

SMCP CAPACITY PROJECTIONS: FISCAL YEAR 2025 TO FISCAL YEAR 2029

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 (Sentencing 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

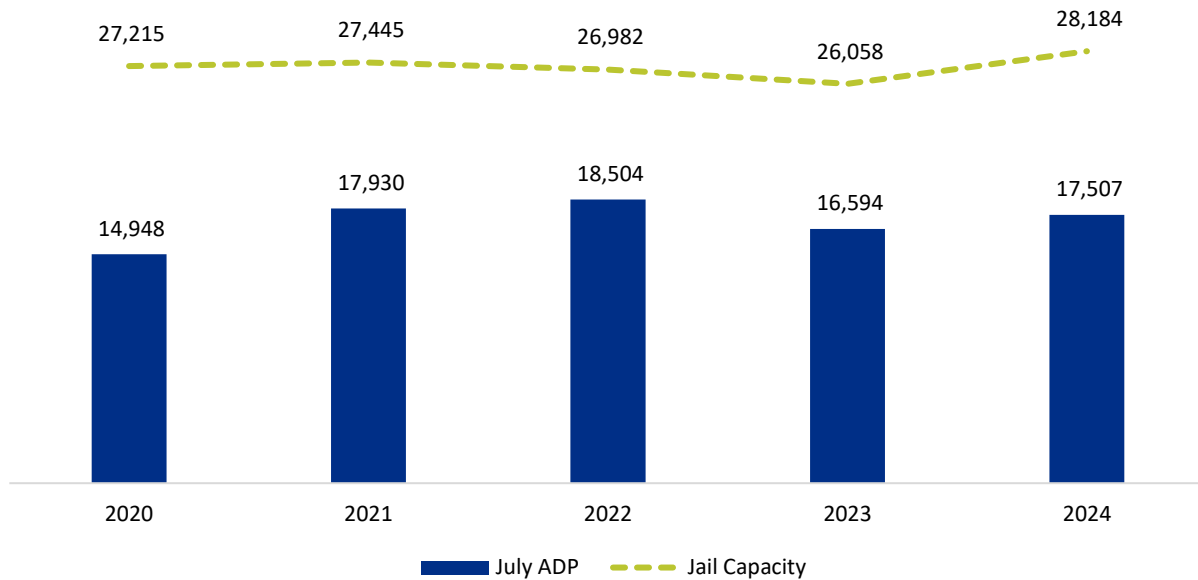
As shown in Figure 1, the overall average daily population (ADP) in jails was 17,507 in July 2024, a 6% increase from the ADP in July 2023. According to the capacity information reported to DHHS by local jails, the statewide capacity was 28,184 in July 2024.

¹ N.C. Session Law (hereinafter S.L.) 2011-192, s. 7.

² N.C. Gen. Stat. (hereinafter G.S.) 148-32.1(b2) (2023).

³ G.S. 148-32.1(b4).

Figure 1
Jail Average Daily Population (ADP)
July 2020 – July 2024



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*, 2020 – 2024; analysis conducted by NC Sentencing and Policy Advisory Commission

Historical SMCP Capacity and Average Monthly Population

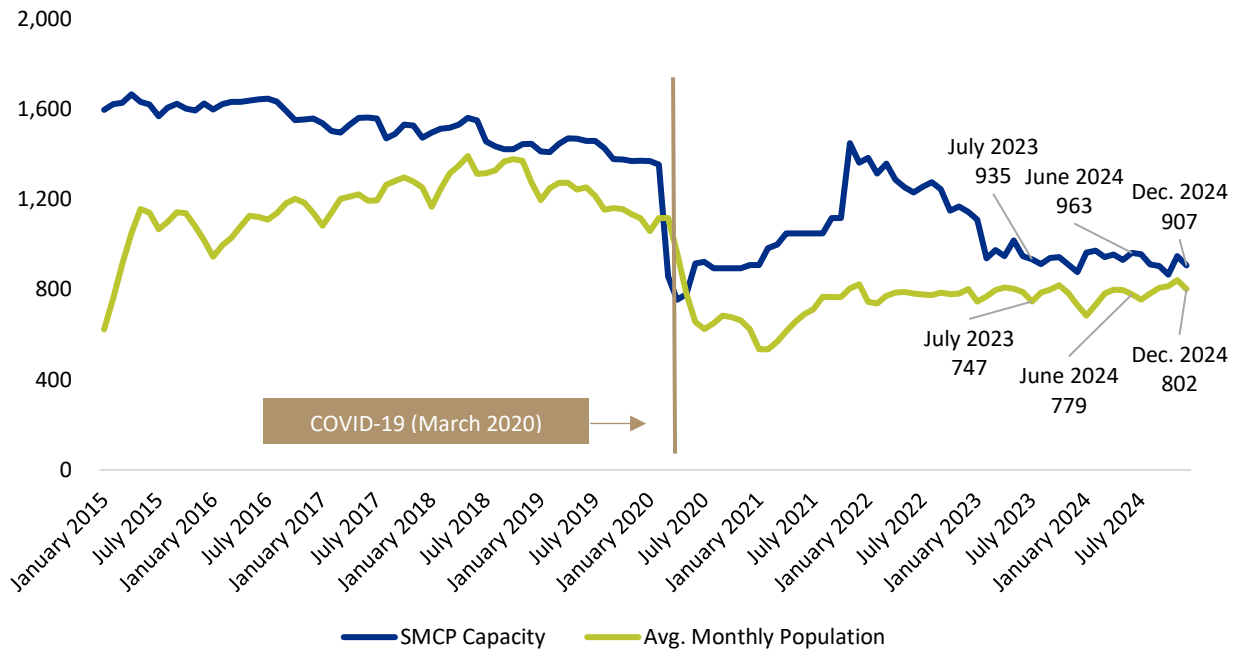
Historical SMCP capacity data are a key component for producing the five-year SMCP capacity projections. The average monthly SMCP population also provides additional context for the projections. Figure 2 shows the total SMCP capacity and the average monthly population beginning in January 2015. Following declines due to the COVID-19 pandemic, the most notable increases in population occurred in FY 2021 and FY 2022. During FY 2024, the SMCP average monthly population increased 4% from July 2023 (747) to June 2024 (779).

Capacity began to decline in FY 2017, prior to the pandemic, an average 4% decrease per year. Capacity reached its lowest point during the pandemic, in April 2020, at 755 beds or 44% of pre-COVID historic average capacity (1,721 beds). Starting in June 2021, the overall capacity increased due to a change in reporting in the NCSA’s monthly status reports.⁴ Using the new reporting method, the NCSA reported that the SMCP capacity rebounded to 1,231 beds in June 2022, an increase of 63% from its lowest point in April 2020.

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.

In the most recent fiscal year, there was relative stability in capacity with an average monthly decrease of less than 1%. Across FY 2024, there was a 3% increase in capacity, starting from 935 beds in July 2023 to 963 beds in June 2024.

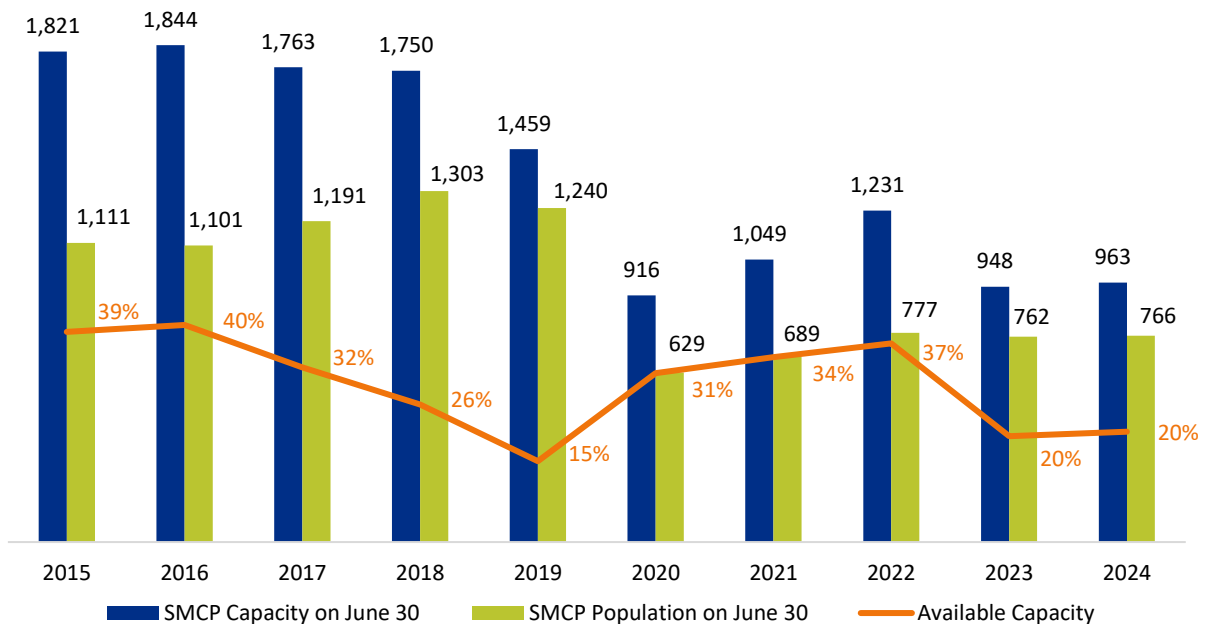
Figure 2
SMCP Capacity and Population Trends (January 2015 – December 2024)



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 ten 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). In earlier years, a higher percentage of available capacity was maintained, while in more recent years, the percentage has decreased (a high of 40% of capacity in FY 2016 compared to 20% in FY 2023 and FY 2024). While the gap in percentage of available capacity as compared to population has narrowed, SMCP capacity has been higher than SMCP population across all years.

Figure 3
SMCP Capacity, Population, and Available Capacity on June 30 (2015 – 2024)



Assumptions

This section details the assumptions used to develop the SMCP capacity projections for FY 2025 through FY 2029. The assumptions were primarily determined using data from the most recent fiscal year (FY 2024), as well as data through the end of the calendar year (CY 2024).

- *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 in county jails awaiting transfer to prison) may limit the number of beds available for jails to hold other inmates, including SMCP inmates. On December 31, 2024, the jail backlog was 0; therefore, the projection assumes no impact.
- *Jail population distribution:* The projections assume the general population distribution of all jail inmates (e.g., percentages of pretrial inmates, male inmates, etc.) remains consistent throughout the projection period.
- *Planned jail projects:* Known projects at this time are assumed to be the only ones affecting statewide capacity during the projection period.⁶ Receiving and sending counties that are

⁵ There are many local reform efforts across the state focused on pretrial release practices. If implemented statewide, they may affect future projections.

⁶ 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), Haywood (155 beds, FY 2026 estimated

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, 2024) will remain receiving counties throughout the projection period.
- *Sending counties:* The projections assume sending only counties (as of June 30, 2024) 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 0% for FY 2025, -1% for FY 2026, 0% for FY 2027, -1% for FY 2028, and 0% for FY 2029. 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 2024 (916 beds) was used as the starting point for the projection. Responses received from jail administrators regarding potential new beds from jail construction projections are included in the relevant years of the current projection.⁷ Capacity is expected to increase 1% over the projection period (from 921 in FY 2025 to 928 in FY 2029).

Table 1
SMCP Capacity Projections
FY 2025 – FY 2029

Fiscal Year	SMCP Capacity on June 30		Annual Bed Change for Current Projection
	Previous Projection	Current Projection	
2025	954	921	N/A
2026	954	917	(4)
2027	954	937	20
2028	954	928	(9)
2029	N/A	928	0

NOTE: The starting capacity is 916 beds (i.e., average monthly capacity from July to December 2024).

SOURCE: Prepared by the NC Sentencing and Policy Advisory Commission with the assistance of the NC Sheriffs' Association.

completion), Henderson (design phase, FY 2030 estimated completion), Lincoln (156 beds, FY 2027 estimated completion), Pender (222 beds, FY 2027 estimated completion), and Wayne (220 beds, FY 2025 estimated completion).

⁷ Newly built SMCP beds are included for the following years in the projection: FY 2025 (5 beds), FY 2026 (5 beds), and FY 2027 (20 beds).

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 2025 and FY 2029 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.

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.