



# LEGISLATIVE BUDGET BOARD

## **Adult and Juvenile Correctional Population Projections**

**Fiscal Years 2021 to 2026**

**SUBMITTED TO THE 87TH TEXAS LEGISLATURE**

**PREPARED BY LEGISLATIVE BUDGET BOARD STAFF**

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**JANUARY 2021**

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# **ADULT AND JUVENILE CORRECTIONAL POPULATION PROJECTIONS FISCAL YEARS 2021 TO 2026**

January 2021

One responsibility of the Legislative Budget Board staff is to conduct periodic, long-term adult and juvenile correctional population projections to serve as a basis for biennial funding determinations. The previous report was provided in June 2020 to the Texas Juvenile Justice Department and the Texas Department of Criminal Justice for these agencies to incorporate the relevant information into their Legislative Appropriations Requests for the 2022–23 biennium.

On March 13, 2020, the Governor issued a disaster proclamation certifying that COVID-19 posed an imminent threat of disaster for all counties in Texas. On March 19, 2020, the Commissioner of the Department of State Health Services, pursuant to the Texas Health and Safety Code, Section 81.082(d), declared a state of public health disaster for the entire State of Texas, and the Governor, pursuant to the Texas Government Code, Section 418.001, issued an Executive Order to mitigate the spread of the virus.

Beginning in April 2020, both the Texas Department of Criminal Justice and Texas Juvenile Justice Department temporarily suspended the transfer of individuals into state custody as part of their efforts to stem and contain the spread of COVID-19. Although actual data are used where available, the long-term effects of the COVID-19 pandemic on the criminal and juvenile justice systems and their populations are still not known. As information is learned and data obtained, it will be incorporated into subsequent correctional population projections.

This report provides updated correctional population projections in preparation for the Eighty-seventh Legislature, 2021. The June 2020 projections were enhanced by conducting focus groups and interviews with practitioners and officials in various parts of the adult criminal and juvenile justice systems to obtain a more in-depth understanding of factors affecting criminal and juvenile justice populations. Additionally, comprehensive data through fiscal year 2020 were analyzed and incorporated into the updated population projections.

Jerry McGinty  
Director  
Legislative Budget Board

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## EXECUTIVE SUMMARY

The Texas Government Code, Section 322.019, authorizes the Legislative Budget Board (LBB) staff to provide certain criminal justice policy analyses. One of the LBB staff responsibilities is to conduct periodic, long-term adult and juvenile correctional population projections to serve as a basis for biennial funding determinations. The January 2021 *Adult and Juvenile Correctional Population Projections* report provides correctional population projections for fiscal years 2021 to 2026 in preparation for the Eighty-seventh Legislature, 2021.

### WHY ARE CORRECTIONAL POPULATION PROJECTIONS PRODUCED?

Correctional population projections serve as a basis for biennial funding determinations. The June 2020 projections informed state correctional agencies' legislative appropriations requests and the introduced version of the General Appropriations Bills. The January 2021 projections inform budgeting and policy decisions during the Eighty-seventh Legislative Session, 2021.

### CORRECTIONAL POPULATION PROJECTIONS OVERVIEW

The January 2021 correctional population projections indicate the adult state incarceration population will increase and remain close to the operating capacity through fiscal year 2026. The juvenile state residential population will remain within operating capacity through fiscal year 2026. Projections include the following indications:

- the adult state incarceration population is projected to increase and then remain stable from fiscal years 2021 to 2026 and to remain, on average, 0.7 percent below the Texas Department of Criminal Justice (TDCJ) internal operating capacity; and
- the juvenile state residential population is projected to increase from fiscal years 2021 to 2026 as the system is able to return to normal operations after the COVID-19 pandemic and to remain, on average, 34.3 percent below operating capacity during the projection period.

The adult felony community supervision and the adult parole supervision populations are expected to increase slightly but remain stable during the projection period. Misdemeanor placements onto community supervision are projected to decrease. The juvenile probation population is expected to remain stable, and the juvenile parole population is expected to increase. **Figure 1** shows projected growth trends in the adult and juvenile correctional populations and whether incarcerated populations are expected to remain above or below institutional capacity during the projection period.

**Figure 2** shows adult and juvenile correctional population projections from fiscal years 2021 to 2023. Population projections are the yearly average of the end-of-month population counts for the adult incarceration population, the total yearly counts for placements onto misdemeanor community supervision, and the average daily population for all other adult and juvenile correctional populations.

**FIGURE 1**  
**TEXAS CORRECTIONAL POPULATION PROJECTION GROWTH TRENDS, FISCAL YEARS 2021 TO 2026**

SYSTEM	POPULATION TYPE	PROJECTION GROWTH TREND	ABOVE/BELOW INSTITUTIONAL CAPACITY
Adult	Incarceration	Stable	Below
Adult	Parole	Stable	Not applicable
Adult	Felony Direct Community Supervision	Stable	Not applicable
Adult	Misdemeanor Community Supervision Placements	Decrease	Not applicable
Juvenile	State Residential	Increase	Below
Juvenile	Parole	Increase	Not applicable
Juvenile	Juvenile Probation	Stable	Not applicable

NOTES: Adult incarceration populations include adults in prisons, state jails, and substance abuse felony punishment facilities. Juvenile state residential populations include juveniles in state residential facilities, halfway houses, and those placed in contract residential facilities.  
SOURCE: Legislative Budget Board.

**FIGURE 2  
TEXAS CORRECTIONAL POPULATION PROJECTIONS OVERVIEW, FISCAL YEARS 2021 TO 2023**

SYSTEM	POPULATION	2021	2022	2023	PERCENTAGE CHANGE FOR PERIOD
Adult	Incarceration	132,696	139,019	138,545	4.4%
Adult	Parole	83,293	83,373	84,666	1.6%
Adult	Felony Direct Community Supervision	148,956	149,256	151,948	2.0%
Adult	Misdemeanor Community Supervision Placements	56,590	61,674	60,583	7.1%
Juvenile	State Residential Facilities	814	1,009	1,120	37.6%
Juvenile	Parole	309	283	315	1.9%
Juvenile	Juvenile Probation	17,067	17,897	18,629	9.2%

SOURCES: Legislative Budget Board; Texas Department of Criminal Justice; Texas Juvenile Justice Department.

**METHODOLOGY AT A GLANCE**

LBB staff produce correctional population projections by using a discrete event simulation model that incorporates updated demographic and correctional information. The model simulates movement through the adult criminal and juvenile justice systems to produce aggregate population estimates for the next six fiscal years. Each individual’s projected movement is governed by the state laws in place at the time of offense. Population projections assume all current policies, procedures, and laws remain constant throughout the projection period. However, some assumptions were made to account for the effects of the COVID-19 pandemic.

**CURRENT CORRECTIONAL POPULATIONS AT A GLANCE**

Figure 3 shows adult and juvenile correctional populations as of August 31, 2020.

**CRIME IN TEXAS**

In addition to correctional population projections, this report includes recent adult and juvenile crime statistics. Figure 4 shows adult and juvenile arrests for fiscal years 2016

**FIGURE 3  
TEXAS CORRECTIONAL POPULATIONS AS OF AUGUST 31, 2020**

SYSTEM	POPULATION	COUNT
Adult	Incarceration	121,128
Adult	Parole (1)	83,891
Adult	Felony Direct Community Supervision (1)	143,611
Adult	Misdemeanor Community Supervision Placements (2)	45,473
Juvenile	State Residential Facilities	717
Juvenile	Parole (1)	328
Juvenile	Juvenile Probation (1)	13,744

NOTES:

- (1) Adult felony community supervision, juvenile probation, and adult and juvenile parole counts are preliminary and subject to revision.
- (2) Misdemeanor community supervision placements are measured cumulatively each fiscal year.

SOURCES: Legislative Budget Board; Texas Department of Criminal Justice; Texas Juvenile Justice Department.

to 2020. Figure 5 (adult) and Figure 15 (juvenile) show additional details of adult and juvenile arrests, including arrests by offense type.

**FIGURE 4  
TEXAS ADULT AND JUVENILE ARRESTS, FISCAL YEARS 2016 TO 2020**

POPULATION	2016	2017	2018	2019	2020	PERCENTAGE CHANGE 2016 TO 2020
Adult (1)	801,166	771,918	755,266	689,742	530,504	(34.5%)
Juvenile (2)	46,247	43,594	41,230	39,797	30,271	(17.5%)

NOTES:

- (1) Adults in Texas are defined as individuals age 17 and older.
- (2) Juvenile arrests refer to individuals ages 10 to 16, the age range specified by the Texas Family Code. The total number of juvenile arrests for fiscal years 2015 to 2018 is lower than represented in previous reports because the Texas Department of Public Safety, following the model prescribed by the Federal Bureau of Investigation, stopped collecting data for runaways.

SOURCES: Legislative Budget Board; Texas Department of Public Safety, txucr.nibrs.com, as of December 23, 2020.

# ADULT ARRESTS

The number of adult arrests gauges the pressure on the criminal justice system. **Figure 5** shows the number of adult arrests by offense type from fiscal years 2016 to 2020, during which total adult arrests decreased by 33.8 percent, from 801,166 to 530,504. During that period, adult arrests decreased 15.0 percent for violent offenses, 36.6 percent for property offenses, 34.2 percent for drug offenses, and 38.0 percent for other offenses. From fiscal years 2019 to 2020, total arrests decreased 23.1 percent and arrests for violent offenses decreased 8.3 percent, property offenses decreased 18.1 percent, drug offenses decreased 33.4 percent, and other offenses decreased 24.9 percent. The adult arrest data are compiled from the Department of Public Safety website and were extracted December 23, 2020.

The number of adult arrests decreased during fiscal year 2020 due to the COVID-19 pandemic; however, the long-term effects of the pandemic on law enforcement practices and subsequent effects on the criminal justice system as a whole are still unknown. Qualitative data collection efforts indicate police departments in several jurisdictions were triaging and prioritizing response to reduce potential for exposure to COVID-19. Modifications to operations in response to challenges from the COVID-19 pandemic vary across the state.

**Figure 5** shows adult arrests decreased 33.8 percent from fiscal years 2016 to 2020. Arrests decreased for every type of offense during that period. **Figure 6** shows the number of adult arrests decreased 23.1 percent from fiscal years 2019 to 2020.

**FIGURE 5**  
**TEXAS ADULT ARRESTS, FISCAL YEARS 2016 TO 2020 (1)**

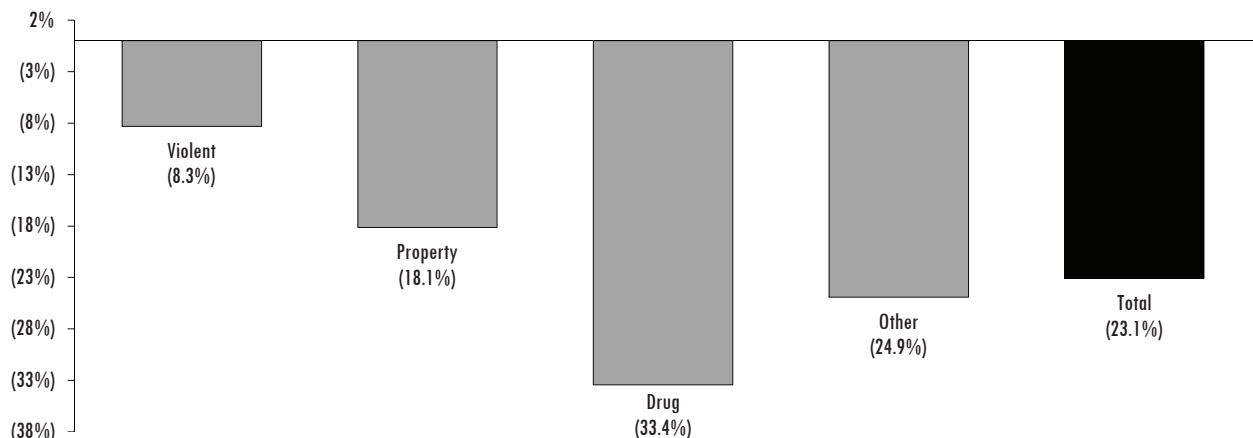
OFFENSE (2)	2016	2017	2018	2019	2020	PERCENTAGE CHANGE 2016 TO 2020	PERCENTAGE CHANGE 2019 TO 2020
Violent	116,774	117,201	122,019	108,266	99,271	(15.0%)	(8.3%)
Property	113,455	97,837	91,693	87,878	71,939	(36.6%)	(18.1%)
Drug	135,253	140,074	143,958	133,617	88,953	(34.2%)	(33.4%)
Other	435,684	416,806	397,596	359,981	270,341	(38.0%)	(24.9%)
<b>Total</b>	<b>801,166</b>	<b>771,918</b>	<b>755,266</b>	<b>689,742</b>	<b>530,504</b>	<b>(33.8%)</b>	<b>(23.1%)</b>

NOTES:

- (1) Adults in Texas are defined as individuals age 17 and older.
- (2) See the Glossary for offenses included within these offense categories.

SOURCES: Legislative Budget Board; Texas Department of Public Safety, txucr.nibrs.com, data retrieved December 23, 2020.

**FIGURE 6**  
**PERCENTAGE CHANGE IN TEXAS ADULT ARRESTS BY OFFENSE TYPE, FISCAL YEARS 2019 TO 2020**



SOURCES: Legislative Budget Board; Texas Department of Public Safety, txucr.nibrs.com, data retrieved December 23, 2020.



# ADULT CORRECTIONAL POPULATION PROJECTIONS

## METHODOLOGY

The LBB staff produce adult incarceration, parole supervision, and direct felony community supervision population projections by using a discrete event simulation model that incorporates updated demographic and correctional information. The model simulates an individual's movement through the adult criminal justice system to produce aggregate population projections for the next six fiscal years. Each individual's projected movement is governed by state laws in place at the time of offense. Misdemeanor placements are projected using an autoregressive integrated moving average (ARIMA) model. Population projections assume all current policies, procedures, and laws remain constant during the projection period. **Appendix A** shows additional information regarding adult correctional population projection methodology.

The onset of the COVID-19 pandemic prompted all segments of the criminal justice system to reassess and, in many cases, make changes to existing practices and policies. Entities that modified practices and policies included law enforcement, jails, courts, and state correctional institutions. As of December 2020, court practices have not returned to pre-pandemic levels, although some courts are utilizing videoconferencing technology to conduct proceedings. TDCJ temporarily suspended the transfer of individuals from county jails in April 2020 and resumed transfers in July 2020. Projections assume these and other criminal justice system processes affected by the pandemic will return to pre-pandemic functions gradually by the end of fiscal year 2022. LBB staff will continue to monitor the pandemic and its effects on the adult criminal justice system and its populations.

## ADULT INCARCERATION ACTUAL AND PROJECTED POPULATIONS, FISCAL YEARS 2016 TO 2026

The adult incarceration population is projected to increase and then remain stable from fiscal years 2021 to 2026. Any significant change in projection drivers (e.g., admissions or admission rates, parole approval practices, changes in statute) may affect future populations.

The adult incarceration population consists of individuals within prisons, state jails, and substance abuse felony punishment facilities (SAFPF). The incarceration population includes individuals whose offenses are categorized by severity

as state jail felonies or greater. The current status of the actual and projected correctional populations has been affected by a decade-long effort by multiple Texas Legislatures to support rehabilitation, treatment, and sanction initiatives throughout the criminal justice system. Overall, higher parole and discretionary mandatory supervision (DMS) case considerations and approval rates since fiscal year 2012 have complemented legislative efforts to decrease growth in the prison population.

The primary factors affecting correctional population projections are the number of individuals entering the system and their lengths of stay. Other factors, such as recent decreases in parole and DMS case considerations, steady parole approval rates, and a decrease in state jail admissions, also mitigate against large increases in these populations.

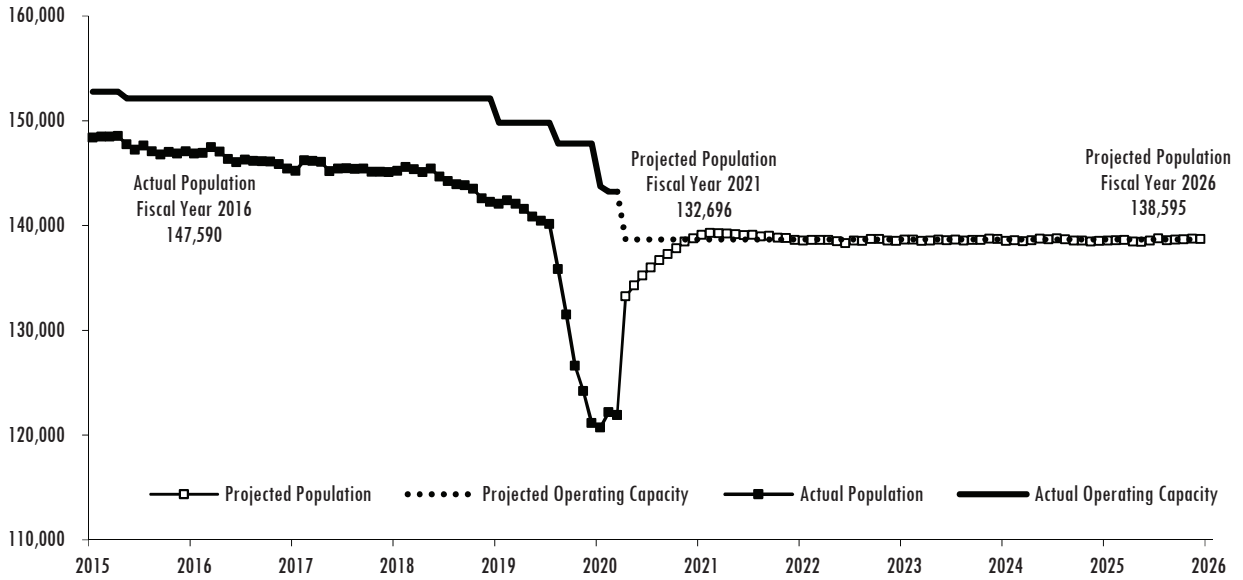
Due to the effects of the COVID-19 pandemic, the adult incarceration population has decreased significantly. The magnitude of the decrease due to the pandemic when compared to other causes cannot be specified; however, from March 31, 2020, to December 31, 2020, the incarceration population decreased 13.7 percent from 140,124 to 120,873. Efforts to contain the pandemic combined with an increasing infection rate led to a series of modifications to existing practices within the criminal justice system. Modifications included a temporary cessation of transfers from county jails to state correctional institutions, adjustments to grand jury schedules, and a temporary halt to jury trials.

This projection assumes arrests, court activity, sentencing, and other processes will return to pre-pandemic levels and functions by the end of fiscal year 2022.

LBB staff project the adult incarceration population will increase and then remain stable overall. This population will remain at current internal operating capacity during the projection period. **Figure 7** shows TDCJ's actual and projected incarceration population and internal operating capacity from fiscal years 2016 to 2026. **Appendix A** provides additional information regarding projection drivers and model assumptions.

The primary drivers of the incarceration projection include admissions to state jails, SAFPFs, and prisons, and the lengths of stay of individuals released from these three unit

**FIGURE 7  
ACTUAL AND PROJECTED TEXAS DEPARTMENT OF CRIMINAL JUSTICE INCARCERATION POPULATIONS AND INTERNAL OPERATING CAPACITY, FISCAL YEARS 2016 TO 2026**



NOTE: During September 2020, the Texas Department of Criminal Justice (TDCJ) closed the Garza East and Jester I units and idled the Bradshaw State Jail due to the decrease in the incarceration population. During December 2020, TDCJ idled the Chasefield, Neal, and Gurney units and closed the Scott unit due to the decrease in agency population and staff shortages.  
SOURCES: Legislative Budget Board; Texas Department of Criminal Justice.

types. Admissions to prisons, state jails, and SAFPFs have decreased from fiscal years 2019 to 2020. During the same period, the length of stay increased for those released from prison and remained stable for those released from state jails and SAFPFs.

Figure 8 shows the end-of-month yearly average of projected populations from fiscal years 2021 to 2026 and the population relative to TDCJ’s current internal operating capacity. The internal operating capacity is 96.0 percent of unit capacity to enable correctional institution division administrators to

**FIGURE 8  
PROJECTED INCARCERATION POPULATIONS AND OPERATING CAPACITY, FISCAL YEARS 2021 TO 2026**

YEAR	INCARCERATION POPULATION (END-OF-MONTH YEARLY AVERAGE)	INTERNAL OPERATING CAPACITY	DIFFERENCE	PERCENTAGE
2021	132,696	138,668	5,972	4.3%
2022	139,019	138,668	(351)	(0.2%)
2023	138,545	138,668	123	0.1%
2024	138,607	138,668	61	0.0%
2025	138,580	138,668	88	0.1%
2026	138,595	138,668	73	0.1%

NOTES:

- (1) As of December 2020, 5,978 beds had been removed temporarily from online bed capacity (5,585 due to staffing shortages, 353 due to construction for sheltered housing, and 40 due to a renovation project). Also at this time, online bed capacity did not include 2,223 temporary placement beds, which include medical (hospital beds and unit-based infirmary beds), transfer holding, and pre-hearing detention beds. Incarcerated individuals housed in temporary placement beds also have permanent beds assigned to them.
- (2) Internal operating capacity is 96.0 percent of the beds available for permanent assignment. The Texas Department of Criminal Justice (TDCJ) is accustomed to operating beyond its operating capacity for short periods.
- (3) In September 2020, TDCJ closed the Garza East and Jester I units and idled the Bradshaw State Jail due to the decrease in agency population. In December 2020, TDCJ idled the Chasefield, Neal, and Gurney units and closed the Scott unit due to the decrease in incarceration population and staff shortages.

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

accommodate logistical and safety issues. See **Appendix A** for more information.

**ACTIVE ADULT PAROLE SUPERVISION  
ACTUAL AND PROJECTED POPULATIONS,  
FISCAL YEARS 2016 TO 2026**

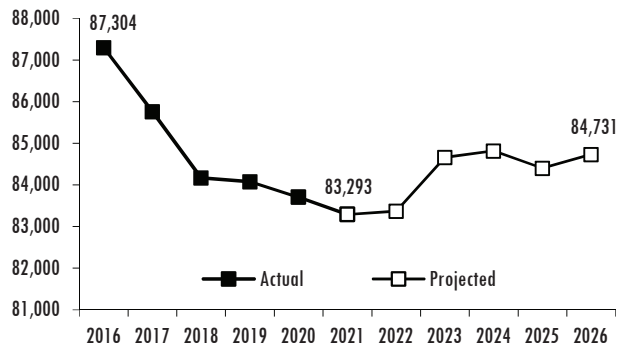
The active adult parole supervision population is projected to increase slightly but remain stable from fiscal years 2021 to 2026. Any significant change in projection drivers (e.g., parole approval and consideration practices) may affect future populations. **Appendix A** provides additional information regarding projection drivers and model assumptions.

Individuals that are sentenced to a term of incarceration for a third-degree felony or greater are received into prisons. Almost all individuals sentenced to a term of incarceration within prisons are eligible for consideration and subsequent release to parole supervision. Eligibility for case consideration is based on the state laws in effect when the offense was committed. The primary factors affecting parole supervision population projections are the number of individuals placed onto parole supervision and the length of time they spend on supervision. Individuals placed on parole include those approved for release from prisons by the Board of Pardons and Paroles (BPP), those released from prisons through the mandatory supervision release process, those who committed an offense in another state and whose term of parole supervision was transferred to Texas, and those whose supervision was transferred from the juvenile justice system.

Parole and DMS case consideration and approval rates began to increase substantially toward the end of fiscal year 2011, resulting in an 8.2 percent increase in the population released onto parole supervision by fiscal year 2013. Parole and DMS approval rates have since remained at higher levels. Parole case considerations decreased slightly by 1.2 percent from fiscal years 2019 to 2020; however, the average monthly parole approval rate increased from 35.7 percent to 38.8 percent from fiscal years 2019 to 2020. During the same period, DMS case considerations decreased 11.0 percent and the average monthly DMS approval rate decreased from 49.6 percent to 48.2 percent. Placements onto parole supervision decreased by 4.7 percent from fiscal years 2019 to 2020.

Although transfers from counties to TDCJ were suspended temporarily due to the COVID-19 pandemic, individuals continued to be reviewed, approved, and subsequently released to parole supervision. Subsequent projections will

**FIGURE 9  
ACTUAL AND PROJECTED ACTIVE ADULT PAROLE  
SUPERVISION POPULATIONS  
FISCAL YEARS 2016 TO 2026**



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

**FIGURE 10  
PROJECTED ACTIVE ADULT PAROLE SUPERVISION  
POPULATIONS, FISCAL YEARS 2021 TO 2026**

YEAR	POPULATION
2021	83,293
2022	83,373
2023	84,666
2024	84,820
2025	84,403
2026	84,731

SOURCE: Legislative Budget Board.

incorporate any additional data regarding the long-term effects of the COVID-19 pandemic.

**Figure 9** shows the actual and projected parole population from fiscal years 2016 to 2026. **Figure 10** shows the projected average daily active adult parole supervision population from fiscal years 2021 to 2026.

**ADULT FELONY DIRECT COMMUNITY SUPERVISION ACTUAL AND PROJECTED POPULATIONS, FISCAL YEARS 2016 TO 2026**

The adult felony direct community supervision population is expected to increase slightly and then remain stable overall from fiscal years 2021 to 2026. Any significant change in projection drivers (e.g., placements, revocations, or length of supervision) may affect future populations. **Appendix A** shows additional information regarding projection drivers and model assumptions.

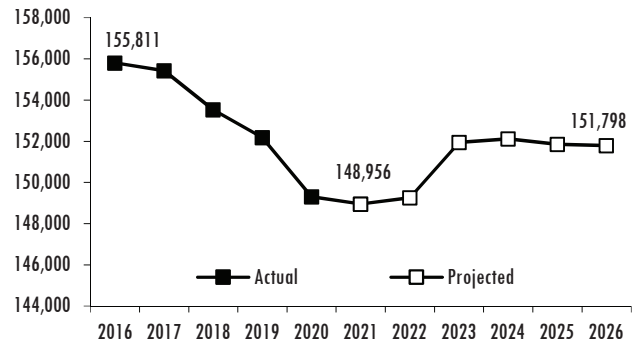
Certain individuals who commit felony offenses and receive sentences of 10 years or fewer are eligible to serve their sentences in the community rather than in state jails or prisons. Eligible individuals must adhere to basic conditions of supervision issued by a judge (e.g., commit no new offense, avoid injurious habits, report regularly, and pay fines) and may be required to complete residential or nonresidential programs. Failure to comply with these conditions can result in a revocation of community supervision and a sentence of incarceration within state jails or prisons.

Placements onto direct felony community supervision increased 2.7 percent from fiscal years 2019 to 2020. The average length of supervision for those terminated from direct felony community supervision during fiscal year 2020 was 3.6 years. The average monthly active direct felony community supervision population has decreased slightly each fiscal year since 2016.

Due to the COVID-19 pandemic, courts have not been able to hear cases at pre-pandemic levels. Some individuals that may otherwise have been placed on felony direct community supervision were not due to the changes in court practices. Concurrently, terminations of supervision continue, although it is possible revocations, a type of termination, have decreased due to the pandemic’s effects on hearings for a motion to revoke supervision. This projection assumes court activity will return to pre-pandemic levels by the end of fiscal year 2022. Subsequent projections will incorporate any additional data regarding the long-term effects of the COVID-19 pandemic.

**Figure 11** shows the actual and projected felony direct community supervision population from fiscal years 2016 to 2026. **Figure 12** shows the projected average daily felony direct community supervision population from fiscal years 2021 to 2026.

**FIGURE 11  
ACTUAL AND PROJECTED ADULT FELONY DIRECT COMMUNITY SUPERVISION POPULATIONS  
FISCAL YEARS 2016 TO 2026**



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

**FIGURE 12  
PROJECTED ADULT FELONY DIRECT COMMUNITY SUPERVISION POPULATIONS  
FISCAL YEARS 2021 TO 2026**

YEAR	POPULATION
2021	148,956
2022	149,256
2023	151,948
2024	152,119
2025	151,855
2026	151,798

SOURCE: Legislative Budget Board.

**ADULT MISDEMEANOR COMMUNITY SUPERVISION ACTUAL AND PROJECTED PLACEMENTS, FISCAL YEARS 2016 TO 2026**

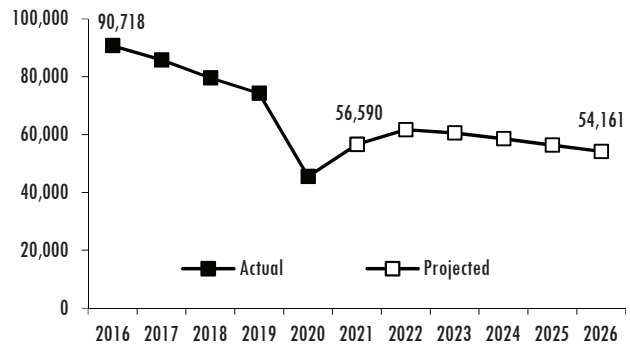
Misdemeanor community supervision placements are projected to decrease 4.3 percent from fiscal years 2021 to 2026. Any significant change in projection drivers (e.g., pretrial diversion program options) may affect future populations.

Certain individuals who commit class A or B misdemeanor offenses are eligible to serve their sentences in the community rather than in county jail. Eligible individuals must adhere to basic conditions of supervision issued by a judge (e.g., commit no new offense, avoid injurious habits, report regularly, and pay fines) and may be required to complete residential or nonresidential programs. Failure to comply with these conditions can result in a revocation of community supervision and a sentence of incarceration within county jail. The projected decrease in misdemeanor community supervision placements is based on the overall trend from fiscal years 1998 to 2020 and the decrease in placements observed during the past five fiscal years. **Appendix A** provides additional information regarding projection drivers and model assumptions.

Total placements onto misdemeanor community supervision decreased by 38.8 percent from fiscal years 2019 to 2020. Except for a slight increase of 0.8 percent during fiscal year 2013, placements onto misdemeanor community supervision have decreased every fiscal year since 2008. From fiscal years 2016 to 2020, misdemeanor placements decreased by 49.8 percent. The significantly larger decrease from fiscal years 2019 to 2020 was due to the effects of the COVID-19 pandemic on the system. Before the pandemic, from fiscal years 2016 to 2019, placements decreased 18.1 percent. Some county attorney offices offer pre-trial diversion options separate from the pre-trial diversion programs operated by community supervision and corrections departments (CSCD) and in lieu of placement onto misdemeanor community supervision.

Due to the COVID-19 pandemic, courts have not been able to hear cases at pre-pandemic rates. Some individuals that may otherwise have been placed on misdemeanor community supervision were not due to the changes in arrest activity and court practices. This projection assumes arrest and court activity will return to pre-pandemic levels by the end of fiscal year 2022. Subsequent projections will incorporate any

**FIGURE 13  
ACTUAL AND PROJECTED ADULT MISDEMEANOR COMMUNITY SUPERVISION PLACEMENTS  
FISCAL YEARS 2016 TO 2026**



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

**FIGURE 14  
PROJECTED ADULT MISDEMEANOR COMMUNITY SUPERVISION PLACEMENTS, FISCAL YEARS 2021 TO 2026**

MISDEMEANOR COMMUNITY SUPERVISION PLACEMENTS	
YEAR	
2021	56,590
2022	61,674
2023	60,583
2024	58,549
2025	56,366
2026	54,161

SOURCE: Legislative Budget Board.

additional data regarding the long-term effects of the COVID-19 pandemic.

**Figure 13** shows actual and projected numbers of misdemeanor community supervision placements from fiscal years 2016 to 2026. **Figure 14** shows the projected number of misdemeanor community supervision placements for fiscal years 2021 to 2026.

## JUVENILE ARRESTS

Figure 15 shows juvenile arrests by offense type. The number of juvenile arrests decreased 34.5 percent from fiscal years 2016 to 2020. During that period, arrests for all offense categories decreased. For further discussion of the arrest trends for 2020 please see the discussion in

the section **Findings Related to the COVID-19 Pandemic – Juvenile Justice System.**

Figure 16 shows juvenile arrests decreased 23.9 percent from fiscal years 2019 to 2020. During that period, arrests for all crime categories decreased.

**FIGURE 15**  
**JUVENILE ARRESTS, FISCAL YEARS 2016 TO 2020 (1)**

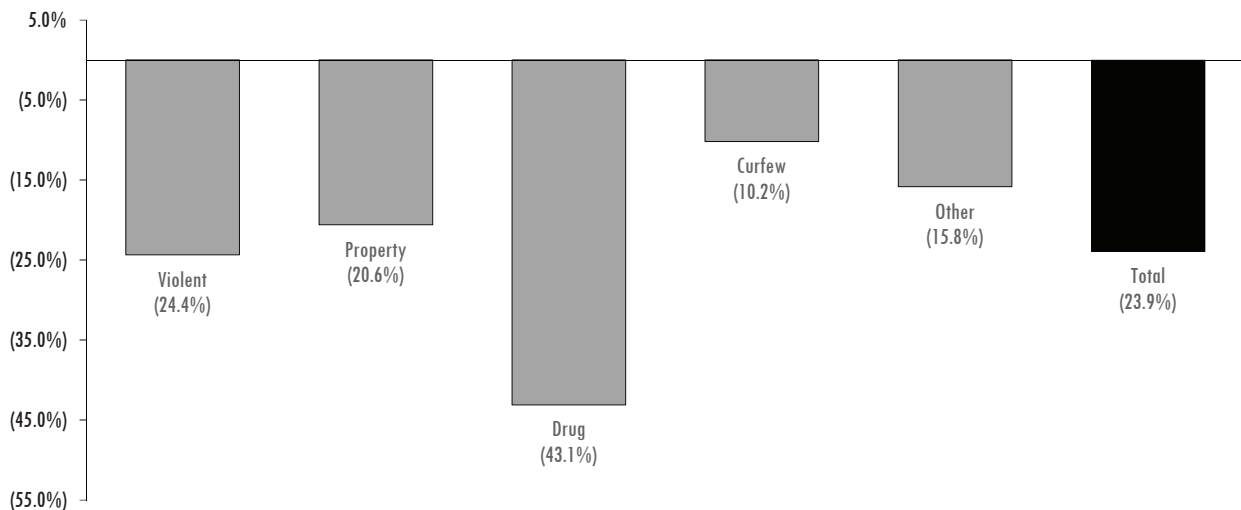
OFFENSE (2)	2016	2017	2018	2019	2020	PERCENTAGE CHANGE 2016 TO 2020	PERCENTAGE CHANGE 2019 TO 2020
Violent	12,846	12,009	12,438	13,074	9,888	(23.0%)	(24.4%)
Property	13,465	11,783	9,708	8,933	7,092	(47.3%)	(20.6%)
Drug	6,010	6,003	6,163	6,438	3,663	(39.1%)	(43.1%)
Curfew	2,452	2,469	1,668	1,324	1,189	(51.5%)	(10.2%)
Other	11,474	11,330	11,253	10,028	8,439	(26.5%)	(15.8%)
<b>Total</b>	<b>46,247</b>	<b>43,594</b>	<b>41,230</b>	<b>39,797</b>	<b>30,271</b>	<b>(34.5%)</b>	<b>(23.9%)</b>

**NOTES:**

- Juveniles are defined as individuals ages 10 to 16, which is the age range the Texas Family Code specifies for entry into the Texas juvenile justice system.
- See the Glossary for offenses included within these offense categories. The total number of juvenile arrests for fiscal years 2015 to 2018 is lower than represented in previous reports because the Texas Department of Public Safety, following the model prescribed by the Federal Bureau of Investigation, stopped collecting data for runaways.

SOURCES: Legislative Budget Board; Texas Department of Public Safety, txucr.nibrs.com, data retrieved December 23, 2020.

**FIGURE 16**  
**PERCENTAGE CHANGE IN JUVENILE ARRESTS BY OFFENSE TYPE, FISCAL YEARS 2019 TO 2020**



SOURCES: Legislative Budget Board; Texas Department of Public Safety, txucr.nibrs.com, data retrieved December 23, 2020.



## JUVENILE CORRECTIONAL POPULATION PROJECTIONS

### METHODOLOGY

The LBB staff produce juvenile correctional population projections by using a discrete event simulation model that incorporates updated demographic and correctional information. The model simulates an individual's movement through the juvenile justice system to produce aggregate population estimates for the next five fiscal years. Each juvenile's projected movement is governed by the state laws in place at the time of the offense. Population projections assume all current policies, procedures, and laws remain constant throughout the projection period. **Appendix B** includes additional information regarding the juvenile correctional population projection methodology.

### JUVENILE STATE RESIDENTIAL ACTUAL AND PROJECTED POPULATIONS, FISCAL YEARS 2016 TO 2026

Juvenile state residential populations are projected to increase an average of 16.6 percent per year from fiscal years 2021 to 2026. The state residential population is expected to remain below operating capacity during the entire projection period. Any significant change in projection drivers (e.g., commitment and parole revocation practices) may affect populations.

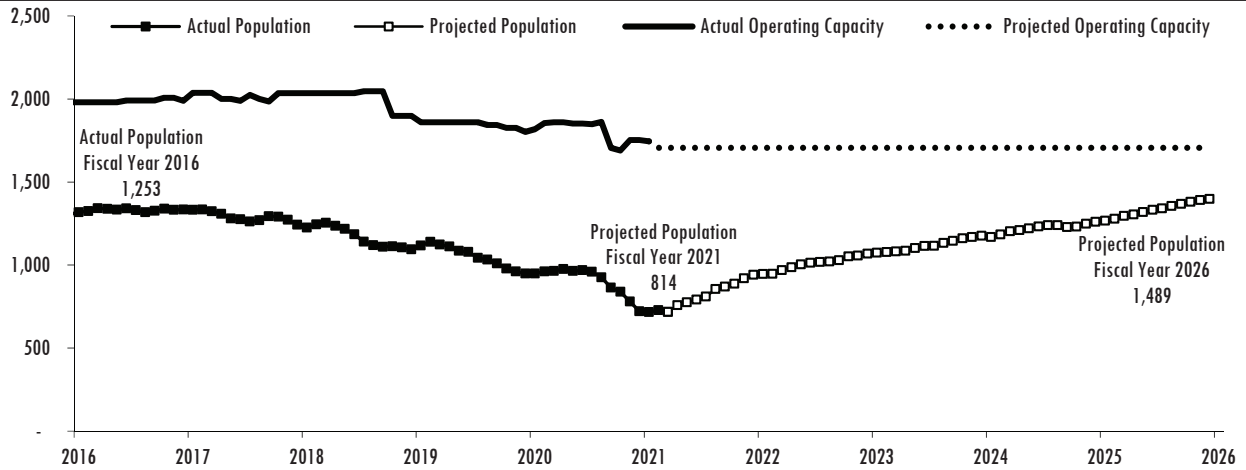
From fiscal years 2015 to 2020, admissions to state residential facilities decreased by an average of 9.13 percent per year. Note that including fiscal year 2020 skews this number due to the hold on intakes during the COVID-19 pandemic and continued holds on intakes from detention facilities that continue to have active outbreaks. Some of the decreases during previous years likely were due to the regional diversion alternatives (RDA) program. This program, established by the Eighty-fourth Legislature, 2015, was intended to divert 30 juveniles from commitment to the Texas Juvenile Justice Department (TJJD) during fiscal year 2016 and 150 juveniles per year from commitment during each subsequent year. The program diverted 21 juveniles during fiscal year 2016 and 188 juveniles during fiscal year 2017. The program subsequently exceeded the intended diversion level and diverted 261 juveniles during fiscal year 2018 and 266 juveniles during fiscal year 2019. The changes to intakes due to the COVID-19 pandemic results in a situation wherein this statistic should be interpreted with caution for fiscal year 2020.

The average length of stay for juveniles exiting state residential facilities fluctuated from fiscal years 2014 to 2019, reaching a high of 17.3 months during fiscal year 2017, a low of 15.3 months during fiscal year 2019, and averaging 16.4 months during that period. The average length of stay increased to 15.7 months during fiscal year 2020. During the projection period, the average length of stay is expected to average 14.5 months, which would be a slight decrease from the fiscal year 2020 level. This adjustment is expected as average lengths of stay return to normal levels after the COVID-19 pandemic. Data indicate the pandemic has resulted in increased average lengths of stay for fiscal year 2020 due to challenges with admission holds and changes to program delivery or availability due to COVID-19 precautions.

Projections provided in June 2020 indicated juvenile state residential populations would decrease an average of 2.7 percent annually from fiscal years 2020 to 2025; instead, average lengths of stay increased due to the COVID-19 pandemic. Three model assumptions underlying the June 2020 projections models included: (1) that diversions of juveniles through the RDA program would remain substantially higher than the 150 intended diversions specified in the related legislation, (2) that recently decreasing lengths of stay would continue to decrease, and (3) that violent felony referrals would continue to increase. The COVID-19 pandemic has caused changes to the data trajectories for all three assumptions, and they no longer apply. LBB staff have observed an increase in average lengths of stay due to the pandemic. It is likely that this change will have continued effects through the next biennium as changes throughout the juvenile justice system continue to affect population sizes (see **Appendix B**). The state residential population is expected to remain, on average, 34.3 percent below operating capacity during the projection period.

These projections include initial findings regarding the effects of the COVID-19 pandemic on juvenile populations. Subsequent projections will incorporate any additional data regarding these effects. Although TJJD's temporary suspension of admissions in April 2020 reduced the state residential population, it is likely the population will receive an influx of admissions when admissions holds are released

**FIGURE 17**  
**ACTUAL AND PROJECTED TEXAS JUVENILE JUSTICE DEPARTMENT STATE RESIDENTIAL AVERAGE DAILY POPULATION AND OPERATING CAPACITY, FISCAL YEARS 2016 TO 2026**



NOTES:

- (1) Texas Juvenile Justice Department's (TJJD) operating capacity decreased during fiscal year 2018 because the agency transferred ownership of the Corsicana Residential Treatment Center to the City of Corsicana on May 31, 2018.
- (2) TJJD's operating capacity decreased substantially during fiscal year 2020 because several beds originally designated for permanent assignment were set aside for medical quarantine to accommodate juveniles exhibiting potential symptoms of COVID-19. Additionally, several dormitories were taken offline.

SOURCES: Legislative Budget Board; Texas Juvenile Justice Department.

**FIGURE 18**  
**PROJECTED TEXAS JUVENILE JUSTICE DEPARTMENT STATE RESIDENTIAL AVERAGE DAILY POPULATION AND OPERATING CAPACITY, FISCAL YEARS 2021 TO 2026**

YEAR	POPULATION	OPERATING CAPACITY	DIFFERENCE	PERCENTAGE
2021	814	1,706	892	47.7%
2022	1,009	1,706	697	59.1%
2023	1,120	1,706	586	65.7%
2024	1,222	1,706	484	71.6%
2025	1,336	1,706	370	78.3%
2026	1,489	1,706	217	87.3%

SOURCE: Legislative Budget Board; Texas Juvenile Justice Department.

and TJJD returns to normal operations. It is not clear if juveniles pending admission to TJJD are able to start working on programming required to complete their sentences while pending transfer from juvenile detention facilities. As of early January 2021, 75 juveniles were pending transfer to TJJD including 18 determinate sentence youth and 57 indeterminate sentence youth. As these holds continue through the COVID-19 pandemic, it is likely the effects on the populations and average length of stay will continue. Considering the changing policies and procedures it is not possible to fully predict the effects these actions will have on populations subsequently. It should also be noted policies and practices have changed multiple times during the pandemic. The dynamic nature

of current policies and practices demonstrates the challenges in projecting future populations based on current policies and practices.

**Figure 17** shows the actual and projected monthly state residential population and operating capacity for TJJD from fiscal years 2016 to 2026. **Appendix B** provides additional information regarding projection drivers and model assumptions.

**Figure 18** shows the average daily projected population from fiscal years 2021 to 2026 and the population relative to TJJD's operating capacity. The average daily population is expected to remain below operating capacity during the entire projection period. See **Appendix B** for more information.

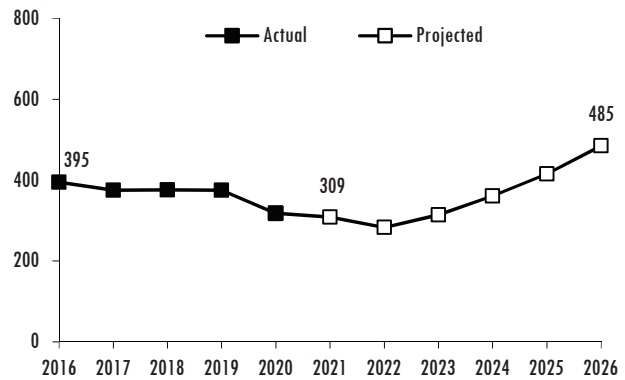
### JUVENILE PAROLE SUPERVISION ACTUAL AND PROJECTED POPULATIONS, FISCAL YEARS 2016 TO 2026

The parole supervision population is projected to increase an average of 11.4 percent per year during the projection period, with an average daily population of 485 by the end of fiscal year 2026. Any significant change in projection drivers (e.g., commitment and parole revocation practices) may affect actual populations.

Admissions to parole increased each year from fiscal years 2016 to 2019, with an average annual increase of 4.9 percent. During that period, the average length of stay decreased from 8.6 months during fiscal year 2016 to 6.1 months during fiscal year 2019. Admissions decreased during fiscal year 2020 by 22.4 percent. These factors have resulted in a stable average daily population of 375 juveniles during fiscal years 2017 and 2018, and 374 juveniles during fiscal year 2019; however, that number decreased significantly during fiscal year 2020 to 318. From fiscal years 2016 to 2019, the percentage of all juveniles released from state residential facilities admitted to parole supervision increased from 65.8 percent to 76.7 percent. Assuming a similar proportion are admitted to parole during subsequent fiscal years, it is likely the number of juveniles admitted to parole supervision will increase. The recent decrease in the average length of stay of juveniles committed to TJJD also is likely to contribute to a slight increase in the average daily population in the juvenile parole supervision population.

These projections include initial information regarding the effects of the COVID-19 pandemic on the juvenile parole supervision population projections. Subsequent projections will incorporate any additional data regarding these effects. Although TJJD’s temporary suspension of admissions beginning in April 2020 decreased the state residential population, when admission holds are released there will likely be an influx of admissions as TJJD returns to normal operations. Additionally, the data indicate TJJD released more juveniles to parole during the pandemic. This resulted in a concentration of juveniles with more serious needs and higher-level offenses that might not be as likely to be eligible for release to parole in the future. It is not clear if juveniles pending admission to TJJD, in particular those with indeterminate sentences, are able to start working on programming required to complete their sentences. This ability will affect on the average length of stay in TJJD facilities and the timing of release to parole supervision. As of early January 2021, 75 juveniles were pending transfer to TJJD. These cases include 18 determinate sentence youth and 57 indeterminate sentence youth. As these holds continue through the COVID-19 pandemic, it is likely to affect the populations

**FIGURE 19**  
ACTUAL AND PROJECTED JUVENILE PAROLE AVERAGE  
DAILY POPULATIONS, FISCAL YEARS 2016 TO 2026



SOURCES: Legislative Budget Board; Texas Juvenile Justice Department.

**FIGURE 20**  
PROJECTED JUVENILE PAROLE AVERAGE DAILY  
POPULATIONS, FISCAL YEARS 2021 TO 2026

YEAR	POPULATION
2021	309
2022	283
2023	315
2024	361
2025	415
2026	485

SOURCE: Legislative Budget Board.

and average length of stay in TJJD facilities. These changes to practices in residential facilities will, in turn, affect the size of parole populations. Considering the changing policies and procedures with respect to parole practices, it is not possible to fully predict the effects these actions will have on populations subsequently. It should be noted policies and practices have changed multiple times during the COVID-19 pandemic. The dynamic nature of current policies and practices demonstrates the challenges in projecting future populations based on current policies and practices.

**Figure 19** shows the actual and projected average daily juvenile parole supervision populations for TJJD from fiscal years 2016 to 2026. **Appendix B** includes additional information regarding these projections and model assumptions.

**Figure 20** shows the projected average daily parole supervision population from fiscal years 2021 to 2026. See **Appendix B** for more information.

### JUVENILE PROBATION SUPERVISION ACTUAL AND PROJECTED POPULATIONS, FISCAL YEARS 2016 TO 2026

The total juvenile probation supervision population is projected to be fairly stable during the projection period, increasing an average of 3.2 percent per year. Any significant change in projection drivers (e.g., admissions or length of supervision) may affect actual populations.

Although total admissions to juvenile probation departments decreased an average of 5.8 percent per year from fiscal years 2015 to 2017, admissions to supervision increased 1.4 percent during fiscal year 2018 and 1.6 percent during fiscal year 2019, the first increases in total supervision admissions since fiscal year 2007. These increases were due to increases in admissions to deferred prosecution and conditional predisposition, which increased 7.0 percent and 12.5 percent, respectively, from fiscal years 2017 to 2019. These increases were offset by a decrease of 10.5 percent in adjudicated probation supervision during this period. During fiscal year 2020, total admissions to juvenile probation departments decreased 25.8 percent. This decrease includes a 13.3 percent decrease in admissions to adjudicated probation, a 32.7 percent decrease in admissions to deferred prosecution, and a 21.1 percent decrease in admissions to conditional predisposition. These decreases should be interpreted with caution due to significant changes in policy and practice, as discussed in **Appendix B**.

The length of stay of all three supervision types has remained stable from fiscal years 2015 to 2020, averaging 3.3 months

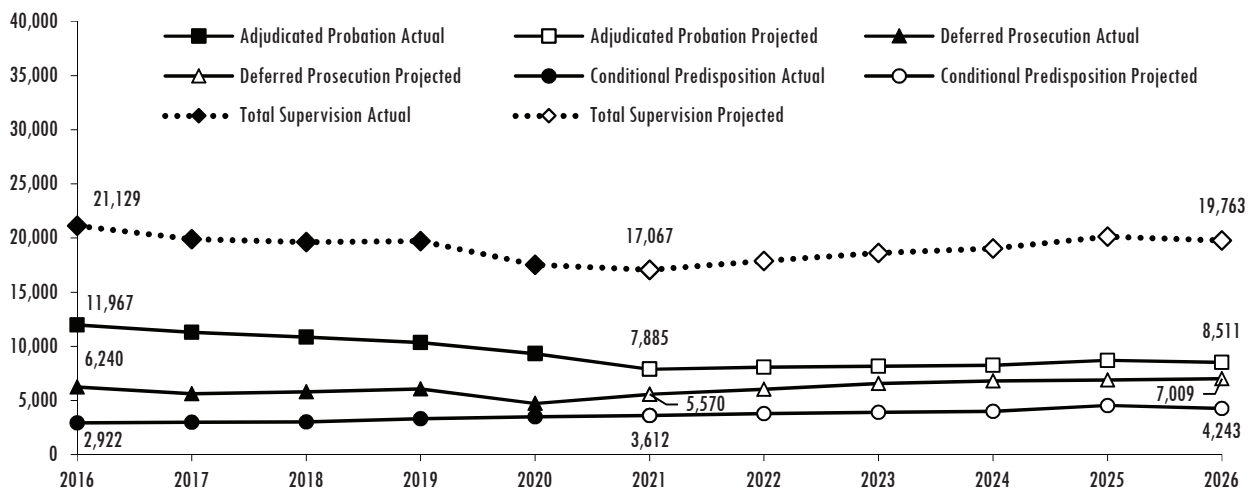
for conditional predisposition, 5.0 months for deferred prosecution, and 11.5 months for adjudicated probation.

The average daily population of individuals on conditional predisposition, which has increased each year since fiscal year 2015 but decreased during fiscal year 2020, is projected to increase an average of 3.5 percent from fiscal years 2021 to 2026. The average daily population of individuals on deferred prosecution, which decreased during fiscal year 2020 but increased during the previous two fiscal years, is projected to increase an average of 5.2 percent during the projection period. The average daily population of individuals on adjudicated probation, which has decreased each year since fiscal year 2015, is projected to increase an average of 1.6 percent during the projection period. This increase is expected due to a combination of the case backlog due to the COVID-19 pandemic and the challenges in delivering services to youth in schools during the pandemic. This combined with the effort to prevent sending juveniles to detention centers and residential facilities is likely to lead to a short-term increase in cases referred to probation.

These projections include initial information on the effects of the COVID-19 pandemic on the juvenile probation supervision populations. Subsequent projections will incorporate any additional data regarding these effects. The COVID-19 pandemic presented several challenges for juvenile probation departments and affected policies and practices throughout the juvenile justice system. These effects are discussed in **Appendix B**.

**Figure 21** shows the actual and projected juvenile probation supervision populations from fiscal years 2016 to 2026.

**FIGURE 21**  
**ACTUAL AND PROJECTED JUVENILE PROBATION SUPERVISION POPULATIONS BY SUPERVISION TYPE**  
**FISCAL YEARS 2016 TO 2026**



SOURCES: Legislative Budget Board; Texas Juvenile Justice Department.

**FIGURE 22**  
**PROJECTED JUVENILE PROBATION SUPERVISION POPULATIONS BY SUPERVISION TYPE**  
**FISCAL YEARS 2021 TO 2026**

YEAR	AVERAGE DAILY POPULATION			TOTAL SUPERVISION
	ADJUDICATED PROBATION	DEFERRED PROSECUTION	CONDITIONAL PREDISPOSITION	
2021	7,885	5,570	3,612	17,067
2022	8,065	6,040	3,792	17,897
2023	8,164	6,572	3,893	18,629
2024	8,259	6,801	3,989	19,049
2025	8,701	6,892	4,534	20,127
2026	8,511	7,009	4,243	19,763

SOURCE: Legislative Budget Board.

Figure 22 shows projected average juvenile probation supervision daily populations from fiscal years 2021 to 2026. See Appendix B for more details.

## QUALITATIVE REVIEW

As part of the correctional population projections methodology, LBB staff conducted a qualitative review during fall and winter 2020. The purposes of the review were to:

- obtain a more in-depth understanding of the criminal and juvenile justice trends originally reported in the LBB staff-generated June 2020 *Adult and Juvenile Correctional Population Projections* report;
- explore current criminal and juvenile justice trends;
- obtain feedback from practitioners, decision makers, advocacy groups, and incarcerated adults regarding their policy and budgetary recommendations for the Eighty-seventh Legislature, 2021; and
- assess the effects of the COVID-19 pandemic on criminal and juvenile justice system operations and practices.

### METHODOLOGY

LBB staff conducted focus groups and interviews with criminal justice practitioners, juvenile justice practitioners, advocacy groups, and academics with experience and expertise in criminal and juvenile justice. As a result of the challenges presented by the COVID-19 pandemic, data collection methodologies used in previous years were not possible this year. An alternate data collection methodology was developed in consultation with qualitative data collection experts. The new data collection approach included virtual and telephonic key informant interviews and virtual and telephonic focus groups. Whereas LBB staff typically collect this information by traveling to conferences and offices of participants around the state, the new approach did not require any travel. This data collection approach enabled the participation of practitioners representing a broad range of jurisdiction sizes and geographic areas. LBB staff were able to reach a wider geographic area than in previous qualitative data collection efforts due to the accessibility and ease of use of virtual meeting technologies. LBB staff were unable to interview individuals who were in incarceration settings this year due to the challenges of the pandemic and restrictions on visitation and travel. **Figure 23** shows the types of practitioners who participated in the qualitative review.

### FIGURE 23 PARTICIPANT GROUPS INCLUDED IN THE CRIMINAL JUSTICE DATA ANALYSIS QUALITATIVE REVIEW FALL 2020 TO WINTER 2021

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Academic Experts
Adult Community Supervision Departments
Advocacy Groups
Civil Rights Attorneys
Defense Attorneys
Jail Personnel
Judges
Juvenile Probation Departments
Law Enforcement
Prosecutors – County and District Attorneys
Reentry Staff
State Agency Personnel
Victim Rights Advocates and Victim Services Personnel

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SOURCE: Legislative Budget Board

### ADULT CRIMINAL JUSTICE FINDINGS

Focus groups and interviews with adult criminal justice practitioners yielded information regarding various criminal justice trends, challenges related to the COVID-19 pandemic, effects of civil unrest during summer 2020, and legislative recommendations. Data gathered through the qualitative review provide context and depth to the quantitative projections included in this report. Several highlights from the qualitative data analysis are provided in the following sections.

#### POLICE AND LAW ENFORCEMENT

Most law enforcement concerns related to the COVID-19 pandemic are discussed in the section **Findings Related to the COVID-19 Pandemic – Adult Criminal Justice**. Several participants mentioned the need for better accountability for law enforcement departments and suggested the Texas Commission on Law Enforcement (TCOLE) could serve an important role if given more



authority to monitor agencies and hold them accountable to standards. Many participants suggested TCOLE does not have much authority or power, which has a detrimental effect on the quality of law enforcement services.

Participants discussed challenges in communication between law enforcement departments regarding previously employed individuals that have been discharged from duty for inappropriate conduct. Numerous discussions highlighted a need for a central database to communicate that information to other departments and prevent the hiring of previously employed individuals discharged from duty for inappropriate conduct by other law enforcement agencies.

Many law enforcement participants reported challenges with addressing law enforcement officer mental health and morale concerns. Participants also cited concerns about increased law enforcement officer suicides. Many participants identified the combination of the civil unrest during summer 2020, the Black Lives Matter movement (specifically citing related commentary on defunding the police and the challenges from officers who have behaved inappropriately and how they reflect on the policing profession), and challenges related to the COVID-19 pandemic as primary causes of morale and mental health concerns. Participants reported challenges in navigating policing during this time when there are communication breakdowns between line staff and agency administrators. They also raised concerns regarding the ability to hold police officers who engage in inappropriate actions accountable when law enforcement unions have power to overturn leadership decisions regarding discipline and termination. Many participants suggested this situation was affecting policing adversely due to an inability to “get rid of the bad apples.”

Law enforcement representatives also highlighted concerns with the way internal investigations in response to an internal complaint filed by one officer against another for misconduct are handled. Participants reported harassment and discrimination complaints should be handled outside of internal investigations channels and taken out of the control of the “chain of command.” Several participants expressed concerns that the inability to properly investigate internal complaints where one officer reports another for problematic behaviors limits the ability for police departments to discipline, re-train, or terminate employment of problematic employees when early warning signs emerge. Participants reported the ability to improve response to these types of complaints would also improve community relations. Ultimately, some participants recommended having an

independent body able to investigate these types of complaints would benefit law enforcement departments, their employees, and local communities, and aid in building trust and legitimacy with local communities.

#### **VICTIM SERVICES PROVIDERS AND ADVOCATES**

For several years, victim services providers expressed concerns with the ability to partner with law enforcement agencies to deliver needed services to victims. Previously, these concerns related to challenges with reimbursement for forensic examinations completed by victim services providers to aid in investigations. Previously those reimbursements were required to be routed through the police department with the police department requesting reimbursement from the state and the victim services provider requesting reimbursement from the police department. Providers reported that, although legislative changes that no longer require the funding to be routed through police departments are helpful, victim services providers continue to be concerned with the ability to collaborate with law enforcement agencies.

Victim services providers reported challenges in reimbursement for forensic services through the sexual assault nurse examiner (SANE) programs that require victim services providers to have signed documents from law enforcement prior to submitting reimbursement requests.

The participants noted recent legislative changes intended to make the reimbursements process easier, but said that challenges remain, including requiring a certification letter or statement from law enforcement officials prior to receiving reimbursement. Participants reported these ongoing challenges cause an antagonistic relationship in some instances rather than encouraging cooperation. Furthermore, the relationship with law enforcement reportedly can be somewhat antagonistic and is particularly problematic for victim services providers when the community has a negative perception of the law enforcement partner.

Participants expressed increased concerns with strangulation in domestic and family violence cases. Victim services personnel reported a need for increased attention to the challenge of addressing strangulation in domestic and family violence.

#### **PROSECUTION AND PROSECUTORIAL DIVERSION**

Participants reported concerns with the lack of regulation for prosecutorial diversion programs. Participants offered several suggestions including that these programs need to be

regulated and have minimum standards. Some participants expressed concerns these programs are not administered in an equitable manner and access to the programs is sometimes limited based on financial means.

Interview and focus group participants expressed concerns about who is monitoring the programs' participants and providing accountability when they are not monitored by community supervision staff. When program participants are monitored by community supervision staff, the programs are challenged by funding concerns, because no mechanism is in place for funds to be provided to community supervision and corrections departments (CSCD) to supervise these populations.

CSCDs are departments that oversee what was previously referred to as adult probation. Throughout this section, references to CSCDs or community supervision include departments that administer what are known as probation programs in criminal justice vernacular.

#### **COURT OPERATIONS AND CHANGES IN COURT PROCESSES**

Many focus group and interview participants highlighted challenges with court operations, most of which related to the COVID-19 pandemic and will be discussed in the section **Findings Related to the COVID-19 Pandemic – Adult Criminal Justice**. Participants also expressed concerns regarding availability of services for specialty courts and funding for specialty courts.

Other discussions highlighted the need for bail reform. Many participants reported the current bail process is not working and highlighted a need to use risk-based instruments for bail decisions and to create more options for indigent defendants to secure release.

#### **INCARCERATIVE FACILITIES**

The majority of the discussion regarding residential correctional facilities related to concerns about the COVID-19 pandemic and the need to adjust to enable physical distancing and isolation. Participants also expressed concerns regarding access to programs and services during the pandemic. Participants noted concerns that when courts resume normal operations, there will be an initial increase in the number of individuals sentenced to incarceration in state correctional facilities.

Some participants expressed concerns about state jail reform. Many participants reported state jail is not functioning as it

was intended, specifically to keep lower-level offenders in lower levels of the system and separate from more serious offenders while targeting them for treatment interventions to prevent future justice system involvement; and the state jail system needs serious reforms to accomplish the goals originally set out for it.

Participants report state jail is perceived as an easy alternative to probation or treatment requirements inherent in specialty courts, as offenders opt for state jail to “get it over with,” and defense attorneys recommend state jail to decrease the time their clients are under criminal justice system supervision. Many participants noted the high recidivism rates for state jails compared to other components of the corrections system when discussing why the system is not working.

#### **ADULT COMMUNITY SUPERVISION**

Most of the discussion around adult community supervision related to two dominant themes: funding challenges and challenges related to the COVID-19 pandemic. The two combined are resulting in difficult circumstances for local CSCDs. The pandemic-related challenges are discussed in the section **Findings Related to the COVID-19 Pandemic – Adult Criminal Justice**.

Participants reported significant funding concerns in adult community supervision. They stated the combination of budget reductions at the state level, decreased ability to collect supervision fees, and local budget reductions is resulting in an “impossible fiscal situation” for probation departments. Many participants stated if community supervision is not funded adequately, the state will “pay a bigger price when people recidivate or end up in prison at a much higher cost per day and for longer periods of time.”

Participants reported that, although the number of individuals placed onto community supervision has decreased significantly due to the COVID-19 pandemic, bond supervisions have increased. Participants expressed significant concerns that, when courts resume normal operations, community supervision will receive an influx of placements.

#### **ADULT PAROLE**

Several discussions regarded compassionate release to parole for those at higher risk for contracting COVID-19. It was unclear whether this practice was only being discussed or if it had been implemented. If implemented, this practice would increase parole populations and could affect recidivism rates.

### **ADULT REENTRY AFTER CRIMINAL JUSTICE SYSTEM INVOLVEMENT**

Participants reported challenges in reentry services for adults reentering society after the end of their criminal justice system involvement. These discussions highlighted the need for continuity of care in mental health and substance abuse treatment, continuity of care for healthcare needs, the need for transitional housing support and assistance to reduce the challenges of homelessness for formerly incarcerated individuals, job skills training and job placement support and assistance, educational support and assistance, and transitional assistance for families to adapt to the return of their loved ones. Participants stated addressing these needs would serve to further reduce recidivism rates and “set up formerly incarcerated individuals to be successful post-justice system involvement and allow them to become prosocial contributors to the state’s tax base.”

### **RECOMMENDATIONS FOR THE LEGISLATURE FROM PRACTITIONERS AND ADVOCATES**

The most common recommendation for the Eighty-seventh Legislature, 2021, for the adult criminal justice system from qualitative interview and focus group participants was to adequately fund adult CSCDs and to update the formulas used for funding CSCDs to match the level and types of services provided. Many participants commented on the “antiquated nature of probation funding” and that “probation is being funded the same way it was in the Seventies while what we are doing is much more labor-intensive, costly, and effective than the mere supervision provided at that time.” Some participants suggested a baseline funding level should be established for all CSCDs, and that they should be “made whole” by restoring funding reductions from recent budget cuts.

Participants discussed a need for more inpatient and outpatient mental health and substance abuse treatment resources. Some practitioners reported a need for more mental health facilities, and others said sometimes the facilities are there but those facilities do not always have the necessary, qualified staff. Individuals often wait in county jail while the court waits to find a placement for them so they can receive services to become mentally competent to stand trial. Additional practitioner recommendations included more resources for supervision and programs including pretrial diversion, pretrial supervision, and post-disposition supervision programs.

Participants also recommended that pretrial diversion programs administered by prosecutors’ offices need to be regulated better. These programs are not consistent among counties, and some participants commented on the need to use evidence-based approaches in these programs. Additionally, participants said no mechanism is in place for tracking the number of individuals who participate in these programs, where they are offered, what the requirements of these programs are, or how efficacious they are. Without standards for these programs, the results are inconsistent among locations and, at times, among prosecutors.

Finally, several participants discussed the need for state jail reform, as discussed previously. Participants reported state jail is not serving to keep lower-level offenders at lower levels in the system while providing treatment alternatives to reduce the likelihood of future criminal justice system involvement. Several participants stated individuals choose state jail incarceration sentences rather than participate in probation or specialty court programs to spend less time under criminal justice supervision and reduce the amount of work they have to do to complete their sentences. Many participants identified this issue as a legislative priority.

### **FINDINGS RELATED TO THE COVID-19 PANDEMIC – ADULT CRIMINAL JUSTICE**

Practitioners, advocates, and academics all reported serious challenges arising from the COVID-19 pandemic in the adult criminal justice system. Bolded areas in **Figure 24** show components of the criminal justice system that have encountered significant challenges related to the pandemic. Each of these criminal justice system components is discussed in the following sections.

#### **VICTIM ADVOCACY CHALLENGES**

Victim services personnel and advocates included those working with survivors of human trafficking, sexual assault, and domestic and family violence. They said the COVID-19 pandemic has presented numerous challenges for victim services programs. Many of these programs are nonprofit rather than government-operated, resulting in challenges accessing federal Coronavirus Aid, Relief, and Economic Security (CARES) Act funding or other COVID-19 emergency-related grants and aid.

Victim services personnel and advocates report challenges providing enough shelter beds and safe facility beds for survivors of human trafficking and domestic

and family violence. The combination of economic challenges for families and pandemic-related safety protocols has simultaneously increased demand for safe facility and shelter beds and decreased the number of beds available. Participants reported the COVID-19 pandemic also has resulted in an increase in domestic and family violence incidents and child abuse. Participants stated this increase likely is attributable to increased time at home and survivors being isolated with their abusers. Participants also said increased stress and mental health challenges resulting from isolation and fear of COVID-19 have escalated the severity of domestic violence and child abuse incidents. Victim services personnel were particularly concerned with the escalation of strangulation episodes.

Victim services personnel report increased economic strains are exacerbating family and domestic violence challenges and resulting in additional barriers to providing adequate services to survivors. As unemployment and underemployment have increased, so have financial strains on households. This has exacerbated existing tensions in households. Additionally, anecdotal evidence indicates survivors are more reluctant to leave their abusers due to financial challenges. It is also important to note victim services personnel have recorded instances where abusers are using the COVID-19 pandemic to manipulate victims by either threatening to expose survivors or purposefully exposing survivors to COVID-19.

Participants discussed additional challenges related to the ability of Sexual Assault Nurse Examiner (SANE) nurses to access medical facilities to conduct forensic examinations for sexual assault cases. COVID-19 restrictions have resulted in barriers to access and necessary evidence collection for prosecution. Participants expressed concerns that fear of COVID-19 might be causing survivors' reluctance in seeking medical care for sexual victimization.

Victim services personnel reported challenges in identifying human trafficking during the COVID-19 pandemic. Increased isolation combined with economic challenges exacerbate the existing difficulties in identifying and responding to human trafficking. Service providers expressed concerns about seeing lower volumes of both incidents officially reported to law enforcement and service requests for human trafficking and sexual assault victims.

### **POLICE RESPONSE**

LBB staff spoke with law enforcement personnel from across the state, including all ranks and various

specializations. Police response practices have changed in response to the COVID-19 pandemic. In several jurisdictions, police call takers and dispatchers are triaging police response to reduce potential for exposure to COVID-19. Police are also changing arrest practices in response to the pandemic. Participants report police are using cite-and-release and summons tools to avoid making arrests when “no immediate threat to public safety” is evident from an individual alleged to have committed a crime.

Law enforcement participants also discussed challenges when processing individuals who have been arrested while jails are trying to keep their populations low. It should be noted these policies vary across the state with some departments continuing operations normally and other departments implementing practices that range from normal operations to extreme caution, dependent on local challenges and directives.

Several law enforcement participants reported challenges with increasing levels of exposure to COVID-19, increased staffing challenges resulting from COVID-19 quarantines and increased use of staff sick leave while employees diagnosed with COVID-19 are off duty, and increased stress and mental health concerns for police officers resulting from unpredictability and fear associated with the pandemic. Finally, law enforcement personnel in some areas reported receiving increased mental health calls for service during the pandemic. These findings should be interpreted with caution as LBB staff have been unable to verify them with quantitative analysis of calls for service data at this time.

### **PROSECUTORIAL AND DEFENSE ATTORNEY DECISION MAKING**

Prosecutors and defense attorneys have changed some practices in response to the COVID-19 pandemic. It is not clear if pandemic-related changes to policy and practice have increased the use of prosecutorial diversion programs. Some locations reported use of these programs has increased while others reported decreased use of these programs. Similarly, some locations reported challenges in progressing cases through the system using plea agreements at this time. Some prosecutorial and court staff reported defense attorneys are recommending resetting trial dates for their clients because they are not motivated to participate in plea agreement negotiations while court operations are at a standstill.



**COURTS**

Court operations have been affected significantly by the pandemic. Initially, most courts ceased operations. Many courts have reconvened using virtual court technologies approved by the Supreme Court of Texas in emergency orders, but some localities continue to have challenges in holding court. Participants expressed concerns with the ability to move cases through the courts in a timely manner to meet statutes of limitations requirements.

Some participants provided anecdotal evidence indicating that judges are releasing more people on bond, including cash bonds and personal recognizance bonds. Many of these individuals are supervised by local CSCDs which interview and focus group participants report as a growing challenge, because these departments are not funded by the state to supervise those on bond supervision. While some localities provide funding for these supervisions, others do not. This lack of funding is increasing strain on CSCDs at a time when their budgets have been reduced, and several have implemented reductions in force. Furthermore, some participants stated individuals are being released on bond for more severe crimes than was the case previously. Participants reported this practice was due primarily to attempts to keep jail populations low to reduce the potential for COVID-19 exposure and transmission in jail settings or in response to jails becoming COVID-19 hotspots.

In many locations, grand juries have not been able to convene during the pandemic. Participants reported other locations are experiencing delays in convening grand juries. This varies among jurisdictions across the state and has been identified as a reason for significant case backlogs in the court system. LBB staff were also told jury trials are continuing in some geographic locations, while some others have not held any jury trials since courts were closed in April 2020 and others have continued as normal. These challenges are continuing to contribute to a case backlog in the court system and increased jail population sizes for individuals pending prosecution. Participants reported the current felony case backlog is somewhere between 300,000 and 450,000 cases. (Various participants cited different numbers, but many specified 374,000 cases.) This backlog is likely to have affect the criminal justice and corrections systems for several years as these case backlogs are addressed. Although cases always are carried over from year to year, this volume is likely to be much higher than previously seen and does not include those cases pending indictment or information. In short, the case backlog likely will require several years to address. One way

to picture the extent of the recovery effort facing Texas after the pandemic is to imagine if the challenges experienced in Harris County after the landfall of Hurricane Harvey in August 2017 were extended to cover much of the state and the hurricane continued for several months.

Specialty courts and judicial diversion programs also face challenges. Specialty courts do not have access to the usual resources for clients. Participants expressed some concerns that reduced access to mental health facilities, mental health treatment, substance abuse facilities, and substance abuse treatment will make it more difficult for participants to complete these programs successfully. Participants also expressed concerns with funding for these programs when many judges rely on CSCD personnel for components of these programs.

**CORRECTIONS PROGRAMMING**

Participants expressed serious concerns regarding effects of the COVID-19 pandemic in correctional programs in Texas. These concerns include community supervision programming; intermediate sanctions programming, including Substance Abuse Felony Placements, for example; state jails; prisons; and parole.

CSCDs have faced numerous challenges as a result of the pandemic. Some CSCDs have had challenges with having to quarantine due to COVID-19 exposure. Other locations have been COVID-19 hotspots and have had to take necessary precautions in response. Many CSCDs have altered the way they are supervising those under community supervision in response to the pandemic. This response has included the use of virtual and telephonic contacts and the implementation of kiosks. Participants stated some locations are experiencing challenges with virtual and telephone contacts due to limited broadband access or mobile phone access. Departments have also incurred additional expenses due to the need for increased cleaning to prevent transmission of COVID-19, the need to provide personal protective equipment (PPE) to staff and those under community supervision, increased technology needs to enable staff to work from home or engage in virtual or telephonic contacts, and other similar expenses.

Participants discussed challenges regarding fee collections. The economic downturn has resulted in a situation where clients who were already indigent prior to the pandemic are facing difficulty paying community supervision fees as they are more likely to be unemployed and face increased

financial challenges due to the effects of the pandemic on the economy and the job market. This decrease in fee collections is resulting in reduced operational budgets for CSCDs. Finally, CSCDs are having challenges regarding community service requirements, access to mental health programming, access to substance abuse programming, and other treatment programming challenges. These challenges largely arise from complications in convening those under community supervision in group settings with pandemic precautions in place. Many CSCDs have waived community service requirements and fees, and many programs are being offered virtually. It is not clear how efficacious this programming is when delivered remotely, and participants recommended this programming needs to be evaluated to better equip CSCDs in providing evidence-based programming if similar situations emerge in the future. In addition to the challenges already mentioned, individuals interviewed reported technology and access to technology continues to present obstacles with access to broadband Internet and connectivity issues that disproportionately affect certain geographic areas of the state, particularly rural and frontier counties (i.e., a county designation within the continuum of demographic county designations that refers to counties with certain population size and density requirements, including distance from population centers and services), and indigent clients. Clients who do not have access to devices and service plans that enable them to participate face barriers to participation, successful completion of needed treatment, and services.

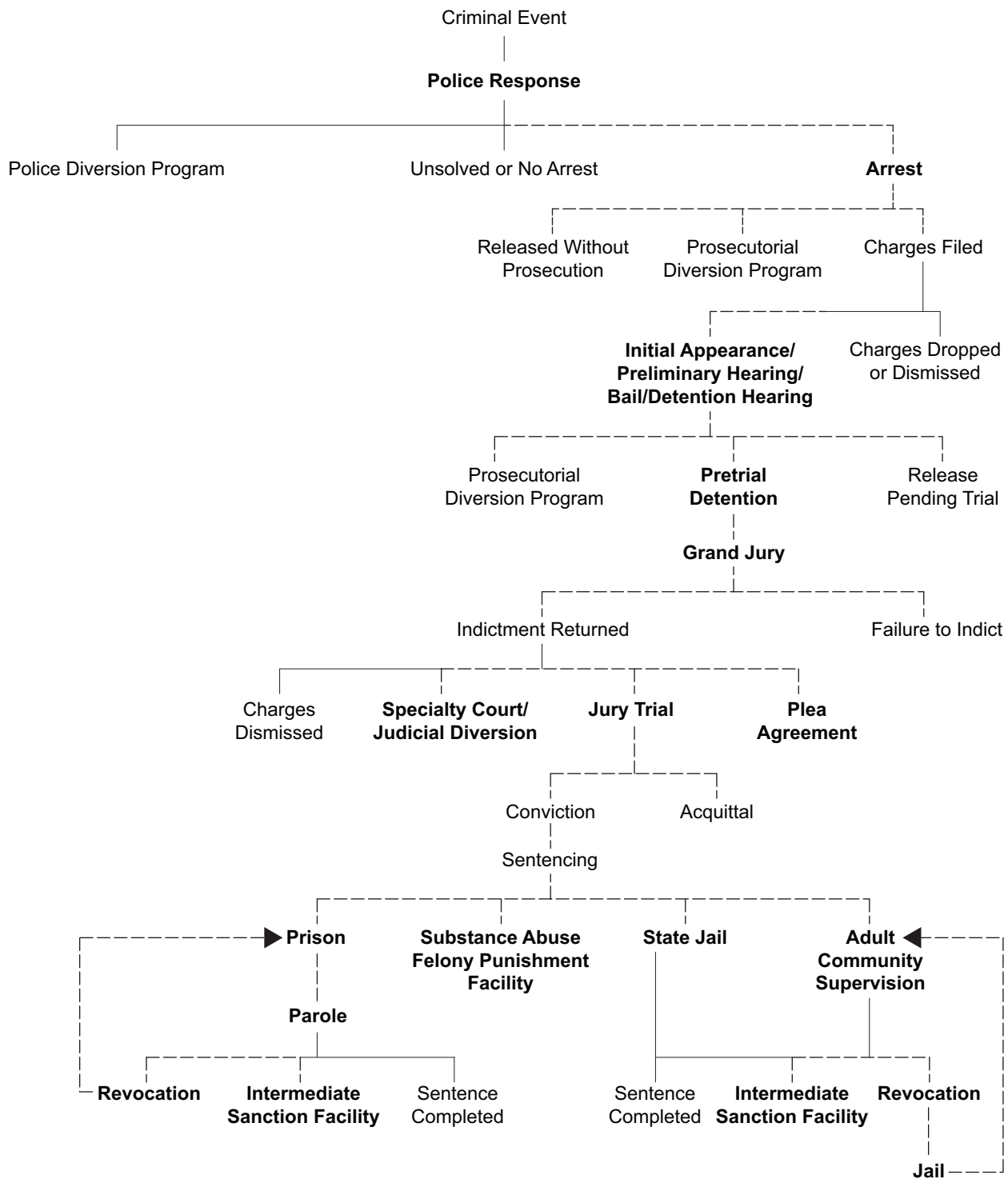
The primary concern in state jails and state prisons relates to exposure to COVID-19. Participants reported several facilities have had COVID-19 outbreaks. Both those incarcerated and staff face challenges related to mental health as a result of increased isolation and fear of COVID-19. Staff report increased mental health challenges from facing the potential for exposure at work and uncertain and changing circumstances. Incarcerated individuals have mental health challenges due to fear of exposure to COVID-19, lack of control over their healthcare, and increased isolation. Isolation challenges include decreased visitation from family and other visitors, reductions in programming available due to restrictions on volunteers coming into facilities, and other restrictions. These effects are likely to affect incarcerated populations adversely for several years.

**Figure 24** shows how cases progress through the adult criminal justice system. Bolded areas show system

components facing significant disruptions to case processing in the criminal justice system as a result of the pandemic. These challenges have been discussed in this section.



**FIGURE 24**  
**TEXAS ADULT CRIMINAL JUSTICE SYSTEM PROCESS, JANUARY 2021**



NOTE: Bolded areas show system components operating with alternative methods during the COVID-19 pandemic. Dashed lines show transmission paths where the movement of cases from one system component to the next have been affected by the pandemic. SOURCES: Legislative Budget Board; Bureau of Justice Statistics.

## JUVENILE JUSTICE FINDINGS

Focus groups and interviews with juvenile justice practitioners and advocates provided information regarding various juvenile justice trends, challenges related to the COVID-19 pandemic, effects of civil unrest during summer 2020, and suggested legislative recommendations. This information helps provide context and depth to the quantitative projections included in this report. Several highlights from the qualitative data collected are provided in this section.

### POLICE AND LAW ENFORCEMENT

Most law enforcement concerns related to the COVID-19 pandemic and are discussed in the section **Findings Related to the COVID-19 Pandemic – Juvenile Justice System**. Many of the broader challenges facing law enforcement agencies have already been addressed in the section on the adult criminal justice system. Comments specific to the juvenile justice system are discussed here.

LBB staff interviewed municipal law enforcement personnel and independent school district law enforcement representatives. Participants discussing municipal law enforcement experiences reported they do not have access to the tools school district law enforcement personnel can access. For example, participants reported the requirements for processing juveniles often remove police officers from patrolling the streets and responding to calls for extended periods of time because, while they are able to process adults in the field, officers do not have the tools to process juveniles in the field. This lack of processing tools hinders law enforcement officers' ability to use law enforcement-driven juvenile diversion programs or cite-and-release-style approaches with juveniles.

Municipal participants reported local law enforcement officers often avoid interactions with juveniles due to the increased scrutiny of those encounters, time-consuming requirements for responding to a juvenile interaction codified in statute, and a lack of familiarity with juvenile statutes and laws. Participants said the majority of law enforcement officer training focuses on responding to adult criminality and adult issues. Participants stated law enforcement officers do not feel prepared adequately to respond to juvenile concerns.

In discussing evidence-based policy and programming, officers reported they are not aware of the most appropriate evidence-based policies and programs for juveniles, which limits their ability to implement best

practices in response to encounters with juveniles. Several municipal law enforcement representatives of all ranks contacted LBB staff following interviews to report they were starting to collect information regarding best practices for redirecting juveniles from delinquent and criminal behavior patterns and working to implement tools specifically focused on juveniles in their departments. Participants also said local municipalities lack funding and support for juvenile initiatives where much of the focus remains on adult criminality.

Law enforcement participants reported a level of frustration with some of the reasons they are called to respond to a juvenile encounter. Municipal police discussed parents who call them to provide “parental discipline assistance” when parents feel they cannot control their kids and request police assistance in disciplining children and emphasized these events typically are not criminal or delinquent in nature. School district police reported requests from teachers and school administrators to enter schools and classrooms and assist with school discipline, which often involve encounters that are not criminal or delinquent in nature. They report frequently having to educate teachers and school administrators on the role of police and on the difference between school discipline and juvenile delinquency or criminality. Some participants said these types of interactions result in multiple negative outcomes, which can harm relationships between police and youth, decreasing perceived trust in police and police legitimacy; divert police attention from more serious offenses and strain already limited police resources; and can reinforce expectations that contribute to the “school-to-prison pipeline.”

### COURT OPERATIONS AND CHANGES IN COURT PROCESSES

Many participants reported challenges with court operations. Most of these challenges relate to the COVID-19 pandemic and will be discussed in the section **Findings Related to the COVID-19 Pandemic – Juvenile Justice System**.

### JUVENILE RESIDENTIAL FACILITIES

The vast majority of the discussion with respect to juvenile residential facilities related to concerns regarding the COVID-19 pandemic and the need to adjust capacity to enable physical distancing and isolation. Participants also expressed concerns with access to programs and services during the pandemic and concerns of a sharp increase in admissions to TJJD residential facilities when courts resume normal operations.

Several participants raised concerns about the use of contract care facilities, including their costs compared to the quality of services delivered and accountability to the public for the care and treatment of juvenile populations. Participants reported it would be better for juvenile probation departments to receive these funds and for funds to be designated specifically for local detention centers, both pre-adjudication and post-adjudication, or regional diversion treatment centers. Other participants commented on a need to locate more residential facilities near population centers but with lower population thresholds and lower staff-to-youth ratios. These two recommendations are in competition and highlight disagreement within the juvenile justice system about the best approach.

### **JUVENILE PROBATION**

Most of the discussion around juvenile probation related to two dominant themes: funding challenges and challenges related to the COVID-19 pandemic. The two combined are creating difficult circumstances for local juvenile probation departments. The pandemic-related challenges will be discussed in the section **Findings Related to the COVID-19 Pandemic – Juvenile Justice System**.

Similarly to adult probation, participants reported significant funding concerns in juvenile probation. Many participants said that adequate funding for juvenile probation departments would result in decreased need, or possibly no need, for state-run residential facilities for juveniles. Participants said increased funding to juvenile probation departments would assist with keeping juveniles “shallow in the system” and could significantly contribute to reductions in juvenile recidivism rates.

Some respondents reported conflict between juvenile probation departments and state facilities operated by TJJD, and many participants expressed a desire to return to a separate juvenile probation agency. These participants identified a fundamental conflict in asking an agency whose priority is to fully fund and manage state residential centers to oversee funding allocations to juvenile probation departments that are managed locally. Many participants recommended that local probation departments and state facilities should be managed by separate entities because the two “compete for funds.” Some participants reported feeling “tainted by the negative attention” directed at TJJD residential facilities. Other participants expressed more ambivalence about the relationship between juvenile probation departments and TJJD.

Participants also specified challenges regarding pre-adjudication and post-adjudication detention bed availability and service availability. Locations that do not have their own detention facilities that have difficulty gaining access to detention beds within normal circumstances report that this difficulty has been exacerbated during the pandemic. Participants in some geographic areas of the state report having to drive hours in each direction to transport youth to and from detention facilities and note the heavy costs related to staff time, “vehicle wear and tear”, vehicle mileage and gas, and the need to negotiate contract costs. Many of these jurisdictions have considered building their own detention centers, but identify startup costs as a significant barrier. Others report challenges staffing such facilities and local concerns with liability as additional barriers. Some participants stated the lack of detention centers in close geographic proximity with available beds and that accept county contract youth is a major barrier to regionalization.

Some participants reported concerns with regional diversion alternatives (RDA) programming. Participants reported some departments have difficulty securing approval from TJJD to place youth in RDA programs and stated the requirements seem to be fluid and not equally applied across all cases. Participants highlighted the conflict inherent in requiring TJJD review and approval for youth to participate in the RDA program while the main focus of TJJD is the funding and operation of state residential facilities. This was discussed as another source of conflict between TJJD and local juvenile probation departments.

Participants reported that, although their referrals for youth have significantly decreased due to the COVID-19 pandemic in some locations, other locations have seen an increase. Participants stated this disparity contributes to a need to examine localized challenges and understand both within-group and between-group changes in probation trends across the state. Participants also reported seeing more family violence cases than normal, although LBB staff have been unable to verify this report through independent data analysis at this time. Participants expressed significant concern that the probation system will experience an influx of juveniles when courts resume normal operations.

Participants discussed local challenges in accessing needed services for juveniles. Areas reported as high need included mental health and substance abuse treatment options. Participants also reported significant wait periods to place youth into residential treatment beds and outpatient treatment programs, which participants say have a significant

effect on successful juvenile outcomes. Participants also expressed concerns with the quality and type of education available to youth involved in the justice system, reporting that the quality of education received by youth in residential facilities is far less than what youth require to prepare them to succeed as adults. Participants said it is far better for youth to remain in their local communities and to continue education in local school districts where possible. They also strongly advocated for vocational training and vocational education availability.

Participants raised concerns about the elimination of prevention and intervention programming funding, which they say can prevent at-risk youth from becoming involved in the justice system. Many local probation departments are working to find ways to continue these programs at some level absent funding, but participants say that these efforts are not sustainable. They also reported the need to maintain funding levels to continue what they say are their “most important programs for setting juveniles up for success.”

### **JUVENILE PAROLE**

Participants did not have many recommendations for juvenile parole. The biggest concern expressed was that state parole staff lack understanding of and familiarity with locally available resources. Some participants reported feeling this lack of local knowledge and understanding may undermine juvenile success recommending more coordination with local juvenile probation staff.

### **RECOMMENDATIONS FOR THE LEGISLATURE FROM PRACTITIONERS AND ADVOCATES**

The most common recommendation for the Eighty-seventh Legislature, 2021, from practitioners in the juvenile justice system was to fund juvenile probation departments adequately and to update the formulae used for funding probation departments to match the level and type of services provided. Many participants said if juvenile justice were better funded locally, state residential populations would be reduced significantly. Some participants stated the need for state residential facilities might be eliminated completely with adequate funding of juvenile probation. Some participants also recommended probation departments should absorb the parole function to provide more local expertise and to provide personnel that fully understand locally available programming and services to work with youth to equip them for success.

Many participants reported challenges in accessing adequate treatment and support services for juveniles in local communities, which includes finding and providing adequate mental health and substance abuse treatment. Participants also identified challenges in the laws governing Medicaid funding for juvenile justice-involved youth. They recommend extending this support to youth while they are justice system-involved to provide continuity of care. This includes the provision of wraparound services to help youth stay on prosocial trajectories and trajectories that enable youth to avoid future justice-system involvement after release from juvenile justice system supervision.

Participants expressed many concerns with proposed legislation to raise the age determining who will be classified as juveniles in the state justice systems. Many participants support raising the upper age to 18, but they stated the success of such a change would require the state to dedicate funds to the juvenile justice system to provide appropriate programming and services directed at juveniles age 17.

Some participants recommended an intermediate “young adult justice” system structured to address the unique needs of justice-involved individuals from ages 17 to 25 while reducing the potential for lasting stigma from criminal justice system involvement. Participants expressed a consensus that young adults, particularly those age 17, are addressed better in the juvenile justice system “given what we know about neurological development and brain science.”

Many participants expressed concerns with raising the state’s lower age from 10 to 12, including doubts about whether Child Protective Services (CPS) or Department of Family and Protective Services successfully could “address the unique needs of these children.” In fact, many reported conflict with CPS staff indicating that communication between the two groups continues to be a challenge. Many participants reported that dual-status youth are often their biggest challenges due to difficulties in information sharing, communication, and coordination.

### **FINDINGS RELATED TO THE COVID-19 PANDEMIC – JUVENILE JUSTICE SYSTEM**

Practitioners, advocates, and academics all reported serious challenges arising from the COVID-19 pandemic in the juvenile justice system. **Figure 25** shows how cases typically progress through the juvenile justice system. Bolded areas show components of the juvenile justice system that have encountered significant challenges related to the pandemic. Each of these components is discussed in the following sections.

**POLICE RESPONSE**

LBB staff spoke with several law enforcement representatives across the state, including all ranks and various specializations. Police response practices have changed in response to the COVID-19 pandemic. In several jurisdictions, police call takers and dispatchers are triaging and prioritizing police response to reduce potential for exposure to COVID-19. Police are also changing arrest practices in response to the pandemic, including using cite-and-release and summons tools to avoid making arrests when there is “no immediate threat to public safety” from an individual alleged to have committed an offense.

Law enforcement participants reported these tools are not available to them when dealing with juveniles engaging in delinquent behavior, which has contributed to increased tensions between local law enforcement and local juvenile probation departments with police increasingly reluctant to provide referrals to juvenile probation departments because they have concerns that their referrals will not be accepted. Juvenile probation participants reported frustration with law enforcement indicating that they have ceased referrals due to COVID-19 precautions and frustrations over the lack of available detention bed space. In some jurisdictions that do not have a detention center, the difficulties locating a contract detention bed have forced juvenile probation officials to release juveniles they would normally have placed in detention. This situation increases law enforcement participants’ frustration when they “see the juvenile back on the street the next day.”

Law enforcement participants also identified some challenges when processing those who have been arrested during the pandemic, when detention centers are trying to keep their populations low. This has been particularly problematic for areas that do not have their own detention centers. Participants reported that some police departments have completely halted arrests of juveniles because they know no detention beds are available. This lack of detention beds reportedly has increased frustration on the part of local law enforcement and exacerbated their hesitance to deal with juvenile cases. It should be noted these policies vary across the state, and some departments continue operations as normal and most departments fall somewhere on the continuum between extreme caution in response to the pandemic and operations as normal depending on local challenges, conditions, and directives.

Local independent school district police forces highlighted various challenges arising from the COVID-19 pandemic. They had fewer referrals during the pandemic, particularly during times when school was conducted almost completely online across the state, but those numbers have been increasing gradually as more students return to in-person instruction. School district law enforcement representatives reported some challenges that emerged in the form of new problematic behaviors, including interrupting online classes with inappropriate language, comments, and behaviors, also known as “Zoom bombing”; increased cyberbullying, challenges with teachers and students witnessing abusive behaviors in homes via virtual feeds, and other similar challenges. Based on participants’ comments, it appears that some school law enforcement personnel are coordinating with school information technology personnel to address these issues.

**PROSECUTORIAL AND DEFENSE ATTORNEY DECISION MAKING**

Similarly to the adult criminal justice system, prosecutors and defense attorneys working with juveniles have changed some practices in response to the COVID-19 pandemic. Some locations report challenges in progressing cases through the juvenile justice system using plea agreements at this time. More information is needed to understand the effects of prosecutorial decision making on the progression of juvenile cases during the pandemic.

**COURTS**

Court operations have been affected significantly by the COVID-19 pandemic. Initially, most courts ceased operations. Many courts have reconvened using virtual court technologies approved by the Supreme Court of Texas in emergency orders, but some localities continue to have challenges in holding court. Participants expressed concerns with the ability to progress cases through court processes in a timely manner to meet statutes of limitations requirements.

Evidence indicates that courts are requiring more time to process cases as a result of the COVID-19 pandemic. It is not clear how extensive this backlog is in the juvenile justice system. Participants expressed concerns that cases will have to be dismissed due to juveniles aging out of the system and statutes of limitations expiring. Participants also expressed concerns that juveniles’ needs are not being addressed while they wait for adjudication.



**THE COVID-19 PANDEMIC  
AND THE JUVENILE JUSTICE SYSTEM**

Participants expressed serious concerns related to the COVID-19 pandemic in juvenile justice programs in Texas, including juvenile probation programming and juvenile residential facilities.

**THE COVID-19 PANDEMIC AND JUVENILE PROBATION**

Juvenile probation departments have faced numerous challenges as a result of the COVID-19 pandemic. Some juvenile probation departments have had challenges with having to quarantine due to COVID-19 exposure. Other locations have been COVID-19 hotspots and have had to take necessary precautions in response.

Many juvenile probation departments have altered the ways they are supervising probationers in response to the pandemic. These altered practices include the use of virtual and telephonic contacts and reductions to in-person home visits. In place, many juvenile probation departments are meeting with juveniles outside of their homes to enable physical distancing and prevent potential transmission of COVID-19.

Some locations report challenges with virtual and telephone contacts due to limited broadband Internet or mobile phone access. Departments have also incurred additional expenses due to the need for increased cleaning to prevent transmission of COVID-19, the need to provide PPE to staff and probationers, increased technology needs to enable staff to work from home or engage in virtual or telephonic telephone contacts, and other similar expenses. Some departments have reported difficulties in locating juveniles while school is not in session. Juvenile probation departments often use the school environment to locate youth when their families have moved. The shift to virtual schooling and hybrid schooling has also limited probation department access to at-risk youth for prevention and intervention programming.

Existing challenges regarding access to needed treatment services and programming have been exacerbated by the pandemic. Participants reported challenges in accessing mental health and substance abuse treatment programming, which includes residential inpatient treatment bed access, outpatient treatment access, and access to counselors and therapists. Participants expressed skepticism that virtual therapy could serve as a viable alternative to face-to-face therapy for juveniles, because juveniles require more effort to establish rapport and trust for therapeutic treatments to be efficacious. Challenges with access to broadband Internet and connectivity issues disproportionately affect certain

geographic areas of the state, particularly rural and frontier counties, and indigent clients. For clients who do not have access to devices and service plans that enable them to participate, this lack of access to technology creates barriers to successful completion of needed treatment and services.

Probation departments report struggling with access to both pre-adjudication and post-adjudication detention beds during the COVID-19 pandemic. These challenges have been exacerbated by the intake holds at TJJD. As youth have been detained for longer periods than normal in detention centers pending admission to intake and orientation at TJJD, fewer beds have been available for youth entering the system. This backlog has led to several counties ceasing to accept contract youth (defined as youth from counties that do not run their own detention facilities and, therefore, have to contract with other counties for detention bed space), resulting in a severe shortage in contract beds available to counties that do not maintain their own detention centers.

Before the pandemic, TJJD had registered 40 pre-adjudication detention facilities and one holdover facility that accepted county contract youth. Pandemic restrictions have resulted in a reduction in available facilities to 16 pre-adjudication detention facilities and 1 hold-over facility currently available for county contract youth. Similarly, before the pandemic, TJJD had registered 27 secure post-adjudication facilities and two nonsecure post-adjudication facilities to accept county contract youth. Pandemic restrictions have resulted in a reduction in available facilities to 12 secure and one nonsecure post-adjudication detention facility available for county contract youth. Additionally, local probation departments have absorbed the costs of holding youth in detention centers while waiting for transfer to TJJD. TJJD does not appear to have reimbursed local departments for these costs at the time of this publication.

**THE COVID-19 PANDEMIC  
AND JUVENILE RESIDENTIAL FACILITIES**

Residential facilities report experiencing challenges similar to those seen in the adult criminal justice system as a result of the COVID-19 pandemic. Challenges arise from the intake holds and the inability to transfer youth from local juvenile detention centers to TJJD custody. It is unclear if indeterminate sentence youth are able to start working on progress toward release while they are waiting for transfer to TJJD custody. Participants stated that this delay has resulted in increased frustration and, at times, increased behavioral challenges in response to these frustrations. Communications



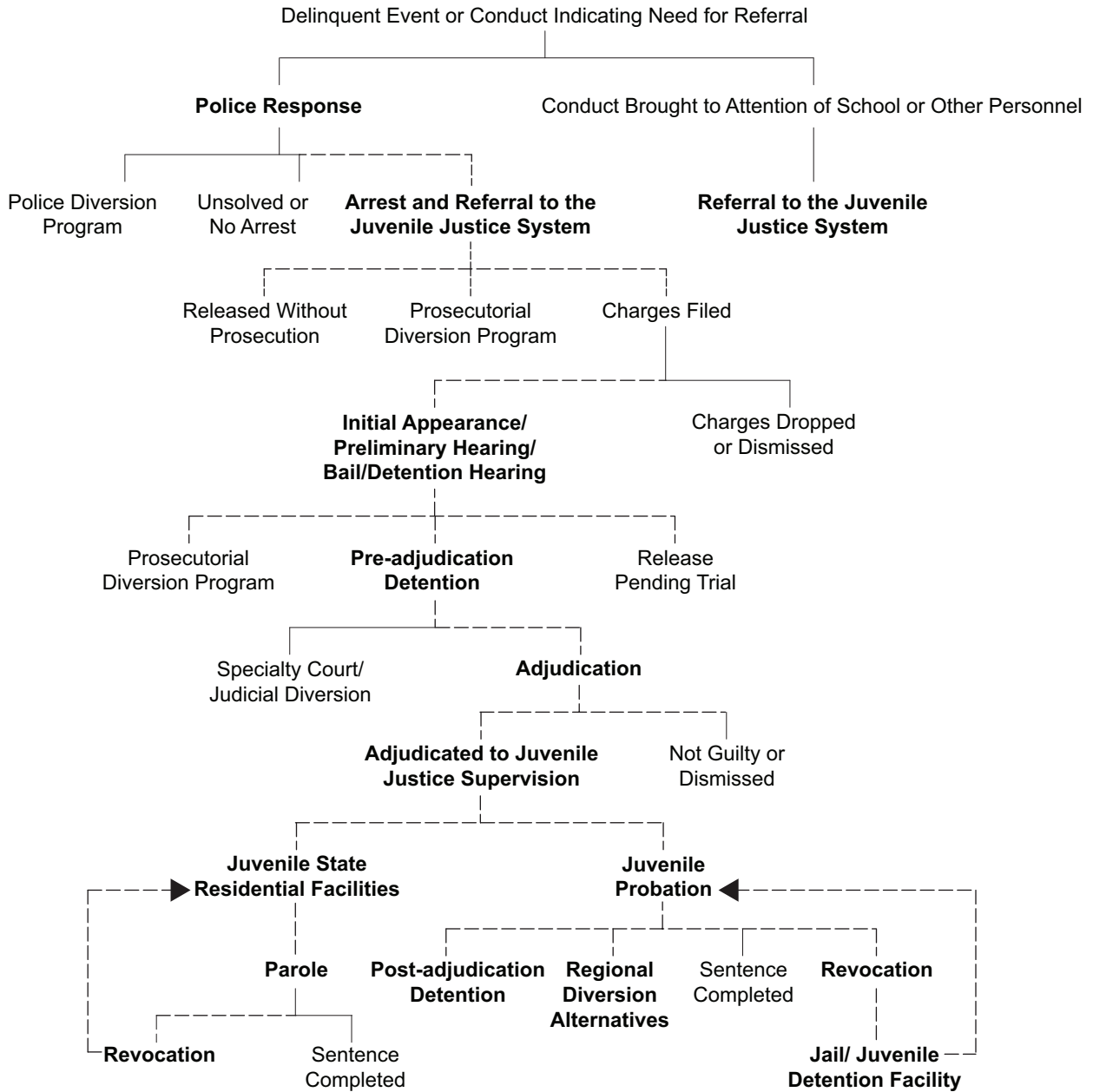
with youth and their families about what to expect regarding the timing of their transfers to TJJJ custody and the anticipated amount of time they will spend in TJJJ custody are not clear. Some participants reported that these delays increase the lengths of stay for youth.

Access to needed programs and services has been limited during the COVID-19 pandemic. TJJJ facilities have changed the way they deliver programs and services to prevent interactions between youth housed in different dormitories and reduce the number of contacts with adults providing programming. Some participants expressed concerns with the quality of educational services and other services being provided to youth, which has been identified as a problem that existed before the onset of the pandemic that has been exacerbated by the pandemic. Participants also expressed concerns that restrictions on visitation are preventing outside observers from detecting potential inappropriate staff conduct at a time when this behavior is already under scrutiny at TJJJ facilities.

The largest concern expressed by participants regarding juvenile residential facilities relates to exposure to COVID-19. Several locations have experienced COVID-19 outbreaks. Both youth and staff face mental health challenges as a result of increased isolation and fear resulting from COVID-19. Participants stated that staff are experiencing increased mental health challenges from dealing with the potential for exposure at work, and juveniles have mental health challenges due to fear resulting from the uncertainty surrounding COVID-19, lack of control over their healthcare, and increased isolation. Isolation challenges include decreased visitation from family and other visitors, reductions in programming available due to restrictions on volunteers entering facilities, and other restrictions. These challenges likely will have an adverse effect on juvenile residential facility populations for several years.

**Figure 25** shows how cases progress through the juvenile justice system. Bolded areas show those juvenile justice system components that are experiencing significant disruptions to case processing as a result of the pandemic. These challenges have been discussed in this section.

**FIGURE 25  
TEXAS JUVENILE CRIMINAL JUSTICE SYSTEM PROCESS  
JANUARY 2021**



NOTE: Bolded areas show juvenile justice system components experiencing challenges that are delaying or changing the movement of cases through the system as a result of the COVID-19 pandemic. Dashed lines show relationships among juvenile justice system components where the movement of cases has been changed during the pandemic.

SOURCES: Legislative Budget Board.

## GLOSSARY

### GENERAL TERMS

#### ARRESTING OFFENSES

The Department of Public Safety publishes arrest counts for certain offenses. Legislative Budget Board staff have categorized these offenses as violent, property, drug, or other as follows:

- violent offenses – include murder, non-negligent manslaughter, rape, robbery, aggravated assault, and other assaults;
- property offenses – include burglary, larceny and theft, motor vehicle theft, forgery and counterfeiting, fraud, embezzlement, stolen property, and vandalism;
- drug offenses – include drug sale, manufacturing, and possession; and
- other offenses – include arson, weapons carrying and possession, prostitution and commercial vice, gambling, offenses against children, vagrancy, sex offenses other than prostitution and rape, driving while intoxicated, liquor law violations, drunkenness, and all other offenses not mentioned previously, except traffic.

#### BEDS AVAILABLE FOR PERMANENT ASSIGNMENT

Beds available for permanent assignment represent juvenile state residential capacity, excluding beds set aside for temporary assignment such as those reserved for security, medical, and other purposes.

#### INTERNAL OPERATING CAPACITY

Internal operating capacity is the total number of permanent assignment beds available to house individuals after considering the capacity adjustment.

#### OPERATING ADJUSTMENTS

Operating adjustments represent the percentage of the unit capacity that correctional institution division administrators leave unfilled to accommodate logistical and safety issues and to separate individuals by custody, type, gender, and those in transit status.

#### OPERATING CAPACITY

Operating capacity is the maximum number of beds available for permanent assignment.

#### TEXAS STATE POPULATION ESTIMATE

The Texas Demographic Center produces the state general population estimate by reconciling the actual births, deaths, and migrations for the year in question. At the time of this report, the latest estimates were produced in November 2020 and include estimated populations for the calendar years before 2020.

#### TEXAS STATE POPULATION PROJECTION

The Texas Demographic Center produces state general population projections. At the time of this report, the latest projections were generated in December 2018 and include projected populations for calendar years through 2050.

#### UNIT CAPACITY

Unit capacity is determined based on standards related to density and support functions. It is the sum of all beds within a unit and includes beds available for permanent and temporary assignment.

## **CRIMINAL JUSTICE SYSTEM TERMS**

### **COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENTS**

Community supervision and corrections departments (CSCD) supervise individuals that are sentenced to community supervision, or probation, by local courts and those that receive community supervision in another county or state. Some individuals are confined temporarily in residential facilities. Others are not confined but must report to their community supervision officers at intervals determined by the courts and based on the individual's risk and needs assessment and supervision plan.

### **DISCRETIONARY MANDATORY SUPERVISION**

Discretionary mandatory supervision (DMS) is the current form of mandatory release and requires approval by the Board of Pardons and Paroles (BPP) for release of eligible individuals. DMS requires a parole panel's vote to release the incarcerated individual and affects those individuals that have been denied parole and received a BPP decision to serve the remainder of their sentences. Individuals committing nonviolent offenses on or after September 1, 1996, are eligible for DMS consideration after the sum of actual time served plus time credited for good behavior equals their length of sentence.

### **MANDATORY SUPERVISION**

Mandatory supervision (MS) is an automatic release when the sum of time served plus time credited for good behavior 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; however, some individuals that entered prisons before that time are eligible for MS release.

### **PAROLE SUPERVISION**

Parole is the conditional release of an individual from a prison, after Board of Pardons and Paroles (BPP) approval, to serve the remainder of the sentence under supervision in the community. The percentage of a sentence that must be served before being eligible for parole consideration varies according to the offense and offense date. The date on which an individual is eligible for parole consideration is calculated by The Texas Department of Criminal Justice. In most cases, approval by two of the three members of a parole panel is sufficient; however, in some cases two-thirds of the members of the BPP must approve for parole to be granted.

### **SHOCK PROBATION**

Also known as Shock Incarceration. At a judge's discretion, an individual who meets specific requirements and who has been sentenced to incarceration in a county jail or in a Texas Department of Criminal Justice prison may receive this type of modified sentence. Shock probation authorizes a judge to maintain jurisdiction over a defendant's case for a period of up to 180 days after incarceration begins. At any time during this period, a defendant may be returned to court and sentenced to community supervision. See the Texas Code of Criminal Procedure, Articles 42A.201 (misdemeanor offenses) and 42A.202 (felony offenses, excluding state jail felonies).

### **TEXAS DEPARTMENT OF CRIMINAL JUSTICE**

The Texas Department of Criminal Justice is charged with the care and custody of individuals sentenced to a term of incarceration within a state correctional institution (i.e., prison, state jail, or substance abuse felony punishment facility); providing funding and certain oversight to local community supervision and corrections departments; and responsible for supervising individuals placed under parole supervision (i.e., released from prison as a result of a BPP decision, through interstate compact, and those whose supervision was transferred from the juvenile justice system).

### **TEXAS BOARD OF PARDONS AND PAROLES**

The Texas Board of Pardons and Paroles determines which incarcerated individuals are to be released onto parole or discretionary mandatory supervision, conditions of parole and mandatory supervision, revocation of parole and mandatory supervision, and recommends the resolution of clemency matters to the Governor. Board members are appointed for six-year terms.

## JUVENILE JUSTICE SYSTEM TERMS

### **ADJUDICATED PROBATION**

Adjudicated probation is a type of community-based supervision and is one of the three types of juvenile probation department supervision defined in the Texas Family Code. To place a juvenile on this type of supervision, a judge must first determine during an adjudication hearing that the juvenile committed the petitioned offense(s). During a disposition hearing, the judge then specifies the supervision length of probation and the conditions of supervision. The judge may place the juvenile on probation at home or in a secure or nonsecure residential facility. As part of this supervision, the juvenile is required to follow certain requirements (e.g., meet with the probation officer regularly or be at home by a certain time), 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 that a juvenile violated the conditions of probation, the judge may modify the probation terms (e.g., extend the length of probation or increase requirements) or, if the juvenile is eligible, revoke probation and commit the juvenile to the custody of the Texas Juvenile Justice Department. For more information, see the Texas Family Code, Section 54.04.

### **CONDITIONAL PREDISPOSITION**

Conditional predisposition is a type of community-based supervision and is one of the three types of juvenile probation department supervision defined in the Texas Family Code. As of October 1, 2013, the Texas Juvenile Justice Department changed the description of this supervision from conditional release from detention to conditional predisposition supervision.

### **DEFERRED PROSECUTION**

Deferred prosecution is one of the three types of juvenile probation department supervision defined in the Texas Family Code. Under this type of supervision, juveniles may avoid adjudication by successfully completing a community-based supervision program called deferred prosecution. This supervision type typically is reserved for juveniles that have less severe offense histories. Participation requires consent from the juvenile and the juvenile's family. At any time during supervision, the juvenile and the family may terminate the supervision and request an adjudication hearing. Supervision may last up to six months unless extended by the judge for up to another six months. Similarly to adjudicated

probation, deferred prosecution includes supervision conditions. If the juvenile violates any of the conditions during the supervision period, the department may request formal adjudication of the case. If a juvenile successfully completes deferred prosecution, the juvenile must be released from supervision, and any filed petition for the case should be dismissed. For more information, see the Texas Family Code, Section 53.03.

### **DETERMINATE SENTENCE**

A determinate sentence is a commitment to the state for a specified period of time that is set by the juvenile court. The sentence length can last up to 40 years. Individuals who have not completed a sentence by age 19 are transferred to the adult criminal justice system to complete the sentence. Offenses eligible for determinate sentencing are specified in the Texas Family Code, Section 53.045.

### **INDETERMINATE SENTENCE**

An indeterminate sentence is a commitment to the state for an unspecified period of time until the individual turns age 19. The Texas Juvenile Justice Department has sole discretion to determine the commitment period.

### **TEXAS JUVENILE JUSTICE DEPARTMENT**

The Texas Juvenile Justice Department (TJJD) oversees state residential facilities, halfway houses, contract residential placements, and parole supervision. It also provides funding and oversight of local juvenile probation departments' supervision of juveniles. To be committed to TJJD residential facilities, a juvenile must have committed a felony offense. TJJD jurisdiction ends when the individual turns age 19.

## APPENDIX A – ADULT CORRECTIONAL POPULATION PROJECTIONS METHODOLOGY AND ASSUMPTIONS

### ADULT CORRECTIONAL POPULATION PROJECTIONS METHODOLOGY AT A GLANCE

Adult correctional population projections are based on a discrete event simulation modeling approach resulting from the movement of an individual into, through, and out of the adult criminal justice system. Discrete event simulation focuses on the modeling of a system as it evolves as a dynamic process. Both active adult parole and Texas Department of Criminal Justice (TDCJ) incarceration population projections are generated through the simulation of an individual's movement through the system based on offense type, sentence length, and time credited to current sentence. The adult felony direct community supervision population projection also is based on the discrete event simulation modeling approach. An individual's movement through the system is based on characteristics such as offense type, probation length, and time credited to current probation length. Misdemeanor placements are projected using a different method. More information about this method can be found in the **Adult Misdemeanor Community Supervision Placements Projection** section.

### FACTORS AFFECTING ADULT CORRECTIONAL POPULATION PROJECTIONS

The following criminal justice trends have been considered when generating the projections. Adjustments to the

projection may become necessary if major shifts occur from the latest trends in the areas discussed.

#### TEXAS ADULT POPULATION

**Figure 26** shows estimates and projections of the state's total adult population from calendar years 2015 to 2026. From calendar years 2015 to 2019, the Texas Demographic Center estimates the state's adult population of individuals age 17 or older increased 6.8 percent, from 20,633,945 to 22,041,072. This agency projects that the adult population will increase 11.4 percent, from 22,579,122 to 25,155,144, from calendar years 2020 to 2026.

The Texas Demographic Center estimates the adult population most at risk of involvement in the criminal justice system, adults ages 17 to 34, also increased from calendar years 2015 to 2019. However, at 5.7 percent, the increase in this population from 7,138,144 to 7,544,876 was less than the 6.8 percent increase in the adult population overall. From calendar years 2020 to 2026, the agency projects that the adult population of those ages 17 to 34 will increase 9.0 percent, from 7,729,285 to 8,426,326. LBB staff previously have not found the increasing Texas adult population to be a strong indicator of increases in the statewide adult criminal justice populations in this report.

**FIGURE 26**  
**ESTIMATED AND PROJECTED TOTAL TEXAS ADULT POPULATION, CALENDAR YEARS 2015 TO 2026**

YEAR	ESTIMATED POPULATION AGE 17 AND OLDER	ESTIMATED POPULATION AGES 17–34	YEAR	PROJECTED POPULATION AGE 17 AND OLDER	PROJECTED POPULATION AGES 17–34
2015	20,633,945	7,138,144	2020	22,579,122	7,729,285
2016	20,985,845	7,225,174	2021	22,996,736	7,845,955
2017	21,410,494	7,380,493	2022	23,420,000	7,969,059
2018	21,764,936	7,475,457	2023	23,846,997	8,093,913
2019	22,041,072	7,544,876	2024	24,281,900	8,219,723
			2025	24,721,833	8,332,111
			2026	25,155,144	8,426,326

SOURCES: Legislative Budget Board; Texas Demographic Center.



**ADMISSIONS TO STATE CORRECTIONAL INSTITUTIONS**

Figure 27 shows that TDCJ’s annual admissions have decreased 44.8 percent from fiscal years 2016 to 2020. Admissions decreased 7.2 percent from fiscal years 2016 to 2019 and 40.5 percent from fiscal years 2019 to 2020. Due to the COVID-19 pandemic, TDCJ temporarily suspended transfers from county jails to state correctional institutions. In addition, changes to court practices in response to the pandemic included adjustments to grand jury schedules and a temporary suspension of jury trials. As the courts return to pre-pandemic processes, the number of admissions from fiscal years 2021 to 2026 is expected to increase and then remain stable overall.

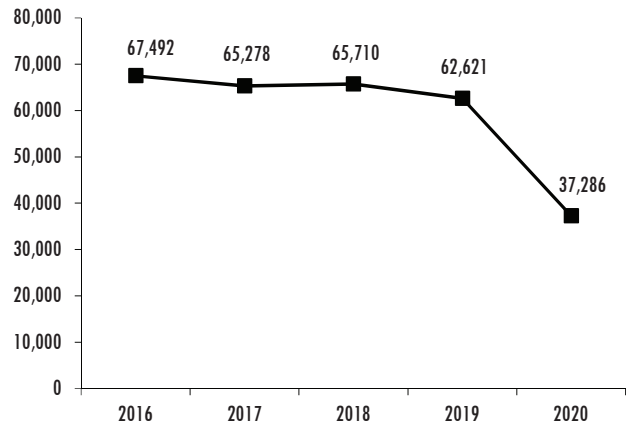
Admissions to prisons decreased 0.7 percent from fiscal years 2016 to 2019 and 39.5 percent from fiscal years 2019 to 2020. Admissions to substance abuse felony punishment facilities (SAFPF) decreased 3.7 percent from fiscal years 2016 to 2019 and 39.3 percent from fiscal years 2019 to 2020. Individuals in these facilities typically participate in a six-month program, but those with more complex needs may require a nine-month program. State jail admissions have decreased 28.2 percent from fiscal years 2016 to 2019 and 43.5 percent from fiscal years 2019 to 2020.

**LENGTH OF STAY WITHIN STATE CORRECTIONAL INSTITUTIONS**

Longer incarceration stays can increase the population by slowing releases, and shorter lengths of stay can decrease the population by expediting releases. The adult incarceration population’s length of stay in TDCJ is driven primarily by sentence length, time served before TDCJ incarceration, the minimum length of stay required by statute, time credits for good behavior, and release decisions by the Board of Pardons and Paroles (BPP). The projection model simulates an individual’s movement through TDCJ based on these and other factors. The projections are for time served in TDCJ; therefore, the analysis does not include prior time served in county jails for sentences before TDCJ receives individuals.

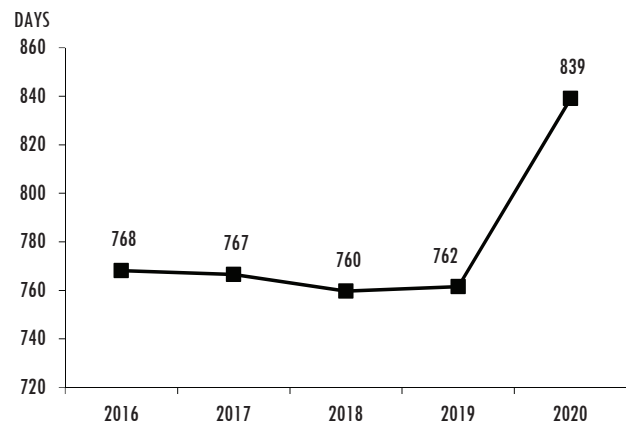
Among adults released from all correctional institutions, the average length of stay in TDCJ increased, as shown in Figure 28. This increase is primarily due to a decrease in admissions to prison of individuals with shorter sentence lengths and an increase in the average length of stay of those released from prison during fiscal year 2020. From fiscal years 2019 to 2020, releases from TDCJ decreased 10.6 percent, and the average length of stay for adults released from prisons increased by 6.7 percent from 1,071 days to 1,143 days. The

**FIGURE 27**  
**TEXAS DEPARTMENT OF CRIMINAL JUSTICE**  
**INCARCERATION ADMISSIONS**  
**FISCAL YEARS 2016 TO 2020**



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

**FIGURE 28**  
**AVERAGE LENGTH OF STAY IN TEXAS DEPARTMENT OF**  
**CRIMINAL JUSTICE OF ALL RELEASES**  
**FISCAL YEARS 2016 TO 2020**



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

average length of stay for adults released from SAFPFs has remained stable at 209 days during fiscal year 2020 from 204 days during fiscal year 2019. The average length of stay for adults released from state jails has also remained stable at 170 days during fiscal year 2020 from 171 days during fiscal year 2019.

### ACTIVE ADULT PAROLE SUPERVISION POPULATION PROJECTION

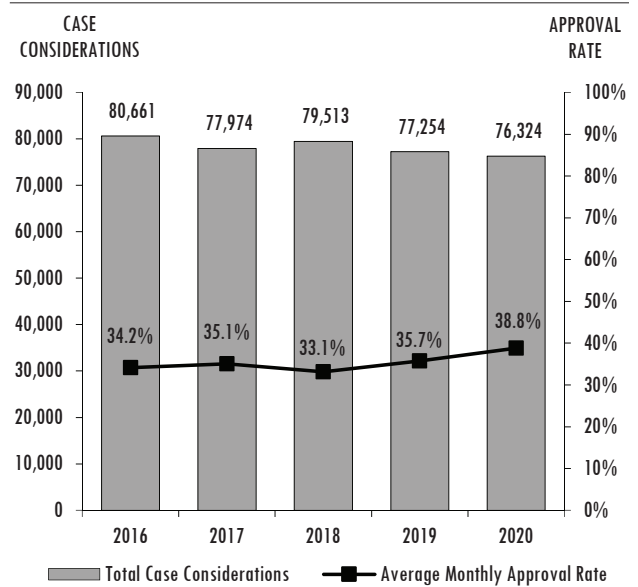
BPP considers and approves individuals for release onto parole supervision through a parole or discretionary mandatory supervision (DMS) process. Statutory requirements determine an individual’s eligibility for parole or DMS, and these requirements commonly are based on offense dates and offense committed. Individuals typically are eligible for parole release before DMS release. Parole is discretionary and always requires a decision from the parole panel. However, in accordance with state law in effect until August 31, 1996, release to mandatory supervision was automatic. If an incarcerated individual is serving time for an offense committed before that date and is eligible for mandatory supervision, the individual must be released on the date at which the sum of calendar time and time credited for good behavior equals the sentence length. Therefore, a relatively small number of individuals that committed offenses before September 1, 1996, automatically are placed onto parole supervision through a mandatory supervision release process. For offenses committed on or after September 1, 1996, the BPP may review scheduled mandatory supervision releases by case.

#### PLACEMENTS

Individuals placed on parole include those released from prisons following an approval from the BPP, those released from prisons through the mandatory supervision release process, those serving a term of parole supervision in Texas for an offense committed in another state, and those whose supervision was transferred from the juvenile justice system. Almost all individuals sentenced to a term of incarceration within prisons are eligible for consideration and subsequent release to parole supervision. Eligibility for case consideration is based on the state laws in effect when the offense was committed and the circumstances of the offense.

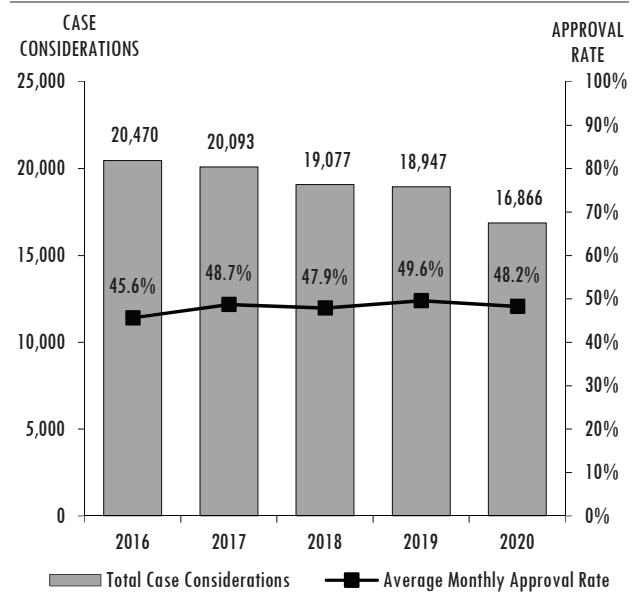
From fiscal years 2016 to 2020, changes in the number of parole placements, similarly to releases from prisons, have varied. During this period, the number of cases considered for parole fluctuated. Case considerations decreased 4.2 percent from fiscal years 2016 to 2019 and decreased 1.2 percent from fiscal years 2019 to 2020. The average monthly parole approval rate fluctuated from fiscal years 2016 to 2020 with an end-of-month yearly average of 35.4 percent during this period. The change in average monthly DMS approval rates also varied from fiscal years 2016 to 2020 with an average end-of-month yearly approval rate of 48.0 percent. During this period, DMS case considerations decreased 17.6 percent from fiscal years 2016 to 2020. Approvals decrease the number of cases left to be considered for DMS because individuals are typically eligible for parole consideration before DMS. As

**FIGURE 29**  
**PAROLE CASE CONSIDERATIONS AND APPROVAL RATE**  
**FISCAL YEARS 2016 TO 2020**



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

**FIGURE 30**  
**DISCRETIONARY MANDATORY SUPERVISION CASE CONSIDERATIONS AND APPROVAL RATE**  
**FISCAL YEARS 2016 TO 2020**



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

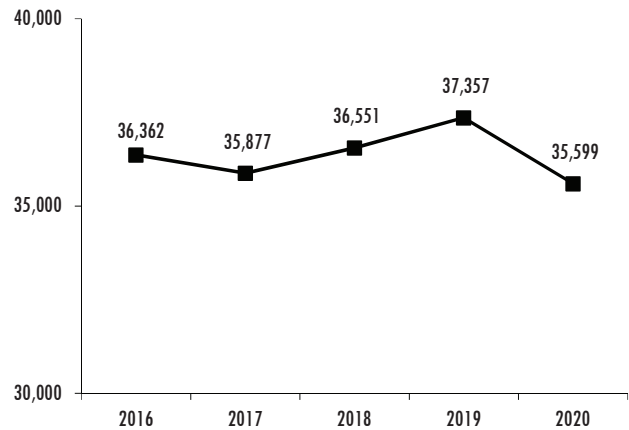
shown in **Figures 29** and **30**, total case considerations and approval rates have fluctuated. **Figure 31** shows placement trends from fiscal years 2016 to 2020.

**LENGTH OF SUPERVISION**

Parole length of supervision is driven primarily by the individual’s sentence length, compliance with supervision conditions, and the BPP’s parole revocation practices. The projection model simulates an individual’s movement through parole based on these and other factors.

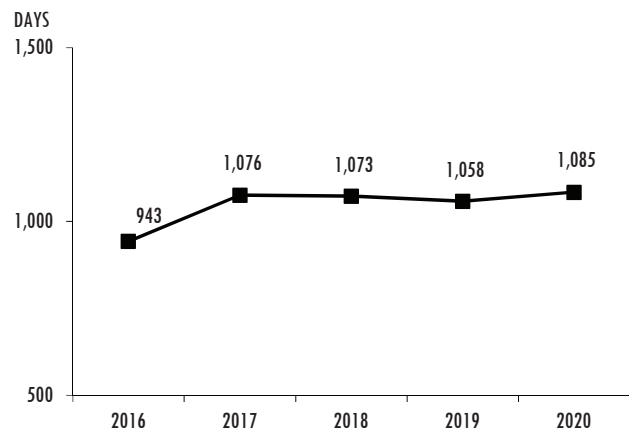
From fiscal years 2016 to 2020, the average length of supervision for individuals that were removed from parole supervision has remained stable overall, with an average of 1,047 days. The length of supervision increased 2.5 percent from fiscal years 2019 to 2020. **Figure 32** shows the trend in supervision length from fiscal years 2016 to 2020.

**FIGURE 31  
PAROLE PLACEMENTS, FISCAL YEARS 2016 TO 2020**



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

**FIGURE 32  
PAROLEES’ AVERAGE LENGTH OF SUPERVISION  
FISCAL YEARS 2016 TO 2020**



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

### ADULT FELONY DIRECT COMMUNITY SUPERVISION POPULATION PROJECTION

Individuals that work or reside in the jurisdiction in which they are supervised and receive at least one in-person contact with a community supervision officer every three months are considered under direct supervision. During the COVID-19 pandemic, CSCDs were authorized to use alternative methods, such as video or telephone contacts, to supervise individuals under direct supervision in certain circumstances. Indirect supervision can include individuals that have absconded, receive supervision in other jurisdictions, or submit reports but are ineligible for supervision in another jurisdiction. Total felony community supervision includes indirect and direct supervisions. Currently, only direct supervision is funded, and only the direct felony supervision population is projected.

#### PLACEMENTS

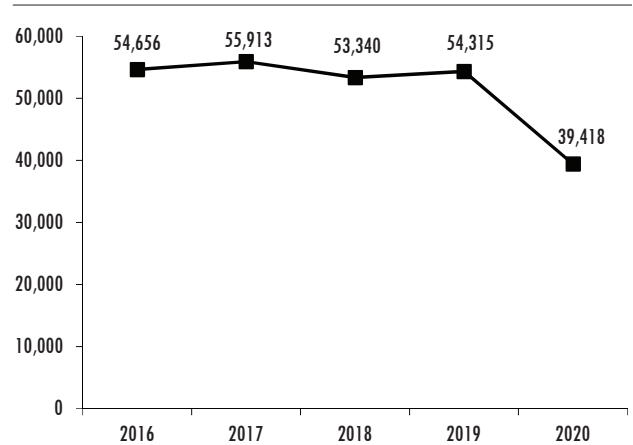
Total placements include direct and indirect placements. From fiscal years 2019 to 2020, total felony community supervision placements decreased 27.4 percent and total felony community supervision terminations decreased 23.1 percent. Due to the COVID-19 pandemic, courts have not been able to hear cases at pre-pandemic levels. Some individuals that may otherwise have been placed on felony direct community supervision were not due to the changes in court practices. Placements onto direct felony community supervision increased 2.7 percent from fiscal years 2019 to 2020. However, from fiscal years 2017 to 2019, direct felony community supervision placements decreased 6.5 percent.

Figure 33 shows total felony community supervision placement trends from fiscal years 2016 to 2020.

#### LENGTH OF SUPERVISION

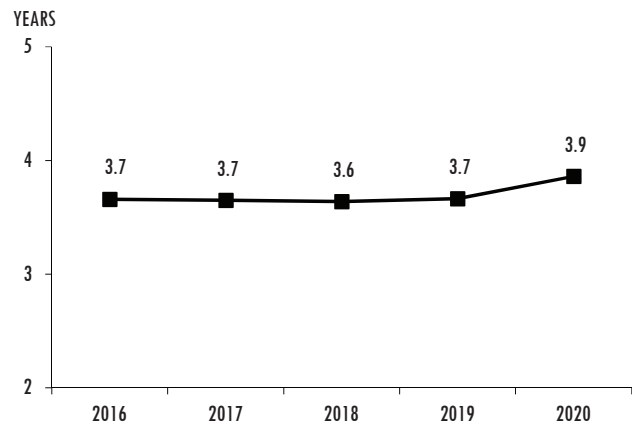
The length of community supervision is driven primarily by the individual’s probation length, compliance with supervision conditions, and community supervision revocation practices in local judicial districts. The projection model simulates an individual’s movement through community supervision based on these and other factors. The average length of supervision for individuals that were terminated from direct felony community supervision during fiscal year 2020 was 3.6 years. The average length of supervision for total felony community supervision terminations for fiscal year 2020 was 3.9 years. Figure 34 shows lengths of felony community supervision for all terminations from fiscal years 2016 to 2020.

**FIGURE 33**  
**FELONY COMMUNITY SUPERVISION PLACEMENTS**  
**FISCAL YEARS 2016 TO 2020**



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

**FIGURE 34**  
**FELONY COMMUNITY SUPERVISION AVERAGE LENGTH**  
**OF SUPERVISION AT TERMINATION**  
**FISCAL YEARS 2016 TO 2020**



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

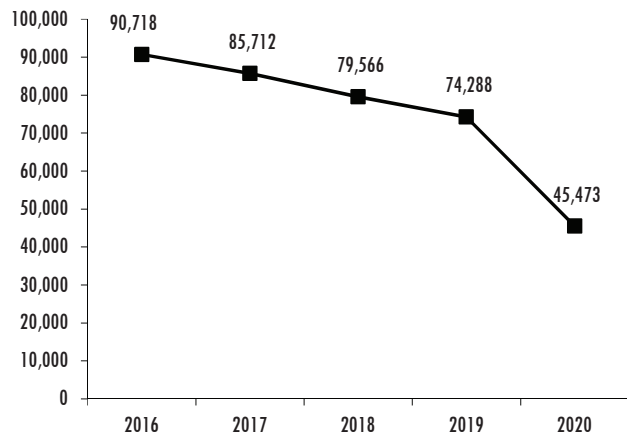
### ADULT MISDEMEANOR COMMUNITY SUPERVISION PLACEMENTS PROJECTION

The adult misdemeanor community supervision placements projection is based on an autoregressive integrated moving average (ARIMA) model that incorporates historical time series data. Autoregressive models use past values to forecast future values. Moving averages are averages calculated across successive time intervals. This projection is based on annual placements observed from fiscal years 1998 to 2020, utilizing the most recent, complete fiscal year’s data available and data from previous fiscal years to include past trends that may influence subsequent data.

#### PLACEMENTS

From fiscal years 2008 to 2020, with the exception of fiscal year 2013, misdemeanor community supervision placements decreased each year. As shown in **Figure 35**, placements decreased 18.1 percent from fiscal years 2016 to 2019 and decreased 38.8 percent from fiscal years 2019 to 2020. Some county attorney offices also offer pre-trial diversion options separate from the pre-trial diversion programs operated by CSCDs and in lieu of placement onto misdemeanor community supervision. Due to the COVID-19 pandemic, courts have not been able to hear cases at pre-pandemic rates. Some individuals that may otherwise have been placed on misdemeanor community supervision were not due to the changes in arrest activity and court practices.

**FIGURE 35**  
**MISDEMEANOR COMMUNITY SUPERVISION PLACEMENTS**  
**FISCAL YEARS 2016 TO 2020**



NOTE: Misdemeanor community supervision placement data include adjudicated community supervision placements, deferred adjudication placements, and placements resulting from the completion of shock probation.  
 SOURCES: Legislative Budget Board; Texas Department of Criminal Justice.

## APPENDIX B – JUVENILE CORRECTIONAL POPULATION PROJECTIONS METHODOLOGY AND ASSUMPTIONS

### JUVENILE CORRECTIONAL POPULATION PROJECTIONS METHODOLOGY AT A GLANCE

Projections for the juvenile state residential, parole, and probation supervision populations are based on individual-level data provided by the Texas Juvenile Justice Department (TJJD). The projection model is based on movement of individual juveniles into, through, and out of the juvenile justice system. The projection model simulates juvenile movement through TJJD's state residential programs based on length of stay. The model simulates movement through TJJD's parole system and juvenile probation supervision based on length of supervision. Length of stay and length of supervision are based on factors that multivariate regression modeling shows to be statistically significant predictors.

### FACTORS AFFECTING JUVENILE CORRECTIONAL POPULATION PROJECTIONS

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

#### TEXAS JUVENILE POPULATION

Figure 36 shows estimates and projections of the state's total juvenile population, ages 10 to 16 years, from calendar years 2015 to 2026. From calendar years 2014 to 2019, the juvenile population ages 10 to 16 in Texas increased 1.9

percent, from 2,826,393 to 2,879,347, as estimated by the Texas Demographic Center. The Texas Demographic Center projects that this population will increase 3.5 percent, from 2,924,899 to 3,027,684, from calendar years 2020 to 2026.

#### JUVENILE STATE RESIDENTIAL POPULATION PROJECTION

The state residential population is projected to decrease for fiscal year 2021 by 22.6 percent due to the effects of the COVID-19 pandemic on TJJD operations and policies and practices throughout the juvenile justice system. The population is expected to increase by 24.0 percent for fiscal year 2022, 11.0 percent for fiscal year 2023, 9.1 percent for fiscal year 2024, 9.3 percent for fiscal year 2025, and 11.5 percent for fiscal year 2026 due to a slow return to normal operations after the pandemic throughout the juvenile and criminal justice systems. The population is expected to return to a trajectory where it decreases after fiscal year 2026 due to the diversion of juveniles through the regional diversion alternatives (RDA) program that continues to remain substantially higher than the number it was intended to divert when the legislation was passed.

The RDA program has faced challenges as a result of the COVID-19 pandemic. The pandemic has affected bed availability for various related programs, the willingness of facilities to accept county contract youth from other counties both within and outside their regions, and the availability of needed programs and services for youth in mental health and

**FIGURE 36**  
**PROJECTED AND ESTIMATED TEXAS JUVENILE POPULATION, CALENDAR YEARS 2015 TO 2026**

YEAR	ESTIMATED POPULATION AGES 10–16	YEAR	PROJECTED POPULATION AGES 10–16
2015	2,874,915	2020	2,924,899
2016	2,901,766	2021	2,936,413
2017	2,852,951	2022	2,949,461
2018	2,872,845	2023	2,965,714
2019	2,879,347	2024	2,980,774
		2025	2,997,914
		2026	3,027,684

SOURCES: Legislative Budget Board; Texas Demographic Center.



substance abuse, among other programs and services. Additionally, the pandemic resulted in a complete halt to intakes into TJJD facilities initially, followed by intake holds on many facilities. In some locations, those intake holds have not been lifted since the start of the pandemic. This practice has a significant effect on detention bed availability at the local level and availability of services for the RDA program.

As discussed in the Qualitative Review section, the COVID-19 pandemic has had significant effects on policies and practices throughout the juvenile justice system. Referrals from police departments have decreased in many parts of the state, as shown in the fiscal year 2020 arrest data from the Texas Department of Public Safety. In conversations with local juvenile probation departments and police departments, participants stated that police have grown increasingly frustrated as juveniles being arrested were released due to a lack of available pre-adjudication detention beds. This is particularly problematic in counties and localities that do not maintain their own juvenile detention facilities. Participants also stated that police departments started to “triage responses and arrests,” focusing on more serious offenses that posed a significant threat to public safety.

Referrals from other sources also decreased as a result of societal changes resulting from the COVID-19 pandemic. Schools are among the largest contributors to referrals to the juvenile system. During the spring 2020 semester, students were sent home from school in response to the pandemic conditions, and many schools provided virtual education delivery for the remainder of school year 2019–20. During fall 2020, many schools continued to provide instruction through virtual modalities initially and have not returned fully to in-person education modalities at this time, opting for hybrid instruction models instead. It is not clear if this practice decreased the volume of juvenile delinquent acts by decreasing the opportunities available for juveniles to commit delinquent acts or if it reduced the number of delinquent acts coming to the attention of school personnel. Juvenile delinquency is patterned by youth schedules and movement patterns, and many delinquent acts occur on paths to and from school or in the school environment. Either way, referrals to the juvenile justice system from school authorities have significantly decreased as a result of the pandemic conditions.

Reductions in the number of available detention beds have presented a challenge in the juvenile justice system. Juvenile probation departments and localities that have to contract for pre-adjudication and post-adjudication detention beds

have faced challenges in securing available beds during the COVID-19 pandemic. Overall, bed availability decreased as operating capacities of detention centers had to be reduced to comply with physical distancing requirements recommended for pandemic prevention. The lack of available local and regional juvenile detention beds has been exacerbated by intake holds at TJJD, causing post-adjudication youth to be held in detention facilities for longer periods of time at the expense of local juvenile probation departments and local governments while juveniles are pending TJJD intake to orientation and assessment and transfer to TJJD custody.

Local juvenile detention facilities have had challenges in providing beds to the counties with which they contract. To ensure that they would continue to have space available for their own youth and to prevent potential COVID-19 outbreaks, many detention facilities stopped accepting contract youth or limited the number of contract youth that they accepted from other counties, both pre-adjudication and post-adjudication. This resulted in juvenile probation personnel working in departments that do not have their own detention facilities often having to drive several hours round-trip when they were able to secure a detention bed, and in having to release youth from custody when they could not secure a detention bed. All of these factors are likely to affect the TJJD residential population size for several years.

### **ADMISSIONS**

Admissions to state residential facilities decreased each year from fiscal years 2008 to 2014 by an average of 12.4 percent, then increased during fiscal year 2015 by 4.8 percent. Admissions decreased modestly during fiscal years 2016 and 2017, by 2.8 percent and 1.9 percent, respectively, and then decreased substantially by 9.4 percent during fiscal year 2018 and by 4.9 percent during fiscal year 2019. These decreases were likely due in part to TJJD substantially exceeding the target of diverting 150 juveniles from commitment through the RDA program. In accordance with this program, TJJD diverted 261 juveniles during fiscal year 2018 and 266 juveniles during fiscal year 2019. Admissions decreased substantially from fiscal years 2019 to 2020 as a result of the intake and admissions holds implemented by TJJD, decreasing by 33.8 percent during fiscal year 2020. It is unlikely that this trend will continue after the COVID-19 pandemic ends, when policies and practices return to normal and cases begin to progress through the courts again. It is also of note that juveniles who have not had needs met as a result of the reduction in referrals are more likely to enter the

system with more serious treatment needs once practices begin to approach some level of normalcy. **Figure 37** shows juvenile admissions to state residential facilities from fiscal years 2016 to 2020.

The number of state residential admissions is projected to increase from fiscal years 2021 to 2026 as a result of increased referrals after the COVID-19 pandemic ends, efforts to address the case backlog, and the lack of available detention and treatment beds for regional diversion programming in some geographic areas of the state.

**LENGTH OF STAY**

Projected releases are guided primarily by minimum length of stay and maximum length of stay considering each juvenile’s age, treatment needs, and release approval decisions. Factors that multivariate regression modeling show to be statistically significant predictors of length of stay include educational needs, mental health needs, offense characteristics, and substance abuse, among others. The regression model is based on juveniles released from TJJD state residential facilities during fiscal year 2020.

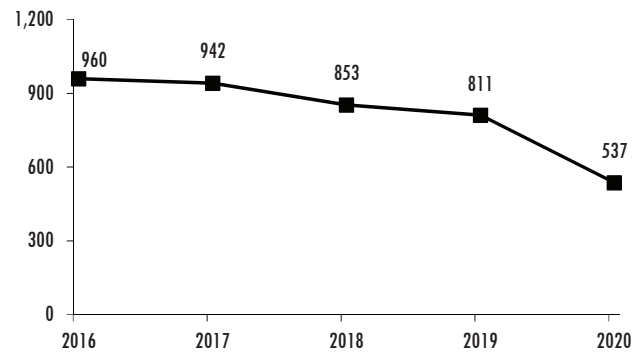
**Figure 38** shows the average length of stay of juveniles exiting TJJD facilities fluctuated from fiscal years 2016 to 2020, reaching a high of 17.3 months during fiscal year 2017, a low of 15.3 months during fiscal year 2019, and averaging 16.3 months during that period. During the projection period, the average length of stay is expected to decrease slightly from the fiscal year 2020 level and average 14.5 months and remain below the fiscal year 2017 high.

**JUVENILE PAROLE POPULATION PROJECTION**

Most juveniles admitted to parole supervision initially are assigned to an intensive level of supervision. Juveniles who have earned parole credit in other programs can be assigned to moderate supervision or minimum supervision levels. Supervision is a verification of the juvenile’s location, daily schedule, and required activities. While juveniles are on parole, the level of supervision is reduced based on a youth’s risk to reoffend and demonstrated compliance with their individualized case plan.

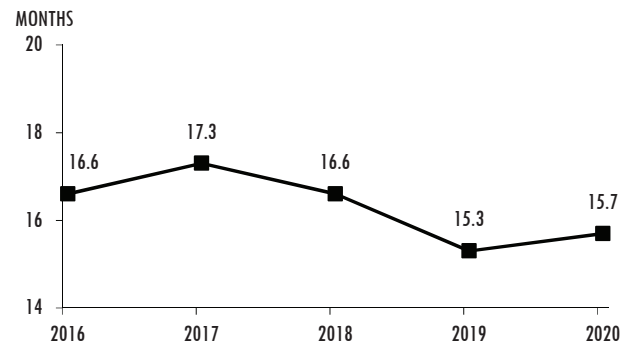
Discharge from parole for juveniles typically depends on completing program objectives. The parole supervision population is projected to increase a total of 52.5 percent during the projection period and finish fiscal year 2026 with an average daily population of 485. Although this percentage might seem like a substantial increase, the

**FIGURE 37  
JUVENILE STATE RESIDENTIAL ADMISSIONS  
FISCAL YEARS 2016 TO 2020**



SOURCES: Legislative Budget Board; Texas Juvenile Justice Department.

**FIGURE 38  
AVERAGE LENGTH OF STAY OF TEXAS JUVENILE JUSTICE  
DEPARTMENT RESIDENTIAL RELEASES  
FISCAL YEARS 2016 TO 2020**



SOURCES: Legislative Budget Board Texas Juvenile Justice Department.

combination of artificially low population numbers currently in the residential facilities and an artificially low parole population size resulting from the changes to how cases progress through the juvenile justice system during the COVID-19 pandemic is likely to result in a substantial increase as the various juvenile justice system components return to normal operations.

**ADMISSIONS**

As shown in **Figure 39**, parole admissions increased each year from fiscal years 2016 to 2019 but decreased during fiscal year 2020.

From fiscal years 2016 to 2019, on average, 69.1 percent of all juveniles released from state residential facilities were

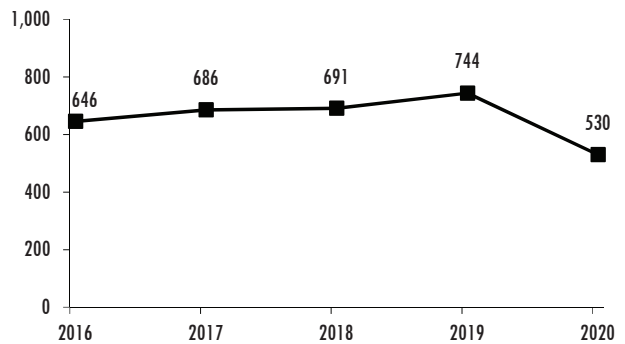
admitted to parole supervision. Assuming a similar proportion are admitted to parole during subsequent fiscal years, it is likely the number of juveniles released from these facilities and admitted to parole supervision will increase. For this projection, it is assumed that an average of 533 juveniles will be admitted per year to juvenile parole for fiscal years 2021 to 2026.

**LENGTH OF SUPERVISION**

The projection model simulates movement through juvenile parole supervision based on length of supervision. Factors that multivariate regression modeling show to be statistically significant predictors of length of supervision include the juvenile’s treatment needs, educational needs, and offense characteristics for which the juvenile was committed, among others. The regression model is based on juveniles released from parole during fiscal year 2020.

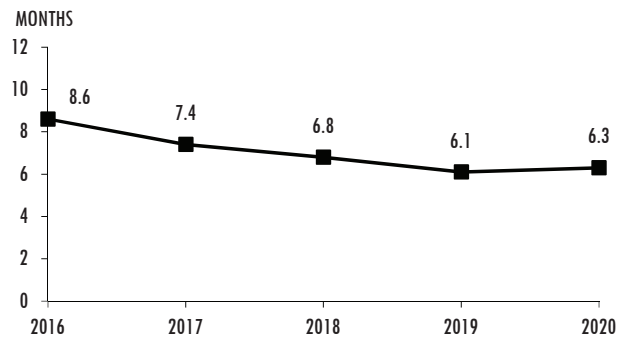
Figure 40 shows the average length of supervision for juveniles released from parole supervision decreased from fiscal years 2016 to 2020. The model indicates the average length of supervision is expected to stay steady at an average of 6.3 months for the projection period.

**FIGURE 39  
JUVENILE PAROLE ADMISSIONS  
FISCAL YEARS 2016 TO 2020**



SOURCES: Legislative Budget Board; Texas Juvenile Justice Department.

**FIGURE 40  
AVERAGE LENGTH OF SUPERVISION OF JUVENILE PAROLE  
RELEASES, FISCAL YEARS 2016 TO 2020**



SOURCES: Legislative Budget Board; Texas Juvenile Justice Department.

### JUVENILE PROBATION SUPERVISION POPULATION PROJECTION

The total supervision average daily population is projected be stable during the projection period, increasing an average of 3.2 percent per year. During the projection period, deferred prosecution is expected to increase an average of 5.2 percent per year, adjudicated probation is projected to increase 1.6 percent per year, and conditional predisposition supervision is expected to increase an average of 3.5 percent per year.

#### ADMISSIONS

Figure 41 shows total annual supervision admissions decreased an average of 5.8 percent per year from fiscal years 2015 to 2017 but increased 1.4 percent during fiscal year 2018 and 1.6 percent during fiscal year 2019. Total annual supervision admissions then decreased dramatically by 28.9 percent during fiscal year 2020. This significant decrease is a result of policy and practice changes throughout the juvenile justice system resulting from the COVID-19 pandemic. From fiscal years 2015 to 2017, annual admissions to deferred prosecution decreased an average of 8.8 percent but increased an average of 3.4 percent during fiscal years 2018 and 2019. Admissions to deferred prosecution then decreased by 32.8 percent during fiscal year 2020. From fiscal years 2015 to 2019, admissions to adjudicated probation decreased an average of 5.3 percent per year. During fiscal year 2020, admissions to adjudicated probation decreased 29.7 percent.

Admissions to conditional predisposition supervision decreased 5.0 percent during fiscal year 2016, but increased 12.9 percent from fiscal years 2016 to 2019. Admissions to conditional predisposition supervision then decreased 23.5 percent during fiscal year 2020.

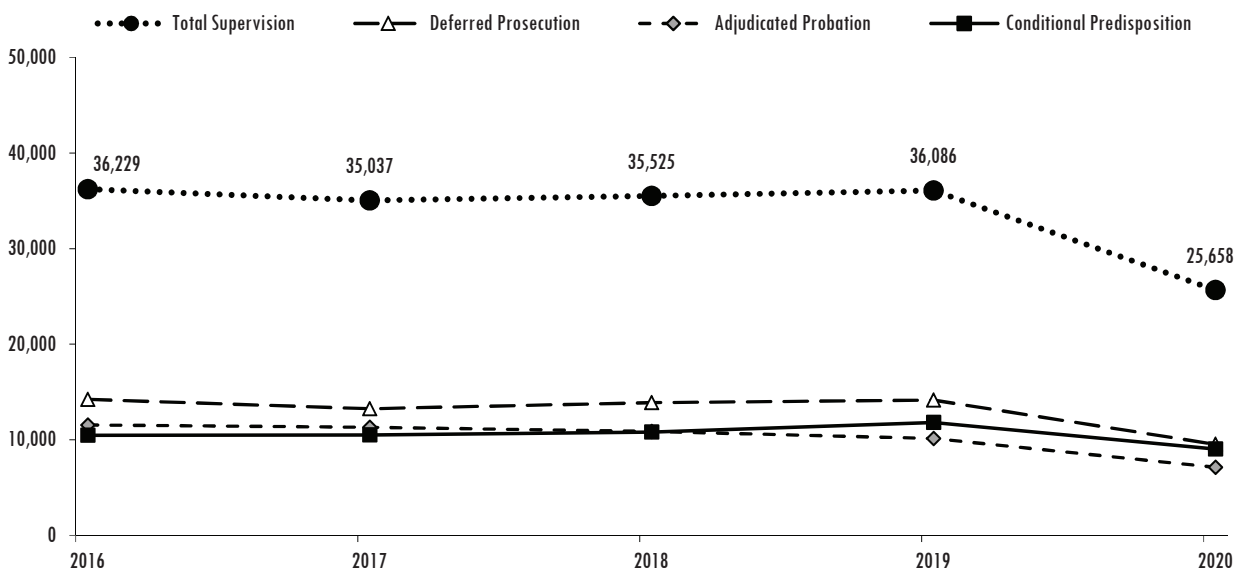
Admissions are projected to increase for all probation populations during the projection period.

#### LENGTH OF SUPERVISION

The projection model simulates movement through juvenile probation supervision based on length of supervision. Factors that multivariate regression modeling show to be statistically significant predictors of length of supervision include educational needs, mental health needs, substance abuse needs, and offense characteristics, among others. The regression model was used to analyze the supervision length for juveniles released from supervision during fiscal year 2020.

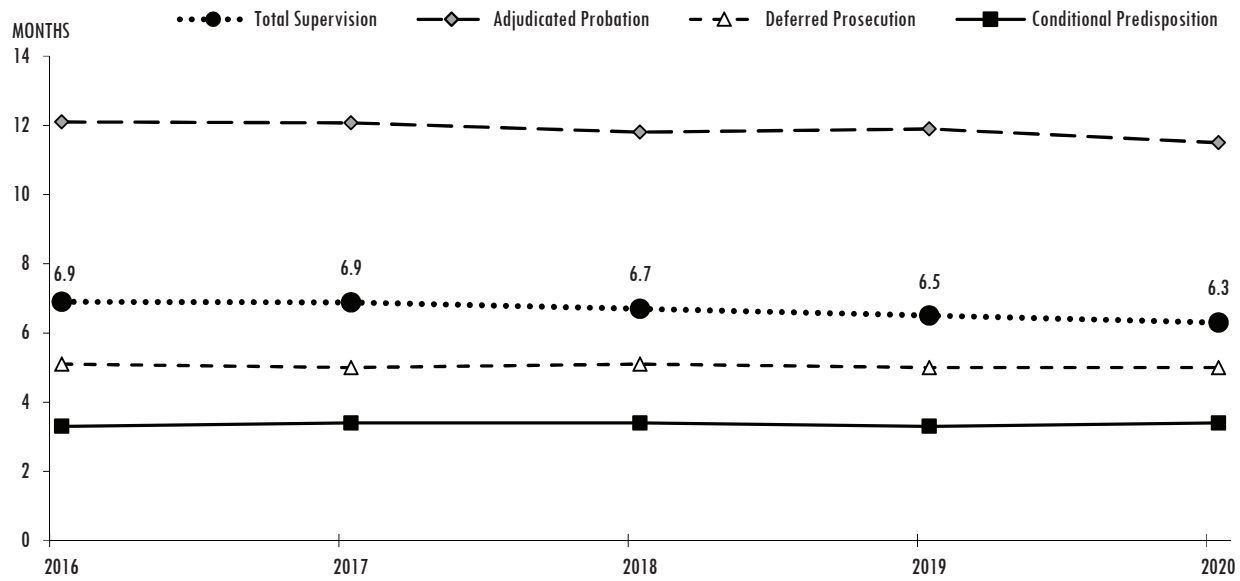
As shown in Figure 42, the length of supervision remained relatively stable from fiscal years 2016 to 2020. Supervision length is projected to remain stable from fiscal years 2020 to 2025. The length of conditional predisposition supervision averaged 3.4 months from fiscal years 2015 to 2020 and is projected to average 3.2 months from fiscal years 2021 to 2026. The length of deferred prosecution averaged 5.2 months during the past five fiscal years and is projected to

**FIGURE 41**  
**JUVENILE PROBATION SUPERVISION ADMISSIONS, FISCAL YEARS 2016 TO 2020**



SOURCES: Legislative Budget Board; Texas Juvenile Justice Department.

**FIGURE 42**  
**AVERAGE LENGTH OF SUPERVISION FOR JUVENILE PROBATION SUPERVISION RELEASES**  
**FISCAL YEARS 2016 TO 2020**



SOURCES: Legislative Budget Board Texas Juvenile Justice Department.

average 5.1 months from fiscal years 2021 to 2026. The length of adjudicated probation averaged 11.9 months during the past five fiscal years and is projected to average 11.5 months from fiscal years 2021 to 2026.