

Part 2:

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State Secretary of Correction Theodis Beck, right, confers with probation chief Robert Guy. Beck says he regrets not pursuing the alert program until after Carson's death.

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Information might have saved lives

Out-of-date technology hampers probation officers and magistrates. Demario Atwater remained free despite violating probation and is now charged in Eve Carson's death

JOSEPH NEFF, Staff Writer

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Long before Demario Atwater was arrested in March in the killing of Eve Carson, Lee Lloyd had flagged him as dangerous.

In January 2007, Lloyd's company ran a free experimental program for the state's probation system, sending e-mail alerts to probation officers when their clients were charged with new crimes. This was a huge help for the officers. They were hamstrung by an antiquated computer system but needed to know whether the criminals they supervised were getting into more serious trouble.

So when Lloyd read in March about Atwater's arrest in the death of the UNC student body president, he wondered whether the probationer's record had triggered an alert.

It had. Lloyd's program would have twice warned probation officers that Atwater had been arrested: a trespass charge in February 2007, and firearms and drug charges that November. Had probation officers known of these arrests, they could have watched Atwater more closely, tightened his curfew, put him under house arrest, or asked a judge to lock him up for violating the terms of his probation.

But no one received those e-mail alerts. Despite rave reviews from probation officers, the program was spiked in February 2007 by Robert Guy, the head of the probation system, and Bob Brinson, the top computer official at the Department of Correction.

Lloyd's system was yet another chance state officials have had to fix a computer system that is rooted in the technology of the 1980s. North Carolina may boast of Research Triangle Park and state-of-the-art technology companies such as SAS, Red Hat, IBM and Lenovo, but probation officers have spent hours each month looking up their clients on a computer system that predates Windows. It's so old that the computers don't have a mouse.

Until last month, there was no simple way for a probation officer to check whether new criminal charges have been filed against any of the 114,000 probationers under their watch or to see whether somebody they've been trying to find is actually in the county jail down the street. A News & Observer investigation turned up hundreds of cases where probation officers lost track of criminals who were violating probation -- and then were charged with murder, rape and other serious crimes.

For 14 years, state officials have vowed to fix the patchwork of computer systems that are supposed to help law enforcement officers keep track of criminals. But the Criminal Justice Information Network, set up during a special legislative session in 1994, has fixed just one of five problems it identified.

Guy, the probation chief, says he axed the e-mail program because he had no money for it and because the project violated purchasing rules.

"I'm about good business," Guy said. "But I'm not going to get out there on the limb about someone out there doing their own project, a renegade project."

James Fullwood, the regional director in charge of the project, said one of Guy's superiors asked him to run it. Fullwood was seeking a federal grant so the project wouldn't cost the department anything, at least until the federal money ran out.

The canceled proposal was the biggest regret of his career, Fullwood said, for it might have prevented Carson's slaying.

"If it had been approved, much of what we have before us today would not be an issue," Fullwood said.

Secretary of Correction Theodis Beck agreed: "It makes me think that if we had pursued this further, maybe we would have had a different outcome. ... I regret that."

Brinson, the head of the Criminal Justice Information System, is the top computer official at the Department of Correction. Before Guy shut down the program, Brinson weighed in on Jan. 25 with an e-mail opposing Lloyd's system as expensive and prone to error.

For the next 15 months, Brinson's staff of 85 did nothing to copy Lloyd's e-mail alert. He said nobody at the Division of Community Corrections requested it.

"I didn't hear from them that this particular thing was something they wanted done right then," Brinson said. "Somebody has to say, [computer] folks, work on this, this is important. We work on things that they say are their priority."

The highly publicized killings early this year of Carson and Duke student Abhijit Mahato have stirred things up at the Department of Correction and the legislature. Brinson's department recently finished an online case management system that includes an alert system that mimics Lloyd's. The system is available now, and all offices must use it by January.

A cumbersome system

The nerve center of the criminal justice information system resides in courthouses. The state Administrative Office of the Courts maintains a computer system that holds records on arrests, warrants, court appearances, fines and prison sentences. Every time a person is arrested, tried, convicted or acquitted in North Carolina, the results are entered.

But this is not the high-tech system that viewers see on TV shows such as "CSI" or "Criminal

Minds." The courts have the information, but using it is difficult.

The computer screen looks and behaves the same as it has for decades. There is no Internet interface. A probation officer had to type each offender's name, using an arcane array of function keys (F1 to F12) to navigate the data. The officer could reliably search one county at a time: A statewide search of all 100 counties for one offender means 100 searches.

It could take more than two hours for a probation officer to check one county for her whole caseload -- sometimes more than 100 people.

The poster child for the Administrative Office of the Courts' difficulties in managing computer systems is NCAWARE, a statewide warrant system for magistrates. The project was one of the original 1995 goals of the Criminal Justice Information Network: Track everyone wanted for a crime in North Carolina. The computer would allow magistrates to see every outstanding warrant and order for arrest.

Anyone arrested for a crime in North Carolina first appears before a magistrate, who certifies there is probable cause for the arrest and sets bail. Magistrates have been using the cumbersome court computer to see the suspect's record and whether the suspect is wanted on other charges.

In 1995, state leaders agreed this was necessary. Court officials began working on it in 2000. In 2002, they said it would launch in 2003. Then they changed the date to 2005. Their most recent estimate to finish: 2010.

The price tag so far: \$13.5 million, much of it for programming work performed by contractors.

"We were off," said Cliff Layman, the court system's chief information officer. "We had funding issues, a reduction in force at one time, and we had trouble keeping positions filled."

Because of Carson's killing, the AOC in November activated a stopgap program to allow magistrates to search all warrants and orders for arrest. Magistrates are now being trained to use it.

Daily alerts possible

Lee Lloyd first approached the Department of Correction in the summer of 2005. Lloyd's company, Vantage Point Services, buys court data from the Administrative Office of the Courts, repackages it and sells it to large law firms and other businesses.

He developed a program to send a daily e-mail alert to probation officers every time one of their offenders was arrested anywhere in North Carolina. The alerts would be useful for hunting down absconders, offenders who can't be located by their probation officers.

The service had great promise for freeing probation officers from hours of drudge work. This search is so time-consuming that the department policy only requires probation officers to check their caseloads every 90 days for new criminal activity.

Vantage Point promised to check the caseload automatically every day and send an e-mail alert if someone had been arrested. The cost: \$300,000 a year.

Deputy Correction Secretary Tracy Little was interested; she encouraged Guy, head of probation, and Brinson, the computer chief at the Department of Correction, to look at the program. In November 2005, Guy turned it down: "It will not be necessary for us to discuss it now," an aide wrote at the time.

A year later, a Vantage Point salesman returned to the Department of Correction to pitch an improved system for \$720,000 a year. Lloyd said he offered to negotiate.

This time, Little referred Vantage Point to Fullwood, the manager of Judicial Division 2, which contains 21 counties in central and Eastern North Carolina. Fullwood agreed to a small project in Johnston County. Two absconders were located in one day, including one in the Edgecombe

County jail who had been missing six months, state records show.

Fullwood added three more counties: Wake, Durham and Cumberland.

The system was a big hit with officers and their bosses: "light-years ahead of the AOC system," probation officers said at a January 2007 meeting in Johnston County.

"The ability to know daily who has been charged with a crime in the State of North Carolina, without initiating the search, is really exciting," wrote Carla Yarborough, a chief probation officer in Raleigh. "I only have to go to the website after being alerted by the **system!!** The ability to automatically track the hits, **WOW!** This VPS system is something that has been needed for as long as I can remember (at least since I started working with this division in 1991)."

Vantage Point and probation officials drafted a grant proposal for the Governor's Crime Commission, which awards federal dollars.

On Jan. 25, 2007, e-mail messages shot around the Department of Correction. Two key officials questioned the project.

Guy said that he had been out of the loop: "I was expecting a grant to come forward to review, approve or not, and send forward. Now I'm told we're involved in this project, free of charge?"

Brinson criticized the alert system, saying it wasn't bid, calling it expensive and prone to generating false hits: "Our programmers point out that we currently do some of this already."

In a recent interview, Brinson said he was never asked to duplicate Vantage Point's product, nor did he try to do so on his own. He said his division has worked closely with prison officials on systems they requested to track and sort inmates, to ensure that inmates got their health tests on time and to locate masons or other skilled inmates to work on prison construction projects.

On Feb. 2, 2007, Guy ordered his staff to shut down the Vantage Point project, not submit the grant, and tell probation officers to stop using it. Lloyd stopped sending the e-mail alerts.

On the same day Guy canceled the program, Demario Atwater -- on probation for larceny -- was arrested and charged with trespassing in Durham. Vantage Point soon noted the arrest in its computer but did not send an e-mail alert to Atwater's Wake probation officer. On Nov. 7, Atwater was arrested on drug charges and possession of a firearm by a felon. Again, no e-mail alert.

Meanwhile, Lloyd continued to try to sell the system to probation officials. In June 2007, Guy informed Lloyd that he was forming a "Technology -- Case Management Best Practices Council."

"I appreciate your understanding and willingness to work with us on the proper process for us to review technologies that may be of benefit to the agency," Guy wrote.

When Atwater and Laurence Lovette were charged in Carson's slaying in March, Lloyd contacted probation officials to tell them his program would have twice issued an alert on Atwater. He offered his services again, and he said he would negotiate on price.

"I know they want to make their own solution, but why not use us in the meantime?" Lloyd said. "We could be a stopgap."

Lloyd made a presentation to the new technology council in April. He said he has not heard from anyone at probation since.

In May, Lloyd went to a meeting of Durham criminal justice officials: judges, prosecutors, county commissioners and police. He offered to supply his software to Durham free. Durham officials said they were eager, but they remembered a 1999 project in which the county had started a computer project for magistrates. State court officials killed the project, because they didn't want different counties starting different programs in a state system.

At a follow-up meeting in June, Brinson told the Durham officials that his shop was working on a

program to replace what Lloyd's company would provide. To do that, correction officials needed the courts to provide arrest data. The courts had been sending the Department of Correction daily data on convictions and sentences since 1998; on Oct. 11, the courts started sending arrest data.

Beck, the correction secretary, didn't know the court system had been electronically tracking arrests since 1990 until a recent interview with The News & Observer.

"I wasn't aware that they had that information throughout the whole state, that the AOC had it, and was able to give it to us," Beck said. "Electronically? ... I just have to admit I wasn't aware of it."

In July, the General Assembly gave Brinson's division \$140,000 and told it to build the system. Brinson spent the money on contractors to get it done.

Cop designs a system

Raleigh police officer J.T. Maultsby didn't need money to design such a system. He built one on his own this summer.

Maultsby is a self-taught computer geek known for his knack of solving fellow officers' technical difficulties. He was a street cop for five years, until he was temporarily assigned to the information technology staff in 2004. Maultsby was asked to help compare a list of people in prison with a list of people with outstanding warrants whom Raleigh police were trying to arrest.

Maultsby learned that officers were looking on the street for people who were in prison. He next looked for unserved warrants of people in jail. Maultsby slowly upgraded his computers and programs and started downloading all the criminal justice information he could.

After the murder of Eve Carson, Maultsby met with criminal justice officials in Wake County.

He realized he could help probation officers track their caseload. After a few days, he figured how to send a spreadsheet every morning to the head of the Wake probation office.

Pam Grissom, a probation officer, said she used to spend at least two hours checking her caseload of 91 people. She is a fan of Maultsby's system.

"It's a million times easier; we're notified every day," she said. "This way you can pull it up instantly, in 10 seconds."

On a recent day, Maultsby's list contained details on 45 probationers who had been arrested in Wake and adjoining counties. Right now, it includes anyone on probation arrested in Wake, Orange, Durham, Granville, Chatham and Johnston counties.

He plans to expand it statewide once he gets more computer space.

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Staff writer Sarah Ovaska and database editor David Raynor contributed to this report.;
Thursday: Who's in charge here?

By the numbers

1,312: Number of those offenders arrested or cited after the alert program was stopped

772: Total of charges racked up by those offenders

3,918: Number of those charges that were felonies

681: Number of those felonies that were drug charges

163: Number of the 681 felonies that were violent crimes

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