

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

CURRENT POPULATION PROJECTIONS *FISCAL YEAR 2005/06 to FISCAL YEAR 2014/2015*

Prepared in Conjunction with the
Department of Correction's Office of Research and Planning

RELEASED: JANUARY 2006

INTRODUCTION:

The attached table shows ten-year prison population projections by fiscal year. The prison population projections were completed in two parts. The Sentencing Commission prepared prison population projections for all offenders sentenced on or after July 1, 2005 (new population). The Department of Correction prepared projections for all offenders in prison as of June 30, 2005 (resident prison population). The final combined projections take into account the decline of the resident prison population (Structured Sentencing Act releases, Fair Sentencing Act releases, and pre-Fair Sentencing Act releases) and the buildup of the new inmate population (new sentences, probation revocations, parole revocations, and post-release supervision revocations). Added to these figures is the estimated number of "safekeepers" and DWI offenders held in the state prison system.

ASSUMPTIONS:

- On average, all Fair Sentencing Act (FSA) and pre-FSA prisoners will serve 54 percent of their sentence imposed (the average percentage served by FSA and pre-FSA prisoners released in FY 2004/05).
- On average, all Structured Sentencing Act (SSA) felons will serve 109 percent of their minimum Active sentences and all SSA misdemeanants will serve 95 percent of their Active sentences (the average percentages served by SSA offenders released from prison during FY 2004/05).
- Rates of Active sentences will match rates during FY 2004/05 for all SSA offenders. Overall, 37 percent of felons received an Active sentence, with an average estimated time served of 39 months. These rates assume no changes in judicial or prosecutorial behavior regarding convictions and sentencing.
- Technical probation revocation rates will match rates during FY 2004/05. While 56 percent of felony admissions to prison in FY 2004/05 resulted from Active sentences for a new conviction, 44 percent of the admissions resulted from technical revocations of probation. In FY 2004/05, 51 percent of misdemeanor admissions to prison resulted from

Active sentences for a new conviction and 49 percent resulted from technical revocations of probation.

CHANGES FROM PREVIOUS PROJECTIONS:

The projected prison populations for the ten-year projection period represent a decrease from last year’s projections. Although the overall number of convictions increased, this projected decrease can be attributed primarily to a decrease in convictions in the more serious felony offense classes (Classes A-D) with a corresponding increase in convictions in the less serious felony offense classes (Classes H-I), to a decrease in the percentage of active sentences imposed, and to a decrease in the average estimated time served.

- The Sentencing Commission’s *Forecasting Advisory Group* adjusted the projected growth rates for felony and misdemeanor convictions upward for the first year of the projection period.¹ The primary factor considered by the *Forecasting Advisory Group* was legislative changes that are not captured in current data (such as changes to domestic violence and methamphetamine laws, as well as the creation of new offenses).

<u>Time Period</u>	Felony Convictions		Misdemeanor Convictions	
	<u>Previous Growth Rate</u>	<u>Current Growth Rate</u>	<u>Previous Growth Rate</u>	<u>Current Growth Rate</u>
FY 2005/06	1%	2%	1%	2%
FY 2006/07	2%	2%	1%	1%
FY 2007/08	2%	2%	1%	1%
FY 2008/09	2%	2%	1%	1%
FY 2009/10	2%	2%	1%	1%

- This projection does not account for any increases in the prison population from legislative changes to criminal penalties from the 2005 Session of the General Assembly since the legislative changes either created new offenses for which there are no historical data or amended penalties for existing offenses with elements that could not be modeled.
- In June 2004, the U.S. Supreme Court held that the Constitution required that the jury, not the judge, find aggravating factors to support an aggravated sentence (*Blakely v. Washington*, June 24, 2004). This ruling affected sentencing in North Carolina because the state’s sentencing laws required judicial finding of aggravating factors. In the 2005 Session, the North Carolina General Assembly amended the Structured Sentencing laws to require that a jury determine whether an aggravating factor exists (effective June 30, 2005). In the time between the June 2004 ruling and the June 2005 amendment, the number of aggravated sentences imposed decreased. In FY 2004/05, only two percent of

¹ The *Forecasting Advisory Group* convenes annually and consists of representatives from the Sentencing Commission, Administrative Office of the Courts, Office of Indigent Defense Services, Department of Correction, Department of Juvenile Justice and Delinquency Prevention, State Bureau of Investigation, Governor’s Crime Commission, and Office of State Budget and Management. The group forecasts growth rates after reviewing recent crime trends, arrest trends, court filing trends, state demographic trends, and prison admission trends.

all felony sentences (Active and suspended) were in the aggravated range compared to over four percent in FY 2003/04. It is expected that the number of aggravated sentences imposed will approximate previous levels over time. Therefore, this projection includes an adjustment to compensate for the reduced number of aggravated sentences imposed in FY 2004/05.

- Prison population projections continue to be affected by parole practices due to the number of FSA and pre-FSA offenders currently in prison. On November 30, 2005, there were 4,426 FSA and pre-FSA offenders in prison (including 2,670 with life sentences and 84 with death sentences), representing about 12 percent of the state's inmates. The percent of sentence served by FSA and pre-FSA prison releases (excluding those with life or death sentences) has been increasing (from 37 percent in FY 2000/01 to 54 percent in FY 2004/05), as has their average time served (from an average of 84 months in FY 2000/01 to 140 months in FY 2004/05).

PROJECTED PRISON POPULATION:

Projected Prison Population and Capacity

The population projected by the Commission's simulation model for June 2005 was **36,885**. The actual average population for June 2005 was **36,766**, a difference of 119 (or less than one-half of one percent). The first table and following chart present the projected prison population and capacity for FY 2005/06 through FY 2014/15.

Updated prison capacity projections were provided by the Department of Correction's Division of Prisons in December 2005. These projections include both the Expanded Operating Capacity (EOC) and the Standard Operating Capacity (SOC) of all prison facilities. Based on these figures, the projected prison population will exceed both standard and expanded operating prison capacity for all ten years of the projection.

Projected Prison Population by Offense Class

The Sentencing Commission also provides data on the distribution of the projected prison population of felons by offense class, as shown in the second table.

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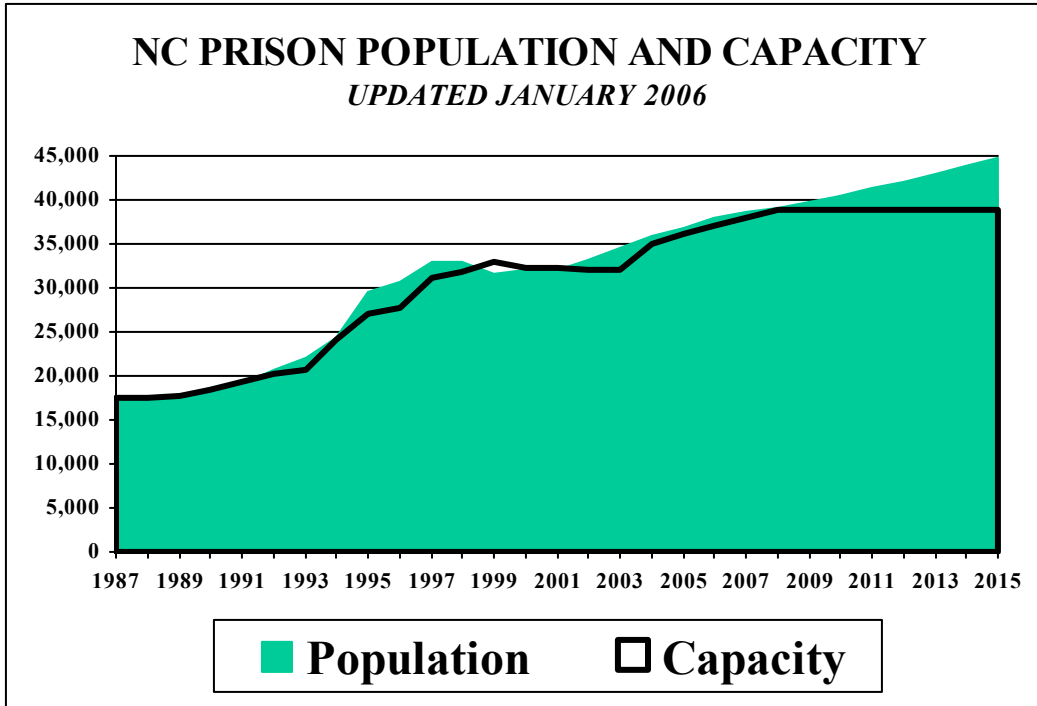
**PRISON POPULATION PROJECTIONS:
UPDATED JANUARY 2006**

**PREPARED IN CONJUNCTION WITH THE DEPARTMENT OF CORRECTION'S
OFFICE OF RESEARCH AND PLANNING**

FISCAL YEAR	PREVIOUS PROJECTION as of June 30	CURRENT PROJECTION as of June 30	ESTIMATE OF EXPANDED OPERATING PRISON CAPACITY¹	ESTIMATE OF STANDARD OPERATING PRISON CAPACITY²
2006	38,106	37,898	37,077	32,389
2007	39,021	38,616	37,973	33,285
2008	39,864	39,114	38,869	34,181
2009	40,750	39,674	38,869	34,181
2010	41,668	40,444	38,869	34,181
2011	42,594	41,276	38,869	34,181
2012	43,499	42,076	38,869	34,181
2013	44,381	42,977	38,869	34,181
2014	45,312	43,896	38,869	34,181
2015	N/A	44,765	38,869	34,181

¹ Expanded Operating Capacity (EOC) is the number of inmates housed in dormitories that operate at varying percentages (not to exceed 130%) beyond their Standard Operating Capacity (SOC), plus the number of single cells with one inmate per cell, plus the number of single cells that house two inmates per cell that meet American Correctional Association (ACA) standards for space per inmate.

² Standard Operating Capacity (SOC) is the number of single cells with one inmate per cell plus the number of inmates who can be housed in dormitories by dividing the gross square feet of each dormitory by 50 square feet and rounding to the closest double bunk configuration.



Note: Prison capacity figures reflect Expanded Operating Capacity.

SOURCE: NC Sentencing and Policy Advisory Commission and NC Department of Correction

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**DISTRIBUTION OF THE PROJECTED PRISON POPULATION BY OFFENSE CLASS
FELONIES ONLY**

Offense Class	Average Estimated Time Served in Months ¹	Percent by Fiscal Year		
		2006	2010	2015
A	600	4.1	4.8	5.4
Viol. Hab. Felon	600	0.0	0.0	0.1
B1	280	5.6	6.7	7.7
B2	189	7.4	8.7	9.7
C	100	21.5	21.4	20.7
D	77	14.0	13.2	12.4
A-D Subtotal	136	52.6	54.8	56.0
E	32	5.4	5.8	5.7
F	23	8.1	7.8	7.4
G	19	11.1	11.0	10.8
E-G Subtotal	23	24.6	24.6	23.9
H	11	16.9	15.1	14.8
I	7	4.3	4.0	4.0
H-I Subtotal	10	21.2	19.1	18.8
Unknown	N/A	1.6	1.5	1.3
TOTAL	39	100.0	100.0	100.0

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2004/05 Structured Sentencing Simulation Model

¹ For analysis purposes, the sentence length imposed for convictions resulting in life or death sentences was estimated at 600 months. Average estimated time served includes an adjustment for aggravated sentences to account for the decrease in aggravated sentences after *Blakely v. Washington*.