

NORTH CAROLINA
COMMUNITY AND INTERMEDIATE SANCTIONS HANDBOOK
FOR
COURT OFFICIALS AND COMMUNITY CORRECTIONS AGENCIES

U.S. Department of Justice
National Institute of Justice

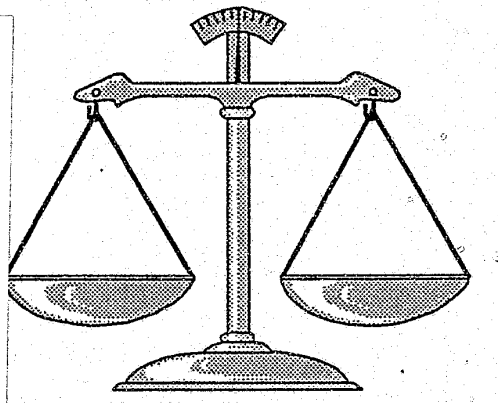
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Community Corrections Targeting Advisory Group

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INTRODUCTION

The Structured Sentencing Act (SSA) adopted by the North Carolina General Assembly establishes new policies for sentencing misdemeanor and felony offenders in North Carolina. The new law prioritizes jail and prison resources for violent and career offenders and channels non-violent, non-career offenders into community-based sanctions. Under Structured Sentencing, judges will have an array of community and intermediate punishment options to select from when sentencing offenders. However, community and intermediate sanctions resources are limited and therefore it is essential that courts and community corrections agencies utilize these resources effectively and efficiently. This may be accomplished by prioritizing specific community and intermediate sanctions for eligible offenders.

This Handbook provides a set of **advisory** policies for matching offenders who receive a suspended sentence to community-based sanctions. Focusing on three objectives - punishment, risk control and reparation - these policies identify offenders best suited for certain community and intermediate sanctions. However, the court retains discretion to use any authorized community or intermediate sanction. The recommendations in the Handbook provide an avenue for further prioritizing the use of limited community corrections resources.

The concept of developing policies to target offenders for community and intermediate sanctions initially came from the Community Corrections Subcommittee of the North Carolina Sentencing and Policy Advisory Commission. As a result of this concern, the Administrative Office of the Courts received a grant from the State Justice Institute in September, 1993 to study (within the framework of Structured Sentencing) techniques for targeting offenders for various community corrections programs, and strategies for moving offenders within a continuum of community corrections programs.

A nineteen-member Community Corrections Targeting Advisory Group was created, consisting of six members of the Sentencing Commission, superior and district court judges, district attorneys, defense attorneys, victims, and representatives from community corrections programs. The Advisory Group met monthly between October, 1993 and June, 1994. During this nine-month period, the Advisory Group:

- Examined methods and policies for targeting offenders for specific community corrections programs, including sentencing policy models and administrative agency policy models;
- Explored procedures and policies for moving offenders within a range of graduated community corrections programs; and,
- Developed advisory policies for the court and community corrections agencies to use in targeting offenders for community and intermediate sanctions.

Following extensive work, the Advisory Group decided to create a Community and Intermediate Sanctions Handbook as the format for presenting these advisory policies. The Handbook is an advisory document for court officials and community corrections agencies which identifies priority offender populations for various community and intermediate sanctions and combinations of sanctions. Prioritizing the use of limited community corrections resources is yet another step toward allocating resources in a rational, effective manner and thereby improving the criminal justice process in North Carolina.

ORGANIZATION OF HANDBOOK

The Community and Intermediate Sanctions Handbook is designed to be a sentencing resource document for the court and community corrections agencies. It is designed to be used as an aid in setting the conditions of a suspended sentence under the Structured Sentencing Act. The Handbook is divided into two major parts.

Part I includes four sections. Section A details the Advisory Group's vision statement, guiding principles for utilizing community-based punishments, objectives for imposing community and intermediate sanctions, and definitions of these sanctions. Section B describes policy decisions for targeting offenders for community and intermediate sanctions. Section C includes policy decisions for targeting substance abusing offenders for treatment services. Section D provides recommendations for moving offenders within a graduated range of sanctions.

Part II provides a 5 step process for matching offenders to specific community and intermediate sanctions. These steps are designed to be used by judges and community corrections agencies when sentences are being imposed.

The **Appendix** includes brief descriptions of existing community corrections resources in North Carolina.

PART I

- **Section A**

Vision Statement

Guiding Principles

Policy Objectives

Sanction Definitions

Special Probation Conditions

- **Section B**

Offender Targeting Policies

- **Section C**

Substance Abusing Offender Policies

- **Section D**

Graduated Range of Sanctions Policies

SECTION A

VISION STATEMENT

The goal of the Community Corrections Targeting Advisory Group is to achieve a safe, law-abiding, and just society.

GUIDING PRINCIPLES

Community and intermediate sanctions should be:

- Fair - In order to promote fairness and equity, offenders convicted of similar crimes with similar criminal histories should receive similar sanctions.
- Parsimonious - Initially, the court should impose the least intrusive and intensive sanction; before revoking the suspended sentence and activating the sentence in response to a probation violation, the court should impose more intense and intrusive community-based sanctions.
- Cost efficient - Due to limited correctional resources, the court should impose the least costly sanction that is appropriate.

POLICY OBJECTIVES OF COMMUNITY AND INTERMEDIATE SANCTIONS

When imposing community and intermediate sanctions, the court should strive to achieve three objectives:

- Punishment - The punishment or retribution for the offense should be proportionate to the seriousness of the crime for which the offender is convicted.
- Risk control - The level of risk control intervention or supervision to reduce the probability that the offender will commit another crime should be proportionate both to the threat to public safety that the offender presents and the offender's rehabilitative/habilitative needs.
- Reparation - The type and amount of reparation or redress should be proportionate to the harm sustained by the victim (monetary restitution) or the harm sustained by the community (community service).

SANCTION AND SPECIAL PROBATION CONDITION DEFINITIONS

In order to impose community-based sanctions consistently and fairly, it is important to clearly define each sanction and special condition of probation. The Advisory Group agreed on the following sanction definitions (listed in order of most restrictive/intrusive to least restrictive/intrusive):

- Split Sentence/Special Probation: An intermediate punishment which requires a period or periods of imprisonment in a prison or jail during the period of probation (total imprisonment may not exceed 25% of maximum sentence or 6 months, whichever is less). May include special conditions such as recommendation for work release or serving the active term in an inpatient facility.
- IMPACT (Boot Camp)/Special Probation: A form of special probation/split sentence which requires offenders to reside in a quasi-military residential program for 90-120 days. Eligible offenders are between the ages of 16 and 25, convicted of a Class 1 misdemeanor or a felony, medically fit with no previous active sentence in excess of 120 days prior to SSA/30 days under SSA.
- Residential Facility: An intermediate punishment which requires offenders to reside in a facility for a specified continuous period of time in order to participate in activities such as counseling, treatment, social skills training, or employment training, conducted at the residence or at other specified locations.

- Day Reporting Center: An intermediate punishment which requires mandatory attendance at a facility on a daily or otherwise regular basis at specified times for a specific length of time in order to participate in activities such as counseling, treatment, social skills training, or employment training.
- Intensive Supervision Probation: An intermediate punishment which requires close supervision in order to remain in the community pursuant to a community penalties plan, community work plan, community restitution plan, or other plan of rehabilitation.
- House Arrest: An intermediate punishment to limit the geographical freedom of an individual to his or her residence during specified periods of time. It may or may not be accompanied by electronic monitoring.
- Regular Probation: A community punishment which imposes certain conditions and which requires supervision by a probation officer.
- Unsupervised Probation: A community punishment which imposes certain conditions but does not require supervision by a probation officer.

SPECIAL CONDITIONS OF PROBATION

- Electronic Monitoring: Surveillance technology used as a means of monitoring compliance with the terms of regular probation or intensive supervision probation.
- Drug Testing: Urinalysis testing to monitor drug use and compliance with conditions of probation.
- Rehabilitation Programs: Conditions of probation designed to restore the offender to a productive life through involvement in educational programs, job training and vocational programs, and counseling and treatment.
- Fine: A financial penalty based on the crime which was committed.

SECTION B

OFFENDER TARGETING POLICIES

OBJECTIVE 1 - TYPE OF PUNISHMENT

Under Structured Sentencing, sentence dispositions have been grouped into one of three categories: an active sentence, an intermediate punishment, or a community punishment.

- An **active sentence** is a sentence to serve time in the state prison system (sentence of over 90 days) or in a local confinement center (90 days or less).
- An **intermediate punishment** is a suspended term of imprisonment with a sentence to supervised probation which must include at least one of the following conditions: intensive supervision probation, a day reporting center, house arrest/electronic monitoring, a residential facility, special probation/split sentence (including IMPACT), or a Community Penalties Plan accepted by the judge.
- A **community punishment** is a fine and/or a suspended term of imprisonment with a sentence to unsupervised or supervised probation which may include community service, restitution, out-patient counseling, or T.A.S.C. (Treatment Alternatives to Street Crime).

Charts I and II show the portions of the Felony and Misdemeanor Structured Sentencing Grids in which intermediate or community punishments may be imposed (shaded areas represent an active sentence only).

The presumptive dispositions in the grid are based on a combination of the seriousness of the crime and the offender's prior record level. In certain cells on the grid, only one disposition is allowed, in other cells, the court has the option to choose between dispositions. In the cells where more than one disposition is allowed, the disposition listed first is the priority recommendation.

CHART I - FELONY INTERMEDIATE AND COMMUNITY PUNISHMENT CHART

	I	II	III	IV	V	VI
E	INTERMEDIATE PUNISHMENT	INTERMEDIATE PUNISHMENT				
F	INTERMEDIATE PUNISHMENT	INTERMEDIATE PUNISHMENT	INTERMEDIATE PUNISHMENT			
G	INTERMEDIATE PUNISHMENT	INTERMEDIATE PUNISHMENT	INTERMEDIATE PUNISHMENT	INTERMEDIATE PUNISHMENT		
H	COMMUNITY PUNISHMENT OR INTERMEDIATE PUNISHMENT	INTERMEDIATE PUNISHMENT	INTERMEDIATE PUNISHMENT	INTERMEDIATE PUNISHMENT	INTERMEDIATE PUNISHMENT	
I	COMMUNITY PUNISHMENT	COMMUNITY PUNISHMENT OR INTERMEDIATE PUNISHMENT	INTERMEDIATE PUNISHMENT	INTERMEDIATE PUNISHMENT	INTERMEDIATE PUNISHMENT	INTERMEDIATE PUNISHMENT

CHART II - MISDEMEANOR INTERMEDIATE AND COMMUNITY PUNISHMENT CHART

CLASS	PRIOR CONVICTION LEVELS		
	I	II	III
	No Prior Convictions	One to Four Prior Convictions	Five or More Prior Convictions
1	COMMUNITY PUNISHMENT	COMMUNITY PUNISHMENT OR INTERMEDIATE PUNISHMENT	COMMUNITY PUNISHMENT OR INTERMEDIATE PUNISHMENT
2	COMMUNITY PUNISHMENT	COMMUNITY PUNISHMENT OR INTERMEDIATE PUNISHMENT	COMMUNITY PUNISHMENT OR INTERMEDIATE PUNISHMENT
3	COMMUNITY PUNISHMENT	COMMUNITY PUNISHMENT OR INTERMEDIATE PUNISHMENT	COMMUNITY PUNISHMENT OR INTERMEDIATE PUNISHMENT

OBJECTIVE 2 - LEVEL OF RISK CONTROL

Risk control may be achieved by intervening in an offender's life in ways that reduce the probability that he or she will commit another crime. The level of risk control provided by a community-based sanction depends on its restrictiveness, intrusiveness, and intensity. To determine the appropriate level of risk control the court needs information on:

- (1) the seriousness of the crime,
- (2) the offender's prior record level, and
- (3) the offender's rehabilitative needs, such as substance abuse treatment or employment.

Chart III reflects the Advisory Group's ranking of the level of risk control provided by various sanctions, in order of least restrictive to most restrictive.

CHART III - RISK CONTROL SANCTIONS

PROBATION SUPERVISION LEVELS (IN ORDER OF LEAST TO MOST RESTRICTIVE)	ADDITIONAL RISK CONTROL CONDITIONS (IN ORDER OF LEAST TO MOST RESTRICTIVE)	REHABILITATIVE/HABILITATIVE RISK CONTROL CONDITIONS (BASED ON INDIVIDUAL OFFENDER NEEDS)
Unsupervised Probation (Unsup. Prob.)	Day Reporting Center (Day Rpt. Ctr.)	Substance Abuse Treatment
Regular Probation (Reg. Prob.)	House Arrest	Mental Illness Treatment
Intensive Supervision Probation (ISP)	Residential Facility (Resid. Fac.)	Employment Assistance
	Split Sentence (Including IMPACT Boot Camp)	Educational Services

OBJECTIVE 3 - REPARATION

It is the responsibility of the court to determine the type and amount of reparation or redress appropriate in individual cases. Reparation consists of restoring, to the extent possible, the victim and the community to a pre-crime status. Offenders are required to accept responsibility for the crimes they have committed and to make amends for the harm caused by their actions.

Victim Restitution Principles

The Advisory Group believes that victim restitution is a priority and should be ordered in every appropriate case. Victim restitution should be imposed fairly and consistently. Victims need the opportunity to claim all relevant losses but should not be "victimized" a second time by raising their expectations of restitution payments. Loss determination procedures should be based on factual evidence. Restitution orders should be shaped to the offender's ability to pay and should be revised if individual circumstances change. The court should enter, whenever possible, precise restitution orders which indicate the amount and terms of restitution, and specific consequences for non-compliance.

Victim Restitution Policies

- The court should consider ordering victim restitution when there is an identifiable victim who has suffered a monetary loss. In felony and serious misdemeanor cases, district attorneys should seek to obtain a victim impact statement. In determining the amount of restitution that is due, the court should consider the victim impact statement.
- Complete and accurate financial information about the offender should be presented at the time of sentencing so that the court can factually determine the offender's ability to pay victim restitution. If the offender is not initially able to pay victim restitution but his or her circumstances change, the court should be notified.
- Offenders should be expected to pay as much as possible at the time of sentencing. When partial payments are authorized, the court should instruct the probation officer to determine a payment schedule that is designed to collect the total amount due in the least amount of time, given the defendant's income and other expenses.
- At the time of sentencing, the court should specify a series of increasingly negative consequences for non-compliance with victim restitution including increasing contacts with the probation officer, moving to a higher level of probation supervision, extending the probation period, restricting licenses, and imposing electronic monitoring, community service work, up to 30 days of incarceration pursuant to contempt of court, or a split sentence.

Community Service Work Principles

The Advisory Group believes that community service work should be imposed to provide an offender with the opportunity to make amends to the community for an illegal act, never as a substitute for victim restitution. Community service work should provide offenders with an opportunity for a successful work experience. In certain cases, upon the joint recommendation of community service staff and probation staff, community service may be imposed in lieu of probation fees, fines, and court costs. Community service work should be imposed fairly and consistently, so that similar offenders receive a similar amount of community service work to complete in a similar amount of time. Whenever possible, the court should specify at the time of sentencing the number of community service work hours required, the completion period, and the consequences for failure to comply with the court order.

Community Service Work Policies

- Community service work should primarily be imposed as a condition of unsupervised probation and regular supervised probation.
- Community service work should primarily be reserved for misdemeanor property offenders, DWI offenders, and shoplifters, not for violent or career offenders.
- At the time of sentencing the judge should specify the amount and terms of community service work and the completion period, unless it is statutorily mandated. The Division of Victim and Justice Services recommends the following:
 - Class 3 Misdemeanants = Minimum of 20 hours (single offense) up to maximum of 40 hours (multiple offenses) to be completed within 3 months.
 - Class 1 and 2 Misdemeanants = Minimum of 35 hours (single offense) up to a maximum of 60 hours (multiple offenses) to be completed within 12 months.
 - H & I Felons = Minimum of 75 hours (single offense) up to maximum of 200 hours (multiple offenses) to be completed within 12 months.
- At the time of sentencing, the judge should specify a series of increasingly negative consequences for non-compliance with the community service order including increasing hours of community service work, imposing supervised probation, moving to a higher level of probation supervision, extending the probation period, restricting licenses, and imposing electronic monitoring, up to 30 days incarceration pursuant to contempt of court, or a split sentence.

SECTION C

SUBSTANCE ABUSING OFFENDER POLICIES

PRINCIPLES FOR TREATING SUBSTANCE ABUSING OFFENDERS

Based on current research findings, the Advisory Group believes that many criminal offenders are also substance abusers. These criminal offenders should be targeted for substance abuse treatment services in the community. Screening, assessment, treatment, risk control (including drug testing) and punitive sanctions should work together in one integrated system for substance abusing offenders.

In order to effectively target offenders for substance abuse services, screening and assessment for alcohol and drug abuse should operate at a variety of levels. The role of screening and assessment is to determine what approach is best for whom. Screening should be in place to determine if a substance abuse problem exists and a treatment assessment should be in place to determine what type of programmatic intervention is appropriate, such as long-term or short-term residential treatment, intensive or moderate outpatient treatment, chemical detoxification, or some other modality.

Substance abuse treatment for offenders should be based on:

- (1) the offender's risk of recidivism, including prior criminal history;
- (2) the severity of the offender's substance abuse treatment "need" as determined by standardized screening and assessment instruments which evaluate the extent and nature of the offender's abuse

of substances; and

- (3) the offender's responsivity to different types of services.

Responsivity can be increased by appropriately matching the offender to the level of treatment needed rather than by random assignment.

POLICIES FOR MATCHING OFFENDERS TO SUBSTANCE ABUSE TREATMENT

Based on an assessment of the level of risk of recidivism and treatment "need," the Advisory Group recommends the following policies:

- Priority for substance abuse treatment should be given to offenders at greatest risk of criminality who exhibit severe substance abuse.
- More intensive treatment services should be reserved for higher risk offenders because they respond better to intensive services, while lower risk offenders do as well or better with minimal level services.
- Offenders unsuitable for treatment, including those at lowest risk and the small group of offenders at most extreme risk for both criminality and substance abuse, should be screened out. Treatment benefits have been found to be negligible for these groups, regardless of the type of intervention.

Treatment Level Definitions

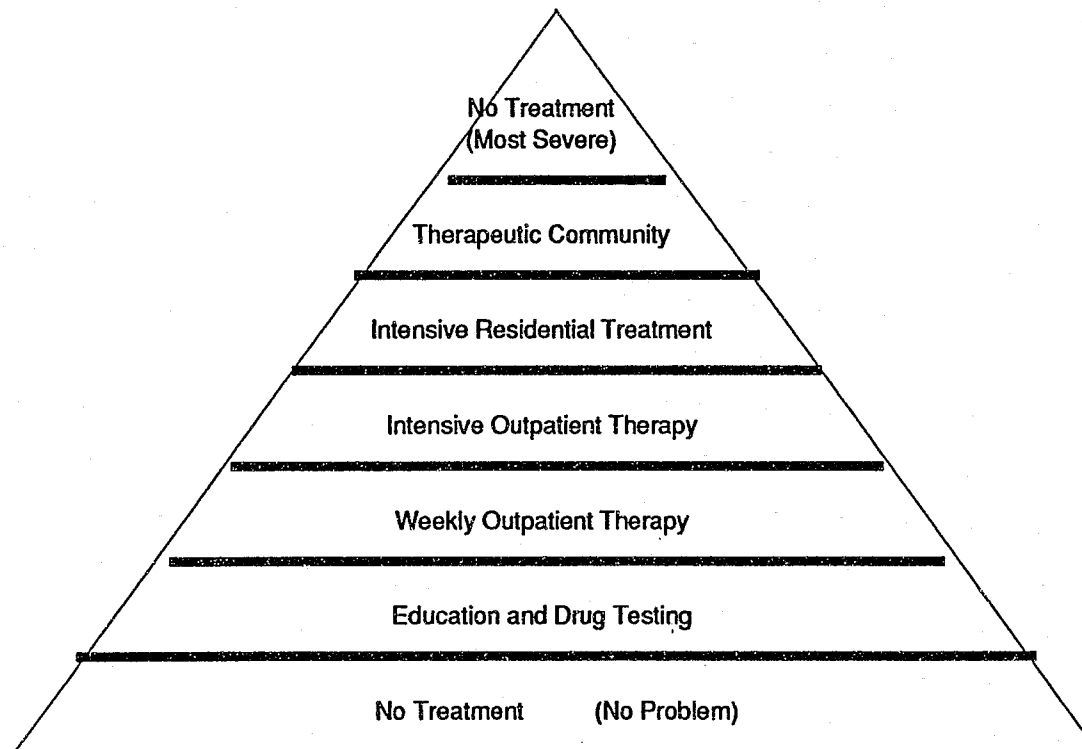
Chart IV defines levels of substance abuse treatment, from least to most intensive. The level of treatment should be based on an assessment of the offender's substance abuse and risk of criminal behavior.

- No treatment: for offenders with no diagnosis of abuse, dependence, or drug problems or for offenders for whom education and/or treatment has been recently completed or is not convenient or accessible.
- Education and intensified urines: for offenders with no abuse, dependence, or withdrawal symptoms for whom drug education would be beneficial.
- Weekly outpatient treatment, including methadone where appropriate: for offenders with no or mild withdrawal symptoms who have experienced no more than one consequence (such as excessive work absences) from their substance abuse.
- Intensive outpatient treatment: for offenders with admitted substance abuse, behavioral changes, and some physical problems who require more structured therapy than weekly outpatient treatment.
- Intensive residential treatment: for offenders with acute intoxication or drug withdrawal and medical or psychiatric problems who are unable to care for their immediate needs and lack a positive support system.
- Therapeutic community: for offenders who have an extensive history of involvement with the criminal justice system, antisocial behavior, and previous multiple treatments.
- No treatment due to extreme severity: for the small minority of offenders at the extreme highest risk of criminality and substance abuse, who have multiple failed treatments, no motivation, a lengthy criminal record, and psychiatric or cognitive impairments.

CHART IV

LEVELS OF SUBSTANCE ABUSE TREATMENT

TREATMENT INTENSITY
AND
CRIMINAL RISK LEVEL



TREATMENT OUTCOMES FOR SUBSTANCE ABUSING OFFENDERS

Successful substance abuse treatment programs have the following characteristics:

- Screening and assessment procedures for placement in appropriate programs;
- A continuum of sequenced interventions and treatment including education, self-help, and treatment programs;
- A partnership between the criminal justice system and the drug treatment system;
- Management information system tracking and management of offender treatment;
- Authority structures that clearly specify rules and sanctions;
- Urinalysis testing throughout programs to identify active users;
- Adequate intensity and length of programs (9-12 months) critical to long-term change;
- Outcome evaluation capability; and
- A comprehensive and coordinated variety of treatment options.

If an offender is matched appropriately to the substance abuse treatment, the court and community corrections agencies should expect the following treatment outcomes: reduced alcohol and other drug use; increased rates of legal employment; reduced rates of criminal activity; lower rates of involvement with the criminal justice system; reduced rates of violent acts; reduction of high-risk behaviors associated with the spread of HIV; improved overall health; and improved social functioning.

SECTION D

GRADUATED RANGE OF SANCTIONS

POLICIES FOR A GRADUATED RANGE OF COMMUNITY AND INTERMEDIATE SANCTIONS

In order to effectively utilize scarce community corrections resources, it is important to address both initial and subsequent sentencing policies which involve community or intermediate punishments. The Advisory Group determined that a graduated range of community and intermediate sanctions should be available to the courts across the State. To implement a graduated range of community-based sanctions, community corrections agencies must develop clear, specific objectives and be held accountable for achieving these stated objectives.

The Group developed the following policy recommendations for moving offenders within a graduated range of community and intermediate sanctions, beginning with the imposition of the suspended sentence and continuing through the term of the suspended sentence:

- Whenever possible, the court should initially impose a sole or single sanction. In all cases, the court should impose the fewest number of community or intermediate sanctions appropriate to the circumstances of the case. This policy is consistent with the previously stated principle of parsimony, rationing the use of limited community corrections resources.
- As a reward for compliance with the conditions of a suspended sentence, the court should gradually

reduce the intensity and restrictiveness of community-based sanctions.

- Upon failure to comply with the conditions of a suspended sentence, the court should gradually increase the restrictiveness and intensity of community and intermediate sanctions before revoking the suspended sentence and imposing the active sentence.

Under Structured Sentencing, at the time of sentencing, the court may delegate authority to the probation officer to impose additional requirements for an offender who fails to comply with conditions of probation. In certain cases offenders may be required to perform community service, submit to substance abuse monitoring and treatment, submit to electronic monitoring, or participate in an educational or vocational skills development program.

PART II

Five Step Process for Matching Offenders to Community and Intermediate Sanctions

FIVE STEP SANCTIONING PROCEDURE

Chart V summarizes a five step sanctioning procedure for matching offenders to specific community and intermediate sanctions. The five steps include:

- (1) obtaining relevant information on the offender,
- (2) determining the appropriate punishment type,
- (3) determining the appropriate level of risk control,
- (4) addressing special risk control and/or rehabilitative needs of the offender, and
- (5) assessing the need for victim restitution or community service.

Charts VII and VIII present a summary of advisory policies for sentencing felons and misdemeanants to community and intermediate sanctions. The summary includes punishment, risk control, and reparation recommendations.

Charts IX through XVI present specific recommendations based on the combination of the offense class and the prior record level. These recommendations identify offenders best suited for certain community and intermediate sanctions. However, the court retains discretion to use any authorized community or intermediate sanction.

CHART V - SANCTION DECISION STEPS

STEP 1

**OBTAIN
RELEVANT
OFFENDER
INFORMATION**

From Court
Officials or
Reports to
the Court

STEP 2

**DETERMINE
PUNISHMENT
TYPE**

Proportionate
to Seriousness
of Crime
and
Prior
Criminal
Record

STEP 3

**DETERMINE
LEVEL OF
RISK CONTROL**

Proportionate
to Threat
Offender
Presents to
Public Safety
and
Rehabilitative
Needs

STEP 4

**DETERMINE
ADDITIONAL
RISK
CONTROL
SANCTIONS**

Based on
Individual
Circumstances

STEP 5

**DETERMINE
REPARATION**

Proportionate
to Harm
Sustained by
the Victim
and
Community

STEP 1

Obtain Relevant Offender Information.

Obtain relevant information on the offender. Chart VI lists relevant offender information for sanctioning decisions. Potential sources of offender information include defense attorneys, district attorneys, pre-sentence investigations prepared by probation officers, community penalty plans, reports from T.A.S.C staff, and reports from mental health staff.

CHART VI - RELEVANT OFFENDER INFORMATION FOR SANCTIONING DECISIONS		
CRIMINAL CASE INFORMATION	PERSONAL INFORMATION	PHYSICAL/MENTAL HEALTH INFORMATION
Current Conviction Class	Age	Physical Health Status
Prior Criminal Record	Family Situation/Support	Substance Abuse
Victim/Defendant Relationship	Motive/Attitude	Mental Illness
Currently on Probation	Educational Level	Victim of Child or Sexual Abuse
Need for Victim Restitution and Ability to Pay	Stable Residence	Prior Success or Failure in Treatment Programs
Performance on Prior Probation and Community Service	Employment Status	
Positive and Negative Behavior During Previous Incarcerations	Dependent Children	
Pretrial Jail Time		

STEP 2

Determine the Punishment Level.

Determine the felony or misdemeanor conviction class and refer to the corresponding Sanction Decision Chart (pp. 38-45). Determine the offender's prior record level and the prescribed type of punishment, either a community punishment or an intermediate punishment. A community punishment is most appropriate for less serious, less chronic offenders while an intermediate punishment is most appropriate for more serious, chronic offenders.

For example, for an offender convicted of a Class E felony with a prior record level of I, the prescribed type of punishment is an intermediate punishment.

SANCTION DECISION CHART IX - FELONY OFFENSE CLASS E

PRIOR RECORD LEVEL	TYPE OF PUNISHMENT	LEVEL OF RISK CONTROL			REPARATION	
		PROBATION SUPERVISION LEVEL (Presumptive Lengths)	ADDITIONAL SANCTIONS (From Least to Most Restrictive)	REHABILITATIVE/ HABILITATIVE CONDITIONS*	VICTIM RESTITUTION	COMMUNITY SERVICE
I	Intermediate	ISP and (From 18 to 36 months)	House Arrest, or Residential Facility, or Split Sentence	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate
II	Intermediate	ISP and (From 18 to 36 months)	Split Sentence	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate

*Rehabilitative/habilitative conditions include mental health and substance abuse treatment, employment assistance, and educational services.

STEP 3

Determine the Appropriate Level of Risk Control.

Determine the appropriate level of risk control or incapacitation in the community proportionate to the threat the offender represents to public safety and the rehabilitative/habilitative needs of the offender.

For example, for an offender convicted of a Class E felony with a prior record level of I, the recommended probation supervision level is Intensive Supervision Probation.

SANCTION DECISION CHART IX - FELONY OFFENSE CLASS E

PRIOR RECORD LEVEL	TYPE OF PUNISHMENT	LEVEL OF RISK CONTROL			REPARATION	
		PROBATION SUPERVISION LEVEL (Presumptive Lengths)	ADDITIONAL SANCTIONS (From Least to Most Restrictive)	REHABILITATIVE/ HABILITATIVE CONDITIONS*	VICTIM RESTITUTION	COMMUNITY SERVICE
I	Intermediate	ISP and (From 18 to 36 months)	House Arrest, or Residential Facility, or Split Sentence	Based on Individual needs	Determine amount when appropriate	Determine amount when appropriate
II	Intermediate	ISP and (From 18 to 36 months)	Split Sentence	Based on Individual needs	Determine amount when appropriate	Determine amount when appropriate

When determining the appropriate additional risk control sanction(s) to impose, consider the additional criteria presented on Chart XVII on page 46.

*Rehabilitative/habilitative conditions include mental health and substance abuse treatment, employment assistance, and educational services.

STEP 4

Determine if Additional Risk Control Sanctions or Rehabilitative Conditions are Needed.

Determine if additional risk control sanctions or rehabilitative conditions are needed. Initially, use the fewest number of additional sanctions so that more community-based sanctions can be added if a violation occurs.

For example, for an offender convicted of a Class E felony with a prior record level of I, the court may, in addition to the period of intensive supervision probation, place the offender under house arrest, in a residential facility, or under a split sentence, and it may impose any rehabilitative conditions that would be appropriate, such as substance abuse treatment.

SANCTION DECISION CHART IX - FELONY OFFENSE CLASS E

PRIOR RECORD LEVEL	TYPE OF PUNISHMENT	LEVEL OF RISK CONTROL			REPARATION	
		PROBATION SUPERVISION LEVEL (Presumptive Lengths)	ADDITIONAL SANCTIONS (From Least to Most Restrictive)	REHABILITATIVE/ HABILITATIVE CONDITIONS*	VICTIM RESTITUTION	COMMUNITY SERVICE
I	Intermediate	ISP and (From 18 to 36 months)	House Arrest, or Residential Facility, or Split Sentence	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate
II	Intermediate	ISP and (From 18 to 36 months)	Split Sentence	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate

When determining the appropriate additional risk control sanction(s) to impose, consider the additional criteria presented on Chart XVII on page 46.

*Rehabilitative/habilitative conditions include mental health and substance abuse treatment, employment assistance, and educational services.

STEP 5

Determine the Type and Amount of Reparation.

Based on information about the offender and information provided by the victim, determine the type and amount of reparation or redress, either victim restitution or community service work, proportionate to the harm sustained by the victim or the community.

SANCTION DECISION CHART IX - FELONY OFFENSE CLASS E

PRIOR RECORD LEVEL	TYPE OF PUNISHMENT	LEVEL OF RISK CONTROL			REPARATION	
		PROBATION SUPERVISION LEVEL (Presumptive Length)	ADDITIONAL SANCTIONS (From Least to Most Restrictive)	REHABILITATIVE/ HABILITATIVE CONDITIONS*	VICTIM RESTITUTION	COMMUNITY SERVICE
I	Intermediate	ISP and (From 18 to 36 months)	House Arrest, or Residential Facility, or Split Sentence	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate
II	Intermediate	ISP and (From 18 to 36 months)	Split Sentence	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate

When determining the appropriate additional risk control sanction(s) to impose, consider the additional criteria presented on Chart XVII on page 46.

*Rehabilitative/habilitative conditions include mental health and substance abuse treatment, employment assistance, and educational services.

CHART VII - ADVISORY FELONY COMMUNITY AND INTERMEDIATE SANCTION POLICIES*

	I	II	III	IV	V	VI
E	ISP + House Arrest, or Resid. Fac., or Split Sentence	ISP + Split Sentence				
F	ISP + House Arrest, or Resid. Fac.	ISP + House Arrest, or Resid. Fac., or Split Sentence	ISP + Split Sentence			
G	ISP	Reg. Probation + Day Rpt. Ctr., or House Arrest, or Resid. Fac.	ISP + House Arrest, or Resid. Fac., or Split Sentence	ISP + Split Sentence		
H	Reg. Probation (C) or ISP (I)	ISP	Reg. Probation + Day Rpt. Ctr., or House Arrest, or Resid. Fac.	ISP + Day Rpt. Ctr., or House Arrest, or Resid. Fac.	ISP + Split Sentence	
I	Unsup. Probation or Reg. Probation	Reg. Probation (C) or ISP (I)	ISP	Reg. Probation + Day Rpt. Ctr., or House Arrest, or Resid. Fac.	ISP + Day Rpt. Ctr., or House Arrest, or Resid. Fac.	ISP + Split Sentence

*Include rehabilitative/habilitative conditions based on individual needs, and reparation including victim restitution and community service when appropriate.

CHART VIII - ADVISORY MISDEMEANOR COMMUNITY AND INTERMEDIATE SANCTION POLICIES*

MISDEMEANOR OFFENSE CLASS	PRIOR CONVICTION LEVELS		
	I	II	III
	No Prior Convictions	One to Four Prior Convictions	Five or More Prior Convictions
1	Regular Probation	Regular Probation (C) or Regular Probation (I) + Day Report Center House Arrest Residential Facility or ISP (I)	ISP + Day Report Center House Arrest Residential Facility Split Sentence
2	Unsupervised Probation	Regular Probation or ISP	Regular Probation (C) or Regular Probation (I) + Day Report Center House Arrest Residential Facility or ISP (I)
3	Unsupervised Probation	Regular Probation or ISP	Regular Probation or ISP

*Include rehabilitative/habilitative conditions based on individual needs, and reparation including victim restitution and community service when appropriate.

SANCTION DECISION CHART IX - FELONY OFFENSE CLASS E

PRIOR RECORD LEVEL	TYPE OF PUNISHMENT	LEVEL OF RISK CONTROL			REPARATION	
		PROBATION SUPERVISION LEVEL (Presumptive Lengths)	ADDITIONAL SANCTIONS (From Least to Most Restrictive)	REHABILITATIVE/ HABILITATIVE CONDITIONS**	VICTIM RESTITUTION	COMMUNITY SERVICE
I	Intermediate	ISP and (From 18 to 36 months)	House Arrest, or Residential Facility, or Split Sentence	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate
II	Intermediate	ISP and (From 18 to 36 months)	Split Sentence	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate

*See additional criteria for imposing certain sanctions.

**Rehabilitative/habilitative conditions include mental health and substance abuse treatment, employment assistance, and educational services.

SANCTION DECISION CHART X - FELONY OFFENSE CLASS F

PRIOR RECORD LEVEL	TYPE OF PUNISHMENT	LEVEL OF RISK CONTROL			REPARATION	
		PROBATION SUPERVISION LEVEL (Presumptive Lengths)	ADDITIONAL SANCTIONS (From Least to Most Restrictive)	REHABILITATIVE/ HABILITATIVE CONDITIONS**	VICTIM RESTITUTION	COMMUNITY SERVICE
I	Intermediate	ISP and (From 18 to 36 months)	House Arrest, or Residential Facility	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate
II	Intermediate	ISP and (From 18 to 36 months)	House Arrest, or Residential Facility, or Split Sentence	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate
III	Intermediate	ISP and (From 18 to 36 months)	Split Sentence	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate

*See additional criteria for imposing certain sanctions.

**Rehabilitative/habilitative conditions include mental health and substance abuse treatment, employee assistance, and educational services.

SANCTION DECISION CHART XI - FELONY OFFENSE CLASS G

PRIOR RECORD LEVEL	TYPE OF PUNISHMENT	LEVEL OF RISK CONTROL			REPARATION	
		PROBATION SUPERVISION LEVEL (Presumptive Lengths)	ADDITIONAL SANCTIONS (From Least to Most Restrictive)	REHABILITATIVE/ HABILITATIVE CONDITIONS	VICTIM RESTITUTION	COMMUNITY SERVICE
I	Intermediate	ISP (From 18 to 36 months)	None	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate
II	Intermediate	Regular Probation and (From 18 to 36 months)	Day Reporting Center, or House Arrest, or Residential Facility	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate
III	Intermediate	ISP and (From 18 to 36 months)	House Arrest, or Residential Facility, or Split Sentence	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate
IV	Intermediate	ISP and (From 18 to 36 months)	Split Sentence	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate

*See additional criteria for imposing certain sanctions.

**Rehabilitative/habilitative conditions include mental health and substance abuse treatment, employment assistance, and educational services.

SANCTION DECISION CHART XII - FELONY OFFENSE CLASS H

PRIOR RECORD LEVEL	TYPE OF PUNISHMENT	LEVEL OF RISK CONTROL			REPARATION	
		PROBATION SUPERVISION LEVEL (Presumptive Lengths)	ADDITIONAL SANCTIONS (From Least to Most Restrictive)	REHABILITATIVE/ HABILITATIVE CONDITIONS*	VICTIM RESTITUTION	COMMUNITY SERVICE
I	Community	Regular Probation (From 12 to 30 months)	None	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate
	Intermediate	ISP (From 18 to 36 months)	None	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate
II	Intermediate	ISP (From 18 to 36 months)	None	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate
III	Intermediate	Regular Probation and (From 18 to 36 months)	Day Reporting Center, or House Arrest, or Residential Facility	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate
IV	Intermediate	ISP and (From 18 to 36 months)	Day Reporting Center, or House Arrest, or Residential Facility	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate
V	Intermediate	ISP and (From 18 to 36 months)	Split Sentence	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate

*See additional criteria for imposing certain sanctions.

**Rehabilitative/habilitative conditions include mental health and substance abuse treatment, employment assistance, and educational services.

SANCTION DECISION CHART XIII - FELONY OFFENSE CLASS I

PRIOR RECORD LEVEL	TYPE OF PUNISHMENT	LEVEL OF RISK CONTROL			REPARATION	
		PROBATION SUPERVISION LEVEL (Presumptive Lengths)	ADDITIONAL SANCTIONS (From Least to Most Restrictive)	REHABILITATIVE/ HABILITATIVE CONDITIONS**	VICTIM RESTITUTION	COMMUNITY SERVICE
I	Community	Unsupervised Probation (From 12 to 30 months)	None	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate
		Regular Probation (From 12 to 30 months)	None	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate
II	Community	Regular Probation (From 12 to 30 months)	None	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate
	Intermediate	ISP (From 18 to 36 months)	None	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate
III	Intermediate	ISP (From 18 to 36 months)	None	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate
IV	Intermediate	Regular Probation and (From 18 to 36 months)	Day Reporting Center, or House Arrest, or Residential Facility	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate
V	Intermediate	ISP and (From 18 to 36 months)	Day Reporting Center, or House Arrest, or Residential Facility	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate
VI	Intermediate	ISP and (From 18 to 36 months)	Split Sentence	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate

*See additional criteria for imposing certain sanctions.

**Rehabilitative/habilitative conditions include mental health and substance abuse treatment, employment assistance, and educational services.

SANCTION DECISION CHART XIV - MISDEMEANOR OFFENSE CLASS 1

PRIOR CONVICTION LEVEL	TYPE OF PUNISHMENT	LEVEL OF RISK CONTROL			REPARATION	
		PROBATION SUPERVISION LEVEL (Presumptive Lengths)	ADDITIONAL SANCTIONS (From Least to Most Restrictive)	REHABILITATIVE/ HABILITATIVE CONDITIONS**	VICTIM RESTITUTION	COMMUNITY SERVICE
I	Community	Regular Probation (From 6 to 18 months)	None	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate
II	Community	Regular Probation (From 6 to 18 months)	None	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate
	Intermediate	Regular Probation and (From 12 to 24 months)	House Arrest, or Day Reporting Center, or Residential Facility	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate
		ISP (From 12 to 24 months)	None	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate
III	Intermediate	ISP and (From 12 to 24 months)	House Arrest, or Day Reporting Center, or Residential Facility, or Split Sentence	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate

*See additional criteria for imposing certain sanctions.

**Rehabilitative/habilitative conditions include mental health and substance abuse treatment, employment assistance, and educational services.

SANCTION DECISION CHART XV - MISDEMEANOR OFFENSE CLASS 2

PRIOR CONVICTION LEVEL	TYPE OF PUNISHMENT	LEVEL OF RISK CONTROL			REPARATION	
		PROBATION SUPERVISION LEVEL (Presumptive Lengths)	ADDITIONAL SANCTIONS (From Least to Most Restrictive)	REHABILITATIVE/ HABILITATIVE CONDITIONS**	VICTIM RESTITUTION	COMMUNITY SERVICE
I	Community	Unsupervised Probation (From 6 to 18 months)	None	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate
II	Community	Regular Probation (From 6 to 18 months)	None	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate
	Intermediate	ISP (From 12 to 24 months)	None	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate
III	Community	Regular Probation (From 6 to 18 months)	None	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate
	Intermediate	Regular Probation and (From 12 to 24 months)	House Arrest, or Day Reporting Center, or Residential Facility	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate
		ISP (From 12 to 24 months)	None	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate

*See additional criteria for imposing certain sanctions.

**Rehabilitative/habilitative conditions include mental health and substance abuse treatment, employment assistance, and educational services.

SANCTION DECISION CHART XVI - MISDEMEANOR OFFENSE CLASS 3

PRIOR CONVICTION LEVEL	TYPE OF PUNISHMENT	LEVEL OF RISK CONTROL			REPARATION	
		PROBATION SUPERVISION LEVEL (Presumptive Lengths)	ADDITIONAL SANCTIONS (From Least to Most Restrictive)	REHABILITATIVE/ HABILITATIVE CONDITIONS**	VICTIM RESTITUTION	COMMUNITY SERVICE
I	Community	Unsupervised Probation (From 6 to 18 months)	None	Based on individual needs*	Determine amount when appropriate	Determine amount when appropriate
II	Community	Regular Probation (From 6 to 18 months)	None	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate
	Intermediate	ISP (From 12 to 24 months)	None	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate
III	Community	Regular Probation (From 6 to 18 months)	None	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate
	Intermediate	ISP (From 12 to 24 months)	None	Based on individual needs	Determine amount when appropriate	Determine amount when appropriate

*See additional criteria for imposing certain sanctions.

**Rehabilitative/habilitative conditions include mental health and substance abuse treatment, employment assistance, and educational services.

CHART XVII - ADDITIONAL CRITERIA FOR IMPOSING CERTAIN SANCTIONS

PROBATION SUPERVISION LEVELS	CRITERIA
Unsupervised Probation	1. No continuing monetary obligation (court debt).
Regular Probation	1. High level of monetary obligations/court debt/victim restitution. 2. Demonstrated some level of responsibility. 3. Stable residence.
Intensive Supervision Probation	1. Substance abuse problem. 2. Poor performance on current or prior probationary term. 3. Family support and structure in community.
RISK CONTROL CONDITIONS	CRITERIA
Fine	1. Ability to pay should be considered. 2. Day fines should be used.
Drug Testing	1. Recommend routinely for offenders sentenced to intermediate punishments.
Rehabilitation Conditions	1. Recommend routinely based on offender's individual circumstances.
Day Reporting Center	1. Treatment needs. 2. Employment needs. 3. Needs structure/support. 4. Has appropriate residence.
House Arrest with Electronic Monitoring	1. Nature of offense. 2. A stable residence and telephone. 3. Presence of disability or medical problem. 4. Ability to accept responsibility. 5. Younger and older offenders. 6. Supportive home environment. 7. No family/acquaintance victimization by offender for assaultive or sexual offenses. 8. No drug selling/manufacturing convictions. 9. Use for white collar crimes (financial crimes involving substantial amounts of money).
Residential Facility	1. Treatment needs. 2. Employment needs. 3. Needs structure/support. 4. No appropriate residence.
IMPACT (Boot Camp)	1. Demonstrated ability to accept supervision. 2. Poor performance on current/prior probationary term. 3. No prior incarceration greater than 120 days pre-SSA/30 days under SSA. 4. Age 16 to 25.

APPENDIX
COMMUNITY CORRECTIONS RESOURCES
IN
NORTH CAROLINA

EFFECTIVE OCTOBER 1, 1994

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PRETRIAL SERVICES PROGRAMS

Purpose

Pretrial services programs are designed to expedite pretrial release of certain low-risk offenders prior to trial.

Eligible Population

North Carolina statutes require that an arrested defendant be brought before a judicial official (usually a magistrate) without unnecessary delay to determine the legality of his arrest and, if his arrest is lawful, to determine conditions of pretrial release. A judge reviews conditions of pretrial release at the first appearance hearing and subsequent hearings, and may modify conditions of pretrial release at any time prior to conviction.

In North Carolina, there are four procedures for pretrial release: (1) a written promise to appear; (2) an unsecured appearance bond; (3) an appearance bond secured by a cash deposit, mortgage of property, or a surety by a bondsman; or (4) the defendant is placed under the supervision of some person or organization. North Carolina law allows flexibility in the pretrial release decision. In each judicial district, the senior resident superior court judge, in consultation with the chief district court judge, issues recommended policies for pretrial release. Each pretrial services program in North Carolina sets its own specific eligibility guidelines in consultation with local judicial officials. Some programs use an objective score sheet to assess the defendant's eligibility for supervised pretrial release. Frequently, pretrial services programs provide information to magistrates and/or judges who set conditions of pretrial release, target low-risk offenders who cannot make bail because of lack of financial or property resources for monitored release, and expedite defendants' appearance in court to elicit prompt review of conditions of pretrial release.

Organizational Structure

Pretrial service programs are funded by a variety of sources, frequently by county government. Programs currently exist in the following counties: Buncombe, Catawba, Cumberland, Durham, Guilford, Forsyth, Onslow, Rowan, Mecklenburg, and Wake. These programs are administered by various agencies. County agencies administer programs in Buncombe, Durham, Mecklenburg and Rowan counties. Private non profit agencies administer programs through county contracts in Catawba, Onslow and Wake counties. In three counties - Buncombe, Guilford and Forsyth - the county funds the program and it is administered by the Administrative Office of the Courts, in some cases in conjunction with the Indigent Screening Program. In Cumberland County, the program is administered through the magistrate's office.

Statutory Authority

G.S. 15A, Article 26

DEFERRED PROSECUTION

Purpose

Deferred prosecution is a district attorney's decision to withhold criminal prosecution in order for the offender to make amends. The district attorney agrees to dismiss the case at a point in the future if the defendant agrees to certain conditions. These conditions often include restitution to the victim or community service work. The prosecutor and defendant enter into a written agreement, with court approval, which specifies the conditions the defendant must meet in order to postpone prosecution. If the defendant complies with the conditions, the case is dismissed.

Eligible Population

The eligible population for deferred prosecution is non-violent first offenders. Each district attorney sets specific criteria for deferred prosecution in his district. According to statute, a defendant may be placed on deferred prosecution if he is charged with a Class H or I felony or a misdemeanor and has never previously been placed on probation. In addition, the defendant must agree to certain conditions and the victim must be notified of the disposition and given an opportunity to respond.

Organizational Structure

Each district attorney decides whether to institute a formal deferred prosecution program or to use it informally on a less frequent basis. At least fifteen judicial districts (1, 3A, 6, 10, 11, 12, 18, 19, 21, 24, 17A, 27, 28, 30) have formal deferred prosecution programs and numerous districts use it to some degree. When community service work is a condition of deferred prosecution, community service coordinators in the Department of Crime Control and Public Safety are authorized to supervise performance of the community service. In Mecklenburg County, probation officers screen and monitor these cases.

Statutory Authorization

G.S. 15A-1341 (a), -1342(a), -1342(i), and G.S. 143B-475.1

TREATMENT ALTERNATIVES TO STREET CRIME (TASC)

Purpose

Treatment Alternatives to Street Crime (TASC) is an intervention program for certain drug dependent criminal offenders. TASC Programs identify, assess, refer to treatment, and monitor treatment participation of criminal offenders.

Eligible Population

TASC is a community punishment. Drug dependent offenders who have been charged with or convicted of possession of controlled substances (except trafficking) are eligible for involvement in TASC programs. TASC can be a condition of deferred prosecution cases, pretrial release/detention, or probation.

TASC programs work closely with the district attorney in each judicial district, so defendant populations may vary from district to district. In North Carolina, TASC is most frequently used as a condition of supervised probation. Several counties are utilizing TASC intervention prior to the defendant going to court for trial.

Organizational Structure

TASC is administered by the Division of Mental Health, Developmental Disabilities and Substance Abuse Services in the Department of Human Resources. TASC is not available statewide; there are fourteen programs in North Carolina operated by private non-profit agencies or area mental health programs. Programs are located in Asheville, Burlington, Charlotte, Durham, Elizabeth City, Fayetteville, Greenville, Greensboro, Henderson, Lumberton, Raleigh, Rocky Mount, Wilmington, and Winston-Salem.

Statutory Authority

There is no specific statute authorizing TASC; however, it is administered under the general provisions of services by the Division of Mental Health, Developmental Disabilities and Substance Abuse Services in G.S. 122C.

DRUG EDUCATION SCHOOLS (DES)

Purpose

The 1981 General Assembly mandated a statewide system of Drug Education Schools (DES) to target social/recreational possessors of marijuana. The purpose of Drug Education School is early intervention in the pattern of drug use by first offenders charged with certain drug possession offenses.

Eligible Population

Drug Education School is a community punishment. Participation in Drug Education School is authorized by statute for offenders convicted of misdemeanor possession of marijuana, possession of drug paraphernalia, or inhaling or possessing toxic vapors. To be eligible, the offender also must not have a previous conviction for any offense under any state or federal law involving controlled substances, drug paraphernalia or toxic vapors. Offenders must complete the course within 150 days of conviction.

Organizational Structure

Drug Education Schools are administered by the Division of Mental Health, Developmental Disabilities and Substance Abuse Services in the Department of Human Resources. Each of the forty-one area mental health programs in the state must either provide or contract for the provision of Drug Education Schools. A fifteen hour standard curriculum is provided in each area program. Staff who provide the DES curriculum have other primary job responsibilities and teaching this course is ancillary.

Statutory Authority

G.S. 90-96 and -96.01

UNSUPERVISED PROBATION

Purpose

Unsupervised probation is probation without supervision by a probation officer. An offender on unsupervised probation is subject to all conditions of probation except supervision or assignment to a probation officer. These conditions include remaining crime-free, satisfying child support, not possessing firearms or other deadly weapons, remaining gainfully employed, and paying court costs and fines.

Eligible Population

Unsupervised probation is a community punishment. Unsupervised probation may be granted to offenders whose class of offense and prior record or conviction level authorize a community punishment as a sentence disposition, or who are convicted of impaired driving. The courts may sentence such offenders to a maximum of five years of unsupervised probation. Unsupervised probation is generally used for misdemeanants who do not need supervision in the community.

Statutory Authority

G.S. 15A-1341 through 15A-1347.

COMMUNITY SERVICE WORK PROGRAM

Purpose

The purpose of the Community Service Work Program is to provide opportunity for offenders to repay the community for damages resulting from their criminal acts. Offenders perform free work for public and non-profit agencies.

Eligible Population

Community service work is a community punishment. Currently, community service work is used as a sanction at every stage of the criminal justice system. First-time, non-violent offenders are eligible for the deferred prosecution community service work. Any offender is eligible for the non-DWI component. All levels (1-5) of DWI offenders are eligible for the DWI component.

Organizational Structure

Community service work became a statewide program administered by the Division of Victim and Justice Services in the Department of Crime Control and Public Safety in 1983. Each court district throughout North Carolina is required to have at least one community service coordinator to interview, place and monitor community service work.

Statutory Authorization

G.S. 20-179.4 and 143B-475.1

REGULAR PROBATION

Purpose

The purpose of regular probation is to provide supervision and treatment in order to control and rehabilitate offenders. Probation is essentially a trial period in which the offender is given an opportunity to show that he can adjust to a free society without committing further crimes.

Eligible Population

Regular supervised probation is a community punishment. Regular supervised probation may be granted to offenders whose class of offense and prior record or conviction level authorize a community punishment as a sentencing disposition, or who are convicted of impaired driving. The courts may sentence such offenders to a maximum of five years of probation.

Organizational Structure

The Division of Adult Probation and Parole in the Department of Correction is responsible for supervising probationers. The Division is organized into four regions, 43 probation/parole districts (judicial), and 136 probation/parole units.

Statutory Authority

G.S. 15A-1341 through 15A-1347.

INTENSIVE SUPERVISION PROBATION

Purpose

The purpose of the Intensive Supervision Probation program is "to provide intensive supervision for probationers who require close supervision in order to remain in the community pursuant to a community penalties plan, community work plan, community restitution plan, or other plan of rehabilitation."

Eligible Population

Intensive Supervision Probation is an intermediate punishment. The purpose of intensive probation is to target prison-bound offenders. If the offender's class of offense and prior record or conviction level authorize an intermediate punishment, the decision to place an offender on intensive supervision is solely in the discretion of the judge.

Organizational Structure

Intensive Supervision Probation is available statewide. There are two versions of the program in North Carolina. In some counties, the program operates with a two-person team approach and a maximum caseload of twenty-five offenders. In eighteen counties, one person supervises a maximum caseload of sixteen offenders.

Statutory Authority

G.S 143B-262(c)

HOUSE ARREST WITH ELECTRONIC MONITORING

Purpose

House arrest with electronic monitoring is a special condition of supervised probation. The purpose of house arrest with electronic monitoring is to restrict the offender's freedom and movement in the community, to increase supervision of convicted offenders, ease prison overcrowding, and save taxpayers money. House arrest with electronic monitoring is available statewide through the Division of Probation and Parole within the Department of Correction.

Eligible Population

House arrest with electronic monitoring is an intermediate punishment. If the offender's class of offense and prior record or conviction level authorize an intermediate punishment, the decision to place an offender on house arrest with electronic monitoring is solely in the discretion of the judge.

Organizational Structure

House arrest with electronic monitoring is available through the Division of Adult Probation and Parole centers in Raleigh and Winston-Salem. The capacity of the Division of Adult Probation and Parole's Electronic House Arrest Program is 2,217. The Winston-Salem Center monitors offenders in 50 western counties and the Raleigh Center monitors offenders in 50 eastern counties.

Statutory Authority

G.S. 15A-1343(b1)(3a)

DAY REPORTING CENTERS

Purpose

The purpose of a Day Reporting Center (DRC) is to increase control over offenders on supervised probation and to provide rehabilitative services.

Eligible Population

A Day Reporting Center is an intermediate punishment. If the offender's class of offense and prior record or conviction level authorize an intermediate punishment, it is in the judge's discretion to order an offender to attend a Day Reporting Center program.

Organizational Structure

Currently there is one Day Reporting Center in North Carolina which operates as a component of Summit House, Inc. in Greensboro. The Day Reporting Center at Summit House has a capacity of 75 and works with female offenders only. The Substance Abuse Section of the Department of Human Resource will provide funds to open two Day Reporting Centers in North Carolina, each with a capacity of 300. Day Reporting Centers may differ in target population and program content. However, all Day Reporting Centers have common elements, such as day schedules for offenders, frequent client contact, drug testing and contract services such as substance abuse counseling, educational programs, and employment services.

Statutory Authority

G.S. 15A-1340.11(3), 15A-1343(b1)(2)

COMMUNITY PENALTIES PROGRAM

Purpose

The purpose of the Community Penalties Program is to reduce prison overcrowding. Non-profit agencies apply for state grants for Community Penalties Programs which provide sentencing plans to judges "to be used in lieu of and at less cost than imprisonment."

Eligible Population

Community Penalties Programs target offenders convicted of misdemeanors or felonies who are eligible to receive an intermediate punishment based on their class of offense and prior record or conviction level and who are facing an imminent and substantial threat of imprisonment.

Organizational Structure

The Community Penalties Program is administered by the Administrative Office of the Courts. Private non-profit agencies operate Community Penalties Programs in the following counties: Alexander, Buncombe, Burke, Caldwell, Carteret, Caswell, Catawba, Chatham, Cleveland, Craven, Cumberland, Davidson, Davie, Durham, Edgecombe, Forsyth, Gaston, Guilford, Henderson, Iredell, Lincoln, McDowell, Mecklenburg, Nash, New Hanover, Onslow, Orange, Pamlico, Pender, Polk, Robeson, Rockingham, Rutherford, Transylvania, Union, Wake, and Wilson and funds are available to expand the program state-wide.

Local boards of directors govern Community Penalties Programs within the framework of the Community Penalties Act and general guidelines issued by the Administrative Office of the Courts. Each Community Penalties Program is required to provide a 15% match to the funds received from the state.

Statutory Authority

G.S. 7A-770 through 7A-777.

BOOT CAMP (IMPACT PROGRAM)

Purpose

The Intensive Motivational Program of Alternative Correctional Treatment (IMPACT) is a condition of a split sentence (special probation) in which the offender must serve part of an active sentence (ninety days) and then remain on supervised probation. The goal of the IMPACT program is to instill self-confidence, discipline, and a work ethic through a strictly regimented para-military program. Boot camps are commonly referred to as shock incarceration programs.

Eligible Population

Impact is an intermediate punishment for males between the ages of sixteen and twenty-five, convicted of a class I misdemeanor or a felony, medically fit, and who have not previously served an active sentence in excess of 120 days pre SSA/30 days under SSA. If the offender's class of offense and prior record or conviction level authorize an intermediate punishment, the decision to place an offender in the IMPACT program is solely in the discretion of the judge.

Organizational Structure and Budget

The Division of Adult Probation and Parole administers IMPACT; however, the Division of Prisons controls staffing, programming and the budget.

Statutory Authority

G.S. 15A-1343(b1)(2a), -1343.1

RESIDENTIAL FACILITIES

Residential facilities are intermediate punishments. There are four residential facilities specifically for criminal offenders in North Carolina. These include Delancey Street, Inc. (Greensboro, Raleigh, Charlotte), Summit House, Inc. (Greensboro), ECO, Inc. (Charlotte), and FIRST, Inc. (Winston-Salem). Various private non-profit agencies administer these facilities. In addition, certain offenders may be eligible for admission to half-way houses for substance abusers. These half-way houses are also administered by private non-profit organizations with funds allocated through area mental health programs.

DELANCEY STREET, INC.

Delancey Street, Inc. accepts non-violent felony offenders who have substance abuse problems. Residents are generally repeat offenders who have spent an average of seven years in prison, though offenders with less serious criminal records are also eligible. Delancey Street, Inc. is a non-profit organization with residential centers in New York, San Francisco, New Mexico, and North Carolina. It is a therapeutic community with a self-governing philosophy which stresses self-reliance, acquiring life and job skills, and teamwork. No government funds are accepted; it is a self-supporting enterprise. No one in Delancey Street, Inc. receives a salary; the director is a resident who has been successful in the center.

The North Carolina residence is in Greensboro. It opened in 1987 and has a capacity of thirty-three. Most residents are referred to Delancey Street, Inc. from criminal justice agencies or the court. Interviews for admission are conducted by other residents of Delancey Street. Offenders must commit to it for a two-year stay, though they may be rotated between residential centers during that period. There are three phases through which residents progress: "maintenance" requires work in the house for eighteen hours a day (thirty to sixty-nine days); "immigration" requires work in one of the businesses operated by Delancey Street, Inc. such as sand painting or moving furniture (three months); "tribes" is a stabilization phase. Residents are required to participate in-house group counseling sessions twice per week.

SUMMIT HOUSE, INC.

Summit House, Inc. has residential centers in Greensboro, Raleigh and Charlotte, North Carolina, which accept non-violent felony female offenders (pregnant or the mother of young children). The goal of Summit

House is to keep the family in tact while the woman satisfies her obligation to the criminal justice system. The center uses a therapeutic community model to focus on improving education and life skills necessary for independent living. Residents must be eighteen or older and prison bound as the result of the conviction for one or more non-violent offenses and their children must be seven years of age or under. Summit House, Inc. provides and brokers individual, group, and substance abuse counseling, classes in basic living skills, and access to GED classes and/or further education. Summit House, Inc. provides assistance in returning to employment and provides or brokers services to the children of residents. The minimum stay at Summit House, Inc. is ten months. The capacity of Summit House is twenty-two residents. Funds are provided to Summit House, Inc., a non-profit organization, by state and local government sources and through private sources.

ECO CENTER FOR WOMEN

Energy Committed to Offenders (ECO, Inc.) is a non-profit agency that provides job placement services, housing assistance, and other services to assist convicted offenders who have served or are serving prison or jail sentences. ECO, Inc. was founded in 1974 in Charlotte, N.C. The mission of ECO is to help offenders re-establish themselves as stable and productive citizens in the community.

ECO Center for Women opened in 1987. It is a work release center for female inmates nearing release from prison and it is operated through a contract with the N. C. Department of Correction. The goal of ECO Center for Women is successful employment and reintegration of offenders back into the community through support services for them and their families. Inmates are selected by the N.C. Department of Correction based on their achievement of minimum custody and work release status. ECO provides or brokers counseling and job search assistance, vocational, and educational assistance.

The capacity of ECO Center for Women is twenty residents. Working inmates contribute a portion of their income for lodging at the Center. The average length of stay is one year.

FORSYTH INITIATIVE FOR RESIDENTIAL SELF-HELP TREATMENT, INC. (FIRST)

FIRST, Inc. is a private non-profit residential facility located in Winston-Salem, North Carolina. FIRST accepts non-violent offenders (male and female) with drug and alcohol problems. It is a long-term, self-help participant-managed rehabilitation program for selected hard-core criminals and substance abusers. For most residents, FIRST is an alternative to an active sentence of incarceration.

FIRST admits residents only upon their personal requests. When applying for admission, an offender agrees to a two-year stay involving constant supervision and surveillance. FIRST enforces program requirements with a highly-structured system of punishments and rewards leading to increasing responsibility, status, and freedom. Residents are expected to learn a new value system and work ethic, to master educational basics and vocational skills, to interact in a positive environment, and to replace broken or abusive relationships with positive bonds.

The capacity of FIRST is 75 residents. FIRST runs in-house business training school that produce revenue and provides job training. At present FIRST provides 75% of its operating expenses and plans to be fully self-supporting in the future.

HALF-WAY HOUSES

A Survey of Halfway Houses in North Carolina, a publication prepared for the Department of Correction by a private consultant, summarizes responses from a survey of halfway houses. The survey identified sixty-nine halfway houses located in thirty-one counties. The total capacity of all of the facilities was 1,053; 48 house males; 28 house females; seven house both males and females. The vast majority of halfway houses are for substance abusers. Some of these halfway houses will accept offenders whose primary problem is substance abuse. Funding varies among the halfway houses; twenty-four receive no government funds and are supported by the religious community and individuals; thirty-five of the halfway houses receive government funding through the area mental health program. Vocational Rehabilitation often provides funds for residents until employment is found. In most cases, Mental Health and Vocational Rehabilitation are the primary agencies involved with the residents. Often, residents have to complete an off-site twenty-eight day treatment program for substance abuse. Few of the houses have on-site professional staff. All of the halfway houses require residents to work. All of the halfway houses have house rules including curfews. All of the substance abuse houses require attendance at several weekly AA or NA meetings. All of the houses have at some time accepted probationers or parolees as residents. The typical number of beds per house is ten and the length of stay ranges from two months to two years.

OXFORD HOUSE, INC.

Since March, 1991, Oxford House, Inc. has established a network of twenty-nine self-run, self-supported residences for people in recovery from addiction to alcohol and drugs in North Carolina. Oxford Houses are rented residential properties established with loans from the North Carolina Recovery House Revolving Loan Fund. Since 78% of residents are employed, residents are required to pay rent weekly to maintain the house. There are 232 Oxford House recovery beds in North Carolina in thirteen different cities. Oxford Houses utilize no paid staff, operate democratically, including admission of new residents by vote of current residents, expel any residents who relapse into using alcohol or drugs; and are financially self-supporting. Alcoholics Anonymous and Narcotics Anonymous is the principal means used to develop long-term abstinence among residents. There is no time limit on how long an individual may reside at Oxford House, but the average length of stay is thirteen months. A survey of residents conducted in May, 1993 indicated that 71% of the residents had previously served time in jail.