

Adult and Juvenile Correctional Population Projections
Fiscal Years 2005-2010



Legislative Budget Board
January 2005

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**ADULT AND JUVENILE CORRECTIONAL POPULATION PROJECTIONS
FISCAL YEARS 2005 – 2010**

January 2005

On March 1, 2004, the Legislative Budget Board established a Criminal Justice Data Analysis Team to assume certain projection and data analysis responsibilities that had previously been conducted by the Criminal Justice Policy Council. One responsibility of the 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 2004 for legislative planning to the Juvenile Probation Commission, the Texas Youth Commission, and the Texas Department of Criminal Justice so they could incorporate the relevant information into their Legislative Appropriations Requests for the 2006–07 biennium.

This report provides updated correctional population projections in preparation for the Seventy-ninth Legislative Session. Enhancements to the June 2004 projections were made by interviewing practitioners and officials in all parts of the criminal justice process to obtain a more in-depth understanding of sentencing and supervision practices impacting criminal justice populations. Additionally, comprehensive data through fiscal year 2004 were analyzed and incorporated into the updated projections.



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INTRODUCTION

This Legislative Budget Board (LBB) report, *Adult and Juvenile Correctional Population Projections*, provides updated correctional population projections for fiscal years 2005 through 2010 in preparation for the Seventy-ninth Legislative Session. The report is designed to address the Legislature's need for useful and timely information on Texas correctional populations.

On March 1, 2004, the Legislative Budget Board established a Criminal Justice Data Analysis Team to assume certain projection and data analysis responsibilities that had previously been held by the Criminal Justice Policy Council. One responsibility of the 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 2004 for legislative planning to the Juvenile Probation Commission, the Texas Youth Commission, and the Texas Department of Criminal Justice so they could incorporate the relevant information into their Legislative Appropriations Requests for the 2006–07 biennium.

Enhancements to past projections were made by interviewing practitioners and officials in all parts of the criminal justice system to obtain a more in-depth understanding of sentencing and supervision practices impacting criminal justice populations. Additionally, comprehensive data through fiscal year 2004 were analyzed and incorporated into the updated projections. The report is organized into the following five sections.

- Crime and Arrest Rates in Texas
- Adult Correctional Population Projections
- Juvenile Correctional Population Projections
- Qualitative Review Methodology and Findings
- Appendices

PROJECTION HIGHLIGHTS

- Texas Crime Rate – The crime rate (number of crimes reported per 100,000 population) decreased slightly (1.0 percent) between 2002 and 2003; however, the total number of reported crimes increased 0.5 percent and has been increasing since 2000.
- Texas Juvenile Arrest Rate – The juvenile arrest rate increased 1.6 percent between 2002 and 2003 with the drug/alcohol arrest rate increasing the most (5.4 percent).
- Adult Incarceration Projections – The Texas adult incarceration population is projected to increase by 3,661 offenders from the beginning of fiscal year 2005 until the end of fiscal year 2007 (from a total of 151,059 to 154,720). The growth in the incarcerated population is greater than projected in June 2004 primarily due to an increase in projected prison admissions. By fiscal year 2010, the incarcerated population is projected to increase to 165,324 under current sentencing practices and statutes.
- Adult Parole Supervision Projections – The parole supervision population is projected to increase by almost 1 percent in fiscal year 2005 and will increase by higher percentages in

INTRODUCTION

subsequent years (the maximum percentage increase is 3 percent). The overall growth is higher than projected in June 2004 due to a continued rise in the prison population and parole release considerations and decisions remaining at high levels. The state's parole supervision population is projected to increase by 3,883 offenders from the beginning of fiscal year 2005 through fiscal year 2007 (from 76,577 to 80,460 fiscal year 2007 average). The average parole supervision population is projected to increase to 87,068 by fiscal year 2010 under current sentencing practices and statutes.

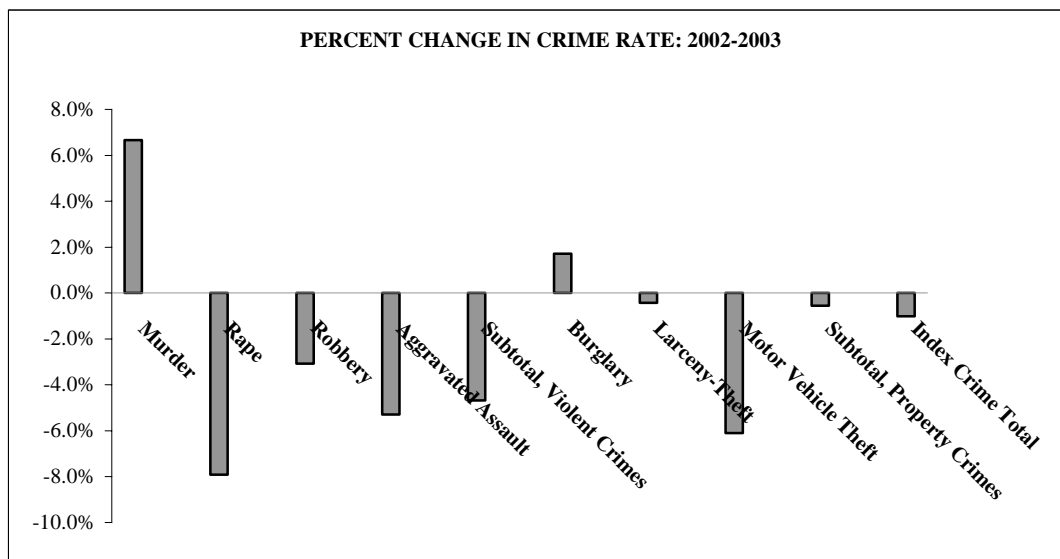
- Adult Felony Community Supervision Projections – The felony community supervision population (adult probation) is projected to decrease by a little over 0.5 percent each year through fiscal year 2010. The decline is similar to that projected in June 2004. The primary reason for a continued decrease in this population is that terminations continue to outpace placements. Felony community supervision revocations in particular have seen an 18 percent increase between fiscal year 2001 and fiscal year 2004. The state's felony community supervision population is projected to decrease by 2,501 offenders from the beginning of fiscal year 2005 through fiscal year 2007 (from 156,817 to 154,316 fiscal year 2007 average). The average adult felony community supervision population is projected to decrease to 151,463 by fiscal year 2010 under current sentencing practices and statutes.
- Juvenile Residential Projections – As with the June 2004 projection, the juvenile residential population is expected to increase each year through 2010. The increase in the population is primarily a result of a projected average 1.6 percent annual increase in residential placements. Projections are based on the fiscal year 2004 average length-of-stay of 17.4 months. The state's juvenile residential population is projected to increase by 236 offenders from the beginning of fiscal year 2005 until the end of fiscal year 2007 (from a total of 4,883 to 5,119). By August 2010, the juvenile residential population is projected to increase to 5,357 under current sentencing practices and statutes.
- Juvenile Probation Supervision Projections – The juvenile probation supervision population is projected to increase by about 1.5 percent each year through fiscal year 2010. This is slightly higher than the June 2004 projection. The main reason for the adjustment is an expected increase in the deferred prosecution population during calendar year 2004. The state's juvenile supervision population is projected to increase by 499 offenders from the beginning of fiscal year 2005 through fiscal year 2007 (from 42,028 to 42,527 fiscal year 2007 average). The average juvenile probation supervision population is projected to increase to 44,389 by fiscal year 2010 under current sentencing practices and statutes.
- Qualitative Review Findings – According to individuals included in the review (officials, practitioners, and offenders), more attention needs to be given to the front-end of the sentencing process in order to realize a decline in the state's incarcerated population. Regarding the adult community supervision (probation) system, interviewees cited numerous concerns with the operations of the system and had no consistent opinions regarding its primary objective. Also, many offenders do not view adult community supervision as a favorable alternative to serving time in prison or state jail.

CRIME AND ARREST RATES IN TEXAS

TEXAS CRIME RATE

INDEX CRIME	2002		2003		PERCENT CHANGE	
	NUMBER	RATE PER 100,000	NUMBER	RATE PER 100,000	NUMBER	RATE PER 100,000
Murder	1,305	6.0	1,417	6.4	8.6%	6.7%
Rape	8,541	39.2	7,986	36.1	-6.5%	-7.9%
Robbery	37,599	172.6	37,000	167.3	-1.6%	-3.1%
Aggravated Assault	78,713	361.4	75,706	342.3	-3.8%	-5.3%
Subtotal, Violent Crimes	126,158	579.2	122,109	552.1	-3.2%	-4.7%
Burglary	212,702	976.6	219,733	993.4	3.3%	1.7%
Larceny-Theft	690,028	3,168.2	697,790	3,154.8	1.1%	-0.4%
Motor Vehicle Theft	102,943	472.7	98,174	443.9	-4.6%	-6.1%
Subtotal, Property Crimes	1,005,673	4,617.4	1,015,697	4,592.1	1.0%	-0.5%
Index Crime Total	1,131,831	5,196.7	1,137,806	5,144.1	0.5%	-1.0%

Source: Texas Department of Public Safety, *Crime in Texas 2002 and 2003*.

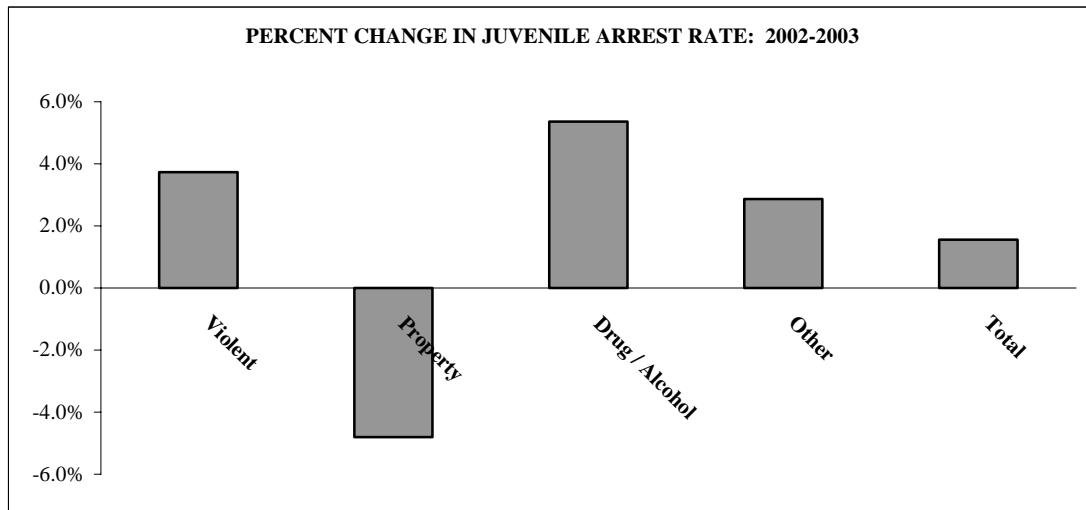


- While the crime rate decreased by 1 percent between 2002 and 2003, the actual number of crimes increased by 0.5 percent. The Texas State Data Center estimated the 2002 and 2003 Texas population at 21,519,976 and 22,118,509, respectively.
- Since 2000, the number of crimes reported increased 10 percent between 2000 and 2003, putting pressure on the prison system as illustrated by the continued increase in prison populations.
- Serious crimes known to police are reported to the Texas Department of Public Safety by law enforcement agencies in Texas using the Uniform Crime Report (UCR). The UCR provides standardized definitions for each of the index crimes to prevent reporting variations across jurisdictions.

JUVENILE ARRESTS AND JUVENILE ARREST RATE IN TEXAS

OFFENSE CATEGORY	2002		2003		PERCENT CHANGE	
	NUMBER	RATE PER 100,000	NUMBER	RATE PER 100,000	NUMBER	RATE PER 100,000
Violent ¹	23,295	996.7	24,417	1,033.9	4.8%	3.7%
Property ²	33,940	1,452.2	32,650	1,382.5	-3.8%	-4.8%
Drug/Alcohol ³	22,504	962.9	23,959	1,014.5	6.5%	5.4%
Other ⁴	60,346	2,582.0	62,722	2,655.9	3.9%	2.9%
Total	140,085	5,993.8	143,748	6,086.8	2.6%	1.6%

Source: Texas Department of Public Safety, *Crime in Texas 2002 and 2003*; Texas State Data Center.



- The juvenile arrest rate⁵ increased 1.6 percent between 2002 and 2003.
- The actual number of arrests also increased (2.6 percent) between 2002 and 2003.

¹Violent offenses include murder, non-negligent manslaughter, forcible rape, robbery, aggravated assault, other assaults, and sex offenses (except prostitution).

²Property offenses include burglary, larceny/theft, motor vehicle theft, forgery and counterfeiting, fraud, embezzlement, stolen property, and vandalism.

³Drug/alcohol offenses include drug use, drug possession, driving while intoxicated (DWI), liquor law violations, and drunkenness.

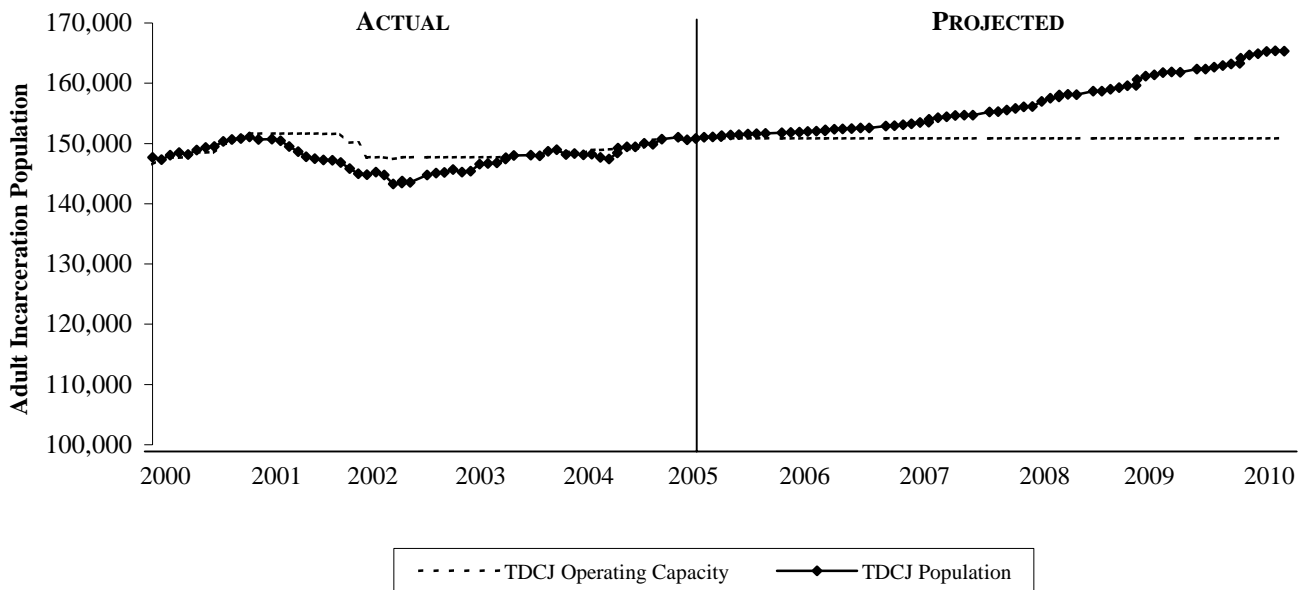
⁴Other offenses include arson, weapons carrying and possession, prostitution and commercial vice, gambling, offenses against children, disorderly conduct, vagrancy, curfew and loitering law violations, runaways, and all other offenses not mentioned above (except traffic).

⁵The juvenile arrest rate (juveniles age 10–16) was computed by LBB staff by dividing the number of reported juvenile arrests by the juvenile population in the state (ages 10–16), and then multiplying by 100,000. The Texas State Data Center estimated the 2002 and 2003 Texas juvenile population at 2,337,163 and 2,361,624, respectively.

ADULT CORRECTIONAL POPULATION PROJECTIONS

ADULT INCARCERATION ACTUAL AND PROJECTED POPULATIONS FISCAL YEARS 2000 – 2010

The adult incarceration population projections for the Texas Department of Criminal Justice (TDCJ) are based on an integrated simulation modeling approach resulting from the movement of offenders into, through, and out of TDCJ's incarcerated population. The model simulates offender subgroup compositions, based on offense references from the Texas Penal Code, and lengths-of-stay within the correctional system based on sentence lengths and release eligibility. The simulation model creates future offenders' records by duplicating key characteristics of current admissions (i.e., offense and sentence length) and assessing the probability of these characteristics being present in future admissions. A continued increase in court sentences directly to prison is the primary driving force behind the projected growth in the incarcerated population. Any significant change in projection drivers may impact actual populations. Additional information regarding projections and model assumptions are detailed in Appendix A.



- As of December 2004, the total prison capacity was 154,702 beds. The operating capacity preferred by TDCJ prison administrators is 97.5 percent of the total capacity, which equates to 150,834 beds. Since October 2002, the end-of-month inmate population has been within 1.1 percent of operating capacity.
- Projected incarceration populations at the end of each biennium are as follows: 151,676 for 2004–05; 154,720 for 2006–07; and 161,810 for 2008–09. The projected incarceration population is 165,324 for the end of fiscal year 2010.

**ADULT INCARCERATION PROJECTED POPULATIONS
FISCAL YEARS 2005 – 2010**

FISCAL YEAR	INCARCERATION POPULATION (END-OF-YEAR)	TDCJ OPERATING CAPACITY	PROJECTED POPULATION EXCEEDING OPERATING CAPACITY ⁶	
			NUMBER	PERCENT
2005	151,676	150,834	842	0.6%
2006	152,604	150,834	1,770	1.2%
2007	154,720	150,834	3,886	2.6%
2008	158,104	150,834	7,270	4.8%
2009	161,810	150,834	10,976	7.3%
2010	165,324	150,834	14,490	9.6%

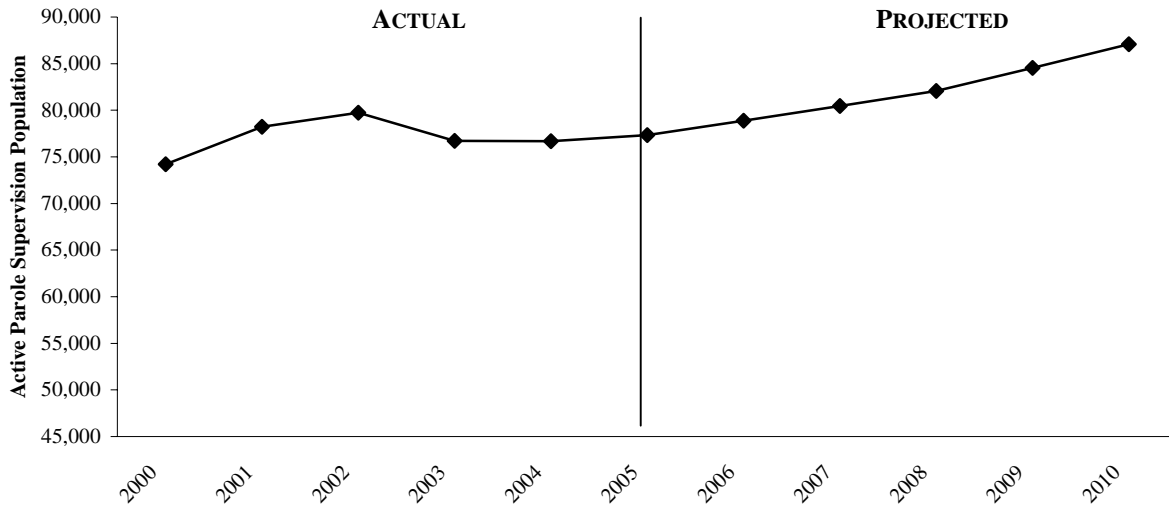
FISCAL YEAR 2005 ⁷	END-OF-MONTH POPULATION	FISCAL YEAR 2006	END-OF-MONTH POPULATION	FISCAL YEAR 2007	END-OF-MONTH POPULATION
Sep-04	151,059	Sep-05	151,777	Sep-06	152,906
Oct-04	150,615	Oct-05	151,829	Oct-06	152,946
Nov-04	150,828	Nov-05	151,908	Nov-06	153,132
Dec-04	150,870	Dec-05	151,981	Dec-06	153,284
Jan-05	151,107	Jan-06	152,060	Jan-07	153,463
Feb-05	151,158	Feb-06	152,110	Feb-07	153,518
Mar-05	151,305	Mar-06	152,245	Mar-07	153,992
Apr-05	151,414	Apr-06	152,347	Apr-07	154,301
May-05	151,485	May-06	152,416	May-07	154,431
Jun-05	151,573	Jun-06	152,499	Jun-07	154,640
Jul-05	151,634	Jul-06	152,560	Jul-07	154,724
Aug-05	151,676	Aug-06	152,604	Aug-07	154,720
FY 05 Average	151,227	FY 06 Average	152,195	FY 07 Average	153,838

⁶ The operating capacity preferred by TDCJ prison administrators is 97.5 percent of the total capacity. As of December 2004, the total prison capacity was 154,702 beds.

⁷ September 2004 through December 2004 data are actual data rather than projected data.

ACTIVE ADULT PAROLE SUPERVISION ACTUAL AND PROJECTED POPULATIONS FISCAL YEARS 2000 – 2010

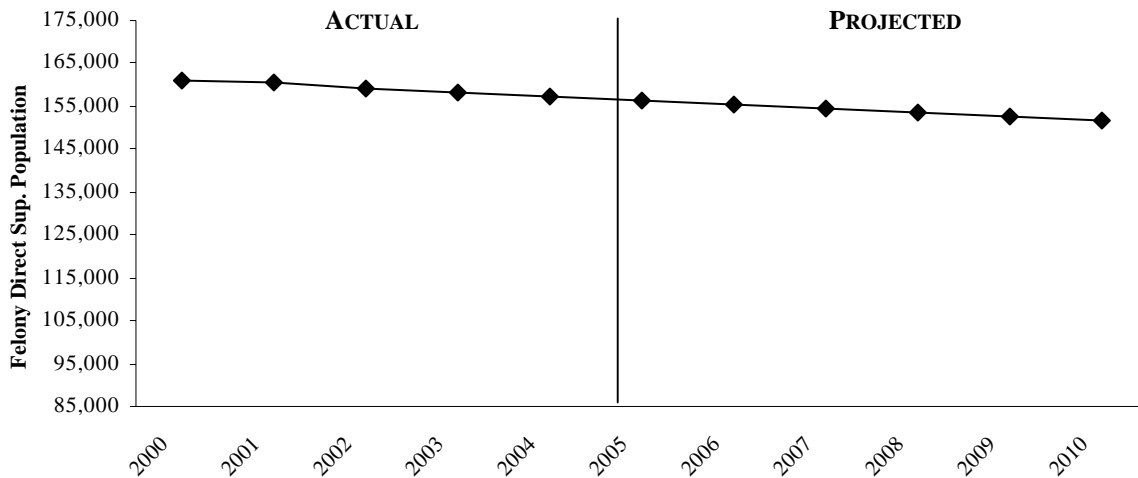
The parole supervision projections are for parolees under active supervision who are released from prison by parole, mandatory supervision, and discretionary mandatory supervision. Like the incarceration projections, the parole supervision forecast is based on an integrated simulation model using historical data collected by TDCJ. Depending on the individual offenders' offense, sentence length, and time served, offenders stay on parole supervision for varying lengths of time. Individuals in the parole supervision component of the model are aged and discharged from parole when appropriate, or returned to the incarceration population component of the simulation model based on parole revocation rates. Any significant change in projection drivers (e.g., release practices) may impact actual populations. Additional information regarding projections and model assumptions are detailed in Appendix A.



FISCAL YEAR	ACTIVE PAROLE SUPERVISION POPULATION (END-OF-MONTH YEARLY AVERAGE)
2005	77,336
2006	78,883
2007	80,460
2008	82,070
2009	84,532
2010	87,068

**ADULT FELONY COMMUNITY SUPERVISION ACTUAL AND PROJECTED POPULATIONS
FISCAL YEARS 2000 – 2010**

The adult community supervision (i.e., adult probation) projections are for felons under direct supervision by 121 local community supervision and corrections departments (CSCDs) statewide. The projections are based on data collected by TDCJ in the Monthly Community Supervision and Corrections Report (MCSCR). The basis for the reported projections is the average percentage decrease in the adult felony direct community supervision population between fiscal years 2001 and 2004 (0.62 percent). Any significant change in projection drivers (e.g., probation placements) may impact actual populations. Additional information regarding projections and model assumptions are detailed in Appendix A.

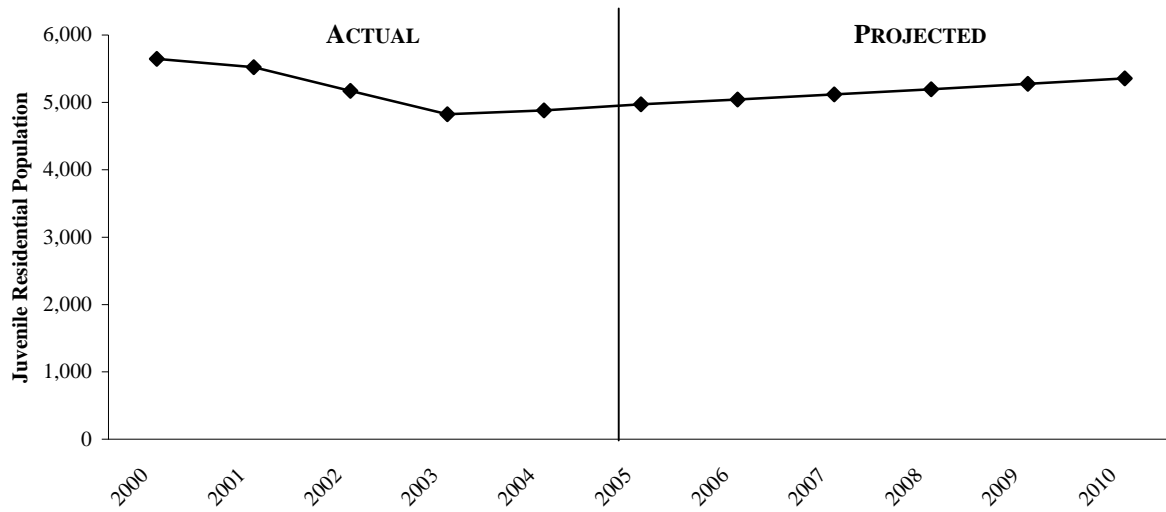


FELONY DIRECT COMMUNITY SUPERVISION POPULATION (END-OF-MONTH YEARLY AVERAGE)	
FISCAL YEAR	
2005	156,247
2006	155,278
2007	154,316
2008	153,359
2009	152,408
2010	151,463

JUVENILE CORRECTIONAL POPULATION PROJECTIONS

ACTUAL AND PROJECTED JUVENILE RESIDENTIAL POPULATIONS FISCAL YEARS 2000 – 2010

The residential population projections for the Texas Youth Commission (TYC) are based on aggregate data compiled by Legislative Budget Board staff from TYC data submissions. The modeling approach is based on historical correctional practices that include residential intakes and releases. The primary driving force behind the projected growth in the residential population is an increase in the number of intakes (on average 1.6 percent annually). The overall growth, however, has been affected by a decrease in the average length-of-stay (18.6 months in fiscal year 2002 to 17.4 months in fiscal year 2004). In most cases, TYC has discretion in determining offender lengths-of-stay. Any significant change in projection drivers (e.g., length-of-stay) may impact actual populations. Additional information regarding projections and model assumptions are detailed in Appendix B.



- Projected TYC residential populations at the end of each biennium are as follows: 4,971 for 2004–05; 5,119 for 2006–07; 5,276 for 2008–09; and 5,357 for the end of fiscal year 2010.
- The Texas juvenile arrest rate increased slightly between 2002 and 2003 (1.6 percent) after a period of decline and stabilization between 1996 and 2002.

**PROJECTED JUVENILE RESIDENTIAL POPULATION
FISCAL YEARS 2005 – 2010**

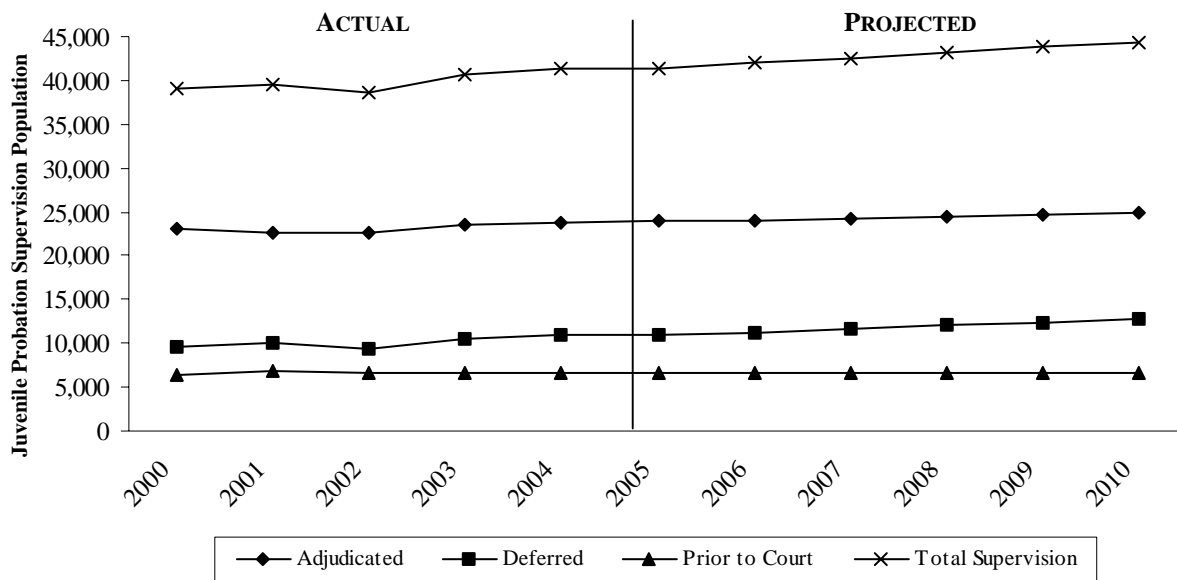
FISCAL YEAR	TYC POPULATION (END-OF-YEAR)	TYC STATE-OPERATED FACILITY CAPACITY	PROJECTED POPULATION EXCEEDING STATE-OPERATED CAPACITY ⁸	
			NUMBER	PERCENT
2005	4,971	4,576	395	8.6%
2006	5,045	4,576	469	10.2%
2007	5,119	4,576	543	11.9%
2008	5,196	4,576	620	13.5%
2009	5,276	4,576	700	15.3%
2010	5,357	4,576	781	17.1%

FISCAL YEAR 2006	END-OF-MONTH POPULATION	FISCAL YEAR 2007	END-OF-MONTH POPULATION
Sep-05	4,982	Sep-06	5,056
Oct-05	5,035	Oct-06	5,109
Nov-05	5,022	Nov-06	5,097
Dec-05	4,985	Dec-06	5,059
Jan-06	4,968	Jan-07	5,041
Feb-06	4,955	Feb-07	5,028
Mar-06	4,975	Mar-07	5,048
Apr-06	4,988	Apr-07	5,062
May-06	5,009	May-07	5,083
Jun-06	5,025	Jun-07	5,099
Jul-06	5,020	Jul-07	5,094
Aug-06	5,045	Aug-07	5,119
FY 06 Average	5,001	FY 07 Average	5,075

⁸ The Texas Youth Commission (TYC) received funding to contract for an average 647 beds in fiscal year 2005 in addition to their state-operated facility capacity.

ACTUAL AND PROJECTED JUVENILE PROBATION SUPERVISION POPULATIONS CALENDAR YEARS 2000 – 2003 AND FISCAL YEARS 2004 – 2010

The juvenile probation supervision projections are for juveniles receiving three types of supervision: adjudicated probation, deferred prosecution, and supervision prior to court proceedings. The projections are based on data compiled by the Juvenile Probation Commission in their annual probation activity report. Projected annual growth in adjudicated probation (0.8 percent), deferred prosecution (3.3 percent), and supervision prior to court proceedings (0.3 percent) are based on the average percent of population change at the end of the calendar year for years 2001 through 2003 and calendar year 2004 through August 2004. Any significant change in projection drivers may impact actual populations. Additional information regarding projections and model assumptions are detailed in Appendix B.



FISCAL YEAR	ADJUDICATED PROBATION	DEFERRED PROSECUTION	SUPERVISION PRIOR TO COURT PROCEEDINGS	TOTAL SUPERVISION (END-OF-MONTH YEARLY AVERAGE)
2005	23,886	10,996	6,568	41,450
2006	24,052	11,295	6,587	41,934
2007	24,251	11,666	6,610	42,527
2008	24,452	12,048	6,632	43,132
2009	24,655	12,443	6,655	43,753
2010	24,860	12,852	6,677	44,389

QUALITATIVE REVIEW METHODOLOGY AND FINDINGS

QUALITATIVE REVIEW METHODOLOGY AND FINDINGS

REVIEW METHODOLOGY: As part of the correctional population projections methodology, a qualitative review component was conducted for this January 2005 report. The purpose of the review was to obtain a more in-depth understanding of criminal justice trends that were reported in the June 2004 *Adult and Juvenile Correctional Population Projections* report. In-person and phone interviews were conducted with decision-makers, practitioners, and offenders involved in the adult and juvenile criminal justice systems. A total of 66 interviews were conducted encompassing three tiers of interviewees. The first tier included criminal justice agency administrators and oversight board/commission chairs. The second tier included juvenile and adult probation directors and officers, parole directors, TYC and TDCJ facility wardens and program staff, and district and county judges. The third tier included adult offenders currently in the criminal justice system.

Interviewees were shown the various trends in the June 2004 *Adult and Juvenile Correctional Population Projections* report and asked to respond to the reported trends, explain what may be causing them, and offer suggestions on how they could be shifted. Questions focused on the five primary populations in the Texas criminal justice system: adult incarceration, adult parole supervision, adult community supervision, juvenile residential, and juvenile probation supervision. Offenders were asked questions about how their sentence was reached and their opinion on the trends and effectiveness of the various aspects of the criminal justice system.

MAJOR REVIEW FINDINGS: Some consistent themes and suggestions surfaced from the interviews. Interviewees had more consistent comments and suggestions on the operations of the adult criminal justice system than the juvenile justice system. The first three bullets below summarize findings regarding the adult criminal justice system; the last bullet addresses the juvenile justice system.

- Regarding the adult criminal justice system, interviewees indicated that more attention needs to be given to the front-end of the sentencing process in order to realize a decline in the state's incarcerated population (e.g., initial adjudication, probation placements, probation revocations).
- Regarding the adult community supervision (probation) system, interviewees cited numerous concerns with the operation of the system and indicated no consistency regarding its primary objective. Some decision-makers voiced a lack of confidence in the system and an opinion that offenders do not view it as a favorable alternative to prison or state jail. Some suggestions for improvement included limiting probation supervision terms, particularly for state jail felons, and giving offenders in the community incentives for completing treatment (e.g., reduce sentence length). Along with this, funding to support a system of alternatives to incarceration and effective implementation of practices was suggested.
- Interviewees recommended removing low-level substance abusers from the state jail and prison system. Among the items suggested were additional sentencing alternatives for substance abusers and limitations placed on who could be sent to state jail or prison for continued substance use.

QUALITATIVE REVIEW METHODOLOGY AND FINDINGS

- Most of the interviewees stated that the juvenile systems were working effectively. Greater attention to the distribution of resources to local juvenile probation departments for prevention and intervention programming should occur. More re-entry and aftercare services for youth leaving juvenile residential confinement may enhance effectiveness.

Appendix C details the review findings separately for each interview tier.

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

APPENDIX A: ADULT CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

ADULT INCARCERATION POPULATION PROJECTION

ADMISSIONS: Admissions are based on the historical growth in direct sentences and the historical rate at which probationers (offenders on community supervision) and parolees are revoked.

DIRECT COURT COMMITMENTS -- Projected yearly growth rates in direct court commitments vary according to fluctuations in populations, felony court activity, and trends in direct sentence admissions to TDCJ. It is projected that direct sentences to TDCJ will increase on average by 10 percent annually.

COMMUNITY SUPERVISION AND PAROLE REVOCATIONS -- The historical ratios of felony community supervision (0.131) and parole (0.140) revocations to prison facilities are applied to the projected populations to determine the number of projected revocation admissions.

STATE JAIL ADMISSIONS -- Due to recent statutory changes that affect state jail admissions (i.e., House Bill 2668, 78th Legislature), comparable historical information is not available for admission projections. House Bill 2668, implemented on September 1, 2003, requires community supervision for state jail felony drug offenders as long as the amount of drugs possessed is small and the offender has no previous felony convictions. Prior to the implementation of HB 2668, the state jail population increased by 12 percent in fiscal year 2002 and 9 percent in fiscal year 2003. In fiscal year 2004, the state jail population decreased by 6 percent and reached its lowest population level by the middle of the fiscal year. The population then increased in stages through the rest of 2004 and early fiscal year 2005. It is assumed for the projection period that the state jail population will gradually increase at varying yearly rates ranging from 2.7 to 3.9 percent.

LENGTH OF SENTENCE: Length of sentence is based on actual sentence lengths for various offense types during fiscal years 2002, 2003, and 2004.

TIME SERVED: The time served is based on the actual amount of time served for various offense types and statutory requirements during fiscal years 2002, 2003, and 2004.

STATUTORY RULES OF MOVEMENT: The rules of movement used in the projection model are based on the laws in effect at the time an offender is sentenced that specify how they can be processed through the prison system. This takes into account when and if offenders are eligible for parole, mandatory supervision, or discretionary mandatory supervision. For the purpose of the reported projections, admissions to TDCJ in fiscal year 2005 and beyond are processed through the prison system under current law. Offenders in the population prior to fiscal year 2004, however, are processed through the prison system under the laws in place when the offenders committed their offense of record.

APPENDIX A: ADULT CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

OFFENSE DISTRIBUTION: In order to accurately project future releases from TDCJ, the on-hand offender population and prison admissions are divided into nine groups based on the offense of record and the year in which the offense was committed. The offense and the date of the offense help determine when an offender will be eligible for release and the likelihood that an inmate will be released. The model estimates future prison admissions and populations using historical TDCJ records that date back to fiscal year 1999.

PAROLE RELEASE PRACTICES: The model assumes current parole release practices.

PAROLE APPROVAL RATE -- During fiscal year 2004, the average parole approval rate was 30.5 percent and is estimated at 30.5 percent for fiscal years 2005–10.

PAROLE CASE CONSIDERATIONS -- Parole case considerations increased from 62,326 in fiscal year 2003 to 63,430 in fiscal year 2004. Parole case considerations are assumed to continue increasing, reflecting further increases in the incarcerated population.

DISCRETIONARY MANDATORY SUPERVISION (DMS) APPROVAL RATE -- During fiscal year 2004, the average DMS approval rate was 58 percent and is estimated at 58 percent for fiscal years 2005–10.

In addition to the assumptions discussed above, there are other adult criminal justice trends that have been considered; however, these factors are not currently incorporated into the projection model. If major shifts occur from the latest trends in the areas listed below, adjustments to projection may become necessary.

CRIME RATE -- The crime rate has declined from its peak in 1988 and has remained at a lower level since 2000.

UNEMPLOYMENT RATE -- The unemployment rate is projected to decrease steadily from 6.1 in fiscal year 2004 to 5.8 in fiscal year 2010 (Comptroller of Public Accounts, Fall 2004 Economic Forecast).

APPENDIX A: ADULT CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

ACTIVE ADULT PAROLE POPULATION PROJECTION

The projection is based on data collected by TDCJ and on an integrated simulation model in which offenders are released under the conditions of parole to the supervision of TDCJ's Parole Division. Offenders may be released to parole supervision through various methods.

Parole is the conditional release of an offender from prison, after approval by two (of three) members of the parole committee, to serve the remainder of his sentence under supervision in the community.

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 the Board of Pardons and Paroles (BPP). MS was abolished in August 1996 and replaced with Discretionary Mandatory Supervision (DMS); however, there are some offenders who entered prison prior to that time who are still eligible for MS release.

Discretionary Mandatory Supervision (DMS) is the current form of "mandatory" release and requires approval by a parole panel for release of eligible offenders.

The assumptions regarding the crime rate previously noted apply to this projection as well.

ADULT FELONY DIRECT COMMUNITY SUPERVISION POPULATION PROJECTION

The basis for the reported projection is the average percentage decrease in the adult felony direct community supervision population supervised by the 121 local community supervision and corrections departments (CSCDs) between fiscal years 2001 and 2004 (0.62 percent). The assumptions regarding the crime rate previously noted apply to this projection as well.

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

APPENDIX B: JUVENILE CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

JUVENILE RESIDENTIAL POPULATION PROJECTION

INTAKES: Intakes are based on the historical growth and decline of the various offense and intake types from fiscal years 2002 to 2003 (2.3 percent). Growth or decline for the various offense and intake types was calculated for each subsequent year based on the projected change from the previous year. Intake information from fiscal year 2004 was also considered, but did not affect the decisions made in the June 2004 projection regarding the overall projected intakes. Overall, it is projected that intakes to residential facilities will increase on average by 1.6 percent annually.

Intake types include:

NEW COMMITMENTS – Juveniles committed to TYC for the first time.

RECOMMITMENTS – Juveniles previously committed to TYC who are again committed by the court.

NEW OFFENSE PAROLE VIOLATORS – Juveniles revoked from parole for a new offense.

TECHNICAL PAROLE VIOLATORS – Juveniles revoked from parole for a technical violation of parole.

NEGATIVE MOVEMENTS – Juveniles moved back into residential care from parole (not revoked or recommitted).

LENGTH OF TIME SERVED: The calculation of releases from the residential population is based on the length of time served by youths by offense groupings. Historically, the overall length of time served has been declining. Average time served in fiscal year 2002 was 18.6 months, which dropped to 17.4 months in fiscal year 2004. The time served requirements used in the projection model are based on reported time served by releases for fiscal year 2004.

RULES OF MOVEMENT: Juveniles are aged in the projection model based on time served, offense, and intake type. New commitments stay in the model until they are first released. The other intake categories reflect the time a juvenile has served for that particular intake only. The model moves juveniles through the TYC system based on whether they receive determinate or indeterminate sentences. Most TYC offenders receive indeterminate sentences.

In addition to the assumptions discussed above, there are other juvenile criminal justice trends that have been considered. These factors are not currently incorporated into the projections model. If major shifts occur from the latest trends in the areas listed below, adjustments to the projection may become necessary.

JUVENILE ARREST RATE -- The Texas juvenile arrest rate increased slightly between 2002 and 2003 (1.6 percent) after a period of decline and stabilization between 1996 and 2002.

JUVENILE POPULATION -- Between 2000 and 2004, the annual growth rate of the general juvenile population was 1.1 percent. The annual growth rate is projected to be 0.07 percent between 2005 and 2010.

APPENDIX B: JUVENILE CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

JUVENILE PROBATION POPULATION PROJECTION

The projection is based on data reported to the LBB on a monthly basis and data compiled by the Juvenile Probation Commission in their annual probation activity report. The assumptions regarding the general juvenile population and juvenile arrest rate previously noted apply to this projection as well.

There are three types of juvenile supervision: adjudicated probation, deferred prosecution, and supervision prior to court proceedings. Adjudicated probation is a form of community-based supervision for a specified period of time. Deferred prosecution is a voluntary alternative to adjudication with court-imposed conditions and supervision requirements. Supervision prior to court proceedings includes juveniles under temporary supervision pending a disposition or court action, and juveniles conditionally released from detention. A projection is done for each supervision group separately.

Projected growth in adjudicated probation (0.8 percent per year), deferred prosecution (3.3 percent growth per year), and supervision prior to court proceedings (0.3 percent growth per year) are based on the average percent of population change at the end of the calendar year for years 2001 through 2003 and calendar year 2004 through August 2004. Monthly projections were computed to convert the data to fiscal year supervision averages.

**APPENDIX C:
QUALITATIVE REVIEW FINDINGS**

APPENDIX C: QUALITATIVE REVIEW FINDINGS

As part of the correctional population projections methodology, a qualitative review component was conducted for this January 2005 report. The purpose of the review was to obtain a more in-depth understanding of criminal justice trends that were originally reported in the June 2004 *Adult and Juvenile Correctional Population Projections* report. In-person and phone interviews were conducted with decision-makers, practitioners, and offenders involved in the adult and juvenile criminal justice systems. A total of 66 interviews were conducted encompassing three tiers of interviewees. The first tier included agency administrators and oversight board/commission chairs from the Texas Youth Commission (TYC), Texas Juvenile Probation Commission (TJPC), Texas Department of Criminal Justice (TDCJ), Texas Commission on Jail Standards, Office of Court Administration, Texas District and County Attorneys Association, Texas Criminal Defense Lawyers Association, and Texas Task Force on Indigent Defense for a total of 26 interviews. The second tier included juvenile and adult probation and parole directors and supervision officers, TYC and TDCJ facility wardens and program staff, and district and county judges for a total of 28 interviews. The third tier included 12 adult offenders currently in the criminal justice system.

SUMMARY OF TIER I INTERVIEWS

WHAT CAUSES WOULD YOU ATTRIBUTE TO THE GROWING TEXAS PRISON POPULATION?

Most of the officials interviewed were not surprised by projected growth in the adult incarceration population. A few indicated that if you build prisons or add beds, they will be filled. Mental health and drug treatment were the two most frequently mentioned areas of offender rehabilitation that need to be addressed. Other reasons listed for the growing prison population were:

- An increase in the number of felony cases being added and disposed from court dockets;
- Growth in the state adult population;
- A lack of effective alternatives; and
- Disconnection between the courts and various other components of the criminal justice system.

WHY ARE DIRECT SENTENCES TO INCARCERATION FROM THE COURTS INCREASING?

Many of the officials interviewed did not know why direct sentences to prison were increasing. Some did note that there are fewer alternatives available for judges to use and that some offenders would rather do the time in prison or jail than be placed on probation. Some other reasons listed for the increase in direct sentences to incarceration were:

- Increase in the number of offenders “recycling” through the system, especially offenders who had already served state jail sentences as the result of a plea bargain;
- Many drug cases are going directly into the state jail or prison system; and
- Offenders’ treatment needs are not being met in the community.

APPENDIX C: QUALITATIVE REVIEW FINDINGS

SOME OF THE OPTIONS RECOMMENDED TO DECREASE THE RISING ADULT INCARCERATION POPULATION TRENDS WERE:

- Revise Chapter 42.12 (Community Supervision) of the Code of Criminal Procedure to update probation requirements and practices (e.g., length and standard conditions of probation);
- Revise the Penal Code to remove offenders convicted of possessing small amounts of drugs from the state jail/prison system; and
- Give offenders in the community incentives for completing treatment (e.g., reduce sentence length).

OPINIONS REGARDING THE EFFECTIVENESS OF THE ADULT PAROLE SYSTEM

Responses regarding the effectiveness of the parole supervision system were varied. Many thought it was working well. One advantage of the parole system that was mentioned was that since it is centralized, they can quickly change operations as needed. One way the system could be enhanced is to provide more community options for technical parole violators to keep them out of the prison system. The use of intermediate sanction facilities, which are cheaper than prison beds, could be increased.

OPINIONS REGARDING THE EFFECTIVENESS OF THE ADULT COMMUNITY SUPERVISION SYSTEM

Responses regarding the effectiveness of the adult community supervision (probation) system were varied as well. The most common response regarding the decrease in the number of offenders under supervision was that many offenders do not want to be placed on probation because of its difficulty and expense. State jail incarceration may have become a diversion from probation. Also, the closure of some residential facilities and lack of funding has raised some questions about its effectiveness with sentencing officials. Some options mentioned to increase the utilization and effectiveness of probation were:

- More funding for alternatives to incarceration and a reduction in caseload sizes;
- Change the way the early probation termination option is used;
- Make it more difficult for a judge to revoke a technical violator to prison;
- Separate the oversight agency (TDCJ's Community Justice Assistance Division) from the Texas Department of Criminal Justice, which would allow for increased autonomy, confidence, and use of the system; and/or
- Create a more centralized adult probation system, which would allow for quicker changes in operations as needed.

OPINIONS REGARDING THE EFFECTIVENESS OF THE JUVENILE JUSTICE SYSTEM

Not many of the officials interviewed had strong opinions about the effectiveness of the juvenile justice system. Most of those that did respond liked the discretion that the Texas Youth Commission has over the treatment of offenders and said it has been much better with the increase in offenders' lengths-of-stay over the last decade. Regarding the Juvenile Probation

APPENDIX C: QUALITATIVE REVIEW FINDINGS

Commission, it was noted that not all local jurisdictions have the local resources they need to treat their youth. The availability of local resources among the different jurisdictions should be examined.

SUMMARY OF TIER II INTERVIEWS

WHAT CAUSES WOULD YOU ATTRIBUTE TO THE GROWING TEXAS PRISON POPULATION AND INCREASES IN DIRECT SENTENCES TO INCARCERATION?

Most of the practitioners interviewed were not surprised by the projected growth in the adult incarceration population. Many also indicated that if you build prisons or add beds they will be filled. The main reason listed for growing prison populations by the majority of practitioners interviewed was that offenders would rather go to state jail or prison, than be placed on probation. Offenders view probation as too difficult and too expensive. Other reasons listed for the growing prison population and increases in direct sentences to incarceration were:

- A lack of drug treatment for the increasing drug offender population;
- An increase in the number of repeat offenders, particularly those previously in state jails;
- A lack of treatment for mentally ill offenders;
- A lack of alternative probation sanctions; and
- A lack of confidence in the adult probation system by judges.

OPINIONS REGARDING THE EFFECTIVENESS OF THE ADULT PAROLE SYSTEM

There were only a few responses regarding the effectiveness of the parole supervision system. Most thought it was working well. A few thought there should be more treatment options and that smaller caseloads would help the system.

OPINIONS REGARDING THE EFFECTIVENESS OF THE ADULT COMMUNITY SUPERVISION SYSTEM

Responses regarding the effectiveness of the adult community supervision system were fairly consistent. The most common response regarding the decrease in the number of offenders under felony supervision was that many offenders do not want to be placed on probation because it's too difficult, too lengthy, and too expensive. Added to this, courts are seeing more offenders who have already been exposed to community supervision at least once before. With returning offenders, sanctions tend to become more severe. Some options to increase the utilization and effectiveness of community supervision were:

- More funding for alternatives to incarceration;
- More funding to reduce caseload size;
- Increased and more effective drug treatment; and
- Reduced length of probation sentences.

APPENDIX C: QUALITATIVE REVIEW FINDINGS

OPINIONS REGARDING THE EFFECTIVENESS OF THE JUVENILE JUSTICE SYSTEM

Regarding the Texas Youth Commission, the main option mentioned that would increase its effectiveness is more follow-up through reentry and aftercare programs. It was also stated that TYC needs to retain more qualified staff and provide more treatment options for females.

Regarding the Juvenile Probation Commission, many stated that youth are more responsive to treatment than adults. It is generally viewed that intervention and treatment of offenders as juveniles will have greater success than dealing with them as adults. It was frequently stated that the system is working fairly well, though they could dispose of more cases with deferred prosecution. One potential problem noted is a recent increase in gangs and violent offenders.

APPENDIX C: QUALITATIVE REVIEW FINDINGS

SUMMARY OF TIER III INTERVIEWS

The objective of interviewing offenders was to understand decisions that lead to their current sentence and to obtain their perspective on factors contributing to growing prison pressures. Offenders interviewed included those sentenced directly to state jail and prison; those in state jail or prison for parole or probation revocations; and offenders serving up-front state jail time.

SENTENCING

All of the offenders serving direct sentences preferred a plea bargain for state jail or prison time in lieu of probation. Many had previous experience on adult probation and preferred to do the “flat time”, particularly state jail felons. Most of the probationers who were revoked stated that if they had their sentencing to do over again, they would have opted to serve a direct prison sentence.

WHY IS THE PRISON POPULATION GROWING?

A few of the offenders interviewed stated that drug treatment is not available to help the offenders who want to get off drugs. Offenders indicated they couldn't make it on probation without the treatment. The offenders confirmed previous statements that they would rather do the time than deal with probation. One offender simply stated: “Who can finish 10 years of probation?” Another offender stated: “If you know you're not going to live right, probation isn't for you.” There was consistency in statements by offenders that state jail time was ‘easy time’. Unlike a prison sentence, good time cannot be given or taken away since all state jail sentences are served day for day.

WHY ARE JUDGES SENDING MORE OFFENDERS TO PRISON?

Most of the offenders stated that judges are tired of seeing them return to the courts. Judges opt to sentence returning offenders directly to prison or revoke their probation rather than provide them another chance in the community.

HOW EFFECTIVE IS PROBATION?

Almost all of the offenders interviewed were very negative about previous probation sentences. They indicated that their probation officers cared only about collecting fees and that probation should be less about money and more about community service and programs. One offender summed up his probation experience as hard to complete, costly [monetarily], very impersonal, and not rehabilitative.

HOW EFFECTIVE IS INCARCERATION?

A few of the offenders claimed that the deterrent effect works and that they would not be coming back. In general, most of them found their stay at the state jail to be very boring.