

Part 3:

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Since Robert Guy became head of the state's probation system in 1997, the division budget has grown 42 percent while the number of workers has fallen.

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Leaders ignore signs of probation trouble

As vacancies have mounted in the state's probation system and pleas for help have streamed in, little action has been taken

BY ANNE BLYTHE AND JOSEPH NEFF, Staff Writers

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For years, the signs of a probation system in dangerous disarray have been stacking up in a file cabinet a few steps from Robert Guy's desk.

At an average of more than 30 times a month for the past five years, the fax machine in the probation chief's office suite has spit out ominous reports: another probationer out of control.

Other alerts from urban offices begged for review, with probation officers and their supervisors imploring top administrators to send in reinforcements for jobs that had gone unfilled for months.

But Guy, at the helm of the state system for the past 11 years, and his boss, Correction Secretary Theodis Beck, didn't act on the warnings. They allowed vacancies to pile up in urban areas with heavy caseloads without using all available options to recruit replacements. And they failed to convey to legislators the growing difficulties of keeping track of dangerous probationers.

When they did ask for more help, the General Assembly usually said no. This year, legislators said yes, but nearly five months later, no new officers have been hired.

Since the start of 2000, as harried officers juggled high caseloads and vacant positions went unfilled, 580 people were convicted of murder or manslaughter committed while under the watch of the N.C. Division of Community Corrections.

"Probation offices can't function when vacancies are so high, when so many officers are untrained and experienced officers are carrying a double caseload," said Lao Rubert, director of the Carolina Justice Policy Center, which monitors the criminal justice system. "When probation is this dysfunctional, it's not safe for the public, and the supervision is ineffective."

Both Guy and Beck serve in the administration of Gov. Mike Easley and have made significant financial contributions to the governor's political campaigns. Beck held Guy's job for two years during the administration of Gov. Jim Hunt, meaning the division has been run by the former probation officers since 1995.

Yet for the past decade, problems in the probation system simmered beneath the surface -- until a couple of high-profile homicides raised them to a boil.

The arrests of Demario Atwater and Laurence Alvin Lovette in the killing of Eve Carson, the popular UNC-Chapel Hill student body president, were followed quickly by the news that the two had scant supervision while on probation for other crimes. Lovette also is charged with killing Duke University graduate student Abhijit Mahato.

Beck said his department should have paid more attention to the problems. "I wish we would have looked a little deeper," he said. "We dealt with what was on the surface, but we didn't look to see if there was a pattern."

What the records show

There was a pattern. Many serious crimes have been committed by probationers under weak supervision, a News & Observer investigation shows.

The newspaper reviewed nearly 2,200 serious crime reports filed since January 2003. The summaries are required when a probationer is accused of murder, sexual assault, robbery, arson or other serious crimes. They are sent to alert top administrators about oversight problems.

Probation managers must review each case and submit a second report detailing the crime and evaluating whether the officer and supervisor met standards for performing curfew checks, drug screens, home visits, office visits and arrest-record checks.

Correction officials declined to let The N&O review the probation files, which are not public records but can be released under the law. They did provide follow-up reports on 24 cases. Those reports reveal a pattern of breakdowns and failures.

Guy rarely read the reports unless there were media inquiries. "The media called, and I'd say, 'Let me see the details of the case,'" Guy said. "I've probably looked at 25 to 30."

The News & Observer found that probation officers did not file these reports in 30 percent of probationers' murder convictions since 2003. Since the arrest of Atwater and Lovette, the flow of serious crime reports increased to 53 a month, although there was no corresponding increase in crime.

"We saw an increase in Raleigh and Durham," where he had replaced top managers, Guy said. "It goes back to management and accountability -- are they underreporting serious crime? Obviously they have been, because the new management team increased their reports in those two areas. Statewide, I haven't looked."

Guy said that he set up the serious crime reports in the mid-1990s to help him prepare for media questions on prickly cases, not to collect indicators of systemic troubles.

His department's policy does require a review of the officer, the supervisor and the district operation.

Beck said correction officials should study the reports and ask a local university for analysis.

Fewer workers

Since Guy took the reins of the probation system in 1997, the number of offenders under his watch has grown only slightly, from 108,000 to 114,000.

The division budget has grown 42 percent during that time, from \$93.9 million in fiscal 1998 to \$133.7 million today, staying ahead of inflation. But the number of employees working in probation over the past 11 years has dropped by 84 -- from 2,650 in 1998 to 2,566 now.

Guy's tenure has been marked by high turnover, salaries that are not competitive with other law enforcement jobs, archaic technology and high vacancies. As of late October, the state had slots for 1,711 probation officers, but 118 were vacant, most in urban areas where caseloads are heaviest.

"What you would have to ask is, 'Are appropriate measures being taken to guarantee the safety of our citizens?' " said Sen. Ellie Kinnaird, a Carrboro Democrat and co-chairwoman of the criminal justice budget subcommittee. "You would have to say 'No.' "

The records show probationers never meeting with officers assigned to their cases; officers unaware of new charges racked up by people under their watch; and arrest warrants never filed. Examples include:

- * Robert Reaves, a Durham resident convicted of a sex offense in South Carolina. Reaves was neglected by his North Carolina probation officer before being accused of stabbing Latrese Curtis, a student at N.C. Central University, more than 40 times.
- * Darrice Covington of Raleigh was placed on intensive probation for robbery and pistol-whipping. He was arrested four times in the next six months, including charges for a drive-by shooting; those charges were dropped because the victims would not cooperate. His probation officer had no contact with him during the alleged crime spree. A review found "total neglect of this case."
- * Michael Anthony Hudson, convicted of a drug offense in 2005, was arrested nine times while on probation before being picked up in a drive-by shooting outside a Durham convenience store. No one was injured.

Although many of the unsettling incidents occurred in Durham and Wake counties, the troubles are widespread in the urban reaches of the state.

"At some point," said Durham City Council member Eugene Brown, "you have to ask: 'Where does this buck stop?' "

Political contributions

Guy, 53, has been in charge since 1997. He's a big contributor for North Carolina Democrats and has political ties to some key decision-makers.

Guy started as a probation officer in 1977, fresh out of East Carolina University. He rose to become a regional manager and assistant director before taking over the system in 1997.

The head of probation serves at the pleasure of the governor and can be removed for any reason.

Guy has contributed to all of the governors he has worked for: \$825 in the run-up to the 1996 election of Gov. Jim Hunt, the man who appointed him head of the probation system; \$3,000 to Gov. Mike Easley in his 2000 campaign and \$500 in 2004. Last year, he gave the maximum \$4,000 to Richard Moore, a personal friend, the state treasurer and gubernatorial candidate. Moore lost in the primary to Bev Perdue, who will be inaugurated in January.

Beck, who has said he will retire early next year, has fattened the coffers of state Democrats too. Since 2000, he has contributed \$6,750 to Easley's two gubernatorial campaigns. In 1995,

he gave \$1,550 to Hunt's campaign.

Some of Guy's closest associates have followed the patterns of the two in charge.

In 2000, as Easley was running for his first term as governor, Guy and 21 others in the state's probation division contributed \$18,650 -- at least \$16,000 of it coming during a September fundraiser organized by Hunt.

Too detached?

Guy says he manages by giving autonomy to regional offices. Some in criminal justice say he has been too detached.

Marcia Morey, a Durham District Court judge, said a probation officer came to her in October. The officer, troubled that she and co-workers had been tainted, was peeved that top administrators had spent little time since the Carson and Mahato homicides talking with street-level officers.

"The blame really lies at the top," Morey said.

During Guy's tenure, high turnover has plagued the urban offices, forcing probation officers to handle perilously high caseloads: Officers handling the highest-risk probationers sometimes have more than double the target.

In quarterly reports since 2003, the Wake probation office has sent a constant drumbeat to headquarters: "The high vacancy rate was killing morale. ... Vacancy rate remains our biggest issue. ... Vacancies: They are the bane of our existence. ... Morale killer. ... The high vacancy rate has taken a toll on supervision."

Guy blames the vacancies on state personnel rules that dictate how and when jobs can be posted and filled, and on low salaries that often result in the most qualified candidates turning down offers for better pay elsewhere.

"There is nothing I can do about vacancy rates now, unless we raise the salaries and get rid of merit-based hiring," Guy said.

But in his annual reports to the legislature, Guy has not called attention to vacancies. Nor has he arranged for probation system jobs be continuously posted by the Office of State Personnel, said Lynn Floyd, the state's recruitment program director.

Doing so would give administrators a constant pool of applicants when a position opens and cut down the time it takes to hire.

Even after someone is hired, it can take months to get them trained, limiting what the new officer can do. Rather than train each officer for four to six weeks at the start, supervisors wait to fill a training class. That can take months.

A federal audit highlighted these problems in 2004, but little has been done since.

"Identifying the problems is one thing," said Dean J. Champion, a professor of criminal justice at Texas A&M International University who has written extensively about probation. "Doing something about it is another matter. ... Accountability, you know, is from the top down, ensuring you've got the right people in place to enforce the rules."

Slow to act

When Guy took over the division, he came in on the heels of the largest personnel expansion in the history of the system: 700 new probation officers. Guy and his staff forecast that average caseloads would go down.

In 2005, analysts projected rising caseloads for intensive probation; Guy requested 135 more officers. Beck dropped the request after consulting Easley's budget office. Beck instead raised the average caseload for officers handling the lowest-risk offenders from 90 to 110. The General

Assembly agreed and went one step further: Legislators cut 25 unfilled officer positions.

In 2006, lawmakers increased part of the probation budget, providing \$1.3 million for GPS equipment and employees to monitor sex offenders.

In 2007, Beck and Guy requested 49 more probation officers; the General Assembly turned them down.

"The criminal justice system is a giant business," said Sen. Tony Rand, a Democrat from Fayetteville and Senate majority leader. "Nobody wants to spend money you could use for education or job creation ... on criminal justice."

This summer, though, with the heart-wrenching accounts of two promising lives cut short fresh on legislators' minds, the General Assembly provided an extra \$2.5 million.

On July 16, Easley signed the budget bill, which refers to "critical staffing and resource needs." In October, Guy and Beck told legislators they would use most of the money for 26 new jobs.

But no one has yet been hired. As of Wednesday, the jobs had not been posted.

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Staff writer Sarah Ovaska, database editor David Raynor and researcher Brooke Cain contributed to this report.

BY THE NUMBERS

8.7: Percentage of probationers, nationwide, listed as absconders in 37 states that reported.

13.5: Percentage of N.C. probationers listed as absconders

SOURCE: BUREAU OF JUSTICE STATISTICS, 2006

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