



Enhance Counties' Ability to House Sentenced Inmates in County Jails

NCACC Advocacy Brief

Seek legislation to increase the amount paid to county jails by the state to the full cost reimbursement for housing sentenced inmates.

Issue At-A-Glance

- Counties provide for the building and operation of county jails and local confinement facilities.
- Counties receive reimbursement from the state when housing sentenced inmates in jail.
- Reimbursement from the state is set at \$40 per day, plus certain medical expenses.
- \$40 per day is not adequate to reimburse the true cost to counties to house an inmate in its jails.
- The \$40 per day reimbursement rate has not been increased since 1997 and 2011 for "backlog" inmates and inmates housed via the Statewide Misdemeanant Confinement Program respectively.
- Counties also receive reimbursement from the federal government when housing United States prisons on behalf of the: Federal Bureau of Prisons, ICE, and U.S. Marshals Service.

Issue Background

Counties are responsible for the building and operational cost of county jails. County jails with available space can take advantage of state and federal programs to house state and federally sentenced inmates in county jails. County cost to house state and federally sentenced inmates varies from county to county, but often the state reimbursement fails to cover the true cost to counties housing state sentenced inmates.

Sentenced state inmates are held in county jails until the state prison system is ready to accept the prisoner, which can span days or a lengthier amount of time. This is known as "backlog". Counties receive a reimbursement of \$40 per day, plus out-of-jail medical expenses for backlog inmates in county jails. This \$40 per day reimbursement has not been increased since 1997.

In 2011 the General Assembly created the Statewide Misdemeanant Confinement Program (SMCP) to reduce prison crowding by having sentenced inmates convicted of

lower-level crimes serve their time in a county jail instead of state prison. Counties participating in the program receive a \$40 per day reimbursement, plus reimbursement for certain medical costs. The \$40 per day reimbursement has not been increased since the program's implementation in 2012.

Counties may also house federal inmates on behalf of the Federal Bureau of Prisons, ICE, or the U.S. Marshals Service. As opposed to a flat reimbursement under the SMCP, reimbursement for housing federal inmates is negotiated between the county and federal government and thus the amount of reimbursement varies widely but typically is closer to the true cost of housing an inmate to the county. For instance, only four counties housing federal inmates receive a \$40 per day or less reimbursement with most counties contracting to receive a per day reimbursement of \$60-\$75 and several counties receiving significantly more (up to \$160 per day).

County Recommendation

Help counties meet their obligations to build and operate jails with the use of local funds. Counties seek to increase the funding provided by the state when counties house state sentenced inmates either due to backlog or through the SMCP. Increasing the reimbursement paid to counties will allow more counties to participate in the programs by not asking counties to make up the gap through local tax dollars to pay the full cost for housing state sentenced inmates.

