NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

SMCP Capacity Projections
February 2026

SMCP Capacity Projections: Fiscal Year 2026 to Fiscal Year 2030

Introduction

In 2011, the General Assembly created the Statewide Misdemeanant Confinement Program (SMCP) as part of the Justice Reinvestment Act (JRA).[1] The SMCP provides state funding to house misdemeanants serving sentences of more than 90 days and all impaired driving sentences (regardless of sentence length)[2] in local jails. Every county is required to send eligible misdemeanants to the SMCP but becoming a "receiving county" is voluntary; counties not volunteering beds are referred to as "sending only" or "sending" counties. The creation of this program allowed the State to move misdemeanants from the state prison system to the local jails. However, if the SMCP lacks capacity, additional sentenced misdemeanants may be transferred to a state prison.[3] This dynamic raises the possibility that misdemeanants returning to prison could place an additional burden on the prison system. For planning and budgetary purposes, policymakers need to know how many beds are, and will be, available in the SMCP.

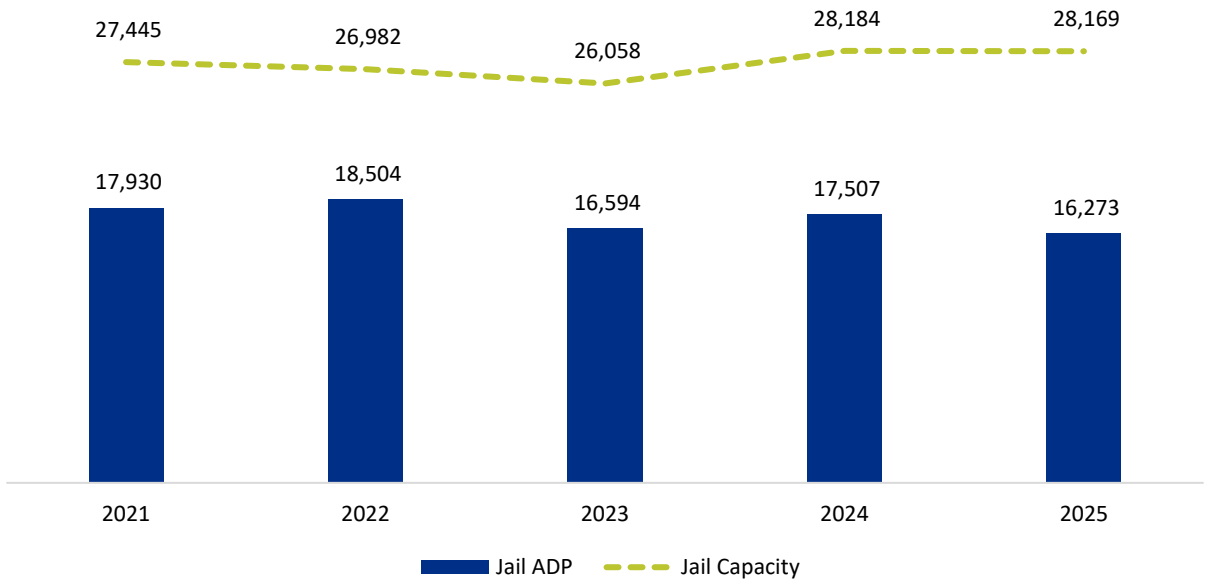
North Carolina General Statute § 164-51 requires the North Carolina Sentencing and Policy Advisory Commission, with the assistance of the North Carolina Sheriffs' Association (NCSA), to annually develop projections of available bed space in the SMCP for the next five fiscal years. The SMCP capacity projections were developed using data and information from the NCSA on SMCP capacity, population, and participating counties; Department of Health and Human Services (DHHS) jail inspection information; and information from architectural firms and jails building additions or new facilities.

Jail Population and Capacity

As shown in Figure 1, the statewide average daily population (ADP) in jails was 16,273 in July 2025, a 7% decrease from the ADP in July 2024. According to the capacity information reported to DHHS by local jails, the statewide capacity was 28,169 in July 2025.

[1] N.C. Session Law (hereinafter S.L.) 2011-192, s. 7.
[2] N.C. Gen. Stat. (hereinafter G.S.) 148-32.1(b2) (2024).
[3] G.S. 148-32.1(b4) (2024).

Figure 1
Statewide Jail Average Daily Population (ADP)
July 2021 – July 2025



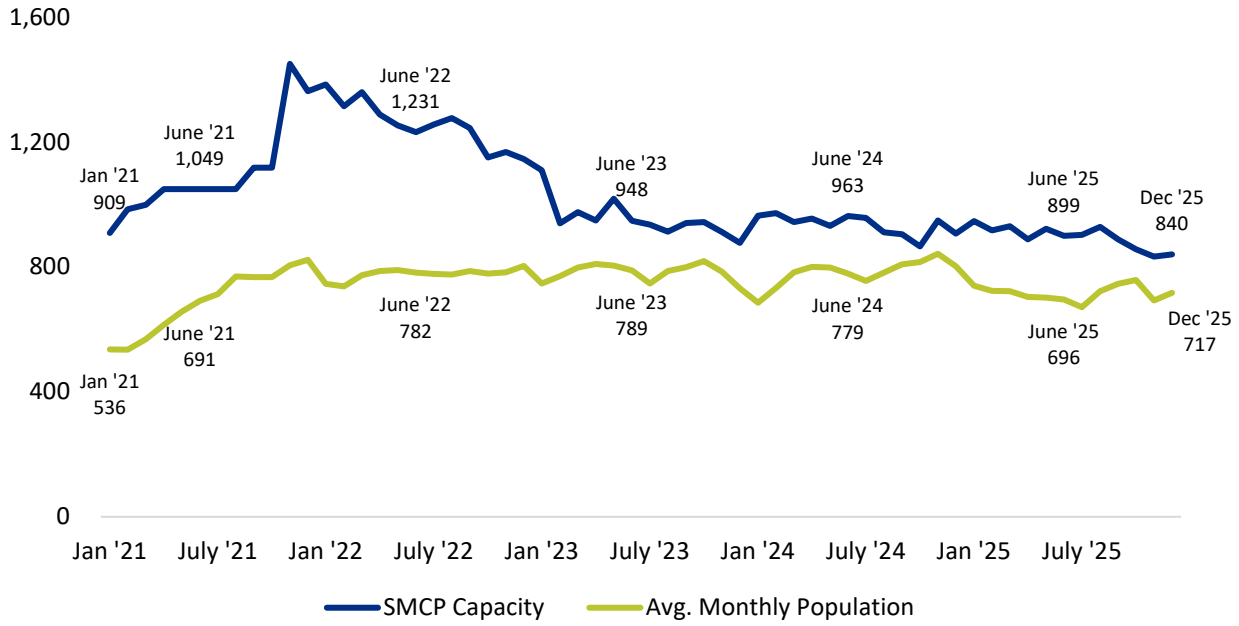
Note: ADP is based on jails that reported daily population figures during the time period examined. Jail populations consist of both pretrial and sentenced inmates.
SOURCE: DHHS Construction Section, *Local Confinement Report*, 2021 – 2025; analysis conducted by NC Sentencing and Policy Advisory Commission

Historical SMCP Capacity and Average Monthly Population

Historical SMCP capacity data are a key component for producing the five-year SMCP capacity projections. The average monthly SMCP population also provides additional context for the projections. Figure 2 shows the total SMCP capacity and the average monthly population beginning in January 2021. During FY 2025, the SMCP average monthly population decreased 8% from July 2024 (755) to June 2025 (696). The most notable increases in capacity occurred in FY 2021 and FY 2022.[4] Since February 2023, there was relative stability in capacity with an average monthly difference of less than 1% in the most recent fiscal years (FY 2024 and FY 2025). However, there was a 7% decrease in capacity for the first half of FY 2026, decreasing from 903 beds in July 2025 to 840 beds in December 2025.

[4] Starting in March 2020 and over the course of the pandemic, the NCSA permitted some counties to reduce their participation in the SMCP to receive inmates from within their own county (referred to as "temporary moratorium counties"). Initially, the NCSA reported these counties separately in their monthly status reports, until 2021 when all temporary moratorium counties were included in total capacity regardless of status. As of February 1, 2023, the NCSA's Executive Committee ended the option for counties to enter a temporary moratorium.

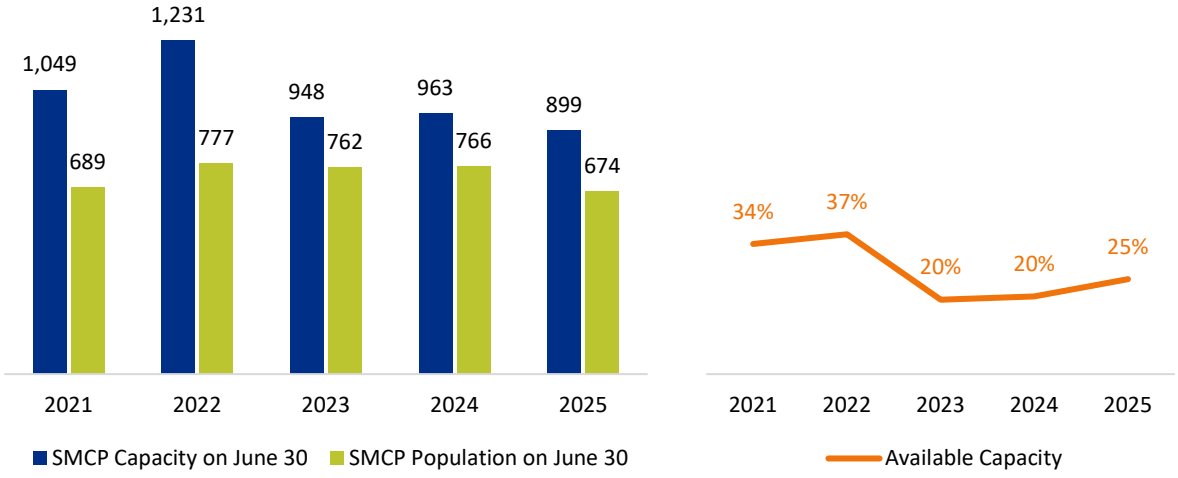
Figure 2
SMCP Capacity and Population Trends
CY 2021 – CY 2025



SOURCE: NC Sentencing and Policy Advisory Commission; NC Sheriffs' Association

Figure 3 shows the relationship between SMCP capacity and population on June 30 for the past five years, as well as the percentage of available capacity (i.e., the numeric difference between SMCP capacity and SMCP population as a percentage of capacity). While the gap in percentage of available capacity decreased from 34% in FY 2021 to 25% in FY 2025, SMCP capacity has been higher than SMCP population across all years.

Figure 3
SMCP Capacity, Population, and Available Capacity on June 30, 2021 – 2025



SOURCE: NC Sentencing and Policy Advisory Commission; NC Sheriffs' Association

Assumptions

This section details the assumptions used to develop the SMCP capacity projections for FY 2026 through FY 2030. The assumptions were primarily determined using data from the most recent fiscal year (FY 2025), as well as data through the end of the calendar year (CY 2025).

- *State and local practices and administrative rules:* The projections assume no change in judicial or prosecutorial behavior relating to convictions and sentencing. They also assume no change in local practices (e.g., practices related to pretrial release[5]). In addition, the projections assume there will be no changes to administrative rules that affect jail capacity.
- *Mandated SMCP population:* The projections assume no legislative changes to the population currently mandated to serve sentences through the SMCP.
- *Inmates backlogged in county jails:* Jail backlog (i.e., inmates awaiting transfer to prison from local jails) may limit the number of beds available for jails to hold other inmates, including SMCP inmates, which is a consideration for these projections. On December 31, 2025, the jail backlog was 611.[6]
- *Jail population distribution:* The projections assume the general population distribution of all jail inmates (e.g., percentages of pretrial inmates, male inmates, etc.) will remain consistent throughout the projection period.
- *Planned jail projects:* Known projects at the time of publication are assumed to be the only ones affecting statewide capacity during the projection period.[7] Receiving and sending counties that are building jails were asked about SMCP participation. Their responses regarding potential new volunteered beds are reflected in the relevant years of the projection.
- *Receiving counties:* The projections assume receiving counties (as of June 30, 2025) will remain receiving counties throughout the projection period.
- *Sending counties:* The projections assume sending only counties (as of June 30, 2025) that are not building jails during the projection period will remain sending only counties.
- *SMCP capacity growth rate:* The projections assume a growth rate of -1% for each of the five years projected. The growth rates are based on an analysis of the percent change in capacity, as well as the net change in capacity, on a monthly and annual basis for both indicators. Other factors considered included trends in the volume of convictions and imposition of active sentences for SMCP-eligible populations (i.e., misdemeanants and DWI offenders).

SMCP Capacity Projections

The information on annual changes to the SMCP capacity and assumptions about future bed capacity were used to determine a five-year capacity projection for the SMCP (*see* Table 1). Average monthly capacity from July to December 2025 (875 beds) was used as the starting point for the projection. Responses received from jail administrators regarding potential new beds from jail construction

[5] Session Law 2025-93 (Iryna's Law) made several changes to the pretrial release statutes that restricted the options that are available and could result in increases to the pretrial population. These changes may affect future projections.
[6] NC Department of Adult Correction, Inmates on Backlog Report.
[7] Counties building new jail facilities or expanding a jail facility during the projection period include Cleveland (458 beds, FY 2027 estimated completion), Duplin (250 beds, FY 2026 estimated completion), Halifax (218 beds, FY 2028 estimated completion), Haywood (155 beds, FY 2026 estimated completion), Lincoln (156 beds, FY 2027 estimated completion), Pender (222 beds, FY 2027 estimated completion), and Vance (290 beds, FY 2029 estimated completion). Information provided by Mosely Architects.

projections are included in the relevant years of the current projection. Capacity is expected to decrease 3% over the projection period (from 867 in FY 2026 to 845 in FY 2030).

Table 1
SMCP Capacity Projections[a]

Fiscal Year	SMCP Capacity on June 30		Annual Bed Change for Current Projection[d]
	Previous Projection	Current Projection[b,c]	
2026	917	867	N/A
2027	937	869	2
2028	928	861	-8
2029	928	853	-8
2030	N/A	845	-8

Notes:
[a] Prepared by the NC Sentencing and Policy Advisory Commission with the assistance of the NC Sheriffs' Association.
[b] The starting capacity is 875 beds (i.e., average monthly capacity from July to December 2025).
[c] Newly built beds that may be volunteered to the SMCP are included for the following years: FY 2027 (10 beds).
[d] Refers to annual increases or decreases in projected capacity; positive numbers indicate an increase in projected capacity for that fiscal year, while negative numbers indicate a decrease in projected capacity compared to the prior fiscal year.

Other than what has already been estimated for planned jail projects, capacity may increase if any jail administrators with ongoing jail construction projects that are expected to be completed between FY 2026 and FY 2030 decide to volunteer beds to the SMCP. Additionally, receiving counties can change the number of beds volunteered at any point, which could result in a net increase or decrease in capacity. It is important to note that the projected capacity could be further altered by ongoing staffing shortages and other unexpected factors, all of which create some uncertainty for future planning.

The projections do not address any potential issues related to funding. The SMCP pays local jails to house offenders; capacity is, in part, based on adequate funding to pay for the use of the beds. Without sufficient funds, capacity would likely be reduced, and additional sentenced misdemeanants may be transferred to a state prison, potentially burdening the prison system.

Historically, SMCP capacity has met or exceeded the SMCP population. However, the relationship between state and local facilities in the unique context of the SMCP highlights the importance of accurately understanding both capacity and population for the program. Without a projection of the SMCP population, it is not possible to assess whether the projected capacity will meet future population needs. Taken together, the projected population in context with projected capacity would inform policymakers whether the committed and expected beds will be sufficient to meet the needs of the program while also allowing for more accurate resource planning.