



## LEGISLATIVE BUDGET BOARD

# **Adult and Juvenile Correctional Population Projections Fiscal Years 2013 to 2018**

**LEGISLATIVE BUDGET BOARD STAFF**

**SUBMITTED TO THE 83RD TEXAS LEGISLATURE**

**JANUARY 2013**

**ADULT AND JUVENILE CORRECTIONAL POPULATION PROJECTIONS  
FISCAL YEARS 2013 TO 2018**



**LEGISLATIVE BUDGET BOARD  
JANUARY 2013**

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**ADULT AND JUVENILE CORRECTIONAL POPULATION PROJECTIONS  
FISCAL YEARS 2013 TO 2018**

January 2013

One responsibility of the Legislative Budget Board Criminal Justice Data Analysis Team is to conduct periodic, long-term adult and juvenile correctional population projections to serve as a basis for biennial funding determinations. Projections were released in June 2012 for the Texas Juvenile Justice Department and the Texas Department of Criminal Justice to incorporate the relevant information into Legislative Appropriations Requests for the 2014–15 biennium.

This report provides updated correctional population projections in preparation for the Eighty-third Legislature, 2013. The June 2012 projections were enhanced by conducting focus groups and interviews with practitioners and officials in various parts of the criminal and juvenile justice system to obtain a more in-depth understanding of factors affecting criminal and juvenile justice populations. Additionally, comprehensive data through fiscal year 2012 were analyzed and incorporated into the updated projections.

Ursula Parks  
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## **INTRODUCTION**

## INTRODUCTION

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This report provides updated correctional population projections for fiscal years 2013 through 2018 in preparation for the Eighty-third Legislature, 2013. The report is designed to address the legislature's need for useful and timely information on Texas correctional populations.

One responsibility of the Legislative Budget Board's Criminal Justice Data Analysis Team is to conduct periodic, long-term adult and juvenile correctional population projections to serve as a basis for biennial funding determinations. Projections were released in June 2012 for the Texas Juvenile Justice Department and the Texas Department of Criminal Justice to incorporate the relevant information into their legislative appropriations requests for the 2014–15 biennium.

Past projections were enhanced by conducting focus groups with practitioners and officials in various parts of the criminal justice system to obtain a more in-depth understanding of factors affecting criminal justice populations. Additionally, comprehensive data through fiscal year 2012 were analyzed and incorporated into the updated projections. The report is organized into the following six sections:

- Arrest Rates in Texas;
- Adult Correctional Population Projections;
- Juvenile Correctional Population Projections;
- Qualitative Review Summary;
- Glossary; and
- Appendices.

Due to rounding, percentages may not add to 100 and rates may not sum to the total specified.

## REPORT HIGHLIGHTS

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### ARRESTS

- **TEXAS ADULT ARRESTS:** The total number of adult arrests decreased 6.1 percent from calendar years 2010 to 2011, and the adult arrest rate (number of arrests per 100,000 adults 17 years of age and older) fell 7.6 percent during this time.
- **TEXAS JUVENILE ARRESTS:** The total number of juvenile arrests decreased 15.0 percent from calendar years 2010 to 2011, and the juvenile arrest rate (number of arrests per 100,000 juveniles 10 to 16 years of age) fell 16.2 percent during this time.

### ADULT CORRECTIONAL POPULATION PROJECTIONS

- **ADULT INCARCERATION:** The Texas adult incarceration population is projected to remain relatively flat in fiscal years 2013 and 2014 and begin a gradual increase through fiscal year 2018 with an assumed parole approval rate of 34.0 percent. Factors affecting this increase are a slight increase in felony community supervision revocations and an increase in direct court commitments tempered by an increase in releases to parole supervision. Under current practices and statutes, the incarcerated population is projected to increase to 153,885 by the end of the 2014–15 biennium and to 156,877 by the end of fiscal year 2018.
- **ACTIVE ADULT PAROLE SUPERVISION:** As a result of relatively higher parole release rates and lower parole revocation rates, the parole supervision population is projected to increase moderately for each year of the projection. Under current practices and statutes, the parole supervision population is projected to average 88,893 by the end of the 2014–15 biennium and to average 90,203 in fiscal year 2018.
- **ADULT FELONY DIRECT COMMUNITY SUPERVISION:** The felony direct community supervision population is projected to decrease during the first few years of the projection period before beginning a slight increase. Under current practices and statutes, the adult felony community supervision population is projected to average 165,225 by the end of the 2014–15 biennium and to average 165,823 in fiscal year 2018.
- **ADULT MISDEMEANOR COMMUNITY SUPERVISION:** The number of adult misdemeanor community supervision placements is projected to decrease to 99,529 at the end of the 2014–15 biennium and to 95,698 placements at the end of fiscal year 2018.

### JUVENILE CORRECTIONAL POPULATION PROJECTIONS

**JUVENILE CORRECTIONS RESIDENTIAL:** The Texas Juvenile Justice Department (TJJD) state residential population is projected to decline slightly through fiscal year 2018. Lower admissions to state residential facilities are a major factor for this decline. Under current practices and statutes, the TJJD residential population is projected to be 1,292 by the end of the 2014–15 biennium and 1,236 by the end of fiscal year 2018.

## REPORT HIGHLIGHTS

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- **JUVENILE PROBATION SUPERVISION:** The total juvenile supervision population is projected to decrease modestly through fiscal year 2018. This decline is the result of decreasing admissions to supervision. Under current practices and statutes, the average daily supervision population for fiscal year 2015 (the end of the 2014–15 biennium) is projected to be 23,276, and the average daily supervision population for fiscal year 2018 is projected to be 22,370.

## QUALITATIVE REVIEW

- Interviews with adult criminal justice practitioners, administrators, and offenders provided several findings about the current state of the adult criminal justice system in Texas. Some of the more noted findings are listed below.
  - Adult criminal justice populations are largely stable due to the current balance of treatment options available to offenders on community supervision, in prison, and on parole.
  - Statewide misdemeanor community supervision placements continue to decline primarily because offenders prefer to serve short county jail sentences over community supervision sentences. Expanded misdemeanor pre-trial diversions throughout the state have also contributed to the decline.
  - Recent statutory changes from the Eighty-second Legislature, Regular Session, 2011, related to providing time credits to offenders in state jails and on community supervision have thus far had little overall affect on state criminal justice populations.
- Interviews and focus groups with juvenile justice practitioners indicated juvenile probation populations continue to decline slightly for several reasons despite declining commitments to TJJD and a growing juvenile population in Texas. Similar to findings included in the January 2011 *Adult and Juvenile Correctional Population Projections* report, practitioners indicated juvenile probation departments continue to receive fewer referrals from law enforcement and schools, and juvenile probation departments are focusing resources on a growing proportion of high-risk, high-need juvenile offenders.

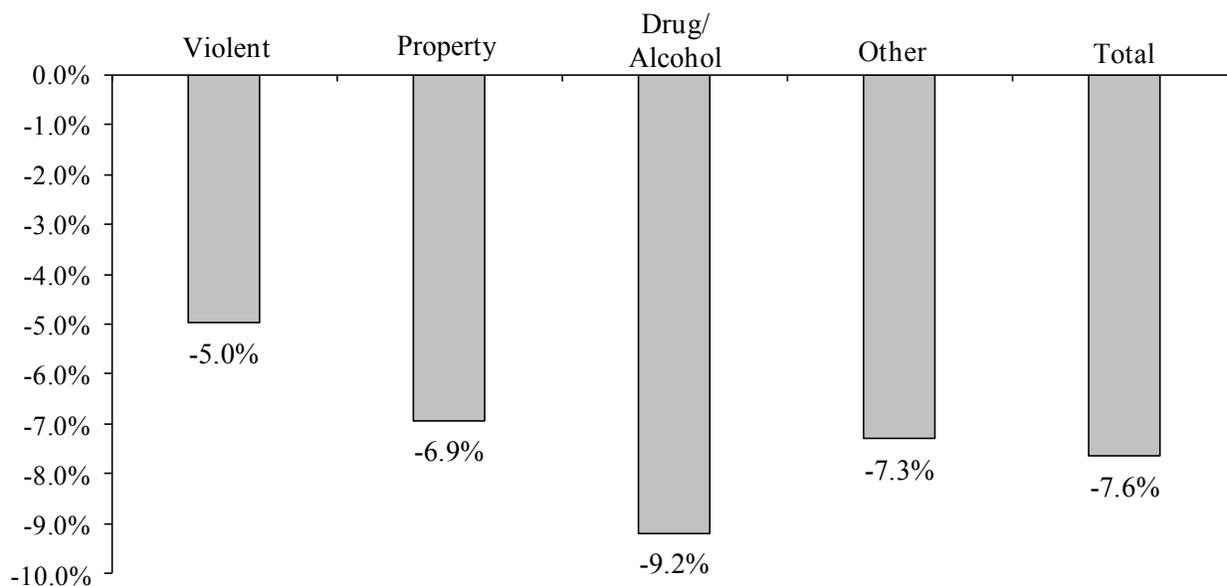
## **ARREST RATES IN TEXAS**

## ADULT ARRESTS AND ARREST RATE IN TEXAS

**Table 1: Texas Adult Arrests and Arrest Rates, <sup>1</sup> Calendar Years 2010–2011**

OFFENSE CATEGORY	2010		2011		PERCENT CHANGE	
	NUMBER OF ARRESTS	RATE PER 100,000 ADULTS	NUMBER OF ARRESTS	RATE PER 100,000 ADULTS	NUMBER OF ARRESTS	RATE PER 100,000 ADULTS
Violent	129,608	695	125,206	660	-3.4%	-5.0%
Property	150,344	806	142,258	750	-5.4%	-6.9%
Drug/Alcohol	380,025	2,037	350,885	1,850	-7.7%	-9.2%
Other	367,503	1,970	346,340	1,826	-5.8%	-7.3%
<b>Total</b>	<b>1,027,480</b>	<b>5,507</b>	<b>964,689</b>	<b>5,085</b>	<b>-6.1%</b>	<b>-7.6%</b>

**Figure 1: Percent Change in Adult Arrest Rates by Offense Type, Calendar Years 2010–2011**



Sources: Texas Department of Public Safety; Texas State Data Center.

- The number of adult arrests decreased 6.1 percent (or by 62,791 arrests) between calendar years 2010 and 2011. Similarly, the adult arrest rate decreased 7.6 percent during this time. The Texas State Data Center estimated the calendar years 2010 and 2011 Texas adult population to be 18,659,127 and 18,969,714, respectively.
- In this analysis, adults are defined as individuals 17 years of age and older.
- See the glossary for offenses included in these offense categories.

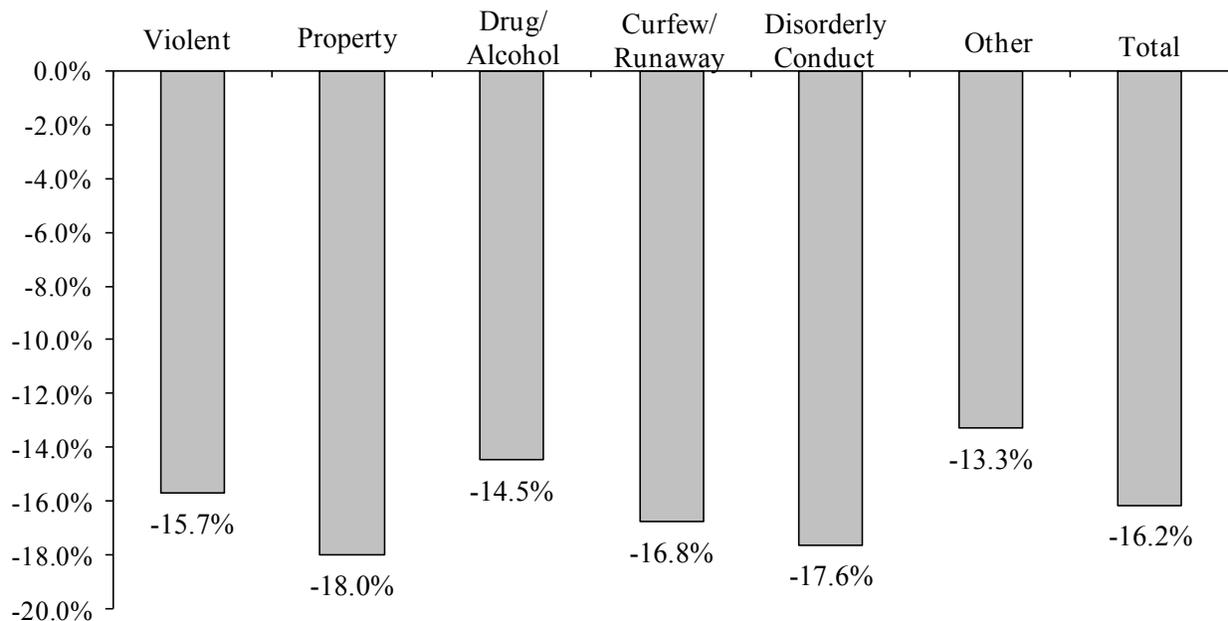
<sup>1</sup> The Legislative Budget Board computed the adult arrest rate by dividing the number of reported adult arrests by the adult population in the state and then multiplying the result by 100,000. Rates may not add to the total count due to rounding.

## JUVENILE ARRESTS AND ARREST RATE IN TEXAS

**Table 2: Texas Juvenile Arrests and Arrest Rates,<sup>2</sup> Calendar Years 2010–2011**

OFFENSE CATEGORY	2010		2011		PERCENT CHANGE	
	NUMBER OF ARRESTS	RATE PER 100,000 JUVENILES	NUMBER OF ARRESTS	RATE PER 100,000 JUVENILES	NUMBER OF ARRESTS	RATE PER 100,000 JUVENILES
Violent	21,788	829	18,605	698	-14.6%	-15.7%
Property	26,398	1,004	21,929	823	-16.9%	-18.0%
Drug/Alcohol	13,349	508	11,566	434	-13.4%	-14.5%
Curfew/Runaway	18,051	686	15,220	571	-15.7%	-16.8%
Disorderly Conduct	17,547	667	14,645	550	-16.5%	-17.6%
Other	19,172	729	16,840	632	-12.2%	-13.3%
<b>Total</b>	<b>116,305</b>	<b>4,423</b>	<b>98,805</b>	<b>3,708</b>	<b>-15.0%</b>	<b>-16.2%</b>

**Figure 2: Percent Change in Juvenile Arrest Rates by Offense Type, Calendar Years 2010–2011**



Sources: Texas Department of Public Safety; Texas State Data Center.

- The number of juvenile arrests decreased 15.0 percent (or by 17,500 arrests) between calendar years 2010 and 2011. Similarly, the juvenile arrest rate decreased 16.2 percent during this time. The Texas State Data Center estimated the calendar years 2010 and 2011 Texas juvenile population to be 2,629,727 and 2,664,334, respectively.
- In this analysis, juveniles are defined as individuals 10 to 16 years of age.
- See the glossary for offenses included in these offense categories.

<sup>2</sup> The Legislative Budget Board computed the juvenile arrest rate by dividing the number of reported juvenile arrests by the juvenile population ages 10 to 16 in the state and then multiplying the result by 100,000.

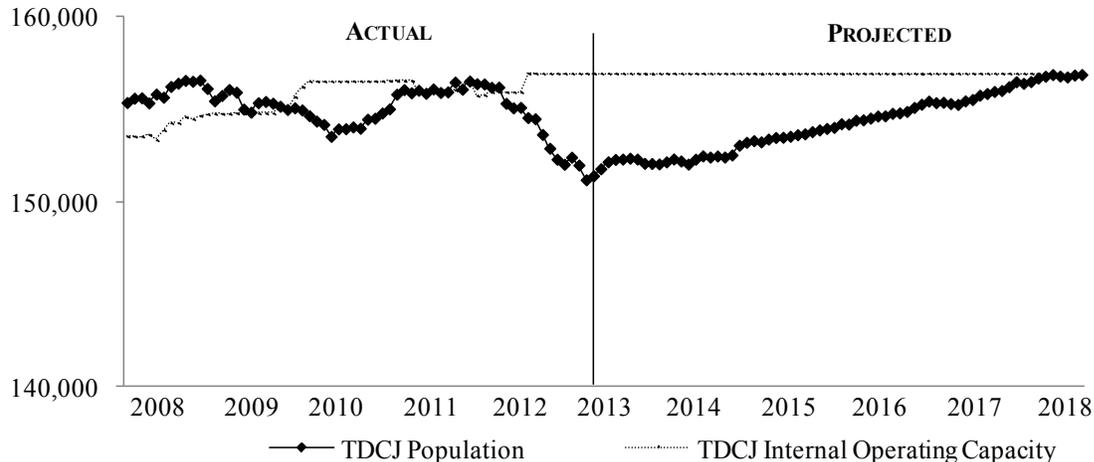
## **ADULT CORRECTIONAL POPULATION PROJECTIONS**

## ADULT INCARCERATION ACTUAL AND PROJECTED POPULATIONS FISCAL YEARS 2008–2018

The adult incarceration population projection for the Texas Department of Criminal Justice (TDCJ) is based on a discrete-event simulation modeling approach resulting from the movement of individual offenders into, through, and out of TDCJ. Discrete-event simulation focuses on the modeling of a system over time as a dynamic process. The model simulates offender movement based on a number of characteristics such as offense type, sentence length, and time credited to current sentence.

The correctional institutions population is expected to increase moderately, 3.2 percent over the projection period, from fiscal years 2013 to 2018. This increase is due primarily to increasing admissions to correctional institutions. The major drivers of the projected adult incarceration population are future admissions and releases. Admissions are based on Texas' at-risk populations, court conviction rates, and probation and parole revocations. Future releases are largely driven by release approval decisions. The projected incarceration population for TDCJ is provided in Figure 3 along with the TDCJ internal operating capacity. Any significant change in projection drivers (e.g., increases or decreases in parole and/or discretionary mandatory supervision case considerations and approval rates) may affect projected populations. This projection does not assume any changes in treatment and diversion programs. Appendix A provides additional information regarding projections and model assumptions.

**Figure 3: Actual and Projected TDCJ Incarceration Populations and Internal Operating Capacity, Fiscal Years 2008-2018**



Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- As of December 31, 2012, the total unit capacity was 163,481 beds and the internal operating capacity was 156,942 beds. The internal operating capacity is the total number of beds available to house offenders allowing prison administrators to accommodate logistical issues; accommodate safety issues; and separate offenders by custody; type, gender, and those in transit status.
- In addition to state-operated capacity, the agency currently is appropriated funds to contract for temporary capacity if needed in the 2012–13 biennium. To date, the agency has not accessed those funds.

## ADULT INCARCERATION ACTUAL AND PROJECTED POPULATIONS FISCAL YEARS 2013–2018

**Table 3: Projected TDCJ Incarceration Populations and Operating Capacity, Fiscal Years 2013-2018**

FISCAL YEAR	INCARCERATION POPULATION (END-OF-YEAR)	TDCJ INTERNAL OPERATING CAPACITY <sup>3</sup>	PROJECTED POPULATION COMPARED TO STATE OPERATING CAPACITY <sup>4</sup>	
			NUMBER	PERCENT
2013	152,079	156,942	(4,863)	-3.1 %
2014	152,532	156,942	(4,410)	-2.8 %
2015	153,885	156,942	(3,057)	-1.9 %
2016	154,884	156,942	(2,058)	-1.3 %
2017	155,964	156,942	(978)	-0.6 %
2018	156,877	156,942	(65)	0.0 %

Sources: Legislative Budget Board; Texas Department of Criminal Justice.

**Table 4: Actual and Projected TDCJ End-of-Month Incarceration Populations, Fiscal Years 2013-2015**

FISCAL YEAR 2013	END-OF-MONTH POPULATION	FISCAL YEAR 2014	END-OF-MONTH POPULATION	FISCAL YEAR 2015	END-OF-MONTH POPULATION
Sep-12	152,027	Sep-13	152,072	Sep-14	153,057
Oct-12	152,411	Oct-13	152,048	Oct-14	153,215
Nov-12	151,988	Nov-13	152,158	Nov-14	153,303
Dec-12	151,191	Dec-13	152,315	Dec-14	153,239
Jan-13	151,406	Jan-14	152,206	Jan-15	153,389
Feb-13	151,786	Feb-14	152,038	Feb-15	153,477
Mar-13	152,163	Mar-14	152,303	Mar-15	153,488
Apr-13	152,290	Apr-14	152,482	Apr-15	153,541
May-13	152,307	May-14	152,417	May-15	153,627
Jun-13	152,357	Jun-14	152,475	Jun-15	153,673
Jul-13	152,309	Jul-14	152,419	Jul-15	153,793
Aug-13	152,079	Aug-14	152,532	Aug-15	153,885
FY 13 Average	152,026	FY 14 Average	152,289	FY 15 Average	153,474

Sources: Legislative Budget Board; Texas Department of Criminal Justice.

<sup>3</sup> The internal operating capacity is 96.0 percent of unit capacity in order to allow prison administrators to accommodate logistical and safety issues. See Appendix A for additional details.

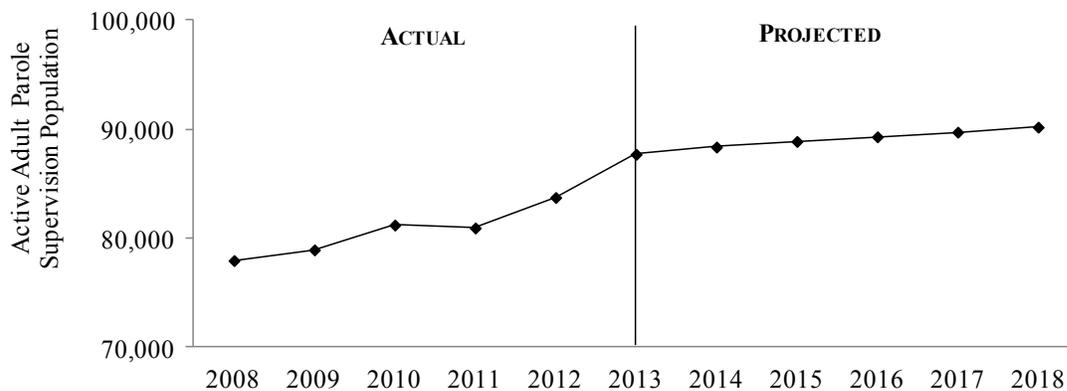
<sup>4</sup> The agency currently has appropriations to contract for temporary capacity if populations exceed 96.0 percent of operating capacity. As of December 31, 2012, TDCJ has not accessed these funds.

## ACTIVE ADULT PAROLE SUPERVISION ACTUAL AND PROJECTED POPULATIONS FISCAL YEARS 2008–2018

The active adult parole population projection is a component of the discrete-event simulation modeling approach. Individual offenders included in the parole model are released from prison by parole, mandatory supervision, or discretionary mandatory supervision. These offenders must serve the remainder of their sentence under supervision and are subject to sanctions or revocation of parole for violation of parole conditions.

The active adult parole supervision population is expected to increase moderately, 2.8 percent over the projection period, from fiscal years 2013 to 2018. This increase is due to increasing parole and discretionary mandatory supervision case considerations, increasing parole and discretionary mandatory supervision case approvals, and increasing placements on to parole supervision. The simulation model tracks individuals released to parole, mandatory supervision, or discretionary mandatory supervision for the time they are on active adult parole supervision and removes the individuals from supervision when they have satisfied the requirements of their term or are revoked for violation(s) of parole conditions. The January 2013 projection for the active adult parole supervision population is higher than previous projections because of higher parole approval rates and lower parole revocation rates. Any significant change in projection drivers (e.g., increases or decreases in parole and/or discretionary mandatory supervision case considerations and approval rates) may affect projected populations. Appendix A provides additional information regarding projection drivers and model assumptions.

**Figure 4: Actual and Projected Active Adult Parole Supervision Populations, Fiscal Years 2008-2018**



**Table 5: Projected Active Adult Parole Supervision Populations**

FISCAL YEAR	ACTIVE ADULT PAROLE SUPERVISION POPULATION (END-OF-MONTH YEARLY AVERAGE)
2013	87,712
2014	88,378
2015	88,893
2016	89,318
2017	89,744
2018	90,203

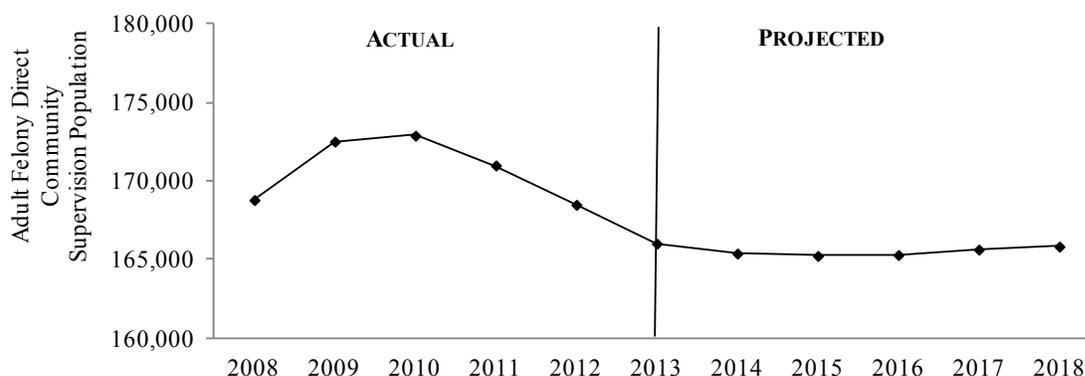
Sources: Legislative Budget Board; Texas Department of Criminal Justice.

## ADULT FELONY DIRECT COMMUNITY SUPERVISION ACTUAL AND PROJECTED POPULATIONS, FISCAL YEARS 2008–2018

The adult felony direct community supervision (i.e., adult probation) population projection is also a component of the discrete-event simulation modeling approach. Yearly felony community supervision placements vary according to fluctuations in at-risk populations of the state, felony court activity, and sentencing trends. Placements are added to a discrete-event simulation model in which, over time, offenders complete their terms successfully or are revoked due to violations of the terms of community supervision. The probabilities of completion and revocation are based on release data from TDCJ’s community supervision tracking system and reflect the time served by individuals on community supervision with similar offense and sentence information.

The adult felony direct community supervision population is expected to decrease, an average of 0.6 percent each year from fiscal years 2013 to 2015 before beginning a slight increase. After a slight decrease during the first few years of the projection period, the adult felony direct community supervision population is expected to slightly increase, an average of 0.1 percent each year from fiscal year 2016 to 2018. Decreases in community supervision placements, increases in the use of early termination release, and a steady number of felony revocations to prison and state jail since fiscal year 2010 continue to affect future growth of the felony community supervision population. Any significant change in projection drivers (e.g., sentencing practices, revisions to previously reported data) may affect projected populations. Appendix A provides additional information regarding projection drivers and model assumptions.

**Figure 5: Actual and Projected Adult Felony Direct Community Supervision Populations, Fiscal Years 2008-2018**



**Table 6: Projected Adult Felony Direct Community Supervision Populations**

FISCAL YEAR	FELONY DIRECT COMMUNITY SUPERVISION POPULATION (END-OF-MONTH YEARLY AVERAGE)
2013	166,008
2014	165,378
2015	165,225
2016	165,286
2017	165,631
2018	165,823

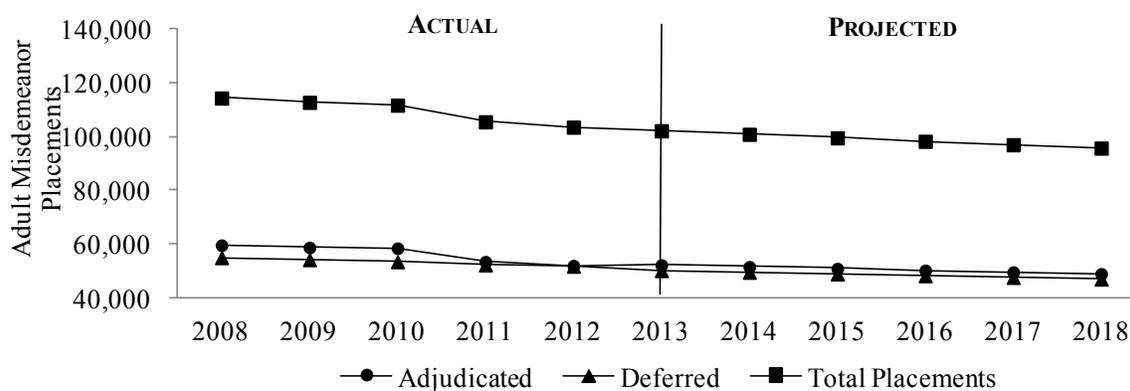
Sources: Legislative Budget Board; Texas Department of Criminal Justice.

## ADULT MISDEMEANOR COMMUNITY SUPERVISION ACTUAL AND PROJECTED PLACEMENTS FISCAL YEARS 2008–2018

The adult misdemeanor community supervision (i.e., adult probation) placements projection is based on data reported by TDCJ in the Monthly Community Supervision Report.

The misdemeanor community supervision placements are projected to decrease modestly, an average of 1.3 percent each year during the projection period, from fiscal year 2013 to fiscal year 2018. The misdemeanor community supervision placements for the projection period are based on the negative growth rates observed over the last few fiscal years. Fluctuations in the number of annual misdemeanor community supervision placements are common and have ranged from an increase of 6.4 percent (fiscal years 2004 to 2005) to a decrease of 9.6 percent (fiscal years 2003 to 2004). Any significant change in projection drivers (e.g., sentencing practices, revisions to previously reported data) may affect projected placements. Appendix A provides additional information regarding projection drivers and model assumptions.

**Figure 6: Actual and Projected Adult Misdemeanor Community Supervision Placements, Fiscal Years 2008–2018**



**Table 7: Projected Adult Misdemeanor Community Supervision Placements**

FISCAL YEAR	ADJUDICATED SUPERVISION	DEFERRED ADJUDICATION	TOTAL PLACEMENTS
2013	52,106	50,062	102,168
2014	51,428	49,412	100,840
2015	50,760	48,769	99,529
2016	50,100	48,135	98,235
2017	49,449	47,510	96,958
2018	48,806	46,892	95,698

Sources: Legislative Budget Board; Texas Department of Criminal Justice.

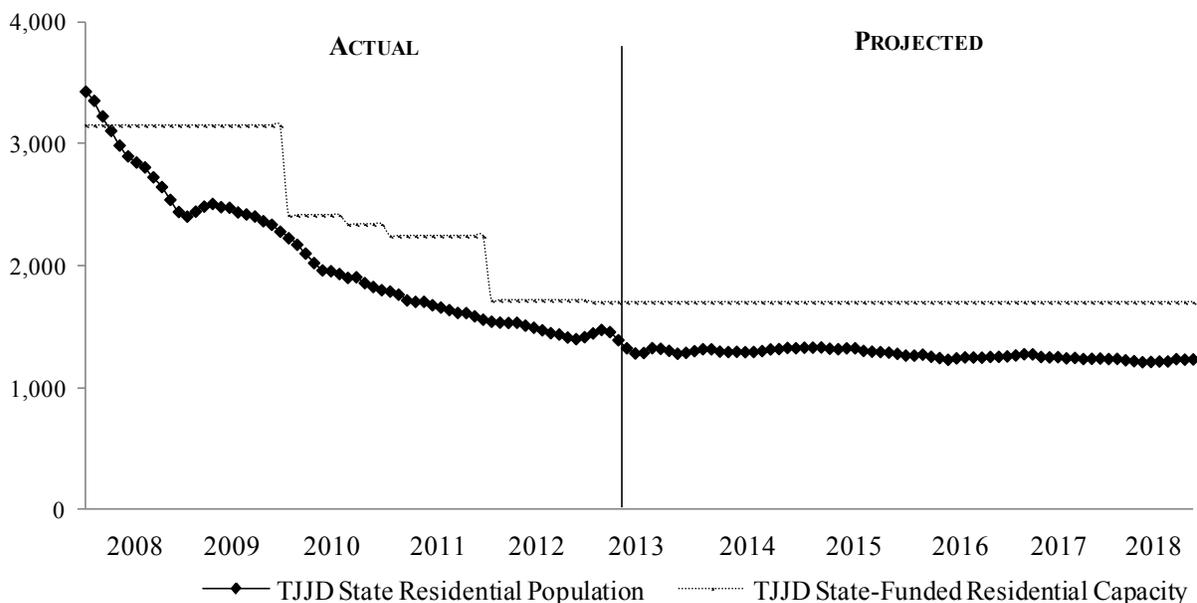
**JUVENILE CORRECTIONAL POPULATION PROJECTIONS**

## JUVENILE STATE RESIDENTIAL ACTUAL AND PROJECTED POPULATIONS FISCAL YEARS 2008–2018

The projection for the Texas Juvenile Justice Department’s (TJJD) state residential population is based on a discrete-event simulation modeling approach. The model simulates juvenile movement into, through, and out of the system based on a number of population characteristics, such as offense type, intake type, minimum length of stay, and maximum length of stay possible given the juveniles’ age. The projected number of admissions is based on an extrapolation of admissions between September 2011 and August 2012. This projection assumes TJJD will average of 994 admissions per year for fiscal years 2013 through 2018. To project releases, a multivariate regression analysis was used to predict length of stay. The regression analysis is based on juveniles released from state residential facilities between September 2011 and August 2012. This analysis includes factors such as offense type, minimum length of stay, and the juvenile’s age at intake.

The model projects this population will decline slightly through fiscal year 2018. Lower admissions to state residential facilities are a major factor for this decline. Any significant change in projection drivers (e.g., commitment and parole revocation practices) may affect actual populations. Appendix B provides additional information about these projections and model assumptions.

**Figure 7: Actual and Projected TJJD State Residential Population and State-Funded Facility Capacity, Fiscal Years 2008–2018**



Sources: Legislative Budget Board; Texas Juvenile Justice Department.

- The total state-funded residential capacity for TJJD is 1,699 beds for fiscal year 2013.
- State residential capacity includes state-operated facilities, contract care facilities, and halfway houses.

**JUVENILE STATE RESIDENTIAL ACTUAL AND PROJECTED POPULATIONS  
FISCAL YEARS 2013–2018**

**Table 8: Projected TJJD State Residential Population and State-Funded Facility Capacity, Fiscal Years 2013–2018**

FISCAL YEAR	STATE RESIDENTIAL POPULATION (END-OF-YEAR)	STATE-FUNDED RESIDENTIAL CAPACITY <sup>5</sup>	PROJECTED POPULATION COMPARED TO STATE-FUNDED RESIDENTIAL CAPACITY	
			NUMBER	PERCENT
2013	1,290	1,699	(409)	-24.1 %
2014	1,331	1,699	(368)	-21.7 %
2015	1,292	1,699	(407)	-24.0 %
2016	1,257	1,699	(442)	-26.0 %
2017	1,242	1,699	(457)	-26.9 %
2018	1,236	1,699	(463)	-27.3 %

Sources: Legislative Budget Board; Texas Juvenile Justice Department.

**Table 9: Actual and Projected TJJD State Average Daily Residential Population, Fiscal Years 2013–2015**

FISCAL YEAR 2013	AVERAGE DAILY POPULATION	FISCAL YEAR 2014	AVERAGE DAILY POPULATION	FISCAL YEAR 2015	AVERAGE DAILY POPULATION
Sep-12	1,416	Sep-13	1,304	Sep-14	1,328
Oct-12	1,420	Oct-13	1,320	Oct-14	1,333
Nov-12	1,417	Nov-13	1,320	Nov-14	1,333
Dec-12	1,394	Dec-13	1,300	Dec-14	1,335
Jan-13	1,328	Jan-14	1,297	Jan-15	1,324
Feb-13	1,285	Feb-14	1,299	Feb-15	1,320
Mar-13	1,289	Mar-14	1,296	Mar-15	1,327
Apr-13	1,329	Apr-14	1,297	Apr-15	1,328
May-13	1,324	May-14	1,305	May-15	1,306
Jun-13	1,307	Jun-14	1,319	Jun-15	1,300
Jul-13	1,283	Jul-14	1,321	Jul-15	1,297
Aug-13	1,290	Aug-14	1,331	Aug-15	1,292
FY 13 Average	1,340	FY 14 Average	1,309	FY 15 Average	1,319

Sources: Legislative Budget Board; Texas Juvenile Justice Department.

<sup>5</sup> Appropriations for TJJD’s state-funded residential capacity were based on 1,356 institutional, 218 halfway house, and 125 contract care beds for fiscal year 2013.

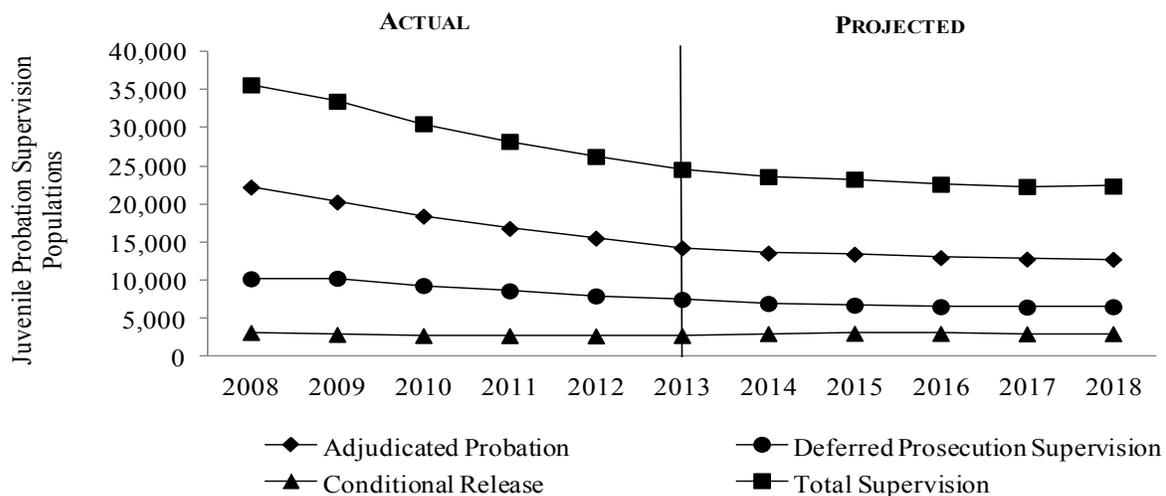
## JUVENILE PROBATION SUPERVISION ACTUAL AND PROJECTED POPULATIONS FISCAL YEARS 2008–2018

The projection for the juvenile probation supervision population is based on a discrete-event simulation modeling approach. The model simulates juvenile movement into, through, and out of supervision based on a number of characteristics, such as offense type, supervision type, risk level, expected supervision length, and maximum length of supervision possible given the juvenile’s age. The projected number of admissions is based on an extrapolation of monthly admissions between September 2011 and August 2012. To project releases, a multivariate regression analysis was used to predict length of supervision. The regression analysis was based on the characteristics and experiences of juveniles released between September 2011 and August 2012. Appendix B provides additional information about these projections and model assumptions.

Between fiscal years 2008 and 2012, the total juvenile probation supervision population decreased 26.4 percent. During this time, adjudicated probation fell 30.1 percent, deferred prosecution supervision fell 22.0 percent, and conditional release supervision fell 14.2 percent. These declines were due to significant decreases in admissions. Since admissions are expected to continue to decline, adjudicated probation and deferred prosecution supervision populations are projected to continue to decrease slightly. Conditional release is projected to increase slightly due to a shift in counting an existing program as conditional release supervision rather than temporary supervision. Total juvenile probation supervision is projected to decrease slightly over the next five fiscal years. Any significant change in projection drivers (e.g., sentencing practices) may affect actual populations.

Unlike projection reports prior to June 2012, this report addresses only those types of juvenile probation supervision (adjudicated probation, deferred prosecution, and conditional release) codified in the Texas Family Code.

**Figure 8: Actual and Projected Juvenile Probation Supervision Populations by Supervision Type, Fiscal Years 2008–2018**



Sources: Legislative Budget Board; Texas Juvenile Justice Department.

**JUVENILE PROBATION SUPERVISION ACTUAL AND PROJECTED POPULATIONS  
FISCAL YEARS 2008–2018**

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**Table 10: Projected Juvenile Probation Supervision Populations by Supervision Type,  
Fiscal Years 2013–2018**

FISCAL YEAR	AVERAGE DAILY POPULATION			
	ADJUDICATED PROBATION	DEFERRED PROSECUTION SUPERVISION	CONDITIONAL RELEASE	TOTAL SUPERVISION
2013	14,264	7,513	2,783	24,560
2014	13,591	6,983	3,041	23,615
2015	13,442	6,758	3,076	23,276
2016	12,988	6,564	3,061	22,613
2017	12,799	6,506	3,012	22,317
2018	12,775	6,559	3,036	22,370

Sources: Legislative Budget Board; Texas Juvenile Justice Department.

## **QUALITATIVE REVIEW SUMMARY**

## QUALITATIVE REVIEW SUMMARY

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### INTRODUCTION

As part of the correctional population projections methodology, a qualitative review component was conducted during the fall of 2012 for this report. The purpose of the review was to obtain a more in-depth understanding of the criminal and juvenile justice trends originally reported in the LBB's *June 2012 Adult and Juvenile Correctional Population Projections* report. The qualitative review explored current criminal and juvenile justice trends. Additionally, the qualitative study helped clarify the implementation and affect of recent legislative and budgetary initiatives.

### METHODOLOGY

Focus groups and interviews with criminal justice practitioners, juvenile justice practitioners, and adult offenders were the primary methods of data collection. Focus groups and interviews were conducted in various counties in Texas and at statewide professional conferences and meetings. The utilization of statewide criminal and juvenile justice conferences as data-gathering sites allowed for a broad representation of practitioners from various jurisdiction sizes and varying geographic areas of the state. Participants included adult and juvenile probation practitioners, prosecutors, defense attorneys, public defenders, and judges.

A total of 156 practitioners participated in the focus groups. Additionally, in-depth interviews were conducted with administrators of state criminal justice agencies and adult offenders incarcerated in state and county jails. A total of 20 administrator interviews, 12 state jail offender interviews, and 10 county jail offender interviews were conducted.

## QUALITATIVE REVIEW SUMMARY

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### ADULT CRIMINAL JUSTICE FINDINGS

Focus groups and interviews with adult criminal justice practitioners, administrators, and offenders explored several topics including current community supervision, prison, and parole population trends. Additionally, the implementation and affect of recent legislative and budgetary initiatives were explored. Finally, participants provided legislative recommendations to assist the Eighty-third Legislature, 2013, in forming criminal justice policy and funding decisions.

HOW IS THE ADULT CRIMINAL JUSTICE SYSTEM FUNCTIONING IN GENERAL AS IT RELATES TO CRIMINAL JUSTICE POPULATION TRENDS?

Adult criminal justice practitioners nearly unanimously indicated most population trends have remained stable over the past several years. Practitioners indicated the current balance of treatment options in community supervision and parole are the primary factor behind this population stability. Expanded pre-trial diversion options throughout the state are also factors contributing to reductions in direct sentences to prison and probation revocations. Most practitioners indicated populations will remain steady as long as sufficient treatment options are available.

While most other criminal justice populations have remained relatively stable, the statewide parole population has steadily grown over the past several years due to growing parole approval rates. Practitioners and administrators indicated the growth in approval rates is primarily attributed to expanded treatment options (both in prison and in the community) and a recently re-validated parole release risk instrument. Practitioners indicated Board of Pardons and Paroles members are more confident in the release risk instrument guidelines due to the independent re-validation of the instrument and are approving more offenders for parole than in the past.

WHY ARE STATEWIDE MISDEMEANOR COMMUNITY SUPERVISION PLACEMENTS DECLINING?

Statewide adult misdemeanor community supervision placements have declined over the past several years. Most practitioners have experienced this pattern in their local communities. When asked for the reasons behind the continuing decline of misdemeanor community supervision placements, focus group and interview participants indicated pre-trial diversion options have steadily grown and offenders continue to prefer plea bargains for short county jail sentences instead of placement on community supervision.

Practitioners throughout the state indicated Driving While Intoxicated (DWI) offenders particularly preferred to serve county jail time instead of community supervision placement. Most agreed this phenomenon was logical because DWI penalties provide little incentive for offenders to choose community supervision over a short county jail sentence in a plea bargain. The Driver Responsibility Program (DRP) was specifically mentioned as a deterrent to community supervision because many offenders required to pay DRP surcharges would not be

## QUALITATIVE REVIEW SUMMARY

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able to afford both the DPS surcharges and community supervision fees and prefer to serve their sentence in the county jail instead. Practitioners also agreed these issues are problematic because offenders who are not placed on probation do not receive treatment or services for potential substance abuse issues.

County jail offenders agreed with much of the information provided by criminal justice practitioners as it relates to declining misdemeanor community supervision placements. Offenders indicated “good time” credits in county jail make short county jail sentences even more attractive than lengthy community supervision sentences (“good time” credits usually take the form of “2 for 1” – two days credit for each day served). Offenders indicated community supervision was too expensive (community supervision fees, paying for classes, treatment, etc.), time-consuming and too often ended in revocation to county jail. One offender said it was a “no-brainer” to choose a short county jail sentence instead of a community supervision sentence.

Practitioners indicated the most effective method to make community supervision a more attractive option was to provide offenders incentives. Some of the incentives mentioned were:

- Permitting deferred adjudication for first-time DWI offenders;
- Allowing offenders who elect community supervision and treatment full or partial exemptions from DRP surcharges; and
- Shortening community supervision terms.

WHAT IMPACT HAVE STATUTE CHANGES REGARDING CERTAIN COMMUNITY SUPERVISION SENTENCE TIME CREDITS (HOUSE BILL 1205) HAD ON CRIMINAL JUSTICE POPULATIONS THROUGHOUT THE STATE?

House Bill 1205, Eighty-second Legislature, Regular Session, 2011, created several methods for certain offenders on community supervision to receive time credits towards their sentence. Offenders who pay certain fees or participate in certain treatment or education programs are eligible for time credits towards their sentences, per judicial approval.

Most practitioners were familiar with the time-credit provisions of House Bill 1205. None indicated the bill has had a notable, if any, effect on current criminal justice populations, partially because most jurisdictions had yet to implement the provisions of the bill. Many practitioners voiced several concerns about the provisions of the bill, which are listed as follows:

- The new time credit provisions require community supervision officers to notify judges once an offender has completed one of the items eligible for a time credit. Many community supervision and corrections departments (CSCDs) do not have systematic processes in place to notify community supervision officers if an offender has met one or

## QUALITATIVE REVIEW SUMMARY

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more of the applicable time credits. For example, certain fees paid by offenders who would qualify for time credits are not paid to the CSCDs, but to other entities (e.g., courts). A few practitioners indicated their CSCDs were looking into implementing this process, but it would be logistically difficult. Practitioners agreed the onus should be on the offender to notify the probation officer or judge directly once they are eligible for any applicable time credits.

- Participants were concerned with the workload of judges and courts regarding the time-credit approval requirements. Many jurisdictions are experiencing docket backlogs and indicated this additional process added to the judicial workload could increase those backlogs.
- Participants indicated judges already have some discretion to shorten community supervision sentences if they deem appropriate; many were unsure if the new time-credit provisions would expand judicial approval of community supervision sentence time credits beyond current trends.

WHAT IMPACT HAS THE RECENT STATUTORY CHANGE REGARDING DILIGENT PARTICIPATION TIME CREDITS FOR STATE JAIL OFFENDERS (HOUSE BILL 2649) HAD ON CRIMINAL JUSTICE POPULATIONS THROUGHOUT THE STATE?

House Bill 2649, Eighty-second Legislature, Regular Session, 2011, implemented diligent participation time credits for offenders serving sentences in state jails. State jail offenders who participate in certain educational, treatment, or work programs while serving a state jail sentence are eligible to have the sentencing court petitioned for a sentence reduction. TDCJ is required to notify the sentencing court of an offender's eligibility for the time credit at least 30 days before the offender reaches 80 percent of his/her original sentence. The sentencing court judge can choose to reduce the original sentence by any amount of time as long as it does not exceed 20 percent of the original sentence.

Both offenders and practitioners were familiar with the provisions of House Bill 2649. Offenders refer to the provisions colloquially as the "20 percent program". Practitioners voiced several concerns about the diligent participation time credits, which are listed as follows:

- Practitioners at state jail units indicated the process for notifying judges of inmates eligible for their "20 percent" sentence reduction excludes unit staff and is conducted solely between the Classification and Records (located at TDCJ headquarters in Huntsville) and the sentencing courts. Inmates who may have diligently participated but received disciplinary action for fighting, contraband, etc., were receiving diligent participation time credits. Practitioners indicated the notification process should include state jail unit staff input to ensure only appropriate inmates receive diligent participation time credits.

## QUALITATIVE REVIEW SUMMARY

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- Practitioners indicated judicial workload and backlogs prevent judges from having the time necessary to review all diligent participation time credit notifications they receive. Many practitioners indicated some judges simply grant the time credits to all offenders who are eligible, and others do not grant the time credits to any offenders who are eligible. Most participants agreed the diligent participation time credit approval process should remove the judicial component and simply allow TDCJ to implement the time credits administratively.

Offenders were largely confused over which offenders were eligible for the “20 percent” sentence reduction and which were not. Many understood the basic precepts of the diligent participation time credits but believed the time credits were applied unfairly. Parallel to observations from practitioners, several offenders mentioned they knew which judges would grant the time credits and which judges would not. Offenders also indicated the process of obtaining diligent participation time credits was unclear. They indicated they had received little formal direction from unit staff but relied on word-of-mouth information among other offenders to understand the bill’s provisions. One offender had been granted his “20 percent” sentence reduction but was never notified. The offender learned of his time credits when his mother checked his release date on TDCJ’s website and saw his sentence was approximately 20 percent shorter than originally listed. Offenders mostly agreed the concept of diligent participation time credits was positive and encouraged more offenders to work or participate in school or treatment.

REGARDING CRIMINAL JUSTICE IN TEXAS, WHAT SHOULD BE THE EIGHTY-THIRD LEGISLATURE’S MOST IMPORTANT PRIORITIES?

Most practitioners agreed that maintaining the treatment options currently available for community supervision, prison, and parole offenders was vital for the overall stability of the adult criminal justice system in Texas. Most were cognizant of budgetary challenges and were hopeful to maintain the current slate of options regarding offender treatment and rehabilitation. Many practitioners agreed that if current treatment and rehabilitation options were reduced or eliminated, prison populations would subsequently grow.

Practitioners, particularly administrators, indicated the Eighty-third Legislature should provide support for the recruitment and retention of qualified criminal justice staff. Both state and local entities have experienced numerous difficulties in maintaining adequate levels of qualified staff. Most practitioners indicated their staff had seen little to no salary increases in recent years while simultaneously experiencing increased workloads. One focus group of practitioners lamented that treatment options continue to expand but eventually no staff will be present to operate the programs without more incentives to remain in the criminal justice field. Practitioners indicated the most effective way to hire and maintain qualified staff is to enhance starting salaries and provide salary increases for staff who maintain employment in the criminal justice field.

## QUALITATIVE REVIEW SUMMARY

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### JUVENILE JUSTICE PRACTITIONER FINDINGS

Focus groups and interviews with juvenile justice practitioners explored several topics. Current juvenile justice population trends were discussed, particularly the ongoing decline in juvenile probation and state residential populations. Additionally, participants provided legislative recommendations to assist the Eighty-third Legislature, 2013, in forming juvenile justice policy and funding decisions.

WHY ARE STATEWIDE JUVENILE PROBATION POPULATIONS CONTINUING TO DECLINE IN SPITE OF DECLINING TJJD COMMITMENTS AND A GROWING JUVENILE POPULATION IN TEXAS?

The question above was also the focus of the juvenile qualitative section of the *January 2011 Adult and Juvenile Correctional Population Projections* report. The juvenile probation population has continued to decline slightly over the past two years, so the question was again posed to qualitative participants. In most cases, participants indicated similar reasons for the decline cited in the January 2011 report. Several reasons are listed as follows:

- Practitioners indicated referrals from law enforcement continue to decline, primarily because law enforcement officers prefer to avoid dealing with juvenile justice issues. Most practitioners agreed law enforcement believes juvenile justice referrals require too much paperwork and most juveniles referred to juvenile probation will simply receive “a slap on the wrist.” Participants indicated the decline in overall referrals results from law enforcement officers who ignore or informally address low-level offenses committed by juveniles.
- Practitioners agreed schools are referring fewer juveniles to juvenile probation departments. Most practitioners indicated schools have veered away from “zero tolerance” policies and are managing more behavior issues at the school level.
- Practitioners indicated they continue to focus their efforts on a growing proportion of higher-risk, higher-need juveniles than in the past. These high-risk, high-need juveniles are resource-intensive and require juvenile probation departments to dedicate more time and effort towards these juveniles. This phenomenon results in fewer lower-risk, lower-need juveniles receiving services, thereby depressing overall juvenile probation populations.

WILL TJJD COMMITMENTS CONTINUE TO DECLINE AS THEY HAVE OVER THE PAST SEVERAL YEARS?

Most practitioners agreed that TJJD commitments would continue to decline slightly over the next few years, but at some point in the near future commitment levels would reach a “basement” and the decline would end. Practitioners indicated the amount of TJJD commitments was highly correlated with funding and treatment options available to juvenile probation departments. Larger, more urban juvenile probation departments with adequate resources had

## QUALITATIVE REVIEW SUMMARY

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greater ability to divert juveniles from TJJD through community treatment and residential placement options. Smaller, more rural juvenile probation departments did not have as many resources to divert juveniles from TJJD. Practitioners agreed that additional funding and treatment options made available to juvenile probation departments would likely result in the continued decline of TJJD commitments. Should funding or treatment options be reduced or eliminated, TJJD commitments would likely begin to increase.

WHAT ARE SOME GENERAL EXPERIENCES WITH TJJD JUVENILE DELINQUENCY PREVENTION AND INTERVENTION DEMONSTRATION PROJECTS?

Practitioners who applied and received TJJD Prevention and Intervention Demonstration project grants indicated the experience was positive. Most agreed the short turnaround on the request for proposal and grant award decisions was challenging but did not inhibit the demonstration projects' goals. Practitioners appreciated the demonstration projects' flexibility in funding and program development. Many indicated the funding allowed them to expand existing juvenile delinquency prevention and intervention programs or begin programs they had previously hoped to implement should funding become available. Participants were hopeful that once fully implemented, and if continued or expanded, the demonstration projects would help to reduce referrals to juvenile probation departments in their communities.

REGARDING JUVENILE JUSTICE IN TEXAS, WHAT SHOULD BE THE EIGHTY-THIRD LEGISLATURE'S MOST IMPORTANT PRIORITIES?

Similar to the findings presented in the January 2011 report, juvenile justice practitioners repeatedly indicated the prevalence of juveniles with mental health issues is growing with no concurrent growth in access to adequate mental health resources. Practitioners agreed the proportion of juveniles with significant mental health and dual-diagnosis (simultaneous mental health and substance abuse) issues continues to grow. These juveniles are increasingly being treated in the community to avoid commitment to TJJD, but they are resource-intensive and practitioners indicated a need for mental health resource investment throughout the state.

Practitioners indicated the Eighty-third Legislature, 2013, should maintain existing or enhance juvenile probation departments' local control and flexibility of funding. Funding flexibility provides juvenile probation departments the discretion to ensure each juvenile receives the treatment and supervision necessary for rehabilitation. Additionally, practitioners were aware of state budgetary concerns and indicated juvenile justice funding should at least be maintained at current levels. Many agreed if funding was reduced or eliminated at the "front-end" of the juvenile justice system, commitments to TJJD would eventually increase.

## **GLOSSARY**

## GLOSSARY

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### GENERAL TERMS

#### ARRESTING OFFENSES:

- *Violent Offenses* — Violent offenses include murder, non-negligent manslaughter, forcible rape, robbery, aggravated assault, other assaults, and certain sex offenses other than prostitution.
- *Property Offenses* — Property offenses include burglary, larceny/theft, motor vehicle theft, forgery and counterfeiting, fraud, embezzlement, stolen property, and vandalism.
- *Drug/Alcohol Offenses* — Drug and alcohol offenses include drug use, drug possession, driving while intoxicated, liquor law violations, and drunkenness.
- *Other Offenses* — Other offenses include arson, weapons carrying and possession, prostitution and commercial vice, gambling, offenses against children, vagrancy, and all other offenses not mentioned above (except traffic).

**STATE-FUNDED CAPACITY:** State-funded capacity is the number of beds funded each fiscal year in the State of Texas General Appropriations Act.

**OPERATING CAPACITY:** Operating capacity is the maximum number of beds that can be operated safely and within the statutory and constitutional guidelines if all positions were funded.

### CRIMINAL JUSTICE SYSTEM TERMS

**DISCRETIONARY MANDATORY SUPERVISION:** Discretionary Mandatory Supervision (DMS) is the current form of mandatory release and requires approval by the Texas Board of Pardons and Paroles (BPP) for release of eligible offenders.

**MANDATORY SUPERVISION:** Mandatory Supervision (MS) is an automatic release when time served plus good time earned equals the sentence length, with no requirement for release approval from BPP. MS was abolished in August 1996 and replaced with Discretionary Mandatory Supervision, however, there are some offenders who entered prison prior to that time who are still eligible for MS release.

**PAROLE:** Parole is the conditional release of offenders from prison, after approval by members of BPP, to serve the remainder of their sentence under supervision in the community. In most cases, approval by two of the three members of the parole panel is sufficient; however, in some cases, approval must be received from two-thirds of BPP for parole to be granted.

## GLOSSARY

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**JUVENILE TERMS DEFINED:** There are three types of juvenile probation department supervision defined in the Texas Family Code: adjudicated probation, deferred prosecution, and conditional release. A separate projection is done for each supervision group.

**ADJUDICATED PROBATION** — Adjudicated probation is a type of community-based supervision. To be placed on this type of supervision, a judge must first determine, during an adjudication hearing, that the juvenile committed the petitioned offense(s). During a disposition hearing the judge then specifies the supervision length of probation and the conditions of supervision. The judge may place the juveniles on probation at home or in a secure or non secure residential facility. As part of this supervision, the juvenile is required to follow certain requirements (e.g., meet with the probation officer regularly or be at home by a certain time of day), participate in programs (e.g., mentoring, drug treatment, or counseling), and/or fulfill obligations (e.g., complete community service restitution, pay a fine, or have the family pay a fine). If the judge determines a juvenile violated the conditions of probation, the judge may modify the probation terms (e.g., extend the length of probation or increase requirements) or, if the juvenile is eligible, revoke probation and commit the juvenile to the custody of the Texas Juvenile Justice Department. For further detail see the Family Code, Chapter 54, Section 4.

**DEFERRED PROSECUTION** — Juveniles may avoid adjudication by successfully completing another community-based supervision program called deferred prosecution. This supervision type is typically reserved for juveniles with less significant and severe offense histories. Participation requires consent from the juvenile and the juvenile's family. At any time during supervision, the juvenile and the family may terminate the supervision and request an adjudication hearing. Supervision may last up to six months unless extended by the judge for up to another six months. Similar to adjudicated probation supervision, deferred prosecution includes supervision conditions. If the juvenile violates any of the conditions during the supervision period, the department may request formal adjudication of the case. If a juvenile successfully completes deferred prosecution, the juvenile must be released from supervision and any filed petition for the case should be dismissed. For further detail see the Family Code, Chapter 53, Section 3.

**CONDITIONAL RELEASE** — This community-based supervision specifies the conditions of a juvenile's release from the department's custody. As indicated in Family Code, Chapter 53, Section 2, the conditions (e.g., setting a curfew and requiring regular presence in school) are intended to reasonably ensure that the juvenile will return to court. The conditions of the release must be in writing and filed with the office or official designated by the court and a copy furnished to the child. A juvenile participates in this type of supervision before his/her case is disposed. Violations of the conditions for this supervision type do not constitute a new offense but may result in a return to custody or detention.

These projections cover conditional release supervision rather than both conditional release and temporary supervision, as in previous reports. This shift is tied to refining

## **GLOSSARY**

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funding strategies. At present, temporary supervision has limited field definitions and is not defined in the Texas Family Code. This report is now limited to only those supervisions codified in the Texas Family Code.

**APPENDIX A:  
ADULT CORRECTIONAL POPULATION PROJECTION  
METHODOLOGY AND ASSUMPTIONS**

## APPENDIX A: ADULT CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

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### ADULT INCARCERATION POPULATION PROJECTION

The adult incarceration population projection for the Texas Department of Criminal Justice (TDCJ) is based on a discrete-event simulation modeling approach resulting from the movement of individual offenders into, through, and out of TDCJ. Discrete-event simulation focuses on the modeling of a system as it evolves over time as a dynamic process. The model simulates offender movement based on offense type, sentence length, and time credited to current sentence.

**ADMISSIONS:** Admissions are based on the historical growth in direct sentences and the revocation rate for parolees and offenders under community supervision (i.e., probationers).

**DIRECT COURT COMMITMENTS** — Projected yearly growth rates in direct court commitments vary according to fluctuations of Texas' at-risk populations, felony court activity, and trends in direct sentence admissions to TDCJ. Overall, direct sentences are projected to increase on average by 3.8 percent each year from fiscal year 2013 through fiscal year 2018. The 3.8 percent average annual growth rate in direct court commitments to prison is slightly higher than the June 2012 projection, reflecting recent trends in court conviction rates.

**COMMUNITY SUPERVISION AND PAROLE REVOCATIONS** — Projected yearly rates of felony community supervision revocations to the prison system (14.5 percent) and parole revocations (8.5 percent) are applied to the population projection model to determine the number of revocation admissions.

**PAROLE RELEASE PRACTICES:** Parole rates are based on historic parole release practices.

**PAROLE CASE CONSIDERATIONS AND APPROVALS** — During fiscal year 2012, the average monthly parole approval rate was 36.8 percent and the average number of parole cases considered for approval each month was 6,630. To date, the average monthly parole approval rate for fiscal year 2013 is 36.5 percent and the average number of parole cases considered for approval each month is 6,751. This projection assumes the parole case approval rate will remain, for the remainder of fiscal year 2013 through 2018, at rates higher than those observed during fiscal year 2011.

**DISCRETIONARY MANDATORY SUPERVISION (DMS) CASE CONSIDERATIONS AND APPROVALS** — During fiscal year 2012, the average monthly DMS case approval rate was 57.8 percent and the average number of DMS cases considered each month was 1,740. To date, the average monthly DMS case approval rate for fiscal year 2013 is 54.0 percent and the average number of DMS cases considered for approval each month is 1,476. This projection assumes DMS case considerations and approval rates will remain, for the remainder of fiscal year 2013 through 2018, at rates higher than those observed during fiscal year 2011.

## APPENDIX A: ADULT CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

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**OTHER CONSIDERATIONS:** Though these factors are not used in the model, if major shifts occur from the latest trends in the areas listed below, adjustments to the projection may become necessary.

TEXAS ADULT ARREST RATE — Between calendar years 2001 and 2011, the adult arrest rate decreased from 5,702 to 5,085, which represents a decline of 10.8 percent.<sup>6</sup>

TEXAS UNEMPLOYMENT RATE — The unemployment rate is projected to decrease slightly from 6.9 percent in fiscal year 2013 to 6.8 percent in fiscal year 2014.<sup>7</sup>

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<sup>6</sup> Texas Department of Public Safety.

<sup>7</sup> Moody's Analytics, *Economic and Consumer Credit Analytics*, January 2013.

## APPENDIX A: ADULT CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

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### ACTIVE ADULT PAROLE SUPERVISION POPULATION PROJECTION

The active adult parole population projection is a component of the discrete-event simulation modeling approach. Discrete-event simulation focuses on the modeling of a system over time as a dynamic process. The model simulates offender movement through the system based on offense type, sentence length, and time credited to current sentence.

#### FACTORS AFFECTING GROWTH OF THE ADULT PAROLE SUPERVISION POPULATION:

**PAROLE AND DISCRETIONARY MANDATORY SUPERVISION (DMS) CASE APPROVAL RATE** — The monthly parole case approval rate averaged 30.7 percent from fiscal year 2007 to 2011, then increased significantly to 36.8 percent in fiscal year 2012. The monthly parole case approval rate for the first three months of fiscal year 2013 was 36.5 percent. For this projection, it is assumed 34.0 percent of cases considered for parole will be approved. The monthly DMS case approval rate averaged 49.7 percent from fiscal year 2007 to 2011, then increased significantly to 57.8 percent. The monthly DMS case approval rate for the first three months of fiscal year 2013 is 54.0 percent. For this projection, it is assumed 52.0 percent of cases considered for DMS will be approved.

**PAROLE AND DMS CASE CONSIDERATIONS** — The number of parole cases considered each year has increased since fiscal year 2003. During fiscal year 2012, an average of 6,630 parole cases were considered monthly. For the first three months of fiscal year 2013, the monthly average number of cases considered was 6,751. This model indicates a stable number of parole considerations for fiscal years 2013 through 2018 based on the sentence lengths, time served, and parole eligibility of the individual offenders in the incarceration population. The number of DMS cases considered each year has increased since fiscal year 2003. During fiscal year 2012, an average of 1,740 parole cases were considered monthly. For the first three months of fiscal year 2013, the monthly average number of cases considered is 1,476. This model indicates a stable number of DMS considerations for fiscal years 2013 through 2018 based on the sentence lengths, time served, and parole eligibility of the individual offenders in the incarceration population.

**PAROLE REVOCATION RATES** — Fewer parolees are removed from the supervision population when parole revocation rates are lower. The annual adult parole revocation rate has decreased since fiscal year 2004. In fiscal year 2004, the annual revocation rate was 14.8 percent, while in fiscal year 2012 it was 7.4 percent. For this projection, it is assumed 8.5 percent of parolees will be revoked to prison annually.

## **APPENDIX A: ADULT CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS**

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### **ADULT FELONY DIRECT COMMUNITY SUPERVISION POPULATION PROJECTION**

The adult felony direct community supervision population projection is based on a discrete-event simulation modeling approach. Discrete-event simulation focuses on the modeling of a system over time as a dynamic process. The model simulates offender movement through the system based on a number of characteristics such as offense type, sentence length, and time credited to current sentence. During fiscal year 2010, the Texas Department of Criminal Justice–Community Justice Assistance Division transitioned from compiling aggregate population data from CSCDs through the Monthly Community Supervision and Corrections Report (MCSCR) to generating monthly population reports based on detailed case-based data collected through the Community Supervision Tracking System/Intermediate System (CSTS Intermediate System). Community supervision data through fiscal year 2009 are based on population counts reported to the MCSCR, and fiscal years 2010 to present data are based on monthly reports generated from the CSTS Intermediate System.

#### **FACTORS AFFECTING GROWTH OF THE ADULT FELONY DIRECT COMMUNITY SUPERVISION POPULATION:**

**FELONY DIRECT COMMUNITY SUPERVISION PLACEMENTS** — From fiscal year 2010 to fiscal year 2012, the number of adult felony direct community supervision placements decreased 4.6 percent. A negative growth in placements in fiscal years has not been observed in the felony community supervision placements since fiscal year 2000. From fiscal years 2005 to 2009, the number of adult felony community supervision placements increased an average of 1.7 percent each year. However, placements for the first month of fiscal year 2013 are 12.8 percent lower than the first month of fiscal year 2012. Projected yearly growth rates in adult felony direct community supervision placements vary according to fluctuations in Texas' at-risk populations, felony court activity, and trends in court sentencing. For this projection, placements are expected to decrease, an average of 0.6 percent each year from fiscal year 2013 to fiscal year 2015 before beginning a slight increase. After a slight decrease during the first few years of the projection period, the adult felony direct community supervision population is expected to slightly increase, an average of 0.1 percent each year from fiscal year 2016 to 2018.

**COMMUNITY SUPERVISION REVOCATION RATES** — Fewer probationers are removed from the adult felony direct community supervision population when community supervision revocation rates are lower. The annual felony community supervision revocation rate has decreased since fiscal year 2004. In fiscal year 2004, the annual revocation rate to prison and state jail was 15.7 percent, while in fiscal year 2012, it was 13.9 percent. For this projection, it is assumed 14.5 percent of probationers will be revoked to prison and state jail annually.

**EARLY TERMINATIONS** — The simulation model assumes a continued increase in early terminations from community supervision, which will lower the felony direct community supervision population. This projection assumes early terminations will increase in

**APPENDIX A: ADULT CORRECTIONAL POPULATION PROJECTION  
METHODOLOGY AND ASSUMPTIONS**

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subsequent fiscal years.

The assumptions regarding the general adult population and crime rate previously noted apply to the felony direct community supervision projections as well.

## APPENDIX A: ADULT CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

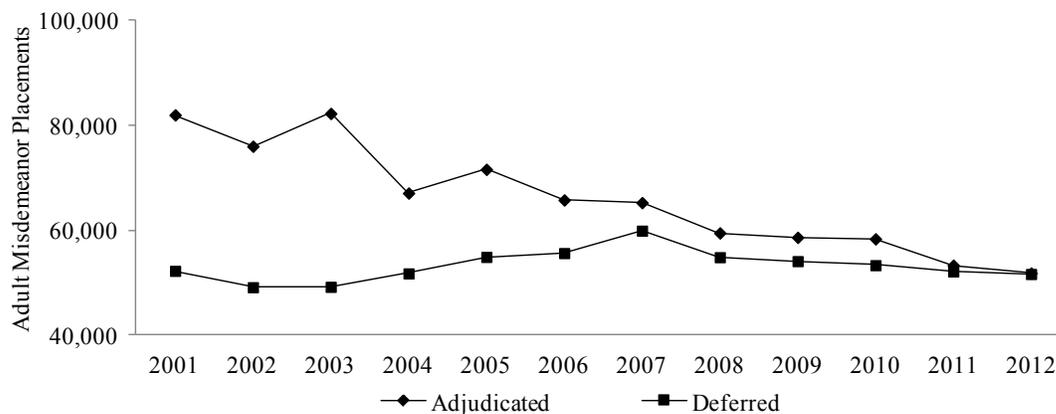
### ADULT MISDEMEANOR COMMUNITY SUPERVISION PLACEMENTS PROJECTION

During fiscal year 2010, the Texas Department of Criminal Justice–Community Justice Assistance Division transitioned from compiling aggregate population data from CSCDs through the Monthly Community Supervision and Corrections Report (MCSCR) to generating monthly population reports based on detailed case-based data collected through the Community Supervision Tracking System/Intermediate System (CSTS Intermediate System). Community supervision data through fiscal year 2009 are based on population counts reported to the MCSCR, and fiscal years 2010 to date data are based on monthly reports generated from the CSTS Intermediate System.

Adult misdemeanor placements have decreased since fiscal year 2007. From fiscal year 2010 to fiscal year 2012, annual placements were down 7.3 percent. Compared to the first month of fiscal year 2012, the first month of fiscal year 2013 continued at a downward trend of 9.8 percent. The misdemeanor community supervision placements for the projection period are based on negative growth rates, 1.3 percent, observed over the last few fiscal years.<sup>8</sup> The observed values show a steady decrease in the number of adjudicated community supervision placements and a slight decrease in the number of deferred adjudication placements (see Figure 9).

The assumptions regarding the general adult population and crime rate previously noted apply to the misdemeanor community supervision placement projections as well.

**Figure 9: Adjudicated and Deferred Misdemeanor Community Supervision Placements, Fiscal Years 2001–2012**



Sources: Legislative Budget Board; Texas Department of Criminal Justice.

<sup>8</sup> Return from shock incarceration is a third type of misdemeanor placement and typically accounts for approximately 12 placements per fiscal year. A court has continuing jurisdiction over a case for 180 days from the date the sentence begins. If the court believes the defendant would no longer benefit from further confinement, the judge may remove the defendant from confinement and place the defendant under community supervision. Return from shock incarceration is a placement option for misdemeanor offenses and certain felony offenses. Returns from shock incarceration placements are not included in the projected numbers.

**APPENDIX B:  
JUVENILE CORRECTIONAL POPULATION PROJECTION  
METHODOLOGY AND ASSUMPTIONS**

## APPENDIX B: JUVENILE CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

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### FACTORS AFFECTING JUVENILE CORRECTIONAL POPULATION PROJECTIONS

The following juvenile justice trends have been considered when producing the projections. If major shifts occur from the latest trends in the areas listed below, adjustments to the projection may become necessary.

**TEXAS JUVENILE POPULATION** — Between calendar years 2000 and 2010, the juvenile population (ages 10 through 16) grew 15.5 percent or by 353,057 juveniles.<sup>9</sup> The Texas State Data Center projects this population will increase 4.6 percent (or 125,077 juveniles) between 2013 and 2018. The average increase in population each year during that time period (e.g., between 2013 and 2018) will be 0.9 percent.

**TEXAS JUVENILE ARREST RATE** — In calendar year 2011, the most recent year for which arrest data are available, the juvenile arrest rate reached its lowest level since 1990 at 3,708 juvenile arrests per 100,000 juveniles.<sup>10</sup> This rate is 59.0 percent lower than the rate at its peak in 1996, which totaled 9,033 juvenile arrests per 100,000 juveniles. Between 2001 and 2011, the juvenile arrest rate fell 39.2 percent. The juvenile arrest rate fell 26.5 percent for violent offenses; 45.2 percent for property offenses; 32.8 percent for drug offenses; 57.1 percent for runaway, curfew and loitering law violations; 10.3 percent for disorderly conduct; and 40.1 percent for other offenses.

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<sup>9</sup> Texas State Data Center and Office of the State Demographer.

<sup>10</sup> The juvenile arrest data are drawn from the Texas Department of Public Safety's annual *Crime in Texas* reports.

## APPENDIX B: JUVENILE CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

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### JUVENILE STATE RESIDENTIAL POPULATION PROJECTION

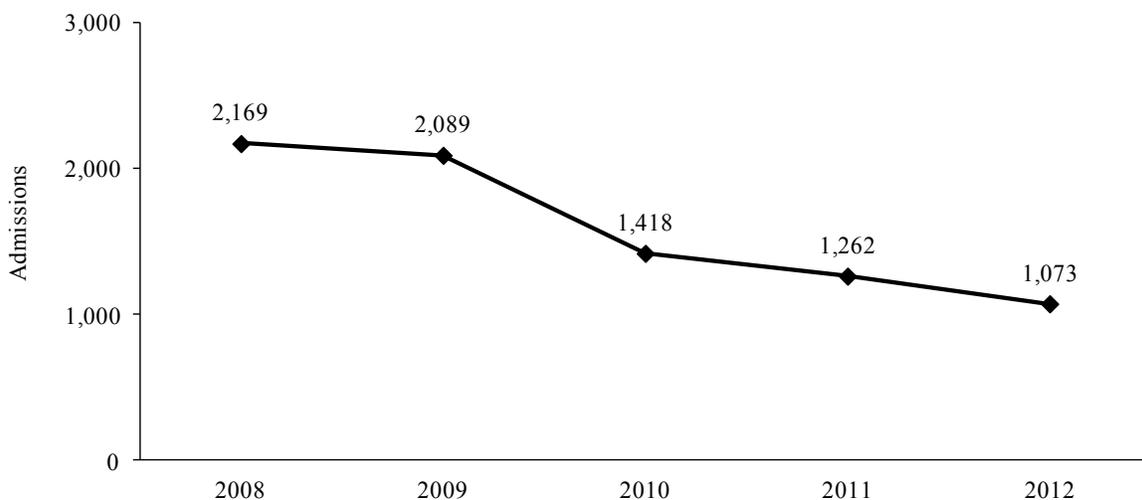
The Texas Juvenile Justice Department's (TJJD) state residential population projections are based on individual-level data provided by TJJD and informed by budgetary, policy, and other considerations. The projection model is based on movement of individual juveniles into, through, and out of TJJD's state residential programs.

The model projects the state residential population will continue to decrease slightly in the coming years primarily as a result of a slight decrease in admissions.

**ADMISSIONS:** TJJD admissions have fallen each year since fiscal year 2008 (see Figure 10). Between fiscal years 2008 and 2009, the population began to stabilize but then decreased markedly (32.1 percent) between fiscal years 2009 and 2010. The Community Corrections Diversion Program was implemented in fiscal year 2010, which may have contributed to this decrease. This program provided pass-through funding to the Texas Juvenile Probation Commission to offer to county juvenile probation departments to enhance or develop programs to divert juveniles from commitment to the Texas Youth Commission. Admissions declined 11.0 percent and 15.0 percent, respectively, in fiscal years 2011 and 2012.

The number of admissions assumed for fiscal years 2013 through 2018 is expected to decrease slightly. For this projection, it is assumed that TJJD will receive an average of 994 admissions per year for fiscal years 2013 through 2018, which is a 7.4 percent decrease from the 1,073 admissions received in fiscal year 2012.

**Figure 10: Juvenile State Residential Admissions, Fiscal Years 2008–2012**



Sources: Legislative Budget Board; Texas Juvenile Justice Department.

## APPENDIX B: JUVENILE CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

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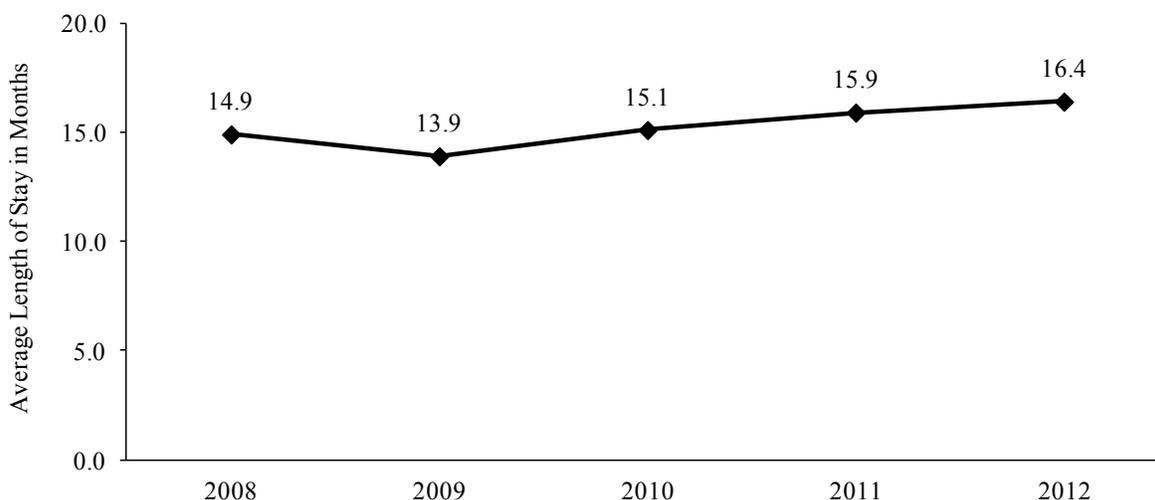
**LENGTH OF STAY:** Future releases are largely driven by minimum length of stay (MLOS), maximum length of stay possible given the juveniles' age, and release approval decisions. The projection model simulates juvenile movement through TJJJ based on factors that multivariate regression modeling show to be statistically significant predictors of length of stay.

The regression model is based on juveniles released from TJJJ state residential facilities in fiscal year 2012. This time period provided the most representative sample of juveniles released under the new classification system implemented on February 1, 2009, which established a new method for determining minimum length of stay. By analyzing the most recent sample of juveniles available, the sample includes a large proportion of juveniles with longer minimum lengths of stay and provides a more accurate representation of the lengths of stay that will likely occur in future populations.

The projection model also reflects policy changes that exclude the placement of persons adjudicated for misdemeanor offenses and require the release or transfer of individuals who are 19 years of age or older when the original commitment date preceded June 8, 2007, when Senate Bill 103, Eightieth Legislature, 2007, went into effect.<sup>11</sup>

The average length of stay for juveniles released from TJJJ state residential facilities decreased between fiscal years 2008 and 2009, but increased each year between fiscal years 2009 and 2012. During those three fiscal years, the average length of stay increased two and a half months. By the end of the projection period, the average length of stay is expected to decrease slightly.

**Figure 11: Average Length of Stay of Texas Youth Commission Releases, Fiscal Years 2006–2010**



Sources: Legislative Budget Board; Texas Juvenile Justice Department.

<sup>11</sup> Senate Bill 103, Eightieth Legislature, 2007, excluded misdemeanants from eligibility for commitment to TJJJ residential facilities and reduced the maximum age of confinement in TJJJ residential facilities from juveniles' 21<sup>st</sup> birthday to their 19<sup>th</sup> birthday.

## **APPENDIX B: JUVENILE CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS**

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**OTHER CONSIDERATIONS:** These projections are informed by ongoing and planned trends in policy and practice in juvenile justice populations. The affect of these shifts on populations was assessed through site visits to state facilities, discussions with TJJD staff, and data analysis.

COMMUNITY CORRECTIONS DIVERSION PROGRAM — The Community Corrections Diversion Program provides county juvenile probation departments with funding for community-based rehabilitation services. Begun on September 1, 2009, the purpose of the program is to divert juveniles from being committed to TJJD state residential facilities. Commitments to TJJD decreased 32.1 percent between fiscal years 2009 and 2010, due in part to this program. Funding for this program has been held constant since its initiation in fiscal year 2010 and is assumed to remain at the same level for these projections. A change in this program’s funding level or structure, however, could affect TJJD state residential populations.

## APPENDIX B: JUVENILE CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

### JUVENILE PROBATION SUPERVISION POPULATION PROJECTION

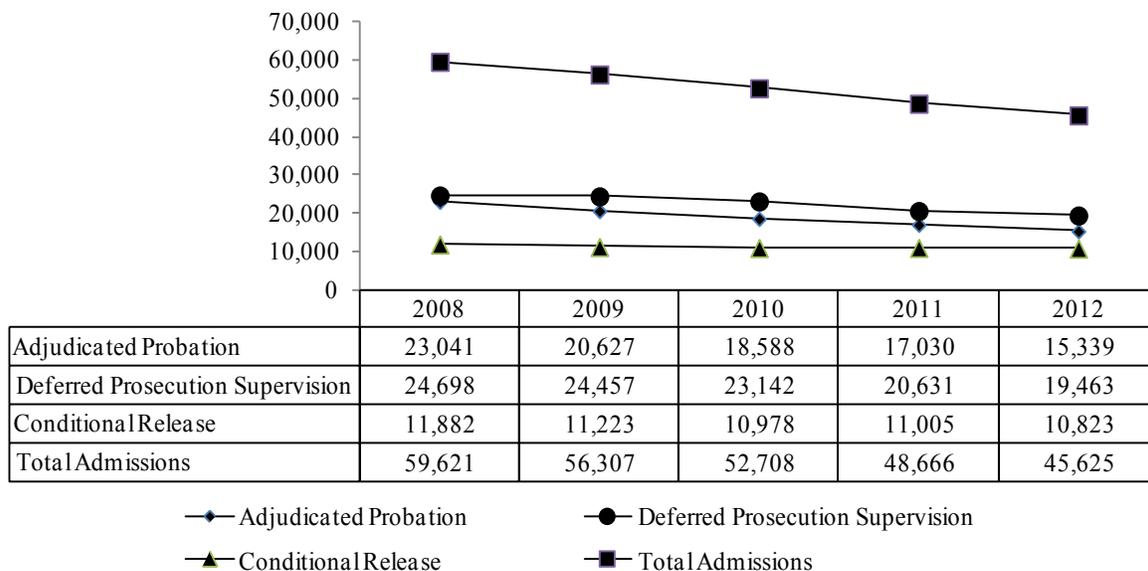
Juvenile probation supervision population projections are based on individual-level data provided by the Texas Juvenile Justice Department (TJJD) and informed by budgetary, policy, and other considerations. The projection model is based on movement of individual juveniles into, through, and out of juvenile probation supervision.

The model projects the total supervision population will continue to decrease slightly over the projection period primarily as a result of projected decreases in adjudicated probation and deferred prosecution supervision.

**ADMISSIONS:** Supervision admissions decreased each year between fiscal year 2008 and fiscal year 2012 (see Figure 12). Between 2008 and 2012, total admissions to supervision decreased 23.5 percent, admissions to adjudicated probation supervision decreased 33.4 percent, admissions to deferred prosecution supervision decreased 21.2 percent, and admissions to conditional release supervision decreased 8.9 percent.

The total number of admissions projected over the next five fiscal years is partially based on aggregate historical admission trends. Another consideration is that, in June 2012, Harris County Juvenile Probation Department began counting an existing program under conditional release supervision rather than temporary supervision, which will increase admissions to that supervision type. Based on these considerations and analysis, admissions are projected to decrease slightly for adjudicated probation and deferred prosecution, but increase slightly for conditional release supervision over the next five fiscal years.

**Figure 12: Juvenile Probation Supervision Admissions, Fiscal Years 2008–2012**



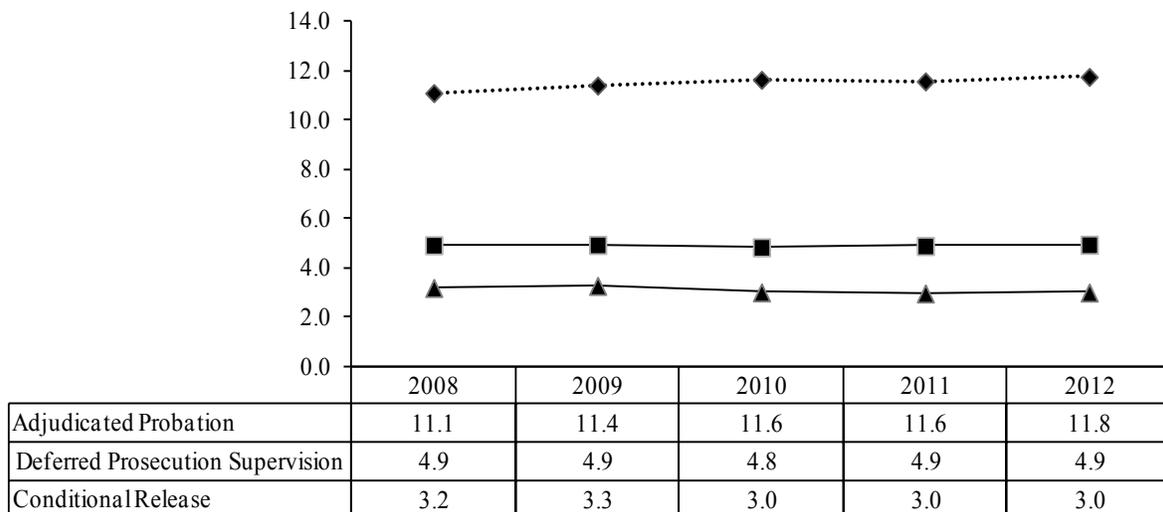
Sources: Legislative Budget Board; Texas Juvenile Justice Department.

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**SUPERVISION LENGTH:** Projected supervision length is based on factors that multivariate regression analysis shows to be statistically significant predictors of length of stay. Future releases are driven by factors such as expected supervision length, maximum length of supervision possible given the juvenile’s age, and the behavior of juveniles while on supervision. Some factors increase length of stay (such as gang involvement) and some factors decrease length of stay (such as turning 18 years of age shortly after starting supervision). The regression model analyzed the supervision length of juveniles released from supervision between September 2011 and August 2012.

As shown in Figure 11, the length of supervision remained relatively stable between fiscal years 2008 and 2012. Supervision length is projected to remain relatively stable over the next five fiscal years. The length of conditional release supervision averaged 3.1 months from fiscal year 2008 to 2012, and is projected to average 3.2 months during the next five fiscal years. The length of deferred prosecution supervision averaged 4.9 months during the last five fiscal years and is projected to average 5.0 months over the next five fiscal years. The length of adjudicated probation supervision averaged 11.5 months during the last five fiscal years and is projected to average 11.7 months during the next five fiscal years.

**Figure 13: Average Length of Supervision in Months for Juvenile Probation Supervision Releases, Fiscal Years 2008–2012**



◆◆◆ Adjudicated Probation    ■■ Deferred Prosecution Supervision    ▲▲ Conditional Release

Sources: Legislative Budget Board; Texas Juvenile Justice Department.