



**STATE OF NORTH CAROLINA
DEPARTMENT OF PUBLIC SAFETY**

**DIVISION OF ADULT CORRECTIONS
COMMUNITY CORRECTIONS
ELECTRONIC MONITORING/USE OF GLOBAL
POSITIONING SYSTEMS FOR SEX OFFENDERS**

March 1, 2012

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

SECTION 18.13.(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 2011-2012 fiscal year and the end of the 2012-2013 fiscal year.

SL 2011-145

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.

Community Corrections 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 continued to grow at a slow rate due to the presence of many court challenges. In October of 2010 the Supreme Court rendered a decision in State vs. Bowditch which stated that Satellite Based Monitoring (SBM) is not considered punishment, is a civil matter and therefore is retroactive to August 16, 2006. This will impact the numbers of cases in that the unsupervised lifetime population will continue to grow and determination hearings that were previously suspended awaiting Supreme Court decision will now resume. The Bowditch case along with others in the Court of Appeals has brought about further challenges and the need for more changes.

(1) NUMBER OF SEX OFFENDERS ENROLLED

N.C.G.S.14-208.40 establishes three categories of offenders 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); (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 DOC risk assessment (Conditional GPS); and (3) any offender who is convicted of G.S. 14-27.2A or G.S. 14-27.4A. All three categories require that the offender be convicted of a reportable conviction and be required to register as a sex offender.

During FY 2010-2011, there were 136 new offenders enrolled in the electronic monitoring program. Of the 136 offenders, 68 were assigned to the conditional program (50%), while 68 were assigned to the mandatory program (50%). All offenders were monitored via active GPS. The table below represents the number of offenders enrolled on GPS for FY 2010-2011.

NEW OFFENDERS ENROLLED BY MONTH ON GPS FOR FY 2010-2011

Month	Mandatory	Conditional	Total
July 2010	7	11	18
August	6	5	11
September	8	3	11
October	7	3	10
November	4	7	11
December	3	4	15
January 2011	4	5	9
February	9	2	11
March	7	16	23
April	3	4	7
May	7	3	10
June	3	5	8
Totals	68	68	136

The majority (50.7%) of offenders enrolled in the electronic monitoring program were unsupervised offenders (69 offenders). The remaining offenders were supervised (67 offenders). Of the conditional offenders, 14 were Interstate Compact Offenders who were supervised by our department on behalf of another state.

On June 30, 2011 there were 484 offenders enrolled in the electronic monitoring program. Most offenders (251) were assigned to the mandatory program (satellite based monitoring is required for the person’s natural life), 233 were assigned to the conditional program (satellite based monitoring is required for a period of time ordered by the court). Of the 484 offenders enrolled, 248 were unsupervised. All offenders enrolled at the end of the fiscal year were monitored via active GPS.

(2) CASELOADS OF PROBATION OFFICERS ASSIGNED TO GPS/SEX OFFENDER SUPERVISION

Due to the relatively small numbers of offenders under GPS supervision, DCC utilized existing resources 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 on pages 7-9 provides information concerning the caseloads of officers assigned to supervise sex offenders monitored by GPS.*

Case management practices differ across the state, requiring many areas to use various types of blended caseloads where offenders of different types are combined and 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 which consists of certain sex offenders who are no longer under Community Corrections supervision, but who were legislatively mandated to be tracked for the remainder of their lives. These officers handle cases statewide, and at the close of the fiscal year were responsible for monitoring 248 offenders. Of these 248 offenders, 69 were new enrollees for the fiscal year, while 179 were placed on GPS prior to the beginning of the FY 2010-2011.

(3) VIOLATIONS

During FY 2010-2011, offenders under GPS supervision were cited for 146 violations. However, only 27 of the 136 (17.7%) offenders enrolled in the program during FY 2010-2011 were responsible for all violations. There were no violations for absconding. 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
Sex Offender Violation	18	12.3%	6
Failure to Pay Court Indebtedness	13	8.9%	7
Fail to Comply SBM	13	8.9%	5
Curfew Violations	12	8.2%	4
Failure to Pay PSF	11	7.5%	9
Misdemeanant – Conviction/PC	11	7.5%	3
FTC – Sex Abuse Treatment Program	10	6.8%	5
Positive Drug	8	5.5%	5
Failure To Report	8	5.5%	4
FTC – EHA/EM	8	5.5%	4
Left County W/O Permission	6	4.1%	3
Other	5	3.4%	5
Fail To Notify – Residence Change	5	3.4%	2
Fail To Complete Community Service	3	2.0%	2
Fail To Obtain/Retain Employment	2	1.4%	2
Travel Out Of State W/O Permission	2	1.4%	2
FTC – Sex Offender Treatment	2	1.4%	2
Fail To Attend/Complete Abuser Tx	2	1.4%	1
Fail To Pay Restitution	1	0.7%	1
Fail To Report – Reasonable Manner	1	0.7%	1
Felony – Conviction/PC	1	0.7%	1
Admits Illegal Drug Use	1	0.7%	1
Fail To Answer Inquiries	1	0.7%	1
Contact With Drug Users	1	0.7%	1
FTC – Sex Offender Control Program	1	0.7%	1
Totals	146	100.00%	

(4) OFFENDER ENROLLMENT PROJECTIONS

The DOC Office of Research and Planning provided assistance with the enrollment projections. GPS enrollment projections assume that current factors remain as they were at the start of the 2010-2011 fiscal year. The projections do not take into account the potential impact of pending legal challenges to the use of GPS. The table below shows population projections for the GPS program for FY 2011-2012 and FY 2012-2013.

PROJECTED POPULATION FOR GPS SUPERVISION

Type of Offender	FY 2011-2012	FY 2012-2013
Mandatory GPS	373	407
Conditional GPS	238	239
Totals	611	646

An estimated 324 offenders will have no community supervision requirement during FY 2011-2012, while 347 offenders will have no community supervision requirement during FY 2012-2013.

(5) PROGRAM COSTS

In September 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 in 2006 were \$251,263.80. Vendor services under the WSCA contract for FY 2008-2009 cost \$448,026.56, including lost, stolen and damaged equipment costs. The contract with WSCA ended in March 2009.

On April 1, 2009, 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 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 prohibit 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.

Community Corrections paid \$448,026.56 under the WSCA contract for July 1 through May 31 of FY 2008-09 and \$32,924.10 under the G4S Justice Services Contract. The agency continued the contract with G4S Justice Services and for the FY 2009-2010 paid \$328,576.86 on the sex offender population.

For FY 2010-2011, \$ 401,142.95 was paid on the sex offender population. FY 2011-2012 is the final year of the current contract with G4S Justice Services. Community Corrections started the bid process (Request For Proposal) at the beginning of the fiscal year and is currently in the process of evaluating bid proposals with the appropriate purchasing authorities. An award is anticipated to be made during the final quarter of the fiscal year.

In September of 2011 DCC was mandated by legislation to outsource the monitoring services originally handled by Community Corrections administrative staff. A Request for Quote was issued to G4S Justice Services as the vendor which provides our equipment and a quote of \$1.30 per offender per day was provided. Due to the fact that the vendor provides monitoring for all offenders under electronic monitoring we are unable at this time to determine the amount for those under SBM only. This will be resolved once a new contract is established upon completion of the Request for Proposal.

Community Corrections is currently under the Request for Proposal process to assess and is evaluating new and potential vendors. The current contract is due to end March 31, 2012.

DIVISION 1					
County	Unit	Officer	# of GPS cases	# of Sex Offenders	Total Cases
Dare	5010A	BJA77	0	1	42
Dare	5010A	BKD21	0	3	50
Dare	5010A	NNV02	0	1	54
Dare	5010A	URW01	0	1	45
Camden	5010B	SBK06	1	2	55
Pasquotank	5010B	CJL27	1	1	68
Pasquotank	5010B	STL16	0	6	69
Chowan	5010C	JKF04	0	2	100
Chowan	5010C	LGW02	0	4	110
Gates	5010C	KTM10	0	1	85
Currituck	5010D	CNS09	0	2	66
Currituck	5010D	GJM33	0	4	67
Currituck	5010D	KKD09	0	1	34
Currituck	5010D	MAM34	0	1	58
Perquimans	5010E	HTM35	0	3	66
Pasquotank	5010E	LTR06	0	1	62
Pasquotank	5010E	MWR01	0	2	66
Beaufort	5020A	CDP03	0	1	80
Beaufort	5020A	GKL12	0	4	78
Beaufort	5020A	HKW12	0	1	78
Beaufort	5020A	OEB01	1	1	84
Beaufort	5020A	WKH10	1	5	66
Martin	5020B	STM06	3	11	63
Beaufort	5020C	DEV02	0	1	77
Beaufort	5020C	HTD33	0	1	82
Beaufort	5020C	KTW10	0	3	77

Beaufort	5020C	PJO08	0	1	80
Beaufort	5020C	TML06	0	1	67
Hyde	5020D	FKA05	0	1	56
Tyrell	5020D	SSA26	0	3	55
Washington	5020D	DDL05	0	2	69
Washington	5020D	HGH03	1	2	63
Craven	5030B	RWP03	3	17	46
Carteret	5030D	GDJ11	1	16	56
Pamlico	5030D	GDW13	0	2	82
Onslow	5030G	FES04	4	29	55
Onslow	5030G	JRA04	2	3	50
Duplin	5040B	BTA42	0	5	85
Duplin	5040B	KRL02	0	4	67
Jones	5040B	KZA01	0	3	72
Sampson	5040D	CAD11	1	16	83
Sampson	5040D	QJA02	0	11	76
New Hanover	5050B	PJS05	3	30	48
Pender	5050D	KSL13	1	10	59
Pender	5050D	MDJ19	0	5	63
New Hanover	5050G	HWC02	0	27	42
Northampton	5060C	DVD04	0	1	79
Northampton	5060C	ETM02	0	2	80
Northampton	5060C	GTC11	0	1	82
Bertie	5060D	BAT07	2	7	78
Hertford	5060E	NLW01	0	6	66
Halifax	5060F	BJX06	4	22	51
Edgecombe	5070A	CJY01	0	1	101
Edgecombe	5070A	JJM02	1	2	101

Edgecombe	5070A	SCC18	0	1	100
Edgecombe	5070A	SKT02	1	3	103
Wilson	5070B	CJF11	0	2	76
Wilson	5070B	DMT06	0	2	84
Wilson	5070B	HMG13	0	1	84
Wilson	5070B	MSB18	0	4	83
Wilson	5070B	WSD05	0	1	84
Nash	5070C	OCI01	1	15	139
Edgecombe	5070D	HAV02	0	10	110
Edgecombe	5070D	HJF13	0	1	110
Wilson	5070E	CMR10	0	2	75
Wilson	5070E	DVL06	2	2	83
Wilson	5070E	ESA03	0	2	84
Wilson	5070E	HRR09	0	5	84
Wilson	5070E	JJD21	1	2	85
Wilson	5070E	MAA15	2	3	86
Wilson	5070E	OCE02	1	1	2
Nash	5070F	FBD13	1	11	110
Pitt	5070J	WDA06	0	1	82
Pitt	5070K	WKB02	0	33	55
Lenoir	5080A	KGA02	0	2	93
Lenoir	5080A	SDE17	1	7	91
Greene	5080C	CBM07	1	3	72
Lenoir	5080C	HKJ14	0	5	98
Wayne	5080D	HAM22	3	13	105
	5080D	WLA17	4	2	111
Division 1 Total			48	428	5,983

DIVISION 2					
County	Unit	Officer	# of GPS cases	# of Sex Offenders	Total Cases
Vance	5090B	JCB04	2	12	59
Warren	5090B	WPM08	0	4	60
Granville	5090D	RVW01	3	13	66
Franklin	5090E	RBN01	0	12	62
Wake	5100E	CDC21	1	28	51
Wake	5100E	DPG01	1	32	52
Wake	5100E	MBC14	2	28	48
Wake	5100E	MMK14	2	27	51
Harnett	5110E	HAK04	0	17	55
Johnston	5110F	BBA19	4	23	46
Lee	5110G	GCL06	0	5	49
Cumberland	5120F	BAC06	0	28	54
Cumberland	5120F	HJE27	5	26	55
Cumberland	5120F	RGB03	5	13	55
Bladen	5130B	CCX20	0	8	70
Columbus	5130C	CGM01	0	16	52
Brunswick	5130C	MCS14	0	1	86
Brunswick	5130F	WJJ09	3	22	52
Durham	5140C	EQL01	1	28	39
Durham	5140C	RDW22	2	18	41
Durham	5140C	VIE01	0	19	38
Chatham	5140J	PAM23	0	5	58
Chatham	5140J	RLM14	1	9	56
Orange	5140K	WAH07	0	1	76
Orange	5140L	DGE04	1	18	60
Alamance	5150A	AMA02	0	15	78

Alamance	5150B	RBH01	2	11	78
Alamance	5150C	HMT14	0	8	80
Person	5150D	BGC05	0	5	51
Person	5150D	LJW14	0	6	58
Caswell	5150E	BWB07	0	2	70
Caswell	5150E	HSF04	0	3	73
Caswell	5150E	LJR26	0	1	71
Caswell	5150E	LWD05	0	5	71
Scotland	5160A	LVX03	0	9	58
Hoke	5160B	KAD05	2	12	89
Robeson	5160F	JCE05	1	20	46
Robeson	5160G	BWX16	3	20	46
Division 2 Total			41	530	2,260
DIVISION 3					
County	Unit	Officer	# of GPS cases	# of Sex Offenders	Total Cases
Rockingham	5170B	ADR07	3	28	55
Surry	5170C	MTD11	3	21	49
Stokes	5170D	BSH05	0	18	47
Guilford	5180B	BGL09	2	23	56
Guilford	5180B	CLE16	1	21	53
Guilford	5180B	CMT01	0	15	52
Guilford	5180K	PJB07	3	30	59
Cabarrus	5191A	SMA28	2	32	46
Rowan	5191F	BJB33	1	25	51
Rowan	5191F	GLA06	1	25	53
Randolph	5192A	CJL11	1	17	55
Randolph	5192B	WRJ07	0	18	55

Montgomery	5192C	BLB06	0	5	60
Montgomery	5192C	JCA06	1	1	61
Moore	5192F	GHA03	0	1	72
Moore	5192F	RLC05	1	18	66
Anson	5200B	PCR16		9	62
Richmond	5200C	BAF10	1	16	52
Stanly	5200E	RRA02	1	17	60
Stanly	5200E	RWK05	1	1	73
Union	5200F	HEA05	0	11	60
Union	5200G	PTN02	3	31	43
Forsyth	5210C	ACA12	2	28	51
Forsyth	5210C	CMH13	2	25	53
Forsyth	5210C	DDA25	3	34	56
Alexander	5220A	WTD08	0	8	78
Iredell	5220B	MJL28	1	19	65
Iredell	5220B	MPG03	3	34	61
Davidson	5220F	KSD04	3	27	48
Davidson	5220F	PJG02	2	27	47
Davie	5220H	JSN01	1	16	60
Wilkes	5230B	CJL66	2	25	54
Ashe	5230C	CBW04	0	4	94
Yadkin	5230D	JJC01	0	4	66
Yadkin	5230D	MSB09	0	9	70
Division 3 Total			44	643	2,043

DIVISION 4					
County	Unit	Officer	# of GPS cases	# of Sex Offenders	Total Cases
Madison	5240A	CTC04	0	5	63
Madison	5240A	GMG06	0	1	59
Madison	5240A	SPJ05	0	1	61
Yancey	5240A	CHB02	0	1	52
Yancey	5240A	HRM08	0	6	80
Watauga	5240B	EME03	0	2	59
Watauga	5240B	GJG07	1	2	56
Avery	5240C	BKB02	0	4	58
Avery	5240C	RBL05	0	4	55
Mitchell	5240C	BJH12	0	2	55
Mitchell	5240C	MDC19	0	1	55
Caldwell	5250A	LBC09	1	11	57
Caldwell	5250B	CWE12	1	11	53
Catawba	5250D	LFO01	0	23	76
Catawba	5250E	HBE13	0	10	80
Catawba	5250F	FRX05	0	2	62
Burke	5250G	ARW07	1	13	84
Burke	5250G	WRG13	1	12	90
Mecklenburg	5260E	ECA04	2	33	58
Mecklenburg	5260E	RTR07	3	32	55
Mecklenburg	5260O	RAJ11	1	30	54
Mecklenburg	5260O	SWE13	3	28	56
Mecklenburg	5260P	LJK01	0	1	17
Gaston	5270A	DJN03	2	20	61
Gaston	5270A	KPE04	3	26	62
Lincoln	5270G	MHS08	3	6	93

Lincoln	5270G	WJA47	3	8	94
Cleveland	5270H	HMW17	3	16	97
Cleveland	5270H	RMD01	2	13	89
Lincoln	5270I	HMC26	1	7	97
Buncombe	5280D	CWT02	1	12	35
Buncombe	5280D	GMC06	1	13	36
Rutherford	5290A	SCE38	0	10	81
McDowell	5290B	BJH06	0	1	72
McDowell	5290B	HCA06	0	5	64
McDowell	5290B	HSW08	1	1	70
McDowell	5290B	PHD03	1	5	74
Henderson	5290C	TJL33	0	5	57
Henderson	5290C	VCR02	0	4	61
Transylvania	5290D	GTL18	0	1	56
Transylvania	5200D	HAX10	0	4	56
Polk	5290E	LBP01	0	1	56
Rutherford	5290E	HCC10	2	8	82
Haywood	5300A	MGM16	0	7	72
Haywood	5300A	RJA07	0	11	71
Jackson	5300B	MKM01	0	9	67
Jackson	5300B	STL63	0	1	69
Swain	5300B	HKN03	0	3	61
Swain	5300B	STL63	0	1	69
Cherokee	5300C	MMA58	0	4	74
Cherokee	5300C	PEA11	4	7	71
Graham	5300C	SJC23	1	3	63
Graham	5300C	SVK03	0	1	58
Clay	5300D	CPA14	0	1	59

Macon	5300D	KCW02	1	7	80
Macon	5300D	SAL24	1	7	82
Division 4 Total			44	463	3,684
			# of GPS cases	# of Sex Offenders	Total Cases
Statewide Total			177	2,064	13,970