



A CITIZEN'S REFERENCE GUIDE TO: THE NORTH CAROLINA PAROLE PROCESS

OVERVIEW

The North Carolina Post-Release Supervision and Parole Commission is an independent agency responsible for releasing offenders who are eligible for parole after serving a portion of their prison sentences. Commissioners are appointed by the Governor and serve either three or four year terms. It is important to know that the Post-Release Supervision and Parole Commission is a separate agency from both the Division of Prisons and the Division of Community Corrections. Although it is separate from both Divisions, in many cases the Commission performs the important role of transitioning offenders from incarceration to supervision within the community.

North Carolina's Parole Review Process

The parole review process in North Carolina only applies to offenders who committed their crime **before** October 1, 1994. Each offender sentenced during this time had a *case analyst* assigned to him/her when he/she entered the prison system. Among other duties, the analyst is responsible for maintaining a file on the offender and calculating the date when the offender will become eligible for parole. When the offender reaches the date when he/she becomes eligible for parole, the Commission will review the case. There are two parts of the Commission's review: *reviews* and *investigations*. The review stage is an initial stage during which the Commission evaluates the offender's candidacy for parole. The offender may be denied at this stage. If the case warrants serious consideration for parole, it then moves to the investigation stage. If, and when, the case moves to the investigation stage, the Commission contacts those victim(s)/survivor(s) listed for notification. The victim(s)/survivor(s) are given a specified time to respond to the offender's consideration for parole. Once the investigation is complete, the Commission decides whether to grant or deny parole. Victims are notified of the Commission's decision whether it is to deny or approve parole. If the offender is denied parole, the law requires the Commission to review the case at least once a year except for Life Sentences for 1st and 2nd Degree Murder. Effective October 1, 2008, with authority from House Bill 1624, offenders serving a Life Sentence for 1st or 2nd Degree Murder will be reviewed every 3 years at the discretion of the Parole Commission instead of every year.

It is important to note that North Carolina has a mandatory parole law, the Fair Sentencing Act of 1981 (the law that determined the sentencing guidelines for crimes that occurred **before** October 1, 1994) which mandates that offenders with felony convictions serving 18 months or longer must be released on parole 90 days before their sentence expires. This parole is commonly referred to as the 90 day mandatory parole. The Commission must parole these offenders because it is required to do so by law. Although the law requires the Commission to grant parole to these offenders, offenders may choose to refuse parole although few do so. There are two groups who are exceptions to the 90 day mandatory parole: offenders sentenced as Committed Youthful Offenders and offenders whose crimes occurred **before** July 1, 1981.

Victim Input Procedures with the Post-Release Supervision and Parole Commission

The Commission values and welcomes input from victims/survivors. Those wishing to express their opinions may do so in writing at any time. They may also request that certain conditions be imposed on the offender when placed on parole. The letters are included in the inmate's file and the Commissioners take the letters into consideration during their decision-making process. Letters are kept confidential and in a central location in Raleigh, North Carolina. The offender does not have access to the file. Another opportunity to provide input is available to victims/survivors of violent or assaultive crimes whose offenders are in medium or minimum custody. This opportunity is in the form of a face-to-face meeting with a Commissioner to present information the victim/survivor feels is important for the Commission to know. The meetings are scheduled in Raleigh and are held twice a month. These meetings last 30 minutes and are limited to five people per scheduled appointment.

There are a limited number of appointments available and they are scheduled on a first-come-first-served basis. Appointment times fill quickly so it is important to request a meeting early. It is recommended that appointments be made several months (about four to six) prior to the scheduled review. To request a meeting, you may call the Office of Victim Services at 1-866-719-0108 (toll-free) or Beth Creech at the Commission directly, (919) 716-3018. Victims/survivors, who are unable to write or travel, are encouraged to contact the Office of Victim services at 1-866-719-0108 (toll-free) or (919) 716-3681 to discuss alternate venues that may be available. Every victim's/survivor's input, whether it be in writing or via a meeting with the Commission, is held in the strictest of confidentiality.

Commonly Asked Questions

What factors are considered in the parole process?

Each case is reviewed on an individual basis since each has its own characteristics. Some of the factors considered by the Commissioners are: the nature and circumstances of the crime, previous criminal record, prison conduct and input from court officials and victims.

What happens to the offender if the Commission grants parole?

If the offender is granted parole, conditions are imposed for control and treatment purposes. The offender is transitioned from the Division of Prisons to the Division of Community Corrections for supervision. An offender will be on parole for an amount of time determined by the Commission but no more than the maximum term imposed at the time of sentencing.

Why do inmates serve such a short amount of time when they have such long sentences?

Under the Fair Sentencing Act offenders have the opportunity to earn time off their active sentence. In general, it is assumed that the inmate will conduct themselves appropriately while incarcerated, and therefore upon arrival an inmate's sentence is reduced in half. From that point, offenders can continue to reduce their sentence by earning Good Time or Gained Time. Good Time is credit given for good behavior at the rate of one day good time credit for each day served in prison. An inmate may also earn Gained Time, a sentence reduction credit awarded to inmates for participating in work and program activities. Different amounts of *gained time* are awarded based on the type of work and program. The Division of Prisons determines the amount of *good time* and *gained time* that can be applied toward an inmate's sentence. In most cases, offenders also receive credit for time served in jail while waiting trial and/or awaiting sentencing.

Do you have further questions? If you have concerns or questions regarding your participation as a victim/survivor in a case, please call the North Carolina Department of Correction Office of Victim Services at either 1-866-719-0108 or (919) 716-3681. We can also be reached via the Internet at www.doc.state.nc.us/victimservices.