

State Prisoners in County Jails



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Introduction

Although the terms “jail” and “prison” are often used interchangeably, there is an important difference between the two. The variation in the roles of jails and prisons is capability level of operation. Prisons are built to hold more dangerous criminal offenders and to carry out rehabilitative programming at the state level. Prisoners are meant to be long-term residents. Conversely, a jail’s original purpose is to receive and hold individuals pending trial, conviction, or sentencing at the county level. They hold those who are awaiting pick-up from other sources (i.e., parole violators to be picked up by the state, mentally ill waiting to move to health facilities, etc.). They provide protective custody for those in contempt of court and for court witnesses. They are final points for inmates sentenced to short terms (less than one year), and jails provide temporary housing for state prisoners when state facilities are overcrowded.

The main difference is that prisons are for long-term incarceration and generally operated by the state; jails are for short-term holdings and operated at the county level. But as the inmate population has soared in recent years—having climbed to nearly 2.4 million residents by

2009—the function of the jail is rapidly changing. Instead of being able to cast off inmates to other sources, counties are finding that there is nowhere for these inmates to go. This has resulted in a number of consequences. One, jails are now near, at, or over-capacity. Two, jails have had to fulfill the role of the state prison in rehabilitative methods. More and more jails are providing vocation and educational programming, psychiatric treatment, community programs, drug treatment, and alternative methods of sentencing. Of course, it is rare that a county jail will get funding for these efforts. Convictions are increasing. Citizens and politicians demand a “getting tough on crime” approach, but do not take into account the resources needed to make that happen.

One result is the turning away of some prisoners, or the release of others. This might have disastrous consequences in the future.

As of June 2008, county jails were rated at 95% capacity. But for jails with an average daily population of at least 1,000 inmates, the capacity was 103%, as opposed to a capacity of 68% of those jails with an average daily population of 50 inmates or less. Prisons are operating at anywhere from 101-117% capacity.



Causes of Higher Prison and Jail Populations

Stricter Sentencing of Drug Offenses

In 2008, approximately seven out of ten local jail inmates were either regular drug users or had committed a drug offense. About 16% had committed their offense in order to get money to buy drugs. Over 25% had previous drug convictions. Drug offenders accounted for 19% of the prison growth between 1990 and 1998. There have been more drug cases in federal court than any other type of case.

Harsher penalties for drug offenses have been the cause for drastic increases in both prison and jail populations throughout the past two decades. Some states have doubled the amount of time sentenced for drug offenses.



Truth-in-Sentencing Laws

The 1970's saw indeterminate sentencing of criminals. Parole boards had great leniency to decide who was and who was not granted early release. Good behavior, earned-time, and prison overcrowding affected the early release of many prisoners

In 1984, Washington State enacted the first truth-in-sentencing law. Congress then passed the Violent Crime Control and Law Enforcement Act of 1994, through which Truth-in-Sentencing Incentive Grants were given to states in exchange for more funding to build additional prisons and jails. Grants were awarded based on a state's promise that their prisoners would serve out a minimum of 85% of their sentences. Time off for good behavior and parole is restricted, and sometimes even eliminated.

By 1998, twenty-seven states and the District of Columbia had received Truth-in-Sentencing grants for achieving the 85% criteria. Three states require 100% of minimum time served. Six states require at least 50% of time served. Other states use sentencing guidelines such as two-part sentence structures (part of the sentence served in prison, part on parole, and part on extended supervision). Fourteen states have abolished parole board release—most for full release; some for only violent offenders. The majority of states focus on violent offenders, and some states have special sentencing requirements for sex offenders.

Since 2001, no funds have been appropriated for the Truth-in-Sentencing grants program.

Three-Strikes-You're-Out Laws

Washington State was also the first to enact a "Three-Strikes-You're-Out" Law in 1993, followed by California in 1994. With ex-convicts committing and being convicted of other crimes, this law requires harsher penalties for repeat offenders such as increasing sentence length. Usually applying to violent or sex offense crimes (generally, sex offenders get "Two-Strikes-You're-Out" convictions), three-strike laws range from longer sentences to the revocation of parole. In 1994, thirteen states and the federal government enacted their own three-strike laws;

nine enacted them in 1995. Judging the effect of these laws has been difficult. Proponents for these laws showcase the declining violent crime rate and the cost savings of keeping potentially violent criminals warehoused since three-strike laws have been used. Opponents point out that violent crime has decreased even in states without three-strikes laws, indicating an overall drop in crime not connected to incarcerating more people. Using California as an example (due to its tougher legislation), opponents also concluded that comparing data from the twelve largest counties, the ones that most strictly applied the three-strikes law did not experience a perceptible decrease in crime as opposed to more lenient counties. Further, the most lenient county of all—San Francisco County—experienced a greater decline in violent crime than the six most stringently enforced counties. Because of overcrowding, some states have amended their three-strike laws to accommodate only violent offenses, whereas other states allow a life sentence for a less serious felony, such as burglary.

Miscellaneous Laws

In January 1998, California voters enacted a “10-20-life” law, in which criminals using guns would have 10 years, 20 years, or a life sentence tacked onto their sentences.

With the addition of these laws, state prisoners are seeing longer and stricter prison sentences. Because of these longer prison terms, prison overflow is inevitable. But what does it cost to house state prison overflow in county jails? County officials frequently point out that they are housing more state prisoners in their jails than ever without receiving adequate compensation for these prisoners from the state. A state-by-state analysis shows the current compensation rates for state prisoners.

State-By-State Analysis

Alabama

The Alabama Department of Corrections pays the county jails \$1.75 a day to house state prisoners, which only covers meals. Some localities receive an additional \$1.25 per day based on legislation. An agreement in 1998 warranted the State to collect inmates who had been in county jails for more than 30 days after sentencing, but the backlog grew. In 2005, a final order went through ordering sheriffs to deliver state prisoners on the 31st date of incarceration. Since then, the counties have refused efforts by the State to pay them. According to one official, “We have consistently felt that once the money starts flowing, the prisoners will stay in the jails. And, to make it worse, we’d be in there trying to fight to keep our reimbursement line item in the budget, which would place us in competition with things like Medicaid, children’s services, etc. That’s a battle we cannot win.”



The counties also have a statute that requires the state to pay the cost of medical care for the state inmates. This requirement begins on the date of sentencing.

Alaska

Alaska has a state-only correctional system.

Arizona

Arizona Department of Corrections must receive state prisoners held in county jails 10 days after sentencing. The reimbursement rate for those days after sentencing, and after the DOC has been notified, ranges from \$30.09 to \$69.14. Arizona was the first state to institute drug treatment for non-violent offenders in 1996, as opposed to incarceration, realizing a savings of \$2.5 million the first year, and a success rate of 77.5%, with 77.1% of those inmates treated making at least one payment towards the program. This has helped to divert a good portion of the prison population into alternative programs instead of prisons, and consequently, county jails.

Arkansas

The Arkansas Department of Corrections has two types of contracts set up with county jails for housing state inmates. The first one contracts county jails with the DOC, and various counties house inmates that meet certain criteria. The second, county jail backup provides space for DOC commitments that cannot be housed at the state level. The prisoner is wait-listed until a space is available. The state reimburses the county \$28.00 a day, which covers room, board, and routine medical care. There is no maximum time limit set on how long the state prisoner remains in the county jail.

California

The state pays California counties \$77.17 per day. With California prisons being very overcrowded (currently under a federal court order—on appeal—to reduce inmate population by 44,000) it is sometimes difficult to get the state to take prisoners. Los Angeles County routinely has 800 or so inmates who have been sentenced

but are awaiting transportation. Although the State informs the county to drop off the inmates when the county tells the state to come get them, the state requires drop offs at Pelican Bay State Prison about 840 miles away from Los Angeles. This is becoming a problem for many California counties that are also at either court-ordered or self-imposed caps on the jail populations. The amount reimbursed to county jails is adjusted annually.

Colorado

The Colorado Department of Corrections reimburses counties at a rate of \$50.44 per day beginning 72 hours after sentencing. This rate covers routine medical expenses. Prisoners with serious and costly medical problems are put on a priority list and moved quickly to the state prison system because the county holds responsibility for these health care costs.

Connecticut

Connecticut has no county government; therefore, it has no county jails. The prison system is run by the state Department of Corrections.

Delaware

Delaware has a state-only corrections system.

Florida

The state Department of Corrections negotiates the per diem rate with each county. The DOC provides transportation to and from the facility. The county provides housing, food, recreation, access to courts, commissary, mail, religion, grievance procedures, discipline and telephone access. Routine medical care is usually provided by the county; non-routine/emergency medical care is provided by the state, and the inmate is usually transferred back to a state facility. Current per diem rates are \$32.00 for males and \$42.45 for females. No actual appropriations exist for county jail beds; instead, funds are paid from the diversion bed appropriation. There is no maximum length of stay.

Georgia

Once the Georgia Department of Corrections receives the sentencing paperwork from the Clerk of Court, it has 15 days to pick up the inmates from the county jail. After the 15 days, the DOC must pay the county \$22.00 per day. It is also responsible for the medical costs at the time of receipt of paperwork. At this printing, there are 5,826 of these sentenced inmates in the county jails.

Many counties fear that because the state saves about \$35.00 a day leaving prisoners in the county jails, there seems to be little interest in picking them up. Also, since the state has imposed furloughs on judges, cases are now backing up in the court system adding to the inmate counts.

Hawaii

Hawaii has a state-only corrections system.

Idaho

Idaho keeps prisoners—both transitional inmates and long-term inmates—in county jails to alleviate overcrowding at the state level. Long-term beds are for at least one year. The Department of Corrections does not prefer to keep inmates in jails longer than one year, as it is preferred the inmates come back into the state system for necessary programming before appearing before the Parole Commission. State law sets the per diem rate at \$40.00. Idaho is, however, one of the few states to eliminate parole for good behavior.

The state has gradually been pulling prisoners out of the county jails, and it is estimated that in the near future there will only be approximately 250 state prisoners in county jails.

Illinois

No state prisoners are kept in county jails.

Indiana

In Indiana, the state and county sign an agreement to detail the housing of state prisoners in jails. The contract says that any person convicted of a misdemeanor charge will serve out their time in a county facility, unless presence of that inmate will create a disruption for others. Also, some counties will take prisoners from the state system if the county has beds available and the state does not. For the first 5 days, there is no reimbursement, but after the 5th day, the reimbursement rate is \$35.00 per day per prisoner. Medical costs are covered by the county, but if it is substantive, the state is responsible for reimbursing the county after the prisoner has been in the jail for more than 5 days. If it is an on-going complication, the state pulls the prisoner back into the state system. There is no maximum length of stay; it is up to the sentencing judge to determine. Sheriffs can also request reimbursement from the prisoner.

Iowa

In Iowa, counties bill the state for their daily confinement rate which varies between \$40.00 and \$75.00 per day depending upon the county jail. This is funded out of a state appropriation until the money runs out. Counties can get reimbursed for this after judgment has been issued and before inmates are transferred to the state institution for the following reasons: if they are in confinement for conviction of multiple operating-while-intoxicated infractions, if they are on work release, or if they are in jail for violations of parole. The county has to pay the cost of medical treatment as long as it is housing the prisoner.

Kansas

State reimbursement to county jails is made on a per diem basis using funds appropriated by the state for this purpose. Rates vary among counties because the statute requires that maintenance costs (including medical expenses) for state offenders in a county jail be reimbursed in an amount equal to maintenance costs for county prisoners. Each county notifies the Department of Corrections as to the maintenance cost

amount for their county. Per diem rates currently range from \$51.78 to \$88.85 for the state's four largest counties, which combined account for the majority of total reimbursement payments. Per diem rates for most of the remaining counties generally fall within the \$30.00 - \$40.00 range or at the county's daily rate (whichever is less). There is no maximum length of stay for state prisoners being held in county jails.

As for medical costs, it depends on the circumstances under which the prisoner is being held. If the prisoner is in a county jail to answer a new charge or a detainer lodged by the county, health care is the county's responsibility. If the prisoner is being held on a KDOC (State) warrant only, the state covers non-routine medical costs through their health care contract.

Additionally, county jails have saved millions of dollars in the past several years due to a cap in the amount, at the Medicaid rate, that counties pay to medical providers (local hospitals, doctors, ERs). Counties use a medical cost review process under a state KDOC contract, in which, for \$17.50 per invoice, a third party medical claims company reviews the medical invoice and determines the Medicaid rate for each billed service, then notifies the county sheriff/jail administrator how much of the invoice is payable.

Kentucky

Kentucky currently houses approximately 4,000 state prisoners in county jails. This allows screened state prisoners to serve out their sentences in the county jails, some in return for a community work program. Counties who do not wish to participate are granted a waiver. The state has 45 days from the time of final sentencing to accept prisoners in its facility. The Department pays the local jails a per diem of \$29.43 and \$1.91 for routine medical care. A per diem of \$35.24 is paid for housing medium prisoners, which includes medical costs. A new pay-your-way law passed in 2000 permits Kentucky's 85 jails to charge the state up to \$50 per day for room and board, plus \$20 paperwork fee and other special charges for unruly inmates.

Louisiana

Louisiana has partnerships with local governments. All facilities are reimbursed at a flat \$22.39 per day except work release facilities operated by sheriffs, which are reimbursed at \$18.00 per day. Four parishes earn an additional \$7.00 per day per inmate through approved cooperative endeavors. Orleans Parish is also reimbursed an additional \$2.00 per day for medical expenses for state inmates and \$7.00 for all inmates served by its mental health unit. The state also reimburses any medical costs received outside those of the Sheriff's office. Counties may request additional reimbursement from the prisoners for any extraordinary medical expenses. The Louisiana Legislature recently passed laws to reduce the sentences for drug offenses, and eliminated mandatory sentences for non-violent offenses. This is an effort to reduce crowding in Louisiana prisons.

Maine

County jails are primarily funded by the municipalities where they are located. They receive a fraction of what the state prisons receive for upgrading facilities. Consequently, all fifteen of Maine's county jails are overcrowded, due in part to the stepped-up law enforcement and harsher penalties over the past decade. Some jails are over capacity because of their housing of inmates from other, more seriously crowded, jails. The state does provide funds to counties for support of county inmates & community corrections programs. Recently, the Maine Board of Corrections set the daily Marginal Rate for boarding prisoners in the Androscoggin County Jail at \$13.97.

Maryland

The state has contracts with local jails to house inmates; however, the number of inmates is kept to a minimum. Only pre-release inmates in the last 12-18 months of their sentence are eligible. They are generally participating in a work release program. The per diem rates are different for each county, based on the economic base of that county.

Prior to the 2009 General Session, the state paid



50% of the actual per diem costs per state inmate for each day from the 91st day to the 365th day that the inmate was housed in the a local correctional facility. Four counties qualified for a higher payment rate of 85% of the per diem.

The formula was permanently reduced in the 2009 Session. Now, for inmates sentenced to a local correctional facility for more than 12 months but less than 18 months, the state will pay a per diem grant of \$45.00 for each day from the end of the 12th month through the end of the 18th month, but no payments at all for days 91 through 365.

However, in light of Maryland's ongoing fiscal crisis, the General Assembly summarily canceled all reimbursement payments for current fiscal year 2010 and will likely do so again for fiscal year 2011.

Massachusetts

By act of the Massachusetts Legislature, county jails in Massachusetts now receive 100% of their

budget from a state budget line item. Therefore, all county inmates, and state inmates housed in county facilities, ultimately are paid out of the State General Fund.

Michigan

State prisoners are housed in county facilities when there is a writ to do so. Michigan passed truth-in-sentencing laws in 1998. One consequence of these laws is the closing of halfway houses across the state, denying many prisoners job training skills, drug treatment, and general easing into society. The Department of Corrections notes that only 1% of those who pass through these houses before being paroled commit a felony within four years; 14% of those who stay in prison do the same. Michigan has a high rate of violent offenders -- estimated to be almost 70% in 1998 -- meaning more offenders in prisons for longer periods of time. The current per diem rate is \$43.50 a day, and the county is charged with paying medical expenses.

Minnesota

The Minnesota Department of Corrections does occasionally house some inmates in county jails around the state. Generally, those placements are administrative in nature (i.e., inmate might be in need of protective custody or temporary placement due to a situation within a state prison and needs to be held in a local facility until alternative placement arrangements

can be made or until their release). County jail placements might also be used in certain areas of the state to facilitate Work Release programming. Other than these contracts, the placement of state prisoners in county jails is infrequent and short-term. Some counties contract with the state at a \$60.00 per diem rate. If the county houses the offender for the DOC, the Department normally covers all other non-routine costs/care.

Mississippi

The State of Mississippi has two classifications of county jails, approved and unapproved. An approved county jail is one which the federal court has approved to house state inmates. An unapproved county jail is simply one that has not been approved to house state inmates. State law and federal court order determine capacities and other guidelines for approved jails. Joint County State Work Programs and county jail support are also regulated by state law. Most inmates who remain, or are returned to the jails, are mainly utilized for work support jobs around the jail. Counties with approved Joint County State Work Programs will often have inmates classified back to the jail who are non-violent and meet certain criteria. These inmates are used to provide community service work. Additionally, inmates are housed in county jails to help relieve overcrowded prison facilities. Most sheriffs operating approved county jails are allowed to keep certain inmate jail support workers.

All other inmates are brought into the Department of Corrections and classified to a state facility.

When state prisoners are housed in county jails due to a lack of capacity at state correctional institutions, the DOC shall determine the cost for food and medical attention for such



prisoners. The cost of feeding and housing of-fenders confined in such county jails shall be based on actual costs or contract price per pris-oner. The cost is not to exceed \$20.00 per day for each offender plus any reasonable medical expenses. The maximum length of stay is dif-ferent for the approved and unapproved jails. This is regulated by both state law and federal court order. Counties do receive a partial reim-bursement for medical expenses, but only get reimbursement at the Medicaid rate which var-ies. Each fiscal year, they receive roughly \$8.8 to \$8.9 million from the Mississippi Department of Correction Appropriations for Reimbursement for Local Confinement.

Missouri

On the occasion that counties house state pris-oners, Missouri's revised statutes outline proce-dures for reimbursement. The following circum-stances allow state inmate housing in the county jails: revocation of a prisoner's parole, violation by the prisoner of any condition of parole or probation, or fugitive status of the prisoner from the Missouri Department of Corrections. Cur-rently, the amount paid to the county is \$22.00 and does not include medical costs. According to state statute, reimbursements shall not exceed \$37.50, or actual costs.

Montana

The state has contracts with local jails to house inmates on hold waiting to be transferred into the state system. The state pays for inmates after conviction, not arrest. There is a desire to start paying after final sentencing. The state reim-burses both county and regional jails for room, board, and routine medical expenses. The per diem rate ranges by county from \$48.00 - \$56.00 for local jails.

Nebraska

Nebraska counties receive \$35.00 per day until the state budget runs out of financial allocations. The fiscal year starts in July, and on average, the State is out of money by November. Therefore, counties are forced to continue to house state prisoners without state reimbursement.

Nevada

The State of Nevada does not house state in-mates in county institutions as a matter of popu-lation management. State prisoners are placed in local facilities only for court, or for no lon-ger than 6 days for transfers from remote state conservation camps to institutions. This latter circumstance occurs infrequently.

New Hampshire

There are ten counties in New Hampshire, some of which house state prisoners at no charge to the state. Persons receiving a sentence of less than one year serve their time in a local jail. Persons receiving a sentence of one year or more serve their time in one of the four state facilities. The relationship between counties and the state and counties and other counties is an informal, quid pro quo relationship, where at some point in time, each one houses prisoners for another. A one-on-one trade exists between the counties and the state; for every prisoner the state sends, they take on one county inmate. There are no state reimbursements provided in this system.

New Jersey

New Jersey houses state inmates in county jails after the 15th day from their sentencing date. Counties are reimbursed \$55.00 a day from the state, and there is no maximum stay.

New Mexico

New Mexico contracts with its counties to house state prisoners. On average, counties re-ceive a reimbursement of \$42.50 - \$47.50 per day. The NM Sentencing Commission conducts a prisoner count survey through New Mexico Association of Counties and then calculates what each county will be reimbursed. The Sen-tencing Commission forwards the report to the Department of Finance and Administration and DFA cuts a check to each county. In 2007, the state appropriated \$5 million to reimburse coun-ties based on House Bill 316. Unfortunately, this is only a fraction of the actual costs. Through the NM Sentencing Commission annual sur-vey of prisoner populations in county detention

centers, the state should be paying the counties close to \$30 million.

New York

Currently, New York State pays counties \$34.00 per day for housing inmates who have violated their state parole sentences. Unfortunately, on average, housing a prisoner in a jail in New York State costs a county approximately \$105.00 per day (\$290 in New York City).

North Carolina

In North Carolina, the state pays \$40.00 per day for those state prison inmates that are in county facilities serving a state sentence of 90 days or more. An example would be if a prisoner is sentenced to a 120 day sentence, and the county jail housed them for 30 of those days since the state did not pick them up. The county would be reimbursed for the 30 days the state prisoner was in the jail multiplied by \$40.00 for a reimbursement of \$1,200.00. The Department of Corrections will reimburse medical expenses that are “extraordinary” in nature, i.e., hospitalization, non-hospitalized care in excess of \$35.00 per occurrence, and replacement of eyeglasses or dental devices if lost while in county custody.

North Dakota

North Dakota houses a limited number of inmates in county jails. Mostly, this is to help reduce state prison overcrowding, but it also helps with separation issues. County jails are reimbursed \$60.00 a day per state prisoner. This has been the rate since 2007, and was \$55.00 a day prior to that year. For medical expenses, the county pays the first \$150.00 and then bills the State for anything above that amount. The counties do not collect additional fees from state inmates they hold. In the past, some counties had collected small fees for work release inmates on their own.

Ohio

There is no incarceration of state prisoners in county jails in Ohio.

Oklahoma

The Department of Corrections contracts with the counties to house prisoners because of overcrowding in the DOC system. The state also pays a fee for inmates that are waiting to come into the system when there is not space to receive them yet. Per day, counties receive \$27.00 per inmate for all DOC prisoners that have been convicted and are awaiting transfer over to the DOC. Counties receive \$32.50 per inmate for all DOC prisoners that are being housed through a contract with the DOC for a predetermined amount of time in a county jail due to space issues within the DOC.

Oregon

Oregon county jails no longer house state prisoners. The average cost for each inmate at the county level is \$125.00 per day. The medical budget averages \$2.5 million per year in health costs with no state aid.

Pennsylvania

In Pennsylvania, counties house all prisoners at their full expense for pre-trial, pre-sentence, and for all sentences up to two years. For those in the two-to-five-year category, it is the sentencing judge’s discretion whether to send prisoners to a state or a county facility, and if they are at the county, it is the county’s full expense (even though they are technically state prisoners). In 2012, all the two-to-five-year prisoners and above will go to state facilities (two and under will still be in county jails at their expense), but if a county agrees (and has capacity) to take two-to-fives, the state will reimburse the county. There will be a set rate which is expected to be about \$50.00 per day but will vary by county and will include routine medical. There will be a separate state reimbursement for catastrophic medical.

Rhode Island

Rhode Island has no county governments, and therefore, it has no county jails. It has a state-run corrections system.

South Carolina

South Carolina counties are required to keep prisoners sentenced to 90 days or less. There is no reimbursement by the state. The counties absorb all costs, including medical. Those persons sentenced to more than 90 days are transferred to the State Prison System.

South Dakota

South Dakota only keeps state prisoners in county jails for limited reasons. This includes having the county house an inmate while they are in the county for court and/or having the county house an inmate who was captured while on escape status or who was captured as a parole absconder. On average, the counties receive \$50.00 per day from the state for housing state prisoners for the Department of Corrections.

Tennessee

All counties are reimbursed for housing state inmates. Tennessee pays \$35.00 a day to non-contracted counties. This is the status of the majority of the counties. However, the top two counties have a slightly higher negotiated rate. The state pays for medical cost if their state prisoner has to stay overnight in a hospital. If an inmate presents problems (behavioral/medical) which are beyond the resources of the local jail, the county can petition the court to send the

prisoner to the Department of Corrections or can make written request to have the inmate's location changed.

Texas

Due to severe overcrowding in county jails and state prisons, the State of Texas was involved in a law suit during the early 90's in which a judge determined that the state would pay counties for state inmates housed in county jails after 45 days while awaiting transfer to a prison. According to the Texas Commission on Jail Standards, the state has not made any payments to counties since the early-mid 90's. Counties negotiate with the Texas Department of Criminal Justice for housing rates when the prisons need to make room in their facilities. The average cost is \$45.00 - \$60.00 per day excluding extraordinary expenses. The Sheriffs Association of Texas has attempted to include reimbursement for medical expenses for "blue warrant" inmates (state paroled inmates with new offenses or revocations) or convicted offenders awaiting transfer to prison facilities. However, as is currently in statute, if the county has custody of an inmate the county pays all expenses.

Utah

The State of Utah routinely has approximately 1,200 state inmates housed in county jails. Many small counties in the rural part of the state



overbuild their jails and then pay off the bonds through the renting of beds to the Department of Corrections. The counties receive \$43.07 a day for each inmate housed in a county jail. The jails will not take mentally ill, problem inmates or inmates with medical problems. There is a DOC coordinator in each jail that has more than 150 state inmates. The coordinator is like a caseworker and helps with inmate problems. Inmates are not billed by the county for medical expenses, and there is no limit on the amount of time an inmate can stay in the county jail. Some inmates are sent to small county jails for protective custody.

Vermont

Vermont does not keep state prisoners in county jails. County jails were officially abolished in 1975. The reason for this is because the state did not want to upgrade the county jails to meet state standards, and no funding existed for this. The jails are utilized only for short-term detainment (less than an hour per day); the prisoners are then picked up by the state.

Virginia

In Virginia, the Department of Corrections is responsible for housing all felons with a one-year sentence or more. However, the city and county jails can request that an inmate be retained in the local jail. They do this for a number of different reasons including work cadre, work release or to facilitate family ties. To do this, the Sheriff or designee must submit a written appeal requesting permission for the inmate to remain. Generally, inmates with less than three years to serve with no prior escapes, etc., are approved. Local jails are reimbursed by the state for every inmate they hold. The reimbursement rate is \$28.00 per day. The inmates are approved to stay on work release up to two years or in jail assignment up to three years. The local jails charge work release inmates per day once they begin work. The DOC and some jails also charge a co-pay fee for medical care.

Washington

All offenders convicted of felony offenses are considered "state offenders." Felony offense



sentences with confinement time of less than one year are served in the jail of the sentencing county. There are also occasions when offenders who have been released from prison or jails and on parole or probation are confined in a jail as part of a violation of the conditions of supervision. Felony offense sentences with confinement time greater than one year are served in the State Department of Corrections' prison system. Each county determines its jail bed rental rate and it varies by county. The low range is between \$50.00 and \$54.00, and there are a few counties receiving above \$75.00. Medical costs are almost always extra.

West Virginia

West Virginia has a regional jail system managed by the Regional Jail Authority (RJA). Counties pay \$47.50 per day for all inmates regardless of whether they're arrested by state, city, county, etc. law enforcement. Once an inmate is sentenced to the state Division of Corrections, the state pays \$47.50 for as long as they remain in regional jail. The daily rate pays all operating costs of jails including medical expenses. The Authority sets the rate yearly based on a formula written in state statute. The rate for 2011 will be \$48.80. The State DOC budgets the amount of money it thinks will cover its annual expense, but most years the RJA must go to "court of claims" at the end of the fiscal year to collect the amount from DOC that is over budget.

Wisconsin

The State of Wisconsin reimburses counties for persons placed in the jails for probation or parole violations. Per state statute, the rate is set at \$40.00 per day—a rate that has been in place for many years. However, the state only reimburses counties based on a proration of the funds put in for that purpose. And unfortunately, the budget has been insufficient for the past several years. Since 2004, the rates received have dropped from \$40.00 per day to \$28.08 in 2009. There is also a program in which the state reimburses counties for Extended Supervision for Short Term Sanctions (ES Sanctions) at a rate of \$51.46 per day, but not all counties participate in that program.

Wyoming

Wyoming does not have a set reimbursement rate. The actual rate is based on an agreement of the Sheriff and the director of the Department of Corrections, plus medical. The county is responsible for 10 days after the judgment, and then the state begins to reimburse the county. Unfortunately, sometimes a judge may not sign an order for 40-50 days. This leaves the county paying for longer periods. For split sentencing, the DOC may contract with county sheriffs to house felons sentenced in county jail. Again, that is subject to legislative appropriation.

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