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**Statewide Misdemeanant Confinement Program  
Annual Report  
Fiscal Year 2013-14**

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**North Carolina Sheriffs' Association**



**October 1, 2014**



# **NORTH CAROLINA SHERIFFS' ASSOCIATION**

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The Statewide Misdemeanant Confinement Program (SMCP) continues to operate as intended with repeated accolades. The program was designed to reduce prison costs and use existing county jail beds to house certain state misdemeanor prisoners that were previously sent to the state prison system. The North Carolina Sheriffs' Association (NCSA) is effectively managing the SMCP and plays a critical role in evolving the SMCP.

The SMCP manages the housing of state inmates convicted of a misdemeanor crime, excluding those convicted of Driving While Impaired (DWI), and sentenced from 91 to 180 days to serve their sentence in a local confinement facility. All 100 counties and sheriffs are participants in the Statewide Misdemeanant Confinement Program. The program refers to all counties as "sending" counties. That is, all misdemeanants sentenced by the courts from 91-180 days in the state of North Carolina are required by the law to serve their sentence in a county jail participating in the SMCP. County jails that have available space may volunteer to accept state inmates from the SMCP and be reimbursed by the state for incurred expenses. Counties that volunteer jail space to house program inmates are referred to as "receiving" counties. Receiving counties may house misdemeanants convicted in their county as well as those convicted in neighboring counties. As of June 30, 2014, there were 56 counties across the state that volunteered to be "receiving" counties. Attachment A shows those counties that have volunteered available space to house inmates under this program. Attachment B shows the counties that have sentenced inmates to the program as well as the counties that have housed inmates under the program.

For the fiscal year ending June 30, 2014, the program's daily population averaged 630 inmates per day. The average sentence length was 121 days; however, the average number of actual days served in an SMCP jail was 78 days when credit for time served awaiting trial is deducted from the imposed sentence. From July 1, 2013 through June 30, 2014, the NCSA staff has processed 2,836 inmates through the Statewide Misdemeanant Confinement Program for the fiscal year. Out of those inmates, 2,425 were males and 411 were females. There were no youthful offenders housed pursuant to the program during the fiscal year. Attachment C, SMCP Average Daily Population Report for FY 2013-14, indicates the fiscal year's population statistics. Adult males and females are inmates assigned to the program who are 16 years of age or older. Youthful offender males and females are inmates assigned to the program who are less than 16 years of age.

The SMCP is supported through funding from the Statewide Misdemeanant Confinement Fund. For Fiscal Year 2013-14, the Fund collected \$25,076,813.51 in actual revenue. Throughout the fiscal year, the Fund disbursed over \$9.6 million to counties for reimbursement of expenses incurred from July 2013 through June 2014. In addition, the Fund disbursed payments totaling \$1 million to the North Carolina Sheriffs' Association and \$250,768.14 to the North Carolina Department of Public Safety (DPS) for administrative costs during the fiscal year. The 2013 General Assembly transferred \$13.45 million from the Fund to the Department of Public Safety and \$1 million to the North Carolina Sheriffs' Education and Training Standards Commission.

The following chart is an annual summary of the Statewide Misdemeanant Confinement Fund for Fiscal Year 2013-14 and Attachment D, Fiscal Year Reimbursement Summary Report, shows the exact payments made to each county.

SMCP Fund Analysis for FY 2013-14	
Funds Collected 7/1/2013 to 6/30/2014	\$25,076,813.51
NCSA Administrative Costs Paid	-\$1,000,000.00
DPS Administrative Costs Paid	-\$250,768.14
County Reimbursements Paid	-\$9,673,864.55
Medical Expenses Paid	-\$253,803.75
Funds Transferred by the 2013 General Assembly	-\$13,450,000.00
Funds Transferred to Support Sheriffs' Edu. & Training Standards Commission	-\$1,000,000.00
	-\$551,622.93

Medical costs for the program remain an unpredictable variable. In-jail medical services provided to program inmates are included as a part of the agreement with counties to house SMCP inmates. The NCSA's Inmate Medical Costs Management Plan was incorporated into the program to reduce out-of-jail medical expenses for SMCP inmates. The NCSA has contracted with a medical billing service provider to review medical bills for inaccuracies and to negotiate reduced rates for services provided to inmates at medical facilities and doctor's offices across the state. Typically, medical bills are received 4 to 6 weeks after services are rendered. This means the program has encumbered expenses that are unknown until the actual bill is received at the SMCP office. For the fiscal year ending June 30, 2014, the Fund disbursed payments totaling \$253,803.75 for out-of-jail medical care provided to program inmates during their period of confinement. The plan is being used successfully by participating counties and has resulted in an average savings of 42% off the original medical bill. As of June 30, 2014, the Inmate Medical Costs Management Plan has saved the state \$161,424.31 for FY 2013-14.

A subgroup of SMCP inmates are in the program serving a Confinement in Response to Violation (CRV) sentence imposed as a result of a probation violation. A CRV sentence may be up to 90 days and probationers must receive two CRVs before probation can be fully revoked. From July 1, 2013 through June 30, 2014, the SMCP received 291 CRV inmates with an average CRV sentence length of 71 days. The program's CRV population accounted for more than 10% of the inmates processed through the program from July 2013

through June 2014. Attachment E, CRV Population Report, displays the monthly CRV population during the fiscal year.

The North Carolina Sheriffs' Association conducts annual training on the Statewide Misdemeanant Confinement Program every year at various locations across the state. All counties that plan to participate or continue to participate as a "receiving" county in the program for the upcoming calendar year must send at least one representative to one of the training classes. Counties participating as a "sending" only county are encouraged to send a representative as well. Conducting annual training classes provides the Association the opportunity to present updated information. The SMCP relies on cooperation between all counties as an inmate may be "sent" or "received" from any county. This training promotes good working relationships which allows the program to operate efficiently. The NCSA staff conducted the 2013 SMCP annual training classes as follows:

- August 13, 2013 in Haywood County
- August 14, 2013 in Catawba County
- September 10, 2013 in Martin County
- September 11, 2013 in Duplin County
- September 12, 2013 in Wake County

The Statewide Misdemeanant Confinement Program's 6-hour annual training classes included the following materials:

- A SMCP step-by-step training guide
- A detailed training course PowerPoint which included a summary of the legislation
- A copy of House Bill 361, An Act To Make Technical and Clarifying Changes To The Justice Reinvestment Act of 2011
- A copy of the Department of Public Safety Division of Prisons Sentence Credits Policy and Procedure
- A copy of the Department of Public Safety Division of Prisons Confinement in Response to Violation (CRV) Policy and Procedure
- A SMCP Frequently Asked Questions (FAQs) sheet

These materials are a resource for participants to use to train additional personnel at their offices who were not able to attend the training classes. There were 76 counties in attendance at the 2013 SMCP annual training classes. County attendance increased by 7% from the previous year.

There were 172 total participants at the 2013 SMCP annual training classes. Out of the 172 participants, 164 were sheriff's office personnel, 4 were from the Department of Public Safety, and 4 were from a county's Office of Clerk of Court. An evaluation form was distributed to all participants present at each training class. All participants were asked to provide feedback on the instructors, logistics, and the training classes. Some of the comments received included:

- A very professional, clear, and informative training.
- The training material was detailed. The instructor explained the material in a clear and detailed manner.
- The interaction with agencies and program administration was good.
- The information was clear and concise for new employees or agencies.
- Thanks for keeping me aware of any changes and providing me refresher training.
- I learn something new every year.
- The program staff was very knowledgeable.
- Very good information on CRVs for my county. I was not aware of many of the things covered before this class.
- The instructors were very knowledgeable.
- Probation Officers and AOC personnel should be invited.
- The training staff was very professional and covered all material very well.
- It would be beneficial for the NCSA to try and influence the Department of Public Safety to mandate this training to probation officers.
- Continue with the updates to keep us informed.
- Loved the class and was given great information.
- Probation officers, clerks, and judicial officials should be required to attend.
- Great presentation!
- The SMCP staff is awesome!!! Keep up the good work.
- The SMCP staff is always pleasant and courteous. I appreciate all of the hard work and dedication from the SMCP staff. Thank you!

The SMCP program and staff have a wide range of responsibilities. The staff is responsible for processing new inmate housing requests, coordinating inmate transportation, processing monthly reimbursement statements, denying ineligible inmate housing requests, processing release notices, processing medical billing, auditing records, and maintaining electronic and hard copy files on all inmates and reimbursement payments. Combined with the constant flow of documentation from sheriffs' offices, the program staff is also responsible for coordinating inmate transfers to and from the Division of Adult Correction. This includes locating space in an appropriate facility for an inmate who must complete a misdemeanor sentence that exceeds the time in custody with the Division of Adult Correction or coordinating with the Division of Adult Correction to house an SMCP inmate who meets the legal requirements to be housed in a state operated facility. In addition to in-processing for inmates, the program staff is also responsible for answering program questions from sheriff's offices, clerks' of court staff, judges, probation officers, county finance personnel, planning and creating course materials for annual SMCP training classes, reviewing and testing database software changes, budget management, and the development of regular and ad-hoc statistical reports and analysis.

Each quarter of the calendar year, the financial records of the program are internally audited. Both electronic and hard copy records are reviewed and operational policies tested to ensure the program's internal operating and accounting procedures are clearly defined and adhered to by staff. The audits are performed as a risk mitigation tool to detect and resolve

any potential errors as soon as possible. Custody records are audited internally bi-annually. As with the financial audits, the review is designed to test internal operating procedures and verify all documentation is properly filed and maintained.

As the Statewide Misdemeanant Confinement Program heads into its third year of operation, the North Carolina Sheriffs' Association will continuously evaluate and manage the operation of the program. The program staff is constantly looking into ways to evolve and expand the capacity of the program that are mutually acceptable among all stakeholders.

**For additional information, contact:**

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