




Roy Cooper, Governor

Todd Ishee, Secretary

## MEMORANDUM

**TO:** Joint Legislative Oversight Committee on Justice and Public Safety

**FROM:** Todd E. Ishee, Secretary 

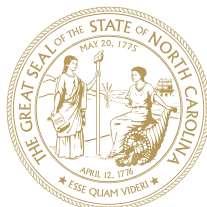
**RE:** Parole Eligibility Report

**DATE:** May 1, 2024

*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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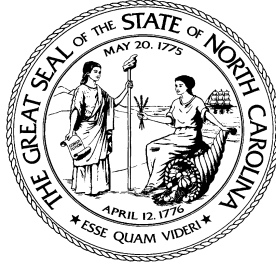
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## Post Release Supervision and Parole Commission

### Parole Eligibility Report

G.S. 143B-1492

Darren Jackson  
Chairman

Haley E. Phillips  
Commissioner

Graham H. Atkinson  
Commissioner

Gregory Moss Jr.  
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 re-initiated 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 paroled.

Class A felonies were not included since they would be sentenced to Life without Parole under the Structured Sentencing Act (SSA). Only Structured Sentencing cases with Parole Eligibility dates on or before July 1, 2023, 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 Administrative Analysis section 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, 2023, 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 offenders 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: offenders 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 offender has served in prison on this period of incarceration.
- Compare the two numbers.
- Create two groups:
  - Group 1 (offender has served more time under FSA sentence than SSA)
  - Group 2 (offender has not served as much time as SSA would require)

**Results:**

Table 1 displays the population breakdown for 2/21/24 that resulted in the data for this report.

**Table 1**

<b>TOTAL OFFENDERS IN THE POPULATION AS OF 2/16/2024</b>	31,027
<b>TOTAL ELIGIBLE TO BE PAROLED LESS DWI AND 1<sup>ST</sup> DEGREE MURDER</b>	1,033
<b>PAROLE ELIGIBLE ON OR BEFORE 7/1/2023</b>	803
<b>NOT PAROLE ELIGIBLE ON OR BEFORE 7/1/2023</b>	230
<b>PAROLE ELIGIBLE (SINGLE COMMITMENT)</b>	254
<b>PAROLE ELIGIBLE (MULTIPLE COMMITMENTS)</b>	549

On 2/22/24, a total of 803 inmates had a parole eligibility date before 7/1/2023. Of the number that were parole eligible, 106 have served longer under their FSA sentence(s) than a 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**

	<b>GROUP 2</b>	<b>GROUP 1</b>	<b>TOTAL</b>
<b>PAROLE ELIGIBLE SINGLE COMMITMENT</b>	237	17	254
<b>PAROLE ELIGIBLE MULTIPLE COMMITMENTS</b>	460	89	549

Table 3 displays the most serious offense from offenders in the Group 1 for the period of incarceration.

**Table 3**

<b>SSA OFFENSE CLASS<sup>8</sup></b>	<b>SINGLE COMMITMENT</b>	<b>MULTIPLE COMMITMENT</b>	<b>TOTAL</b>
<b>B1</b>	1	5	6
<b>C</b>	3	28	31
<b>D</b>	11	38	49
<b>E</b>	2	10	12
<b>F</b>	0	3	3
<b>G</b>	0	2	2
<b>H</b>	0	2	2
<b>I</b>	0	1	1
<b>Total</b>	<b>17</b>	<b>89</b>	<b>106</b>