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

I. PURPOSE

Advanced Supervised Release (hereafter referred to as ASR term) is a program developed and initiated as part of the Justice Reinvestment Act of 2011 and established by NC Gen. Stat. § [15A-1340.18](#). The program allows sentenced offenders in certain felony classes to serve a term lower than their court-imposed sentence required by statute (hereafter referred to as non-ASR term) if agreed upon by appropriate parties prior to the offenders' admission to the North Carolina Department of Adult Correction (DAC). To justify the early release the offender will be required, while incarcerated, to participate in certain risk-reduction programs and maintain a defined level of positive behavior in accordance with this and other Division of Institutions policies. Offenders who fail to adhere to the terms of the ASR program will be removed from the program and will serve their court imposed non-ASR term.

II. POLICY

- A. ASR participating offenders will be evaluated for their eligibility and ordered to participate in the program at the time of sentencing in their county of conviction.
- B. ASR participating offenders' judgment and commitment papers (AOC Form CR-601) will indicate their ASR status. These papers will specify both the court imposed non-ASR term and the ASR prescribed flat sentence term.
- C. ASR participating offenders will undergo admission processing in accordance with existing Institutions policies and procedures. At the conclusion of admission processing, the Case Analyst will complete the Initial Classification Action and the offender will be classified and designated for housing in accordance with Institutions policy [C .0100, Offender Custody Classification](#).
- D. Offender Assignments
 - 1. Once an ASR participating offender completes Admission Processing, every effort will be made for that offender to participate in necessary Correctional Risk Reduction Incentives based upon risk score and identified criminogenic needs as determined by the Risk/Needs Assessment (RNA). When possible and, as necessary, the offender will participate in individually prescribed risk reduction incentives that are categorized as Programs (based on Evidence Based Practices), Services and/or Activities. If through no fault of their own offenders cannot participate in the recommended Correctional Risk Reduction Incentives, then they will remain in the ASR sentence track and be released according to that track. Otherwise, offenders will be expected to make reasonable progress towards fulfillment of the ASR Agreement.

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

E. Tracking of ASR Program Participating Offenders

Upon completion of Admission Processing, ASR participating offenders will be transferred for housing in accordance with applicable policy based on their custody designation. The ASR participating offender who has arrived at an assigned facility will be assigned a Case Manager who will initiate the Case Management process. The process will be the same as would be done with any offender within Institutions. Additionally, the Case Manager will review the results of the RNA by assessing the two reports, Institutions Risk/Needs and Offender Assessment and utilize the results to identify criminogenic needs, risk, and other considerations or barriers to develop the offender's ASR Agreement. The ASR Agreement shall be documented using the Case Management Assessments/Plans screen in OPUS on the web. The results of the RNA will dictate the Programs, Services, and/or Activities (Risk Reduction Incentives) that will be required in order to fulfill the terms of the ASR Agreement. The Case Manager will advise the ASR offender of the program expectations and orient the offender to the specifics of the program. This includes not only program participation expectations but also behavioral expectations and the processes in place should the offender become disqualified from participation in the program. All offenders will acknowledge orientation by signing a printed ASR Agreement and the Advanced Supervised Release (ASR) Program Description form. The offender will receive a copy of both, and the originals shall be placed in the offender's unit field jacket. The Case Manager will document this and all future ASR related Case Management notations using the OPUS Online/OPUS Sig Issue/Case Mgt. Notes screen using code "71" for "ASR Notes".

F. Summarization of ASR Program Participation

Summarization of the ASR program is required as an offender's ASR sentence is expiring or immediately upon an offender's disqualification from the ASR program. The Case Manager must document the offender's progress or lack thereof using OPUS Online/OPUS Sig Issue/Case Mgt. Notes screen using code "72" (ASR Summary) note. The summary must address the ASR Agreement by detailing programming components that were completed and those that were not. An explanation as to why ones were not completed should be included in the summary. In the case of disqualification from the ASR program the summary must list why the offender was removed. The ASR Summary Case Management note must be completed within two weeks of the offender's anticipated release from Institutions or within two weeks following disqualification.

G. Case Management for ASR

All offenders with an ASR sentence shall be provided with case management under the same framework as all other offenders (see Chapter E .3000, Case Management) along with the following requirements:

1. Initial Contact

- a) The Case Manager will meet personally with the offender and introduce themselves.
- b) The Case Manager will discuss the ranged sentence and the ASR term with the offender along with disqualification factors.
- c) The Case Manager will instruct the offender to sign the Advanced Supervised Release Program Description form. A copy will be provided to the offender and the original placed in the offender's unit field jacket.

2. Risk/Needs Assessment (RNA) Report

The Risk/Needs Assessment is a validated tool used to help identify criminogenic needs, risks and barriers that an offender has which may prevent them from being successful. The 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 and Level 5 being the lowest.

The purpose of the RNA is to identify the criminogenic needs, barriers and special characteristics of the offender. This information will be utilized to form the ASR Agreement.

After the offender has completed processing and transferred to a facility the initial Case Manager will review the results of the RNA to assist with forming the ASR agreement as well as case plan.

The Case Manager should preferably complete the ASR Agreement with the offender during initial contact, but within a timely manner once the results of the RNA have been reviewed and discussed with the offender.

3. ASR Agreement

The ASR agreement is an agreement that is formed between a Case Manager and ASR offender. The agreement targets Programs, Services and Activities that the offender will participate in while serving the ASR sentence. The Programs, Services and Activities are offerings that will address the criminogenic needs, barriers and special characteristics identified from the RNA.

The Case Manager will view the results of the RNA and target each need/barrier/special characteristic with a Program, Activity and/or Service. The Agreement must be realistic and reasonable. The Case Manager will develop the Agreement in a timely manner.

Further, the Case Manager will form the ASR Agreement taking into consideration time remaining on the ASR sentence, custody level and Service Priority Level (SPL). The Case

Manager will discuss the RNA with the offender explaining the identified criminogenic needs, barriers, special characteristics, and service priority level. The Case Manager will discuss each targeted intervention (program, activity, service) with the offender that may be placed on the ASR Agreement. The offender will sign the ASR Agreement. A copy will be provided to the offender and the original placed in the offender's unit field jacket.

4. OPUS Online/OPUS Case Notes Documentation

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

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

- i. Enters a case note documenting a discussion was held with the offender explaining the ASR term and the court imposed non-ASR term.
- ii. Enters a case note documenting the offender signed the ASR Program Description form, and a copy was given to offender, and the original placed in the unit field jacket.
- iii. Enters a case note documenting that the RNA was reviewed and discussed with the offender explaining the criminogenic needs, barriers, and special characteristics to include the SPL.
- iv. Enters a case note documenting the offender signed the ASR agreement and a copy was given to the offender and the original placed in the unit field jacket.
- v. Enters a case note outlining the results of the RNA to include the SPL and targeted Programs/Services/Activities.
- vi. Enters subsequent notes documenting progress or lack thereof concerning the ASR agreement.

b) Subsequent Case Manager(s)

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

5. OPUS Online/OPUS Documentation of Agreement

In order to create the Agreement for signature and for monitoring of participation in the Agreement components, the initial Case Manager will enter the Programs/Services/Activities using the Case Management Assessment/Plans screens in OPUS on the web.

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

- i. Enters all components under the appropriate life areas using the Case Management/Plans screen in OPUS.
 - ii. Identifies specific programs/activities/services to target needs, barriers and service priority level.
 - iii. Adds case plan/action and indicates Y (yes) for components recommended for ASR agreement.
 - iv. Prints a copy of ASR Agreement from the Case Management Assessment/Plan screen.
 - v. Completes top portion of the ASR Agreement form (needs, barriers, SPL).
 - vi. Reviews agreement with offender and witnesses offender's signature on ASR Agreement.
 - vii. Gives a signed copy of the agreement to the offender and files the original in the unit field jacket.
- b) Subsequent Case Manager/Monitoring Duties
- i. Monitors agreement progress or lack thereof.
 - ii. Documents progress or lack thereof in OPUS.
 - iii. Ensures offender can complete components (this may require transfers to other facilities for placement in the targeted components).

6. Agreement Modifications

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

- a) Enter new program/service/activities using the Case Management Plan screen in OPUS.
- b) Enter "N" on the component that is being removed from the Agreement (must enter comment as to why this modification is being completed).
- c) Prints a copy of the revised ASR Agreement from the Case Management Assessment/Plans screen.
- d) Completes top portion of the ASR agreement form (needs, barriers, SPL).
- e) Reviews modified agreement with offender and witnesses offender's signature on the revised ASR Agreement.

- f) Gives signed copy of the revised agreement to the offender and files the original in the unit field jacket.
- g) Enter Case Management ASR Note “71” using OPUS Online/OPUS Sig Issue/Case Mgt. Notes screen to document the modification and reason(s) for it.

7. Agreement Monitoring

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

- a) Monitoring can be accomplished by using the Case Manager’s Roster on the WEB.
 - i. The Agreement can be viewed on the Case Manager’s roster.
 - ii. The Agreement will be highlighted in YELLOW 60 days from the expiration of the ASR sentence to alert the Case Manager of the need to view the Agreement.
 - iii. The alert will be a prompt for the Case Manager to address any components that are still outstanding.
 - iv. Any components not acted upon must be addressed. (This may require transfers to other facilities for placement in the targeted components)
 - v. The Case Manager will document an ASR Case Note “71” using OPUS Online/OPUS Sig Issue/Case Mgt. Notes screen documenting that the agreement was reviewed and the verification of the status of the agreement components.
- b) Monitoring can also be accomplished by using the Case Management Assessment/Plans screen and displaying the Agreement. There are no alerts to prompt monitoring with this option. The Agreement will display the open components to be addressed.

8. Final Progress Note Concerning Agreement (Summarization)

At least two weeks before expiration of the ASR sentence, the Case Manager will enter a final progress summary note using OPUS Online/OPUS Sig Issue/Case Mgt. Notes screen using code “72” (ASR Summary Note). The ASR Agreement notifier on the Case Manager’s Roster screen on the WEB will be highlighted in RED 14 days from the expiration of the ASR sentence to alert the Case Manager of the need to view the Agreement and to prompt this final progress summary note. This alert will also indicate that the Case Manager will need to review the Agreement for open components that were not addressed. Anything that is open will need to be closed out. A final progress summary note is to be completed.

The final note will include the following:

- a) Service Priority Level

- b) Criminogenic needs/barriers/special characteristics
- c) Programs/Services/Activities identified on the Agreement.
- d) Progress/participation on each identified Programs/Services/Activities

9. Closing Out the Agreement

Using the Case Management Assessment/Plans screen in OPUS the follow items must be addressed to finalize the ASR Agreement.

- a) All open components that do not have a closed or assigned status must be addressed.
- b) Status for unaddressed components should be “No Fault of Their Own” (NFO) if applicable.
 - i. Since ASR Agreements are realistic and reasonable, the (NFO) status should not be used unless a legitimate reason or extenuating circumstances exists for the absence of assignment/participation in the component that is outstanding.
 - ii. An (NFO) status will require a comment on the Case Management Assessment/Plans screen in OPUS.

H. Removal from AST Program and Term

- 1. All offenders admitted to Institutions as ASR program participants will be given the benefit of the reduced ASR term to serve unless they disqualify themselves during incarceration.
- 2. Upon admission to Institutions, an ASR participating offender will have all Sentence Credits and Penalties tracked for Release Data Calculation in OPUS. This ensures that an offender who is removed from the ASR Program because of disqualification receives accurate sentence credits and penalties towards the non-ASR term imposed by the court.
- 3. The following factors may disqualify the offender from the ASR program:
 - a) The offender resigns from the ASR program.
 - b) The offender refuses to participate in the prescribed Risk Reduction Incentives.
 - c) The offender incurs any Class A disciplinary infraction.
 - d) The offender incurs any of the following Class B disciplinary infractions: B9, B15, B17, or B20.
 - e) The offender incurs any combination of three or more infractions in a single month of incarceration.
 - f) The offender is resentenced, and the new sentence term does not include ASR.

4. If an offender commits a disqualifying act, the assigned Case Manager can initiate a formal ASR disqualification action. Prior to initiating a disqualification action, the Case Manager will do the following if the offender's disqualifying factors are based on section II. H. 3. a) or b).
 - a) Counsel the offender of the pending action to encourage the offender to begin, continue, or cooperate with their designated ASR Agreement and
 - b) Consult with supervisory staff, up to and including the Warden. This ensures the Warden endorses disqualification of the ASR Program for the offender participant based on reasons noted.
5. If the offender is removed from participation in the ASR program, they will be moved from the lowered flat sentence track and placed on the sentence they would have served but for court approval for ASR participation.
6. Disqualification from an ASR Agreement

The process of initiating disqualification is as follows:

- a) The Case Manager will discuss reason(s) for disqualification with the Warden.
- b) If the Warden agrees with reason(s), the Case Manager will notify the offender that a disqualification/removal is being initiated and explain the reason(s).
- c) The Case Manager will document the conversation/explanation with the offender in a case management note using type code "71".
- d) The Case Manager will enter an OT61 Sentence Credit action that will include:
 - i. Type
 - ii. Reason
 - iii. comments to support the initiation for disqualification.
- e) The Warden or designee will complete the Facility approval section on the OT61 screen.
 - i. If denied, the disqualification request ends. A comment to support the denial must be entered.
 - ii. If approved, comments must be entered to support reasons for approving disqualification. An approval from the Warden will automatically route the action to Institutions Administration for Section Level review.
 - iii. Once approved by the Warden, the Case Manager will notify the Case Management Manager of the pending ASR disqualification for tracking purposes by email or phone.

- f) The Director for Rehabilitation or designee will complete the Section Level approval on the OT61 screen.
 - i. If denied the disqualification request ends. A comment to support the denial must be entered.
 - a. The Case Manager will continue to supervise the Agreement.
 - b. If modifications are needed based upon denial of disqualification, the Case Manager should follow the modifications section of this policy.
 - ii. If disqualification is approved, the offender will automatically be reverted to the non-ASR term on the Judgment and Commitment. Comments must be entered to support reasons for approving disqualification.
 - a. The Case Manager will meet with the offender and complete the Removal and Appeal Form.
 - b. The Case Manager must record all components with their statuses on the form.
 - c. The Case Manager must indicate the reason(s) for removal from the ASR sentence.
 - d. The Offender must sign the Removal and Appeal Form, top section only.
 - e. The Case Manager will sign the Removal and Appeal Form, top section only.
 - f. The Case Manager must give a copy of the Removal and Appeal Form to the offender and file the original in the offender's unit field jacket.
 - iii. The Case Manager will enter a Case Management ASR Note "71" on the Sig Issue/Case Mgt. comment screen in OPUS Online/OPUS to document the removal and reason for removal.

7. Appeal of Disqualification

When an offender has been disqualified, they will be allowed to appeal the decision to the Deputy Secretary of Institutions or their designee.

- a) When the Case Manager meets with the offender advising them of their disqualification from the ASR program, the offender may indicate their wish to appeal on the ASR Removal and Appeal form, bottom section of form.
- b) If the offender wishes to NOT appeal, the offender and Case Manager will sign and date the ASR Removal and Appeal form. A copy of the ASR Removal and Appeal form will be given to the offender and the Case Management Manager, and the original filed in the offender's unit field jacket.

- c) If the offender wishes to appeal, the Case Manager will immediately forward the signed ASR Removal and Appeal form to the Director of Rehabilitation and a copy to the Case Management Manager by courier mail, fax or email.
- d) The request for appeal will be reviewed by the Deputy Secretary of Institutions or their designee.
 - i. The Deputy Secretary of Institutions or their designee may uphold the decision or overturn the disqualification decision.
 - ii. If the Deputy Secretary of Institutions or their designee overturns the disqualification, the offender will be returned to the ASR program, and their sentence adjusted accordingly.
 - iii. Once a decision is rendered by the Deputy Secretary of Institutions or their designee, the ASR Removal and Appeal form will be forwarded to the Case Management Manager. The Case Management Manager will notify the offender, the Case Manager, and the Warden where the offender is located of the appeal decision to continue or reverse disqualification. The Case Manager will document the notification of the decision in OPUS Online/OPUS using note type "71".
 - iv. A copy of the ASR Appeal and Removal form with the appeal decision will be sent to the facility where the offender is housed. The Case Manager will give a copy of the ASR Appeal and Removal form to the offender and file a copy in the offender's unit field jacket.
 - v. The appeal decision by the Deputy Secretary of Institutions or their designee is considered final.

III. REFERENCES

- A. NC Gen. Stat. § [15A-1340.18](#)

Advanced Supervised Release (ASR) Program Description Form

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

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

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

- Resignation from the program
- Refusing to participate in the prescribed ASR related programs
- A finding of guilt for any Class A disciplinary infraction
- A finding of guilt for a Class B09, B15, B17 or B20 disciplinary infraction
- Being found guilty of any combination of three or more infractions within a one-month period
- The offender is resentenced and the new sentence term does not include ASR.

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

Offender Signature

Date

Witness

Date

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

ADVANCED SUPERVISED RELEASE REMOVAL AND APPEAL FORM

Date: _____

Staff ID: _____

Offender Name: _____

OPUS #: _____

Facility: _____

A.S.R. Release Date: _____

Circle Reason(s) For Removal from ASR Program

Resignation:

Refusal to Participate:

Class A Disciplinary

Class B17 Disciplinary

Class B9 Disciplinary

Class B20 Disciplinary

Class B15 Disciplinary

Any Three or More Infractions in One Month: _____

Resentenced

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

Offender Name: (Print): _____ Offender Signature: _____ Date: _____

☐

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

☐

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

Offender Signature: _____ Date: _____

Case Manager Signature: _____ Date: _____

Comments: _____

After having reviewed this case it is my decision to:

☐

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

☐

REINSTATE the offender to the ASR program.

Deputy Secretary of Institutions_____
Date