

*State of North Carolina  
Department of Public Safety  
Prisons*



Chapter: C  
Section: .2500  
Title: **Community Based Programs  
for Sex Offenders**  
Issue Date: 06/01/17  
Supersedes: 06/25/10

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## **POLICY & PROCEDURES**

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### **.2501 GENERAL**

The Division of Prisons will make every effort to assure that public safety is maintained while preparing inmates to transition back into the community. This policy establishes guidelines and procedures to manage access to community based programs for inmates identified as sex offenders. The guidelines and procedures established in the policy do not apply to inmates that have been approved for MAPP participation or are not subject to registration.

### **.2502 DEFINITIONS**

**Sex Offender:** An inmate who has been convicted of a sex crime requiring registration as listed in section.2506.

**Static 99:** A validated risk assessment tool that is utilized to help indicate a male sex offender's risk to recidivate.

**Sex Offender Treatment:** The Sex Offender Accountability and Responsibility Program (SOAR)

**Sex Offender Education:** Life Skills programs such as Cognitive Behavior Intervention

### **.2503 PROMOTIONS TO MINIMUM CUSTODY**

Prior to being promoted to **Minimum Custody Levels II and III** all sex offenders must meet the requirements listed below.

Note: Felon Sex offenders with a sentence length of twenty-four (24) months or less or any felon sex offender who is recommended for minimum custody housing by the classification tool may be promoted to Minimum Custody level I with a restriction to on-site duty assignments without completion of a risk assessment. Prior to being considered for promotion to Levels II or III for off-site activities, inmates should meet the below listed requirements:

1. Have a positive risk assessment. The static 99 will be utilized as part of the assessment conducted on male inmates.
2. Are actively adhering to the parameters of their established Case Plan.
3. Have a suggested case factor score of minimum or have a justifiable rationale for a positive override.

4. Have completed some type of sex offender treatment or sex offender education or other agency approved behavior/decision making modification or improvement program.

#### **.2504 COMMUNITY BASED PROGRAMS / ACTIVITIES**

**Sex offenders will be prohibited from participating in the following programs:**

Study Release

Home Leave

Maternity Leave

#### **Access to Community Based Programs / Activities**

Sex offenders will not be eligible to participate in community based programs until 18 months prior to a possible release date.

**A valid risk assessment must be completed prior to promotion to Minimum Custody Levels II or III.**

The local Sheriff will be contacted by letter prior to any sex offender subject to registration being approved for community based programs; section C.2506 provides a list of offenses requiring registration. The letter will advise the Sheriff that Prisons is in the process of reviewing the inmate for community based programs and are seeking their input. Specifically, the letter will ask if the Sheriff opposes granting this privilege. If no response is received within 30 days the facility will contact the Sheriff via telephone for a reply. The Deputy Director for Auxiliary Services or his/her designee shall be the final reviewing authority in instances where an unfavorable recommendation is received from the Sheriff.

#### **Community Volunteer Program**

Inmates that meet the criteria for promotion to Levels II or III and are within 18 months of a projected release date may be considered for participation in the community volunteer program.

All requests for community volunteer leaves must be approved by the facility head or his/her designee in their absence. The pass request must comply with the restrictions as outlined in section .2507 of this policy.

#### **Work Release**

Inmates that meet the criteria for promotion to Minimum Custody Level III and are within 18 months of a projected release date may be considered for participation on Work Release.

All work release jobs must be approved by the facility head or his/her designee in their absence. The job site must comply with the restrictions as outlined in section .2507 of this policy.

#### **Offsite Job Assignments**

Any offsite job assignments for inmates in Minimum Custody Level I must be supervised by Department of Public Safety staff and not violate any established restrictions.

#### **.2505 TRAINING**

All individuals that serve as community volunteer sponsors, work release employers, work release supervisors or transportation providers shall be provided additional training specific to the restrictions and guidelines relating to sex offenders.

### **.2506 OFFENSES REQUIRING REGISTRATION**

Sexually Violent Offenses requiring registration per the North Carolina Sex Offender and Public Protection Registration Programs:

- First Degree Rape (G.S. 14-27.2)
- Second Degree Rape (G.S. 14-27.3)
- First Degree Sexual Offense (G.S. 14-27.4)
- Second Degree Sexual Offense (G.S. 14-27.5)
- Sexual Battery (G.S. 14-27.5A)
- Attempted Rape or Sexual Offense (G.S. 14-27.6)
- Intercourse and Sexual Offense with Certain Victims (G.S. 14-27.7)
- Incest Between Near Relatives (G.S. 14-178)
- Employing or Permitting Minor to Assist in Offenses Against Public Morality and Decency (G.S. 14-190.6)
- First Degree Sexual Exploitation of a Minor (G.S. 14-190.16)
- Second Degree Sexual Exploitation of a Minor (G.S. 14-190.17)
- Third Degree Sexual Exploitation of a Minor (G.S. 14-190.17A)
- Promoting Prostitution of a Minor (G.S. 14-190.18)
- Felonious Indecent Exposure (G.S. 14-190.9 (a)1)
- Participating in the Prostitution of a Minor (G.S. 14-190.19)
- Taking Indecent Liberties with Children (G.S. 14-202.1)
- Solicitation of Child by Computer to Commit an Unlawful Sex Act (G.S. 14-202.3)
- Parent or Caretaker Commit or permit act of Prostitution with or by Juvenile (G.S. 14-318.4(a1))
- Commission or Allowing Sexual Act upon a Juvenile by Parent or Guardian (G.S. 14-318.4(a2))
- Statutory Rape or Sexual Offense (G.S. 14-27.7A(a))

Offenses against minors which require registration are the following offenses if the offense is against a minor and is not committed by the minor's parents:

- Kidnapping (G.S. 14-39)
- Abduction of Children (G.S. 14-41)
- Felonious Restraint (G.S. 14-43.3)
- Aiding and Abetting ( G.S. 14-208.6(1i), 14-208.6(4)(a), 14-208.6(5))
- Attempt (G.S. 14-208.6(4)(a))
- Conspiracy or Solicitation (G.S. G.S. 14-208.6(1i), 14-208.6(5))

### **.2507 RESTRICTIONS**

- (a) Prohibited Locations

- (1) The premises of any place intended primarily for the use, care, or supervision of minors, including, but not limited to, schools, children's museums, child care centers, nurseries, and playgrounds.
- (2) Within 300 feet of any location intended primarily for the use, care, or supervision of minors when the place is located on premises that are not intended primarily for the use, care, or supervision of minors, including, but not limited to, places described above in the preceding paragraph that are located in malls, shopping centers, or other property open to the general public.
- (3) Any place where minors gather for regularly scheduled educational, recreational, or social programs.

(b) Employment

Offender may not instruct, supervise, or care for a minor. It is unlawful for any sex offender to work for any person or as a sole proprietor, with or without compensation, at any place where a minor is present, and the offender's responsibilities or activities would include instruction, supervision, or care of a minor or minors.

(c) Access to the Internet

Inmates are prohibited from having access to the internet. This includes the ability to view internet screens, access any email system, any social networking sites, chat rooms, instant messaging, or message boards.



March 23, 2017

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Director of Prisons

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Date

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