




Roy Cooper, Governor

Todd Ishee, Secretary

MEMORANDUM

TO: Chairs, Joint Legislative Oversight Committee on Justice and Public Safety
Chairs, House Appropriations Committee on Justice and Public Safety
Chairs, Senate Appropriations Committee on Justice and Public Safety

FROM: Todd E. Ishee, Secretary 

RE: Parole Eligibility Report

DATE: August 2, 2023

Pursuant to G.S. 143B-1492(d), 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; recodified from N.C. Gen. Stat. § 143B-721.1 by 2021-180, s. 19C.9(k), (m).)

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Post Release Supervision and Parole Commission

Parole Eligibility Report

G.S. 143B-1492

Willis J. Fowler
Willis J. Fowler
Chairman

Haley E. Phillips
Haley E. Phillips
Commissioner

Graham H. Atkinson
Graham H. Atkinson
Commissioner

Eric A. Montgomery
Eric A. Montgomery
Commissioner

Parole Eligibility Report

Pursuant to G.S. 143B-1492 (a) and (b), the Post-Release Supervision and Parole Commission compared the amount of time Pre-Structured Sentencing cases, generally sentenced under the Fair Sentencing Act (FSA), 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-Structured Sentencing cases with Parole Eligibility dates on or before July 1, 2022, 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 were prepared by the Division of Rehabilitation and Reentry of the Department of Adult Correction.

Parole Eligibility Report

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

Purpose:

- Analysis of the amount of time each inmate who is eligible for parole before July 1, 2022, 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 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 affects 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:
 - Group 1 (inmate has served more time under FSA sentence than SSA)
 - Group 2 (inmate has not served as much time as SSA would require)

Results:

Table 1 displays the population breakdown for 2/20/23 that resulted in the data for this report.

TABLE 1

TOTAL INMATES IN THE POPULATION AS OF 2/20/23	29,937
TOTAL ELIGIBLE TO BE PAROLED LESS DWI AND 1ST DEGREE MURDER	1,138
PAROLE ELIGIBLE ON OR BEFORE 7/1/2022	871
NOT PAROLE ELIGIBLE ON OR BEFORE 7/1/2022	267
PAROLE ELIGIBLE (SINGLE COMMITMENT)	274
PAROLE ELIGIBLE (MULTIPLE COMMITMENTS)	597

ON 2/22/23, A TOTAL OF 871 INMATES HAD A PAROLE ELIGIBILITY DATE BEFORE 7/1/2022. OF THE NUMBER THAT WERE PAROLE-ELIGIBLE, 116 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 FROM BOTH GROUPS

TABLE 2

	GROUP 2	GROUP 1	TOTAL
PAROLE ELIGIBLE SINGLE COMMITMENT	253	21	274
PAROLE ELIGIBLE MULTIPLE COMMITMENTS	502	95	597

TABLE 3 DISPLAYS THE MOST SERIOUS OFFENSE FOR THE PERIOD OF INCARCERATION FROM THE GROUP 1 COLUMN.

TABLE 3

SSA OFFENSE CLASS⁸	SINGLE COMMITMENT	MULTIPLE COMMITMENT	TOTAL
B1	1	6	7
C	7	30	37
D	12	42	54
E	1	9	10
F	0	4	4
G	0	2	2
H	0	2	2
Total	21	95	116

