

PERFORMANCE AUDIT
DEPARTMENT OF CORRECTION
DIVISION OF ADULT PROBATION AND PAROLE

JUNE 1998

AUDITOR'S TRANSMITTAL

June 1, 1998

The Honorable James B. Hunt, Jr., Governor
Secretary Mack Jarvis, Department of Correction
Members of the North Carolina General Assembly

Ladies and Gentlemen:

We are pleased to submit this performance audit of the *Department of Correction, Division of Adult Probation and Parole*. This audit was mandated by the 1997 General Assembly in Senate Bill 352, Section 19.13. The objectives of the audit were to examine the efficiency and effectiveness of major management policies, practices, and functions, including the organization and structure, current staffing patterns and workloads, effect of organizational relationships with other community correction programs and the Post-Release Supervision and Parole Commission, current personnel and patronage practices, and general effectiveness of probation and parole.

This report consists of an executive summary, program overview, and operational findings and recommendations. The Secretary of Correction has reviewed a draft copy of this report. His written comments are included as Appendix G.

We wish to express our appreciation to Secretary Jarvis and the Division of Adult Probation and Parole staff for the courtesy, cooperation, and assistance provided us during this effort.

Respectfully submitted,

Ralph Campbell, Jr.
State Auditor

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EXECUTIVE SUMMARY

We have conducted a performance audit of the Division of Adult Probation and Parole, Department of Correction. This audit was mandated by the 1997 General Assembly in Senate Bill 352, Section 19.13. As specified in the legislation, the audit focused on the efficiency and effectiveness of major management policies, practices, and functions, including the organization and structure, current staffing patterns and workloads, effect of organizational relationships with other community correction programs and the Post-Release Supervision and Parole Commission, current personnel and patronage practices, and general effectiveness of probation and parole.

The Division of Adult Probation and Parole (DAPP) is the largest community correction agency in the North Carolina Criminal Justice System. DAPP's goal is to protect society by applying necessary control over the offender, while at the same time coordinating community resources to enable those under its supervision the opportunity to reform, support their families, pay restitution or reparation to their victims, and to become productive, law abiding citizens. In FY96-97, DAPP's 2,509 employees were responsible for approximately 116,000 offenders sentenced to serve out their punishments in the communities of North Carolina.

The Secretary of Correction, as well as DAPP management reviewed the draft report. The Secretary's response is included as Appendix G, page 109.

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AUDIT OBJECTIVES, SCOPE AND METHODOLOGY

North Carolina General Statute §147-64 empowers the State Auditor with authority to conduct performance audits of any State agency or program. Performance audits are reviews of activities and operations to determine whether resources are being used economically, efficiently, and effectively.

This performance audit of the Division of Adult Probation and Parole (DAPP), within the Department of Correction (Department), was mandated by the 1997 General Assembly in Senate Bill 352, Section 19.13. The State Auditor was directed to conduct a performance audit to review the efficiency and effectiveness of major management policies, practices, and functions, including the organization and structure, effect of organizational relationships with other community correction programs and the Post-Release Supervision and Parole Commission, current staffing patterns and workloads, current personnel and patronage practices, and general effectiveness of probation and parole.

Given this mandate, our specific objectives were to:

- review organizational structure, current staffing patterns, and workloads;
- examine current personnel and patronage practices, placing special emphasis on any existing abuses in those practices;
- determine the effect of organizational relationships with other community correction programs, including Post-Release Supervision and Parole Commission;
- analyze general effectiveness of probation and parole; and
- compare North Carolina's adult probation and parole program to similar programs in other states.

The scope of the audit encompassed all aspects of the operations of DAPP. In addition, the operations of the Parole Commission were included to the extent necessary to conduct the review of DAPP.

During the period January 8, 1998 through April 3, 1998, we conducted the on-site fieldwork for the audit of DAPP. To achieve the audit objectives, we employed various auditing techniques which adhere to the generally accepted auditing standards as promulgated in *Government Auditing Standards* issued by the Comptroller General of the United States. These techniques included:

- review of existing General Statutes and North Carolina Administrative Code as they relate to DAPP;
- review of policies and procedures of DAPP and the Department of Correction, as well as the Parole Commission;
- survey of a sample of 250 current DAPP employees as identified by management;
- survey of a sample of other states;
- in-depth interviews with 173 members of DAPP staff, and 15 members of the Parole Commission, as well as representatives of 7 other community correction programs;
- site visits to 13 DAPP division and district offices and interviews with staff;
- review of existing studies and reports on the operations of DAPP;
- examination of organizational charts, payroll data, job descriptions, time records, and workload indicators;
- review of a sample of personnel files;
- analysis of a sample of expenditures; and

AUDIT OBJECTIVES, SCOPE AND METHODOLOGY

- analysis of the organizational structure and operations of other states' adult probation and parole programs.

This report contains the results of the audit as well as specific recommendations aimed at improving the operations of DAPP in terms of economy, efficiency, and effectiveness. Because of the test nature and other inherent limitations of an audit, together with the limitations of any system of internal and management controls, this audit would not necessarily disclose all weaknesses in the system or lack of compliance. Also, projection of any of the results contained in this report to future periods is subject to the risk that procedures may become inadequate due to changes in conditions and/or personnel, or that the effectiveness of the design and operation of the policies and procedures may deteriorate.

BACKGROUND INFORMATION

HISTORY OF THE DIVISION OF ADULT PROBATION AND PAROLE

The North Carolina Department of Correction is presently divided into three major operational sections: the Division of Prisons, the Division of Alcohol and Chemical Dependency, and the Division of Adult Probation and Parole. The General Statutes establishing the Department direct the Secretary to provide for the general safety of North Carolina citizens by operating and maintaining prisons, supervising probationers and parolees, and providing certain rehabilitative and educational programs to individuals supervised by the department.

The Division of Adult Probation and Parole was organized in 1972 by authority of the *Executive Reorganization Act of 1971* as the Department of Social Rehabilitation and Control. In July 1974, the Department was renamed the Department of Correction.

The history of corrections in North Carolina reflects the continued development and refining of the prison, probation, and parole segments of the Department. In 1919, North Carolina enacted its first probation laws but limited first offender female prostitutes and certain juveniles to the supervision of female officers. In 1937, legislation was enacted forming the Probation Commission to supervise a statewide network of male and female offenders reporting to probation officers. In 1972, the Commission was disbanded when the present division was formed within the then Department of Social Rehabilitation and Control. At first, probation officers retained exclusive probation supervision caseloads, but by mid-1974 the officers began carrying parole caseloads as well. Thus the questions surrounding overlapping and duplication of services between probation and parole officers began. This issue continued to be debated during the 80's and into the early 90's as two separate management structures developed and functioned under the umbrella of the Division of Adult Probation and Parole (DAPP).

Parole began as a system of pardons and commutations granted by the Governor in the original constitution of North Carolina in 1776. This system was maintained in the Reconstruction Constitution of 1868. In 1919, the General Assembly established an Advisory Board of Paroles that made recommendations to the Governor. This board was eliminated in 1925, with the Commissioner of Pardons given the duties of the board. In 1929, this position was called the Office of Executive Counsel, and later became the Commissioner of Paroles in 1935. It was the 1935 legislation that created the position of parole officer under the supervision of the Commissioner.

The 1953 session of the General Assembly abolished the office of Commissioner and established the Board of Paroles consisting of three members. At the same time a constitutional amendment was approved in the 1954 general election to give the board full authority to grant, revoke, or terminate paroles. (See page 14 for a more detailed history of the Parole Commission.)

The prison overcrowding crisis and a prison cap (enacted in response to the lawsuit of *Small vs. Martin*) caused a rapid erosion of public trust in the criminal justice system's ability to punish offenders during the late 80's and early 90's. This led to the

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development and passage of structured sentencing in October 1994 by the General Assembly. The legislation established three levels of punishment: active (prison); intermediate (intensive, electronic house arrest, IMPACT, residential, split sentence, day reporting); and community (traditional probation programs).

In 1993, the Division of Adult Probation and Parole developed and implemented a comprehensive “Community Correction Strategy” designed to more effectively and efficiently manage its resources to better control and treat the offenders sentenced to intermediate and community punishment. The two-year plan included reorganization along judicial districts and a merger of traditional probation and parole services in order to maximize existing resources.

DIVISION OF ADULT PROBATION AND PAROLE

The Division of Adult Probation and Parole (DAPP) is the largest community correction agency in the North Carolina Criminal Justice System. DAPP’s goal is to protect society by applying necessary control over the offender, while at the same time coordinating community resources to enable those under its supervision the opportunity to reform, support their families, pay restitution or reparation to their victims, and become productive, law abiding citizens. In FY 1996-97, 2,509 employees of DAPP were responsible for approximately 116,000 offenders sentenced to serve out their punishments in the communities of North Carolina.

The foundation of DAPP’s community correction strategy is the establishment and utilization of a graduated continuum of community-based sanctions. These sanctions provide supervision and control at an expense considerably below the cost of incarceration, while reserving prison space for the violent and non-conforming community offender.

Mission of the Division of Adult Probation and Parole

The Division of Adult Probation and Parole has as its goal the “. . . development and implementation of a comprehensive community correction strategy aimed at restoring the public’s confidence in our criminal justice system, protecting society and enabling offenders under our supervision the opportunity to reform and become productive, law abiding citizens.” DAPP’s specific mission is to:

- provide quality supervision of those offenders placed under its jurisdiction;
- establish a streamlined management structure comprised of leaders committed to professionalism, integrity, and teamwork;
- maintain and improve traditional probation and post-release programs;
- develop, evaluate, and operate a continuum of community correction sanctions and supervision levels to ensure an appropriate delivery of services, including protection and restitution for victims;

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- promote employee safety through better resources, training, sound policy and procedure;
- review, develop, and implement policy and procedure to ensure achievement of the primary Division goal to protect society and to assist the offender in becoming a law abiding citizen; and
- enhance public awareness and appreciation for the Division's mission, philosophy, and vital role in the criminal justice system.

Statutory Authority

North Carolina GS §143B-261, outlines the duties and responsibilities of the Department of Correction related to probation and parole. Specifically, “. . . *It shall be the duty of the Department to provide the necessary custody, supervision, and treatment to control and rehabilitate criminal offenders and juvenile delinquents and thereby to reduce the rate and cost of crime and delinquency.*” GS §143B-262(a) further states, “. . . *the Department of Correction shall comprise . . . all functions . . . of the State in relation to corrections and the rehabilitation of adult offenders and juvenile delinquents including detention, parole, and aftercare supervision . . .*”

GS §15-205 outlines the duties of the probation officers as “. . . making pre-sentence investigations as the court orders; keeping informed concerning the conduct and condition of each person on probation under supervision by visiting, requiring reports, and in other ways; reporting on probationers' “conduct and condition” as often as the court or the Secretary of Correction requires; and maintaining detailed work records. Probation officers are further given the powers of arrest in the execution of duties and, to the extent necessary for the performance of duties, the same right to execute process as is now given, or law may hereafter give, to the sheriffs of this state.”

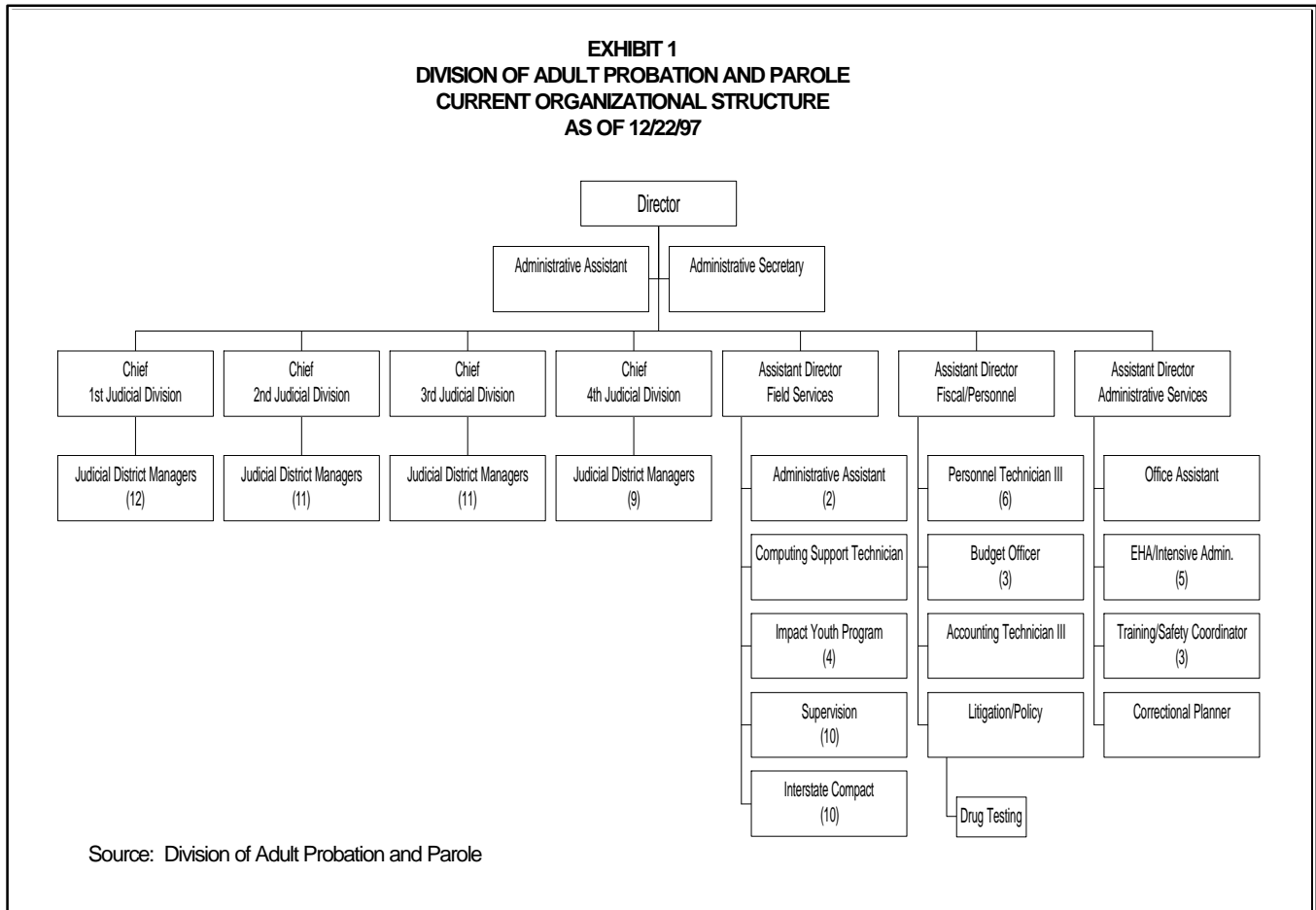
GS §148-54 requires parole officers to exercise supervision and authority over paroled prisoners, assist paroled prisoners, and those who are to be paroled in finding and retaining self-supporting employment, and to promote rehabilitation work with paroled prisoners to the end that they may become law abiding citizens.

DAPP's reorganization, begun in 1993, consolidated the role of probation and parole officers into one in order to better utilize existing resources resulting from the Structured Sentencing Act. (Appendix E, page 81.)

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Organizational Structure and Staffing

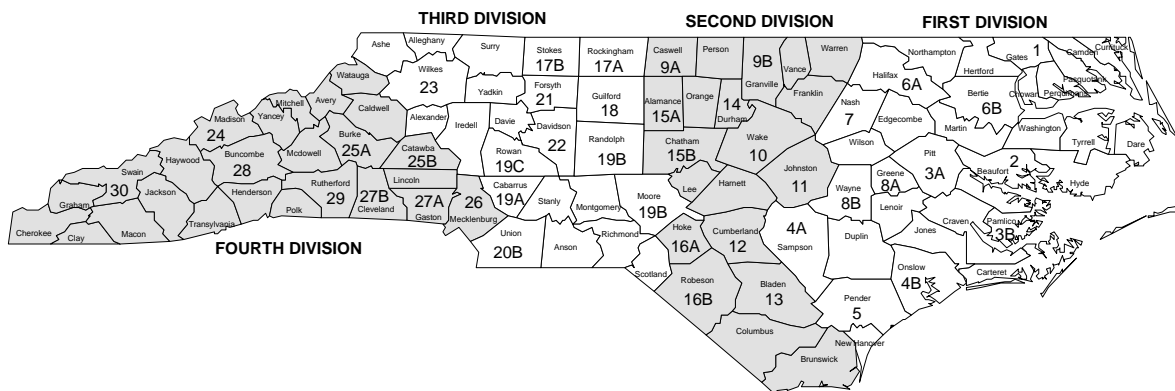
The organizational structure in place during the audit featured four distinct areas: Field Operations; Field Services; Fiscal/Personnel; and Administrative Services. Exhibit 1 depicts this structure.



The **Field Operations Section** completed a two-year reorganization plan in 1995. Field Operations is comprised of four judicial divisions, each headed by a Division Chief. Each division is sub-divided into judicial districts, headed by District Managers, as follows: Division One – 12 judicial districts encompassing 32 counties; Division Two – 11 judicial districts encompassing 21 counties; Division Three – 11 judicial districts encompassing 22 counties; and Division Four – 9 judicial districts encompassing 25 counties. Exhibit 2, page 9 shows the breakdown of divisions. Reorganization achieved a consolidated, more streamlined management structure with judicial integrity. It has allowed DAPP to maximize its existing resources and decentralize decision making. The reorganization was in response to structured sentencing. During this period, DAPP underwent a significant expansion of personnel and resources, adding some 636 positions within a two-year period. As of March 28, 1998, total staffing in the four divisions stands at 2,481 employees, with 269 vacancies.

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EXHIBIT 2 DIVISION OF ADULT PROBATION AND PAROLE LOCATION OF DISTRICT OFFICES



FOURTH DIVISION		THIRD DIVISION		SECOND DIVISION		FIRST DIVISION	
Judicial District	Counties	Judicial District	Counties	Judicial District	Counties	Judicial District	Counties
24:	Hardison	17A:	Rockingham	9A:	Caswell	1:	Gates
	Yancey	17B:	Stokes		Person		Chowan
	Mitchell		Surry	9B:	Granville		Perquimans
	Avery	18:	Guilford		Vance		Pasquotank
	Watauga	19A:	Cabarrus		Warren		Camden
25A:	Burke	19B:	Moore		Franklin		Currituck
	Caldwell		Randolph	10:	Wake		Dare
25B:	Catawba		Montgomery	11:	Harnett	2:	Beaufort
26:	Mecklenburg	19C:	Rowan		Johnston		Martin
27A:	Gaston	20A:	Richmond		Lee		Washington
27B:	Cleveland		Anson	12:	Cumberland		Tyrrell
28:	Buncombe	20B:	Union	13:	Bladen		Hyde
29:	Rutherford		Stanly		Columbus	3A:	Pitt
	Polk	21:	Forsyth		Brunswick	3B:	Pamlico
	McDowell	22:	Davidson	14:	Durham		Craven
	Henderson		Davie	15A:	Alamance		Carteret
	Transylvania		Iredell	15B:	Chatham	4A:	Sampson
30:	Cherokee		Alexander		Orange		Duplin
	Graham	23:	Ashe	16A:	Hoke		Jones
	Clay		Alleghany		Scotland	4B:	Onslow
	Swain		Wilkes	16B:	Robeson	5:	Pender
	Macon		Yadkin				New Hanover
	Jackson					6A:	Halifax
	Haywood					6B:	Northampton
							Hertford
							Bertie
						7:	Nash
							Edgecombe
							Wilson
						8A:	Greene
							Lenoir
						8B:	Wayne

Source: Division of Adult Probation and Parole

The **Field Services Section**, headed by an Assistant Director, is responsible for all field and support operations. In addition to a wide variety of responsibilities and special projects as a member of the leadership team, the Assistant Director of Field Services also directs and manages approximately 204 employees. Support services provided by the

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Section include the IMPACT Boot Camps, (Table 1), Post-Release/Parole Supervision Office, Post-Release/Parole Revocation Hearing Officers, Interstate Compact for the Supervision of Parolees and Probationers, and the Information Resource and Technical Assistance Center.

The Intensive Motivational Program of Alternative Correctional Treatment (IMPACT) is a condition of split sentence/special probation (GS §15A-1343(b1)(2a), 15A-1343.1). An offender in the IMPACT program must serve part of an active sentence (ninety to one hundred twenty days) and then remain on supervised probation. IMPACT is an intermediate punishment for offenders between the ages of sixteen and thirty, with no restriction due to previous periods of incarceration. The goal of the IMPACT program is to instill discipline, work ethic and self-confidence by the administration of a strictly regimented, work-intensive, paramilitary system providing youthful offenders incentive to change their behavior and develop new positive attitudes. The annual capacity of IMPACT is 1,560 based on four 90-day cycles using 180 beds at IMPACT East and 180 beds at IMPACT West. Currently IMPACT is only available to males; a female facility (60 beds) will open in the spring of 1998.

TABLE 1 IMPACT ADMISSIONS 1992-1997	
Year	Admission
1992	380
1993	384
1994	632
1995	650
1996	700
1997	770
Notes: IMPACT-West opened 10/31/94 with 90 beds; additional 90 added in 1995. IMPACT-East added 90 additional beds in 1994. Capacity for each facility is 1,560 per year.	
Source: Division of Adult Probation and Parole	

The Field Services section also monitors the Post-Boot Camp Probation Program (IMPACT Aftercare) that was formed by a partnership with the Substance Abuse Section, Division of Mental Health/Developmental Disability/Substance Abuse of the Department of Health and Human Services. This is a pilot project in four sites - Edgecombe/Nash Counties, Forsyth County, Mecklenburg County, and New Hanover County. DAPP contracts with local Treatment Alternatives to Street Crime (TASC) programs to provide high-risk offenders with specialized treatment and support services, in addition to probation's close monitoring and control of the offender in the community.

The Post-Release/Parole Supervision office serves as liaison between the "field" and the Post-Release Supervision and Parole Commission (Commission). Staff perform the role of reviewing agent to assure that fieldwork and recommendations to the Commission are appropriate and within policy and procedure. Post-release and parole decisions relative to violations, condition modifications, revocations, non-compliances, letters of reprimand, hearings, reinstatements, recessions, absconders, new convictions, captures, and discharges are processed here. Staff also assist Probation/Parole Officers by securing approval for warrants, including requests for emergency warrants, from the Commission. Staff schedule and prepare paperwork for the Hearing Officers conducting preliminary hearings for each parole violation.

GS §15A-1376 provides Post-Release/Parole Revocation Hearing Officers the authority to conduct preliminary revocation hearings. The Hearing Officers are further authorized to rescind warrants and immediately reinstate under supervision parolees, conditional releasees, and post-releasees for whom no probable cause for revocation exists. Hearing

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Officers can reinstate even if probable cause exists and there appears to be reasonable probability that the individual can remain at liberty without violating the law, providing such reinstatement will be compatible with the welfare of society.

The Interstate Compact for the supervision of parolees and probationers provides the sole statutory authority (GS §148-65.1 to 148-65.2) for regulating the transfer of adult parole and probation supervision across state boundaries. The Compact has two primary goals - community protection and the rehabilitation of the offender. Community protection is facilitated by the regulation of offender interstate travel; monitoring of offender community adjustment in the receiving state; and the removal of the offender from the receiving state's community upon violation. Regulation of the offender and rehabilitative efforts have been assisted historically by ensuring parole and probation program continuity across state boundaries. The Assistant Director is the designated Compact Administrator for the State of North Carolina.

The Information Resource and Technical Assistance Center operates DAPP's Helpdesk. Staff in this unit respond to questions from field staff regarding the OPUS¹ system. This office also serves as liaison with the Department's Management Information System Section regarding OPUS enhancements, as well as system changes.

The **Fiscal/Personnel Services Section**, headed by an Assistant Director provides much of the needed support for day-to-day operations in the functional areas of budget management, procurement, fiscal policy management, motor fleet management, property management, communications, position management, employee benefits, recruitment and selection, employee relations, salary administration and classification, litigation coordination, drug testing services, and other related personnel administration matters. A total of 14 employees work in this section. In addition to managing a budget of \$118,580,497, staff has responsibility for 1,354 state vehicles, 139 leases, and 2,750 employees. Table 2 gives an overview of the State

TABLE 2 DAPP STATE APPROPRIATIONS BUDGET OVERVIEW FY 97-98	
DAPP Administration	\$ 2,851,332
Regular Probation	72,735,440
Intensive Probation	32,543,788
Special Programs	10,449,937
TOTAL	\$118,580,497
FEDERAL GRANTS	
Victim Assistance Program	\$ 165,709
Automated Case Management	20,839
Developmental Disabilities	100,000
Source: Division of Adult Probation and Parole	

TABLE 3 DAPP PERSONNEL OVERVIEW AS OF MARCH 27, 1998	
Number of Positions	Classification
4	Probation/Parole Pre-Release Investigators
363	Probation/Parole Surveillance Officers
150	Administrative Probation Officers
1,092	Regular Probation/Parole Officers
363	Intensive Probation/Parole Officers
14	High-risk Officers
184	Chief Probation/Parole Officers
6	Parole Revocation Hearing Officers
172	Office Assistant IIIs - CPPO Support
44	Judicial District Managers/Asst. Managers
55	Judicial District Support Staff (Office Asst. IIIs & IVs)
12	Judicial DAPP Chiefs (4)/Asst. Chiefs (8)
45	DAPP Administration
13	Drug Testing Program
179	IMPACT (Boot Camp) Program
30	Electronic Monitoring Center (Technology Center)
4	Correctional Training Instructors
20	Judicial DAPP Office Support Staff
2,750	TOTAL DAPP POSITIONS
Source: Division of Adult Probation and Parole	

¹ OPUS is the Offender Population Unified System operated by the Department of Correction.

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appropriations for DAPP. Table 3 gives a breakdown of the number and classification of DAPP positions.

The **Administrative Services Section**, headed by an Assistant Director, is responsible for providing special services in the areas of grants, basic Probation/Parole Officer training, all in-service training, and program support to the Technical Services and Technology Center. The Administrative Services Section is comprised of a total of 36 employees.

The Training Unit is responsible for coordinating all training that occurs within DAPP. All officer new hires and employees promoted to certified positions are referred to the Department's Office of Staff Development and Training for completion of courses required by the Criminal Justice Standards Commission. In-service training is designed by DAPP's training unit and approved by the Department's Office of Staff Development and Training's In-Service Section. Additionally, OPUS training is coordinated and delivered by the training unit. The Training Coordinator approves all other training requests, as well as educational assistance. The training unit publishes a training calendar each month.

DAPP formed an Officer Safety Task Force to examine officer safety issues and make recommendations for the implementation of policies, practices, and training specifically designed to enhance the personal safety of officers during the performance of their duties. The Training Coordinator, chairperson of the task force, is responsible for reporting to the Technology Council and DAPP's Leadership Team. This unit also manages DAPP's safety program, including training in bloodborne pathogens, OSHA guidelines, and inspections.

The Technical Services and Technology unit has 32 employees who provide a variety of services for DAPP. Included are services such as electronic house arrest (EHA) monitoring, DCI (Division of Criminal Information) terminal operation and monitoring, absconder warrant packages and extradition liaison, EHA and intensive sanction programmatic issues, sex offender and domestic violence offender control projects, Community Policing, Gang Awareness, and Technology Council - Offender Tracking Activities.

Electronic House Arrest (EHA) is an intermediate sanction as defined by structured sentencing in which the offender can be ordered to serve a period of probation or post-release supervision with the additional condition of EHA. EHA uses radio, computer, and electronic telecommunication technologies to monitor offender compliance with the goals of punishment and control. It is a restrictive supervision tool designed to enhance safety and control while allowing the Supervising Officer an opportunity to work with the offender and provide resources essential to rehabilitation.

The EHA Monitoring Unit of the Technology Center is responsible for the operation of several different types of computer monitoring systems and field equipment. Staff ensure the accuracy of the computer systems and electronic telecommunication data transfers,

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provide data entry of offender information, and provide a first response to offender violations through data equipment verifications and communication of valid violation situations to field officers and managers. Additionally, staff provide a constant review of system operations, data records, curfew schedule modifications, violation data, and officer response to violations to ensure the integrity of EHA and public safety. Monitoring services are provided statewide, and the monitoring systems have a capacity to handle approximately 2,500 offenders without additional system modifications. The EHA Unit operates 24 hours per day 365 days per year.

In addition, the EHA unit provides monitoring services to outside agencies such as Administrative Office of the Courts-Juvenile Services, sheriffs' departments, Criminal Justice Partnership Programs, the Federal Bureau of Indian Affairs, and the Eastern Cherokee Nation. Services provided to these agencies include monitoring, first violation response, and equipment training. These services allow the participating agencies to avoid the associated cost of monitoring their clients. In the case of sheriffs' departments, this effort results in additional free bed spaces for violent offenders. Approximately 20 agencies now receive these services from the section.

The DCI unit is responsible for the operation of a computer terminal with network linkage to the National Crime Information Center (NCIC) and the Police Information Network (PIN) through the State Bureau of Investigation. Staff ensure the accuracy of electronic data on wanted criminal offenders, as well as maintaining and coordinating all records throughout the wanted person and extradition process. Staff provide quality control of absconder warrant packages, enter wanted person data into the OPUS mainframe computer system, enter wanted person data into the DCI network, and respond to agency requests to confirm the identity of wanted offenders 24 hours a day, 365 days a year. Additionally, DAPP stolen property reports (such as handguns and vehicles) and communication with District Attorneys' offices and law enforcement agencies across the State, nation, and internationally come through this unit. There are approximately 15,000 warrants for which the unit is responsible. The unit submits to annual audits from the State Bureau of Investigation and the Federal Bureau of Investigation on a random basis.

In addition, the DCI unit provides criminal history background record checks for all DAPP personnel and those required in coordination with the responsibilities of the Interstate Compact Office and Post-release Supervision Office. Personnel record checks are provided as a service for 12 other administrative sections or divisions of the Department. These include the Parole Commission, Central Engineering, Combined Records, Criminal Justice Data, Extradition, Department of Correction-Controller, Enterprise, Integrated Network Services, Management Information Systems, Purchasing, Research and Planning, and Safety offices.

The Technical Services staff also handle special projects for DAPP. Current projects include:

- development of a domestic violence offender control program where the victim is included in monitoring;

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- a sex offender control project that is reviewing the possibility of Global Positioning Satellite equipment to track offenders' whereabouts at all times;
- establishment of formalized DAPP-law enforcement agency partnerships across the State to share information, surveillance activities, and community interdiction and prevention efforts;
- development of a gang awareness program to enhance community supervision;
- review of various types of electronic monitoring and offender tracking equipment through the Offender Tracking Subcommittee of the DAPP Technology Council; and
- participation on the Officer Safety Task Force to assist in the review and development of officer safety issues and training.

Staff also provide statistical data regarding the utilization of the EHA and intensive sanctions, maintain and assist field offices with EHA equipment asset records and equipment repairs, and provide case management assistance for the EHA and intensive sanctions as needed.

Lastly, a Correctional Planner is located within the Administrative Services Section. The primary purpose of this position is to provide the Director with ongoing monitoring and evaluation of the various elements of DAPP's "Community Corrections Strategy" as it is carried out statewide. This employee works closely with the Department's Office of Research and Planning, serving as liaison and a contact point for DAPP.

HISTORY OF THE POST-RELEASE SUPERVISION AND PAROLE COMMISSION

The origins of parole in North Carolina can be traced to 1868, when the Governor was given the authority to grant reprieves, commutations, and pardons by the State Constitution. The definition of pardon was expanded to include parole. There was no provision for an in-depth investigation into proposed release plans and there was no supervision upon release.

In 1935, the General Assembly provided for a Commissioner of Paroles to assist the Governor in all matters related to Executive Clemency. For the first time, a staff was authorized to make investigations and provide supervision to men and women released on parole. This method of operation continued until 1955.

In 1953, the General Assembly passed an act to amend the Constitution to establish a Board of Paroles with complete authority to grant, revoke and terminate parole. An amendment to the Constitution was passed by the voters and the forerunner of the present day Commission was established July 1, 1955. The Governor no longer had authority to grant parole after June 30, 1955. The Commission was expanded to the present day complement of five members in 1974.

Prior to 1981, the Commission maintained considerable discretion in releasing offenders with primary considerations being rehabilitation and public safety. The Fair Sentencing Act was the State's effort to reduce sentence disparity and to assist in controlling the

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prison population. North Carolina was not alone in its efforts; other states also enacted laws anticipated to stabilize or even reduce the prison population. Such was not the case. Within two years, sentences lengthened, prisons became overcrowded, and disparity in sentences approached pre-Fair Sentencing levels.

In 1983, the Legislature enacted Community Service Parole, which provided the Commission discretion in releasing individuals from select groups of offenders. This permitted the least dangerous offenders to be selected from these groups rather than indiscriminately reducing sentences for all offenders. The Commission proceeded in a cautious fashion and was conservative in releasing offenders on community service parole until 1987.

The General Assembly passed the Prison Population Stabilization Act, better known as the prison cap, in 1987. Under the cap, the Commission was mandated to control the prison population at a level prescribed by law. The cap remained in effect until January 1, 1996. The parole process in North Carolina changed dramatically during the nine years the “cap” was in place. The Commission, out of necessity, chose to parole misdemeanants primarily as a class of offender rather than on the individual’s likelihood to re-offend. Many thousands of these offenders were moved in and out of prison quickly under a system called parole and terminate. This decision to parole misdemeanants as a class was made primarily so that staff and Commission members’ time could be spent on reviews of the more dangerous and violent felon offenders.

The passage of the Structured Sentencing Act in 1994 created more changes for the Commission, including its name, but had little impact on its day-to-day operations until 1996. Structured Sentencing eliminated parole as it existed under prior sentencing law. However, the new sentencing law did not alter the Commission’s discretion with respect to offenders whose crimes were committed prior to its enactment. This means the Commission will have the responsibility for making discretionary parole decisions for many years to come.

Although the Commission does not make decisions concerning when offenders convicted under the Structured Sentencing Act will be released, it is responsible for establishing the conditions of post-release supervision for certain felon offenders whose release is followed by a period of supervision in the community. This requirement applies to offenders whose crimes are class B1 - E felonies. (Appendix F, page 97, contains data on the types of felonies by class.) Examples of crimes in these categories are second degree rape, assault with a deadly weapon, kidnapping, armed robbery, burglary, voluntary manslaughter, and some drug trafficking offenses. The Commission also has the authority to revoke parole of offenders who violate the conditions of post-release supervision.

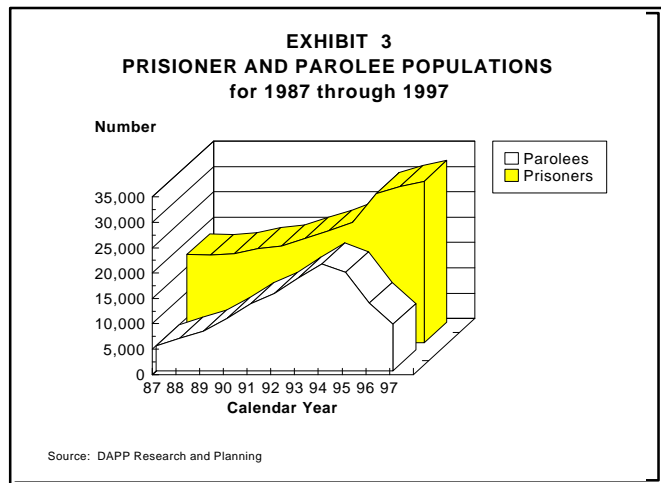
Because the period of supervision is short - either six or nine months, except for sex offenders - it is imperative that the conditions established by the Commission are tailored to an offender’s needs. Parole case analysts examine a post-release case before the anticipated release date to identify needs, to review prison program participation, and to

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recommend supervision conditions matching an offender's needs with community resources.

Repeal of the prison cap in January 1996, and the passage of the Structured Sentencing Act in 1994, has allowed the Commission to begin a transition back to a true parole review process, where decisions are based on an offender's likelihood to re-offend rather than "by the numbers." The Commission has changed its parole review process to include more detailed analysis and investigation.

TABLE 4 PAROLE COMMISSION EVENTS FOR CALENDAR YEARS		
Event	1996	1997
Parole Reviews Completed	25,886	20,996
Paroles Denied	12,237	11,476
Paroles Approved	12,558	9,520
Work Releases Denied	30	27
Work Releases Approved	28	36
Supervision Files Received	14,650	10,111
DWI School Consideration	1,879	2,013
Status Review	44,778	48,248
General Comments	3,647	7,802
Eligibility Date Certified	30,650	25,000
Source: NC Parole Commission		



While the prison population and the number of paroles skyrocketed in the 1980's and early 1990's, the number of staff remained somewhat constant. The staff totaled 53 in 1987, when the prison cap was enacted, and rose to 65 in 1992. The total number of positions currently assigned to the Commission is forty-nine (5 Commissioners and 44 staff). Exhibit 3 show the number of prisoners and the number of offenders on parole for the past ten years. Table 4 shows

the number of parole cases handled and other events for the past two years.

Mission, Goals and Responsibilities

The mission of the Post-Release Supervision and Parole Commission (Commission) is to protect the safety and welfare of the State's citizens. In cases where the Commission has discretionary release authority, this mission is accomplished by thorough analyses to determine when and under what circumstances it is in society's best interests to allow an offender to be released from prison and serve a portion of the sentence under supervision in the community. In cases where the Commission does not have discretionary release authority, this mission is accomplished through establishing conditions of supervision and an aftercare program that will enhance the probability that the offender will be successfully reintegrated back into the community.

The Commission is committed to the philosophy that it is in the public's best interest to prepare offenders for release and to provide close constructive supervision for that portion of their sentences served in the community. To this end, the Commission has the following goals and responsibilities:

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- to participate in identifying prison programs that will prepare the offender to re-enter society through a well-planned aftercare program;
- to establish conditions of supervision that provide control and rehabilitation by utilizing agency and community resources as a bridge to help the offender reach self-sufficiency and law-abiding citizenship;
- to monitor offenders' compliance with supervision and to take appropriate action such as modification of conditions or revocation when warranted; and
- to protect victims' rights by providing accurate information, timely notification, and encouraging input for the Commission's consideration.

Statutory Authority

The Post-Release Supervision and Parole Commission was created by GS § 143B-266 and given the authority for making all parole decisions and/or setting conditions of supervision for all prison inmates within the Department of Correction prison system. Specifically, the overall function, purpose, and duty of the Commission is:

- to grant paroles, including both regular and temporary paroles, to persons held by virtue of any final order or judgment of any court of this State who has been found eligible for parole;
- to revoke, terminate, and suspend paroles of such persons (including persons placed on parole on or before the effective date of the Executive Organization Act of 1973);
- to assist the Governor in exercising his authority in granting reprieves, commutations, and pardons, and to perform such other services as may be required by the Governor in exercising his powers of executive clemency; and
- to revoke and terminate persons on post-release supervision.

Organizational Structure and Staffing

The Commission is composed of five full-time members appointed by the Governor, who designates one as the chairman. Members serve staggered four-year terms of office. The Commission employs an Executive Director to manage the administrative staff and carry out all administrative duties required by the Commission. The Secretary of Correction provides all clerical and other services required by the Commission. Exhibit 4, page 18, depicts the organizational structure in place during the audit. This organization featured four distinct areas: commissioners, analytical staff, support staff, and special programs staff. Following is a discussion of the major functions assigned to each section.

The **Commissioners** are responsible for making all discretionary release decisions and establishing conditions of supervision. Additionally, they are responsible for conducting final revocation hearings, conducting meetings with crime victims, issuing warrants for arrest, and modifying terms of parole agreements.

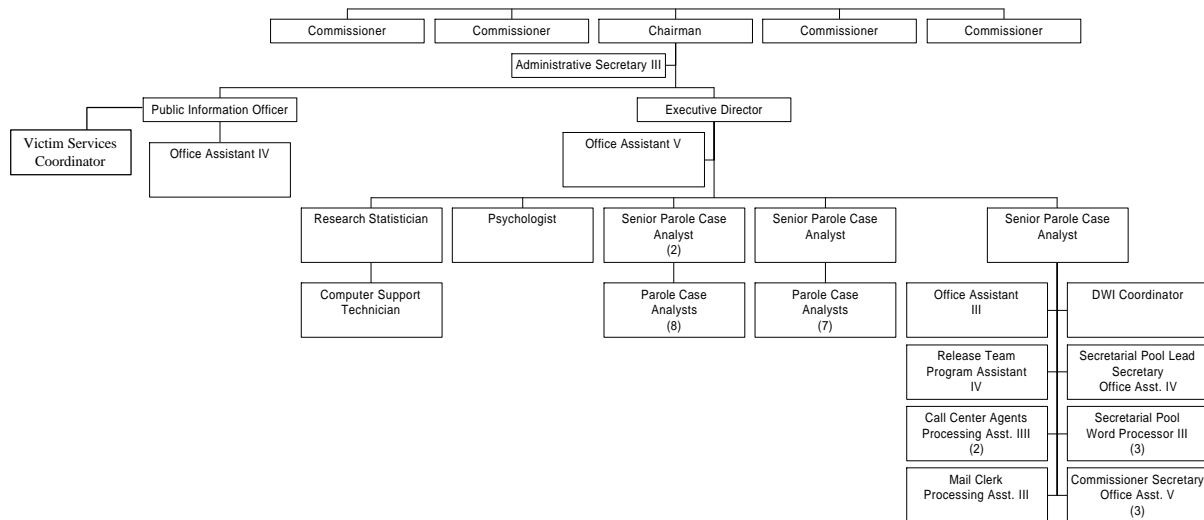
The **Analytical Staff** is responsible for maintaining files on offenders, calculating parole eligibility, scheduling and conducting reviews of cases, as applicable, corresponding with interested parties, and meeting with offenders' advocates upon request. Functions included in this section are:

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- reviewing and analyzing cases to make a recommendation to the Commission that parole be approved or denied;
- identifying and referring appropriate offenders for placement in the DWI parole facility in Goldsboro; and
- managing the receipt of files from DAPP officers seeking action from the Commission on cases under active supervision.

The DWI (Driving While Impaired) program coordinator is included as part of the analytical staff. The coordinator recommends cases to the Commissioners, implements their decisions, and processes appropriate paperwork for transfer of offenders to the DWI facility.

EXHIBIT 4 NORTH CAROLINA POST-RELEASE SUPERVISION AND PAROLE COMMISSION CURRENT ORGANIZATIONAL STRUCTURE AS OF JANUARY 30, 1998



Source: NC Post-Release Supervision and Parole Commission

The **Support Staff** performs administrative tasks - typing and proofreading, dictation, processing paperwork associated with parole decisions such as denial and investigation letters, and coordinating release papers. Additionally, the section is responsible for serving as call center agent, providing general information to citizens who call the Commission office, transferring offender files and parolee supervision files to Commissioners for parole decisions, and coordinating meeting, planning, and purchasing functions.

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The **Special Programs Staff** includes the psychologist, the research/statistician, the public information officer, and the victim services coordinator. These staff members are responsible for the following functions:

- conducting complete psychological evaluations on persons referred by the Commission, conducting case consultations with Division of Prisons mental health staff for offenders who have an identified mental disorder, and monitoring offenders who participated in the Sex Offender Accountability and Responsibility (SOAR) program;
- gathering data related to Commission operations, researching information related to the accuracy of parole projections and legal issues, and serving as the site security coordinator for computer operations;
- responding to all media inquires, issuing news releases and publishing the Commission's newsletter, drafting speeches and position papers for the Commission Chairman, making presentations to citizens groups, and serving as the Commission's legislative liaison; and
- managing the victim services program, which includes notification and distribution of an information sheet and victim impact statement.

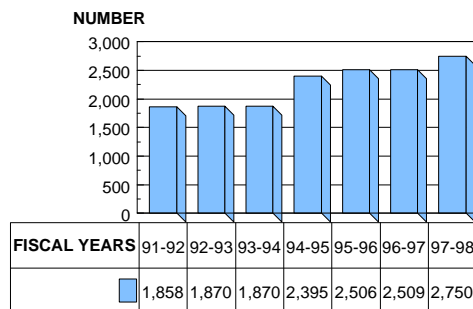
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ORGANIZATION AND STAFFING

Objective: To review organizational structure, current staffing patterns, and workloads.

The Division of Adult Probation and Parole (DAPP) began reorganization in 1993 as a result of the Structured Sentencing Act that prompted reorganization along judicial district lines. The Legislature, as a result of Structured Sentencing, authorized 515 new positions for DAPP during the Crime Session held in 1994. Altogether, 880 positions have since been authorized, resulting in a 47% increase in staff since 1993 as shown in Exhibit 5. The reorganization, which was finalized effective July 1, 1995, resulted in the creation of forty-three new statewide district offices that replaced the twelve branch offices and seven parole offices. The goals of the reorganization were to create a consolidated, cost-effective organizational structure to better manage resources and to prepare for the projected offender population growth associated with the implementation of structured sentencing and its corresponding increased need for community resources.

EXHIBIT 5
CHANGE IN THE NUMBER OF DAPP POSITIONS
FY91-92 through FY97-98



FY97-98 data as of March 27, 1998

Source: Division of Adult Probation and Parole

Conclusion: The reorganization decentralized the purchasing, personnel, and training functions performed by DAPP. As a result, the field offices now have the authority to better manage their responsibilities and duties. Overall, each division is adequately staffed to handle current caseloads. Based on our analyses of the organizational structure and staffing levels, we believe the current structure generally is efficient and effective. However, several observations were noted. Below is a discussion of the issues and recommendations for improvements.

FINDINGS AND RECOMMENDATIONS

Organizational Issues:

SPANS OF CONTROL MAY BE TOO LARGE FOR THE CHIEF PROBATION/PAROLE OFFICERS.

During site visits and review of organizational charts, we noted that Chief PPO's are responsible for the direct supervision of as many as fourteen PPO's (Probation/Parole Officers). This ratio may vary from fourteen to seven within the same district. Because of space limitations, these PPO's may be housed in several different locations. As a result, it is difficult for many Chief PPO's to provide adequate daily supervision to their staffs. Additionally, our examination of personnel records showed that normally the Chief PPO's handle any personnel or disciplinary actions for all staff within their districts. However, the organizational chart shows that the surveillance officer, who is paired with an intensive case officer to comprise an "intensive team," reports directly to and is supervised by the intensive probation/parole officer (IPPO). Based on information obtained during our site visits, it appears that this reporting relationship, in many instances, is on paper only. Reporting relationships among personnel should reflect the lines of authority as established on the organizational chart of DAPP.

RECOMMENDATION

DAPP should strive for a span of control ratio not to exceed 10:1 as recommended by the General Assembly in the 1997 position allocations. Surveillance Officers should report directly to the Chief Probation/Parole Officer and be counted in the span of control ratio. We believe with the placement of surveillance officers under the direct supervision of the Chief PPO and new computerized technology available to DAPP, the goal of 10:1 is achievable. (See discussion on page 23 relative to technology.)

DAPP's RAPID GROWTH HAS CAUSED PROBLEMS IN PROJECTING AND PROVIDING ADEQUATE OFFICE SPACE.

Current legislation requires counties to provide office space for each regular PPO. DAPP is responsible for leasing office space throughout the State in order to provide workspace for all remaining staff. This practice results in staff within a given county being housed in several different locations. The total annual cost of all leased office space (excluding administrative offices in Raleigh) is currently \$1,825,181 per year.

One solution to this problem as DAPP continues to grow and expand is assigning state vehicles to officers and allowing them to either telecommute or work out of "shared office space" within their districts. This would allow the officers the opportunity to spend more time in the field making required contact visits and provide a more visible presence in the community. Additionally, all officers are on call each night. If an officer receives a call at night now, he/she must first drive to the district office and pick up a

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state vehicle before responding to the call. Currently, state vehicles are assigned to each District office, with some officers sharing cars. In three areas, DAPP is leasing parking space for these vehicles since they are not used for commuting. Vandalism has occurred to state vehicles, especially in urban areas, as a result of the Department's policy that all state vehicles be maintained at the district office overnight. According to data supplied by DAPP², 2,014 officers are currently authorized to drive state vehicles. Using this information, the estimated cost for each officer to be assigned a state car would total \$1,617,772 per year. As stated above, the current annual cost of leases statewide for all District staff totals \$1,825,181. Therefore, DAPP could possibly save \$207,409 per year from assigning a state vehicle to all officers, establishing shared office space, and implementing a telecommuting program. (See technology discussion below.)

RECOMMENDATION

DAPP should explore the use of shared office space and telecommuting by officers. Additionally, each officer should be assigned a state vehicle. These options would address the continuing problems faced by DAPP in procuring adequate office space as it continues to grow and expand.

Auditor's Note: In March, 1998, management instructed staff to pursue the acquisition and assignment of state vehicles for all authorized officers based on statutory authority defining "law enforcement officers". Law enforcement officers are defined as officers that 1) carry firearms; 2) execute search warrants, and; 3) make arrests (other than citizen arrests). This legislation allows officers to commute without reimbursement to the State from the officer.

MANUAL PREPARATION OF CASE FILES IS INEFFICIENT.

During site visits, we learned that officers are required to spend on average 15 (37.5%) hours each week documenting contacts with offenders and maintaining case files. This is time that could be spent actively working caseloads. DAPP is conducting a pilot project in Henderson County using computerized case files. Officers within the district have been issued laptop computers to use in the field to document cases. The officers then download this data onto DAPP's mainframe computer for storage. Special computer edits and audits have been incorporated into the system to ensure user integrity. Thus, case file data is available for review at any time by the CPPO without having to obtain an actual case file from the officer.

² DAPP conducted a survey in February, 1998, to determine the number of officers authorized to drive state vehicles and the total commuting mileage for each officer.

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RECOMMENDATION

DAPP should seek funding from the General Assembly to implement this system statewide. The approximate cost per officer is \$3,421 plus a one-time network cost of approximately \$143,200 and a recurring annual fee of \$21,200, thereby necessitating a total appropriation of \$7,573,463 to equip all officers. Once the equipment is acquired, DAPP should provide appropriate training to all officers in the use of this technology. An estimated 2,500 hours could be saved annually from use of the computerized case file documentation. These hours (valued at \$10,229,616 based on average salaries for field staff) could be used for more direct contacts with offenders.

THERE IS A LACK OF COMMUNICATION BETWEEN AND AMONG DAPP ADMINISTRATION, THE DIVISIONS, AND THE DISTRICTS.

DAPP has some 2,750 employees located across the State in 4 division offices and 43 district offices. During the audit we noted instances involving poor communication and/or misinterpretation of policies and procedures among the various levels of DAPP. PPO's feel they must receive supervisory approval from their Chief PPO for routine tasks. However, management believes the current policies and procedures provide adequate direction and allow for officer judgment in certain areas. For instance, a judge may inadvertently sentence an offender to intensive probation and EHA. In certain districts, curfew checks required under intensive probation are being performed on the offender while he/she is being computer monitored by EHA. Curfew checks should begin only when the offender has completed the EHA requirements. Also, decisions which have been delegated to the division and district level relating to such areas as expenditures, dress codes for field officers, and specifications for office leases are interpreted differently across the State.

RECOMMENDATION

DAPP management should review all policies and procedures to be sure they are clear. Then management should conduct training on implementation of those policies and procedures with staff at all levels of DAPP. Further, DAPP should pursue the statewide implementation of a WAN/LAN system which would allow for improved communication through e-mail and more immediate sharing of information. Estimated costs of a WAN/LAN are \$1,725,998.

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Staffing/Workload Issues:

THE ROLES OF REGULAR AND INTENSIVE PROBATION/PAROLE OFFICERS HAVE BECOME BLURRED AS A RESULT OF STRUCTURED SENTENCING.

As of March 27, 1998, DAPP had 1,242 regular probation/parole officers' positions, 363 intensive probation/parole officer positions, 363 surveillance officer positions, and 14 probation/parole high-risk officer positions. Historically, the "regular" PPO was responsible for offenders assigned to administrative, minimum, maximum, and some high-risk supervision levels. The intensive PPO, along with a surveillance officer, was responsible for offenders assigned to high-risk and intensive supervision. Table 5, page 26 summarizes the contact requirements by supervision level.

Under structured sentencing, supervision levels are still referred to as intensive, high-risk, maximum, minimum, and administrative, determined by the risk/needs assessment. However, punishment levels are referred to as either intermediate or community. Intermediate punishment is supervised probation, which may include house arrest with electronic monitoring, a day reporting or residential program, or special probation³. Community punishment does not include an active or intermediate punishment. It may include, but is not limited to, one or more of the following: supervised probation, any authorized condition of probation except those defined as an intermediate punishment, out-patient drug/alcohol treatment, community service, referral to TASC (Treatment Alternatives to Street Crime), restitution, or fines. Additionally, post-release and parole cases may include both intermediate or community punishment once an offender is released from prison. Thus, it is misleading to simply classify an offender as either on regular or intensive probation. DAPP management has recognized this problem and has proposed a graduated reclassification of probation/parole officer positions - PPO I, PPO II, or PPO III.

RECOMMENDATION

We concur with DAPP's assessment for the need to reclassify the PPO positions. By classifying DAPP PPO's as either PPO I, II, or III, DAPP would gain more flexibility in the use of officers and better reflect the supervision needs of offenders under structured sentencing.

³ Special probation can be a split sentence or IMPACT program, an intensive program, or other conditions under community punishment.

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Table 5 Division of Adult Probation and Parole Minimum Face to Face Supervision Requirements				
LEVEL/LENGTH	PERSONAL CONTACT (PC)	FIELD CONTACT	HOME VISITS (HV)	OTHER REQUIREMENTS
INTENSIVE/6 Mos. Min.				
9 Mos. Max.				
Phase 1: 3 Months	1 per week by:	1 per week by ICO	3 per week by: Intensive	1 Collateral Visit (CV) within five calendar
	Intensive Case Officer (ICO)	(must be a personal contact)	Surveillance Officer (ISO)	days of Intake:
			(must be after curfew)	- for initial supervision contact
			(must be personal contact)	
				1 PC per month
				(must be on the weekend after curfew)
				(may be one of the PC or HV by ISO or ICO)
Phase 2: 3 Months	1 per week by ICO		2 per week by ISO	1 CV per week to verify employ/school
				2 CV per month to verify school performance
HIGH-RISK/6 Mos. Min.	1 every 15 Calendar Days	1 every 30 Calendar Days	1 HV (2 every 90 Days)	2 CV per week to check arrest records
12 Mos. Max.		(must be a personal contact)	(must be after 6 pm)	Verify completion of community service with agency
		(may be 1 of the 15 day contacts)		1 HV per month on weekend:
				- to check curfew
				1 HV (2 within ten calendar days of intake)
				- for initial supervision contact
				- upon notification of address change
				1 verification every 30 calendar days:
				- of employment, education
				- of treatment compliance
				(may be one of the field contacts)
				1 CV every 30 calendar days:
				- to determine criminal activity
				(may be 1 of the field contacts)

FINDINGS AND RECOMMENDATIONS

Table 5 (concluded)

Table 5 (concluded)				
LEVEL/LENGTH	PERSONAL CONTACT (PC)	FIELD CONTACT	HOME VISITS (HV)	OTHER REQUIREMENTS
MAXIMUM/6-18 Mos.	1 every 30 Calendar Days	1 every 60 Calendar Days	1HV (2 every 120 Days)	1 HV (2 within ten calendar days of intake)
Recommended		(must be a personal contact)		- for initial supervision contact
		(may be 1 of the 30 day contacts)		- upon notification of address change
				1 CV every 30 calendar days:
				- to verify employment/education:
				(may be 1 of the field contacts)
				1 CV every 60 calendar days:
MINIMUM/Predetermined by Supv. period (satisfactory completion of all conditions)				- to verify treatment and determine criminal activity
				(may be 1 of the field contacts)
				1 CV every 60 calendar days:
				- to determine possible criminal activity
				1 CV every 90 calendar days:
				- to verify employment/education
ADMINISTRATIVE/ Predetermined by Supv. period (satisfactory completion of all conditions)	Initial Office Visit (OV) Within 10 days of Intake 1 OV Every 90 Days			(may be 1 of 60 day CV's)
				1 CV every 90 calendar days:
				- to verify employ./educ. compliance:
				- to determine possible criminal activity
				1 CV/w record check every 90 calendar days:
				(for offenders unavailable for PC)
SUSPENDED/active pursuit until warrant served or withdrawn		Frequent Field Contacts w/family, acquaintances to discover leads	Frequent HV's until offender verified no longer there or whereabouts unknown	- to determine validity of Supervision status
				1 CV every 90 Calendar Days
				- ensured by Officer and Chief
				- should correlate w/respective Supv. level
				OPUS, ESC, and global records checks
				- to verify offender not in another jurisdiction or in the Division of Prisons
SOURCE: DAPP Policies and Procedures Manual				

SOURCE: DAPP Policies and Procedures Manual

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CASELOADS VARY SIGNIFICANTLY AMONG PPO's.

The Criminal Procedures Act states, “. . . it is the goal of the General Assembly that caseloads for probation officers supervising persons sentenced to community punishment should not exceed an average of 90 offenders per officer, and caseloads for offenders sentenced to intermediate punishment should not exceed an average of 60 offenders per officer by July 1, 1998.” DAPP has worked to achieve averages of 30 cases per intensive officer, 60 cases per high-risk officer, and 90 cases per regular officer. As shown in Table 6, page 29, the overall averages are relatively close to the goals established by legislation and DAPP. However, the averages are deceiving. As can be seen from Tables 6 and 7, the caseload averages fluctuate significantly among districts. The fluctuations occur primarily due to the size and population of a county, as well as the number of vacant positions within the district. Although it is DAPP policy for each Chief PPO to absorb the cases resulting from vacant positions, we found some CPPO's were reassigning these cases to the other officers within the district. As a result, we noted individual active caseloads as high as 165. High caseloads have resulted in low morale for many officers since they cannot be managed effectively and officers feel they are not able to meet the needs of individual offenders.

Furthermore, cases generally are not assigned to officers based on geographic location. This often results in an officer having to crisscross the county to perform contact visits with offenders. We found that in some districts, officers will exchange cases among themselves based on an offender's residence to better balance their caseloads. However, many districts prohibit this practice.

RECOMMENDATION

We commend the General Assembly and DAPP for their efforts in establishing caseload goals for PPO's. DAPP should continue to work toward reasonable caseloads for all classes of PPO's. To better balance caseloads, DAPP should implement a policy requiring each district manager to assign cases based on geographical location or a specific zone within the district where practical. Further, the CPPO's should absorb any vacant position's caseload, as is required by DAPP policy. These steps, along with the reclassification and use of technology recommended above, should work to alleviate excessive caseloads and afford officers more time to work on cases.

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TABLE 6 CASELOAD AVERAGES SHOWING VACANCIES AND NEW POSITIONS REGULAR PROBATION/PAROLE								
Judicial District	July 1995 With Absconders	June 1996 Without Absconders	June 1996 With Absconders	June 1997 Without Absconders	June 1997 With Absconders	Vacancies June 1997	New Positions FY97-98	Vacancies April 1998
DIV. 1								
1	87	75	83	90	100	1	2	4
2	76	66	72	61	66			1
3A	79	74	83	80	94		3	5
3B	94	85	95	95	106	2	3	1
4A	88	75	81	77	85		2	3
4B	83	69	88	71	90		1	
5	115	93	103	107	107	2	6	6
6A	84	74	82	71	80		2	3
6B	94	85	90	80	87	1	2	3
7	86	75	81	68	75	1	1	4
8A	93	85	92	74	85	2	2	3
8B	81	71	81	75	85		2	3
Subtotal	88	77	86	78	88			
DIV. 2								
9A	100	73	77	78	84	2	2	2
9B	103	92	100	90	100	3	4	5
10	85	84	103	85	107	4	15	21
11	92	78	85	79	90		2	4
12	92	88	103	98	111	2	8	8
13	83	83	94	78	90	1	3	7
14	79	84	101	86	101	2	7	10
15A	76	67	76	66	77	2	1	
15B	93	91	102	89	101	3	4	4
16A	88	65	71	62	70	1		6
16B	90	74	84	77	84		3	5
Subtotal	89	80	91	81	92			
DIV. 3								
17A	99	90	101	80	88	1	2	1
17B	79	71	76	70	77		1	2
18	99	90	103	87	100	3	8	4
19A	89	86	95	78	88	1	2	5
19B	119	91	101	88	101		5	3
19C	87	89	110	100	124		8	4
20A	91	78	86	71	81		2	3
20B	100	81	93	80	91		2	2
21	91	76	92	75	89	2	5	8
22	80	85	94	78	90	2	3	3
23	69	77	86	77	87	1	3	2
Subtotal	91	83	94	80	92			
DIV 4								
24	88	77	83	71	80		2	4
25A	84	84	91	90	96	1	3	4
25B	97	63	69	63	70		1	2
26	90	91	103	82	93	2	9	22
27A	103	80	89	71	80	2	2	2
27B	84	75	80	72	78		2	3
28	117	97	111	90	105	2	6	8
29	113	99	109	106	118	1	7	2
30	84	91	102	91	103	3	3	5
Subtotal	96	84	93	82	91	TOTAL VACANCIES & NEW POSITIONS		
STATE-WIDE AVG.	91	81	91	80	91	50	151	197
Source: Division of Adult Probation and Parole								

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TABLE 7 INTENSIVE CASELOAD DATA FY96-97				
	District #	Number of Teams	Average Caseload FY 95-96	Average Caseload FY96-97
Judicial Division 1:	1	9	15.7	19.5
	2	9	15.5	17.9
	3A	6	30.9	37.6
	3B	8	20.6	23.6
	4A	7	18.6	23.5
	4B	5	24.5	31.7
	5	14	21.8	25.9
	6A	5	31.3	26.9
	6B	6	26.1	27.0
	7	9	30.8	32.3
	8A	6	24.0	19.9
	8B	4	32.5	38.0
	Subtotal	88	23.4	26.1
Judicial Division 2:	9A	3	21.0	24.0
	9B	9	23.6	24.6
	10	14	26.2	31.7
	11	11	17.3	19.1
	12	9	25.2	24.1
	13	7	26.2	29.7
	14	12	20.2	24.4
	15A	6	19.2	22.1
	15B	5	15.1	18.7
	16A	5	28.8	33.1
	16B	7	20.5	27.9
	Subtotal	88	22.7	25.6
Judicial Division 3:	17A	4	21.6	25.2
	17B	6	23.0	26.8
	18	16	23.7	26.4
	19A	5	20.5	18.7
	19B	6	15.6	19.8
	19C	6	23.5	23.5
	20A	7	22.9	25.2
	20B	5	24.7	26.5
	21	15	17.9	25.0
	22	16	22.1	23.5
	23	4	21.9	24.4
	Subtotal	90	21.5	24.6
Judicial Division 4:	24	3	16.9	29.4
	25A	6	19.3	20.2
	25B	6	13.1	17.2
	26	16	32.8	42.6
	27A	7	24.2	29.3
	27B	8	11.5	14.5
	28	9	14.0	17.7
	29	12	14.1	19.8
	30	5	15.1	15.5
	Subtotal	72	19.3	24.9
Statewide Total		338	21.7	25.3
Source: Division of Adult Probation and Parole.				

DAPP POLICY ON NUMBER OF CONTACTS MAY BE EXCESSIVE.

Currently, DAPP policy requires Surveillance Officers to conduct curfew checks three times weekly, a significant amount of time for each officer. This leaves little time to

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track absconders (offenders whose whereabouts are unknown to their probation/parole officer). Our testwork revealed a high number of absconder cases throughout the State. Table 8 contains a breakdown of absconders by county. The number of absconders statewide was 11,582 for fiscal year 96-97, 10.7% of the total offender population under supervision for that period, with Mecklenburg and Wake counties showing more than 1,000 absconders each. Management stated that offenders who are regarded as absconders too quickly might inflate the numbers. It is management's opinion that a significant number of absconders could be located if more aggressive follow-up procedures were performed. However, we noted during site visits that many surveillance officers are currently overwhelmed in performing curfew checks. In several instances, surveillance officers were required to perform curfew checks in more than one county due to position vacancies. The results are insufficient time for many officers to pursue offenders who have absconded.

TABLE 8 OFFENDERS WHO HAVE ABSCONDED BY COUNTY FOR 1995 THROUGH 1997											
County	Absconded Years			County	Absconded Years			County	Absconded Years		
	1995	1996	1997		1995	1996	1997		1995	1996	1997
Alamance	212	212	244	Forsyth	535	733	692	Onslow	190	183	209
Alexander	35	32	52	Franklin	40	63	64	Orange	86	80	104
Alleghany	15	33	25	Gaston	204	198	146	Pamlico	11	11	7
Anson	33	26	27	Gates	1	7	8	Pasquotank	29	37	55
Ashe	8	30	21	Graham	8	5	11	Pender	48	96	86
Avery	3	9	7	Granville	85	59	68	Perquimans	4	5	11
Beaufort	52	71	41	Greene	15	17	16	Person	23	35	38
Bertie	18	27	19	Guilford	572	771	703	Pitt	151	194	208
Bladen	40	35	38	Halifax	89	117	104	Polk	11	14	19
Brunswick	111	137	124	Harnett	96	106	129	Randolph	158	178	223
Buncombe	227	307	404	Haywood	41	46	45	Richmond	82	91	106
Burke	53	75	60	Henderson	63	87	69	Robeson	153	158	162
Cabarrus	158	154	142	Hertford	14	26	35	Rockingham	108	107	81
Caldwell	105	104	88	Hoke	45	74	65	Rowan	323	311	325
Camden	5	2	3	Hyde	4	5	7	Rutherford	37	45	35
Carteret	41	65	39	Iredell	192	208	210	Sampson	56	46	58
Caswell	8	21	28	Jackson	9	2	12	Scotland	43	86	99
Catawba	120	163	134	Johnston	126	152	173	Stanly	39	44	26
Chatham	28	52	35	Jones	7	8	6	Stokes	22	23	22
Cherokee	31	50	40	Lee	72	99	87	Surry	70	61	98
Chowan	4	19	26	Lenoir	79	115	93	Swain	12	4	15
Clay	4	7	9	Lincoln	45	45	29	Transylvania	22	22	22
Cleveland	74	59	66	Macon	12	21	18	Tyrrell	2	4	3
Columbus	56	77	65	Madison	3	31	11	Union	113	142	104
Craven	78	124	130	Martin	27	15	43	Vance	65	57	71
Cumberland	359	410	269	McDowell	29	32	31	Wake	934	917	1079
Currituck	20	14	9	Mecklenburg	1120	1245	1078	Warren	26	14	23
Dare	25	20	39	Mitchell	10	12	13	Washington	12	11	18
Davidson	135	282	218	Montgomery	37	31	46	Watauga	24	33	29
Davie	23	31	44	Moore	60	74	105	Wayne	194	209	192
Duplin	63	68	73	Nash	86	107	101	Wilkes	109	88	85
Durham	343	412	486	New Hanover	319	403	445	Wilson	99	144	126
Edgecombe	50	74	96	Northampton	24	33	21	Yadkin	28	50	50
								Yancey	5	15	8
TOTALS									9895	11664	11582
Source: Division of Adult Probation and Parole.											

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RECOMMENDATION

DAPP should immediately review its contact requirements for all PPO classification levels. Specific attention should be paid to the frequency of curfew checks performed by surveillance officers. Other alternatives such as EHA should be considered as applicable. Additionally, DAPP should work to fill all vacancies in a timely manner. (See page 33.) These steps should allow officers the time required to perform adequate follow-up procedures in locating absconders.

PERSONNEL AND PATRONAGE PRACTICES

Objective: *To examine current personnel and patronage practices, placing special emphasis on any existing abuses in those practices.*

Our examination of the personnel and patronage practices of DAPP involved analysis of a sample of 121 personnel files - 50 (41.3%) files of new hires, 65 (53.7%) files of employees promoted, and 6 (5%) files relating to hiring questions identified during field visits. We also examined vacancy listings from July 1, 1996 through December 31, 1997 (701 total), and reviewed a sample of 200 time sheets for 25 employees for a six month period.

Conclusion: Based on our analyses, we conclude that, while DAPP has generally adhered to State personnel policies and procedures, there are several areas where improvements can be made. As to questionable personnel practices, our sample of 121 personnel files revealed only 6 (5.0%) instances where patronage appeared to have been a deciding factor in the final hiring or promotional decision. All 6 of these instances occurred prior to Merit Based Hiring. Specific findings and recommendations are detailed below.

VACANCIES ARE NOT FILLED ON A TIMELY BASIS.

We reviewed DAPP's use of its personnel resources to assess effectiveness. We obtained a position listing from the Office of State Personnel (OSP) showing all DAPP positions that were either vacant or filled between July 1, 1996 and December 31, 1997, a total of 701 positions. We reviewed the position history for these vacancies to determine the length of time required to fill the position. Table 9 summarizes our findings. The average length of time required to fill these positions was 101 days. However, 50 (7.1%) of the positions remained vacant in excess of six months. Of these 50 positions, nine remained vacant for 9 months, one for 11 months, one for 13 months, and one for 17 months, for a total of 12 positions (1.7% of the total sample) that remained vacant in excess of nine months. Management stated that many of these positions were vacant as a result of either difficulty hiring employees at the current salary level or a lack of qualified applicants. Vacant positions create a burden for DAPP due to the increased workloads required of the other employees.

TABLE 9 LENGTH OF POSITION VACANCIES FOR PERIOD 7-1-96 THROUGH 12-31-97	
Length of Time Vacant	Number of Positions
Less than 60 days	78
60-90 days	222
91-120 days	205
121-180 days	146
More than 180 days	50
Total	701
Average = 101 days	
Source: Office of State Personnel, Position Histories	

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RECOMMENDATION

DAPP should continue to aggressively attempt to fill all positions as they become vacant. If salary ranges are a factor in not being able to fill positions in a timely manner, DAPP should request a salary study from OSP along with consideration for reclassifying the PPO positions. (See discussion on page 25.)

POSITION HISTORY FILES ARE NOT MAINTAINED AS REQUIRED BY REGULATIONS.

During the audit, we examined 121 personnel files pulled randomly from 1993 to 1998. Of the 121 files examined, 43 were from the current administration. Effective October 15, 1997, the Merit Based Hiring and Selection Plan requires position history files to include the following items: job analysis, vacancy announcement, recruitment sources, selection tools and criteria, all applications, priority re-employment, written justification supporting application categorization, and final recommendations. The policy also states that positions history files should be maintained for a period of three years for each hiring event. Thirty-three of the 121 files contained hiring events that took place after October, 1997. Of those, none contained all the required documentation. At the request of the auditors, DAPP personnel compiled as much of the data as was available and tried to determine what may have happened to the missing data. The information collected was sufficient to conduct a reasonable evaluation of hiring events. While maintenance of the personnel files is the responsibility of current management, this deficiency can be partially contributed to the organizational change experienced by DAPP over the last three years. In addition, the organization has filled close to 800 new positions during the past four years.

RECOMMENDATION

The DAPP Personnel Section should completely implement the Merit Based Hiring and Selection Plan. Personnel files should contain all required documentation in the proper format. Procedures should assure that files are maintained for all hiring events.

DAPP's RECORD RETENTION POLICY IS OUTDATED AND IN CONFLICT WITH THE MERIT BASED HIRING AND SELECTION PLAN.

As noted above, we examined personnel files from 1993 to 1998. We experienced difficulty trying to evaluate promotions that occurred before January 1996 because nine of 78 records had already been destroyed. This difficulty was the by-product of DAPP's record retention policy allowing the employment application files of applicants not

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interviewed to be destroyed 2 years after receipt⁴. We noted that the Department had distributed its merit based hiring plan, dated October 1, 1997, which required Divisions to retain records for 3 years. However, the retention policy approved by the Department has not been updated since November 1985. Under GS §121 and 132, agency retention policies should be reviewed and updated every five years. We further noted that the existing records retention policy is in conflict with the Merit Based Hiring and Selection Plan which requires position history files to be maintained for 3 years.

RECOMMENDATION

The Department and DAPP management should immediately review and update the record retention policy. A copy of the updated policy should be submitted to the Division of Archives and History as required by statute. Until the policy has been reviewed and updated, the Personnel Section should stop the destruction of its public records. DAPP should include the updated version of its record retention policy in its *Operations, Policy and Procedures Manual*.

DAPP IS NOT IN FULL COMPLIANCE WITH STATE PERSONNEL HIRING AND PROMOTION POLICIES.

During the examination of personnel records, we noted two hiring and promotion events in which political referrals were used in order to help the applicant obtain the position. In these cases, the candidates selected were not the most qualified based on the education/experience requirements for the positions. In another instance, the position was not posted before filling; therefore, we were unable to determine whether the most qualified candidate was hired. Additionally, we noted three cases where candidates were selected based on administrative decision. In approving these selections DAPP did not comply with Section 2.4 of the *State Personnel Manual* that requires authorities to “reasonably document hiring decisions . . . and explain their basis for selection.”

RECOMMENDATION

DAPP management, along with the Personnel Director, should review all state hiring and promotional requirements. Specific procedures should be developed and implemented to follow the requirements for selecting applicants for state employment. If there are questions as to interpretation, DAPP should contact the Department Personnel Division or the Office of State Personnel for clarification.

⁴ Statewide policy for record retention was 2 years for this period of time.

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DAPP's TIME KEEPING RECORDS DO NOT ACCURATELY REFLECT TIME WORKED, LEAVE EARNED OR TAKEN, OR WAGES PAID.

We reviewed a sample of time keeping records for a six month period (May 25, 1997 to January 3, 1998) involving 200 time reports for 25 different employees. Approximately 16% of the time reports included in our sample were not available at the Department's Central Payroll Office and had to be obtained directly from the individual district offices despite the fact that the time reports are the source documents for payroll. Further, the review revealed that numerous inconsistencies exist among supervisors in their recording of payroll activities. Even though DAPP has standardized procedures for the recording of time, these are not being consistently followed for compensatory time, overtime, vacation time, and sick time earned or taken. DAPP does not have a cumulative tracking system for compensatory time, overtime, and child involvement leave, nor are beginning and ending balances recorded on the current time reports for these types of time and leave.⁵ Office of State Personnel regulations require that the individual employee and the supervisor ensure that all time be reported appropriately. DAPP requires both the employee and supervisor to sign the monthly time reports. Specific concerns noted were:

- 8 instances (4.0%) where vacation time was applied to sick leave balances (see Auditor's Note¹);
- 15 instances (7.5%) where employees were granted compensatory time off in lieu of overtime but the compensatory hours were not computed at time and a half as required by the Fair Labor Standards Act;
- 31 instances (15.5%) where recorded overtime hours did not mathematically agree to the dollar value of those hours recorded in the premium payroll register (some overpaid, some underpaid—see Auditor's Note²); and
- 55 instances (27.5%) of other mathematical errors.

Auditor's Notes:

¹Currently, the State's personnel policies allow employees to convert vacation time in excess of 240 hours to sick leave only at the end of the year.

²Since the completion of the field work, the Department's Controller's Office has examined the overpayments and underpayments identified in the sample. The Controller has determined that all differences have been properly paid and that the differences were due to an acceptable modified accounting procedure.

RECOMMENDATION

DAPP management should immediately examine the time keeping processing and recording procedures currently in use. In our opinion, DAPP's standardized time sheet should be revised to reflect the beginning and ending leave balances for all types of leave each pay

⁵ Current policy is that any overtime earned will be paid in the period it is earned. However, due to payroll cut off dates, there are instances where the actual payment might not be made until the following period.

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period. Finally, the format should include a statement to be signed by both the employee and supervisor that indicates that recorded items are true and accurate. DAPP management should also implement internal control procedures that require all payroll source documents (time reports) be kept on site at the Department's Central Payroll office.

R ELATIONSHIPS WITH OTHER PROGRAMS

***Objective:** To determine the effect of organizational relationships with other community correction programs and the Post-Release Supervision and Parole Commission.*

In analyzing the effect of the organizational relationships with other community correction programs and the Post-Release Supervision and Parole Commission, we identified the various programs/options, the agencies with oversight responsibility for the programs, and their relationships with DAPP. We interviewed the applicable agency/program staff to determine what services are offered/received, whether there are overlapping duties and/or duplication of services, and whether all available resources are being used. Below is a discussion of the community correction programs identified.

North Carolina Sentencing Commission

The Governor created the North Carolina Sentencing Commission in 1990 to make recommendations for changes in the criminal justice system. The Commission recommended structured sentencing, which was enacted by the General Assembly. The Commission's primary function is to monitor structured sentencing, review results, and set policy. As a result of its initial recommendations regarding structured sentencing, the Criminal Justice Partnership was created to form a local/state partnership to address local correctional needs.

Governor's Crime Commission

The Governor's Crime Commission was established in the 1970's under the Department of Crime Control & Public Safety. The Commission functions as the chief policy advisor to the Governor on crimes, administers approximately \$25 million per year in federal grant dollars to programs in North Carolina, performs analysis and gathers statistical data. The Crime Commission is composed of 40 members who meet quarterly.

Division of Prisons

The Division of Prisons oversees 89 prison units located throughout the State. The Division of Prisons and DAPP serve much of the same offender population. However, there are no programs, which are directly provided to or received from DAPP.

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Community Penalties Program

In 1983 the General Assembly enacted the Community Penalties Program Act to reduce prison overcrowding. The Act authorized private nonprofit agencies to apply for state grants for Community Penalties Programs that provide sentencing plans to judges “to be used in lieu of and at less cost than imprisonment.” Community Penalties Programs, which target offenders convicted of misdemeanors or felonies that are facing an imminent and substantial threat of imprisonment, is administered by the Administrative Office of the Courts. Local boards of directors govern Community Penalties Programs within the framework of the Community Penalties Act and general guidelines issued by the Administrative Office of the Courts. Each local program is required to provide matching funds. Programs are operated by non-profit corporations, county governments, Administrative Office of the Courts, and local Council of Governments.

Criminal Justice Partnership Program

When it created structured sentencing, the General Assembly also passed the State-County Criminal Justice Partnership Act. The Partnership Act provides for state grants to counties to establish and expand community-based punishments for offenders sentenced to intermediate punishments or to establish pretrial monitoring programs. The purposes of the act are to:

- implement recommendations of the North Carolina Sentencing and Policy Advisory Commission by providing supplemental community-based corrections programs;
- expand sentencing options;
- promote coordination between State and county community corrections programs; and
- to improve public confidence in community based corrections programs.

The Partnership is administered at the State level by the Criminal Justice Partnership Program (CJPP) in the North Carolina Department of Correction. The Act also created a State Advisory Board. Counties choosing to join must create a local advisory board, which is responsible for developing, implementing, operating, evaluating and updating a local community corrections plan. Programs eligible for funding are substance abuse services, day reporting centers, employment services and job development, pretrial monitoring, residential facilities, restitution centers, and aftercare support services.

Community Service Work Program

The purpose of the Community Service Work Program is to provide opportunity for offenders to repay the community for damages resulting from their criminal acts. Offenders perform free work for public and nonprofit agencies. Community service work is used as a sanction at every stage of the criminal justice system. It can be used as a sole sanction or in conjunction with other sanctions. Community service work became a statewide program in 1983, administered by the Division of Victim and Justice Services in the Department of Crime Control and Public Safety. Each judicial district throughout North Carolina is required to have at least one community service coordinator to

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interview, place, and monitor community service work. Each offender is charged \$100 for participation in the Community Service Work Program.

Mental Health and Substance Abuse Assessment and Treatment Services

The purpose of mental health and substance abuse services for offenders is to reduce risk to public safety by dealing with the offender's criminogenic (crime-producing) needs. Mental health and substance abuse assessment and treatment services are community punishments. It is in the judge's discretion to order an offender to obtain either mental health or substance abuse assessment and treatment. Each area program is required to provide certain services, either directly or by contracting with other public or private entities. Most area programs provide a combination of mandated and optional services. Programs administered by the Division of Mental Health, Developmental Disabilities and Substance Abuse Services in the Department of Health & Human Services include the Treatment Alternative To Street Crimes (TASC), Drug Education Schools (DES), and Post-Boot Camp Probation (Aftercare) Program.

Post-Release Supervision and Parole Commission

The purposes of the Post-Release Supervision and Parole Commission are to protect the public and assist the offender in reintegrating into the community. Under the Structured Sentencing Act, certain felony offenders are required to be on post-release supervision after they complete their period of incarceration. The Commission sets the conditions of post-release supervision, including the supervision level in the community. Parole eligibility depends on laws in effect prior to the Structured Sentencing Act. Under these laws, the Commission determines the parole release date and sets the conditions of parole supervision.

Conclusion: The relationships between DAPP, the other community corrections programs, and the Post-Release Supervision and Parole Commission are well defined and appear to be working effectively. In order to successfully implement the Structured Sentencing Act, agencies that administer punishments in the community formed the Community Corrections Coalition (CCC). The goal of the Community Corrections Coalition is to do a more effective job of punishing and rehabilitating offenders in the community. The Coalition consists of division managers from the community corrections programs/agencies. DAPP works closely with the Coalition to maximize community correction program options. Our interviews and analysis of program criteria and operations revealed no apparent overlap of duties or duplication of functions between DAPP and most programs. We did note some overlap of duties between DAPP and the Community Penalties Program. Specific findings and recommendations are discussed below.

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Community Corrections Programs

THERE IS DUPLICATION OF FUNCTIONS BETWEEN DAPP's PRE-SENTENCE INVESTIGATIONS AND COMMUNITY PENALTIES PLANS.

A community penalty plan is presented in writing to the sentencing judge providing a detailed description of the targeted offender's proposed community penalty. The plan is prepared by community penalty program personnel. A pre-sentence investigation is prepared by a Probation/Parole Officer at the direction of the Court. A detailed pre-sentence investigation includes many of the same elements contained in the community penalty plan: defendant's social history, previous criminal background, the results of assessments (capabilities, mental, emotional, and physical health) and, if requested by the Court, sentence recommendations. However, the community penalty clients are monitored and supervised by the Probation/Parole Officer. When a PPO is required to prepare a pre-sentence investigation, this takes time away from his/her supervision of offenders. Also, we learned the offender's attorney can discard a community penalty plan if the attorney does not agree with the proposed sentencing recommendations. Currently, there is no requirement that the plan be communicated to the judge. However, if a judge orders a community penalty plan, it cannot be discarded.

RECOMMENDATION

The General Statutes pertaining to the community penalty plans should be revised to require communication of the plan to the Court. To avoid any potential duplication and/or overlap of functions, the statutes should require the community penalty program personnel to complete the plans.

Post-Release Supervision and Parole Commission

LACK OF COMPLETE AND TIMELY RESPONSES TO INFORMATION REQUESTS HAMPERS EFFECTIVE COMMISSION OPERATIONS.

The Post-Release Supervision and Parole Commission (Commission) is statutorily charged with reviewing and ruling on the eligibility of prisoners for parole. The Commission, composed of 5 appointed members, relies on staff provided by the Department of Correction to supply and analyze information relative to each eligible prisoner's suitability for parole. The analysts are permanently assigned to the Commission; however, the actual investigations must be performed by DAPP field staff; i.e., probation/parole officers. Specific data needed by the Commission includes:

- **Crime Versions/Victim Data investigations**--used to determine suitability for parole, due back to Commission 30 days from date of request;
- **Non-Compliance Reports**--submitted when an offender fails to comply with conditions of parole for Commission to determine whether to continue parole with same conditions, modify

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parole, or request the PPO to complete paperwork for a warrant for the re-arrest of the offender;

- **Request for Warrant**--prepared when an offender has violated conditions of parole and the Commission has determined re-arrest is called for; and
- **Termination Request Forms**--prepared by PPO's when offenders have met statutory maximum term of parole.

Interviews with Commissioners and case analysts revealed concerns relative to the timely submission of these required forms. A delay in the Commission receiving Crime Versions/Victim Data investigations could result in offenders remaining incarcerated for longer than necessary and unnecessary costs to the State to house them. Lack of adequate information on the Non-Compliance Form impedes the Commission's decision regarding the continuance or modification of parole or the issuance of a warrant. Incomplete or inaccurate information on warrants could result in a warrant not being issued when it is actually needed or a warrant issued based on lack of information (to protect the public but the offender is released when a preliminary hearing is held). Failure to file a Termination Request when an offender has reached the maximum term of parole could result in the offender paying excess supervision fees and/or performing more community service than required, as well as require the PPO to continue supervision of that offender. The Commission provided 6 examples to support their concerns.

As a result of the concerns noted above, we randomly selected and reviewed twenty-three Commission case files. The review revealed:

- 2 instances (9%) in which non-compliance reports were not properly completed or submitted timely; and
- 14 instances (61%) in which offenders had pending charges outstanding and there appeared to be no follow-up by the Supervision Office regarding the disposition of the charges. (See next finding.)

Table 10 summarizes the number of information requests and forms returned for additional information. Although the number of requests for additional information appears immaterial, the lack of complete and timely information hampers the operation of the Commission.

TABLE 10 INCOMPLETE INFORMATION REQUESTS AND FORMS FY 1996-97				
Requester	Type	Total	Incomplete	Percent of Total
Commission	Crime Versions/ Victim Data	10,646	336 victim data 72 crime versions	3.8%
Supervision Office	Non-Compliance	4,261	385	9.0%
	Requests for Warrants	5,138	716	14.0%
Note: Data on the number of termination requests was not available. Source: DAPP Supervision Office				

RECOMMENDATION

The Probation/Parole Officers should respond to all requests for information in a timely manner. This includes crime versions/victim data investigations, as well as, additional information for non-compliance reports. The Chief Probation/Parole Officer and Judicial District Manager should take steps to ensure the information is

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completed and submitted timely. DAPP management should review existing policies and procedures to assure information required by the Post-Release Supervision and Parole Commission is properly handled. Further, the two sections should meet at least monthly to discuss problems that have arisen.

THE DAPP SUPERVISION OFFICE DOES NOT HAVE ADEQUATE PROCEDURES FOR TRACKING AND FOLLOW-UP OF COMMISSION REQUESTS.

An examination of the procedures used by the Supervision Office showed weaknesses in its procedures for tracking and follow-up of requests for information. Specifically, while the Supervision Office does track warrants, it does not track non-compliance reports. Additionally, if an offender has outstanding charges, his parole cannot be revoked until the outstanding charges have been disposed of. Once the charges have been disposed, a preliminary hearing is conducted to determine if there is probable cause to revoke the offender's parole. A review of fourteen cases (see previous finding) with pending charges outstanding revealed that the Supervision Office had found the charges but had not followed up on the disposition of the charges. Instead, the cases were returned to the Commission with a request for review of the files to determine the desired status of each case. Both these situations could result in an unnecessary delay in disposition of an offender's case.

RECOMMENDATION

The Supervision Office should develop a tracking mechanism to ensure that any request for additional information sent to the field is received back in a timely manner and forwarded to the Commission. Also, the Supervision Office should review cases with pending charges outstanding to determine the disposition of the charges rather than forwarding these to the Commission for review. Supervision Office procedures should be modified to assure prompt handling of all information requests.

Auditor's Note: Since the completion of the fieldwork, the Supervision Office has developed a tracking system for all information requests.

IMPROVED COOPERATION BETWEEN DAPP AND LOCAL JUDICIAL AGENCIES WOULD MORE EFFECTIVELY SERVE OFFENDERS.

During our interviews, DAPP personnel expressed concerns regarding the cooperation between their office and some local judicial agencies. Specifically, their concerns included the following issues:

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- The amount of time spent by both the PPO and offender sitting in court waiting for a probation violation hearing. The local District Attorneys are responsible for scheduling court cases. In some counties, specific court days have been assigned to the DAPP officers, but not in all counties. The PPO's time could be better spent supervising offenders and the offender could be working rather than sitting in court.
- Electronic House Arrest and other sanctions may be underutilized by judges. Currently, curfew checks are performed by surveillance officers. This function could be performed with the use of electronic house arrest equipment, thereby, providing the surveillance officers with additional time for pursuing absconders.

Interviews with personnel from the Administrative Office of the Courts (AOC) revealed the following concerns regarding interactions with the DAPP field officers:

- DAPP officers send offenders to the Clerk of Superior Court's office to inquire about the offender's remaining balance. The officers have access to the Clerk's Financial Management System and can inform an offender of his/her remaining balance

Auditor's Note: *The PPO's may not have access to the financial management system in all counties. In other counties, only a limited number of PPO's may have been granted access by the Clerks.*

- DAPP officers do not provide the name of the person to whom restitution is to be paid. Therefore, the Clerk can not disburse any funds and the funds may eventually have to be escheated to the North Carolina State Treasurer.
- DAPP officers need to verify that an offender has paid all monies to the Clerk before probation is terminated.

Based on our interviews, it appears that DAPP and AOC personnel have not discussed some of these issues. Neither office has a person assigned to work with the other office. The lack of communication has led to frustration and confusion for the Probation/Parole Officers, personnel in the Clerks' offices, and other local personnel.

RECOMMENDATION

To better serve the offender and provide the PPO's with additional time for supervision, we suggest the local District Attorneys explore the possibility of assigning specific court dates for probation violation hearings. As a part of the continuing education and/or conferences for judges, we recommend training on the use of and benefits of electronic house arrest and other sanctions. Further, we recommend each agency assign a contact person and any issues or concerns relative to interaction between the agencies be routed through that person.

Auditor's Note: *DAPP has recently discussed participation with AOC in the continuing education courses for judges given by the Institute of Government.*

EFFECTIVENESS OF PROBATION AND PAROLE

Objective: To analyze the general effectiveness of the Division.

In analyzing the effectiveness of the Division of Adult Probation and Parole, we looked at two distinct areas: administrative effectiveness and program effectiveness. To assess administrative effectiveness, we surveyed a sample of 250 DAPP employees (see Appendix A, page 67), examined a sample of expenditures for FY94-95 through FY96-97, and reviewed existing policies and procedures. To assess program effectiveness, we reviewed the mission of DAPP, interviewed individuals both internal and external to DAPP relative to program effectiveness, identified the total offender population on probation or parole, determined the average length of time under supervision, determined the recidivism rates for FY92-93 through FY94-95 (the latest data available), and compared the revocation rates for probation/parolees from FY91-92 to FY96-97. Additionally, we reviewed the effect of structured sentencing on DAPP.

Conclusion: Administrative effectiveness--In general, Department and DAPP management have developed and implemented effective administrative policies and procedures. The examination of expenditures showed only minor non-compliance with established State procedures. These were discussed with the Department Controller and steps have been taken to address the deficiencies. The review of existing policies and procedures identified a few areas where updates or modifications are necessary. Lastly, survey respondents and interviewees at different levels within DAPP helped identify shortcomings in the areas of training and equipment. Specific findings and recommendations are discussed below.

Program effectiveness--Department and DAPP management have established an organizational structure which lends itself to the achievement of DAPP's goals and objectives. (See discussion on page 21.) All activities appear to be directly related to the mission of DAPP. Examination of program data revealed DAPP has responded timely and effectively to the challenges posed by the implementation of structured sentencing; however, it is still too early to determine its full impact on DAPP. Recidivism rates, which only reflect offender re-arrests (and do not consider whether the offender was actually convicted), have increased slightly from 32.6% in FY92-93 to 37.3% in FY94-95. However, revocation rates, which reflect re-activation of sentences for offenders who violated the terms of their probation/parole, actually fell from 42% for probation in FY91-92 to 24.7%

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in FY96-97; rates for parole during the same period fell from 31% to 23.5%. Also, as anticipated, the probation population has increased and the parole population has decreased since the implementation of this new legislation. The probation population totaled 93,267 in 1994 and 108,658 in 1997, and the parole population totaled 21,131 in 1994 and 9,173 in 1997. See discussion on pages 49 to 56 for statistics on program effectiveness.

Administrative Effectiveness

DAPP DOES NOT HAVE AN ON-GOING, COMPREHENSIVE TRAINING PROGRAM FOR STAFF.

Currently, training for both DAPP personnel and Commission staff is conducted either in-house or by the Office of Staff Development and Training. In-service training is voluntarily conducted by DAPP's staff members. One of the most consistent needs identified from staff interviews was the need for more on-going and job-specific training. Also identified was the need for cross-training within and between sections at DAPP, along with training between DAPP personnel and the Parole Commission. We heard this from the field personnel, central administrative office personnel, and the Parole Commission. Specific training needs identified included the following:

- Offender Population Unified System(OPUS);
- Financial Management System(FMS);
- Search and seizure (currently have annual training);
- Street survival;
- Spanish;
- Unarmed self-defense (currently have annual training);
- Electronic House Arrest;
- Interstate Compact; and
- Parole Commission training.

Proper training increases the safety, knowledge, and ability of the staff. Lack of training may lead to confusion over initiatives, policies, and procedures.

RECOMMENDATION

DAPP should establish a task force to determine the generic and specialized courses necessary to develop a comprehensive and on-going training program for staff. A plan of study should be developed for each specialized area. Each staff member's experience and existing competencies should be determined and a training plan developed for each person depending on his/her needs. This program should be updated as methods change. DAPP should also monitor training to make sure it is received in a timely manner by field personnel. Additionally, cross-training should be conducted within and between sections of DAPP and between DAPP and the Parole

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Commission. This training should include the roles and duties of each section, as well as, training on policies and procedures.

***Auditor's Note:** DAPP is in the process of re-evaluating its training requirements for its field personnel. Basic and intensive training will have to be completed prior to field work by a probation and parole officer. Management plans to incorporate OPUS and FMS into the basic training for the field personnel. These changes will have to be submitted to the North Carolina Criminal Justice Education and Training Standards Commission for final approval.*

FIELD OFFICE PERSONNEL DO NOT HAVE ALL NECESSARY EQUIPMENT.

During site visits, we learned that officers need additional equipment to effectively and safely perform their duties. The following equipment was identified for probation and parole officers:

- communication devices (pagers, hand held radio or cellular phone);
- bullet proof vest;
- pepper spray;
- assigned state vehicles, along with first aid kits, fire extinguishers , road reflectors, reflective vests, and jumper cable for the vehicle;
- laptop computers and computer software;
- firearms;
- security lockers; and
- security measures for office locations.

DAPP management appointed an Officer Safety Task Force to examine officer safety issues and make recommendations on policies, practices, and safety training needs. Management has approved the recommended safety equipment for each officer classification. Additionally, within the last year DAPP management has made considerable effort to provide these resources. Proper equipment is needed to ensure the officer's safety in hostile communities and situations, provide supervision control over the offender, and improve communications with probationers, law enforcement agencies, and the general public. The General Assembly has recognized the needs of PPO's and has provided funding to properly equip the most recently hired officers. Further, the Department and DAPP have included the cost of proper equipment in all budget requests.

RECOMMENDATION

We fully support DAPP's efforts to have officers properly equipped to perform their duties. We encourage the Department and DAPP to continue efforts to secure funding for proper equipment for all officers. Should the classifications of probation and parole officers be

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redefined (see page 25), equipment should be issued based upon the specific need of each classification of officer.

THE EHA COMPUTER SOFTWARE IS NOT CAPABLE OF PRODUCING NEEDED STATISTICAL REPORTS.

The Electronic House Arrest (EHA) Section produces a weekly activity report summarizing various monitoring data. The summary report is used internally to determine the status of all offenders on EHA. These reports are prepared manually from data faxed in from each district office. Presently, the EHA computer software is not capable of producing these reports. This results in the inefficient use of staff resources to summarize and reflect this data in a manual report.

RECOMMENDATION

DAPP should explore upgrading the existing EHA software to allow computer-generated reports.

Auditor's Note: DAPP is in the process of examining options for updating this software.

DAPP DOES NOT HAVE THE ABILITY TO ACCESS OTHER DATABASES WITHIN THE CRIMINAL JUSTICE SYSTEM.

During the audit, we learned that DAPP is unable to use computerized systems to access data from other court and law enforcement agencies. This data is needed to ensure the accuracy of DAPP's records and to obtain information relevant to the offenders DAPP is responsible for monitoring. In 1996, the General Assembly created the Criminal Justice Information Network Governing Board to implement a system for sharing information within the Criminal Justice system. The commission concluded that the main constraints to effective data sharing are the differing data standards and systems and the manner in which data is captured at each agency. DAPP management believes access to the Division of Motor Vehicles' "STAR" system and to the State Bureau of Investigation system to be possible with existing equipment. However, because the Administrative Office of the Courts involves decentralized Clerk offices across the State, it may take another four to five years before significant gains are made towards a centralized AOC database. Until the compatibility and data capture issues are resolved, access to the information contained in these various databases is available to DAPP through other means that require significant effort and time on the part of DAPP staff.

RECOMMENDATION

DAPP should continue to pursue the ability to exchange data electronically with other State agencies. The Department and DAPP should continue to request funding for the necessary computer

FINDINGS AND RECOMMENDATIONS

equipment and programming to effect data exchange. Electronic linking would greatly enhance the reliability and accuracy of data relating to DAPP's offender population. It would also provide another tool officers could use to locate offenders who have absconded. Additionally, electronic access to DAPP's records would enhance the effectiveness of other law enforcement agencies.

Auditor's Note: We strongly support the recommendations of the Criminal Justice Information Network Governing Board relative to the need for sharing of information among the various component agencies of the criminal justice system.

THE LACK OF CLEARLY WRITTEN, SPECIFIC POLICIES AND PROCEDURES HAMPERS EFFECTIVE OPERATIONS.

DAPP has a *Policies and Procedures Manual*, dated June 1, 1996. One of the most consistent needs identified during staff interviews was the need for the manual to be specific, clearly written, and contain step-by-step procedures. Staff identified the need to further develop policies for the following areas:

- Illegal immigrations;
- Power to arrest;
- Interstate Compact;
- Electronic House Arrest;
- Case Management; and
- Parole Commission.

We also noted the need to update some of the General Statute references throughout the *Manual*. The lack of specific procedures has contributed to staff confusion, frustration, and inconsistent practices.

RECOMMENDATION

DAPP management should review policies and procedures for each major section within DAPP. Specific, step-by-step procedures should be included in each section's manual. A system for distributing manuals in a timely manner should also be implemented. Once the procedures are in place, management should enforce strict adherence to the procedures.

Program Effectiveness

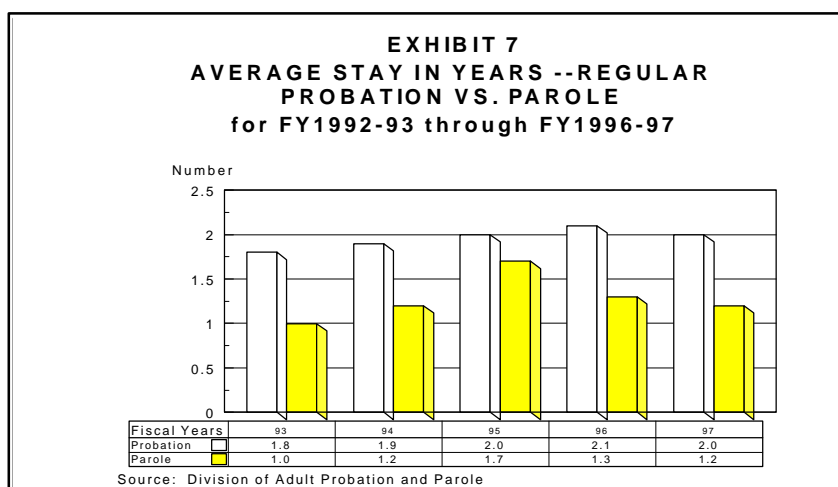
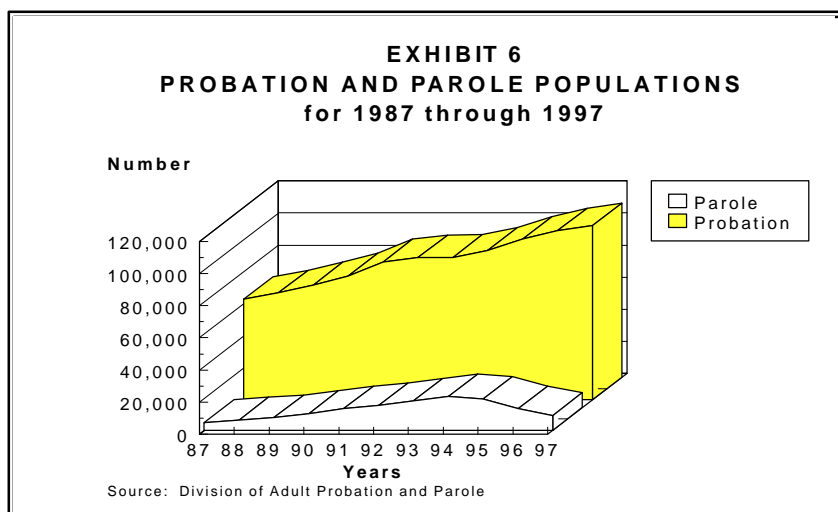
DAPP's goal is to develop and implement "a comprehensive community correction strategy while protecting society and enabling offenders under its supervision to reform and become productive law abiding citizens." This section of the report contains statistical data on DAPP's programs that address whether DAPP is achieving its goal.

FINDINGS AND RECOMMENDATIONS

Program Costs: Probation and parole are alternative correction strategies that allow the State to punish offenders in a cost effective manner while assisting the offenders in becoming self-sufficient. Table 11 shows the average daily cost of DAPP programs versus the daily cost of incarceration in the prison system. Exhibit 6 shows the number of offenders under probation and parole for calendar years 1987 through 1997. As can be seen, the number of offenders on probation has grown steadily, while the number on parole increased until 1994 then began to decrease with the passing of structured sentencing. The 117,831 offenders on probation/parole would be in prison if these programs did not exist. Exhibit 7 shows the average stay on probation and parole for regular supervision, while Table 12, page 51, shows the average stay on intensive supervision (including electronic house arrest) by district. As can be seen, the average length of stay has increased slightly since 1994 for probationers and decreased for parolees.

Table 11 North Carolina Punishment Costs FY96-97			
Division of Adult Probation & Parole		Division of Prisons	
Type	Ave. Daily Cost/Offender	Type	Ave. Daily Cost/Offender
Intensive Supervision	\$7.55	Close Custody	\$79.96
Electronic House Arrest	\$4.96	Medium Custody	\$67.85
Regular Probation	\$1.62	Minimum Custody	\$53.63
Average	\$4.71	Average	\$63.27

Source: Division of Adult Probation and Parole and Division of Prisons



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TABLE 12
NUMBER OF ADMISSIONS AND AVERAGE STAY IN MONTHS
IMPACT, INTENSIVE PROBATION, AND ELECTRONIC HOUSE ARREST (EHA)
FOR FY95-96 AND FY96-97

Judicial District	1996					1997				
	IMPACT Referrals	Intensive Admissions	Intensive Ave. Stay	EHA Admissions	EHA Ave. Stay	IMPACT Referrals	Intensive Admissions	Intensive Ave. Stay	EHA Admissions	EHA Ave. Stay
1	11	295	*6.67	127	2.03	25	334	6.12	178	1.90
2	11	255	7.75	84	2.16	7	366	4.97	114	3.70
3A	29	359	7.25	112	2.00	32	396	5.59	118	2.63
3B	49	279	7.23	88	2.55	33	390	5.67	79	2.85
4A	21	241	7.37	62	4.12	18	253	7.12	79	3.35
4B	26	195	8.49	45	3.84	7	198	10.03	27	3.48
5	20	625	6.95	151	2.30	37	695	6.19	127	2.74
6A	7	270	7.20	285	1.99	13	246	5.59	352	1.33
6B	29	251	8.67	259	1.87	14	273	6.93	242	1.57
7	62	481	7.46	316	3.58	68	513	7.00	396	2.90
8A	41	251	7.46	106	2.05	23	229	4.63	78	2.00
8B	8	180	9.60	124	2.80	14	203	7.28	151	2.15
9A	19	104	6.69	48	3.16	5	123	7.34	72	3.43
9B	59	322	8.39	250	3.10	83	384	6.86	246	1.06
10	31	707	7.20	130	2.40	37	860	6.05	121	2.06
11	14	464	4.90	55	1.64	40	575	4.33	47	2.67
12	62	425	5.56	123	3.11	68	406	6.34	128	5.33
13	17	326	7.35	134	2.17	6	332	7.72	130	3.48
14	21	358	8.58	139	1.78	27	582	6.20	134	2.03
15A	16	267	5.15	41	0.29	17	291	6.04	76	0.47
15B	11	156	7.62	45	3.40	34	201	5.86	73	2.07
16A	39	252	8.00	222	3.15	54	259	6.30	220	1.87
16B	19	265	6.02	111	2.38	14	328	7.72	146	2.98
17A	12	168	5.93	48	2.08	23	220	4.74	54	0.24
17B	43	318	6.19	150	3.23	75	306	6.57	157	2.56
18	69	664	6.96	222	2.15	88	865	5.86	253	1.84
19A	22	204	4.94	68	2.00	31	208	4.96	42	1.71
19B	27	203	6.21	128	3.64	16	309	8.00	126	2.12
19C	14	261	6.25	157	2.22	23	334	4.78	191	1.94
20A	23	255	8.24	75	1.35	14	206	4.53	58	1.97
20B	12	264	7.45	60	3.43	41	270	5.84	53	5.21
21	36	576	7.42	257	1.65	49	718	7.48	295	0.96
22	24	720	6.22	181	2.86	31	800	5.42	220	2.15
23	24	170	6.92	58	2.80	19	174	6.92	62	2.86
24	17	89	9.03	35	3.67	8	153	6.72	43	1.04
25A	34	252	5.48	89	2.68	45	289	4.94	102	2.18
25B	21	182	5.93	58	2.12	35	236	5.69	73	2.13
26	79	820	8.03	158	2.21	155	1017	8.57	155	2.96
27A	23	245	9.26	41	2.09	33	270	9.10	43	1.46
27B	3	179	6.44	30	2.40	20	213	5.52	29	2.12
28	29	211	7.51	85	2.27	41	354	6.66	83	2.75
29	17	295	7.28	84	1.75	24	508	6.27	115	1.92
30	31	146	6.25	25	4.00	15	136	6.24	41	1.33

Source: Division of Adult Probation and Parole.

Continuum of Correction Options: Offenders assigned to probation or parole are classified based on the degree of risk of having them in the community. DAPP utilizes several different levels of supervision for offenders based on the classification. These

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range from administrative supervision (the least restrictive) to intensive supervision (the most restrictive). To expand the continuum of options further, DAPP works closely with various community correction programs offering alternatives to regular probation and parole. Additionally, DAPP is responsible for several innovative community correction programs such as electronic house arrest (EHA). EHA allows offenders to be monitored electronically while continuing their lives with less face-to-face supervision. Table 13 contains data on the number of offenders participating in EHA.

TABLE 13 ELECTRONIC HOUSE ARREST DATA FY 1991-1997										
Year	Total Admission					Total Monitored/Supervised				
	Probation	Parole	Sheriff***	Juvenile	Total	Probation	Parole	Sheriff***	Juvenile	Total
90-91					0					3,942
91-92*					4,131					4,838
92-93	4,910	857	72		5,839	5,343	747	99		6,189
93-94	4,687	264	93		5,044	5,562	354	112		6,028
94-95**	4,358	857	72	52	5,339	5,152	908	85	53	6,198
95-96	4,713	703	180	172	5,768	5,417	953	201	179	6,750
96-97	5,044	458	367	262	6,131	5,945	635	409	292	7,281
* Breakdown of total not available before FY 1993.										
** In FY 1995 juveniles were added to EHA system.										
*** EHA monitors offenders for Sheriff Offices referred through pre-trial release programs and juvenile offenders referred through AOC Juvenile Services Division. Any violation responses are the responsibility of these programs.										
Source: Electronic House Arrest, DAPP										

Assisting Offenders: A part of DAPP's goal is to assist offenders in becoming productive, law abiding citizens. Table 14, pages 52 – 54, shows the employment history for offenders on probation for 1996 and 1997 by county. The totals show that more offenders are employed than are not employed. PPO's work with community employers to identify jobs and to place offenders.

TABLE 14 PROBATIONERS' EMPLOYMENT HISTORY FOR 1996 AND 1997												
County	1996						1997					
	Employ Status—Current Year			Employ History			Employ Status—Current Year			Employ History		
	Yes	No	Unk	Emp	Unemp	Unk	Yes	No	Unk	Emp	Unemp	Unk
Alamance	1073	323	1	1074	322	1	1067	268	2	1065	270	2
Alexander	171	54	2	182	43	2	172	76	0	183	65	0
Alleghany	78	14	0	81	11	0	72	25	0	81	16	0
Anson	151	76	2	166	61	2	153	66	2	163	56	2
Ashe	84	41	0	93	32	0	78	52	0	97	33	0
Avery	74	18	0	75	17	0	50	16	0	56	10	0
Beaufort	264	128	1	288	104	1	334	137	3	357	114	3
Bertie	235	70	1	236	69	1	210	49	0	212	47	0
Bladen	205	121	3	254	72	3	201	168	2	272	97	2
Brunswick	408	84	5	416	76	5	407	110	4	429	88	4
Buncombe	781	428	17	891	318	17	811	545	10	980	376	10
Burke	465	115	3	450	130	3	403	135	2	409	129	2
Cabarrus	704	250	2	742	212	2	703	303	4	811	195	4
Caldwell	321	110	2	331	100	2	334	174	0	351	157	0

FINDINGS AND RECOMMENDATIONS

TABLE 14 (continued)

County	1996						1997					
	Employ Status—Current Year			Employ History			Employ Status—Current Year			Employ History		
	Yes	No	Unk	Emp	Unemp	Unk	Yes	No	Unk	Emp	Unemp	Unk
Camden	19	17	0	23	13	0	18	23	0	18	23	0
Carteret	279	98	14	277	100	14	375	144	17	408	111	17
Caswell	107	34	3	107	34	3	166	50	6	169	47	6
Catawba	764	302	7	784	282	7	834	277	2	839	272	2
Chatham	200	43	0	198	45	0	188	27	0	171	44	0
Cherokee	153	21	0	144	30	0	99	42	0	106	35	0
Chowan	102	43	1	112	33	1	78	47	0	86	39	0
Clay	37	6	0	36	7	0	35	13	0	39	9	0
Cleveland	225	136	3	248	113	3	198	96	3	206	88	3
Columbus	310	84	1	311	83	1	344	135	9	361	118	9
Craven	446	171	19	444	173	19	500	302	5	588	214	5
Cumberland	1270	495	13	1404	361	13	1353	666	3	1545	474	3
Currituck	55	61	3	68	48	3	77	61	0	89	49	0
Dare	213	63	8	205	71	8	274	46	4	274	46	4
Davidson	968	317	4	1022	263	4	894	432	9	1013	313	9
Davie	197	57	1	198	56	1	174	60	0	166	68	0
Duplin	367	63	1	351	79	1	283	100	5	314	69	5
Durham	1330	665	45	1367	628	45	1703	830	17	1747	786	17
Edgecombe	299	168	2	337	130	2	360	252	8	401	211	8
Forsyth	1305	464	11	1352	417	11	1482	539	5	1561	460	5
Franklin	224	76	3	227	73	3	182	71	0	205	48	0
Gaston	404	237	3	468	173	3	390	282	3	498	174	3
Gates	55	13	2	56	12	2	61	18	2	61	18	2
Graham	48	15	1	55	8	1	17	19	0	24	12	0
Granville	159	97	1	179	77	1	191	42	0	188	45	0
Greene	67	41	1	80	28	1	92	45	1	109	28	1
Guilford	1342	477	32	1435	384	32	1294	662	26	1466	490	26
Halifax	621	166	7	562	225	7	759	113	0	670	202	0
Harnett	377	71	3	383	65	3	528	64	0	493	99	0
Haywood	266	71	1	266	71	1	282	74	1	276	80	1
Henderson	312	79	4	328	63	4	400	111	9	409	102	9
Hertford	225	174	4	263	136	4	190	137	1	217	110	1
Hoke	236	75	2	240	71	2	199	81	1	201	79	1
Hyde	31	13	0	32	12	0	35	16	1	38	13	1
Iredell	968	272	9	977	263	9	909	308	1	949	268	1
Jackson	132	25	0	145	12	0	137	40	0	146	31	0
Johnston	403	102	1	412	93	1	526	168	3	559	135	3
Jones	42	7	0	44	5	0	43	5	0	41	7	0
Lee	322	135	2	339	118	2	337	135	2	342	130	2
Lenoir	417	191	12	451	157	12	458	189	0	501	146	0
Lincoln	120	59	2	136	43	2	122	59	2	121	60	2
Macon	129	34	0	135	28	0	110	23	2	98	35	2
Madison	75	40	3	75	40	3	70	28	2	72	26	2
Martin	188	90	0	205	73	0	156	86	1	170	72	1
McDowell	156	55	3	160	51	3	191	69	0	193	67	0
Mecklenburg	3313	1370	113	3593	1090	113	2858	1517	147	3346	1029	147
Mitchell	56	15	0	52	19	0	48	17	0	52	13	0
Montgomery	183	92	1	204	71	1	199	91	8	219	71	8
Moore	316	126	4	345	97	4	472	187	2	494	165	2
Nash	253	155	6	281	127	6	303	145	4	319	129	4
New Hanover	1285	336	9	1299	322	9	1724	563	14	1788	499	14
Northampton	167	80	3	177	70	3	143	104	0	177	70	0
Onslow	576	242	22	640	178	22	557	391	10	681	267	10

FINDINGS AND RECOMMENDATIONS

TABLE 14 (concluded)

County	1996						1997					
	Employ Status—Current Year			Employ History			Employ Status—Current Year			Employ History		
	Yes	No	Unk	Emp	Unemp	Unk	Yes	No	Unk	Emp	Unemp	Unk
Orange	324	97	4	341	80	4	324	118	1	342	100	1
Pamlico	44	20	0	50	14	0	57	48	0	83	22	0
Pasquotank	236	153	6	274	115	6	271	197	2	319	149	2
Pender	165	28	0	152	41	0	171	34	3	144	61	3
Perquimans	57	21	0	56	22	0	48	15	2	46	17	2
Person	179	65	5	177	67	5	225	60	2	231	54	2
Pitt	741	483	22	860	364	22	689	582	7	856	415	7
Polk	79	11	0	84	6	0	104	22	2	111	15	2
Randolph	589	210	7	643	156	7	639	242	9	707	174	9
Richmond	280	140	2	300	120	2	269	168	5	299	138	5
Robeson	813	343	11	874	282	11	848	332	9	906	274	9
Rockingham	620	232	0	647	205	0	618	257	5	642	233	5
Rowan	668	436	12	809	295	12	727	485	4	857	355	4
Rutherford	327	79	3	325	81	3	445	143	10	461	127	10
Sampson	380	76	1	394	62	1	439	77	3	441	75	3
Scotland	324	195	2	343	176	2	306	160	7	302	164	7
Stanly	230	80	3	245	65	3	271	85	1	268	88	1
Stokes	231	56	0	244	43	0	273	63	1	264	72	1
Surry	459	112	3	457	114	3	416	87	4	406	97	4
Swain	82	16	0	75	23	0	83	21	0	82	22	0
Transylvania	146	30	0	153	23	0	131	29	1	133	27	1
Tyrrell	27	12	0	27	12	0	27	5	0	31	1	0
Union	474	191	1	518	147	1	517	166	1	546	137	1
Vance	224	80	1	233	71	1	286	122	6	326	82	6
Wake	3109	890	27	3175	824	27	3375	1102	25	3490	987	25
Warren	96	34	1	102	28	1	79	35	0	82	32	0
Washington	65	40	0	64	41	0	85	39	1	95	29	1
Watauga	125	37	0	125	37	0	126	39	1	133	32	1
Wayne	597	301	12	659	239	12	547	402	4	640	309	4
Wilkes	410	138	2	418	130	2	454	155	5	462	147	5
Wilson	323	87	2	333	77	2	495	126	2	518	103	2
Yadkin	151	38	0	158	31	0	152	33	0	153	32	0
Yancey	70	24	1	71	23	1	63	22	2	65	20	2
Total	39,773	14,926	557	41,897	12,802	557	41,973	17,597	490	45,131	14,439	490

Source: Department of Correction, Research and Planning.

**TABLE 15
RECIDIVISM RATES FOR PROBATION AND PAROLE
FY92-93 THROUGH FY94-95**

Type of Offense	1993 %	1994 %	1995 %
Any Offense	32.6	36.8	37.3
Violent Offense	8.8	6.4	6.9
Sex Offense	3.8	0.4	0.4
Property Offense	19.9	18.2	17.3
Drug Offense	12.2	12.1	12.4
Other	6.5	4.8	5.6

Source: Division of Adult Probation and Parole

Offenders who are re-arrested are included in these numbers. However, the numbers may be deceiving since the offender is counted even if he/she is acquitted of the charges and does not return to prison. Perhaps a more accurate reflection of DAPP's effectiveness is the

Achieving Results: Both the probation and parole segments seek to protect citizens while enforcing correction options against offenders as deemed appropriate by the State's justice system. Table 15 contains data on recidivism rates for all offenders on probation and parole.

**TABLE 16
REVOCATION RATES BY
SUPERVISION TYPE
FOR FY91-92 THROUGH FY96-97**

Fiscal Year	Probation	Parole
91-92	42.0%	31.0%
92-93	27.0%	30.0%
93-94	24.0%	35.0%
94-95	22.0%	34.0%
95-96	22.8%	32.8%
96-97	24.7%	23.5%

Source: Division of Adult Probation and Parole.

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revocation rates for probation and parole. Table 16 shows the overall percentage rates for revocations from FY91-92 to FY96-97. Revocations for both probation and parole have declined significantly during that period. This is an indication that DAPP is working more effectively with the offenders in keeping them in the community in a productive role. Tables 17 and 18 show the revocation rates by district for the FY96-97 for probation and parole, respectively.

TABLE 17 PROBATION REVOCATION RATES BY JUDICIAL DISTRICT FOR FISCAL YEARS 1996-1997						
Judicial District	FY95-96			FY96-97		
	Number Revoked	Total Exits	Percentage Revoked	Number Revoked	Total Exits	Percentage Revoked
Missing	2,103	10,483	20.1%	11	59	18.6%
1	137	639	21.4%	216	956	22.6%
2	107	398	26.9%	236	863	27.3%
3A	162	610	26.6%	330	1,103	29.9%
3B	149	706	21.1%	273	1,005	27.2%
4A	63	540	11.7%	127	874	14.5%
4B	105	683	15.4%	168	935	18.0%
5	209	940	22.2%	426	1,704	25.0%
6A	113	637	17.7%	194	762	25.5%
6B	125	562	22.2%	211	868	24.3%
7	303	901	33.6%	508	1,496	34.0%
8A	162	479	33.8%	245	900	27.2%
8B	80	514	15.6%	130	845	15.4%
9A	72	213	33.8%	88	409	21.5%
9B	227	672	33.8%	457	1,167	39.2%
10	624	2,112	29.5%	1,000	3,630	27.5%
11	288	956	30.1%	432	1,460	29.6%
12	226	996	22.7%	356	1,549	23.0%
13	234	867	27.0%	334	1,275	26.2%
14	243	1,329	18.3%	432	1,460	29.6%
15A	167	773	21.6%	219	1,093	20.0%
15B	85	430	19.8%	128	706	18.1%
16A	162	530	30.6%	240	748	32.1%
16B	205	915	22.4%	245	1,157	21.2%
17A	96	505	19.0%	136	810	16.8%
17B	74	468	15.8%	105	684	15.4%
18	282	1,279	22.0%	487	1,937	25.1%
19A	175	634	27.6%	210	915	23.0%
19B	152	632	24.1%	293	1,325	22.1%
19C	149	601	24.8%	229	1,070	21.4%
20A	182	704	25.9%	237	883	26.8%
20B	176	591	29.8%	235	1,011	23.2%
21	336	1,280	26.3%	557	1,805	30.9%
22	482	1,848	26.1%	792	2,892	27.4%
23	157	633	24.8%	221	890	24.8%
24	50	333	15.0%	62	506	12.3%
25A	162	701	23.1%	241	990	24.3%
25B	132	710	18.6%	247	903	27.4%
26	766	3,287	23.3%	1,115	4,713	23.7%
27A	144	530	27.2%	259	809	32.0%
27B	94	396	23.7%	148	634	23.3%
28	152	867	17.5%	327	1,293	25.3%
29	101	702	14.4%	282	1,285	21.9%
30	94	538	17.5%	186	921	20.2%
Total	10,307	45,124	22.8%	13,375	53,300	25.1%
Source: Division of Adult Probation and Parole.						

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TABLE 18 PAROLE REVOCATION RATES BY JUDICIAL DISTRICT FOR FISCAL YEARS 1995-96 THROUGH FY96-97						
Judicial District	FY95-96			FY96-97		
	Number Revoked	Total Exits	Percentage Revoked	Number Revoked	Total Exits	Percentage Revoked
Missing	545	1,302	42%	1	20	5%
1	72	184	39%	36	150	24%
2	86	250	34%	46	207	22%
3A	58	224	26%	56	256	22%
3B	75	217	35%	57	224	25%
4A	42	211	20%	39	194	20%
4B	38	140	27%	22	113	19%
5	183	476	38%	115	446	26%
6A	48	177	27%	47	196	24%
6B	39	149	26%	31	174	18%
7	195	604	32%	140	542	26%
8A	54	168	32%	33	225	15%
8B	68	289	24%	38	255	15%
9A	25	74	34%	23	106	22%
9B	121	387	31%	81	369	22%
10	255	700	36%	206	746	28%
11	163	497	33%	92	454	20%
12	112	407	28%	126	486	26%
13	74	290	26%	58	293	20%
14	92	313	29%	83	362	23%
15A	133	390	34%	78	285	27%
15B	67	204	33%	27	143	19%
16A	37	149	25%	69	206	33%
16B	117	370	32%	77	358	22%
17A	63	185	34%	38	214	18%
17B	40	168	24%	21	127	17%
18	231	691	33%	171	644	27%
19A	96	240	40%	42	218	19%
19B	72	262	27%	54	287	19%
19C	71	240	30%	48	274	18%
20A	78	333	23%	60	267	22%
20B	57	214	27%	49	189	26%
21	219	587	37%	124	543	23%
22	186	666	28%	127	531	24%
23	47	164	29%	38	172	22%
24	16	58	28%	6	59	10%
25A	86	296	29%	56	286	20%
25B	77	290	27%	56	210	27%
26	412	1,063	39%	343	1,244	28%
27A	105	305	34%	103	329	31%
27B	91	265	34%	91	290	31%
28	94	281	33%	76	300	25%
29	97	328	30%	53	266	20%
30	26	116	22%	18	129	14%
Total	4,863	14,924	33%	3,155	13,389	24%
Source: Division of Adult Probation and Parole.						

C

OMPARISON TO OTHER STATES

Objective: *To compare North Carolina's probation and parole programs to similar programs in other states.*

We surveyed North Carolina and 28 other states to obtain information about their probation and parole program(s) for comparison to North Carolina's. We received responses from 24 states, an 83% response rate. Appendices C and D, pages 75 through 80, contains summary data from that survey. Additionally, we reviewed reports from other sources, such as the Criminal Justice Institute's *1997 Corrections Yearbook*, to learn more about other states' programs. All data was also considered in our assessment of program effectiveness. (See page 45.) We have summarized the information from other states and our research on other state programs in this section.

Conclusion: **North Carolina's probation and parole program compares favorably with other states' programs. In fact, during our research, we learned that North Carolina is one of the leading states in the implementation of structured sentencing. To the credit of the General Assembly, the Department of Correction, and the Division of Adult Probation and Parole, North Carolina has the reputation of being an innovator in the handling of probationers and parolees.**

General Administration of Probation and Parole Agencies⁶

Probation is a period of offender supervision used by the courts in lieu of or before incarceration, while parole is a period of supervision used in criminal justice systems in lieu of offenders' full service of sentence. Both types of supervision are generally provided in the community. Probationers include adult offenders whom courts place in community supervision instead of incarceration. Parolees include those adults conditionally released to community supervision after serving a prison term. They are subject to being returned to jail or prison for rule violations or other offenses. These service agencies are administered by means of a variety of arrangements and structures. Below are some key points noted from our research.

- The average caseload for probation officers (regular, intensive, electronic, and special) was 111 in those states which, like North Carolina, administer both probation and parole under one agency.
- Probation and parole are administered by the same agency in 33 states and in the federal prison system. The other states operate under separate probation and parole administrations. Several of

⁶ Extracted from the *1997 Corrections Yearbook*, Criminal Justice Institute.

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- the states operate under the state courts--such as Illinois, which operates under the Administrative Officer of the Supreme Court.
- Probation is administered at the county level in 8 states. The counties are responsible for supervision while the state agency performs many of the administrative support, oversight and program development functions. In another 6 states, supervision responsibility is divided between the state and counties.
 - Thirty departments of correction include probation and 40 include parole; 20 include both probation and parole agencies. In 11 departments of correction, neither probation nor parole is included.
 - There are 51 jurisdictions (including the federal system) which have a parole function, while only 36 of these have a full time parole board.
 - Sizes of the Parole Board range from 0 to 19 members with the average being 6.45. The number of salaried boards is 40. Other boards may receive per diem plus expenses, may not be full time, or may be paid by other methods.
 - Support employees for the Boards number 1,060 for the 51 jurisdictions, or an average of 20.78 per Board.
 - The number of Board members required to be at hearings ranges from 0-7 with the average being 2.
 - In 15 jurisdictions, staff conduct hearings in lieu of board members.
 - National average 1997 budget when probation and parole are under one agency--\$58,345,725; national average when the probation function is in an agency separate from parole--\$83,349,990.
 - The average probation administrator earned \$80,024 annually; the average parole administrator earned \$110,291; and the average probation/parole administrator earned \$68,511.

Administration

The Criminal Justice Institute reports that 33 jurisdictions combine the administration of probation and parole into one agency, while 18 jurisdictions have separate agencies: one for probation and one for parole. Table 19 contains this data.

Table 20, page 59, contains data on the average caseload per officer for each state by administrative type. Table 21, page 60, contains data on the number of probationers by state.

TABLE 19		
TYPES OF STATE PROGRAM ADMINISTRATION		
Separate Probation and Parole		
Arizona	Hawaii	New Jersey
California	Illinois	New York
Colorado	Indiana	South Dakota
Connecticut	Kansas	Tennessee
District of Columbia	Massachusetts	Texas
Georgia	Nebraska	West Virginia
Combined Probation and Parole		
Alabama	Michigan	Oklahoma
Alaska	Minnesota	Oregon
Arkansas	Mississippi	Pennsylvania
Delaware	Missouri	Rhode Island
Florida	Montana	South Carolina
Idaho	Nevada	Utah
Iowa	New Hampshire	Vermont
Kentucky	New Mexico	Virginia
Louisiana	North Carolina	Washington
Maine	North Dakota	Wisconsin
Maryland	Ohio	Wyoming
Federal		
Source: Criminal Justice Institute		

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**Table 20
AVERAGE CASELOADS FOR PROBATION AND PAROLE
1996**

PROBATION	Regular	Intensive	Electronic	Special	PROBATION & PAROLE	Regular	Intensive	Electronic	Special
Arizona	60	13			Alabama	165	20	20	
Arkansas	173	15			Alaska	59	15		
California	900	43	43	53	Delaware	113	40	19	20
Connecticut	213	25			Idaho	72		30	30
Dist. of Col.	108	11		68.5	Iowa	100	25		
Florida	76	25	25	56	Kentucky	87			
Georgia	218	23			Louisiana	95			
Hawaii	190	79	2.5		Maine	152			
Illinois	125	12		40	Maryland	98			
Kansas	71	7			Minnesota	89	11		
Michigan	88				Mississippi	118		17	
Nebraska	85	20			Missouri	66			
New Jersey	152	20			Montana	118			
New Mexico	71	20		25	Nevada	75	30	30	
Rhode Island	302	66		267	New Hampshire	80	2		18
Tennessee	85	21			North Carolina	90	25		60
Texas		33		40	North Dakota	97	15		
Vermont	137				Ohio	53			
Average	180	27	24	79	Oklahoma	80			
					Oregon	100			
PAROLE	Regular	Intensive	Electronic	Special	Pennsylvania	72			
Arizona	49		15		South Carolina	97			
Arkansas	65	10			Utah		22	25	55
California	88	59		35	Virginia	76	28		
Colorado	60	20			Washington	98			
Connecticut	50			20	Wisconsin	72	25		
Dist. of Col.	176	54		118	Wyoming	69	10	10	
Georgia	60		25		Federal	70	26	26	
Hawaii	80	38		30	Average	91	21	22	37
Indiana	67								
Kansas	63				Probation and Parole officers had an annual average of 30 face-to-face contacts with offenders on regular supervision; 141 contacts with offenders on intensive supervision; 115 contacts with offenders on electronic monitoring; and 67 contacts with offenders on special caseloads in 1996.				
Massachusetts	60	15		19					
Michigan	95								
Nebraska	40	3			Probation officers had an average of 13 face-to-face contacts with probationers on regular supervision, 76 contacts with probationers on intensive supervision, 98 contacts with probationers on electronic monitoring, and 48 face-to-face contacts with probationers on special caseloads.				
New Jersey	86	25	16	25					
New Mexico	71	20							
New York	100	40		65	Parole officers had an average of 19 face-to-face contacts with parolees on regular supervision, 62 contacts with parolees on intensive monitoring, 69 contacts with parolees on electronic monitoring, and 53 contacts with parolees on special caseloads.				
Rhode Island	95		39						
South Dakota	31	15							
Tennessee	54								
Texas	80	28	28	47					
Vermont	10								
West Virginia	30								
Average	69	27	25	43					

Source: 1997 Corrections Yearbook, Criminal Justice Institute

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TABLE 21 ENTRIES AND EXITS OF PROBATION POPULATION 1996				
State	Probation Population Jan 1, 1996	Entries to Probation During 1996	Exits from Probation During 1996	Probation Population Dec 31, 1996
Alabama	33410	7416	4251	38764
Alaska	3481	1699	1420	3760
Arkansas	22397	7828	6192	24033
Arizona	40614	12854	10278	43190
California	280545	147585	136111	292019
Colorado	42687	20919	18619	41212
Connecticut	54507	37290	35819	55978
Dist. of Columbia	10414	5399	6073	9740
Delaware	16124			16528
Florida	243736	156044	147648	249479
Georgia	142954	71241	70038	144157
Hawaii	12957	7082	5801	14238
Idaho	5308	2239	1692	5855
Illinois	109489	72672	66658	115503
Indiana	95267	77962	73639	99590
Iowa	16579	12559	13754	15384
Kansas	16547	13805	14620	15732
Kentucky	11499	7503	6171	11689
Louisiana	33753	11920	10298	35375
Maine	8641	2651	3596	7696
Maryland	71029	35467	35943	70553
Massachusetts	43680	36436	35258	44858
Michigan	141436	117050	112937	148595
Minnesota	83778	57314	55853	88039
Mississippi	9595	3827	3423	9999
Missouri	41728	23799	20804	44644
Montana	4318	1509	1354	4473
Nebraska	13895	12753	12145	14503
Nevada	8634	5733	4607	9760
New Hampshire	4347	3232	3165	4414
New Jersey	126759	61851	62729	125881
New Mexico	8524	9197	8793	8928
New York	168012	47502	34934	180580
North Carolina	97921	54271	49111	102483
North Dakota	2320	1581	1380	2521
Ohio	103327	65556	64155	102755
Oklahoma	27866	13970	13729	28090
Oregon	39725	16878	14311	42292
Pennsylvania	106823	41643	37934	110532
Rhode Island	18850	9385	7789	20446
South Carolina	39821	15479	13218	42082
South Dakota	3745	4324	4151	3484
Tennessee	36485	20685	19769	37401
Texas	421213	192793	188217	425789
Utah	8562	4125	3576	9111
Vermont	7322	3981	3083	8220
Virginia	24264	25543	20187	29620
Washington	120466	46198	38878	125317
West Virginia	6127			5669
Wisconsin	47269	21975	19827	51669
Wyoming	3654	2023	2047	3432
Subtotals	3042404	1632748	1525985	3146062
Federal	35,457.00	18,796.00	19,952.00	34,301.00
Totals	3,077,861.00	1,651,544.00	1,545,937.00	3,180,363.00
Source: US Department of Justice Statistics				

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County Level Jurisdiction over Probation/Paroles

Parole is not administered at the county level in any jurisdiction. Probation is administered at the county level in 8 jurisdictions (Arizona, California, Illinois, Indiana, Massachusetts, New Jersey, New York, and Texas). Where the counties are responsible for supervision, the state agency performs many administrative, support, oversight, and program development functions. Supervision responsibilities are divided between the county and the state in Kansas, Michigan, Minnesota, Ohio, Pennsylvania, and Tennessee.

Jurisdiction of State Correction Agency

Thirty departments of correction include probation and 40 include parole. In 11 departments of corrections, parole alone is included. In 2 departments of correction, probation alone is included. In 11 other departments of correction, neither probation nor parole is included. Table 22 summarizes this data.

Paroling Authority Characteristics on January 1, 1997

Each state agency charged with the responsibility of paroling inmates has slightly different characteristics. Table 23, page 62 contains a summary of the characteristics of the paroling authority in the various states.

TABLE 22		
JURISDICTION OF STATE CORRECTION AGENCY		
Both Probation and Parole in Corrections Agency		
Alaska	Michigan	Ohio
Delaware	Minnesota	Oklahoma
Florida	Mississippi	Oregon
Idaho	Missouri	Rhode Island
Iowa	Montana	Utah
Kentucky	New Hampshire	Vermont
Louisiana	New Mexico	Virginia
Maine	North Carolina	Washington
Maryland	North Dakota	Wisconsin
		Wyoming
Probation but not Parole in Corrections Agency		
Georgia	Tennessee	
Parole but not Probation in Corrections Agency		
Arizona	Illinois	New Jersey
California	Indiana	South Dakota
Colorado	Kansas	West Virginia
Connecticut	Nebraska	
Neither in Corrections Agency		
Alabama	Massachusetts	South Carolina
Arkansas	Nevada	Texas
Dist. of Columbia	New York	Federal
Hawaii	Pennsylvania	
Source: Criminal Justice Institute		

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TABLE 23 PAROLING AUTHORITY CHARACTERISTICS							
State	Parole Yes/No	Board Full Time	Board Size	Members Salaried	Support Employees	No. Bd. Members Required at Hearings	Staff Conduct Hearings in Lieu of Board
Alabama	Yes	Yes	3	Yes		2	No
Alaska	Yes	No	5	No	5	3	Yes
Arizona	Yes	Yes	7	Yes	30	2	Yes
Arkansas	Yes	Yes	6	Yes	4	1	No
California	Yes	Yes	9	Yes	69	2	Yes
Colorado	Yes	Yes	7	Yes	7	1	No
Connecticut	Yes	No	13	No	72	2	No
Delaware	Yes	No	5	No	6	3	No
Dist of Columbia	Yes	Yes	5	Yes	21	0	Yes
Florida	Yes	Yes	3	Yes	161	3	Yes
Georgia	Yes	Yes	5	Yes	30	1	Yes
Hawaii	Yes	No	3	No	14	2	No
Idaho	Yes	No	5	Yes	12	3	Yes
Illinois	Yes	Yes	12	Yes	20	3	No
Indiana	Yes	Yes	5	Yes	3	5	No
Iowa	Yes	Yes	5	Yes	11	3	No
Kansas	Yes	Yes	5	Yes	5	1	No
Kentucky	Yes	Yes	7	Yes	7	3	No
Louisiana	Yes	Yes	7	Yes	6	3	No
Maine	Yes	No	5	No	1	3	No
Maryland	Yes	Yes	8	Yes	7	2	Yes
Massachusetts	Yes	Yes	7	Yes	1	2	No
Michigan	Yes	Yes	10	Yes	2	3	No
Minnesota	No						
Mississippi	Yes	Yes	3	Yes	17	2	No
Missouri	Yes	Yes	7	Yes		1	No
Montana	Yes	No	3	Yes		2	No
Nebraska	Yes	Yes	5	Yes	7	3	No
Nevada	Yes	Yes	7	Yes	7	2	No
New Hampshire	Yes	No	7	No	3.5	3	No
New Jersey	Yes	Yes	9	Yes	100	2	Yes
New Mexico	Yes	Yes	4	Yes		3	No
New York	Yes	Yes	19	Yes	9	2	No
North Carolina	Yes	Yes	5	Yes	50	3	No
North Dakota	Yes	No	3	No	3	2	No
Ohio	Yes	Yes	12	Yes	57	1	Yes
Oklahoma	Yes	No	5	Yes	38	3	No
Oregon	Yes	Yes	3	Yes			
Pennsylvania	Yes	Yes	6	Yes			
Rhode Island	Yes	No	7	Yes	4.5	3	No
South Carolina	Yes	No	7	No	50	7	No
South Dakota	Yes	No	6	No	6	4	No
Tennessee	Yes	Yes	7	Yes	7	0	Yes
Texas	Yes	Yes	18	Yes	127	0	Yes
Utah	Yes	Yes	5	Yes	1	Yes	
Vermont	Yes	No	5	No	2	3	No
Virginia	Yes	Yes	5	Yes	10	0	Yes
Washington	Yes	Yes	3	Yes	8	2	No
West Virginia	Yes	Yes	5	Yes	3	3	No
Wisconsin	Yes	Yes	5	Yes	7	1	No
Wyoming	Yes	No	7	No	5	3	No
Federal	Yes	Yes	3	Yes	45	0	Yes
Totals	51	36	329	40	1,060	109	15
Averages			6.5		20.1	2.1	
Source: 1997 Corrections Yearbook, Criminal Justice Institute							

ISSUES FOR FURTHER STUDY

During the audit, we noted an issue that we believe needs to be examined closer by the Governor's Commission on Juvenile Crime and Justice. Specifically, the structured sentencing guidelines do not consider offenders' juvenile criminal history. Offenders are considered to be juveniles until they reach the age of sixteen. However, juveniles committing a capital offense may either be tried in juvenile or adult court depending on the District Attorney. If an offender commits an offense as an adult, he is categorized as a "C" class offender and sentenced to regular probation even though he may have a serious juvenile record. The structured sentencing formula for determining the required sentence of an offender does not take into consideration an offenders' past juvenile record.

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OFFICE OF THE STATE AUDITOR
Division Of Adult Probation & Parole--Employee Questionnaire

PURPOSE: The Office of the State Auditor is currently conducting a performance audit of the Division of Adult Probation & Parole. This questionnaire will help the auditors identify the strengths and weaknesses of the Division's operations. It will also give you the opportunity to offer your opinions as well as suggestions for improvements. **Individuals responses will remain strictly confidential.** Only summary data will be included in the final report. Please complete and return in the enclosed envelope by **Friday, January 16, 1998.**

INSTRUCTIONS: Please check your responses. If you need more space for your response to any question, please attach additional sheets. Be sure to cross reference the question number on any additional sheets. For questions, which ask, you to indicate your opinion on a scale from 1 (poor) to 10 (excellent), please circle the number that most closely reflects your opinion.

GENERAL DATA:

1. In which section do you work? (If your section is not listed, please check "Other" and write in the name.) **158 RESPONSES**

<input type="checkbox"/> a) Administration	8	5.06%	<input type="checkbox"/> e) Administrative	13	8.23%
<input type="checkbox"/> b) Judicial	10	6.33%	<input type="checkbox"/> f) Other (Please list)	18	11.39%
<input type="checkbox"/> c) Field Services	109	68.99%			
<input type="checkbox"/> d) Fiscal/Personnel	0	0.00%			

2. Indicate the type of job you have: **159 RESPONSES**

<input type="checkbox"/> a) Management	13	8.18%	<input type="checkbox"/> d) Probation/Parole Surveillance Officer	15	9.43%
<input type="checkbox"/> b) Probation/Parole Officer	54	33.96%	<input type="checkbox"/> e) Probation/Parole Supervisor Unit	13	8.18%
<input type="checkbox"/> c) Probation/Parole Intensive or Admin. Case Officer	34	21.38%	<input type="checkbox"/> f) Other (Please list)	30	18.87%

3. How long have you been in your current position? **158 RESPONSES**

<input type="checkbox"/> a) Less than 1 year	23	14.56%	<input type="checkbox"/> d) 11 to 15 years	10	6.33%
<input type="checkbox"/> b) 1 to 5 years	87	55.06%	<input type="checkbox"/> e) 16 to 20 years	4	2.53%
<input type="checkbox"/> c) 6 to 10 years	29	18.35%	<input type="checkbox"/> f) More than 20 years	5	3.16%

4. How long have you been employed with the Division of Adult Probation and Parole? **158 RESPONSES**

<input type="checkbox"/> a) Less than 1 year	21	13.29%	<input type="checkbox"/> d) 11 to 15 years	17	10.76%
<input type="checkbox"/> b) 1 to 5 years	55	34.81%	<input type="checkbox"/> e) 16 to 20 years	8	5.06%
<input type="checkbox"/> c) 6 to 10 years	35	22.15%	<input type="checkbox"/> f) More than 20 years	22	13.92%

COMMUNICATIONS: (For questions which use a scale of 1 to 10, please circle the number that most closely reflects your opinion.)

5. Under the current organizational structure, communications **among** staff members are: **158 RESPONSES**

1	1	1	1	1	1	1	1	1	1
Poor		Fair		Average		Good			Excellent
5.5 AVERAGE									

6. Under the current organizational structure, communications with the public and other governmental agencies are:

159 RESPONSES

1	1	1	1	1	1	1	1	1	1
Poor		Fair		Average		Good			Excellent
5.7 AVERAGE									

7. Do you understand the missions and operations of the Division of Adult Probation and Parole and how you fit in?

156 RESPONSES

<input type="checkbox"/> a) Yes	148	94.87%	<input type="checkbox"/> b) No	8	5.13%
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8. How would you characterize staff motivation? **159 RESPONSES**

1	1	1	1	1	1	1	1	1	1
Poor		Fair		Average		Good			Excellent
4.8 AVERAGE									

9. How would you characterize staff morale? **159 RESPONSES**

1	1	1	1	1	1	1	1	1	1
Poor		Fair		Average		Good			Excellent
4.3 AVERAGE									

SKILLS AND TRAINING:10. Utilization of your skills by management is: **157 RESPONSES**

1	1	1	1	1	1	1	1	1	1
Poor		Fair		Average		Good			Excellent

6.0 AVERAGE

11. Has any specific technical training been provided to you in relation to your duties? **158 RESPONSES**

<input type="checkbox"/> a) Yes	135	85.44%	<input type="checkbox"/> b) No	23	14.56%
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12. Training provided has been: **155 RESPONSES**

1	1	1	1	1	1	1	1	1	1
Poor		Fair		Average		Good			Excellent

6.1 AVERAGE

13. What type of training do you believe would enhance your job performance? (please list) **175 RESPONSES**

<input type="checkbox"/> a) Basic	48	27.43%	<input type="checkbox"/> d) EHART (Electronic House Arrest)	14	8.00%
<input type="checkbox"/> b) Intensive	40	22.86%	<input type="checkbox"/> e) Other (Please list)	73	41.71%

14. Do you have an internal policies and procedures manual available to you? If no, what areas need to have policies and procedures developed? **159 RESPONSES**

<input type="checkbox"/> a) Yes	144	90.57%	<input type="checkbox"/> b) No	9	5.66%	<input type="checkbox"/> c) Don't Know	6	3.77%
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15. Please indicate the State policies and procedures manuals to which management has provided you access. **178 RESPONSES**

<input type="checkbox"/> a) Budget Manual	5	2.81%	<input type="checkbox"/> d) Cash Management Manual	2	1.12%
<input type="checkbox"/> b) Personnel Manual	106	59.55%	<input type="checkbox"/> e) Fixed Assets Manual	5	2.81%
<input type="checkbox"/> c) Purchasing Manual	5	2.81%	<input type="checkbox"/> f) Other (Please list)	55	30.90%

RESOURCE MANAGEMENT:16. Space and facilities for the Office are: **156 RESPONSES**

1	1	1	1	1	1	1	1	1	1
Poor		Fair		Average		Good			Excellent

5.2 AVERAGE

17. Support equipment for the staff is: **157 RESPONSES**

<input type="checkbox"/> a) Adequate	92	58.60%	<input type="checkbox"/> b) Inadequate (Please list needs)	65	41.40%
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18. What equipment issued to you by DOC benefits you most? **254 RESPONSES**

<input type="checkbox"/> a) Firearms	23	9.06%	<input type="checkbox"/> d) Computer	94	37.01%
<input type="checkbox"/> b) Communications	38	14.96%	<input type="checkbox"/> e) Clothing	10	3.94%
<input type="checkbox"/> c) Vehicle	75	29.53%	<input type="checkbox"/> f) Other (Please list)	14	5.51%

19. Are you normally able to complete your duties within the 40 hour work week? **160 RESPONSES**

<input type="checkbox"/> a) Yes	100	62.50%	<input type="checkbox"/> b) No	60	37.50%
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Skip to question #20

20. How are hours worked in excess of 40 per week handled? **105 RESPONSES**

☐ a) Paid overtime **38 36.19%** ☐ b) Receive compensatory time **48 45.71%** ☐ c) Other (Please explain) **19 18.1%**

21. Is the Office effectively managing its available resources (facilities, personnel, funding, etc.)? If no, please explain.

156 RESPONSES

☐ a) Yes **83 53.21%** ☐ b) No **28 17.95%** ☐ c) Don't Know **45 28.85%**

22. Do you feel your office is a safe working environment? **158 RESPONSES**

☐ a) Yes **103 65.19%** ☐ b) No **47 29.75%** ☐ c) Don't Know **8 5.06%**

ORGANIZATIONAL STRUCTURE:

23. Are there other jobs that overlap or duplicate your job? If yes, please describe. **155 RESPONSES**

☐ a) Yes **29 18.71%** ☐ b) No **114 73.55%** ☐ c) Don't Know **12 7.74%**

- **THE SUPERVISION OF OUT OF STATE PROBATIONERS.**
- **TRANSPORTING INMATES AND ABSCONDERS**
- **INTERNAL AUDITS ON CASES**

24. Are you aware of any work delays or impediments to your job performance? If yes, please describe and offer your solutions.

155 RESPONSES

☐ a) Yes **49 31.61%** ☐ b) No **93 60.00%** ☐ c) Don't Know **13 8.39%**

- **DAs CLERKS, AND JUDGES: DELAY CASES TO FIELD OFFICES**
- **LACK OF RESOURCES (VEHICLES, EQUIPMENT)**
- **COURT SYSTEM**
- **COMPUTER SUPPORT**

25. Do you believe the current organizational structure is meeting the needs of the public? If no, please explain.

159 RESPONSES

☐ a) Yes **85 53.46%** ☐ b) No **45 28.30%** ☐ c) Don't Know **29 18.24%**

- **EMPHASIS SHOULD BE ON QUALITY OF PROGRAM, NOT NUMBER OF OFFENDERS IN A PROGRAM**
- **NO, DUE TO CASE OVERLOADS**
- **NO, UNQUALIFIED OFFICER**

26. What organizational changes would you make to your work unit? Why?

- **REDUCTION IN TIME SPENT IN COURT**
- **ADDITIONAL STAFF TO EASE WORKLOAD**
- **MORE TRAINING ON GANGS, DOMESTIC VIOLENCE, AND SURVIVAL SKILLS**
- **QUICKER TURN-AROUND WHEN ORDERING EQUIPMENT**
- **MORE EQUITABLE HIRING PRACTICES**
- **MORE TRAINING FOR SUPERVISORS**

27. What are the greatest strengths of the Division? (Give examples, details)

- **WORK RELATIONSHIPS WITH LOCAL AGENCIES**
- **ADAPTABILITY TO CHANGE AND NEW PROGRAMS**
- **MANAGEMENT OF EXCESSIVE WORKLOADS**
- **DEDICATED EMPLOYEES**
- **ELECTRONIC MONITORING SYSTEM**

28. What areas continue to need the most improvement? (Give examples, details)

- **EQUITABLE SALARIES**
- **EQUITABLE HIRING AND PROMOTIONS**
- **TIME SPENT IN THE COURT SYSTEM**
- **TRAINING AND EQUIPMENT**
- **COMMUNICATIONS THROUGHOUT DIVISION**

If you would like to talk to the auditors on any issue, please provide your name, the telephone number where you would like us to contact you, and the best time to reach you. This questionnaire and any other communications we have with you will be kept **STRICTLY CONFIDENTIAL**.

Name: _____ Telephone #: _____ Best Time to Call: _____
(Please Print)

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NORTH CAROLINA OFFICE OF THE STATE AUDITOR
DOC-Adult Probation & Parole Survey
Questionnaire for Other States

Purpose: The NC Office of the State Auditor is conducting a performance audit on our State's Adult Probation and Parole Program. We are seeking information from other states as to the operations of their programs for purposes of comparison. Please complete this questionnaire and return in the pre-addressed, stamped envelope provided by Monday, February 16, 1998. Thank you for your participation.

State _____	Contact Person _____
Name of Agency _____	Position _____
Address _____	Phone # _____

Probation and Parole Section [PLEASE CIRCLE MULTIPLE CHOICE ANSWERS.]

1. Briefly describe the operational duties, functions, and responsibilities of the Probation/Paroles Section. [Please include a copy of your organization chart for both the Probation and Parole Section and the Oversight Group with your completed questionnaire.]

2. Are Adult Probation & Parole combined in your state?

- a. Yes • b. No

3. Officers are hired at the

- a. State Level • b. County Level

4. How many employees work in the

A. Probation and Parole Section (if combined)?

a. Total # employees _____ b. # of Officers _____

B.. Probation Section?

a. Total # employees _____ b. # of Officers _____

C. Parole Section?

a. Total # employees _____ b. # of Officers _____

5. To whom does your Division Director report? _____

6. The Division Director is

- a. Appointed (by whom) • b. Hired (by whom)

7. What are the employment qualifications for Division Director?

8. Is your state organized in [Please indicate number of each.]

- a. District Offices • b. Field Offices

9. How many of the officers are under the direct supervision of the chief probation officer or unit manager at the **State level**? _____

10. Average number of officer vacancies in calendar year 1997?

- a. Probation _____ b. Parole _____ c. Probation/Parole, if combined _____

11. Please list the different categories and levels of probation and/or parole officers and salary ranges. (Ex: Probation Officer I, II, III, etc.)

12. Are cases assigned to Probation/Parole Officers based on specialty type?

- a. Yes • b. No

13. Are all Probation/Parole officers issued weapons or safety items? **[If no, skip to question 15.]**

- a. Yes • b. No

14. What types of weapons or safety items are issued?

- a. guns • b. night sticks • c. cars with cages • d. bullet-proof vests • e. other (please list)

15. What types of communications devices are issued to Probation/Parole officers?

- a. cellular phone • b. cars equipped with radios • c. pagers • d. other (please list)

16. What was the average caseload in 1997 of

- a. Probation _____ b. Parole _____ c. Probation/Parole, if combined _____

17. Caseload averages include [check all that apply]

- a. Parolees • b. Post-release supervision • c. Absconders • d. Community punishment • e. Inactive cases • f. Other (please list)

18. What was the 1997 average length of

- a. Intensive Probation _____ b. Regular Probation _____

19. What type of programs do you offer offenders?

- a. Education • b. Employment • c. Training • d. job placement • e. Other (Please List)

20. How do you measure program results or outcomes of the Probation/Parole function?

21. Does your state have Structured Sentencing laws?

- a. Yes • b. No

22. What effect has Structured Sentencing had on the

A. Number of officers?

- a. increased (by what %) • b. decreased (by what %) • c. no change • d. too soon to tell

B. Number of administrative and support staff?

- a. increased (by what %) • b. decreased (by what %) • c. no change • d. too soon to tell

C. Officer case load?

- a. increased (by what %) • b. decreased (by what %) • c. no change • d. too soon to tell

D. Division budget?

- a. increased (by what %) • b. decreased (by what %) • c. no change • d. too soon to tell

Oversight Group [PLEASE CIRCLE MULTIPLE CHOICE ANSWERS.]

1. What agency/group performs the oversight function of Probation/Parole?

- a. Parole Commission
- b. Dept. of Correction
- c. Other (please list)

2. Do the members meet as a group to make decisions on offenders to be paroled?

- a. Yes
- b. No

3. How many members serve on the oversight group? _____

4. Are members of the oversight group?

- a. Appointed (by whom)
- b. Elected
- c. Dept. staff
- d. Other (please explain)

5. What qualifications are required to serve on the oversight group?

6. How long are their terms of office? _____

7. Do the oversight members work a regular 40 hour week?

- a. Yes
- b. No

8. How is the oversight group paid? [Please provide the salary classification & ranges and/or the per diem rates.]

- a. Set Salary
- b. Per Diem
- c. Salary + Expenses
- d. Other (please explain)

9. What was the average caseload for the oversight group? _____

10. If your State has Structured Sentencing, what effect has it had on the number of

A. Oversight Group members?

- a. increased (by what %)
- b. decreased (by what %)
- c. no change
- d. too soon to tell

B. Case loads?

- a. increased (by what %)
- b. decreased (by what %)
- c. no change
- d. too soon to tell

PLEASE INCLUDE ANY OTHER DATA ABOUT YOUR OPERATIONS THAT YOU FEEL WILL BE HELPFUL IN THE COMPARISON TO NORTH CAROLINA'S OPERATIONS.

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APPENDIX C STATES WITH COMBINED PROBATION/PAROLE FUNCTION												
NR = NO RESPONSE NA = NOT APPLICABLE												
Issues	North Carolina	Alabama	Delaware	Florida	Idaho	Kentucky	Louisiana	Maryland	Michigan	Mississippi	Missouri	Montana
Are Adult Probation and Parole combined in your state?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
To whom does your Division Director report?	Deputy Secretary, DOC	Executive Director, Bd. of Pardons/ Paroles	Bureau Chief, Community Correction	Secretary, DOC	Director, DOC	Deputy Commissioner, Community Services & Local Facilities	Secretary, Dept. of Public Safety & Corrections	Secretary, Dept of Public Safety & Correctional Services	Department Director, DOC	Commissioner, Community Services	DOC Director	DOC Director, Director
Division Director is appointed or hired? By whom?	Appointed by Governor	Merit System Promotion	Hired	Appointed by DOC Secretary	Hired by Director, DOC	Appointed by the Governor	Hired by Secretary Public Safety & Corr.	Appointed by Secretary with Senate confirmation	Hired by Director DOC	Commissioner is appointed by the Governor	Appointed by Governor, with Senate confirmation	DOC Director
Are cases assigned to Probation/Parole officers based on Specialty Type?	Yes	Generally No Some exceptions	Yes	Yes	Yes	Yes (for sex offenders)	Yes	No	No (some exceptions)	Yes	Yes	No
Are all probation and parole officers issued weapons and safety items?	Yes (No weapons)	Yes	Yes	No	Yes	Yes	Yes	No	No (personal weapons)	Yes	Yes (personal weapons)	Yes (except for Juvenile officers)
Average Caseload in 1997?	91	170	Regular 110 Intensive 45	76	68	85	97	97	90 units 63 bodies	102	82	80+
Caseload Averages Include:												
Paroles	x	x	x	x	x	x	x	x	x		x	x
Post-Release Supervision	x		x	x	x	x	x	x	x		x	
Absconders	x	x				x						
Community Punishment							x		x		x	x
Inactive Cases		x										
Other:												
Probationers	x		x	x					x	x	x	
Interstate Furloughs												x
Active												
Split Sentence												
Average length of Probation in 1997												
Intensive Probation	6.47 months	90 days	Unknown	Unavailable	6 months	3 to 6 months	NA	21 months	NR	Cannot answer	NR	9 to 14 months
Regular Probation	20 months	3 years	Unknown	Unavailable		18 months	3 years	21 months	2 years			4 to 6 years
Types of programs for offenders												
Education	x	x	x	x	x			x	NR	x	x	NR
Employment	x	x	x	x	x					x	x	
Training	x	x		x				x				
Job Placement	x	x		x	x			x				
Other:												
Treatment/referral	x			x							x	
Domestic Abuse/Ed												
Violent Offenders												
Young Offenders												
Substance Abuse			x			x	x					
Sex Offender			x			x						
Work release												
Community Service												

APPENDIX C (continued)												
STATES WITH COMBINED PROBATION/PAROLE FUNCTION												
Issues	NR = NO RESPONSE NA = NOT APPLICABLE											
	North Carolina	Alabama	Delaware	Florida	Idaho	Kentucky	Louisiana	Maryland	Michigan	Mississippi	Missouri	Montana
State has Structured Sentencing Laws	Yes	No Truth in Sentencing	Yes	Yes	No	No	No	No	No	No	No	No
Agency/Group performing oversight function for probation/parole	Parole Commission	Pardon & Paroles Board	Department of Correction	Department of Correction	Department of Correction	Department of Correction	NA	Public Safety & Correctional Services	Department of Correction	Department of Correction	DOC-Administrative Parole Bd-Releases	Department of Correction
Oversight members meet as group to make decisions on offenders to be paroled?	No	Yes	NR	No	Yes	Yes	NA	No	No	No oversight group	Yes	No
Number of members on Oversight Group?	5	3	NR	NA	5	7	NA	NR	10	NR	7	0
Members of the Oversight Group are												
Appointed	By Governor	By Governor	NR	NR	By Board of Correction	By Governor	NA	Department	By Director of Corrections	NR	x	By Governor
Elected								Staff				
Department staff												
Other												
Average caseload - Oversight Group 1997?	Unknown	Review cases	NR	NR	200 per month	NA	NA	NR	NR	NR	NA	NR

APPENDIX C (continued) STATES WITH COMBINED PROBATION/PAROLE FUNCTION												
												NR = NO RESPONSE NA = NOT APPLICABLE
Issues	New Hampshire	New Mexico	North Dakota	Ohio	Pennsylvania	Rhode Island	South Carolina	Utah	Vermont	Virginia	Washington	Wyoming
Are Adult Probation and Parole combined in your state?	Yes	Yes	Yes	Yes	Yes, county	Yes	Yes	Yes	Yes	Yes	Yes	Yes
To whom does your Division Director report?	Commissioner of Corrections	Deputy Cabinet Secretary	Director, DOC	Chief of Adult Probation/ Paroles	Chairman of the Probation/ Parole Bd.	Assistant Director, DOC	Director, DOC	Executive Director, DOC	Correctional Services Director	Deputy Director, DOC	Secretary, DOC	Director, DOC
Division Director is appointed or hired? By whom?	Appointed by Governor	Appointed by Deputy Cabinet Secretary	Hired by DOC Director	Appointed by Director of Rehabilitation & Corrections	Hired by Board of Probation/ Parole	Appointed by DOC Director	Appointed by Director of DOC	Appointed by DOC Director	Hired by Commissioner, Corrections	Hired by Deputy Director, DOC	Appointed by Secretary of DOC	Hired by Director, DOC
Are cases assigned to Probation/Parole officers based on Specialty Type?	No (few exceptions)	NR	Yes (depends on caseloads)	No	County courts determine	Yes	No	No	Yes	Yes (exceptions)	No (exceptions for mentally ill and drug or sex offenders)	No
Are all probation and parole officers issued weapons and safety items?	Yes	NR	Yes	Yes	Yes (court decides)	No	Yes	Yes	No	Voluntary	Yes	No
Average Caseload in 1997?	100	NR	82	45-50	County 115	Probation 308 Parole 71	100	75	Court/Rep 200 Risk Mgmt 45	70.03	Workload hours are 127/month	55-60
Caseload Averages Include:												
Paroles	x	NR	x	x	x	NR	x	x	x	x	x	x
Post-Release Supervision	x		x	x	x				x	x	x	x
Absconders	x		x	x	x						x	
Community Punishment	x		x	x	x		x	x	x	x	x	
Inactive Cases			x		x			x	x			
Other:												
Probationers	x				x							
Interstate Furloughs				x								
Active			x									
Split Sentence												
Average length of Probation in 1997												
Intensive Probation	Unknown	NR	NR	NR	NR	Unknown	6 months	6 months	NA	9 months	NA	2.7-3.4 months
Regular Probation	Unknown	NR	NR	Maximum 5 yrs	18 months		2 years	18 months	1 year	2.3 years	NR	8.2-16.6 months
Types of programs for offenders												
Education	NR	NR	NR	x	x	NR		x	x	x	x	
Employment				x	x		x (limited)	x	x	x	x	
Training				x					x		x	x
Job Placement				x	x				x	x	x	x

APPENDIX C (concluded) STATES WITH COMBINED PROBATION/PAROLE FUNCTION												
												NR = NO RESPONSE NA = NOT APPLICABLE
Issues	New Hampshire	New Mexico	North Dakota	Ohio	Pennsylvania	Rhode Island	South Carolina	Utah	Vermont	Virginia	Washington	Wyoming
Types of programs for offenders												
Other:												
Treatment/referral	x			x								
Domestic Abuse/Ed									x			
Violent Offenders									x			
Young Offenders									x			
Substance Abuse									x	x	x	
Sex Offender									x	x		
Work release												
Community Service											x	
State has Structured Sentencing Laws	No	NR	No	Yes	No	No	No	No	No	Voluntary Guidelines	Yes	No
Agency/Group performing oversight function for probation/parole	Department of Correction	NR	Parole Commission	Department of Correction	President Judge	Department of Correction	Member of Governor's Cabinet	Dept. of Correction & Parole Commission	Department of Correction	Board of Corrections	Department of Correction	Dept. of Correction & Paroles Board
Oversight members meet as group to make decisions on offenders to be paroled?	Yes, Parole Board meets as	NR	Yes	No	No	NR	NA	Yes	No	No	No	Yes
Number of members on Oversight Group?	NR	NR	3	12	NA	NR	NA	5	NA	5	3	7
Members of the Oversight Group are												
Appointed	NR	NR	By Governor	Chair Only				x		By Governor	By Governor	By Governor
Elected					x							
Department staff				11 Bd Members								
Other												
Average caseload - Oversight Group 1997?	NR	NR	65 hearings	NR	NA	NR	NA	NR	NA	16,461 reviews	NR	No caseloads

APPENDIX D											
STATES WHICH DO NOT HAVE A COMBINED PROBATIONS/PAROLE FUNCTION											
NR = NO RESPONSE NA = NOT APPLICABLE											
	Georgia		Illinois		Indiana		Tennessee		West Virginia		
Issues	(Probation)	(Parole)	(Probation Only)	(Parole)	(Probation)	(Parole)	(Probation)	(Parole)	(Probation)	(Parole)	
Are Adult Probation and Parole combined in your state?	No	No	Probation: No	NR from Parole Administration	NR from Probation	No	No	No	No	No	NR from Parole
To whom does your Division Director report?	Commissioner of Corrections	Director of Paroles Board	Administrative Officer of the Courts Supreme Court		Administration	All on county level	Commissioner of Corrections	Parole Board	No Division Director at Local Level		Administration
Division Director is appointed or hired? By whom?	Commissioner of Corrections	Appointed by Parole Director w/Board approval	Hired by Director Administrative Office of the Courts			County level	Appointed by Commissioner of Corrections	Appointed by Parole Board	NR		
Are cases assigned to Probation/Parole officers based on Specialty Type?	Yes (Intensive and sex offenders)	Yes (depends on size/ location)	NR			Varies by county	Yes, in metro areas	Yes	No		
Are all probation and parole officers issued weapons and safety items?	Yes	Yes				Varies by county	Yes	No	No		
Average Caseload in 1997?	205	60	10-75			County level	75-80	57	75		
Caseload Averages Include:											
Paroles	NR	x	NR			County level		x			
Post-Release Supervision							x	x			
Absconders		x									
Community Punishment							x				
Inactive Cases							x				
Other:											
Probationers							x				
Interstate Furloughs											
Active											
Split Sentence											
Average length of Probation in 1997											
Intensive Probation	6 months	NA	1-2.5 years			County level	16 months	0			
Regular Probation	2 years	NA	28 months				3 years	0			
Types of programs for offenders											
Education						County level	x	x			
Employment								x			
Training	x							x			
Job Placement	x	x	NR				x	x			
Other:											
Treatment/referral		Referrals						x			
Domestic Abuse/Ed											
Violent Offenders											

APPENDIX D (concluded)											
STATES WHICH DO NOT HAVE A COMBINED PROBATIONS/PAROLE FUNCTION											
NR = NO RESPONSE NA = NOT APPLICABLE											
Issues	Georgia		Illinois		Indiana		Tennessee		West Virginia		
	(Probation)	(Parole)	(Probation Only)	(Parole)	(Probation)	(Parole)	(Probation)	(Parole)	(Probation)	(Parole)	
Types of programs for offenders											
Other:											
Substance Abuse								x			
Sex Offender											
Work release											
Community Service											
State has Structured Sentencing Laws	No	No	No			NR	NR	Yes			
Agency/Group performing oversight function for probation/parole	Department of Correction	Parole Board	NR			NR	Department of Correction	Legislative Oversight Committee			
Oversight members meet as group to make decisions on offenders to be paroled?	NA	Generally No	NR			NR	NA	No			
Number of members on Oversight Group?	NA	5	NR			NR	NA	14			
Members of the Oversight Group are											
Appointed	NA	By Governor with Senate confirmation	NR			NR	NA				
Elected								By Public			
Department staff											
Other											
Average caseload - Oversight Group 1997?	NA	In 1997, 30,000	NR			NR	NA	Unknown			

ARTICLE 81B. Structured Sentencing of Persons Convicted of Crimes.

Part 1. General Provisions.

15A-1340.10. Applicability of structured sentencing.

This Article applies to criminal offenses in North Carolina, other than impaired driving under G.S. 20-138.1 and failure to comply with control measures under G.S. 130A-25, that occur on or after October 1, 1994. This Article does not apply to violent habitual felons sentenced under Article 2B of Chapter 14 of the General Statutes.

(1993, c. 538, s. 1; ; 1993 (Reg. Sess., 1994), c. 767, s. 17; 1994, Ex. Sess., c. 22, s. 35; c. 24, s. 14(a), (b).)

15A-1340.11. Definitions.

The following definitions apply in this Article:

- (1) Active punishment. -- A sentence in a criminal case that requires an offender to serve a sentence of imprisonment and is not suspended. Special probation, as defined in G.S. 15A-1351, is not an active punishment.
- (2) Community punishment. -- A sentence in a criminal case that does not include an active punishment, an intermediate punishment, or any of the conditions of probation listed in subdivision (6) of this section.
- (3) Day-reporting center. -- A facility to which offenders are required, as a condition of probation, to report on a daily or other regular basis at specified times for a specified length of time to participate in activities such as counseling, treatment, social skills training, or employment training.
- (4) [Deleted, 1997, c. 57, s. 2.]
- (4a) House arrest with electronic monitoring. -- Probation in which the offender is required to remain at his or her residence unless the court or the probation officer authorizes the offender to leave for the purpose of employment, counseling, a course of study, or vocational training. The offender shall be required to wear a device which permits the supervising agency to monitor the offender's compliance with the condition electronically.
- (5) Intensive probation. -- Probation that requires the offender to submit to supervision by officers assigned to the Intensive Supervision Program established pursuant to G.S. 143B-262(c), and to comply with the rules adopted for that Program. Unless otherwise ordered by the court, intensive supervision also requires multiple contacts by a probation officer per week, a specific period each day during which the offender must be at his or her residence, and that the offender remain gainfully and suitably employed or faithfully pursue a course of study or of vocational training that will equip the offender for suitable employment.
- (6) Intermediate punishment. -- A sentence in a criminal case that places an offender on supervised probation and includes at least one of the following conditions:
 - a. Special probation as defined in G.S. 15A-1351(a).

- b. Assignment to a residential program.
- c. House arrest with electronic monitoring.
- d. Intensive probation.
- e. Assignment to a day-reporting center.

In addition, a sentence to regular supervised probation imposed pursuant to a community penalties plan as defined in G.S. 7A-771(2) is an intermediate punishment, regardless of whether any of the above conditions is imposed, if the plan is accepted by the court and the plan does not include active punishment.

(7) Prior conviction. -- A person has a prior conviction when, on the date a criminal judgment is entered, the person being sentenced has been previously convicted of a crime:

- a. In the district court, and the person has not given notice of appeal and the time for appeal has expired; or
- b. In the superior court, regardless of whether the conviction is on appeal to the appellate division; or
- c. In the courts of the United States, another state, the armed services of the United States, or another country, regardless of whether the offense would be a crime if it occurred in North Carolina, regardless of whether the crime was committed before or after the effective date of this Article.

(8) Residential program. -- A program in which the offender, as a condition of probation, is required to reside in a facility for a specified period and to participate in activities such as counseling, treatment, social skills training, or employment training, conducted at the residential facility or at other specified locations.

[Editor's Note: 1997 Act 80, Section 16, provides: "This act becomes effective December 1, 1997, and applies to offenses committed on or after that date."]

(1997, c. 57, s. 2; 1997, c. 80, s. 6.)

15A-1340.12. Purposes of sentencing.

The primary purposes of sentencing a person convicted of a crime are to impose a punishment commensurate with the injury the offense has caused, taking into account factors that may diminish or increase the offender's culpability; to protect the public by restraining offenders; to assist the offender toward rehabilitation and restoration to the community as a lawful citizen; and to provide a general deterrent to criminal behavior.

(1993, c. 538, s. 1.; 1994, Ex. Sess., c. 24, s. 14(b).)

Part 2. Felony Sentencing.

15A-1340.13. Procedure and incidents of sentence of imprisonment for felonies.

(a) Application to Felonies Only. -- This Part applies to sentences imposed for felony convictions.

(b) Procedure Generally; Requirements of Judgment; Kinds of Sentences. -- Before imposing a sentence, the court shall determine the prior record level for the offender pursuant to G.S. 15A-1340.14. The sentence shall contain a sentence disposition specified for the class of offense and prior record level, and its minimum term of imprisonment shall be within the range specified for the class of offense and prior record level, unless applicable statutes require or authorize another minimum sentence of imprisonment. The kinds of sentence dispositions are active punishment, intermediate punishment, and community punishment.

(c) Minimum and Maximum Term. -- The judgment of the court shall contain a minimum term of imprisonment that is consistent with the class of offense for which the sentence is being imposed and with the prior record level for the offender. The maximum term of imprisonment applicable to each minimum term of imprisonment is, unless otherwise provided, as specified in G.S. 15A-1340.17. The maximum term shall be specified in the judgment of the court.

(d) Service of Minimum Required; Earned Time Authorization. -- An offender sentenced to an active punishment shall serve the minimum term imposed. The maximum term may be reduced to, but not below, the minimum term by earned time credits awarded to an offender by the Department of Correction or the custodian of the local confinement facility, pursuant to rules adopted in accordance with law.

(e) Deviation from Sentence Ranges for Aggravation and Mitigation; No Sentence Dispositional Deviation Allowed. -- The court may deviate from the presumptive range of minimum sentences of imprisonment specified for a class of offense and prior record level if it finds, pursuant to G.S. 15A-1340.16, that aggravating or mitigating circumstances support such a deviation. The amount of the deviation is in the court's discretion, subject to the limits specified in the class of offense and prior record level for mitigated and aggravated punishment. Deviations for aggravated or mitigated punishment are allowed only in the ranges of minimum and maximum sentences of imprisonment, and not in the sentence dispositions specified for the class of offense and prior record level, unless a statute specifically authorizes a sentence dispositional deviation.

(f) Suspension of Sentence. -- Unless otherwise provided, the court shall not suspend the sentence of imprisonment if the class of offense and prior record level do not permit community or intermediate punishment as a sentence disposition. The court shall suspend the sentence of imprisonment if the class of offense and prior record level require community or intermediate punishment as a sentence disposition. The court may suspend the sentence of imprisonment if the class of offense and prior record level authorize, but do not require, active punishment as a sentence disposition.

(g) Dispositional Deviation for Extraordinary Mitigation. -- Except as provided in subsection (h) of this section, the court may impose an intermediate punishment for a class of offense and prior record level that requires the imposition of an active punishment if it finds in writing all of the following:

(1) That extraordinary mitigating factors of a kind significantly greater than in the normal case are present.

- (2) Those factors substantially outweigh any factors in aggravation.
- (3) It would be a manifest injustice to impose an active punishment in the case.

The court shall consider evidence of extraordinary mitigating factors, but the decision to find any such factors, or to impose an intermediate punishment is in the discretion of the court. The extraordinary mitigating factors which the court finds shall be specified in its judgment.

(h) Exceptions When Extraordinary Mitigation Shall Not Be Used. -- The court shall not impose an intermediate sanction pursuant to subsection (g) of this section if:

- (1) The offense is a Class A or Class B1 felony;
- (2) The offense is a drug trafficking offense under G.S. 90-95(h) or a drug trafficking conspiracy offense under G.S. 90-95(i); or
- (3) The defendant has five or more points as determined by G.S. 15A-1340.14.

[Editor's Note: 1995 Act 375, Section 2, provides: "This act becomes effective December 1, 1995, and applies to offenses committed on or after that date."]

(1993, c. 538, s. 1; 1994, Ex. Sess., c. 14, ss. 18, 18.1, 19; c. 22, s. 9; c. 24, s. 14(b); 1995, c. 375, s. 1.)

15A-1340.14. Prior record level for felony sentencing.

(a) Generally. -- The prior record level of a felony offender is determined by calculating the sum of the points assigned to each of the offender's prior convictions that the court finds to have been proved in accordance with this section.

(b) Points. -- Points are assigned as follows:

- (1) For each prior felony Class A conviction, 10 points.
 - (1a) For each prior felony Class B1 conviction, 9 points.
- (2) For each prior felony Class B2, C, or D conviction, 6 points.
- (3) For each prior felony Class E, F, or G conviction, 4 points.
- (4) For each prior felony Class H or I conviction, 2 points.
- (5) For each prior Class A1 or Class 1 misdemeanor conviction, 1 point, except that convictions for Class 1 misdemeanor offenses under Chapter 20 of the General Statutes, other than conviction for misdemeanor death by vehicle (G.S. 20-141.4(a2)), shall not be assigned any points for purposes of determining a person's prior record for felony sentencing.
- (6) If all the elements of the present offense are included in any prior offense for which the offender was convicted, whether or not the prior offense or offenses were used in determining prior record level, 1 point.

- (7) If the offense was committed while the offender was on supervised or unsupervised probation, parole, or post-release supervision, or while the offender was serving a sentence of imprisonment, or while the offender was on escape from a correctional institution while serving a sentence of imprisonment, 1 point.

For purposes of determining prior record points under this subsection, a conviction for a first degree rape or a first degree sexual offense committed prior to the effective date of this subsection shall be treated as a felony Class B1 conviction, and a conviction for any other felony Class B offense committed prior to the effective date of this subsection shall be treated as a felony Class B2 conviction.

(c) Prior Record Levels for Felony Sentencing. -- The prior record levels for felony sentencing are:

- (1) Level I -- 0 points.
- (2) Level II -- At least 1, but not more than 4 points.
- (3) Level III -- At least 5, but not more than 8 points.
- (4) Level IV -- At least 9, but not more than 14 points.
- (5) Level V -- At least 15, but not more than 18 points.
- (6) Level VI -- At least 19 points.

In determining the prior record level, the classification of a prior offense is the classification assigned to that offense at the time the offense for which the offender is being sentenced is committed.

(d) Multiple Prior Convictions Obtained in One Court Week. -- For purposes of determining the prior record level, if an offender is convicted of more than one offense in a single superior court during one calendar week, only the conviction for the offense with the highest point total is used. If an offender is convicted of more than one offense in a single session of district court, only one of the convictions is used.

(e) Classification of Prior Convictions From Other Jurisdictions. -- Except as otherwise provided in this subsection, a conviction occurring in a jurisdiction other than North Carolina is classified as a Class I felony if the jurisdiction in which the offense occurred classifies the offense as a felony, or is classified as a Class 3 misdemeanor if the jurisdiction in which the offense occurred classifies the offense as a misdemeanor. If the offender proves by the preponderance of the evidence that an offense classified as a felony in the other jurisdiction is substantially similar to an offense that is a misdemeanor in North Carolina, the conviction is treated as that class of misdemeanor for assigning prior record level points. If the State proves by the preponderance of the evidence that an offense classified as either a misdemeanor or a felony in the other jurisdiction is substantially similar to an offense in North Carolina that is classified as a Class I felony or higher, the conviction is treated as that class of felony for assigning prior record level points. If the State proves by the preponderance of the evidence that an offense classified as a misdemeanor in the other jurisdiction is substantially similar to an offense

classified as a Class A1 or Class 1 misdemeanor in North Carolina, the conviction is treated as a Class A1 or Class 1 misdemeanor for assigning prior record level points.

(f) Proof of Prior Convictions. -- A prior conviction shall be proved by any of the following methods:

- (1) Stipulation of the parties.
- (2) An original or copy of the court record of the prior conviction.
- (3) A copy of records maintained by the Division of Criminal Information, the Division of Motor Vehicles, or of the Administrative Office of the Courts.
- (4) Any other method found by the court to be reliable.

The State bears the burden of proving, by a preponderance of the evidence, that a prior conviction exists and that the offender before the court is the same person as the offender named in the prior conviction. The original or a copy of the court records or a copy of the records maintained by the Division of Criminal Information, the Division of Motor Vehicles, or of the Administrative Office of the Courts, bearing the same name as that by which the offender is charged, is prima facie evidence that the offender named is the same person as the offender before the court, and that the facts set out in the record are true. For purposes of this subsection, "a copy" includes a paper writing containing a reproduction of a record maintained electronically on a computer or other data processing equipment, and a document produced by a facsimile machine. The prosecutor shall make all feasible efforts to obtain and present to the court the offender's full record. Evidence presented by either party at trial may be utilized to prove prior convictions. Suppression of prior convictions is pursuant to G.S. 15A-980. If a motion is made pursuant to that section during the sentencing stage of the criminal action, the court may grant a continuance of the sentencing hearing. If asked by the defendant in compliance with G.S. 15A-903, the prosecutor shall furnish the defendant's prior criminal record to the defendant within a reasonable time sufficient to allow the defendant to determine if the record available to the prosecutor is accurate.

[Editor's Note: 1995 Act 507, Section 28.12, is a severability clause.

1995 Act 507, Section 19.5(q), provides: "This section becomes effective December 1, 1995, and applies to offenses committed on or after that date.

1997 Act 80, Section 16, provides: "This act becomes effective December 1, 1997, and applies to offenses committed on or after that date."]

(1993, c. 538, s. 1; 1994, Ex. Sess., c. 22, s. 10; c. 24, s. 14(b); 1993 (Reg. Sess., 1994), c. 767, ss. 11-13; 1995, c. 507, s. 19.5(f); 1995 (Reg. Sess. 1996), c. 742, s. 15; 1997, c. 80, s. 7.)

15A-1340.15. Multiple convictions.

(a) Consecutive Sentences. -- This Article does not prohibit the imposition of consecutive sentences. Unless otherwise specified by the court, all sentences of imprisonment run concurrently with any other sentences of imprisonment.

(b) Consolidation of Sentences. -- If an offender is convicted of more than one offense at the same time, the court may consolidate the offenses for judgment and impose a single judgment for the consolidated offenses. The judgment shall contain a sentence disposition specified for the class of offense and prior record level of the most serious offense, and its minimum sentence of imprisonment shall be within the ranges specified for that class of offense and prior record level, unless applicable statutes require or authorize another minimum sentence of imprisonment.

(1993, c. 538, s. 1; 1994, Ex. Sess., c. 24, s. 14(b).)

15A-1340.16. Aggravated and mitigated sentences.

(a) Generally, Burden of Proof. -- The court shall consider evidence of aggravating or mitigating factors present in the offense that make an aggravated or mitigated sentence appropriate, but the decision to depart from the presumptive range is in the discretion of the court. The State bears the burden of proving by a preponderance of the evidence that an aggravating factor exists, and the offender bears the burden of proving by a preponderance of the evidence that a mitigating factor exists.

(b) When Aggravated or Mitigated Sentence Allowed. -- If the court finds that aggravating or mitigating factors exist, it may depart from the presumptive range of sentences specified in G.S. 15A-1340.17(c)(2). If the court finds that aggravating factors are present and are sufficient to outweigh any mitigating factors that are present, it may impose a sentence that is permitted by the aggravated range described in G.S. 15A-1340.17(c)(4). If the court finds that mitigating factors are present and are sufficient to outweigh any aggravating factors that are present, it may impose a sentence that is permitted by the mitigated range described in G.S. 15A-1340.17(c)(3).

(c) Written Findings; When Required. -- The court shall make findings of the aggravating and mitigating factors present in the offense only if, in its discretion, it departs from the presumptive range of sentences specified in G.S. 15A-1340.17(c)(2). Findings shall be in writing. The requirement to make findings in order to depart from the presumptive range applies regardless of whether the sentence of imprisonment is activated or suspended.

(d) Aggravating Factors. -- The following are aggravating factors:

- (1) The defendant induced others to participate in the commission of the offense or occupied a position of leadership or dominance of other participants.
- (2) The defendant joined with more than one other person in committing the offense and was not charged with committing a conspiracy.
- (3) The offense was committed for the purpose of avoiding or preventing a lawful arrest or effecting an escape from custody.
- (4) The defendant was hired or paid to commit the offense.
- (5) The offense was committed to disrupt or hinder the lawful exercise of any governmental function or the enforcement of laws.
- (6) The offense was committed against a present or former law enforcement officer, employee of the Department of Correction, jailer, fireman, emergency medical technician, ambulance attendant, justice or judge, clerk or assistant or deputy clerk of

court, magistrate, prosecutor, juror, or witness against the defendant, while engaged in the performance of that person's official duties or because of the exercise of that person's official duties.

- (7) The offense was especially heinous, atrocious, or cruel.
- (8) The defendant knowingly created a great risk of death to more than one person by means of a weapon or device which would normally be hazardous to the lives of more than one person.
- (9) The defendant held public office at the time of the offense and the offense related to the conduct of the office.
- (10) The defendant was armed with or used a deadly weapon at the time of the crime.
- (11) The victim was very young, or very old, or mentally or physically infirm, or handicapped.
- (12) The defendant committed the offense while on pretrial release on another charge.
- (13) The defendant involved a person under the age of 16 in the commission of the crime.
- (14) The offense involved an attempted or actual taking of property of great monetary value or damage causing great monetary loss, or the offense involved an unusually large quantity of contraband.
- (15) The defendant took advantage of a position of trust or confidence to commit the offense.
- (16) The offense involved the sale or delivery of a controlled substance to a minor.
- (17) The offense for which the defendant stands convicted was committed against a victim because of the victim's race, color, religion, nationality, or country of origin.
- (18) The defendant does not support the defendant's family.
- (18a) The defendant has previously been adjudicated delinquent for an offense that would be a Class A, B1, B2, C, D, or E felony if committed by an adult.
- (19) The serious injury inflicted upon the victim is permanent and debilitating.
- (20) Any other aggravating factor reasonably related to the purposes of sentencing.

Evidence necessary to prove an element of the offense shall not be used to prove any factor in aggravation, and the same item of evidence shall not be used to prove more than one factor in aggravation. Evidence necessary to establish that an enhanced sentence is required under G.S. 14-2.2 may not be used to prove any factor in aggravation.

The judge shall not consider as an aggravating factor the fact that the defendant exercised the right to a jury trial.

(e) Mitigating Factors. -- The following are mitigating factors:

- (1) The defendant committed the offense under duress, coercion, threat, or compulsion that was insufficient to constitute a defense but significantly reduced the defendant's culpability.
- (2) The defendant was a passive participant or played a minor role in the commission of the offense.
- (3) The defendant was suffering from a mental or physical condition that was insufficient to constitute a defense but significantly reduced the defendant's culpability for the offense.
- (4) The defendant's age, immaturity, or limited mental capacity at the time of commission of the offense significantly reduced the defendant's culpability for the offense.
- (5) The defendant has made substantial or full restitution to the victim.
- (6) The victim was more than 16 years of age and was a voluntary participant in the defendant's conduct or consented to it.
- (7) The defendant aided in the apprehension of another felon or testified truthfully on behalf of the prosecution in another prosecution of a felony.
- (8) The defendant acted under strong provocation, or the relationship between the defendant and the victim was otherwise extenuating.
- (9) The defendant could not reasonably foresee that the defendant's conduct would cause or threaten serious bodily harm or fear, or the defendant exercised caution to avoid such consequences.
- (10) The defendant reasonably believed that the defendant's conduct was legal.
- (11) Prior to arrest or at an early stage of the criminal process, the defendant voluntarily acknowledged wrongdoing in connection with the offense to a law enforcement officer.
- (12) The defendant has been a person of good character or has had a good reputation in the community in which the defendant lives.
- (13) The defendant is a minor and has reliable supervision available.
- (14) The defendant has been honorably discharged from the United States armed services.
- (15) The defendant has accepted responsibility for the defendant's criminal conduct.
- (16) The defendant has entered and is currently involved in or has successfully completed a drug treatment program or an alcohol treatment program subsequent to arrest and prior to trial.
- (17) The defendant supports the defendant's family.
- (18) The defendant has a support system in the community.
- (19) The defendant has a positive employment history or is gainfully employed.
- (20) The defendant has a good treatment prognosis, and a workable treatment plan is available.

(21) Any other mitigating factor reasonably related to the purposes of sentences.

(1993, c. 538, s. 1; 1994, Ex. Sess., c. 7, s. 6; c. 22, s. 22; c. 24, s. 14(b); 1995, c. 509, s. 13.)

15A-1340.16A. Enhanced sentence if defendant is convicted of a Class A, B1, B2, C, D, or E felony and the defendant used, displayed, or threatened to use or display a firearm during the commission of the felony.

(a) If a person is convicted of a Class A, B1, B2, C, D, or E felony and the court finds that the person used, displayed, or threatened to use or display a firearm at the time of the felony, the court shall increase the minimum term of imprisonment to which the person is sentenced by 60 months. The court shall not suspend the 60-month minimum term of imprisonment imposed as an enhanced sentence under this section and shall not place any person sentenced under this section on probation for the enhanced sentence.

(b) Subsection (a) of this section does not apply in any of the following circumstances:

- (1) The person is not sentenced to an active term of imprisonment.
- (2) The evidence of the use, display, or threatened use or display of a firearm is needed to prove an element of the underlying Class A, B1, B2, C, D, or E felony.
- (3) The person did not actually possess a firearm about his or her person.

(1994, Ex. Sess., c. 22, s. 20.)

15A-1340.17. Punishment limits for each class of offense and prior record level.

(a) Offense Classification; Default Classifications. -- The offense classification is as specified in the offense for which the sentence is being imposed. If the offense is a felony for which there is no classification, it is a Class I felony.

(b) Fines. -- Any judgment that includes a sentence of imprisonment may also include a fine. If a community punishment is authorized, the judgment may consist of a fine only. Additionally, when the defendant is other than an individual, the judgment may consist of a fine only. Unless otherwise provided, the amount of the fine is in the discretion of the court.

(c) Punishments for Each Class of Offense and Prior Record Level; Punishment Chart Described. -- The authorized punishment for each class of offense and prior record level is as specified in the chart below. Prior record levels are indicated by the Roman numerals placed horizontally on the top of the chart. Classes of offense are indicated by the letters placed vertically on the left side of the chart. Each cell on the chart contains the following components:

- (1) A sentence disposition or dispositions: "C" indicates that a community punishment is authorized; "I" indicates that an intermediate punishment is authorized; "A" indicates that an active punishment is authorized; and "Life Imprisonment Without Parole" indicates that the defendant shall be imprisoned for the remainder of the prisoner's natural life.
- (2) A presumptive range of minimum durations, if the sentence of imprisonment is neither aggravated or mitigated; any minimum term of imprisonment in that range is permitted unless the court finds pursuant to G.S. 15A-1340.16 that an aggravated or mitigated

sentence is appropriate. The presumptive range is the middle of the three ranges in the cell.

- (3) A mitigated range of minimum durations if the court finds pursuant to G.S. 15A-1340.16 that a mitigated sentence of imprisonment is justified; in such a case, any minimum term of imprisonment in the mitigated range is permitted. The mitigated range is the lower of the three ranges in the cell.
- (4) An aggravated range of minimum durations if the court finds pursuant to G.S. 15A-1340.16 that an aggravated sentence of imprisonment is justified; in such a case, any minimum term of imprisonment in the aggravated range is permitted. The aggravated range is the higher of the three ranges in the cell.

PRIOR RECORD LEVEL

	I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
A	Life Imprisonment Without Parole or Death as Established by Statute						
	A 240-300	A 288-360	A 336-420	A 384-480	A Life Imprisonment Without Parole	A 384-480	DISPOSITION Aggravated
B1	192-240 144-192	230-288 173-230	269-336 202-269	307-384 230-307	346-433 260-346	384-480 288-384	PRESUMPTIVE Mitigated
	A 157-196	A 189-237	A 220-276	A 251-313	A 282-353	A 313-392	DISPOSITION Aggravated
B2	125-157 94-125	151-189 114-151	176-220 132-176	201-251 151-201	225-282 169-225	251-313 188-251	PRESUMPTIVE Mitigated
	A 73-92	A 100-125	A 116-145	A 133-167	A 151-188	A 168-210	DISPOSITION Aggravated
C	58-73 44-58	80-100 60-80	93-116 70-93	107-133 80-107	121-151 90-121	135-168 101-135	PRESUMPTIVE Mitigated
	A 64-80	A 77-95	A 103-129	A 117-146	A 133-167	A 146-183	DISPOSITION Aggravated
D	51-64 38-51	61-77 46-61	82-103 61-82	94-117 71-94	107-133 80-107	117-146 88-117	PRESUMPTIVE Mitigated
	I/A 25-31	I/A 29-36	A 34-42	A 46-58	A 53-66	A 59-74	DISPOSITION Aggravated
E	20-25 15-20	23-29 17-23	27-34 20-27	37-46 28-37	42-53 32-42	47-59 35-47	PRESUMPTIVE Mitigated
	I/A 16-20	I/A 19-24	I/A 21-26	A 25-31	A 34-42	A 39-49	DISPOSITION Aggravated
F	13-16 10-13	15-19 11-15	17-21 13-17	20-25 15-20	27-34 20-27	31-39 23-31	PRESUMPTIVE Mitigated
	I/A 13-16	I/A 15-19	I/A 16-20	I/A 20-25	A 21-26	A 29-36	DISPOSITION Aggravated
G	10-13 8-10	12-15 9-12	13-16 10-13	16-20 12-16	17-21 13-17	23-29 17-23	PRESUMPTIVE Mitigated

	C/I/A	I/A	I/A	I/A	I/A	A	DISPOSITION
	6-8	8-10	10-12	11-14	15-19	20-25	Aggravated
H	5-6	6-8	8-10	9-11	12-15	16-20	PRESUMPTIVE
	4-5	4-6	6-8	7-9	9-12	12-16	Mitigated

	C	C/I	I	I/A	I/A	I/A	DISPOSITION
	6-8	6-8	6-8	8-10	9-11	10-12	Aggravated
I	4-6	4-6	5-6	6-8	7-9	8-10	PRESUMPTIVE
	3-4	3-4	4-5	4-6	5-7	6-8	Mitigated

(d) Maximum Sentences Specified for Class F through Class I Felonies. - Unless provided otherwise in a statute establishing a punishment for a specific crime, for each minimum term of imprisonment in the chart in subsection (c) of this section, expressed in months, the corresponding maximum term of imprisonment, also expressed in months, is as specified in the table below for Class F through Class I felonies. The first figure in each cell in the table is the minimum term and the second is the maximum term.

3-4	4-5	5-6	6-8	7-9	8-10	9-11	10-12
11-14	12-15	13-16	14-17	15-18	16-20	17-21	18-22
19-23	20-24	21-26	22-27	23-28	24-29	25-30	26-32
27-33	28-34	29-35	30-36	31-38	32-39	33-40	34-41
35-42	36-44	37-45	38-46	39-47	40-48	41-50	42-51
43-52	44-53	45-54	46-56	47-57	48-58	49-59	

(e) Maximum Sentences Specified for Class B1 through Class E Felonies for Minimum Terms up to 339 Months. -- Unless provided otherwise in a statute establishing a punishment for a specific crime, for each minimum term of imprisonment in the chart in subsection (c) of this section, expressed in months, the corresponding maximum term of imprisonment, also expressed in months, is as specified in the table below for Class B1 through Class E felonies. The first figure in each cell of the table is the minimum term and the second is the maximum term.

15-27	16-29	17-30	18-31	19-32	20-33	21-35	22-36
23-37	24-38	25-39	26-41	27-42	28-43	29-44	30-45
31-47	32-48	33-49	34-50	35-51	36-53	37-54	38-55
39-56	40-57	41-59	42-60	43-61	44-62	45-63	46-65
47-66	48-67	49-68	50-69	51-71	52-72	53-73	54-74
55-75	56-77	57-78	58-79	59-80	60-81	61-83	62-84
63-85	64-86	65-87	66-89	67-90	68-91	69-92	70-93
71-95	72-96	73-97	74-98	75-99	76-101	77-102	78-103
79-104	80-105	81-107	82-108	83-109	84-110	85-111	86-113
87-114	88-115	89-116	90-117	91-119	92-120	93-121	94-122
95-123	96-125	97-126	98-127	99-128	100-129	101-131	102-132
103-133	104-134	105-135	106-137	107-138	108-139	109-140	110-141
111-143	112-144	113-145	114-146	115-147	116-149	117-150	118-151
119-152	120-153	121-155	122-156	123-157	124-158	125-159	126-161
127-162	128-163	129-164	130-165	131-167	132-168	133-169	134-170
135-171	136-173	137-174	138-175	139-176	140-177	141-179	142-180
143-181	144-182	145-183	146-185	147-186	148-187	149-188	150-189
151-191	152-192	153-193	154-194	155-195	156-197	157-198	158-199
159-200	160-201	161-203	162-204	163-205	164-206	165-207	166-209
167-210	168-211	169-212	170-213	171-215	172-216	173-217	174-218
175-219	176-221	177-222	178-223	179-224	180-225	181-227	182-228
183-229	184-230	185-231	186-233	187-234	188-235	189-236	190-237
191-239	192-240	193-241	194-242	195-243	196-245	197-246	198-247
199-248	200-249	201-251	202-252	203-253	204-254	205-255	206-257
207-258	208-259	209-260	210-261	211-263	212-264	213-265	214-266
215-267	216-269	217-270	218-271	219-272	220-273	221-275	222-276
223-277	224-278	225-279	226-281	227-282	228-283	229-284	230-285
231-287	232-288	233-289	234-290	235-291	236-293	237-294	238-295
239-296	240-297	241-299	242-300	243-301	244-302	245-303	246-305

247-306	248-307	249-308	250-309	251-311	252-312	253-313	254-314
255-315	256-317	257-318	258-319	259-320	260-321	261-323	262-324
263-325	264-326	265-327	266-329	267-330	268-331	269-332	270-333
271-335	272-336	273-337	274-338	275-339	276-341	277-342	278-343
279-344	280-345	281-347	282-348	283-349	284-350	285-351	286-353
287-354	288-355	289-356	290-357	291-359	292-360	293-361	294-362
295-363	296-365	297-366	298-367	299-368	300-369	301-371	302-372
303-373	304-374	305-375	306-377	307-378	308-379	309-380	310-381
311-383	312-384	313-385	314-386	315-387	316-389	317-390	318-391
319-392	320-393	321-395	322-396	323-397	324-398	325-399	326-401
327-402	328-403	329-404	330-405	331-407	332-408	333-409	334-410
335-411	336-413	337-414	338-415	339-416			

(e1) Maximum Sentences Specified for Class B1 through Class E Felonies for Minimum Terms of 340 Months or More. -- Unless provided otherwise in a statute establishing a punishment for a specific crime, when the minimum sentence is 340 months or more, the corresponding maximum term of imprisonment shall be equal to the sum of the minimum term of imprisonment and twenty percent (20%) of the minimum term of imprisonment, rounded to the next highest month, plus nine additional months.

[Editor's Note: 1995 Act 507, Section 28.12, is a severability clause.

1995 Act 507, Section 19.5(q), provides: "This section becomes effective December 1, 1995, and applies to offenses committed on or after that date.

1997 Act 80, Section 16, provides: "This act becomes effective December 1, 1997, and applies to offenses committed on or after that date."]

(1993, c. 538, s. 1; 1994, Ex. Sess., c. 14, ss. 20, 21; c. 22, s. 7; c. 24, s. 14(b); 1995, c. 507, s. 19.5(l); 1997, c. 80, s. 3.)

15A-1340.18, 15A-1340.19. [Reserved.]

Part 3. Misdemeanor Sentencing.

15A-1340.20. Procedure and incidents of sentence of imprisonment for misdemeanors.

(a) Application to Misdemeanors Only. -- This Part applies to sentences imposed for misdemeanor convictions.

(b) Procedure Generally; Term of Imprisonment. -- A sentence imposed for a misdemeanor shall contain a sentence disposition specified for the class of offense and prior conviction level, and any sentence of imprisonment shall be within the range specified for the class of offense and prior conviction level, unless applicable statutes require otherwise. The kinds of sentence dispositions are active punishment, intermediate punishment, and community punishment. Except for the work and earned time credits authorized by G.S. 162-60, or earned time credits authorized by G.S. 15A-1355(c), if applicable, an offender whose sentence of imprisonment is activated shall serve each day of the term imposed.

(c) Suspension of Sentence. -- Unless otherwise provided, the court shall suspend a sentence of imprisonment if the class of offense and prior conviction level requires community or intermediate punishment as a sentence disposition.

(c1) Active Punishment Exception. -- The court may impose an active punishment for a class of offense and prior conviction level that does not otherwise authorize the imposition of an active punishment if the term of imprisonment is equal to or less than the total amount of time the

offender has already spent committed to or in confinement in any State or local correctional, mental, or other institution as a result of the charge that culminated in the sentence.

(d) Earned Time Authorization. -- An offender sentenced to a term of imprisonment that is activated is eligible to receive earned time credit for misdemeanor offenders awarded by the Department of Correction or the custodian of a local confinement facility, pursuant to rules adopted in accordance with law and pursuant to G.S. 162-60. These rules and statute combined shall not award misdemeanor offenders more than four days of earned time credit per month of incarceration.

(1993, c. 538, s. 1; 1994, Ex. Sess., c. 24, s. 14(b); 1993 (Reg. Sess., 1994), c. 767, s. 1; 1997, c. 79, s. 1.)

15A-1340.21. Prior conviction level for misdemeanor sentencing.

(a) Generally. -- The prior conviction level of a misdemeanor offender is determined by calculating the number of the offender's prior convictions that the court finds to have been proven in accordance with this section.

(b) Prior Conviction Levels for Misdemeanor Sentencing. -- The prior conviction levels for misdemeanor sentencing are:

- (1) Level I -- 0 prior convictions.
- (2) Level II -- At least 1, but not more than 4 prior convictions.
- (3) Level III -- At least 5 prior convictions.

In determining the prior conviction level, a prior offense may be included if it is either a felony or a misdemeanor at the time the offense for which the offender is being sentenced is committed.

(c) Proof of Prior Convictions. -- A prior conviction shall be proved by any of the following methods:

- (1) Stipulation of the parties.
- (2) An original or copy of the court record of the prior conviction.
- (3) A copy of records maintained by the Division of Criminal Information, the Division of Motor Vehicles, or of the Administrative Office of the Courts.
- (4) Any other method found by the court to be reliable.

The State bears the burden of proving, by a preponderance of the evidence, that a prior conviction exists and that the offender before the court is the same person as the offender named in the prior conviction. The original or a copy of the court records or a copy of the records maintained by the Division of Criminal Information, the Division of Motor Vehicles, or of the Administrative Office of the Courts, bearing the same name as that by which the offender is charged, is prima facie evidence that the offender named is the same person as the offender before the court, and that the facts set out in the record are true. For purposes of this subsection, "copy" includes a paper writing containing a reproduction of a

record maintained electronically on a computer or other data processing equipment, and a document produced by a facsimile machine. Evidence presented by either party at trial may be utilized to prove prior convictions. Suppression of prior convictions is pursuant to G.S. 15A-980. If a motion is made pursuant to that section during the sentencing stage of the criminal action, the court may grant a continuance of the sentencing hearing.

(d) Multiple Prior Convictions Obtained in One Court Week. For purposes of this section, if an offender is convicted of more than one offense in a single session of district court, or in a single week of superior court or of a court in another jurisdiction, only one of the convictions may be used to determine the prior conviction level.

[Editor's Note: 1997 Act 80, Section 16, provides: "This act becomes effective December 1, 1997, and applies to offenses committed on or after that date."]

(1993, c. 538, s. 1; 1994, Ex. Sess., c. 24, s. 14(b); 1993 (Reg. Sess., 1994), c. 767, s. 13.1; 1997, c. 80, s. 8.)

15A-1340.22. Multiple convictions.

(a) Limits on Consecutive Sentences. -- If the court elects to impose consecutive sentences for two or more misdemeanors and the most serious misdemeanor is classified in Class A1, Class 1, or Class 2, the cumulative length of the sentences of imprisonment shall not exceed twice the maximum sentence authorized for the class and prior conviction level of the most serious offense. Consecutive sentences shall not be imposed if all convictions are for Class 3 misdemeanors.

(b) Consolidation of Sentences. - If an offender is convicted of more than one offense at the same session of court, the court may consolidate the offenses for judgment and impose a single judgment for the consolidated offenses. Any sentence imposed shall be consistent with the appropriate prior conviction level of the most serious offense.

(1993, c. 538, s. 1.; 1994, Ex. Sess., c. 24, s. 14(b); 1995 (Reg. Sess. 1996), c. 742, s. 16.)

15A-1340.23. Punishment limits for each class of offense and prior conviction level.

(a) Offense Classification; Default Classifications. - The offense classification is as specified in the offense for which the sentence is being imposed. If the offense is a misdemeanor for which there is no classification, it is as classified in G.S. 14-3.

(b) Fines. - Any judgment that includes a sentence of imprisonment may also include a fine. Additionally, when the defendant is other than an individual, the judgment may consist of a fine only. If a community punishment is authorized, the judgment may consist of a fine only. Unless otherwise provided for a specific offense, the maximum fine that may be imposed is two hundred dollars (\$200.00) for a Class 3 misdemeanor and one thousand dollars (\$1,000) for a Class 2 misdemeanor. The amount of the fine for a Class 1 misdemeanor and a Class A1 misdemeanor is in the discretion of the court.

(c) Punishment for Each Class of Offense and Prior Conviction Level; Punishment Chart Described. - Unless otherwise provided for a specific offense, the authorized punishment for each class of offense and prior conviction level is as specified in the chart below. Prior conviction levels are indicated by the Roman numerals placed horizontally on the top of the

chart. Classes of offenses are indicated by the Arabic numbers placed vertically on the left side of the chart. Each grid on the chart contains the following components:

(1) A sentence disposition or dispositions: "C" indicates that a community punishment is authorized; "I" indicates that an intermediate punishment is authorized; and "A" indicates that an active punishment is authorized; and

(2) A range of durations for the sentence of imprisonment: any sentence within the duration specified is permitted.

MISDEMEANOR OFFENSE	PRIOR CONVICTION LEVELS		
	LEVEL I	LEVEL II	LEVEL III
	No Prior Convictions	One to Four Prior Convictions	Five or More Prior Convictions
CLASS			
A1	1-60 days C/I/A	1-75 days C/I/A	1-150 days C/I/A
1	1-45 days C	1-45 days C/I/A	1-120 days C/I/A
2	1-30 days C	1-45 days C/I	1-60 days C/I/A
3	1-10 days C	1-15 days C/I	1-20 days C/I/A.

[Editor's Note: 1995 Act 507, Section 28.12, is a severability clause.

1995 Act 507, Section 19.5(q), provides: "This section becomes effective December 1, 1995, and applies to offenses committed on or after that date.]

(1993, c. 538, s. 1; 1994, Ex. Sess., c. 24, s. 14(b); 1995, c. 507, s. 19.5(g).)

APPENDIX F FELONY CLASSIFICATION UNDER THE STRUCTURED SENTENCING LAW		
FELONY CLASS	GENERAL STATUTES SECTION	OFFENSE
A	G.S. 14-17	Murder in the 1 st degree.
B1	G.S. 14-27.2	1 st degree rape.
B1	G.S. 14-27.4	1 st degree sexual offense.
B1	G.S. 14-27.7A(a)	Statutory rape or sexual offense of person who is 13, 14, or 15 years old.
B2	G.S. 14-17	Murder in the 2 nd degree.
C	G.S. 14-7.6	Sentencing of habitual felons.
C	G.S. 14-27.3	2 nd degree rape.
C	G.S. 14-27.5	2 nd degree sexual offense.
C	G.S. 14-27.7A(a)	Statutory rape or sexual offense of person who is 13, 14, or 15 years old.
C	G.S. 14-28	Malicious castration.
C	G.S. 14-30	Malicious maiming.
C	G.S. 14-32(a)	Assault with deadly weapon with intent to kill inflicting serious injury.
C	G.S. 14-32.2(b)(1)	Patient abuse and neglect, intentional conduct proximately causes death.
C	G.S. 14-34.4(a)	Adulterated or misbranded food, drugs, etc. Intent to cause serious injury or death.
C	G.S. 14-34.4(b)	Adulterated or misbranded food, drugs, etc.; intention to extort.
C	G.S. 14-39	Kidnapping in the 1 st degree.
C	G.S. 14-159.1	Contaminating a public water system.
C	G.S. 14-401.11(b)(3)	Distribution of certain food at Halloween and all other times prohibited (poisonous chemical/foreign substance).
C	G.S. 90-95(h)(4)c	Trafficking in opium or heroin (28 grams or more).
C	G.S. 90-95.1	Continuing criminal enterprise.
C	G.S. 143-215.88B(f)(1)	Enforcement procedures: criminal penalties (Oil pollution and hazardous substance control).
C	G.S. 143-215.114B(h)(1)	Enforcement procedures: criminal penalties (Air pollution control).
D	G.S. 14-49(a)	Malicious use of explosive or incendiary.
D	G.S. 14-49.1	Malicious damage of occupied property by use of explosive or incendiary.
D	G.S. 14-51	Burglary in the 1 st degree.
D	G.S. 14-53	Breaking out of dwelling house burglary.
D	G.S. 14-57	Burglary with explosives.
D	G.S. 14-58	Arson in the 1 st degree.
D	G.S. 14-58.2	Burning of mobile home, manufacture-type house or recreational trailer home.
D	G.S. 14-87	Robbery with firearms or other dangerous weapons.
D	G.S. 14-88	Train robbery.
D	G.S. 14-190.16	1 st degree sexual exploitation of a minor.
D	G.S. 14-190.18	Promoting prostitution of a minor.
D	G.S. 90-95(h)(1)d	Trafficking in marijuana (10,000 pounds or more).
D	G.S. 90-95(h)(2)c	Trafficking in methaqualone (10,000 or more dosage units).
D	G.S. 90-95(h)(3)c	Trafficking in cocaine (400 grams or more).
D	G.S. 90-95(h)(3a)c	Trafficking in amphetamine (10,000 or more dosage units).
D	G.S. 90-95(h)(3b)c	Trafficking in methamphetamine (400 grams or more).

APPENDIX F (continued)		
FELONY CLASS	GENERAL STATUTES SECTION	OFFENSE
D	G.S. 90-95(h)(4a)c	Trafficking in Lysergic Acid Diethylamide (1,000 or more dosage units).
E	G.S. 14-18	Voluntary manslaughter.
E	G.S. 14-27.7	Intercourse and sexual offense with certain victims (Parent, Custodian).
E	G.S. 14-29	Castration or other maiming without malice aforethought.
E	G.S. 14-30.1	Malicious throwing of corrosive acid or alkali.
E	G.S. 14-31	Maliciously assaulting in a secret manner.
E	G.S. 14-32(b)	Assault with deadly weapon inflicting serious injury.
E	G.S. 14-32(c)	Assault with deadly weapon with intent to kill.
E	G.S. 14-32.2(b)(2)	Patient abuse and neglect, culpably negligent conduct proximately causes death.
E	G.S. 14-34.1	Discharging certain barreled weapons or a firearm into occupied property.
E	G.S. 14-34.5	Assault with a firearm on a law enforcement officer.
E	G.S. 14-39	Kidnapping in the 2 nd degree.
E	G.S. 14-318.4(a)	Child abuses inflicting serious injury.
E	G.S. 14-318.4(a1)	Child abuse – prostitution.
E	G.S. 14-318.4(a2)	Child abuse – sexual act.
E	G.S. 90-95(e)(5)	Selling or delivering a controlled substance by a person 18 or over to a person under 16.
E	G.S. 90-95(e)(8)	Manufacture, sell or deliver, or possess with intent to manufacture, sell, or deliver a controlled substance within 300 feet of an elementary or secondary school.
E	G.S. 90-95(h)(4)b	Trafficking in opium or heroin (14 grams or more, less than 28 grams).
F	G.S. 14-8	Rebellion against the state.
F	G.S. 14-16.6(b)	Assault with deadly weapon on executive or legislative officer.
F	G.S. 14-16.6(c)	Assault inflicting serious bodily injury on executive or legislative officer.
F	G.S. 14-18	Involuntary manslaughter.
F	G.S. 14-32.1(e)	Aggravated assault/assault and battery on a handicapped person.
F	G.S. 14-32.2(b)(3)	Patient abuse and neglect, conduct proximately causes serious bodily injury.
F	G.S. 14-32.3(b)	Domestic abuse, neglect, and exploitation of disabled or elder adults.
F	G.S. 14-34.2	Assault with a firearm or other deadly weapon upon governmental officers or employees, company police officers, or campus police officers.
F	G.S. 14-34.5	Assault or affray on an emergency medical technician, ambulance attendant, emergency department nurse, or emergency department physician.
F	G.S. 14-41	Abduction of children.
F	G.S. 14-43.2	Involuntary servitude.
F	G.S. 14-43.3	Felonious restraint.
F	G.S. 14-59	Burning of certain public buildings.
F	G.S. 14-60	Burning of schoolhouses or buildings of educational institutions.
F	G.S. 14-61	Burning of certain bridges and buildings.
F	G.S. 14-62	Burning of churches and certain other buildings.
F	G.S. 14-91	Embezzlement of state property by public officers and employees.

APPENDIX F (continued)		
FELONY CLASS	GENERAL STATUTES SECTION	OFFENSE
F	G.S. 14-92	Embezzlement of funds by public officers and trustees.
F	G.S. 14-99	Embezzlement of taxes by officers.
F	G.S. 14-118.4	Extortion.
F	G.S. 14-178	Incest between certain near relatives.
F	G.S. 14-190.17	2 nd degree sexual exploitation of a minor.
F	G.S. 14-190-19	Participating in prostitution of a minor.
F	G.S. 14-202.1	Taking indecent liberties with children.
F	G.S. 14-209	Perjury.
F	G.S. 14-217(a)	Bribery of officials.
F	G.S. 14-218	Offering bribes.
F	G.S. 14-220	Bribery of jurors.
F	G.S. 14-221	Breaking or entering jails with intent to injure prisoners.
F	G.S. 14-258	Conveying messages and weapons to or trading with convicts and other prisoners resulting in murder, assault, or escape.
F	G.S. 14-258.2	Possession of dangerous weapon in prison resulting in bodily injury or escape.
F	G.S. 14-258.3	Taking of hostage, etc., by prisoner.
F	G.S. 14-284.2	Dumping of toxic substances.
F	G.S. 14-288.8	Manufacture, assembly, possession, storage, transportation, sale, purchase, delivery, or acquisition of weapon of mass death and destruction.
F	G.S. 14-288.9	Assault on emergency personnel with a dangerous weapon or substance.
F	G.S. 14-288.2(e)	Inciting to riot (property damage greater than \$1500 or serious bodily injury).
F	G.S. 14-329(b)	Manufacturing, trafficking in, transporting, or possessing poisonous alcoholic beverages.
F	G.S. 14-401.11(b)(2)	Distribution of certain food at Halloween and all other times prohibited (any controlled substances).
F	G.S. 63-28	Infliction of serious bodily injury by operation of an aircraft while impaired.
F	G.S. 75A-18(d)(2)	Penalties (Boat Safety Act)
F	G.S. 75D-7	False testimony as to any material fact by any person examined under the Racketeer Influenced and Corrupt Organizations Chapter.
F	G.S. 76-40(a1)(2)	Discharging medical waste in Atlantic Ocean or waters of state, creating substantial risk of injury.
F	G.S. 90-95(h)(1)c	Trafficking in marijuana (2000 pounds or more, less than 10,000 pounds).
F	G.S. 90-95(h)(2)b	Trafficking in methaqualone (5,000 or more dosage units, less than 10,000)
F	G.S. 90-95(h)(3)b	Trafficking in cocaine (200 grams or more, less than 400 grams).
F	G.S. 90-95(h)(3a)b	Trafficking in amphetamine (5,000 or more dosage units, less than 10,000).
F	G.S. 90-95(h)(3b)b	Trafficking in methamphetamine (200 grams or more, less than 400 grams).
F	G.S. 90-95(h)(4)a	Trafficking in opium or heroin (4 grams or more, less than 14 grams).
F	G.S. 90-95(h)(4a)b	Trafficking in Lysergic Acid Diethylamide (500 or more dosage units, less than 1,000 dosage units).
F	G.S. 120-86	Bribing of legislators.
F	G.S. 143-63	Financial interest of officers in sources of supply: acceptance of bribes (Secretary of Administration, assistant, or A.B.C. member).

APPENDIX F (continued)		
FELONY CLASS	GENERAL STATUTES SECTION	OFFENSE
F	G.S. 143-214.2A(c)(2)	Discharging medical waste in Atlantic Ocean or waters of state, creating substantial risk of injury.
G	G.S. 14-32.3(b)	Domestic abuse, neglect, and exploitation of disabled or elder adults.
G	G.S. 14-49(b)	Malicious use of explosives or incendiary.
G	G.S. 14-51	Burglary in the 2 nd degree.
G	G.S. 14-58	Arson in the 2 nd degree.
G	G.S. 14-87.1	Common law robbery.
G	G.S. 14-113.5	Making, distributing, possessing, transferring, or programming a device for theft of telecommunication service (5 or more devices).
G	G.S. 14-415.1	Possession of firearms, etc., by felon prohibited.
G	G.S. 14-454	Accessing computers.
G	G.S. 14-455	Damaging computers, computer systems, computer networks, and resources.
G	G.S. 15A-287(e)	Interception and disclosure of wire, oral, or electronic communications prohibited.
G	G.S. 20-138.5(b)	Habitual impaired driving.
G	G.S. 20-141.4	Felony death by vehicle (causing death by impaired driving).
G	G.S. 90-95(h)(1)b	Trafficking in marijuana (100 pounds or more, less than 2,000 pounds).
G	G.S. 90-95(h)(2)a	Trafficking in methaqualone (1,000 or more dosage units, less than 5,000).
G	G.S. 90-95(h)(3)a	Trafficking in cocaine (28 grams or more, less than 200 grams).
G	G.S. 90-95(h)(3a)a	Trafficking in amphetamine (1,000 or more dosage units, less than 5,000).
G	G.S. 90-95(h)(3b)a	Trafficking in methamphetamine (28 grams or more, less than 200 grams.)
G	G.S. 90-95(h)(4a)a	Trafficking in Lysergic Acid Diethylamide (100 or more dosage units, less than 500 dosage units).
H	G.S. 14-7.20	Continuing criminal enterprise.
H	G.S. 14-11	Activities aimed at overthrow of government; use of public buildings (2 nd offense).
H	G.S. 14-12.1	Certain subversive activities made unlawful.
H	G.S. 14-32.3(a)	Domestic abuse, neglect, and exploitation of disabled or elder adults.
H	G.S. 14-33.2	Habitual misdemeanor assault.
H	G.S. 14-44	Using drugs or instruments to destroy unborn child.
H	G.S. 14-54	Breaking or entering a building.
H	G.S. 14-62.1	Burning of building or structure in process of construction.
H	G.S. 14-63	Burning of boats and barges.
H	G.S. 14-64	Burning of ginhouses and tobacco houses.
H	G.S. 14-65	Fraudulently setting fire to dwelling houses.
H	G.S. 14-66	Burning of personal property.
H	G.S. 14-67.1	Burning of other buildings.
H	G.S. 14-72	Larceny of property worth more than \$1,000.
H	G.S. 14-72	Receiving stolen goods (G.S. 14-71) or possessing stole goods worth more than \$1,000.
H	G.S. 14-72(b)(1)	Larceny from the person; receiving or possession from the person.

APPENDIX F (continued)		
FELONY CLASS	GENERAL STATUTES SECTION	OFFENSE
H	G.S. 14-72(b)(2)	Larceny pursuant to burglary, breaking or entering, or burglary with explosives; receiving or possessing stolen goods pursuant to these offenses.
H	G.S. 14-72(b)(3)	Larceny of explosive or incendiary device or substance.
H	G.S. 14-72(b)(4)	Larceny of firearm; receiving or possessing stolen firearm.
H	G.S. 14-72(b)(5)	Larceny of record or paper in the custody of N.C. State Archives; receiving or possessing stolen record or paper.
H	G.S. 14-72.2	Unauthorized use of an aircraft.
H	G.S. 14-74	Larceny by servants and other employees.
H	G.S. 14-75	Larceny of chose in action.
H	G.S. 14-75.1	Larceny of secret technical processes.
H	G.S. 14-79	Larceny of ginseng.
H	G.S. 14-80	Larceny of wood and other property from land (with felonious intent).
H	G.S. 14-81(a)	Larceny of horses, mules, swine, or cattle.
H	G.S. 14-85	Pursuing livestock with intent to steal.
H	G.S. 14-90	Embezzlement of property received by virtue of office or employment.
H	G.S. 14-93	Embezzlement of treasures of charitable and religious organizations.
H	G.S. 14-94	Embezzlement by officers of railroad companies.
H	G.S. 14-97	Appropriation of partnership funds by partner to personal use.
H	G.S. 14-98	Embezzlement by surviving partner.
H	G.S. 14-100	Obtaining property by false pretenses.
H	G.S. 14-101	Obtaining signatures by false pretenses.
H	G.S. 14-121	Selling of certain forged securities.
H	G.S. 14-122	Forgery of deeds, wills, and certain other instruments.
H	G.S. 14-168.1	Conversion by bailee, lessee, tenant, or attorney-in-fact for more than \$400.00.
H	G.S. 14-221.2	Altering court documents or entering unauthorized judgements.
H	G.S. 14-225.2(a)(1)	Harassment of and communication with jurors.
H	G.S. 14-226	Intimidating or interfering with witnesses.
H	G.S. 14-254	Malfeasance of corporation officers and agents.
H	G.S. 14-258	Conveying messages and weapons to or trading with convicts and other prisoners.
H	G.S. 14-258.1(a)	Furnishing poison, controlled substances, deadly weapons, cartridges, ammunition or alcoholic beverages to inmates of charitable, mental or penal institutions or local confinement facilities.
H	G.S. 14-258.2	Possession of dangerous weapon in prison.
H	G.S. 14-258.2(b)	Assisting a prisoner in attempting to escape and committing an assault resulting in bodily injury or effecting the escape.
H	G.S. 14-269.8	Purchase of firearms by person subject to domestic violence order prohibited.
H	G.S. 14-288.2(c)	Riot (property damage greater than \$1500 or serious bodily injury).
H	G.S. 14-288.6(b)	Looting.
H	G.S. 14-288.20(b)	Training on certain weapons for use in a civil disorder.
H	G.S. 14-329(a)	Manufacturing, trafficking in, transporting, or possessing poisonous alcoholic beverages.

APPENDIX F (continued)		
FELONY CLASS	GENERAL STATUTES SECTION	OFFENSE
H	G.S. 14-367	Altering the brands of and misbranding another's livestock (Larceny).
H	G.S. 14-398	Theft or destruction of property of public libraries, museums, etc. worth more than \$50.
H	G.S. 14-401.11(b)(1)b	Distribution of certain food at Halloween and all other times prohibited (greater than mild physical discomfort without any lasting effect).
H	G.S. 14-415.3	Possession of a firearm or weapon of mass destruction by persons acquitted of certain crimes by reason of insanity or persons determined to be incapable to proceed prohibited.
H	G.S. 14-457	Extortion (maliciously threatens to commit an act described in G.S. 14-455).
H	G.S. 15A-287(a)	Interception and disclosure of wire, oral, or electronic communication intercepting devices prohibited.
H	G.S. 15A-288	Manufacture, distribution, possession, and advertising of wire, oral, or electronic communication intercepting devices prohibited.
H	G.S. 20-106	Receiving or transferring stolen vehicles.
H	G.S. 20-166(a)	Duty to stop in event of accident or collision.
H	G.S. 48-10-102	Unlawful payments related to adoption (second offense).
H	G.S. 53-124	Examiner making false report.
H	G.S. 53-129	Misapplication of bank funds by officer or employee.
H	G.S. 53-130	Making false entries in banking accounts; misrepresenting assets and liabilities of banks.
H	G.S. 58-2-161	False statement to procure or deny benefits of insurance policy or certificate.
H	G.S. 58-2-162	Embezzlement by insurance agents, brokers, or administrators.
H	G.S. 58-30-12(c)	Duty to report insurer impairment; violation; penalties.
H	G.S. 58-50-40	Willful failure to pay group insurance premiums; notice to persons insured; penalty; restitution; examination of insurance transactions.
H	G.S. 62-273	Embezzlement of C.O.D. shipments.
H	G.S. 63-25	Taking of aircraft made crime of larceny (intent to deprive).
H	G.S. 70-40	Penalties (knowingly acquire human skeletal remains removed from unmarked burials in North Carolina).
H	G.S. 75-1	Combinations in restraint of trade illegal.
H	G.S. 78A-57	Criminal penalties (fraud under Securities Act).
H	G.S. 78C-39	Criminal penalties (fraudulent practices of investment advisors).
H	G.S. 80-11.1(b)	Criminal use of counterfeit trademark (value more than \$10,000).
H	G.S. 80-11.1(c)	Criminal use of counterfeit trademark device.
H	G.S. 90-95(b)(1)	Manufacture, sell, or deliver, or possess with intent to manufacture, sell, or deliver a Schedule I or II Controlled Substance.
H	G.S. 90-95(h)(1)a	Trafficking in marijuana (more than 50 pounds, less than 100 pounds).
H	G.S. 90-120.70(a)	Embezzlement of funeral funds, penalties.
H	G.S. 106-145.6	Denial, revocation, and suspension of license; penalties for violations.
H	G.S. 106-363	Damaging dipping vats a felony.

APPENDIX F (continued)		
FELONY CLASS	GENERAL STATUTES SECTION	OFFENSE
H	G.S. 108A-60	Protection of patient property (Medical Assistance Program; willfully embezzle, convert, appropriate).
H	G.S. 133-24	Government contracts; violations of G.S. 75-1 and 75-2.
H	G.S. 133-25	Conviction; punishment (violation of 133-24).
H	G.S. 136-13	Malfeasance of officers and employees of Department of Transportation, members of Board of Transportation, contractors, and others.
H	G.S. 136-13.2	Falsifying highway inspection reports.
H	G.S. 143-215.88B(e)	Enforcement procedures: criminal penalties (Air pollution control).
H	G.S. 143-215.114B(g)	Enforcement procedures: criminal penalties (Oil pollution control and hazardous substance control).
I	G.S. 7A-456(a)	False statements to the question of indigency.
I	G.S. 10A-12(c)	Notary taking acknowledgement or performing verification knowing it is false or fraudulent.
I	G.S. 14-3(c)	Class 1 misdemeanor offense committed because of the victim's race, color, religion, nationality, or country of origin.
I	G.S. 14-12.12(b)-12.15	Placing burning/flaming cross on property of another or on public street or highway.
I	G.S. 14-12.13,-12.15	Placing an exhibit with intention of intimidating, etc., another.
I	G.S. 14-12.14-12.15	Placing exhibit while wearing mask, hood, or other disguise.
I	G.S. 14-13	Counterfeiting coin and uttering coin that is counterfeit.
I	G.S. 14-14	Possessing tools for counterfeiting.
I	G.S. 14-16.6(a)	Assault on executive or legislative officers.
I	G.S. 14-16.7(a)	Threats against executive or legislative officers.
I	G.S. 14-16.7(b)	Threats against executive or legislative officers by mail.
I	G.S. 14-32.3(b)	Domestic abuse, neglect, and exploitation of disabled or elder adults.
I	G.S. 14-34.5(b)	Assault or affray on an emergency medical technician, ambulance attendant, emergency department nurse, or emergency department physician.
I	G.S. 14-45	Using drugs or instruments to produce miscarriage or injure pregnant woman.
I	G.S. 14-46	Concealing birth of child.
I	G.S. 14-55	Preparation to commit burglary or other housebreaking.
I	G.S. 14-56	Breaking or entering into/out of railroad cars, motor vehicles, trailers, etc.
I	G.S. 14-56.1	Breaking into or forcibly opening coin- or currency-operated machines.
I	G.S. 14-56.3	Breaking into paper currency machines.
I	G.S. 14-69.1(b)	Making a false report concerning destructive device.
I	G.S. 14-69.2(b)	Perpetrating hoax by use of false bomb or other device.
I	G.S. 14-81(a1)	Larceny of dogs.
I	G.S. 14-89.1	Safecracking.
I	G.S. 14-107	Worthless checks (amount more than \$2,000)
I	G.S. 14-113.9.-113.17(b)	Financial transaction card theft.
I	G.S. 14-113.11-113.117(b)	Forgery of financial transaction card.
I	G.S. 14-113.13(a),(b),-113.17(b)	Financial transaction card fraud, value over \$500.

APPENDIX F (continued)		
FELONY CLASS	GENERAL STATUTES SECTION	OFFENSE
I	G.S. 14-113.14,-113.17(b)	Criminal possession of financial transaction card forgery devices.
I	G.S. 14-113.15,-113.17(b)	Criminal receipt of goods and services fraudulently obtained worth more than \$500.00.
I	G.S. 14-113.15A,-113.17(b)	Criminal factoring of financial transaction card records.
I	G.S. 14-119	Forgery of notes, checks, and other securities.
I	G.S. 14-120	Uttering forged paper or instrument containing a forged endorsement.
I	G.S. 14-123	Forging names to petitions and uttering forged petitions.
I	G.S. 14-124	Forging certificate of corporate stock and uttering forged certificates.
I	G.S. 14-125	Forgery of bank notes and other instruments by connecting genuine parts.
I	G.S. 14-136	Intentionally setting fire to grass and brushlands and woodlands.
I	G.S. 14-141	Burning or otherwise destroying crops in the field, damage over \$2,000.
I	G.S. 14-149	Desecrating, plowing over or covering up graves.
I	G.S. 14-159.2(c)	Interference with animal research (if the animal has an infectious disease).
I	G.S. 14-163	Poisoning livestock.
I	G.S. 14-163.1	Injuring, maiming, or killing law-enforcement agency animal.
I	G.S. 14-177	Crime against nature.
I	G.S. 14-183	Bigamy.
I	G.S. 14-190.1	Obscene literature and exhibitions.
I	G.S. 14-190.6	Employing or permitting minor to assist in obscenity offense.
I	G.S. 14-190.7	Dissemination to minors under the age of 16 years.
I	G.S. 14-190.8	Dissemination to minors under the age of 13 years.
I	G.S. 14-190.17A	3 rd degree sexual exploitation of a minor.
I	G.S. 14-208.11	Failure to register – Sex Offender Registration Program (second or subsequent offense).
I	G.S. 14-210	Subornation of perjury.
I	G.S. 14-211	Perjury before legislative committees.
I	G.S. 14-221.1	Altering, destroying, or stealing evidence of criminal conduct.
I	G.S. 14-225.2(a)(2)	Harassment of and communication with jurors.
I	G.S. 14-228	Buying and selling offices.
I	G.S. 14-233	Making of false report by bank examiners; Accepting bribes.
I	G.S. 14-253	Failure of certain railroad officers to account with successors.
I	G.S. 14-256	Prison breach and escape from county/municipal confinement facilities/officers by convicted felons.
I	G.S. 14-259	Harboring or aiding certain persons charged or convicted of a felony.
I	G.S. 14-269	Carrying concealed weapons (pistol or gun) (second or subsequent offense).
I	G.S. 14-269.2(b)	Possess firearm or explosive on educational property.
I	G.S. 14-269.2(c)	Aid minor to possess firearm or explosive on educational property.
I	G.S. 14-277.3	Stalking (second conviction within five years).
I	G.S. 14-277.4	Obstruction of health care facilities (third conviction within three years).

APPENDIX F (continued)		
FELONY CLASS	GENERAL STATUTES SECTION	OFFENSE
I	G.S. 14-278	Willful injury to property of railroads.
I	G.S. 14-280	Shooting or throwing at trains or passengers.
I	G.S. 14-282	Displaying false lights on seashore.
I	G.S. 14-309.5(b)	Bingo.
I	G.S. 14-309.14	Beach bingo (with a prize of \$50.00 or greater).
I	G.S. 14-315(a1)	Selling or giving weapons to minors (Sale of Handguns).
I	G.S. 14-320.1	Transporting child outside the state with intent to violate custody order.
I	G.S. 14-322.1	Abandonment of child or children for six months.
I	G.S. 14-362.1(d)	Animal fights, other than cockfights, and animal baiting (second offense).
I	G.S. 14-373	Bribery of players, managers, coaches, referees, umpires, or officials.
I	G.S. 14-374	Acceptance of bribes by players, managers, coaches, referees, umpires, or officials.
I	G.S. 14-377	Intentional losing of athletic contest or limiting margin of victory or defeat.
I	G.S. 14-399(e)	Littering in an amount exceeding 500 pounds or 100 cubic feet for commercial purposes.
I	G.S. 14-401.11(b)(1)a	Distribution of certain food at Halloween and all other times prohibited (limited to mild physical discomfort without any lasting effect).
I	G.S. 14-409.9	Machine guns and other like weapons.
I	G.S. 14-433,-437(a)(1)	Recording of live concerts or recorded sounds and distribution, etc., of such recordings unlawful in certain circumstances (at least 1000 unauthorized Sound recordings or 100 unauth. audiovisual recordings; second offense).
I	G.S. 14-434,-437(a)(1)	Retailing, etc., of certain recorded devices unlawful (1000 unauthorized sound recordings/100 unauthorized audiovisual recordings; second offense).
I	G.S. 14-435,-437(a)(1)	Recording devices to show true name and address of manufacturer (1000 unauthorized sound recordings/100 unauthorized audiovisual recordings; second offense).
I	G.S. 15A-543(b)	Failure to appear (if released in connection with a felony charge or conviction).
I	G.S. 15B-7	Filing of false application for compensation award (more than \$400.00).
I	G.S. 18B-307(c)	Unlawful manufacturing of alcoholic beverages (second offense).
I	G.S. 20-30(7)	Violations of License or Learner's Permit provisions.
I	G.S. 20-31	Making false affidavits perjury (Uniform Driver's License Act).
I	G.S. 20-34.1	Unlawful to issue licenses for anything of value except prescribed fees.
I	G.S. 20-71	Altering or forging certificate of title, registration card or application.
I	G.S. 20-106.1	Fraud in connection with rental of motor vehicles.
I	G.S. 20-106.2(d)	Sublease and loan assumption arranging regulated.
I	G.S. 20-109(a)	Altering or changing engine or other numbers (willful).
I	G.S. 20-109(b)	Altering or changing engine or other numbers (intent to conceal).
I	G.S. 20-112	Making false affidavit perjury (Anti-theft Provisions, Motor Vehicle Act of 1937).

APPENDIX F (continued)		
FELONY CLASS	GENERAL STATUTES SECTION	OFFENSE
I	G.S. 20-136	Smoke screens.
I	G.S. 20-177	Penalty for felony (Motor Vehicle Act of 1937).
I	G.S. 20-183.8(c)	Forging a motor vehicle inspection sticker.
I	G.S. 20-279.31(c1)	Making false affidavit perjury (Motor Vehicle Safety and Financial Responsibility Act of 1953).
I	G.S. 20-343	Unlawful change of mileage.
I	G.S. 20-350	Criminal offense (unlawful change of mileage).
I	G.S. 21-42	Issuing false bills or violating Chapter made felony.
I	G.S. 23-43	False taking of debtor's oath.
I	G.S. 53-131	False certification of a check.
I	G.S. 53-132	Receiving deposits in insolvent banks.
I	G.S. 58-2-180	Punishment for making false statement in financial or other statement.
I	G.S. 58-7-50	Maintenance and removal of records and assets.
I	G.S. 58-8-1	Mutual insurance companies organized; requisites for doing business (false oath in respect to certificate).
I	G.S. 58-19-50	Sanctions (Insurance holding companies).
I	G.S. 58-24-180(d)	Violating 58-24-65: Consolidations and mergers of fraternal benefit societies.
I	G.S. 58-24-180(e)	False statement under oath in any verified report/declaration required by law from fraternal benefit societies, perjury.
I	G.S. 58-70-1	Permit from Commissioner of Insurance; penalty for violation; exception.
I	G.S. 58-71-165	Monthly report required.
I	G.S. 63-27	Operation of aircraft while impaired (second conviction).
I	G.S. 65-71	Penalties (Cemeteries).
I	G.S. 66-135	Bond and trust account required.
I	G.S. 66-225	Violations (Credit Repair Services Act).
I	G.S. 75-12	False swearing by person responding to investigation of trusts and monopolies.
I	G.S. 78A-57	Criminal penalties (Securities Act).
I	G.S. 78C-39	Criminal penalties (Investment Advisors).
I	G.S. 78C-78	Remedies for violation; criminal penalty (athlete agents).
I	G.S. 78D-24	Criminal penalties (Commodities).
I	G.S. 80-11.1(b)	Criminal use of counterfeit trademark (value of more than \$3,000 up to \$10,000).
I	G.S. 90-95(b)(2)	Manufacture, sell, or deliver, or possess with intent to manufacture, sell, or deliver, a Schedule III, IV, V, or VI Controlled Substance.
I	G.S. 90-95(d)(1)	Possession of a Schedule I Controlled Substance.
I	G.S. 90-95(d)(2)	Possession of more than four dosage units of Hydromorphone.
I	G.S. 90-95(d)(2)	Possession of more than 100 dosage units of any controlled substance.
I	G.S. 90-95(d)(2)	Possession of any amount of Cocaine or Phencyclidine or derivative thereof.
I	G.S. 90-95(d)(4)	Possession of more than 1.5 ounces of Marijuana or .15 ounces of Hashish.
I	G.S. 90-95(e)(3)	Drug offense punishable by not more than two years and offender has been previously convicted of a drug offense.
I	G.S. 90-108	Prohibited acts; penalties (Controlled Substance Act).
I	G.S. 90-113.23(c)	Manufacture or delivery of drug paraphernalia (from person over 18 to person under 18).

APPENDIX F (concluded)		
FELONY CLASS	GENERAL STATUTES SECTION	OFFENSE
I	G.S. 93A-40	Registration required of time share projects; real estate salesmen license required.
I	G.S. 93A-58	Registrar required; criminal penalties; project broker (real estate development).
I	G.S. 95-197	Withholding hazardous substance trade secret information.
I	G.S. 105-236(7)	Penalties (attempt to evade or defeat tax).
I	G.S. 105-236(9a)	Penalties (aid or assist in filing fraudulent returns).
I	G.S. 106-350	Sale of tubercular animal a felony.
I	G.S. 106-443	Issuance of false receipt a felony; punishment.
I	G.S. 106-549.26	Inspection of establishment; bribery of or malfeasance of inspector.
I	G.S. 108A-39(b)	Fraudulent misrepresentation (AFDC in amount of more than \$400.00)
I	G.S. 108A-53(a)	Fraudulent misrepresentation (Food Stamp Program in amount more than \$1,000).
I	G.S. 108A-63(c)	Medical assistance provider fraud.
I	G.S. 108A-64(c)(1)	Medical assistance recipient fraud (value of assistance is more than \$400.00).
I	G.S. 113-209	Taking polluted shellfish at night or with prior conviction forbidden; penalty.
I	G.S. 130A-26A(b)	Violations of Article 4 (Vital Records Law).
I	G.S. 130A-26.1(f)	Criminal violation of Article 9 (transporting hazardous waste to a facility which does not have a permit).
I	G.S. 130A-26.1(g)	Criminal violation of Article 9 (handling hazardous waste without required documents).
I	G.S. 130A-431	Certain vaccine diversions made felony.
I	G.S. 133-31	Perjury; punishment (Public works).
I	G.S. 136-14	Members not eligible for other employment with Department; no sales to Department by employees; members not to sell or trade property with Department; profiting from official position.
I	G.S. 143-54	False certification that bids are submitted without collusion.
I	G.S. 143-215.6B(g)	Enforcement procedures: criminal penalties (Pollution control).
I	G.S. 148-45(a)	Escaping or attempting escape from state prison system (first offense).
I	G.S. 148-45(b)	Escaping or attempting escape from state prison system.
I	G.S. 148-46.1	Inflicting or assisting in infliction of self- injury to prisoner resulting in incapacity to perform assigned duties.
I	G.S. 157-29.1	Fraudulent misrepresentation (Housing Assistance for more than \$400).
I	G.S. 163-72.4(f)	Registration by mail (willfully giving false information).
I	G.S. 163-81	Driver license examiners to accept applications to register voters (willfully giving false information).
I	G.S. 163-90.3	Making false affidavit perjury (Elections).
I	G.S. 163-226.3	Certain acts declared felonies (Elections).
I	G.S. 163-237(c)	Forgery of signature on absentee ballot.
I	G.S. 163-275	Certain acts declared felonies (Elections).
I	G.S. 163-278.53	Criminal punishment (Elections).
Source: NC Sentencing Commission		

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North Carolina Department of Correction

214 West Jones Street • P.O. Box 29540 • Raleigh, North Carolina 27626-0540

James B. Hunt Jr., Governor

Mack Jarvis, Secretary

May 26, 1998

Mr. Ralph Campbell Jr.
Office of the State Auditor
Legislative Office Building
300 North Salisbury Street
Raleigh, N.C. 27603-5903

Dear Mr. Campbell:

On behalf of the N.C. Department of Correction, Division of Adult Probation and Parole, I wish to express my sincere appreciation to you and your staff for the comprehensive, objective and fair audit recently completed on our agency. We were very happy to have assisted your audit team in this endeavor and are anticipating many positive outcomes from this experience.

The work of the Division of Adult Probation and Parole is a critical component of our overall correction effort. Under the concept of structured sentencing, the Division has become the vital link to improving public safety through its community correction strategy. Our effectiveness will greatly impact the success of the structured sentencing legislation.

The conclusions and recommendations referenced in the report will be a valuable management tool as we plan to further enhance the effectiveness and efficiency of our operations. Attached you will find our written response which further supports our mutual beliefs that the overall outcome of the performance audit was a very positive one which we can build upon for the future.

Sincerely,

A handwritten signature in black ink that reads "Mack Jarvis". The signature is fluid and cursive.

Mack Jarvis
Secretary of Correction

An Equal Opportunity / Affirmative Action Employer

The response from the Department has been reformatted to conform with the style and format of the rest of the audit report. However, no data has been changed.

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DIVISION OF ADULT PROBATION AND PAROLE PERFORMANCE AUDIT RESPONSE

ORGANIZATION AND STAFFING

Conclusion

We concur with the conclusion that overall we are adequately staffed to handle the current caseloads. We further agree that our recent decentralization has enhanced our current structure to be more efficient and effective.

ORGANIZATIONAL ISSUES:

SPANS OF CONTROL MAY BE TOO LARGE FOR THE CHIEF PROBATION/PAROLE OFFICERS

DAPP agrees with the audit recommendation of a 10:1 span of control ratio with the Surveillance Officer reporting directly to the Chief Probation/Parole Officer. To achieve this recommendation, it will necessitate funding of an additional 36 Chief Probation/Parole Officers and 36 Office Assistants III at a start up cost of \$4,025,016.

DAPP'S RAPID GROWTH HAS CAUSED PROBLEMS IN PROJECTING AND PROVIDING ADEQUATE OFFICE SPACE

DAPP is very much interested in exploring how we could better utilize and manage our current leased space. We think it is important to carefully consider the long-term implications of shared office space prior to a commitment. Each field officer should have a state vehicle to perform their duties, as well as the law enforcement designation to allow the officer to respond to emergency situations in a timely and efficient manner.

MANUAL PREPARATION OF CASE FILES IS INEFFICIENT

DAPP agrees with the audit's recommendation. The project cited in Henderson County has proven to be a model that DAPP desires to implement statewide. A computerized case management system is critical to our success in the future. The Director has identified funds to expand the pilot project to several other districts beginning in the next couple of months. As noted in the recommendation, funds to expand statewide are needed and supported by DAPP.

THERE IS A LACK OF COMMUNICATION BETWEEN AND AMONG DAPP ADMINISTRATION, THE DIVISIONS, AND THE DISTRICTS

DAPP supports and has made significant progress towards expanding the WAN/LAN systems to our 139 lease locations as well as our office locations in the county courthouses. In the areas where this has occurred the immediate effects have been profound. To be effective, we recommend immediate funding so that a conversion and training period would run concurrently. DAPP plans on reviewing current policies and procedures and incorporating changes into an electronic format available to all staff.

STAFFING/WORKLOAD ISSUES:

THE ROLES OF REGULAR AND INTENSIVE PROBATION/PAROLE OFFICERS HAVE BECOME BLURRED AS A RESULT OF STRUCTURED SENTENCING

CASELOADS VARY SIGNIFICANTLY AMONG PPO'S

DAPP POLICY ON NUMBER OF CONTACTS MAY BE EXCESSIVE

In April of this year the Director appointed a Case Management Task Force. These 30 plus individuals have been working on an Intermediate Punishment and Community Punishment Case Management Plan for the Division. This will involve the reclassification of the officer positions as we know them. The offender contact requirements will be reevaluated and aligned according to punishment level. The Chief Probation/Parole Officer will be required to fill in as vacancies occur and or the need arises. Beginning July 1, 1998 all classes of officers will report directly to the CPPO in an effort to provide good services to the community through a sound operational structure (span of control). This realignment will initiate the reclassification of a number of PPO positions to the new PPO II class. This effort will begin in July 1998 and be completed by July 1999 (due to salary reserve limitations). Our caseload goals of 60 cases for intermediate punishment and 90 cases for community punishment can be achieved. DAPP encourages all judicial district managers to assign cases in a manner that best suits the needs of the particular area. We must maintain a high level of contact with the offenders and the community to remain effective and informed. Our realignment and rededication to a supported case management system will positively impact the concerns about excessive contact requirements. Additionally, the Surveillance Officer's major job responsibility is to perform the required curfew contacts as set out. The absconder work performed by that class plays an important specialization role in the management of our caseloads.

PERSONNEL AND PATRONAGE PRACTICES

Conclusion

We agree with the audit's conclusion that DAPP has generally adhered to State Personnel Policies and Procedures. As to instances in which patronage may have influenced a hiring or

The response from the Department has been reformatted to conform with the style and format of the rest of the audit report. However, no data has been changed.

promotional decision, we are proud to say based on the findings of the auditors that among the sample of 121 files reviewed, this may have occurred in only 5% of the decisions. In addition, among the 6 instances cited, all selected candidates were pre merit-based hiring decisions which met the minimum education and experience requirements for the position sought.

VACANCIES ARE NOT FILLED ON A TIMELY BASIS.

While we do not disagree with the analysis, the Personnel Office is not aware of any recruitment difficulties experienced by the Division of Adult Probation and Parole sufficient to warrant a classification study. However, as the State Auditor's Office has suggested, if salary is the obstacle to recruitment, then a more appropriate approach would be to conduct a labor market analysis/salary survey. Furthermore, other avenues for addressing recruitment problems are available and should be considered prior to undertaking a labor market analysis/salary survey.

POSITION HISTORY FILES ARE NOT MAINTAINED AS REQUIRED BY REGULATIONS.

The Department of Correction Personnel Office developed a Merit-Based Recruitment and Selection Plan, which included procedures for the development and maintenance of position history files. This plan has been reviewed by the Office of State Personnel and approved by the State Personnel Commission. The Personnel Office distributed the Merit-Based Recruitment and Selection Plan to agency management on October 1, 1997, thereby providing advance notice of the new procedures inclusive of the procedures governing the position history file. The Personnel Office has also conducted in-depth training to all human resource professionals and agency managers and continues to provide training as requested and informal guidance when contacted. Finally, while the Department may have some technical and/or procedural issues associated with the position history files to resolve, we believe the agency is in compliance with the original intent of Executive Order 113 and the Merit-Based Recruitment and Selection Plan and the audit validates our belief.

The records reviewed were from 1993 through 1998. Employment transactions occurring prior to October 15, 1997 were not subject to the Merit-Based Recruitment and Selection Process; therefore, the information to be included in a position history file was dispersed among the various managers that would have been involved in the recruitment, selection, and employment process. Any transaction occurring after October 15, 1997 would have been subject to the Merit-Based Recruitment and Selection Plan; however, depending on when the employment transaction had been completed, all materials may not yet have been consolidated into a single position history file.

Finally, the Merit-Based Recruitment and Selection Plan has been in place for only seven (7) months and as with any new process, there is an adjustment period. Given that there have been more than 300 personnel transactions during this period, it is possible that that the position history files have not been consolidated into a single file for each of these hiring events

The response from the Department has been reformatted to conform with the style and format of the rest of the audit report. However, no data has been changed.

DAPP'S RECORD RETENTION POLICY IS OUTDATED AND IN CONFLICT WITH THE MERIT-BASED RECRUITMENT AND SELECTION PLAN.

We do not dispute the fact that the Department of Corrections Records Retention Schedule on file with the Department of Cultural Resources, Division of Archives and Records is outdated. The Personnel Office is aware of this but is not prepared to revise the records retention schedule until the Department of Correction completes the required Office of State Budget and Management forms study designed to eliminate duplicated and unnecessary forms within all agencies. It is our position that this would be a futile project under these circumstances. In addition, the agency personnel policies and fiscal policies provide for a retention schedule unique to the specific record(s) addressed in that policy.

DAPP IS NOT IN FULL COMPLIANCE WITH STATE PERSONNEL HIRING AND PROMOTION POLICIES.

State Personnel Policy governing recruitment and posting of vacancies provides for situations where posting requirements do not apply. Specifically, where an agency determines that it will not openly recruit, the agency is not required to post the position. The State Personnel Policy provides a list of examples where posting may be waived. This list is not all inclusive as it would be impossible to identify and describe every single situation where a waiver to posting may be necessary. The inception of the Merit-Based Recruitment and Selection Plan did not change or alter an agency's ability to waive posting under certain circumstances in accordance with State Personnel Policy.

DAPP'S TIME KEEPING RECORDS DO NOT ACCURATELY REFLECT TIME WORKED, LEAVE EARNED OR TAKEN, OR WAGES PAID.

Payroll and personnel for the Department of Correction are complex and are further complicated by the volume of more than 19,000 employees and 500 different position classifications, most of which are subject to the Fair Labor Standards Act (FLSA). In administering the FLSA, the Department uses the 207k law enforcement exemption, agricultural exemption, as well as the exemptions for executive, administrative, and professional employees, and employees subject to overtime. We believe our policies, procedures, and practices are in full compliance with all applicable Federal and State laws, statutes, and regulations as well as all State and Department policies and procedures, but we will use the State Auditor's observations to improve our vigilance in this important area.

RELATIONSHIPS WITH OTHER PROGRAMS**Conclusion**

We agree with the conclusion that our relationships with other programs are well defined and work effectively. We further agree that there is some relationship issues with Community Penalties and AOC.

The response from the Department has been reformatted to conform with the style and format of the rest of the audit report. However, no data has been changed.

*Community Corrections Programs***THERE IS A DUPLICATION OF FUNCTIONS BETWEEN DAPP'S PRE-SENTENCE INVESTIGATION AND COMMUNITY PENALTIES PLAN**

DAPP disagrees with the recommendation as it is cited regarding community penalties. Leadership with the Department of Correction and AOC agreed in the fall of 1997 to appoint a committee to resolve the issue of duplication of services. This group has been working with the Institute of Government throughout the process. There are many specific issues that need research and exploration prior to stating what agency should complete a sentencing plan/pre-sentence report. We do agree that there should be one agency responsible for presenting consistent and reliable information to the court. Our efforts to improve the flow of information will enhance the court's ability to target/match the offender into the proper sanction.

*Post-Release Supervision and Parole Commission***THE LACK OF COMPLETE AND TIMELY RESPONSES TO INFORMATION REQUESTS HAMPERS EFFECTIVE COMMISSION OPERATIONS**

DAPP agrees that all requests and reports should be provided to the Post-Release Supervision and Parole Commission within the time frames as set out by policies and procedures. The percentage of incomplete reports is small based upon the large volume of reports/requests submitted to the Commission (see Table 10). It is important to note that no offenders have been kept in prison longer than necessary based solely upon a failure to provide information in a timely manner. Furthermore, no unnecessary costs to the State have occurred. We have initiated monthly meetings.

THE DAPP SUPERVISION OFFICE DOES NOT HAVE ADEQUATE PROCEDURES FOR TRACKING AND FOLLOW-UP OF COMMISSION REQUESTS

DAPP agrees with the recommendation and has developed a tracking system for all requested information.

IMPROVED COOPERATION BETWEEN DAPP AND LOCAL JUDICIAL AGENCIES WOULD MORE EFFECTIVELY SERVE OFFENDERS

DAPP agrees with the suggestion that District Attorneys set aside specific court dates for probation violations which currently occurs in many districts throughout the State. Our local managers have worked very hard to maintain a level of efficiency. We have recently, and hope to continue to participate in various seminars for judicial officials so that we may continue to provide information about our supervision programs and services. We welcome any assistance and participation AOC is willing to offer.

The response from the Department has been reformatted to conform with the style and format of the rest of the audit report. However, no data has been changed.

EFFECTIVENESS OF PROBATION AND PAROLE**Conclusion**

DAPP agrees with the conclusion that we have developed and implemented effective administrative policies and procedures as well as established an organizational structure that lends itself to the achievement of our goals and objectives.

DAPP DOES NOT HAVE AN ON-GOING, COMPREHENSIVE TRAINING PROGRAM FOR STAFF

DAPP's training staff has started a re-evaluation process that includes revamping the training requirements for each employee classification. We recognize the need for establishing a system that includes a frequent review of training needs. DAPP has been fortunate to have a very able training staff to effectively evaluate and design a training program to suit the needs of the field staff. DAPP agrees with the recommendation to develop a training plan for each staff member but lack the necessary resources to implement and monitor an effective, ongoing training program. We estimate that each Judicial Division Office needs to have four (4) additional Correctional Training Instructors to satisfy the organizations needs at a start up cost of \$858,032.

FIELD OFFICE PERSONNEL DO NOT HAVE ALL NECESSARY EQUIPMENT

DAPP has made significant progress in acquiring and distributing the necessary equipment for the field officers. Our new case management system and the realignment of the officer classes will most likely fit well with the current protective equipment in the field.

THE LACK OF CLEARLY WRITTEN, SPECIFIC POLICIES AND PROCEDURES HAMPERS EFFECTIVE OPERATIONS

DAPP prefers not to set out step by step procedures in the policy manual. It is critical to our success that the policy and procedures manual be a framework in which each and every district can apply local practices. Our new case management system will require a major overhaul of our current manual and we intend to contract with an individual to devote full time to this task. We further intend to create a manual that is accessible to all field staff on line electronically.

COMPARISON TO OTHER STATES**Conclusion**

DAPP agrees with the conclusion that North Carolina is one of the leading states in community correction practices. We are very innovative and progressive in our approach to corrections.

The response from the Department has been reformatted to conform with the style and format of the rest of the audit report. However, no data has been changed.

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In accordance with G.S. § 147-64.5 and G.S. § 147-64.6(c)(14), copies of this report have been distributed to the public officials listed below. Additional copies are provided to other legislators, state officials, the press, and the general public upon request.

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June 1, 1998

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