NORTH CAROLINA
SENTENCING AND
POLICY ADVISORY
COMMISSION

PRISON
PROJECTIONS
MAY 2024

Prison Population Projections: Fiscal Year 2024 to Fiscal Year 2033

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, 2023 (new population). The Administrative Analysis Unit of the DAC prepared projections for all offenders in prison as of June 30, 2023 (resident prison population). The final combined projections account for the decline of the resident prison population and the buildup of the new 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 offenders considered part of the state prison system.

PRISON POPULATION PROJECTIONS AND CAPACITY

The prison population projections were developed using SAS® Simulation Studio. The simulation model uses 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 2023 (July 1, 2022 through June 30, 2023) 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 1 present the projected prison population and capacity for FY 2024 through FY 2033. As shown in the Current Projection column in Table 1, the prison population is projected to increase 13% from 31,672 in June 2024 to 35,745 in June 2033. The current projection is 4% higher on average than the previous projection, largely due to increases in Class A-D (13%) and Class E-G (7%) felony convictions.

Prison capacity figures were provided by the DAC. While the state's prisons operated 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 offenders. 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.

Table 1
Prison Population Projections and Capacity

Fiscal Year End	Prison Population[1]		Prison Capacity[2,3,4]		Difference between Current Projection and EOC[7]
	Previous Projection	Current Projection	Standard Operating Capacity[5]	Expanded Operating Capacity[6]	
2024	30,437	31,672	31,284	35,860	4,188
2025	30,763	31,950	31,284	35,860	3,910
2026	31,162	32,309	31,284	35,860	3,551
2027	31,525	32,923	31,284	35,860	2,937
2028	31,886	33,417	31,284	35,860	2,443
2029	32,319	34,000	31,284	35,860	1,860
2030	32,812	34,399	31,284	35,860	1,461
2031	33,225	34,782	31,284	35,860	1,078
2032	33,680	35,190	31,284	35,860	670
2033	N/A	35,745	31,284	35,860	115

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

[1] See https://www.nccourts.gov/documents/publications/adult-correctional-population-projections for previous prison population projections.

[2] Prison capacity estimates were provided by the DAC.

[3] While the state's prisons operated 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 offenders. In addition, some prison units are not able to achieve full efficiency due to facility age, location, and infrastructure.

[4] As of April 18, 2024, twenty-five (25) correctional facilities were operating at either full or partial suspension of bed capacity, totaling 5,386 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.

[5] SOC is the number of single cells with one offender per cell plus the number of offenders 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. Of the 31,284 SOC beds, 61% (19,182) are open dormitory-style; the remainder (12,102) are single cells.

[6] EOC is the number of offenders housed in dormitories that operate at varying percentages (not to exceed 130%) beyond their SOC, plus the number of single cells with one offender per cell, plus the number of single cells that house two offenders per cell. Of the 35,860 EOC beds, 66% (23,548) are open dormitory-style; the remainder (12,312) are single cells.

[7] 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.

SOC is projected to be 31,284 and EOC is projected to be 35,860 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; however, the prison population is projected to be *above* SOC for all ten years of the projection period.

Figure 1 and Figure 2 provide a historical examination of the prison population;[8] Figure 1 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. Over the next few years, the prison population stabilized until declining substantially following the onset of the COVID-19 pandemic in March 2020. As disruptions to court and correctional operations eased, the prison population has increased each year since FY 2021.

Figure 1
**NC Prison Population and Projections at Fiscal Year End:**
FY 2008 - FY 2033
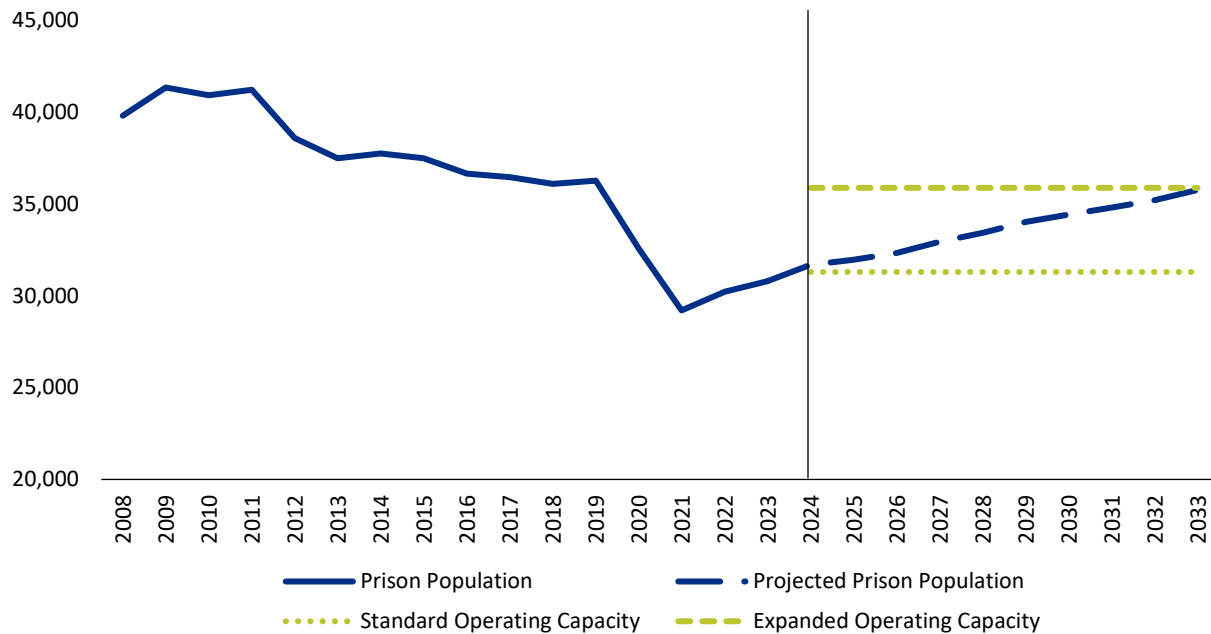
SOURCE: NC Sentencing and Policy Advisory Commission and NC Department of Adult Correction

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[8] When applicable, prison population figures throughout the document include offenders awaiting transfer to prison from local jails (i.e., jail backlog). On December 31, 2023, there were no offenders backlogged in county jails.

Figure 2
NC Prison Population
Monthly Average: CY 2014 - CY 2023
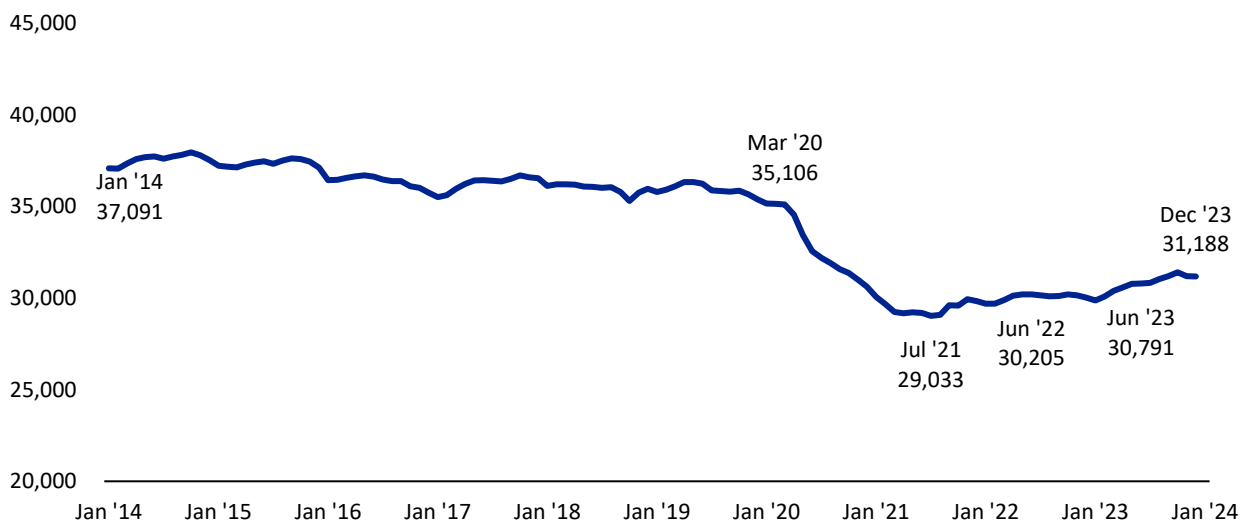
SOURCE: NC Department of Adult Correction, Daily Unit Population Reports and Inmates on Backlog Reports

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 was 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 2% for the first year. The projection for June 2023 was also within 2% for the first year, with a projected prison population of 30,197 for June 2023 compared to the actual average population of 30,791 (a difference of 594 beds).

Figure 3
A Comparison of the Actual and Projected Population at Fiscal Year End:
FY 2014 - FY 2023 Projections
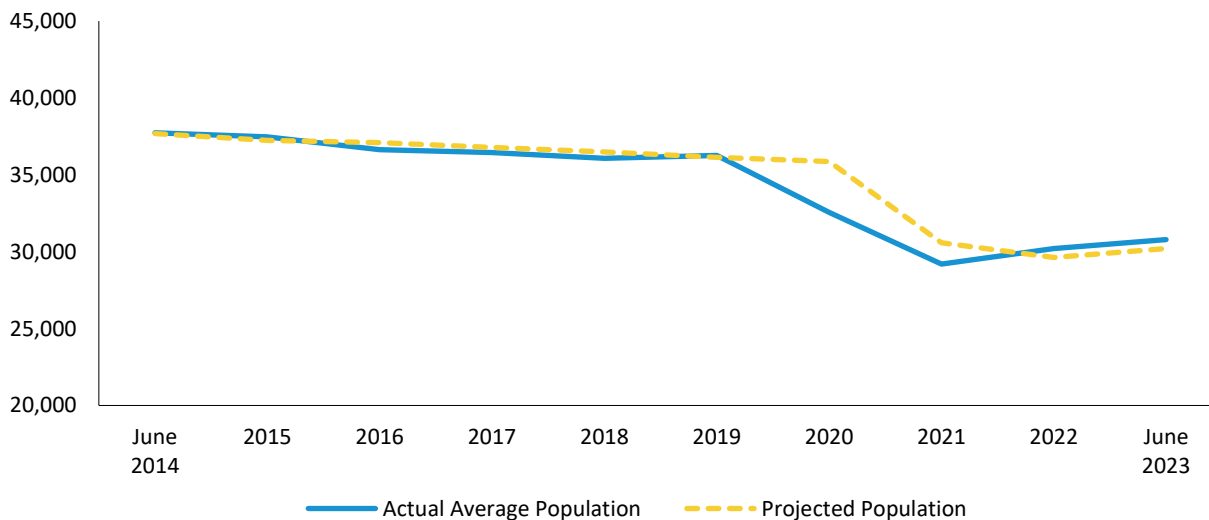
SOURCE: NC Sentencing and Policy Advisory Commission and NC Department of Adult Correction

ASSUMPTIONS

This section details the assumptions that were used to develop the prison population projections for FY 2024 through FY 2033. The assumptions were primarily determined using data from the most recent fiscal year (FY 2023) 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 2024 and FY 2025, 0% for FY 2026 and FY 2027, and 1% for the remaining projection years. In adopting the growth rates, the group noted that the number of felony cases pending at the end of FY 2023 is still higher than before the pandemic, suggesting there is still potential for felony conviction growth in the short term. A 0% growth rate was adopted for the third and fourth years 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.

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 there will be no changes in the composition of felony convictions. In FY 2023, 8% of convictions were for Class A – D felonies, 32% were for Class E – G felonies, and 60% were for Class H – I felonies.

- *Active Rates and Time Served*: In FY 2023, 39% of felons received an active sentence, with an average estimated time served of 37 months. Overall, it is assumed that the rates of active sentences and average estimated time served will match the rates for FY 2023.

- *Percent of Active Sentence Served*: The projections assume that, on average, all SSA felons will serve 104% of their minimum active sentences (the average percentage served by SSA felons released from prison during FY 2023).[10] The percentage of sentence served varies by offense class (e.g., 101% for Class C, 107% for Class I). Prisoners in the more serious offense classes serve closer to their minimum

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[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, Department of Adult Correction, Department of Public Safety's Division of Juvenile Justice and Delinquency Prevention, Conference of District Attorneys, Conference of Clerks of Superior Court, Office of Indigent Defense Services, 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.

[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.

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. Impact from changes from the past legislative session could not be determined because either new offenses were created for which there are no historical data or penalties were amended 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 2023. In FY 2023, 51% of all felony admissions to prison resulted from active sentences for a new conviction, 27% resulted from probation violations other than conviction for a new crime, and 22% resulted from PRS violations other than conviction for a new crime.[11]

- *Probation:* In FY 2023, 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 2023 figures.

- *PRS*: In FY 2023, 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 2023 figures.
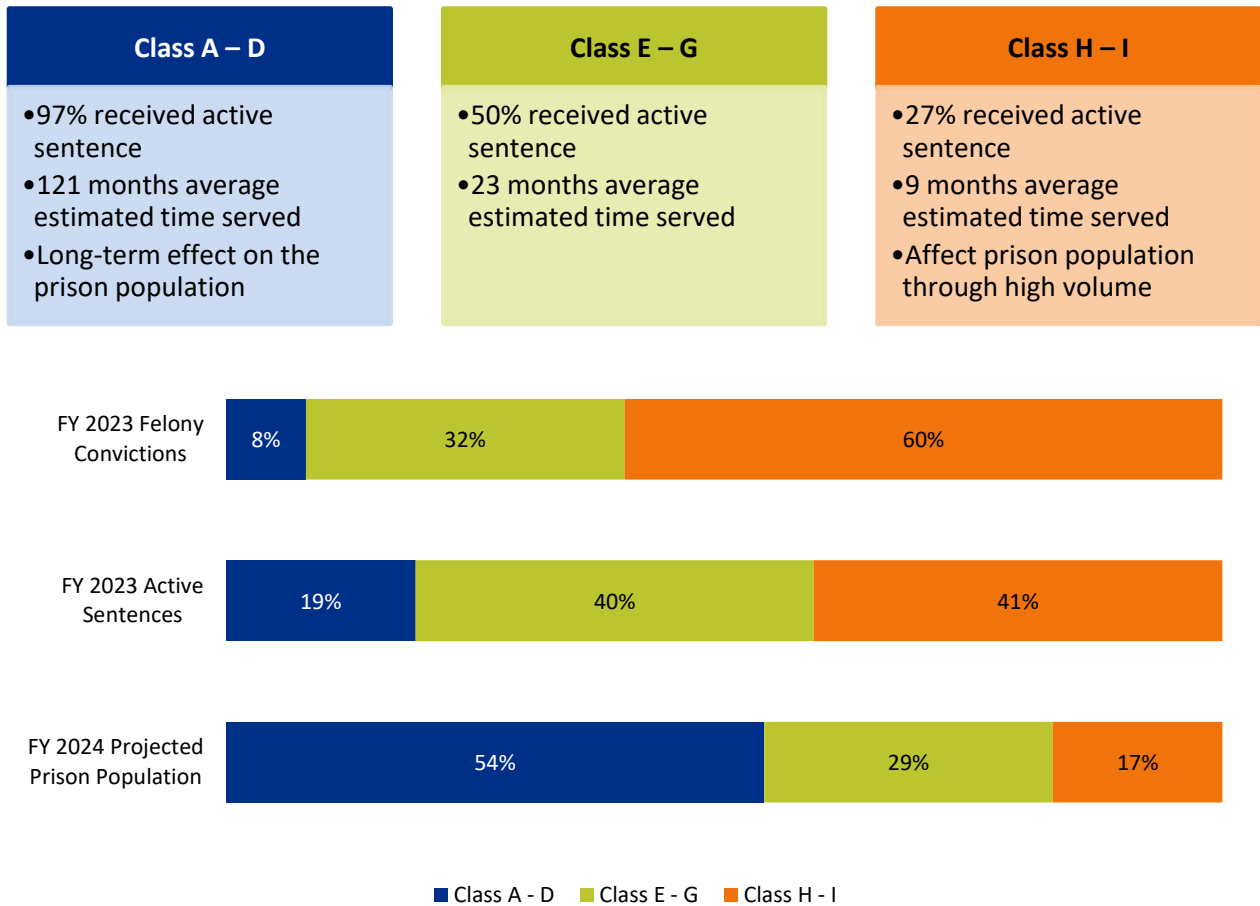
DYNAMICS OF SENTENCES IMPOSED AND THE PRISON POPULATION

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 8% of felony convictions and 19% of active sentences overall. Class H through Class I felonies (the least serious felony offenses), which account for 60% of felony convictions and 41% of active sentences, account for 17% of the projected prison population due to their lower rate of active sentences (27%) and shorter time served (an average of 9 months).

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

Figure 4
Dynamics of Sentences Imposed and the Prison Population
FY 2023 Felony Convictions and FY 2024 Projected Prison Population

Class A – D	Class E – G	Class H – I
• 97% received active sentence • 121 months average estimated time served • Long-term effect on the prison population	• 50% received active sentence • 23 months average estimated time served	• 27% received active sentence • 9 months average estimated time served • Affect prison population through high volume

	Class A - D	Class E - G	Class H - I
FY 2023 Felony Convictions	8%	32%	60%
FY 2023 Active Sentences	19%	40%	41%
FY 2024 Projected Prison Population	54%	29%	17%

■ Class A - D   ■ Class E - G   ■ Class H - I

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