## Statewide Misdemeanant Confinement Program Annual Report Fiscal Year 2012-13

## **North Carolina Sheriffs' Association**



October 1, 2013



## NORTH CAROLINA SHERIFFS' ASSOCIATION Statewide Misdemeanant Confinement Program Annual Report

### Fiscal Year 2012-13

The Statewide Misdemeanant Confinement Program (SMCP) has been fully operational since January 1, 2012. The North Carolina Sheriffs' Association (NCSA) is progressing well through its second year of managing the SMCP. The NCSA agreed to provide a critical role in developing and managing the SMCP which is designed to reduce prison costs and use existing county jail beds to house certain state misdemeanant prisoners that were previously sent to the state prison system.

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, 2013, there were 51 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, 2013, the program's daily population averaged 691 inmates per day. The average sentence length was 120 days; however, the average number of actual days served in an SMCP jail was 83 days when credit for time served awaiting trial is deducted from the imposed sentence. From July 1, 2012 through June 30, 2013, the NCSA staff has processed 3,806 inmates through the Statewide Misdemeanant Confinement Program for the fiscal year. Out of those inmates, 3,254 were males, 551 were females, and 1 was a male youthful offender. Attachment C, SMCP Average Daily Population Report for FY 2012-13, 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 2012-13, the Fund collected \$25,206,355.98 in actual revenue. Throughout the fiscal year, the Fund had disbursed over \$12 million to counties for reimbursement of expenses incurred from July 2012 through June 2013. In addition, the Fund had disbursed payments totaling \$2,520,635.61 to the North Carolina Sheriffs' Association and \$252,063.57 to the North Carolina Department of Public Safety (DPS) for administrative costs during the fiscal year. The 2012 General Assembly transferred \$5 million from the Fund to the Department of Public Safety.

The following chart is an annual summary of the Statewide Misdemeanant Confinement Fund for Fiscal Year 2012-13 and Attachment D, Fiscal Year Reimbursement Summary Report, shows the exact payments made to each county.

SMCP Fund Analysis for FY 2012-1	3
Funds Collected 7/1/2012 to 6/30/2013	\$25,206,355.98
NCSA Administrative Costs Paid	-\$2,523,643.64
DPS Administrative Costs Paid	-\$252,063.57
County Reimbursements Paid	-\$12,074,999.77
Medical Expenses Paid	-\$385,793.81
Funds Transferred by the 2012 General Assembly	-\$5,000,000.00
	\$4,969,855.19

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, 2013, the Fund had disbursed payments totaling \$385,793.81 for out-of-jail medical care provided to program inmates during their period of confinement. Medical bill totals have ranged from \$9.27 to \$30,110.11 for a single out-of-jail medical visit. The plan is being used successfully by participating counties and has resulted in an average savings of 34% off the original medical bill. As of June 30, 2013, the Inmate Medical Costs Management Plan has saved the state \$118,163.08 for FY 2012-13.

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, 2012 through June 30, 2013, the SMCP received 109 CRV inmates with an average CRV sentence length of 78 days. The program's CRV population accounted for less than 3% of the inmates processed through the program from July 2012 through June 2013. Since the CRV is a new probation enforcement and compliance technique

implemented with the Justice Reinvestment Act, the projections for how many CRV inmates per year are unknown. 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 smoothly. The NCSA staff conducted the 2012 SMCP annual training classes as follows:

- September 10, 2012 in Martin County
- September 11, 2012 in Sampson County
- September 18, 2012 in Wake County
- September 20, 2012 in Haywood County
- September 21, 2012 in Caldwell 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 642, Justice Reinvestment Act
- A copy of <u>House Bill 335</u>, <u>Technical</u> <u>Corrections</u>
- A copy of <u>House Bill 1021</u>, <u>An Act To Clarify Certain Provisions Of The</u> <u>Justice</u> Reinvestment Act
- 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. The NCSA staff has received several requests from other agencies requesting a copy of the NCSA training materials to use during their presentations. There were 69 counties in attendance at the 2012 SMCP annual training classes. All counties not in attendance were mailed a packet of information which included all the materials listed above.

The annual training classes were conducted within a two week period with a total of 151 participants. Out of the 151 participants, 132 were sheriff's office personnel, 12 were from the Department of Public Safety, Division of Adult Correction, and 7 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:

- PowerPoint and handouts are very helpful.
- From working in the clerk's office, this training was helpful and clarified a lot of questions I had.
- Great idea to have this training annually.
- The information was presented in a manner that was easy to understand and our questions were fully answered.
- Great refresher on the topic. Learned a couple of things I must have missed during January's training. As always, the North Carolina Sheriffs' Association staff put on a good training.
- Very thorough and planned out.
- The information and location were good.
- Excellent speakers; very well explained.
- Clerks should be required to send someone from their office.
- Get more court personnel (judges, probation officers, clerks) involved so that everyone will be on the same page.
- Extend some training to the clerk's handling the court paperwork.
- This class was wonderful and does not need improvement.
- AOC getting on board with training.
- Have another training session with clerks, probation, and sheriff's office personnel.
- Good training!
- Change locations next year.
- Thank you for doing this. The information was clear and concise.

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.

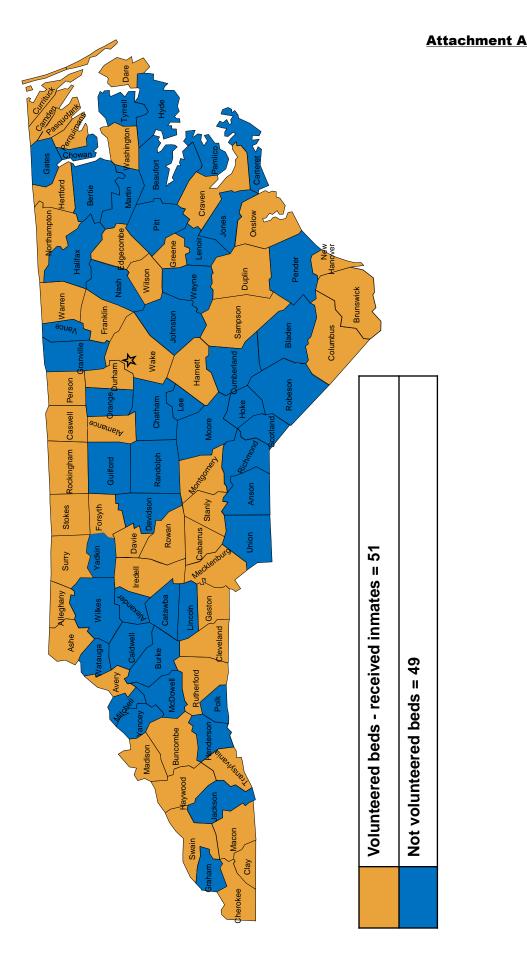
Each quarter of the calendar year, the financial records of the program are internally

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 biannually. As with the financial audits, the review is designed to test internal operating procedures and verify all documentation is properly filed and maintained.

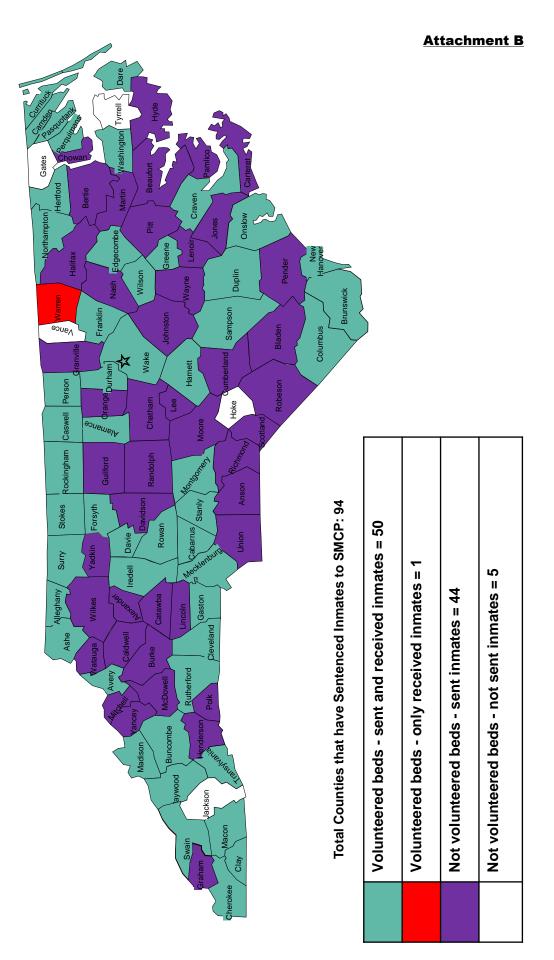
The Statewide Misdemeanant Confinement Program is continuing to operate as intended and with heralded success. The program staff is constantly looking into ways that will increase the operational efficiency of the program that are mutually acceptable among all interested agencies. As the Statewide Misdemeanant Confinement Program evolves, the North Carolina Sheriffs' Association will continue to improve on the operation of the program.

### For additional information, contact:

Eddie Caldwell Executive Vice President and General Counsel North Carolina Sheriffs' Association 919-459-1052 ecaldwell@ncsheriffs.net



As of: 6/30/13



## Statewide Misdemeanant Confinement Program Average Daily Population For Fiscal Year (FY) 2012-13

### **Attachment C**

## **Total SMCP**

Month	<b>Adult Males</b>	<b>Adult Females</b>	<b>Youth Males</b>	<b>Youth Females</b>	Inmates
July	599	97	0	0	696
August	642	120	0	0	762
September	609	125	0	0	734
October	641	106	0	0	747
November	655	97	0	0	752
December	624	91	0	0	715
January	536	77	0	0	613
February	546	86	0	0	632
March	548	93	0	0	641
April	545	93	0	0	638
May	587	96	0	0	683
June	584	95	0	0	679

	<b>Adult Males</b>	Adult Females	Youth Males	Youth Females	Total
Average Inmate					
Capacity	1226	308	38	24	1596
FY High	655	125	0	0	780
FY Low	536	77	0	0	613
FY Average	593	98	0	0	691

Year End: 2013

County	řĬ	Year to Date Housing Paid	Year to Date Mileage Paid	Year to Date Personnel Paid	Yea	Year to Date Total Paid	Year to Date Medical Paid	ate
Alamance	\$	760,160.00	\$ 318.39	\$ 991.00	\$	761,469.39	\$ 25,	25,455.10
Alexander	\$	2,600.00	\$ 337.89	\$ 446.75	\$	3,384.64	\$	-
Alleghany	\$	30,240.00	\$ 224.78	\$ 280.00	\$	30,744.78	\$	246.37
Anson	\$	1,440.00	\$ 348.74	\$ 537.50	\$	2,326.24	\$	-
Ashe	Ş	200,880.00	\$ 279.11	\$ 290.00	\$	201,449.11	\$	-
Avery	Ş	35,600.00	\$ 113.00	\$ 191.50	Ş	35,904.50	\$	-
Beaufort	Ş	2,880.00	\$ 513.76	\$ 830.00	Ş	4,223.76	\$	-
Bertie	Ş	13,560.00	\$ 342.48	\$ 629.25	Ş	14,531.73	\$	-
Bladen	Ş	1,920.00	\$ 260.44	\$ 466.50	Ş	2,646.94	\$	-
Brunswick	\$	142,640.00	\$ 167.61	\$ 153.25	\$	142,960.86	\$	-
Buncombe	\$	434,120.00	\$ 26.65	\$ 347.50	\$	434,494.15	;'£ \$	3,769.90
Burke	\$	18,120.00	\$ 2,564.71	\$ 3,445.00	\$	24,129.71	\$	260.26
Cabarrus	\$	614,040.00	\$ 401.23	\$ 2,780.50	\$	617,221.73	\$ 14,(	14,015.56
Caldwell	\$	00.096,6	\$ 2,309.05	\$ 3,226.50	\$	15,495.55	\$	-
Camden*	\$	2,440.00	- \$	- \$	\$	2,440.00	\$	-
Carteret	\$	2,120.00	\$ 474.23	\$ 709.75	\$	3,303.98	\$	-
Caswell	\$	36,640.00	\$ 112.99	\$ 217.50	\$	36,970.49	\$ 1,3	1,170.38
Catawba	\$	13,800.00	\$ 3,774.01	\$ 4,695.50	\$	22,269.51	\$	-
Chatham	\$	3,080.00	\$ 161.53	\$ 296.25	\$	3,537.78	\$	-
Cherokee	\$	25,800.00	\$ 180.24	\$ 275.00	\$	26,255.24	\$ 16,6	16,608.35
Chowan	\$	1,120.00	\$ 291.08	\$ 469.00	\$	1,880.08	\$	_
Clay	\$	4,920.00	- \$	- \$	\$	4,920.00	\$	-
Cleveland	\$	219,800.00	\$ 1,335.16	\$ 1,511.50	\$	222,646.66	\$	1
Columbus	\$	115,800.00	\$ 402.39	\$ 542.50	\$	116,744.89	\$	-
Craven	\$	235,880.00	\$ 194.40	\$ 552.50	\$	236,626.90	\$	734.65
Cumberland	\$	32,720.00	\$ 1,858.04	\$ 3,524.75	\$	38,102.79	\$	_
Currituck	\$	40.00	\$ 203.13	\$ 196.75	\$	439.88	\$	-
Dare	\$	17,880.00	- \$	- \$	\$	17,880.00	\$	-
Davidson	\$	9,160.00	\$ 1,459.80	\$ 2,618.00	\$	13,237.80	\$	-

Year End: 2013

County	Year to Date Housing Paid		Year to Date Mileage Paid	Pe	Year to Date Personnel Paid	Year to Date Total Paid	Σ	Year to Date Medical Paid
Davie	\$ 97,640.00	\$ 00	293.80	\$	278.50	\$ 98,212.30	\$	4,810.86
Department of Public Safety	\$ 222,160.00	\$ 00	-	\$	-	\$ 222,160.00	\$	100,171.51
Duplin	\$ 32,000.00	\$ 00	224.34	\$	403.25	\$ 32,627.59	\$	225.00
Durham	\$ 264,400.00	\$ 00	795.39	\$	1,308.00	\$ 266,503.39	\$	ı
Edgecombe	\$ 131,960.00	\$ 00	911.51	\$	1,485.25	\$ 134,356.76	\$	1
Forsyth	\$ 1,144,360.00	\$ 00	636.60	\$	14,038.50	\$ 1,159,035.10	\$	61,547.12
Franklin	\$ 128,560.00	\$ 00	2.22	\$	202.50	\$ 128,764.72	\$	6,770.48
Gaston	\$ 52,120.00	\$ 00	521.22	\$	1,103.25	\$ 53,744.47	\$	1
Gates	- \$	\$	ı	\$	1	\$ 1	\$	1
Graham	\$ 960.00	\$ 00	28.86	\$	53.25	\$ 1,042.11	\$	1
Granville	3,200.00		1,009.01	\$	1,445.25	\$ 5,654.26	\$	1
Greene	\$ 369,680.00	\$ 00	346.55	\$	1,766.50	\$ 371,793.05	\$	13,016.50
Guilford	\$ 55,400.00	\$ 00	4,570.72	\$	7,634.75	\$ 67,605.47	\$	1
Halifax	\$ 3,040.00	\$ 00	504.76	\$	1,014.00	\$ 4,558.76	\$	1
Harnett	\$ 163,120.00	\$ 00	350.43	\$	487.00	\$ 163,957.43	\$	1
Haywood	\$ 62,880.00	\$ 00	-	\$	1	\$ 62,880.00	\$	1
Henderson	\$ 14,040.00	\$ 00	399.21	\$	1,065.00	\$ 15,504.21	\$	1
Hertford	\$ 87,520.00	\$ 00	267.46	\$	676.75	\$ 88,464.21	\$	7,406.23
Hoke	- \$	\$	-	\$	_	\$ -	\$	-
Hyde	- \$	\$	175.38	\$	198.00	\$ 373.38	\$	1
Iredell	\$ 83,640.00	\$ 00	1,751.89	\$	2,439.75	\$ 87,831.64	\$	1
Jackson	- \$	\$	_	\$	_	\$ 1	\$	-
Johnston	\$ 4,040.00	\$ 00	864.68	\$	1,581.75	\$ 6,486.43	\$	1
Jones	\$ 1,560.00	\$ 00	111.34	\$	198.50	\$ 1,869.84	\$	1
Lee	3,680.00	\$ 00	941.93	\$	1,361.25	\$ 5,983.18	\$	1
Lenoir	\$ 3,280.00	\$ 00	986.07	\$	1,849.50	\$ 6,115.57	\$	1
Lincoln	\$ 5,840.00	\$ 00	735.98	\$	1,099.00	\$ 7,674.98	\$	1
Macon	\$ 5,240.00	\$ 00	-	\$	_	\$ 5,240.00	\$	-
Madison	\$ 49,320.00	\$ 00	-	\$	_	\$ 49,320.00	\$	1,905.79
Martin	\$ 520.00	\$ 00	49.95	<b>ب</b>	75.00	\$ 644.95	\$	1

Year End: 2013

County	<b>≻</b> I	Year to Date Housing Paid	Year Milea	Year to Date Mileage Paid	Yea Pers	Year to Date Personnel Paid	Ye	Year to Date Total Paid	Ye	Year to Date Medical Paid
McDowell	\$	42,600.00	Ş	1,350.16	\$	1,906.00	\$	45,856.16	\$	13.38
Mecklenburg	\$	1,113,560.00	\$	73.26	\$	159.75	\$	1,113,793.01	\$	229.58
Mitchell	\$	1	\$	1	\$	-	\$	ı	\$	1
Montgomery	\$	317,760.00	\$	402.82	\$	7,069.75	\$	325,232.57	\$	55,439.81
Moore	\$	3,680.00	\$	939.49	\$	1,529.00	\$	6,148.49	\$	1
Nash	\$	45,600.00	\$	2,761.83	\$	4,890.25	\$	53,252.08	\$	1
New Hanover	\$	518,440.00	\$	536.45	\$	734.00	\$	519,710.45	\$	1,174.89
Northampton	\$	208,320.00	\$	337.43	\$	2,093.25	\$	210,750.68	\$	12,659.31
Onslow	\$	96,640.00	\$	37.74	\$	63.25	\$	96,740.99	\$	-
Orange	\$	760.00	\$	507.81	\$	1,026.25	\$	2,294.06	\$	-
Pamlico	\$	280.00	\$	55.50	\$	100.00	\$	435.50	\$	-
Pasquotank*	\$	66,880.00	\$	194.36	\$	185.75	\$	67,260.11	\$	-
Pender	\$	4,520.00	\$	518.48	\$	875.00	\$	5,913.48	\$	-
Perquimans*	\$	6,520.00	\$	-	\$	25.00	\$	6,545.00	\$	-
Person	\$	99,760.00	\$	281.37	\$	288.25	\$	100,329.62	\$	4,169.08
Pitt	\$	10,040.00	\$	1,727.64	\$	3,362.75	\$	15,130.39	\$	1
Polk	\$	280.00	\$	364.61	\$	373.25	\$	1,017.86	\$	-
Randolph	\$	30,840.00	\$	2,007.04	\$	3,221.50	\$	36,068.54	\$	-
Richmond	\$	1,240.00	\$	774.38	\$	1,078.75	\$	3,093.13	\$	1
Robeson	\$	10,840.00	\$	1,665.64	\$	2,154.50	\$	14,660.14	\$	-
Rockingham	\$	218,640.00	\$	117.38	\$	168.75	\$	218,926.13	\$	11,454.46
Rowan	\$	85,200.00	\$	4,597.14	\$	7,985.25	\$	97,782.39	\$	-
Rutherford	\$	310,040.00	\$	816.96	\$	1,173.25	\$	312,030.21	\$	-
Sampson	\$	387,280.00	\$	933.41	\$	1,625.00	\$	389,838.41	\$	8,988.49
Scotland	\$	4,600.00	\$	1,143.92	\$	1,371.75	\$	7,115.67	\$	1
Stanly	\$	184,480.00	\$	119.90	\$	307.50	\$	184,907.40	\$	7,215.96
Stokes	\$	68,280.00	\$	219.36	\$	564.00	\$	69,063.36	\$	6,429.36
C. IED.	v	100 027 001	\$	204.92	Ş	222.50	Ş	101 147 42	\$	•

Year End: 2013

County	 Year to Date Housing Paid	Year to Date Mileage Paid	Year to Date Personnel Paid	te aid	Year to Date Total Paid		Year to Date Medical Paid
Swain	\$ 10,240.00	- \$	\$	1	\$ 10,240.00	00	-
Transylvania	\$ 104,880.00	- \$	\$		\$ 104,880.00	00	\$ 4,197.81
Tyrrell	\$ 1	- \$	\$		\$		1
Union	\$ 14,820.00	\$ 1,036.38	\$ 1,542.00	2.00	\$ 17,398.38	38	1
Vance	\$ 1	- \$	\$		· \$		1
Wake	\$ 1,391,560.00	\$ 98.79	\$ 180	189.00	\$ 1,391,847.79	62	1
Warren	\$ 43,800.00	- \$	\$		\$ 43,800.00	00	
Washington	\$ 79,680.00	\$ 703.47	92 \$	766.25	\$ 81,149.72	72	\$ 2,636.88
Watauga	\$ 2,280.00	\$ 357.68	\$	703.50	\$ 3,341.18	18	
Wayne	\$ 4,920.00	\$ 1,271.67	\$	2,392.00	\$ 8,583.67		- \$
Wilkes	\$ 9,440.00	\$ 1,467.74	\$ 1,956.25	6.25	\$ 12,863.99	66	-
Wilson	\$ 306,040.00	\$ 240.06	\$	443.75	\$ 306,723.81	81	\$ 13,070.74
Yadkin	\$ 1,120.00	\$ 406.12	)65 \$	590.75	\$ 2,116.87	87	1
Yancey	\$ 280.00	\$ 29.97	35 \$	58.25	\$ 368.22	22	-
Total	\$ 11,886,380.00	\$ 63,435.02	\$ 125,184.75		\$ 12,074,999.77	_	\$ 385,793.81

## SMCP Fund Analysis for Fiscal Year 2012-13

Funds Collected by the SMCP Fund	\$25,206,355.98
NCSA Administrative Costs Paid	-\$2,523,643.64
NCDPS Administrative Costs Paid	-\$252,063.57
County Reimbursements Paid	-\$12,074,999.77
Medical Expenses Paid	-\$385,793.81
Funds Transferred by the 2012 General Assembly	-\$5,000,000.00
	\$4,969,855.19

\*Housing reimbursements for Camden, Pasquotank, and Perquimans are paid to the Albemarle District Jail on behalf of the respective counties.

## Statewide Misdemeanant Confinement Program Confinement in Response to Violation (CRV) Population For The Fiscal Year (FY) 2012-13

### **Total SMCP**

Month	Adult Males	Adult Females	Youth Males	Youth Females	Inmates
July	2	1	0	0	3
August	2	0	0	0	2
September	2	1	0	0	3
October	1	1	0	0	2
November	8	2	0	0	10
December	4	2	0	0	6
January	8	0	0	0	8
February	9	4	0	0	13
March	11	2	0	0	13
April	13	4	0	0	17
May	13	5	0	0	18
June	12	2	0	0	14
Total	85	24	0	0	109

FY High	13	5	0	0	18
FY Low	1	0	0	0	1
FY Average	7	2	0	0	9