



**STATE OF NORTH CAROLINA
DEPARTMENT OF CORRECTION**

Division of Community Corrections

**LEGISLATIVE REPORT
ON ELECTRONIC MONITORING/
USE OF GLOBAL POSITIONING
SYSTEMS FOR SEX OFFENDERS**

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Section 17.14 of Session Law 2007-323

REPORT ON ELECTRONIC MONITORING/USE OF GLOBAL POSITIONING SYSTEMS FOR SEX OFFENDERS

Section 17.14. The Department of Correction shall report by March 1 of each year to the Chairs of the House and Senate Appropriations Committees, the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety, and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on the following:

- (1) The number of sex offenders enrolled on active and passive GPS monitoring.
- (2) The caseloads of probation officers assigned to GPS-monitored sex offenders.
- (3) The number of violations.
- (4) The number of absconders.
- (5) The projected number of offenders to be enrolled by the end of the 2007-2008 fiscal year and the end of the 2008-2009 fiscal year.
- (6) The total cost of the program including a per-offender cost.

Introduction

Session Law 2006-247 (H1896) required the Department of Correction to establish a sex offender monitoring program using a continuous satellite-based monitoring system to monitor sex offenders in the community. Offenders subject to monitoring include those under probation, parole, or post-release supervision, as well as certain offenders who have completed their periods of supervision or incarceration and no longer have supervision requirements, but who are subject to lifetime tracking pursuant to statute.

The Division of Community Corrections, which administers the GPS initiative, began the use of Global Positioning Systems (GPS) to aid in the supervision of sex offenders in January 2007. Several challenges to the use of GPS technology, especially regarding those offenders who had completed all incidents of sentencing, resulted in a slower-than-anticipated start for the initiative. As of the writing of this report, several challenges to GPS supervision have been raised in the courts, potentially slowing the use of the GPS technology within this population.

The information in this report is based on data for January 1, 2007 through June 30, 2007. The future population projections assume that current factors remain in place as they were at the start of the 2007-2008 fiscal year; the projections do not take into account the potential impact of any challenges to the use of GPS.

Number of Sex Offenders Enrolled on Active and Passive GPS

G.S. 14-208.40(a) establishes two categories of offenders who are subject to GPS monitoring:

- (1) any offender classified as a sexually violent predator, is a recidivist or was convicted of an aggravated offense (Mandatory GPS); and
- (2) any offender who has committed an offense involving the physical, mental, or sexual abuse of a minor and requires the highest possible level of supervision and monitoring based on a DCC risk assessment known as STATIC-99

(Conditional GPS). Both categories require that the offender be convicted of a reportable conviction and is required to register as a sex offender.

During FY 2006-2007, a total of 83 offenders were enrolled in the GPS program; all of these offenders were being monitored by active GPS. Of those offenders, 64 entered as a mandatory assignment, which are those offenders determined to be a predator, recidivist, or who committed an aggravated offense. The 19 remaining offenders entered as conditional assignments based on a risk assessment and court finding. The following table provides a monthly summary:

Month	Mandatory GPS	Conditional GPS	Total
January 2007	22	0	22
February 2007	12	2	14
March 2007	7	4	11
April 2007	3	6	9
May 2007	12	3	15
June 2007	8	4	12
TOTALS	64	19	83

Fifty-nine of the offenders enrolled in the program during FY 2006-07 were on probation, parole or post-release supervision and therefore subject to supervision by a probation officer. The remaining 24 offenders were not under supervision but were in the lifetime tracking category (unsupervised).

A total of 78 offenders were on GPS on June 30, 2007. Of those offenders, 61 were mandatory assignments and 17 were conditional assignments. Fifty-four of those 78 offenders were subject to supervision by a probation officer. All of the offenders continued to be monitored by active GPS; there was no use of passive GPS.

Caseloads of Probation Officers Assigned to GPS/Sex Offender Supervision

Due to the relatively small numbers of offenders and in order to effectively implement the use of GPS across the state, DCC utilized existing resources within its probation officer levels to establish specialized officers in some districts. These officers specialize in the supervision of sex offenders, including those who do not have the GPS requirements. Appendix A provides information concerning the officer caseloads assigned to working GPS cases as well. It does not represent all sex offenders under supervision or all officers that supervise sex offenders.

Due to case management practices that differ in each location across the state, many areas use various types of blended caseloads, where offenders of different types are managed within a caseload. Factors such as geography, the number of different offender population types and their admission rates to supervision, and the number of officer resources impact decisions concerning local case management practices.

In addition, there are two officers who work out of the GPS administrative office who handle the GPS lifetime-tracking offender population--those offenders no longer under DCC supervision.

These officers handle cases statewide, and at the close of the fiscal year were responsible for monitoring 24 offenders.

Violations

During FY 2006-07, six of the 83 offenders enrolled were cited for a total of 16 violations; there were no violations for new crimes. The following table provides the type of violations committed by enrollees during the fiscal year.

Violation	Number/Percent		Number of Offenders with Violation (an offender may have more than one type)
Sex Offender Program Violation	8	50.0%	5
Treatment Failure	1	6.2%	1
Possession of Controlled Substance	1	6.2%	1
Travel Out of State without Permission	1	6.2%	1
Other Technical	5	31.3%	2
TOTALS	16	99.9%	6

There were five offender exits (6%) from GPS during the fiscal year. Three exits resulted from court-ordered removal, while two offenders were revoked from supervision--one for technical violations and the other for an absconding violation.

Absconders

During the fiscal year, one enrolled offender absconded from supervision. This offender was apprehended and, as noted above, was revoked from supervision.

Offender Enrollment Projections

The DOC Office of Research and Planning provided assistance with the enrollment projections. The tables below show population projections for the GPS program for FY 2007-08 and FY 2008-09:

PROJECTED POPULATION FOR GPS SUPERVISION

TYPE OF OFFENDER	FY 2007-08	FY 2008-09
Mandatory GPS	270	449
Conditional GPS	48	72
TOTALS	318	521

Approximately 60 of those offenders will have no community supervision requirement during FY 2007-08, while 92 offenders will have no community supervision requirement during FY 2008-09. The projections are based on the laws in effect as of July 1, 2007 and do not take into account any future legislation affecting GPS supervision.

Program Costs

On September 18, 2006, the State Chief Information Officer granted approval for DOC to use the Western States Contracting Alliance (WSCA) for the lease of the satellite monitoring and remote tracking equipment and services. WSCA is a contracting alliance that allows participating states to join together in cooperative multi-state contracting in order to achieve cost-effective and efficient acquisition of quality products and services. Many other states use the alliance, including Virginia, Washington and Mississippi. Pursuant to the WSCA contract and offender volume, DCC pays \$8.29 per offender per day for the monitoring and equipment units. The initial startup costs for the program were \$251,263.80.

Summary

This report evaluates the use of GPS from January 1, 2007 through June 30, 2007. For this period of time, offenders enrolled in the GPS program had few violations or revocations. Most important, no new criminal offenses were committed by the offenders being monitored.

Several major challenges to the use of GPS are likely to impact the future use of GPS technology. These include the learning curve of the judiciary concerning the use of GPS and the requirements of the general statutes; the continued use of lifetime tracking for offenders no longer under supervision and management of this population; and court litigation concerning the appropriateness of GPS. DCC looks forward to continuing to develop this vital resource for case management of high-risk offender populations.

Appendix A Probation Officer Caseloads & GPS Utilization

*Following data represents only probation officers supervising GPS offenders; it is not inclusive of all officers who supervised sex offenders or all sex offenders under supervision.

Caseloads of Probation Officers Assigned to GPS-monitored Sex Offenders (Sept 2007)

Division 1					
County	Unit	Officer	# of GPS cases	# of Sex Offenders	Total Cases
Dare	501XA	DCH05	1	2	53
Camden	501XD	SBK06	1	6	58
Camden	501XD	NJP01	1	2	64
Martin	502XB	STM06	1	10	61
Sampson	504AA	LKB01	2	11	52
Duplin	504AB	KRL02	1	13	66
Onslow	504BC	RHI01	1	17	32
New Hanover	505XB	PJS05	4	24	32
Halifax	506AB	BJX06	1	20	32
Bertie	506BB	BAT07	2	3	68
Wilson	507XB	SJA52	1	16	52
Nash	507XC	RLM04	1	9	72
Edgecombe	507XD	HAV02	1	11	48
Nash	507XF	OCI01	1	14	53
Wayne	508BC	BGX04	1	23	31
Division 1 Total			20	181	774
Division 2					
County	Unit	Officer	# of GPS cases	# of Sex Offenders	Total Cases
Wake	510XE	RMX04	1	12	26
Wake	510XE	BMS03	3	18	25
Lee	511XC	SCC02	1	6	50
Cumberland	512XF	BAC06	2	18	28
Cumberland	512XF	HJE27	2	20	30
Cumberland	512XF	FML10	2	22	29
Cumberland	512XF	RGB03	2	15	26
Durham	514XC	GKY02	1	21	35
Orange	515BC	DGE04	1	24	72
Hoke	516AB	BWX16	1	7	38
Hoke	516AB	HMC02	1	2	63
Robeson	516BD	JCE05	3	37	51
ISC	500XA	WLA24	1	1	486
Division 2 Total			21	203	959

Division 3					
County	Unit	Officer	# of GPS cases	# of Sex Offenders	Total Cases
Rockingham	517AA	17A11	5	24	36
Surry	517BA	MTD11	1	18	40
Stokes	517BB	TJW20	2	21	32
Guilford	518XB	HBD08	5	23	39
Cabarrus	519AA	RTR04	1	25	38
Randolph	519BB	WRJ07	1	25	34
Moore	519DB	RLC05	3	22	45
Anson	520AC	BTW10	1	9	62
Richmond	520AE	PKN03	1	13	49
Stanly	520AF	MMJ11	4	20	50
Forsyth	521XC	CMH13	4	26	32
Forsyth	521XC	ACA12	2	14	40
Forsyth	521XC	GCL28	1	23	30
Davidson	522XG	KSD04	1	28	36
Wilkes	523XA	RGF03	1	21	36
Division 3 Total			33	312	599
Division 4					
County	Unit	Officer	# of GPS cases	# of Sex Offenders	Total Cases
Caldwell	525AA	TSD01	1	24	35
Burke	525AB	BMA05	4	23	42
Mecklenburg	526XE	SWE13	2	21	25
Mecklenburg	526XE	RTR07	1	16	26
Mecklenburg	526XE	LJK01	1	7	21
Gaston	527AA	DJN03	1	22	44
Cleveland	527BC	KTH01	2	28	43
Buncombe	528XD	GMC06	1	20	29
Buncombe	528XD	CWT02	1	26	36
Swain	530XB	SAL24	1	8	56
Swain	530XB	MKM01	1	6	79
Cherokee	530XC	PEA11	1	10	62
Division 4 Total			17	211	498
Statewide Total			91	907	2830