

PRISON POPULATION PROJECTIONS: FISCAL YEAR 2023 TO FISCAL YEAR 2032

INTRODUCTION

North Carolina General Statute §164-40 sets forth the North Carolina Sentencing and Policy Advisory Commission's mandate to develop a simulation model to be used to prepare prison population projections. The projections are prepared on an annual basis in conjunction with the North Carolina Department of Adult Correction (DAC). In addition to assisting in the determination of long-term resource needs, the projections allow for the consideration of correctional policies within the context of available resources and consideration of prison population management (e.g., staffing levels, custody classification, etc.).

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, 2022 (new population). The Administrative Analysis Unit of the DAC prepared projections for all offenders in prison as of June 30, 2022 (resident prison population). The final combined projections account for the decline of the resident prison population and the buildup of the new inmate population (new prison admissions that occur through the imposition of active sentences or as the result of violations of probation or post-release supervision [PRS]). The ten-year prison population projections include all inmates considered part of the state prison system.¹

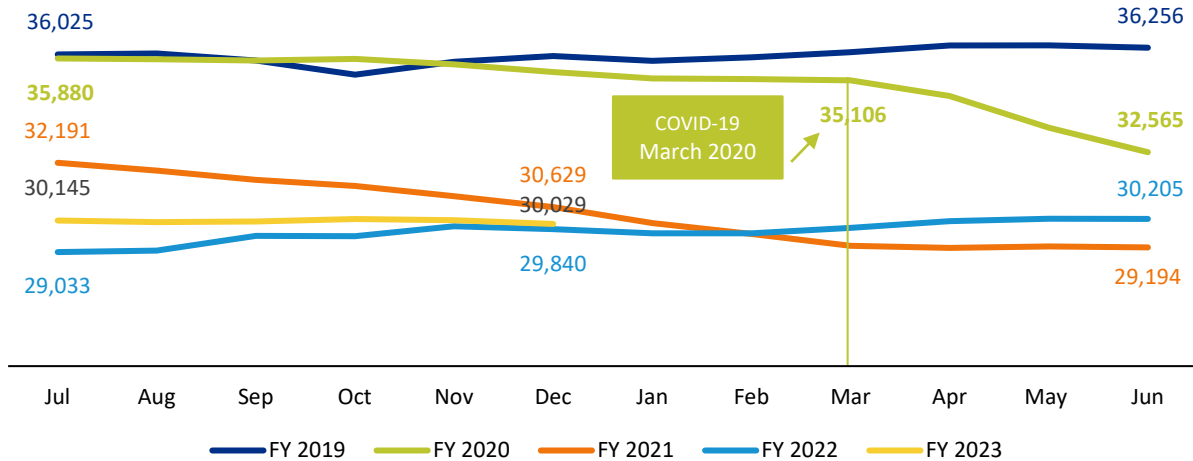
COVID-19 PANDEMIC AND THE PRISON POPULATION

The COVID-19 pandemic, beginning in March 2020, affected convictions, prison admissions, and prison releases – all critical factors for accurately projecting the prison population. The court and correctional systems have largely recovered in terms of case processing and operations; however, the prison population remains well below pre-pandemic levels.

Figure 1 shows the impact of the COVID-19 pandemic on the prison population. Overall, the prison population declined 17% from the beginning of the pandemic (March 2020) to the lowest prison population reached (29,033 in July 2021). The prison population began increasing after that point, with an increase of 4% across FY 2022. For the first half of FY 2023 (July to December 2022), the population remained stable at around 30,000 – a decrease of about 5,000 when compared to March 2020.

¹ When applicable, prison population figures include offenders awaiting transfer to prison from local jails (i.e., jail backlog). On December 31, 2022, there were 8 offenders backlogged in county jails.

Figure 1
Average Monthly Prison Population by Fiscal Year



SOURCE: NC Department of Adult Correction, Daily Unit Population Reports and Inmates on Backlog Reports

PRISON POPULATION PROJECTIONS AND CAPACITY

The prison population projections were developed using SAS® Simulation Studio. The simulation model utilizes empirical information about how offenders are processed through the criminal justice system to produce the projections. The composition of the current and projected prison populations is primarily determined by the distribution of offenders convicted and sentenced under the Structured Sentencing Act (SSA). Data on convictions and sentences imposed in FY 2022 (July 1, 2021 through June 30, 2022) provide the foundation for the projections. By using the most recent data available, the projections account for changes in criminal justice trends (arrests, court filings, dispositions, and convictions) that occur from year to year.

Table 1 and Figure 2 present the projected prison population and capacity for FY 2023 through FY 2032. As shown in the Current Projection column in Table 1, the prison population is projected to increase 12% from 30,197 in June 2023 to 33,680 in June 2032. The current projection is consistent with the previous projection, although slightly higher in the earlier years and lower in the later years.

Prison capacity figures were provided by the DAC. While the state’s prisons have been operating near Expanded Operating Capacity (EOC) for many years, DAC bases its facility staffing levels on Standard Operating Capacity (SOC), which is the capacity that promotes a safer environment for staff and inmates. Some prison units are not able to achieve full efficiency due to facility age, location, and infrastructure. Additionally, temporary capacity reductions may be required at various times throughout the year for operational reasons or serious staffing shortages at particular locations.

SOC is projected to be 31,055 and EOC is projected to be 35,420 for each year of the ten-year projection. A comparison of the projections with EOC indicates that the projected prison population will be below prison capacity for all ten years of the projection period; the prison population is projected to be below SOC for the first three years of the projection period.

Table 1
Prison Population Projections and Capacity

Fiscal Year End	Prison Population ²		Prison Capacity ^{3,4,5}		Difference between Current Projection and EOC ⁸
	Previous Projection	Current Projection	Standard Operating Capacity ⁶	Expanded Operating Capacity ⁷	
2023	30,015	30,197	31,055	35,420	5,223
2024	30,355	30,437	31,055	35,420	4,983
2025	31,031	30,763	31,055	35,420	4,657
2026	31,187	31,162	31,055	35,420	4,258
2027	31,569	31,525	31,055	35,420	3,895
2028	32,096	31,886	31,055	35,420	3,534
2029	32,639	32,319	31,055	35,420	3,101
2030	33,238	32,812	31,055	35,420	2,608
2031	33,788	33,225	31,055	35,420	2,195
2032	N/A	33,680	31,055	35,420	1,740

Note: Prepared in conjunction with the North Carolina Department of Adult Correction (DAC).

² See <https://www.nccourts.gov/documents/publications/adult-correctional-population-projections> for previous prison population projections.

³ Prison capacity estimates were provided by the DAC.

⁴ While the state's prisons have been operating near Expanded Operating Capacity (EOC) for many years, DAC bases its facility staffing levels on Standard Operating Capacity (SOC), which is the capacity that promotes a safer environment for staff and inmates. In addition, some prison units are not able to achieve full efficiency due to facility age, location, and infrastructure.

⁵ As of February 23, 2023, thirty-one (31) correctional facilities are operating at either full or partial suspension of bed capacity, totaling 7,368 beds suspended. The aforementioned temporary capacity reductions are required for operational reasons or serious staffing shortages at particular locations and can fluctuate at any time during the year.

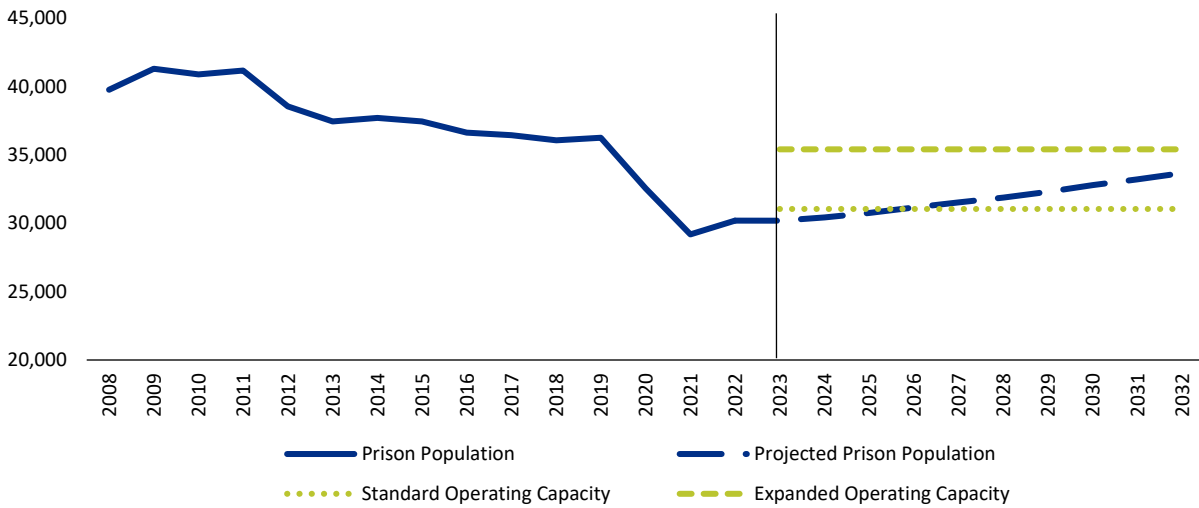
⁶ SOC is the number of single cells with one inmate per cell plus the number of inmates who can be housed in dormitories by dividing the gross square feet of each dormitory by 50 square feet and rounding to the closest double bunk configuration.

⁷ EOC is the number of inmates housed in dormitories that operate at varying percentages (not to exceed 130%) beyond their SOC, plus the number of single cells with one inmate per cell, plus the number of single cells that house two inmates per cell.

⁸ Positive numbers indicate that the current projected population is lower than capacity, while negative numbers indicate that the current projected population is higher than capacity.

Figure 2 provides a historical examination of the prison population and also shows the ten-year prison population projections within the context of prison capacity. The prison population experienced consistent growth through FY 2009, with an average yearly increase of about 3%. From FY 2009 through FY 2011, the prison population leveled off as a result of downward shifts in criminal justice trends (e.g., arrests, convictions) and in response to legislative changes in 2009 to the felony punishment chart. Changes to earned time credits for prisoners and the passage of the Justice Reinvestment Act (JRA) in 2011 led to declines in the prison population and were followed by further reductions in 2015 with the shift of all remaining misdemeanants in the prison system to local jails. The prison population stabilized at FY 2005 levels until declining substantially following the onset of the COVID-19 pandemic in March 2020. As disruptions to court and correctional operations have eased, the prison population increased across FY 2022 and currently remains stable around 30,000 (also shown in Figure 1).

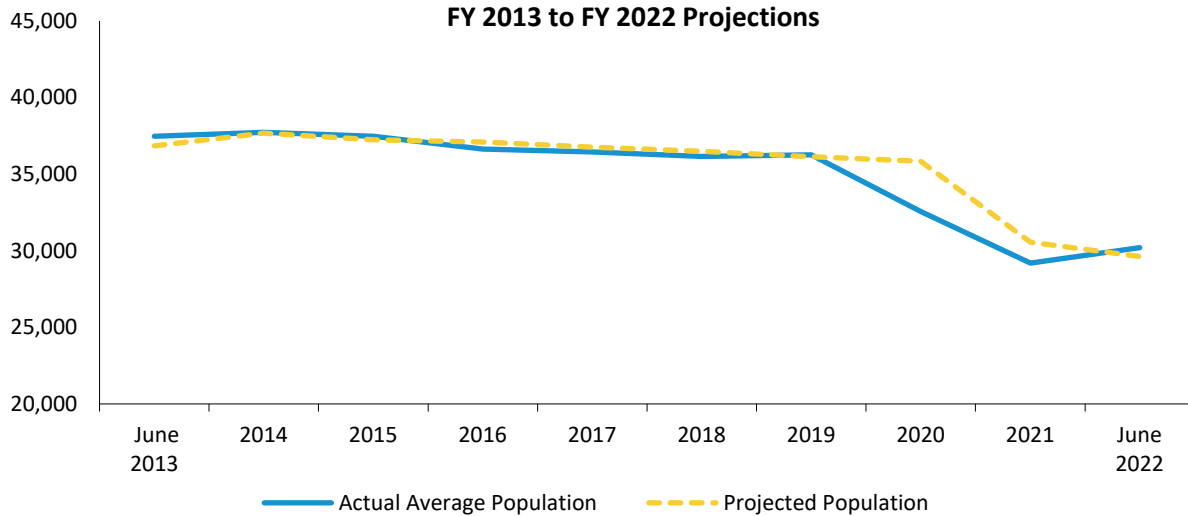
Figure 2
NC Prison Population and Projections at Fiscal Year End:
FY 2008 - FY 2032



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

For the majority of the past decade, the accuracy of the prison population projections has been within 2% of the actual population at the end of the fiscal year (see Figure 3). The accuracy of the projections for FY 2020 and FY 2021 were affected by the impact of the COVID-19 pandemic on the court and correctional systems. The projection for June 2022 returned to the historical accuracy range of within 2% for the first year, with a projected prison population of 29,624 for June 2022 compared to the actual average population of 30,205 (a difference of 581 beds).

Figure 3
A Comparison of the Actual and Projected Population at Fiscal Year End:
FY 2013 to FY 2022 Projections



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

ASSUMPTIONS

This section details the assumptions that were used to develop the prison population projections for FY 2023 through FY 2032. The assumptions were primarily determined using data from the most recent fiscal year (FY 2022) and assume there will be no significant changes in demographics, crime rates, or criminal justice laws and policies in North Carolina.

Growth

- Growth Rates:** As adopted by the *Forecasting Technical Advisory Group*,⁹ the projections assume a growth rate of 1% for FY 2023 through FY 2025, 0% for FY 2026, and 1% for the remaining projection years. In adopting the growth rates, the group discussed the large number of pending felony cases and their impact on growth during the first few years of the projections, even with continued decreases in felony filings and crime and arrest rates. A 0% growth rate was adopted for the fourth year to reflect a leveling off of annual convictions and a return to the relative stability seen before the pandemic. A 1% growth rate was adopted for the remaining years based on projected population growth for the state.

⁹ The *Forecasting Technical Advisory Group*, convened by Sentencing Commission staff, adopts growth rates for convictions on an annual basis. In addition to Sentencing Commission staff, the group consists of representatives from the Administrative Office of the Courts, Conference of District Attorneys, Conference of Clerks of Superior Court, Office of Indigent Defense Services, Division of Adult Correction and Juvenile Justice, State Bureau of Investigation, Office of State Budget and Management, Department of Commerce, Governor’s Crime Commission, UNC School of Government, and Fiscal Research Division of the General Assembly. The group adopts growth rates after reviewing population, juvenile justice, and criminal justice trends.

Convictions and Sentences Imposed

- *Punishment Chart*: The projections assume all new felony convictions will be sentenced under the current felony punishment chart (effective for offenses committed on or after October 1, 2013).
- *Court Practices*: The projections assume no change in judicial or prosecutorial behavior relating to convictions and sentencing.
- *Composition of Felony Convictions*: The projections assume that there will be no changes in the composition of felony convictions. In FY 2022, 7% of convictions were for Class A – D felonies, 30% were for Class E – G felonies, and 63% were for Class H – I felonies.
- *Active Rates and Time Served*: In FY 2022, 37% of felons received an active sentence, with an average estimated time served of 38 months. Overall, it is assumed that the rates of active sentences and average estimated time served will match the rates for FY 2022.
- *Percent of Active Sentence Served*: The projections assume that, on average, all SSA felons will serve 105% of their minimum active sentences (the average percentage served by SSA felons released from prison during FY 2022).¹⁰ The percentage of sentence served varies by offense class (e.g., 101% for Class C, 109% for Class I). Prisoners in the more serious offense classes serve a lower percentage of their maximum sentence since they have the potential to accrue more earned time due to their longer sentence lengths.
- *Legislative Changes*: The projections take into account, where possible, legislative changes affecting criminal penalties. From the 2022 Session of the North Carolina General Assembly, the projections include impact from the reclassification of second-degree arson (from a Class G felony to a Class E felony) on the prison population. Potential impact from other modifications to criminal penalties during this session cannot be determined because the 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.

Prison Admissions

- *Prison Admissions*: The distribution of prison admissions is expected to match the distribution from FY 2022. In FY 2022, 51% of all felony admissions to prison resulted from active sentences for a new conviction, 26% resulted from probation violations other than conviction for a new crime, and 23% resulted from PRS violations other than conviction for a new crime.¹¹
- *Probation*: In FY 2022, 19% of exits from probation for felons resulted from revocation of probation. It is assumed that probation revocation rates, lag-time from placement on probation to revocation, and time served will match FY 2022 figures.
- *PRS*: In FY 2022, 19% of exits from PRS resulted from revocation. It is assumed that PRS revocation rates, lag-time from placement on PRS to revocation, and time served will match FY 2022 figures.

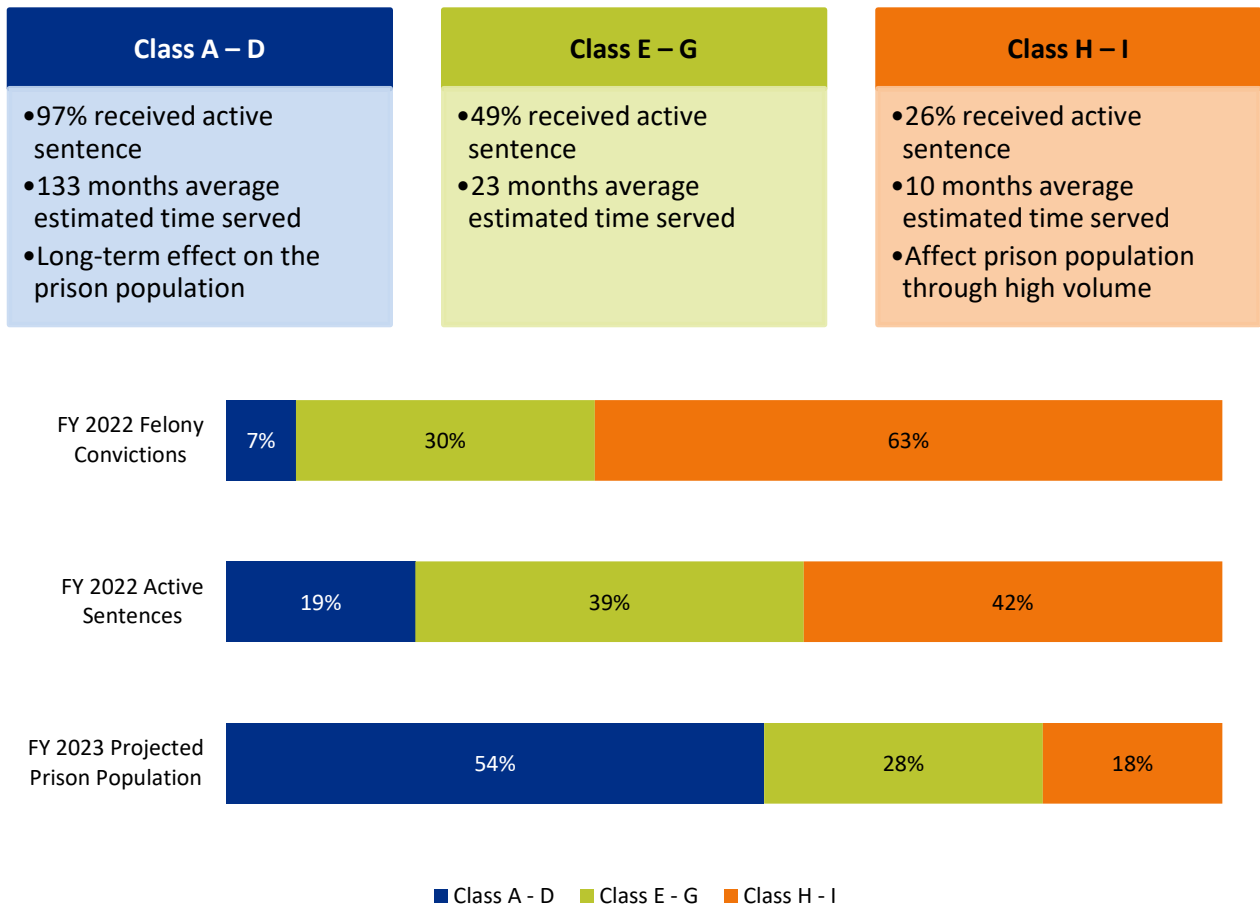
¹⁰ The maximum sentence length is set at 120% of the minimum sentence length rounded to the next highest month plus the period of PRS.

¹¹ This distribution is based on all felony prison entries, including offenders entering a CRV Center.

DYNAMICS OF SENTENCES IMPOSED AND THE PRISON POPULATION

Figure 4 examines the composition of the projected prison population determined by the empirical distribution of offenders convicted and sentenced under the SSA. This distribution reflects the prioritization of resources for violent and repeat offenders under the SSA. Class A through Class D felonies (the most serious felony offenses) have a long-term effect on the prison population due to the requirement to receive an active sentence (with some limited exceptions) and the long sentences imposed in these classes. Class A through D felonies account for over one-half (54%) of the projected prison population but represent only 7% of felony convictions and 19% of active sentences overall. Class H through Class I felonies (the least serious felony offenses), which account for 63% of felony convictions and 42% of active sentences, account for less than one-fifth (18%) of the projected prison population due to their lower rate of active sentences (26%) and shorter time served (an average of 10 months).

Figure 4
Dynamics of Sentences Imposed and the Prison Population
FY 2022 Felony Convictions and FY 2023 Projected Prison Population



Note: Mandatory active sentence required with limited exceptions for Class A through D felonies.
 SOURCE: NC Sentencing and Policy Advisory Commission and NC Department of Adult Correction