



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

***COMMUNITY CORRECTIONS***

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

**March 1, 2013**

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Governor**

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**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 2012-2013 fiscal year and the end of the 2013-2014 fiscal year.

## 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; but instead 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 resume.

## 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 which are defined respectively below:

### G.S. 14-27.2A

*A person is guilty of rape in the first degree if the person engages in vaginal intercourse:*

- (1) With a victim who is a child under the age of 13 years and the defendant is at least 12 years old and is at least four years older than the victim; or*
- (2) With another person by force and against the will of the other person, and:*
  - a. Employs or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon; or*
  - b. Inflicts serious personal injury upon the victim or another person; or*
  - c. The person commits the offense aided and abetted by one or more other persons*

### G.S. 14-27.4A

*A person is guilty of a sexual offense in the first degree if the person engages in a sexual act:*

- (1) With a victim who is a child under the age of 13 years and the defendant is at least 12 years old and is at least four years older than the victim; or*
- (2) With another person by force and against the will of the other person, and:*
  - a. Employs or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon; or*

- b. Inflicts serious personal injury upon the victim or another person; or*
- c. The person commits the offense aided and abetted by one or more other persons.*

All three categories require that the offender be convicted of a reportable conviction and be required to register as a sex offender.

During FY 2011-2012, there were 148 new offenders enrolled in the electronic monitoring program. Of the 148 offenders, 70 were assigned to the conditional program (47.3%), while 78 were assigned to the mandatory program (52.7%). All offenders were monitored via active GPS. The table below represents the number of offenders enrolled on GPS for FY 2011-2012.

<b>NEW OFFENDERS ENROLLED BY MONTH ON GPS FOR FY 2011-2012</b>			
<b>Month</b>	<b>Mandatory</b>	<b>Conditional</b>	<b>Total</b>
July 2011	4	5	9
August	3	5	8
September	4	12	16
October	6	8	14
November	6	3	9
December	4	3	7
January 2012	10	7	17
February	9	7	16
March	3	2	5
April	9	5	14
May	12	8	20
June	8	5	13
<b>Totals</b>	<b>78</b>	<b>70</b>	<b>148</b>

On June 30, 2012 there were 641 sex offenders enrolled in the electronic monitoring program. There were 370 offenders assigned to the mandatory program (satellite based monitoring is required for the person's natural life) and 271 were assigned to the conditional program (satellite based monitoring is required for a period of time ordered by the court). Of the 641 offenders enrolled, 366 were unsupervised. All offenders enrolled at the end of the fiscal year were monitored via active GPS.

#### **CASELOADS OF PROBATION OFFICERS ASSIGNED TO GPS/SEX OFFENDER SUPERVISION**

Due to the relatively small numbers of offenders under GPS supervision, Community Corrections utilized existing resources to aid in the supervision of GPS sex offender cases. These officers specialize in the supervision of sex offenders, including those who do not have the GPS requirements. Factors such as geography, the number of different offender types, their admission rates to supervision, and the number of officer resources impact decisions concerning local case management practices.

Two officers work in the GPS administrative office and handle the GPS lifetime-tracking offender population. This population 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 366 offenders. Of these 366 offenders, 75 were new enrollees for the fiscal year, while 291 were placed on GPS prior to the beginning of the FY 2011-2012.

## **VIOLATIONS**

During FY 2011-2012, 53 offenders under GPS supervision were cited for 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.

<b>TYPE AND NUMBER OF VIOLATIONS</b>			
<b>Violation</b>	<b>Number</b>	<b>Percent</b>	<b>Number of Offenders with Violation</b>
Failure to Pay Court Indebtedness	13	24.50%	2
Fail to Comply SBM	18	33.90%	1
Curfew Violations	1	1.90%	1
Failure to Pay PSF	3	5.70%	2
Misdemeanant – Conviction/PC	1	1.90%	1
Positive Drug	1	1.90%	1
Left County W/O Permission	1	1.90%	1
Other	6	11.30%	3
Fail To Complete Community Service	2	3.80%	1
Travel Out Of State W/O Permission	1	1.90%	1
Possess Controlled Sub/Illegal Drug	1	1.90%	1
FTC – Not Reside W/Minor	1	1.90%	1
FTC – Sex Offender Control Program	4	7.50%	1
<b>Totals</b>	<b>53</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 as they were at the start of the 2011-2012 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 2012-2013 and FY 2013-2014.

<b>PROJECTED POPULATION FOR GPS SUPERVISION</b>		
<b>Type of Offender</b>	<b>FY 2012-2013</b>	<b>FY 2013-2014</b>
Mandatory GPS	471	571
Conditional GPS	296	321
<b>Totals</b>	<b>767</b>	<b>892</b>

An estimated 439 offenders will have no community supervision requirement during FY 2012-2013, while 514 offenders will have no community supervision requirement during FY 2013-2014.