



Josh Stein
Governor

Leslie Cooley Dismukes
Secretary

September 30, 2026

Sent Via Email to: reports@ncleg.gov

Dear Chairs and Members of the Joint Legislative Oversight Committee on Justice and Public Safety,

Please allow this letter to serve as the notification required by Section 1.(b)(4) of Session Law 2026-19, as modified by Session Law 2026-41, §5.9(b2).

With regard to Section 1.(b)(1) of Session Law 2026-19, enclosed with this letter, please find the fully executed MOA memorializing DAC's participation in the 287(g) Warrant Service Officer Program.

With regard to Section 1.(b)(2) of Session Law 2026-19, the North Carolina Department of Adult Correction (DAC) has several policies and practices that satisfy the requirements set forth in subsections (a) through (c) of Section 1.(b)(2). Enclosed with this letter, please find copies of each of those policies.

We hope this information proves helpful and are happy to provide more information as needed.

Best regards,

Orlando L. Rodriguez
General Counsel

cc: Leslie Cooley Dismukes, Secretary
Tammera Hill, Chief Operating Officer
Justin Davis, Director of Legislative Affairs

Enclosures: DAC-ICE Warrant Service Officer Program MOA
DAC Policy titled *Deportation Releases and Citizenship Verification*
DAC Policy titled *Immigration Enforcement*
DAC Policy titled *Diagnostics Centers*
DAC Policy titled *Outstanding Charges/Detainers*
DAC Policy titled *Supervision Stage 3: Active Supervision*

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FROM THE OFFICE OF:
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MEMORANDUM OF AGREEMENT

Warrant Service Officer Program

I. PARTIES

This Memorandum of Agreement (MOA) constitutes an agreement between U.S. Immigration and Customs Enforcement (ICE), a component of the Department of Homeland Security (DHS), and the North Carolina Department of Adult Correction, hereinafter the law enforcement agency (LEA), pursuant to which ICE delegates to nominated, trained, certified, and authorized LEA personnel the authority to perform certain immigration enforcement functions as specified herein. The LEA and ICE enter into this MOA in good faith and agree to abide by the terms and conditions contained herein.

II. PURPOSE

The purpose of this collaboration is to promote public safety by facilitating the custodial transfer of specific aliens in LEA jail/correctional facilities to ICE for removal purposes at the time of the alien's scheduled release from criminal custody. This MOA sets forth the terms and conditions pursuant to which selected LEA personnel (participating LEA personnel) will be nominated, trained, and approved by ICE to perform certain limited functions of an immigration officer within the LEA's jail/correctional facilities. Nothing contained herein shall otherwise limit the jurisdiction and powers normally possessed by participating LEA personnel as members of the LEA. However, the exercise of the immigration enforcement authority delegated under this MOA to participating LEA personnel shall occur only as provided in this MOA.

III. AUTHORITY

Section 287(g) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1357(g) (1996), as amended by the Homeland Security Act of 2002, Pub. L. No. 107-296, authorizes the Secretary of DHS to enter into written agreements with a State or any political subdivision of a State so that qualified personnel can perform certain functions of an immigration officer. Such authority has been delegated by the Secretary to ICE, and this MOA constitutes such a written agreement.

IV. RESPONSIBILITIES

The LEA is expected to pursue to completion all criminal charges that caused the alien to be taken into custody and over which it has jurisdiction. ICE will assume custody of an alien only after said individual has been released from LEA custody.

A. DESIGNATION OF AUTHORIZED FUNCTIONS

Approved participating LEA personnel will be authorized to perform only those immigration officer functions set forth in the Standard Operating Procedures (SOP) in Appendix A.

B. NOMINATION OF PERSONNEL

The LEA will use due diligence to screen and nominate candidates for ICE training and approval under this MOA. All candidates must be United States citizens, have knowledge of and have enforced laws and regulations pertinent to their law enforcement activities and their jurisdictions, and have been trained on maintaining the security of LEA facilities, and have enforced rules and regulations governing inmate accountability and conduct.

ICE reserves the right to conduct an independent background check for each candidate. This background check requires all candidates to complete a background questionnaire. The questionnaire requires, but is not limited to, the submission of fingerprints, a personal history questionnaire, and the candidate's disciplinary history (including allegations of excessive force or discriminatory action). ICE reserves the right to query any and all national and international law enforcement databases to evaluate a candidate's suitability to participate in the enforcement of immigration authorities under this MOA. Upon request by ICE, the LEA will provide continuous access to disciplinary records of all candidates along with a written authorization by the candidate allowing ICE to have access to his or her disciplinary records.

Any expansion in the number of participating LEA personnel or scheduling of additional training classes is subject to all the requirements of this MOA and the accompanying SOP.

C. TRAINING OF PERSONNEL

Before participating LEA personnel receive authorization to perform immigration officer functions under this MOA, they must successfully complete initial training provided by ICE on relevant administrative, legal, and operational issues tailored to the immigration enforcement functions to be performed.

Each LEA nominee must pass a final examination with a minimum score of 70 percent to receive certification. If an LEA nominee fails to attain a 70-percent rating on the examination, he or she will have one opportunity to review the testing material and re-take a similar examination. Failure to achieve a 70-percent rating upon retaking the final examination will result in the disqualification of the LEA nominee and discharge of the nominee from training.

ICE will review the training requirements annually, reserves the right to amend them, and may require additional training as needed.

D. CERTIFICATION AND AUTHORIZATION

Upon successful completion of initial training, LEA personnel shall be deemed "certified" under this MOA.

ICE will certify in writing the names of those LEA personnel who successfully complete training and pass all required test(s). Upon receipt of the certification, the ICE Field Office Director (FOD) will provide the participating LEA personnel a signed authorization letter allowing the named LEA personnel to perform specified functions of an immigration officer. ICE will also provide a copy of the authorization letter to the LEA. ICE will also execute ICE Form 70-006, Designated Immigration Officer. Only those certified LEA personnel who receive authorization letters and ICE Form 70-006 issued by ICE and whose immigration enforcement efforts are overseen by ICE may conduct immigration officer functions described in this MOA.

Along with the authorization letter and ICE Form 70-006, ICE will issue the certified LEA personnel official immigration officer credentials. Participating LEA personnel shall carry their ICE-issued credentials while performing immigration officer functions under this MOA. Such credentials provided by ICE shall remain the property of ICE and shall be returned to ICE upon termination of this agreement, when a participating LEA employee ceases his/her participation, or when deemed necessary by the FOD.

Authorization of participating LEA personnel to act pursuant to this MOA may be withdrawn at any time and for any reason by ICE and must be memorialized in a written notice of withdrawal identifying an effective date of withdrawal and the personnel to whom the withdrawal pertains.

Such withdrawal may be effectuated immediately upon notice to the LEA. The LEA and the FOD will be responsible for notification of the appropriate personnel in their respective agencies. The termination of this MOA shall constitute immediate revocation of all immigration enforcement authorizations delegated hereunder.

The LEA will make every attempt, where practicable, to provide ICE with a 90-day notice if participating LEA personnel cease their participation in the program, so that appropriate action can be taken in accordance with ICE policies, including inventorying and retrieval of credentials, and training replacement personnel as needed.

E. COSTS AND EXPENDITURES

The LEA is responsible for personnel expenses, including, but not limited to, salaries and benefits, local transportation, and official issue material. ICE will provide instructors and training materials. The LEA is responsible for the salaries and benefits, including any overtime, of all of its personnel being trained or performing duties under this MOA and of those personnel performing the regular functions of the participating LEA personnel while they are receiving training. The LEA will cover the costs of all LEA personnel's travel, housing, and per diem affiliated with the training required for participation in this MOA. ICE is responsible for the salaries and benefits of all of its personnel, including instructors and supervisors.

If ICE determines the training provides a direct service for the Government and it is in the best interest of the Government, the Government may issue travel orders to selected personnel and reimburse travel, housing, and per diem expenses only. The LEA remains responsible for paying salaries and benefits of the selected personnel.

The LEA is responsible for providing all administrative supplies (e.g. printer toner) necessary for normal office operations. The LEA is also responsible for providing the necessary security equipment, such as handcuffs, leg restraints, etc.

F. ICE SUPERVISION

Immigration enforcement activities conducted by participating LEA personnel will be supervised and directed by ICE. Participating LEA personnel are not authorized to perform immigration officer functions except when working under the supervision or direction of ICE. Additional supervisory and administrative responsibilities are specified in Appendix A.

The actions of participating LEA personnel will be reviewed by ICE officers on an ongoing basis to ensure compliance with the requirements of the immigration laws and procedures and to assess the need for individual training or guidance.

For purposes of this MOA, ICE officers will provide supervision of participating LEA personnel only to immigration enforcement functions as authorized in this MOA. The LEA retains supervision of all other aspects of the employment of and performance of duties by participating LEA personnel.

In the absence of a written agreement to the contrary, the policies and procedures to be utilized by the participating LEA personnel in exercising these delegated authorities under this MOA shall be DHS and ICE policies and procedures. ICE is responsible for providing the LEA with the

applicable DHS and ICE policies. However, when engaged in immigration enforcement activities, no participating LEA personnel will be expected or required to violate or otherwise fail to maintain the LEA's rules, standards, or policies, or be required to fail to abide by restrictions or limitations as may otherwise be imposed by law.

If a conflict arises between an order or direction of an ICE officer or a DHS or ICE policy and the LEA's rules, standards, or policies, the conflict shall be promptly reported to the points of contact in Section VII. who shall attempt to resolve the conflict.

G. INTERPRETATION SERVICES

Participating LEA personnel will provide an opportunity for aliens with limited English language proficiency to request an interpreter. Qualified foreign language interpreters will be provided by the LEA, as needed.

The LEA will maintain a list of qualified interpreters or companies it contracts with to provide such interpreters. A qualified interpreter, which may include LEA personnel, means an interpreter who can interpret effectively, accurately, and impartially, using any specialized vocabulary. If an interpreter is used when a designated officer is performing functions under this MOA, the interpreter must be identified, by name, in records by annotating on the Warrant for Arrest of Alien or the Warrant of Removal/Deportation.

H. LIABILITY AND RESPONSIBILITY

Except as otherwise noted in this MOA or allowed by Federal law, and to the extent required by 8 U.S.C. § 1357(g)(7) and (8), the LEA will be responsible and bear the costs of participating LEA personnel with regard to their property or personal expenses incurred by reason of death, injury, or incidents giving rise to liability.

Participating LEA personnel will be treated as Federal employees only for purposes of the Federal Tort Claims Act, 28 U.S.C. § 1346(b)(1), 2671-2680, and worker's compensation claims, 5 U.S.C. § 8101 et seq., when performing a function on behalf of ICE as authorized by this MOA. *See* 8 U.S.C. § 1357(g)(7); 28 U.S.C. § 2671. In addition, it is the understanding of the parties to this MOA that participating LEA personnel will enjoy the same defenses and immunities from personal liability for their in-scope acts that are available to ICE officers based on actions conducted in compliance with this MOA. *See* 8 U.S.C. § 1357(g)(8).

Participating LEA personnel named as personal-capacity defendants in litigation arising from activities carried out under this MOA may request representation by the U.S. Department of Justice. *See* 28 C.F.R. § 50.15. Absent exceptional circumstances, such requests must be made in writing. LEA personnel who wish to submit a request for representation shall notify the ICE Office of the Principal Legal Advisor (OPLA) in writing at OPLA-DCLD-TortClaims@ice.dhs.gov. ICE OPLA will then assist LEA personnel with the request for representation, including the appropriate forms and instructions. Unless OPLA concludes that representation clearly is unwarranted, it will forward the request for representation, any supporting documentation, and an advisory statement opining whether: 1) the requesting individual was acting within the scope of his/her authority under 8 U.S.C. § 1357(g); and, 2) such representation would be in the interest of the United States, to the Director of the Constitutional and Specialized Tort Litigation Section, Civil Division, Department of Justice (DOJ). Representation is granted at the discretion of DOJ; it is not an entitlement. *See* 28 C.F.R. § 50.15.

The LEA agrees to cooperate with any Federal investigation related to this MOA to the full extent of its available powers, including providing access to appropriate databases, personnel, individuals in custody and documents. Failure to do so may result in the termination of this MOA. Failure of any participating LEA employee to cooperate in any Federal investigation related to this MOA may result in revocation of such individual's authority provided under this MOA. The LEA agrees to cooperate with Federal personnel conducting reviews to ensure compliance with the terms of this MOA and to provide access to appropriate databases, personnel, and documents necessary to complete such compliance review. It is understood that information provided by any LEA personnel under threat of disciplinary action in an administrative investigation cannot be used against that individual in subsequent criminal proceedings, consistent with *Garrity v. New Jersey*, 385 U.S. 493 (1967), and its progeny.

As the activities of participating LEA personnel under this MOA are undertaken under Federal authority, the participating LEA personnel will comply with Federal standards and guidelines relating to the Supreme Court's decision in *Giglio v. United States*, 405 U.S. 150 (1972), and its progeny, which govern the disclosure of potential impeachment information about possible witnesses or affiants in a criminal case or investigation.

The LEA and ICE are each responsible for compliance with the Privacy Act of 1974, 5 U.S.C. §552a, DHS Privacy Act regulations, 6 C.F.R. §§ 5.20-5.36, as applicable, and related system of records notices with regard to data collection and use of information under this MOA.

I. CIVIL RIGHTS STANDARDS

Participating LEA personnel are bound by all Federal civil rights laws, regulations, and guidance relating to non-discrimination, including the U.S. Department of Justice "Guidance for Federal Law Enforcement Agencies Regarding the Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, or Gender Identity," dated December 2014, , Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000 et seq., which prohibits discrimination based upon race, color, or national origin (including limited English proficiency) in any program or activity receiving Federal financial assistance, Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination based on disability and requires the LEA to provide effective communication to individuals with disabilities, and Title II of the Americans with Disabilities Act of 1990, which also prohibits discrimination based on disability and requires the LEA to provide effective communication to individuals with disabilities.

V. REPORTING AND DOCUMENTATION

A. COMPLAINT PROCEDURES

The complaint reporting procedure for allegations of misconduct by participating LEA personnel, including activities undertaken under the authority of this MOA, is included in Appendix B.

B. COMMUNICATION

The FOD (or the FOD's management representative) and the LEA shall make every effort to meet at least annually to ensure compliance with the terms of this MOA. When necessary, ICE and the LEA may limit the participation of these meetings in regard to non-law enforcement personnel. The attendees will meet at locations to be agreed upon by the parties, or via teleconference. An initial review meeting between ICE and the LEA should be held within approximately 12 months of the MOAs operational date.

C. RELEASE OF INFORMATION TO THIRD PARTIES

The LEA may, at its discretion, communicate the substance of this agreement to organizations and groups expressing an interest in the law enforcement activities to be engaged in under this MOA. It is the practice of ICE to provide a copy of this MOA, only after it has been signed, to requesting media outlets; the LEA is authorized to do the same.

The LEA hereby agrees to coordinate with ICE prior to releasing any information relating to, or exchanged under, this MOA. For releases of information to the media, the LEA must coordinate in advance of release with the ICE Office of Public Affairs, which will consult the ICE Privacy Office for approval prior to any release. The points of contact for ICE and the LEA for this purpose are identified in Appendix C. For releases of information to all other parties, the LEA must coordinate in advance of release with the FOD or the FOD's representative.

Information obtained or developed as a result of this MOA, including any documents created by the LEA that contain information developed or obtained as a result of this MOA, is under the control of ICE and shall not be disclosed unless: 1) permitted by applicable laws, regulations, or executive orders; and 2) the LEA has coordinated in advance of release with (a) the ICE Office of Public Affairs, which will consult the ICE Privacy Office for approval, prior to any release to the media, or (b) an ICE officer prior to releases to all other parties. LEA questions regarding the applicability of this section to requests for the release of information shall be directed to an ICE officer.

Nothing herein limits LEA's compliance with state public records laws regarding those records that are solely state records and not ICE records.

VI. MODIFICATIONS TO THIS MOA

Modifications to this MOA must be proposed in writing and approved and signed by both parties. Modification to Appendix A shall be done in accordance with the procedures outlined in the SOP.

VII. POINTS OF CONTACT

ICE and the LEA points of contact (POCs) for purposes of this MOA are:

For the LEA: Director of Operations, North Carolina Department of Adult Correction

For ICE: Atlanta Field Office Director

VIII. EFFECTIVE DATE AND TERMINATION OF THIS MOA

This MOA becomes effective upon signature of both parties and will remain in effect until either party, upon 90-day written notice to the other party, provides notice of termination or suspension of the MOA. A termination or suspension notice by ICE shall be delivered personally or by certified or registered mail to the LEA and termination or suspension shall take effect 90-days after receipt of such notice, unless exigent circumstances involving public safety dictate otherwise. Notice of termination or suspension by the LEA shall be given to the FOD and termination or suspension shall take effect 90-days after receipt of such notice, unless exigent circumstances involving public safety dictate otherwise.

This MOA does not, is not intended to, shall not be construed to, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any person in any matter, civil or criminal.

By signing this MOA, each party represents it is fully authorized to enter into this MOA, accepts the terms, responsibilities, obligations, and limitations of this MOA, and agrees to be bound thereto to the fullest extent allowed by law.

For the LEA:

Date: 09/28/2026

Signature: 
Leslie Cooley Dismukes
Secretary
N.C. Department of Adult Correction

For ICE:

Date: 9/29/2026

Signature: 

Name: Russell Hott

Title: Assistant Director

Agency: Department of Homeland Security

U.S. Immigration and Customs Enforcement

APPENDIX A

STANDARD OPERATING PROCEDURES (SOP)

The purpose of this appendix is to establish standard, uniform procedures for the implementation and oversight of the program within the FOD area of responsibility. This appendix can be modified only in writing and by mutual acceptance of ICE and the LEA.

Pursuant to this MOA, the LEA has been delegated authorities as outlined below. This MOA is designed to facilitate the custodial transfer of designated aliens in LEA's jail/correctional facilities to ICE within 48 hours of alien's release from criminal custody.

Authorized Functions:

Participating LEA personnel are delegated only the following authorities listed below:

- The power and authority to serve and execute warrants of arrest for immigration violations, 8 U.S.C. § 1357(a) and 8 C.F.R. § 287.5(e)(3), on designated aliens in LEA jail/correctional facilities at the time of the alien's scheduled release from criminal custody in order to transfer custody of the alien to ICE;
 - Upon transfer of the alien's custody to ICE, the alien will continue to be held in the LEA's jail/correctional facilities for no more than 48 hours unless there exists an agreement pursuant to which the LEA will continue to detain, for a reimbursable fee, aliens for immigration purposes. In the absence of an agreement, if the alien is not transferred to an ICE field office or an immigration detention facility within 48 hours, the alien shall be released from the LEA jail/correctional facility.
- The power and authority to serve warrants of removal, 8 U.S.C. § 1357(a) and 8 C.F.R. §§ 241.2(b)(2), 287.5(e)(3), on designated aliens in LEA jail/correctional facilities at the time of the alien's scheduled release from criminal custody that executes the custodial transfer of the alien to ICE for removal purposes;
 - Upon transfer of the alien's custody to ICE, the alien will continue to be held in the LEA's jail/correctional facilities for no more than 48 hours unless there exists an agreement pursuant to which the LEA will continue to detain, for a reimbursable fee, aliens for immigration purposes. In the absence of an agreement, if the alien is not transferred to an ICE field office or an immigration detention facility within 48 hours, the alien shall be released from the LEA jail/correctional facility.

and

- The power and authority to detain and transport, 8 U.S.C. § 1357(g)(1) and 8 C.F.R. § 287.5(c)(6), any aliens arrested pursuant to the immigration laws, to ICE-approved detention facilities.
 - Only upon a request of an ICE officer authorizing such action may participating LEA personnel transport the alien(s) to an ICE-approved detention facility for immigration purposes, and only participating LEA personnel whose ICE Form 70-006 authorizes such action and who are authorized by their LEA to conduct transport operations, may conduct such action.

Additional Supervisory and Administrative Responsibilities:

The above immigration enforcement functions conducted by the participating LEA personnel will be supervised and directed by ICE. Participating LEA personnel are not authorized to perform immigration officer functions except when working under the supervision or direction of ICE. Additional supervisory and administrative responsibilities for each entity include, but are not limited to:

- The LEA shall provide notification to the ICE officer immediately after participating LEA personnel serve any warrant of arrest or warrant of removal that executes the custodial transfer of the alien to ICE for removal purposes, in a manner mutually agreed upon by the LEA and the FOD.
- Participating LEA personnel must report all encounters with asserted or suspected claims of U.S. citizenship to ICE immediately, but generally within one hour of the claim.

APPENDIX B

COMPLAINT PROCEDURE

The training, supervision, and performance of participating LEA personnel pursuant to the MOA, as well as the protections for U.S. citizens' and aliens' civil and constitutional rights, are to be monitored. Part of that monitoring will be accomplished through the complaint reporting and resolution procedures, which the parties to the MOA have agreed to follow.

If any participating LEA personnel are the subject of a complaint or allegation involving the violation of the terms of this MOA or a complaint or allegation of any sort that may result in that individual receiving professional discipline or becoming the subject of a criminal investigation or civil lawsuit, the LEA shall, to the extent allowed by State law, make timely notification to an ICE officer within 48 hours, excluding weekends, of the existence and nature of the complaint or allegation. The results of any internal investigation or inquiry connected to the complaint or allegation and the resolution of the complaint shall also be reported to an ICE officer, as established by ICE. It is the responsibility of the ICE officer to ensure notification is made to the ICE Office of Professional Responsibility (OPR) at ICEOPRIntake@ice.dhs.gov.

The LEA will also handle complaints filed against LEA personnel who are not designated and certified pursuant to this MOA but are acting in immigration functions in violation of this MOA. Any such complaints regarding non-designated LEA personnel acting in immigration functions must be forwarded to the ICE officer within 48 hours of the LEA receiving notice of the complaint. It is the responsibility of the ICE officer to ensure notification is made to OPR.

287(g) Complaint Process posters will be displayed in the processing areas of the LEA to ensure aliens encountered under the 287(g) Program are aware of the complaint process. Posters will be displayed in English and Spanish. If the alien understands a language other than English or Spanish or is unable to read, LEA personnel will read and/or translate the complaint process in a language the alien understands.

APPENDIX C

PUBLIC INFORMATION POINTS OF CONTACT

Pursuant to Section V(D) of this MOA, the signatories agree to coordinate appropriate release of information to the media, provided the release has been previously approved by both the ICE Privacy Officer and Public Affairs Officer, regarding actions taken under this MOA before any information is released. The points of contact for coordinating such activities are:

For the LEA:

Keith Acree
Communications Director
5201 Mail Service Center
Raleigh, North Carolina 27699-5201
(919) 880-2970
Keith.Acree@dac.nc.gov

For ICE:

Public Affairs Office
Office of Public Affairs and Internal Communication
U.S. Department of Homeland Security
U.S. Immigration and Customs Enforcement
Washington, DC 20536
202-732-4242

***Division of Institutions
Policy and Procedure***

Chapter: Q
Section: .0200
Title: Deportation Releases and
Citizenship Verification
Issue Date: November 22, 2022
Supersedes: August 31, 2018

References	5 th Edition Standards for Adult Correctional Institutions
Related ACA Standards	None
North Carolina General Statute (NCGS)	14-54 , 14-56 , 14-71.1 , 14-100 , 20-138.1 , 20-179 , 90-95 , 148-64.1
United States Code	8 USC 1373

.0201 GENERAL

This policy establishes specific procedures for granting conditional release to selected offenders within the North Carolina Department of Adult Correction (DAC), Division of Institutions (DOI) pursuant to NCGS 148-64.1, as well as the return of such offenders into custody should they violate conditions of release. This policy also directs employees of the DOI to comply with all federal regulations regarding offender citizenship or immigration status pursuant to federal law 8 U.S.C. 1373.

.0202 DEFINITIONS

- (a) Deportation – the removal of an offender from the United States and return to their Country of citizenship.
- (b) Final Removal Order – document issued by a federal immigration judge authorizing ICE agents to deport a specific offender to their home country.
- (c) Department of Homeland Security (DHS) – federal agency tasked with “preventing terrorism and enhancing security; managing our borders; administering immigration laws; securing cyberspace; and ensuring disaster resilience”.
- (d) United States Immigration and Customs Enforcement (ICE) – federal agency within the Department of Homeland Security tasked with investigating and enforcing federal immigration statutes, including removal of illegal aliens from the United States.
- (e) United States Citizenship and Immigration Services (USCIS) – federal agency within the Department of Homeland Security tasked with administering the immigration system.

- (f) United States Customs and Border Patrol (CBP) – federal agency within the Department of Homeland Security tasked with regulating and facilitating international trade and enforcing U.S. regulations involving customs and immigration.
- (g) National Crime Information Center – (NCIC) is a computerized index of criminal justice information (i.e.- criminal record history information, fugitives, stolen properties, missing persons). It is available to federal, state, and local law enforcement and other criminal justice agencies and is operational 24 hours a day, 365 days a year.
- (h) Rapid REPAT – process by which an offender agrees to be deported after having served one half (½) of their minimum sentence. Selected offenders are eligible based on crime conviction and agreement to never return to the United States and no pending charges in any jurisdiction.

.0203 GENERAL COMMUNICATION WITH FEDERAL AGENCIES

DOI staff may not prohibit, restrict or impede federal officials from investigating the citizenship of individuals being held in our facilities. 8 U.S.C. § 1373. DOI staff may not prohibit, restrict or impeded the sending or receiving of information concerning citizenship or immigration status with government entities or officials. 8 U.S.C. § 1373. DOI staff are directed to comply with all requirements of the federal law and:

- (a) Permit the Department of Homeland Security to meet with individuals in DOI correctional facilities for the purposes of inquiring into citizenship and immigration status.
- (b) Share information regarding immigration status with the Department of Homeland Security, and
- (c) Respond to all formal written requests and inquiries by the Department of Homeland Security for information concerning the scheduled release date and time for a particular individual committed to a DOI facility, and when asked, give a 48-hour notice of an offender's release date and time.

Officers should always confirm that the person alleging to be a federal agent is in fact a federal agent before giving them access to the facility. This should include checking for proper identification.

.0204 ELIGIBILITY FOR CONSIDERATION FOR CONDITIONAL RELEASE

Pursuant to NCGS 148-64.1, the Post-Release Supervision and Parole Commission may conditionally release an offender into the custody of United States Immigration and Customs Enforcement (hereinafter ICE) when:

- (a) The DAC has received a final order of removal from ICE.

- (b) The offender is convicted of and incarcerated for one or more of the following offenses (but not for any other felony offense):
 - (1) NCGS 14-54. Breaking or entering buildings.
 - (2) N.C.G.S. § 14-56. Felony Breaking or Entering into, or out of, railroad cars, motor vehicles, trailers, aircraft, boats, or other watercraft.
 - (3) N.C.G.S. § 14-71.1. Felony Possession of Stolen Goods.
 - (4) N.C.G.S. § 14-100. Felony Obtaining Property by False Pretense, so long as the items have a total value less than one-hundred thousand dollars (\$100,000).
 - (5) N.C.G.S. § 90-95 (d)(4). Possession of Schedule VI controlled substance.
 - (6) N.C.G.S. § 20-138.1 Driving While Impaired not resulting in death or serious injury.
- (c) The offender has served at least one half of the minimum sentence imposed by the court or, if convicted of Driving While Impaired, has met all the parole eligibility requirements as established by statute, notwithstanding NCGS 20-179(p)(3).
- (d) The offender agrees, in writing, to not reenter the United States unlawfully at any time in the future.
- (e) The offender has no additional pending charges in North Carolina, any other state, or federal courts.

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

.0205 PROCEDURES

- (a) Notice:
 - (1) The DAC will notify affected offenders of their eligibility for conditional release to their home country after serving one-half of their minimum sentence. This notice will occur either by:
 - (A) Providing an individual letter and application form to each offender confined on or after July 8, 2008: or;
 - (B) Providing a written description of this policy to each incoming offender with convictions for the offenses outlined in .0204 during the initial processing for all newly admitted offenders.

- (2) Each facility shall maintain a copy of this policy, application forms, and related memoranda, to include information related to eligible offenses and applications certifying an offender's request to participate in this program.
 - (3) Information related to the Rapid REPAT program shall be posted on offender bulletin boards and include eligibility requirements as well as procedures for submitting applications.
- (b) Application/Approval Process:
- (1) Qualifying offenders must submit a signed application form indicating they will not contest deportation and agreeing to not re-enter the United States at any time in the future.
 - (2) Applications will be forwarded to the Director of Prison Operations or the Manager of Classification for review to ensure the applicant meets all statutory requirements. If so, the offender's record will be reviewed to determine if a deportation detainer has been filed by ICE. If no detainer is on file, local ICE agents will be contacted to initiate a review on the offender.
 - (3) The Director of Prison Operations or the Manager of Classification will request and review an updated NCIC criminal history check to ensure there are no charges pending in any jurisdiction.
 - (4) Upon verification that a deportation detainer is on file and no pending charges exist, the case will be forwarded to the North Carolina Post-Release and Parole Supervision office for final review and decision for conditional release to ICE agents.
 - (5) The Post-Release and Parole Supervision office will notify the Director of Prison Operations, or the Manager of Classification will be provided the names of all offenders approved for participation in the Rapid REPAT program.
 - (6) These offender names will be provided to the designated ICE office to arrange for the final removal hearings.
 - (7) The Director of Prison Operations or the Manager of Classification will be provided a list of all offenders issued final removal orders. ICE agents will provide the Chief with the date established for the next transport of aliens under the Rapid REPAT program.
 - (8) Divisional transportation will arrange for the transport of selected offenders to the designated transfer point for ICE to assume custody.

- (9) Designated staff at each facility will document on the OPUS External Movement screen (IP20) the transfer utilizing the appropriate movement codes.
- (10) The Director of Prison Operations or the Manager of Classification will ensure a “Wanted” notification is entered on NCIC to alert criminal justice agencies that the subject is on conditional release from the DOI and should be returned to our custody to complete service of their prison term.

.0206 RETURN TO CUSTODY

- (a) The DOI Administration Security Post/PIN Desk will receive notification via NCIC. Security staff will confirm the wanted person status and notify Extradition staff to arrange for return to the DOI as a conditional release violator.
- (b) Extradition will contact DOI Jail Transportation staff to determine the appropriate admission location and reserve a bed. Jail transportation staff will enter the admission on the appropriate OPUS Screens in keeping with policy F .2800 Jail Bus Transportation.
- (c) ICE officials will be contacted to ensure they are aware of the re-entry after deportation.
- (d) The violator will be returned to the custody of DOI and will complete the diagnostic process as established for parole violators. They will be required to complete the balance of their sentence.

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Policy Name: Immigration Enforcement
Policy Number: TBD
Supersedes: N/A
Effective: October 1, 2026

Department of Adult Correction
Policy and Procedure

I. PURPOSE

The purpose of this policy is to ensure compliance with Section 1.(b)(2) of [North Carolina Session Law 2026-19](#).

II. APPLICABILITY

This policy applies to all employees of DAC.

III. DEFINITIONS

A. Legal Residence or Citizen

An individual who is a citizen of the United States or its territories, or who has legal authorization to reside in the United States.

B. ICE

U.S. Immigration and Customs Enforcement, a federal agency responsible for enforcing immigration laws.

C. MOA

For the purposes of this policy, a Memorandum of Agreement entered into with Immigration Customs and Enforcement pursuant to [section 287\(g\) of the Immigration and Nationality Act \(8 U.S.C. § 1357\(g\)\)](#).

IV. POLICY

A. Employees shall comply with the requirements set forth in [Session Law 2026-19](#), specifically Section 1.(b), and any other applicable policies and procedures.

B. DAC has entered into a MOA with ICE which permits certain designated staff to perform immigration law enforcement functions under ICE supervision and after appropriate training as set forth in the MOA.

C. Employees shall attempt to determine if any person in the custody or under the supervision of DAC is a legal resident or citizen of the United States or its territories by inquiry of the person, guardian, or legal representative, or examination of any relevant documents, or both.

- D. When employees are unable to determine if a person in the custody or under the supervision of DAC is a legal resident or citizen of the United States or its territories, the employees shall make a query of ICE.
- E. When employees determine that a person in the custody of or under the supervision of DAC is not a legal resident or citizen of the United States or its territories, the employees shall provide requested information regarding the individual to ICE.
- F. DAC shall cooperate to the fullest extent allowed by law with ICE in all matters related to immigration status determination and enforcement.

V. REFERENCES

- A. [Session Law 2026-19, Senate Bill 153](#)
- B. [Immigration and Nationality Act, section 287\(g\) \(8 U.S.C. § 1357\(g\)\)](#)

***Division of Institutions
Policy and Procedure***

I. PURPOSE

The purpose of this policy is to provide guidance to Diagnostic Centers throughout the North Carolina Department of Adult Correction (DAC), Division of Institutions.

II. POLICY

A. GENERAL

1. ***Newly admitted offenders to the Division of Institutions, with the exceptions noted in Special Procedures, will complete three identifiable processes before initial classification and assignment: Except in unusual circumstances, these processes shall be completed within 15 business days or less after admission consistent with the completion scheduled in the Diagnostic Services Manual (5-ACI-5A-03):***

- a) Reception;
- b) Orientation; and
- c) Diagnostic.

2. The purpose of these processes is to assist the individual in adjusting to incarceration and to provide evaluative information for management and treatment of the offender.

B. ORGANIZATION

1. Responsibility

The reception, orientation, and diagnostic processes are subject to review by the Diagnostic Services Branch Program Manager on behalf of the Deputy Secretary of Institutions. Any variation in pertinent procedures and guidelines specified herein, or as specified in the Diagnostic Center Procedure Manuals, as amended, shall be immediately reported to the Diagnostic Services Branch Program Manager for review and approval. Administrative directives will be issued by this office through the office of the Deputy Secretary of Institutions or designee as required to specify and update procedures.

2. Diagnostic Centers

The diagnostic center receives offenders to include offenders from sentencing courts, offenders being returned from escape, offenders admitted to Institutions for presentence

diagnostic study and safekeeping, post-release and parole offenders with revocations awaiting Post-Release Supervision and Parole Commission hearings, and interstate compact offenders. In general, diagnostic centers at designated admission locations provide the following for these offenders: physical/dental examinations, mental health screening, photographing, fingerprinting and identification of marks and/or other unusual characteristics.

Specifically, the diagnostic center (5-ACI-5A-01):

- a) Prepares a summary admission report for new admissions. Social and criminal data will be entered into the electronic record. Also included are the legal aspects of the case; medical, dental and mental health history/psych evaluation; occupational/educational status and interests; vocational programming; recreational preference and needs assessment; staff recommendations, if any; and pre-institutional assessment information;
 - b) Administers and scores psychometric tests;
 - c) Provides casework services for crisis intervention as necessitated by immediate problems of or with an offender being processed.
 - d) Evaluates each case to identify Security Risk Group affiliations, crime-related problems, correctional goals, need for outer controls, and other factors relating to the classification process;
 - e) Administers the Risk Needs Assessment (RNA);
 - f) Assigns to a housing unit;
 - g) Records basic personal data for mail and visitation, and explains mail and visiting procedures to offenders;
 - h) Assists offenders with notifying their next of kin and family;
 - i) Assigns an OPUS number;
 - j) Provides offenders written orientation materials; and
 - k) Documents any reception/orientation completed.
3. A diagnostic center must provide psychological examination services, psychiatric evaluations, professional casework services, and case evaluations by personnel professionally qualified to interpret reports from the various professional disciplines. This information is made into a classification action on which crime-related problem identification and correctional intervention may be based. The Diagnostic Center staff must meet minimum specifications of state personnel and standards established by the Diagnostic Services Branch Program Manager and approved by the Deputy Secretary of Institutions.

4. Diagnostic Center Audits

Each center will be audited annually based on standards established by the Diagnostic Services Branch Program Manager as approved by the Deputy Secretary of Institutions.

III. PROCEDURES

A. Admission

These procedures outline the essential functions which must be performed in the initial admission of an offender to Institutions. Only those facilities which are designated as having diagnostic centers are permitted to receive new admissions. The following apply:

1. Offender Criteria

The criteria for accepting offenders are based upon age, sex, type of offense, and length of sentence.

Diagnostic Services Locations

<u>NC Corr. Institution for Women</u> Raleigh, NC	3010	All female felon offenders and felon Safekeepers. All female misdemeanor and CRV offenders with medical and mental health issues.
<u>Central Prison</u> Raleigh, NC	3100	All male felon offenders, with Death Sentences. All male Safekeepers, ages 18 years and older, as well as inpatient medical and mental health to include misdemeanants.
<u>Piedmont Correctional Institution</u> Salisbury, NC	3500	Male felon offenders from Western/Piedmont counties, age 18 and older.
<u>Craven Correctional Institution</u> Vanceboro, NC	3085	Male felon offenders from Eastern/Central counties ages 18 and older.
<u>Granville Correctional Institution</u> Butner, NC	3980	All male felons and misdemeanor offenders ages 18 and older.
<u>Foothills Correctional Institution</u> Morganton, NC	3720	All male felon and misdemeanor offenders ages 13 years and older. All felon Safekeepers 17 years and younger.

2. Escapees

Offenders referred from escape will be referred to the designated felon or misdemeanor diagnostic center for reprocessing after disciplinary and/or legal procedures have been completed. Adult male felon offenders returned from a minimum or medium custody escape will be processed at Piedmont or Craven Diagnostic Centers. Youthful felon offenders who escape from minimum or medium custody will be received at Granville Diagnostic Centers. Felons escaping or attempting to escape from close custody will be received at Central Prison to await disciplinary and legal proceedings, diagnostic processing, and reclassification.

3. Parole Revocation

The parole revocation process requires that a hearing be held or waived prior to an offender being accepted into a prison for processing. Parole violators will be processed at the appropriate diagnostic centers in accordance with sentence guidelines specified in this policy. Time remaining to be served will be a factor in referring an offender to a particular center.

4. Commitment Receipt

A true copy of the sentencing court's commitment, complete with the court's impressed seal and certification, must be received prior to admission.

5. Personal Property

Personal property, including personal funds, will be obtained, searched, recorded, and processed/disposed of in a manner consistent with departmental regulations.

6. Search

A strip search will be conducted, and any contraband confiscated and reported as provided in division regulations.

7. Dress

Offenders will dress in appropriate prison clothing. They will be issued clean, laundered clothing, as needed. Offenders will be provided showering and hair care products as necessary to maintain hygiene.

8. Arrival Confirmation

The new admission's arrival will be noted in the electronic record.

9. Identification

Appropriate measures will be taken to accurately identify all offenders. Staff will ensure the offender is legally committed to the institution. These measures include completion of OR10 and OR11 screens, fingerprints, photographs, and necessary distribution of this data.

10. Physical Exam

The admitting facility will perform a physical examination of all newly admitted offenders as specified in division regulations (5-ACI-6A-21).

B. Screening for Risk of Victimization and Abusiveness

1. All offenders and safekeepers shall receive a PREA screening inventory, administered via the web-based OPUS intake system, within 24 hours after admission to Institutions. Diagnostic Services staff shall conduct the screening to determine an offender's risk of being sexually abused by other offenders or their risk of being sexually abusive towards other offenders. A second screening shall be completed within a set time, not to exceed 30 days from the offenders' arrival at the facility. The purpose of this screening is to reassess the offender based upon any additional relevant information received by the facility since the initial screening. The screening shall use an objective screening instrument that complies with the Prison Rape Elimination Act standards, 28 C.F.R. Part 115.
2. The responses to the Screening Inventory, are confidential; therefore, the facility shall implement appropriate controls on the dissemination of responses to questions asked in order to ensure that sensitive information is not exploited to the offender's detriment by staff or other offenders.
3. Offenders may not be disciplined for refusing to answer or for not disclosing complete information during screening or assessment.
4. The facility shall make individualized determination for housing, program, job, bed, and education assignments, to ensure the safety of each offender on a case-by-case basis.
5. The initial screening shall consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the agency, in assessing offenders for risk of being sexually abusive.
6. In deciding whether to assign a transgender or intersex offender to a facility for male or female offenders, and in making other housing and programming assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the offender's health and safety, and whether the placement would present management or security problems.
7. Placement and programming assignments for each transgender or intersex offender shall be reassessed by the case manager at least twice each year to review any threats to the safety experienced by the offender.
8. A transgender or intersex offender's own view with respect to their safety shall be given serious consideration.
9. Transgender and intersex offenders shall be given the opportunity to shower separately from other offenders.

10. The agency shall not place lesbian, gay, bisexual, transgender, or intersex offenders in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such offenders.
11. The agency shall implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the offender's detriment by staff or other offenders.

C. Use of Protective Custody

1. Offenders at high risk for sexual victimization shall not be placed in restrictive housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. If a facility cannot conduct such an assessment immediately, the facility may hold the offender in restrictive housing for no more than 24 hours while completing the assessment.
2. The facility shall assign such offenders to restrictive housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days. Refer to Diagnostics Services Procedural Manual for requirements to meet the policy and PREA national standards.

D. Medical and Mental Health Screening and History of Sexual Abuse

1. If the screening for risk of victimization and abusiveness indicates that a prison offender has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the offender is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.
2. If the screening for risk of victimization and abusiveness indicates that a prison offender has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the offender is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening.
3. Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.
4. Medical and mental health practitioners shall obtain informed consent from offenders before reporting information about prior sexual victimization that did not occur in an institutional setting unless the offender is under the age of 18.

E. Use of Screening information

The information from the screening for risk of victimization and abusiveness shall be used to

inform housing, bed, work, education, and program assignments with the goal of keeping separate those offenders at high risk of being sexually victimized from those at high risk of being sexually abusive.

F. Offender PREA Education

1. Reception

All offenders shall receive, during reception, information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment, and how to report incidents or suspicions of sexual abuse and sexual harassment to include third-party reporting within timeframes established under the Prison Rape Elimination Act standards.

2. Intake

All offenders shall receive comprehensive education about sexual abuse and sexual harassment. Such education shall be completed within 30 days of intake and upon transfer to a different facility.

3. Comprehensive education shall include:

- a) Offenders' rights to be free from sexual abuse and sexual harassment;
- b) Offenders' rights to be free from retaliation for reporting incidents of sexual abuse and sexual harassment;
- c) The agency's policies and procedures for responding to incidents of sexual abuse and sexual harassment; and
- d) Methods available to offenders for reporting incidents of sexual abuse or sexual harassment internally and to an external agency or entity.

4. Education for offenders shall be offered by staff that have completed the PREA Train the Trainer Offender Education course.

5. Transfer

All offenders shall receive education about sexual abuse and sexual harassment upon transfer to a different facility.

- a) Education shall be completed utilizing the Offender FACTSHEET OPAT101 Facilitator Talking Points.
- b) Each offender shall receive a copy of the PREA Brochure.
- c) Each offender will sign the Orientation Form and it will be placed in their field jacket.
- d) Education for offenders shall be offered by a designated employee at the facility.

- e) Appropriate provisions shall be made as necessary for offenders not fluent in English, persons with disabilities and those with low literacy levels.
- f) Additional sexual abuse and sexual harassment information shall be provided through offender brochures, handbooks, and posters.
- g) All materials provided to offenders on the subject of sexual abuse and sexual harassment, and any lesson plans used during any presentations on this topic shall be approved by the Department of Adult Correction's PREA Office.

G. Orientation

Newly admitted offenders will be assisted by staff in adjusting to the prison environment. Orientation will be conducted in offender groups with an explanation of the rules, penalties, and disciplinary procedures provided, including information on medical copays, how to obtain health services, and procedures on submitting grievances. A description of the offender's current situation, the diagnostic and classification process, custody levels, and a summary of available programs and work will also be provided (5-ACI-6A-01).

H. Diagnostic

The diagnostic portion of the process involves professional evaluation of the offender to identify security requirements, crime-related problems, correctional goals, and required correctional intervention. The following will be accomplished:

1. Psychometric Testing

Psychometric tests approved by Institutions will be administered, scored, and interpreted.

2. Social History Data

Relevant background information will be accumulated, recorded, and interpreted and entered into the electronic record in accordance with operational procedures.

3. Interviewing and Counseling

To obtain pertinent information for effective classification decision making and to assist the offender in making an adequate adjustment to incarceration, interviewing and counseling will be performed by qualified staff.

4. Psychological and Psychiatric Evaluation

As required either by Institutions regulations or the offender's needs, psychological and psychiatric evaluation will be completed within 14 days of admission to a facility (5-ACI-6A-31, 5-ACI-6A-32).

5. Risk Needs Assessment (RNA)

A validated tool used to help identify criminogenic needs, risks, and barriers that an offender has which may prevent them from being successful. This tool identifies the risk for re-arrest and provides the agency with a service priority level (SPL) for each offender with Level 1 being the highest risk and Level 5 is the lowest.

6. Classification Action

The classification action screen on the web will be completed and referred to the appropriate classification authority upon completion of the diagnostic procedures. The referral will contain pertinent information to support the recommendations and rationale for housing, custody, work, and program assignments.

I. Special Procedures

These procedures present special cases which deviate from the normal orientation and diagnostic process. The following admission procedures will be completed in all cases:

1. Death Row

The Wardens at Central Prison or the North Carolina Correctional Institution for Women must receive capital punishment offenders.

2. Pretrial Safekeeper

Safekeepers will undergo admission procedures to include identification, criminal history investigation, mental and physical health screening, and local orientation.

3. Presentence Diagnostic

Offenders admitted for presentence diagnostic receive the expanded diagnostic evaluation as outlined in the Diagnostic Center Procedural Manual.

4. Sexually Violent Predator

These offenders receive the expanded diagnostic evaluation as outlined in the Diagnostic Center Procedural Manual as well as procedures pursuant to NC Gen. Stat. 14-208.5 through 14-208.25. Screening for potentially violent predators as defined by PREA are found in 28 CFR 115.41.

J. Detailed procedures are specified in the Diagnostic Center Procedural Manual as maintained by the Diagnostic Services Branch Program Manager.

IV. REFERENCES

- A. 5th Edition Standards for Adult Correctional Institutions

5-ACI-5A-01, 5-ACI-5A-03, 5-ACI-5A-04 5-ACI-6A-01, 5-ACI-6A-21, 5-ACI-6A-31, 5-ACI-6A-32

- B. NC Gen. Stat. [14-208.5 – 14-208.25](#)

- C. PREA Standard [28 CFR 115.41](#)

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Division of Institutions
Policy and Procedure

I. PURPOSE

The purpose of this policy is to provide guidelines for addressing Outstanding Charges and Detainers with the offender population.

II. APPLICABILITY

This policy applies to the Division of Institutions

III. DEFINITIONS

A. Detainer

An officially documented request from a recognized authority to the DAC to provide notice of an offender's release and requires the Department to transfer custody to the requesting authority or their agent, based on civil, criminal, or status actions at release. As with pending charges, cases for which a detainer has been filed may be prosecuted prior to the offender's release from prison.

B. Notification

An officially documented request for DAC to formally notify the requesting authority of an offender's release consideration so a decision can be made regarding further action by that authority. Notifications may also apply to status, criminal, or civil cases.

C. Pending Charge

A charge is deemed pending when information is received from a reliable and credible source that a criminal, civil, or status action has been initiated against an offender by a recognized authority and is awaiting resolution; however, no official documentation has been received requesting Institutions to transfer custody of the offender to that authority upon discharge from prison. The absence of documentation does not preclude the requesting authority from proceeding with Court action while the offender is incarcerated.

D. Victim/Witness Notification

A formal request by an associated victim or witness to be notified by Institutions of an offender's promotion to minimum custody, imminent release date, escape from custody, or death in accordance with the Fair Treatment for Victims and Witnesses Act.

IV. POLICY

A. Outside agents frequently express custody interest or request release information about offenders confined under the control of the North Carolina Department of Adult Correction (DAC), Division of Institutions. Recognized authorities include any in-state, out-of-state, or federal criminal justice or law enforcement agency, and other authorized governmental agencies such as the Immigration and Customs Enforcement (ICE), U.S. Military, and Secret Service. Inquiries of this type are defined by the Division as pending charges, detainers, or notifications and may relate to criminal, civil, or status (i.e., deportation proceedings) actions. Such actions come to the attention of staff either by way of official documentation or other credible sources (Administrative Office of the Courts database, Division of Criminal Information Computerized Criminal History, direct communication with court, or law enforcement officials), or the offender's submission of a request for a speedy trial. Actions that become known due to official documentation are established as detainers or notifications; whereas actions revealed by other means are specified as pending charges.

B. Processing Requirements

1. Pending Charges:

- a) Facility staff are responsible for verifying and entering pending charges into the automated offender record system. When a facility receives information from a credible source suggesting the presence of an outstanding charge against an offender, staff will substantiate it with the appropriate Clerk of Court or District Attorney and will then view the Detainer screens (OR44 and OR45) to determine if the information has already been entered. If no entry is found for the specific charge, staff will immediately add the necessary information to the Detainers and Pending Charges (OR45) screen, using a type code of P (Pending Charge). The use of the type code of D (Detainer), in this instance, is strictly prohibited.
- b) A District Attorney or Clerk of Court may send a written request, in the form of a Writ of Habeas Corpus ad Prosequendum or Prosecutor's letter, to Institutions for an offender's presence in Court to answer a pending charge. Writs are processed by the Population Management Section of Institutions, MSC Box 4274, Raleigh, North Carolina 27699-4274, fax number (919) 733-0772, and should be forwarded to that section immediately if received at a facility. Population Management staff will enter the information on the Writ Scheduling Request (IP75) screen in the automated offender record system. This will automatically update the Writ Listing (IP76) screen for each facility. Facility staff are responsible for viewing the IP76 screen daily and shall ensure offenders are transported to court. Transporting officers shall be provided a copy of the court's writ prior to departing the facility in case questions arise related to the court appearance.
- c) If a law enforcement officer from the requesting county arrives at the facility to transport an offender to trial, staff will require the officer to produce adequate credentials, including a copy of the Writ. Any questions regarding the authenticity of the request should be directed to the Clerk of Court or the District Attorney in the county in which the charge originates. The Population Management section may also be contacted for further assistance, if needed. Once the request has been verified, the

facility will release the offender to the local authorities for a period not to exceed 60 days, in accordance with NC Gen. Stat. § [15A-711](#). The Transfer of Custody form shall be provided to the receiving officers in an effort to provide details related to the offender's prison adjustment. In the event the 60 days period is exceeded, facility staff will contact the holding authority to verify the offender's status and every 60 days thereafter, if necessary, until the offender is returned to the custody of the Division.

- d) Upon the offender's return from the local authorities, facility staff will confirm the disposition of the charge on the Administrative Office of the Court's database or by direct contact with the Clerk of Court or District Attorney. If a disposition was made by the Court, facility staff will immediately update the OR45 screen to reflect the resolved status (code 7) of the pending charge. Comments explaining the disposition of the charge and the confirmation source must be entered first. Any additional commitments received will be recorded in the automated offender record system on the OT21 screen (Offender Sentence Structure) by facility staff. A copy of the commitment, along with completed fingerprints, will be sent to the Fingerprint Identification section, MSC Box 4276, Raleigh, North Carolina 27699-4276, Courier number 53-71-00, for identification confirmation, after which it will be forwarded to Combined Records for auditing. A copy of the commitment will also be placed in the offender's unit/institution file.

2. Detainers

- a) The Combined Records Section of DAC is responsible for the processing of all officially documented detainers; however, in the event a detainer is received at a facility, facility staff will immediately enter the record on the Detainers and Pending Charges (OR45) screen as an undocumented detainer, type code D (detainer), and then forward the documentation to Combined Records at MSC Box 4226, Raleigh, North Carolina 27699-4226. Upon receipt of a detainer, Combined Records will authenticate and enter or update, as appropriate, the record on the OR45 screen as a documented detainer. Only Combined Records can enter or update documented detainers in the automated offender record system.
- b) Detainers filed by authorities within the state of North Carolina will be processed and maintained entirely by Combined Records. Out-of-state detainers will be entered and updated in the automated offender record system by Combined Records, after which they will be forwarded to the office of the Interstate Agreement on Detainers Administrator, Department of Adult Correction, MSC Box 4224, Raleigh, North Carolina 27699-4224 for further processing, per the Interstate Agreement on Detainers Act. Note: United States jurisdictions which are not a party to the Interstate Agreement on Detainers are Louisiana and Mississippi. Requests filed by these jurisdictions will be forwarded to the Governor's Office, via the Interstate Agreement Administrator, for necessary processing. Detainers filed by federal authorities will be acknowledged and entered and updated in the automated offender record system by Combined Records. Any additional processing will be completed by the requesting federal agency.
- c) In-State Detainers:
 - i. Upon receipt of a detainer from a District Attorney/Clerk of Court within the state of

North Carolina, Combined Records will determine if a list of the charges against the offender has been included, and if not, will take necessary action to obtain that list. That office will then enter the detainer information in the automated offender record system and acknowledge receipt of the detainer to the requesting authority on a Form DC-214A. Two copies of the Acknowledgment (DC-214A), along with two copies of Form DC-215A (Certificate of Offender Status) and three copies of Form DC-215 (Notice to Offender) will be sent to the facility housing the offender to which the detainer refers. Facility staff will provide the offender with copies of those forms, as well as thoroughly inform and advise the offender in accordance with NC Gen. Stat. § [15A-711](#), that 1) they have the right to request the appropriate prosecuting official of the jurisdiction where the charges are pending to proceed against them; 2) if they do proceed, that they will be brought to trial within six months unless other provisions are made or a continuance is granted; 3) if the prosecutor does not proceed within the six months, the detainer will be withdrawn; and 4) if they do not request a speedy trial, the prosecutor may make a written request for their presence to stand trial for charges pending against them and that they will be released to local authorities for a period not to exceed 60 days.

- ii. Should the offender decide to initiate the process of obtaining a resolution to pending charges, they will be instructed by facility staff to make a written request for a speedy trial directly to the Clerk of Court in the county where the charges are pending. The request, along with a copy of Forms DC-215 and DC-215A, will be sent by registered mail. The date the request is mailed and the registered mail identification number will be recorded on the bottom of the remaining two copies of Form DC-215. Facility staff will return one of those copies to Combined Records. The other copy will be filed in the offender's unit/institution jacket.
- iii. If the prosecutor does not proceed against the offender within six months of the date of the offender's request, Combined Records will send Form DC-215C to the appropriate Clerk of Court/District Attorney advising them that the detainer is being returned and cannot be re-filed, pursuant to NC Gen. Stat. § [15A-711](#)(c). Combined Records will subsequently withdraw the detainer from the offender's record by updating the status code on the OR45 screen.
- iv. In those cases where a detainer has been filed, but the prosecutor subsequently decides not to proceed against the offender, the prosecutor may officially request that the detainer be canceled and returned. Combined Records will update the OR45 screen in the automated offender record system to reflect the appropriate status code and return the detainer, along with Form DC-215-B (Cancellation Letter) to the requesting official.
- v. Where the prosecutor does proceed against the offender, either of their own volition or in response to an offender's request for a speedy trial, they will follow the same procedures as those established for pending charges, with regards to Writ requests and temporary Court releases. (See IV. B. 1. b) and c)).
- vi. As with pending charges, facility staff will confirm the Court action upon the offender's return, process any additional sentences, if received, on the OT21 screen,

and forward a copy of the new commitment, along with fingerprints, to Combined Records, via the Identification Branch. OR45 screen status updates; however, will be done by Combined Records. In the event a new sentence was not imposed by the Court, the prosecutor will notify Combined Records in writing of the Court disposition.

d) Out-of-State Detainers:

- i. When a detainer is filed by an out-of-state authority, it will initially be sent to Combined Records for acknowledgment and entry into the automated offender record system on the OR45 screen, after which it will be forwarded to the Interstate Agreement on Detainers Administrator for further processing. A copy of the acknowledgment (DC-214) and a Form 1 (Notice of Indictment, Information on Complaint and Right to Request Disposition) will be sent to the offender and the facility informing them of the detainer. Facility staff will advise the offender of their right to request a speedy trial and of the prosecutor's right to proceed against them as specified in Form 1.
- ii. Prosecutor's Request:
 - a. Where the prosecutor initiates a request for trial, they will submit a Form 5 (Request for Temporary Custody) to the Interstate Agreement on Detainer Administrator, in accordance with the Interstate Agreement on Detainers. The Administrator will forward a copy of that form to the offender, accompanied by a Form 5-A (Prisoner Option of Rights and Advisory Form), advising the offender of their right to contest their return to the requesting state in a hearing before a Judge or by petition to the Governor. The offender will indicate by witnessed signature on Form 5-A, their intention to request or waive a hearing to determine if the requesting state or jurisdiction has presented the proper papers and correctly identified the accused and return it to the Administrator.
 - b. In the interim, the Administrator will determine if a detainer is already on file in the automated offender record system or if one accompanied the request form. If the detainer is not on file or if one was not attached to the request, the Interstate Agreement Administrator will ask the out-of-state prosecutor to file under the Interstate Agreement on Detainers. If the detainer is on file or is received with the request, the Administrator will prepare a Form 3 (Certificate of Offender Status) and send it to the prosecuting attorney. In the event detainers are on file from other jurisdictions within the same state, copies of Form 3 will also be sent to them, along with a cover letter requesting an immediate reply regarding their intentions. Concurrently, the Administrator will notify the Governor of North Carolina in writing of the out-of-state request for temporary custody of the offender. If the Governor disapproves the request, the requesting authority will be contacted and actions under the agreement will terminate.
 - c. If the out-of-state prosecutor does not respond within 30 days of receipt of Form 3, and if the Governor has not disapproved the request during this period

(signifying tacit approval), the Interstate Administrator will send signed copies of Form 4 (Offer to Deliver Temporary Custody) to the out-of-state prosecutor, the other officials in the same state who received a copy of Form 3, and the offender. The prosecutor will also receive a copy of Form 5-A, indicating the offender's decision to waive or request a hearing to contest their return to that state/jurisdiction.

- d. If the offender exercises their right to a hearing, the Interstate Agreement Administrator will send copies of Form 5, Form 5-A and the warrant/detainer, as well as necessary offender identification data, to the Court official of the county in which the offender is confined. That official is responsible for scheduling a hearing before the Court, preparing the Judge's Order, pursuant to the Interstate Agreement on Detainers, and returning said Order to the Interstate Agreement Administrator.
 - e. In the event the out-of-state prosecutor does not respond within 60 days after Form 4 is forwarded, the Interstate Administrator will remind the prosecuting official in writing of the 180-day limitation under the uniform agreement.
- iii. Offender's Request:
- a. The offender may petition for final disposition of an outstanding charge by submitting a written request to the Interstate Agreement on Detainers Administrator for a speedy trial. Upon receipt of that request, the Interstate Agreement Administrator will verify that a detainer is on file in the automated offender record system. If the detainer has not been recorded, the Interstate Administrator will advise the offender in writing to file a written request to the appropriate jurisdictional authority, petitioning the out-of-state prosecutor to proceed, pursuant to NC Gen. Stat. § [15A-761](#).
 - b. If a detainer is on file, the Interstate Agreement Administrator will prepare Form 2 (Offender's Notice of Place of Imprisonment and Request for Disposition of Indictments, Information or Complaints) and Form 4 (Offer to Deliver Temporary Custody) and send them to the offender in question, along with a cover letter, instructing them to carefully read both forms, indicate their choice of counsel or make a request of the Court to appoint counsel, sign and return for further processing.
 - c. Upon receipt of the signed copies of Forms 2 and 4 from the offender, the Interstate Administrator will prepare Form 3 (Certificate of Offender Status) and forward signed copies of all three forms, with a cover letter, to the Prosecuting Attorney, the Clerk of Court, the Agreement Administrator on Detainers for the other state, and the offender. Correspondence to the Prosecuting Attorney and the Clerk of Court will be sent by certified mail.
 - d. Should there be more than one detainer on file against the offender from other jurisdictions within the same state, the Interstate Administrator will send officials from those jurisdictions signed carbon copies of Forms 2, 3, and 4, so

the offender can be tried on all charges pending against them. Those officials will submit a Form 8 (Prosecutor's Acceptance of Temporary Custody Offered in Connection with Another Prosecutor's Request for Disposition of a Detainer) to the Interstate Agreement Administrator who will assist in making necessary arrangements for the offender's presence at trial.

- e. If the Interstate Agreement Administrator does not get a response from the out-of-state authorities regarding their intentions to proceed after 90 days from the date of receipt of Forms 2, 3, and 4, that office will send a follow-up letter, reminding them of the 180-day limitation.
 - f. In either case, if no reply is received within 180 days, the out-of-state authorities will be requested to withdraw their detainer in accordance with the Interstate Agreement. Because a continuance may have been granted without notifying the Interstate Administrator, no additional communication will be sent which could prevent further action on their part.
 - g. Where the prosecutor does reply, they will forward Form 7 (Prosecutor's Acceptance of Temporary Custody Offered in Connection with a Prisoner's Request for Disposition of a Detainer) and Form 6 (Evidence of Agent's Authority to Act for Receiving State) to the Interstate Agreement Administrator. If these forms are received at the facility where the offender is housed, they will be forwarded immediately to the Interstate Administrator who will then affect the necessary action to transfer temporary custody of the offender to the out-of-state authorities.
 - h. When the Law Enforcement Agent assigned by the out-of-state authority to transport the offender arrives at the facility, staff will inspect and verify their credentials, including their copy of Form 6, prior to transferring custody of the offender. Additional verification, if necessary, may be obtained by contacting the Office of the Interstate Agreement on Detainers. All costs of transportation, caring for, keeping, and returning the offender are to be paid by the demanding state. Institutions is not authorized or required to transport offenders to or from trial in other states. The Transfer of Custody form shall be provided to the receiving officers to provide details related to the offender's prison adjustment.
 - i. After the offender has been tried, the out-of-state prosecutor will prepare Form 9 (Prosecutor's Report on Disposition of Charges) and send it to the Interstate Compact Administrator. A copy of that form will be sent to Combined Records, the OR45 screen will be updated in the automated offender record system based on the information provided, and a copy will be placed in the offender's field jacket at the unit/institution. The Form 9 serves as notice that the offender is to be released to the out-of-state authorities upon completion of their North Carolina sentence, provided another sentence has been imposed.
- iv. Request for an Offender as a Witness
- a. The requesting out of state jurisdiction shall provide under seal of that court

that there is a criminal prosecution pending in that state or a grand jury investigation has commenced and an offender under the control of Institutions is a material witness in the prosecution or investigation for a specific number of days. This petition is presented to a superior court judge in the county where the offender is confined. The superior court judge will then set a date and time for a hearing and order the person having custody of the offender to produce them at the hearing.

- b. At this hearing, the judge will determine if the offender is a material and necessary witness in the requesting state. An order will then be issued for the offender to appear in the court where the prosecution or investigation is pending, under terms and conditions as established by the judge, including provisions for the return of the offender at the conclusion of their testimony, proper safeguards for their custody, and proper financial reimbursement or other payment for all expenses incurred in the production and return of the offender.
- c. The offender shall be released to the representatives of the petitioning jurisdiction upon presentation of valid identification.
- d. Appropriate OPUS files will be updated to reflect the offender as out to court in the petitioning jurisdiction.
- e. If the offender has not been returned to custody by the date established by the superior court judge, then facility staff shall contact the receiving jurisdiction regarding their status.

e) Notifications

- i. Any written requests for notification of an offender's release date from a recognized authority will be forwarded to Combined Records for authentication and entry in the automated offender record system on the OR45 screen as type N. As with detainers, receipt of the request will be confirmed in writing to the requesting authority by Combined Records. In the event a pending criminal charge is determined to be associated with a notification, facility staff will also enter the record as a pending charge for classification purposes.
- ii. In those cases where a victim/witness formally requests to be notified of an offender's release, either individually or through the prosecuting attorney, record entries will be documented on the OR92 (Victim/Witness Notification) screen by Combined Records. That section will acknowledge the request in writing and send copies to the victim, the prosecuting attorney, if necessary, and the facility housing the offender in question. It is the responsibility of the victim/witness to advise Combined Records of any address and/or telephone number changes.

(These procedures are to be followed until such time as they may be superseded by another automated record system for victims/witnesses).

C. Reclassification of Offenders with Pending Charges/Detainers

1. Upon determination that a serious pending felony charge or detainer, generally defined as those felonies involving sexual assault, threat to human life or unprovoked physical violence, exists or has been filed against an offender, facility staff will generate a reclassification action for a custody review and, if necessary, job/program removals, after ensuring that the information has been properly recorded on the OR45 screen. Entry of this information will automatically update the Offender Custody Classification Case Factor screen to reflect the suggested classification. In cases where the seriousness of a criminal or status detainer, as in out-of-state or Federal actions, cannot be readily determined, it will be accorded the maximum number of case factor points.
2. Each time an offender has a custody evaluation, Staff should contact the local or state authority and document the status of pending charges and detainers on the Detainers and Pending Charges screen (OR45). In cases where the local or state authority cannot be reached, AOC and/or CJ LEADS should be used to check the status of in-state pending charges and detainers and DCI for out-of-state pending charges and detainers. If the charges have been resolved, facility staff will update the OR45 screen to reflect the new status, provided the charges have been entered as pending or undocumented. Note that comments explaining the disposition of the charges and the confirmation source must be entered before updates can occur. In the case of documented detainers that have been resolved, Combined Records will update the status code, upon receipt of written notification from the appropriate Clerk of Court/District Attorney. Entries of this type will update the Offender Custody Classification Case Factor screen, accordingly.
3. In the case of a felon who, because of a serious pending felony charge/detainer, case factors at a more secure custody grade than their current assignment, facility staff will make a recommendation for demotion or retention in custody based on an objective analysis of all pertinent factors. Further investigation of a serious detainer, to determine the basis of the charge and the prosecuting official's intention to proceed, may be initiated by facility staff prior to making a recommendation. If the accused offender is not housed in regular population, they will be notified by facility staff at least 48 hours in advance, by way of Form DC-123. The notice will specify the nature of the charge so the offender may speak on their own behalf. Final custody action decisions will be made in accordance with Departmental classification request and review procedures. (See Institutions policy C .0100, Offender Custody Classification).
4. Misdemeanants with serious pending felony charges/detainers will be considered for demotion to medium custody with assignment to an appropriate medium custody facility. A notice to offender is required prior to the classification action being generated, per Institutions policy C .0100.
5. In any case in which a detainer is based on serious charges and the offender's presence at the unit/institution constitutes a threat to order and security, the offender may be placed on Restrictive Housing for Administrative Purposes pending a hearing and transfer to a more secure facility. (See Institutions policy O .0100, Restrictive Housing for Administrative Purposes).

D. Release Procedures

1. Where a detainer has been filed, Combined Records will send three copies of Form DC-216 (Notice of Release) to the authority due to receive custody of the offender by detainer, at least 30 days in advance of the offender's release date, or immediately if the release date is less than 30 days away. Two of the three copies will be returned to Combined Records with appropriate entries regarding that authority's intent to accept the offender into custody upon their release. One of the two copies returned will be sent to the facility housing the offender in question. Facility staff can also obtain information about scheduled detainer releases in a selected time period by viewing the OR46 screen in the automated offender record system. The same release notice procedures apply in those cases in which the 180-day time limitation has elapsed. Any correspondence sent or received on a particular offender regarding detainers can be accessed by the facility on the OR47 screen.
2. Upon proper credential verification by facility staff, the offender will be released to the Law Enforcement Agent authorized to take them into custody. If the Law Enforcement Agent does not arrive to take the offender into custody by 4:00 p.m. on the date their sentence expires, facility staff will arrange for the offender to be released to the local sheriff's office to await arrival of the requesting authority. In the event the local sheriff's department is unable to take the offender into custody, facility staff will contact sheriff's departments from surrounding counties to accept custody, provided the authority who issued the detainer agrees. If an agreement cannot be reached, facility staff will advise the issuing authority of the Division's obligation to release the offender.
3. If two or more detainers are on file, the authority having the earliest dated detainer will have first choice; however, in-state detainers will be given priority over out-of-state detainers. Regardless of when the detainers are filed, staff should ensure all other detainers and pending charges have been disposed of prior to releasing any offender with an ICE detainer on file since the offender will likely be deported and unavailable for prosecution. The agency cited as having the detainer or pending charges should be contacted as outlined in the policy and advised of the upcoming release date and the deportation detainer. Should the jurisdiction opt to not pursue the criminal charge, staff should request withdrawal of the detainer. In those instances where a detainer has not been issued, but a pending charge exists, staff should request written verification that the offender is no longer needed in that jurisdiction. The OR44/45 screen should be updated to reflect the information provided by the courts to include comments on the F11 screen. Combined Records will send Form DC-217 notifying the other authorities of the offender's status.
4. To satisfy an out-of-state detainer, the offender is given the option of signing a waiver of extradition. If they sign the waiver, Combined Records will so inform the out-of-state authority and necessary arrangements will be made to transfer custody of the offender. In the event the offender refuses to waive extradition, Combined Records will notify the out-of-state authority who will then decide whether to enter into extradition proceedings. If these proceedings are not completed by the offender's release date, Combined Records will inform facility staff who will assist the out-of-state authority in making arrangements for the offender to be temporarily detained by the local or a nearby county sheriff's department.
5. If any two in-state jurisdictions insist on obtaining the offender for trial at the time of their

release, the matter will be resolved by the Superior Court Judge having authority to act in criminal cases in the district in which the offender is confined.

6. In cases where a prosecuting authority has not filed a detainer but has requested notification of an offender's release date by official documentation, Combined Records will inform the requesting authority of the offender's release date, 30 days in advance, by way of Form DC-216. Subsequent to that notice, the prosecutor may initiate appropriate action to take custody of the offender at the time of his release.
7. If the OR45 screen reflects unresolved pending charges at the time of the offender's release, facility staff should contact authorities in the jurisdiction in which the charges originate, to advise them of the scheduled release. As in the case of notifications, this will allow the authorities to take further action, if desired.
8. Where a victim or witness has made a formal request to Institutions to be notified of an offender's release from custody, Combined Records will send a written notice to the victim and the prosecuting attorney, if requested, approximately 30 days in advance of the offender's scheduled discharge date. A list of offenders who have a victim/witness attached to their present sentence and are scheduled for release in a selected time period, is available on the OR95 screen of the automated offender record system. This screen also shows if the victim/witness letter has been sent. If the release date changes subsequent to the notice or if the offender escapes, it is the responsibility of the Warden or their designee to notify the victims and any requesting authorities. (These procedures are to be followed until such time as they may be superseded by another automated record system for victims/witnesses).

E. Exceptional Case Considerations

Exceptions to these procedures may be made by the Deputy Secretary of Institutions or other authority as designated by that Office.

V. REFERENCES

- A. NC Gen. Stat. § [15A-711](#), [15A-761](#)

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Chapter: C Offender Supervision
Section: .0600
Title: Supervision Stage 3: Active Supervision
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Community Supervision
Policy and Procedure

[.0601 Purpose](#)

[.0602 Minimum Contact Standards](#)

[.0603 Additional Contact Requirements for Special Attention Offenders](#)

[.0604 Additional Requirements for Low-Risk Supervision and Monitoring](#)

[.0605 Minimum Contact Standards in Other Situations](#)

[.0606 Imposing High Risk Delegated Authority Conditions](#)

[.0607 Removing Delegated Authority Conditions](#)

[.0608 Case Planning During Active Supervision](#)

[.0609 Response to Positive Behavior](#)

[.0610 Reassessment](#)

[.0611 Modifications](#)

[.0612 Extensions](#)

[.0613 Mandatory Three-Year Review](#)

[.0614 Supervision Fees](#)

[.0615 Transfers](#)

[.0616 Courtesy Supervision](#)

[.0617 Out of State Travel](#)

[.0618 Emergency Out of State Travel](#)

[.0619 Foreign Travel](#)

[.0620 Routine Out of State Travel](#)

[.0621 Travel Related to Interstate Compact](#)

[.0622 Offender as Informer](#)

[.0623 Undocumented Immigrants and Deportation](#)

.0601 PURPOSE

This section sets out a supervising officer's responsibilities during an offender's period of supervision from the time a supervision level is established until termination or expiration. It sets out minimum contact standards for each supervision level and outlines policy for the various circumstances that arise during an offender's time under supervision. The principal purposes of supervision are to hold offenders accountable for making restitution; to ensure compliance with the court's judgment; to effectively rehabilitate offenders by directing them to specialized treatment or education programs; and to protect the public safety. [G.S. 15A-1343.2\(b\)](#)

.0602 MINIMUM CONTACT STANDARDS

Offenders are assigned to one of five supervision levels, depending on the risks and needs identified during the assessment process set out in .0502 Assessments. The Case Planning System calculates the supervision level according to a pre-programmed algorithm. Officer will meet the baseline minimum contact requirements for each supervision level as set out below. These standards are minimums; an officer may, in their discretion, complete additional contacts when appropriate. Each contact must satisfy every element set out in .0203 Supervision Contacts.

Level One (L1)	One Offender Management Contact (OMC) every 30 days One Home Contact (HC) every 30 days One Weekend Home Contact (HC) every 60 days *Weekend contact must occur on a Saturday or Sunday.
Level Two (L2)	One Offender Management Contact (OMC) every 30 days One Home Contact (HC) every 60 days Sex Offenders: One Home Contact (HC) every 30 days
Level Three (L3)	One Offender Management Contact (OMC) every 30 days One Home Contact (HC) every 60 days Sex Offenders: One Home Contact (HC) every 30 days
Level Four (L4)	One Offender Accountability (OAR) review every 30 days One Face to Face Contact every 90 days Verify FMS and special conditions compliance every 30 days Conduct HC within 30 days to verify change in address
Level Five (L5)	One Offender Accountability (OAR) review every 30 days Verify FMS and special conditions compliance every 60 days Conduct HC within 30 days to verify change in address

Level 1-3 offenders are those assessed at the highest to moderate risk level and require the most attention and control. Level 4 and 5 offenders are those assessed with low to minimal risks and based on research require less time and attention.

Offenders in Levels 4 or 5 who are not enrolled in accountability reporting, will have a face-to-face contact every 30 days.

.0603 ADDITIONAL CONTACT REQUIREMENTS FOR SPECIAL ATTENTION OFFENDERS

Officers will meet the following additional minimum requirements for special attention offenders. The requirements set out below are applicable to all special attention offenders regardless of their assigned supervision level, unless otherwise indicated. Upon completion of the special conditions, an offender will be supervised according to the baseline standards of their assigned supervision level. Offenders subject to conditions or programs not listed below should be supervised according to program rules and the standards applicable to their supervision level generally.

Special Probation

- Once Collateral Contact (CV) per month to confirm the offender's location and release date

Local Judicially Managed Accountability and Recovery Court

- Supervise according to program rules and/or local SOP

Residential Programs

- Supervise according to program rules in consultation with the CPPO

Electronic Monitoring Programs

- Inspect equipment within 72 hours of installation and a minimum of once per month

Curfew

- Two attempted face-to-face Curfew Checks (CC) each month, in addition to other field contacts

Sex Offenders

- One meeting with the treatment provider each month to discuss offender's progress
- Meet with the offender and treatment provider before or after a session every 180 days
- **One unannounced warrantless search of the offender's premises as follows:**

L1: every 90 days

L2-L3: every 180 days

- **One unannounced electronic device search, including the use of the electronic device search tool when applicable, as follows:**

L1: every 90 days

L2-L3: every 180 days

- **Face to face contact with the offender's family or support network as follows:**

L1: every 90 days

L2-L3: as needed in the officer's discretion

- **Verification of compliance with the sex offender registry as follows:**

L1: every 90 days

L2-L3: every 180 days

- If the offender participates in social, educational, recreational, volunteer, or religious activities that allow substantial interaction with minors or other potential victims, the officer will notify the leader or organizer of the activity of the offender's criminal history and conditions of supervision

Domestic Violence

- One meeting with the treatment provider each month to discuss the offender's progress
- One warrantless search of the offender's premises every 90 days
- Conduct additional VCAP checks every 90 days for 50B orders

Security Risk Group

- One unannounced warrantless search of the offender's premises as follows:

L1: every 90 days

L2-L3: every 180 days
- Verify treatment participation for any program ordered through SRG Agreement every 30 days
- Check status of any/all law enforcement intelligence and respond appropriately to any information obtained, to include gang record check annually
- Complete update in OPUS Online to reflect involvement status (officer will enter confirmed/validated unless renouncing has begun)

.0604 ADDITIONAL REQUIREMENTS FOR LOW RISK SUPERVISION AND MONITORING

(a) Level Four and Level Five Offenders

- (1) Establish a payment schedule and make all referrals as related to special conditions imposed by the court.
- (2) Enter all narratives regarding contacts and referrals.
- (3) Update the case plan to include start dates of all referrals in addition to the name, address and contact number of referred agency and a contact person (if applicable).
- (4) CPPO will conduct a low-level review.

(b) Offenders in supervision levels four and five are eligible for offender accountability reporting as set out in .0203(f). When utilizing offender accountability reporting the officer will:

- (1) Enable the offender's PIN within the Case Planning System ([Offender Accountability \(Remote\) Procedure](#));
- (2) Explain to the offender that the accountability (remote) check-in is to be submitted within 30 days starting from the date the PIN is enabled and will be due 30 days from each subsequent submission;
- (3) Inform the offender that all information is verified and that any falsification of accountability (remote) check-in information will be investigated and if found to be false will result in termination of the accountability check-in program and a possible report to the court;
- (4) Provide the offender with a printout of the instructions page for remote reporting with the confirmed PIN included;
- (5) Grant permission to certain offenders for the family to assist if the offender does not have the ability to use a computer:
 - a. Certain offenders may require assistance from family members to complete the accountability (remote) check-in (i.e., offender is developmentally disabled, has a cognitive impairment, or is visually impaired);
 - b. Explain that this is permissible as long as the family understands the purpose and the potential consequences for the offender if false information is submitted;
 - c. Document in case narratives that permission was granted by the officer for the family to assist.
- (6) Conduct a home verification within 30 days of receiving notice of a change in address;
- (7) Allow offenders without computer access to participate by using the DCS-118 Mail-in

Report. The Mail-in Report can be entered into the system by office staff using the offender's PIN. The form with the offender's signature should be maintained in the file;

- (8) Noncompliance with offender accountability reporting (check-in failures). DO NOT DISABLE THE ACCOUNTABILITY REPORT PIN. See Chapter D for description for all OAR noncompliance;
- (9) Removal from OAR. PPOs and CPPOs have the discretion to remove an offender from accountability reporting at any time (ex. noncompliance with OAR, change in behavior, red flags, pending charges with potential public safety risk or those that may increase the risk assessment level). Officers also have the discretion to conduct a reassessment at any time. The decision to remove should be documented in the narratives;
- (10) When an offender is removed from the OAR, the officer will disable the Accountability Report PIN and conduct a face to face contact every 30 days. Refer to the noncompliance grid and proceed as described in Chapter D.

.0605 MINIMUM CONTACT STANDARDS IN OTHER SITUATIONS

- (a) **Offenders in Substance Abuse Treatment.** All offenders participating in substance abuse treatment programs or services will be drug tested at a minimum of one time per month.
- (b) **Absconder Cases.** For offenders who have been classified as absconders under the procedure in Chapter D, Noncompliance .0500 Absconders, the officer will:
 - (1) Keep detailed narratives of all efforts to locate the offender;
 - (2) Make one collateral contact with the offender's family and/or acquaintances every 90 days;
 - (3) Refer to U.S. Marshals Task Force, if applicable;
 - (4) Review AOC alerts daily.
- (c) **Unavailable Offenders.** Offenders who cannot be reached for face to face contact due to confinement in a medical, correctional, or job-training facility, or because military service, will be classified as "unavailable". Officers will:
 - (1) Make one collateral contact with the confinement facility or other controlling institution to confirm the offender's presence every 30 days;
 - (2) Review AOC alerts daily.
- (d) **Out of State Offenders.** Offenders being supervised under the Interstate Compact for Adult Offender Supervision will be classified as "out-of-state". Officer will follow the procedure set out in Chapter F Interstate Compact.

- (e) **CRV Offenders.** Offenders serving a CRV in a CRV Behavior Modification Center will be courtesy supervised by a PPO at the CRV facility. The assigned field PPO will conduct a collateral contact every 30 days to determine the offender's progress and will cooperate and communicate with the CRV PPO.

.0606 IMPOSING HIGH RISK DELEGATED AUTHORITY CONDITIONS

North Carolina general statute delegates authority to PPOs to impose certain conditions (other than quick-dip confinement) for the supervision of offenders determined to be high risk (OTI-R score of 50 or higher). The intent is to enhance supervision using control and/or treatment tools as necessary based on the results of the OTI-R and the identified criminogenic needs. This delegation may be exercised during the initial supervision period based on the OTI-R score that indicates the offender is high risk or at any other time during supervision due to identified criminogenic need factors. When using high risk delegated authority, the officer will:

- (a) Review the case with the CPPO;
- (b) During staffing, the CPPO and PPO should note in the narratives why additional conditions need to be imposed (ex. red flags, SRG, sex offender, domestic violence, criminal history or information from other sources that indicate risky behavior).
- (c) Complete the DCS-10D, Delegated Authority High Risk; [Delegated Authority Guide](#)
- (d) Present the DCS-10D to the offender for signature. Notify the offender that the additional conditions go into immediate effect. If the offender refuses to sign the DCS-10D, advise the offender that they may file a motion for review by the court;
- (e) Give the offender a copy of the DCS-10D which contains the additional conditions being imposed;
- (f) File the original DCS-10D with the clerk in the county of origin/county of supervision;
- (g) Notify the bookkeeper in the county of origin of additional community service fees to be imposed as pursuant to the law (community service work fee is the only fee which can be imposed through delegated authority and only if the fee has not been previously imposed);
- (h) File a copy of the DCS-10D in the offender's case file, update the case plan and OPUS to reflect that delegated authority was used.

Note: Pursuant to [G.S. 20-179\(k5\)](#), High Risk Delegated Authority may be used for Impaired Driving offenses committed on or after December 1, 2023.

.0607 REMOVING DELEGATED AUTHORITY CONDITIONS

Upon offender compliance, the officer may remove or reduce the conditions imposed through delegated authority with CPPO approval. Upon approval, the officer will:

- (a) Complete form [DCS-132](#) Early Removal from Delegated Authority Requirements to remove or reduce the conditions previously imposed;
- (b) File the original with the clerk of court in the county of origin/county of supervision;
- (c) File a copy in the offender's case file;
- (d) Give a copy to the offender;
- (e) Update OPUS and the case plan to reflect the changes.

.0608 CASE PLANNING DURING ACTIVE SUPERVISION

Case planning will continue throughout the active supervision period, following the offender management model of collaborative supervision. Officers will provide offenders with a copy of the case plan any time a change in the plan requires a new action step. Officers will place a copy of the case plan in the offender's case file. (See [Case Planning Guide](#))

.0609 RESPONSE TO POSITIVE BEHAVIOR

- (a) General Statement on Response to Positive Behavior

This section sets out recommended responses to positive behavior. It is not mandatory for officers to respond to every positive behavior, however, appropriate responses and recognizing positive behavior can enhance an offender's successful transition to a law-abiding lifestyle.

Research indicates a 4:1 ratio of positive reinforcements to sanctions increases the offenders' ability to successfully comply with supervision.

- (b) Types of Positive Behavior Defined

Positive behavior is any behavior that is pro-social in nature and/or contributes to successful completion of supervision. The Division categorizes positive behavior into three types; Long-term, Short-term, and Basic; from most to least important. Categorizing positive behavior is not an exact science. Officers are expected to use their professional judgment in determining when a behavior or combination of behaviors constitute a significant completion or accomplishment and should thus be categorized as long-term instead of short-term.

- (1) Long-Term Positive Behavior. Completion of a program, a long-term behavior change or maintained stability in an area of their life where they have struggled in the past (i.e., sobriety, employment).

Some examples include but are not limited to:

- a. Completion of DART, Black Mountain or residential placement;

- b. Completion of DWI treatment;
- c. Completion of parenting class;
- d. Completion of cognitive behavior intervention program;
- e. Completion of domestic violence treatment;
- f. 3 to 6 months of stable work/school;
- g. 3 to 6 months or more of clean drug screens/sobriety.

- (2) Short-Term Positive Behavior. Short term behavior change or demonstrating a new coping skill(s) or routine positive behavior change.

Some examples include but are not limited to:

- a. Using good thinking skills to minimize a potential risky situation;
- b. Avoided a conflict or de-escalated a volatile situation;
- c. Established new pro-social supports (places or activities);
- d. 1 to 2 months of stable work/school;
- e. 30 to 60 days of clean drug screens/sobriety.

- (3) Basic Positive Behavior. One time behavior or any behavior that begins to promote positive behavioral change.

Some examples include but are not limited to:

- a. Successful completion of an intervention worksheet;
- b. Enrolled in school or job development program;
- c. One week attendance to treatment without any missed classes;
- d. Begin community service hours as scheduled;
- e. Completed a TASC assessment or enrolled in court ordered activities as scheduled;
- f. Clean drug screen;
- g. One week of sobriety;
- h. Attends a pro-social activity/school event to support family.

(c) Recommended Guidelines when using Positive Reinforcement

- (1) When an offender exhibits positive behavior, discussion and recognition of the behavior can assist with their successful completion of supervision and promote a healthy lifestyle to reinforce the continued new behavior.
- (2) The officer will be most effective with positive reinforcement when they reinforce those behaviors in which an offender has struggled with or lacked in the past.
- (3) Recommended strategies when addressing positive behavior and building a professional alliance include:
 - a. Strive to be genuine and authentic when responding;
 - b. Seek feedback from the offender on the level of importance of the incentives;
 - c. At the beginning of supervision, responses need to be more frequent;
 - d. Target pro-social behaviors to reinforce;
 - e. Target risky behaviors or those not exhibited or struggled with in the past;
 - f. Respond in a timely manner;
 - g. Document responses to behavior in the automated case plan system;
 - h. Explain to the offender the behavior being reinforced.

(d) Supervisors and Managers

Supervisors and management will promote the appropriate use of incentives and positive reinforcement. Some examples include but are not limited to:

- (1) Encourage officers to attend graduations;
- (2) Check on progress at the CRV confinement or residential centers and work with the officers to promote their successful transition back to the community recognizing any accomplishment during their placement;
- (3) Utilize the Standard Case Review to reinforce the appropriate use of incentives and positive reinforcements;
- (4) Offer to provide verbal and/or written praise when offenders exhibit positive behavior.

(e) Reducing the Term of Supervised Probation (G.S. 15A-1344.2)

- (1) If allowed by the court, a PPO may reduce the term of supervised probation when the officer finds that the offender:

- a. Is currently in compliance with the terms of probation;
- b. Has made diligent progress regarding probation;
- c. All restitution has been paid in full.

(2) Proof of any one or more of the following shall constitute diligent progress:

- a. The successful completion of a validated drug or mental health treatment program, evidence-based program, or any other vocational or life skills program.
- b. The successful completion of at least six months of active enrollment in an education program in which the offender is seeking a trade certification, high school diploma, General Educational Development (GED) degree, associate degree, bachelor's degree, or graduate degree.
- c. The successful completion of at least six months of employment demonstrated by proof of wages.

(3) To reduce the term of supervised probation, the officer will:

- a. Staff the case with the CPPO to ensure eligibility;
- b. Complete and file a [DCS-185 Request to Reduce Term of Supervised Probation](#) with the clerk of superior court seeking a final order of the court confirming the officer's decision.
- c. Ensure notice is given to the District Attorney and the victim pursuant to [G.S. 15A-837](#) with the opportunity to be heard at a hearing, if requested;
- d. Once the final order is received from the court, place a copy in the offender's case file and update OPUS accordingly.

Note: The term of supervised probation may not be reduced by more than one-fourth the amount of time the offender was originally required to serve. If an officer reduces a term on more than one occasion, the total reduction of the offender's term may not exceed one-fourth the amount of time the offender was originally required to serve.

.0610 REASSESSMENT

Officers will periodically reassess offenders to determine whether the offender's supervision level has changed. At a minimum, every L1-L3 offender will be reassessed once every 12 months. An officer may, in their discretion or at the request of a CPPO, conduct more frequent reassessments. Verification of a new juvenile record will also require reassessment. If a new juvenile record is found during the period of supervision, a mandatory reassessment will be performed. In every case the reassessment must include the following:

- (a) The officer will update the OTI-R, the officer interview and impressions and, if applicable in the case of sex offenders, a Static-99 with any new information;
- (b) The officer will take and upload an updated photo of the offender ([Offender Photo Guidelines](#));
- (c) The offender will complete a new offender self-report.

.0611 MODIFICATIONS

For good cause, the court may at any time prior to expiration or termination modify the conditions of probation pursuant to [G.S. 15A-1344\(d\)](#). A violation need not have occurred in order for the court to modify the probation (for modifications in response to a violation of probation, see Chapter D Noncompliance. When a modification is necessary the officer will:

- (a) Consult with the CPPO;
- (b) Consult with the offender to determine whether the offender will consent to the modification;
- (c) Consult with the District Attorney, either in person or using form [DCS-7 Notice to District Attorney](#). The District Attorney of the prosecutorial district in which probation was imposed must be given reasonable notice of any hearing to affect probation substantially pursuant to [G.S. 15A-1344\(a\)](#);
- (d) Type a motion to modify, using form AOC-CR-609 or AOC-CR-634/635 entering the requested modifications as appropriate. The offender and the district attorney must sign the form at the bottom of side two of page one when modifications are made outside of court;
- (e) Present the proposed modification to the court;
- (f) File the order with the clerk in the county of conviction, place a copy in the case file, and give a copy to the offender. Send the clerk's office in the county of hearing a copy of the order, if applicable;

The offender must receive a written copy of the modifications in order for them to be enforceable pursuant to G.S. 15A-1343(c). State v. Sleet, 152 N.C. App. 237 (2002) – reversing a sex offender's revocation of probation when he received only oral notice of a modification to his conditions of supervision.

- (g) As appropriate, prepare any additional DCS forms (such as [DCS-70](#)) that are necessary in light of the modifications;
- (h) Notify the clerk of court's bookkeeper of any monetary changes utilizing the [DCS-166](#) Monetary Requirement Notification and place a copy in the case file;
- (i) If the modification is for the SRG Agreement, the following will be entered on the AOC-CR-609 page #2, #6 – Other: "Comply with the rules and regulations of the Security Risk Group Agreement".

.0612 EXTENSIONS

The General Statutes describe two different types of probation extensions, ordinary extensions under [G.S. 15A-1344\(d\)](#) and special-purpose extensions under [G.S. 15A-1342\(a\)](#) and [G.S. 15A-1343.2](#). (See [UNC SOG – Sentencing Whiteboard: Extending Probation](#))

- (a) Ordinary extensions may, after notice and hearing, be ordered at any time prior to the expiration of probation for good cause shown (no violation need have occurred). The total maximum probation period for extensions under this probation is five years. [G.S. 15A-1344\(d\)](#)
- (b) Special-purpose extensions can be used to extend the probationer's period of probation by up to three years beyond the original period of probation, including beyond the five-year maximum, if all of the following criteria are met:
 - (1) The probationer consents to the extension;
 - (2) The extension is being ordered during the last six months of the original period of probation (note: if probation has previously been extended, the offender is no longer in their original period of probation); and
 - (3) The extension is necessary to complete a program of restitution or to complete medical or psychiatric treatment. (G.S. 15A-1342(a) and G.S. 15A-1343.2)

The North Carolina Court of Appeals has ruled that a “substance abuse program” is not synonymous with medical or psychiatric treatment, therefore, a special purpose extension cannot be used for completion of a substance abuse treatment program (see [State v. Peed](#))

Extensions for these special purposes are the only way to extend a period of probation beyond five years, and only when the original period was five years could probation be extended for as long as eight years under this provision. Any probationary judgment form provided to a defendant on supervised probation must state that probation may be extended pursuant to G.S. 15A-1342(a).

- (c) When an extension is necessary, the officer will follow the instructions as outlined below:
 - (1) For ordinary extensions pursuant to [G.S. 15A-1344\(d\)](#), the officer will:
 - a. Consult with the CPPO to determine if an extension is appropriate;
 - b. Complete a [DCS-170](#) Notice of Hearing for Extension of Probation;
 - c. Serve the DCS-170 on the offender; explaining the purpose of the hearing; date, time and location of the hearing;
 - d. Give the offender a copy of the DCS-170, place a copy in the offender's case file, and file the original with the clerk of court;
 - e. Complete the AOC-CR-609 or AOC-CR-634/635 according to the finding made by

the court at the hearing and file the original with the clerk of court in the county of hearing, give a copy to the offender, and place a copy in the offender's case file.

Ordinary extensions can be ordered multiple times during the supervision period as long as the total period does not exceed five years.

- (2) For special purpose extensions pursuant to [G.S. 15A-1342\(a\)](#) and [G.S. 15A-1343.2\(d\)](#), the officer will prepare the same paperwork and follow the same general procedure as set out in [.0612 Modifications](#).

Special purpose extensions can only be ordered once during the last six months of the original supervision period.

.0613 MANDATORY THREE-YEAR REVIEW

Officers must bring an offender before the court for a case review when the offender has served three years of a probation period greater than three years. The PPO must give reasonable notice to the probationer and the probationer may choose to appear. The court must review the offender's case file to determine whether to terminate their probation, [G.S. 15A-1342\(d\)](#). The court may at any time terminate a period of probation and discharge an offender if warranted by the conduct of the defendant and the ends of justice, [G.S. 15A-1342\(b\)](#). An officer will, when required:

- (a) Notify the offender of the three-year review requirement and any recommendations the officer plans to make at the review. If, at the three-year review point, the offender's behavior does not indicate a public safety risk, and the offender has satisfied all court ordered conditions along with all monetary obligations, the officer should recommend termination, following the procedure in .0700 Closing Cases. It is the Division's policy to not recommend sex offenders for early termination.
- (b) If the offender desires to appear, have the review placed on the appropriate docket and notify the offender of the time and place of the hearing.
- (c) If the offender does not wish to appear, review the case informally with the appropriate court.

Officers should bring offenders before the court for a three-year review when legally required. A failure to hold a three-year review does not, however, restrict the court's authority to continue, extend, revoke, or terminate probation at any time by appropriate proceeding. State v. Benfield, 22 N.C. App. 330 (1974)

.0614 SUPERVISION FEES

Payment of a monthly probation supervision fee is a regular condition of supervised probation, [G.S. 15A-1343\(c1\) & \(g\)](#).

- (a) The court may exempt a person from paying the fee only for good cause and upon motion of the

person placed on supervised probation.

(b) The court may authorize a PPO to determine a payment schedule for supervision fees.

(c) No person shall be required to pay more than one supervision fee per month.

.0615 TRANSFERS

An offender must, as a regular condition of supervised probation, give the supervising officer notice and get prior approval before changing address, [G.S. 15A-1343\(b\)\(3\)](#). Officers will approve changes of address unless the move would present a threat to public safety, or the move is motivated by an offender's desire to avoid supervision. If an offender will be residing in another county for more than 90 days, their case will be transferred to the new county, according to the following procedure:

(a) Sending county responsibilities:

- (1) Upon receipt of an offender's request to transfer, the supervising officer will review the case file for special conditions or circumstances that would prohibit the offender from leaving the county.
- (2) The supervising officer will consult with the CPPO to get the CPPO's approval for the transfer.
- (3) The supervising officer will address any non-compliance, including delinquency with any monetary conditions, before granting final approval for the transfer.
- (4) Upon approval of the CPPO, the supervising officer in the sending county will instruct the offender to report within three calendar days to the CPPO in the receiving county. If the case is on EHA, EM, RF, or SBM, the case must first be investigated and accepted by the receiving county prior to the offender moving to the receiving county.
- (5) If the transfer is accepted by the receiving county and the case is for an EHA, EM, RF, or SBM sex offender, the supervising officer in the sending county will call for immediate reporting instructions and have the offender report to the proposed residence. Within 24 hours of the transfer being accepted, the supervising officer in the sending county will update OPUS with the new address and phone number and will update the GPS system assigning the offender to the new receiving PPO.
- (6) The CPPO will document the transfer in OPUS and forward the case file to the CPPO in the receiving county.
- (7) If an offender must relocate outside the county while a probation violation hearing is pending, the supervising officer will keep the offender on their caseload and initiate out to county courtesy supervision in the county of residence. The officer in the receiving county should supervise the offender according to the assigned supervision level.

(b) Receiving county responsibilities:

- (1) Upon notification of a pending transfer, the CPPO in the receiving county will assign the case to a supervising officer to verify the offender's residence;
- (2) For an EHA, EM, RF, or SBM sex offender, the case must be investigated and accepted prior to the offender moving to the supervising county;
- (3) For EHA, EM, and SBM cases, the officer in the receiving county within 24 hours of accepting the transfer request may utilize the mapping feature through the GPS system to verify the offender has arrived at the residence. The receiving county is responsible for establishing the schedules and zones for the offender.
- (4) For all cases, the receiving county will, within 10 days, physically verify the offender's residence in the receiving county and complete the transfer investigation;
- (5) All transfers will be accepted by the receiving county unless the investigating officer has determined that the offender is not, in fact, relocating to the receiving county or in cases of sex offenders, the residence does not comply with the requirements of general statute. Pending criminal charges are not, standing alone, proper grounds for refusing a transfer;
- (6) Upon receipt of the case file from the sending county, the CPPO will review the judgment and forward the case to a supervising officer;
- (7) For sex offenders – prior to the offender moving to the receiving county, the residence must be investigated, approved and accepted.

.0616 COURTESY SUPERVISION

When an offender temporarily relocates to a location outside the county of supervision for 90 days or less, they may be placed under courtesy supervision in that location. All offenders in residential programs out of county will be courtesy supervised for 90 days. After 90 days, a new transfer request will be initiated in OPUS for full transfer. In the event that courtesy supervision is necessary, the assigned supervising officer will:

- (a) Request courtesy supervision in the county of temporary relocation;
- (b) Initiate a courtesy transfer in OPUS (see Investigation Guide);
- (c) Forward a copy of the court documents to the courtesy officer in the county of temporary location;
- (d) The courtesy officer in the county of temporary relocation will continue case planning;
- (e) Offenders serving a 90-day CRV or 3-month reimprisonment at a CRV center will be courtesy supervised by officers at the facilities.

- (f) The courtesy officer will report any noncompliance issues to be addressed by the assigned supervising officer.

Offenders with a pending violation hearing requesting to transfer to another county, will be courtesy supervised until the hearing is disposed; after which a new transfer request will be submitted in OPUS. The receiving officer can accept the new transfer request without an investigation if contacts are current.

Offenders participating in transitional housing will be courtesy supervised ([See Chapter H Programs .0700 Transitional Housing](#)).

.0617 OUT OF STATE TRAVEL

Supervised offenders may not travel outside of North Carolina unless granted written permission to leave by the court or a probation officer. [G.S. 15A-1343\(b\)\(2\)](#) An offender may not receive a travel permit until they have been under supervision for at least 60 days and a supervision level has been established (except in emergencies as described in Section .0618). Officers may grant a travel permit for a period not to exceed 30 days under the following procedure:

- (a) At least seven days before the planned travel, the offender must complete a form [DCS-17 Application for Travel Permit](#), providing the following information:
 - (1) The destination(s) (a specific street address);
 - (2) The reason for the travel;
 - (3) Names of and relationship to all persons being visited;
 - (4) A full itinerary, including date of departure and date of return;
 - (5) A telephone point of contact at each destination;
 - (6) Mode of transportation (including make, model, and license plate number of vehicle if traveling by car, or ticket information if traveling by commercial carrier);
 - (7) Travel companions, if any.
- (b) Before granting a travel permit, the officer will:
 - (1) Verify the information provided in the permit application, including calling points of contact at the offender's destination, as necessary in the officer's discretion;
 - (2) Confirm that the offender has been under supervision for at least 60 days and that a supervision level has been established;
 - (3) Confirm that the offender is in compliance with all conditions of supervision including any monetary obligations.

High risk offenders (OTI-R score of 50 or higher); offenders subject to SRG agreement conditions, house arrest with electronic monitoring or a curfew are not allowed to travel out of state except in emergency situations, which must be verified, with the specific approval of the controlling authority. The Post Release Supervision and Parole Commission has delegated the authority to the Division to grant travel permission for post release and parole offenders.

- (c) Extension of a permit. Offenders who receive a travel permit may request an extension of that permit.
 - (1) The officer may, with approval from the CPPO, grant the extension if the offender updates the information provided in the initial permit application and is still in compliance with his or her conditions of supervision.
 - (2) In no circumstance may the total length of travel permit exceed 45 days.

Travel permits may not be used as a substitute for transfer under the Interstate Compact for Adult Offender Supervision (ICAOS). Most offenders who spend more than 45 consecutive days in another state must do so under the ICAOS. ICAOS Rule 1.101 and 2.110. Offenders may not use a series of travel permits as a means of avoiding the letter or spirit of the Compact.

- (d) Special requirements for sex offenders. In additions to the requirements set out above, the following procedure must be followed when a sex offender applies for a travel permit:
 - (1) The offender must inform the sheriff in their county of registration of the offender's destination and itinerary if he or she will be away from their residence for more than seven days. (This requirement is mandatory under federal guidelines enacted pursuant to §114(a)(7) of the Sex Offender Registration and Notification Act (SORNA).
 - (2) If the victim of the offender's crime was a minor, the officer must confirm that no minors will be living in any residence being visited by the offender, and that no minors will be traveling with the offender.
 - (3) The officer must give the offender a [DCS-46 Sex Offender Travel Letter](#), and must instruct the offender to provide a copy of the letter to local law enforcement at each location in which the offender will remain overnight. Law enforcement must sign the letter and the offender must provide a signed copy to the supervising officer upon their return.
 - (4) The CPPO must review the application and approve the travel permit.

.0618 EMERGENCY OUT OF STATE TRAVEL

Offenders may obtain short-notice travel permits in the event of an emergency, such as (but not limited to) the death or serious illness of an immediate family member, or an employment requirement that is strictly necessary for the offender to maintain their job.

- (a) Officers will take a case-by-case approach to emergency travel requests, granting emergency travel permits only with approval from the CPPO.
- (b) Emergency travel by sex offenders must be approved by the Judicial District Manager.
- (c) Emergency travel may not exceed 45 consecutive days.
- (d) Officers should follow the procedure as set out in Section .0618 above to grant permission for emergency travel absent of the seven-day advance notice. Offenders are not required to sign the permit in an emergency travel situation.

.0619 FOREIGN TRAVEL

Permits for international travel will be handled in accordance with the same procedure as interstate travel, with the additional requirement that all foreign travel must be approved by the controlling authority.

.0620 ROUTINE OUT OF STATE TRAVEL

Unless the controlling authority says otherwise, offenders who live near the state line or otherwise make routine, non-overnight trips to neighboring states for employment, shopping, or medical reasons are not required to obtain a travel permit for those routine trips. The travel must be approved by the CPPO and documented in the offender case file.

.0621 TRAVEL RELATED TO INTERSTATE COMPACT

For travel related to the Interstate Compact for Adult Offender Supervision, see Chapter F Interstate Compact.

.0622 OFFENDER AS INFORMER

A person receiving probation/parole/post-release supervision will not enter into any agreement to act as an informer or special agent for any law enforcement agency without an order from the Court, Commission, or other controlling authority.

.0623 UNDOCUMENTED IMMIGRANTS AND DEPORTATION

Community Supervision has a partnership with Immigration Customs and Enforcement (ICE) that will assist officers with the identification and possible removal of undocumented or illegal immigrants placed under supervision.

- (a) **Offender Notification.** Officers will ensure that accurate information is recorded in OPUS for all foreign-born offenders. Any information or knowledge gained regarding offenders' illegal status

should be reported to Immigration Customs and Enforcement.

- (b) **Special Initiatives.** At the request of Immigration, and upon approval from the assistance Judicial Division Director, districts may participate in special initiatives. These initiatives will be coordinated by the Judicial District Manager pursuant to the directives in Chapter H Programs Section .0500 Special Initiatives and Joint Law Enforcement Operations. Immigration Alien Numbers for all offenders detained will be provided to the Judicial District Manager and/or supervising officer to use when checking deportation status. The alien number will be recorded in OPUS.
- (c) **Case Management.** Offenders detained by Immigration Customs and Enforcement will be placed in non-reporting status in OPUS. 90 days after placing the offender into non-reporting status, the officer will request an Alien Query (IAQ) from DCI. Officers will e-mail the DCI Immigration Proxy address with the offender's name, OPUS number, date of birth, place of birth (country), alien registration number, and offense. Upon status verification from DCI (Alien Query), officers will staff the case with the CPPO for case management and/or closure instructions.
- (d) **Offenders Not Yet Deported.** Offenders not yet deported should remain in non-reporting status with continuous follow-up with Immigration. 120 days prior to case expiration, the PPO will staff the case with the CPPO then notify and request case closure instructions from the district attorney's office.

If the offender is released pending the deportation hearing, resume supervision immediately.

- (e) **Deported Offenders.** Upon notification from Immigration, Customs and Enforcement (ICE) that the offender was deported, the PPO will staff the case with the CPPO and district attorney's office requesting that the case be terminated with the exception of sex offender and domestic violence cases. (See Section .0700 Closing Cases)