

AN INTRODUCTION TO THE NC POST-RELEASE SUPERVISION AND PAROLE COMMISSION

The North Carolina Post Release Supervision and Parole Commission is comprised of three commissioners who are appointed by the governor. While commissioners serve at the pleasure of the governor, the governor cannot override a decision made by the commission.

The Parole Commission is an independent agency charged with determining:

1. whether or not to release an offender sentenced under pre Fair and Fair Sentencing,
2. the conditions of release for an offender sentenced under pre Fair and Fair Sentencing, the conditions of release for an offenders sentenced under Structured Sentencing **and** who is eligible for post-release supervision after serving an active prison sentence.

Commissioners are responsible for conducting individual review of the inmate's record, and making decisions based on file information, victim's/survivor's input, and the case analyst's recommendations.

For Fair Sentencing cases, the commissioners do not meet as a group to vote, and they do not meet with inmates during the review process. These cases are reviewed yearly after the eligibility date has been reached.

With respect to offenders sentenced under Structured Sentencing **and** who are eligible for post-release supervision after serving an active prison sentence, the commission maintains the authority to set the conditions for the period in which the offender is placed on post-release supervision. Unlike Fair Sentencing cases, the commission **does not** determine the date of release for offenders sentenced under Structured Sentencing.

The Parole Review Process Under North Carolina's Fair Sentencing Act of 1981

The parole review process in North Carolina only applies to offenders who committed their crime **before** Oct. 1, 1994 (Chapter 15A, Article 81A of the North Carolina General Statutes—Repealed effective Oct. 1, 1994). Each offender sentenced during this time had a case analyst assigned to him/her when he/she entered the prison system. In addition to 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 reviews the case. There are two parts of the commission's review: reviews and investigations.

The review stage is an initial stage during which the Parole 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 Parole 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 Parole 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 Parole Commission to review the case at least once a year.

North Carolina has what is known as a 90-day mandatory parole law. The Fair Sentencing Act of 1981 (the law that determined the sentencing guidelines for offenders who committed their crime **before** Oct. 1, 1994) mandates that offenders with felony convictions serving 18 months or longer must be released on parole 90 days before their sentences expire. The commission must parole these offenders because it is required to do so by law. Although the law requires the Parole 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. (Chapter 15A, Article 81A of the North Carolina General Statutes—Repealed effective October 1, 1994)

The Parole Review Process Under North Carolina's Structured Sentencing Act of 1994

In North Carolina, the Structured Sentencing Act of 1994 affects all felony and misdemeanor crimes (except DWI/DUI) committed on or **after** October 1, 1994 (Chapter 15A, Article 81B). Structured Sentencing changed the sentencing guidelines tremendously.

Specifically, parole, as it previously existed, was eliminated under Structured Sentencing. Now, offenders with felony class B1 through E convictions (those offenses involving risk of or injury to the victim/survivor) who have been sentenced under Structured Sentencing serve their mandated time, and are then released on a type of supervision called Post-Release Supervision.

Like parole, Post-Release Supervision is a period of supervision in the community but, unlike parole, follows the completion of an active prison sentence. The period of post-supervision is either six months (for crimes committed **before** Dec.1, 1996) or nine months (for crimes committed on or **after** Dec. 1, 1996). However, for sex offenders who committed their offense on or

after Dec. 1, 1996 and were convicted of a registerable offense, the period of post-release supervision is five years.

Under Structured Sentencing, the Post-Release Supervision and Parole Commission is the agency responsible for setting conditions of release for offenders in North Carolina's prisons. Although it cannot determine the date of release for an offender sentenced under Structured Sentencing, the commission maintains the authority to set conditions or rules for the period of an offender's post-release supervision. The possible conditions are numerous. For example, offenders may be required to submit to random drug/urine screenings, secure a job, pay restitution ordered by the court at the time of sentencing and refrain from contact with victims/survivors and their families.

It is important to know that not all offenders sentenced under Structured Sentencing are released into the community on post-release supervision. Offenders with misdemeanor and felony class F through I convictions are released from the prison system with no requirement for supervision after serving an active prison sentence.

Victim Unit within The Post-Release Supervision and Parole Commission

The North Carolina Post-Release Supervision and Parole Commission considers input from victims/survivors to be very important. The Adult Correction Victim Unit collaborates with the commission in providing services to victims of crime whose offender is eligible for parole or on post-release supervision.

Victims/survivors can communicate with the commission by expressing their opinions about a case in writing at any time. They may also request that certain conditions be imposed on the offender upon release. The letters are included in the inmate's file and the commissioners take the letters into consideration during the decision-making process.