



Serving Sentences Outside a Prison

Extended Limits of Confinement Program

To help keep staff and offenders safe during the COVID-19 pandemic, the Division of Adult Correction and Juvenile Justice is transitioning select individuals to serve their remaining sentence under the supervision of community corrections officers. To be considered for Extended Limits of Confinement (ELC), offenders must:

- **NOT be serving a sentence for crime against a person during the current incarceration AND must meet at least one of these criteria:**
 - Be pregnant
 - Already be on home leave with a 2020 or 2021 release date
 - Already be on work release with a 2020 or 2021 release date
 - Be age 65+ with a 2020 or 2021 or 2022 release date
 - Have a 2020 or 2021 release date **and** underlying health conditions deemed by CDC that increase a person's risk of severe illness from COVID-19

What ELC means

Extending the Limits of Confinement (ELC) means certain incarcerated offenders are allowed to continue serving their sentence outside of correctional facilities. This is authorized under North Carolina General Statute §148-4 which gives the Secretary of the Department of Public Safety the authority to extend the limits of confinement in limited circumstances for certain incarcerated individuals.

This is NOT an early release from a sentence, nor commutation.

Offenders on ELC are serving part of their active sentence outside the confines of a correctional facility, and are under the supervision of community corrections officers and/or special operations officers. If an offender fails to remain within the extended limits of confinement or fails to otherwise follow the conditions of their community confinement, they will be returned to a correctional facility to serve the remainder of their active sentence. Offenders who willfully fail to remain within the boundaries of their alternate "confinement" in the community may also be charged with escape.

In addition, depending on an individual offender's unique circumstances, the crime for which he/she was convicted and other factors, the offender may have additional security measures put in place while on ELC, such as:

- ✓ Electronic monitoring
- ✓ Curfew
- ✓ Drug testing

The differences between ELC and Post-release/Probation

- **ELC** allows individuals who have not completed their minimum sentence to transfer outside of a correctional facility to continue serving their active sentence. This is not a release from custody.
- **Post-release** is a period of structured supervision after completion of an active sentence in a correctional facility. Not every offender is sentenced to post-release supervision.
- **Probation** is a period of community supervision imposed by the courts instead of an active prison sentence. A violation of probation could result in an active sentence.

Offenders impacted by ELC

These criteria were used to select offenders for ELC

1. **Public Safety** – Non-violent offenders (no crimes against a person), many of whom have already been back in communities through home leave and work release.
2. **Time served** – Offenders near their release date with a strong priority for those with release dates in 2020 or 2021.
3. **Health Risk** – Pregnant offenders, offenders age 65+ with a release date in 2020 or 2021 or 2022, and offenders with a scheduled release date in 2020 or 2021 and certain underlying health conditions who are at increased risk of severe illness from COVID-19.

How many offenders have been transferred under ELC?

Since the department started transferring offenders to ELC, 442 individuals have been transferred to this status as of 8/11/2020. Currently, about 319 are actively on ELC. The active number is lower because some have completed their active prison sentence and transitioned to post-release supervision.

Are any other offenders being considered for ELC?

Those being reviewed have not been convicted of a crime against a person and must meet at least one of these criteria:

- Pregnant
- Already on home leave with a 2020 or 2021 release date.
- Already on work release with a 2020 or 2021 release date.
- Age 65+ with a 2020 or 2021 or 2022 release date.
- Individuals with a 2020 or 2021 release date **and** underlying health conditions deemed by CDC that increase a person's risk of severe illness from COVID-19

Impacts on pregnant offenders

Due to COVID-19 concerns, NCDPS is trying to transition pregnant offenders out of prison. Not all are being transferred under ELC. Some are being returned to supervision by the Post-Release Supervision and Parole Commission.

What's being done to make sure the pregnant offenders continue to get prenatal care?

The health and well-being of both mom and child are greatly important to DPS. During this pandemic, unprecedented demands are being placed on our healthcare system from all sides. Thus, DPS has to ensure that anyone we transfer to ELC who has medical issues is properly transitioned with a health care plan. To that end, we are partnering with NC FIT (Formerly Incarcerated Transition Program) affiliated UNC Department of Family Medicine to connect individuals with federally qualified health centers in their county of supervision.

Impacts on juveniles

Extended Limits of Confinement **does not apply to juveniles**. However, Juvenile Justice has been working to release non-violent juveniles from detention who are awaiting trial. The Juvenile Justice section is working to safely return juveniles committed to youth development centers to their home communities. Prior to releasing any juvenile from a youth development center, Juvenile Justice works to ensure that the home and community environments are safe, supportive of the juvenile's continued growth, and able to meet the juvenile's needs in the areas of education and mental health treatment.

Factors that prevent or delay offenders from participating in ELC

Offenders **will be disqualified** from consideration if any of the following apply:

- During the current term of incarceration, they are serving a sentence for conviction of a crime against a person
- Existence of detainers, or hold on an offender from another jurisdiction
- There is a pending charge reviewed by district attorney and either DA does not consent to ELC or offender has not made secured bond for the pending charge
- Has been validated as a Security Risk Group (SRG) member
- Has Class A or B prison rule infractions in the last six months
- Has no viable in-state residence plan and refused transitional housing when offered
- Upon review, crime version for current incarceration has a crime against a person that was not immediately apparent (for example, a habitual felon with an underlying crime against a person)

Offenders **may be disqualified** from consideration if any of the following apply:

- SRG affiliation – SRG associates will be evaluated on case-by-case basis
- If the offender is ready to be transitioned to the community, and his or her projected release date is within 7 days. Rationale: Placing an offender on ELC within 7 days of release means the offender must be added to a PPO caseload for ELC and then in less than a week transitioned to post-release status (either post-release status or unsupervised release).

Offenders **may have a delay** in transfer to ELC if any of the following apply:

- Pending charge is under review by district attorney
- Medical/mental health review suggests it would be extremely difficult to ensure certain medical/mental health concerns could be addressed adequately and ELC transfer may not be the best course of action at the time.
- Medical/mental health needs require additional time to procure durable medical equipment, schedule follow-up appointments in the community, identify suitable housing.
- In a quarantine status due to possible exposure or isolation status due to COVID-19 positive status or COVID test results are pending

What happens to offenders serving sentences outside a prison?

Will offenders continue to get the medical care they received in a correctional facility?

That is considered when looking at the home plan and if there are medical needs. The goal is to help ensure the offender has access to care in their community.

Will offenders be placed on electronic monitoring?

It depends on each individual situation.

What happens when an offender completes their active sentence?

Once an individual offender on ELC completes their active sentence, they may be required, as part of their sentence to serve a period of post-release supervision in the community.

Who is going to keep track of people on ELC?

Individuals on ELC will be supervised by probation/parole officers from Community Corrections. They may also be supervised, or have periodic checks by special operations officers. Those on ELC will be required to check-in regularly with their assigned officer, or an officer on-call. Some will also be on electronic monitoring. They are still considered to be offenders; however, the limits of their actual confinement have been extended, therefore, Prisons will take part in some monitoring of ELC individuals.

What happens when the COVID-19 crisis is over? Do they return to prison?

That will be determined on a case-by-case basis and where they are at that point in time with their active sentence.

Family/Victim notification

How can I find out if my family member is being transferred to the community through this ELC process?

Unfortunately, we are unable to answer questions on specific individuals. If the offender is deemed to be eligible, they will be contacted directly. Family may also be contacted to inquire about the individual home plan.

How are victims notified of a release?

In some circumstances, a victim is entitled to receive notification prior to release of an offender. If the victim is registered with SAVAN, they will be notified if the individual is being considered for release. Details are on the website under Victim Services.

Is this the only way people are currently being released from prison?

No. Prisons continues to release individuals daily as they complete their court ordered sentence.