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*Department of Public Safety*  
*Prisons*

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Procedures**  
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**POLICY & PROCEDURES**

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**.1501 GENERAL**

The following procedures outline inmate releases from the custody of North Carolina Prisons. These guidelines include a variety of processes through which an inmate can be released from prison custody, with specific instructions for North Carolina Prisons staff to ensure that the release is affected accurately. This material also includes the processes completed by other related authorities, i.e., Combined Records, Post-Release Supervision and Parole Commission, the North Carolina Community Corrections (DCC), etc., as appropriate.

**.1502 DEFINITIONS**

For the purposes of this policy, the following definitions apply:

- (a) **EXPIRATION OF SENTENCE** - When an inmate has completely served all sentences and will not be reporting to Parole or Post-Release Supervision. This is commonly known as the inmate's projected release date (PRD) or max out.
- (b) **COURT-ORDERED RELEASE** - This release is the result of authorization by the courts for the inmate to be released from the custody of the North Carolina Prisons.
- (c) **RELEASE SAFEKEEPER** - This release returns a safekeeper inmate to the custody of the appropriate Sheriff upon presentation of credentials and proper related court documents.
- (d) **PRE-SENTENCE DIAGNOSTIC (PSD) RELEASE** - This release occurs when a court-ordered PSD study has been completed.
- (e) **RELEASE FROM INTERSTATE CORRECTIONS COMPACT (ICC)** - This release occurs when the state from which the inmate came authorizes the inmate's release.
- (f) **PARDON** - A pardon occurs when the Governor of North Carolina forgives an inmate's sentence.
- (g) **CONDITIONAL COMMUTATION** - This release occurs when the Governor of North Carolina reduces an inmate's sentence to the time he or she has already served (commonly known as commuted to time served).
- (h) **POST-RELEASE SUPERVISION** - Post-release supervision is mandated by statute following release from certain active structured sentence terms.

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- (i) **PAROLE** - Release on parole is an action by the Parole Commission and can include 6-month mandatory parole, 90-day mandatory parole, misdemeanor parole, one-third parole, regular parole, community service parole, and conditional release (Committed Youthful Offender only) and parole to DWI school (28 and 90 day programs).
  - (j) **DECLINE TO REVOKE** - This is an action by the Parole Commission which indicates that the inmate's parole supervision time is to continue. If the inmate has no other active prison time to complete, a release from custody and return to parole supervision will be affected. If there is an active prison sentence to complete, (i.e., has received an additional sentence while on parole), the inmate will remain in custody until the active sentence has expired.
  - (k) **SEX OFFENDERS** - Offenders identified as those inmates convicted of specific statutorily defined assaultive offenses of a sexual nature.
  - (l) **DEATH** - When an offender dies while in the custody of North Carolina Prisons.

The foregoing are the normal releases within the North Carolian Prisons. Combined Records should be contacted for releases from jails.

### **.1503 PROCEDURE**

Specific instructions regarding each type of release are:

- (a) **EXPIRATION OF SENTENCE**
  - (1) Inmates scheduled for release will be listed on the facilities Release Planning List (IPT batch job 02), and the Scheduled Release List (IPT batch job 10).
  - (2) This release is authorized by Combined Records on the Significant Issues/Case Management Note screen (IP60/61). IP60/61 notes will include comments as to the specific approved release date, and a screen print of IP60/61 will serve as the authority to release the inmate. A copy of the screen print should be placed in the inmate's facility jacket for future reference.
  - (3) The Offender Comments Log screen (OR13) should be viewed before the inmate departs to ensure no additional sentences exist. The External Movements screen (IP20) should be completed before the inmate departs to ensure no unaudited sentences exist.
  - (4) If, because of meritorious time being approved, an inmate's projected release date changes after the release is approved, Combined Records should be notified immediately. Facility staff, if possible, should award sentence reduction credits well in advance of projected release dates to avoid changes in approved release dates.

- (5) Staff is required to complete the Inmate Release Plan screen (IP55) for any released inmate. IP55 completion must be as accurate and complete as possible, with the state and county code essential. Staff shall not enter a post office box as the inmate's proposed release plan. The Plan must be completed before the inmate is released.
  - (6) Any questions or concerns about the validity of the instructions should be directed to Combined Records at (919) 716-3200 during normal working hours.
- (b) COURT-ORDERED RELEASE
- (1) When a Superior or District Court Judge orders an inmate's sentence vacated, Combined Records will first notify the facility by telephone to inform them that the inmate must be released. A related comment will then be placed on the Significant Issues/Case Management Note screen (IP60/61), and the facility will receive a faxed copy of the court order from Combined Records. If the court-ordered release documentation is forwarded directly to the prison facility, Combined Records should be contacted immediately.
  - (2) The facility will not release the inmate until all steps have been completed by Combined Records. Appropriate release documentation will be completed by facility staff on the External Movements screen (IP20). A copy of the court order should be retained by the facility for future reference.
  - (3) If a judge orders an inmate to be removed from the North Carolina Prisons' custody directly from court (frees the inmate), the facility should immediately contact Combined Records.
  - (4) Staff is required to complete the Inmate Release Plan screen (IP55) for any court-ordered released inmate. IP55 completion must be as accurate and complete as possible, with the state and county code essential. Staff shall not enter a post office box as the inmate's proposed release plan. The Plan must be completed before the inmate is released if possible.
- (c) SAFEKEEPER RELEASE
- (1) Procedures for the release of a safekeeper inmate are directed under Chapter C, .1600 Safekeepers, specifically .1608 Release.
  - (2) Appropriate release entry will be completed by facility staff on the External Movements screen (IP20). Any questions as to the validity of the proposed release of a safekeeper should be directed to Combined Records at (919) 716-3200 during normal working hours.
  - (3) Staff is required to complete the Inmate Release Plan screen (IP55) for any released safekeeper inmate. IP55 completion must be as accurate and complete as possible, with the state and county code essential. Staff shall not enter a post

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office box as the inmate's proposed release plan. The Plan must be completed before the inmate is released.

(d) PRE-SENTENCE DIAGNOSTIC STUDY (PSD) RELEASE

- (1) The North Carolina Prisons Diagnostic Services Branch (DSB) authorizes this release. When a PSD study is completed, the DSB will notify the appropriate county sheriff's department that the inmate is ready to be released.
- (2) Notification is made through a Division of Criminal Information (DCI) message by the DSB staff. The sheriff's department will then telephone the Manager of the Diagnostic Center to coordinate the release schedule. The sheriff's department will normally present to the facility a copy of the diagnostic center's instructions concerning the release.
- (3) Appropriate release documentation will be completed by facility staff on the External Movements screen (IP20).
- (4) Staff is required to complete the Inmate Release Plan screen (IP55) for any PSD released inmate. IP55 completion must be as accurate and complete as possible, with the state and county code essential. Staff shall not enter a post office box as the inmate's proposed release plan. The Plan must be completed before the inmate is released.
- (5) Any validity concerns about release after a PSD should be directed to the DSB at (919) 838-3700 during normal working hours.

(e) RELEASE FROM INTERSTATE CORRECTIONS COMPACT (ICC)

- (1) That state from which the inmate came will forward all related papers to the Classification Services Section. Classification Services is the final approving authority for actions regarding ICC cases for North Carolina Prisons.
- (2) Classification Services will notify the appropriate facility by telephone and forward to the facility the related documentation along with specific instructions.
- (3) Appropriate release documentation will be completed by facility staff on the External Movements screen (IP20).
- (4) Staff is required to complete the Inmate Release Plan screen (IP55) for any ICC released inmate. IP55 completion must be as accurate and complete as possible, with the state and county code essential. Staff shall not enter a post office box as the inmate's proposed release plan. The Plan must be completed before the inmate is released.
- (5) Questions or concerns should be directed to the Classification Services Section at (919) 838-3729 during normal working hours.

## (f) PARDON

- (1) Combined Records manages this release and will notify the facility by telephone to inform them of the pardon. Release instructions will then be entered on the Significant Issues/Case Management Note screen (IP60/61), with comments as to the approved pardon date.
- (2) A screen print of IP60/61 will serve as unit authority to release the inmate. A copy of IP60/61 is to be placed in the inmate's facility jacket for future reference.
- (3) Appropriate release documentation will be completed by facility staff on the External Movements screen (IP20).
- (4) Staff is required to complete the Inmate Release Plan screen (IP55) for any released/pardoned inmate. IP55 completion must be as accurate and complete as possible, with the state and county code essential. Staff shall not enter a post office box as the inmate's proposed release plan. It must be completed before the inmate is released.

## (g) CONDITIONAL COMMUTATION

- (1) Combined Records manages this release and will notify the facility by telephone to inform them of the commutation. Release instructions will then be entered on the Significant Issues/Case Management Note screen (IP60/61).
- (2) A screen print of IP60/61 will serve as unit authority to release the inmate. A copy of IP60/61 is to be placed in the inmate's unit jacket for future reference.
- (3) Appropriate release documentation will be completed by facility staff on the External Movements screen (IP20).
- (4) Staff is required to complete the Inmate Release Plan screen (IP55) for any released/commuted inmate. IP55 completion must be as accurate and complete as possible, with the state and county code essential. Staff shall not enter a post office box as the inmate's proposed release plan. It is completed before the inmate is released.

## (h) POST-RELEASE SUPERVISION

- (1) The Parole Commission sets the conditions of post-release supervision, which are provided to North Carolina Community Corrections (DCC).
- (2) Eligibility for post-release supervision applies to class B1 through E structured sentence felons with offense dates from October 1, 1994 through November 30, 2011 and all felony structured sentences with offense dates on or after December 1, 2011.

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- (3) Eligibility for post-release supervision will fall under one of two categories: regular post-release supervision or early post-release supervision. Both types require that an inmate with felony offense be released from prison and placed on post-release supervision on the date equivalent to the maximum prison sentence minus jail credit, less nine/twelve month or 5 year for felony cases or a 4 month deduction for Aggravated Level 1 DWI (which ever is applicable), less any earned time awarded by the Department of Public Safety or the custodian of a local confinement center. The difference between the two types involves structured sentence time being served in conjunction with pre-structured sentence time. If the inmate is serving structured sentence time for a felony, the inmate will be released on regular post-release supervision. If the inmate is serving structured sentence time for a felony and is also serving a pre-structured sentence time, he may be eligible for early post-release supervision which may occur prior to the maximum release date. Note that either type of post-release supervision is not a parole, and the inmate can neither refuse nor be denied the release. If the inmate attempts to refuse post-release supervision, contact the Post-Release/Parole Supervision Office at (919) 716-3107.
  - (4) When an inmate is scheduled for post-release supervision, the PC40 Facility Parole Review screen in OPUS and the Release Planning List report (batch job IPT 02) will reflect if the post-release papers will be emailed to the Facility Head or if they will now be printed from the OPUS On the Web Inmate Release Checklist screen. This alert will appear after the Parole Commission has approved the release. Regardless of how the paperwork is received (web or email) three (3) sets of the documents must be printed/copied and made available to the Probation/Parole Officer.
  - (5) The Probation/Parole Officer will have the inmate read the release agreement and sign all sets where indicated to acknowledge awareness and understanding. The inmate is provided with one copy of the Release Order and one signed Release Agreement. The facility will retain one copy and the Probation/Parole Officer will retain a copy.
  - (6) For any specific DCC release instructions, view the Release Plan Notes. DCC staff enters relevant release instruction comments through the F23 key on the Inmate Release Plan screen (IP55).
  - (7) The Facility Parole Results Review screen (PC15) will indicate a parole release date has been set. All post-release supervision cases will be documented by Combined Records on the significant Issues/Case Management Note screen (IP60/61). The Facility Parole Review screen (PC40) will not show a release on/after date, but will note the comment: **\*\*See IP60/61 for release date.\*\***
  - (8) The PC40 screen will include any related Parole Commission comments regarding the case.

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- (9) Appropriate release documentation will be completed by facility staff on the External Movements screen (IP20). To ensure no unaudited sentences exist, facility staff shall view the Offender Comments Log screen (OR13) and complete the External Movements screen (IP20) prior to the inmate's departure. Post-release supervision cases must be released on the scheduled release date as prescribed by statute, including cases where the release date falls on weekends and holidays. If the inmate scheduled for post-release supervision has not been released from the prison unit by designated probation/parole staff by 5:30 p.m. on the scheduled release date, the prison unit is to call the Electronic House Arrest (EHA) Base Station at 1-800-735-1432 to report the problem. EHA will contact appropriate personnel who will assist in releasing the inmate.
  - (10) OPUS will automatically print the "Transfer of Custody" form when the post-release movement code is entered on the External Movement screen (IP20). This form should be given to the parole officer releasing the inmate to ensure information related to inmate's prison adjustment, control status, STG affiliation, and other critical information is available to the supervising officer.
  - (11) Staff is required to complete the Inmate Release Plan screen (IP55) for any released or supervised inmate. IP55 completion must be as accurate and complete as possible, with the state and county code essential. Staff shall not enter a post office box as the inmate's proposed release plan. It must be completed before the inmate is released.
  - (12) Post Release Supervision releases cannot be "direct released".
  - (13) Any questions or concerns about post-release supervision should be directed to the Parole Commission at (919) 716-3010 during normal working hours.
- (i) PAROLES
- (1) The Facility Parole Results Review screen (PC15) allows a facility to confirm the inmate has been approved for parole. The Facility Parole Review screen (PC40) will show the type of parole approved and the earliest possible date of release. Comments regarding release are also provided on PC40.
  - (2) Inmates are cleared for parole on PC40 by entering CLR in the Facility Action. However, inmates should be cleared for parole by the facility that releases the inmate. The clearing should be done immediately before the inmate departs the facility (i.e., not several hours before he or she leaves, not several hours after departure). If an inmate who was cleared needs to be changed to hold, refer to the Parole Commission instructions.
  - (3) Except for a parole to a detainer (federal, in state, out of state), all paroles are normal paroles. Normal paroles will be forwarded to the facility where the inmate is housed along with instructions concerning the release of the inmate. Parole documents forwarded to the facility will include:

- (A) PCAR115 - Facility instructions for release (to be retained by the facility); (Batch job 15)
- (B) Two (2) copies of PCAR110A - Certificate of Parole (the facility is to retain one copy and provide one copy to the inmate); (Batch job 15)
- (C) Three (3) copies of PCAE111C - Parole Agreement. (Batch job 15)
- (4) The assigned Probation/Parole Officer will contact the facility to arrange release.
- (5) The Parole/Probation Officer will have the inmate read the parole papers and sign all copies where indicated to acknowledge awareness and understanding. The inmate is provided with one set and the facility will retain one copy. The Probation/Parole Officer will pick up the remaining sets of signed parole papers at the time of release and forward to the Post-Release/Parole Supervision Office.
- (6) If the inmate is to be direct released, the signed copies of the Parole Agreement plus the papers designated for DCC should be forwarded to the Probation/Parole Officer. If the Probation/Parole Officer transports the inmate from the facility, the facility holds all parole papers until the officer arrives.
- (7) Parole to a detainer will be accompanied by special instructions for the facility.
- (8) Any facility that has an inmate scheduled to be paroled should have the appropriate paperwork at least 24 hours ahead of time. If a facility does not have the documentation on the day before the scheduled parole, the facility is directed to contact the Parole Commission at (919) 716-3010.
- (9) Appropriate release documentation will be completed by facility staff on the External Movements screen (IP20). Mandatory parole cases, including 6-month and 90-day end of term cases, must be released on the scheduled release date as prescribed by statute, including cases where the release date falls on weekends and holidays. If the inmate scheduled for 90-day mandatory parole has not been released from the prison unit by designated Probation/Parole staff by 5:30 p.m. on the scheduled release date, the prison unit is to call the Electronic House Arrest (EHA) Base Station at 1-800-735-1432 to report the problem. EHA will contact appropriate personnel who will assist in releasing the inmate.
- (10) OPUS will automatically print the "Transfer of Custody" form when the parole movement code is entered on the External Movement screen (IP20). This form should be given to the parole officer releasing the inmate to ensure information related to inmate's prison adjustment, control status, STG affiliation, and other critical information is available to the supervising officer.
- (11) Staff is required to complete the Inmate Release Plan screen (IP55) for any released/paroled inmate. IP55 completion must be as accurate and complete as



possible, with the state and county code essential. Staff shall not enter a post office box as the inmate's proposed release plan. It must be completed before the inmate is released.

- (12) Certain parole cases may be released by "direct release" procedures. The criteria for direct release are as follows: inmate must be in minimum custody; non-sex offender; non-post release; and no intermediate punishment sanctions, to include assignment to a residential program, electronic monitoring or house arrest, intensive parole or a day reporting center.
  - (13) Any other concerns or questions about parole should be directed to the Parole Commission at (919) 716-3010 during normal working hours.
- (j) **DECLINE TO REVOKE**
- (1) When an inmate is returned to prison as a parole violator without additional sentences, and the Commission declines to revoke the inmate, Combined Records staff receives the alert that the inmate is not being revoked, and by telephone verifies with the housing facility that there are no additional sentences or pending charges on this inmate.
  - (2) After verification, Combined Records will place a comment on the Significant Issues/Case Management Note screen (IP60/61) advising the facility to reinstate the inmate to parole and then notify the facility by telephone to verify. The IP60/61 is the facility authority to release the inmate.
  - (3) The facility will not receive any additional documents because the previous parole action and documentation are still in effect. Any questions on matters related to a Decline to Revoke release without an additional sentence should be directed to Combined Records at (919) 716-3200 during normal working hours.
  - (4) When an inmate is returned to prison as a parole violator with additional sentences, and the Commission declines to revoke the parole, the additional sentence is processed as usual. Combined Records then verifies the sentence structure and establishes the new release date.
  - (5) When the additional sentence is completed, if the original parole sentence has expired, the inmate becomes a regular release (expiration of sentence) with appropriate release instructions on the IP60/61 screen.
  - (6) If at the completion of the additional sentence, the original parole sentence has not yet ended, the inmate returns to parole on the prior sentence. In this case, no additional parole action documents will be sent to the facility. Combined Records will use IP60/61 to instruct the facility to reinstate the inmate to parole.
  - (7) Appropriate release documentation will be completed by facility staff on the External Movements screen (IP20).
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- (8) Staff is required to complete the Inmate Release Plan screen (IP55) for any released/unrevoked inmate. IP55 completion must be as accurate and complete as possible, with the state and county code essential. Staff shall not enter a post office box as the inmate's proposed release plan. It must be completed before the inmate is released.
  - (9) Certain parole cases may be released by "direct release" procedures. The criteria for direct release are as follows: inmate must be in minimum custody; non-sex offender; non-post release; and no intermediate punishment sanctions, to include assignment to a residential program, electronic monitoring or house arrest, intensive parole or a day reporting center.
  - (10) Any questions related to a Decline to Revoke release with an additional sentence should be directed to Combined Records at (919) 716-3200 during normal working hours.
- (k) SEX OFFENDERS
- (1) An inmate categorized as a sex offender on either the current or a prior sentence can be identified by the sex offender notification on the bottom of the Facility Parole Review screen (PC40) for parole and post-release supervision cases, and on the Release Planning List (IPT batch job 05) for expiration of sentences. Current sex offenders will be flagged by a "sex offender" notification; inmates with prior convictions for reportable offenses will be identified by a "prior sex offender" notification; and sex predators will be identified by a "sex predator" notification.

When an inmate is categorized as a current or prior sex offender, staff is required to:

- (A) Prepare triplicate original Notice of Duty to Register Forms (print details from IPT batch job 05), review the forms with the inmate, and have the inmate sign all originals to acknowledge understanding of the statutory reporting mandates. In keeping with General Statutes, the Notice to the Inmate must occur not less than 10 days nor more than 30 days prior to release. To obtain this information, each facility should access the "scheduled release of sexual offender" screen on OPUS as follows: IP57 7 MMDDYY\_MMDDYY ##### (unit number). OPUS will then provide a list of all offenders required to register as sex offenders and scheduled for release between the specified dates. On the first Monday of each month, the date range shall be from the 15th day of the month through the end of the month. On the third Monday of the month, the date range shall be from the 1st day of the next month through the 14th day of the next month.
- (B) Provide inmate with a copy of the DC979, Notice of Duty to Register as a Sex Offender/Offender Acknowledgement. This is a summary of

information provided by the SBI and is to be given to the inmate upon release so he/she will be aware of statutory requirements related to sexual offenders. The inmate does not sign this copy. Do not send copies to Combined Records, SBI, or the Classification Manager.

- (C) Upon having the inmate sign the Notice of Duty to Register, staff shall ensure the inmate has an updated photo taken. It is not necessary to issue a new inmate identification card, but the updated photo shall be used for the inmate release card and shall be uploaded in the photo identification system as the most recent photo on the web.
  - (D) Complete the Inmate Release Plan screen (IP55). IP55 completion must be as accurate and complete as possible, with the state and county code essential. Staff shall not enter a post office box as the inmate's proposed release plan. It must be completed before the inmate is released.
  - (E) Complete the sex offender notification entry on the IP55, F24 comments screen. Comments should read "Inmate informed of duty to register as a sexual offender on MM/DD/YY; automated release plans updated; and signature form distributed to inmate, facility record, and Classification and Technical Support Manager. Inmate also provided a copy of the DC-979, Notice of Duty to Register as a Sex Offender/Offender Acknowledgement. Inmate photo updated in the Inmate Photo ID System on MM/DD/YY."
  - (F) Provide one original copy of the OPUS generated Notice of Duty to Register form (report IPTR130D) to the inmate; retain one original Notice of Duty to Register form in the inmate's facility jacket, and forward the third original to the Manager of Classification & Technical Support, MSC 4275, Raleigh, NC 27699-4275.
- (2) Records completion as noted above is essential given the statutory requirements for notification to the local sheriff's departments. No other manual processes are required because with accurate record completion, the notification is electronic and automatic.
  - (3) Appropriate release documentation will be completed by facility staff on the External Movements screen (IP20).
  - (4) In the event that an identified sex offender refuses to sign the notice of Duty to Register, two staff members will document by signature that the duty was explained and he/she refused to sign.
  - (5) Sex Offenders cannot be "direct released".
- (1) SATELLITE BASED MONITORING (SBM)

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- (1) Prior to release, the (SM01) OPUS module shall be viewed for Satellite Based Monitoring (SBM) applicability. Once verified, the IP55 (F24) comments screen shall be utilized for documenting purposes. Comments should read "SM01 OPUS module viewed for SBM applicability – SBM is noted – contacted the Sex Offender Management line on date/time and spoke to DCC employee". If SBM is not noted, IP55 (24) comments shall be documented as such.

As indicated earlier, valid Satellite Based Monitoring (SBM) cases shall be referred to North Carolina Community Corrections Sex Offender Management line at 1-888-663-0156 prior to release.

- (2) In addition to IP55 comments, on the date of release for those inmates identified as SBM, staff must run the required release batch reports (AS12 0 IPT 02/05). Inmates flagged as SBM will generate a "Notice to Enroll in Satellite Based Monitoring". The releasing facility will be responsible for reading to and having the inmate sign, acknowledging the contents. Instructions for distribution are on the form.
- (3) The sex offender management office will be responsible for the upkeep and tracking of these forms.
- (4) In the event that an identified SBM inmate refuses to sign the notice to enroll in SBM, two staff members will document by signature that the notice was explained and the inmate refused to sign.

(m) DEATH

- (1) Upon the death of an inmate while in the custody of North Carolina Prisons, the facility Officer-In-Charge will contact the medical examiner (and coroner if applicable) of the county in which the body of the deceased is found; the district attorney and other law enforcement agencies having investigative jurisdiction of the case; and the Prisons Section Chief or designee.
- (2) Appropriate death documentation will be completed by facility staff on the External Movements screen (IP20).
- (3) Refer to Fiscal Policy and Procedures .3700 Disposition of Assets of Deceased Inmates.

**.1504 ADDITIONAL REQUIREMENTS**

Upon the release of an inmate, staff should:

- (a) Issue trust fund monies and gate money, if required, by policy. The Release Planning List (IPT batch job 02), and the Scheduled Release List (IPT batch job 10) will both show if an inmate is eligible for gate money.

- (b) Issue the paper prison release photo ID card from the inmate's facility jacket, and retain the color identification card in the facility jacket.
- (c) Verify that personal property and transition document envelope, to include social security card, driver's license and other identification, and all property in storage is returned to the inmate.
- (d) Restore rights in unconditional release cases. Prison releases, specifically, expiration of sentences ("max out"), and unconditional pardons require the restoration of citizenship. The facility affecting the inmate's release from the custody of North Carolina Prisons is responsible for printing the Restoration of Rights form from OPUS. The form is batch job 97 in the Inmate Population Tracking (IPT) module of OPUS.
- (e) Prior to the release, parole or discharge of any inmate, facility staff will determine if there are pending charges, detainers or notifications requiring release to another agency. Staff will review the OR44 and OR45 screens for pending charges, detainers and notifications. Additionally, the Administrative Office of the Court (AOC) files will be accessed to determine if pending charges exist that are not displayed on OPUS. A statewide search should occur by use of offender's name, as well as a name search in the county of residence (misdemeanor). Staff must review all court disposition comments on the OR14 "J70" type to ensure:
  - (1) A comment exists for each court movement, and
  - (2) No outstanding additional sentences exist that have not been entered on OPUS.
- (f) Any agency holding a warrant, detainer or notification shall be contacted at least 72 hours prior to the scheduled release to establish transfer of custody. Contact is defined as a conversation with an individual at the other agency to discuss the inmate's release including details on transferring the inmate to the other jurisdiction. A voicemail message may be left; however, if no response is received, facility staff shall continue calling the other agency until such time as a supervisor or other personnel is contacted. All such contacts shall be documented on the appropriate OR45, FS11 comment screen to include the name and position of the person contacted as well as the estimated time of arrival to pick up the releasing inmate. Please refer to DOP policy, Outstanding Charges/Detainers, G.0105(c) for specific instructions regarding priority, should more than one detainer or pending charge exist on the OR44/45 screens.

If the receiving agency does not arrive at the expected time, facility staff should again make personal contact with staff at the other jurisdiction. If these efforts are unsuccessful, facility staff shall contact the Chief of Auxiliary Services at (919) 838-3701 or the Manager of Classification at 919-838-3661 for further instruction. If the release occurs on a holiday or weekend, the Prisons Administration duty officer should be contacted. These contacts should occur prior to the release of the inmate and be documented on the OR45, FS11 comment screen.

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In the event an inmate is directed to report to court for disposition of pending charges, reporting directions should also be documented on the OR45, FS11 comment screen.

- (g) Staff must review all court disposition comments on the OR14 “J70” type to ensure a comment exists for each court movement.
- (1) If a comment indicates an additional sentence was issued, the reviewing authority shall access the OT20 screen to determine if the additional sentence has been added to OPUS.
- (A) If the additional sentence has been added to the OT20 screen and been audited by Combined Records, no further action is needed and the release may proceed.
- (B) If the additional sentence does not appear on the OT20 screen, the reviewing authority shall review the inmate’s field jacket to determine if the commitment has been received but not entered in OPUS.
- (i) If the commitment is available, the information shall be entered on OPUS immediately. Combined Records shall be notified that an additional sentence has been entered so a “do not release” flag can be entered until such time as the sentence is audited.
- (ii) If the commitment is not located in the field jacket, the reviewing authority shall immediately contact the Clerk of Court in the county of conviction to obtain a copy of the commitment. Combined Records shall be notified that the inmate has received an additional sentence and the commitment has been requested so a “do not release” flag can be entered until such time as the commitment is received, entered in OPUS, and audited.
- (2) If the comments indicate no additional commitments have been issued, facility staff shall proceed with the inmate’s release.
- (h) Questions or concerns about restoration of citizenship should be directed to Combined Records at (919) 716-3200.

### **.1505 RELEASE PROCEDURAL RESPONSIBILITY**

The facility effecting the inmate's release or transfer from the custody of North Carolina Prisons is responsible for reviewing the release action and for ensuring the accuracy and completeness of the required release procedures. The facility effecting the release is defined as the last housing facility, including the receiving facility in the event of transfer for release, transfer for direct release, or any other circumstances in which one facility affects the final release on behalf of another. The final facility is responsible whether or not the inmate is actually housed at that location. Releasing facilities are to review each release for procedural correctness, accuracy, and appropriateness.

**.1506 RELEASE THROUGH ADMINISTRATIVE ERROR**

If an inmate is erroneously released through administrative error, every reasonable effort must be extended to ensure his/her timely return to custody for completion of the sentence. The following procedure will guide the actions of administrators for such returns to custody.

- (a) The Manager of Combined Records or designee will submit a notarized affidavit to the requesting facility specifying information related to the inmate's sentence. Included will be date of commitment to the Department of Public Safety, offense, length of sentence and projected release date. Additionally, the Manager will specify information related to any new commitments which need to be processed, as well as a brief explanation detailing the erroneous release.
- (b) The superintendent or designee, in cooperation with the local district attorney in the county where the inmate was released, will present to an appropriate District Court Judge (misdemeanor) or Superior Court Judge (felony) a copy of the judgment and commitment form and the affidavit from Combined Records. Note that Combined Records maintains copies of judgment and commitment forms certified true copies by the sending courts.
- (c) The superintendent or designee, upon presenting the judgment and commitment form and affidavit, will request the District or Superior Court Judge to issue a court order stating that the commitment is valid and requiring a return to confinement. Statutory authority may be found in Section 15A-305(5).
- (d) Requests for law enforcement assistance shall be made after carefully evaluating security considerations and the welfare of custodial staff assigned to return the inmate to custody. Law enforcement assistance will be requested on the basis of the court order.
- (e) Following the return of the inmate to confinement, a routine classification hearing will be conducted in accordance with established policy for those inmates who do not have a new commitment. The rationale of the Department of Public Safety for the return to custody shall be clearly stated on the OPUS Classification files (IC05) with assignment to the appropriate custody and facility. The inmate shall be allowed the opportunity to make a statement on the Witness Statement form, DC-138B.
- (f) For those inmates returned with an additional commitment that has not been processed, the inmate shall be admitted to the appropriate diagnostic center as directed by the Prisons Transfer Branch staff. Processing of the additional sentence will occur in accordance with prisons policy.
- (g) The Chief of Security's office shall enter the Release Through Administrative Error into the National Crime Information Center (NCIC) as a Wanted Person with appropriate alerts to law enforcement. Facility staff shall contact the Randall Building Security Officer at 919-838-3572 as soon as local authorities determine the inmate cannot be

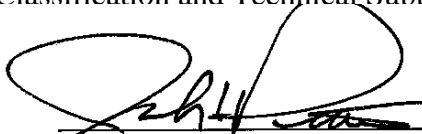
located for return to custody to complete his/her sentence(s). The Assistant Section Chief of Support Services and/or the Classification Manager shall consult with the Chief of Security's office on each erroneous release to determine whether prisons administration assistance, such as PERT or SORT, shall be activated to assist in the search and return to custody. The Chief of Security or his/her designee shall be responsible for any coordination of efforts.

**.1507 EXCEPTIONS**

These procedures govern regular operations. Exceptions may be made by the Prisons Section Chief designee.

**.1508 ISSUES**

Questions or other issues regarding release procedures may be directed to Manager, Classification and Technical Support staff at (919) 838-3701 during normal working hours.

  
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Interim Prisons Section Chief      Date 1/30/13

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