

# Active Sentences after Justice Reinvestment

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## Overview

- Place of confinement rules
- Jail fees
- Jail credit
- Sentence reduction credit



## Key findings

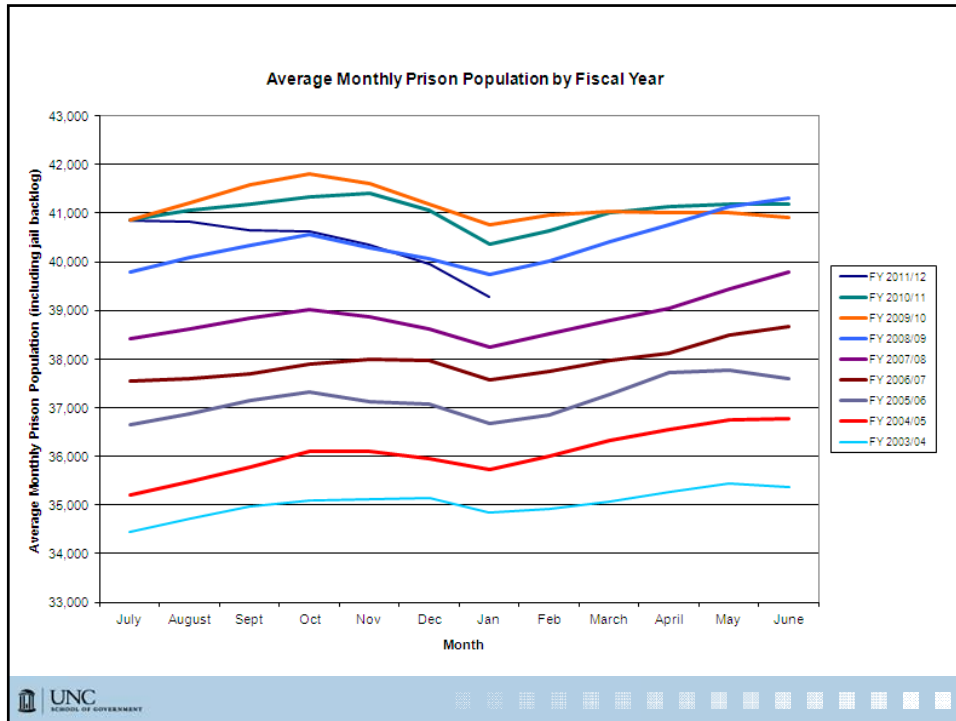
- Revoked probationers account for too many prison entries (over half)
- Too many inmates leave prison with no supervision in the community
- Treatment and supervision resources not allocated in an evidence-based way
- **Lots of misdemeanants in prison**

The screenshot shows the website for the North Carolina Department of Correction. A central box displays the following data:

Offender Population Feb 21, 2012	
Prison Inmates	39,034
Probationers	100,997
Post Release/Parole	3,483
<b>TOTAL</b>	<b>143,514</b>
Male Inmates	36,420
Female Inmates	2,614

Below the table, there are links for "Offender Information" and "Offender Search". The search options include "OFFENDER SEARCH", "Enforcement Search (login)", "Sex Offenders", "Late Escapes/Captures", "Probation Absconders", and "Instate Probation/Parole". There are also links for "General Information", "Volunteering in Prison", "Family & Friends Handbook PDF", "Inmate Handbook PDF", "Prison Programs: Education, Work, Religious, Transition", and "County Resource Guide".





# Changes to Place of Confinement Rules

*For sentences imposed on or after January 1, 2012*

# Place of Confinement

*Pre-January 1, 2012*

*Post-January 1, 2012*

**Felons:** DOC, except at sheriff or board request

**Felons:** DAC

**Misdemeanants:**

1-90 days: Local jail, unless overcrowded

91+ days: Jail or DOC, in judge's discretion

**Misdemeanants:**

1-90 days: Local jail, unless overcrowded

91-180 days: Statewide Misd. Confinement Pgm.

181+ days: DAC



The image shows a screenshot of a North Carolina court judgment and commitment form. A red box highlights a section where the place of confinement is determined. The options are:

- N.C. DAC.
- Sheriff of [redacted]
- Misdemeanant Confinement Program

The form includes fields for the defendant's name, date of birth, and offense description. It also contains checkboxes for various sentencing options and a section for the court's determination of confinement.



## Place of Confinement Rules

### Sentence imposed of 90 days or less: Local jail

- At county expense (State reimbursement ended 2009)
- Exception under G.S. 148-32.1:
  - For sentences of 30-90 days only
  - Jailer certifies to the clerk of superior court that jail is overcrowded
  - Judge may order that a prisoner be transferred to another jail
  - If no other jail available, AND reason for transfer is inability to meet segregation requirements or jail cannot meet standards, judge may order transfer to DAC
  - Bottom line: Mostly unchanged...but more carefully enforced

## Place of Confinement Rules

### Sentence imposed for 91 to 180 days, except DWI

- Statewide Misdemeanant Confinement Program (MCP)

## Statewide Misdemeanant Confinement Program (MCP)

- For misdemeanor sentences of 91-180 days, except impaired driving (DWI)
- Process
  - Judge commits defendant to MCP
  - N.C. Sheriffs' Association identifies space in a jail that has volunteered space to the program
  - If no space, defendant goes to DAC
  - MCP reimburses the custodian

## Eligible inmates

- Misdemeanor sentence imposed of 91-180 days (excluding DWI)
  - Average per year: 4,500
  - Average per day: 1,400
  - Average sentence: 120 days

## MCP Agreement

- Contract between county, DPS, and the sheriff
  - Sheriff sets number of beds available
- References Terms and Conditions established by N.C. Sheriffs' Association
- Allows prospective termination at any time

## “Sending” vs. “Receiving”

- All counties participate in MCP as “sending counties”
  - County of conviction expected to transport MCP inmates to the jail identified by the Program
- Only volunteer counties house MCP inmates (receiving counties)

## MCP Terms & Conditions

- Reimbursement rates
  - \$40/day for housing
  - \$25/hour for supervision during transport
  - \$0.55/mile for transport
- Medical expenses
  - In-jail expenses built into \$40/day rate
  - Out-of-jail expenses covered through MCP insurance

## MCP Money

- Statewide Misdemeanant Confinement Fund established in 2011
- Funded by new court costs
  - \$18 district court cost
  - \$50 Improper Equipment cost
  - Expected to generate \$31 million annually
- 10% to N.C. Sheriffs' Association
- 1% to DAC



## MCP to date

- 42 counties have signed agreements
  - 1,089 jail beds available
  - Over 400 inmates processed so far

## Place of Confinement Rules

### **Sentence or sentences imposed of more than 180 days: DAC**

- Clearly references consecutive sentences
- DWIs are not excluded (but see G.S. 20-176)

## Related issues

- Safekeeper statute (G.S. 162-39) unchanged
  - For dangerous inmates or medical treatment
- DWI rule largely unchanged (G.S. 20-176)
  - If first DWI or never jailed for Ch. 20 violation: Jail
  - If second/subsequent DWI or previously jailed for a Ch. 20 violation:
    - To jail if 90 days or less (except as provided in GS 148-32.1)
    - Local jail or DAC in court’s discretion if 91-180 days
    - To DAC if more than 180 days

## Related issues

- Split sentence rule unchanged:
  - DAC, jail, or treatment facility in court’s discretion
  - Noncontinuous splits must be in the jail
- “Dips”: Jail
- CRV (“dunks”): Served where the defendant would have served an active sentence
  - Look at the judgment suspending sentence
- Active time: Must be continuous, except DWI
  - State v. Miller, \_\_\_ N.C. App. \_\_\_ (July 6, 2010)

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# Jail fees

- Pretrial confinement:
  - Increased from \$5/day to \$10/day (Aug. 1, 2011)
- Probationary confinement:
  - \$40/day
  - Applies (if ordered) for split sentences
  - Arguably applies to “dips” ordered by judge
  - Applicability to CRV less clear

## Jail credit

- Credit:
  - Pre-trial/pre-hearing confinement
  - Split sentence
  - DART-Cherry
  - Contempt as a violation of probation
  - CRV
  - Quick dip
- No credit:
  - EHA
  - Private residential treatment

## Sentence Reduction Credit

- Structured Sentencing: “Earned Time”
  - Maximum of 4 days per month for misdemeanors
  - On average, misdemeanants serve 96% of sentence
- Sheriff can award credit for work or education:
  - Maximum of 4 days/30 days of work performed
- DWI: “Good Time”
  - 1 day of credit for each day without infraction
- No reduction for split sentences (or CRV)