

**REPORT  
ON  
TRENDS IN NORTH CAROLINA PROBATION AND PRISON  
POPULATIONS AFTER  
THE  
STRUCTURED SENTENCING ACT**

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## Introduction

In 1993, in response to overcrowded prisons and discrepancies between the sentences required by statute and the length of sentences actually being served, the North Carolina General Assembly adopted a new sentencing policy. This policy, the Structured Sentencing Act (SSA) changes sentencing laws by setting new priorities for the use of prison and community correction resources and links sentencing policies to correctional resources through a formal legislative review process. The objectives of Structured Sentencing include the following:

- To balance sentencing policies with corrections resources by making sentencing more predictable and therefore population projections more accurate.
- To increase consistency in sentencing by limiting judicial discretion.
- To establish truth in sentencing by eliminating discretionary parole and the amount of term reducing credits inmates can earn.
- To set priorities for the use of correctional resources by prioritizing prison confinement to violent and repeat offenders.

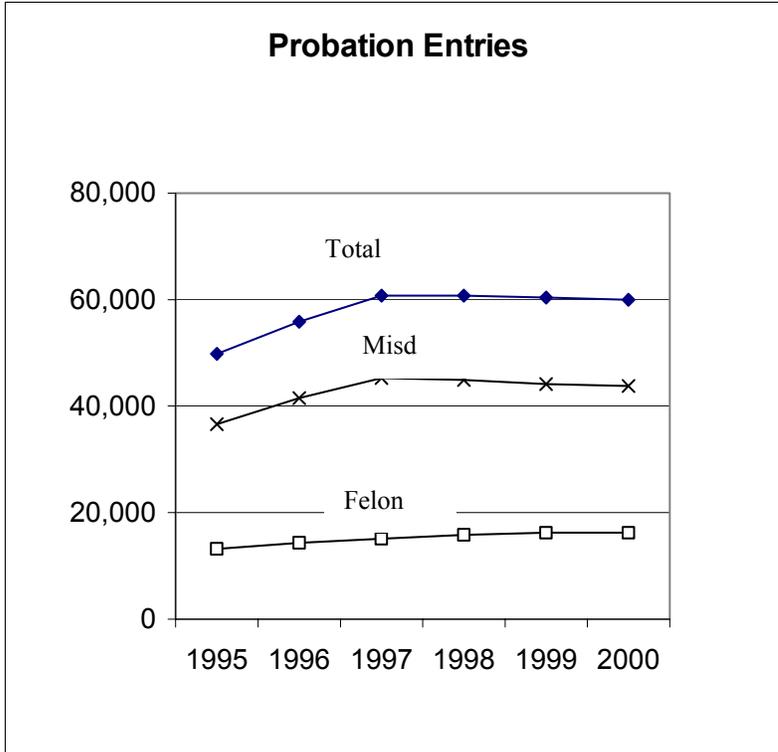
The policies in the Sentencing Act change the profile of offenders who go to prison and who remain in the community on probation. Prison is reserved for the most serious and chronic offender and actual time served is longer. Intermediate punishments provide restrictive supervision to offenders who need a high level of control in the community. Community punishments provide structure for the least serious, chronic offender.

The Structured Sentencing Act became effective for offenses committed on or after October 1, 1994. Other legislation has also had an impact on sentencing, including a 1993 statute requiring the legislature to obtain a fiscal impact statement before making any change to sentencing laws, and a 1995 amendment changing the habitual-offender statute.

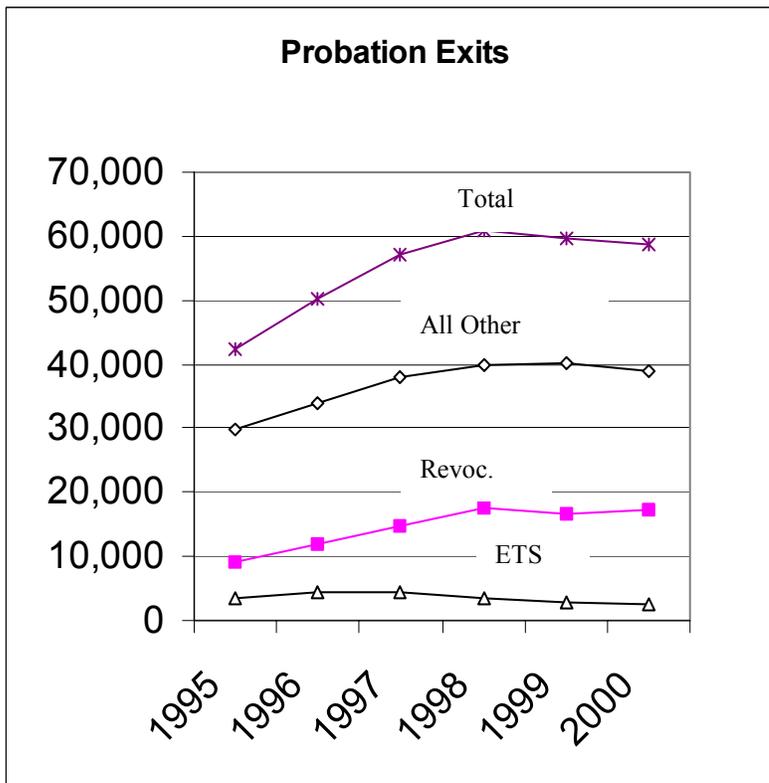
This is the second report in an annual series to periodically monitor changes in correctional populations as a result of sentencing law changes. This information is important to correctional managers, to policy-makers and to the public to ascertain the intended and unintended impact of sentencing law changes on correctional agencies.

The charts in this report show trends occurring between calendar years 1995 and 2000 among prison and probation populations. The data in the report are available through the Office of Research and Planning's Automated System Query (ASQ), a web-based information source. Accompanying each chart is a narrative providing some interpretation of the data.

## PROBATION

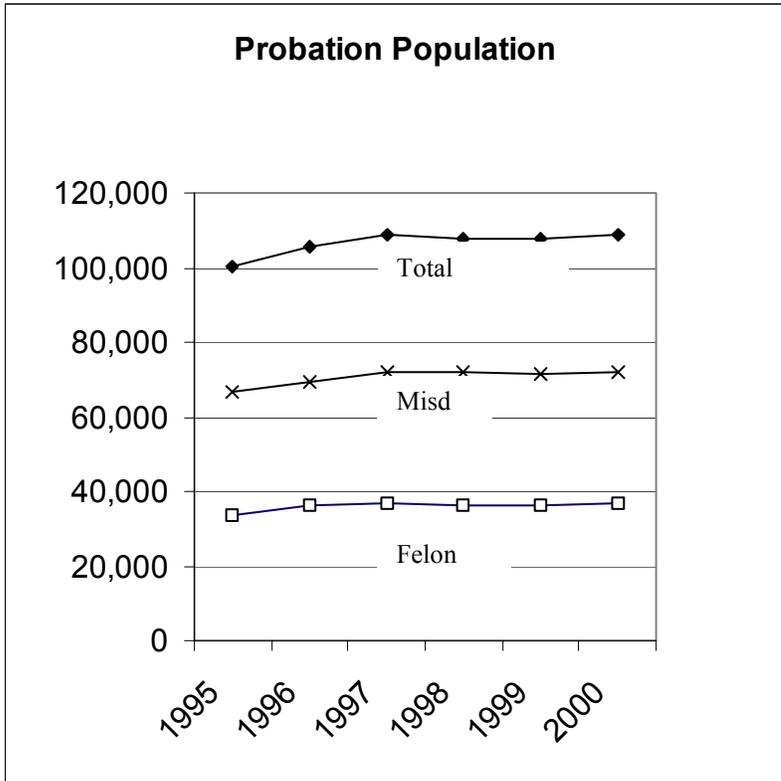


Between 1995 and 1997 annual probation entries increased from 50,000 to 60,000. This increase was an expected result of Structured Sentencing. Since 1997 probation entries have remained fairly constant. Felons consistently represent about 27% of the annual probation entries.

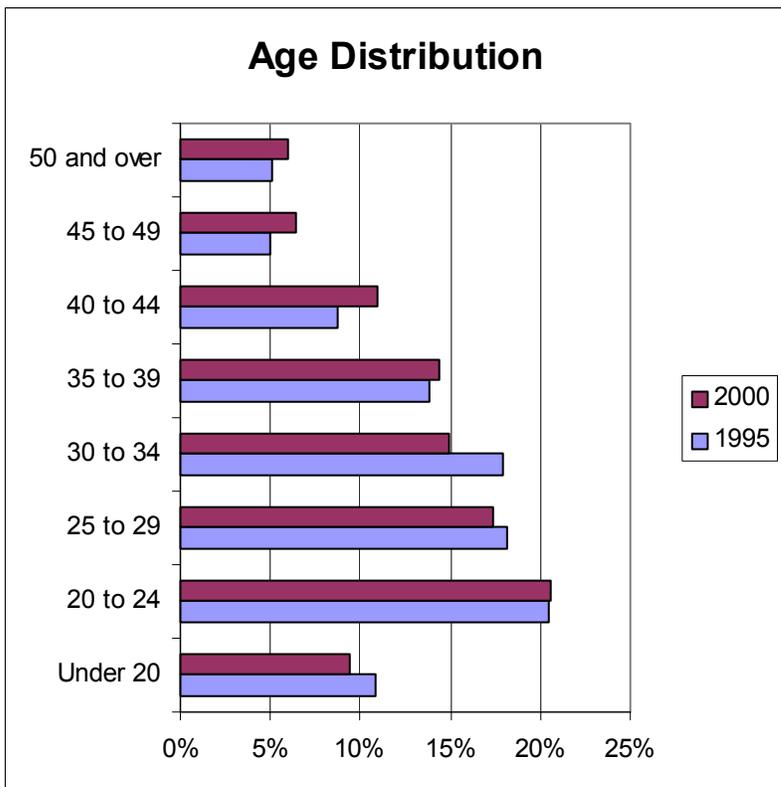


During the period, probation revocations increased faster than other types of exits from supervision. The number of probationers electing to serve (ETS) their suspended prison terms declined, due to a change in the State constitution. Revocations and ETS combined rose from 30% of all exits in 1995 to 35% in 1998 before dropping back to 34% in 2000. The rise in probation revocations may be the result of higher-risk probationers who previously were sentenced to prison and now are on probation in the community. The exit category "All Other" includes all successful completions plus some terminations of re-convicted offenders facing imprisonment.

## PROBATION POPULATION

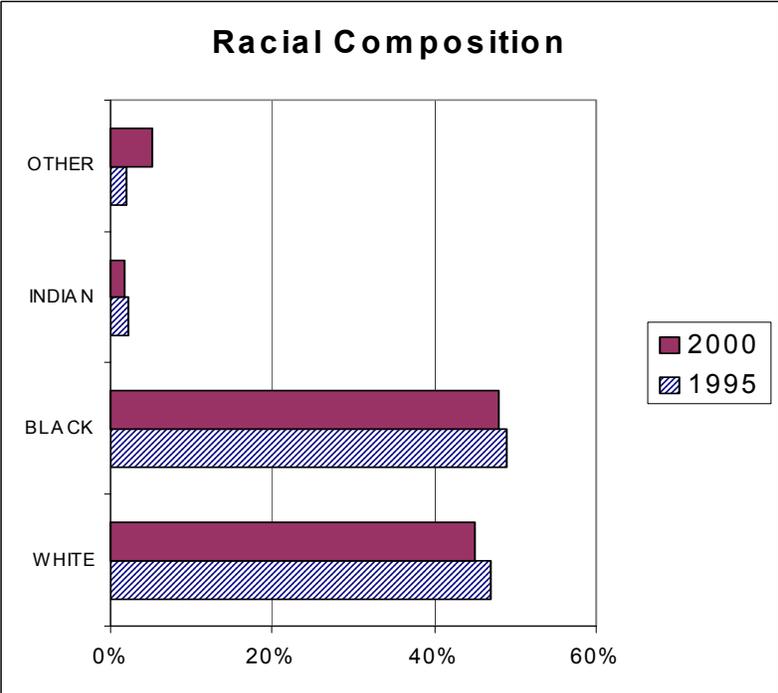


Between 1995 and 1997, the total number of probationers under supervision rose by 8%, reflecting the increase in entries due to Structured Sentencing.. Since 1997, the probation population has remained fairly stable.

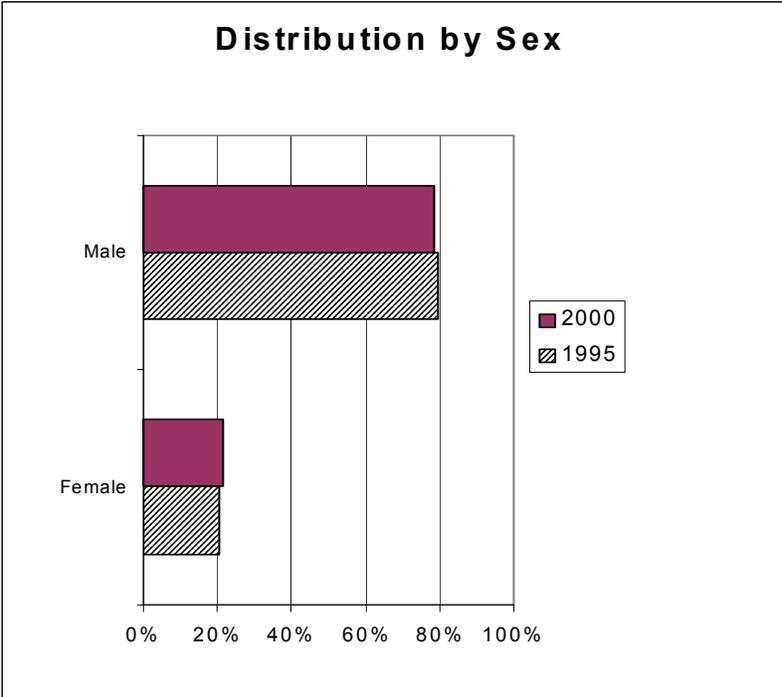


The age distribution of probationers under supervision has not changed substantially since 1995. The largest age category continues to be 20-24 year olds, representing 20% of all probationers. Increases in the proportion of older offenders are partly due to a general aging of the state population.

# PROBATION POPULATION

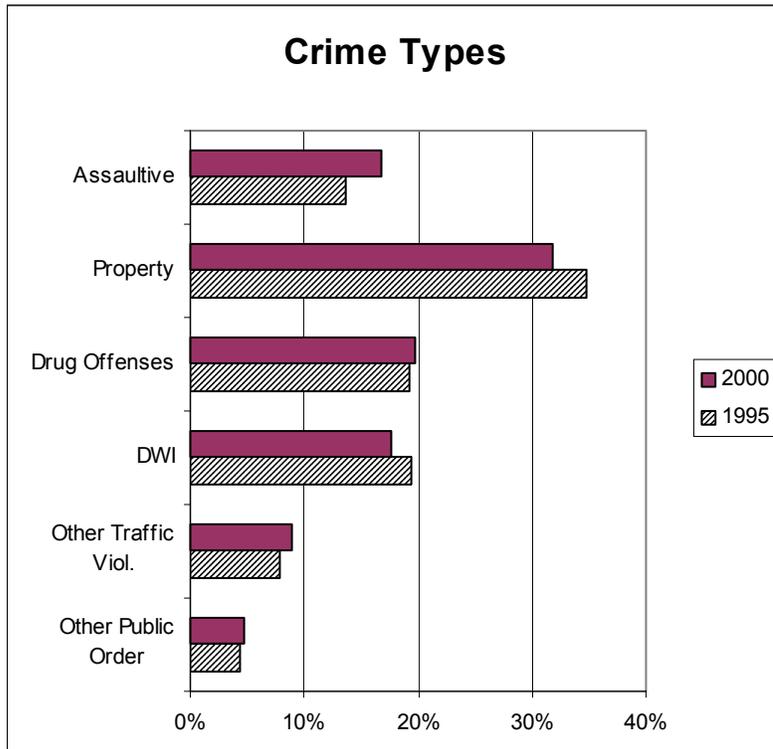


The relative proportion of white and black offenders under probation supervision has changed little during the period. Since 1995 the percentage of the probation population that are white dropped from 47 to 45 and the percentage that are black dropped from 49 to 48. The category “Other” more than doubled from 2 to 5 percent, reflecting the recent increase in the state’s Hispanic population.

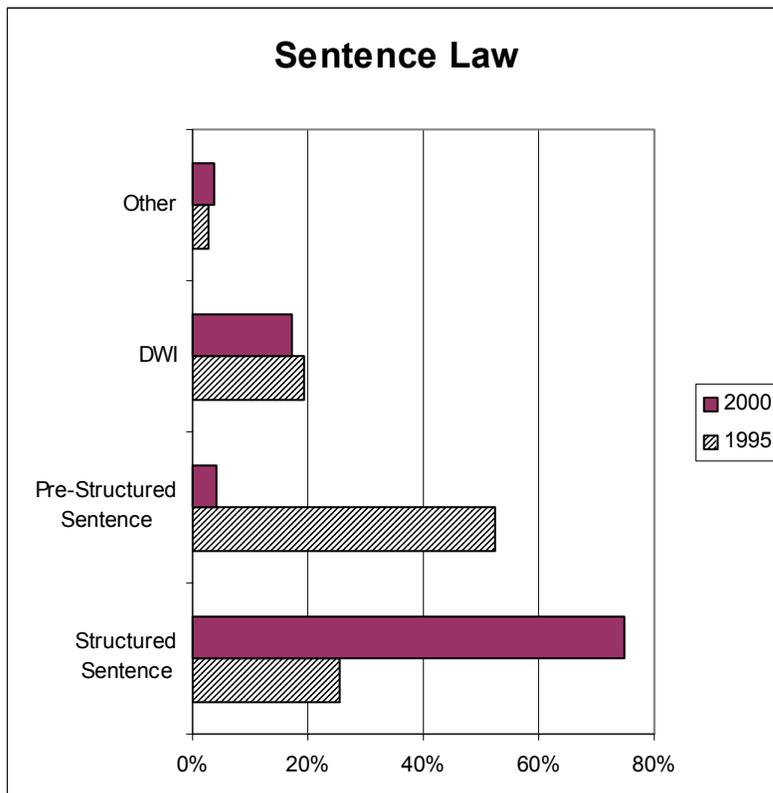


Since 1995, there has been little change in the relative proportion of male and female offenders under probation supervision. In 1995 and 2000, 79% of the probation population were male and 21% were female.

# PROBATION POPULATION

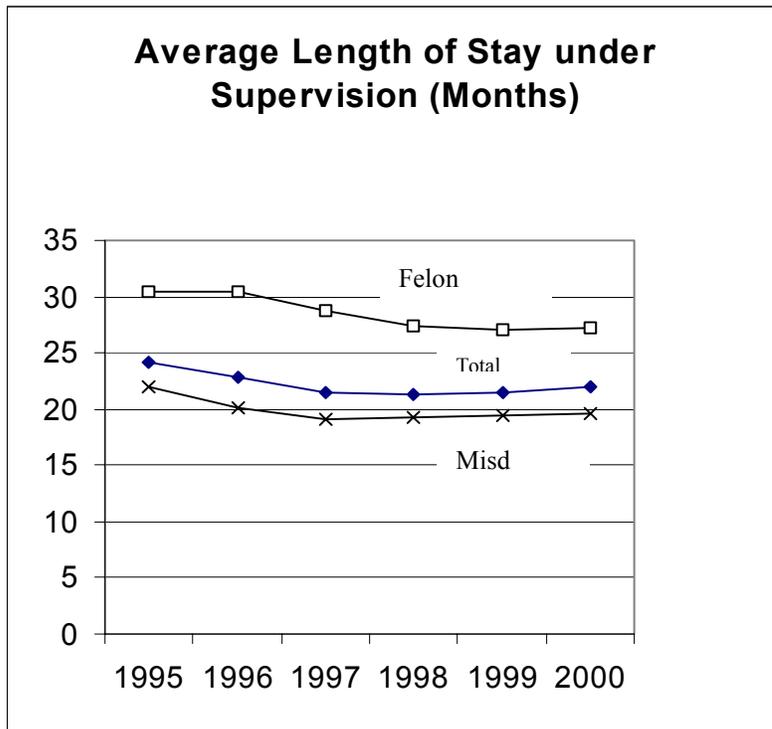


The greatest change in the distribution of crime types of probationers since 1995 is a 24% increase in assaultive crimes, followed by a 17% increase in non-DWI traffic violations. This trend may be the result of an effort to make room for the most serious and chronic offenders in prison by shifting some offenders to probation that in the past would have received an active prison sentence.



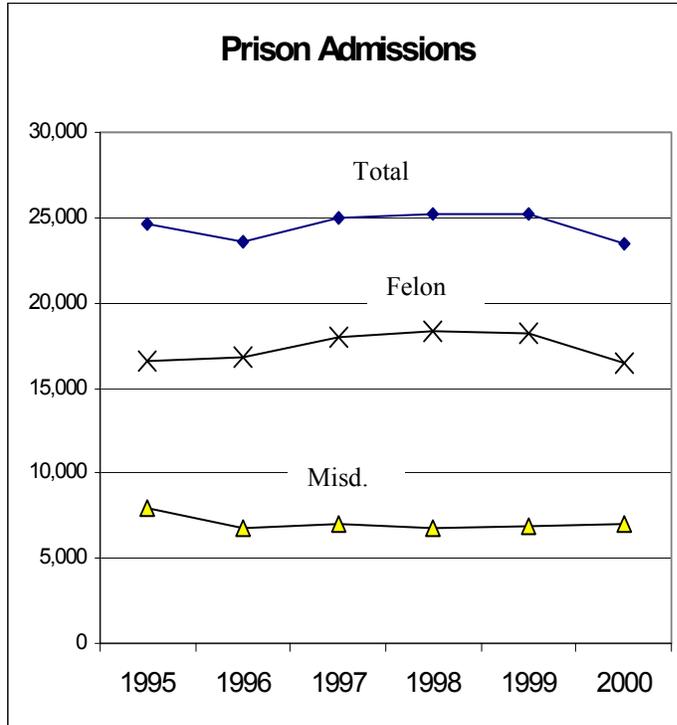
Offenders sentenced under Structured Sentencing now make up 75% of the probationer population. Some offenders are still sentenced under other laws, including DWI offenders. The category "Other" includes out-of-state convictions.

## PROBATION POPULATION

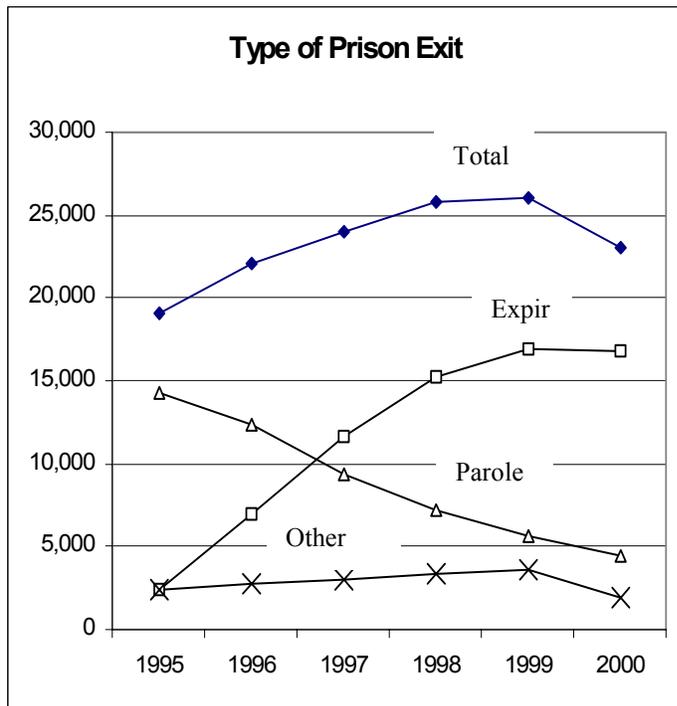


Structured Sentencing reduced the maximum probation supervision period from five years to three for felons and to two years for misdemeanor probationers. Since 1995, the average length of stay for felons declined from 30 months to 27 months, and from 22 to 20 months for misdemeanants. The policy change seems to have had its full effect and the average length of stay has stabilized.

# PRISON

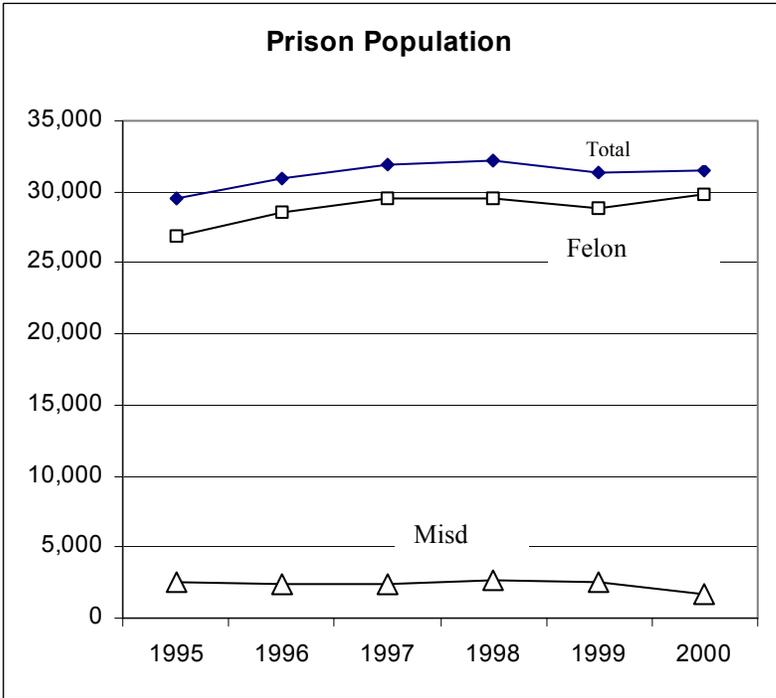


Prison admissions dipped in 1996 to 23,500 after the first full year under Structured Sentencing and remained stable until 2000. The decline in admissions in 2000 was probably due to lower arrests, convictions and court hearings as a result of Hurricane Floyd. As intended by policy, the proportion of felony admissions increased during the period from 68% to 70% and the proportion of misdemeanants decreased.

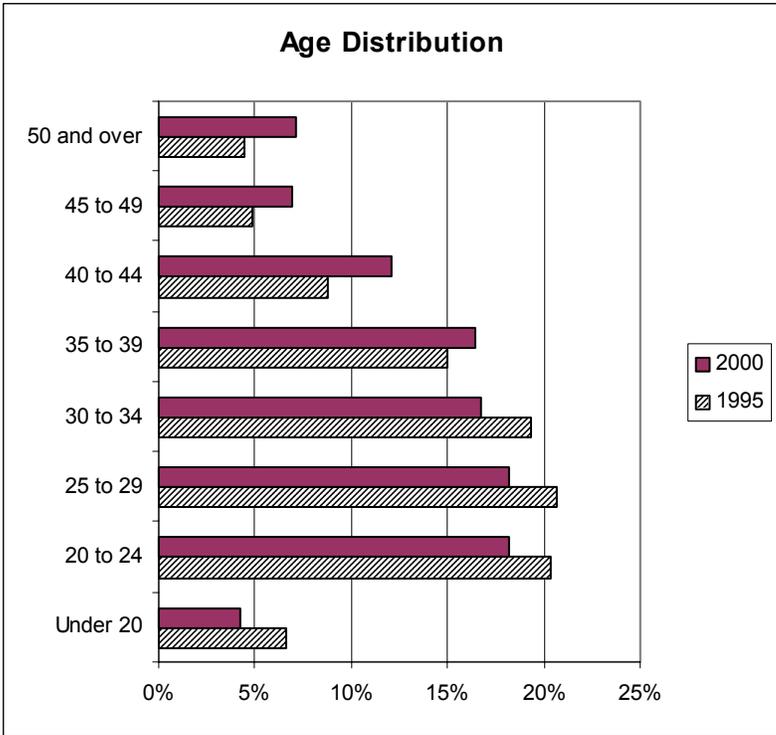


Structured Sentencing resulted in an increase from 12% to 65% in the number of inmates who remain in prison until the expiration of their sentence (“Expir”). The number paroled has declined substantially as the pool of offenders admitted under the old Fair Sentencing law dwindles. The “Other” category of exits includes deaths and release by the courts for appeal, or release of safekeepers. The 12% decrease in total exits from prison 1999 to 2000 is driven by a continuing decline in paroles and release of safekeepers.

# PRISON POPULATION

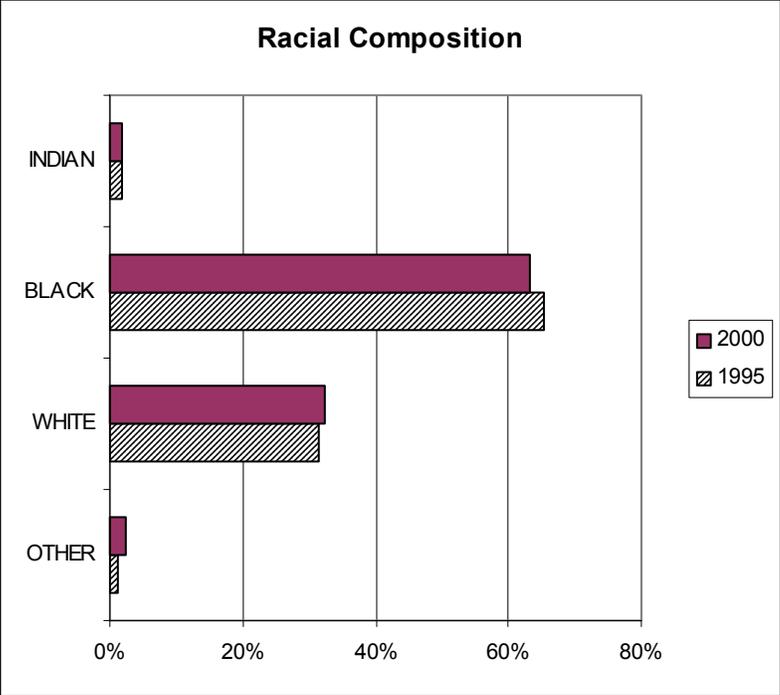


The year-end prison population peaked in December 1998 and has stabilized since then. This stabilization of the prison population is due to the principle of Structured Sentencing to match resources and policies. This trend is projected to be temporary as more inmates serve longer sentences over the coming decade.

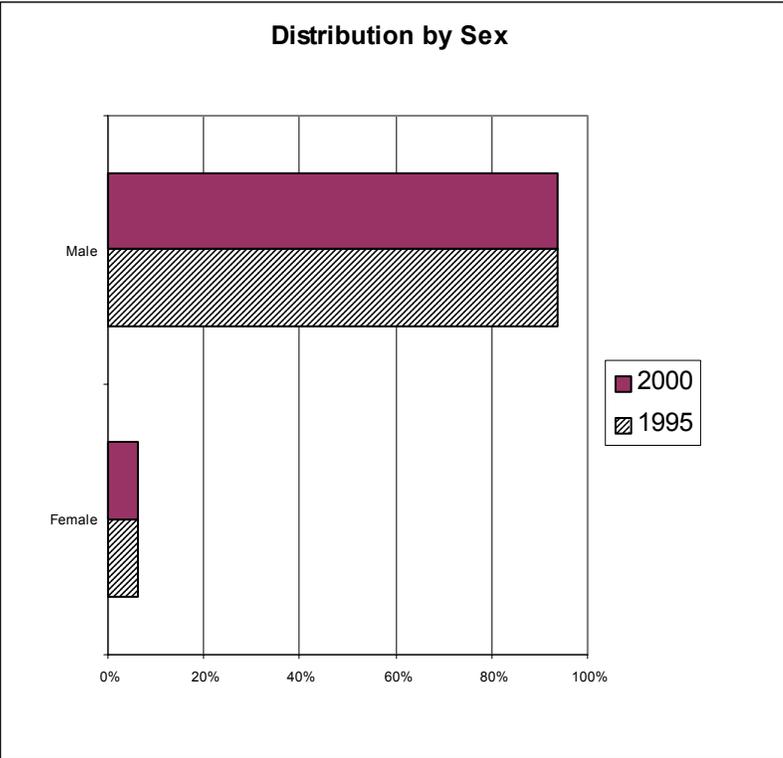


The largest proportion of prison inmates is aged 25 to 29. Since 1995 the proportion of older inmates has increased, particularly inmates 35 and older. This increase is probably due to the effects of Structured Sentencing, which requires offenders to have prior criminal convictions before being sentenced to prison.

# PRISON POPULATION

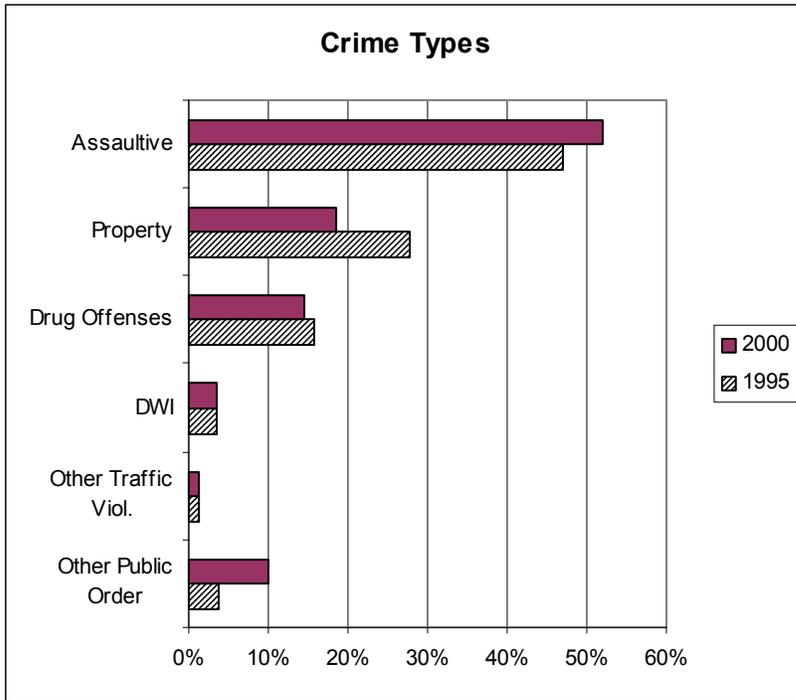


Since 1995, there has been a slightly larger increase in the proportion of white inmates compared to black inmates, reversing a long-term trend. Whites represent 33% of the prison population in 2000 versus 63% black.

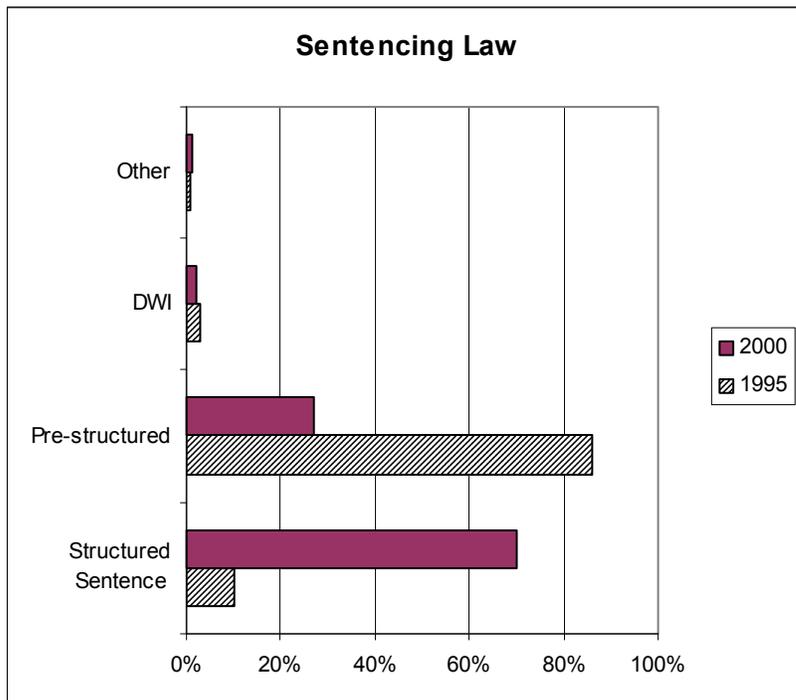


The inmate population continues to be overwhelmingly male. In 2000, males represent 94% of the prison population and females represent 6%.

# PRISON POPULATION

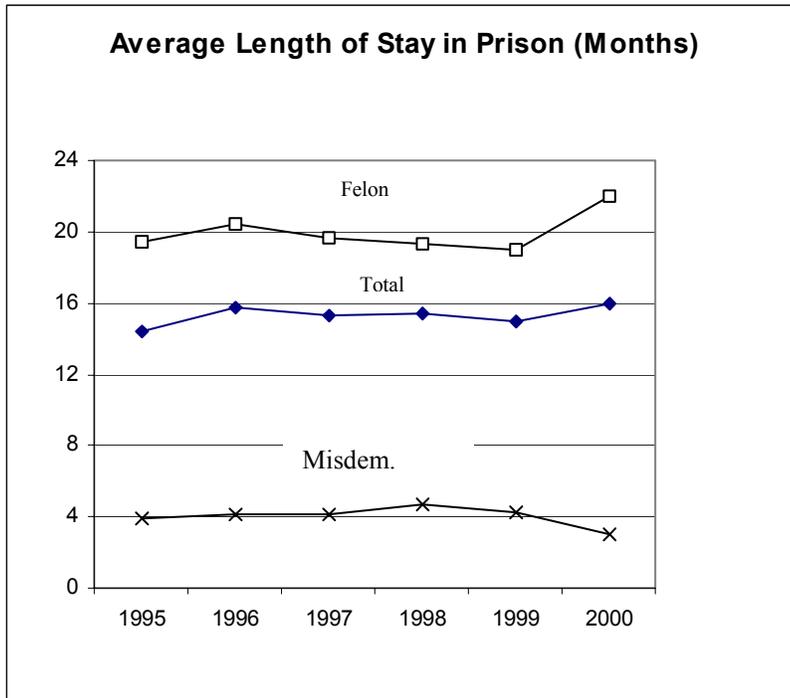


The prison population increases since 1995 were concentrated among Assaultive and “Other public order” crimes. This latter category consists primarily of habitual offenders. Both categories tend to have older-than-average inmates and this trend explains the increase in the over-35 population in prison. The largest increase was among the Other Public Order crimes, which increased by 178%, followed by assaultive crimes, up 18%. The large decrease in property crimes is due mainly to a 55% decrease in breaking and entering. In addition, drug offenses decreased 1.5% in 2000.



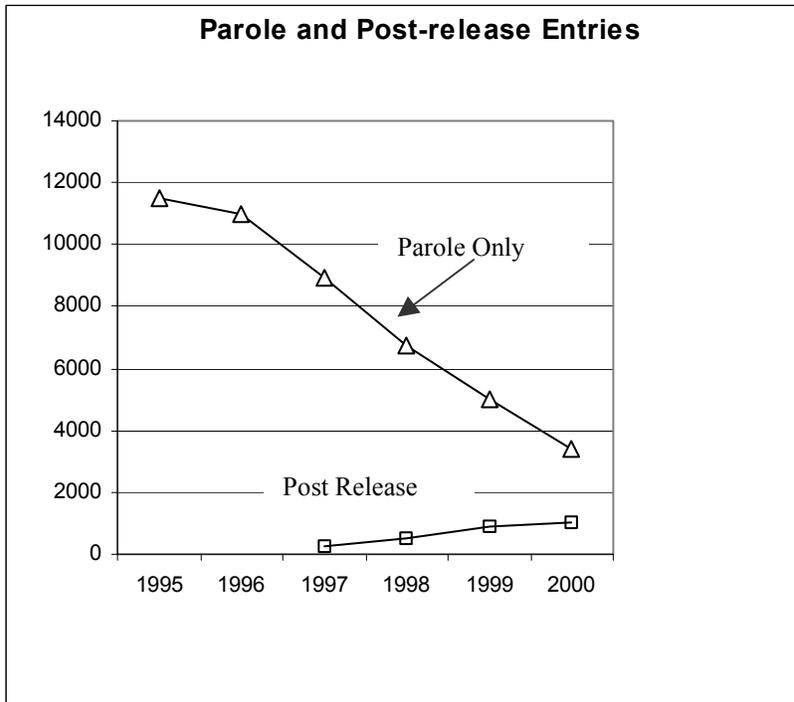
In 2000, 70% of inmates in prison were sentenced under Structured Sentencing. About one-third were sentenced under previous sentencing laws.

# PRISON POPULATION



The increase in time served in prison after 1995 resulted from the reduction in admission of misdemeanants. Average length of stay in prison will increase as assaultive inmates (felons) admitted under Structured Sentencing remain in prison past the time they would have been paroled under the old Fair Sentencing law. The sharp increase in the average length of stay in 2000 is indicative of this trend.

## PAROLE AND POST-RELEASE



The number of inmates paroled diminishes each year, as the number of pre-Structured Sentence inmates in prison declines. Under Structured Sentencing, the only inmates supervised after release are those whose crimes fall in the B-E offense classes. Only in the last two years have substantial numbers of these offenders been released under post-release supervision (890 in 1999 and 1,017 in 2000).

## Conclusions

The trends revealed in this report show that the Structured Sentencing Act is achieving the goals that were established:

- Among the prison and probation populations, a larger proportion of offenders are those convicted of assaultive crimes, a result in line with the goal to reserve more correctional resources for more serious offenders.
- Fewer misdemeanants are being admitted to prison, reserving prison space for felony offenders.
- The average length of time that inmates spend in prison has increased. This is partly a result of reserving more of the space for felons.
- Since the Sentencing Commission provided accurate population projections to the General Assembly, legislators were able to fund adequate correctional resources for such policy changes as the elimination of the population cap. This, in turn, enabled the Parole Commission to reduce early paroles. Structured Sentencing was also designed to provide increases in entries to probation to reserve prison space for serious, chronic offenders.
- The most notable demographic trend depicted in this report is an increase in the proportion of older probationers and prisoners. This trend is due in part to the aging of the state population and to the policies of Structured Sentencing. While there was no noticeable change in the female offender population, there was a slight reduction in the proportion of black offenders in prison.
- The average length of stay in prison is beginning to increase as inmates with assaultive crimes remain in prison past the time they would have been paroled under old laws.