



North Carolina Department of Public Safety

Adult Correction and Juvenile Justice

Roy Cooper, Governor
Erik A. Hooks, Secretary

Timothy D. Moose, Chief Deputy Secretary

MEMORANDUM

TO: Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety
Chairs of Senate Appropriations Committee on Justice and Public Safety
Chairs of House Appropriations Subcommittee on Justice and Public Safety

FROM: Erik A. Hooks, Secretary *EAB*
Timothy D. Moose, Chief Deputy Secretary *TDM*

RE: Parole Eligibility Report

DATE: March 1, 2020

Pursuant to N.C.G.S. 143B-721.1, the Post-Release Supervision and Parole Commission shall report to the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety and the Chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety by April 1 of each year. The report shall include the following: the class of the offense for which each parole-eligible inmate was convicted and whether an inmate had multiple criminal convictions. The Commission shall also report on the number of parole-eligible inmates reconsidered in compliance with this section and the number who were actually paroled. (2015-241, s. 16C.14.)

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Post Release Supervision and Parole Commission

Parole Eligibility Report

G.S. 143B-721.1

February 28, 2020

			
Willis J. Fowler Chairman	Graham H. Atkinson Commissioner	Eric A. Montgomery Commissioner	Angela R. Bryant Commissioner

Parole Eligibility Report

Pursuant to G.S. 143B-721.1 (a) and (b), the Post-Release Supervision and Parole Commission compared the amount of time Pre-Structured Sentencing cases had served with the amount of time they would have served under the Structured Sentencing Law.

This report includes the class of the offense for which each parole-eligible inmate was convicted and whether an offender had multiple criminal convictions. The Commission has reinitiated the parole review process for each offender who has served more time than that person would have served under Structured Sentencing, as provided by subsections (a) and (b) of this section.

The Commission also reports on the number of parole-eligible inmates reconsidered in compliance with this section and the number who were actually paroled.

Offenders with Class A felonies were not included since they would be sentenced to Life without Parole under the Structured Sentencing Law. Only Pre-Sentencing cases with Parole Eligibility dates on or before July 1, 2019 were considered.

The Parole Commission will continue to monitor many of these cases for subsequent comparison projects. Every effort was made to release those inmates who were judged to be an acceptable risk to the community. Others were recommended for the Mutual Agreement Parole Program to help them prepare for release through involvement in rehabilitation programs.

The following explanation and data was prepared by the Reentry Programs and Services section of the Department of Public Safety:

Parole Eligibility Report

Actual time served by FSA offenders compared to time served for similar crime(s) under the Structured Sentencing Act (SSA).

Purpose:

- Analysis of the amount of time each inmate who is eligible for parole before July 1, 2019, has served, compared to the time served by offenders under Structured Sentencing for comparable crimes, including the class of the offense for which each parole-eligible inmate was convicted and whether an inmate had multiple criminal convictions.
- Determination as to whether the person has served more time in custody than the person would have served if sentenced to the maximum sentence under Structured Sentencing.

Methodology:

- Identify currently active inmates eligible for parole.
- Exclude DWI and First-Degree Murder life sentences. (DWI is its own special case and First-Degree Murder is not eligible for release under Structured Sentencing Act)
- Divide the dataset into two groups: inmates with a single commitment and those with multiple commitments.
- Determine the SSA equivalent penalty class for each crime that effects the time of the current incarceration.
- Apply the number of months for the maximum presumptive sentence under the SSA to each relevant commitment.
- Determine the number of months that the inmate has served in prison on this period of incarceration.
- Compare the two numbers.
- Create two groups
 - Compares favorable (inmate has served more time under FSA sentence than SSA)
 - Compares unfavorably (Inmate has not served as much time as SSA would require)

Results:

Table 1 displays the population breakdown for 2/16/2020 that resulted in the data for this report.

Table 1

TOTAL INMATES IN THE POPULATION AS OF 02/16/2020	35,342
TOTAL ELIGIBLE TO BE PAROLED LESS DWI AND 1ST DEGREE MURDER	1,432
PAROLE ELIGIBLE ON OR BEFORE 7/1/2019	1,083
NOT PAROLE ELIGIBLE ON OR BEFORE 7/1/2019	349
PAROLE ELIGIBLE (SINGLE COMMITMENT)	361
PAROLE ELIGIBLE (MULTIPLE COMMITMENTS)	722

On 2/16/2020 a total of 1,083 inmates had a parole eligibility date before 7/1/2019. Of the number that were parole eligible, 136 have served longer under their FSA sentence(s) than an SSA sentence for the equivalent penalty class(s) and the maximum presumptive sentence for prior record level 6. Table 2 displays the total eligible and those that compared favorably or unfavorably.

TABLE 2

	COMPARISON NOT FAVORABLE	COMPARISON FAVORABLE	TOTAL
PAROLE ELIGIBLE SINGLE COMMITMENT	328	33	361
PAROLE ELIGIBLE MULTIPLE COMMITMENTS	947	103	1050

Table 3 displays the most serious offense for the period of incarceration from the comparison favorable column.

TABLE 3

SSA OFFENSE CLASS⁸	SINGLE COMMITMENT	MULTIPLE COMMITMENT	TOTAL
B1	2	4	6
C	10	26	36
D	18	42	60
E	1	7	8
F	0	7	7
G	2	10	12
H	0	6	6
I	0	1	1
Total	33	103	136