

Statewide Misdemeanant Confinement Program

South Carolina Department of Corrections Oversight Committee

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Overview of the SMCP

- Manages the housing, transportation, and medical expenses of state inmates convicted of a misdemeanor crime, including DWI, and sentenced to more than 90 days.
- Sentences are served in county jails at State expense.
- County jails may volunteer available bed space.
- Counties are reimbursed for housing and transportation expenses.
- The North Carolina Sheriffs' Association manages program operations.



Background

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Origin of the SMCP

- Developed as part of the Justice Reinvestment Act (2011)
 - Comprehensive reform targeting sentencing and corrections laws in North Carolina
- Sought to address the following concerns:
 - Projected increase in prison population over the next decade
 - Unusual number of Misdemeanants housed in prison system
 - Division of Adult Correction (DAC) staffing shortages
- SMCP allowed for the separation of the incarcerated population into two groups:
 - Misdemeanants
 - Felons



Prior Law

- Prior law and current law
 - Misdemeanors: 1 – 90 days
 - Served in county jail at county expense
- Prior law, but no longer
 - Misdemeanors: 91+ days
 - Served in State prison



Eligible SMCP Inmates

2015
January

Misdemeanors: 91+ days
All Misdemeanor DWIs

2014
October

Misdemeanors: 91+ Days

2012
January

Misdemeanors: 90 – 180 days



Statewide Misdemeanant Confinement Fund

- \$22.5 million-dollar annual operating budget
 - SMCP housing and transportation
 - Out-of-jail medical expenses
 - Withhold delinquent Safekeeper fees from county SMCP payment
 - NCSA and DAC administrative costs
- SMCP Reimbursement Rates
 - Housing: \$40/ day for housing (includes in-jail medical services)
 - Personnel: \$25/ hour
 - Mileage: \$0.58/ mile (2019 IRS rate)



Statewide Misdemeanant Confinement Fund

- All out-of-jail medical expenses are paid by the SMCP through the NCSA Inmate Medical Cost Management Plan.
 - Medical cards can be used by both sending and receiving counties
 - Plan covers procedures that are “necessary”
 - All transportation and personnel costs are reimbursed to county
 - This generates an average savings of 44%



Sheriffs' Initial Response

- Original NC General Assembly request was for NCSA to manage the program utilizing closed state prisons.
- The Association leadership was not interested.
- The Association leadership was supportive of the Association managing the program, utilizing unoccupied county jail beds, on a voluntary basis.
- It was critical to make county participation totally voluntary, at the discretion of the sheriff.



Sheriffs' Initial Response (cont'd)

- There was some concern that eventually the State would make it mandatory.
- The legislation makes it clear that the inmates are “State” inmates.
- The contract signed by the sheriff can be terminated by either party at any time, without notice, and without penalty.
- The contract signed by the sheriff does not have an ending date, does not need to be renewed, and continues in effect until terminated.



Tasks Prior to Implementation

- Consulted with sheriffs to gauge program interest
- Conducted jail study to determine feasibility
- Developed contract between DPS and sheriffs of “Receiving” counties
- Requested projected space allocation numbers from sheriffs
- Created contact directory for jail staff
- Developed proprietary database management software



Daily Operations

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NCSA Administrative Functions

- Ensure judgments adhere to statutory guidelines
- Evaluate available jail bed space to determine optimal placement
- Calculate inmates projected release dates
- Maintain database of currently and formally incarcerated SMCP inmates



NCSA Administrative Functions (continued)

- Ensure counties are properly reimbursed
- Communicate with lawmakers, attorneys, inmates, and jail staff
- Provide monthly legislative reports, and an annual report, on program status
- Conduct annual statewide training seminars for personnel of sheriffs' offices, clerks of court, DPS personnel, etc.



Processing a Housing Request

An Inmate Notification Form and relevant Judgment and Commitment Orders are submitted to the SMCP office for review.

If the inmate is eligible, an email confirming where the inmate will serve their sentence will be sent.

If the inmate is NOT eligible, SMCP staff will contact the county and explain why.

If a “sending” county submitted the request, they will be notified where the inmate needs to be transported.

If a “receiving” county submitted the request, the inmate will serve their sentence with that same county (unless full).

The new “receiving” county will be notified an inmate has been assigned to their jail. Transportation is provided by the “sending” county.

Once an inmate is received, a transfer acceptance form is submitted to the SMCP office for processing



Transferring an SMCP Inmate to Prison

- Inmate receives active felony sentence
- Inmate poses a security risk
- Inmate has a medical condition which cannot be reasonably accommodated by a county jail
- SMCP is at capacity and there are no more available beds



Common Issues

- Counties failing to notify SMCP of new or amended judgments
- Deciding proper place of confinement for inmates with chronic medical conditions
- Improper application of sentence credits leading to erroneous releases
- Excessive reimbursement adjustments due to late paperwork
- Inmates released in receiving county jurisdiction without transportation back to sending county
- High employee turnover in county jails generates questions for SMCP staff



Data



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Available Data

- The SMCP database tracks the following variables :
 - Population demographics
 - Offense classification
 - Sentence duration
 - Credit reductions
 - County contact information
 - Housing fees
 - Mileage / travel time
 - Past due submissions
 - Bed allocation
 - Out-of-jail medical visits



Generating Reports

- The SMCP software has the capability to instantaneously generate reports
- Examples of reports currently available:
 - Expense reports
 - Inmate daily population
 - Inmate entries / releases
 - Overdue transfer / release dates
 - List of all active SMCP inmates



Available Beds

- Sheriffs determine number of beds offered to SMCP
- Number of beds offered can be increased or decreased by sheriff at any time
- Decreases in the number of beds offered is implemented going forward
- In emergency, SMCP inmates can be reassigned and moved to another SMCP county jail
- If all SMCP beds are full statewide, new SMCP inmates are assigned to a State prison (has not happened)



Total Number of Inmates Processed

Fiscal Year	Male	Female	Total
2014-2015	3,119	519	3,638
2015-2016	3,581	628	4,209
2016-2017	3,225	702	3,927
2017-2018	3,438	688	4,126
2018-2019	3,249	657	3,906
Total	16,612	3,194	19,806

* Effective June 30



Available Beds / Population

Fiscal Year	Male	Female	Youthful Male	Youthful Female	Total Capacity	Total Population
2014-2015	1,399	379	25	18	1,821	1,143
2015-2016	1,457	355	22	10	1,844	1,121
2016-2017	1,435	301	17	10	1,763	1,194
2017-2018	1,397	293	19	8	1,717	1,313
2018-2019	1,157	289	7	6	1,459	1,254



SMCP Fund Analysis for FY 2018-2019

General Fund Appropriation	\$ 22,500,000.00
County Reimbursements Paid	\$ (18,725,127.00)
Medical Expenses Paid	\$ (1,006,767.00)
Safekeeper Fees	\$ (316,382.00)
DPS Administrative Costs	\$ (225,000.00)
NCSA Administrative Costs Paid	\$ (1,000,000.00)
Remaining Balance	\$ 1,226,724.00



Cost Comparison

Fiscal Year	SMCP Cost	Projected DPS Cost	Savings
2014-2015	\$ 12,277,517.00	\$ 24,369,823.00	\$ 12,092,306.00
2015-2016	\$ 16,729,896.00	\$ 34,832,180.00	\$ 18,102,284.00
2016-2017	\$ 18,017,608.00	\$ 40,226,854.00	\$ 22,209,246.00
2017-2018	\$ 19,425,897.00	\$ 48,176,225.00	\$ 28,750,328.00

* Projected DPS Cost based on average daily cost of housing offenders = \$99.23 per day for 2019



Conclusion

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Evaluation

- Significant savings to the State of North Carolina
- Successful separation of Misdemeanor and Felony population, as requested by Division of Adult Correction
- Allows sheriffs and their counties to generate revenue from unoccupied jail beds



Suggestions

- Establish system of checks and balances for all procedures
- Build good relationships between Jail Staff and Sheriffs' Association
- Establish reliable channels of communication with state correction agency
- Develop consistent records retention policies



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