



MARCH 2018

North Carolina Jail Administrators' Association

President's Message

When I teach a DOCC class I always ask the students what's the worst thing that happens in a Detention Center. The usual answers are inmate deaths, fights, fire, etc. - all bad incidents, I agree. My answer is "nothing": the worst thing that happens in a jail daily is "nothing". I'm sure you're thinking, "this guy is crazy, a day when nothing happens is a great day". I would agree a day with no fights, fires, deaths, etc. is a pretty good day. What I'm speaking of is the day-in, day-out "nothing". The result of this lack of incidents leads to complacency. It's human nature for officers to get complacent. When this happens, officers let their guard down, doors get left open, we walk into a housing unit without backup, we override sally port doors, scans get missed, and I am sure you can fill in a few more examples. How many times have you heard someone say "this is a pretty good housing unit, nothing really happens in here"? This pattern of coming to work and nothing happens lulls us into a false sense of security. What we need to do is break that cycle. I'm not saying we should start fights or mayhem in our jails, what I am saying is break the cycle in your mind. Run scenarios with your coworkers: "what would we do if this happened?" When you have down time, ask each other what would you do in a certain situation, whether it's an inmate fight or a fire. You will find a lot of answers by becoming more familiar with your agency's policies.

We don't know how we would react when an incident happens until it happens, but what we can do is prepare. Mentally preparing yourself for an event can be the difference in reacting or not reacting. The officer that freezes up when there is an emergency is a serious liability and will get others hurt or even killed. A senior officer just sharing their experiences with different circumstances with new officers could make a difference. You may not have experienced in every type of incident in a Detention Center, but passing on the knowledge of the events you have to others makes a safer work place. This sharing of information and learning from mistakes and successes is a tool that could save a life.

Let's get out of the cycle of "nothing". Use your down time to work through situations that could and will occur. Find out what is in your policies, know your limitations and your role in emergencies. If you've had experiences in different circumstances, share that information with your fellow officers. Just because nothing has happened doesn't mean we can sit back and let our guard down. There is an adage that states "complacency kills" and this could not be truer than in a Detention Center. Be safe and watch out for each other.

Lt. Donald B. Anthony, President NCJAA

SAVE THE DATE
NCJAA 2018 Annual Conference
Embassy Suites, Greensboro NC
September 24-27, 2018

NCJAA | PO BOX 41368 | RALEIGH, NC 27629 | 919-876-0687 | FAX 919-878-7413

WWW.NCJAA.ORG | ELAINE@EXECMAN.NET

Jail Fees

The General Statutes include a long list of fees and reimbursements that apply to certain inmates housed in the county jail. Even when collected, they don't generally cover the county's actual per diem costs, but it's still good to know what funding sources are allowed by law.

Jail fees paid by the defendant. There are three types of jail fees a defendant might have to pay.

Pretrial jail fees. Pretrial detainees are liable to the county for a jail fee of \$10 per day. Years ago that fee was \$5 per day, but the General Assembly increased it to \$10 per day in 2011. This fee is a court cost, which means it automatically applies to defendants who get convicted unless the judge waives the fee. A defendant who is acquitted or for whom charges are dismissed does not pay any fees.

Probationary jail fees. A separate jail fee applies to “[p]ersons who are ordered to pay jail fees pursuant to a probationary sentence.” The law is a little confusing because it doesn't explicitly say who those persons are, but the general interpretation over the years has been that the fee can apply to defendants ordered to serve a split sentence. The amount of the fee is pegged to the “per diem rate paid by [the prison system] to the jails for maintaining a prisoner, as set by the General Assembly in its appropriations acts.” The only per diem reimbursement the state pays to the jails is the jail backlog fee mentioned in G.S. 148-29. The current rate, set in the latest appropriations act, is \$40 per day.

The probationary jail fee probably could apply when a judge orders a so-called “quick dip” in the jail under G.S. 15A-1343(a1)(3) (but not when a probation officer orders a quick dip through delegated authority). Defendants ordered to a CRV should not be ordered to pay the fee.

The probationary jail fee is discretionary. That is, the trial judge has the discretion to impose it or not impose it, and it should not be assessed unless the judge expressly orders it. If the judge is silent on the matter, no fee is assessed.

Work release earnings. In general a defendant is not assessed a jail fee for an *active* sentence served in the jail. There is somewhat of an exception to that rule for misdemeanor inmates ordered to work release from a jail. Under G.S. 148-33.1(f), a jail may collect from a jail inmate's work release earnings an amount of money sufficient to pay for the actual costs of the inmate's keep. The sentencing court (not the sheriff or jail administrator) sets the amount.

The inmates themselves are not the only ones who pay for days in the jail. There are also several other reimbursements that happen by law or by contract.

Backlog fees. Beginning on the day after the sheriff has notified the state prison system that a sentenced defendant is ready for transfer to prison, the state must reimburse the county at a per diem rate set by the General Assembly, plus certain medical costs. G.S. 148-29. As noted above, the current reimbursement rate is \$40 per day.

Statewide Misdemeanant Confinement Fund. Counties that volunteer to house misdemeanor inmates pursuant to the Statewide Misdemeanant Confinement Program are paid a per diem rate for each inmate they house. The current reimbursement rate—set by the North Carolina Sheriffs' Association in the terms and conditions of the program—is \$40 per day. Out-of-jail medical expenses are also reimbursed.

Other counties. Sometimes one county houses a jail inmate for another—like when one jail is overcrowded, unsafe, or destroyed, or when a particular inmate raises medical or security issues best addressed elsewhere. *See* G.S. 162-38, 162-39, and 162-40. When that happens, the county receiving the inmates gets reimbursed “at the usual jail fee rate for each 24 hours of confinement or part thereof by the county from which the prisoner is transferred.” G.S. 162-40.1. What is the “usual jail fee rate”? It's unclear, but at least some jails use the \$40 per day rate described above. To add to the confusion, G.S. 162-39 authorizes counties “to enter into contractual agreements with other counties to provide jail facilities to which prisoners may be transferred as deemed necessary,” and further provides that “the county from which the prisoner is transferred shall pay to the county receiving the prisoner in its jail the actual cost of maintaining the prisoner.” I doubt many jails would say that the \$40 rate covers their “actual cost of maintaining the prisoner.”

Jail Fees (cont'd)

The federal government. Under G.S. 162-34, counties with adequate and available housing space may house United States prisoners. Some jails do—on behalf of the Federal Bureau of Prisons, ICE, or the U.S. Marshals Service. The reimbursement rate for these arrangements is set by contract “as may be agreed upon between the county and the United States.” The contract amounts vary by county.

James M. Markham

Associate Professor of Public Law and Government, UNC School of Government

Body Cameras

Within the next couple weeks the Gaston County Sheriff’s Office will issue approximately 115 Body Cameras to its jail personnel. Anyone from Sergeants to Detention Officers assigned to the jail will be equipped with a body camera. This is a very good tool to assist the jail staff in their day to day functions in the jail. The equipment has the ability to provide not only video but also audio that allows what is being said verbally in any incident to be heard and recorded. I feel like this will cut down on incidents where staff members and even other inmates are assaulted in the jail. This will also cut down on complaints from inmates because of the transparency the body cameras bring. The devices record audio and video and stick to a magnet plate worn under the uniform. The camera will start recording with a simple tap and will automatically save 30 seconds of video captured prior to the recording was initiated. The Deputies and the Detention Officers will need to be trained before they are issued the cameras. I expect the training to be conducted within the next couple of weeks.

Submitted by: Darrell Griffin, Assistant Chief Deputy, Gaston County Jail Administrator

Need Assistance with Deaf/Deaf-Blind?

Below is contact information for the Services for the Blind and also Deaf/Deaf-Blind Services Coordinator

Sharone Bunn
Services for the Blind
Haywood Building
309 Ashe Avenue
Raleigh, NC 27606
1(919) 527-6700
sharone.bunn@dhhs.nc.gov

Ashley Benton, LCSW, MSW, Deaf/Deaf-Blind Services Coordinator

919-874-2212 office/TTY
919-741-4511 videophone
919-855-6872 fax

Ashley.benton@dhhs.nc.gov

820 South Boylan Avenue – McBryde Building

NC Department of Health and Human Services
Division of Services for the Deaf and Hard of Hearing
820 S. Boylan Ave.
2301 MSC
Raleigh, NC, 27699-2301

JAIL SYMPOSIUM

APRIL 25-27, 2018

EMBASSY SUITES, GREENSBORO, NC

**OPEN TO JAIL ADMINISTRATORS, ASST. JAIL ADMINISTRATORS,
SHERIFFS & CHIEF DEPUTIES**

**FOR A JAIL SYMPOSIUM REGISTRATION FORM
AND AGENDA, PLEASE GO TO:**

[HTTPS://NCJAA.ORG/NCJAA-2018-SYMPIUM/](https://ncjaa.org/ncjaa-2018-symposium/)

NCJAA
PO BOX 41368
RALEIGH, NC 27629

FORWARDING SERVICE REQUESTED

THANK YOU TO OUR CORPORATE PARTNERS



<http://www.GTL.net>



<http://kimblesinmatedirect.com>



<http://cornerstonedetention.com>



<http://montgomerytechnology.com>



<http://oasiscommisary.com>



<http://mcdanielsupplyco.net>



<http://www.cbhjails.com>



<http://www.JIMSinc.net>



<http://transformhealthcs.com>



SOUTHERN SOFTWARE, INC.
an employee-owned company

<http://southernsoftware.com>