

# NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

## CURRENT POPULATION PROJECTIONS *FISCAL YEAR 2004/05 to FISCAL YEAR 2013/14*

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

*RELEASED: JANUARY 2005*

### ***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, 2004 (new population). The Department of Correction prepared projections for all offenders in prison as of June 30, 2004 (resident prison population). The final combined projections take into account the decline of the resident prison population (structured sentencing releases, parole releases, and "max-outs") 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 42 percent of their sentence imposed (the average percentage served by FSA and pre-FSA prisoners released in FY 2003/04).
- 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 2003/04).
- Rates of Active sentences will match rates during FY 2003/04 for all SSA offenders. Overall, 38 percent of felons received an Active sentence, with an average estimated time served of 42 months. These rates assume no changes in judicial or prosecutorial behavior regarding convictions and sentencing.
- Technical probation revocation rates will match rates during FY 2003/04. While 58 percent of felony admissions to prison in FY 2003/04 resulted from Active sentences for a new conviction, 42 percent of the admissions resulted from technical revocations of probation. In FY 2003/04, 50 percent of misdemeanor admissions to prison resulted from Active sentences for a new conviction and 50 percent resulted from technical revocations of probation.

**CHANGES FROM PREVIOUS PROJECTIONS:**

The current prison population projection for 2005 is very similar to last year’s projection for this year. However, the projected prison population represents an increase from last year’s projection for the remainder of the ten-year projection period. This projected increase can be attributed primarily to an increase in the number of active sentences imposed, to an increase in the average estimated time served, and to legislative changes to criminal penalties that were passed in previous years and whose impact could not be projected.

While the Sentencing Commission’s *Forecasting Advisory Group* found no reason to adjust the projected growth rate for misdemeanor convictions, the group adjusted the projected growth rate for felony convictions downward for the first two years of the projection period.<sup>1</sup> Factors considered by the *Forecasting Advisory Group* included a continued decrease in the crime rate, the current rate of population growth for North Carolina, and law enforcement and court resources.

<u>Time Period</u>	<b>Felony</b>		<b>Misdemeanor</b>	
	<u>Previous Growth Rate</u>	<u>Current Growth Rate</u>	<u>Previous Growth Rate</u>	<u>Current Growth Rate</u>
FY 2004/05	2%	1%	1%	1%
FY 2005/06	2%	1%	1%	1%
FY 2006/07	2%	2%	1%	1%
FY 2007/08	2%	2%	1%	1%
FY 2008/09	2%	2%	1%	1%

- This projection does not account for any increases in the prison population from legislative changes to criminal penalties from the 2004 Short 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. For example, this projection does not account for any increases in the prison population as a result of legislative changes that strengthen domestic violence laws or that increase methamphetamine penalties.
- In its June 2004 opinion on *Blakely v. Washington*, the U.S. Supreme Court ruled unconstitutional any aggravated sentence based on a finding of aggravating factors by a judge rather than a jury. The 2005 Session of the North Carolina General Assembly will consider legislation to address the *Blakely* ruling. In the meanwhile, it might have resulted in a reduced number of aggravated sentences in the state and, consequently, somewhat lower prison population figures for 2005.
- Prison population projections continue to be affected by parole practices due to the number of FSA and pre-FSA offenders currently in prison. On December 31, 2004, there were 4,921 FSA

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<sup>1</sup> 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.

and pre-FSA offenders in prison (including 2,740 with life sentences and 88 with death sentences), representing about 14 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 32 percent in FY 1997/98 to 42 percent in FY 2003/04), as has their average time served (from an average of 43 months in FY 1997/98 to 125 months in FY 2003/04).

### ***PROJECTED PRISON POPULATION:***

#### **Projected Prison Population and Capacity**

The population projected by the Commission's simulation model for June 30, 2004, was **35,861**. The actual average population for June 2004 was **35,363**, a difference of 498 (or 1.4 percent). The first table and the following chart present the projected prison population and capacity for FY 2004/05 through FY 2013/14.

Updated prison capacity projections were provided by the Department of Correction's Division of Prisons in December 2004. 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. This distribution might serve as an indication of changing custody level needs.

**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**PRISON POPULATION PROJECTIONS:  
 UPDATED JANUARY 2005**

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

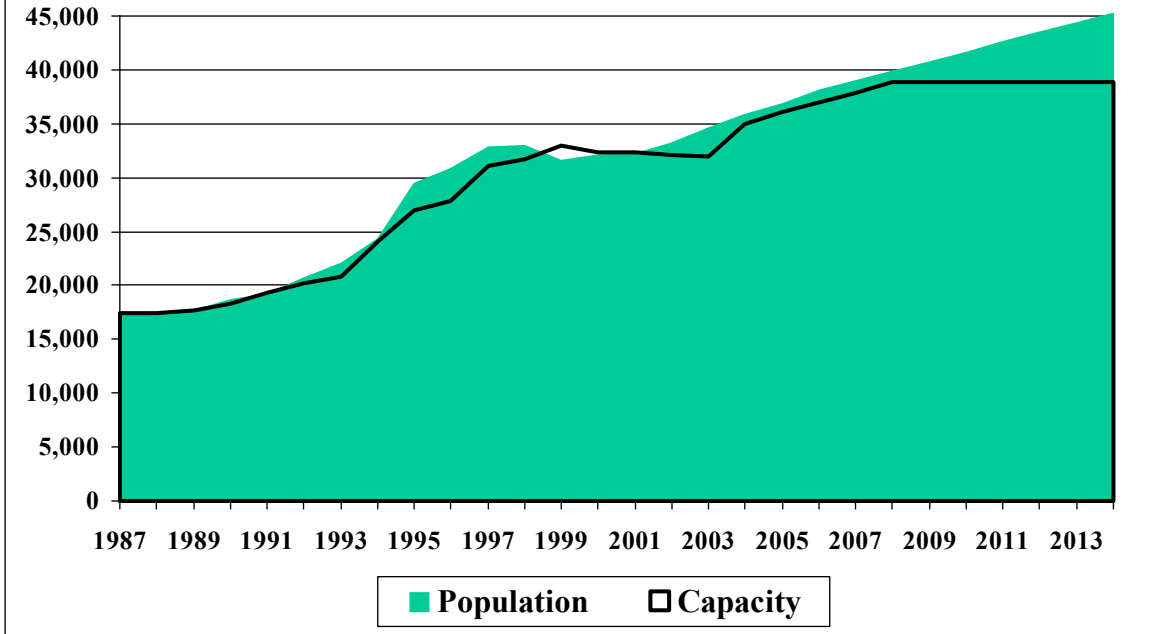
<b>FISCAL YEAR</b>	<b>PREVIOUS PROJECTION as of June 30</b>	<b>CURRENT PROJECTION as of June 30</b>	<i>ESTIMATE OF EXPANDED OPERATING PRISON CAPACITY<sup>1</sup></i>	<i>ESTIMATE OF STANDARD OPERATING PRISON CAPACITY<sup>2</sup></i>
<b>2005</b>	36,973	<b>36,885</b>	36,119	31,500
<b>2006</b>	37,705	<b>38,106</b>	37,015	32,396
<b>2007</b>	38,613	<b>39,021</b>	37,911	33,292
<b>2008</b>	39,567	<b>39,864</b>	38,807	34,188
<b>2009</b>	40,498	<b>40,750</b>	38,807	34,188
<b>2010</b>	41,396	<b>41,668</b>	38,807	34,188
<b>2011</b>	42,304	<b>42,594</b>	38,807	34,188
<b>2012</b>	43,197	<b>43,499</b>	38,807	34,188
<b>2013</b>	44,094	<b>44,381</b>	38,807	34,188
<b>2014</b>	N/A	<b>45,312</b>	38,807	34,188

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<sup>1</sup> 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.

<sup>2</sup> 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.

## NC Prison Population and Capacity Updated January 2005



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 <sup>1</sup>	Percent by Fiscal Year		
		2005	2009	2014
<b>A</b>	600	4.1	4.8	5.6
<b>Viol. Hab. Felon</b>	600	0.0	0.0	0.1
<b>B1</b>	311	5.3	6.0	6.6
<b>B2</b>	194	7.0	8.2	8.9
<b>C</b>	96	21.9	22.0	21.3
<b>D</b>	80	15.1	14.9	14.6
<b>A-D SUBTOTAL</b>	135	53.4	55.9	57.1
<b>E</b>	33	5.4	5.9	5.8
<b>F</b>	28	8.2	8.3	8.1
<b>G</b>	20	11.4	11.1	10.9
<b>E-G SUBTOTAL</b>	24	25.0	25.3	24.8
<b>H</b>	11	15.8	13.5	13.1
<b>I</b>	6	4.0	3.7	3.6
<b>H-I SUBTOTAL</b>	10	19.8	17.2	16.7
<b>Unknown</b>	N/A	1.9	1.6	1.4
<b>TOTAL</b>	42	100.0	100.0	100.0

NOTE: Percentages may not add to 100% due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Structured Sentencing Simulation Model

<sup>1</sup> For analysis purposes, the sentence length imposed for convictions resulting in life or death sentences was estimated at 600 months.