

## Bill could send more inmates to our jail

[Tagline]

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A bipartisan bill introduced this past week would force offenders convicted of misdemeanors and sentenced to six months or less to serve their time in local jails.

If the Justice Reinvestment Act passes, Rowan County would need to come up with at least \$1.4 million more every year to house the estimated 112 additional prisoners. And the county would need to build another jail.

A study by the North Carolina Association of County Commissioners found Rowan County would face the second-highest cost in the state to house misdemeanor offenders if the bill passes.

Sheriff Kevin Auten met with other sheriffs several weeks ago in Raleigh to discuss this particular two-page section of the 19-page bill. He said with Rowan's jail already having nearly double its intended capacity — the third-highest in the state in 2009-10— the bill was “scary.”

“If they were released from the Department of Corrections back to the jail, we would have to place them somewhere because we don't have the beds,” Auten said.

He said between 25-28 prisoners are currently held in Montgomery County at a cost of \$50 per day, not including medical costs.

Auten said the Sheriff's Association met with Gov. Beverly Perdue's staff to discuss the impact on county levels, and talked about alternates to imprisonment, including ankle bracelets and community service work.

Certain prisoners who are not deemed a risk to society, such as those who don't pay child support, misdemeanor drug offenders or those with misdemeanor driving infractions, would have to be placed on an alternative program so they're not sitting in jail costing the county about \$50 a day, Auten said.

“Instead of folks sitting in jail waiting on child support, we'd have them come do community service while they catch their child support up,” he said. “It would be a relief on the jail population and whatever organization they were helping would benefit.”

The ankle monitoring bracelets are also something Auten may use. He's also got a few pamphlets on alcohol sensor bracelets in his office that he'll be looking over as he follows the bill's movement.

Auten said the \$10 a day cost of the bracelets would be a bargain compared to the \$50 cost of keeping someone in jail every day, and they would eliminate the costs and risks of keeping someone in jail with severe health problems.

### Rotating cases

The sheriff's office will continue to work with District Attorney Brandy Cook, who Auten said has already made a difference in the jail population by rotating cases “as quickly as we can, and prosecute folks so they're not just sitting there waiting on trial.”

Cook said in an email that her office is aware of the increasing population and has “prioritized pending criminal cases where defendants have been incarcerated for 365 days or more.”

“We are prosecuting criminal cases as efficiently as possible to reduce the financial burden on our community while still administering justice,” she said.

Pretrial Services Coordinator Buddy Poplin continues to save the county money by screening those in jail and working with their family members or bail bondsmen and the DA's office to reduce bonds or pay their bond with canteen and

concession funds from the county.

In the past 10 years, the program has saved the county nearly \$30 million, Poplin said.

Poplin is concerned about the Justice Reinvestment Act because he is a one-man operation for Rowan County, getting about 40 people out of jail a month, and he said he will not have the time or resources to work with the additional prisoners if the bill passes.

"Not only is the jail count going to rise, the people with medical conditions, they're going to raise medical costs," Poplin said. "I had one guy with heart trouble who had to get out because the next day he had to have triple bypass surgery. If he were in jail, that cost would have gone to taxpayers."

Poplin is not in favor of the bill, which is filed as House Bill 642.

"I think it's going to raise our jail count out of sight and I don't think it's a good thing for the state to not accept these people.

"Say you're on structured sentencing and the judge has to give you a certain time for certain things. If he's going to have to put him in here for 60 to 90 days, or six months, it's going to skyrocket."

State betrayal?

County Manager Gary Page is also watching the bill because he said it's another way to place costs on counties instead of the state.

"It's like everything else I've heard from down there recently," Page said, noting lottery funds may be taken from the county, which are now being used to pay debt from new schools. That could cost the county about \$2.5 million.

Page said he doesn't know where the county will come up with the estimated \$1.4 million needed if the bill goes through.

"We've done our job and the state hasn't done their job," he said. "And in order to balance the state budget, they're pushing their other problems they have down to us. ... I just think it's irresponsible.

"I feel a bit betrayed."

Page said Rowan County residents complain that the county is "sitting on" a \$20 million fund balance, that is supposed to be saved for a crisis, for example, a tornado or hurricane. "You don't expect that crisis to be from the state," Page said.

The rest of the bill

Rowan County District Court Judge Charlie Brown, who is also the N.C. Court Judges Association representative on the N.C. Sentencing and Policy Advisory Commission, said the sentencing commission met Friday to talk about the bill, and said as a concept, the Justice Reinvestment Act is "laudable."

"But it has far-ranging fiscal and policy impacts that need further review," he said. "Justice Reinvestment assumes there will be a cost savings to the state, but it imposes cost shifts.

"As it's currently drafted, it shifts sole responsibility to all misdemeanor offenders to the jails."

Brown said the bill is more than a shifting and is really a "radical rewrite of structure sentencing."

In 1994, structured sentencing began in North Carolina that establishing guidelines based on offense and prior criminal record.

"It brought truth to sentencing," Brown said.

The Justice Reinvestment Act proposes "Advanced Supervised Release," ASR, of prisoners that could reduce an offender's sentence up to 80 percent if he or she completed treatment, education and rehabilitative programs in prison.

"It tinkers with truth in sentencing," Brown said, "and when you have this advanced supervised release, you're getting into this realm of delegating discretion beyond the courts.

“It radically alters truth in sentencing, which is the cornerstone in our existing sentencing.”

Brown said the legislature hasn't called on the sentencing commission to analyze the “far-ranging” bill, but so far has relied on a group of researchers outside of North Carolina that has helped draft similar Justice Reinvestment acts in other states.

“Some of their proposals are unique, and there is no statistical back-up that can guarantee or give us reliable figures on how we will counterbalance the cost shift to local confinement facilities,” Brown said.

If House Bill 642 passes

What happens if people convicted of misdemeanors are moved to the Rowan County jail?

- Rowan County will have to come up with at least \$1.4 million more each year to house the estimated 112 additional misdemeanor offenders.
- A new jail would have to be built, and the county would continue to pay \$50 per day for every inmate housed elsewhere.
- The county's pretrial program wouldn't be able to handle the increase. The program currently gets about 40 offenders out of jail each month, with only one person in charge of the details.
- Total health-care costs of inmates could triple.
- Monitoring bracelets or community service work could be used as alternatives to jail.