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EMAIL TO: All Sheriffs

FROM: Eddie Caldwell
Executive Vice President and General Counsel
North Carolina Sheriffs' Association

SENT: April 21, 2020

SUBJECT: An Update --- Suspension of Transfer of Inmates between Jails
and Prisons Extended Until May 4th

To help control the spread of COVID-19, the NCSA Executive Committee has agreed to extend until **Monday, May 4th** the Association's SUPPORT for the suspension of the transfer of inmates from: (1) jails to prisons; and (2) prisons to jails, as previously agreed to with Commissioner of Prisons Todd Ishee.

If there is a State prisoner nearing release on their prison sentence and they are expected to return to a county jail, see the information in the email message below.

As always, if you have any questions or need any additional information, please call me directly at 919-810-6333.

Thanks....Eddie C.



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North Carolina Sheriffs' Association
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To: All Sheriffs

As you know, the Association's Executive Committee voted for the Association to support the recent plan of the Division of Prisons to suspend the transportation of sentenced prisoners from county jails to the Division of Prisons for a 14-day period in an attempt to keep COVID-19 out of the prison system.

As a part of that discussion, Commissioner of Prisons Todd Ishee agreed to work with sheriffs across the state to minimize or eliminate the transfer of any prisoners from the Division of Prisons back to county jails during this 14-day period.

For most prisoners in the Division of Prisons, when their sentence is completed they are released. However, in some cases the prisoners are returned to the county jail to: (1) finish serving a misdemeanor sentence in the Statewide Misdemeanant Confinement Program (SMCP); or (2) remain in jail under a bond for pending charges.

When a State prisoner is nearing release on their prison sentence and they are expected to return to a county jail, the Division of Prisons will contact the appropriate sheriff's office about 30 days before the prisoner's release date to advise the sheriff's office of the date of release and to request that the sheriff's office pick up the prisoner on the date of the prisoner's release.

During this time period during which sentenced prisoners are not being transferred from county jails to prison, the Division of Prisons has agreed to work with sheriffs to minimize the number of prisoners who have completed their prison sentence and are returned to county jails.

To accomplish this, there are four possible options for a sheriff who does not want the prisoner returned immediately to the county jail once the prisoner's prison sentence ends:

1. If the prisoner is returning to the county jail to complete a misdemeanor sentence in the Statewide Misdemeanant Confinement Program, the sheriff can get a safekeeper order **(use attached form)** signed by a judge and sent to the Division of Prisons. Then, the Division of Prisons will hold the prisoner in their custody for a period of time up to and including 14 days after the prisoner's scheduled release date.
2. If the prisoner has pending charges, and if the warrant for arrest or order for arrest has already been served on the prisoner, and if the prisoner has already had his first appearance for the pending charges, and if the sheriff does not want the prisoner returned to the county jail immediately, the sheriff can get a safekeeper order **(use attached form)** signed by a judge and sent to the Division of Prisons. Then, the Division of Prisons will hold the prisoner in their custody for a period of time up to and including 14 days after the prisoner's scheduled release date.
3. If the prisoner has pending charges, and if the sheriff does not want the prisoner to be returned to the county jail immediately, the sheriff can notify the Division of Prisons that the sheriff does not intend to serve the outstanding warrant for arrest or order for arrest on the prisoner at this time and that the sheriff does not intend to pick up the prisoner. Then, the Division of Prisons will release the prisoner from custody on the prisoner's scheduled prison release date.

Email to All Sheriffs

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4. If the prisoner has pending charges, the sheriff can notify the Division of Prisons and then the sheriff can pick up the prisoner on the prisoner's scheduled prison release date, return the prisoner to the county jail, and serve the warrant for arrest or order for arrest on the prisoner and take the prisoner for a first appearance as required by law.

In any case in which a sheriff gets a safekeeping order signed by a judge, it should be sent to the Division of Prisons via the following email address: DOC_DOP_population@ncdps.gov

If you have any questions or need any additional information, please do not hesitate to call me at 919-810-6333.

