

# POST CONVICTION ORIENTATION HANDBOOK



United States Probation Office  
for the Western District of  
North Carolina

**200 South College Street, Suite 1650**

**Charlotte, NC 28202-2005**

**(704) 350-7640**

**Internet: <http://www.newp.uscourts.gov>**

# TABLE OF CONTENTS

Chief's Welcome to the Western District of North Carolina.....	1
Office Locations.....	2
Office Hours, Office Reporting and Telephone Reporting.....	3
Monthly Supervision Reports .....	4-7

## CONDITIONS OF SUPERVISION

Standard Conditions of Supervision .....	8-10
Special Conditions of Supervision.....	11
Standard Sexual Offender Conditions .....	12
Special Sexual Offender Conditions .....	13-14
Law Enforcement Contact .....	15
Travel Restrictions .....	16
Community and Home Visits.....	17
Third Party Risk Notifications .....	17
Employment / Educational Requirements .....	17
Drug/Alcohol Use .....	17

## NONCOMPLIANCE

Graduated Sanctions Procedure .....	18
Mandatory Revocation of Supervision .....	19

## SPECIALTY PROGRAMS

Reentry .....	21
Workforce Development.....	21
Drug Treatment.....	21
Mental Health Treatment .....	22
Sex Offender Treatment.....	22
Moral Reconciliation Therapy .....	22
Interactive Journaling .....	22
Location Monitoring .....	23
Community Service .....	23
Veteran's Information .....	24
Selective Service.....	24
Jury Duty.....	25
Voting Rights .....	25
Forfeiture of Other Civil Rights and Restoration .....	25
Continuity of Operations.....	26

## APPENDIX

Pre-Release Intake Form	
PCRA Offender Section and Questionnaire	
Financial Issues in Criminal Cases – Brochure	
Notice Regarding Civil Rights of Persons Convicted of a Felony	
Offender/Defendant Information on Random Drug Testing Procedures	



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## WELCOME

Welcome to the United States Probation Office for the Western District of North Carolina.

Everyone is unique and has individual needs, concerns, and perhaps problems that must be addressed. While probation officers must address concerns about public safety and the risk any person on supervision may present to the community, we also want to assist you in making positive changes in your life and achieving a successful reentry into the community.

Your success rests with you, but we are here to help you if you let us.

We have treatment providers throughout the district who provide an array of services that may assist you. Many of you are required by your court ordered conditions to participate in these programs; therefore, we will place you in the program best suited to address your needs. If you are not required to participate in a treatment program but feel that services will help you to comply with supervision and improve your life, please speak with your officer immediately, and we will assist you in obtaining the needed services.

While on supervision, we expect you to adhere to your conditions of supervision. We also expect and want you to become a positive, contributing member of our community. You should expect our officers and other staff members to conduct themselves professionally and respectfully when they interact with you.

Finally, we prefer that you have an appointment when visiting your officer at the office. However, if during business hours you feel that you need to speak to someone about a matter urgent to you and you do not have an appointment, please feel free to come to the office and ask to speak to your officer. If your officer is unavailable, then ask for the duty officer or a supervisor. Someone will see you to address your concerns.

Again, welcome to the United States Probation Office for the Western District of North Carolina.

Sincerely,

Gregory A. Forest  
Chief Probation Officer

## Western District of North Carolina Offices



### Asheville

U.S. Courthouse, B-3  
100 Otis Street  
Asheville, NC 28801

Phone: (828) 771-7340  
Fax: (828) 271-4017



### Charlotte

200 South College Street  
17th Floor  
Charlotte, NC

Phone: (704) 350-7600  
Fax: (704) 344-6175

For light rail and bus information, go to:  
[www.ridetransit.org](http://www.ridetransit.org) or call 704-336-7433(RIDE)



### Cherokee

EBCI Seven Clans Lane  
Cherokee, NC 28719

Phone: (828) 771-7340 (C/O Asheville Office)  
Fax: (828) 271-4017 (C/O Asheville Office)



### Hickory

101 Government Ave SW Suite A  
Hickory, NC 28602

Phone: (828) 267-3500  
Fax: (828) 327-2896



### Statesville

1216 Davie Ave  
Statesville, NC

Phone: (704) 883-1030  
Fax: (704) 872-7240

## OFFICE HOURS

**M**onday through Friday, 8:00 am to 5:00 pm. The office is closed on all Federal holidays.

## OFFICE REPORTING\*



**Y**ou should have an appointment, and you are to report as directed by your probation officer. If you have an emergency or other issue that requires assistance, you will be seen by the duty officer if your officer is not available.

On the date of your appointment, report to the Probation Office reception area. The receptionist will inform your officer of your arrival.

**DO NOT** bring any weapons, knives, mace, illegal materials, dangerous substances, liquids, or contraband into the office. If you are reporting to the Asheville Office, no cellphones are allowed and you must bring a picture ID.

Please dress and conduct yourself appropriately while in the office.

## TELEPHONE REPORTING

**Y**ou may contact your probation officer by dialing the officer's direct line or mobile telephone.

If your probation officer is not available, leave your name, telephone number, and a brief message. Feel free to contact the duty officer for immediate assistance.

*\*Please Note: If you are reporting to the Charlotte or Asheville Office, please be aware these offices cannot validate parking.*

## MONTHLY SUPERVISION REPORTS

**T**he current standard condition in the Western District of North Carolina concerning monthly supervision reports requires you report to your probation officer in a manner and frequency directed by the Court or probation officer.

The probation officer may require you to submit a monthly supervision report by the 5<sup>th</sup> of every month. The report must be complete, accurate, and signed. You may also be required to attach employment and wage verification or other documentation required by the officer.

The report may be submitted using traditional paper forms or utilizing the Electronic Reporting System (which includes Kiosk in the lobby of the probation offices or internet). Your probation officer will provide instructions about which method will be preferred.

An example of the written form is included on the next two pages. Instructions for completing supervision reports by internet follow thereafter.

## U.S. PROBATION OFFICE MONTHLY SUPERVISION REPORT FOR THE MONTH OF \_\_\_\_\_, 20 \_\_\_\_\_.

Name		Court Name (if different):	
<b>PART A: RESIDENCE (If new address, attach copy of lease/purchase agreement)</b>			
Street Address, Apt. Number:		Own or Rent?	Home Phone: Cellular Phone: Pager:
City, State, Zip Code:		Persons Living With You:	
Secondary Residence		Own or Rent?	Did you move during the month? <input type="checkbox"/> Yes <input type="checkbox"/> No
Mailing Address (if different):		E-Mail Address	If yes, date moved: _____ Reason for Moving:
<b>PART B: EMPLOYMENT (If unemployed, list source of support under Part D.)</b>			
Name, Address, Phone No. of Employer:		Name of Immediate Supervisor:	Is your employer aware of your criminal status: <input type="checkbox"/> Yes <input type="checkbox"/> No
_____		How many days of work did you miss? _____ Why?	
_____		Position Held:	Gross Wages: Normal Work Hours:
_____			
Did you change jobs? <input type="checkbox"/> Yes <input type="checkbox"/> No Were you terminated? <input type="checkbox"/> Yes <input type="checkbox"/> No		If changed jobs or terminated, state when and why:	
<b>PART C: VEHICLES (List all vehicles owned or driven by you)</b>			
1. Year/Make/Model/Color:	Mileage:	Tag Number:	Owner:
		Vehicle I.D.#:	
2. Year/Make/Model/Color:	Mileage:	Tag Number:	Owner:
		Vehicle I.D.#:	
<b>PART D: MONTHLY FINANCIAL STATEMENT</b>			
Net Earnings from Employment: _____ (Attach Proof of Earnings)		Do you rent or have access to: a post office box? <input type="checkbox"/> Yes <input type="checkbox"/> No a safe deposit box? <input type="checkbox"/> Yes <input type="checkbox"/> No a storage space? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Other Cash Inflows: _____		Name and Address of Location: _____ Box No. or Space _____	
TOTAL MONTHLY CASH INFLOWS: _____		_____	
TOTAL MONTHLY CASH OUTFLOWS: _____		_____	
Do you have checking account(s)? <input type="checkbox"/> Yes <input type="checkbox"/> No Bank Name: _____ Account No: _____ Balance: _____		Does your spouse, significant other, or dependant have a checking or savings account that you enjoy the benefits of or make occasional contributions toward? <input type="checkbox"/> Yes <input type="checkbox"/> No Bank Name: _____ Account No: _____ Balance: _____	
Do you have savings account(s)? <input type="checkbox"/> Yes <input type="checkbox"/> No Bank Name: _____ Account No: _____ Balance: _____			
Attach a complete listing of all other financial account information, if you have multiple			
List all expenditures over \$500 (including e.g., goods, services, or gambling losses)			
<u>Date</u>	<u>Amount</u>	<u>Method of Payment</u>	<u>Description of Item</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**PART E: COMPLIANCE WITH CONDITIONS OF SUPERVISION DURING THE PAST MONTH**

Were you questioned by any law enforcement officers?  
 Yes  No

If \_\_\_\_\_ yes, \_\_\_\_\_ date: \_\_\_\_\_

Agency: \_\_\_\_\_

Reason: \_\_\_\_\_

Were you arrested or named as a defendant in any criminal case?  
 Yes  No

If \_\_\_\_\_ yes, \_\_\_\_\_ when \_\_\_\_\_ and \_\_\_\_\_ where?

Charges: \_\_\_\_\_

Disposition: \_\_\_\_\_

**(Attach copy of citation, receipt, charges, disposition, etc.)**

Were any pending charges disposed of during the month?  
 Yes  No

If \_\_\_\_\_ yes, \_\_\_\_\_ date: \_\_\_\_\_

Court: \_\_\_\_\_

Disposition: \_\_\_\_\_

Was anyone in your household arrested or questioned by law enforcement?  
 Yes  No

If \_\_\_\_\_ yes, \_\_\_\_\_ whom?

Reason: \_\_\_\_\_

Disposition: \_\_\_\_\_

Do you have any contact with anyone having a criminal record?  
 Yes  No

If yes, whom? \_\_\_\_\_

Do you possess or have access to a firearm?  
 Yes  No

If yes, why? \_\_\_\_\_

Did you possess or use any illegal drugs?  
 Yes  No

If yes, type of drug: \_\_\_\_\_

Did you travel outside the district without permission?  
 Yes  No

If yes, when and where? \_\_\_\_\_

Do you have a special assessment, restitution, or fine?  Yes  No If yes, amount paid during the month:

Special Assessment: \_\_\_\_\_ Restitution: \_\_\_\_\_ Fine: \_\_\_\_\_

**NOTE: ALL PAYMENTS TO BE MADE BY MONEY ORDER (POSTAL OR BANK) OR CASHIER'S CHECK ONLY.**

Do you have community service work to perform?  
 Yes  No

Number of hours completed this month: \_\_\_\_\_

Number of hours missed: \_\_\_\_\_

Balance of hours remaining: \_\_\_\_\_

Do you have drug, alcohol, or mental health aftercare?  
 Yes  No

If yes, did you miss any sessions during this month?  
 Yes  No

Did you fail to respond to phone recorder instructions?  
 Yes  No

If yes, why? \_\_\_\_\_

Do you have any internet website accounts / registrations (such as blog sites, MySpace.com, etc.)  Yes  No If so where? List username and password.

**WARNING: ANY FALSE STATEMENTS MAY RESULT IN REVOCATION OF PROBATION, SUPERVISED RELEASE, OR PAROLE, IN ADDITION TO 5 YEARS IMPRISONMENT, A \$250,000 FINE, OR BOTH.**

**(18 U.S.C. § 1001)**

I CERTIFY THAT ALL INFORMATION FURNISHED IS COMPLETE AND CORRECT.

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

REMARKS:

**Please write your Probation Officer's Name**

**Date**

RECEIVED

\_\_\_\_\_ Mail \_\_\_\_\_ OC

\_\_\_\_\_ HC \_\_\_\_\_ CC

RETURN TO:



# SUPERVISION REPORTING BY INTERNET



1. Go to <https://supervision.uscourts.gov>. Note: Click Cambiar a español if you need to complete your supervision report in Spanish.
2. Enter the user ID in the User Id field.  
Note: If your user ID is all numbers, be sure to enter the dash (-) between the groups of numbers.
3. Enter the password you received by email or by your officer in the current password field and click Log In.
4. In the next screen, create a new password.  
This step is only required the first time you report.
  - a. Enter again the password you received.
  - b. Enter a new password.
  - c. Enter your new password again.
  - d. Click Save to confirm your new password.
5. In the next screen, answer all the security questions. Click Save when finished.
6. Click Accept to accept the terms and conditions.
7. Your personal information and picture display.
  - a. If this is you, click yes. Otherwise, click no and your session will end.
8. At the Main Menu, click one of the buttons:
  - a. Submit Supervision Report - click if you would like to complete your supervision report. Go to step 9 for next steps.
  - b. Check In - click if just checking in.
  - c. Change your Contact Info- click if you would like to report an address, contact, email or employment change. Go to step 10 for next steps.
  - d. Attach Documents - click if you would like to attach a file to submit to your officer. Go to step 11 for next steps.
9. Submit a Supervision Report  
You will either begin your supervision report for the current month OR be presented with a list of months to report on. A list of months will only be presented if the district has the feature enabled AND you have missed a report. If a list of months appears, select a month and click Continue.
  - a. In the next screen, click I agree to certify that you will answer the questions correctly.
  - b. Answer each set of questions completely and correctly. Click the buttons at the bottom of the screens to answer questions and to move forward through the reporting session.
  - c. Review your answers in the Summary & Review screen.
  - d. If you want to change an answer, click Change next to that answer. Click Continue to Save your new answer. Click Back to return to the Summary & Review page.
  - e. Scroll down to the bottom of the Summary & Review screen and click Continue. You must be scrolled all the way down the page in order to click the Continue button. If you are not, the Continue button will appear gray.
  - f. If you have files to attach, click yes. Otherwise, click no.
  - g. In the next screen, enter your password and click I agree.
  - h. If you would like an email confirmation confirming your submission, click yes. Otherwise, click no.
  - i. If no missing months appear, Click OK to ending message. If you have missing reports and you want to complete them, select the month and click yes. The process will repeat. If you click no, you will be asked for a reason why. Enter the reason and click Continue.
  - j. Click Quit to log out of ERS. Otherwise, click Main Menu to return to the Main Menu.
10. Change your Contact Info
  - a. Click the option from the Change your Contact Info options (Address, Employment, Email, or Phone)
  - b. In the next screen, click I agree to certify that you will answer the questions correctly.
  - c. In the next screens, answer each set of questions completely and correctly. Click the buttons at the bottom of the screens to answer questions and to move forward through the reporting session.
  - d. Review your answers in the Summary & Review screen to make sure they are correct.
  - e. If you want to change an answer, click Change next to that answer. Click Continue to Save your new answer. Click Back to return to the Summary & Review page.
  - f. Scroll down to the bottom of the Summary & Review screen and click Continue. You must be scrolled all the way down the page in order to click the Continue button. If you are not, the Continue button will appear gray.
  - g. If you have files to attach, click yes. Otherwise, click no.
  - h. In the next screen, enter your new password and click I agree.
  - i. If you would like an email confirmation confirming your submission, click yes. Otherwise, click no.
  - j. Click OK to ending message.
  - k. Click Quit to log out of ERS. Otherwise, click Main Menu to return to the Main Menu.
11. Attach Documents
  - a. Click the "Attach File (5MB Max) button.
  - b. Browse to your own directory and attach file.
  - c. Your file should appear on the screen. View or delete the file as needed.
  - d. Repeat step c for additional files.
  - e. Click Continue to Submit your files. Otherwise, click Cancel to return to Main Menu.
  - f. A confirmation will appear that your files were submitted successfully and you will be returned to the Main Menu.
  - g. Click Quit in the top right corner to end your session.

## STANDARD CONDITIONS OF SUPERVISION FOR THE WESTERN DISTRICT OF NORTH CAROLINA

**W**hile on probation or supervised release, the defendant shall not commit another Federal, State, or local crime and shall not illegally possess a controlled substance. Revocation of probation and supervised release is mandatory for possession of a controlled substance, possession of a firearm, and/or refusal to comply with drug testing.

1. The defendant shall not commit another Federal, State, or local crime.
2. The defendant shall refrain from possessing a firearm, destructive device, or other dangerous weapon.
3. The defendant shall pay any financial obligation imposed by this Judgment remaining unpaid as of the commencement of the sentence of probation or the term of supervised release on a schedule to be established by the Court.
4. The defendant shall provide access to any personal or business financial information, as requested by the probation officer.
5. The defendant shall not acquire any new lines of credit unless authorized to do so in advance by the probation officer.
6. The defendant shall not leave the Western District of North Carolina without the permission of the Court or probation officer.
7. The defendant shall report to the probation officer in a manner and frequency directed by the Court or probation officer.
8. A defendant on supervised release shall report in person to the probation officer in the district to which he or she is released within 72 hours of release from the custody of the Bureau of Prisons.
9. The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
10. The defendant shall support his or her dependents and meet other family responsibilities.
11. The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other activities authorized by the probation officer.

***(STANDARD CONDITIONS OF SUPERVISION CONTINUED)***

12. The defendant shall notify the probation officer within 72 hours of any change in residence or employment.
13. The defendant shall refrain from excessive use of alcohol and shall not unlawfully purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as duly prescribed by a licensed physician.
14. The defendant shall participate in a program of testing and treatment or both for substance abuse if directed to do so by the probation officer, until such time as the defendant is released from the program by the probation officer; provided however, that the defendant shall submit to a drug test within 15 days of release on probation or supervised release and at least two periodic drug tests thereafter for use of any controlled substance, subject to the provisions of 18 U.S.C. § 3563(a)(5) or 18 U.S.C. § 3583(d), respectively. The defendant shall refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or monitoring which is (are) required as a condition of supervision.
15. The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
16. The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
17. The defendant shall submit his person, residence, office, vehicle and/or any computer system including computer data storage media, or any electronic device capable of storing, retrieving, and/or accessing data to which they have access or control, to a search, from time to time, conducted by any United States Probation Officer and such other law enforcement personnel as the probation officer may deem advisable, without a warrant. The defendant shall warn other residents or occupants that such premises, vehicles or electronic devices may be subject to searches pursuant to this condition.
18. The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed by the probation officer.
19. The defendant shall notify the probation officer within 72 hours of defendant's being arrested or questioned by a law enforcement officer.
20. The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the Court.

***(STANDARD CONDITIONS OF SUPERVISION CONTINUED)***

21. As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
22. If the instant offense was committed on or after 4/24/96, the defendant shall notify the probation officer of any material changes in defendant's economic circumstances which may affect the defendant's ability to pay any monetary penalty.
23. If home confinement (home detention, home incarceration or curfew) is included, defendant may be required to pay all or part of the cost of the electronic monitoring or other location verification system program based upon their ability to pay as determined by the probation officer.
24. The defendant shall cooperate in the collection of DNA as directed by the probation officer;
25. The defendant shall participate in transitional support services, under the guidance and supervision of the U.S. Probation Officer. The defendant shall remain in the services until satisfactorily discharged by the service provider and/or with the approval of the U.S. Probation Officer.

Upon a finding of a violation of probation or supervised release, the Court may revoke supervision or extend the term of supervision and/or modify the conditions of supervision. Upon revocation of supervision, the Court may sentence the defendant to a term of imprisonment, followed by another term of supervision.

## SPECIAL CONDITIONS OF SUPERVISION

Special conditions are generally imposed by the Judge at sentencing. However, both the Court and Parole Commission reserve the right to add, remove or modify special conditions at any time during the course of supervision. Examples of special conditions commonly used in the Western District of North Carolina are as follows:

- The defendant shall submit to a mental health evaluation/treatment program under the guidance and supervision of the U.S. Probation Officer. The defendant shall remain in treatment and maintain any prescribed medications until satisfactorily discharged by the program and/or with the approval of the U.S. Probation Officer.
- The defendant shall submit to home detention, with electronic monitoring or other location verification system, for a period of \_\_\_\_ months at the direction of the U.S. Probation Officer. During this time, the defendant shall remain at his/her residence except for employment and other activities approved in advance by the probation officer. The defendant shall maintain a telephone at the place of residence without any "call forwarding," "caller ID," "call waiting," modems, answering machines, cordless telephones or other special services for the above period. The defendant may be required to wear an electronic device or submit to another location verification system and shall observe the rules specified by the probation officer.
- The defendant shall submit to the local Residential Reentry Center for a period of not more than \_\_\_\_ months, with work release, at the direction of the U.S. Probation Officer.
- The defendant shall complete \_\_\_\_ hours of community service, at an approved site, at the direction of the U.S. Probation Officer.
- While under supervision in the Western District of North Carolina, the defendant shall participate in the DROPS program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation officer, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days.

## **STANDARD SEXUAL OFFENDER CONDITIONS FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

- The defendant shall have no direct or indirect contact, at any time, for any reason with the victim(s), the victim's family, or affected parties in this matter unless provided with specific written authorization to do so in advance by the U.S. Probation Officer.
- The defendant shall submit to a psycho-sexual evaluation by a qualified mental health professional experienced in evaluating and managing sexual offenders as approved by the U.S. Probation Officer. The defendant shall complete the treatment recommendations and abide by all of the rules, requirements, and conditions of the program until discharged. He/She shall take all medications as prescribed.
- The defendant shall submit to risk assessments, psychological and physiological testing, which may include, but is not limited to a polygraph examination and/or Computer Voice Stress Analyzer (CVSA), or other specific tests to monitor his/her compliance with probation or supervised release and treatment conditions, at the direction of the U.S. Probation Officer.
- The defendant's residence and employment shall be approved by the U.S. Probation Officer. Any proposed change in residence or employment must be provided to the U.S. Probation Officer at least 10 days prior to the change and pre-approved before the change may take place.
- The defendant shall not possess any materials depicting and/or describing 'child pornography' and/or 'simulated child pornography' as defined in 18 USC § 2256, nor shall he/she enter any location where such materials can be accessed, obtained or viewed, including pictures, photographs, books, writings, drawings, videos, or video games.
- The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense.

## **SPECIAL SEXUAL OFFENDER CONDITIONS**

- The defendant shall not associate or have verbal, written, telephonic, or electronic communications with any person under the age of eighteen (18) except: 1) in the presence of the parent or legal guardian of said minor; 2) on the condition that the defendant notifies the parent or legal guardian of his/her conviction or prior history, and 3) has written approval from the U.S. Probation Officer. This provision does not encompass persons under the age of eighteen (18), such as waiters, cashiers, ticket vendors, etc., with whom the defendant must deal with, in order to obtain ordinary and usual commercial services.
- The defendant shall not loiter within 100 feet of any parks, school property, playgrounds, arcades, amusement parks, day-care centers, swimming pools, community recreation fields, zoos, youth centers, video arcades, carnivals, circuses or other places primarily used or can reasonably be expected to be used by children under the age of eighteen (18), without prior written permission of the U.S. Probation Officer.
- The defendant shall not purchase, possess, use or administer any alcohol or frequent any businesses whose primary function is to serve alcoholic beverages.
- The defendant shall not purchase, possess or control cameras, camcorders, or movie cameras without prior approval of the U.S. Probation Office.
- The defendant shall not use, purchase, possess, procure, or otherwise obtain any computer or electronic device that can be linked to any computer networks, bulletin boards, internet, internet service providers, or exchange formats involving computers unless approved by the U.S. Probation Officer. Such computers, computer hardware or software is subject to warrantless searches and/or seizures by the U.S. Probation Office.
- The defendant shall allow the U. S. Probation Officer, or other designee, to install software designed to monitor computer activities on any computer the defendant is authorized to use. This may include, but is not limited to, software that may record any and all activity on computers the defendant may use, including the capture of keystrokes, application information, internet use history, email correspondence, and chat conversations. The defendant shall pay any costs related to the monitoring of his/her computer usage.
- The defendant shall not use or have installed any programs specifically and solely designed to encrypt data, files folders, or volumes of any media. The defendant shall, upon request, immediately provide the probation officer with any and all passwords required to access data compressed or encrypted for storage by any software.
- The defendant shall provide a complete record of all passwords, internet service providers, email addresses, email accounts, screen names, etc. (past and present) to the probation officer and shall not make any changes without the prior approval of the U. S. Probation Officer.
- The defendant shall not use, possess, or control any bootable linux or counter forensic tools.

***(SPECIAL SEXUAL OFFENDERS CONDITIONS CONTINUED)***

- The defendant shall not have any social networking accounts without the approval of the U. S. Probation Officer.
- During the period of probation or supervised release, the defendant shall notify his employers, family, friends, and others with whom he has regular contact of his conviction and/or history as a sex offender and that he/she is being supervised by a U.S. Probation Officer.
- The defendant shall not engage in any forms of exhibitionism, voyeurism, obscene phone calls, or other lewd or lascivious behavior, nor shall he/she engage in any form of "grooming" behavior that is meant to attract, seduce, or reduce resistance or inhibitions of a potential victim.
- The defendant shall not own, use or have access to the services of any commercial mail receiving agency or storage unit nor shall he/she open or maintain a post office box or storage unit without the prior approval of the U.S. Probation Officer. The defendant shall provide the U.S. Probation Office with a list of all P.O. Boxes and/or storage units to which they have access.
- The defendant shall not possess sadomasochistic/MASO bindings, restraints, handcuffs, etc.
- The defendant shall not possess any legal or illegal pornographic material, nor shall he/she enter any location where such materials can be accessed, obtained, or viewed, including pictures, photographs, books, writings, drawings, videos, or video games.
- The defendant shall submit to location verification to include at least home detention, with electronic monitoring at the direction of the U.S. Probation Officer. During this time, the defendant shall remain at his/her residence except for employment and other activities approved in advance by the probation officer. The defendant shall maintain a telephone at the place of residence without any "call forwarding," "caller ID," "call waiting," modems, answering machines, cordless telephones or other special services for the above period. The defendant may be required to wear an electronic device or submit to another location verification system and shall observe the rules specified by the Probation Office.
- The defendant shall not hitchhike nor pick up hitchhikers.
- The defendant shall not possess children's clothing, toys, games, etc. without permission of the U.S. Probation Office.
- The defendant shall not be employed in any position or participate as a volunteer in any activity that involves direct or indirect contact with children under the age of eighteen (18), without written permission from the U.S. Probation Officer. Under no circumstances may the defendant be engaged in a position that involves being in a position of trust or authority over any person under the age of eighteen (18).

## LAW ENFORCEMENT CONTACT



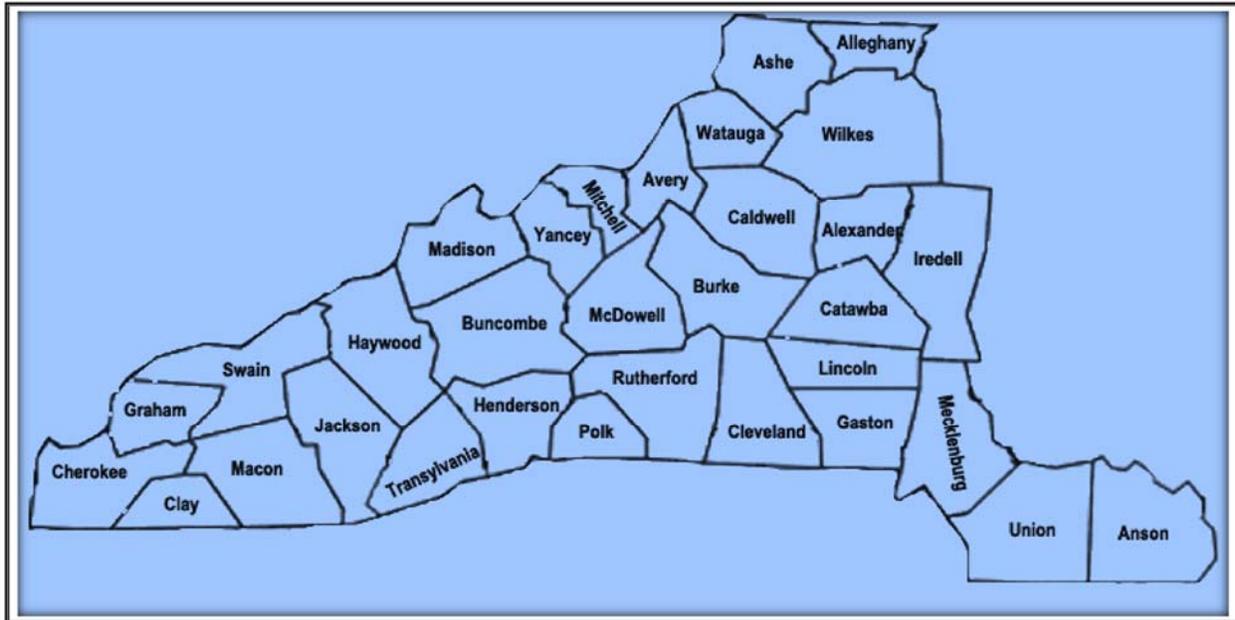
**Y**ou must report any contact with law enforcement within 72 hours of the event. Reporting the contact includes calling and speaking directly to your probation officer or leaving a detailed voice mail message regarding the extent of the contact. You should also leave a telephone number in order for your officer to return your call.

You must also report the contact on the monthly supervision reports.

Law enforcement contact includes:

- New arrests
- Court appearances
- Questioning by a law enforcement officer
- Receiving citations, tickets, warnings for traffic or other offenses
- Any situation in which a law enforcement officer enters your name in a law enforcement database, such as when you have provided an officer with your identification information

## TRAVEL RESTRICTIONS



**Y**ou must obtain permission in advance from your probation officer to travel outside the Western District of North Carolina for any reason. The officer may provide the permission verbally or in writing.

The Court or the Parole Commission must approve all foreign travel in advance.

Your probation officer may approve travel outside of the district in the following situations:

- *Vacation trips not to exceed 30 days*
- *Employment searches not to exceed 30 days*
- *Recurring travel across the district boundary for work, shopping, or recreation*

You should request permission to travel in advance to allow your probation officer time to investigate your proposed travel plan and to prepare a written travel permit if required. The officer will provide you with the travel permission document, and a copy will be forwarded to the visiting district. Additionally, there may be reporting instructions required by the visiting district.

## COMMUNITY & HOME VISITS

Your probation officer is required to visit you at home and may also visit you elsewhere in the community, such as your place of employment, treatment facility, or community service site.

## THIRD PARTY RISK NOTIFICATION

As directed by the probation officer, you are required to notify third parties of risks that relate to your criminal record or personal history or characteristics. You shall permit the probation officer to make such notifications and to confirm your compliance with these notification requirements. The notification is often required for employment or certain housing situations. However, other situations may also require disclosure to specific third parties. You will be given the opportunity to personally make the disclosure within a reasonable period of time.

## EMPLOYMENT & EDUCATIONAL REQUIREMENTS

You must work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other activities authorized by the probation officer. You are required to report any changes in your employment status to your probation officer within 72 hours.

## DRUG / ALCOHOL USE

You shall refrain from excessive use of alcohol and shall not unlawfully purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as duly prescribed by a licensed physician. As required by the provisions of 18 U.S.C. § 3563(a)(5) or 18 U.S.C. § 3583(d), you must submit to a drug test within 15 days of release on probation or supervised release and at least two periodic drug tests thereafter for use of any controlled substance. Furthermore, you are to submit to drug testing and treatment throughout the supervision period as directed by your probation officer.

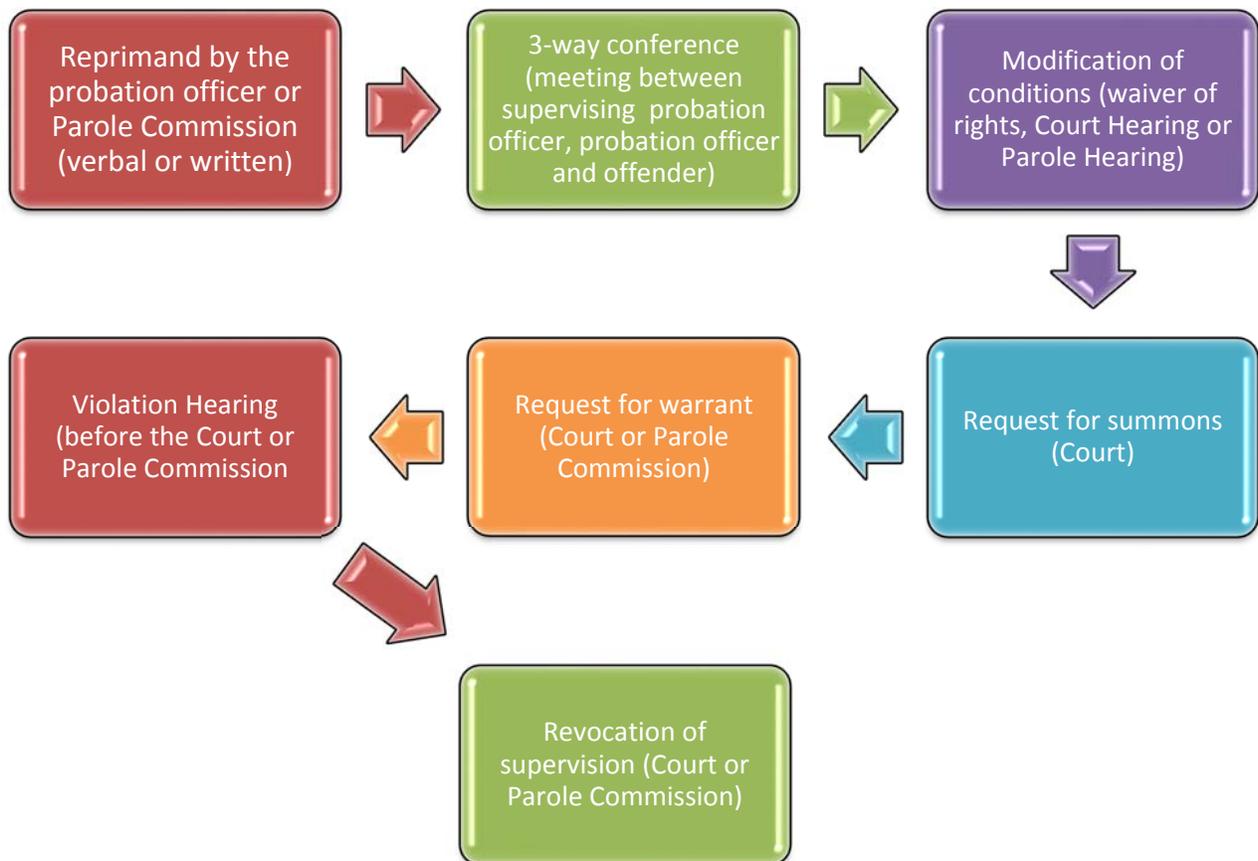
*Please refer to the Appendix for "Offender/Defendant Information on Random Drug Testing Procedures."*

Use of controlled substances, for which you do not have a prescription by a licensed physician, may be reported to the Court or Parole Commission. Excessive use of alcohol is also prohibited and may be reported to the Court or Parole Commission.

Additionally, you shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.

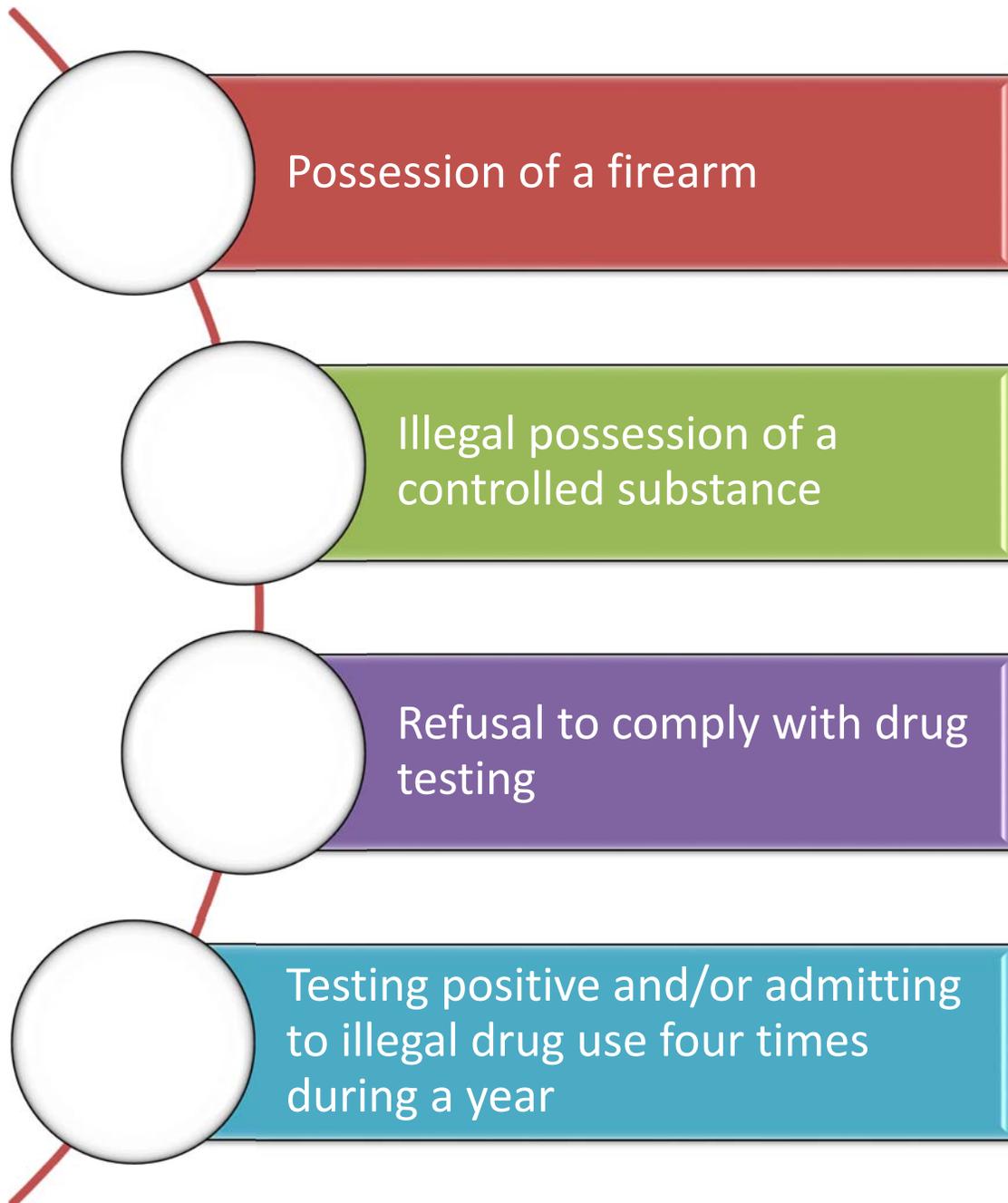
## ISSUES OF NONCOMPLIANCE WITH THE CONDITIONS OF SUPERVISION

**G**RADUATED SANCTIONS PROCEDURE: Depending on the nature and seriousness of the violation, a series of graduated sanctions may be used by the probation officer to address noncompliant behavior including, but not limited to:



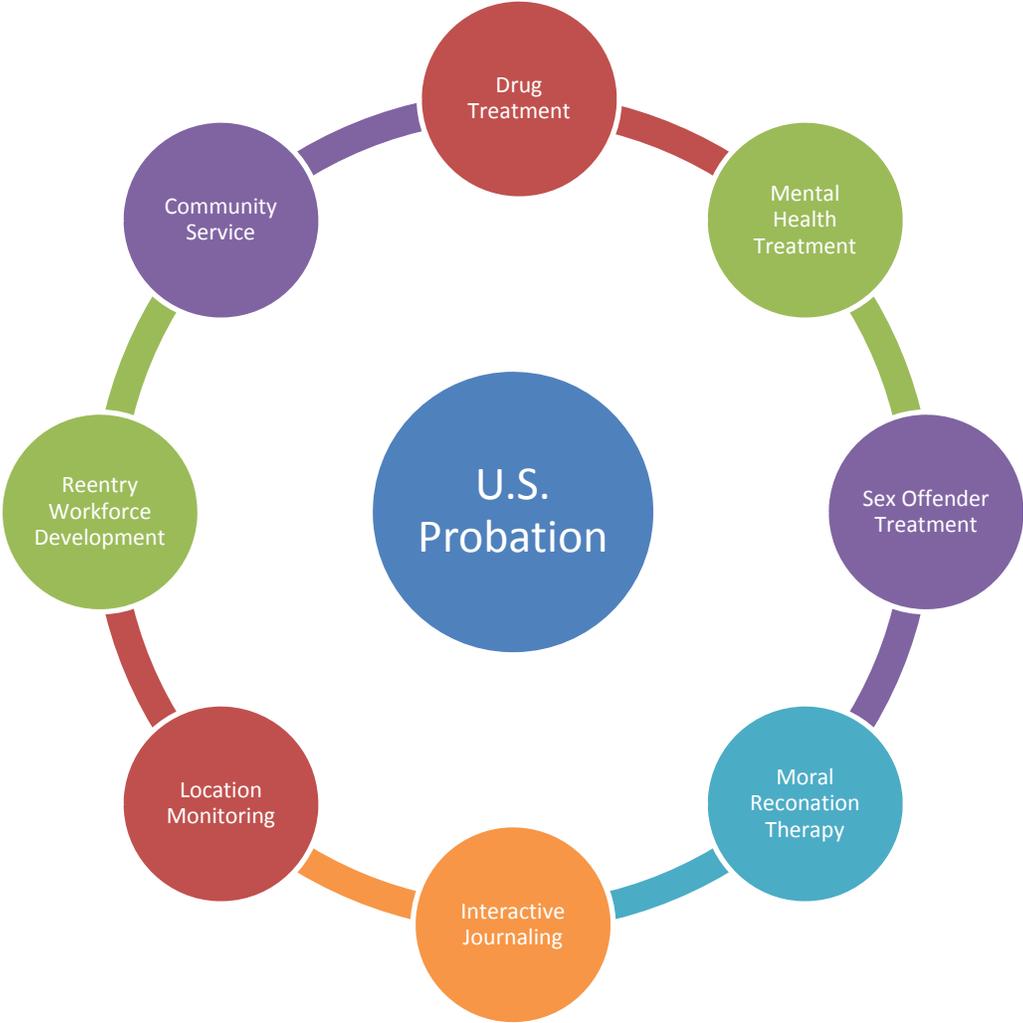
## MANDATORY REVOCATION OF SUPERVISION

**A** violation of the following conditions of supervision will result in mandatory notification to the Court with a revocation hearing requested:



# SPECIALTY PROGRAMS

The U.S. Probation Office for the Western District of North Carolina has several programs to meet your needs. The following is a list of some programs we offer:



## REENTRY

One of the primary job functions of a U.S. Probation Officer is to assist you with your reentry to society. Our mission is to promote success during and beyond your involvement with the judicial process. Transitional support services and community resources are available to assist you. Please discuss this with your probation officer.

## WORKFORCE DEVELOPMENT GOALS

The United States Probation Office's objective for Defendant / Offender Workforce Development (DOWD) is to assist individuals in their efforts toward meaningful employment, job retention, and career advancement. The following DOWD services are offered:

- *Employment-Related Assessments and Evaluations*
- *Job Readiness Classes*
- *Individual Assistance Sessions*
- *Job Fairs*
- *Clothing Closets for Both Men and Women*
- *Transportation Assistance*
- *Referral to Community Resources*
- *Money Smart*

## DRUG TREATMENT

You may be referred to a drug treatment program if you have a special condition requiring drug testing and/or treatment. Primarily outpatient services are utilized, but residential treatment is available in some instances. The probation office contracts with various vendors in the Western District of North Carolina to provide services, such as individual and group counseling, cognitive behavioral counseling, residential treatment, aftercare, and urinalysis testing. There are other community-based support groups such as AA/NA that you may attend. These groups are free of charge and available at various times of day and evening. A listing of local AA/NA meetings can be obtained from your probation officer or accessed through the following links:

<http://www.aanorthcarolina.org/meetings.asp>  
<http://crna.org/>

If you are not required to participate in a treatment program but feel that services will help you to comply with supervision and address your needs, please speak with your officer immediately for assistance in obtaining the appropriate services.

## MENTAL HEALTH TREATMENT

If you have a special condition for mental health treatment, you may be referred for services to address your mental health needs. We contract with various vendors in the Western District of North Carolina to provide services such as individual, group and family counseling, dual diagnosis therapy, psychiatric counseling, and medication management.

If you are not required to participate in a treatment program but feel that services will help you to comply with supervision and address your needs, please speak with your officer immediately for assistance in obtaining the appropriate services.

## SEX OFFENDER TREATMENT

If you have a special condition for sex offender treatment, you will be referred to a vendor who provides services as contracted by the probation office. These services include, but are not limited to, individual and group counseling and family therapy.

## MORAL RECONATION THERAPY

Moral Reconciliation Therapy is a cognitive-based program designed to foster moral development by addressing beliefs, attitudes, behavior,

and reasoning. This program is facilitated by probation officers in our Charlotte, Hickory, and Asheville offices. You may be referred to this program by your probation officer.

## INTERACTIVE JOURNALING®

Designed and created by The Change Companies®, in collaboration with U.S. Probation and Bureau of Prisons' staff, Interactive Journaling® is a cognitive behavioral activity that addresses criminogenic needs in key life areas, including Getting Started, Social Values, Responsible Thinking/Healthy Personality, Self-Control, Peer Relationships, Family Ties, Substance Abuse, Skills for Successful Living, and Strategies for Success. These journals feature information and exercises designed to help you take a close look at your current situation and consider changes you may wish to make. By applying this information, you may develop a personalized road map to make positive and lasting changes in your life. Your probation officer may engage you in Interactive Journaling to address specific areas of need identified during the course of supervision.

If you participated in Interactive Journaling® or any similar program while at the Residential Reentry Center or the Bureau of Prisons, please discuss this information with your probation officer.

## LOCATION MONITORING

**L**ocation monitoring is an alternative to incarceration. Unless waived by the Court, you may be required to pay for the cost of location monitoring. This special condition of supervision may require you to abide by the following:

- *Have a telephone line designated for the location monitoring device that is without special features, such as call forwarding, caller ID, call waiting, modems, answering machines, cordless telephones or other special services.*
- *Provide a proposed schedule or changes thereof to your probation officer, which may include hours of employment, travel time, scheduled medical appointments, treatment-related appointments, or other activities approved in advance by the probation officer.*

## COMMUNITY SERVICE

**C**ommunity service is unpaid work for a civic or nonprofit organization. This court-ordered condition requires you to perform a predetermined number of volunteer service hours. Placement will be facilitated by your probation officer. The community service work site must be pre-approved by your probation officer before you perform any service hours.

Certain work details or projects may be supervised directly by the probation office. At times, probation officers may oversee the work being directed by a recipient agency or be present merely to observe. One example of this is the Federal Community Service Forestry Project. If referred to the Forestry Project, which includes a four day work week, you may receive up to 150 hours of credit. **NOTE:** Transportation to/from the Forestry Project, lodging, and meals are at your own expense.

## VETERAN'S INFORMATION



**I**f you have prior military service, you may be eligible for certain federal benefits. Please notify your supervising officer if you have previously served in the U.S. Military.

## SELECTIVE SERVICE REQUIREMENTS

**A**ll males between the ages of 18 and 25 must register with the Selective Service within 30 days of their 18<sup>th</sup> birthday. Incarcerated men in the above age range are exempt from the registration requirements; however, they must register within 30 days of their release but before their 26<sup>th</sup> birthday.

Failure to comply with this directive may result in loss of benefits, such as student financial aid, federal and state employment, and job training under the Job Training Partnership Act. In addition, failure to register is a felony offense that carries a fine up to \$250,000 and imprisonment up to five years.



You may register on-line at:

[WWW.SSS.GOV](http://WWW.SSS.GOV)

Persons with convictions for criminal offenses punishable by death or imprisonment for a term exceeding one year are ineligible for induction into the military unless a waiver is granted. Individuals on supervision are generally ineligible for military service. A six month interval between the termination of supervision and acceptance into the military may be required.

## JURY DUTY

If you have been convicted in a state or federal court of a crime punishable by imprisonment for more than one year and your civil rights have not been restored, you are not qualified to serve as a juror in the United States District Court. Additionally, if you have been convicted of a felony, you are not qualified to serve as a juror in the State of North Carolina until your citizenship has been restored as provided by law. If you receive a summons for jury duty, then you should contact the issuing agency and advise of your felony conviction.

## VOTING RIGHTS



If you are convicted of a felony, you temporarily lose your citizenship rights in North Carolina, including your right to vote. Any prior voter registration you had before your felony conviction is cancelled by the County Board of Elections. Any attempt to register to vote prior to the restoration of your rights is a felony offense in violation of North Carolina General Statute §163-275(5).

Your right to vote is restored after you have been unconditionally discharged from prison, probation, supervised release, or parole; unconditionally pardoned; or conditionally pardoned with all conditions satisfied.

When you complete your term of supervision, you will receive information regarding restoration of rights. Thereafter, you will need to re-register to vote in your county of residence.

## FORFEITURE OF OTHER CIVIL RIGHTS AND RESTORATION

There are other federal and state civil rights forfeited as a result of a felony conviction. Please refer to the “Notice Regarding Civil Rights” included in the Appendix for further information and the general procedure for the restoration of rights in North Carolina.

## CONTINUITY OF OPERATIONS



**I**n the event of a man-made or natural disaster that requires the closing of a probation office, the district has established procedures to update your officer on your location and your condition.

If telephone lines are operable, you may call and leave a voicemail message for your officer advising him/her of your current location and

condition. However, if phone service is not available, the following website will allow you to notify your officer:

<http://www.ncwp.uscourts.gov>

Upon opening the site, go to “Contact Us,” scroll to the bottom of the page and select “to contact your probation officer, click here for details.” Include in the email your current location, your current condition and contact information, if possible.

If the event or situation requires the long term closing of a particular probation office, you may continue to contact your officer by phone or email. Please remember to update any information that may have changed.

# APPENDIX

- Pre-Release Intake Form
- PCRA Offender Section and Questionnaire
- Financial Issues in Criminal Cases – Brochure
- Notice Regarding Civil Rights of Persons Convicted of a Felony
- Offender/Defendant Information on Random Drug Testing Procedures

### Pre-Release/Intake Needs Assessment

Date:		USPO:	
Client Name:		PACTS No:	
Address:			
Telephone Numbers: (Home)		(Cell)	
<i>What are your plans/goals for the first six months of supervision as they relate to the following?:</i>			
Employment:			
Family:			
Budget/Finances:			
<i>Please check any of the following issues which may cause you to have difficulty following your release and/or while on federal supervision. Please explain the problem and a possible solution, if known.</i>			
<input type="checkbox"/>	Lack of Identification/Social Security Card/ Birth Certificate.	Explain:	
<input type="checkbox"/>	Need Other Licenses Required for Particular Job.	Explain:	
<input type="checkbox"/>	Unfamiliar With the Area.	Explain:	
<input type="checkbox"/>	Lack Required Tools of Trade.	Explain:	
<input type="checkbox"/>	Lack Training or Vocational Skills.	Explain:	
<input type="checkbox"/>	Transportation.	Explain:	
<input type="checkbox"/>	Housing.	Explain:	
<input type="checkbox"/>	Childcare.	Explain:	
<input type="checkbox"/>	Domestic Violence.	Explain:	
<input type="checkbox"/>	Personal Appearance/Clothing.	Explain:	
<input type="checkbox"/>	Frequent Relocations.	Explain:	
<input type="checkbox"/>	Lifting/Physical Restrictions.	Explain:	
<input type="checkbox"/>	Physical/Mental Disability.	Explain:	
<input type="checkbox"/>	Limited/Inconsistent Work History.	Explain:	
<input type="checkbox"/>	Age Limitations.	Explain:	
<input type="checkbox"/>	Substance Abuse.	Explain:	
<input type="checkbox"/>	Overqualified/Third Party Risk.	Explain:	
<input type="checkbox"/>	Unresolved Legal Issues (Non-Case Related). -Traffic Tickets -Child Support -Order for Arrests (OFAs) -Driving While License Revoked (DWLR)	Explain:	
<input type="checkbox"/>	Other.	Explain:	
<i>Please list the names of three responsible family members or significant others:</i>			
<i>What are your long term goals (2-3 years from now)?</i>			

## **INSTRUCTIONS FOR COMPLETING THE PCRA QUESTIONS:**

The following questionnaire is intended to help you and your officer gain a better understanding of your thinking and behavior. The results will be used to help you while on supervised release/probation. It should take you about 15-30 minutes to complete. Please answer every question. If you are unclear on any item, please ask your officer for assistance. On each question, please read the item and then circle the number that best describes how you feel, with 1 being “disagree,” 2 being “uncertain,” 3 being “agree,” and 4 being “strongly agree.”

Steps to complete the questionnaire electronically:

- 1) Go to: <http://www.ncwp.uscourts.gov/>
- 2) Across the top, click on the tab that says "POST CONVICTION."
- 3) Scroll down to where it says "PCRA Form."
- 4) Enter your name only and proceed to answer the questions.
- 5) Click submit at the bottom right hand side of the form when you have completed the questions.

## PCRA OFFENDER SECTION

Name: \_\_\_\_\_

PACTS # \_\_\_\_\_

Date: \_\_\_\_\_

Directions: The following items, if answered honestly, are designed to help you better understand your thinking and behavior. Please take the time to complete each of the 80 items on this inventory using the four-point scale defined below:

4 = strongly agree

3 = agree

2 = uncertain

1 = disagree

1. I will allow nothing to get in the way of me getting what I want.....4 3 2 1
2. I find myself blaming society and external circumstances for the problems I have had in my life.....4 3 2 1
3. Change can be scary.....4 3 2 1
4. Even though I may start out with the best of intentions I have trouble remaining focused and staying "on track" . ....4 3 2 1
5. There is nothing I can't do if I try hard enough.. ....4 3 2 1
6. When pressured by life's problems, I have said "the hell with it" and followed this up by using drugs or engaging in crime.....4 3 2 1
7. It's unsettling not knowing what the future holds.....4 3 2 1
8. I have found myself blaming the victims of some of my crimes by saying things like "they deserved what they got" or "they should have known better" .....4 3 2 1
9. One of the first things I consider in sizing up another person is whether they look strong or weak..... 4 3 2 1
10. I occasionally think of things too horrible to talk about. ....4 3 2 1
11. I am afraid of losing my mind. ....4 3 2 1
12. The way I look at it, I've paid my dues and am therefore justified in taking what I want .....4 3 2 1
13. The more I got away with crime the more I thought there was no way the police or authorities would ever catch up with me .....4 3 2 1

14. I believe that breaking the law is no big deal as long as you don't physically hurt someone. ....4 3 2 1
15. I have helped out friends and family with money acquired illegally.....4 3 2 1
16. I am uncritical of my thoughts and ideas to the point that I ignore the problems and difficulties associated with these plans until it is too late. ....4 3 2 1
17. It is unfair that I have been imprisoned for my crimes when bank presidents, lawyers, and politicians get away with all sorts of illegal and unethical behavior every day.....4 3 2 1
18. I find myself arguing with others over relatively trivial matters. ....4 3 2 1
19. I can honestly say that the welfare of my victims was something I took into account when I committed my crimes. ....4 3 2 1
20. When frustrated I find myself saying "screw it" and then engaging in some irresponsible or irrational act. ....4 3 2 1
21. New challenges and situations make me nervous.....4 3 2 1
22. Even when I got caught for a crime, I would convince myself that there was no way they would convict me or send me to prison.....4 3 2 1
23. I find myself taking shortcuts, even if I know these shortcuts will interfere with my ability to achieve certain long-term goals. ....4 3 2 1
24. When not in control of a situation I feel weak and helpless and experience a desire to exert power over others. ....4 3 2 1
25. Despite the criminal life I have led, deep down I am basically a good person.....4 3 2 1
26. I will frequently start an activity, project, or job but then never finish it. ....4 3 2 1
27. I regularly hear voices and see visions which others do not hear or see. ....4 3 2 1
28. When it's all said and done, society owes me. ....4 3 2 1
29. I have said to myself more than once that if it wasn't for someone "snitching" on me I would have never gotten caught. ....4 3 2 1
30. I tend to let things go which should probably be attended to, based on my belief that they will work themselves out. ....4 3 2 1
31. I have used alcohol or drugs to eliminate fear or apprehension before committing a crime. ....4 3 2 1

32. I have made mistakes in life. ....4 3 2 1
33. On the streets, I would tell myself I needed to rob or steal in order to continue living the life I had coming. ....4 3 2 1
34. I like to be on center stage in my relationships and conversations with others, controlling things as much as possible.....4 3 2 1
35. When questioned about my motives for engaging in crime, I have justified my behavior by pointing out how hard my life has been.....4 3 2 1
36. I have trouble following through on good initial intentions. ....4 3 2 1
37. I find myself expressing tender feelings toward animals or little children in order to make myself feel better after committing a crime or engaging in irresponsible behavior.....4 3 2 1
38. There have been times in my life when I felt I was above the law.....4 3 2 1
39. It seems that I have trouble concentrating on the simplest of tasks.....4 3 2 1
40. I tend to act impulsively under stress.....4 3 2 1
41. Why should I be made to appear worthless in front of friends and family when it is so easy to take from others.....4 3 2 1
42. I have often not tried something out of fear that I might fail.....4 3 2 1
43. I tend to put off until tomorrow what should have been done today.....4 3 2 1
44. Although I have always realized that I might get caught for a crime, I would tell myself that there was "no way they would catch me this time" .....4 3 2 1
45. I have justified selling drugs, burglarizing homes, or robbing banks by telling myself that if I didn't do it someone else would. ....4 3 2 1
46. I find it difficult to commit myself to something I am not sure of because of fear ....4 3 2 1
47. People have difficulty understanding me because I tend to jump around from subject to subject when talking. ....4 3 2 1
48. There is nothing more frightening than change. ....4 3 2 1
49. Nobody tells me what to do and if they try I will respond with intimidation, threats, or I might even get physically aggressive. ....4 3 2 1
50. When I commit a crime or act irresponsibly I will perform a "good deed" or do something nice for someone as a way of making up for the harm I have caused .....4 3 2 1

51. I have difficulty critically evaluating my thoughts, ideas, and plans.....4 3 2 1
52. Nobody before or after can do it better than me because I am stronger, smarter, or slicker than most people. ....4 3 2 1
53. I have rationalized my irresponsible actions with such statements as "everybody else is doing it so why shouldn't I" .....4 3 2 1
54. If challenged I will sometimes go along by saying "yeah, you're right," even when I know the other person is wrong, because it's easier than arguing with them about it .....4 3 2 1
55. Fear of change has made it difficult for me to be successful in life. ....4 3 2 1
56. The way I look at it I'm not really a criminal because I never intended to hurt anyone.....4 3 2 1
57. I still find myself saying "the hell with working a regular job, I'll just take it" .....4 3 2 1
58. I sometimes wish I could take back certain things I have said or done. ....4 3 2 1
59. Looking back over my life I can see now that I lacked direction and consistency of purpose.....4 3 2 1
60. Strange odors, for which there is no explanation, come to me for no apparent reason. ....4 3 2 1
61. When on the streets, I believed I could use drugs and avoid the negative consequences (addiction, compulsive use) that I observed in others.....4 3 2 1
62. I tend to be rather easily sidetracked so that I rarely finish what I start. ....4 3 2 1
63. If there is a short-cut or easy way around something I will find it. ....4 3 2 1
64. I have trouble controlling my angry feelings. ....4 3 2 1
65. I believe that I am a special person and that my situation deserves special consideration. ....4 3 2 1
66. There is nothing worse than being seen as weak or helpless.....4 3 2 1
67. I view the positive things I have done for others as making up for the negative things.....4 3 2 1
68. Even when I set goals, I frequently do not obtain them because I am distracted by events going on around me. ....4 3 2 1
69. There have been times when I tried to change but was prevented from doing so because of fear. ....4 3 2 1

70. When frustrated, I will throw rational thought to the wind with such statements as "screw it" or "the hell with it" .....4 3 2 1
71. I have told myself that I would never have had to engage in crime if I had had a good job. ....4 3 2 1
72. I can see that my life would be more satisfying if I could learn to make better decisions.....4 3 2 1
73. There have been times when I have felt entitled to break the law in order to pay for a vacation, new car, or expensive clothing that I told myself I needed. ....4 3 2 1
74. I rarely considered the consequences of my actions when I was in the community. ....4 3 2 1
75. A significant portion of my life on the streets was spent trying to control people and situations. ....4 3 2 1
76. When I first began breaking the law, I was very cautious, but as time went by and I didn't get caught, I became overconfident and convinced myself that I could do just about anything and get away with it.....4 3 2 1
77. As I look back on it now, I was a pretty good guy even though I was involved in crime. ....4 3 2 1
78. There have been times when I have made plans to do something with my family and then cancelled these plans so that I could hang out with my friends, use drugs, or commit crimes .....4 3 2 1
79. I tend to push problems to the side rather than dealing with them. ....4 3 2 1
80. I have used good behavior (abstaining from crime for a period of time) or various situations (fight with a spouse) to give myself permission to commit or engage in other irresponsible activities such as using drugs.....4 3 2 1

## PCRA SECCIÓN DEL OFENSOR

Nombre: \_\_\_\_\_

PACTS # \_\_\_\_\_ Fecha: \_\_\_\_\_

Instrucciones: El propósito de la siguiente lista de afirmaciones es ayudarte a entender tu forma de pensar y tu comportamiento. Para expresar tu grado de acuerdo o desacuerdo con cada afirmación marca uno de los números de la escala del 1 al 4.

4 = Muy de acuerdo

3 = Estoy de acuerdo

2 = Inseguro

1 = No estoy de acuerdo

1. No permitiré que nada se interponga en el camino de lo que quiero lograr. ....4 3 2 1
2. Culpo a la sociedad y a las circunstancias externas por los problemas que he tenido en mi vida.....4 3 2 1
3. Los cambios me asustan.....4 3 2 1
4. Aunque puedo comenzar algo con la mejor intención, tengo problemas para mantenerme enfocado. ....4 3 2 1
5. Todo lo puedo lograr, si pongo suficiente empeño.....4 3 2 1
6. Cuando he sentido presión he dicho “al diablo con todo”, y he recaído en el uso de drogas y la delincuencia. ....4 3 2 1
7. Me pone nervioso no saber que trae el futuro.....4 3 2 1
8. A veces he culpado a las víctimas de mis crímenes diciendo “ellos recibieron lo que merecían”,y, “ellos sabían con quién se metían” .....4 3 2 1
9. Una de las primeras cosas que pienso cuando miro a otro es cuán fuerte o débil puede ser. ....4 3 2 1
10. Ocasionalmente pienso cosas tan malas que no se pueden decir.....4 3 2 1
11. Tengo miedo a perder mis controles.....4 3 2 1
12. De la forma en que yo veo las cosas, ya yo di mucho de mi, y por tanto, puedo tomar lo que quiero. ....4 3 2 1
13. Mientras más crimines cometía sin consecuencias, más pensaba que la policía nunca me iba a atrapar. ....4 3 2 1

14. Creo que violar la ley está bien siempre y cuando no le haga daño físico a alguien.....4 3 2 1
15. He ayudado amigos y familia con dinero adquirido ilegalmente. ....4 3 2 1
16. Soy tan poco crítico de mis planes que llego al punto de ignorar los problemas y dificultades asociados a mis planes hasta que ya es demasiado tarde. ....4 3 2 1
17. No es justo que me hayan encarcelado por mis crímenes cuando presidentes de bancos, abogados, y políticos siempre se salen con la suya cuando violan la ley .....4 3 2 1
18. Discuto con otras personas por cosas relativamente triviales. ....4 3 2 1
19. Puedo decir honestamente que pensé en el bienestar de mis víctimas cuando cometí mis crímenes. ....4 3 2 1
20. Cuando algo me frustra siempre digo “¡Qué se fastidie!”, y actúo de forma irracional o irresponsable.....4 3 2 1
21. Los retos y situaciones nuevas me ponen nervioso. ....4 3 2 1
22. Aún cuando me atraparon por el crimen que cometí, estaba convencido de que nunca me encontrarían culpable o me iban a encarcelar.....4 3 2 1
23. Tomo atajos, aún cuando sé que éstos van a impactar negativamente mi capacidad de alcanzar mis metas a largo plazo.....4 3 2 1
24. Cuando pierdo el control de una situación y me siento débil y desesperado, siento deseos de ejercer poder sobre otros.....4 3 2 1
25. A pesar de mi vida criminal, en el fondo soy una persona buena.....4 3 2 1
26. Frecuentemente comienzo actividades, proyectos y trabajos que nunca termino ..... 4 3 2 1
27. Regularmente escucho voces y veo visiones que otros no escuchan ni ven.....4 3 2 1
28. Cuando todo está dicho y hecho, la sociedad está en deuda conmigo.....4 3 2 1
29. Me he dicho más de una vez que si alguien no me hubiera delatado (chivato, chota, soplón)jamás me hubieran arrestado .....4 3 2 1
30. Me inclino a no atender asuntos que merecen atención basado en la creencia de que ellos se resolverán por sí solos.....4 3 2 1
31. He usado alcohol o drogas para combatir miedos o dudas antes de cometer un delito. ....4 3 2 1
32. He cometido errores en mi vida.....4 3 2 1

33. En la calle me he dicho que necesito robar o cometer un delito para continuar viviendo la vida que merezco. ....4 3 2 1
34. Me gusta ocupar el rol principal en mis relaciones y conversaciones y así controlar las cosas lo más que pueda. ....4 3 2 1
35. Cuando me preguntan sobre las razones por las que cometí un crimen, he justificado mi conducta diciendo cuán difícil y dura ha sido mi vida. ....4 3 2 1
36. Me da trabajo seguir mis buenas intenciones .....4 3 2 1
37. Para sentirme bien después de haber cometido un crimen o acto irresponsable, trato con cariño a los niños y animales. ....4 3 2 1
38. Ha habido momentos en mi vida cuando me he sentido por encima de la ley. ....4 3 2 1
39. Me parece que tengo problemas concentrándome aun en las tareas más simples. ....4 3 2 1
40. Cuando estoy bajo tensión actúo impulsivamente. ....4 3 2 1
41. Por qué debo parecer insignificante ante mis amigos y familia cuando es tan fácil quitarle las cosas a los demás?.....4 3 2 1
42. Frecuentemente no intento las cosas por miedo a fracasar. ....4 3 2 1
43. Dejo para mañana lo que puedo hacer hoy. ....4 3 2 1
44. Aunque siempre he pensado que puedo ser arrestado por un crimen, siempre me he dicho: “No es posible que vaya a ser capturado esta vez”. ....4 3 2 1
45. He justificado la venta de drogas y el robo de residencias o bancos diciéndome que otro lo haría si yo no lo hago.....4 3 2 1
46. Debido al miedo me da dificultad comprometerme con algo de lo que no estoy seguro.....4 3 2 1
47. La gente no me entiende porque brinco de un tema a otro cuando estoy habl .....4 3 2 1
48. No hay nada más atemorizante que el cambio.....4 3 2 1
49. Nadie me dice lo que tengo que hacer, y si lo hacen, respondo con amenazas, intimidación, o incluso podría agredirlos.....4 3 2 1
50. Cuando cometo un delito o acto irresponsable, hago una buena acción o gesto bondadoso hacia otra persona para aminorar el daño que he causado .....4 3 2 1
51. Me da trabajo evaluar críticamente mis ideas, pensamientos, y planes.....4 3 2 1

52. Nadie lo puede hacer mejor que yo, ni ahora ni nunca, porque yo soy más inteligente, fuerte, y hábil que los demás.....4 3 2 1
53. He justificado mis acciones irresponsables diciendo “Si todo el mundo lo hace, porque yo no puedo hacerlo” .....4 3 2 1
54. Si alguien que se esta equivocando me reta, le digo que está en lo correcto, porque eso es más fácil que debatir con él o ella.....4 3 2 1
55. El éxito en vida se me ha hecho difícil por mi temor al cambio.....4 3 2 1
56. Según yo lo veo no soy realmente un criminal porque nunca intenté hacerle daño a nadie. ....4 3 2 1
57. Todavía me digo “Al infierno con un trabajo regular, yo puedo tomar lo que quiero. ....4 3 2 1
58. A veces he deseado darle marcha atrás a cosas que he dicho o hecho. ....4 3 2 1
59. Repasando mi vida, ahora puedo ver que me ha faltado dirección, consistencia y proposito. ....4 3 2 1
60. Frecuentemente siento olores extraños para las que no encuentro explicación.....4 3 2 1
61. En la calle, siempre pense que podía usar drogas sin tener las consecuencias negativas .....4 3 2 1
62. Raramente termino lo que empiezo porque me salgo del camino fácilmente. ....4 3 2 1
63. Si existe un atajo o manera facil para hacer algo, yo lo encuentro. ....4 3 2 1
64. Me da trabajo controlar mi coraje.....4 3 2 1
65. Creo que soy una persona especial y que mi situación merece atención especial.....4 3 2 1
66. No hay nada peor que ser considerado débil e indefenso. ....4 3 2 1
67. Considero que las cosas positivas que he hecho compensan las negativas. ....4 3 2 1
68. Aunque me propongo metas, frecuentemente no las logro, porque me distraigo con lo que ocurre a mi alrededor.....4 3 2 1
69. Ha habido momentos en los que he intentado cambiar, pero el miedo me lo ha impedido. ....4 3 2 1
70. Cuando me frustro dejo de pensar racionalmente diciendo “que se fastidie” o “al diablo con ésto” .....4 3 2 1

71. En ocasiones me he dicho que de haber tenido un buen trabajo nunca hubiese cometido crímenes. ....4 3 2 1
72. Puedo ver que mi vida podría ser más satisfactoria si aprendiera a tomar mejores decisiones. ....4 3 2 1
73. Ha habido momentos en que me he sentido con derecho de violar la ley para pagar unas vacaciones, un carro nuevo, o ropa cara que pensé necesitaba. ....4 3 2 1
74. Antes de mi encarcelamiento, en muy pocas ocasiones pensé en las consecuencias de mis actos. ....4 3 2 1
75. Gran parte de mi vida en la calle lo dediqué a controlar personas y situaciones. ....4 3 2 1
76. Cuando comencé a violar la ley era muy cuidadoso, pero según pasó el tiempo, desarrollé una confianza excesiva, y me convencí a mi mismo de que podía hacer casi cualquier cosa sin que me atraparan. ....4 3 2 1
77. Según lo veo ahora, yo era una buena persona aunque estaba involucrado en el crimen. ....4 3 2 1
78. Ha habido momentos en los que había planificado hacer algo con mi familia, para luego cancelar estos planes para estar con mis amigos, usar drogas, o cometer crímenes. ....4 3 2 1
79. Tiendo tirar a un lado a los problemas en vez de enfrentarlos. ....4 3 2 1
80. Para delinquir, usar drogas, o cometer otras actividades irresponsables, me he justificado con mi buena conducta (no cometer delitos por cierto tiempo), u otras situaciones (problemas con mi pareja, etc.). ....4 3 2 1

# Financial Issues in Criminal Cases

## A Reference Guide for Defendants and Other Concerned Parties

### INTRODUCTION

This brochure is intended to cover some basic financial case-related issues that the defendant, his/her family or attorney may encounter when dealing with the District Court. For more case-specific issues or items not covered in this brochure, please contact someone in District Court Finance Department at the following:

Finance Department  
U.S. District Court  
Western District of North Carolina  
Room 210, 401 W. Trade St.  
Charlotte, NC 28202  
Phone: 704-350-7418  
Fax: 704-350-7475  
financial@ncwd.uscourts.gov

### CRIMINAL DEBT

Criminal debt payments can be made by the following methods:

***In person:*** The Asheville, Statesville and Charlotte Clerk's Offices accept payments by cash, check, money order or cashier=s check. ***Credit card payments are NOT accepted for criminal debt payments.***

***By mail:*** Payments by check, money order or cashier=s check **must include the defendant=s name and case number** for accurate application to the defendant=s account. Do **NOT** mail cash. Payments can be made at the following addresses:

ASHEVILLE	STATESVILLE	CHARLOTTE
Clerk, U.S. District Court Attn: Cashier Room 309, U.S. Courthouse 100 Otis Street Asheville, NC 28801	Clerk, U.S. District Court Attn: Cashier U.S. Courthouse 200 West Broad St., Room 100 Statesville, NC 28677	Clerk, U.S. District Court Attn: Cashier U.S. Courthouse Room 210, 401 West Trade St. Charlotte, NC 28202

The District Court provides pre-addressed envelopes to defendants for submitting payments. Defendants may also request a supply from the U.S. Probation Office.

***Via the BOP:*** If a defendant is incarcerated, he/she may participate in the Inmate Financial Responsibility Program through the Bureau of Prisons. The BOP deducts funds from prisoner accounts on a monthly or quarterly basis and forwards these funds to the District Court for application to his/her outstanding criminal debt.

***Wage Garnishment:*** Working defendants on supervision can have up to 25% of their wages garnished. Garnishments are initiated by the Financial Litigation Unit (FLU) with the U.S. Attorney's Office on a case-by-case basis, often based on U.S. probation officer's recommendations and the delinquency status of the debt. If the employer is the victim and is retaining the funds to apply towards the debt, the Court typically does not get notified of these payments. The defendant must notify either the FLU or the District Court Finance Department. FLU or Finance personnel will obtain confirmation from the victim and subsequently apply these payments to the defendant's outstanding debt.

***Via the TOP:*** The Treasury Offset Program is a means for the Court to collect payments by offsetting any payments the defendant may receive from the U.S. Treasury, including, but not limited to, tax refunds, tax incentive checks, Social Security, disability, Civil Service retirement, etc. Funds collected are forwarded to the District Court and applied to the defendant's outstanding criminal debt.

Pursuant to 18 U.S.C. ' 3612(c) and ' 3612(c)(i), payments made toward a criminal debt are applied as follows:

- (1) Special penalty assessments
- (2) Restitution principal and interest
  - (a) Non-federal, non-insurance companies
  - (b) Insurance companies
  - (c) Federal agencies
- (3) Fine principal and interest
- (4) Community restitution
- (5) Penalties
- (6) Costs of prosecution

Payments made by defendants in joint and several cases are applied on a pro rata basis to the joint debt and any individual debt based on the priority of payments. ***Defendants are liable for the entire joint and several debt listed in their judgment, even if the co-defendants are not making any payments.***

**Penalties:** Pursuant to 18 U.S.C. ' 3612(g), AIf a fine or restitution becomes delinquent, the defendant shall pay, as a penalty, an amount equal to 10% of the principal amount that is delinquent.@ If the debt becomes in default, an additional penalty equal to 15% of the principal amount that is in default will be due from the defendant.

## CASE INQUIRY

Case Inquiry Reports, which gives the balance and history of a defendant=s criminal debt, can be requested by e-mailing: [financial@ncwd.uscourts.gov](mailto:financial@ncwd.uscourts.gov) or calling District Court Finance Department at the number on the front of this brochure. ***Please note that these reports DO NOT indicate the payoff amount.*** Due to current system limitations, the criminal debt tracking system of the District Court does not assess interest or penalties. Defendants who are seeking the payoff amount may contact the Finance Department by email or telephone. Finance personnel will contact the FLU of the U.S. Attorney's Office for the interest and penalties incurred to date, if applicable.

## RETURNED CHECKS

If a check submitted by a defendant is returned for Non-Sufficient Funds (NSF), also referred to as Abounced," per statute, the Court must assess a \$45.00 NSF fee. A letter is sent to the payer, the defendant (if different), the U.S. Probation Office and the U.S. Attorney=s Office. The letter is also posted as a docket entry in the case tracking system. The NSF fee, as well as the original payment, must be made Agood@ or be subject to prosecution by the U.S. Attorney=s Office. If a party submits a non-sufficient funds check, he or she may be placed on a Cash or Money Order ONLY basis. When submitting payment for the NSF fee, please note on the face of the check that a portion of the payment is for the NSF fee. If it is not specifically noted, payment could be applied to any outstanding criminal debt.



**NOTICE REGARDING CIVIL RIGHTS OF PERSONS CONVICTED  
OF A FEDERAL FELONY**

UNITED STATES:

The following Federal Civil Rights are lost as the results of a Federal Felony Conviction:

1. Full citizenship is lost upon conviction of desertion in time of war from the military or naval service or conviction on a charge of treason or attempting to overthrow or bear arms against the United States.
2. The privilege of holding federal office is directly prohibited by conviction of treason, destruction of public records, bribery of Government officials and other similar offenses. However, it is not directly prohibited by reason of convictions of other kinds of crime.
3. The right to serve on a Federal Court jury.  
**Restoration:** Obtain a Pardon.
4. The right to obtain retirement annuity benefits (Public Law 769 of the 83<sup>rd</sup> Congress). Also, certain privileges and rights as a veteran (this may result from a court-martial conviction or Federal Civil Court action, but in some cases there may be no prosecution).  
**Restoration:** Obtain a Pardon.
5. Labor officials convicted of certain felonies in State or Federal Court cannot hold union office within five (5) years from date of conviction (Public Law 86-257.73, Statute 519).  
**Restoration:** Obtain a Pardon.
6. The right to distribute, ship, transport, receive, or possess any type of firearm, ammunition, or explosive material pursuant to 18 USC 922(d)&(g) and 18 USC 842(1).  
**Restoration:** Apply to Bureau of Alcohol, Tobacco & Firearms of the U.S. Treasury Department; Presidential Pardon. **NOTE:** Effective 10/07/92, due to budgetary constraints, BATF is not accepting applications for relief of disability.

NORTH CAROLINA:

The following North Carolina State Civil Rights are lost as a result of a Federal Felony Conviction:

1. Right to vote (Article VI, Section 2(3) State Constitution).  
**Restoration:** File with the Clerk of Superior Court of the Court of the county wherein one resides proof of unconditional discharge from probation or parole, or State pardon or Federal Pardon.
2. The right to hold public office (Article IV, Section 8 of the State Constitution).  
**Restoration:** File with the Clerk of Superior Court of the county wherein one resides proof of unconditional discharge from probation or parole, or State pardon or Federal Pardon.
3. The right to obtain and hold certain state or local licenses. Licensing agencies may refuse to grant or may revoke a license on the basis of a felony conviction.  
**Restoration:** File with the Clerk of Superior Court of the county wherein one resides proof of unconditional discharge from probation or parole, or State pardon or Federal Pardon. Even so, licensing is discretionary.
4. The right to work in an establishment where alcoholic beverages are sold [NCGS 18B-1003(c)].  
**Restoration:** The ABC Board can, in their discretion, permit working in an establishment where alcoholic beverages are sold. In the event it is not permitted, restoration is accomplished upon satisfactorily completing a term of probation/parole and filing with the Clerk of Superior Court of the county wherein one resides proof of unconditional discharge from probation or parole, or State pardon or Presidential pardon.
5. The right to own or possess a handgun (NCGS 14-415.1).  
(Federal law states that a convicted felon cannot receive, transport, own or possess any type of firearm, ammunition, or explosive materials).  
**Restoration:** Apply to the Bureau of Alcohol, Tobacco & Firearms of the U.S. Treasury Department or obtain Presidential pardon. **NOTE:** Effective 10/07/92, due to budgetary constraints, BATF is not accepting applications for relief of disability.
6. The right to serve as juror (NCGS 9-3).  
**Restoration:** File with the Clerk of Superior Court of the county wherein one resides proof of unconditional discharge from probation or parole, or State pardon or Federal Pardon.

General Procedure for the Restoration of North Carolina Civil Rights which have been lost:

Chapter 13 of the General Statutes of North Carolina has been amended to include persons convicted of crimes against the United States who have been unconditionally discharged by the federal agency having jurisdiction of such person or who has been pardoned.

The person who has been unconditionally discharged or pardoned must go before the Clerk of Court in the County in which he/she resides and must show that he/she has been unconditionally discharged or pardoned. Proof of discharge or pardon can be shown by presenting to the Clerk "any paper writing" from the agency or the agency of the U.S. Government, which had jurisdiction over such person, such papers showing that there has been an unconditional discharge or pardon. There is no requirement that the paper writing must be verified. The Clerk then issues the Certificate restoring the Rights of Citizenship. The Clerk shall file the Certificate as though it were a civil action bearing such person's name and shall treat the Certificate as a civil action in the Superior Court. The Clerk should also access a miscellaneous document recording fee.

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Upon the proper completion of a term of probation or parole, the U.S. Probation Office will issue a letter of discharge/termination. With that letter, one can make application for restoration of rights affected by filing the discharge letter with the Clerk of Superior Court.

When you complete the period of supervision, the Probation Office will fully advise you regarding the restoration of rights lost.

**United States Pretrial and Probation**

**OFFENDER/DEFENDANT INFORMATION ON RANDOM DRUG TESTING PROCEDURES**

As a condition of your release, the Court has imposed the special condition that you submit to DRUG TESTING AS DIRECTED BY PRETRIAL SERVICES OR PROBATION.

Drug testing will be conducted by using a random schedule. When scheduled to submit a urine test, you must report to your testing site at their specified testing hours. If you are unable to report for a test for any reason, you are to notify your Pretrial Services or Probation Officer immediately.

**Prior to submitting a urine test, excess amounts of fluid should not be consumed in an attempt to dilute your urine. Attempting to dilute your urine is considered tampering with the urine collection procedures, and could be considered a violation of your release conditions and may be reported to the court. A creatinine level of  $\leq 19.9$  mg/dL is considered a dilute specimen.**

In the presence of a certified urine collector, the following procedures are to be followed:

1. If you are taking any medications, then notify the collector at the time of collection. If you are taking prescribed medications, then verification of the prescription is required.
2. All jackets, coats, and concealing clothing must be removed or adjusted before you provide a urine specimen. Purses and other carried items are to be left outside the restroom facilities or in the control of the collector.
3. Long sleeves must be rolled up, and hands rinsed with cold water and dried thoroughly before urinating.
4. You will select a clean bottle, (for women, a wide-mouthed cup) in which to urinate while being observed by the collector. After urinating into the bottle\*, close bottle cap firmly and follow the collector's instructions on how to seal the specimen. Women shall pour the urine from the wide-mouthed cup into the specimen bottle and follow the same procedure. **UNDER NO CIRCUMSTANCES IS THE SPECIMEN BOTILE OR WIDE-MOUTHED CUP TO BE RINSED.**  
\*Urine must fill the specimen bottle to at least 30 ml or half the bottle.
5. Read and sign the offender/defendant certification statement on the chain of custody form, verifying that the urine specimen is yours.
6. You must be prepared to provide a fresh, unadulterated, and undiluted urine specimen when scheduled for testing. If you are unable to urinate, or cannot submit an adequate amount, it may be considered a "stall" and a violation of your release conditions.

**ANY ATTEMPT TO FALSIFY OR ADULTERATE THE DRUG TEST WILL BE CONSIDERED A FAILURE TO COMPLY WITH THE COURT-ORDERED DRUG TESTING CONDITIONS.**

I have read, fully understand, and will abide by these procedures. I further understand that a positive test may result in the modification of my release conditions or the revocation of my release.

\_\_\_\_\_  
Offender/Defendant Signature Date

\_\_\_\_\_  
Officer Signature Date