



**STATE OF NORTH CAROLINA
DEPARTMENT OF CORRECTION**

Division of Community Corrections

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

March 1, 2010

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Governor**

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Section 19.12 of Session Law 2009-451

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

SECTION 19.12.(d) 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 2009-2010 fiscal year and the end of the 2010-2011 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 and certain offenders who have completed their periods of supervision or incarceration but are subject to lifetime tracking pursuant to statute.

The Division of Community Corrections (DCC) 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. **GPS continues to grow at a slow rate due to the presence of many court challenges. Legal challenges are currently before the NC Supreme Court.**

NUMBER OF SEX OFFENDERS ENROLLED

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

During FY 2008-2009, there were 127 offenders enrolled in the electronic monitoring program. Of the 127 offenders, 75 were assigned to the conditional program (59.1%), while 52 were assigned to the mandatory program (40.9%). All offenders were monitored via active GPS. The table below represents the number of offenders enrolled on GPS for FY 2008-2009.

OFFENDERS ENROLLED ON SBM FOR FY 2008-2009

Month	Mandatory	Conditional	Total
July 2008	3	3	6
August	3	3	6
September	7	9	16
October	2	9	11
November	4	5	9
December	6	3	9
January 2009	4	12	16
February	3	8	11
March	6	5	11
April	5	7	12
May	5	9	14
June	4	2	6
Totals	52	75	127

Approximately 73 percent of offenders enrolled in the electronic monitoring program were supervised offenders (93 offenders), while 27 percent were unsupervised (34 offenders).

CASELOADS OF PROBATION OFFICERS ASSIGNED TO GPS/SEX OFFENDER SUPERVISION

Due to the relatively small numbers of offenders, 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 caseloads of officers assigned to supervise sex offenders monitored by GPS.

Case management practices differ in each location across the state, requiring many areas to use various types of blended caseloads. In which 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, two officers work in the GPS administrative office and 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 68 offenders. Of these 68 offenders, 34 were new enrollees for the fiscal year, while 34 were placed on GPS prior to the beginning of the FY 2008-2009.

VIOLATIONS

During FY 2008-2009, offenders under GPS supervision were cited for 299 violations. However, only 27 of the 127 (21.3%) offenders enrolled in the program during FY 2008-2009 were responsible for all violations. No violations occurred for absconding from supervision. The table below represents the type and number of violations committed by program enrollees during the fiscal year.

TYPE AND NUMBER OF VIOLATIONS

Violation	Number	Percent	Number of Offenders with Violation
Failure to Pay Court Indebtedness	46	15.4%	17
Positive Drug Screen/Test	34	11.4%	8
Failure to Obtain/Retain Employment	29	9.7%	3
Sex Offender Violation	23	7.7%	12
Misdemeanor Conviction/PC	22	7.4%	3
Failure to Pay Probation Supervision Fees	21	7.0%	10
Admits Illegal Drug Use	16	5.4%	1
Contact w/Drug Users	16	5.4%	1
Other Treatment Failure	16	5.4%	5
Possess Alcohol	16	5.4%	1
Curfew Violations	15	5.0%	7
Failure to Pay Child Supp/Family Obligation	12	4.0%	1

Violation	Number	Percent	Number of Offenders with Violation
Failure to Comply SBM	11	3.6%	5
Other	10	3.3%	5
Possess Firearm/Deadly Weapon/Explosive	4	1.3%	1
Left County W/O Permission	3	1.0%	2
Failure to Report – Jail Time	2	0.7%	1
Failure to Allow PO Visits	1	0.3%	1
Failure To Report	1	0.3%	1
Sub Abuse Treatment Failure	1	0.3%	1
Totals	299	100.00%	

EXITS FROM GPS DURING FY 2008-2009

During FY 2008-2009, no offenders under GPS supervision absconded from supervision. Nineteen offenders were removed from GPS during the FY 2008-2009, mainly based on the legality of the GPS requirements. Courts ordered that 10 offenders be removed from supervision for that reason, while only three offenders were removed because of probation revocations. The table below represents the number and type of exits from GPS during FY 2008-2009.

EXITS FROM GPS (FY 2007-08)

Exit Type	Offender Exits from GPS	Percent Exits
Court Order	10	52.6%
Moved Other State	4	21.1%
Probation Revocation	3	15.8%
Completion	2	10.5%
Totals	19	100.00%

OFFENDER ENROLLMENT PROJECTIONS

The DOC Office of Research and Planning provided assistance with the enrollment projections. GPS enrollment 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 the courts or of any challenges to the use of GPS. Cases currently residing within the appeals process may affect current and projected numbers. The table below shows population projections for the GPS program for FY 2009-2010 and FY 2010-2011.

PROJECTED POPULATION FOR GPS SUPERVISION

Type of Offender	FY 2009-2010	FY 2010-2011
Mandatory GPS	345	527
Conditional GPS	147	172
Totals	492	699

Approximately 109 offenders will have no community supervision requirement during FY 2009-2010, while 141 offenders will have no community supervision requirement during FY 2010-2011.

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 paid \$8.29 per offender per day for the monitoring and equipment units. The initial startup costs for the program were \$251,263.80. The total cost paid out for FY 2008-2009 for vendor services under the previous contract was \$448,026.56, including lost, stolen and damaged equipment costs.

On April 1 2009, the Division of Community Corrections contracted the use of new monitoring equipment through G4S Justice Services. This contract allowed for a more efficient use of GPS technology through a dual approach using both active and passive GPS technology. Active GPS is used to monitor sex offenders and other dangerous populations through the use of near real time violation reporting, at a cost of \$6.49 per day per offender. This contract is based on a sliding scale based on the number of active offenders utilizing this technology. Passive GPS is utilized when geographical and technical limitations exist not allowing the use of an Active GPS system. Passive GPS units are designed to call in at designated times, during designated intervals to report offender behavior, at a cost of \$3.74 per day per offender. The total program cost under the new contract was \$32,924.10. DCC paid a total of \$480,950.66, for the program GPS services in FY 2008-2009.

SUMMARY

For FY 2008-2009, offenders enrolled in the GPS program had few violations or revocations. Several major challenges to the use of GPS are likely to impact the future use of GPS technology, including the practices of the judiciary, the general statutes, 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 and GPS Utilization
Snapshot as of February 3, 2010

Caseloads of Probation Officers Assigned to GPS-monitored Sex Offenders

Division 1					
County	Unit	Officer	# of GPS cases	# of Sex Offenders	Total Cases
Dare	5010A	URW01	1	2	55
Pasquotank	5010B	SBK06	1	5	56
Pasquotank	5010B	STL16	1	2	71
Beaufort	5020A	SCW08	1	10	86
Martin	5020B	STM06	1	9	64
Carteret	5030D	TMX01	1	11	49
Onslow	5030G	FES04	4	20	40
Duplin	5040B	KRL02	1	7	69
Sampson	5040D	CAD11	2	12	79
Sampson	5040D	JTB02	1	16	69
New Hanover	5050B	HWC02	1	25	37
New Hanover	5050B	PJS05	5	28	35
Pender	5050D	KSL13	1	2	69
Halifax	5060A	BJX06	4	14	50
Bertie	5060D	BAT07	3	9	39
Edgecombe	5070A	07X14	1	13	73
Wilson	5070E	JJD21	1	2	70
Nash	5070F	FBD13	1	7	61
Pitt	5070H	DWB02	1	31	46
Wayne	5080D	HAM22	1	3	32
Division 1 Total			33	228	1150

Probation Officer Caseloads and GPS Utilization Snapshot as of February 3, 2010 continued...

Caseloads of Probation Officers Assigned to GPS-monitored Sex Offenders

Division 2					
County	Unit	Officer	# of GPS cases	# of Sex Offenders	Total Cases
Granville	5090D	MLD24	2	20	57
Franklin	5090E	RBN01	1	15	55
Wake	5100E	CDC21	2	23	45
Wake	5100E	GMJ08	1	20	44
Wake	5100E	LPL06	2	20	44
Wake	5100E	MBC14	1	24	42
Wake	5100XE	MJM31	1	25	56
Harnett	5110A	HAK04	2	30	44
Lee	5110G	SCC02	2	13	52
Cumberland	5120F	BAC06	3	19	36
Cumberland	5120F	FML10	7	29	39
Cumberland	5120F	RGB03	2	22	37
Columbus	5130C	GCM01	3	21	53
Brunswick	5130F	WJJ09	2	18	35
Durham	5140C	GKY02	1	16	29
Durham	5140C	PTB02	2	27	41
Chatham	5140J	RLM14	1	12	38
Orange	5140L	DGE04	3	14	43
Alamance	5150B	RBH01	1	10	57
Caswell	5150E	BWB07	1	4	43
Scotland	5160A	LVX03	1	11	64
Hoke	5160B	16A13	1	8	41
Robeson	5160F	JCE05	7	43	47
ISC	500XA	WLA24	1	1	331
Division 2 Total			50	445	1373

Probation Officer Caseloads and GPS Utilization Snapshot as of February 3, 2010 continued...

Caseloads of Probation Officers Assigned to GPS-monitored Sex Offenders

Division 3					
County	Unit	Officer	# of GPS cases	# of Sex Offenders	Total Cases
Rockingham	5170B	ADR07	4	28	62
Surry	5170C	MTD11	4	20	33
Stokes	5170D	BSH05	2	15	43
Guilford	5180B	CLE16	1	23	42
Guilford	5180B	STJ17	3	24	41
Guilford	5180K	PJB07	1	29	36
Cabarrus	5191A	RTR04	4	20	30
Cabarrus	5191A	SMA28	1	13	39
Rowan	5191F	GLA06	1	44	55
Randolph	5192B	WRJ07	1	28	44
Montgomery	5192C	BLB06	1	6	77
Richmond	5200C	PKN03	1	17	65
Stanly	5200E	RWK05	3	20	60
Union	5200G	PTN02	3	36	51
Forsyth	5210C	CMH13	2	29	43
Forsyth	5210C	ACA12	1	27	39
Iredell	5220B	GRG05	2	20	55
Iredell	5220B	MJL28	4	26	52
Davidson	5220F	KSD04	2	27	35
Davidson	5220F	PJG02	2	29	34
Wilkes	5230B	CJL66	1	20	35
Yadkin	5230D	MSB09	1	6	60
Division 3 Total			33	507	1031

Probation Officer Caseloads and GPS Utilization Snapshot as of February 3, 2010 concluded

Caseloads of Probation Officers Assigned to GPS-monitored Sex Offenders

Division 4					
County	Unit	Officer	# of GPS cases	# of Sex Offenders	Total Cases
Yancey	5240G	HRM08	1	4	67
Caldwell	5250A	TSD01	1	29	51
Burke	5250G	ARW07	3	30	62
Mecklenburg	5260E	ECA04	1	23	42
Mecklenburg	5260E	LJK01	3	29	49
Mecklenburg	5260E	RAJ11	1	21	48
Mecklenburg	5260E	RTR07	3	32	49
Mecklenburg	5260E	SWE13	2	25	45
Gaston	5270A	DJN03	1	18	41
Gaston	5270A	WSW06	2	24	40
Lincoln	5270G	BPA21	2	12	86
Lincoln	5270G	MHS08	1	7	84
Cleveland	5270H	BTC01	1	10	86
Buncombe	5280D	CWT02	2	25	40
Buncombe	5280D	GMC06	1	22	29
McDowell	5290B	HCA06	1	3	70
Transylvania	5290D	LHS01	1	1	54
Polk	5290E	LBP01	1	4	60
Rutherford	5290F	290F1	1	11	44
Jackson	5300B	MKM01	1	2	77
Cherokee	5300C	PEA11	2	7	73
Graham	5300C	SJC23	3	3	54
Macon	5300D	KCW02	1	4	104
Division 4 Total			36	346	1355
Statewide Total			152	1180	4909