MEMORANDUM

TO: Chairs of 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 *EAH*
Reuben Young, Chief Deputy Secretary

RE: Post-Release Supervision & Parole Eligibility Report

DATE: March 1, 2019

Pursuant to § 143B-707.1.(a), the Department of Public Safety shall report by March 1 of each year to the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Oversight Committee on Justice and Public Safety on caseload averages for probation and parole officers. The report shall include:

- *(1) Data on current caseload averages and district averages for probation/parole officer positions.*
- *(2) Data on current span of control for chief probation officers.*
- *(3) An analysis of the optimal caseloads for these officer classifications.*
- *(4) The number and role of paraprofessionals in supervising low-risk caseloads.*
- *(5) The process of assigning offenders to an appropriate supervision level based on a risk needs assessment.*
- *(6) Data on cases supervised solely for the collection of court-ordered payments.*
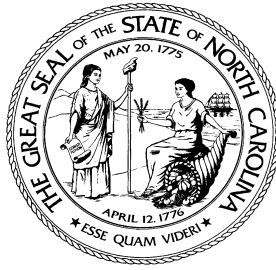
Post Release Supervision and Parole Commission

Parole Eligibility Report

G.S. 143B-721.1

March 1, 2019

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 following: the class of the offense for which each parole-eligible inmate was convicted and whether an inmate 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 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.

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, 2018 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 (MAPP) to help them prepare for release through involvement in rehabilitation programs.

Parole Eligibility Report
(Actual time served by FSA offenders compared time served for similar crime under SSA)

Purpose:

o   Analysis of the amount of time each inmate who is eligible for parole before July 1, 2018, 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.

o   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:
    1. Compares favorably - (Inmate has served more time under FSA sentence than SSA.)
    2. Compares unfavorably - (Inmate has not served as much time as SSA would require)

Results:

Table 1 displays the population breakdown:

TABLE 1

Total Inmates in the population as of - 02/22/2019	35,449
Total Eligible to be paroled less DWI and 1st Degree Murder	1,538
Parole eligible on or before - 07/1/2018	1,121
Not parole eligible on or before - 07/1/2018	368
Parole eligible (single commitment)	376
Parole eligible (multiple commitments)	745

On February 22, 2019, a total of 1,121 inmates had a parole eligibility date before 7/1/2018. Of the number that were parole eligible, 147 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	**341**	**35**	**376**
Parole Eligible Multiple Commitments	**633**	**112**	**745**

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

TABLE 3

SSA OFFENSE CLASS[8]	SINGLE COMMITMENT	MULTIPLE COMMITMENT	TOTAL
B1	4	3	7
C	27	10	37
D	43	19	62
E	9	1	10
F	9	0	9
G	11	2	13
H	8	0	8
I	1	0	1
Total	112	35	147