



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

Chapter: C
Section: .2000
Title: **Release of Inmates
for Deportation**
Issue Date: 09/15/08
Supersedes: N/A New Policy

POLICY & PROCEDURES

.2001 GENERAL

This policy establishes specific procedures for granting conditional release to selected inmates within the North Carolina Division of Prisons pursuant to General Statute 148-64.1, as well as the return of such inmates into custody should they violate conditions of release.

.2002 DEFINITIONS

- (a) Deportation- the removal of an inmate from the United States and return to his/her Country of citizenship.
- (b) Final Removal Order-document issued by a federal immigration judge authorizing ICE agents to deport a specific inmate to his/her home country.
- (c) Immigration and Customs Enforcement (ICE)-federal agency responsible for the identification of inmates subject to deportation.
- (d) National Crime Information Center- (NCIC) is a computerized index of criminal justice information (i.e.- criminal record history information, fugitives, stolen properties, missing persons). It is available to Federal, state, and local law enforcement and other criminal justice agencies and is operational 24 hours a day, 365 days a year.
- (e) Rapid REPAT-process by which an inmate agrees to be deported after having served one half ½ of his/her minimum sentence. Selected inmates are eligible based on crime conviction and agreement to never return to the United States and no pending charges in any jurisdiction.

.2003 ELIGIBILITY FOR CONSIDERATION

- (a) The Department of Correction has received a final order of removal from Immigration and Customs Enforcement. In order to be eligible for conditional release under this policy, each of the conditions (a) through (e) below must be met:
- (b) The inmate is convicted of and incarcerated for one or more of the following offenses (but not for any other felony offense):
 - (1) GS 14-54. Felony Breaking or Entering buildings or Larceny;
 - (2) GS 14-56. Felony Breaking or Entering into, or out of, railroad cars, motor vehicles, trailers, aircraft, boats, or other watercraft;

- (3) GS 14-71.1. Felony Possession of Stolen Goods;
 - (4) GS 14-100. Felony Obtaining Property by False Pretense, so long as the items have a total value less than one-hundred thousand dollars (\$100,000).
 - (5) GS 90-95 (d)(4). Felony possession of marijuana or hashish or derivatives of either substance;
 - (6) Driving While Impaired not resulting in death or serious injury.
- (c) The inmate has served at least one half of the minimum sentence imposed by the court or, if convicted of Driving While Impaired, has met all the parole eligibility requirements as established by statute, not withstanding GS 20-179(p)(3).
 - (d) The inmate agrees, in writing, to not reenter the United States unlawfully at any time in the future.
 - (e) The inmate has no additional pending charges in North Carolina, any other state, or federal courts.

Inmates must meet the forgoing eligibility requirements. Although an inmate may meet all these requirements, there is no entitlement to a release under the Rapid REPAT Program, and the decision to release an inmate under that program is in the sole, unappealable discretion of the Post-Release Supervision and Parole Commission.

.2004 PROCEDURES

- (a) Notice
 - (1) The Department of Correction will notify affected inmates of their eligibility for conditional release to their home country after serving one-half of their minimum sentence. This notice will occur either by:
 - (A) Providing an individual letter and application form to each inmate confined on or after July 8, 2008: or,
 - (B) Providing a written description of this policy to each incoming inmate with convictions for the offenses outlined in .2003 (b) during the initial processing for all newly admitted inmates.

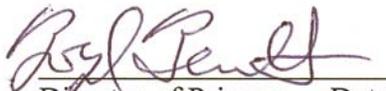
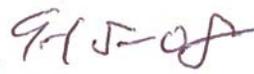
Each facility will maintain applications for the Rapid REPAT program

- (2) Each facility shall maintain a copy of this policy, application forms, and related memoranda, to include information related to eligible offenses and applications certifying an inmate's request to participate in this program.

- (3) Information related to the Rapid REPAT program shall be posted on inmate bulletin boards and include eligibility requirements as well as procedures for submitting applications.
- (b) Application/Approval Process
- (1) Qualifying inmates must submit a signed application form indicating he/she will not contest deportation and agreeing to not re-enter the United States at any time in the future.
 - (2) Applications will be forwarded to the Chief of Auxiliary Services or his/her Designee for review to ensure the applicant meets all Statutory requirements. If so, the inmate's record will be reviewed to determine if a deportation detainer has been filed by Immigration and Customs Enforcement. If no detainer is on file, local ICE agents will be contacted to initiate a review on the inmate.
 - (3) The Chief of Auxiliary Services or his/her designee will request and review an updated NCIC criminal history check to ensure there are no charges pending in any jurisdiction.
 - (4) Upon verification that a deportation detainer is on file and no pending charges exist, the case will be forwarded to the North Carolina Post Release and Parole Supervision office for final review and decision for conditional release to ICE agents.
 - (5) The Post Release and Parole Supervision office will notify the Chief of Auxiliary Services or his/her designee will be provided the names of all inmates approved for participation in the Rapid REPAT program.
 - (6) These inmate names will be provided to the designated ICE office to arrange for the final removal hearings.
 - (7) The Chief of Auxiliary Services or his/her designee will be provided a list of all inmates issued final removal orders. ICE agents will provide the Chief with the date established for the next transport of aliens under the Rapid REPAT program.
 - (8) Divisional transportation will arrange for the transport of selected inmates to the designated transfer point for ICE to assume custody.
 - (9) Designated staff at each facility will document on the OPUS External Movement screen (IP20).
 - (10) The Chief of Auxiliary Services or his/her designee will ensure a "Wanted" notification is entered on NCIC to alert criminal justice agencies that the subject is on conditional release from the North Carolina Division of Prisons and should be returned to our custody to complete service of their prison term.

.2005 RETURN TO CUSTODY

- (a) The Division of Prisons' Security Section will receive notification via NCIC. Security staff will confirm the wanted person status and notify Extradition staff to arrange for return to the North Carolina Division of Prisons as a conditional release violator.
- (b) Extradition will contact Division of Prisons' Jail Transportation staff to determine the appropriate admission location and reserve a bed. Jail transportation staff will enter the admission on the appropriate OPUS Screens in keeping with policy 2F.2803.
- (c) ICE officials will be contacted to ensure they are aware of the re-entry after deportation.
- (d) The violator will be returned to the custody of the Division of Prisons and will complete the diagnostic process as established for parole violators. He/she will be required to complete the balance of their sentence


Director of Prisons Date 

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