
Adult Correctional Population Projections

Legislative Budget Board
Criminal Justice Data Analysis Team
February 2012

Criminal Justice Data Analysis Team – Structure and Staff Members

- Michele Connolly – Manager
- Laurie Molina – Adult Data Analysis
- Adriana Marin – Adult Data Analysis
- Jamie Gardner – Juvenile Data Analysis
- Ed Sinclair – Field and Qualitative Research

Criminal Justice Forum Logistics – Forum Parameters

- Diverse group of participants
- A learning opportunity for all
- Limited to a subject area
- Format:
 - 5 minutes for overview and orientation
 - 45 minutes for presentation of policy issues, methodologies, and key findings
 - 30 minutes for questions and answers

Criminal Justice Forum Ground Rules – Presenter Information

- Legislative Budget Board (LBB) staff
- LBB staff members are non-partisan
- Staff are not in a position to provide personal opinions
- Criminal Justice Data Analysis Team focus is on policy-oriented analysis

Agenda

- Overview
- Methodology
- Assumptions and Data Limitations
- Compare Projected and Actual Populations
- Next Steps

Most Recent Projections Report

- *Adult and Juvenile Correctional Population Projections, January 2011*

- Includes figures for FY 2011 through FY 2016
- http://www.lbb.state.tx.us/PubSafety_CrimJustice/3_Reports/Projections_Reports_2011.pdf

PERFORMANCE REPORTS AND REVIEWS

[Public Safety and Criminal Justice](#)

REPORTS

[Adult and Juvenile Correctional Populations Projections](#)

[Criminal Justice Uniform Cost Reports](#)

[Statewide Criminal Justice Recidivism and Revocation R](#)

[Texas Community Supervision Revocation Project](#)

[Windham School District Evaluation Reports](#)

[Adult and Juvenile Correctional Population Projections, Fiscal years 2011-2016](#)
[Adult and Juvenile Correctional Population Projections, Fiscal years 2010-2015](#)
[Adult and Juvenile Correctional Population Projections, Fiscal years 2009-2014](#)
[Adult and Juvenile Correctional Population Projections, Fiscal years 2008-2013](#)
[Updated Adult Incarceration Population Projections, Fiscal years 2008-2012](#)
[Adult and Juvenile Correctional Population Projections, Fiscal years 2007-2012](#)
[Adult and Juvenile Correctional Population Projections, Fiscal years 2006-2011](#)
[Adult and Juvenile Correctional Population Projections, Fiscal years 2005-2010](#)
[Adult and Juvenile Correctional Population Projections, Fiscal years 2004-2009](#)

Projected Adult Correctional Populations

- Texas Department of Criminal Justice (TDCJ) - state agency responsible for monitoring and distributing state funds to 121 local adult community supervision and corrections departments, operating adult correctional facilities, and supervising adults released to parole supervision
 - Probation
 - Felons Under Direct Supervision
 - Misdemeanor Placements
 - Correctional Institutions – Prisons, State Jails, and Substance Abuse Felony Punishment Facilities
 - Parole

Purpose of Projections

- Factor in developing recommended appropriation amounts for criminal justice agencies
- Criminal Justice Impact Statement
 - Written estimate of the increase or decrease in correctional populations that may result from implementation of a bill or joint resolution
- Fiscal note
 - Written estimate of the direct costs, savings, revenue gain, or revenue loss that may result from implementation of a bill or joint resolution that increases or decreases correctional populations
- Resource for staff (LBB, legislative, and state agency)

Background

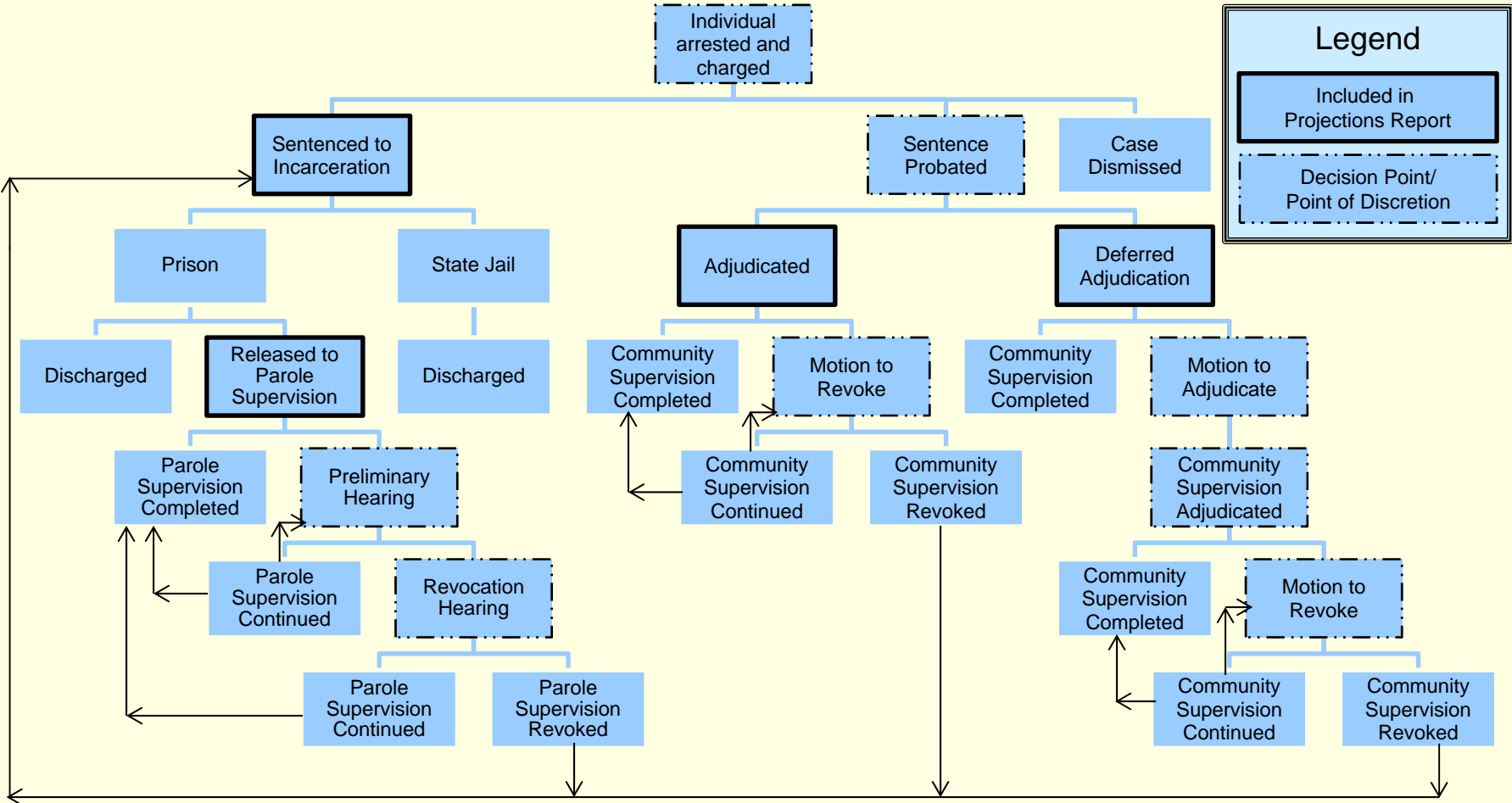
- SB 245, 70th Legislature, Regular Session, 1987 codified the Projections Report
- Criminal Justice Policy Council calculated and reported adult correctional population projections through January 2003
- Legislative Budget Board began reporting adult correctional population projections in June 2004

Report Release Schedule and Contents



- **Every other June (even years)**
 - Coincides with Legislative Appropriation Requests
 - Used in developing the legislative appropriation request for the TDCJ
 - Contains limited data for the current fiscal year data (full fiscal year data not available for June report)
- **Every other January (odd years)**
 - Coincides with legislative session
 - Used in developing LBB recommended appropriation amounts for agencies
 - Contains complete data for the most recent fiscal year
 - Contains qualitative analysis
- **Populations are projected for the current and following five fiscal years**

How does an adult enter the Justice System?



Key Questions to be Answered when Calculating Projections

How many adults will come into the justice system?

How long will an adult stay in the justice system?

Who will be in the justice system during the projection period?

Data Considered When Estimating the Number of Adults Coming Into the Justice System

	Felony Probation	Correctional Institutions	Parole Supervision	Misdemeanor Placements
Texas adult population – at-risk population	✓	✓	✓	✓
Court data – cases, dispositions, and convictions	✓	✓	✓	✓
Admissions/placement trends	Placements	Direct sentences, felony probation revocations, parole revocations	Placements	Placements
Legislative, policy, and practice changes	✓	✓	✓	✓

Qualitative research findings – focus groups and interviews with adult criminal justice practitioners and offenders to understand and explain trends we may or may not see in the data

Key Questions to be Answered When Calculating Projections

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How the Justice System Determines Length of Stay

	Felony Probation	Correctional Institutions	Parole Supervision	Misdemeanor Placements
Statute outlines the punishment range	✓	✓	The Board of Pardons and Paroles reviews and approves the release of eligible offenders to parole supervision. The length of stay on parole supervision is based on the amount of time remaining until the sentence is completed.	✓
Court determines sentence length	✓	✓		✓
Offense Date – governs eligibility, type of review, and frequency of review		Parole, Mandatory Supervision, and Discretionary Mandatory Supervision		Length of stay is not a factor in calculating Misdemeanor Placements.
Time Credit		Good Time		

How the Justice System Determines Length of Stay – Release to Parole Supervision

- *Parole in Texas, 2008*
http://www.tdcj.state.tx.us/bpp/publications/PIT_english.indd%2003-04-2011.pdf
- Some offenders can be released from prison to serve the remainder of their sentence in the community. Offenders will be released to one of the following supervision types:
 - **Parole** – The conditional release of an offender from prison, after approval by two (of three) members of the parole committee, to serve the remainder of his/her sentence under supervision in the community. Non-3g* offenders are eligible after serving $\frac{1}{4}$ of their sentence (flat time + good time). 3g offenders are eligible after serving $\frac{1}{2}$ of their sentence (flat time only).
 - Code of Criminal Procedure, Article 42.12, Section 3g. 3g offenses include Murder; Capital murder; Indecency with a child; Aggravated kidnapping; Aggravated sexual assault; Aggravated robbery; Sexual assault; Injury to a child, elderly individual, or disabled individual if the offense is a first degree felony and the victim of the offense is a child; Sexual performance by a child; an offense under the Texas Controlled Substance Act if a child is used in the commission of the offense; a second/subsequent Drug Free Zone offense; and any offense with an affirmative finding of a deadly weapon.

How the Justice System Determines Length of Stay – Release to Parole Supervision

- **Discretionary Mandatory Supervision (DMS)** – Current form of mandatory release. An offender is eligible for consideration by a parole panel when time served plus good time earned equals the sentence length. Release to DMS requires approval by the parole panel. SB 917, effective January 1, 2004, created an extended set-off for certain offenders (the parole panel elects a period between one and five years for the next review) and mandated annual review of all other eligible offenders.

Offenses eligible for Review Set-Off Texas Government Code, Section 508.149(a).

Aggravated Assault, 1 st and 2 nd Degree; Aggravated Kidnapping; Aggravated Robbery; Aggravated Sexual Assault; Arson, 1 st Degree; Burglary, 1 st Degree;	Capital Murder; Indecency w/Child, 2 nd and 3 rd Degree; Injury to a Child or Elderly, 1 st Degree; Injury to a Disabled Individual; Murder, 1 st Degree; Robbery, 2 nd Degree;	Sexual Assault, 2 nd Degree; Sexual Assault, 2 nd Degree; Any offense with Affirmative finding of Deadly Weapon; and A felony increased under Health and Safety Code 481.134 (Drug-Free Zones);
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Note *: Code of Criminal Procedure, Article 42.12, Section 3g.

How the Justice System Determines Length of Stay – Release to Parole Supervision

- Mandatory Supervision (MS)** – MS was abolished in August 1996 and replaced by DMS; however, some offenders who entered prison prior to that time are still eligible for MS release. Ms release is automatic release when time served + good time earned equals the sentence length, with no requirement for release approval from the Board of Pardons and Paroles. Only certain offenses are eligible for MS (mostly drug and property offenses). 3g* offenses, including any prior 3g convictions, are not eligible.

Offenses not eligible for release to Mandatory Supervision

Texas Government Code, Section 508.149(a).

Aggravated Assault, 1 st or 2 nd Degree; Aggravated Kidnapping, 1 st or 2 nd Degree; Aggravated Robbery; Aggravated Sexual Assault; Arson, 1 st Degree; Burglary, 1 st Degree; Capital Murder;	Indecency w/Child; Injury to a Child or Elderly or Disabled Individual, 1 st Degree; Murder, 1 st or 2 nd Degree; Robbery, 2 nd Degree; Sexual Assault, 2 nd Degree; Sexual Performance by a Child;	Any offense with Affirmative finding of Deadly Weapon; A felony increased under Health and Safety Code 481.134 (Drug-Free Zones); A felony increased under Health and Safety Code 481.140 (Use of Child in Commission of Offense); and Any offense committed on or after 09/01/1996 with a prior conviction to include any above listed offenses.
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Note *: Code of Criminal Procedure, Article 42.12, Section 3g.

February 2012

Legislative Budget Board

18

How the LBB Estimates Length of Stay for Adults in the Justice System

	Felony Probation	Correctional Institutions	Parole Supervision	Misdemeanor Placements
Select representative sample	placements, on-hand, and releases	admissions, on-hand, and releases	placements, on-hand, and releases	Length of Stay is not a factor in calculating Misdemeanor Placements.
Subdivide populations into logical groupings	offense date, offense level, and offense type	offense date, offense level, offense type, review rules, time credits, and release rules	offense date, offense level, and offense type	

Qualitative research findings – focus groups and interviews with adult criminal justice practitioners and offenders to understand and explain trends we may or may not see in the data

Estimating Length of Stay – Examples

Length of Stay Estimate is Based on Random Assignment of Actual Lengths of Stay in Observed Population

Offense	Offense Date	Sentence Length	Destination	Parole Eligible	MS/DMS Eligible	Estimated Length of Stay
Murder	01/12/1996	30 years	Prison	Yes, eligible at ½ time served (minimum 2 years, maximum 30 years)	Yes, MS eligible when calendar time and accrued good time = sentence	15 years – will be released from the model during fiscal year 2011
Murder	10/15/1995	30 years	Prison	Yes, eligible at ½ time served (minimum 2 years, maximum 30 years)	Yes, MS eligible when calendar time and accrued good time = sentence	27 years – will be released from the model during fiscal year 2022
Murder	07/07/2005	30 years	Prison	Yes, eligible at ½ time served (minimum 2 years, maximum 30 years)	Yes, DMS eligible when calendar time and accrued good time = sentence; subsequent reviews can be set-off for up to five-year	30 years – will be released from the model during fiscal year 2035

Estimating Length of Stay – Examples

Length of Stay Estimate is Based on Random Assignment of Actual Lengths of Stay in Observed Population

Offense	Offense Date	Sentence Length	Destination	Parole Eligible	MS/DMS Eligible	Estimated Length of Stay
Possession of a Controlled Substance in a Drug Free Zone	10/3/2009	4 years	Prison	No, sentence length is less than the minimum term of confinement	No, sentence length is less than the minimum term of confinement	4 years – this person will discharge
Fraud	05/10/2010	2 years	State Jail	No, parole is not an option for state jail offenders	No, MS/DMS is not an option for state jail offenders	2 years – will be released from the model in fiscal year 2012

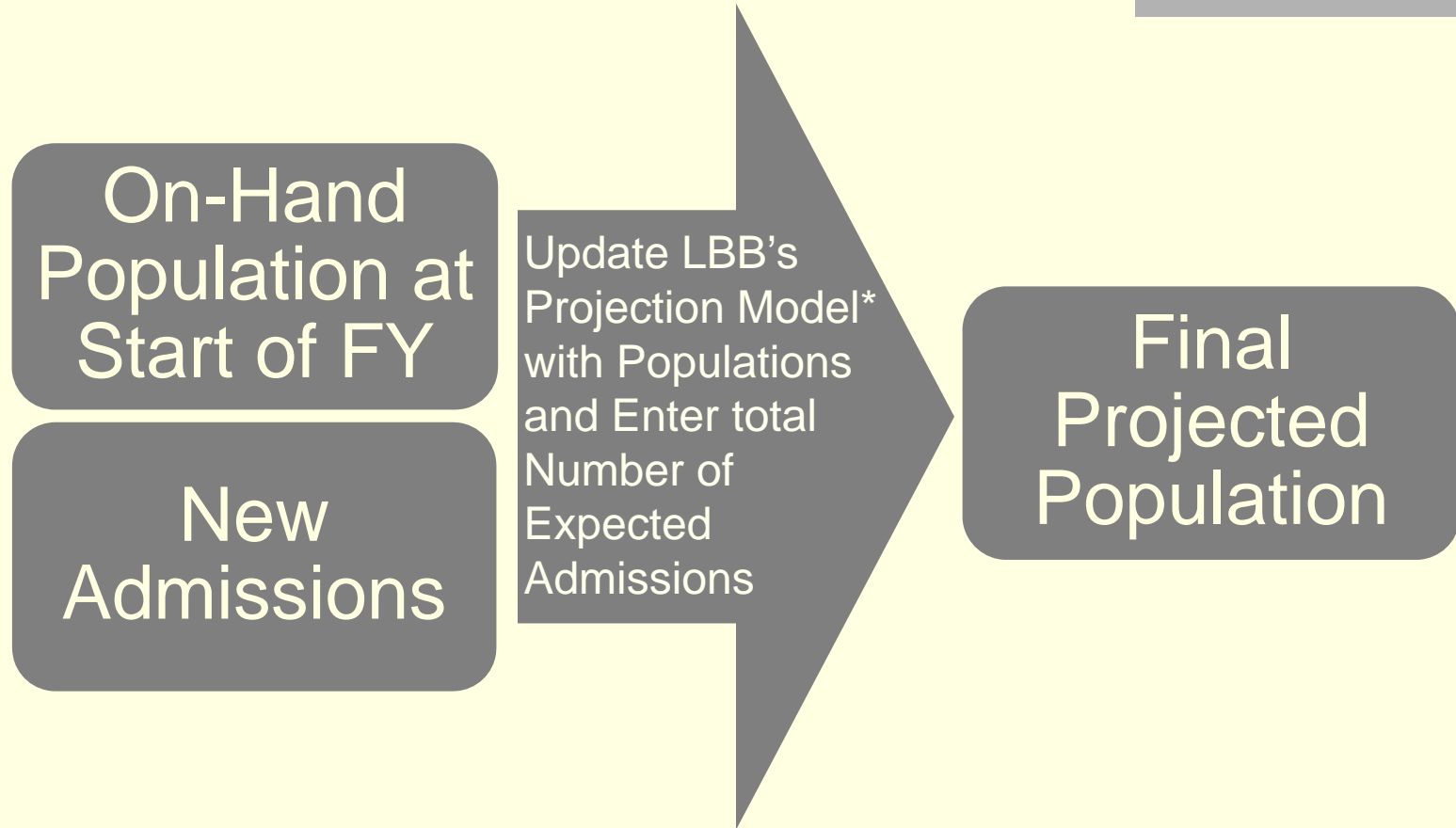
Key Questions to be Answered When Calculating Projections

How many adults will come into the justice system?

How long will an adult stay in the justice system?

Who will be in the justice system during the projection period?

How the LBB Projects Future Adult Populations



Note *: The LBB uses a customized Simul8 model to generate correctional population projections. Simul8 is a discrete-event simulation program that 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.

Populations Projected to be in the Justice System During the Projection Period

Populations Projected by LBB	Average Population	Number of Placements
Felons Under Direct Supervision	✓	
Correctional Institutions	✓	
Parole Supervision	✓	
Misdemeanor		✓

Felons Under Direct Supervision During the 2012-2013 Biennium

Felons Under Direct Supervision

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.

Source: *Adult and Juvenile Correctional Population Projections*, January 2011

A. Goal: PROVIDE PRISON DIVERSIONS
A.1.1. Strategy: BASIC SUPERVISION
Output (Volume):
 Average Number of Felony Offenders under Direct Supervision

	2012	2013
Performance Measure Target Levels	173,558	173,810

Source: *General Appropriations Act, for the 2012-2013 Biennium*

Felons in Correctional Institutions During the 2012-2013 Biennium

Correctional Institutions

FISCAL YEAR 2012	END-OF-MONTH POPULATION	FISCAL YEAR 2013	END-OF-MONTH POPULATION
Sep-11	156,178	Sep-12	156,983
Oct-11	156,228	Oct-12	156,977
Nov-11	156,376	Nov-12	157,036
Dec-11	156,186	Dec-12	157,190
Jan-12	156,396	Jan-13	157,112
Feb-12	156,131	Feb-13	157,140
Mar-12	156,377	Mar-13	157,295
Apr-12	156,341	Apr-13	157,358
May-12	156,368	May-13	157,525
Jun-12	156,692	Jun-13	157,675
Jul-12	156,897	Jul-13	157,771
Aug-12	156,986	Aug-13	157,794
FY 12 Average	156,430	FY 13 Average	157,321

Source: Adult and Juvenile Correctional Population Projections, January 2011

	2012	2013
C.1.1. Strategy: CORRECTIONAL SECURITY OPERATIONS Output (Volume): Average Number of Offenders Incarcerated	140,763	142,654
C.1.11. Strategy: CONTRACTED TEMPORARY CAPACITY Explanatory: Average Number of Offenders in Contractual Correctional Bed Capacity	1,000	0
C.1.12. Strategy: CONTRACT PRISONS/PRIVATE STATE JAILS Output (Volume): Average Number of Offenders in Contract Prisons and Privately Operated State Jails	11,890	11,890
C.1.13. Strategy: RESIDENTIAL PRE-PAROLE FACILITIES Output (Volume): Average Number of Pre-parole Transferees in Pre-parole Transfer Facilities Average Number of Offenders in Work Program Facilities	2,277 500	2,277 500

Source: General Appropriations Act, for the 2012-2013 Biennium

Felons Under Active Parole Supervision During the 2012-2013 Biennium

Active Parole Supervision

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

Source: *Adult and Juvenile Correctional Population Projections, January 2011*

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

F. Goal: OPERATE PAROLE SYSTEM

Outcome (Results/Impact):

Releasee Annual Revocation Rate

F.2.1. Strategy: PAROLE SUPERVISION

Output (Volume):

Average Number of Offenders Under Active Parole Supervision

2012

2013

8.2

8.2

Performance Measure Target Levels

81,663

82,280

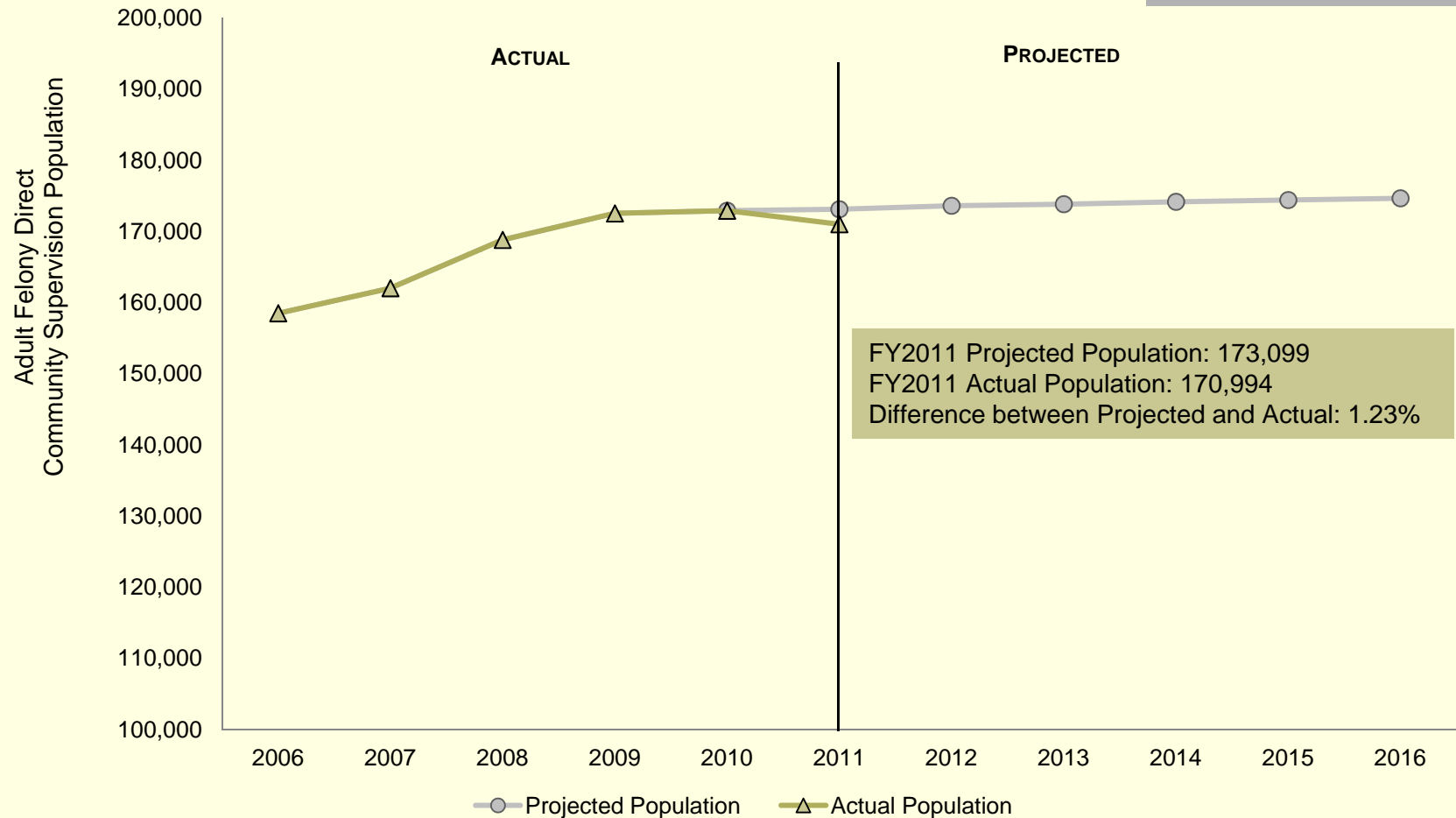
Source: *General Appropriations Act, for the 2012-2013 Biennium*

Assumptions and Data Limitations

- Assume future populations, admissions, and length of stay will be similar to those observed in the past with caveats:
 - Projections are generated prior to session, so subsequent legislative, policy, and practice changes are not considered
 - Example: *Adult and Juvenile Correctional Population Projections, January 2007-* At the beginning of the 80th Legislative Session LBB population projections indicated if current laws, statutes, and policies remained unchanged there would be a need for three new facilities by the end of fiscal year 2012. Members of the 80th legislature opted to fund rehabilitation, sanction, and treatment initiatives in an effort to divert offenders from incarceration instead of building new prisons.

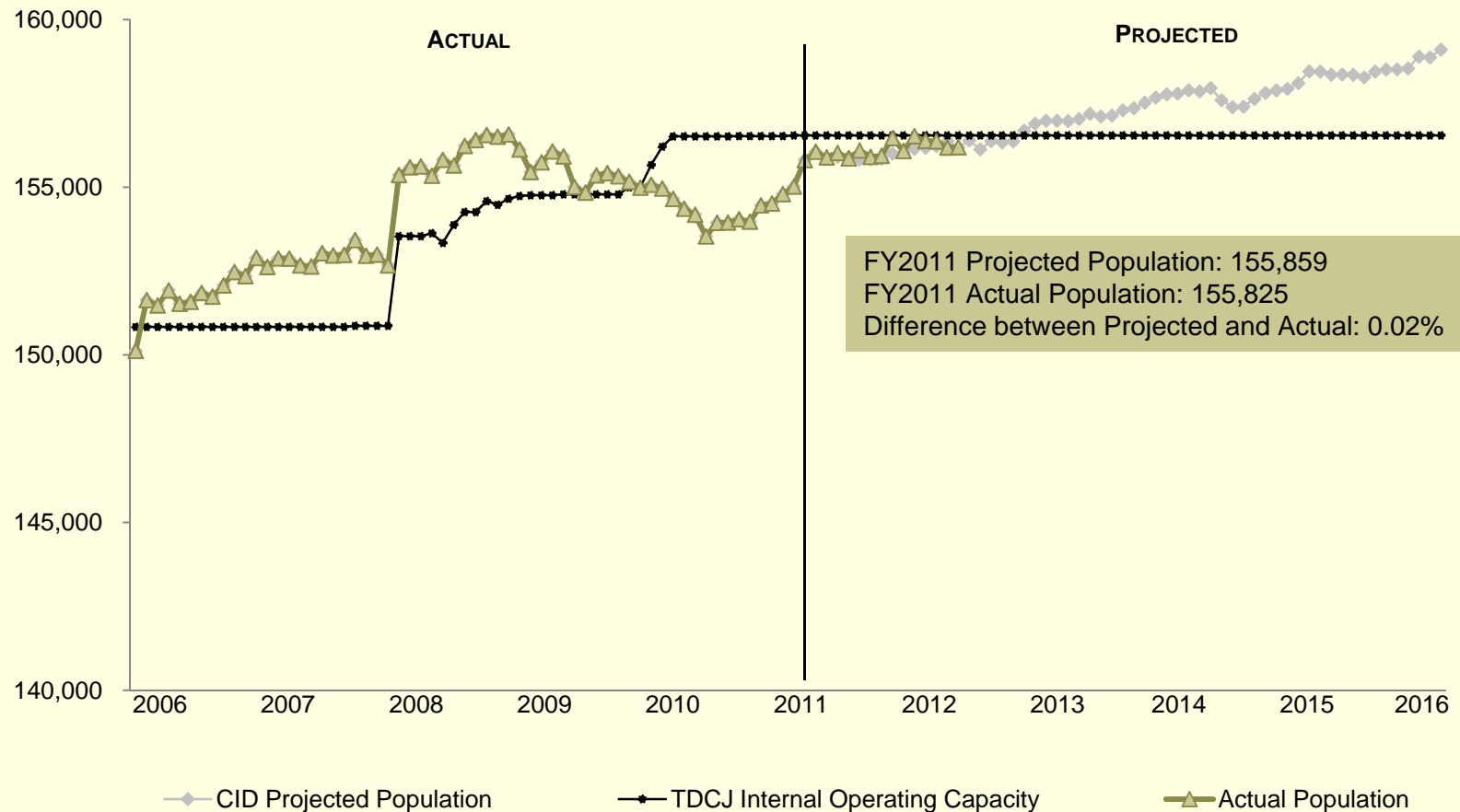
January 2011 Projections Report

Projected Versus Actual Populations – Felons Under Direct Supervision



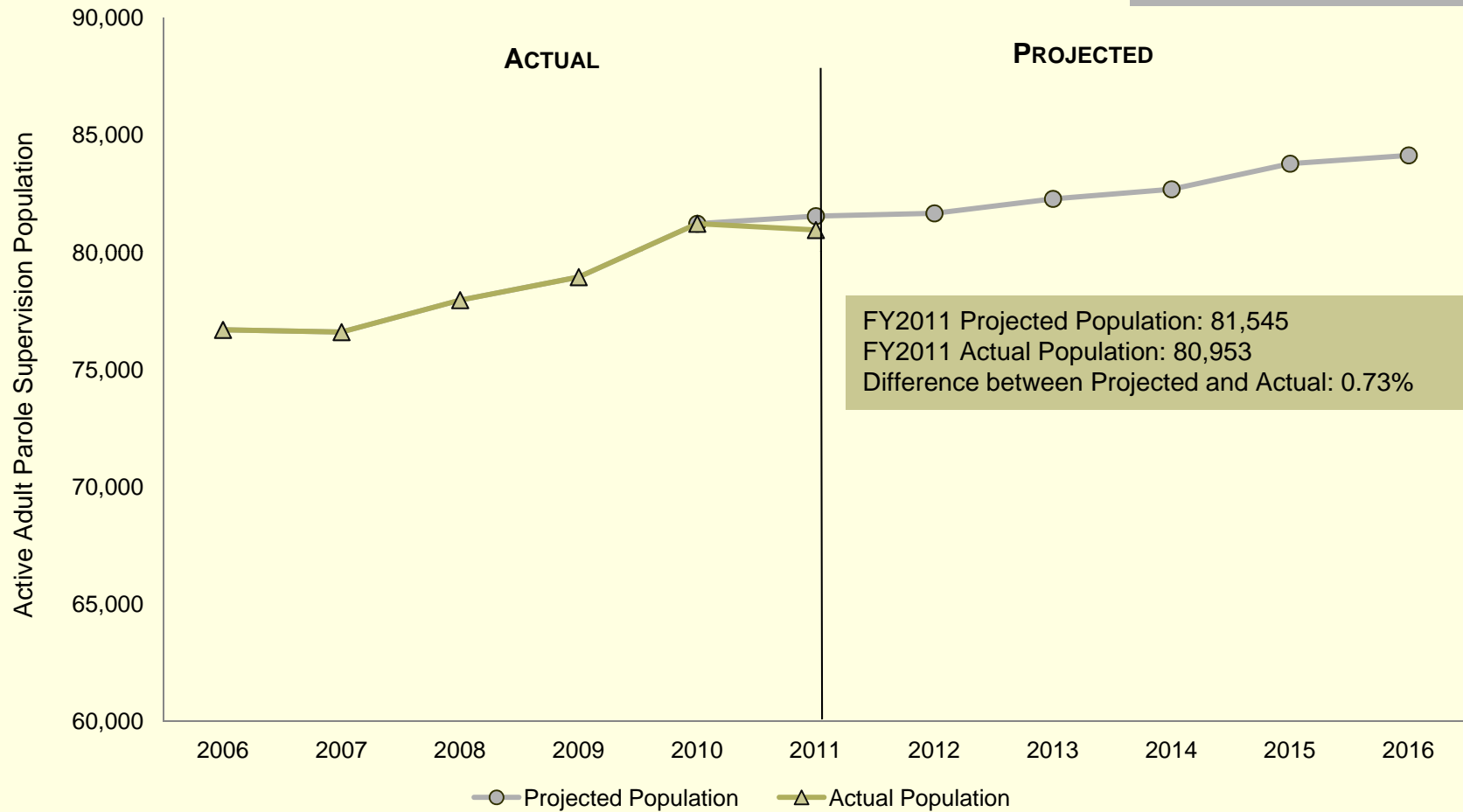
January 2011 Projections Report

Projected Versus Actual Populations – Correctional Institutions



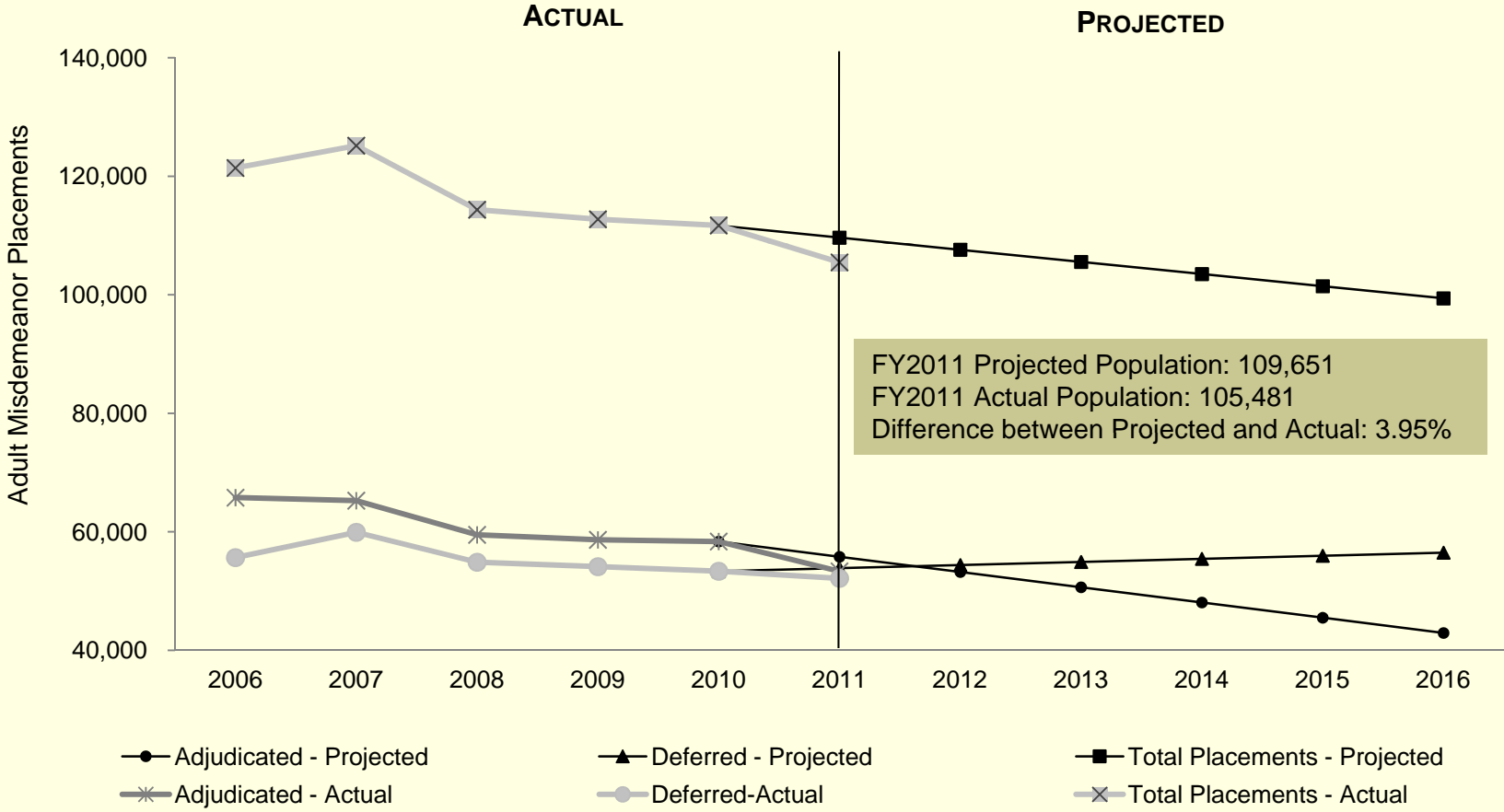
January 2011 Projections Report

Projected Versus Actual Populations – Active Parole Supervision



January 2011 Projections Report

Projected Versus Actual Populations – Misdemeanor Placements



Next Steps

- Continue to monitor January 2011 projections
 - Projections indicated populations would remain relatively stable for the next several years with notable caveats:
 - HB2649 – allows a judge to credit up to one-fifth of a confinee’s sentence based on the confinee’s diligent participation in educational, vocational, treatment, or work programs. HB2649 became effective at the beginning of fiscal year 2011 and applies only to a person confined in a state jail facility for an offense committed on or after the September 1, 2011.
 - HB1205 – allows a judge to grant time credit to certain state jail felony and third degree felony offenders for completing a degree, full payment of court costs and fines, and/or successfully completing a treatment program. State jail felony and third degree felony offenders with intoxication, family violence, or reportable sex offenses would not be eligible for time credits nor would offenders who have not fully satisfied restitution payments to victims or were delinquent in paying fines, fees, or court costs. HB1205 became effective at the beginning of fiscal year 2011 and applies only to a person placed on community supervision on or after the September 1, 2011.
- Next projections report will be released in June 2012



Questions?

Facilitated Discussion

The LBB is currently collecting data for the June 2012 Projections Report.

- Is there additional information that we should consider when producing this report?
- Are there other ways we can learn of planned policy and practices that impact populations?
- Are there any other ways to improve the methodology?

Facilitated Discussion

- Are you conducting or planning on conducting research related to population projections?
- Do you use projections in your current work/research or could you see projections being helpful in your work/research?

How can I be involved in the legislative process?

- Senate Finance Committee
- House Appropriations Committee
- Senate Criminal Justice Committee
- House Corrections Committee
- House Criminal Jurisprudence Committee

- www.legis.state.tx.us
(Texas Legislature Online)

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