

Statewide Misdemeanant Confinement Program

-Terms and Conditions-

North Carolina Sheriffs' Association



**Adopted by the Executive Committee of the
North Carolina Sheriffs' Association**

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NORTH CAROLINA SHERIFFS' ASSOCIATION

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Executive Summary

Pursuant to House Bill 642, The Justice Reinvestment Act, effective January 1, 2012 all misdemeanants sentenced to 91-180 days will serve their sentence in certain county jails as a part of the Statewide Misdemeanant Confinement Program (SMCP). Sheriffs and counties participating in the SMCP will be reimbursed from the Statewide Misdemeanant Confinement Fund for the care, supervision, transportation and other related expenses of those misdemeanants serving their sentence pursuant to the SMCP.

Sheriffs and counties that enter into a written agreement with the Department of Public Safety to house misdemeanants pursuant to the SMCP are agreeing to abide by the terms and conditions of the SMCP. The operating procedures of the SMCP are described in full detail in the most current version of the *Statewide Misdemeanant Confinement Program Training Guide*. The Guide was provided to all attendees at the seven SMCP training classes held across the state in December, 2011 and January, 2012. Additional copies of the Guide may be obtained from the SMCP by emailing your request to SMCP@ncsheriffs.net or by calling 919-459-8197.

The Fiscal Research Division of the North Carolina General Assembly has estimated the Statewide Misdemeanant Confinement Fund will accumulate an estimated \$30 million annually. The Division of Adult Correction of the Department of Public Safety has estimated 4,500 inmates will be assigned to the program annually to serve an average sentence of 120 days.

The majority of the funds in the Statewide Misdemeanant Confinement Fund will be used to reimburse the daily housing rate to sheriffs' offices that house inmates sentenced pursuant to the Program (a "receiving" county). The housing rate is a uniform statewide rate. A uniform statewide rate ensures equity for all participating sheriffs' offices and eliminates competition among sheriffs' offices to underbid other counties to house inmates.

The daily housing rate of \$40 per day includes in-jail medical service. The rate is projected to be able to sustain the anticipated number of inmates to be sentenced to the Program and the number of nights those inmates will spend in a county jail serving a sentence. Exceeding this rate could have a severe impact on the Program's budget and the Fund's ability to sustain the Program for an entire year. The daily housing rate should be reassessed quarterly to ensure the maximum amount of funding is reimbursed to the participating counties.

Expenses incurred and reimbursed to participating sheriffs' offices for transportation and supervision of inmates during transportation and out-of-jail medical service visits is covered by the Fund. The rate for supervision is \$25 per hour, per officer. This is in alignment with current statewide costs analyzed by the staff. Additionally, the IRS mileage reimbursement rate, currently .55 ½ cents per mile, will be used to reimburse participating counties for inmate transportation needs.

Most inmates will be assigned to a jail within 100 miles of the jail of the county of conviction. Inmates will need to make arrangements with family or friends for transportation upon release from a county jail. If an inmate is transferred to a jail that is over 200 miles away from the jail in the county of conviction, the "receiving county" may be reimbursed for mileage for transporting the inmate back to the county of conviction at the time of release.

If an inmate assigned to the Program requires out-of-jail medical services, the invoice for the services rendered should be submitted to the Program for direct payment. This will ensure that sheriffs' offices and counties do not incur expenses for medical bills of SMCP inmates.

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1. Participation in the SMCP

All 100 North Carolina counties are participating in the SMCP as a “sending” county. The SMCP refers to all counties as a “sending” county since all misdemeanants sentenced to 91 to 180 days by the courts of every North Carolina county must be assigned by the SMCP to serve their sentence in a confinement facility that is participating in the SMCP.

In addition to being a “sending” county, many sheriffs have agreed to participate in the SMCP as a “receiving” county. Counties and sheriffs who voluntarily agree to house inmates in their local jail or detention center as assigned by the SMCP are referred to by the SMCP as a “receiving” county.

SMCP Inmates housed in a “receiving” county may have been convicted in court in that same county or may have been convicted in court in a different county and been transported to the “receiving” county from another “sending” county.

The daily housing rate will be paid by the SMCP to a “receiving” county for an SMCP inmate for each day, to include the date of arrival but not the date of release.

2. Transportation and Supervision of SMCP Inmates

“Sending” counties are expected to transport SMCP inmates to the “receiving” county.

A sheriff’s office that is authorized to transport a SMCP inmate will be paid for transportation and supervision of the SMCP inmate: (1) to another county’s jail; (2) to an out-of-jail medical services provider; or (3) while supervising the out-of-jail inmate while the medical services are being provided.

The mileage and driving time will be calculated by the SMCP’s automated system for transportation from county jail to county jail, or from county jail to a medical services provider.

Payment at the established SMCP rate will be made for only one officer to provide transportation or supervision, unless special circumstances dictate additional personnel.

3. Medical Services for SMCP Inmates

In-jail medical services and all other housing related services for SMCP inmates are provided by the “receiving” county for which the “receiving” county is paid the daily housing rate by the SMCP.

Out-of-jail medical expenses for SMCP inmates should be billed by the medical services provider directly to the SMCP. The medical services provider will be paid directly by the SMCP from the Statewide Misdemeanant Confinement Fund.

4. Notification to the SMCP of an Eligible Inmate

When an inmate receives a sentence of 91 to 180 days, the sheriff's office in the county of conviction should notify the SMCP using the forms and procedures described in the SMCP training classes.

Reimbursement for a SMCP inmate will not be made by the SMCP to a county until the SMCP receives the appropriate form(s) and supporting document(s).

5. Schedule for Reimbursement to the County by the SMCP

For transportation and supervision of SMCP inmates, reimbursement will be made to counties in the calendar month immediately following the month in which the transportation or supervision is provided.

For the daily housing rate for SMCP inmates, reimbursement will be made to counties for the total period of incarceration of an SMCP inmate in the calendar month immediately following the month in which the inmate is released after serving the inmate's entire SMCP sentence.

6. Current Reimbursement Rates

As of January 1, 2012, the current reimbursement rates for the SMCP are:

Daily housing rate:	\$40.00/day
Supervision:	\$25.00/hour
Mileage:	\$0.555/mile (at the current IRS rate)

7. Annual Training

The Association will conduct annual training on the SMCP and all counties who volunteer to house SMCP inmates (a "receiving" county) are required to send appropriate personnel to the training.

SMCP training classes will be conducted annually, usually in September, at various locations across the state. Sheriffs' offices desiring to participate or continue participating as a "receiving" county in the Program for the upcoming calendar year must send at least one representative to one of the annual training classes on the Program conducted by the Association. Counties participating only as a "sending" county are encouraged to send at least one representative to one of the annual training classes as well.

8. SMCP Administration

The North Carolina Sheriffs' Association administers the Statewide Misdemeanant Confinement Program and payments from the Statewide Misdemeanant Confinement Fund.

The SMCP has an automated system for calculating the number of days an inmate is incarcerated in a county.

A monthly statement of reimbursements being made by the SMCP to the county will be emailed by the SMCP to the county sheriff and to one other designated county official. Sheriffs and counties may review the monthly statement for accuracy, and should notify the SMCP of any questions.

Payments will be made by the SMCP to counties as early in the month as possible, but no later than the last business day of the month. Funds will be delivered via electronic funds transfer (EFT) to a designated county fund.

Complete details and operating procedures for the SMCP are outlined in the training guide that was provided to all attendees at the seven SMCP training classes held across the state in December, 2011 and January, 2012.

For Additional Information

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