

**ADULT AND JUVENILE CORRECTIONAL POPULATION PROJECTIONS
FISCAL YEARS 2010–2015**



**LEGISLATIVE BUDGET BOARD
JUNE 2010**

Criminal Justice Data Analysis Team

Michele Connolly, Manager

Jamie Gardner, Analyst

Adriana Marin, Analyst

Laurie Molina, Analyst

Tammy Perham, Analyst

Ed Sinclair, Analyst

Public Safety and Criminal Justice Team

Val Shepperd, Manager

Lori Gabbert, Analyst

Angela Isaack, Analyst

John Newton, Analyst

David Repp, Analyst

Melissa Wurzer, Analyst

Applied Research and Performance Audit Team

Garron Guszak, Manager

Ben McCulloch, Analyst

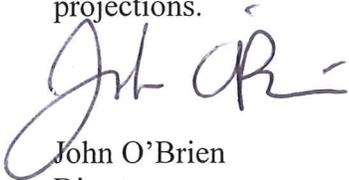
George Purcell, Jr., Analyst

**ADULT AND JUVENILE CORRECTIONAL POPULATION PROJECTIONS
FISCAL YEARS 2010–2015**

June 2010

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 Texas 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 2012–13 biennium.

In January 2011, updated projections will be published in preparation for the Eighty-second Legislative Session. Enhancements to the current projections will be made 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 impacting criminal justice populations. Additionally, comprehensive data through fiscal year 2010 will be analyzed and incorporated into the updated projections.



John O'Brien
Director
Legislative Budget Board

TABLE OF CONTENTS

ADULT CORRECTIONAL POPULATION PROJECTIONS	1
Adult Incarceration Actual and Projected Populations	2
Active Adult Parole Supervision Actual and Projected Populations.....	4
Adult Felony Direct Community Supervision Actual and Projected Populations	5
Adult Misdemeanor Direct Community Supervision Actual and Projected Placements	6
JUVENILE CORRECTIONAL POPULATION PROJECTIONS	7
Texas Youth Commission Residential Actual and Projected Populations	8
Juvenile Probation Supervision Actual and Projected Populations.....	10
APPENDIX A: ADULT CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS	11
Adult Incarceration Population Projection.....	12
Active Adult Parole Supervision Population Projection	15
Adult Felony Direct Community Supervision Population Projection.....	17
Adult Misdemeanor Direct Community Supervision Placements Projection	18
APPENDIX B: JUVENILE CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS	19
Texas Youth Commission Residential Population Projection	20
Juvenile Probation Supervision Population Projection	23

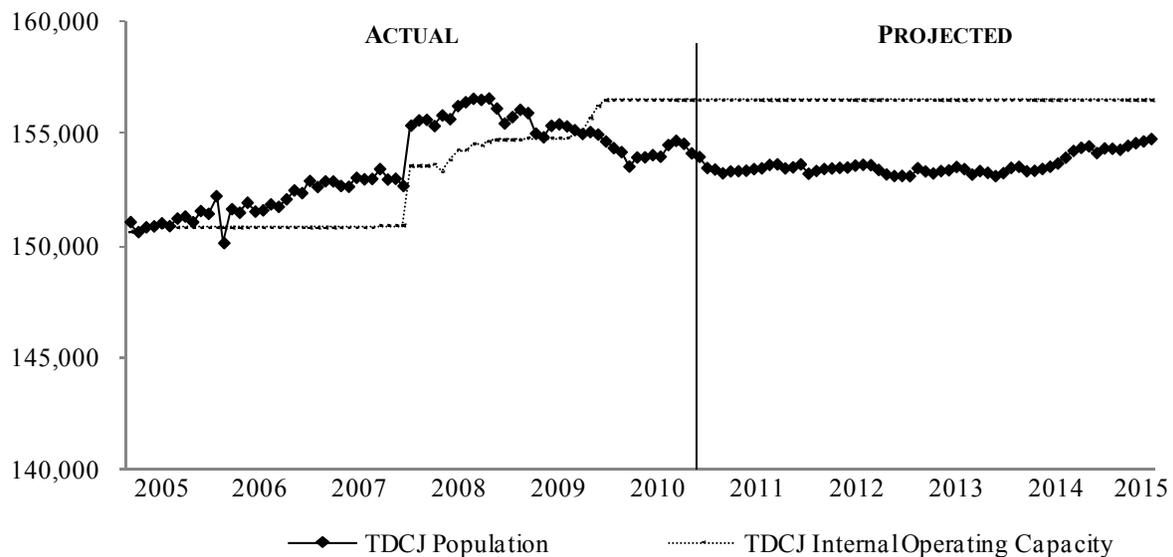
ADULT CORRECTIONAL POPULATION PROJECTIONS

ADULT INCARCERATION ACTUAL AND PROJECTED POPULATIONS FISCAL YEARS 2005–2015

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 offense type, sentence length, and time credited to current sentence.

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 1 along with the TDCJ internal operating capacity. The June 2010 projection incorporates information from fiscal year 2009 and the first half of fiscal year 2010. The June 2010 projection also incorporates the implementation of the treatment and diversion programs funded by the Eightieth Legislature, 2007, and adjustments to those programs made by the Eighty-first Legislature, 2009. This projection does not assume any additional changes in treatment and diversion programs. Additional information regarding projections and model assumptions are detailed in Appendix A.

Figure 1: Actual and Projected TDCJ Incarceration Populations and Internal Operating Capacity, Fiscal Years 2005-2015



- As of June 1, 2010, the total system capacity was 160,541 beds and the internal operating capacity was 156,527 beds. Contracts for temporary jail beds expired on August 31, 2009 and were not renewed.
- Projected incarceration populations at the end of each biennium are as follows: 153,638 for 2010–11; 153,425 for 2012–13; and 154,767 for 2014–15.

**ADULT INCARCERATION PROJECTED POPULATIONS
FISCAL YEARS 2010–2015**

Table 1: Projected TDCJ Incarceration Populations and Operating Capacity

FISCAL YEAR	INCARCERATION POPULATION (END-OF-YEAR)	TDCJ INTERNAL OPERATING CAPACITY ¹	PROJECTED POPULATION COMPARED TO STATE OPERATING CAPACITY ²	
			NUMBER	PERCENT
2010	154,551	156,527	(1,976)	-1.3%
2011	153,638	156,547	(2,909)	-1.9%
2012	153,600	156,547	(2,947)	-1.9%
2013	153,425	156,547	(3,122)	-2.0%
2014	153,671	156,547	(2,876)	-1.8%
2015	154,767	156,547	(1,780)	-1.1%

Table 2: Projected TDCJ End-of-Month Incarceration Populations

FISCAL YEAR 2011	END-OF-MONTH POPULATION	FISCAL YEAR 2012	END-OF-MONTH POPULATION	FISCAL YEAR 2013	END-OF-MONTH POPULATION
Sep-10	154,127	Sep-11	153,456	Sep-12	153,388
Oct-10	153,967	Oct-11	153,504	Oct-12	153,187
Nov-10	153,473	Nov-11	153,636	Nov-12	153,116
Dec-10	153,406	Dec-11	153,217	Dec-12	153,121
Jan-11	153,236	Jan-12	153,342	Jan-13	153,108
Feb-11	153,322	Feb-12	153,430	Feb-13	153,465
Mar-11	153,332	Mar-12	153,453	Mar-13	153,320
Apr-11	153,352	Apr-12	153,481	Apr-13	153,229
May-11	153,426	May-12	153,494	May-13	153,337
Jun-11	153,459	Jun-12	153,582	Jun-13	153,370
Jul-11	153,612	Jul-12	153,617	Jul-13	153,519
Aug-11	153,638	Aug-12	153,600	Aug-13	153,425
FY 11 Average	153,529	FY 12 Average	153,484	FY 13 Average	153,299

¹ TDCJ prison administrators use an internal operating capacity of 97.5 percent of system capacity. See Appendix A for additional details.

² Contracts for temporary jail beds expired on August 31, 2009, and were not renewed.

ACTIVE ADULT PAROLE SUPERVISION ACTUAL AND PROJECTED POPULATIONS FISCAL YEARS 2010–2015

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, and 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 simulation model keeps track of individuals released to parole, mandatory supervision, or discretionary mandatory supervision for the amount of 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 a violation of parole conditions. The June 2010 projection of the active adult parole supervision population is higher than previous parole supervision projections for two reasons: higher parole approval rates and lower parole revocation rates. Additional information regarding projection drivers and model assumptions are detailed in Appendix A.

Figure 2: Actual and Projected Active Adult Parole Supervision Populations, Fiscal Years 2005-2015

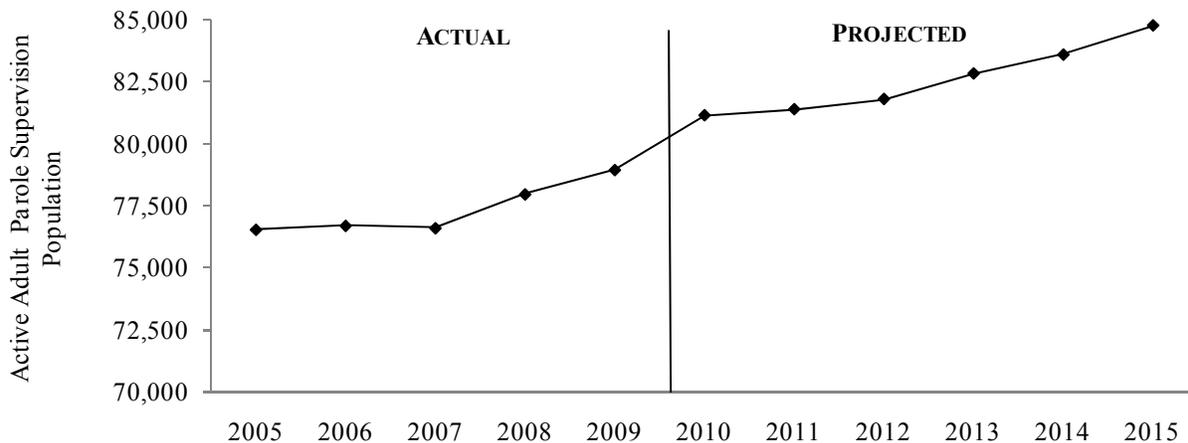


Table 3: Projected Active Adult Parole Supervision Populations

FISCAL YEAR	ACTIVE ADULT PAROLE SUPERVISION POPULATION (END-OF-MONTH YEARLY AVERAGE)
2010	81,198
2011	81,399
2012	81,810
2013	82,838
2014	83,595
2015	84,772

ADULT FELONY DIRECT COMMUNITY SUPERVISION ACTUAL AND PROJECTED POPULATIONS, FISCAL YEARS 2005–2015

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 the community supervision tracking system and reflect the time served by individuals on community supervision with similar offense and sentence information.

From fiscal year 1999 to fiscal year 2005, the adult felony direct community supervision population decreased before starting to increase in fiscal year 2006. The population continued to increase in fiscal years 2007 through 2009 and is expected to increase in future years based on increasing community supervision placements and a decreasing community supervision revocation rate. A factor that is anticipated to moderate future growth of the felony community supervision population is the increased use of early termination release. As more probationers are released from community supervision on early termination release, the growth in population from increased placements and decreased revocations will be moderated. Additional information regarding projection drivers and model assumptions are detailed in Appendix A.

Figure 3: Actual and Projected Adult Felony Direct Community Supervision Populations, Fiscal Years 2005-2015

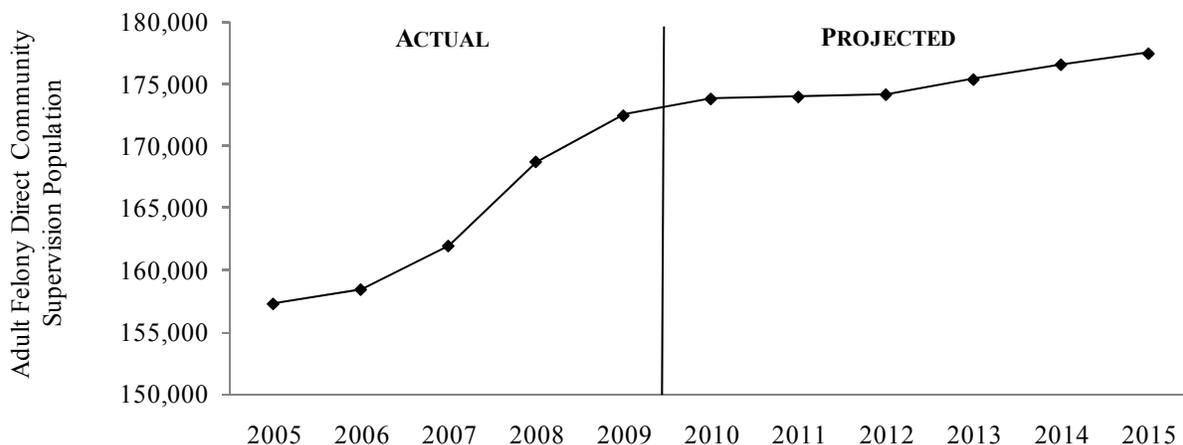


Table 4: Projected Adult Felony Direct Community Supervision Populations

FISCAL YEAR	FELONY DIRECT COMMUNITY SUPERVISION POPULATION (END-OF-MONTH YEARLY AVERAGE)
2010	173,867
2011	174,075
2012	174,214
2013	175,430
2014	176,630
2015	177,525

ADULT MISDEMEANOR DIRECT COMMUNITY SUPERVISION ACTUAL AND PROJECTED PLACEMENTS FISCAL YEARS 2005–2015

The adult misdemeanor direct 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.

The misdemeanor direct supervision placements are projected to decrease at a moderate rate. The total number of misdemeanor supervision placements decreased an average of 1.4 percent annually from fiscal years 2008 to 2009. While this yearly decrease was slight, the total number of misdemeanor placements decreased 9.9 percent since fiscal year 2007. However, large percentage changes from year to year are not uncommon and have ranged from a percent-change increase of 6.4 percent (fiscal years 2004 to 2005) to a decrease of 9.6 percent (fiscal years 2003 to 2004). In order to take this yearly variation into account, the current misdemeanor placement projection was developed through a regression analysis of data from fiscal year 2000 through fiscal year 2009. Any significant change in projection drivers (e.g., sentencing practices) may impact projected placements. Additional information regarding the projection drivers and model assumptions is detailed in Appendix A.

Figure 4: Actual and Projected Adult Misdemeanor Direct Community Supervision Placements, Fiscal Years 2005–2015

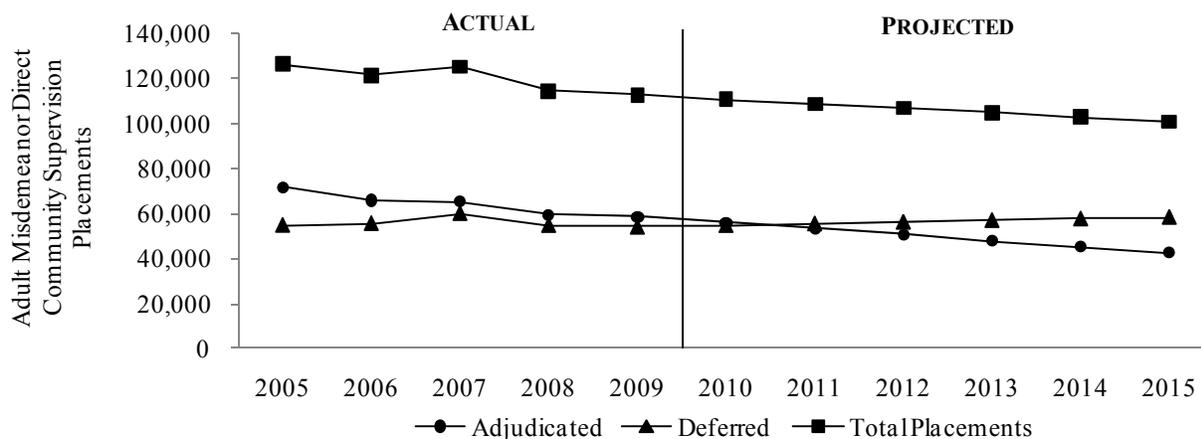


Table 5: Projected Adult Misdemeanor Direct Community Supervision Placements

FISCAL YEAR	ADJUDICATED SUPERVISION	DEFERRED ADJUDICATION	TOTAL PLACEMENTS
2010	55,964	54,812	110,776
2011	53,285	55,509	108,795
2012	50,607	56,206	106,813
2013	47,928	56,904	104,832
2014	45,249	57,601	102,850
2015	42,570	58,298	100,868

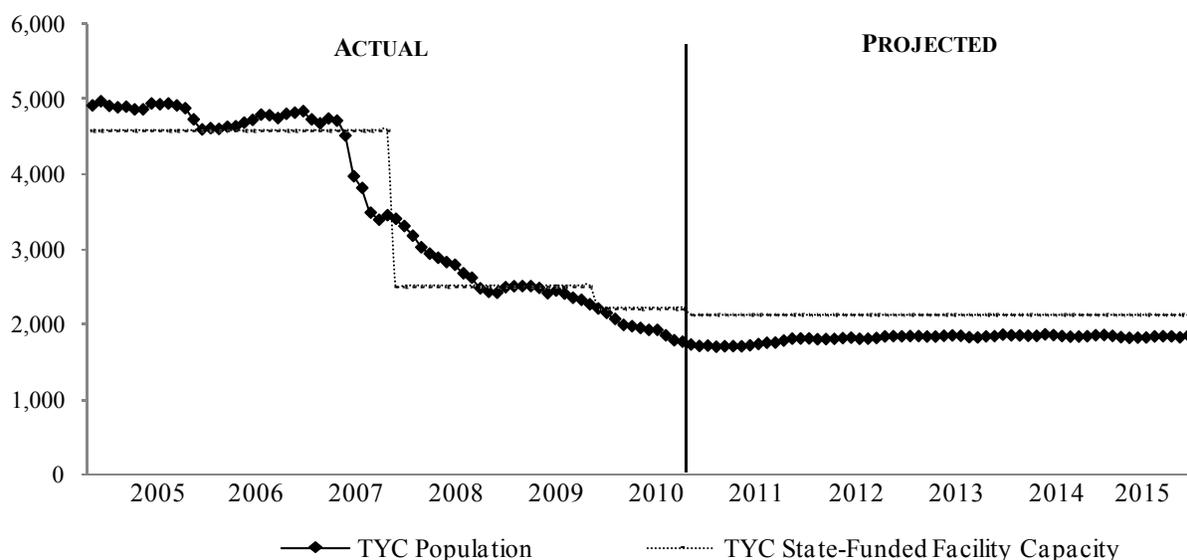
JUVENILE CORRECTIONAL POPULATION PROJECTIONS

TEXAS YOUTH COMMISSION RESIDENTIAL ACTUAL AND PROJECTED POPULATIONS FISCAL YEARS 2005–2015

The juvenile residential population projection for the Texas Youth Commission (TYC) is based on a discrete-event simulation modeling approach. The model simulates juvenile movement into, through, and out of TYC based on offense type, intake type, risk type, minimum length of stay, maximum length of stay possible given the youth's age, and time credited to current sentence. Based on an extrapolation of the first eight months of admissions for fiscal year 2010, this projection assumes TYC will receive 1,389 admissions per year for fiscal years 2010 through 2015. To project releases, a multivariate regression analysis was used to predict length of stay. The regression analysis was based on the characteristics and experiences of youth released between fiscal year 2008 and the first eight months of fiscal year 2010.

The model projects this population will continue to decrease slightly through the beginning of fiscal year 2011. The primary reason for this projected decrease is that admissions are projected to continue to fall modestly for the remainder of the fiscal year. The model projects the population will stabilize in early fiscal year 2011 and then slightly increase due to a minor rise in length of stay. Any significant change in projection drivers (e.g., sentencing practices) may impact actual populations. Appendix B provides additional information about these projections and model assumptions.

Figure 5: Actual and Projected TYC Residential Population, Fiscal Years 2005–2015



- For fiscal year 2010, the total state-funded TYC residential capacity was 2,214 beds. Projected TYC residential populations at the end of each biennium are as follows: 1,801 for 2010–11; 1,834 for 2012–13; and 1,852 for 2014–15.
- The projection model incorporates a new classification policy implemented by TYC on February 1, 2009. This policy updated the method and process used to determine minimum length of stay and readiness for release. Appendix B provides further detail on this change.

**TEXAS YOUTH COMMISSION RESIDENTIAL ACTUAL AND PROJECTED POPULATIONS
FISCAL YEARS 2005–2015**

Table 6: Projected TYC Residential Population and State-Funded Facility Capacity

FISCAL YEAR	TYC RESIDENTIAL POPULATION (END-OF-YEAR)	STATE-FUNDED CAPACITY ³	PROJECTED POPULATION COMPARED TO STATE-FUNDED CAPACITY	
			NUMBER	PERCENT
2010	1,722	2,214	(492)	-22.2%
2011	1,801	2,118	(317)	-15.0%
2012	1,834	2,118	(284)	-13.4%
2013	1,834	2,118	(284)	-13.4%
2014	1,846	2,118	(272)	-12.8%
2015	1,852	2,118	(266)	-12.6%

Table 7: Projected TYC End-of-Month Residential Population

FISCAL YEAR 2011	END-OF-MONTH POPULATION	FISCAL YEAR 2012	END-OF-MONTH POPULATION	FISCAL YEAR 2013	END-OF-MONTH POPULATION
Sep-10	1,703	Sep-11	1,803	Sep-12	1,832
Oct-10	1,708	Oct-11	1,804	Oct-12	1,836
Nov-10	1,693	Nov-11	1,793	Nov-12	1,835
Dec-10	1,700	Dec-11	1,795	Dec-12	1,829
Jan-11	1,701	Jan-12	1,798	Jan-13	1,828
Feb-11	1,699	Feb-12	1,808	Feb-13	1,839
Mar-11	1,712	Mar-12	1,814	Mar-13	1,844
Apr-11	1,729	Apr-12	1,799	Apr-13	1,839
May-11	1,746	May-12	1,800	May-13	1,820
Jun-11	1,748	Jun-12	1,809	Jun-13	1,817
Jul-11	1,775	Jul-12	1,830	Jul-13	1,831
Aug-11	1,801	Aug-12	1,834	Aug-13	1,834
FY 11 Average	1,726	FY 12 Average	1,807	FY 13 Average	1,832

³ Appropriations for TYC were based on a state-funded facility capacity of 2,214 beds for fiscal year 2010 and 2,118 beds for fiscal year 2011. TYC also receives funding to contract for 200 beds in fiscal years 2010 and 2011 in addition to state-funded facility capacity. As of June 1, 2010, TYC’s total operating capacity was 2,649 beds.

JUVENILE PROBATION SUPERVISION ACTUAL AND PROJECTED POPULATIONS FISCAL YEARS 2005–2015

The juvenile probation supervision projection is based on aggregate-level data compiled monthly by the Texas Juvenile Probation Commission (TJPC). Supervision types analyzed include: adjudicated probation, deferred prosecution, and supervision prior to disposition. The total juvenile supervision population is projected to moderately decrease. The current projection is based on the average annual percentage change from fiscal years 2004 to 2009 as follows: adjudicated probation (-2.3 percent), deferred prosecution (0.7 percent), supervision prior to disposition (0.8 percent), and total supervision (-1.0 percent). The total population is projected to decrease primarily due to recent declines in the adjudicated probation and supervision prior to disposition populations. Juvenile adjudicated probation populations decreased 20.3 percent between fiscal years 2006 and 2009. Overall, the total juvenile supervision population decreased 14.2 percent during this timeframe. A downward trend has continued into fiscal year 2010. Any significant change in projection drivers (e.g., sentencing practices) may impact actual populations. Appendix B provides additional information about this analysis.

Figure 6: Actual and Projected Juvenile Probation Supervision Populations by Supervision Type, Fiscal Years 2005–2015

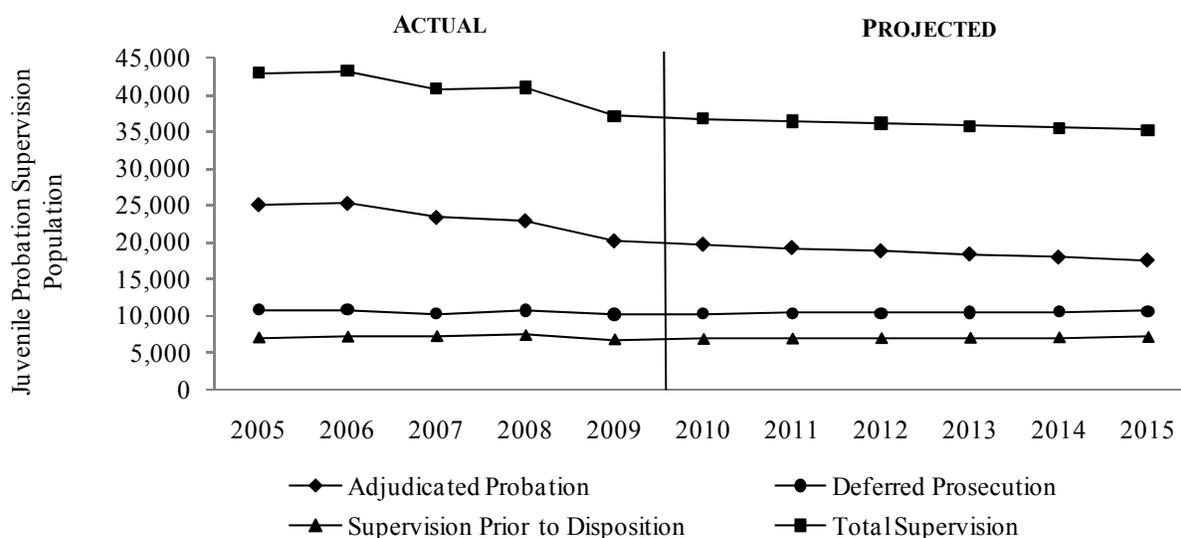


Table 8: Projected Juvenile Probation Supervision Populations by Supervision Type

FISCAL YEAR	END-OF-MONTH YEARLY AVERAGE			
	ADJUDICATED PROBATION	DEFERRED PROSECUTION	SUPERVISION PRIOR TO DISPOSITION	TOTAL SUPERVISION
2010	19,642	10,244	6,829	36,715
2011	19,187	10,317	6,886	36,390
2012	18,743	10,390	6,943	36,076
2013	18,309	10,464	7,001	35,774
2014	17,886	10,539	7,059	35,484
2015	17,472	10,614	7,118	35,204

**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 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 4.4 percent each year from fiscal year 2010 through fiscal year 2015. The 4.4 percent average growth rate in direct court commitments to prison is lower than the January 2009 projection, reflecting recent trends in court conviction rates and recent increases in felony probation placements.

COMMUNITY SUPERVISION AND PAROLE REVOCATIONS — Projected yearly rates of felony community supervision revocations to the prison system (14.4 percent) and parole revocations (10.6 percent) are applied to the population projection model to determine the number of revocation admissions. For this projection, it is assumed cases will be revoked at the average rate observed since the implementation of the diversion initiatives funded in fiscal years 2005, 2007, and 2009.

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

PAROLE CASE CONSIDERATIONS AND APPROVALS — During fiscal year 2009, the average parole approval rate was 30.4 percent and the average number of parole cases considered for approval each month was 6,302. It is expected parole case considerations and parole approval rates will increase slightly during the remainder of fiscal year 2010 through 2015.

DISCRETIONARY MANDATORY SUPERVISION (DMS) CONSIDERATIONS AND APPROVALS — During fiscal year 2009, the average DMS approval rate was 48.3 percent and the average number of discretionary mandatory supervision cases considered each month was 1,546. It is expected DMS case considerations and DMS approval rates will increase slightly during the remainder of fiscal year 2010 through fiscal year 2015.

APPENDIX A: ADULT CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

TREATMENT AND DIVERSION PROGRAMS: The Eightieth Legislature, 2007, appropriated \$217.7 million to Texas Department of Criminal Justice (TDCJ) for the expansion of treatment and diversion programs in fiscal years 2008 and 2009. These initiatives included funding for additional substance abuse treatment beds for probationers and incarcerated offenders, additional funding for mental health services for offenders, additional probation and parole intermediate sanction facility (ISF) beds, probation residential treatment beds, and parole halfway house beds. Diversion calculations assume appropriate turnover rates for each facility type. For example, substance abuse treatment beds are assumed to turn over twice per year meaning 1,500 beds can serve 3,000 offenders during the year. The implementation of these initiatives has been incorporated into the simulation model. As of June 1, 2010, the majority of the diversion initiatives funded by the Eightieth Legislature have been fully implemented. The remaining beds are expected to be operational by the end of fiscal year 2011.

TDCJ CAPACITY:

Table 9: TDCJ Capacity

FISCAL YEAR	UNIT CAPACITY	CAPACITY ADJUSTMENTS	SYSTEM CAPACITY	OPERATING ADJUSTMENTS	INTERNAL OPERATING CAPACITY
2010	163,175	(2,634)	160,541	(2.5%)	156,527
2011	163,195	(2,634)	160,561	(2.5%)	156,547

UNIT CAPACITY — The unit capacity is determined based on standards related to density and support functions. The unit capacity in the table above represents the sum of all unit capacities.

CAPACITY ADJUSTMENTS — Beds deducted from the sum of all unit capacities to accommodate logistical (inter- and intra-unit movement and classification) and safety issues. A portion of these beds include beds set aside as a precautionary measure to avoid triggering the provisions of the Prison Management Act and beds occupied by offenders in transit to other facilities.

SYSTEM CAPACITY — The total number of beds the system has available for use once the capacity adjustments have been taken into consideration.

OPERATING ADJUSTMENTS — The percent of the system capacity prison administrators leave unfilled to accommodate separating offenders by custody, type, and gender. Operating adjustments occur primarily in state jail, transfer, substance abuse, boot camp, and mental health facilities.

APPENDIX A: ADULT CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

INTERNAL OPERATING CAPACITY — The total number of beds available to house offenders. As of June 1, 2010, the TDCJ system capacity was 160,541 and internal operating capacity was 156,527 (97.5 percent of the TDCJ system capacity). The TDCJ internal operating capacity will increase to 156,547 when the addition of Substance Abuse Felony Punishment Facility (SAFPF) beds is complete.

Initiatives funded by the Eightieth Legislature, 2007, increased TDCJ unit capacity by 3,212 beds. Incarceration capacity increases include the following initiatives:

- SAFP as an alternative to revocation (1,500 additional beds)
- Contracting for an in-prison DWI treatment program (500 additional beds)
- Conversion of two Texas Youth Commission facilities to TDCJ facilities (606 beds each)

OTHER CONSIDERATIONS: In addition to the assumptions discussed, there are other adult criminal justice trends that have been examined; 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.

TEXAS CRIME RATE — The total crime rate decreased from its peak in calendar year 1988 and has remained steady at a lower level since calendar year 2000.⁴

TEXAS UNEMPLOYMENT RATE — The unemployment rate is projected to decrease slightly from 8.2 percent in fiscal year 2010 to 7.7 percent in fiscal year 2011.⁵

⁴ Texas Department of Public Safety, *Crime in Texas 2008* (Texas: Texas Department of Public Safety), p. 14.

⁵ Comptroller of Public Accounts, *2009-2010 Statistical Economic Forecast* (Texas: Comptroller of Public Accounts), <http://www.texasahead.org/economy/forecasts/fcst0910/fiscalSummary.html> (accessed: June 9, 2010).

APPENDIX A: ADULT CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

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 APPROVAL RATE — The parole approval rate has averaged 30.6 percent since fiscal year 2007. The parole approval rate for the first eight months of fiscal year 2010 is 31.3 percent. For this projection, it is assumed 30.1 percent of cases considered for parole will be approved. This approval rate is the average rate observed since the implementation of the diversion initiatives funded in fiscal years 2005, 2007, and 2009.

PAROLE CASE CONSIDERATIONS — The number of parole cases considered each year has increased since fiscal year 2003. During fiscal year 2009, an average of 6,302 parole cases were considered monthly. For the first eight months of fiscal year 2010, the monthly average number of cases considered was 6,370. This model indicates a slight increase in parole considerations for fiscal years 2010 through 2015 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 adult parole revocation rate has decreased since fiscal year 2004. In fiscal year 2004, the revocation rate was 14.8 percent while in fiscal year 2009 it was 9.1 percent. For this projection, it is assumed 10.6 percent of parolees will be revoked to prison. This revocation rate is the average rate observed since the implementation of the diversion initiatives funded in fiscal years 2005, 2007, and 2009.

TERMS DEFINED:

PAROLE — Parole is the conditional release of offenders from prison, after approval by members of the parole committee, 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 committee is sufficient; however, in some cases, approval must be received from two-thirds of the full parole board for parole to be granted.

APPENDIX A: ADULT CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

MANDATORY SUPERVISION (MS) — 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) — 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 the parole projections as well.

APPENDIX A: ADULT CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

ADULT FELONY DIRECT COMMUNITY SUPERVISION POPULATION PROJECTION

The adult felony direct community supervision population projection is based on 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 FELONY DIRECT COMMUNITY SUPERVISION POPULATION:

FELONY DIRECT COMMUNITY SUPERVISION PLACEMENTS — From fiscal year 2008 to fiscal year 2009, the number of adult felony direct community supervision placements grew 0.3 percent. The growth in placements in fiscal years 2008 and 2009 is much lower than in previous years. From fiscal years 2003 to 2008, the number of adult felony community supervision placements increased an average of 2.3 percent each year. Additionally, placements for the first six months of fiscal year 2010 are 0.03 percent lower than the first six months of fiscal year 2009. 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 increase by an average of 1.0 percent each year during fiscal years 2010 through 2015.

COMMUNITY SUPERVISION REVOCATION RATES — Fewer probationers are removed from the adult felony direct community supervision population when probation revocation rates are lower. The felony probation revocation rate has decreased since fiscal year 2004. In fiscal year 2004, the revocation rate was 16.7 percent while in fiscal year 2009, it was 15.2 percent. For this projection it is assumed 14.4 percent of probationers will be revoked to prison and state jail. This revocation rate is the average rate observed since the implementation of the diversion initiatives funded in fiscal years 2005, 2007, and 2009.

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 subsequent years for three reasons: 1) from fiscal year 2004 through fiscal year 2009, early terminations have increased from an average of 329 per month to an average of 526 per month; 2) House Bill 1678, Eightieth Legislature, 2007, requires judges to review a probationer's record for consideration of early termination upon completion of one-half of the original community supervision period or two years of community supervision, whichever is greater; and 3) early termination review is a required component for probationers that are part of a progressive sanctions probation system.

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

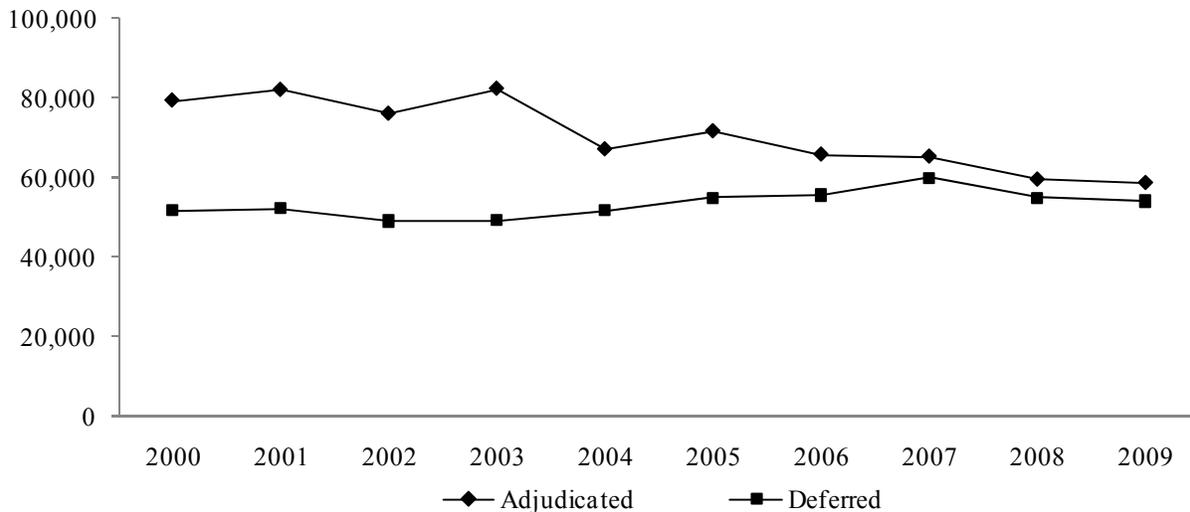
ADULT MISDEMEANOR DIRECT COMMUNITY SUPERVISION PLACEMENTS PROJECTION

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. The projection is for misdemeanor placements by 122 local community supervision and corrections departments statewide.

Adult misdemeanor placements have decreased since fiscal year 2007, down almost 10.0 percent by the end of fiscal year 2009. From fiscal year 2008 to fiscal year 2009, placements were down 1.4 percent. Compared to the first six months of fiscal year 2009, the first six months of fiscal year 2010 continued at a downward trend of 2.3 percent. The adult misdemeanor community supervision placements projection is based on regression analysis of adjudicated and deferred supervision placements since fiscal year 2000.⁶ The observed values show a steady decrease in the number of adjudicated community supervision placements and a slight increase in the number of deferred adjudication placements (see Figure 7). The slight increase of deferred adjudication placements does not compensate for the steady decrease in adjudicated supervision placements, thus resulting in a total placement downward trend.

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

Figure 7: Adjudicated and Deferred Misdemeanor Direct Community Supervision Placements, Fiscal Years 2000–2009



⁶ Return from shock probation is a third type of misdemeanor placement and typically accounts for 12 placements per year. These 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

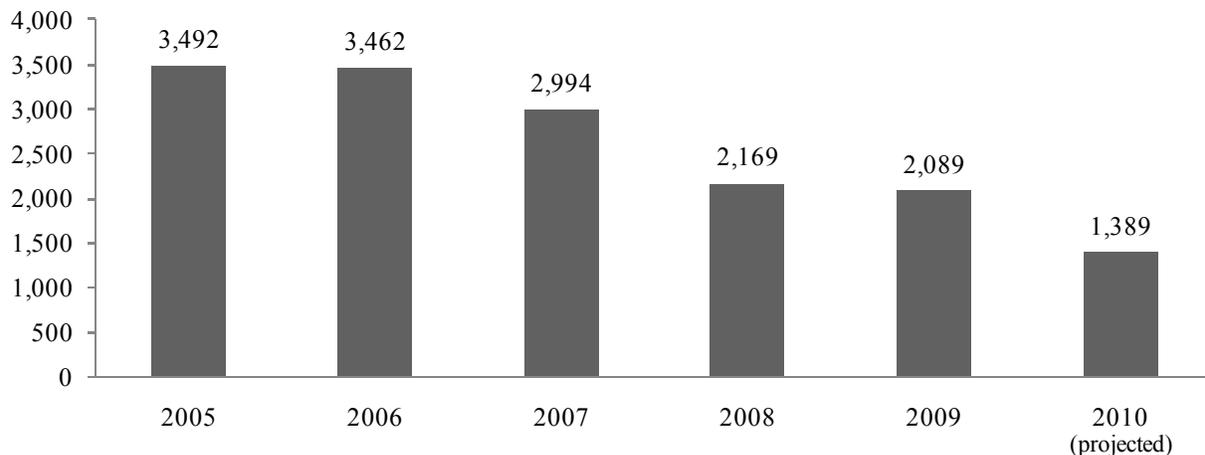
TEXAS YOUTH COMMISSION RESIDENTIAL POPULATION PROJECTION

The Texas Youth Commission (TYC) residential population projections are based on individual-level data provided by TYC and informed by budgetary, policy, and other considerations. The projection model is based on movement of individual juveniles moving into, through, and out of TYC.

ADMISSIONS: TYC admissions fell each year since fiscal year 2005, with the pace of this decline accelerating since fiscal year 2006 (see Figure 8). This trend continued into fiscal year 2010. The total number of admissions in the first eight months of fiscal year 2010 is 35.3 percent less than in the same time period in fiscal year 2009 (926 admissions compared with 1,431 admissions, respectively).

Reflecting recent admission trends, the number of admissions assumed for fiscal years 2010 through 2015 is expected to be lower than previous fiscal years. For this projection, it is assumed that TYC will receive 1,389 admissions per year for fiscal years 2010 through 2015. This projection is based on an extrapolation of the first eight months of admissions for fiscal year 2010. This eight-month time period was selected because the Community Corrections Diversion Program began at the start of this fiscal year and is considered a main contributor to the significant decrease in admissions during this timeframe.⁷ These projections assume that this program will continue in the future and that admissions will continue to follow these trends.

Figure 8: TYC Admissions, Fiscal Years 2005–2010



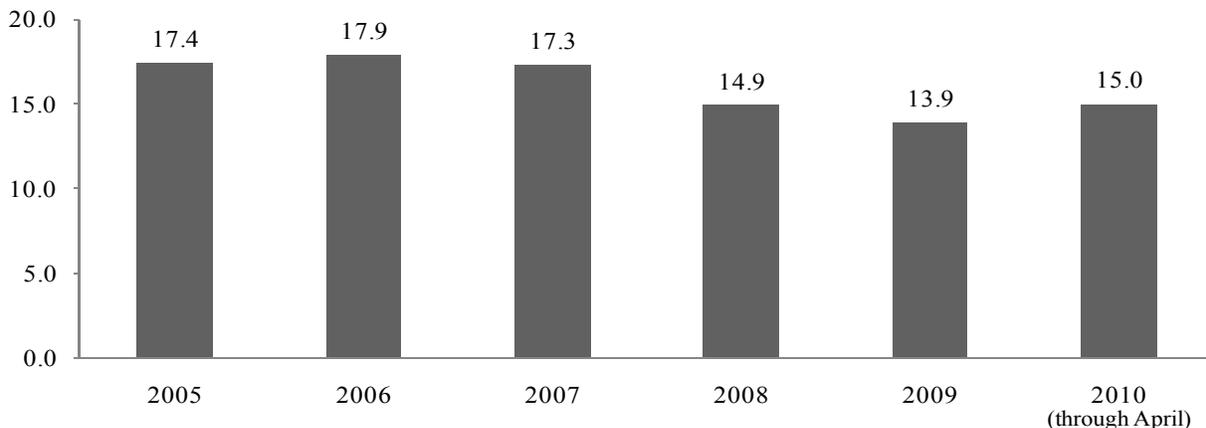
⁷ The Eighty-first Legislature, 2009, initiated the Community Corrections Diversion Program to divert juveniles from commitment to TYC. The Legislature provided funding to the Texas Juvenile Probation Commission to assist county juvenile probation departments in providing local alternatives to TYC commitment.

APPENDIX B: JUVENILE CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

RELEASES: Future releases are largely driven by minimum length of stay (MLOS), maximum length of stay possible given the youth's age, and release approval decisions. The projection model simulates offender movement based on factors that multivariate regression modeling showed to be statistically significant predictors of length of stay. The model incorporates information from fiscal year 2008 through the first eight months of fiscal year 2010. 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 implementation of Senate Bill 103, Eightieth Legislature, 2007; TYC implemented this statute on June 8, 2007. Finally, the projection model also incorporates the new classification policy that updated the system for determining MLOS. This new system applies to all youth committed or revoked to TYC on or after February 1, 2009, other than youth committed under a determinate sentence.⁸ To date, a limited number of youth have entered and exited TYC under this system. As a result, limited information is currently available concerning the implementation of this policy and any future change in implementation of these policies may impact projected populations.

The average length of stay for juveniles released from TYC residential facilities decreased each year between fiscal years 2006 and 2009. During this timeframe, the average length of stay fell 22.3 percent, decreasing from 17.9 months to 13.9 months. For juveniles released in the first eight months of fiscal year 2010, the average length of stay rose to 15.0 months. Based on regression analysis results, the average length of stay of the population sampled for the simulated projection model is 15.9 months.

Figure 9: Length of Stay of TYC Releases, Fiscal Years 2005–2010



⁸ On February 1, 2009, TYC began using a new method for determining MLOS for youth committed or revoked to TYC other than those committed under a determinate sentence. As a result of this change, the MLOS is expected to increase for some youth, decrease for others, and remain the same for some.

APPENDIX B: JUVENILE CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

OTHER CONSIDERATIONS: In addition to the assumptions previously discussed, there are other juvenile criminal justice trends that have been examined but 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.

TEXAS JUVENILE ARREST RATE — According to the Texas Department of Public Safety, the juvenile arrest rate and, most notably, the juvenile arrest rate for violent offenses has fallen in recent years. The Texas juvenile arrest rate decreased between calendar years 2007 and 2008 (1.2 percent) following a decrease between calendar years 2006 and 2007 (3.2 percent).⁹ Similarly, the Texas juvenile arrest rate for serious violent offenses fell between calendar years 2007 and 2008 (3.9 percent) following a decrease between calendar years 2006 and 2007 (6.8 percent).¹⁰ Serious violent offenses include murder, negligent manslaughter, aggravated sexual assault, robbery, and aggravated assault.

TEXAS JUVENILE POPULATION — Between calendar years 2005 and 2009, the Texas State Data Center estimates the general juvenile population in Texas (ages 10 to 16) fell 0.2 percent or by 4,563 youth.¹¹ The Center also projects this population will increase 9.1 percent (or 216,953 youth) between calendar years 2010 and 2015. From calendar years 2010 to 2015, the Center projects the juvenile population will grow, on average, 1.8 percent annually.

READING PROGRAM — Another notable policy change is on the horizon. The Eighty-first Legislature, 2009, required that TYC implement a reading program, which offers youth with reading deficits “at least 60 minutes per school day of individualized reading instruction to each student,” and a positive behavioral support system to promote positive social behaviors of youth in TYC educational programs. The statute also requires that a youth participating in a TYC educational program could only be paroled if the youth fulfilled TYC’s participation requirements for the positive behavior support system and, if participating, the reading program. On September 1, 2010, TYC plans to implement this policy and the impact of this policy change is unknown at the time of this report’s publication.

⁹ Texas Department of Public Safety, *Crime in Texas 2008* (Texas: Texas Department of Public Safety), p. 83; and Texas Department of Public Safety, *Crime in Texas 2007* (Texas: Texas Department of Public Safety), p. 83.

¹⁰ Texas Department of Public Safety, *Crime in Texas 2006* (Texas: Texas Department of Public Safety), p. 83.

¹¹ Texas State Data Center and Office of the Demographer, *2008 Population Projections for the State of Texas, Table 2 - Age, Sex, and Race/Ethnicity (ASRE) Population by Migration Scenario by Single Years of Age for 2000-2040 in 1 year increments, 0.5 Migration Scenario* (Texas: Texas State Data Center and Office of the Demographer), <http://txsdc.utsa.edu/tpepp/2008projections/> (accessed June 9, 2010).

APPENDIX B: JUVENILE CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

JUVENILE PROBATION SUPERVISION POPULATION PROJECTION

The juvenile probation supervision population projections are based on aggregate-level data provided by the Texas Juvenile Probation Commission (TJPC). TJPC collects these data on a monthly basis from local juvenile probation departments that supervise the youth. These projections are also informed by budgetary, policy, and other considerations.

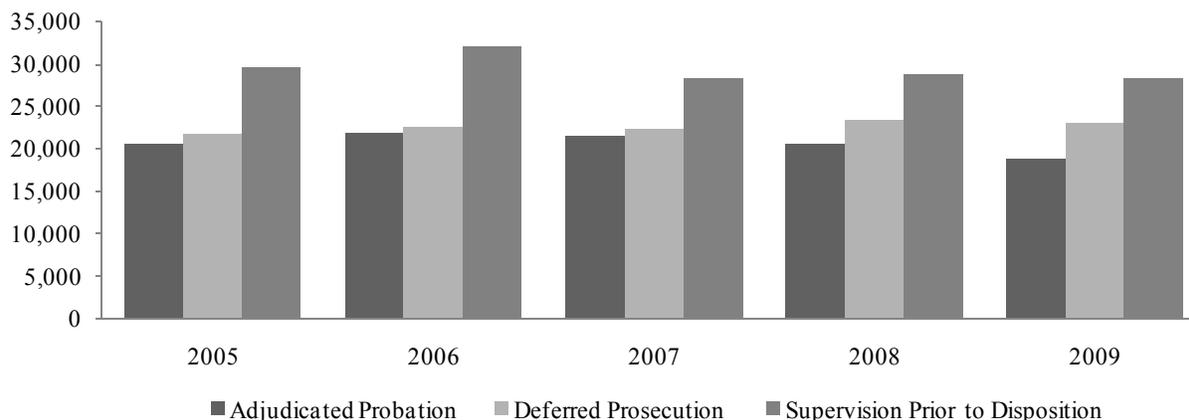
Aggregate data were used because fiscal year 2009 individual-level, juvenile-probation data were not made available to the Legislative Budget Board in time for the release of this report. Also, at the beginning of fiscal year 2010, TJPC placed a hold on receiving Harris County juvenile probation data due to data integrity issues and was still in the process of resolving this issue at the release of this report. For these reasons, a larger time period of aggregate trend data was used as the basis for the current projections.

FACTORS AFFECTING THE SIZE OF THE JUVENILE PROBATION SUPERVISION POPULATION:

SUPERVISION ADMISSIONS: The total number of juveniles placed on supervision, under local juvenile probation departments, fell 8.0 percent (or 6,116 cases) since fiscal year 2006. This downward trend appears to have continued during the first six months of fiscal year 2010. Given the hold on Harris County data during this time period, supervision admissions were examined without this county's data. This analysis showed that admissions for all other counties fell 7.0 percent between the first half of fiscal year 2009 and the first half of fiscal year 2010. This general trend is expected to continue in the future.

Figure 10 examines supervision admissions by supervision type. Since the peak in fiscal year 2006, the number of admissions to adjudicated probation supervisions fell 13.7 percent (or 2,977 cases), and the number of admissions to supervisions prior to disposition fell 11.2 percent (or 3,562 cases). During this timeframe, the number of admissions to the deferred prosecution supervision caseload rose slightly (by 1.9 percent or 423 cases).

Figure 10: Juvenile Probation Supervision Admissions, Fiscal Years 2005–2009



APPENDIX B: JUVENILE CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

SUPERVISION RELEASES: The total number of juveniles leaving supervision rose slightly each year between fiscal years 2007 and 2009. Further, annual supervision releases began to exceed admissions during this timeframe. In fiscal year 2005, admissions exceeded releases by 4.0 percent. By fiscal year 2009, releases surpassed admissions by 5.2 percent. To analyze fiscal year 2010 trends, Harris County data were excluded (for reasons previously stated). Diverging from this trend, supervision releases for all other counties decreased 9.0 percent between the first six months of fiscal year 2009 and the first six months of fiscal year 2010; releases continued to exceed admissions but by a slightly smaller rate of 3.5 percent during this timeframe.

Figure 11 illustrates supervision releases by supervision type. This analysis shows that the total number of youth released from adjudicated probation supervision increased slightly each year since fiscal year 2006. The number of youth released from deferred prosecution supervision rose slightly each year since fiscal year 2007. However, releases from supervision prior to disposition fell between fiscal years 2006 and 2007 and have generally remained stable since then.

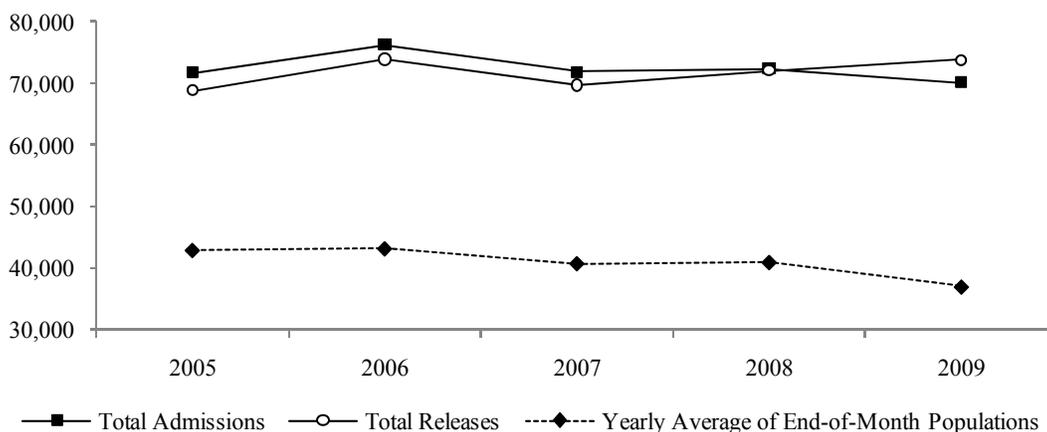
Figure 11: Juvenile Probation Supervision Releases, Fiscal Years 2005–2009



APPENDIX B: JUVENILE CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

SUPERVISION ADMISSIONS AND RELEASES CONSIDERED TOGETHER: The slight downward trend in total supervision admissions and the slight upward trend in total supervision releases are expected to continue in the future (see Figure 12). As a result, the juvenile supervision population is expected to continue to decline slightly.

Figure 12: Juvenile Probation Supervision Admissions, Releases, and Yearly Average End-of-Month Population, Fiscal Years 2005–2009



TERMS DEFINED:

There are three types of juvenile supervision: adjudicated probation, deferred prosecution, and supervision prior to disposition. 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 youth committed the petitioned offense(s). The judge then, during a disposition hearing, specifies the supervision length and the conditions of supervision. The judge may place the youth on probation at home or in a secure or non-secure residential facility. As part of this supervision, the youth 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 youth is eligible, revoke probation and send the youth to the Texas Youth Commission.

APPENDIX B: JUVENILE CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

DEFERRED PROSECUTION — Juveniles may avoid adjudication by successfully completing another community-based supervision program called deferred prosecution. Under some offense-related restrictions, the prosecutor, juvenile probation department, or judge may place the child on deferred prosecution. This supervision type is typically reserved for juveniles with less significant and severe offense histories. Participation requires consent from the youth and the youth's family. At any time during supervision, the youth and the family may terminate the supervision and request a court hearing to determine guilt or innocence. 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 youth must be released from supervision and any filed petition for the case should be dismissed.

SUPERVISION PRIOR TO DISPOSITION — This community-based supervision is based upon the written orders from a judge or a juvenile probation department that specify the conditions of a juvenile's release from detention or from the department's custody. 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. A youth participates in this type of supervision before his/her case is disposed (e.g., to deferred prosecution, to adjudicated probation, or dismissed). Violations of the conditions for this supervision type do not constitute a new offense but may result in a return to custody or detention.