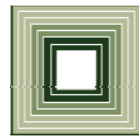


Prison Population Growth and Policy Issues

Presentation to the Joint Committee on
Appropriations

May 15, 2008



FISCAL RESEARCH DIVISION
A Staff Agency of the North Carolina General Assembly

Background

- The Structured Sentencing Act of 1993 :
 - Truth in sentencing
 - Predictability in population
 - Ability to control population through policy change
- The Sentencing and Policy Advisory Commission prepares projections each year forecasting bed needs based on past years' practices.

Based on this year's ten-year forecast
from the Sentencing Commission:

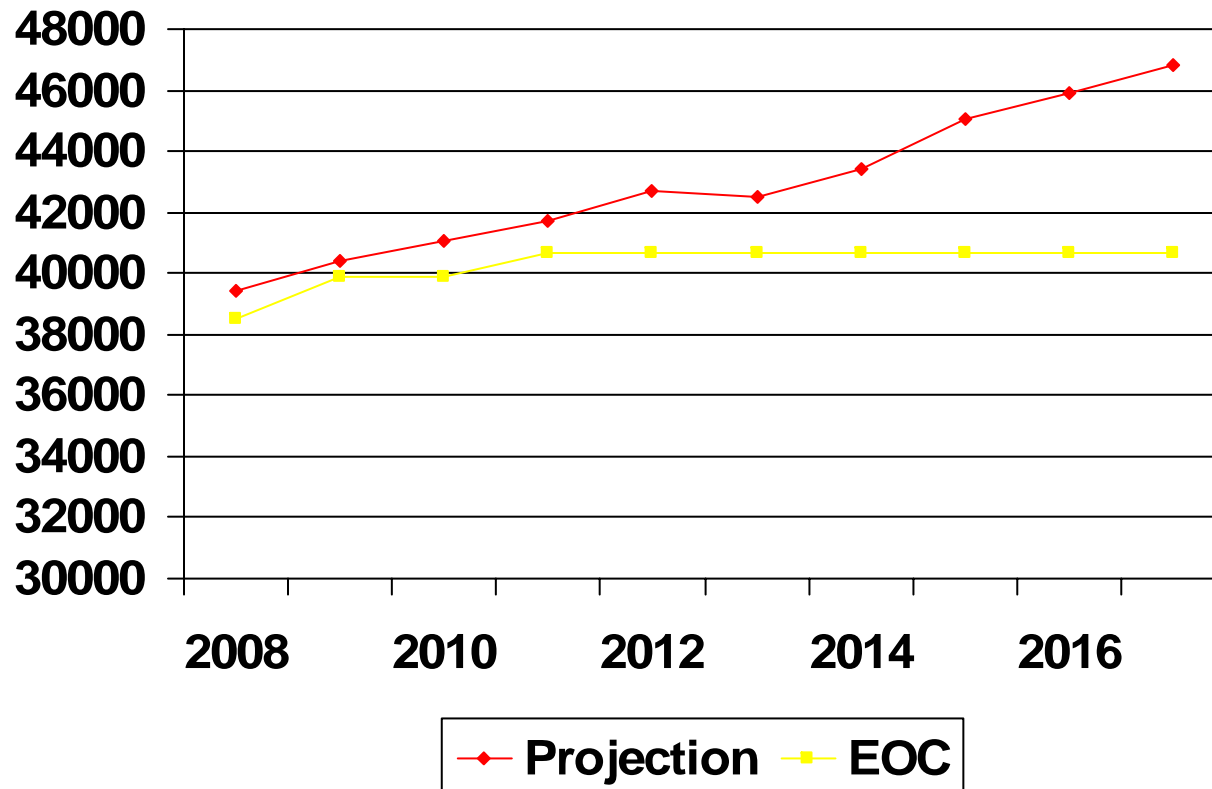
**We do not have enough
prisons to continue doing
business the way we are.**

Where do we stand?

Projections

Fiscal Year	Projection	SOC	EOC	Beds over EOC
2008	39,397	33,359	38,512	885
2009	40,402	34,255	39,908	494
2010	41,073	34,255	39,908	1,165
2011	41,698	34,837	40,664	1,034
2012	42,698	34,837	40,664	1,854
2013	42,518	34,837	40,664	2,759
2014	43,423	34,837	40,664	3,593
2015	45,087	34,837	40,664	4,423
2016	45,925	34,837	40,664	5,261
2017	46,801	34,837	40,664	6,137

Where do we stand? Projections



What can we do?

- Build more prisons
- Adjust sentencing policy
- Both

Construction and Operating Costs

Construction per Bed - EOC	Stand-Alone	Add-On
Close Custody	\$114,500- \$121,000	\$73,500- \$80,000
Medium Custody	\$63,000- \$69,000	\$39,000- \$43,000
Minimum Custody	\$55,000- 61,000	\$52,000- \$56,000

Construction and Operating Costs

Operating per Bed	Daily	Annual
Close Custody	\$88.93	\$32,459
Medium Custody	\$74.71	\$27,269
Minimum Custody	\$57.48	\$20,980
Average	\$71.52	\$26,105

Projected Costs

- Based on the projected shortage of 1,854 beds in FY 2012, the State would need to spend between **\$85 million and \$120 million beginning immediately.**
- In FY 2012, the cost to operate these 1,854 beds would be **\$48 million annually.**

How does the Model work?

- The Sentencing Commission prepares projections using a simulation model that looks at two population components: New Convictions and Stock Population.
 - New admissions to prison over the ten-year period are projected using the most recent fiscal year data.
 - Existing population declines as inmates are released based on recent time-served data.

Custody Levels

- It is not enough to know that there are not enough beds; we also need to know what kind of beds to construct.
 - The Department of Correction takes the output of the Sentencing Commission's model and projects the bed needs for adult males, females, and youth males, at Close, Medium, and Minimum Custody levels.
 - Based on these projections, the Department prepares a long-range construction plan.

Custody Level Deficits

Adult Males	Close Custody	Medium Custody	Minimum Custody
Fiscal Year 2011-12	+202	-413	-983
Fiscal Year 2016-17	-307	-2,586	-4,942

Custody Level Deficits

Females	Close Custody	Medium Custody	Minimum Custody
Fiscal Year 2011-12	+29	-193	-233
Fiscal Year 2016-17	-22	-358	-361

Custody Level Deficits

Youth Males	Close Custody	Medium Custody	Minimum Custody
Fiscal Year 2011-12	+80	-22	-331
Fiscal Year 2016-17	+41	-148	-347

What can we do?

Build more prisons

- Based on these projections, the Department of Correction prepares a ten-year construction plan.
- Some components of the plan relate to basic replacement needs as opposed to dealing with future bed deficits, such as hospitals.

DOC Long-Range Plan Expand Capacity

- Add bed capacity at existing 1000-bed units (up to 3,024 new beds) **The Governor's budget recommendation includes 1,512 of these beds, funded by COPS.**
- Construct three new stand-alone prisons

What can we do?

Adjust sentencing policy

- Adjust the sentencing grid to reduce average time served in prison
- Adjust the sentencing grid to expand the options for judges to use Community and Intermediate punishments instead of prison.
- Expand programs with proven records of reducing recidivism.
- **The Sentencing Alternative bills could save almost 1,000 beds over a five-year period.**

What can we do?

Adjust sentencing policy

- HB 805/SB 933 – Adjust B1 through E Felonies: 335 beds saved in five years
- HB 806/SB 823 – Sentence Lengths: 211 beds saved in five years
- HB 807/SB 935 – Restructure Prior Record Points: 437 beds saved in five years
- **None of these bills made crossover.**

HB 805/SB 933

Adjust B1-E Felonies

- Reduce minimum sentence length by three months
- Increase maximum sentence length by three months
- Increase period of post-release supervision by three months

HB 806/SB 823

Sentence Lengths (Proportionality)

- Change minimum sentence ranges across prior record levels to establish a 15% increment between levels, except for Class H and I felonies, which remain the same

HB 807/SB 935

Restructure Prior Record Points

- Amend the prior record point structure so that the first prior record level, which currently covers offenders with no prior record, could include offenders with one prior record point as well.

What can we do?

Both

- Any new prison construction authorized in 2008 would not be ready for occupancy until 2011, not aiding in the short-term deficits.
- Reducing average time served will also take a few years to have a real impact.
- Expanding Community and Intermediate options requires resources in the short term.

What can we do?

Both

- Day Reporting Centers are one of the existing Intermediate Sanctions.
- This program is funded by the Criminal Justice Partnership Program that is non-recurring for this fiscal year due to a continuation review.
- This sanction will not be funded after June 30 without legislative action.

Other Issues: Risk Factors

- The projections do not include the impact of any introduced bills.
- There are eight bills introduced in 2007 that made crossover that have bed impact. They are still eligible for consideration this session.
- These bills are projected to have an impact of 250 beds in the first year.

Other Issues:

Parole-Eligible Population

- Approximately 3,500 inmates were sentenced under other sentencing laws, and are therefore eligible for discretionary release by the Parole Commission.
- Around 1,700 of these are past their parole eligibility date. 70% of these were convicted of murder or rape, and would not have been eligible for release yet had they been sentenced under Structured Sentencing.
- **This is not a fertile ground for freeing up beds.**