

**ADULT AND JUVENILE CORRECTIONAL POPULATION PROJECTIONS
FISCAL YEARS 2006–2011**



**LEGISLATIVE BUDGET BOARD
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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. This report is provided to the Juvenile Probation Commission, the Texas Youth Commission, and the Texas Department of Criminal Justice so they may incorporate the relevant information into their Legislative Appropriations Requests for the 2008–09 biennium.

In January 2007, updated projections will be published in preparation for the Eightieth Legislative Session. Enhancements to the current projections will be 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 2006 will be analyzed and incorporated into the updated projections.



John O'Brien
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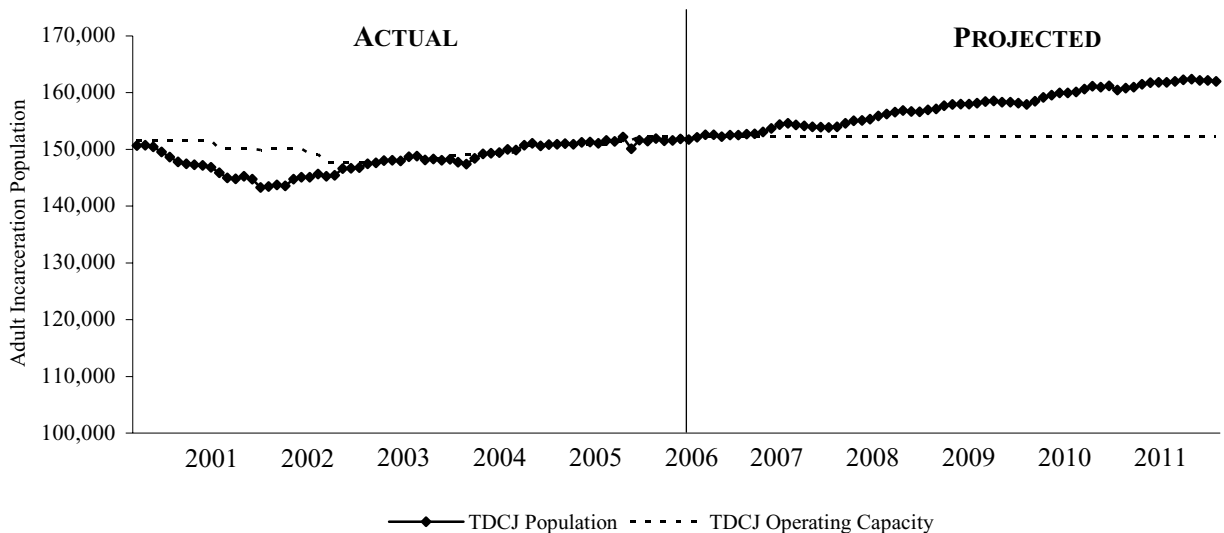
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ADULT CORRECTIONAL POPULATION PROJECTIONS

ADULT INCARCERATION ACTUAL AND PROJECTED POPULATIONS FISCAL YEARS 2001–2011

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 projection model imitates offender movement based on their offense type, sentence length, and time credited to their current sentence.

The adult incarceration population is projected to increase, although at a lower rate than previously projected. The current projection is similar to the January 2005 projection through fiscal year 2007. After fiscal year 2007, the adult incarceration population is not anticipated to grow as quickly due to a decrease in projected admissions. Fiscal year 2005 admissions data have tempered admissions in the current projection. A continued increase in direct court sentences to prison is the primary driving force behind the projected growth in the incarcerated population. Any significant change in projection drivers (e.g., parole approval rates) may impact projected populations. Additional information regarding the projection drivers and model assumptions are detailed in Appendix A.



- As of May 1, 2006, the total state prison capacity was 154,702 beds. Effective July 1, 2005, TDCJ began contracting for county jail beds. As of May 1, 2006 their total contracted capacity was 1,418. The operating capacity preferred by TDCJ prison administrators is 97.5 percent of the total combined capacity (156,120), which equals 152,217 beds.
- Projected incarceration populations at the end of each biennium are as follows: 153,935 for 2006–07; 158,162 for 2008–09; and 161,990 for 2010–11.

**ADULT INCARCERATION PROJECTED POPULATION
FISCAL YEARS 2006–2011**

FISCAL YEAR	INCARCERATION POPULATION (END-OF-YEAR)	TDCJ STATE OPERATING CAPACITY ¹	PROJECTED POPULATION EXCEEDING OPERATING CAPACITY ²	
			NUMBER	PERCENT
2006	152,265	150,834	1,431	0.9%
2007	153,935	150,834	3,101	2.1%
2008	156,620	150,834	5,786	3.8%
2009	158,162	150,834	7,328	4.9%
2010	160,448	150,834	9,614	6.4%
2011	161,990	150,834	11,156	7.4%

FISCAL YEAR 2007	END-OF-MONTH POPULATION	FISCAL YEAR 2008	END-OF-MONTH POPULATION	FISCAL YEAR 2009	END-OF-MONTH POPULATION
Sep-06	152,505	Sep-07	153,881	Sep-08	157,007
Oct-06	152,521	Oct-07	153,973	Oct-08	157,153
Nov-06	152,684	Nov-07	154,608	Nov-08	157,686
Dec-06	152,760	Dec-07	155,088	Dec-08	157,947
Jan-07	153,101	Jan-08	155,120	Jan-09	158,003
Feb-07	153,694	Feb-08	155,361	Feb-09	157,988
Mar-07	154,393	Mar-08	155,899	Mar-09	158,147
Apr-07	154,617	Apr-08	156,260	Apr-09	158,453
May-07	154,351	May-08	156,577	May-09	158,580
Jun-07	154,144	Jun-08	156,849	Jun-09	158,321
Jul-07	153,978	Jul-08	156,674	Jul-09	158,336
Aug-07	153,935	Aug-08	156,620	Aug-09	158,162
FY 07 Average	153,557	FY 08 Average	155,576	FY 09 Average	157,982

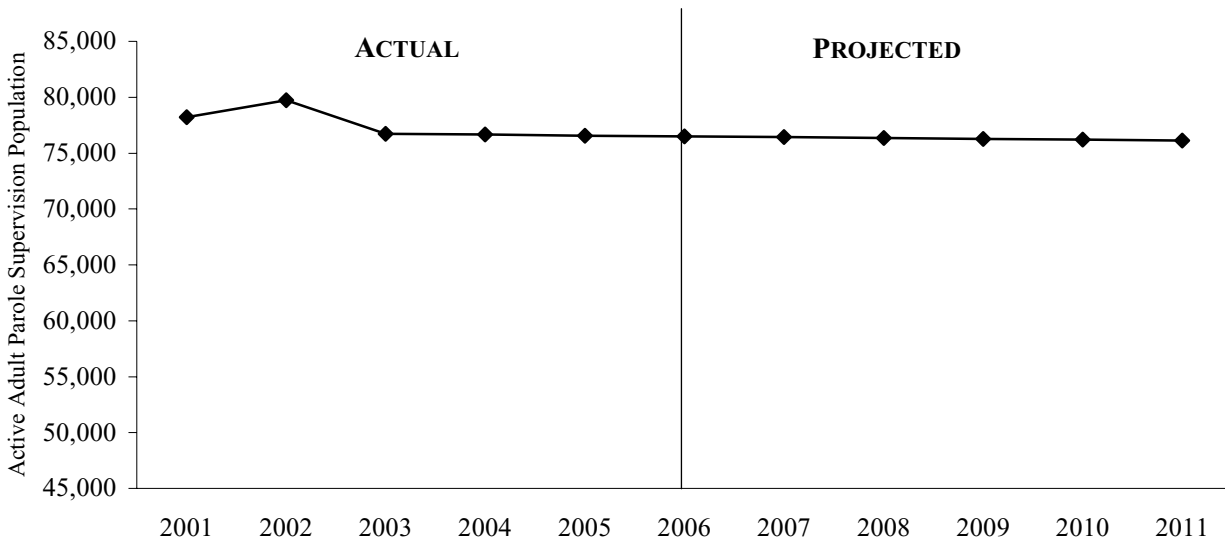
¹ The state operating capacity preferred by TDCJ prison administrators is 97.5 percent of bed capacity. As of May 1, 2006, the state prison capacity was 154,702 beds and the contracted capacity was 1,418 beds. TDCJ began contracting for county jail beds on July 1, 2005.

² TDCJ has funding to contract for, on average, 1,577 beds in fiscal year 2006 and 3,004 beds in fiscal year 2007.

ACTIVE ADULT PAROLE SUPERVISION ACTUAL AND PROJECTED POPULATIONS FISCAL YEARS 2001–2011

The adult parole supervision projection is for parolees under active supervision and is based on aggregate-level data collected monthly by TDCJ. The adult parole supervision population includes those offenders who are released from prison onto parole, mandatory supervision, or discretionary mandatory supervision.

The parole supervision population is projected to decrease slightly. The current projection is based on the average percent decrease in the parole supervision population from the beginning of fiscal year 2004 through the first seven months of fiscal year 2006 (i.e., 0.10 percent) and indirectly takes into account trends in parole approval. The parole supervision population is partially impacted by current parole (26.79 percent) and discretionary mandatory supervision (51.99 percent) approval rates and the actual number of releases granted. Parole approval rates for fiscal years 2004 through 2006 were lower than previously expected. Any significant change in projection drivers (e.g., release practices) may impact projected populations. Additional information regarding the projection drivers and model assumptions are detailed in Appendix A.

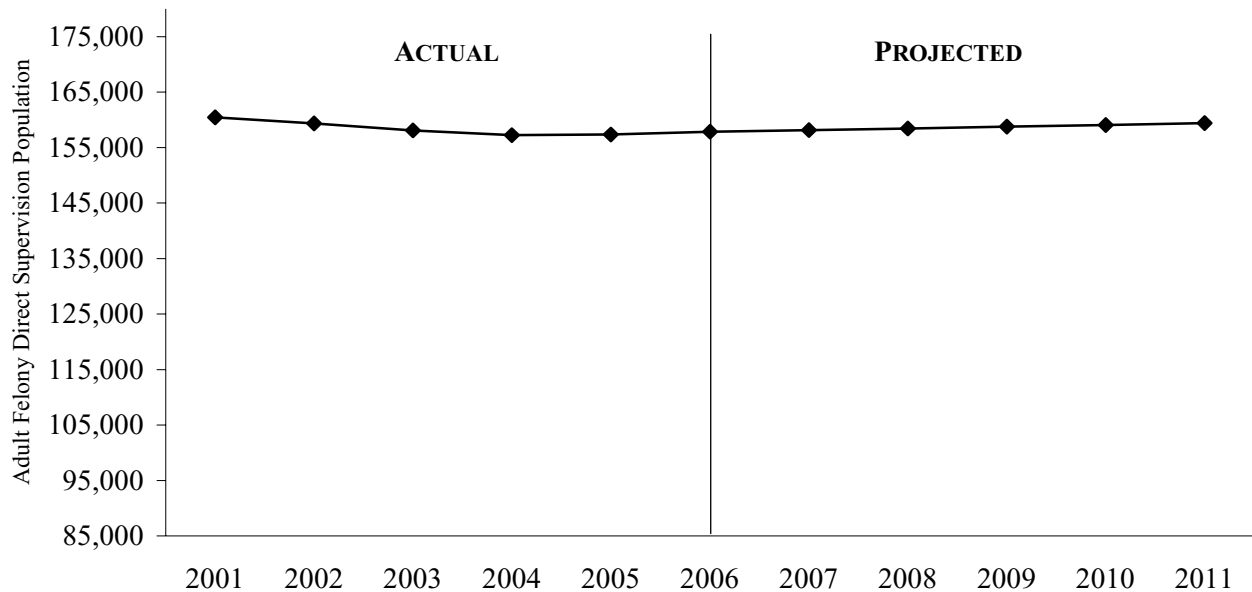


FISCAL YEAR	ACTIVE PAROLE SUPERVISION POPULATION (END-OF-MONTH YEARLY AVERAGE)
2006	76,507
2007	76,434
2008	76,360
2009	76,287
2010	76,214
2011	76,142

**ADULT FELONY COMMUNITY SUPERVISION ACTUAL AND PROJECTED POPULATIONS
FISCAL YEARS 2001–2011**

The adult community supervision (i.e., adult probation) projection is based on aggregate-level data collected by TDCJ in the Monthly Community Supervision and Corrections Report (MCSCR). The projection is for felons under direct supervision by 121 local Community Supervision and Corrections Departments (CSCDs) statewide.

The supervision population is projected to increase modestly. The current projection is based on the average percent increase in the adult felony direct community supervision population for fiscal year 2005 through the first six months of fiscal year 2006 (i.e., 0.20 percent), which is the first time any growth in the direct supervision population has been observed since 1999. Any significant change in projection drivers (e.g., diversion strategies) may impact projected populations. Additional information regarding the projection drivers and model assumptions are detailed in Appendix A.

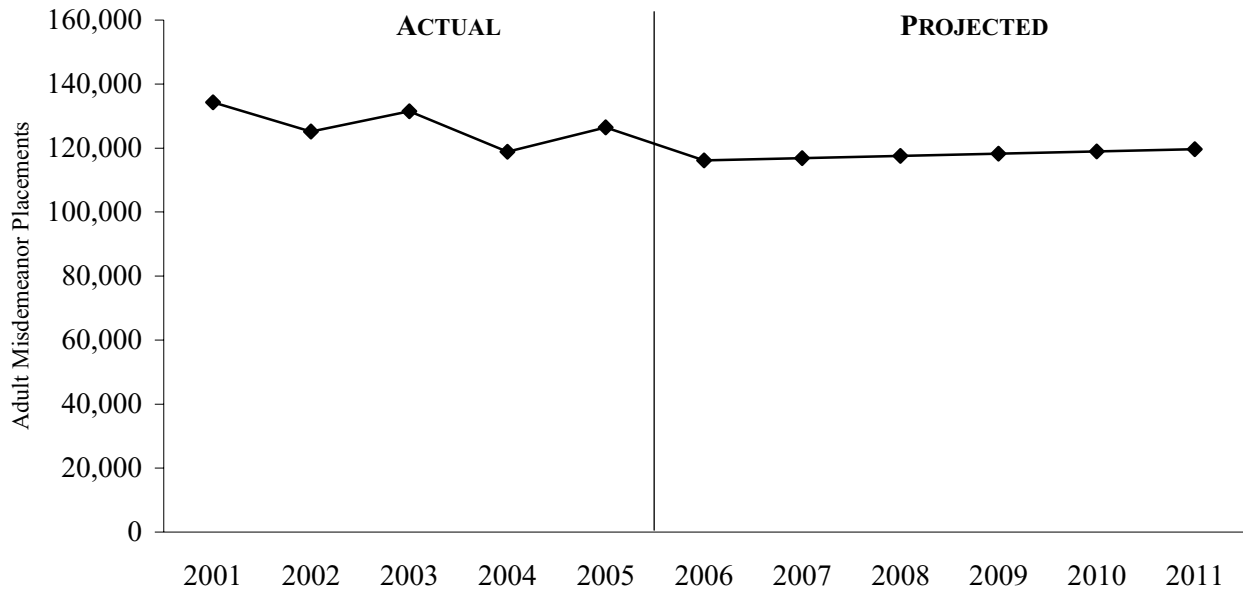


FISCAL YEAR	FELONY DIRECT COMMUNITY SUPERVISION POPULATION (END-OF-MONTH YEARLY AVERAGE)
2006	157,840
2007	158,150
2008	158,461
2009	158,772
2010	159,084
2011	159,396

**ADULT MISDEMEANOR COMMUNITY SUPERVISION ACTUAL AND PROJECTED PLACEMENTS
FISCAL YEARS 2001–2011**

The adult misdemeanor community supervision (i.e., adult probation) placements projection is based on aggregate-level data collected by TDCJ in the Monthly Community Supervision and Corrections Report (MCSCR). The projection is for misdemeanor placements by 121 local Community Supervision and Corrections Departments (CSCDs) statewide.

The misdemeanor supervision placements are projected to grow at a modest rate. The current projection is based on the average percent increase in adult misdemeanor community supervision placements for fiscal year 2003 through fiscal year 2005 (i.e., 0.60 percent). Any significant change in projection drivers (e.g., sentencing practices) may impact projected placements. Additional information regarding the projection drivers and model assumptions are detailed in Appendix A.



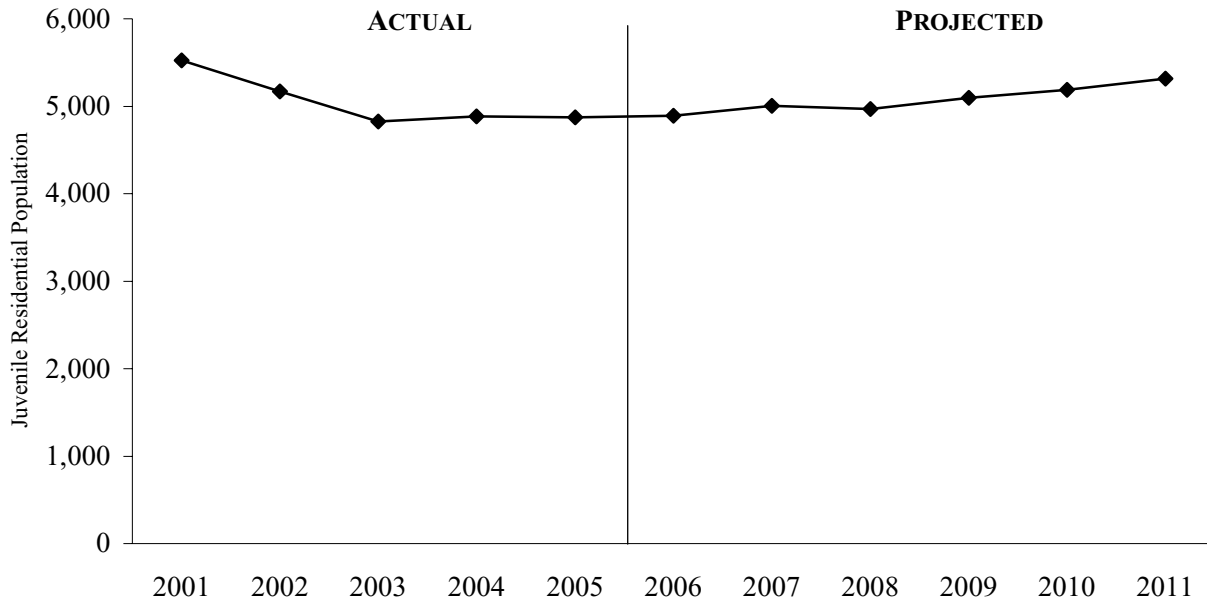
FISCAL YEAR	MISDEMEANOR COMMUNITY SUPERVISION YEARLY PLACEMENTS
2006	116,118
2007	116,816
2008	117,518
2009	118,224
2010	118,934
2011	119,649

JUVENILE CORRECTIONAL POPULATION PROJECTIONS

JUVENILE RESIDENTIAL ACTUAL AND PROJECTED POPULATIONS FISCAL YEARS 2001–2011

The residential population projection for the Texas Youth Commission (TYC) is based on a discrete-event simulation modeling approach resulting from the movement of individual juveniles into, through, and out of TYC. The projection model imitates offender movement based on their offense type, age, and historical average lengths of stay within TYC.

The residential population is projected to grow moderately through 2011. Depending on the composition of the offender population, the residential population may decrease due to release criteria characteristics of the population. The primary driving force behind the tempered growth in the residential population is a slowing of intakes and a steady length of stay for released juveniles. Between fiscal years 2004 and 2005, intakes increased by 0.6 percent. This level of growth in intakes (0.6 percent) is used in the projection model. In most cases, TYC has discretion in determining offender lengths of stay. The average length of stay remained constant for fiscal year 2005 at 17.4 months. The average length of stay for juveniles released during fiscal year 2005 for various offense types and age groupings is used to move juveniles through the projection model. 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: 5,006 for 2006–07; 5,096 for 2008–09; and 5,315 for 2010–11.
- The Texas juvenile arrest rate increased between 2003 and 2004 (5.3 percent) after a period of decline and stabilization between 1996 and 2002.

**JUVENILE RESIDENTIAL PROJECTED POPULATION
FISCAL YEARS 2006–2011**

FISCAL YEAR	TYC POPULATION (END-OF-YEAR)	TYC STATE-OPERATED FACILITY CAPACITY ³	PROJECTED POPULATION EXCEEDING STATE-OPERATED CAPACITY	
			NUMBER	PERCENT
2006	4,891	4,462	429	9.6%
2007	5,006	4,462	544	12.2%
2008	4,969	4,462	507	11.4%
2009	5,096	4,462	634	14.2%
2010	5,188	4,462	726	16.3%
2011	5,315	4,462	853	19.1%

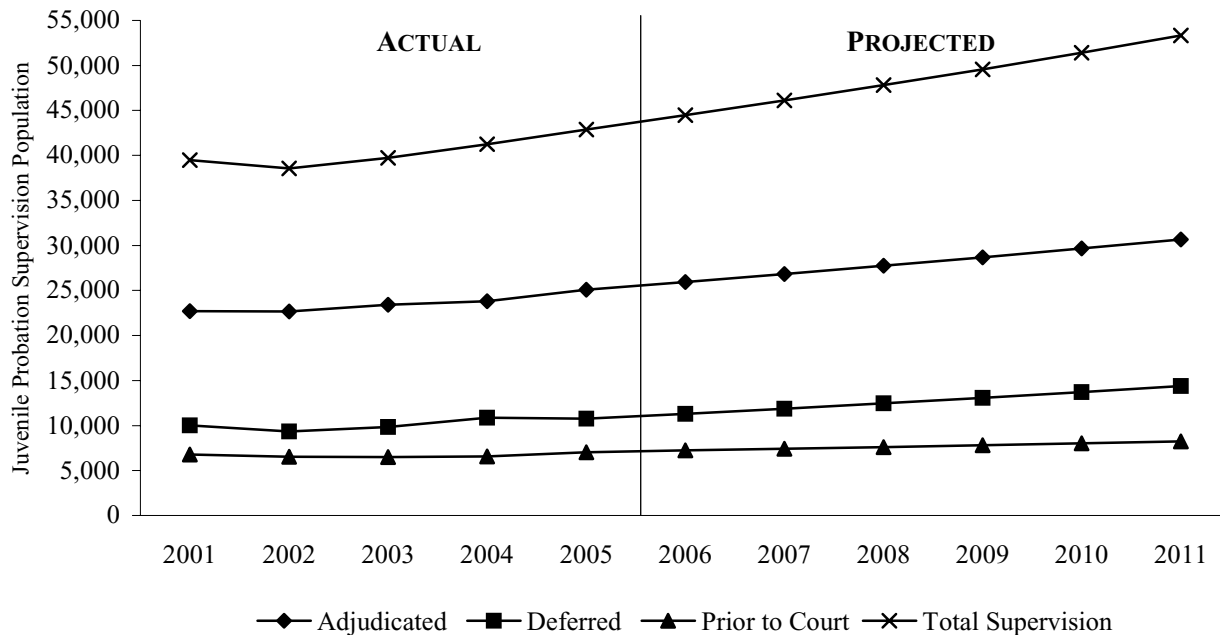
FISCAL YEAR 2007	END-OF-MONTH POPULATION	FISCAL YEAR 2008	END-OF-MONTH POPULATION	FISCAL YEAR 2009	END-OF-MONTH POPULATION
Sep-06	4,940	Sep-07	4,970	Sep-08	4,938
Oct-06	5,012	Oct-07	4,964	Oct-08	4,993
Nov-06	4,983	Nov-07	4,917	Nov-08	5,006
Dec-06	4,976	Dec-07	4,909	Dec-08	5,021
Jan-07	4,992	Jan-08	4,933	Jan-09	5,024
Feb-07	4,963	Feb-08	4,949	Feb-09	5,011
Mar-07	4,988	Mar-08	4,993	Mar-09	5,047
Apr-07	4,977	Apr-08	4,988	Apr-09	5,066
May-07	5,023	May-08	4,993	May-09	5,106
Jun-07	5,025	Jun-08	4,957	Jun-09	5,129
Jul-07	5,009	Jul-08	4,959	Jul-09	5,090
Aug-07	5,006	Aug-08	4,969	Aug-09	5,096
FY 07 Average	4,991	FY 08 Average	4,958	FY 09 Average	5,044

³ The state operating capacity for the Texas Youth Commission (TYC) is 97.5 percent of the total bed capacity. As of May 1, 2006, the total state capacity was 4,576 beds. TYC received funding to contract for, on average, 539 beds in fiscal year 2006 and 613 beds in fiscal year 2007 in addition to their state-operated facility capacity.

JUVENILE PROBATION SUPERVISION ACTUAL AND PROJECTED POPULATIONS CALENDAR YEARS 2001–2003 AND FISCAL YEARS 2004–2011

The juvenile probation supervision projection is based on aggregate-level data compiled monthly by the Juvenile Probation Commission (JPC). The projection is for juveniles receiving three types of supervision: adjudicated probation, deferred prosecution, and supervision prior to court proceedings.

The juvenile probation supervision population is projected to moderately increase. The JPC supervision population increased between fiscal years 2004 and 2005 at a higher rate than previously projected. Anticipated annual growth in adjudicated probation (3.42 percent), deferred prosecution (4.95 percent), and supervision prior to court proceedings (2.64 percent) are based on annual average percent change for fiscal year 2003 through fiscal year 2005. Any significant change in projection drivers (e.g., sentencing strategies) may impact actual populations. Additional information regarding the projection drivers and model assumptions are detailed in Appendix B.



FISCAL YEAR	ADJUDICATED PROBATION	DEFERRED PROBATION	SUPERVISION PRIOR TO COURT PROCEEDINGS	TOTAL SUPERVISION (END-OF-MONTH YEARLY AVERAGE)
2006	25,934	11,310	7,233	44,477
2007	26,819	11,870	7,424	46,114
2008	27,736	12,458	7,620	47,813
2009	28,683	13,074	7,821	49,579
2010	29,663	13,721	8,028	51,412
2011	30,676	14,400	8,240	53,316

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

APPENDIX A: ADULT CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

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 the flow of entities through a system and imitates offender movement based on their offense type, sentence length, and time credited to their current sentence.

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 of populations, felony court activity, and trends in direct sentence admissions to TDCJ. It is projected that direct sentences to TDCJ will increase at varying rates for each year depending upon population growth and court activity trends. Overall, direct sentences will increase by 3.5 percent during fiscal years 2006 through 2011.

COMMUNITY SUPERVISION AND PAROLE REVOCATIONS — Projected yearly rates of community supervision revocations (8.2 percent) and parole revocations (13.1 percent) are applied to the population projection model to determine the number of revocation admissions.

STATE JAIL ADMISSIONS — Due to certain statutory changes that affect state jail admissions (i.e., House Bill 2668, Seventy-eighth Legislature, Regular Session, 2003), comparable historical information prior to September 1, 2003 is not available for admissions projections. House Bill 2668, implemented on September 1, 2003, requires community supervision for state jail felony drug offenders as long as the possessed amount of drugs is small and the offender has no previous felony convictions. Prior to the implementation of House Bill 2668, the state jail population increased by 6.1 percent in fiscal year 2002 and 9.9 percent in fiscal year 2003. During fiscal years 2004 and 2005, the state jail population decreased 2.3 percent and 2.2 percent respectively. Following the temporary closure of beds by Hurricane Rita in September 2005, the state jail population decreased by nearly 2,200 persons from the end of August to the end of September. For the remainder of fiscal year 2006, the state jail population increased largely as a result of reopened state jail facilities. However, indicators of future increases in the state jail population include recently high admissions to state jail, and county jail data that indicates the number of state jail felons sentenced to county jail time has increased from 1,201 to 1,850 over the last twelve months. Using a conservative increase in state jail admissions in a discrete-event simulation model, it is assumed the state jail

APPENDIX A: ADULT CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

population will grow at an average annual rate of 2.4 percent for fiscal years 2006 through 2011.

LENGTH OF SENTENCE: Length of sentence is based on actual sentence lengths for various offense types during fiscal years 2004 and 2005.

TIME SERVED: The time served is based on the actual amount of time served for various offense types and statutory requirements during fiscal years 2004 and 2005.

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, which specify how the offender 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 projection, admissions to TDCJ in fiscal year 2006 and beyond are processed through the prison system under current law. However, inmates in the population prior to fiscal year 2006 are processed through the prison system under the laws in place when the inmates committed their offense of record.

OFFENSE DISTRIBUTION: To accurately project future releases from TDCJ, the inmate population and admissions are divided into nine groups based on offenses and the time at which offenders committed their offense of record. The offense and the time at which the offender committed the offense help determine when the offender will be eligible for release and the likelihood that the inmate will be released. The model estimates future admissions and populations, which reflect changes in offense distribution based on actual TDCJ records dating back to fiscal year 1999.

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

PAROLE APPROVAL RATE — During fiscal year 2005, the average parole approval rate was 27.7 percent. During fiscal year 2006, the rate has been slightly lower at 26.8 percent. The model is based on an average of 26.8 percent for fiscal years 2006 through 2011.

PAROLE CASE CONSIDERATIONS — During fiscal year 2005, there were an average of 5,866 parole cases considered each month. In fiscal year 2006, the monthly average has decreased slightly to 5,809 parole cases considered. It is expected that case considerations will increase during the remainder of fiscal year 2006 through 2011.

DISCRETIONARY MANDATORY SUPERVISION (DMS) APPROVAL RATE — During fiscal year 2005, the average DMS approval rate was 52.4 percent. During fiscal year 2006, the rate has remained stable at 52.0 percent. The model is based on an average of 52.0 percent for fiscal years 2006 through 2011.

APPENDIX A: ADULT CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

DISCRETIONARY MANDATORY SUPERVISION CONSIDERATIONS — During fiscal year 2005, there were an average of 1,147 discretionary mandatory supervision cases considered each month. In fiscal year 2006, the monthly average has increased to 1,355 cases considered. It is expected that case considerations will continue to increase during fiscal years 2006 through 2011.

In addition to the assumptions discussed, there are other adult criminal justice trends that have been considered; however, 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.

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

UNEMPLOYMENT RATE: The unemployment rate is projected to increase slightly from 5.0 in fiscal year 2006 to 5.2 in fiscal year 2011 (Comptroller of Public Accounts, Spring 2006 Economic Forecast).

ACTIVE ADULT PAROLE POPULATION PROJECTION

In preparing the active adult parole population projection, monthly data on the active parole supervision population, intakes to parole supervision, and releases from parole supervision were analyzed to understand the dynamics of movement of the parole supervision population. Analysis of the monthly transactional data was used to validate the growth rates used in the projection of the active adult parole supervision population.

Parole is the conditional release of offenders from prison, after approval by two (of three) members of the parole committee, to serve the remainder of their 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. 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 general adult population and crime rate previously noted apply to this projection as well.

APPENDIX A: ADULT CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

ADULT FELONY COMMUNITY SUPERVISION POPULATION PROJECTION

In preparing the projection for the adult felony community supervision population, monthly admission and release activity from the Monthly Community Supervision and Corrections Report (MCSCR) were analyzed to determine the most recent trends in community supervision placements and community supervision deletions. The monthly data provides validation of the growth rate used in the aggregate projection of the future adult felony community supervision population.

ADULT MISDEMEANOR COMMUNITY SUPERVISION PLACEMENT PROJECTION

The basis for the adult misdemeanor community supervision placement projection is the average percent increase of adult misdemeanor placements supervised by the 121 local Community Supervision and Corrections Departments (CSCDs) during fiscal years 2003 through 2005 (i.e., 0.60 percent). The assumptions regarding the general adult population and 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

The juvenile residential population projection for the Texas Youth Commission (TYC) is based on a discrete-event simulation modeling approach resulting from the movement of individual offenders into, through, and out of TYC. Discrete-event simulation focuses on the modeling of a system as it evolves over time as a dynamic process. The model simulates the flow of entities through a system and imitates juvenile movement based on their offense, intake type, age, and historic lengths of stay.

INTAKES: Intakes are based on the historical growth and decline of the various offense and intake types from fiscal years 2004 through 2005 (0.6 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 2006 was also considered, but was not used in the model. Overall, it is projected that intakes to residential facilities will increase, on average, by 0.6 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 FELONY OFFENSE PAROLE VIOLATORS — Juveniles revoked from parole for a new felony offense.

MISDEMEANOR AND TECHNICAL PAROLE VIOLATORS — Juveniles revoked from parole for a misdemeanor offense or technical violation of parole.

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

LENGTH OF STAY: The calculation of releases from the residential population is based on the length of stay by juveniles by offense groupings. Historically, the overall length of stay has been declining. Average time served in fiscal year 2004 was 17.4 months, which remained the same at 17.4 months in fiscal year 2005. The time served requirements used in the projection model are based on reported time served by releases for fiscal year 2005.

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.

APPENDIX B: JUVENILE CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

In addition to the assumptions discussed above, there are other juvenile criminal justice trends that have been considered. These factors are not used in the projection 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 between fiscal years 2003 and 2004 (5.3 percent) after a period of decline and stabilization between 1996 and 2002.

JUVENILE POPULATION — Between fiscal years 2000 through 2005, the annual growth rate of the general juvenile population was 1.02 percent. The annual growth rate is projected to be 0.13 percent between fiscal years 2006 through 2011.

JUVENILE PROBATION POPULATION PROJECTION

The juvenile probation population 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. 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 (3.42 percent per year), deferred prosecution (4.95 percent growth per year), and supervision prior to court proceedings (2.64 percent growth per year) are based on annual average percent change from fiscal year 2002 to fiscal year 2005.