

TALKING POINTS

INMATE QUOTAS – Senate Budget Proviso 37.36

Why Senate Budget Proviso 37.36 should be ADOPTED in the Conference Committee’s Report:

- **It provides a permanent solution to DOC not accepting its prisoners from local jails in a timely manner.** This has been a source of frustration for counties for a number of years and was further aggravated by the imposition of a “quota system” by the Corrections Director on January 1. This “new” system dictates the maximum number of inmates DOC will accept from each county per week. It has further backlogged the number of state inmates awaiting transfer from local jails to DOC.

- **It recognizes that DOC must comply with its statutory obligations.** Section 24-3-20(A) provides that a person convicted of a state offense and sentenced to more than three months is in the custody of DOC. Further, Section 24-3-60 provides that DOC must transport these inmates as soon as it receives notice from the county. These are state inmates, not county detainees, and the custody and financial responsibility rest with the state.

- **There is no legal authority to impose a quota system.** Numerous Attorney General’s Opinions over the past 30 years have concluded that there is no legal authority to grant DOC any discretion in accepting its prisoners. Further, DOC must accept them “with due diligence and reasonable promptness.”

- **It recognizes that this is a state problem requiring state funding.** The net effect of not timely accepting state inmates from local jails is to shift the financial responsibility and liability to the counties and to aggravate already overcrowded conditions in local jails.

- **It would help alleviate jail overcrowding and reduce potential liability.** The counties do not have the additional space, staff, resources and services that are required for sentenced prisoners that are not required for detainees:
 - **Sentenced prisoners CANNOT be placed in any unused bed space.** Classification requires that pre-trial be separated from sentenced; males from females; juveniles from adults; etc.
 - The U. S. Constitution, federal and state law, case law, and state standards require a different level of care for sentenced inmates, particularly in regards to medical care.

- **State prisoners cannot earn “work credits” while housed in local jails.**

- **Counties have carried this burden for too long,** and it is one they can no longer afford or tolerate. State funds are needed to rectify this situation **permanently.**