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LAW ENFORCEMENT OFFICERS AND STATE OFFICIALS
OF NORTH CAROLINA



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MEMORANDUM

TO: All Sheriffs

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

DATE: January 3, 2012

RE: Terms and Conditions of the
Statewide Misdemeanant Confinement Program (SMCP)

Pursuant to House Bill 642, The Justice Reinvestment Act, effective January 1, 2012 all misdemeanants sentenced to 91-180 days will serve their sentence in certain county jails as a part of the Statewide Misdemeanant Confinement Program (SMCP). Sheriffs and counties participating in the SMCP will be reimbursed from the Statewide Misdemeanant Confinement Fund for the care, supervision, transportation and other related expenses of those misdemeanants serving their sentence pursuant to the SMCP.

Sheriffs and counties that enter into a written agreement with the Department of Public Safety to house misdemeanants pursuant to the SMCP are agreeing to abide by the terms and conditions of the SMCP. The terms and conditions of the SMCP as of January 1, 2012 are described in full detail in the *Statewide Misdemeanant Confinement Program Training Guide*. The Guide was provided to all attendees at the six SMCP training classes held across the state in December, 2011. Additional copies of the Guide may be obtained from the SMCP by emailing your request to SMCP@ncsheriffs.net or by calling 919-459-8197.

General guidelines and reimbursement rates as a part of the SMCP's terms and conditions are as follow:

1. Participation in the SMCP

All 100 North Carolina counties are participating in the SMCP as a "sending" county. The SMCP refers to all counties as a "sending" county



since all misdemeanants sentenced to 91 to 180 days by the courts of every North Carolina county must be assigned by the SMCP to serve their sentence in a confinement facility that is participating in the SMCP.

In addition to being a "sending" county, many sheriffs have agreed to participate in the SMCP as a "receiving" county. Counties and sheriffs who voluntarily agree to house inmates in their local jail or detention center as assigned by the SMCP are referred to by the SMCP as a "receiving" county.

SMCP Inmates housed in a "receiving" county may have been convicted in court in that same county or may have been convicted in court in a different county and been transported to the "receiving" county from another "sending" county.

The daily housing rate will be paid by the SMCP to a "receiving" county for an SMCP inmate for each day, to include the date of arrival but not the date of release.

2. Transportation and Supervision of SMCP Inmates

"Sending" counties are expected to transport SMCP inmates to the "receiving" county.

A sheriff's office that is authorized to transport a SMCP inmate will be paid for transportation and supervision of the SMCP inmate: (1) to another county's jail; (2) to an out-of-jail medical services provider; or (3) while supervising the out-of-jail inmate while the medical services are being provided.

The mileage and driving time will be calculated by the SMCP's automated system for transportation from county jail to county jail, or from county jail to a medical services provider.

Payment at the established SMCP rate will be made for only one officer to provide transportation or supervision, unless special circumstances dictate additional personnel.

3. Medical Services for SMCP Inmates

In-jail medical services and all other housing related services for SMCP inmates are provided by the "receiving" county for which the "receiving" county is paid the daily housing rate by the SMCP.

Out-of-jail medical expenses for SMCP inmates should be billed by the medical services provider directly to the SMCP. The medical services provider will be paid directly by the SMCP from the Statewide Misdemeanant Confinement Fund.

4. Notification to the SMCP of an Eligible Inmate

When an inmate receives a sentence of 91 to 180 days, the sheriff's office in the county of conviction should notify the SMCP using the forms and procedures described in the SMCP training classes.

Reimbursement for a SMCP inmate will not be made by the SMCP to a county until the SMCP receives the appropriate form(s) and supporting document(s).

5. Schedule for Reimbursement to the County by the SMCP

For transportation and supervision of SMCP inmates, reimbursement will be made to counties in the calendar month immediately following the month in which the transportation or supervision is provided.

For the daily housing rate for SMCP inmates, reimbursement will be made to counties for the total period of incarceration of an SMCP inmate in the calendar month immediately following the month in which the inmate is released after serving the inmate's entire SMCP sentence.

6. Current Reimbursement Rates

As of January 1, 2012, the current reimbursement rates for the SMCP are:

Daily housing rate:	\$40.00/day
Supervision:	\$25.00/hour
Mileage:	\$0.555/mile (at the current IRS rate)

7. SMCP Administration

The North Carolina Sheriffs' Association administers the Statewide Misdemeanant Confinement Program and payments from the Statewide Misdemeanant Confinement Fund.

The SMCP has an automated system for calculating the number of days an inmate is incarcerated in a county.

A monthly statement of reimbursements being made by the SMCP to the county will be emailed by the SMCP to the county sheriff and to one other designated county official. Sheriffs and counties may review the monthly statement for accuracy, and should notify the SMCP of any questions.

Payments will be made by the SMCP to counties as early in the month as possible, but no later than the last business day of the month. Funds will be delivered via electronic funds transfer (EFT) to a designated county fund.

Complete details and operating procedures for the SMCP are outlined in the training guide that was provided to all attendees at the six SMCP training classes held across the state in December, 2011.

Additionally, the Association will offer an additional and final SMCP training class on January 25, 2012 in Wake County. An invitation to the training class will be sent to all sheriffs via email next week.

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If you have any questions about the SMCP, please do not hesitate to call me at (919) 459-1052 or Keenon James at (919) 459-8198.