
Division of Institutions
Policy and Procedure

I. PURPOSE

The purpose of this policy is to provide guidance on offender study release.

II. APPLICABILITY

This policy applies to the Division of Institutions, specifically minimum custody facilities with offenders who have community access privileges.

III. POLICY

- A. It is the policy of North Carolina Department of Department of Adult Correction (DAC), Division of Institutions to provide offenders the opportunity to prepare for reentry into the community. This policy sets forth the requirements, conditions, and procedures for offender participation in the study release program.
- B. ***Study release is a community-based program of rehabilitation that includes any situation in which an offender participates in an academic or vocational training program away from the correctional facility and is not supervised during the classroom training period by a correctional employee or an agent of the DAC (5-ACI-5F-01).***
- C. ***Study release program activities include such programs as: sheltered workshops, on-the-job training, learning lab activities, specialized enrichment programs, and community college or university level course work leading to a certificate or degree. Authority to grant approval for offenders to participate in the study release program has been extended to Region Directors and Facility Wardens from the Secretary of Adult Correction through the Deputy Secretary of Institutions (5-ACI-7D-20).***
- D. ***Education Services will serve as support and guidance for the facilities concerning study release.***
- E. Eligibility Requirements

Offender participation in the study release program is subject to the following requirements:

1. ***The offender must be in minimum custody and must have participated in other community-based activities outside the correctional facility (5-ACI-5F-03).***
2. The offender must have the potential for release through parole, work release, or sentence expiration following the completion of the designated study release program.

3. For those offenders who are found to be eligible and who are under consideration for study release participation, the following factors must be determined:
 - a) The course of study which the offender wishes to pursue is not available on-site at an appropriate correctional facility.
 - b) The course of study for the participant will significantly enhance the offender's opportunity of being a productive citizen upon release.
 - c) There is reasonable cause to believe that the offender has the capability of successfully completing the designed study release program; and
 - d) There is reasonable cause to believe that the offender will honor all the conditions of the study release participation and not abuse the privilege.
4. For those offenders who are court-recommended for study release participation, additional consideration will be afforded offenders in this category provided that the offender has met all other prerequisites for study release. A court order for study release is neither a prerequisite nor a mandate for an offender to participate in the study release program.
5. Prior to final approval for Study Release participation, the IM06 screen (Victim County Conflict) will be reviewed to ensure that if there are victim conflicts relating to housing and community-based program participation that those factors will be considered during the review. For additional information, refer to Institutions policy D .0900, Victim Services.

F. Study Release Condition

A participant in the study release program shall adhere to the following conditions:

1. The offender participant will proceed directly to and from the correctional facility using an approved means of transportation and an approved route to and from the educational facility.
2. Upon completion of course work at the end of the class day, the offender will return immediately to the correctional facility by an approved route and means of transportation. Participation in activities and being at locations other than classrooms and activities associated with the classrooms are prohibited without prior approval of the Facility Warden.
3. The offender will be subject to all rules currently described in the Institutions Policies and Procedures Manual while participating in community-based programs.
4. Facility staff will conduct periodic checks on offenders participating in the study release program at the rate of at least one time each month. These periodic checks can be by telephone or in person and will be documented at the facility.

G. Study Release Financial Support

1. Offenders in need of financial assistance will be allowed to seek assistance from one or more of the following sources.
 - a) Vocational rehabilitation,
 - b) Veteran's benefits,
 - c) Family donations,
 - d) Personal funds,
 - e) Scholarships,
 - f) Basic education opportunity grants, or
 - g) Other authorized sources.
2. The program staff at the correctional facility or institution where the offender is housed shall assist them in contacting the necessary financial source.
3. Financial support from any of the above-named sources for the purpose of study release activities, including tuition, books, and special equipment, shall be paid to the educational agency by the funding source. Financial support from funding sources paid directly to the offender will be deposited into the offender's trust fund account under a separate ledger card identified as "Educational Financing", with the requirement that withdrawal from this account will only be authorized by the Facility Warden or designee. Unused funds following the completion or termination of study release will be placed in the offender's regular trust fund account.
4. Financial support from the sponsoring educational and/or training agency where the financial support for the participant is for work performed for the sponsoring educational and/or training agency by the study release participant, such support will be deposited directly into the offender's trust fund account. Time spent performing work tasks must not exceed the number of hours spent in class by a study release participant. The maximum number of working hours allowable shall be limited to not more than twenty hours per week.
5. Receipts from study release participants as a result of their work for employers other than the sponsoring educational and/or training agency shall be handled within the framework of the Work Release Program. Under this condition, an offender must be appropriately approved for the Work Release Program prior to initiating a combined Study/Work Release Program. All guidelines, including financial and programmatic requirements, will be applied and participation in the Work Release Program is to be assured prior to the initiation of the program. If the participation in Work Release is part-time, per diem will be deducted at the rate of eight hours for every eight hours of Work Release participation.

IV. PROCEDURES

A. Application Process

1. The Study Release Action Form (DC-356) will be completed in Sections A, B, C, D, and F to place an offender on study release. The following procedures will be followed in completing

- the DC-356:
- a) Circle 01 in Section "Transactions" the Study Release Action Form (DC-356) if the offender is a new applicant. If they are a former study release student and are applying for reinstatement, circle 04.
 - b) Complete Parts A, B, and C of Form DC-356.
 - c) The rules and regulations of DAC and the conditions upon which study release is granted will be carefully explained to the offender. They acknowledge understanding by signing their name on the appropriate line in Part D of Form DC-356. The correctional official witnessing this is to sign their name on the designated line in Part D.
 - d) The facility decision is to be noted by the Facility Warden in the appropriate section of Part F of Form DC-356.
2. All applications, whether approved or not, and the supporting material will be maintained at the facility housing the offender.
 - a) The original and all copies of Study Release Action Form DC-356.
 - b) Written verification of financial assistance; and
 - c) Written verification of acceptance by the educational institution.
 3. The facility or region action is to be noted by the Facility Warden or Region Director in the appropriate section of Part F of the Study Release Action Form DC-356. The Facility action will constitute DAC's approval or disapproval of applicants for both full-time and part-time study release.
 4. The Facility Officer is to distribute the DC-356 forms as follows:
 - a) One copy to the facility study release file; and
 - b) One copy to the facility jacket.
 5. The supporting material should be returned to the unit to be filed in the offender's facility jacket as follows:
 - a) One copy of the written verification of financial assistance; and
 - b) One copy of the written verification of acceptance by the educational institution.

B. Reinstatement

If an offender has been on the study release program previously and wishes to re-apply, comply with the regular application procedure. Circle 04 in Section "Transactions" at the top of form DC-356.

C. Change in Education Plan

If there is any change in the offender's course of study or education plan, the sponsoring facility/institution is requested to do the following:

1. Complete a new Study Release Action Form (DC-356), circle 02 in Section "Transactions", designate the name and number of the offender in Part A, and note the change in Part C1 and
2. Forward the original and all copies of the new Form DC-356 according to the procedures set forth in IV. A.

D. Removal From or Completion of Study Release

1. Part E of a new Study Release Action Form (DC-356) is to be completed by the Warden or designated official if any offender is removed from study release for any of the following reasons:
 - a) Completed study (i.e., graduated);
 - b) Disciplinary reasons;
 - c) Parole/Conditional Release;
 - d) Escape;
 - e) Release;
 - f) Failure to meet academic requirements of the educational institution; and
 - g) other (offender put on Work Release, voluntarily terminated study release, never placed on study release).
2. Circle 03 section "Transactions" on Form DC-356.
3. Note the name and number of the offender in Part A of Form DC-356.
4. The Warden or designee is to note their approval or disapproval of the action in Part F.
5. The original and all copies are maintained at the facility housing the offender.
6. The Facility Warden/Region Director or designated official is requested to note their approval or disapproval of the action in Part F.
7. The facility officials are to distribute Form DC-356 according to the procedure established in IV. A.

V. REFERENCES

- A. 5th Edition Standards for Adult Correctional Institutions

5-ACI-5F-01, 5-ACI-5F-03, 5-ACI-7D-20

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