



NORTH CAROLINA SHERIFFS' ASSOCIATION LAW ENFORCEMENT OFFICERS AND STATE OFFICIALS OF NORTH CAROLINA

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To: House Select Committee on COVID-19
Continuity of State Operations Working Group

From: Eddie Caldwell
Executive Vice President and General Counsel
North Carolina Sheriffs' Association

Date: April 7, 2020

Re: COVID-19 and Sheriffs' Offices and Jails

Thank you for the opportunity to provide information on the impact of COVID-19 and the response from sheriffs, sheriffs' office personnel and the North Carolina Sheriffs' Association to the pandemic.

COVID-19 cases involving sheriffs' office personnel or jail inmates:

We all mourn the passing of Montgomery County Sheriff's Office Deputy Sypraseuth "Bud" Phouangphrachanh who died from COVID-19 recently. His death is a tremendous loss to his family, his sheriff's office, his community, the entire criminal justice system and our State. As stated by Montgomery County Sheriff Chris Watkins: "He was known for his big smile, sense of humor and laughter." While there has been no reported connection between his COVID-19 infection and his job duties, the possibility of that connection will no doubt be explored further.

In a survey on April 4, 2020 responded to by about 2/3 of the sheriffs, there were:

- No reports of any jail inmates with a positive diagnosis for COVID-19.
- A total of five deputies or detention officers reported as having tested positive for COVID-19.
- A total of 18 sheriffs' office personnel who had been quarantined as a precaution.

The North Carolina Sheriffs' Association, in conjunction with the North Carolina Association of Chiefs of Police, respectfully requests that this Continuity of State Operations Working Group, when appropriate, evaluate the issue of worker's compensation coverage and line of duty death benefits for any law enforcement officer or first responder who contracts COVID-19 due to exposure on the job, including consideration of a rebuttable presumption that the illness is job related for the law enforcement officer or first responder who falls ill from COVID-19.



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

Need for More Personal Protective Equipment (PPE):

Most (perhaps all) sheriffs' offices continue to have a dire need for sufficient quantities of Personal Protective Equipment (PPE) for their personnel and for the inmates in the county jail. Additionally, prices are higher than normal for the PPE that is available.

Cooperation with the NC Division of Prisons:

The Association was contacted at the end of last week by Commissioner of Prisons Todd Ishee to discuss a potential 14-day suspension of intake and transportation of inmates for DPS prisons.

Prior to the COVID-19 pandemic, many jails experienced overcrowding, some of which was caused by a backlog in the county jails of approximately 850 inmates that had been sentenced to prison but were (and remain) awaiting DPS transportation. Since the COVID-19 pandemic began, the head count in most jails has gone down significantly. This is due to several factors discussed below. In an April 4 survey, to which about 2/3 of the sheriffs responded, no sheriff indicated that the jail backlog was currently causing severe overcrowding in their jail.

To support the Division of Prisons in their efforts to prevent a COVID-19 outbreak in the State prison system, the Executive Committee of the Association unanimously voted as follows:

“The North Carolina Sheriffs' Association SUPPORTS the Division of Prisons decision to lock down the prisons for 14 days, and during that time to not receive the transfer from county jails of any prisoners sentenced to the Division of Prisons, in order to assist the Division of Prisons in managing the COVID-19 pandemic.”

The Association's position was communicated on April 5, 2020 to Todd Ishee, Commissioner of Prisons, via letter, a copy of which is attached to this report.

Association support to the sheriffs and other criminal justice professionals:

The Association is distributing updates with critical COVID-19 related information to all sheriffs and their command staff, as well as to other criminal justice professionals. The current distribution list has 1,865 recipients, many of whom are forwarding the Association emails to other personnel in the criminal justice system.

In addition, the Association staff is answering numerous telephone calls each day from sheriffs, sheriffs' office personnel, police chiefs and their personnel, judges, legislators, attorneys, news media and State agency officials.

To date, 26 critical COVID-19 updates have been published, all of which are readily available on the Association's website at: www.ncsheriffs.org.

Statewide Misdemeanant Confinement Program (SMCP):

Since the onset of the COVID-19 pandemic, the entire Association staff has been working remotely. Nevertheless, all functions related to the Statewide Misdemeanant Confinement Program have been maintained at pre-pandemic levels without any interruption or reduction in service. Details are provided in the SMCP April 3, 2020 report that is attached to this memo.

Actions taken by sheriffs' office personnel in local jails and detention centers regarding COVID – 19:

While each jail and detention center are different, and their procedures to deal with COVID-19 are slightly different, a sampling of 12 facilities confirmed that the procedures being followed in those facilities that were surveyed is relatively consistent among all facilities.

Typical procedures being followed are as follows:

- In-person visitation with inmates is no longer allowed. Where technologically feasible, video visitation is allowed. In some cases, inmates have been provided with additional telephone calling privileges at no charge.
- Vendors, volunteers and other non-essential staff are not allowed in the facility.
- Activities that require participation by outside participants such as mentoring, ministry and other programs have been suspended.
- All persons entering the facility are subject to temperature checks, including sheriffs' office personnel, inmates and others. Any personnel with a temperature over 100.4 (per CDC advice) are asked to self-quarantine, or are relieved of duty, until asymptomatic.
- Personnel showing other symptoms consistent with COVID-19 are proactively encouraged to stay home.
- Newly-admitted inmates (and the arresting officers) are checked for fever over 100.4 and other COVID-19 symptoms at the time of intake. If a fever is noted, the inmate is quarantined for 96 asymptomatic hours before admission to the general jail population.
- If arrestees are symptomatic on intake, the arresting officers must take the inmates for medical clearance before admission to the facility.
- Symptomatic inmates already admitted to the facility are placed in a negative pressure ventilation cell rated to control TB exposure for medical monitoring until treatment outside the facility is otherwise warranted.
- Inmates are educated on an on-going basis about efforts to control spread of the virus, social distancing, cleaning, etc.
- Hand sanitizer and other cleaning supplies are available to inmates and officers throughout the facility on an on-going basis, and all inmates and staff are encouraged to clean their area as thoroughly as possible.
- Soap, shampoo, shaving supplies, and toilet paper are available to inmates upon request.
- Medical staff is either on the premises 24 hours a day or on the premises a portion of the day and available on call 24/7/365.

- Jail populations have been reduced in most all jails due to a variety of factors to include: analysis of current inmates for release with cooperation between the sheriff, district attorney and judges; cooperation with all area law enforcement agencies to encourage citation in lieu of arrest where appropriate; a reduction in the crime rate during the pandemic; and other factors.
- Criminal defendants assigned to serve weekend sentences have had those sentences deferred by cooperation between the sheriff, local judges and the district attorney.
- Sheriffs' office personnel and inmates are both provided with appropriate educational materials regarding best practices for avoiding COVID-19.

Follow-up:

As always, if any additional information is needed, please do not hesitate to contact me at ecaldwell@ncsheriffs.net or 919-459-1052.



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Hoke County

April 5, 2020

Todd E. Ishee
Commissioner of Prisons
NC Department of Public Safety
Via Email to: todd.ishee@ncdps.gov
Raleigh, North Carolina

Dear Todd,

Yesterday, the Executive Committee of the Association voted unanimously as follows:

"The North Carolina Sheriffs' Association SUPPORTS the Division of Prisons decision to lock down the prisons for 14 days, and during that time to not receive the transfer from county jails of any prisoners sentenced to the Division of Prisons, in order to assist the Division of Prisons in managing the COVID-19 pandemic."

You are welcome to share the statement above from the Association with others as you deem appropriate, if any.

Because of the closure of the courts, and recent efforts to reduce the population of county jails, none of the sheriffs who responded to the Association's survey yesterday indicated that the jail backlog was currently causing severe overcrowding in their jail.

Therefore, the sheriffs feel that it is better to leave the jail backlog inmates in the county jails for the 14-day lock down period. Then, the Division of Prisons will be expected to have the jail backlog inmates in the county jails transferred to the Division of Prisons in an orderly manner after the 14-day period ends and as jail populations began to increase upon the passage of the COVID-19 pandemic.

However, as you know, the jail backlog was causing a significant problem for some sheriffs prior to the COVID-19 pandemic and the sheriffs are expecting the Division of Prisons to resolve that situation as the COVID-19 pandemic passes.

The sheriffs specifically request that the option to open Southern Correctional Institution, or any other prison facility, remain as an option in the event that any county jail or jails need to evacuate inmates as a result of the COVID-19 virus.



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The sheriffs greatly appreciate the cooperative working relationship with the leadership and front-line personnel of the Division of Prisons and look forward to that relationship continuing.

As always, if you have any questions for me or need any additional information, please do not hesitate to call me on my mobile telephone at 919-810-6333.

Sincerely,

A handwritten signature in black ink that reads "Eddie Caldwell". The signature is written in a cursive, flowing style.

Edmond W. Caldwell, Jr.
Executive Vice President and General Counsel
North Carolina Sheriffs' Association

Statewide Misdemeanant Confinement Program COVID-19 Status Report

North Carolina Sheriffs' Association



April 3, 2020



NORTH CAROLINA SHERIFFS' ASSOCIATION
Statewide Misdemeanant Confinement Program
COVID-19 Status Report
April 3, 2020

The Statewide Misdemeanant Confinement Program (SMCP) manages the housing, transportation and medical expenses of state inmates housed in a local jail who have been convicted of a misdemeanor crime with a sentence of 91 days or more and those convicted of a misdemeanor Driving While Impaired (DWI) offense. The North Carolina Sheriffs' Association (NCSA) provides a critical role in managing the day-to-day operations of the program.

NCSA staff began teleworking on March 17th, 2020 due to the COVID-19 pandemic. While our operations have transitioned to remote locations, standard operating procedures have not been impacted. The NCSA has not encountered any issues which would impair its responsibility to manage SMCP operations.

NCSA staff continues to communicate with the public, sheriffs' offices, and members of the criminal justice community regarding SMCP matters. All communication systems are transferred to corresponding staff, allowing the NCSA to remain available to answer any inquiries. The NCSA continues its ability to respond to all calls, emails, and written communications.

NCSA staff continues to process entries into and releases out of the Statewide Misdemeanant Confinement Program. To date, the NCSA has processed 166 new entries and 202 releases since March 16th, 2020. We project the number of incoming entries to begin diminishing as the number of cases before the North Carolina court system declines and current trials conclude adjudication.

Counties continue to receive reimbursements for housing and transportation cost. The NCSA staff has been able to continue ensuring reimbursements are calculated appropriately through a monthly reconciliation process. All reimbursements for the month of February 2020 were issued on time to counties according to policy on March 31st, 2020. Reconciliation for March 2020 expenses will begin in April, and payment for March expenses are scheduled to be deposited on April 30th, 2020.

Out of jail medical expenses are covered under the NCSA Inmate Medical Costs Management Plan for SMCP inmates housed in county jails. The NCSA is contracted with a medical billing service provider to review medical bills for inaccuracies and negotiate reduced rates for services provided to inmates at medical facilities and doctor's offices across the state. The NCSA Inmate Medical Costs Management Plan is working as normal and remains available to county jails housing SMCP inmates.

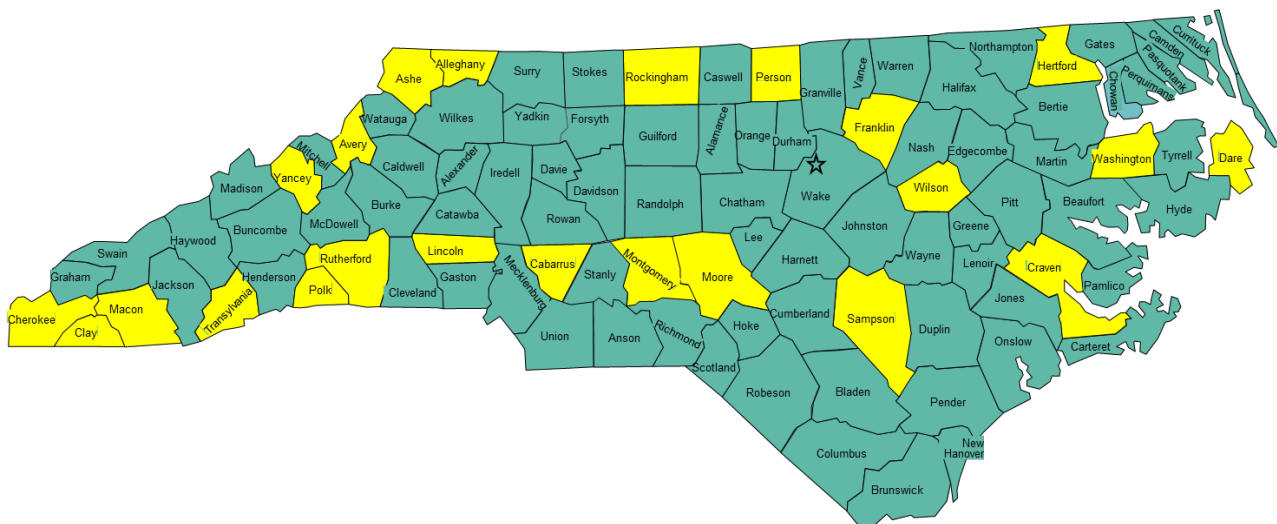
The NCSA will continue to evaluate and manage the operation of the program as we progress through this period of uncertainty. The program staff is constantly looking for ways to evolve and expand the capacity of the program that are mutually acceptable among all stakeholders.

The number of SMCP beds being utilized is trending downward. This is due to the reduction in the number of court cases currently being brought before the court as well as the number of SMCP inmates that are being released based on their completed sentence.

Due to the uncertainty of COVID-19, the NCSA has seen several receiving counties request that they not be assigned any additional SMCP inmates at this time. This has resulted in a decrease of 143 beds available for new SMCP inmates: 104 male beds and 39 female beds.

This reduction has not created any undue impact on SMCP bed availability or created any problems for the operation of the program. We are certain that these counties will begin to accept SMCP inmates at their previous levels after the pandemic has passed. Currently, there are 23 counties that have made this request. 69% of these counties are west of Raleigh NC.

As of April 3, 2020, there are a total of 124 vacant SMCP beds available: 83 male beds and 41 female beds.



- Receiving counties in Yellow have requested that they not be assigned any additional SMCP inmates at this time.

Since March 16th, 2020 NCSA staff has processed 166 new entries into 26 local jails and 202 releases. Ten inmates were transferred to the Division of Adult Correction and Juvenile Justice (DACJJ). Nine inmates were transferred for medical/mental health treatment and one for posing a security risk.

Date	Entries	Releases	Transfer to DACJJ*
3/16/2020	2	13	0
3/17/2020	23	10	0
3/18/2020	28	12	1
3/19/2020	16	14	1
3/20/2020	12	7	0
3/23/2020	18	27	0
3/24/2020	14	6	0
3/25/2020	6	7	1
3/26/2020	5	15	1
3/27/2020	7	6	2
3/30/2020	7	18	1
3/31/2020	9	7	1
4/1/2020	2	26	0
4/2/2020	7	15	1
4/3/2020	10	19	1
Totals	166	202	10

*Transferring a SMCP inmate to DACJJ is outlined under G.S. 148-32.1(b3), which provides that SMCP inmates may be transferred into the custody of the Division of Prisons: (1) to receive medical or mental health care beyond the capabilities of the housing detention center; or (2) to address behavioral concerns that the housing detention center is unequipped to handle.

For additional information, contact:

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