



LEGISLATIVE BRIEF: INMATE SHIFT TO COUNTIES

Background

The Justice and Public Safety Appropriations Subcommittee may consider requiring counties to house misdemeanants who have sentences of up to 180 days – a move that would save the state millions of dollars but would shift costs to counties and would increase the inmate population in already overcrowded county jails. As it stands, counties are required to house misdemeanants who are sentenced to up to 90 days. During the 2009 long session, a House budget provision was introduced that would have raised the inmate stay up to 180 days in county jails. This major policy shift would have cost counties an estimated \$42 million per year. The NCACC and the Sheriffs' Association opposed the provision, which was eventually taken out of the budget.

County jails are unsuitable for inmates who are guilty of more serious crimes. Unlike state prisons, most jails do not offer programs to educate and treat offenders. Inmates convicted of crimes serious enough to receive a six-month sentence would not have access to work, training and treatment programs. Such action would also likely result in severe discipline challenges for counties due to the nature of the offenses that result in longer sentences. Jails are primarily built for short-term stays for non-violent offenders who are awaiting trial; the average length of stay in a county jail is less than one week.

Many counties are already suffering from inmate overcrowding. Unlike state prisons, counties need open bed space to accommodate those that are arrested until they can post bond and be tried.

A major policy change of this magnitude reaches far beyond the current budget difficulties. Shifting inmates to county facilities will drive up costs to operate county jails, will require counties to build more jail beds and will reduce the amount of services offered to inmates.

Outlook for 2010

In the 2010 short session, the Senate and House Justice and Public Safety subcommittee may examine this issue again depending upon the state's budget deficit. The NCACC and Sheriffs' Association vehemently oppose raising the length of stay of inmates in county jails. Proactive steps are being taken to inform the chairs of the justice and public safety subcommittees of the disastrous effects of raising the inmate stay to 180 days. Commissioners are urged to contact and talk to their legislators about the seriousness of this policy change.