



North Carolina Department of Public Safety

Community Corrections


Beverly Eaves Perdue, Governor
Reuben F. Young, Secretary

Jennie Lancaster, Chief Deputy Secretary
W. David Guice, Section Chief

June 29, 2012

ADMINISTRATIVE MEMORANDUM 01.15.06-12

TO: All Staff

FROM: W. David Guice 

RE: Utilization of Quick Dip Confinement

Effective Monday, July 2, 2012, Community Corrections will begin to use Quick Dip Confinement in response to violation as outlined in the Justice Reinvestment Act. Notwithstanding the effective dates of the legislation, I felt it necessary to allow staff an opportunity to understand the changes to delegated authority and to become accustomed to the new supervision level cutoffs brought with the OTI revisions before beginning the use of the QDC. Officers and all other staff have done an outstanding job learning the JR legislation while working with judiciary officials to implement the changes in the law. I have no doubt that you will be as meticulous in your use of the QDC. It is necessary that you make careful decisions when utilizing the new supervision tool. Delegated authority policy as covered in the January JR trainings is outlined below:

Delegated Authority Conditions

Unless the judge finds delegation inappropriate, a PPO can add the following conditions in response to an offender's failure to comply with conditions imposed by the court or if the probationer is "high risk":

- Up to 20 hours of community service (50 hours in intermediate cases)
- Submit to an electronically monitored curfew
- Submit to substance abuse assessment, monitoring, or treatment
- Participate in an educational or vocational skills development program
- Electronic house arrest
- Report to the probation officer at a frequency determined by the officer
- Satellite-based monitoring if a covered sex offender (intermediate only)

The defendant can petition for court review if the officer adds any of the conditions above. If the officer imposes any of these conditions, he or she may also reduce or remove them. When

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exercising delegated authority, the officer must give to the offender a written copy of the conditions and a notice of the right to seek court review of the conditions imposed by the officer. See procedure as outlined in the policy section below.

Quick Dip Confinement—In response to noncompliance only:

In response to a defendant's failure to comply with conditions imposed by the court the probation officer may require jail confinement for 2–3 days, for no more than 6 days per month, during any 3 separate months. The following apply when utilizing quick dip confinement:

- The six days per month confinement may only be imposed in two-day or three-day consecutive periods.
- Confinement may not be imposed unless the offender has failed to comply with one or more conditions imposed by the court.
- The CPPO and Officer must sign as witnesses to the offenders agreement to waiver of rights
- All confinement imposed through Delegated Authority shall be served concurrently.
- Quick dips imposed by the court count against the confinement time available to the probation officer

Policy for Imposing Delegated Authority Conditions and Quick Dip Confinement

Chapter E – Section .0200 The Noncompliance Grid and Responses to Noncompliance

(3) **Procedure.** When imposing conditions (other than confinement) through delegated authority due to noncompliance, the officer will:

- a. Review the case with the chief probation/parole officer;
- b. Complete form DCC-10B, *Delegated Authority Violation Report*, in OPUS;
- c. Swear to the violation before a magistrate, notary public, or clerk of court;
- d. Present the DCC-10B to the offender for signature. Notify the offender that the additional conditions go into immediate effect. If the offender refuses to sign the DCC-10B, advise the offender that they may file a motion for review by the court;
- e. Give the offender a copy of the violation report;
- f. File the original DCC-10B with the clerk of court in the county of origin/county of supervision.

- g. Place a copy in the offender case file.
- h. Update the case plan and OPUS to reflect that delegated authority was exercised.

(4) Imposing quick-dip confinement through delegated authority

Before confinement may be imposed through delegated authority the offender must be in supervision level 1 or 2, based on the risk and needs assessment and has failed to comply with one or more conditions imposed by the Court. The officer will:

- a. Review the case with the chief probation parole officer. The consultation should include plans to serve the delegated authority violation report on the offender with a supervisor present to witness signatures, a determination of the quick dip time period to consider jail capacity or commitment issues; and a subsequent plan to either arrest or cite for the noncompliance and initiate the formal violation process should the offender refuse to waive their rights and serve the quick-dip confinement.
- b. Swear to the violation before a magistrate, notary public, or clerk of court
- c. Present the DCC-10 to the offender for signature. The officer and chief will sign as witnesses
- d. Give the offender a copy of the violation report. Notify and explain in detail the waiver of rights to the offender
- e. When the waiver is signed, the officer will escort the offender to the local jail or inform the offender when to report to the local jail to begin serving the period of confinement. Inform the offender to contact the officer within 72 hours of release.

Note: It is the position of the agency that the offender serve the period of confinement immediately, if possible.

- f. Present the jail with the appropriate paperwork
- g. File the original DCC-10B with the clerk in the county of origin/county of supervision
- h. If the offender refuses to waive their rights to a hearing, the officer will check the appropriate block on the DCC-10 indicating the offender requests a hearing, serve the offender (cite or arrest) and schedule a court date for hearing; then file the DCC-10 with the clerk in order to calendar the violation

for hearing. The offender is to be notified of the date and time of their violation hearing.

- i. File a copy of the DCC-10B in the offender's case file
- j. Update the case plan & OPUS to reflect that delegated authority was exercised
Note: OPUS will automatically track the confinement periods upon update to the system

(f) 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:

- (1) Complete the DCC Early Removal from Delegated Authority Requirement Form to remove or reduce the conditions previously imposed;
- (2) File the original with the clerk of court in the county of origin/county of supervision;
- (3) File a copy of the offender's case file;
- (4) Give a copy to the offender;
- (5) Update OPUS and the case plan to reflect changes.

High Risk Delegated Authority

Effective for offenses committed on or after December 1, 2011, the Justice Reinvestment Act delegates authority to probation officers to impose certain conditions (other than quick-dip confinement) for the supervision of offenders determined to be high risk (L1 and L2) based on the results of the Risk/Needs Assessment. The intent is to enhance supervision using control and/or treatment tools as necessary based on the results of the OTI and the identified criminogenic needs. This delegation may be exercised during the initial supervision period based on an OTI score that indicates the offender is high risk or at any other time during supervision due to identified criminogenic need factors. Procedure is outlined below. Automation instructions are attached.

Policy for Imposing High Risk Delegated Authority

When using high risk delegated authority the officer will:

- (a) Review the case with the chief probation/parole officer;

- (b) During staffing, the CPPO and PPO should note in the narratives why additional conditions need to be imposed (ex. Red flags, CTG, Sex Offender, domestic violence, criminal history or information from other sources that indicate risky behavior). Offender's risk and needs will be considered when determining what conditions are to be imposed.
- (c) Complete form DCC-10D, *Delegated Authority High Risk*;
- (d) Present the DCC-10D to the offender for signature. Notify the offender that the additional conditions go into immediate effect. If offender refuses to sign the DCC10-D advise the offender that they may file a motion for review by the court;
- (e) Give the offender a copy of the DCC10-D violation report;
- (f) File the original DCC-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 DCC-10D in the offender's case file, update the case plan and OPUS to reflect that delegated authority was exercised

Please address any questions through your chain of command.