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October 28, 2019

Subcommittee Chair, Legislative Oversight Committee
Edward R. Tallon, Sr.
South Carolina House of Representatives
Post Office Box 11867
Columbia, South Carolina 29211

Dear Representative Tallon:

Thank you for allowing me to respond back to you and the South Carolina Legislative Oversight Committee on the questions you had about our Statewide Misdemeanant Confinement Program (SMCP) here in North Carolina.

1. *How does the election of a new sheriff impact, if any, a contract to participate in SMCP (e.g., is execution of a new contract required, etc.)? Additionally, please note if there are any variances with the process if the original contract is executed by both a sheriff and county manager.*

The contract to participate in SMCP that is signed by the sheriff and the county manager does not have an expiration date and therefore does not require that a new contract be signed if a county sheriff leaves office and a new county sheriff is elected. All contracts to participate in SMCP are signed by both the sheriff and the county manager. Also, there is no need for a new contract if a new manager is hired.

2. *How much did it cost to create the database for SMCP, and what is the annual cost to maintain it?*

The cost for the software used to manage the SMCP is proprietary. This cost is included in the amount of funds we receive from the North Carolina Legislature to maintain the program each year.

3. *Please summarize the agreement with Florida including, but not limited to, the aspects of the database Florida will be using and the cost.*



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

Florida does not operate an SMCP program. However, the North Carolina Sheriffs' Association Inmate Medical Costs Management Plan is managed by Prime Health that is based in Nashville, TN. NCSA contracts with Prime Health and the Florida Sheriffs' Association for this program in Florida to scrutinize medical bills and reduce overall medical costs for jail inmates.

4. *Does the North Carolina Sheriffs' Association monitor the release date of inmates in SMCP? If so, how does the association ensure release dates are entered correctly?*

The North Carolina Sheriffs' Association does monitor release dates in our database. These release dates are based on original judgements issued by the court. If an inmate is given earned time credit for work at the local jail, the county holding the inmate will provide an updated release date to SMCP based on the inmate's participation in an eligible program and the amount of time credited toward their release date.

5. *When sentencing an individual in North Carolina, do judges provide the corrections agency and/or Sheriffs' Association the specific number of days or months of the sentence?*

When an inmate is sentenced in North Carolina, the judge will provide the exact number of days each inmate is to be incarcerated on the original judgement. This number is tracked in our Statewide Misdemeanant Confinement Program software and can be adjusted based on any credit the inmate receives, according to Department of Public Safety guidelines, from the county jail where they are housed.

6. *What is the least, average, and maximum amount of time for inmate participation in SMCP?*

Inmates that are sentenced to the SMCP must receive a minimum sentence of 91 days to be eligible. The maximum amount of time is 3 years for a single DWI conviction. The average, non-DWI, SMCP sentence is between 150 and 160 days.

7. *In regards to projecting the number of beds needed across the state and by county, please explain the following: data used, calculations made, accuracy of the projects, and how the information has been beneficial.*

In order to obtain accurate figures on the number of available beds in our county jails, the NCSA deployed a team of qualified detention operations and jail management professionals to conduct on-site surveys at county jails across the state. These on-site surveys were essential in determining the number of available beds that would be used in the SMCP. Statistical information was gathered from the Department of Correction (DOC) about the average number of misdemeanants serving sentences between 91 – 180 days. The sentence length of 91-180 days was used as this was the parameters of the original SMCP law. DOC reported approximately 1,400 inmates in that range that were being housed in the state's prison system. SMCP planned for a daily inmate population of 1,500. The on-site surveys confirmed that the county jails across the state had the available space to accommodate state misdemeanant inmates in the SMCP.

The following table shows the total capacity of the SMCP and the yearly population housed in SMCP. In 2018 – 2019 there was a surplus of 205 available beds.

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

Thank you and the Commission for allowing me to present information on the SMCP and to answer your questions.

If I can be of any further assistance, please feel free to contact me at (919) 459-1052.

Sincerely,



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

EWC: chg

cc: The Honorable Wm. Weston J. Newton
Department of Corrections Ad Hoc Subcommittee

Jarrod Bruder
Executive Director
South Carolina Sheriffs' Association