# Statewide Misdemeanant Confinement Program Annual Report 

Fiscal Year 2021-2022

## North Carolina Sheriffs' Association




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

Fiscal Year 2021-2022

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 misdemeanant 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 ensuring that the program continues to evolve to meet all current needs as well as be prepared to respond to future demands.

The SMCP manages the housing of state inmates in a local confinement facility convicted of a misdemeanor crime who are serving a sentence for a period of more than 90 days. The SMCP also manages the housing of state inmates convicted of a Driving While Impaired (DWI) offense regardless of sentence length. All 100 counties and sheriffs are participants in the Statewide Misdemeanant Confinement Program. The program refers to all counties as "sending" counties. 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, 2022, there were 68 counties across the state that volunteered to be "receiving" counties. Due to COVID-19 and related staffing issues, 31 of those 68 receiving counties have requested a moratorium on the assignment of additional inmates from other counties to their facilities. This reduction has not created an insurmountable impact on SMCP operations. NCSA staff anticipate that these counties will begin to accept SMCP inmates at their previous levels after the pandemic has passed. Attachment A shows those counties that have volunteered available space to house inmates under this program. The county map differentiates between receiving counties, sending only counties, and receiving counties with a moratorium.

The total capacity of counties requesting a moratorium on receiving new inmates is 490 beds: 352 male, 138 female. Of these beds, 182 were occupied as of June 30, 2022: 152 males, 30 females. All inmates assigned to counties before the moratorium will remain in their assigned counties until their sentences are completed.

Total Capacity of Counties Housing SMCP Inmates

|  | Male | Female | Total |
| :--- | ---: | ---: | ---: |
| Occupied Beds: | 669 | 108 | 777 |
| Unoccupied Beds: | 311 | 143 | 454 |
| Total Beds: | 980 | 251 | 1,231 |

* as of June 30, 2022

The SMCP Average Daily Population Report, Attachment B, for the fiscal year ending June 30, 2022, averaged 774 inmates per day.

The Total Inmates Entered Report, Attachment C, shows that the SMCP staff entered 2,254 inmates into the program: 1,883 males and 371 females.

A subgroup of SMCP inmates is in the program serving a Confinement in Response to Violation (CRV) sentence imposed as a result of a probation violation, not including absconding or commission of a new crime. A CRV sentence may be up to 90 days and probationers must receive two CRVs before probation can be revoked. From July 1, 2021 through June 30, 2022, the SMCP received 81 CRV inmates. The program's CRV population accounted for $3.6 \%$ of the inmates processed through the program from July 2021 through June 2022. Attachment D, CRV Population Report, shows the monthly CRV population during the fiscal year.

Effective January 1, 2015, defendants convicted of misdemeanor DWI offenses began serving their active sentence in the SMCP regardless of sentence length. From July 1, 2021 through June 30, 2022, the SMCP received 824 DWI inmates. The program's DWI population accounted for $36.6 \%$ of the inmates processed through the program from July 2021 through June 2022. Attachment E, DWI Population Report, displays the monthly DWI population during the fiscal year.

The average SMCP sentence length for sentences imposed between July 1, 2021 and June 30, 2022 was 230 days. However, credits awarded on these sentences may have resulted in the number of actual days served in confinement within the SMCP program to be shorter.

The SMCP is funded by a General Assembly appropriation from the General Fund to the Statewide Misdemeanant Confinement Fund. The appropriation for fiscal year 2021-2022 was $\$ 22,275,000$. Throughout the fiscal year, the Fund disbursed over $\$ 11.8$ million to counties for reimbursement of expenses incurred from July 2021 through June 2022. In addition, the Fund disbursed payments totaling $\$ 1$ million to the NCSA and $\$ 225,000$ to the North Carolina Department of Public Safety (DPS) for administrative costs during the fiscal year

The following chart provides the Appropriation Over Expenses of the Statewide Misdemeanant Confinement Fund for Fiscal Year 2021-22. Attachment F, Reimbursement Summary, details the itemized payments made to each county.

FY 2021-2022 General Fund Appropriation
FY 2021-2022 County Reimbursements Paid
FY 2021-2022 Medical Payments Paid
FY 2021-2022 Safekeeper Payments to DPS
FY 2021-2022 NCSA Administrative Costs
FY 2021-2022 DPS Administrative Costs
FY 2021-2022 Appropriation Over Expenses
\$ 22,275,000.00
\$ $(11,823,682.35)$
\$ $(757,032.90)$
\$ $(17,088.55)$
\$(1,000,000.00)
$\$(225,000.00)$
\$8,452,196.20

Roadway Cleanup Program Expenses - FY 2021-2022

FY 2021-2022 Roadway Cleanup Appropriation
FY 2021-2022 Roadway Cleanup Reimbursements Paid
FY 2021-2022 Roadway Cleanup Appropriation Over Exenses
\$ 1,000,000.00
\$ $(146,040.00)$
\$ 853.960.00

Medical costs for the program remain an unpredictable variable. In-jail medical services provided to program inmates are paid by the counties as a part of the $\$ 40$ per day paid to 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 housed in county jails. 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 several 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, 2022, the Fund disbursed payments totaling $\$ 757,032.90$ for out-of-jail or out-of-prison medical care provided to program inmates; $\$ 287,327.92$ was dispersed for inmates housed in county jails and $\$ 469,704.98$ for those housed in the DPS Division of Prisons. NCSA's Inmate Medical Costs Management Plan is being used successfully by participating counties for inmates housed in county jails and has resulted in an average savings of $50 \%$ off the original medical billing. Effective July 1, 2020, G.S. § 14819.3 was amended to clarify that all medical invoices for health care services provided to SMCP inmates housed in prisons are to be submitted by the out-of-prison health care provider (i.e. external hospital or doctor) directly to the Inmate Medical Costs Management Plan through the North Carolina Sheriffs' Association. This change resulted in a savings of $\$ 2.6$ million on invoices submitted by DPS for FY 2021-2022.

Upon notification from DPS, the NCSA is required to withhold SMCP reimbursements due to any county that owes DPS that are 120 days or more past due for county "safekeeper" inmates housed in prison pursuant to G.S. § 148-10.4(f). For the fiscal year ending June 30, 2022, the Fund withheld a total of $\$ 17,088.55$ from the counties and forwarded these funds to DPS as payment on these overdue "safekeeper" reimbursements.

For the fiscal year ending June 30, 2022, the Roadway Cleanup Program Reimbursement was $\$ 146,040.00$ for participating counties that utilized SMCP road cleaning crews. Section 19C.10(c) of the 2021 Budget Bill-Senate Bill 105, Session Law 2021-180, states
any sheriff of an SMCP receiving county, while utilizing SMCP inmates to perform 500 or more work hours of roadway cleanup in one calendar month, is entitled to be reimbursed at an increased rate. This increased rate is $\$ 60$ per day, instead of $\$ 40$ per day, for each SMCP inmate housed during that month, including for those SMCP inmates not participating in roadway cleanup. A "work hour" under the Roadway Cleanup Program includes time spent traveling to and from the work site. Any break time taken during the roadway cleanup is also included. Four counties attempted to meet the 500 hour threshold, but only three counties were successful at meeting 500 hours. Attachment G, Roadway Cleanup Summary, details the number of hours worked and of road miles worked for each participating county.

A survey was submitted to sheriff offices around the state asking about the interest level in participating with the Roadway Cleanup Program and the obstacles those sheriff offices face in being able to participate in the program. Out of the responses that the Association received, 93\% of respondents replied that staffing shortages were the reason for nonparticipation. The Association anticipates that as more jails return to pre-COVID staffing levels that participation in the Roadway Cleanup Program will increase.

The NCSA conducts annual training on the SMCP 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 North Carolina Sheriffs' Association the opportunity to present updated information to sheriffs' office personnel, Clerk of Court staff, DPS staff, etc.

The SMCP relies on cooperation between all counties since an inmate may be "sent" or "received" from any county. The NCSA staff conducted the 2021 SMCP annual training classes, totaling 171 participants, as follows:

- September 14, 2021 in Haywood County
- September 15, 2021 in Catawba County
- September 23, 2021 in Pitt County
- September 24, 2021 in Duplin County
- September 29, 2021 in Wake County

The SMCP's 5-hour annual training classes provide all attendees with the following resources containing program information:

- A SMCP step-by-step training guide
- A detailed training course PowerPoint presentation
- A copy of the Department of Public Safety Division of Prisons Sentence Credits Policy and Procedure
- Copies of Administrative Office of the Courts forms routinely required by the Statewide Misdemeanant Confinement Program
- A SMCP Quick Reference Guide

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 and Juvenile Justice
(DACJJ). This includes locating space in an appropriate county jail for an inmate who must complete a misdemeanor sentence that exceeds the time in custody with the DACJJ or coordinating with the DACJJ to house an SMCP inmate who meets the legal requirements to be housed in a state operated facility.

In addition to processing inmates, the program staff is also responsible for answering program questions from sheriffs' offices, clerks of court staff, judges, probation officers and county finance personnel. Program staff are responsible for planning and creating course materials for the annual SMCP training classes, reviewing, and testing database software changes, budget management, and the development of regular and ad-hoc statistical reports and analysis.

Audits of program financial records are performed monthly. Both electronic and hard copy records are reviewed, and operational policies are 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.

The SMCP is now in its tenth year of operation. The NCSA 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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ecaldwell@ncsheriffs.net
SMCP County Status Map

|  | Receiving County $=37$ |
| :--- | :--- |
|  | Sending Only County = 32 |
|  | Receiving County With Temporary Moratorium = 31 |

October 1, 2022
Last Updated: 06/30/2022

| Month | Adult Males | Adult Females | Total Inmates |
| :---: | :---: | :---: | :---: |
| July | 611 | 102 | 713 |
| August | 655 | 114 | 769 |
| September | 658 | 109 | 767 |
| October | 694 | 111 | 805 |
| November | 712 | 111 | 823 |
| December | 693 | 106 | 799 |
| January | 642 | 104 | 746 |
| February | 627 | 111 | 738 |
| March | 656 | 117 | 773 |
| April | 670 | 117 | 787 |
| May | 679 | 111 | 790 |
| June | 675 | 107 | 782 |


| FY High | 712 | 117 | 823 |
| :---: | :---: | :---: | :---: |
| FY Low | 611 | 102 | 713 |
| FY Average | 664 | 110 | 774 |

Fiscal Year 2021-2022

| Month | Adult Males | Adult Females | Total Inmates <br> Entered |
| :---: | :---: | :---: | :---: |
| July | 178 | 38 | 216 |
| August | 178 | 23 | 201 |
| September | 182 | 35 | 217 |
| October | 170 | 28 | 198 |
| November | 146 | 34 | 180 |
| December | 128 | 24 | 152 |
| January | 133 | 32 | 165 |
| February | 158 | 36 | 194 |
| March | 164 | 41 | 205 |
| April | 141 | 25 | 166 |
| May | 155 | 25 | 180 |
| June | 150 | 30 | 180 |


| Total | 1883 | 371 | 2254 |
| :---: | :---: | :---: | :---: |


| FY High | 182 | 41 | 217 |
| :---: | :---: | :---: | :---: |
| FY Low | 128 | 23 | 152 |
| FY Average | 157 | 31 | 188 |


| Month | Adult Males | Adult Females | Total CRV's <br> Entered |
| :---: | :---: | :---: | :---: |
| July | 2 | 3 | 5 |
| August | 2 | 1 | 3 |
| September | 7 | 0 | 7 |
| October | 7 | 2 | 9 |
| November | 6 | 3 | 9 |
| December | 3 | 1 | 4 |
| January | 6 | 3 | 9 |
| February | 6 | 2 | 8 |
| March | 5 | 1 | 6 |
| April | 5 | 1 | 6 |
| May | 3 | 4 | 7 |
| June | 6 | 2 | 8 |


| Total | 58 | 23 | 81 |
| :---: | :---: | :---: | :---: |


| FY High | 7 | 4 | 9 |
| :---: | :---: | :---: | :---: |
| FY Low | 2 | 0 | 3 |
| FY Average | 5 | 2 | 7 |


| Month | Adult Males | Adult Females | Total DWI's <br> Entered |
| :---: | :---: | :---: | :---: |
| July | 36 | 12 | 48 |
| August | 61 | 12 | 73 |
| September | 59 | 13 | 72 |
| October | 53 | 9 | 62 |
| November | 65 | 12 | 77 |
| December | 51 | 8 | 59 |
| January | 50 | 10 | 60 |
| February | 56 | 17 | 73 |
| March | 70 | 19 | 89 |
| April | 54 | 11 | 65 |
| May | 56 | 13 | 69 |
| June | 65 | 12 | 77 |


| Total | 676 | 148 | 824 |
| :---: | :---: | :---: | :---: |


| FY High | 70 | 19 | 89 |
| :---: | :---: | :---: | :---: |
| FY Low | 36 | 8 | 48 |
| FY Average | 56 | 12 | 69 |

Statewide Misdemeanant Confinement Program Reimbursement Summary



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| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
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Reimbursement Summary
Fiscal Year 2021-2022

| Roadway |
| :--- |
| Cleanup |
| Program |


Statewide Misdemeanant Confinement Program




Statewide Misdemeanant Confinement Program Reimbursement Summary


[^0]Fiscal Year 2021-2022
Number of Hours Worked by Month

| County | January | February | March | April | May | June | Total by <br> County |
| :--- | ---: | ---: | ---: | ---: | ---: | ---: | ---: |
| Bladen | 180.00 | 501.00 | 814.00 | 569.50 | 654.50 | $1,071.00$ | $3,790.00$ |
| Iredell | 0.00 | 0.00 | 0.00 | 376.00 | 257.00 | 0.00 | 633.00 |
| Northampton | 0.00 | 0.00 | 0.00 | 0.00 | 519.00 | 504.00 | $1,023.00$ |
| Yancey | 0.00 | 0.00 | 0.00 | 0.00 | 522.25 | 502.50 | $1,024.75$ |

Number of Road Miles Worked by Month

| County | January | February | March | April | May | June | Total by <br> County |
| :--- | ---: | ---: | ---: | ---: | ---: | ---: | ---: |
| Bladen | 20.60 | 72.00 | 105.00 | 53.00 | 74.00 | 77.70 | 402.30 |
| Iredell | 0.00 | 0.00 | 0.00 | 72.40 | 58.20 | 0.00 | 130.60 |
| Northampton | 0.00 | 0.00 | 0.00 | 0.00 | 96.00 | 85.00 | 181.00 |
| Yancey | 0.00 | 0.00 | 0.00 | 0.00 | 72.50 | 129.00 | 201.50 |

*Funding for the Roadway Cleanup Program has been allocated by the North Carolina General Assembly through enactment of Session Law 2021-180. Due to COVID related staffing shortages and winter conditions, no counties used the program until January 2022.


[^0]:    * County is a participant in Albemarle District Jail
    ** County is a participant in Bertie-Martin Regional Jail

