
Implementation Plan for the Statewide Misdemeanant Confinement Program

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North Carolina Sheriffs' Association



Report to the North Carolina General Assembly

Joint Legislative Oversight Committee on Justice & Public Safety

(formerly Joint Legislative Corrections, Crime Control and Juvenile Justice Oversight Committee)



NORTH CAROLINA SHERIFFS' ASSOCIATION

Implementation Plan for the Statewide Misdemeanant Confinement Program

Legislation and Program History

During the 2011 session of the General Assembly, Democrats, Republicans, Governor Bev Perdue and criminal justice and law enforcement professionals from across the state supported House Bill 642, Justice Reinvestment Act. The bill's primary goals are to reduce the state's annual spending on corrections and reinvest available funds in strategies to increase public safety.

The Justice Reinvestment Act was sponsored by Representative David Guice, Transylvania County, Representative John Faircloth, Guilford County, Representative Alice Bordsen, Alamance County and Representative Earline Parmon, Forsyth County. As a former Chief Probation/Parole Officer, Representative Guice is keenly aware of the needs of the state's criminal justice system and effective strategies to increase public safety. In addition to implementing new offender post-release and probation supervision strategies, the Justice Reinvestment Act created new sentencing guidelines for repeat breaking-and-entering offenders and first-time felony drug possession offenders.

The North Carolina Sheriffs' Association (NCSA) agreed to provide a critical role in a new program designed to reduce costs and use existing jail beds to house certain misdemeanants. The Statewide Misdemeanant Confinement Program (SMCP) will enable people convicted of a misdemeanor crime and sentenced from 91 to 180 days to serve their sentence in a local jail. Under the current law, people convicted for a misdemeanor crime and sentenced to 91 to 180 days serve their sentence in a Department of Correction prison. Effective January 1, 2012, the new program will use available beds in county jails across the state to house misdemeanants sentenced to 91 to 180 days and reduce the cost to taxpayers to fund and operate state prisons. Instead of having unused beds in the county jail, sheriffs' offices will now be able to accept inmates from the SMCP and be reimbursed by the state for costs to house inmates in the program.

Project Outreach Activities

Since the bill was passed and signed into law by the Governor, the NCSA has been working with sheriffs, government agencies, and other Justice Reinvestment Act stakeholder groups to provide information and receive input on the proposed operation of the SMCP. NCSA staff assigned to work on the planning and implementation strategies for the SMCP have conducted or are scheduled to conduct the following information sessions and planning activities:

NCSA SMCP Planning and Outreach Activities

Date	Number of Attendees	Attendee Type*	Location	What was covered
July 20, 2011	135	Sheriffs, Chief Deputies, Jail Administrators, Finance Managers	Raleigh	<ul style="list-style-type: none"> - Justice Reinvestment Act - Statewide Misdemeanant Confinement Program Discussion on: <ul style="list-style-type: none"> - Daily Rate - Transportation - Medical Care - Operational Issues
July 27, 2011	50	Sheriffs and Sheriffs' Personnel	New Bern	<ul style="list-style-type: none"> - Justice Reinvestment Act - Statewide Misdemeanant Confinement Program
August 2, 2011	19	DOC, NCGA, CSG, AOC, SOG, DAs, NCACC	Raleigh	<ul style="list-style-type: none"> - Jail Capacity - Inter-agency collaboration - Training - "Quick-Dip"
August 2, 2011	16	DOC, CSG, AOC, SOG, NCGA	Raleigh	<ul style="list-style-type: none"> - Review of potential technical corrections to the legislation
August 4, 2011	7	Department of Correction	Raleigh	<ul style="list-style-type: none"> - Transportation - Inmate processing - Medical Care and coverage - Records - Audit
August 11, 2011	9	Department of Correction	Raleigh	<ul style="list-style-type: none"> - OPUS - DOC county payment system - Medical Care - Transportation - SMCP funds
August 16-17, 2011	12	Jail Administrators and Finance Managers	Concord	<ul style="list-style-type: none"> - Review questions from July 20 meeting - Daily Rate - Transportation - Jail Survey - Medical Care
August 18, 2011	10	NC Assn. of County Commissioners Justice and Public Safety Sub-Committee	Concord	<ul style="list-style-type: none"> - Justice Reinvestment Act - Statewide Misdemeanant Confinement Program
August 31, 2011	20	Blue Ridge Law Enforcement Officers' Association	Hickory	<ul style="list-style-type: none"> - Justice Reinvestment Act - Statewide Misdemeanant Confinement Program
September 28, 2011	250	NC Jail Administrators' Annual Conference	Greensboro	<ul style="list-style-type: none"> - Justice Reinvestment Act - Statewide Misdemeanant Confinement Program
October 15, 2011	TBA	NC Assn. of County Commissioners Board of Directors	Kitty Hawk	<ul style="list-style-type: none"> - Justice Reinvestment Act - Statewide Misdemeanant Confinement Program

Date	Number of Attendees	Attendee Type*	Location	What was covered
November 2, 2011	100	NC Sheriffs' Assn. Fall Meeting	Asheville	- Justice Reinvestment Act - Statewide Misdemeanant Confinement Program
December and January (Dates TBA)	Various	NC Sheriffs' Assn. Training Classes for Sheriffs' Jail Personnel	Catawba, Duplin, Haywood, Martin, and Wake County	- Justice Reinvestment Act - Statewide Misdemeanant Confinement Program

*** Key:**

Acronym	Agency/ Organization
AOC	Administrative Office of the Courts
DAs	North Carolina Conference of District Attorneys
CSG	Council of State Governments
DOC	Department of Correction
JPS	Justice and Public Safety
NCGA	North Carolina General Assembly
NCACC	North Carolina Association of County Commissioners
SOG	The University of North Carolina at Chapel Hill School of Government

The Association is scheduled to provide presentations and training classes at several conferences and meetings through the end of this calendar year. The NCSA expects to continue Justice Reinvestment Act and SMCP training and informational sessions through at least June 2012.

In September of this year, the North Carolina Sheriffs' Association began collaborating with government agencies and stakeholder organizations as a part of the Justice Reinvestment Work Group and Core Implementation teams organized by the Department of Correction and the Administrative Office of the Courts to coordinate the statewide implementation of the Act.

Program Operation

The North Carolina Sheriffs' Association (NCSA) has worked diligently to develop a statewide program. The Association has received valuable input from sheriffs, jail administrators and related personnel, state associations and government agencies in developing a program that will be effective and operate efficiently. The NCSA is in the final stages of developing the internal workflow and operating procedures for the Statewide Misdemeanant Confinement Program (SMCP).

The NCSA has reviewed several software options for developing a system to maintain the data and records for the Statewide Misdemeanant Confinement Program. The NCSA also met with the DOC's Chief Information Officer and members of the Department's information

technology programming section to assess the DOC's ability to develop a new system or scaled-down version of the DOC's Offender Population Unified System (OPUS). Due to the complexity of the OPUS system, the DOC programmers determined a scaled down version would not be an option to use with the SMCP. The option of using commercial-off-the-shelf (COTS) inventory management or property management software application was also explored. The programming experts determined any COTS product would require project-specific modifications and that using the product would be both expensive and time consuming.

The Association has identified a software vendor to support the program's data management and is working with the DOC and AOC to have the SMCP fully operational on January 1, 2012. Software requirements have been finalized and the vendor is in the development phase. The test version of the computer program will be made available on December 1, 2011 and will be used during a pilot program. Through the deployment of this pilot program, the Association and vendor will be able to address any potential system defects or operational procedures.

The Justice Reinvestment Act provides that the program may be initiated in some counties prior to January 1, 2012. Several counties have offered to be pilot program counties. We are preparing to use 3 or 4 pilot counties during the month of December for testing the software program and operation procedures.

In September, the Association began hiring additional staff dedicated to the daily operation of the SMCP. Additional staff members will be hired in October, November and December. The Association is installing additional computer system hardware as well as T1 data lines, workstations, and equipment to fully outfit the SMCP program office. The new staff will be trained on the program and related policies in preparation for the December test pilot counties.

The NCSA will provide regional training throughout the state. The training curriculum is under development and will be finalized in mid-November. The NCSA is working with sheriffs and statewide associations such as the North Carolina Jail Administrators' Association and the North Carolina Association of County Commissioners to ensure the training for this program meets the needs of all attendees. The expectation is that some attendees will be detention officers and others may be county or sheriffs' office finance personnel responsible for processing housing, medical, and transportation reimbursements.

Tentative statewide training dates and locations are as follows:

November 29, 2011	Duplin County
December 5, 2011	Martin County
December 13, 2011	Haywood County
December 14, 2011	Catawba County
December 20, 2011	Wake County

Program Participation

The new law requires that all misdemeanants sentenced to 91 to 180 days serve their sentence in a local confinement facility. By default, all sheriffs will send eligible misdemeanants

to the SMCP; however, all may not volunteer to receive and house inmates in their facility. Although not every sheriff has room to house the additional inmates in their jail, numerous sheriffs have expressed an interest in housing inmates assigned to the program.

Interagency Collaboration

Collaboration is a key factor to the success of the Justice Reinvestment Act and the Statewide Misdemeanant Confinement Program. Several government agencies and statewide associations must work together as the State seeks to reform and reinvest in the criminal justice system. The North Carolina Sheriffs' Association along with the North Carolina General Assembly (members and staff), Department of Correction (DOC), Administrative Office of the Courts (AOC), The University of North Carolina at Chapel Hill School of Government (SOG), the North Carolina Association of County Commissioners (NCACC), and the North Carolina Conference of District Attorneys (DAs) have affirmed their position to support the Justice Reinvestment Act and the Statewide Misdemeanant Confinement Program and to develop the necessary training programs for their respective groups.

The North Carolina Sheriffs' Association is working with sheriffs and their command staff to prepare the local jails for the SMCP as well as new probation/parole temporary confinement programs outlined in the Justice Reinvestment Act to be used by DOC. The Administrative Office of the Courts will be convening their forms work groups in late October to draft the necessary revisions to AOC forms impacted by the new legislation and program. The SOG is developing a training program for judges and clerks to define the new sentencing policies and procedures. There is a joint effort by all agencies to make Justice Reinvestment a success and a national model.

Jail Bed Space Capacity Estimates

An essential component to the success of this program is the availability of beds in county jails. While every sheriff's office will be sending inmates to the program, all are not able to receive inmates and provide bed space in their local jail. To obtain accurate figures on the number of available beds in county jails, the NCSA will conduct a statewide survey of the state's county jails.

On site surveys are essential in determining an accurate count of the available beds in county jails. There are many factors in determining the actual number of "open" jail beds. For example, some "open" beds are reserved for inmates with physical needs or who require segregation from other inmates. While the bed is technically "open," jails cannot provide that "bed" to the program and must keep the bed available for its intended purpose.

Based on statistics provided by the Department of Correction (DOC), on average there are approximately 1,500 misdemeanants serving 91 to 180 day sentences on any given day. The CSG also estimates that changes in the law will eventually reduce the number of 91 to 180 day misdemeanants on active sentences to approximately 1,200 on a daily basis. It remains to be seen if this reduction in inmate population will be achieved by the Justice Reinvestment Act. The Statewide Misdemeanant Confinement Program is planning to establish a bed space capacity of at least 1,500 beds available to the program daily. After meeting with sheriffs from across the state, the NCSA is confident that number will be met and exceeded. The SMCP has received commitments from some sheriffs to house as many as 200 inmates at their jail as a part of this program.

It is important to note that the SMCP will not need 1,500 beds on the first day of operation. Inmates currently serving sentences of 91 to 180 days will remain in the custody of the Department of Correction. It is expected to take approximately 5 months of full operation to reach 1,200 inmates in the program. During that 5-month period, some inmates who came into the program on day 1 will have their sentences completed and new inmates will be entering the system. We do not expect to fill all of the program's available beds during the first 5 months of operation.

A team of jail professionals will be deployed across the state to conduct on site surveys and assessments of jail capacity as well as answer questions regarding the SMCP. The jail capacity survey is scheduled to begin on October 11, 2011 and be completed by October 31, 2011.

Department of Correction Contracts

The DOC and the NCSA are working on a contract agreement between the two organizations that will define the responsibilities and tasks to be managed by the NCSA and the operational procedures to be used by all program participants. As required by the Justice Reinvestment Act, the DOC and the NCSA must sign a contract by November 1, 2011. We are currently on schedule to meet this deadline.

The Department of Correction and the North Carolina Sheriffs' Association are actively working to draft a uniform contract to be used by all counties who desire to participate in the SMCP. Each county will sign a contract with the DOC which outlines the details of the program including the number of beds the county will make available to the SMCP, the daily rate for housing an inmate, the rates for medical and transportation reimbursements and invoice and billing procedures.

Statewide Misdemeanant Confinement Fund

The Administrative Office of the Courts (AOC) confirmed that the Statewide Misdemeanant Confinement Fund began receiving deposits on August 1, 2011. The NCSA has received from the DOC the initial payment required by the Justice Reinvestment Act to begin planning and developing the SMCP. The NCSA and the DOC have discussed operating procedures for invoicing and payment disbursements from the SMCP Fund. The NCSA and the DOC will finalize the payment and invoicing policy to be included in the contract between the two organizations.

This report is provided to the Committee in accordance with Part VII, Section 7.(i) of the Justice Reinvestment Act, enacted by House Bill 642, as Session Law 2011-192.

For Additional Information

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

