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**EMAIL TO:** All Sheriffs  
**FROM:** Eddie Caldwell  
Executive Vice President and General Counsel  
North Carolina Sheriffs' Association  
**SENT:** April 27, 2020  
**SUBJECT:** Transfer of Inmates from Prison to a County Jail ---  
During the Period of Suspension of Transfers of Sentenced  
Inmates from Jails to Prison

Note to All Sheriffs --- Based on discussions between the Division of Prisons and the NC Sheriffs' Association:

Use the attached April 23, 2020 new version of this form to:

- (1) submit a new Safekeeping Order pursuant to paragraphs # 1 or # 2 in the email message below; or
- (2) extend a previously issued Safekeeping Order pursuant to paragraphs # 1 or # 2 in the email message below.

The goals are:

- (1) for the Division of Prisons to begin picking up backlogged prisoners from county jails and transfer them to prisons beginning on May 4 and to reduce jail backlog by 500 prisoners by the end of May; and
- (2) between May 4 and May 15 [and no later than May 18], for sheriffs to pick-up prisoners that are to be returned to the county jail after completion of their prison sentence.

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 in an attempt to keep COVID-19 out of the prison system. As you were notified on April 21<sup>st</sup>, by agreement that period of suspension of transfers has been extended until Monday, May 4<sup>th</sup>.



100% Membership

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The North Carolina Sheriffs' Association is a Non-Profit, tax exempt organization recognized by the I.R.S.

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 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 not to extend beyond May 18, 2020.
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 not to extend beyond May 18, 2020.
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.
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](mailto:DOC_DOP_population@ncdps.gov)

Email to All Sheriffs  
Transfer of Inmates from Prison to a County Jail ---  
During the Period of Suspension of Transfers of Sentenced Inmates from Jails to Prison  
April 27, 2020  
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If you have any questions or need any additional information, please do not hesitate to call me at 919-810-6333.

Thanks....Eddie C.



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**Edmond W. (Eddie) Caldwell, Jr.**  
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**North Carolina Sheriffs' Association**  
***Proudly Serving the Sheriffs and Citizens of North Carolina since 1922***

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STATE OF NORTH CAROLINA

FILE NO. \_\_\_\_\_

IN THE GENERAL COURT OF JUSTICE

\_\_\_\_\_  
COUNTY

DISTRICT  SUPERIOR COURT DIVISION

State of North Carolina )

)

vs. )

)

SAFEKEEPING ORDER IN RESPONSE  
TO COVID-19

(Pursuant to NCGS 162-39; 148-32.1)

\_\_\_\_\_  
Defendant )

**REQUEST FOR TRANSFER OF CUSTODY**

The undersigned custodian of the local confinement facility hereby requests the Court order transfer of custody of the Defendant to a facility operated by the Division of Adult Correction and Juvenile Justice (DACJJ) for a period not to extend beyond May 18, 2020, and in support of said request shows the Court:

The defendant poses a security risk to the local confinement facility because the Defendant is currently in custody of DACJJ pursuant to a valid judgement or safekeeping order which is set to expire. Upon expiration of the Defendant's current judgement or safekeeping order, the Defendant would ordinarily be transferred back to the local confinement facility to resolve the above captioned case, or to be transferred to the local confinement facility to serve a sentence pursuant to the Statewide Misdemeanant Confinement Program. Due to the COVID-19 pandemic, a catastrophic event, the local confinement facility has curtailed operations by limiting intake of offenders in an attempt to limit the spread of the virus which is often difficult to detect. Additionally, the spread of COVID-19 poses an imminent danger to staff of the local confinement facility or to other prisoners in the facility. In consultation with DACJJ and the North Carolina Sheriffs' Association, this has been determined to be an effective response to help limit the spread of COVID-19 in confinement facilities and the community at large.

\_\_\_\_\_  
Name of local confinement representative

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Agency of local confinement representative

\_\_\_\_\_  
Date

**ORDER**

Upon review of the request, the undersigned Judge hereby finds that the request meets the criteria for transfer as set forth above, and it is therefore Ordered that the defendant named above be transferred or remain in custody of a facility designated by the Secretary of Public Safety or the Secretary's authorized representative for a period not to extend beyond May 18, 2020.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
JUDGE PRESIDING

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Prior to the offender's prison release date, or prior to the expiration of a previous safekeeping order, please send this signed Order to DACJJ by email to DOC\_DOP\_population@ncdps.gov