

# Funding, Future Needs, and Policy Recommendations



Joint Legislative Oversight Committee on  
Justice and Public Safety

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March 7, 2024

**North Carolina Sheriffs' Association**

*Proudly Serving the Sheriffs and Citizens of North Carolina since 1922*



# Statewide Misdemeanant Confinement Program (SMCP)

- Overview

- Enacted into law in 2011 as a partnership between the North Carolina Sheriffs' Association (Association) and the North Carolina General Assembly.
- Allows sheriffs to volunteer bed space in their jails to house state inmates who are:
  - misdemeanants sentenced to serve more than 90 days; and
  - defendants convicted of DWI who are given an active sentence of any length.



# Statewide Misdemeanant Confinement Program (SMCP)

- Overview
  - All Felons serve their sentence in a State prison.
  - Misdemeanant inmates sentenced to 90 days or less serve their sentence in the county jail where sentenced, at county expense.



# Statewide Misdemeanant Confinement Program (SMCP)

- Overview

- Previously, State inmates sentenced to 91+ days served their sentence in a State prison.
- Now, to remove misdemeanants from State prisons, State inmates sentenced to 91+ days and all misdemeanor DWIs serve their sentence in county jails that volunteer to house them at State expense via the SMCP.



# Statewide Misdemeanant Confinement Program (SMCP)

- Overview

- Counties can be identified as “sending” and “receiving” counties.
  - All 100 counties are “sending” counties.
  - Currently 68 counties volunteer to be “receiving” counties.
  - Receiving counties can change their status at any time.



# Statewide Misdemeanant Confinement Program (SMCP)

- Benefits of SMCP
  - Has kept misdemeanants in county jails
    - rather than housed with felons in State prisons; and
    - closer to home, family, and support networks.



# Statewide Misdemeanant Confinement Program (SMCP)

- Benefits of SMCP
  - Monthly and annual reports on the program are sent by the Association to the North Carolina General Assembly.
  - Substantial costs savings (**\$226M** from 2012-2022) to the State for housing and medical expenses of misdemeanants.



# Statewide Misdemeanant Confinement Program (SMCP)

- Administration and Training
  - The Association administers SMCP by:
    - Coordinating the jail to which an inmate is assigned based on available bedspace;
    - Organizing inmate transportation to and from jails;
    - Ensuring payments are made to medical care providers for out-of-jail medical expenses of SMCP inmates;





# Statewide Misdemeanant Confinement Program (SMCP)

- Administration and Training
  - Ensuring monthly housing reimbursements are made to counties; and
  - Completing monthly and annual reports for the sheriffs, counties, DAC, Sentencing and Policy Advisory Commission, and legislative committees.



# Statewide Misdemeanant Confinement Program (SMCP)

- Administration and Training
  - Annual Training Classes
    - The Association conducts 5 training classes per year across the State
      - Staff from receiving counties are required to attend or lose status as a receiving county.
  - To date, the Association has trained over 2,700 sheriffs' office personnel and others.



# Statewide Misdemeanant Confinement Program (SMCP)

- Funding

- SMCP is funded by the General Assembly each fiscal year of the biennium with a \$22.5M operating budget maintained and accessible only by DAC.
- SMCP funds pay for housing, transportation and supervision of program inmates, as well as out-of-jail medical expenses.
- The Association receives \$1M and DAC receives \$225,000 annually to support the SMCP.



# Statewide Misdemeanant Confinement Program (SMCP)

- Reimbursement Rates
  - Housing - \$40/day
    - Has remained at \$40/day since 2012
  - Personnel - \$25/hour
  - Mileage - \$0.67/mile (2024 IRS rate - pre-calculated between jails)



# Statewide Misdemeanant Confinement Program (SMCP)

- Reimbursement Rates for Roadway Cleanup Program
  - The 2021 Appropriations Act appropriated \$3M to DAC for the 2021-2022 biennium for a roadway cleanup project using SMCP inmates.
  - These funds are used to reimburse qualifying counties at a rate of \$60/day (instead of \$40/day) for all SMCP inmates if counties utilize SMCP inmates to cleanup State and local roadways.



# Statewide Misdemeanant Confinement Program (SMCP)

- Reimbursement Rates for Roadway Cleanup Program
  - To receive this increased rate, sheriffs must provide a monthly certification to the Association verifying that:
    - SMCP inmates completed at least 500 work hours; and
    - Specifies the number of road miles cleaned by the SMCP inmates in that calendar month.



# Statewide Misdemeanant Confinement Program (SMCP)

- Reimbursement Rates for Roadway Cleanup Program
  - In the 2023 Appropriations Act, the General Assembly extended the funding for this program.
  - Up to \$500,000 was allocated to DAC for each year of the 2023-2025 biennium for roadway cleanup using SMCP inmates.



# Statewide Misdemeanant Confinement Program (SMCP)

- Inmate Medical Costs Management Plan
  - In a 10-year period this Plan has saved the State **59%** on out-of-jail medical bills for SMCP inmates.
  - G.S. 148-19.3 requires all out-of-jail medical expenses to be paid by the SMCP through the Association's Inmate Medical Costs Management Plan.





# Statewide Misdemeanant Confinement Program (SMCP)

- Inmate Medical Costs Management Plan
  - Medical cards (similar to health insurance cards) are issued to both sending and receiving counties.
  - The medical cards are presented by jail staff to the medical care provider at the time of service.



# Statewide Misdemeanant Confinement Program (SMCP)

- Inmate Medical Costs Management Plan
  - The medical bills are then
    - Reviewed for incorrect charges;
    - Reviewed for duplicate charges;
    - Reviewed for compliance with G.S. 153A-225.2 which limits what counties must reimburse for out-of-jail medical expenses; and
    - Negotiated with the medical care provider.



# Statewide Misdemeanant Confinement Program (SMCP)

- Inmate Medical Costs Management Plan
  - Once the medical bills have been reviewed and negotiated, they are paid by the SMCP.
  - This has saved the State 59% on medical bills for State SMCP inmates over 10 years.



# Statewide Misdemeanant Confinement Program (SMCP)

- Total Cost Savings to the State
  - The Association estimates savings to the State to be over \$226M from 2012-2022.
    - Over \$220M in housing savings; and
    - Over \$5M in medical cost savings.

Handout



# Statewide Misdemeanant Confinement Program (SMCP)

- Accomplishments
  - Since the beginning of the program in 2012, counties have:
    - Processed almost 38,000 state misdemeanants through SMCP;
    - Provided almost 4 million days of housing for State misdemeanants;



# Statewide Misdemeanant Confinement Program (SMCP)

- Accomplishments
  - Received over \$150M in reimbursement from the SMCP fund for housing; and
  - Saved the State over \$226M through 2022 by housing State misdemeanor inmates in county jails.



# Internet Crimes Against Children Grants

- 2021 Appropriations Act
  - Allocated \$3M to the North Carolina Department of Public Safety (DPS) for grants to sheriffs' offices and other local law enforcement agencies to investigate reports of internet crimes against children (ICAC).



# Internet Crimes Against Children Grants

- The General Assembly directed the Association to administer and distribute these \$3M in grant funds held by DPS.
- \$2,417,628.58 was awarded to 55 recipient agencies (31 sheriffs' offices and 24 police departments).
- \$11,500 was paid to accountants to conduct an audit of all ICAC grant funds as required by G.S. 143C-6-23(g) and 09 N.C.A.C. 03M.0205.





# Internet Crimes Against Children Grants

- \$2,429,128.58 in total was expended.
- The Association returned \$570,871.42 in unspent grant funds to DPS.
- The Association received no funds as payment for administration and management of the 55 ICAC grants.



# Internet Crimes Against Children Grants

- Items requested by grantees which were approved include but are not limited to:
  - Large capacity digital storage devices to collect and hold electronic data and evidence compiled during criminal investigations;
  - Computers and servers;
  - Faraday bags and cages which hold and protect mobile devices from being tampered with once the devices are collected as part of a criminal investigation; and
  - Data extraction devices, software and training to use the devices and software, and firewall software.



# Internet Crimes Against Children Grants

- From January to October 1, 2023 recipients reported using the funds for equipment and training which led to:
  - At least 1,000 criminal investigations;
  - The issuance of at least 700 search warrants, subpoenas and court orders;



# Internet Crimes Against Children Grants

- The examination of:
  - almost 2,500 hard drives, cell phones, thumb drives and other electronic storage devices; and
  - at least 153 terabytes of material stored on electronic devices.
- The arrests of over 200 criminal defendants for state and federal prosecution.



# Internet Crimes Against Children Grants

- Because of the nature of the equipment purchased and the training received using these grant funds:
  - The number of ICAC investigations will increase;
  - Additional arrests will be made;
  - Digital and electronic evidence can be protected and saved in a manner that will ensure its availability for criminal court trials; and
  - Criminal enterprises preying on children will be shutdown.



# Policy Recommendations - 2024 Session

- House Bill 768, LEO Return to Work from Retirement
  - Would allow a law enforcement officer who retired to return to work (be reemployed) full-time and continue to receive their retirement allowance if certain conditions are met.
- House Bill 810, Alternative LEO Special Separation Allowance
  - The Alternate Special Separation Allowance would allow a law enforcement officer to retire later in life without sacrificing the number of years the officer would receive Special Separation Allowance payments.



# Policy Recommendations - 2024 Session

- Provide adequate funding for DPS Division of Juvenile Justice and Delinquency Prevention:
  - It is too difficult to get juvenile court counselors and judges to issue secure custody orders for juveniles who are a danger to the public.
  - This is due to inadequate capacity in facilities for juvenile detention, and a high vacancy rate in juvenile court counselor positions.
  - Too often this results in a "catch and release" situation that puts dangerous criminals back on the street to commit more crimes.
  - When this occurs, it is very demoralizing for law enforcement officers and crime victims.





# Policy Recommendations - 2024 Session

- Provide adequate funding for the Sheriffs' Standards Division and the Criminal Justice Standards Division:
  - Currently it takes approximately 8 weeks to get newly hired officers certified as law enforcement officers.
  - Should be 10 days or less.
  - Need immediate funding now for temporary personnel to process applications to immediately resolve the backlog.
  - Need adequate continuing funding for personnel to process applications to prevent a new backlog.





# Policy Recommendations - 2024 Session

- Provide adequate funding to support the VIPER radio system:
  - The Association has been a supporter since VIPER's early days.
  - VIPER is an essential communication network for BOTH local and state law enforcement officers.
  - It is critical on joint multi-agency law enforcement operations, and in disaster, hurricane, or civil unrest emergency situations because it allows law-enforcement officers from multiple agencies to get on the same radio channel and communicate directly with each other.



# Policy Recommendations - 2024 Session

- Provide adequate funding to the Office of Chief Medical Examiner:
  - Currently, there are unacceptable delays in finalizing autopsy reports for deaths under review of the NC medical examiner system which:
    - hinder law enforcement's ability to solve crimes;
    - hinder law enforcement's ability to get dangerous criminals off the street and into custody; and
    - add to the suffering of and trauma experienced by crime victims and their families.



# Policy Recommendations - 2024 Session

- Apparently, this is due to inadequate capacity and insufficient staffing levels throughout the medical examiner system, as well as an increase in cases (i.e., overdose deaths, growing population, rise in violent deaths, etc.)



- **THANK YOU** for the OCME funding increases in the 2023-2024 Appropriations Act!



# Future Policy Recommendations

- The General Assembly should:
  - Continue to partner with NCSA to administer additional grants which will enhance public safety and the law enforcement profession.
  - Increase criminal punishments for fentanyl related drug crimes to take dangerous drug traffickers out of our communities.



# Future Policy Recommendations

- The General Assembly should:
  - NOT try to convert county jails into mental health and substance abuse treatment facilities.
  - Instead, fund and build regional mental health and substance abuse treatment facilities so that law enforcement officers have a place to divert individuals struggling with these issues rather than taking them into custody.



# THANK YOU!

- NC General Assembly Support for Law Enforcement
  - We believe that the overwhelming majority of the law-abiding public supports law enforcement.
  - There is a need for high-ranking elected state officials, including legislators, to continue to publicly state their support of law-enforcement officers and agencies at every opportunity.



**THANK YOU** for doing so!



# THANK YOU!

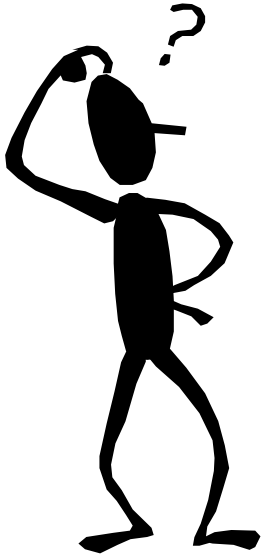
- NC General Assembly Support for Law Enforcement
  - We hear horror stories from some other states about how their legislature does not support law-enforcement.
  - We are grateful for the tremendous support that the North Carolina General Assembly gives to law-enforcement officers and agencies in our state.

• **THANK YOU!**





# QUESTIONS?



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