



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

POLICY & PROCEDURES

Chapter: C
Section: .2500
Title: **Community Based Programs
for Sex Offenders**
Issue Date: 06/25/10
Supersedes: 06/09/10

.2501 GENERAL

The Division of Prisons will make every effort to assure that public safety is maintained while preparing inmates for 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

Division Agreement: An agreement between the Division of Prisons and the inmate that establishes the parameters for program participation, promotion to minimum custody levels 2 and 3 and access to community based programs.

.2503 PROMOTIONS TO MINIMUM CUSTODY

Prior to being promoted to minimum custody all sex offenders must meet the requirements listed below. Inmates convicted of misdemeanor sex offenses are restricted to minimum custody level 1 until the following requirements are met.

Note: Felon Sex offenders with a sentence length of twenty-four (24) months or less may be promoted to Minimum Custody level 1 for duty assignment prior to risk assessment per the Promotion of Felon policy, section C.0505. Prior to being considered for community based programs in level II, inmates in this category 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 participating in their established Case Management 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.
5. Have signed a Division agreement acknowledging the parameters of their promotion to minimum custody.

.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 projected release date (parole eligibility date is not applicable).

An updated risk assessment for community based programs must be completed prior to promotion to minimum custody level 2 and approval for community based programs.

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 the Division of 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. Inmates that receive an unfavorable reply from the Sheriff will be prohibited from participating in community based programs. If no response is received within 30 days the facility will contact the Sheriff via telephone for a reply.

Community Volunteer Program

Inmates that meet the criteria for promotion to level 2 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 level 3 and are within 12 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

All off site job assignments are limited to incentive wage jobs that are supervised by Department of Correction staff and do not violate the restrictions established in Section IX Restrictions: C. Employment and Volunteer Restrictions and D. Baby Sitting Service Prohibition of the North Carolina Sex Offender and Public Protection Registration Programs.

.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(a))
- 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.


Director of Prisons Date

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North Carolina Department of Correction Division of Prisons

Division Agreement

Name: _____ **OPUS #:** _____ **Location:** _____

Crime(s): _____ **Sentence Length:** _____

Admission Date: _____ **Release Date:** _____ **Parole Elig:** _____

Infractions / Most Recent: _____

I. TERMS OF AGREEMENT

The Division of Prisons agrees to honor the terms outlined in this agreement contingent upon the participants abiding by the terms of the agreement and maintaining an infraction free record for the term of the agreement. The participant agrees to honor the terms of the agreement and maintain an infraction free record for the duration of the agreement. **Participation on community based programs is contingent upon a favorable investigation.**

CUSTODY PROMOTION SCHEDULE	DATE	FACILITY
Medium		
Minimum I		
Minimum II		
Minimum III		

PROGRAM TYPE	PARTICIPATION SCHEDULE
ABE/GED	
Vocational Courses	
Substance Abuse (Specify)	
A.	
B.	
Cognitive Behavior Intervention	
Human Resource Development	
Community Volunteer Leave (If Able)	
Work Release	
Home Leave	
Study Release	
Other Programs	

II. The Undersigned Participant has read and understands the terms set forth in this agreement. I fully acknowledge that I must abide by all rules and regulations of the Department of Correction and Division of Prisons or this agreement will be void.

(Participant)

(Date)

III. The Undersigned staff of the Division of Prisons has reviewed this document and agrees with the terms outlined within.

(Case Manager)

(Date)

(Facility Administrator)

(Date)

(Region Director)

(Date)



North Carolina Department of Correction
Division of Prisons

Beverly Eaves Perdue
Governor

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Alvin W. Keller Jr.
Secretary

Robert C. Lewis
Director of Prisons
Date _____

_____ County Sheriff's Department
Sheriff _____
_____, NC _____

Dear Sheriff _____,

The Division of Prisons is in the process of considering granting access to community based programs to Inmate _____, Number _____ who is currently housed at _____ Correctional _____. Inmate _____ is currently serving ____ year(s) ____ month(s) sentence for _____. Inmate _____ has a projected release date of _____ and is preparing for his / her for release from prison.

Preparing inmates for a successful return to the community is a major component of our transition services. Inmates that meet certain criteria are eligible to participate in community based programs to help ease their transition back into the community. Initially, the inmate would be eligible for consideration for the community volunteer leave program and eventually the work release program. The community volunteer program would allow the inmate to attend approved activities in the community with an approved sponsor. The leaves have a maximum duration of 6 hours and inmates can be approved for up to 3 leaves per week. The inmate could be considered for work release during the last 12 months of the sentence. The approval for work release would allow the inmate to obtain a job with a community employer to assist in paying restitution and fines and assist in their ability to obtain necessary resources upon release.

It is the policy of the Division of Prisons to contact the Sheriff in the community where these activities will occur. This inmate is a sex offender that is required to register upon release. Although he / she will not be released at this time, if approved he / she will be participating in activities in the community. We would like to know if this inmate can register with your office since the activities would be occurring in your community. Additionally, we welcome your views regarding the inmate's participation. The Division of Prisons respects your opinion and will review it closely in making its decision in this matter. Every effort will be made to keep your response confidential.

A decision in this matter will be delayed for 30 days in order to give you an opportunity to respond. Please mail your reply to _____, _____ at _____

Thank you for your attention in this matter.

Sincerely,

CC: Inmate File

Community Volunteer Sponsor

Notification

As part of my training to become a community volunteer I have been advised that the State of North Carolina has enacted legislation that established parameters for inmates convicted of certain sexual offenses. I have agreed to sponsor inmate _____ and am aware that he / she is classified as a sex offender. Inmates classified as sex offenders are prohibited from:

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.

Additionally, inmates classified as sex offenders are prohibited from accessing the internet to include the ability to view internet screens, access any email system, any social networking sites, instant messaging, chat rooms or message boards.

The staff at _____ has made me aware that violation of any of these prohibitions will result in my being terminated as a community volunteer. I fully understand that under no circumstances am I allowed to take the inmate to any of the prohibited locations or to allow them access to the internet.

(Volunteer Signature)

(Date)

(Facility Representative)

(Date)

cc: Volunteer
Volunteer File

Work Release Employer / Transporter

Notification

As part of my training to become a work release employer / transporter I have been advised that the State of North Carolina has enacted legislation that established parameters for inmates convicted of certain sexual offenses. I have agreed to provide employment / transportation to inmate _____ and am aware that he / she is classified as a sex offender.

Inmates classified as sex offenders are prohibited from instructing, supervising, or caring 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.

Additionally, inmates classified as sex offenders are prohibited from going to the following 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.

The staff at _____ has made me aware that violation of any of these prohibitions will result in my being terminated as a work release employer / transporter. I fully understand that under no circumstances am I allowed to take the inmate to any of the prohibited locations or to allow them access to the internet.

(Employer / Transporter Signature)

(Date)

(Facility Representative)

(Date)

cc: Employer / Transporter
Work Release File