



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

Chapter: C
Section: .2600
Title: **Advanced Supervised
Release (ASR)**
Issue Date: 09/19/12
Supersedes: New Policy

POLICY & PROCEDURES

.2601 PURPOSE

Advanced Supervised Release (hereafter referred to as ASR term) is a program developed and initiated as part of the Justice Reinvestment Act of 2011 (SL 2011-192). The program allows sentenced offenders in certain felony classes to serve a term lower than their court imposed sentence required by statute (hereafter referred to as non-ASR term) if agreed upon by appropriate parties prior to the offenders' admission to the Department of Public Safety's Division of Adult Correction. To justify the early release the inmate will be required, while incarcerated, to participate in certain risk-reduction programs and maintain a defined level of positive behavior in accordance with this and other Prisons' policies. Inmates who fail to adhere to the terms of the ASR program will be removed from the program and will serve their court imposed non-ASR term.

.2602 PROCEDURES

- (a) ASR participating inmates will be evaluated for, their eligibility determined and ordered for participation in the program at the time of sentencing in their county of conviction. ASR participating inmates will be admitted into North Carolina Prisons in accordance with existing procedures for all newly admitted inmates.
- (b) ASR participating inmates' judgment and commitment papers (AOC Form 601) will indicate ASR status. These papers will specify both the court imposed non-ASR term and the ASR prescribed flat sentence term.
- (c) ASR participating inmates will undergo admission processing in accordance with existing North Carolina Prisons policies and procedures. At the conclusion of admission processing, the Case Analyst will complete the Initial Classification Action and the inmate will be classified and designated for housing in accordance with Prisons policy C.0100, Classification Process.

.2603 INMATE ASSIGNMENTS

- (a) Once an ASR participating inmate completes Admission Processing, every effort will be made for that inmate to participate in necessary Correctional Risk Reduction Incentives based upon risk score and identified criminogenic needs as determined by the Interim Service Priority Level Static Assessment for ASR Inmates. When possible and, as necessary, the inmate will participate in individually prescribed Risk Reduction Incentives that are categorized as Programs (based on Evidence Based Practices), Services and/or Activities. If through no fault of their own inmates can not participate in

the recommended Correctional Risk Reduction Incentives, then they will remain in the ASR sentence track and be released according to that track. Otherwise, inmates will be expected to make reasonable progress towards fulfillment of the ASR Agreement.

- (b) Inmates admitted to North Carolina Prisons to serve ASR terms may or may not have received specific court recommendations for certain programs as a part of their ASR program participation. If the sentencing court has made specific recommendations for program participation, these recommendations will be evaluated by Diagnostic Center staff to determine if it will be necessary, appropriate, and possible for the inmate to participate in said programs. From this information and in conjunction with the Case Factor score of the inmate, the initial custody classification action will be generated, and appropriate recommendations for custody, assigned unit and program participation will be made by the assigned Case Analyst. In addition to this initial custody classification action, the Case Analyst will document that the inmate has an ASR sentence using the IP61 Sig Issue/Case Mgt. Notes screen in OPUS using code "71" for "ASR Notes".

.2604 TRACKING OF ASR PROGRAM PARTICIPATING INMATES

- (a) Upon completion of Admission Processing, ASR participating inmates will be transferred for housing in accordance with applicable policy based on their custody designation. The ASR participating inmate who has arrived at an assigned facility will be assigned a Case Manager who will initiate the Case Management process. The process will be the same as would be done with any inmate within North Carolina Prisons. Additionally, the Case Manager will request an Interim Service Priority Level Static Assessment for ASR inmates from designated staff within the Office of Research and Planning via their Region/Command Programs Services Coordinator. The assigned Case Manager will utilize the results of the Interim Services Priority Level Static Assessment in conjunction with other considerations or barriers in order to develop the ASR Agreement. The ASR Agreement shall be documented using the IP59 Case Management Assessments/Plans screen in OPUS. The results of the assessment will dictate the Programs, Services, and/or Activities (Risk Reduction Incentives) that will be required in order to fulfill the terms of the ASR Agreement. The Case Manager will advise the ASR inmate of the program expectations and orient the inmate to the specifics of the program. This includes not only program participation expectations but also behavioral expectations and the processes in place should the inmate become disqualified from participation in the program. All inmates will acknowledge orientation by signing a printed ASR Agreement. The inmate will receive a copy and the original shall be placed in the inmate's unit field jacket. The Case Manager will document this and all future ASR related Case Management notations using the IP61 Sig Issue/Case Mgt. Notes screen in OPUS using code "71" for "ASR Notes".

.2605 SUMMARIZATION OF ASR PROGRAM PARTICIPATION

- (a) Summarization of the ASR program is required as an inmate's ASR sentence is expiring or immediately upon an inmate's disqualification from the ASR program. The Case Manager must document the inmate's progress or lack thereof on the IP61 Sig Issue/Case

Mgt. Notes screen in OPUS using code “72” (ASR Summary) note. The summary must address the ASR Agreement by detailing programming components that were completed and those that were not. An explanation as to why ones were not completed should be included in the summary. In the case of disqualification from the ASR program the summary must list why the inmate was removed. The ASR Summary Case Management note must be completed within two weeks of the inmate’s anticipated release from the Department of Public Safety or within two weeks following disqualification.

.2606 CASE MANAGEMENT FOR ASR

All inmates with an ASR sentence shall be provided with case management under the same framework as all other inmates (see Chapter C.1400 Case Management) along with the following requirements:

(a) Initial Contact

- (1) The Case Manager will meet personally with the inmate and introduce themselves.
- (2) The Case Manager will discuss the ranged sentence and the ASR term with the inmate along with disqualification factors.
- (3) The Case Manager will instruct the inmate to sign the Advanced Supervised Release Program form. A copy will be provided to the inmate and the original placed in the inmate’s unit field jacket.

(b) Interim Service Priority Level Static Assessment

The purpose of the Interim Services Priority Level Static Assessment is to identify the criminogenic needs, barriers and special characteristics of the inmate. This information will be utilized to form the ASR Agreement.

After the inmate has completed processing and transferred to a facility, the initial Case Manager will request a completed Interim Services Priority Level Static Assessment.

- (1) The Case Manager will contact the Region Program Coordinator.
- (2) The Region Program Coordinator will notify the Office of Research and Planning/Office of Transitional Service that an Interim Service Priority Level Static Assessment is needed for the inmate.
- (3) Research and Planning/Office of Transitional Service will send a completed Interim Services Priority Level Static Assessment to the Case Manager

(c) ASR Agreement

The ASR agreement is an agreement that is formed between a Case Manager and ASR inmate. The agreement targets Programs, Services and Activities that the inmate will participate in while serving the ASR sentence. The Programs, Services and Activities are offerings that will address the criminogenic needs, barriers and special characteristics identified on the Interim Service Priority Level Static Assessment.

The Case Manager will view the Interim Service Priority Level Static Assessment and target each need/barrier/special characteristic with a Program, Activity and/or Service. The Agreement must be realistic and reasonable. The Case Manager will develop the Agreement in a timely manner. Certain factors will be taken into account prior to developing the Agreement. Those factors are:

- (1) Sentence Length – an inmate must have enough time remaining on his/her sentence to complete components.
- (2) Custody Level – the inmate must be able to complete components based on custody level/progression.
- (3) Service Priority Level (SPL) - the inmate’s SPL determines the priority level for assignment to recommended Programs, Services, and Activities needed.
 - (A) Level I & II - (High Priority) - agreement will have Programs/Services/Activities to address needs and barriers.
 - (B) Level III - (Moderate Priority) - agreement may have Programs but generally consist of Services and Activities.
 - (C) Level IV & V - (Minimal Priority) - agreement will consist primarily of Services and Activities.
- (d) OPUS Case Notes Documentation

The Case Manager will document all notes using the IP61 Sig Issue/Case Mgt. Notes screen in OPUS using code “71” for “ASR Notes”. The following notes are required.

- (1) Initial Case Manager Duties (1st assigned case manager)
 - (A) Enters a case note documenting a discussion was held with the inmate explaining the ASR term and the court imposed non-ASR term.
 - (B) Enters a case note documenting the inmate signed the ASR Program form, and a copy was given to inmate, and the original placed in the unit field jacket.
 - (C) Enters a case note documenting an Interim Service Priority Level Static Assessment was requested.

- (D) Enters a case note documenting that the Interim Service Priority Level Static Assessment was received.
- (E) Enters a case note outlining the results of the Interim Service Priority Level Static Assessment to include the SPL and targeted Programs/Services/Activities.
- (F) Enters subsequent notes documenting progress or lack thereof concerning the ASR agreement.

(2) Subsequent Case Manager(s)

All subsequent Case Managers will follow the agreement established by the Initial Case Manager and continue to document progress or lack thereof concerning the ASR agreement.

(e) OPUS Documentation of Agreement

In order to create the Agreement for signature and for monitoring of participation in the Agreement components, the initial Case Manager will enter the Programs/Services/Activities using the (IP59/IP66) Case Management Assessment Plan screens in OPUS.

(1) Initial Case Manager Duties (1st assigned case manager)

- (A) Enters all components under the appropriate life areas using the IP66 Case Management Plan screen in OPUS.
- (B) Places a “Y” under the ASR field to indicate that the component is part of the ASR Agreement.
- (C) Prints a copy of ASR Agreement from the IP59 Case Management Assmt/Plan screen.
- (D) Completes top portion of form (needs, barriers, SPL).
- (E) Witnesses inmate’s signature on ASR Agreement
- (F) Gives signed copy of the agreement to the inmate and files the original in the unit field jacket.

(2) Subsequent Case Manager/Monitoring Duties

- (A) Monitors agreement progress or lack thereof.

- (B) Documents progress or lack thereof in OPUS.
- (C) Ensures inmate is able to complete components (this may require transfers to other facilities for placement in the targeted components).

(f) Agreement Modifications

It may be necessary to modify an agreement if targeted components are no longer offered and substitutions need to be made. This action is critical. If a substitution is warranted, the Case Manager must meet with the inmate to discuss the substitution prior to modification and signing of the revised agreement. The Case Manager will need to:

- (1) Enter new Program/Service/Activity using the IP66 Case Management Plan screen in OPUS.
- (2) Enter "N" on the component that is being stricken from the Agreement (must enter comment as to why this action is being done).
- (3) Prints a copy of the revised ASR Agreement from the IP59 Case Management Assmt/Plan screen.
- (4) Completes top portion of form (needs, barriers, SPL).
- (5) Witnesses inmate's signature on the revised ASR Agreement.
- (6) Gives signed copy of the agreement to the inmate and files the original in the unit field jacket.
- (7) Enter Case Management ASR Notes "71" using the IP61 Sig Issue/Case Mgt. Notes screen in OPUS to document the modification and reason(s) for it.

(g) Agreement Monitoring

The inmate's participation as per the Agreement must be monitored by the Case Manager and supervising staff at the housing facility. Monitoring for compliance is imperative. The purpose of monitoring is to ensure that the inmate is successful and that every effort is being made to ensure adherence to ASR statutory mandates.

- (1) Monitoring can be accomplished by using the Case Manager's Roster on the WEB.
 - (A) The Agreement can be viewed on the Case Manager's roster.
 - (B) The Agreement will be highlighted in RED 60 days from the expiration of the ASR sentence to alert the Case Manager of the need to view the Agreement.

- (C) The alert will be a prompt for the Case Manager to address any components that are still outstanding.
 - (D) Any components not acted upon must be addressed. (this may require transfers to other facilities for placement in the targeted components)
- (2) Monitoring can also be accomplished by using the Case Assessment/Plan IP59 screen and displaying the Agreement. There are no alerts to prompt monitoring with this option. The Agreement will display the open components to be addressed.
- (h) Final Progress Note Concerning Agreement (Summarization)

At least two weeks before expiration of the ASR sentence, the Case Manager will enter a final progress note using the IP61 Sig Issue/Case Mgt. Notes screen using code "72" (ASR Summary Note). The ASR Agreement notifier on the Case Manger's Roster screen on the WEB will be highlighted to prompt this final note. The Case Manager's Roster on the web will be highlighted in RED 60 days from the expiration of the ASR sentence to alert the Case Manager of the need to view the Agreement. This alert will also indicate that the Case Manager will need to review the Agreement for open components that were not addressed. Anything that is open will need to be closed out.

- (1) The final note will include the following:
- (A) Service Priority Level
 - (B) Criminogenic needs/barriers/special characteristics
 - (C) Programs/Services/Activities identified on the Agreement
 - (D) Progress/participation on each identified Programs/Services/Activities
- (i) Finalizing the Agreement
- Using the IP66 Case Management Plan screen in OPUS the follow items must be addressed to finalize the ASR Agreement.
- (1) All open components that do not have a closed or assigned status must be addressed.
 - (2) Status for unaddressed components should be "No Fault of Their Own" (NFO) if applicable.
 - (A) Since ASR Agreements are realistic and reasonable, the (NFO) status should not be used unless a legitimate reason or extenuating circumstances exists for the absence of assignment/participation in the component that is outstanding.

- (B) An (NFO) status will require a comment on the IP66 Case Management Plan screen in OPUS.

.2607 REMOVAL FROM ASR PROGRAM AND TERM

- (a) All inmates admitted to North Carolina Prisons as ASR program participants will be given the benefit of the reduced ASR term to serve unless they disqualify themselves during incarceration.
- (b) Upon admission to North Carolina Prisons, an ASR participating inmate will have all Sentence Credits and Penalties tracked for Release Data Calculation in OPUS. This ensures that an inmate who is removed from the ASR Program because of disqualification receives accurate sentence credits and penalties towards the non-ASR term imposed by the court.
- (c) The following factors may disqualify the inmate from the ASR program:
- (1) The inmate resigns from the ASR program.
 - (2) The inmate refuses to participate in the prescribed Risk Reduction Incentives.
 - (3) The inmate incurs any Class A disciplinary infraction.
 - (4) The inmate incurs a Class B1, B7, B9, B13, B15, B17 or B20 disciplinary infraction.
 - (5) The inmate incurs any combination of three or more infractions in a single month of incarceration.
- (d) If an inmate commits a disqualifying act, the assigned Case Manager can initiate a formal ASR disqualification action. Prior to initiating a disqualification action, the Case Manager will do the following if the inmate's disqualifying factors are based on policy .2605 (b) (1) or (2).
- (1) counsel the inmate of the pending action to encourage the offender to begin, continue, or cooperate with their designated ASR Agreement and
 - (2) consult with supervisory staff, up to and including the Facility Head. This ensures that the Facility Head endorses disqualification of the ASR Program for the inmate participant based on reasons noted.
- (e) If the inmate is removed from participation in the ASR program, he/she will be moved from the lowered flat sentence track and placed on the sentence she/he would have served but for court approval for ASR participation.

(f) Disqualification from an ASR Agreement

The process of initiating disqualification is as follows:

- (1) The Case Manager will discuss reason(s) for disqualification with the Facility Head.
- (2) If the Facility Head agrees with reason(s), the Case Manager will notify the inmate that a disqualification/removal is being initiated and explain the reason(s).
- (3) The Case Manger will document the conversation/explanation with the inmate in a case management note using type code "71".
- (4) The Case Manager will enter an OT61 Sentence Credit action that will include:
 - (A) type
 - (B) reason and;
 - (C) comments to support the initiation for disqualification
- (5) The Facility Head will complete the Facility approval section on the OT61 screen.
 - (A) If denied, the disqualification request ends. A comment to support the denial must be entered.
 - (B) If approved, comments must be entered to support reasons for approving disqualification. An approval from the Facility Head will automatically route the action to Prisons Administration for Section Level review.
- (6) The Prisons Assistant Section Chief for Support Services or designee will complete the Section Level approval on the OT61 screen.
 - (A) If denied the disqualification request ends. A comment to support the denial must be entered.
 - (i) The Case Manager will continue to supervise the Agreement.
 - (ii) If modifications are needed based upon denial of disqualification, the Case Manager should follow the modifications section of this policy.
 - (B) If disqualification is approved, the inmate will automatically be reverted to the non-ASR term on the Judgment and Commitment. Comments must be entered to support reasons for approving disqualification.
 - (i) The Case Manager will meet with the inmate and complete the Removal and Appeal Form.

- (ii) The Case Manager must record all components with their statuses on the form.
 - (iii) The Case Manager must indicate the reason(s) for removal from the ASR sentence.
 - (iv) The Inmate must sign the Removal and Appeal Form.
 - (v) The Case Manager will sign the Removal and Appeal Form.
 - (vi) The Case Manager must give a copy of the Removal and Appeal Form to the inmate and file the original in the inmate's unit field jacket.
- (C) The Case Manager will enter a Case Management ASR Note on the IP61 Sig Issue/Case Mgt. comment in OPUS using note type "71" to document the removal and reason for removal.

(g) Appeal of Disqualification

When an inmate has been disqualified they will be allowed to appeal the decision to the Prisons Section Chief or his/her designee.

- (1) When the Case Manager meets with the inmate advising them of their disqualification from the ASR program, the inmate may indicate their wish to appeal on the ASR Removal and Appeal form.
- (2) If the inmate wishes to NOT appeal, the inmate and Case Manager will sign the ASR Removal and Appeal form. A copy of the ASR form will be given to the inmate and the original filed in the inmate's unit field jacket.
- (3) If the inmate wishes to appeal, the Case Manager will immediately forward the signed ASR form to the Prisons Assistant Section Chief for Support Services by fax or email.
- (4) The request for appeal will be forwarded to the Prisons Section Chief or his/her designee for review.
 - (A) The Prisons Section Chief may uphold the decision or overturn the disqualification decision.
 - (B) If the Prisons Section Chief overturns the disqualification, then the inmate will be returned to the ASR program, and his/her sentence adjusted accordingly.

- (C) In either case the ASR form will be returned to the Prisons Administration's ASR Program Coordinator (Correction Program Director III). The Prisons ASR Coordinator will notify the inmate and the Facility Head where the inmate is located of the appeal decision to continue or reverse disqualification and document the notification on the IP61 Sig Issue/Case Mgt. comment in OPUS using note type "71".
- (D) A copy of the ASR form with the appeal decision will be sent to the facility where the inmate is housed. The Case Manager will give a copy of the ASR form to the inmate and file a copy in the inmate's unit field jacket.
- (E) The appeal decision by the Prisons Section Chief or his/her designee is considered final.


Prisons Section Chief Date

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Advanced Supervised Release Program

N.C.G.S. § 15A-1340.18 allows for advanced supervised release (ASR). The Division of Adult Correction is authorized to create risk reduction incentives consisting of treatment, education, and rehabilitative programs. The incentives shall be designed to reduce the likelihood that the offender who receives the incentive will reoffend. The judge, prosecutor, and defense agree that upon completion of specific risk reduction incentives outlined by the Division of Adult Correction, the offender will be released under Post-Release Supervision earlier than the adjudged date. If sentenced to a presumptive range term, the ASR term required to be served will be flat minimum term for the corresponding lower end of the mitigated range sentence. If sentenced to a mitigated range term, the ASR term will be eighty percent (80%) of the minimum sentence imposed in the mitigated range.

Upon admission to prison, each inmate designated by the court as eligible for ASR will receive information regarding the ASR program and their individual ASR requirements. Inmates will be advised of their ASR requirements and ASR term and will sign the ASR Agreement.

If, through no fault of the inmate, the inmate is unable to complete the risk reduction incentives set by the Division of Adult Correction, the inmate will be released in accordance with the ASR term. If inmates are removed from the ASR program, the prison release date will be calculated based on the court imposed non-ASR sentence they received as indicated on their judgment and commitment form(s). Reasons for removal from the program may include:

- Resignation from the program
- Refusing to participate in the prescribed ASR related programs
- A finding of guilt for any Class A disciplinary infraction
- A finding of guilt for a Class B1, B7, B13, B15, B17 or B20 disciplinary infraction
- Being found guilty of any combination of three or more infractions within a one month period

I have read or have had read to me the information regarding Advanced Supervised Release and fully understand and agree to the program.

Inmate Signature

Date

Witness

Date

Distribution: Original-Unit Field Jacket
Copy-Inmate
Copy-Case Manager

ADVANCED SUPERVISED RELEASE REMOVAL AND APPEAL FORM

Date: _____

Staff ID: _____

Inmate Name: _____

OPUS No.: _____

Facility: _____

A.S.R. Release Date: _____

Reason(s) For Removal From ASR Program

Resignation:

Refusal To Participate:

Class A Disciplinary:

Class B1 Disciplinary:

Class B7 Disciplinary:

Class B9 Disciplinary:

Class B13 Disciplinary:

Class B15 Disciplinary:

Class B17 Disciplinary:

Class B20 Disciplinary:

Any Three Or More Infractions In One Month:

I acknowledge having been advised of the above reasons for my having been disqualified from participation in the Advanced Supervised Release Program. I can appeal this decision by indicating below.

Inmate Name: (Print): _____ **Inmate Signature:** _____ **Date:** _____

I **DO NOT** wish to appeal my Disqualification from the Advanced Supervised Release Program:

I wish to appeal my Disqualification from the Advanced Supervised Release Program:

Inmate Signature: _____

Date: _____

Case Manager Signature: _____

Date: _____

Comments: _____

After having reviewed this case it is my decision to:

UPHOLD the decision to Disqualify the Inmate from the ASR Program.

REINSTATE the inmate to the ASR program.

Prisons Section Chief

Date