

North Carolina Department of Public Safety
Prisons
Policy Summary Sheet



Restitution Program

Chapter: E

Section: .1100

Current Review Date:

September 1, 2020

Reviewed By:

Prisons Rehabilitative Services

Next Review Due:

September 1, 2021

Current Revision Date:

September 1, 2020

Supersedes Revision Dated:

September 18, 2007

Current Revision Summary (if applicable):

Added: References

Related ACA Standard

5th Edition Standards for Adult Correctional Institutions 5-ACI-1B-24

This policy has received a total revision and should be read in its entirety. General changes throughout policy include changing “Superintendent” to “Warden,” “Corrections” to “Public Safety,” “Inmate” to “Offender,” “his/her” to “their,” “he or she” to “they,” and “Director” to “Commissioner” Added Post Release Supervision to coincide with Parole Commission. Other minor grammatical corrections made where necessary. All current changes are highlighted in yellow.

Specific Changes

.1101 GENERAL

Page 1 (a) Removed “such persons or entities” and replaced with “victims of crimes and /or their survivors.”

Page 1 (c) Removed “The sentencing court may recommend restitution incident to an order of confinement to prison, as a condition of attaining work release privileges and as a condition of attaining parole, when such commitment order is not an outgrowth of a plea arrangement” and replaced with the following:

“Definitions:”

“(1) Restitution: court-ordered payment by a criminal defendant to a victim or other party that compensates the individual for a loss proximately caused by the criminal defendant.

(2) Reparation: the performing of community services, volunteer work, or doing such other act or things as shall aid the defendant in his rehabilitation.”

Page 1 (d) Added additional Verbiage “Order/ Recommendation, and Chairman” to this section.

Page 2 (e) Removed “A restitution Recommendation is not binding upon the Secretary and the Post Release Supervision and Parole Commission, but if they, or either of them, elect not to implement the action, they, or either of them, or their designee, shall notify the sentencing court in writing as to the reason for not implementing the court issue further recommendations”

Page 2 (e) 1 Replaced with additional verbiage such as “Satisfy” with “meet,” and “admitted” with “assigned.” Added additional verbiage “N.C. Gen. Stat. § 148-33.2 and N.C. Gen. Stat. § 143B-720,” and “If the Post-Release Supervision & Parole Commission and Division of Prisons disagree as to whether an offender should pay restitution, the offender will not be delayed on being assigned to a work release assignment if assignment is available. A final decision about whether or not the offender should pay restitution can be rendered after assignment” to this paragraph.

Page 2 (e) 3 Replaced “L-Form 153A” with “Cr-601 or AOC CR-611.” Removed “verbiage “both,” “as by law provided his obligation if restitution be later imposed as a parole condition,” and “by the contracting parties.”

Page 2 (e) 4 Added “For offenders serving sentences of five years or less the “to the beginning of the paragraph and removed “The decision as it applies to work release is, as to offenders serving sentences of five years and less,” “if he so chooses,” “and he may waive hearing in the matter.” “as in the case” “of the Department of Correction, according to law. An offender can refuse to accept work release privileges.”

Page 3 (e) 7 removed “as it may pertain to an offender serving a sentence of not less than 30 days nor as great as 18 months shall not supersede those provisions of law which entitle such offenders to automatic parole, in absence of finding, by the Post Release Supervision and Parole Commission that parole should not be granted. Their right to consideration for such automatic parole shall be unaffected by the fact that they may be on work release with implementation of restitution measures” and added “by the Post Release Supervision and Parole Commission for parole/post-release supervision consideration may be a separate action from

work release approval by the Division of Prisons although any restitution collected from work release earnings may apply to the parole/post-release supervision case.”

Page 3 (8) Removed “The Act establishing the statutory scheme for restitution also,” “While Division of Prisons' policy specifically addresses restitution, which will chiefly entail money payment,” “such reparation” “procedurally” and “taking into.” Additional information added to this paragraph “N.C. Gen. Stat. 15A-1343

.1102 PROCEDURES – ACTIVE SENTENCE OF FIVE YEARS OF LESS

Page 4 (a) 1 removed “receiving diagnostic center shall, where there is an Order/Recommendation as to restitution, whether as a condition of work release or parole eligibility,” “DC-134 with total amount due,” “When an offender is committed with a restitution Order/Recommendation applicable to work release privileges or volunteers to make restitution from work release earnings to defray his obligation on parole,” “case analyst, during orientation.” if he so desires,“ ” The offender's questions will be answered, and he will be asked whether or not he wishes to be heard.,” and “a waiver to that effect on.” Additional information added “stamp, " "on the outside front cover. Staff will appropriately record restitution in on the OPUS using the OT24 (Special Conditions /Sanctions/Credits; code 33 and 34), OP03 (Offender Copay Obligations) and OP04 (Payee Copay Account Detail) screens. The OR91 (Victim/Payee Name Search) and OR91 (Victim/Payee Registration) screen may also be utilized. Staff will.”

Page 4 (a) 2 Removed “authority, and arrange for the offender to be notified as to the date of such hearing.”

Page 4 (a) 3 Removed “if the offender has expressed a desire to be heard,” and “which may include, but not be limited to such matters as: the offender has previously satisfied the restitution requirements, the payee has died, in which case restitution will not be paid to the estate of the deceased, or if a corporate entity or other such entity, it no longer exists; or such other matters and things which bear upon the issue before the hearing committee.”

Page 5 (a) 7 removed “This is done whether or not the committee has decided to implement the Order/Recommendation of the sentencing court,” “by the appropriate diagnostic center or classification authority in conjunction with,” “by virtue of their receiving a DC190 indicating such,” and “payee with the first check.” Replaced “automatic” with “immediate” and “case” with “was ordered.”

.1103 PROCEDURES – ACTIVE SENTENCE MORE THAN FIVE YEARS

Page 6 (a) 1 Removed “where there is an Order/Recommendation as to restitution/reparation, whether as a condition of work release or parole eligibility,”

“DC-134 with total amount due,” having under consideration,” and “for whom there is an Order/Recommendation for restitution by the sentencing court,” Added additional verbiage “on the outside front cover. Staff will,” in the OPUS using the OT24 (Special Conditions Sanctions/Credits, code 33 and 34), OP03 (Offender Copay Obligations) and OP04 (Payee Copay Account Detail) screens. The OR91 (Victim Payee Name Search) and OR91 (Victim Payee Registration) screens may also be utilized. Staff will.”

Page 6 (a) 2 Removed “following the final,” “the committee after the hearing,” “the DC-190 and DC-191,” and “of the records so transmitted

Page 6 (a) 3 Removed “as to the implementation/ non-implementation of,” “admittance,” “privileges,” “Measures” and “attaining.”

Page 7 (a) 4 Removed “as to restitution” and “as to implementation of restitution measures.”

Page 7 (a) 5 Removed “transmittal of.” “pertaining to restitution” and “as to restitution.”

Page 7 (a) 6 Removed “of the representatives.”

Page 8 (a) 8 Removed “action as to approval of work release has been non-approval,” “fact,” “at such time,” “admitted,” “if this be the case” and “as to implementation of restitution measures.”

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Correctional Planner II

September 01, 2020

Date