



## North Carolina Department of Correction

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Beverly Eaves Perdue  
Governor

Alvin W. Keller, Jr.  
Secretary

### MEMORANDUM

**TO:** Senator Marc Basnight  
Senator Charles W. Albertson  
Senator Charlie S. Dannelly  
Senator Linda Garrou  
Senator Eleanor Kinnaird  
Senator John J. Snow, Jr.  
Senator A. B. Swindell

Representative Joe Hackney  
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Representative Margaret M. Jeffus  
Representative Jimmy L. Love, Sr.  
Representative Henry M. Michaux, Jr.  
Representative Joe P. Tolson  
Representative Douglas Yongue

  
**FROM:** Jennie L. Lancaster, Chief Deputy Secretary

**RE:** Legislative Report on Electronic Monitoring/  
Use of Global Positioning Systems for Sex Offenders  
[Section 17.14 of S.L. 2007-323]

**DATE:** March 31, 2009

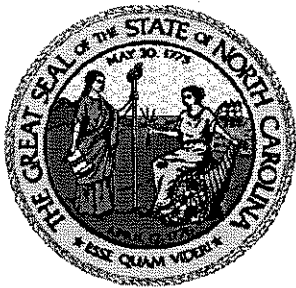
Pursuant to Section 17.14 of S.L. 2007-323, please find attached the Department of Correction's Legislative Report on Electronic Monitoring/Use of Global Positioning Systems for Sex Offenders.

JLL:ea

Attachment

cc: Aaron Gallagher  
Doug Holbrook  
John Poteat





**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, 2009

**Beverly Eaves Perdue  
Governor**

**Timothy D. Moose  
Acting Director**

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

**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 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. As of the writing of this report, several challenges to GPS supervision are pending in the courts, consequently slowing the use of the GPS technology within this population.

## 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 known as STATIC-99 (Conditional GPS). Both categories require that the offender be convicted of a reportable conviction and required to register as a sex offender.

During FY 2007-2008, there were 164 offenders enrolled in the electronic monitoring program. Of the 164 offenders, 56 were assigned to the conditional program (34.2%), while 108 were assigned to the mandatory program (65.8%). All offenders were monitored via active GPS. The table below represents the number of offenders enrolled on GPS for FY 2007-2008.

### OFFENDERS ENROLLED ON GPS FOR FY 2007-2008

Month	Mandatory	Conditional	Total
July 2007	7	5	12
August	13	4	17
September	7	2	9
October	10	3	13
November	8	2	10
December	0	4	4
January 2008	18	1	19
February	13	5	18
March	6	10	16
April	3	7	10
May	12	7	19
June	11	6	17
<b>Totals</b>	<b>108</b>	<b>56</b>	<b>164</b>

Approximately 70 percent of offenders enrolled in the electronic monitoring program were supervised offenders (114 offenders), while 30 percent were unsupervised (50 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.

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, 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 34 offenders. Of these 34 offenders, 18 were new enrollees for the fiscal year, while 16 were placed on GPS prior to the beginning of the FY 2007-2008.

**VIOLATIONS**

During the fiscal year, offenders under GPS supervision were cited for 247 violations. However, only 26 of the 164 (15.8%) offenders enrolled in the program during FY 2007-2008 were cited for 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**

<b>Violation</b>	<b>Number</b>	<b>Percent</b>	<b>Number of Offenders with Violation</b>
Sex Offender Program Violation	134	54.3%	18
Failure to Pay Court Indebtedness	34	13.8%	11
Failure to Pay Probation Supervision Fees	26	10.5%	10
Failure to Obtain/Retain Employment	10	4.1%	2
Positive Drug Screen	7	2.9%	4
Curfew Violations	5	2.0%	2
Failure to Comply with Satellite Monitoring	5	2.0%	1
Possess Alcohol	5	2.0%	2
Admit Illegal Drugs Use	4	1.6%	1
Positive Alcohol Test	4	1.6%	1
Possess Firearm/Deadly Weapon	4	1.6%	1
Failure to Report	3	1.2%	3

<b>Violation</b>	<b>Number</b>	<b>Percent</b>	<b>Number of Offenders with Violation</b>
Fail to Notify-Change in Employment	1	0.4%	1
Fail to Notify-Change in Residence	1	0.4%	1
Left County without Permission	1	0.4%	1
Misdemeanant Conviction	1	0.4%	1
Other	1	0.4%	1
Other Treatment Failure	1	0.4%	1
<b>Totals</b>	<b>247</b>	<b>100.00%</b>	

### **EXITS FROM GPS DURING FY 2007-2008**

During FY 2007-2008, no offenders under GPS supervision absconded from supervision. Forty-two offenders were removed from GPS during the FY 2007-2008.

Approximately 80 percent of removals were based on successful challenges of the legality of the GPS requirements; courts ordered that 34 offenders be removed from supervision for that reason; only two offenders were removed because of probation revocations. The table below represents the number and type of exits from GPS during FY 2007-2008.

### **EXITS FROM GPS (FY 2007-08)**

<b>Exit Type</b>	<b>Offender Exits from GPS</b>	<b>Percent Exits</b>
Court Order	34	80.9%
Completed Requirement	4	9.5%
Revoked	2	4.8%
Deported	1	2.4%
Administrative Removal	1	2.4%
<b>Totals</b>	<b>42</b>	<b>100.00%</b>

### **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. The table below shows population projections for the GPS program for FY 2008-2009 and FY 2009-2010.

### **PROJECTED POPULATION FOR GPS SUPERVISION**

<b>Type of Offender</b>	<b>FY 2008-2009</b>	<b>FY 2009-2010</b>
Mandatory GPS	256	440
Conditional GPS	69	94
<b>Totals</b>	<b>325</b>	<b>534</b>

Approximately 68 offenders will have no community supervision requirement during FY 2008-2009, while 104 offenders will have no community supervision requirement during FY 2009-2010.

## **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 multistate 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. The total cost paid out for FY 2007-2008 for vendor services was \$358,208.15, including lost, stolen and damaged equipment costs. The Division of Community Corrections issued a Request for Proposals to solicit the latest GPS pricing and technology. The Division is in the process of reviewing the proposals and expects to select a vendor and transition all offenders by the end of the fiscal year.

## **SUMMARY**

For FY 2007-2008, 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 requirements of 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 & GPS Utilization

**Caseloads of Probation Officers Assigned to GPS-monitored Sex Offenders**

Division 1					
County	Unit	Officer	# of GPS cases	# of Sex Offenders	Total Cases
Dare	501XA	URW01	1	5	48
Pasquotank	501XB	MWR01	1	2	64
Camden	501XD	CNS09	1	2	70
Camden	501XD	SBK06	1	5	66
Sampson	504AA	LKB01	1	8	50
Duplin	504AB	KRL02	1	11	62
Sampson	504AC	JTB02	1	10	53
Onslow	504BA	BJW05	1	24	30
Onslow	504BC	RHI01	2	19	34
New Hanover	505XB	PJS05	4	24	38
Halifax	506AB	BJX06	3	11	55
Bertie	506BB	BAT07	3	4	55
Edgecombe	507XA	BJH16	1	11	64
Wilson	507XB	RCA23	3	17	56
<b>Division 1 Total</b>			<b>24</b>	<b>153</b>	<b>745</b>
Division 2					
County	Unit	Officer	# of GPS cases	# of Sex Offenders	Total Cases
Caswell	509AB	BWB07	1	2	44
Wake	510XE	HBA19	3	24	31
Wake	510XE	LPL06	2	24	33
Wake	510XE	MJM31	4	22	36
Lee	511XA	HAK04	1	29	44
Johnston	511XF	YMH01	1	30	41
Lee	511XG	SCC02	1	8	47
Cumberland	512XF	BAC06	3	28	37
Cumberland	512XF	FML10	8	27	37
Cumberland	512XF	RGB03	2	27	47
Columbus	513XC	CGM01	1	14	44
Brunswick	513XE	WJJ09	4	25	36
Durham	514XC	GKY02	1	16	33
Durham	514XC	PTB02	1	27	38
Chatham	515BA	RML14	1	10	38
Orange	515BC	DGE04	2	16	46
Scotland	516AA	LVX03	1	12	36
Hoke	516AB	BWX16	2	11	44
Robeson	516BD	JCE05	7	49	61
<b>Division 2 Total</b>			<b>45</b>	<b>399</b>	<b>729</b>
Division 3					



County	Unit	Officer	# of GPS cases	# of Sex Offenders	Total Cases
Rockingham	517AB	ADR07	4	27	46
Surry	517BA	MTD11	2	20	39
Stokes	517BB	17B06	3	19	28
Guilford	518XB	CLE16	1	19	35
Guilford	518XB	HBD08	6	21	37
Guilford	518XB	PJB07	1	13	33
Guilford	518XB	SMT10	1	18	32
Cabarrus	519AA	RTR04	1	26	33
Randolph	519BB	WRJ07	1	22	37
Montgomery	519BC	BLB06	1	4	63
Moore	519DB	RLC05	2	21	47
Richmond	520AE	PKN03	1	14	71
Stanly	520AG	RKW05	6	25	65
Union	520BC	PTN02	1	23	45
Forsyth	521XC	CMH13	2	28	38
Forsyth	521XC	ACA12	4	26	35
Forsyth	521XC	VDL04	1	12	38
Iredell	522XB	MJL28	3	20	46
Davidson	522XG	KSD04	2	31	39
Davidson	522XG	PJG02	1	31	37
Wilkes	523XB	CJL66	2	21	34
<b>Division 3 Total</b>			<b>33</b>	<b>441</b>	<b>878</b>
Division 4					
County	Unit	Officer	# of GPS cases	# of Sex Offenders	Total Cases
Caldwell	525AA	TSD01	1	32	54
Burke	525AB	ARW07	4	27	63
Mecklenburg	526XE	BTM07	2	23	49
Mecklenburg	526XE	ECA04	1	26	50
Mecklenburg	526XE	LJK01	2	28	53
Mecklenburg	526XE	RTR07	2	32	51
Mecklenburg	526XE	SWE13	4	29	50
Gaston	527AA	WSW06	1	21	34
Gaston	527AA	DJN03	3	21	41
Cleveland	527BA	HWJ07	3	10	85
Lincoln	527BB	BPA21	1	9	88
Cleveland	527BC	DAF05	1	11	66
Buncombe	528XD	CWT02	2	24	45
Transylvania	529XB	HAX10	1	2	63
Jackson	530XB	MKM01	1	6	95
Cherokee	530XC	PEA11	2	13	66
Macon	530XD	SAL24	1	11	66
<b>Division 4 Total</b>			<b>32</b>	<b>325</b>	<b>1019</b>
<b>Statewide Total</b>			<b>135</b>	<b>1288</b>	<b>3399</b>