



North Carolina Department of Correction

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Beverly Eaves Perdue
Governor

MEMORANDUM

Alvin W. Keller, Jr.
Secretary

TO: Senator Harry Brown Representative N. Leo Daughtry
Senator Thom Goolsby Representative W. David Guice
Representative Shirley B. Randleman

FROM: Jennie L. Lancaster, Chief Operating Officer

RE: Legislative Report on Plan for a Pilot
Program on Probation Services
(Section 19.2. - Session Law 2010-31)

A handwritten signature in black ink, appearing to be "JL", with a long horizontal line extending to the right.

DATE: March 1, 2011

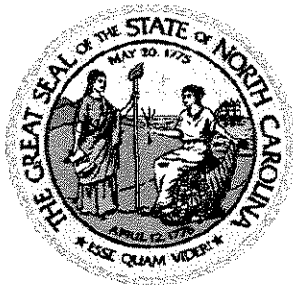
Pursuant to Section 19.2 of Session Law 2010-31, please find attached the Department of Correction's Legislative Report on Plan for a Pilot Program on Probation Services.

JLL:BSB/jbk

cc: Aaron Gallagher
John Poteat
Doug Holbrook
Kristine Leggett
Gov Ops Website
General Assembly Legislative Library



**STATE OF NORTH CAROLINA
DEPARTMENT OF CORRECTION**



**Division of Community Corrections
Pilot Program on Probation Services**

March 1, 2011

**Beverly Eaves Perdue
Governor**

**Timothy D. Moose
Director**

**Alvin W. Keller, Jr.
Secretary**

SESSION LAW 2010-31

SECTION 19.2. The Department of Correction, Division of Community Corrections, shall develop a plan for implementing a pilot program on the privatization of probation services. The plan shall include a determination of what resources and policy changes are necessary to conduct a pilot program for fee-based supervision of low-risk or community-level offenders by private entities.

No pilot program shall be implemented without the prior approval of the General Assembly. The Division shall report its plan to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee and the Fiscal Research Division by March 1, 2011.

Introduction

The Division of Community Corrections (DCC) is responsible for the supervision of all adult offenders on probation, parole or post-release supervision in North Carolina. DCC also has oversight of the Community Service Work Program (CSWP).

DCC currently employs 2,281 authorized full-time positions, including 1,945 certified officers. The Division supervises approximately 108,000 offenders on probation, parole or post-release supervision and oversees 12,000 unsupervised offenders in CSWP for a total offender population of 120,000. Judicial service coordinators manage CSWP cases and process new probation cases, while DCC probation and parole officers provide case management to offenders under its supervision.

The Division has implemented the use of evidence based practices (EBP) for supervision of offenders. Part of the evidence based practice strategy is the use of a risk and needs assessment to compute supervision levels for offenders based on their individual criminogenic needs and risks of rearrest. The assessment process places offenders in one of five levels which determine appropriate supervision methodologies to facilitate completion of supervision and establishes minimum responses to noncompliance.

When developing a plan for implementing a pilot program on the privatization of probation services, it is important to consider the eligible population for the program, review similar operations currently used by DCC, examine the feasibility and requirements of private services, and determine resources and policy changes that would need to be implemented if adopted.

Eligible Population

The five supervision levels used by the Division of Community Corrections are levels 1-5. The level one (L1) offenders have the highest risks and criminogenic needs and have the most restrictive supervision contact requirements along with the most severe responses to noncompliance. Offenders in the L4 and L5 populations possess the lowest levels of risks and needs, and are in the least restrictive supervision levels and are eligible for Offender Accountability Reporting (OAR) via a computer or mail-in report. OAR allows a low risk offender to utilize technology to report to an officer and does not require face to face contact unless necessary. In addition to complying with conditions of probation, offenders in the L4 supervision level are required to have face-to-face contact with their officer every 90 days. Offenders in the L5 supervision level are expected to comply with conditions of probation and make any court ordered payments, but are not required to have face-face contact with their officer after the initial assessment period if they remain compliant throughout the period of supervision. No costs are accumulated by the offender or by the Division as a result of participating in the Offender Accountability Reporting program.

Offender Accountability Reporting – How it Works

Offender Accountability Reporting is a means of monitoring low-risk offenders' compliance with conditions of supervision by means other than face-to-face officer-offender interaction. Offender accountability reports may be submitted by mail, through the internet, or hand-delivered to the supervising officer. In each accountability report, the offender will provide the following information:

- (a) A physical and mailing address;
- (b) Home and mobile telephone numbers;
- (c) Employment and/or educational status;
- (d) Employer address and phone number;
- (e) School(s) attended during the reporting period;
- (f) Sources of income;
- (g) Status of compliance with conditions of supervision, including any monetary obligations;
- (h) Any contact with law enforcement.

Offenders in supervision levels 4 and 5 are eligible for Offender Accountability Reporting. When utilizing offender accountability reporting, the officer is responsible for enabling a personal identification number that the offender will use when reporting by computer. The officer will explain to the offender the procedure and guidelines for participating in the program and will monitor the offender's compliance with conditions and accountability reporting. Officers and their supervisors have the discretion to remove an offender from accountability reporting at any time. Removal from participation may include non compliance with OAR, change in behavior, warning signs of possible violations, or pending criminal charges with potential public safety risk. Officers also have the discretion to conduct a reassessment if needed; this may increase the supervision level and remove the offender from OAR eligibility.

The Division currently has 11,320 offenders participating in Offender Accountability Reporting. The automation surrounding the Offender Accountability Reporting system was developed by and is maintained by DOC Management Information Systems (MIS). This program was piloted in early 2010 and has been in operation statewide since October of 2010; the technology and methodology is similar to that used by private probation service providers in other jurisdictions.

Feasibility and Requirements of Private Probation Services

There are certain challenges that accompany the incorporation of private services with state probation supervision. These include the separate data tracking systems, dual supervision and

transition of offenders between services, scope of services to be provided, and costs considerations for offenders.

Currently DCC has a unique offender database that serves as a method of tracking all information regarding offenders under its supervision. The value of this information is immeasurable in that it provides offender statistics to the Bureau of Justice Statistics, to legislative committees, other law enforcement agencies, to the media, and the public to name a few. Private probation services would need a reporting system as robust in order to provide accurate data which mirrors that of state probation.

Offenders who risk low and begin supervision under private probation may at any time acquire additional charges that change the level and require supervision by state probation. Assessment, transition, and tracking between state and private probation are crucial components which must be carefully planned and monitored.

Duties of the private agency should be clearly outlined. The scope of services and interactions with offenders expected by the agency should include the evidence based principles adopted by the Division of Community Corrections. DCC has minimum employment standards, performance expectations, and certification requirements of its officers. Additionally, probation officers are sworn officers of the court with authority to arrest in certain situations. Similar education and training standards should be considered for the private agency employees who would interact with offenders.

Payment of probation supervision fees are among the hardships offenders face while under supervision by DCC. Officers work closely with offenders to maintain compliance, but are careful not to violate solely on failure to pay these fees. Similar financial hardships may be created for offenders if private fee-based probation was implemented. Consideration must be given to how non-payment of private probation fees would be handled and if violations would result in incarceration of these offenders.

Resources and Policy Changes

The use of private probation services would require some resource and policy changes for the Division of Community Corrections. Because the supervision level is determined by the DCC risk and needs assessment, a method to administer this tool at sentencing would be necessary in order to place the offender in the correct risk level and with the appropriate agency (state or private probation) at sentencing. This will constitute a resource need for additional staff in each county to complete the investigation and administer the assessment for proper placement at sentencing.

Policy changes that would occur as a result of the incorporation of private services with state probation are minimal. A Memorandum of Understanding must be agreed upon between the agencies to share offender information. If private services are adopted, the Division's offender

population will change and may alter the need for the level 5 supervision level and ultimately eliminate the technology currently in use for supervision of this population.

Pilot Plan for Fee-based Supervision

Planning a pilot for fee-based private supervision would include a committee of various DOC/DCC staff and management to guide the effort and review requests for proposals and contract applications from private agencies. The committee would consist of staff from the Department's Purchasing office, staff from DOC MIS to provide technological guidance, staff from DOC Research and Planning, staff from DCC field supervision, and members of DCC Leadership Team. The Department would develop a Request for Information/Request for Proposal that includes the minimum requirements expected from fee-based supervision providers.

Additional research would be conducted to learn about the benefits and drawbacks from other states that use private probation services. The Purchasing and Fiscal offices would determine the costs associated with the project and compare it with current supervision costs.

The pilot plan would include a method for identifying the offenders who would be eligible for services, determining which counties/districts within the state would participate, identifying outcome measures and expectations for the private agency, and deciding on a timeframe in which to conduct the pilot.

Summary

The Division of Community Corrections honors its mission to protect the safety of citizens in our communities throughout the state. We believe that our implementation of evidence based practices supports this mission and ultimately benefits the offender and society. Part of this practice is the supervision by risk and needs of each offender. Evidence has proven that lower risk offenders do not require as much attention or supervision as higher risk offenders. DCC has implemented a mechanism to monitor those offenders who do not require constant supervision contact with probation officers at no additional cost. Given budget constraints, DCC does not have funds to pay a vendor to perform these services. Instead of relying on vendors, the Division's Offender Accountability Reporting system was developed internally at no cost and uses the same technology utilized by private probation services.