



North Carolina Department of Public Safety

Adult Correction and Juvenile Justice

Roy Cooper, Governor
Erik A. Hooks, Secretary

Timothy D. Moose, Chief Deputy Secretary

MEMORANDUM

TO: Chairs of House Appropriations Subcommittee on Justice and Public Safety
Chairs of Senate Appropriations Subcommittees on Justice and Public Safety
Joint Legislative Oversight Committee on Justice and Public Safety

FROM: Erik A. Hooks, Secretary *EAH*
Timothy Moose, Chief Deputy Secretary *RM*

RE: Report on Probation and Parole

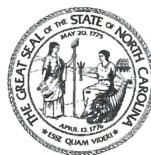
DATE: March 1, 2020 *EAH*

Pursuant to § 143B-707.1. Report on probation and parole caseloads.

(a) *The Department of Public Safety shall report by March 1 of each year to the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Oversight Committee on Justice and Public Safety on caseload averages for probation and parole officers. The report shall include:*

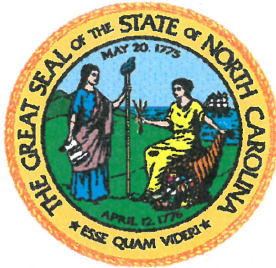
- (1) *Data on current caseload averages and district averages for probation/parole officer positions.*
- (2) *Data on current span of control for chief probation officers.*
- (3) *An analysis of the optimal caseloads for these officer classifications.*
- (4) *The number and role of paraprofessionals in supervising low-risk caseloads.*
- (5) *The process of assigning offenders to an appropriate supervision level based on a risk needs assessment.*
- (6) *Data on cases supervised solely for the collection of court-ordered payments.*

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

**DIVISION OF ADULT CORRECTION AND
JUVENILE JUSTICE
COMMUNITY CORRECTIONS**

**LEGISLATIVE REPORT ON
PROBATION AND PAROLE CASELOADS**

March 1, 2020

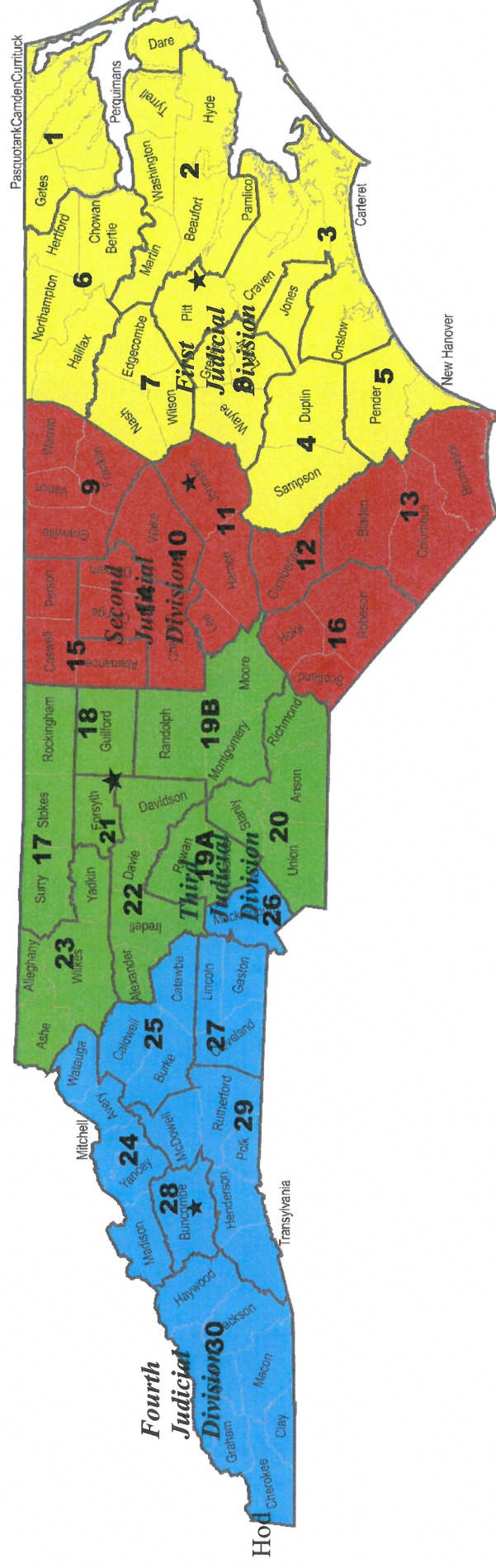
**Roy Cooper
Governor**

**Timothy Moose
Chief Deputy Secretary**

**Erik A. Hooks
Secretary**

Tracy Lee, Director
Chris Oxendine, Field Deputy Director
Maggie Brewer, Administrative Deputy Director
Aaron Gallaher, Administrative Services Manager

DIVISION OF COMMUNITY CORRECTIONS



Fourth Judicial Division			Third Judicial Division			Second Judicial Division			First Judicial Division		
JD Adm.	Boyce Fortner	Brian Gates	JD Adm.	Sheila Moore	JD Adm.	Kim Williams					
Asst JD Adm.	Karey Treadway	Jackie Murphy	Asst JD Adm.	Lewis Adams	Asst JD Adm.	Susan Walker					
CCA Div. 4	Brady Soop	Sunday Joyce	CCA Div. 2	Leslie Thomas	CCA Div. 1	Monica Allsbrook					
JDM Dist 24	Robin Hodshon	David King	JDM Dist 9	Rodney Robertson	JDM Dist 1	Lori Greene					
JDM Dist 25	Kevin Miller	Angela Williams	JDM Dist 10	Spencer Noble	JDM Dist 2	Sharon Stevens					
JDM Dist 26	Darius Deese	Scott Idol	JDM Dist 11	Steve Walker	JDM Dist 3	Randall Parker					
JDM Dist 27	Kimberly Gettys	Thomas Buckingham	JDM Dist 12	Lodie Ammons	JDM Dist 4	Travis Joyner					
JDM Dist 28	Lori Anderson	Tara Richardson	JDM Dist 13	Mike Frazier	JDM Dist 5	Thurman Turner					
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JDM Dist 30	Dallas McMillan	Ronda Powell	JDM Dist 15	Aries Cox	JDM Dist 7	Paige Wade					
		Nancy Gilchrist	JDM Dist 16	Truman Raines	JDM Dist 8	Cynthia Sutton					

Updated 2/20

Pursuant to § 143B-707.1. Report on probation and parole caseloads.

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- (1) Data on current caseload averages and district averages for probation/parole officer positions.
- (2) Data on current span of control for chief probation officers.
- (3) An analysis of the optimal caseloads for these officer classifications.
- (4) The number and role of paraprofessionals in supervising low-risk caseloads.
- (5) The process of assigning offenders to an appropriate supervision level based on a risk needs assessment.
- (6) Data on cases supervised solely for the collection of court-ordered payments.

Introduction

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

Community Corrections currently employs 2215 certified positions. These positions include field caseload carrying probation and parole officer (PPOs), chief probation and parole officers (CPPOs), field services specialists (FSSs), DART-Cherry PPOs, satellite-based monitoring PPOs and Confinement in Response to Violation (CRV) PPOs. Thirty-four of these positions are assigned to the Special Operations and Intelligence Unit. These certified positions supervise approximately 93,174 offenders on probation, parole or post-release supervision and oversee 7,299 unsupervised offenders in the CSWP for a total offender population of 100,473. Judicial service coordinators (JSCs) manage CSWP cases and process probation cases out of court, while probation and parole officers provide case management to offenders under its supervision.

In June of 2011 the Justice Reinvestment Act was signed into law (SL 2011-192). This change significantly impacted Community Corrections field operations and has ultimately affected the size of caseloads. Among other things, JRA lessens the distinction between Community and Intermediate punishment to allow for a greater use of responses for high risk behavior and expands post release supervision to all felons; nine-month supervision period for class F-I felons and increases supervision period for B1-E felons from nine months to 12 months.

The agency continues the use of evidence based practices (EBP) for the 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. The justice reinvestment law codified the use of our validated risk and needs assessment tool while establishing a caseload size of 60 high to moderate risk offenders per officer. Community Corrections has adjusted the supervision duties placed with probation officers to attempt to meet this caseload goal.

Current Caseload Averages (as of January 2020)

Community Corrections uses five levels of supervision to manage offenders; the levels are numbered one to five. 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, are in the least restrictive supervision levels and may be eligible for Offender Accountability Reporting (OAR) program which allows low risk offenders to utilize technology to report remotely

by computer or mail-in report to their officer and does not require face to face contact unless necessary.

The table below represents division caseload averages based upon mixed supervision levels. Averages also represent all probation and parole officer positions as if there were no vacancies or extended employee absences (i.e., military leave, extended medical leave, etc.)

Probation Officers Caseload by Division			
District	Caseload Avg. (if all positions filled)	Current Staff	Offenders
Division 1	57	412	20,651
Division 2	53	492	22,791
Division 3	60	495	27,011
Division 4	56	423	21,864
Statewide	56	1822	92,317

Note: Does not include Special Operations and Intelligence Unit or central office administrative caseloads.

The following table applies the Real World Factor (RWF) and shows the effect of vacancies and extended absences on caseloads. Section statistics show averages of 12.38% of officer positions are unable to carry caseloads daily due to varying reasons. These reasons include vacancies due to staffing turnover, on the job injuries, illness/medical leave, military leave, and new hire status; all of which impact the statutory goal causing a “Real World” caseload average that is approximately 63 offenders per officer.

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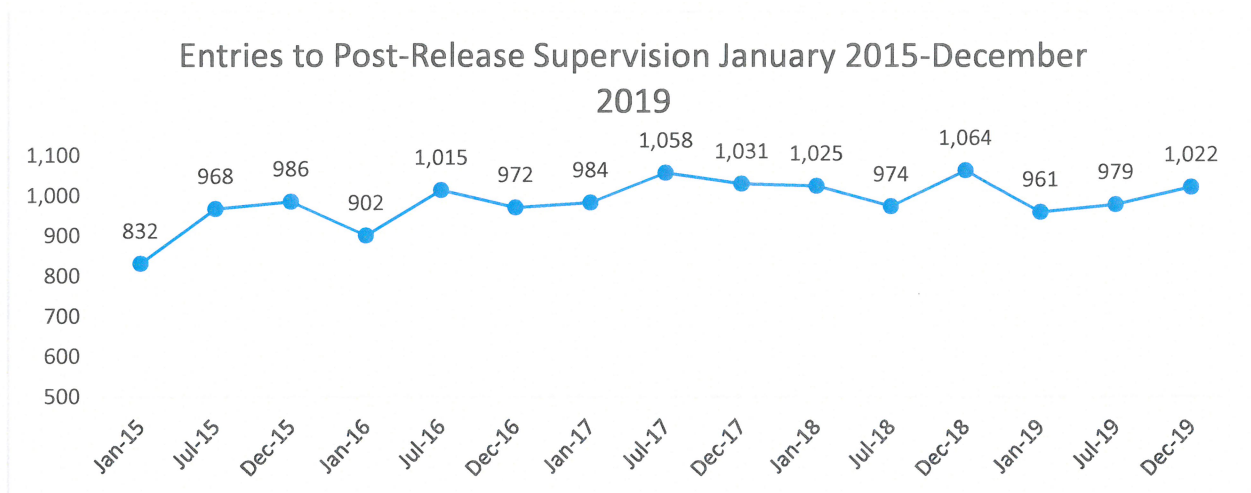
**Judicial District caseload averages are shown in Appendix A*

Analysis of Optimal Caseloads

Session Law 2011-192 - Justice Reinvestment Act became effective in December of 2011. The caseload goal was updated to read: “caseloads for probation officers supervising persons who are determined to be high or moderate risk of rearrest as determined by the Division's validated risk assessment should not exceed an average of 60 offenders per officer.” Additional officer positions were awarded by the legislature for fiscal years '13-14 and '14-15 to help meet the resources

needed to supervise offenders and to prevent the caseloads from exceeding the National Institute of Corrections recommended and Justice Reinvestment legislation requirement of no more than 60 offenders per officer. Community Corrections continues to alter workload distribution to meet the revised caseload goal. All offenders are leveled based on their individual risk and needs assessment.

The Justice Reinvestment legislation also requires mandatory supervision of felons who in the past were not supervised. The following chart shows the entries to post release supervision every six months from January 2015 – December 2019. The increase is due to changes brought by Justice Reinvestment legislation for offenders released from prison to the community.



Community Corrections has identified those offenders who are at a high or moderate risk of rearrest. The agency has also adjusted supervision practices to reach the caseload goal described above in the JRA statute and to mirror the recommended workload of NIC. Language from the American Probation and Parole website describes a method of deciding on an average caseload size:

“One of the principles of effective correctional treatment is accurate case assessment at intake and at regular intervals during supervision. It is essential that valid and reliable instruments be used to assess risk and needs and guide decisions about case assignment. Accurate classification of cases will allow the allocation of resources and the scaling of caseloads in the most effective fashion. The evidence suggests that staff resources and services should be targeted at intensive and moderate to high risk cases, for this is where the greatest effect will be had. Minimal contacts and services should be provided to low risk cases.”¹

¹ https://www.appa-net.org/eweb/docs/APPA/stances/ip_CSPP.pdf

By adopting this model of supervision, our goal is to allow officers to carry one of four types of caseloads of offenders whose levels equal one of the below:

1. High risk (L1-L2)
2. High to moderate risk (L2-L3)
3. Low risk (L4-L5)
4. All risk (L1-L5)

All risk (L1-L5) caseload types are small in number and are reserved for rural areas where resources and offender population do not allow for the other types of caseloads. Research shows that supervision of offenders with similar risk and needs factors will allow officers an opportunity to accurately address the criminogenic needs of offenders on their caseloads. The following accounts for optimal caseload size according to the American Probation Parole Association:

“At first glance, the reaction to the caseload standards will be that many more staff will be needed to put them into practice. In reality, reallocation of staff and cases in a comprehensive way will allow staff to be shifted to the supervision of higher risk cases and away from lower risk. Supervision resources should be concentrated where they can do the most good (moderate and high risk) and be shifted away from areas where they are not needed as much, if at all (low risk). Community corrections agencies need to stop wasting time on what does not work or what may even do “harm” and focus their resources on what does work and does do “good” in terms of public safety.”²

Community Corrections probation officers have transitioned to a similar model of supervision and have been assigned their caseload templates based on available resources and offender population in each county. The caseload goal assigned to each template is shown in the chart below.

Caseload Goal Templates			
High Risk (L1-L2)	High-Moderate Risk (L2-L3)	Low Risk (L4-L5)	All Risk (L1-L5)
40	60	120	60

Using NIC literature and researching trends within our existing offender population, Community Corrections made a public safety decision to establish the high risk caseload number at 40 due to the nature of the offenders in the population; allowing officers more time to work closely with each person on their caseload and adequately address the needs of the offenders. These caseloads are comprised of offenders with identified serious and persistent mental illnesses, sex offenders and those with the highest risks of rearrest.

² https://www.appa-net.org/eweb/docs/APPA/stances/ip_CSPP.pdf

Chief Probation Parole Officer Caseloads

The chief probation parole officer (CPPO) is the first-line supervisor who manages the field units within the counties. As new probation officer positions were received, additional positions required to supervise these new officers were not received. In 2004, the National Institute of Corrections issued a technical assistance report that recommended a ratio of seven certified officers to one CPPO. The average probation officer to chief ratio statewide is currently 6:1. However, there are some districts that exceed the 6:1 ratio. Community Corrections continues to review vacant positions to determine if they can be reallocated to CPPO positions where the ratio exceeds 6:1. Currently there is a need for 9 additional CPPO positions statewide to bring the average to below 6:1.

**CPPO to officer ratio in each county are shown in Appendix B*

Paraprofessionals

In 2009, upon completion of the Office of State Personnel study, the State Personnel Commission recommended one class of probation officer as well as a judicial services coordinator (JSC) class. The judicial services coordinator position was a title reassignment from existing community service coordinators. These positions are responsible for court intake processing of both supervised and unsupervised cases, community service placement of both supervised and unsupervised offenders, monitoring of all community service hours as well as reporting unsupervised cases back to the court for disposition. The position reduces the number of officers needed to assist in court processing. Because there are not enough JSCs statewide to effectively cover all courtrooms, probation officers in some areas are still required to aid in court processing. There are currently 200 JSC positions statewide.

Five data entry specialists are responsible for data entry and 31 lead judicial services specialists (JSSs) supervise judicial services coordinators in selected areas. The data entry specialist positions are located in Wake, Durham, Guilford, Forsyth, and New Hanover counties. The lead judicial services specialist position was developed to relieve the number of community service employees reporting directly to the chief probation and parole officer, thereby reducing the staff to chief ratio. Because these are not certified positions, they are not used to help monitor the lower risk supervised offender population.

The Process of Assigning Supervision Levels via Risk/Needs Assessment

DACJJ developed the Risk/Needs Assessment (RNA), which adopts an existing instrument, Offender Traits Inventory, as the risk tool, and uses an in-house tool as the needs instrument. These instruments are used to manage the offender population, starting with the assignment of a supervision level based on the offender's risk and needs. The Section consulted with the Council of State Government for professional critique and feedback when developing the instrument. Additionally, the UNC School of Social Work assisted with peer review and validation of the assessment. Each question was validated, and any necessary adjustments occurred during this period.

The Section completes policy revisions, training, and develops automated tools to assist with case management and planning. Community Corrections has implemented evidence based practices which are research proven methods of successful offender supervision. The Risk/Needs Assessment addresses the first principle of evidence based practices – assess actuarial risk. In the fall of 2010, Community Corrections began supervision by level of risk and need and continues to supervise offenders according to these levels. As a matter of policy, select offenders are supervised at a higher level regardless of the assessment outcome. This includes sex offenders, domestic violence offenders, certain DWI offenders, and documented gang offenders. The Section's non-compliance response grid uses information from the assessment to suggest minimum responses to violations based on the offender's assessed supervision level. Information identified through the risk and needs assessment also guides officers in making referrals for cognitive intervention, mental health and substance abuse treatment.

Supervision of Collection Cases

A small number of supervised probation cases have no special condition of probation other than monetary conditions. A snapshot of the offender population in January 2020 shows that a total of 36 offenders have only court-ordered monetary condition in addition to the regular conditions of probation. These offenders are usually eligible for the Offender Accountability Reporting (OAR) program.

Report Conclusion

Community Corrections continues to assess its practices, policies and procedures according to evidence based practices concerning offender supervision. The agency will continue to assess caseload type and size, as it reviews and improves supervision strategies. The following strategies have been implemented following national trends for best practices in community supervision:

- Dedicating mental health specialty officers to closely monitor and assist offenders with serious and persistent mental illnesses;
- Specializing in high risk caseloads to closely supervise those likely for rearrest;
- Partnering with Prisons by placing probation officers in transitional release facilities to focus on reentry while promoting continuum of services for offenders returning to the community.