

# Adult and Juvenile Correctional Population Projections Fiscal Years 2011 – 2016



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LEGISLATIVE BUDGET BOARD STAFF

**ADULT AND JUVENILE CORRECTIONAL POPULATION PROJECTIONS  
FISCAL YEARS 2011–2016**



**LEGISLATIVE BUDGET BOARD  
JANUARY 2011**

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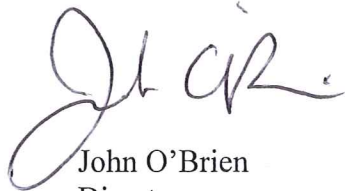
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**ADULT AND JUVENILE CORRECTIONAL POPULATION PROJECTIONS  
FISCAL YEARS 2011–2016**

January 2011

One responsibility of the Legislative Budget Board Criminal Justice Data Analysis Team is to conduct periodic, long-term adult and juvenile correctional population projections to serve as a basis for biennial funding determinations. Projections were released in June 2010 for the Texas Juvenile Probation Commission, the Texas Youth Commission, and the Texas Department of Criminal Justice to incorporate the relevant information into Legislative Appropriations Requests for the 2012–13 biennium.

This report provides updated correctional population projections in preparation for the Eighty-second Legislative Session, 2011. Enhancements to the June 2010 projections were made by conducting focus groups and interviews with practitioners and officials in various parts of the criminal and juvenile justice system to obtain a more in-depth understanding of factors impacting criminal and juvenile justice populations. Additionally, comprehensive data through fiscal year 2010 were analyzed and incorporated into the updated projections.



John O'Brien  
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## **INTRODUCTION**

## INTRODUCTION

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This Legislative Budget Board (LBB) report, *Adult and Juvenile Correctional Population Projections*, provides updated correctional population projections for fiscal years 2011 through 2016 in preparation for the Eighty-second Legislative Session, 2011. The report is designed to address the Legislature's need for useful and timely information on Texas correctional populations.

One responsibility of the Legislative Budget Board Criminal Justice Data Analysis Team is to conduct periodic, long-term adult and juvenile correctional population projections to serve as a basis for biennial funding determinations. Projections were released in June 2010 for Texas the Juvenile Probation Commission, the Texas Youth Commission, and the Texas Department of Criminal Justice to incorporate the relevant information into Legislative Appropriations Requests for the 2012–13 biennium.

Enhancements to past projections were made by conducting focus groups with practitioners and officials in various parts of the criminal justice system to obtain a more in-depth understanding of factors impacting criminal justice populations. Additionally, comprehensive data through fiscal year 2010 were analyzed and incorporated into the updated projections. The report is organized into the following six sections:

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

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

## REPORT HIGHLIGHTS

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### ARRESTS

- **TEXAS ADULT ARRESTS:** The total number of adult arrests increased 1.9 percent between calendar years 2008 and 2009. However, since the adult population rose, the adult arrest rate (number of arrests per 100,000 adults 17 years of age and older) fell 0.3 percent during this time.
- **TEXAS JUVENILE ARRESTS:** The total number of juvenile arrests decreased 4.4 percent between calendar years 2008 and 2009, and the juvenile arrest rate (number of arrests per 100,000 juveniles between 10 and 16 years of age) fell 4.1 percent during this time.

### ADULT CORRECTIONAL POPULATION PROJECTIONS

- **ADULT INCARCERATION PROJECTIONS:** The Texas adult incarceration population is projected to increase in fiscal year 2011 and continue a gradual increase through fiscal year 2016 with an assumed parole approval rate of 30.6 percent. Factors affecting this increase are an increase in felony community supervision revocations, an increase in direct court commitments, an increase in parole case denials, and an increase in discretionary mandatory supervision case denials. Under current sentencing practices and statutes, the incarcerated population is projected to increase to 159,977 by the end of fiscal year 2016.
- **ADULT PAROLE SUPERVISION PROJECTIONS:** As a result of relatively higher parole release rates and lower parole revocation rates, the parole supervision population is projected to increase slightly for each year of the projection. Under current sentencing practices and statutes, the parole supervision population is projected to average 84,135 by fiscal year 2016.
- **ADULT FELONY COMMUNITY SUPERVISION PROJECTIONS:** The felony community supervision population is projected to increase more slowly than in previous projections as a result of decreasing felony community supervision placements and increasing numbers of felony community supervision revocations. Under current sentencing practices and statutes, the adult felony community supervision population is projected to average 174,639 by fiscal year 2016.
- **ADULT MISDEMEANOR COMMUNITY SUPERVISION PLACEMENTS:** The number of adult misdemeanor community supervision placements is projected to decrease to 99,401 placements by fiscal year 2016.

### JUVENILE CORRECTIONAL POPULATION PROJECTIONS

- **JUVENILE CORRECTIONS RESIDENTIAL PROJECTIONS:** The Texas Youth Commission residential population is projected to remain fairly stable through fiscal year 2016. Under current sentencing practices and statutes, the TYC residential population is projected to be 1,672 by the end of fiscal year 2016.



## REPORT HIGHLIGHTS

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- **JUVENILE PROBATION SUPERVISION PROJECTIONS:** The total juvenile supervision population is projected to increase modestly given the recent rise in the pre-disposition supervision population and in the length of stay for juveniles under deferred prosecution supervision and pre-disposition supervision. Under current sentencing practices and statutes, the average of the end-of-month supervision populations for fiscal year 2016 is projected to be 36,526 in fiscal year 2016.

## QUALITATIVE REVIEW

- Expanded Substance Abuse Felony Punishment Facility (SAFPF) and Intermediate Sanction Facility (ISF) capacity has not been fully utilized. According to focus groups and interviews conducted with adult criminal justice practitioners, local Community Supervision and Corrections Departments (CSCDs) have concerns about the quality of treatment available in ISFs. CSCDs also prefer to place offenders in local treatment programs rather than state-operated facilities such as SAFPFs or ISFs. Interviews with offenders indicated that, when given an option, some offenders prefer prison or state jail to alternative programs. This preference may be attributed to the fact that SAFPFs and ISFs require participation in treatment or other programs that prison and state jails do not require.
- Interviews and focus groups with juvenile justice practitioners indicated juvenile probation populations remain constant for several reasons in spite of declining commitments to the Texas Youth Commission (TYC) and a growing juvenile population in Texas. Participants indicated juvenile probation departments are receiving fewer referrals from law enforcement and local public schools, have increased their efforts at diversion, and are focusing limited resources on a growing proportion of serious juvenile offenders.
- Regarding priorities for the Eighty-second Legislature, both adult criminal justice and juvenile justice practitioners most consistently indicated a need for mental health resources of all types. Additionally, adult criminal justice practitioners requested certain revisions to current statutes related to the offense of Driving While Intoxicated (DWI) and juvenile justice practitioners desired additional flexibility in the use state funding provided to juvenile probation departments.

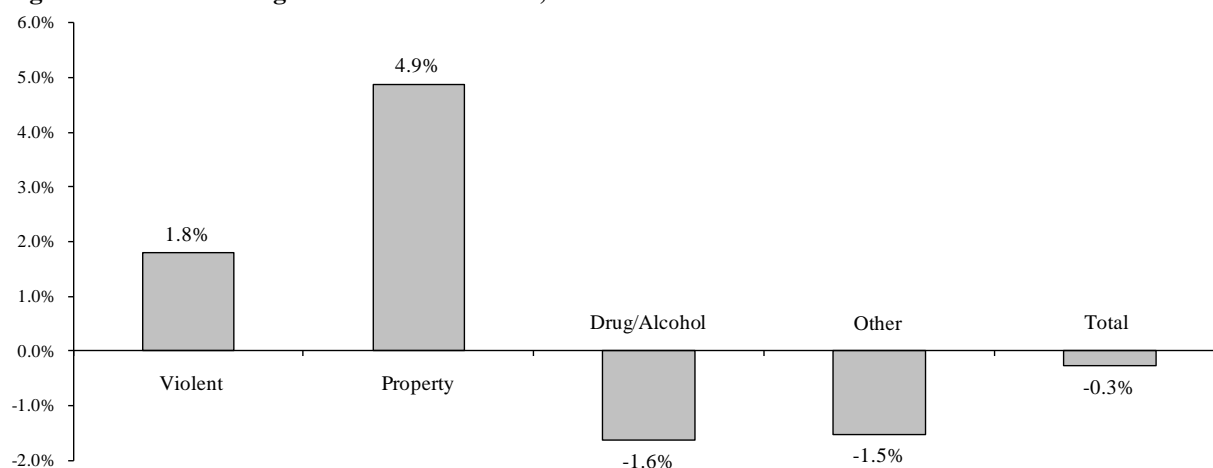
**ARREST RATES IN TEXAS**

## ADULT ARRESTS AND ARREST RATE IN TEXAS

**Table 1: Texas Adult Arrests and Arrest Rate,<sup>1</sup> Calendar Years 2008–2009**

OFFENSE CATEGORY	2008		2009		PERCENT CHANGE	
	NUMBER	RATE PER 100,000 ADULTS	NUMBER	RATE PER 100,000 ADULTS	NUMBER	RATE PER 100,000 ADULTS
Violent	130,097	715	135,309	727	4.0%	1.8%
Property	144,882	796	155,249	835	7.2%	4.9%
Drug/Alcohol	402,491	2,211	404,547	2,175	0.5%	-1.6%
Other	379,110	2,082	381,443	2,051	0.6%	-1.5%
<b>Total</b>	<b>1,056,580</b>	<b>5,803</b>	<b>1,076,548</b>	<b>5,787</b>	<b>1.9%</b>	<b>-0.3%</b>

**Figure 1: Percent Change in Adult Arrest Rate, Calendar Years 2008–2009**



Sources: Legislative Budget Board; Texas Department of Public Safety, *Crime in Texas 2009* and *Crime in Texas 2008*; Texas State Data Center and Office of the Demographer, *Estimates of the Total Population of Counties in Texas by Age, Sex and Race/Ethnicity for July 1, 2009*.

- The number of adult arrests increased 1.9 percent (or by 19,968 arrests) between 2008 and 2009. However, with the rise in the number of adults in Texas, the adult arrest rate<sup>2</sup> decreased 0.3 percent during this time. The Texas State Data Center estimated the 2008 and 2009 Texas adult population to be 18,207,273 and 18,602,244, respectively.
- In this analysis, adults are defined as individuals 17 years of age and older.
- See the glossary for offenses included in these offense categories.

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

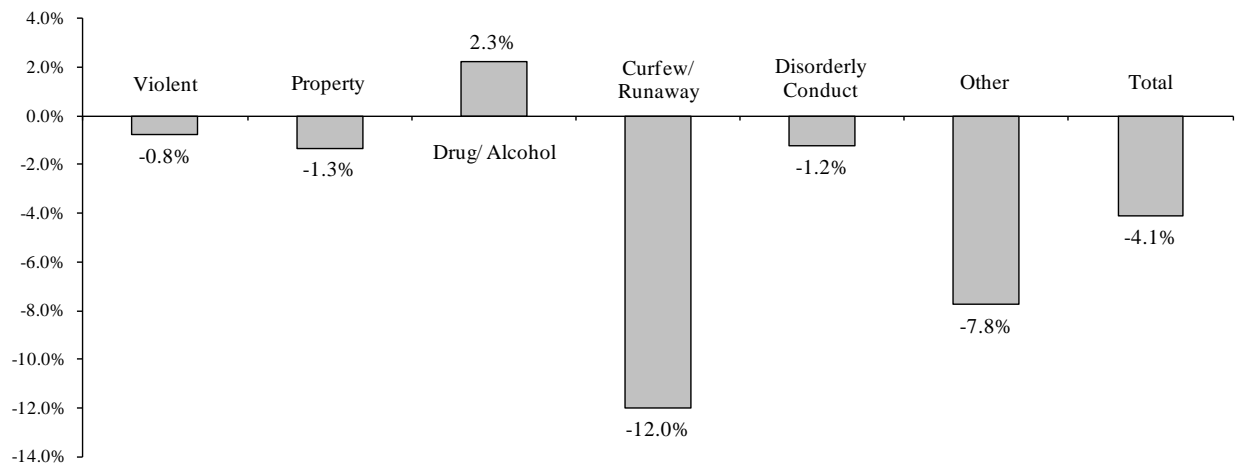
<sup>2</sup> To isolate trends for particular age groups and to allow for comparisons across the adult and juvenile system, the adult arrest rate is included in this report rather than the adult crime rate as in previous reports. The Department of Public Safety's annual Crime in Texas report does not disaggregate the crime rate by age but does so for the arrest rate.

## JUVENILE ARRESTS AND ARREST RATE IN TEXAS

**Table 2: Texas Juvenile Arrests and Arrest Rate,<sup>3</sup> Calendar Years 2008–2009**

OFFENSE CATEGORY	2008		2009		PERCENT CHANGE	
	NUMBER	RATE PER 100,000 JUVENILES	NUMBER	RATE PER 100,000 JUVENILES	NUMBER	RATE PER 100,000 JUVENILES
Violent	23,599	965	23,340	958	-1.1%	-0.8%
Property	29,177	1,193	28,698	1,178	-1.6%	-1.3%
Drug/Alcohol	13,260	542	13,515	555	1.9%	2.3%
Curfew/Runaway	26,576	1,087	23,311	957	-12.3%	-12.0%
Disorderly Conduct	18,560	759	18,272	750	-1.6%	-1.2%
Other	23,403	957	21,518	883	-8.1%	-7.8%
<b>Total</b>	<b>134,575</b>	<b>5,504</b>	<b>128,654</b>	<b>5,279</b>	<b>-4.4%</b>	<b>-4.1%</b>

**Figure 2: Percent Change in Juvenile Arrest Rate, Calendar Years 2008–2009**



Sources: Legislative Budget Board; Texas Department of Public Safety, *Crime in Texas 2009* and *Crime in Texas 2008*; Texas State Data Center and Office of the Demographer, *Estimates of the Total Population of Counties in Texas by Age, Sex and Race/Ethnicity for July 1, 2009*.

- The number of juvenile arrests decreased 4.4 percent (or by 5,921 arrests) between 2008 and 2009. Similarly, the juvenile arrest rate<sup>3</sup> decreased 4.1 percent during this time. The Texas State Data Center estimated the 2008 and 2009 Texas juvenile population to be 2,444,889 and 2,437,070, respectively.
- In this analysis, juveniles are defined as individuals 10 to 16 years of age.
- See the glossary for offenses included in these offense categories.

<sup>3</sup> The Legislative Budget Board computed the adult arrest rate by dividing the number of reported adult arrests by the adult population in the state, and then multiplying the result by 100,000.

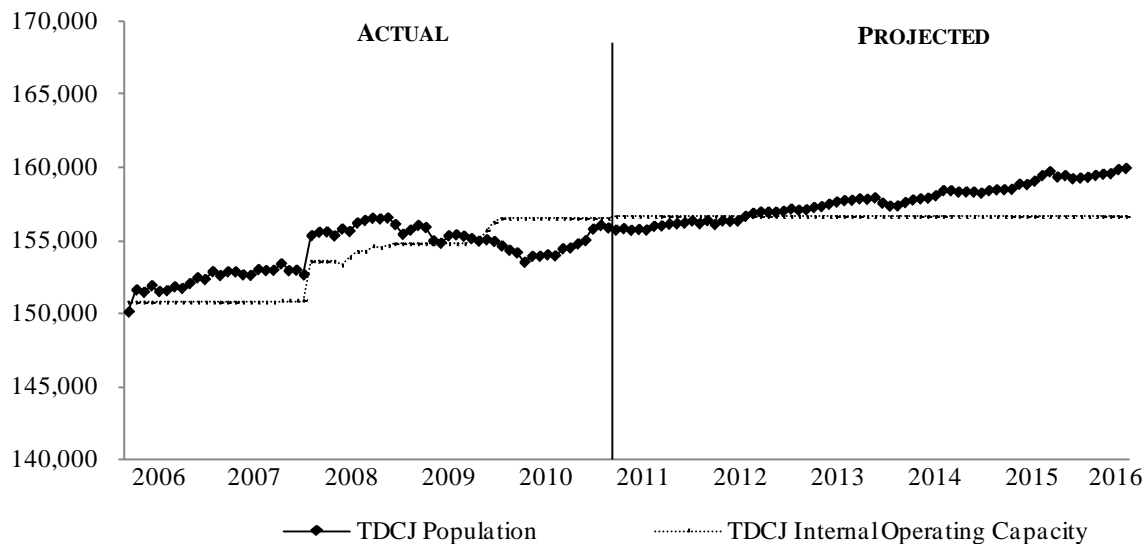
**ADULT CORRECTIONAL POPULATION PROJECTIONS**

## ADULT INCARCERATION ACTUAL AND PROJECTED POPULATIONS FISCAL YEARS 2006–2016

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

The major drivers of the projected adult incarceration population are future admissions and releases. Admissions are based on Texas' at-risk populations, court conviction rates, and probation and parole revocations. Future releases are largely driven by release approval decisions. Figure 3 captures the January 2011 projection for the TDCJ incarceration population along with the TDCJ internal operating capacity. This projection incorporates information from fiscal year 2010 and the first four months of fiscal year 2011. This projection also incorporates the implementation of the treatment and diversion programs funded by the Eightieth Legislature, Regular Session, 2007, and adjustments to those programs made by the Eighty-first Legislature, Regular Session, 2009. This projection does not assume any additional changes in treatment and diversion programs or any other potential budget adjustments. Additional information regarding projections and model assumptions are detailed in Appendix A.

**Figure 3: Actual and Projected Texas Department of Criminal Justice Incarceration Populations and Internal Operating Capacity, Fiscal Years 2006-2016**



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

- As of December 31, 2010, the total unit capacity was 163,201 beds and the internal operating capacity was 156,673 beds. Contracts for temporary jail beds expired on August 31, 2009 and were not renewed.
- Projected incarceration populations at the end of each biennium are as follows: 156,151 for 2010–11; 157,794 for 2012–13; and 159,105 for 2014–15.

## ADULT INCARCERATION ACTUAL AND PROJECTED POPULATIONS FISCAL YEARS 2011–2016

**Table 3: Projected Texas Department of Criminal Justice Incarceration Populations and Operating Capacity, Fiscal Years 2011-2016**

FISCAL YEAR	INCARCERATION POPULATION (END-OF-YEAR)	TDCJ INTERNAL OPERATING CAPACITY <sup>4</sup>	PROJECTED POPULATION COMPARED TO STATE OPERATING CAPACITY <sup>5</sup>	
			NUMBER	PERCENT
2011	156,151	156,673	(522)	-0.3%
2012	156,986	156,673	313	0.2%
2013	157,794	156,673	1,121	0.7%
2014	158,455	156,673	1,782	1.1%
2015	159,105	156,673	2,432	1.6%
2016	159,977	156,673	3,304	2.1%

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

**Table 4: Actual and Projected Texas Department of Criminal Justice End-of-Month Incarceration Populations, Fiscal Years 2011-2013**

FISCAL YEAR 2011	END-OF-MONTH POPULATION	FISCAL YEAR 2012	END-OF-MONTH POPULATION	FISCAL YEAR 2013	END-OF-MONTH POPULATION
Sep-10	155,022	Sep-11	156,178	Sep-12	156,983
Oct-10	155,814	Oct-11	156,228	Oct-12	156,977
Nov-10	156,063	Nov-11	156,376	Nov-12	157,036
Dec-10	155,892	Dec-11	156,186	Dec-12	157,190
Jan-11	155,908	Jan-12	156,396	Jan-13	157,112
Feb-11	155,907	Feb-12	156,131	Feb-13	157,140
Mar-11	155,831	Mar-12	156,377	Mar-13	157,295
Apr-11	155,839	Apr-12	156,341	Apr-13	157,358
May-11	155,849	May-12	156,368	May-13	157,525
Jun-11	156,003	Jun-12	156,692	Jun-13	157,675
Jul-11	156,032	Jul-12	156,897	Jul-13	157,771
Aug-11	156,151	Aug-12	156,986	Aug-13	157,794
FY 11 Average	155,859	FY 12 Average	156,430	FY 13 Average	157,321

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

<sup>4</sup> The internal operating capacity is 96.0 percent of unit capacity in order to allow prison administrators to accommodate logistical and safety issues. See Appendix A for additional details.

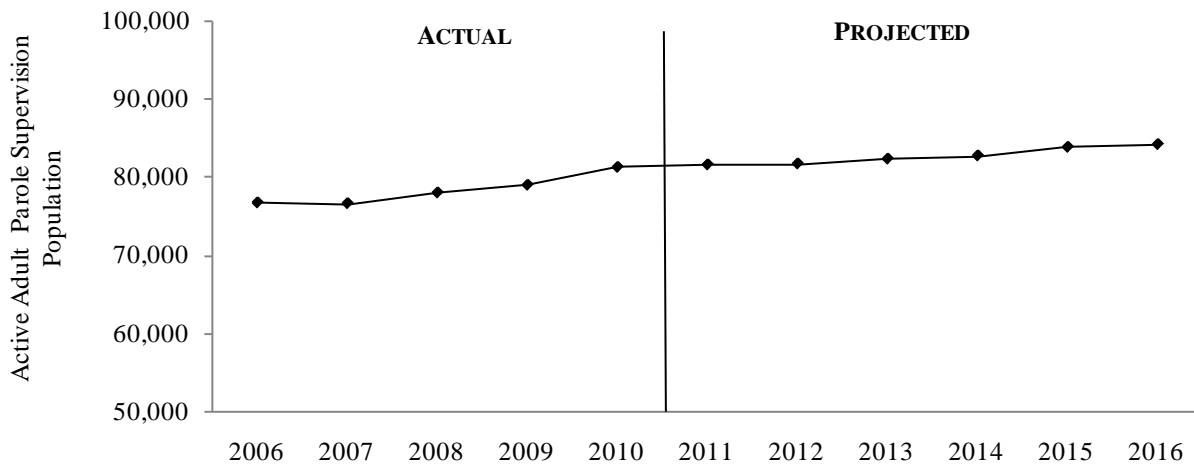
<sup>5</sup> Contracts for temporary jail beds expired on August 31, 2009, and were not renewed.

## ACTIVE ADULT PAROLE SUPERVISION ACTUAL AND PROJECTED POPULATIONS FISCAL YEARS 2006–2016

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

The simulation model keeps track of individuals released to parole, mandatory supervision, or discretionary mandatory supervision for the amount of time they are on active adult parole supervision and removes the individuals from supervision when they have satisfied the requirements of their term or are revoked for a violation of parole conditions. The January 2011 projection of the active adult parole supervision population is expected to grow more slowly than in previous projections for two reasons: a slight decrease in parole approval rates during the first four months of fiscal year 2011 and a continued decrease in parole revocations in fiscal year 2010. Additional information regarding projection drivers and model assumptions are detailed in Appendix A.

**Figure 4: Actual and Projected Active Adult Parole Supervision Populations, Fiscal Years 2006-2016**



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

FISCAL YEAR	ACTIVE ADULT PAROLE SUPERVISION POPULATION (END-OF-MONTH YEARLY AVERAGE)
2011	81,545
2012	81,663
2013	82,280
2014	82,688
2015	83,780
2016	84,135

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

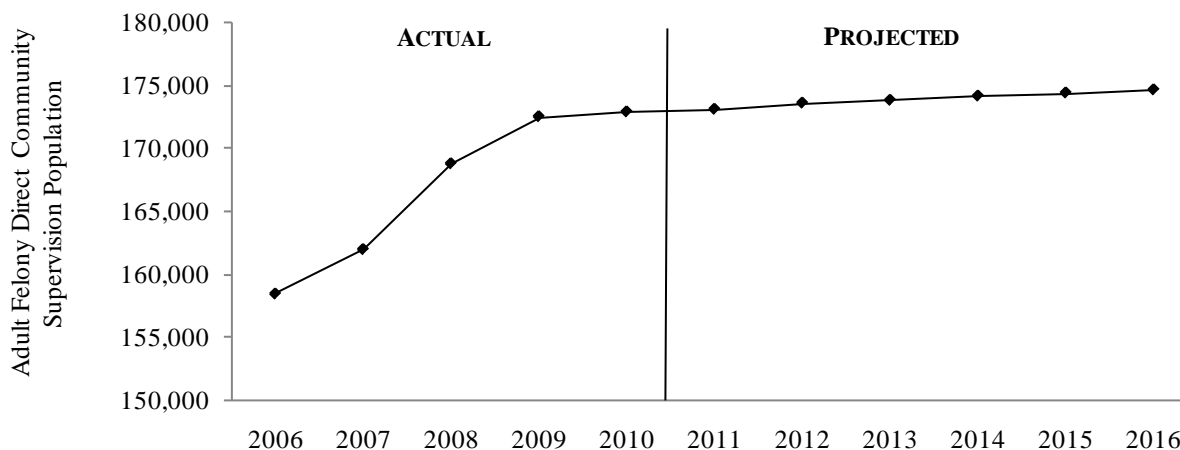


## ADULT FELONY DIRECT COMMUNITY SUPERVISION ACTUAL AND PROJECTED POPULATIONS, FISCAL YEARS 2006–2016

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

From fiscal year 1999 to fiscal year 2005, the adult felony direct community supervision population decreased before starting to increase in fiscal year 2006. The population continued to increase in fiscal years 2007 through 2009 and remained flat in fiscal year 2010. The January 2011 projection of the adult felony direct community supervision population is lower than previous projections for two reasons: a 6.0 percent decrease in adult felony direct community supervision placements in fiscal year 2010 and a 6.0 percent increase in felony revocations to prison in fiscal year 2010. Additional information regarding projection drivers and model assumptions are detailed in Appendix A.

**Figure 5: Actual and Projected Adult Felony Direct Community Supervision Populations, Fiscal Years 2006-2016**



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

FISCAL YEAR	FELONY DIRECT COMMUNITY SUPERVISION POPULATION (END-OF-MONTH YEARLY AVERAGE)
2011	173,099
2012	173,558
2013	173,810
2014	174,144
2015	174,391
2016	174,639

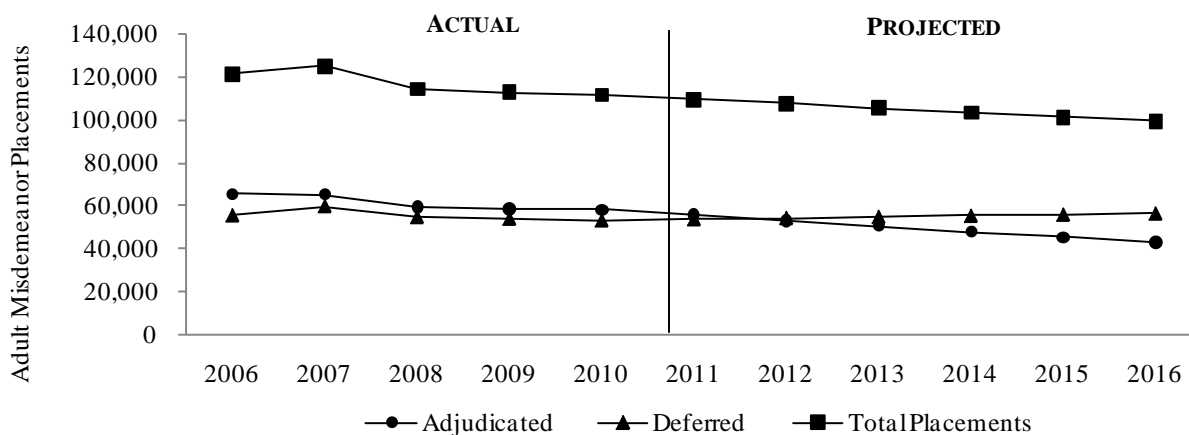
Sources: Legislative Budget Board; Texas Department of Criminal Justice.

## ADULT MISDEMEANOR DIRECT COMMUNITY SUPERVISION ACTUAL AND PROJECTED PLACEMENTS FISCAL YEARS 2006–2016

The adult misdemeanor direct community supervision (formerly referred to as adult probation) placements projection is based on aggregate-level data collected by TDCJ through the Monthly Community Supervision and Corrections Report.

The misdemeanor direct supervision placements are projected to decrease at a moderate rate. The total number of misdemeanor supervision placements decreased an average of 0.93 percent from fiscal years 2009 to 2010. While this yearly decrease was slight, the total number of misdemeanor placements has decreased 10.8 percent since fiscal year 2007. However, large percentage changes from year to year are not uncommon and have ranged from a percent change increase of 6.4 percent (fiscal years 2004 to 2005) to a decrease of 9.6 percent (fiscal years 2003 to 2004). In order to take this yearly variation into account, the current misdemeanor placement projection was developed through a regression analysis of data from fiscal year 2000 through fiscal year 2010. Any significant change in projection drivers (e.g., sentencing practices) may impact projected placements. Additional information regarding the projection drivers and model assumptions is detailed in Appendix A.

**Figure 6: Actual and Projected Adult Misdemeanor Direct Community Supervision Placements, Fiscal Years 2006–2016**



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

FISCAL YEAR	ADJUDICATED SUPERVISION	DEFERRED ADJUDICATION	TOTAL PLACEMENTS
2011	55,785	53,866	109,651
2012	53,214	54,387	107,601
2013	50,642	54,909	105,551
2014	48,070	55,431	103,501
2015	45,498	55,953	101,451
2016	42,927	56,474	99,401

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

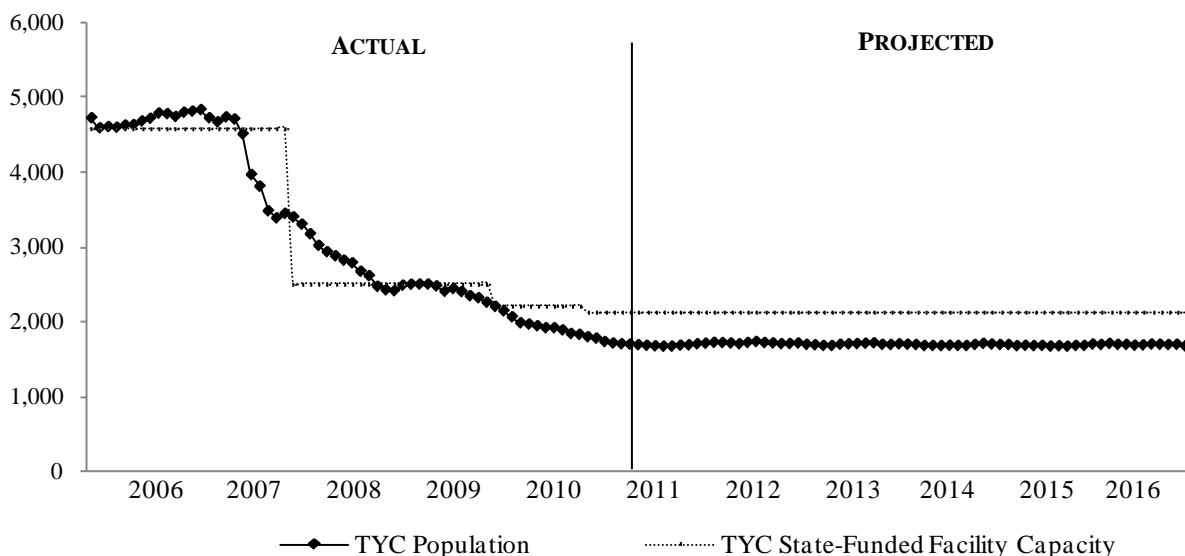
**JUVENILE CORRECTIONAL POPULATION PROJECTIONS**

## TEXAS YOUTH COMMISSION RESIDENTIAL ACTUAL AND PROJECTED POPULATIONS FISCAL YEARS 2006–2016

The juvenile residential population includes youth in the Texas Youth Commission (TYC) secure facilities, halfway houses, and contract services. The projection for this population is based on a discrete-event simulation modeling approach. The model simulates juvenile movement into, through, and out of residential facilities. This projection assumes TYC will receive 1,560 admissions per year for fiscal years 2011 through 2016. To project releases, a multivariate regression analysis was used to predict length of stay. The regression analysis is based on youth released from residential facilities the first three months of fiscal year 2011. This population provides a more representative sample of youth released under the new classification system.<sup>6</sup> This analysis includes factors such as offense type, minimum length of stay, and maximum length of stay possible given the youth’s age.

The model projects this population will remain relatively stable through fiscal year 2016. Any significant change in projection drivers (e.g., commitment and parole revocation practices) may impact actual populations. Appendix B provides additional information about these projections and model assumptions.

**Figure 7: Actual and Projected Texas Youth Commission Residential Population and State-Funded Facility Capacity, Fiscal Years 2006–2016**



Sources: Legislative Budget Board; Texas Youth Commission.

- For fiscal year 2011, the total state-funded TYC secure residential and halfway house capacity is 2,118 beds. TYC also received funding to contract for an additional 200 beds.
- Projected TYC residential populations at the end of each biennium are as follows: 1,689 for 2010–11; 1,694 for 2012–13; and 1,700 for 2014–15.

<sup>6</sup> On February 1, 2009, TYC began using a new method for determining minimum length of stay (MLOS) for youth committed or revoked to TYC other than those committed under a determinate sentence. As a result of this change, the MLOS is expected to increase for some youth, decrease for others, and remain the same for some. Appendix B provides further detail about the incorporation of this policy into the projection model.

**TEXAS YOUTH COMMISSION RESIDENTIAL ACTUAL AND PROJECTED POPULATIONS  
FISCAL YEARS 2011–2016**

**Table 8: Projected Texas Youth Commission Residential Population and State-Funded Facility Capacity, Fiscal Years 2011–2016**

FISCAL YEAR	TYC RESIDENTIAL POPULATION (END-OF-YEAR)	STATE-FUNDED CAPACITY <sup>7</sup>	PROJECTED POPULATION COMPARED TO STATE-FUNDED CAPACITY	
			NUMBER	PERCENT
2011	1,689	2,118	(429)	-20.2%
2012	1,706	2,118	(412)	-19.5%
2013	1,694	2,118	(424)	-20.0%
2014	1,700	2,118	(418)	-19.7%
2015	1,700	2,118	(418)	-19.7%
2016	1,672	2,118	(446)	-21.1%

Sources: Legislative Budget Board; Texas Youth Commission.

**Table 9: Actual and Projected Texas Youth Commission End-of-Month Residential Population, Fiscal Years 2011–2013**

FISCAL YEAR 2011	END-OF-MONTH POPULATION	FISCAL YEAR 2012	END-OF-MONTH POPULATION	FISCAL YEAR 2013	END-OF-MONTH POPULATION
Sep-10	1,779	Sep-11	1,703	Sep-12	1,714
Oct-10	1,733	Oct-11	1,711	Oct-12	1,696
Nov-10	1,713	Nov-11	1,723	Nov-12	1,690
Dec-10	1,703	Dec-11	1,719	Dec-12	1,681
Jan-11	1,699	Jan-12	1,714	Jan-13	1,680
Feb-11	1,691	Feb-12	1,704	Feb-13	1,697
Mar-11	1,683	Mar-12	1,721	Mar-13	1,702
Apr-11	1,676	Apr-12	1,734	Apr-13	1,706
May-11	1,671	May-12	1,720	May-13	1,711
Jun-11	1,672	Jun-12	1,715	Jun-13	1,716
Jul-11	1,685	Jul-12	1,705	Jul-13	1,696
Aug-11	1,689	Aug-12	1,706	Aug-13	1,694
FY 11 Average	1,700	FY 12 Average	1,715	FY 13 Average	1,699

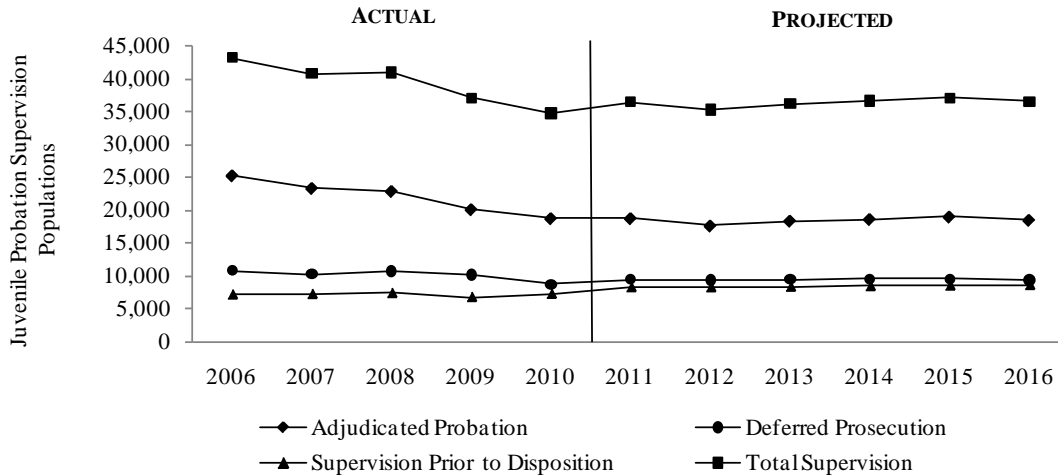
Sources: Legislative Budget Board; Texas Youth Commission.

<sup>7</sup> Appropriations for TYC were based on a state-funded facility capacity of 2,118 beds for fiscal year 2011. TYC also receives funding to contract for 200 beds in fiscal years 2010 and 2011 in addition to state-funded facility capacity. As of December 1, 2010, TYC's total operating capacity was 2,649 beds.

## JUVENILE PROBATION SUPERVISION ACTUAL AND PROJECTED POPULATIONS FISCAL YEARS 2006–2016

The juvenile probation supervision projection is based on individual-level data provided by 165 local juvenile probation departments and compiled monthly by the Texas Juvenile Probation Commission. Supervision types analyzed include: adjudicated probation, deferred prosecution, and supervision prior to disposition. The projection for this population is based on a discrete-event simulation modeling approach. The model simulates juvenile movement into, through, and out of supervision. Projected admissions were based on the average number of admissions to each supervision type for fiscal years 2009 and 2010 as follows: adjudicated probation (17,378 juveniles); deferred prosecution (21,264 juveniles); and supervision prior to disposition (26,655 juveniles). To project releases, a multivariate regression analysis was used to predict supervision length. The total juvenile supervision population is projected to remain relatively stable but slightly above fiscal year 2010 levels primarily due to the recent rise in length of stay for juveniles under deferred prosecution supervision and supervision prior to disposition. Any significant change in projection drivers (e.g., disposition and supervision modification practices) may impact actual populations. Appendix B provides additional information about this analysis.

**Figure 8: Actual and Projected Juvenile Probation Supervision Populations by Supervision Type, Fiscal Years 2006–2016**



**Table 10: Projected Juvenile Probation Supervision Populations by Supervision Type**

FISCAL YEAR	END-OF-MONTH YEARLY AVERAGE			
	ADJUDICATED PROBATION	DEFERRED PROSECUTION	SUPERVISION PRIOR TO DISPOSITION	TOTAL SUPERVISION
2011	18,747	9,435	8,304	36,485
2012	17,628	9,342	8,291	35,260
2013	18,364	9,459	8,379	36,203
2014	18,620	9,573	8,468	36,661
2015	18,988	9,513	8,557	37,058
2016	18,487	9,394	8,645	36,526

Sources: Legislative Budget Board; Texas Juvenile Probation Commission.

## **QUALITATIVE REVIEW SUMMARY**

## QUALITATIVE REVIEW SUMMARY

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### INTRODUCTION

As part of the correctional population projections methodology, a qualitative review component was conducted for this report. The purpose of the review was to obtain a more in-depth understanding of the criminal and juvenile justice trends originally reported in the LBB's *June 2010 Adult and Juvenile Correctional Population Projections* report. The qualitative review explored current adult criminal justice trends and juvenile justice trends. Additionally, the qualitative study helped clarify the implementation and impact of recent legislative and budgetary initiatives, which expanded the services available to adult and juvenile offenders. The methods in which offenders access these expanded services were explored as well.

### METHODOLOGY

Focus groups and interviews with criminal justice practitioners, juvenile justice practitioners, and adult offenders were the primary methods of data collection. Focus groups and interviews were conducted in various counties in Texas and at statewide professional conferences and meetings. The utilization of statewide criminal and juvenile justice conferences as data-gathering sites allowed for a broad representation of practitioners from various jurisdiction sizes and varying geographic areas of the state. Additionally, individual in-depth interviews were conducted with offenders currently incarcerated at the East Texas Treatment Facility, a privately owned facility that provides certain offenders secure residential placement through a contract with the Texas Department of Criminal Justice (TDCJ). Offenders interviewed included Substance Abuse Felony Punishment Facility (SAFPF) offenders and Intermediate Sanction Facility (ISF) offenders currently on community supervision or parole. Table 11 details the number and type of all participants:

**Table 11: Number and Type of Focus Group and Interview Participants**

Type of Participant	Judges	Prosecutors	Probation Administration and Staff	Defense Attorneys	TOTAL
Adult	10	9	73	11	103
Juvenile	3	3	48	5	59
	<i>Probation - SAFPF</i>	<i>Probation - ISF</i>	<i>Parole - SAFPF</i>	<i>Parole - ISF</i>	
Offenders	9	10	12	10	41

Source: Legislative Budget Board.



## QUALITATIVE REVIEW SUMMARY

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### ADULT CRIMINAL JUSTICE PRACTITIONER FINDINGS

Focus groups and interviews with adult criminal justice practitioners explored several topics including current community supervision and prison population trends. Additionally, the methods in which offenders on community supervision access various treatment and rehabilitation services were explored. In particular, the utilization of expanded SAFPF and ISF capacity funded by the Eighty-first Legislature, Regular Session, 2009, was discussed at length. Finally, participants provided legislative recommendations to assist the Eighty-second Legislature in forming criminal justice policy and funding decisions.

#### WHAT TYPES OF OFFENDERS ARE CURRENTLY REVOKED TO STATE JAIL AND/OR PRISON?

Practitioners were nearly unanimous in agreement that offenders were only revoked from community supervision for technical violations after exhausting all available progressive sanctions. Practitioners agreed that most revocations from community supervision were due to new offenses committed while under supervision or absconding from supervision altogether. However, interview and focus group participants indicated a growing proportion of offenders are revoked to prison through plea bargains for short prison or state jail terms. Many offenders find it difficult to successfully adhere to the conditions of community supervision. As a result, if offenders violate the terms of community supervision, an increasing number are choosing short prison or state jail sentences over alternative sanctions in the community. Practitioners indicated this growing segment of offenders has limited incentives to remain under community supervision when given the choice. Focus group and interview participants also agreed many offenders initially opt for short prison or state jail sentences prior to potential placement on community supervision.

#### WHY HAS UTILIZATION OF THE EXPANDED SAFPF AND ISF BEDS FOR COMMUNITY SUPERVISION OFFENDERS NOT YET REACHED FULL CAPACITY?

Adult criminal justice practitioners indicated concerns about the quality of treatment as the primary reason utilization of SAFPF and ISF beds has not reached capacity at the levels funded by the Eighty-first Legislature, Regular Session, 2009. Many practitioners believe the greatest area of concern about ISFs is that the treatment is insufficient to address offenders' varying needs. Many focus group and interview participants indicated jurisdictions would use all local treatment and rehabilitation options (residential and non-residential) before placing an offender in a state-operated facility such as a SAFPF or ISF. Practitioners were more confident in the quality of treatment available in local resources as compared to the treatment provided in SAFPFs or ISFs, with particular emphasis on ISFs. Additionally, many participants agreed criminal justice practitioners' lack of awareness of the expanded SAFPF and ISF beds may contribute to excess available capacity.

## QUALITATIVE REVIEW SUMMARY

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WHAT RESOURCES ARE NEEDED TO KEEP OFFENDERS IN THE COMMUNITY AND OUT OF PRISON OR STATE JAIL?

According to focus group and interview participants, mental health treatment options are the most needed resources to rehabilitate offenders in the community. Specifically mentioned resources included additional residential treatment, additional outpatient treatment, and increased reimbursement rates for mental health treatment providers. Along with mental health resources, practitioners indicated offenders need additional incentives to choose and/or remain on community supervision in lieu of incarceration. Participants also mentioned the need for additional resources specifically directed to meet the needs of female offenders.

WHY ARE STATEWIDE MISDEMEANOR COMMUNITY SUPERVISION PLACEMENTS DECLINING?

Similar to the previously mentioned issues regarding community supervision revocations, practitioners indicated misdemeanor community supervision placements are declining because offenders increasingly opt to serve county jail sentences instead of placement on community supervision. Practitioners agreed offenders have limited incentive to choose community supervision over county jail time. Community supervision involves fees, is time-consuming, and is difficult to manage with employment and family obligations. In particular, participants mentioned offenders convicted of misdemeanor Driving While Intoxicated (DWI) offenses are increasingly choosing incarceration over community supervision.

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

Focus group and interview participants most consistently mentioned the need for investment in mental health resources of all types. Expanded inpatient and outpatient treatment, additional funding for specialized community supervision caseloads, increased reimbursement rates for mental health professionals, and additional state hospital capacity for competency restoration were all mentioned as important needs. Practitioners also agreed statutes and policies regarding DWI punishments need revision. Currently, DWI offenders have little incentive to obtain treatment through community supervision; offenders increasingly prefer short terms of incarceration in county jail. Possible solutions mentioned for this issue included offering deferred adjudication and potential early termination from community supervision for DWI offenders. Participants also voiced support for ending or reforming the Driver Responsibility Program (DRP), which provides significant financial burden on DWI (and other) offenders with seemingly little to no public safety enhancement. Other legislative recommendations included providing Community Supervision and Corrections Departments (CSCDs) additional flexibility in the use of state funding and providing offenders more incentives to choose community supervision over incarceration.

## QUALITATIVE REVIEW SUMMARY

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### ADULT SUBSTANCE ABUSE FELONY PUNISHMENT FACILITY OFFENDERS AND INTERMEDIATE SANCTION FACILITY OFFENDER FINDINGS

Interviews with offenders currently placed in a SAFPF or ISF program took place at the East Texas Treatment Facility (ETTF) in Henderson, Texas. The ETTF houses ISF and SAFPF offenders on both community supervision and parole. Approximately half the interviews were conducted with offenders on parole and the other half with offenders under community supervision. All participants provided informed, written consent before participation. To ensure confidentiality, each interview was conducted in a closed office with no correctional staff present. Participating offenders were asked a range of questions relating to their criminal history, their experiences in the SAFPF or ISF program, and their opinions and recommendations for the Eighty-second Legislature regarding criminal justice in Texas.

#### WHAT EVENTS LED TO YOUR PLACEMENT IN SAFPF OR ISF?

Nearly all of the offenders interviewed were placed in the SAFPF or ISF program as a result of technical violations of the conditions of parole or community supervision. The most common technical violations were failed drug tests, missed appointments with a supervision officer, or absconding from supervision.

A majority of the offenders interviewed indicated they had no choice as to whether they were placed in the SAFPF or ISF program. Several mentioned they would have preferred revocation to prison in lieu of program placement.

#### WHAT IS POSITIVE ABOUT THE SAFPF OR ISF PROGRAM?

Offenders indicated the most important aspect contributing to the success of the treatment programs was each individual offender's commitment to change. Without that commitment, offenders agreed the program would be of little rehabilitative value. Additionally, offenders indicated the programs' counselors and group sessions were helpful, particularly in helping them identify "thinking errors" that may lead to criminal behavior or substance abuse.

#### WHAT IS NEGATIVE ABOUT THE SAFPF OR ISF PROGRAM?

Participants most commonly mentioned disorganization as a negative aspect of the ISF and SAFPF programs. Offenders noted the structure and timing of the program's components were unpredictable from day to day. Offenders also indicated a need for additional counselors for more intensive treatment. A notable proportion of offenders interviewed indicated themselves or many of their fellow offenders were improperly placed in the SAFPF or ISF program. For example, some offenders believed they did not have a substance abuse problem, yet were placed in SAFPF. Additionally, some offenders who had substance abuse issues and desired treatment thought some other offenders in the program were not concerned with treatment, making it difficult for them to focus on rehabilitation.

## QUALITATIVE REVIEW SUMMARY

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WHY HAS UTILIZATION OF THE EXPANDED SAFPF AND ISF BEDS FOR COMMUNITY SUPERVISION OFFENDERS NOT YET REACHED FULL CAPACITY?

The largest proportion of offenders who responded to the above question (many indicated they did not know any possible answers) believed the ISF and SAFPF programs are not operating at capacity because many offenders in Texas prefer prison or state jail to programmatic alternatives. When asked if prison or state jail was preferable to community supervision or parole in general, approximately half of the participants who answered the question responded “yes”. These offenders noted supervision in the community required long-lasting difficult conditions, which made prison or state jail a preferable sentence in some cases.

WHAT CAN THE STATE OF TEXAS DO TO IMPROVE CRIMINAL JUSTICE AND KEEP OFFENDERS IN THE COMMUNITY AND OUT OF PRISON OR STATE JAIL?

Offenders most consistently mentioned three factors that would improve criminal justice and keep offenders in the community: employment opportunities and assistance, expanded access to substance abuse treatment, and additional educational opportunities. Offenders indicated employment opportunities and assistance as the most important need of these three responses.

### JUVENILE JUSTICE PRACTITIONER FINDINGS

Focus groups and interviews with juvenile justice practitioners explored several topics. Current juvenile justice population trends were discussed, particularly exploring the ongoing trend of declining juvenile probation populations. Specific attention was paid to local juvenile probation departments’ experiences with the Community Corrections Diversion program funding provided by the Eighty-first Legislature, Regular Session, 2009. Additionally, participants provided legislative recommendations to assist the Eighty-second Legislature in forming juvenile justice policy and funding decisions.

WHY ARE STATEWIDE JUVENILE PROBATION POPULATIONS REMAINING CONSTANT IN SPITE OF DECLINING TYC COMMITMENTS AND A GROWING JUVENILE POPULATION IN TEXAS?

Similar to recent juvenile probation population projections, the *June 2010 Adult and Juvenile Correctional Populations Projections* report indicated various juvenile probation populations remained constant or were declining. Juvenile justice practitioners provided several explanations for the lack of growth in these populations. First, practitioners generally agreed referrals from law enforcement agencies were down, likely due to law enforcement practitioners’ growing apprehension in addressing juvenile delinquency. Participants agreed law enforcement practitioners in their jurisdictions did not want to “deal with” juveniles for various reasons: lack of confidence that arrested juveniles would receive adequate punishment, additional paperwork requirements, and time constraints in traveling long distances to a given county’s juvenile detention facility. In addition, focus group and interview participants cited that continued expansion of law enforcement diversion programs for low-level juvenile offenders may reduce the overall number of referrals to juvenile probation.

## QUALITATIVE REVIEW SUMMARY

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Many practitioners agreed diversionary programs provided by local juvenile probation departments were keeping juvenile probation populations down. Juvenile probation departments attempt to address the needs of first-time and low-level offenders to keep them from penetrating further into the juvenile justice system, and many participants indicated these efforts have been effective. However, practitioners reported these efforts are increasingly difficult to maintain because a growing proportion of available resources is dedicated to serious juvenile offenders with significant needs (e.g., substance abuse, mental health, etc.).

In addition to the factors detailed above, juvenile justice practitioners generally agreed local public schools currently refer fewer youth to juvenile probation departments than in recent years. Schools are relaxing “zero tolerance” policies, addressing problematic behavior in the school more often, and providing more services to at-risk youth. Practitioners indicated this recent trend may be related to federal education policies (e.g., No Child Left Behind Act and Safe and Drug-Free Schools and Communities Act) and schools’ desire to keep youth present in the classroom for funding purposes.

While juvenile justice practitioners emphasized their recent diversionary efforts, they also indicated juvenile populations may remain constant because a growing proportion of serious juvenile offenders are resource-intensive. Limited resources require juvenile probation departments to focus services on juveniles who have the greatest needs; this prevents them from addressing the needs of many low-level offenders. Many jurisdictions have increased their use of supervisory caution and dismissals, thereby contributing to the lack of growth in juvenile probation populations. These findings are similar to those reported in the qualitative component of the *January 2009 Adult and Juvenile Correctional Population Projections* report.

### WHAT ARE SOME GENERAL EXPERIENCES WITH THE TEXAS JUVENILE PROBATION COMMISSION’S (TJPC) COMMUNITY CORRECTIONS DIVERSION PROGRAM (CCDP) FUNDING?

The Eighty-first Legislature, Regular Session, 2009, provided TJPC funding to implement a grant program to distribute funds among juvenile probation departments to assist in diverting juveniles from TYC. The program required departments to enhance, utilize, or create new programming for juveniles who would otherwise have been committed to TYC and established a target for the maximum number of juveniles that a CCDP-funded county could commit to TYC.

Practitioners agreed experiences with the recent CCDP funding allocated to TJPC by the Eighty-first Legislature, Regular Session, 2009, were positive overall. Youth who would have been committed to TYC remained in the community and would not have done so without the additional CCDP funding. However, participants agreed there were significant difficulties and complications with the actual implementation of the funding, resulting from the various requirements associated with the CCDP funding. For example, several jurisdictions indicated they were not allowed to place additional juveniles in currently existing successful programs because the funding required youth to be placed in new or enhanced programs. Additionally, some jurisdictions found it difficult to distinguish which juveniles were eligible for CCDP-funded treatment and had difficulty complying with reporting requirements when additional funds were used to supplement CCDP-funded treatment.

## QUALITATIVE REVIEW SUMMARY

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### ADDITIONAL JUVENILE JUSTICE ISSUES EXPLORED:

- Adam Walsh Act - Juvenile justice practitioners unanimously agreed implementation of the requirements outlined in the federal Adam Walsh Act would be counterproductive to the rehabilitation of juvenile sex offenders. The Adam Walsh Act would mandate all juveniles adjudicated of sex offenses to register as sex offenders but practitioners unanimously supported Texas' current model of judicial discretion regarding sex offender registration for juveniles. Many participants indicated very few juveniles adjudicated of sex offenses were dangerous enough to warrant public sex offender registration.
- Local Funding - Many juvenile probation departments have experienced local budget reductions from county-based funding. Many others indicated reductions have yet to occur but are likely in the near future.

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

Similar to the adult criminal justice focus group and interview participants, juvenile justice practitioners most consistently indicated a need for mental health resources for juvenile offenders. Juvenile probation departments are experiencing a growing population of juveniles with serious mental health issues or dual diagnoses (e.g., coexisting substance abuse and mental health issues), but the resources required to adequately treat these issues are not present. Juvenile justice practitioners mentioned several other legislative recommendations, as listed below:

- Allow for more flexibility in state funding received by juvenile probation departments and reduce the bureaucratic requirements associated with current state funding. Practitioners indicated the treatment provided to juveniles is rarely funded from one grant or funding stream, making adherence to reporting requirements associated with various state funding streams time-consuming and difficult to maintain. Additionally, focus group and interview participants agreed that eligibility determination for various juvenile treatment options under various funding streams was complicated and could be improved by expanding the flexibility of state funding.
- Reinstate TYC eligibility for certain misdemeanor offenders. Juvenile probation departments experience great difficulty with chronic misdemeanor offenders, particularly after these juveniles fail to respond to community and/or residential treatment.
- Permit TYC to retain jurisdiction up to 21 years of age. Juvenile justice practitioners voiced concerns that many older juvenile offenders, such as a juvenile who commits a serious sex offense at 16 years of age, may receive determinate sentences or adult certification because they may not be able to receive adequate treatment while in TYC before their 19<sup>th</sup> birthday.

## **GLOSSARY**

## GLOSSARY

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### GENERAL TERMS

#### ARRESTING OFFENSES:

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

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

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

### CRIMINAL JUSTICE SYSTEM TERMS

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

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

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



## GLOSSARY

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### JUVENILE JUSTICE SYSTEM TERMS

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

**DEFERRED PROSECUTION:** Juveniles may avoid adjudication by successfully completing another community-based supervision program called deferred prosecution. Under some offense-related restrictions, the prosecutor, juvenile probation department, or judge may place the child on deferred prosecution. This supervision type is typically reserved for juveniles with less significant and severe offense histories. Participation requires consent from the youth and the youth's family. At any time during supervision, the youth and the family may terminate the supervision and request a court hearing to determine guilt or innocence. Supervision may last up to six months unless extended by the judge for up to another six months. Similar to adjudicated probation supervision, deferred prosecution includes supervision conditions. If the juvenile violates any of the conditions during the supervision period, the department may request formal adjudication of the case. If a juvenile successfully completes deferred prosecution, the youth must be released from supervision and any filed petition for the case should be dismissed.

**SUPERVISION PRIOR TO DISPOSITION:** This community-based supervision is based upon the written orders from a judge or a juvenile probation department that specify the conditions of a juvenile's release from detention or from the department's custody. The conditions (e.g., setting a curfew and requiring regular presence in school) are intended to reasonably ensure that the juvenile will return to court. A youth participates in this type of supervision before his/her case is disposed (e.g., to deferred prosecution, to adjudicated probation, or dismissed). Violations of the conditions for this supervision type do not constitute a new offense but may result in a return to custody or detention.

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

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

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### **ADULT INCARCERATION POPULATION PROJECTION**

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

**ADMISSIONS:** Admissions are based on the historical growth in direct sentences and the revocation rate for parolees and offenders under community supervision.

**DIRECT COURT COMMITMENTS** — Projected yearly growth rates in direct court commitments vary according to fluctuations of Texas' at-risk populations, felony court activity, and trends in direct sentence admissions to TDCJ. Overall, direct sentences are projected to increase on average by 3.9 percent each year from fiscal year 2011 through fiscal year 2016. The 3.9 percent average growth rate in direct court commitments to prison is lower than the June 2010 projection, reflecting recent trends in court conviction rates and felony probation placements.

**COMMUNITY SUPERVISION AND PAROLE REVOCATIONS** — Projected yearly rates of felony community supervision revocations to the prison system (14.6 percent) and parole revocations (10.0 percent) are applied to the population projection model to determine the number of revocation admissions. For this projection, it is assumed cases will be revoked at the average rate observed since the implementation of the diversion initiatives funded in fiscal years 2005, 2007, and 2009.

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

**PAROLE CASE CONSIDERATIONS, APPROVALS, AND DENIALS** — During fiscal year 2010, 77,540 cases were considered for parole approval and 24,124 cases were approved for parole. The average parole case approval rate for fiscal year 2010 was 31.2 percent and the average number of parole cases approved each month was 2,010. It is expected parole case considerations and parole case approval rates will increase slightly during the remainder of fiscal year 2011 through fiscal year 2016.

During fiscal year 2010, 53,416 of the cases considered for parole were denied parole approval. The average parole case denial rate for fiscal year 2010 was 68.8 percent and the average number of parole cases denied each month was 4,451. The number of cases denied parole approval increased 4.9 % from fiscal year 2005 to fiscal year 2010 (50,912 to 53,416).

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

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DISCRETIONARY MANDATORY SUPERVISION (DMS) CONSIDERATIONS, APPROVALS, AND DENIALS — During fiscal year 2010, 18,991 cases were considered for DMS approval and 9,407 cases were approved for DMS. The average DMS case approval rate for fiscal year 2010 was 49.8 percent and the average number of DMS cases approved each month was 784. It is expected DMS case considerations and DMS approval rates will increase slightly during the remainder of fiscal year 2011 through fiscal year 2016.

During fiscal year 2010, 9,504 of the cases considered for parole were denied parole approval. The average parole case denial rate for fiscal year 2010 was 50.2 percent and the average number of parole cases considered denied each month was 792. The number of cases denied DMS approval increased 44.9 % from fiscal year 2005 to fiscal year 2010 (6,559 to 9,504).

**TREATMENT AND DIVERSION PROGRAMS:** The Eightieth Legislature, Regular Session, 2007, appropriated \$217.7 million to the Texas Department of Criminal Justice (TDCJ) for the expansion of treatment and diversion programs in fiscal years 2008 and 2009. These initiatives included funding for additional substance abuse treatment beds for offenders under community supervision and incarcerated offenders, additional funding for mental health services for offenders, additional probation and parole intermediate sanction facility (ISF) beds, probation residential treatment beds, and parole halfway house beds. Diversion calculations assume appropriate turnover rates for each facility type. For example, substance abuse felony punishment facility treatment beds are assumed to turn over twice per year meaning 1,500 beds can serve 3,000 offenders during the year. The implementation of these initiatives has been incorporated into the simulation model. As of December 31, 2010, the majority of the diversion initiatives funded by the Eightieth Legislature, Regular Session, 2007, have been implemented. To comply with budget reductions, TDCJ does not currently intend to make the remaining, unimplemented beds operational (851 Intermediate Sanction Facility beds).

**TDCJ CAPACITY:**

**Table 12: TDCJ Capacity – Historical Capacity Calculation**

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

**Table 13: TDCJ Capacity – Current Capacity Calculation**

FISCAL YEAR	UNIT CAPACITY	OPERATING ADJUSTMENTS	INTERNAL OPERATING CAPACITY
2011	163,201	(4.0%)	156,673
2012	163,201	(4.0%)	156,673

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

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

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UNIT CAPACITY (Historical and Current) — The unit capacity is determined based on standards related to density and support functions. The unit capacity in the table above represents the sum of all unit capacities. Fiscal year 2011 unit capacities differ because 6 beds were added in July 2010 at the Santa Maria Facility at the Plane State Jail.

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

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

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

OPERATING ADJUSTMENTS (Current) — The percent of the unit capacity prison administrators leave unfilled to accommodate logistical issues, safety issues, separating offenders by custody, type, gender, and those in transit status.

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

INTERNAL OPERATING CAPACITY (Current) — The total number of beds available to house offenders. As of December 31, 2010, TDCJ unit capacity was 163,201 and internal operating capacity was 156,673 (96.0 percent of the TDCJ unit capacity).

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

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

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

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**OTHER CONSIDERATIONS:** In addition to the assumptions previously discussed, there are other adult criminal justice trends that have been examined; however, these factors are not used in the model. If major shifts occur from the latest trends in the areas listed below, adjustments to the projection may become necessary.

TEXAS ADULT ARREST RATE — Between calendar years 2001 and 2009, the adult arrest rate has remained steady at a lower level than its peak in 2004.<sup>8</sup>

TEXAS UNEMPLOYMENT RATE — The unemployment rate is projected to decrease slightly from 8.2 percent in fiscal year 2011 to 7.7 percent in fiscal year 2012.<sup>9</sup>

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<sup>8</sup> Texas Department of Public Safety, *Crime in Texas, 2001-2009* (Texas: Texas Department of Public Safety), [http://www.txdps.state.tx.us/administration/crime\\_records/pages/crimestatistics.htm](http://www.txdps.state.tx.us/administration/crime_records/pages/crimestatistics.htm) (accessed December 17, 2010); Texas State Data Center and Office of the Demographer, *Estimates of the Total Population of Counties in Texas by Age, Sex and Race/Ethnicity for July 1, 2001-2009* (Texas: Texas State Data Center and Office of the Demographer), <http://txsdc.utsa.edu/tpepp/txpopest.php> (accessed December 17, 2010).

<sup>9</sup> Comptroller of Public Accounts, *Biennial Revenue Estimate, 2012-2013 Biennium* (Texas: Comptroller of Public Accounts), [http://www.window.state.tx.us/taxbud/br2012/96-402\\_BRE\\_2012-13.pdf](http://www.window.state.tx.us/taxbud/br2012/96-402_BRE_2012-13.pdf) (accessed: January 11, 2011).

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

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### ACTIVE ADULT PAROLE SUPERVISION POPULATION PROJECTION

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

**PAROLE CASE CONSIDERATIONS:** The number of parole cases considered each year has increased since fiscal year 2003. During fiscal year 2010, an average of 6,462 parole cases were considered monthly. For the first four months of fiscal year 2011, the monthly average number of cases considered was 6,124. This model indicates a slight increase in parole considerations for fiscal years 2011 through 2016 based on the sentence lengths, time served, and parole eligibility of the individual offenders in the incarceration population.

**PAROLE CASE APPROVALS AND APPROVAL RATES:** The parole case approval rate has averaged 30.5 percent since fiscal year 2007. The parole case approval rate for the first four months of fiscal year 2011 was 29.1 percent. For this projection, it is assumed 30.6 percent of cases considered for parole will be approved. This approval rate is the average rate observed since the implementation of the diversion initiatives funded in fiscal years 2005, 2007, and 2009.

**PAROLE CASE DENIALS AND DENIAL RATES:** The parole case denial rate has averaged 69.5 percent since fiscal year 2007. The parole case denial rate for the first four months of fiscal year 2011 was 70.9 percent. For this projection, it is assumed 69.4 percent of cases considered for parole will be denied. This approval rate is the average rate observed since the implementation of the diversion initiatives funded in fiscal years 2005, 2007, and 2009.

**PAROLE REVOCATION RATES:** Fewer parolees are removed from the supervision population when parole revocation rates are lower. The adult parole revocation rate has decreased since fiscal year 2004. In fiscal year 2004, the revocation rate was 14.8 percent while in fiscal year 2010 it was 8.2 percent. For this projection, it is assumed 10.0 percent of parolees will be revoked to prison. This revocation rate is the average rate observed since the implementation of the diversion initiatives funded in fiscal years 2005, 2007, and 2009.

The assumptions regarding the general adult population and crime rate previously noted apply to the parole projections as well.

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

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

The adult felony direct community supervision population projection is based on the discrete-event simulation modeling approach. Discrete-event simulation focuses on the modeling of a system over time as a dynamic process. The model simulates offender movement through the system based on offense type, sentence length, and time credited to current sentence. Following are key factors that affect the size of the adult felony direct community supervision population.

**FELONY DIRECT COMMUNITY SUPERVISION PLACEMENTS:** From fiscal year 2009 to fiscal year 2010, the number of adult felony direct community supervision placements decreased 6.0 percent. Unlike the past few fiscal years, felony community supervision placements did not grow. Projected yearly growth rates in adult felony direct community supervision placements vary according to fluctuations in Texas' at-risk populations, felony court activity, and trends in court sentencing. For this projection, placements are expected to increase by an average of 0.2 percent each year during fiscal years 2011 through 2016. After April 2010, the Texas Department of Criminal Justice – Community Justice Assistance Division (TDCJ-CJAD) no longer required community supervision and corrections departments (CSCDs) to submit the Monthly Community Supervision and Corrections Report (MCSCR). Prior to fiscal year 2010, monthly data reported by TDCJ-CJAD were based on aggregate-level data collected through the MCSCR. Beginning with fiscal year 2010, monthly data have been extracted from the Community Supervision Tracking System Intermediate System.

**COMMUNITY SUPERVISION REVOCATION RATES:** Fewer offenders under community supervision are removed from the adult felony direct community supervision population when probation revocation rates are lower. The felony probation revocation rate has decreased since fiscal year 2004. In fiscal year 2004, the revocation rate was 16.7 percent while in fiscal year 2010, it was 14.7 percent. For this projection it is assumed 14.6 percent of offenders under community supervision will be revoked to prison and state jail. This revocation rate is the average rate observed since the implementation of the diversion initiatives funded in fiscal years 2005, 2007, and 2009.

**EARLY TERMINATIONS:** The simulation model assumes a continued increase in early terminations from community supervision, which will lower the felony direct community supervision population. This projection assumes early terminations will increase in subsequent years for three reasons: (1) from fiscal year 2004 through fiscal year 2010, early terminations have increased from an average of 329 per month to an average of 548 per month; (2) House Bill 1678, Eightieth Legislature, Regular Session, 2007, requires judges to review a probationer's record for consideration of early termination upon completion of one-half of the original community supervision period or two years of community supervision, whichever is greater; and (3) early termination review is a required component for offenders under community supervision that are part of a progressive sanctions probation system.

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



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

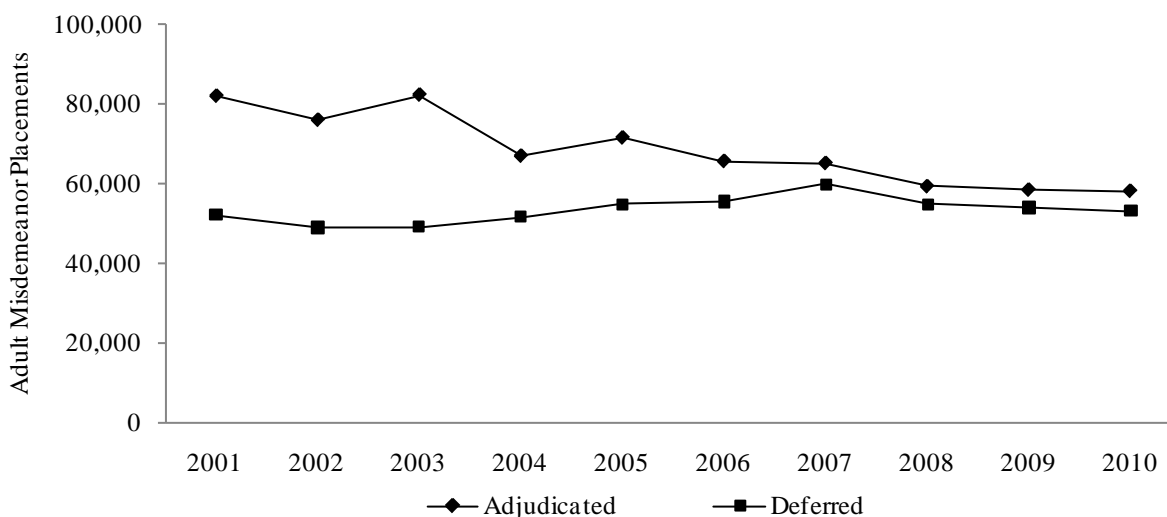
### ADULT MISDEMEANOR DIRECT COMMUNITY SUPERVISION PLACEMENTS PROJECTION

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

Adult misdemeanor placements have decreased since fiscal year 2007, down almost 11.0 percent by the end of fiscal year 2010. From fiscal year 2009 to fiscal year 2010, placements were down 0.9 percent. The adult misdemeanor community supervision placements projection is based on regression analysis of adjudicated and deferred supervision placements since fiscal year 2000.<sup>10</sup> The observed values show a steady decrease in the number of adjudicated community supervision placements and a slight increase in the number of deferred adjudication placements (see Figure 9). The slight increase of deferred adjudication placements does not compensate for the steady decrease in adjudicated supervision placements, thus resulting in a total placement downward trend.

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

**Figure 9: Adjudicated and Deferred Misdemeanor Direct Community Supervision Placements, Fiscal Years 2001–2010**



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

<sup>10</sup> Return from shock incarceration is a third type of misdemeanor placement and typically accounts for approximately 11 placements per fiscal year. A court has continuing jurisdiction over a case for 180 days from the date the sentence begins. If the court believes the defendant would no longer benefit from further confinement, the judge may remove the defendant from confinement and place the defendant under community supervision. Return from shock incarceration is a placement option for misdemeanor offenses and certain felony offenses. Returns from shock incarceration placements are not included in the projected numbers.

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

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

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### TEXAS YOUTH COMMISSION RESIDENTIAL POPULATION PROJECTION

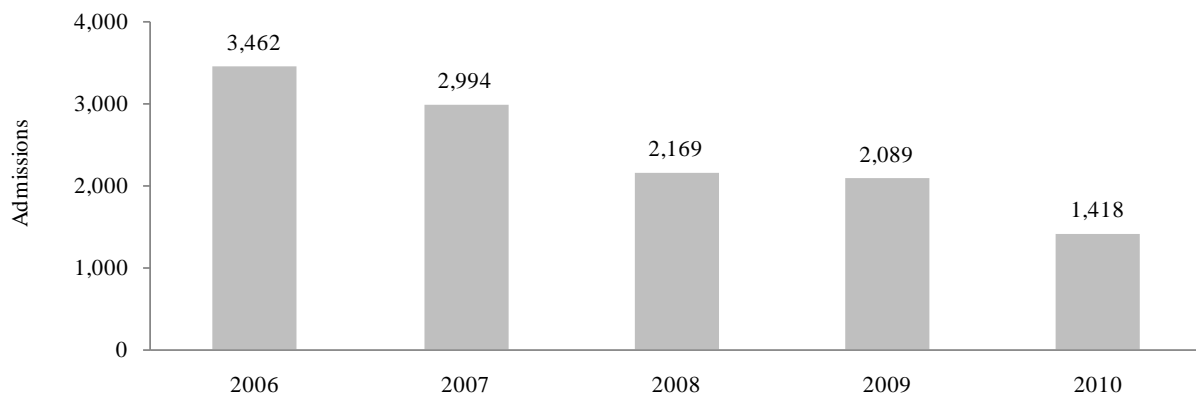
The Texas Youth Commission (TYC) residential population projections are based on individual-level data provided by TYC and informed by budgetary, policy, and other considerations. The projection model is based on movement of individual juveniles into, through, and out of TYC.

The model projects the TYC residential population will stabilize in the coming years as a result of a slight increase in admissions counterbalanced by a slight decrease in length of stay.

**ADMISSIONS:** TYC admissions have fallen each year since fiscal year 2006 (see Figure 10). The total residential population decreased notably (-27.6 percent) immediately preceding and following the implementation of Senate Bill 103, Eightieth Legislature, Regular Session, 2007, in June 2007.<sup>11</sup> Between fiscal years 2008 and 2009, the population began to stabilize but then decreased markedly (-32.1 percent) between fiscal years 2009 and 2010. In fiscal year 2010, the Community Corrections Diversion Program was implemented, which may have contributed to this decrease.<sup>12</sup> In fiscal year 2011, funding distributed for this initiative is expected to be similar to funding distributed in fiscal year 2010.

The number of admissions assumed for fiscal years 2011 through 2016 is expected to increase slightly as many county juvenile probation departments face additional budget reductions and thereby more limited access to alternatives to TYC placement. For this projection, it is assumed that TYC will receive 1,560 admissions per year for fiscal years 2011 through 2016, a 10.0% increase over the total number of monthly admissions received in fiscal year 2010 (or an additional 12 juveniles per month).

**Figure 10: Texas Youth Commission Admissions, Fiscal Years 2006–2010**



Sources: Legislative Budget Board; Texas Youth Commission.

<sup>11</sup> This legislation reduced the total TYC residential population primarily by decreasing the maximum age of confinement from 21 to 19 years and by eliminating misdemeanants from eligibility for commitments to TYC.

<sup>12</sup> The Eighty-first Legislature, Regular Session, 2009, initiated the Community Corrections Diversion Program, which provided pass-through funding to the Texas Juvenile Probation Commission to offer to county juvenile probation departments to enhance or develop programs to divert youth from commitment to TYC.

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

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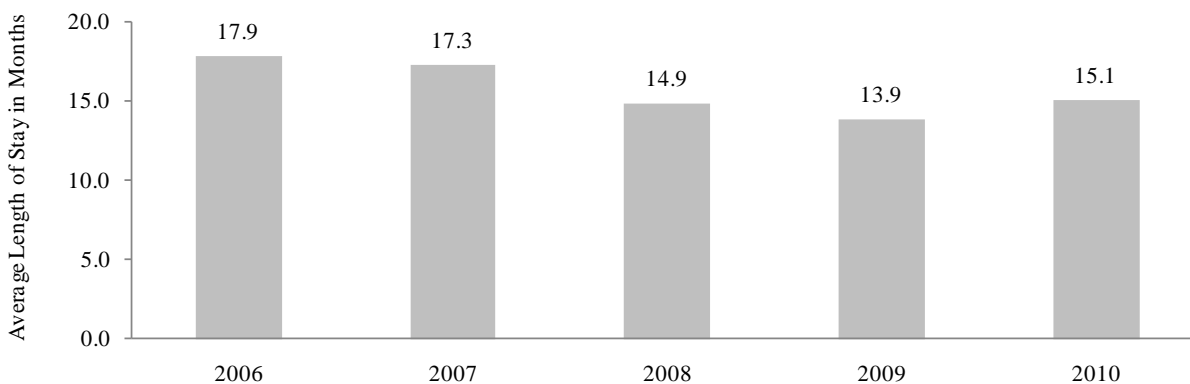
**LENGTH OF STAY:** Future releases are largely driven by minimum length of stay (MLOS), maximum length of stay possible given the youth's age, and release approval decisions. The projection model simulates juvenile movement through TYC based on factors that multivariate regression modeling show to be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

The regression model is based on juveniles released from TYC residential facilities in the first three months of fiscal year 2011. This time period provided the most representative sample of juveniles released under the new classification system implemented on February 1, 2009.<sup>13</sup> To date, a limited number of youth have entered and exited TYC under this system. Earlier samples of juveniles admitted and released under the new classification system included a disproportionate share of juveniles with shorter MLOS. The information currently available about the implementation of this policy is still limited at this time. As juveniles with a wider range of experiences, characteristics, and MLOS are admitted and released under the new classification system, the accuracy of the predicted length of stay is expected to strengthen.

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

The average length of stay for juveniles released from TYC residential facilities decreased each fiscal year between 2006 and 2009. During this time, the average length of stay fell 22.3 percent, decreasing from 17.9 months to 13.9 months. For juveniles released in fiscal year 2010, the average length of stay rose to 15.1 months. In the coming years, as the remainder of juveniles released under the previous classification system exit TYC, the average length of stay is expected to decrease slightly. To date, juveniles released under the new classification system have had shorter stays than those released under the previous system.

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



Sources: Legislative Budget Board; Texas Youth Commission.

<sup>13</sup> On February 1, 2009, TYC began using a new method for determining MLOS for youth committed or revoked to TYC other than those committed under a determinate sentence.

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

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**OTHER CONSIDERATIONS:** In addition to the assumptions previously discussed, there are other juvenile justice trends that have been examined but are not used in the projection model. If major shifts occur from the latest trends in the areas listed below, adjustments to the projection may become necessary.

**TEXAS JUVENILE ARREST RATE** — The Texas juvenile arrest rate decreased 7.6 percent between 2006 and 2009.<sup>14</sup> While the arrest rate for serious violent offenses decreased each calendar year between 2006 and 2008, it increased slightly (0.8 percent or by 17 arrests) between calendar years 2008 and 2009. Serious violent offenses include murder, negligent manslaughter, aggravated sexual assault, robbery, and aggravated assault.

**TEXAS JUVENILE POPULATION** — Between calendar years 2005 and 2009, the Texas State Data Center estimates the general juvenile population in Texas (ages 10 to 16) rose 0.3 percent or by 6,586 youth.<sup>15</sup> The Center also projects this population will increase 9.1 percent (or by 216,953 youth) between calendar years 2010 and 2015.<sup>16</sup> From calendar years 2010 to 2015, the Center projects the juvenile population will grow, on average, 1.8 percent annually.

**READING PROGRAM** — The Eighty-first Legislature, 2009, required that TYC implement a reading program, which offers youth with reading deficits “at least 60 minutes per school day of individualized reading instruction to each student,” and a positive behavioral support system to promote positive social behaviors of youth in TYC educational programs. The statute also requires that a youth participating in a TYC educational program could only be paroled if the youth fulfilled TYC’s participation requirements for the positive behavior support system and, if participating, the reading program. TYC implemented this policy on September 1, 2010. To date, no youth has been denied parole for failure to participate in the reading program. The impact of this policy change is, however, not fully understood given that the program was recently implemented.

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<sup>14</sup> Texas Department of Public Safety, *Crime in Texas 2009* (Texas: Texas Department of Public Safety), p. 66; Texas Department of Public Safety, *Crime in Texas 2008* (Texas: Texas Department of Public Safety), p. 83; Texas Department of Public Safety, *Crime in Texas 2007* (Texas: Texas Department of Public Safety), p. 83; and Texas Department of Public Safety, *Crime in Texas 2006* (Texas: Texas Department of Public Safety), p. 83.

<sup>15</sup> Texas State Data Center and Office of the Demographer, *Estimates of the Total Population of Counties in Texas by Age, Sex and Race/Ethnicity for July 1, 2009* (Texas: Texas State Data Center and Office of the Demographer), <http://txsdc.utsa.edu/tpepp/txpopest.php> (accessed December 17, 2010).

<sup>16</sup> Texas State Data Center and Office of the Demographer, *2008 Population Projections for the State of Texas, Table 2 - Age, Sex, and Race/Ethnicity (ASRE) Population by Migration Scenario by Single Years of Age for 2000-2040 in 1 year increments, 0.5 Migration Scenario* (Texas: Texas State Data Center and Office of the Demographer), <http://txsdc.utsa.edu/tpepp/2008projections/> (accessed June 9, 2010).

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

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### JUVENILE PROBATION SUPERVISION POPULATION PROJECTION

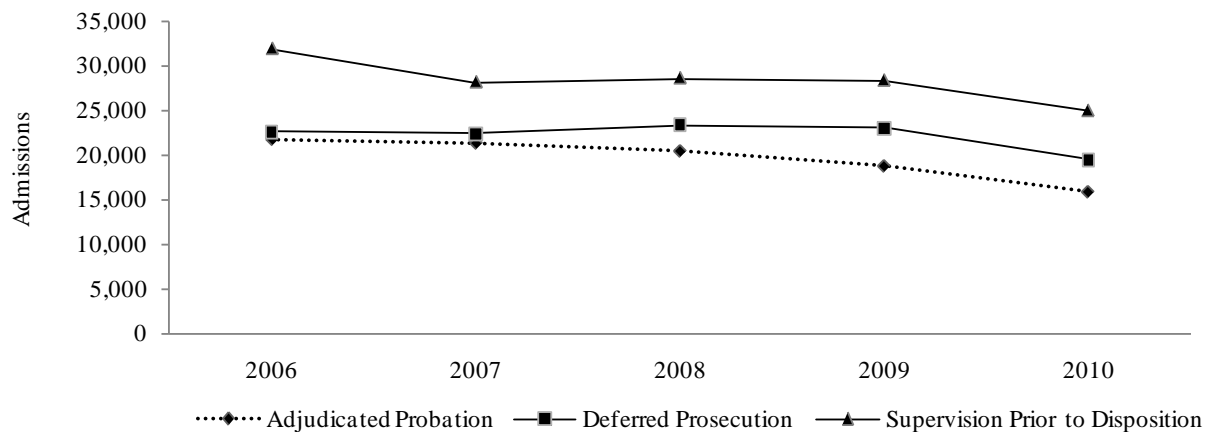
The juvenile probation supervision population projections are based on individual-level data provided by the Texas Juvenile Probation Commission and informed by budgetary, policy, and other considerations. The projection model is based on movement of individual juveniles into, through, and out of supervision.

The total juvenile supervision population is projected to remain relatively stable but slightly above fiscal year 2010 levels primarily due to the recent rise in length of stay for juveniles under deferred prosecution supervision and supervision prior to disposition.

**SUPERVISION ADMISSIONS:** The total number of juveniles placed on supervision fell 20.9 percent (or by 15,911 juveniles) since fiscal year 2006. Figure 12 examines supervision admissions by supervision type. Since fiscal year 2006, adjudicated probation admissions fell 26.9 percent (or by 5,854 juveniles); pre-disposition supervision admissions fell 21.8 percent (or by 6,968 juveniles); and deferred prosecution supervision admissions fell 13.7 percent (or by 3,089 juveniles).

For each fiscal year between 2011 and 2016, this projection assumes that 17,378 juveniles will begin adjudicated probation supervision; 21,264 juveniles will begin deferred prosecution supervision; and 26,655 juveniles will begin supervision prior to disposition. These totals reflect the average number of admissions to each supervision type between fiscal years 2009 and 2010.

**Figure 12: Juvenile Probation Supervision Admissions, Fiscal Years 2006–2010**



Sources: Legislative Budget Board; Texas Juvenile Probation Commission.

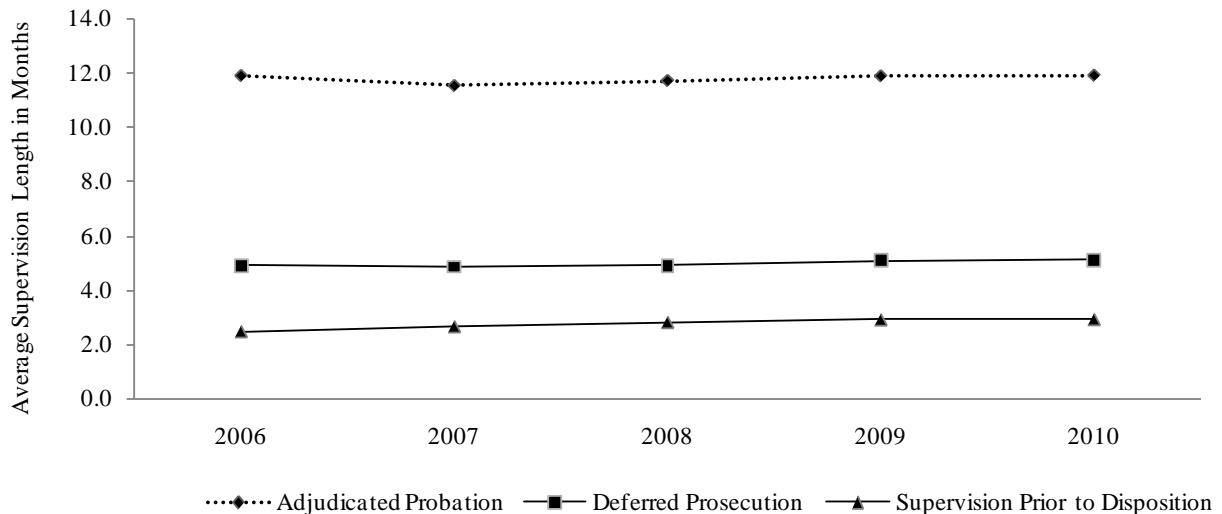
## APPENDIX B: JUVENILE CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

**SUPERVISION LENGTH:** Future releases are largely driven by supervision length assigned at disposition, maximum supervision length possible given the youth’s age, and supervision modification practices. The projection model simulates juvenile movement through supervision based on factors that multivariate regression modeling show to be statistically significant predictors of length of stay. The regression analysis was based on youth exiting supervision in fiscal year 2010. This analysis included factors such as offense type, expected supervision length, maximum length of stay possible given the youth’s age, and supervising county.

The average length of stay for juveniles released from supervision increased slightly between fiscal years 2006 and 2010. During this time, the average length of supervision increased 18.6 percent for pre-disposition supervisions (from 2.5 to 2.9 months), 4.5 percent for deferred prosecution supervisions (from 4.5 to 5.1 months), and 0.1 percent for adjudicated probation supervisions (from 11.91 to 11.92 months).

The significant decrease in supervision admissions and only slight increase in supervision length resulted in a net 19.4 percent decrease in the average yearly end-of-month supervision populations between fiscal years 2006 and 2010. This average count fell 25.7 percent for adjudicated probation supervision and 18.6 percent for deferred prosecution supervision during this time. In contrast, supervisions prior to disposition rose 1.5 percent. This increase is primarily due to this supervision length increase which offset the decrease in admissions to this supervision type. The projection model predicts a continued modest increase in length of stay in the coming years.

**Figure 13: Average Length of Supervision in Months for Juvenile Probation Supervision Releases, Fiscal Years 2006–2010**



Sources: Legislative Budget Board; Texas Juvenile Probation Commission.