

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

CURRENT POPULATION PROJECTIONS *FISCAL YEAR 2007/08 to FISCAL YEAR 2016/2017*

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

RELEASED: FEBRUARY 2008

INTRODUCTION

North Carolina General Statute §164-40 sets forth the North Carolina Sentencing and Policy Advisory Commission's original mandate to develop a computerized simulation model to be used to prepare prison population projections. The projections are prepared on an annual basis and are used to help determine long-term resource needs.

The prison population projections contained herein were completed in two parts. The Sentencing Commission prepared prison population projections for all offenders sentenced on or after July 1, 2007 (new population). The Department of Correction prepared projections for all offenders in prison as of June 30, 2007 (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 AND RELEVANT CHANGES

- The distribution of prison admissions resulting from Active sentences for a new conviction and resulting from technical revocations of probation will match the distribution during FY 2006/07. While 57% of felony admissions to prison in FY 2006/07 resulted from Active sentences for a new conviction, 43% of the admissions resulted from technical revocations of probation. In FY 2006/07, 53% of misdemeanor admissions to prison resulted from Active sentences for a new conviction and 47% resulted from technical revocations of probation.
- Rates of Active sentences will match rates during FY 2006/07 for all SSA offenders. Overall, 37% of felons received an Active sentence, with an average estimated time served of 36 months. These rates assume no changes in judicial or prosecutorial behavior regarding convictions and sentencing.
- Probation revocation rates will match rates during FY 2006/07. For the fiscal year, 41% of the felony exits from probation and 34% of the misdemeanor exits from probation were due to revocation of probation. The median lag-time between the imposition of a probation

sentence and revocation to prison for a technical violation was 15 months for felons and 12 months for misdemeanants.

- Post-release supervision revocation rates will match rates during FY 2006/07.¹ For the fiscal year, 16% of the exits from post-release supervision were due to revocation. The median lag-time between release from prison onto post-release supervision and revocation to prison for a technical violation was 8 months.
- On average, all Structured Sentencing Act (SSA) felons will serve 109% of their minimum Active sentences (the average percentages served by SSA felons released from prison during FY 2006/07).² The percentage of sentence served varies by offense class with prisoners in the more serious offense classes serving a lower percentage of their maximum sentence since they have the potential to accrue more earned time due to their longer sentence lengths (e.g., 103% for Class C, 113% for Class I).
- On average, all SSA misdemeanants will serve 95% of their Active sentences (the average percentages served by SSA misdemeanants released from prison during FY 2006/07).
- Prison population projections continue to be affected by parole practices due to the number of Fair Sentencing Act (FSA) and pre-FSA offenders currently in prison. On December 31, 2007, there were 3,746 FSA and pre-FSA offenders in prison (including 2,431 with life sentences and 83 with death sentences), representing almost 10% of the state's inmates. The projections assume that all FSA and pre-FSA prisoners will serve the average percentage of sentence imposed that was served by FSA and pre-FSA prisoners released in FY 2006/07 and that parole revocation rates will match FY 2006/07 rates.
- The projections assume a two percent annual growth rate for felony convictions and a one percent annual growth rate for misdemeanor convictions. The growth rates were determined by the Sentencing Commission's *Forecasting Advisory Group* after consideration of a variety of criminal justice and population trends.³
- The projections do not account for any increases in the prison population from legislative changes to criminal penalties from the 2007 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.

¹ Under Structured Sentencing, prisoners released with a most serious offense for Class B1 through Class E felonies are released on post-release supervision for a period of nine months, with the exception of sex offenders who are supervised for five years.

² For Classes B1 through E, the maximum sentence length is set at 120% of the minimum sentence length rounded to the next highest month plus an additional nine months for post-release supervision. For Classes F through I, the maximum sentence length is set at 120% of the minimum sentence length rounded to the next highest month.

³ The *Forecasting Advisory Group* convenes annually and consists of representatives from the Sentencing Commission, Administrative Office of the Courts, Conference of District Attorneys, 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.

PRISON POPULATION PROJECTIONS

Prison Population and Capacity

Table 1 and Figure 1 present the projected prison population and capacity for FY 2007/08 through FY 2016/17. Updated prison capacity projections were provided by the Department of Correction's Division of Prisons.⁴ These projections include both the Expanded Operating Capacity (EOC) and the Standard Operating Capacity (SOC) of all prison facilities.

As shown in Table 1, the prison population is projected to increase from 39,397 in June 2008 to 46,801 by June 2017. A comparison of the projected prison population with prison capacity indicates that the projected prison population will exceed both SOC and EOC for all ten years of the projection. The Department of Correction's estimate of EOC is 38,512 for June 2008 and 40,664 for June 2017. The difference between the projected population and EOC for these two years is 885 and 6,137, respectively. For most years, the projected prison populations represent a decrease from last year's projections.

For the past decade, the accuracy of the prison population projections has been within two percent. The population projected by the Commission's simulation model for June 2007 was 38,677. The actual average population for June 2007 was 38,668 – a difference of 9 (or less than one percent).

Prison Population by Offense Class

The distribution of the projected prison population of felons by offense class is provided in Table 2 and Figure 2. Class A through D felonies (the most serious felony offenses) account for the highest percentage of the prison population (53% in 2008) and the lowest percentage of convictions (8%), while Class H through I felonies (the least serious felony offenses) account for the lowest percentage of the prison population (nearly 20% in 2008) and the highest percentage of convictions (68%). As expected with Structured Sentencing, the proportion of prisoners with Class A through D felonies increases over the projection period due to the mandatory active sentences and long sentence lengths imposed, while the proportion with Class H through I felonies decreases over the projection period due to the low rate of active sentences and short sentence lengths imposed. The proportion of prisoners in Classes E through G remains fairly stable over the projection period.

⁴ The increase in capacity for 2009 results from the projected opening of the Columbus County/Tabor City prison in September 2008. The increase in capacity for 2011 results from funded additions at Alexander Correctional Institution and Scotland Correctional Institution.

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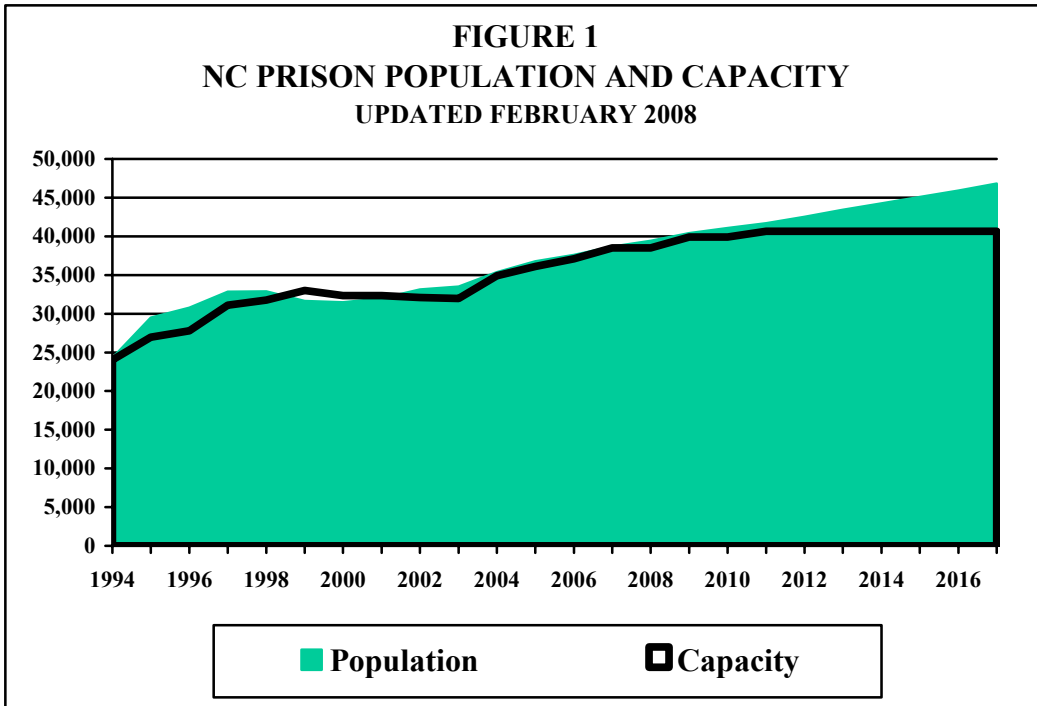
**TABLE 1
PRISON POPULATION PROJECTIONS:
UPDATED FEBRUARY 2008**

**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
2008	39,621	39,397	38,512	33,359
2009	40,236	40,402	39,908	34,255
2010	41,021	41,073	39,908	34,255
2011	41,848	41,698	40,664	34,837
2012	42,718	42,518	40,664	34,837
2013	43,587	43,423	40,664	34,837
2014	44,470	44,257	40,664	34,837
2015	45,349	45,087	40,664	34,837
2016	46,219	45,925	40,664	34,837
2017	N/A	46,801	40,664	34,837

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.

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: Population figures reflect actual prison population for 1994-2007 and projected prison population for 2008-2017. Prison capacity figures reflect Expanded Operating Capacity.

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

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**TABLE 2
PRISON POPULATION PROJECTIONS:
UPDATED FEBRUARY 2008**

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

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

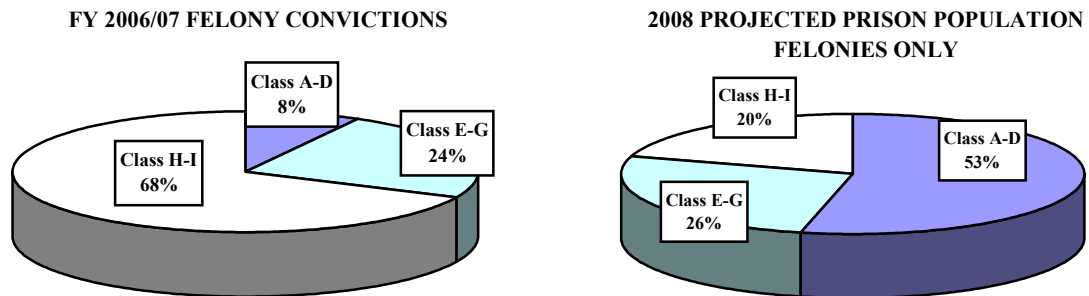
Offense Class	Average Estimated Time Served In Months ¹	Percent by Fiscal Year		
		2008	2012	2017
A	600	4.2	4.6	5.0
Viol. Hab. Felon	600	0.0	0.0	0.0
B1	268	6.0	6.7	7.4
B2	182	8.1	9.3	10.0
C	97	21.2	20.6	20.2
D	76	13.3	13.0	12.3
A-D Subtotal	126	52.8	54.2	54.9
E	31	5.5	6.2	6.1
F	24	8.5	8.6	8.4
G	19	12.1	11.7	11.7
E-G Subtotal	23	26.1	26.5	26.2
H	10	15.3	13.9	13.7
I	6	4.3	4.1	4.1
H-I Subtotal	9	19.6	18.0	17.8
Unknown	N/A	1.4	1.2	1.1
TOTAL	36	100.0	100.0	100.0

NOTE: Percentage may not add to 100.0% due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2006/07 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.

FIGURE 2
DISTRIBUTIONS OF FY 2006/07 FELONY CONVICTIONS AND THE
2008 PROJECTED PRISON POPULATION BY OFFENSE CLASS



NOTE: The distribution of the 2008 projected prison population excludes offenses for which the offense class is unknown (1%).

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2006/07 Statistical Report and Simulation Data