours.
  - (4) When an offender is returned to prison as a parole violator with additional sentences, and the Commission declines to revoke the parole, the additional sentence is processed as usual. Combined Records then verifies the sentence structure and establishes the new release date.
  - (5) When the additional sentence is completed, if the original parole sentence has expired, the offender becomes a regular release (expiration of sentence) with appropriate release instructions on the IP60/61 screen.
  - (6) If at the completion of the additional sentence, the original parole sentence has not yet ended, the offender returns to parole on the prior sentence. In this case, no additional parole action documents will be sent to the facility. Combined Records will use IP60/61 to instruct the facility to reinstate the offender to parole.
  - (7) Any questions related to a Decline to Revoke release with an additional sentence should be directed to Combined Records at (919) 716-3200 during normal working hours.
- (1) SEX OFFENDERS
- (1) An offender categorized as a sex offender on either the current or a prior sentence can be identified by the sex offender notification on the bottom of the Facility Parole Review screen (PC40) for parole and post-release supervision cases, and on the Release Planning List (IPT batch job 05) for expiration of sentences. Current sex offenders will be flagged by a "sex offender" notification; offenders with prior convictions for reportable offenses will be identified by a "prior sex offender" notification; and sex predators will be identified by a "sex predator" notification.

When an offender is categorized as a current or prior sex offender or sex predator, staff is required to:

- (A) Prepare triplicate original Notice of Duty to Register Forms (print details from IPT batch job 05), review the forms with the offender, and have the offender sign all originals to acknowledge understanding of the statutory reporting mandates. In keeping with General Statutes, the Notice to the Offender must occur not less than 10 days nor more than 30 days prior to

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release. To obtain this information, each facility should access the “scheduled release of sexual offender” screen on OPUS as follows: IP57 7 MMDDYY\_MMDDYY ##### (unit number). OPUS will then provide a list of all offenders required to register as sex offenders and scheduled for release between the specified dates. On the first Monday of each month, the date range shall be from the 15th day of the month through the end of the month. On the third Monday of the month, the date range shall be from the 1st day of the next month through the 14th day of the next month.

- (B) Provide offender with a copy of the DC979, Notice of Duty to Register as a Sex Offender/Offender Acknowledgement. This is a summary of information provided by the SBI and is to be given to the offender upon release so he/she will be aware of statutory requirements related to sexual offenders. The offender does not sign this copy. Do not send copies to Combined Records, SBI, or the Classification Manager.
  - (C) Upon having the offender sign the Notice of Duty to Register, staff shall ensure the offender has an updated photo taken. It is not necessary to issue a new offender identification card, but the updated photo shall be used for the offender release card and shall be uploaded in the photo identification system as the most recent photo on the web.
  - (D) Complete the sex offender notification entry on the IP55, F24 comments screen. Comments should read “Offender informed of duty to register as a sexual offender on MM/DD/YY; automated release plans updated; and signature form distributed to offender, facility record, and Classification and Technical Support Manager. Offender also provided a copy of the DC-979, Notice of Duty to Register as a Sex Offender/Offender Acknowledgement. Offender photo updated in the Offender Photo ID System on MM/DD/YY.”
  - (E) Provide one original copy of the OPUS generated Notice of Duty to Register form (report IPTR130D) to the offender; retain one original Notice of Duty to Register form in the offender's facility jacket, and forward the third original to the Manager of Classification & Technical Support, MSC 4275, Raleigh, NC 27699-4275.
- (2) Records completion as noted above is essential given the statutory requirements for notification to the local sheriff's departments. No other manual processes are required because with accurate record completion, the notification is electronic and automatic.
  - (3) In the event that an identified sex offender refuses to sign the Notice of Duty to Register form, two staff members will document by signature and date that the duty to register as a sex offender was explained to the identified sex offender and he/she refused to sign.

(m) SATELLITE BASED MONITORING (SBM)

- (1) Prior to release, the (SM01) OPUS module shall be viewed for Satellite Based Monitoring (SBM) applicability. Once verified, the IP55 (F24) comments screen shall be utilized for documenting purposes. Comments should read “SM01 OPUS module viewed for SBM applicability – SBM is noted – contacted the Sex Offender Management line on date/time and spoke to DCC employee”. If SBM is not noted, IP55 (24) comments shall be documented as such.

As indicated earlier, valid Satellite Based Monitoring (SBM) cases shall be referred to North Carolina Community Corrections Sex Offender Management line at 1-888-663-0156 prior to release.

- (2) In addition to IP55 comments, on the date of release for those offenders identified as SBM, staff must run the required release batch reports (AS12 0 IPT 02/05). Offenders flagged as SBM will generate a “Notice to Enroll in Satellite Based Monitoring”. The releasing facility will be responsible for reading to and having the offender sign, acknowledging the contents. Instructions for distribution are on the form.
- (3) The sex offender management office will be responsible for the upkeep and tracking of these forms.
- (4) In the event that an identified SBM offender refuses to sign the notice to enroll in SBM, two staff members will document by signature that the notice was explained and the offender refused to sign.

(n) DEATH

- (1) Upon the death of an offender while in the custody of North Carolina Prisons, the facility Officer-In-Charge must contact the medical examiner (and coroner if applicable) of the county in which the body of the deceased is found; the district attorney and other law enforcement agencies having investigative jurisdiction of the case; and the Prisons Director or designee.
- (2) Refer to Fiscal Policy and Procedures .3700 Disposition of Assets of Deceased Offenders.

**.1504 ADDITIONAL REQUIREMENTS**

Upon the release of an offender, staff shall:

- (a) Issue trust fund monies and gate money, if required, by policy. The Release Planning List (IPT batch job 02), and the Scheduled Release List (IPT batch job 10) will both show if an offender is eligible for gate money.

- (b) Issue the paper prison release photo ID card from the offender's facility jacket, and retain the color identification card in the facility jacket.
- (c) Verify that personal property and transition document envelope, to include social security card, driver's license and other identification, and all property in storage is returned to the offender.
- (d) Restore rights in unconditional release cases. Prison releases, specifically, expiration of sentences ("max out"), and unconditional pardons require the restoration of citizenship. The facility affecting the offender's release from the custody of North Carolina Prisons is responsible for printing the Restoration of Rights form from OPUS. The form is batch job 97 in the Inmate Population Tracking (IPT) module of OPUS.
- (e) Prior to the release of any offender not eligible for Direct Release, facility staff will determine if there are pending charges, detainers or notifications requiring release to another agency. Staff will review the OR44 and OR45 screens for pending charges, detainers and notifications. Additionally, Criminal Justice Law Enforcement Data Services (CJ LEADS) will be the primary tool to determine if pending charges exist that is not displayed in OPUS. The Administrative Office of the Court (AOC) files will be a secondary tool in this process. A statewide search should occur by use of offender's name, as well as a name search in the county of residence (misdemeanor). Staff must review all court disposition comments on the OR14 "J70" type to ensure:
  - (1) A comment exists for each court movement, and
  - (2) No outstanding additional sentences exist that have not been entered on OPUS.
- (f) Any agency holding a warrant, detainer or notification shall be contacted at least 72 hours prior to the scheduled release to establish transfer of custody. Contact is defined as a conversation with an individual at the other agency to discuss the offender's release including details on transferring the offender to the other jurisdiction. A voicemail message may be left; however, if no response is received, facility staff shall continue calling the other agency until such time as a supervisor or other personnel is contacted. All such contacts shall be documented on the appropriate OR45, FS11 comment screen to include the name and position of the person contacted as well as the estimated time of arrival to pick up the releasing offender. Please refer to DOP policy, Outstanding Charges/Detainers, G.0105(c) for specific instructions regarding priority, should more than one detainer or pending charge exist on the OR44/45 screens.

If the receiving agency does not arrive at the expected time, facility staff should again make personal contact with staff at the other jurisdiction. If these efforts are unsuccessful, facility staff shall contact the Assistant Director for Auxiliary Services or the Manager of Classification for further instruction. If the release occurs on a holiday or weekend, the Prisons Administration duty officer should be contacted. These contacts should occur prior to the release of the offender and be documented on the OR45, FS11 comment screen.

In the event an offender is directed to report to court for disposition of pending charges, reporting directions shall also be documented on the OR45, FS11 comment screen.

- (g) Staff must review all court disposition comments on the OR14 “J70” type to ensure a comment exists for each court movement.
  - (1) If a comment indicates an additional sentence was issued, the reviewing authority shall access the OT20 screen to determine if the additional sentence has been added to OPUS.
    - (A) If the additional sentence has been added to the OT20 screen and been audited by Combined Records, no further action is needed and the release may proceed.
    - (B) If the additional sentence does not appear on the OT20 screen, the reviewing authority shall review the offender’s field jacket to determine if the commitment has been received but not entered in OPUS.
      - (i) If the commitment is available, the information shall be entered on OPUS immediately. Combined Records shall be notified that an additional sentence has been entered so a “do not release” flag can be entered until such time as the sentence is audited.
      - (ii) If the commitment is not located in the field jacket, the reviewing authority shall immediately contact the Clerk of Court in the county of conviction to obtain a copy of the commitment. Combined Records shall be notified that the offender has received an additional sentence and the commitment has been requested so a “do not release” flag can be entered until such time as the commitment is received, entered inn OPUS, and audited.
  - (2) If the comments indicate no additional commitments have been issued, facility staff shall proceed with the offender’s release.
- (h) Questions or concerns about restoration of citizenship should be directed to Combined Records at (919) 716-3200.

### **.1505 RELEASE PROCEDURAL RESPONSIBILITY**

For all releases in which the offender has mandated supervision by Community Corrections, the Release Officer will ensure the release papers have been processed according to this policy with any offender requiring supervision. Offender pick-up responsibilities are directed under section .1503 (b). Prison staff will act in a supporting role to ensure these matters are accomplished.

For any offender released without mandated supervision by Community Corrections, the facility effectuating the offender's release or transfer from the custody of North Carolina Prisons is

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responsible for reviewing the release action and for ensuring the accuracy and completeness of the required release procedures. The facility affecting the release is defined as the last housing facility, including the receiving facility in the event of transfer for release, transfer for direct release, or any other circumstances in which one facility affects the final release on behalf of another. The final facility is responsible whether or not the offender is actually housed at that location. Releasing facilities are to review each release for procedural correctness, accuracy, and appropriateness.

### **.1506 RELEASE THROUGH ADMINISTRATIVE ERROR**

If an offender is erroneously released through administrative error, every reasonable effort must be extended to ensure his/her timely return to custody for completion of the sentence. The following procedure will guide the actions of administrators for such returns to custody.

- (a) The Manager of Combined Records or designee will submit a notarized affidavit to the requesting facility specifying information related to the offender's sentence. Included will be date of commitment to the Department of Public Safety, offense, length of sentence and projected release date. Additionally, the Manager will specify information related to any new commitments which need to be processed, as well as a brief explanation detailing the erroneous release.
- (b) The facility head or designee, in cooperation with the local district attorney in the county where the offender was released, will present to an appropriate District Court Judge (misdemeanor) or Superior Court Judge (felony) a copy of the judgment and commitment form and the affidavit from Combined Records. Note that Combined Records maintains copies of judgment and commitment forms certified true copies by the sending courts.
- (c) The facility head or designee, upon presenting the judgment and commitment form and affidavit, will request the District or Superior Court Judge to issue a court order stating that the commitment is valid and requiring a return to confinement. Statutory authority may be found in Section 15A-305(5) of the North Carolina General Statute.
- (d) Requests for law enforcement assistance shall be made after carefully evaluating security considerations and the welfare of custodial staff assigned to return the offender to custody. Law enforcement assistance will be requested on the basis of the court order.
- (e) Following the return of the offender to confinement, a routine classification hearing will be conducted in accordance with established policy for those offenders who do not have a new commitment. The rationale of the Department of Public Safety for the return to custody shall be clearly stated on the OPUS Classification files (IC05) with assignment to the appropriate custody and facility. The offender shall be allowed the opportunity to make a statement on the Witness Statement form, DC-138B.
- (f) For those offenders returned with an additional commitment that has not been processed, the offender shall be admitted to the appropriate diagnostic center as directed by the Prisons Transfer Branch staff. Processing of the additional sentence will occur in accordance with prisons policy.

- (g) The Security Accountability Section shall enter the Release Through Administrative Error into the National Crime Information Center (NCIC) as a Wanted Person with appropriate alerts to law enforcement. Facility staff shall contact the Randall Building Security Officer at 919-838-3572 as soon as local authorities determine the offender cannot be located for return to custody to complete his/her sentence(s). The Assistant Director for Auxiliary Services and/or the Classification Manager shall consult with the Security Accountability Section on each erroneous release to determine whether prisons administration assistance, such as PERT or SORT, shall be activated to assist in the search and return to custody. The Chief of Security or his/her designee shall be responsible for any coordination of efforts.

**.1507 EXCEPTIONS**

These procedures govern regular operations. Exceptions to these procedures may be made by the Director of Prisons or designee.

**.1508 ISSUES**

Questions or other issues regarding release procedures may be directed to Manager, Classification and Technical Support staff at (984) 255-6100 during normal working hours.



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Prisons Director

10/26/2018

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Date

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