

**ADULT AND JUVENILE CORRECTIONAL POPULATION PROJECTIONS
FISCAL YEARS 2009–2014**



**LEGISLATIVE BUDGET BOARD
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Criminal Justice Data Analysis Team

Michele Connolly, Manager

Kofi Effah, Analyst

Laurie Molina, Analyst

Tammy Perham, Analyst

Ed Sinclair, Analyst

Public Safety and Criminal Justice Team

Val Shepperd, Manager

Garron Guszak, Senior Analyst

Susan Dow, Analyst

Lori Gabbert, Analyst

Angela Isaack, Analyst

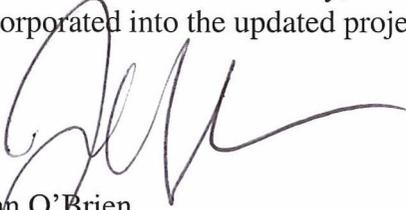
Melissa Wurzer, Analyst

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FISCAL YEARS 2009–2014**

January 2009

One responsibility of the Criminal Justice Data Analysis Team of the Legislative Budget Board (LBB) 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 2008 for legislative planning to the Juvenile Probation Commission, the Texas Youth Commission, and the Texas Department of Criminal Justice so they could incorporate the relevant information into their Legislative Appropriations Requests for the 2010–11 biennium.

This report provides updated correctional population projections in preparation for the Eighty-first Legislative Session. Enhancements to the June 2008 projections were made by conducting focus groups with juvenile justice practitioners to explore the current state of juvenile justice at the local level. Additionally, comprehensive data through fiscal year 2008 were analyzed and incorporated into the updated projections.



John O'Brien
Director
Legislative Budget Board

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INTRODUCTION

INTRODUCTION

This Legislative Budget Board (LBB) report, *Adult and Juvenile Correctional Population Projections*, provides updated correctional population projections for fiscal years 2009 through 2014 in preparation for the Eighty-first Legislative Session. The report is designed to address the Legislature's need for useful and timely information on Texas correctional populations.

One responsibility of the 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 2008 for legislative planning to the Juvenile Probation Commission, the Texas Youth Commission, and the Texas Department of Criminal Justice so they could incorporate the relevant information into their Legislative Appropriations Requests for the 2010–11 biennium.

Enhancements to past projections were made by conducting focus groups with juvenile justice practitioners to explore the current state of juvenile justice at the local level. Additionally, comprehensive data through fiscal year 2008 were analyzed and incorporated into the updated projections. The report is organized into the following five sections:

- Crime and Arrest Rates in Texas
- Adult Correctional Population Projections
- Juvenile Correctional Population Projections
- Qualitative Review Methodology and Findings
- Appendices

REPORT HIGHLIGHTS

- **Texas Crime Rate** – The crime rate (number of crimes reported per 100,000 population) increased 0.7 percent between 2006 and 2007. The total number of reported crimes increased 2.4 percent between 2006 and 2007.
- **Adult Incarceration Projections** – The Texas adult incarceration population is projected to remain steady in fiscal year 2009 but decline in fiscal year 2010 due to the impact of the diversion and treatment initiatives funded by the Eightieth Legislature, Regular Session, 2007, and an assumed parole approval rate of 29.0 percent. The adult incarceration population is projected to begin increasing again in fiscal year 2012. Under current sentencing practices and statutes the incarcerated population is projected to increase to 157,997 by the end of fiscal year 2014.
- **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 for each year of the projection. Under current sentencing practices and statutes, the parole supervision population is projected to average 83,249 by fiscal year 2014.
- **Adult Felony Community Supervision Projections** – The felony community supervision population is projected to increase as a result of increased felony community supervision placements and decreasing numbers of felony community supervision revocations. Under current sentencing practices and statutes, the adult felony community supervision population is projected to average 179,503 by fiscal year 2014.
- **Adult Misdemeanor Community Supervision Placements** – The number of adult misdemeanor community supervision placements is projected to increase by 1,286 from fiscal year 2009 through fiscal year 2014 (125,158 to 126,444).
- **Juvenile Residential Projections** – As with the June 2008 projection, the juvenile residential population is expected to increase moderately through fiscal year 2014. The increase in the population is primarily a result of the composition of the population rather than an increase or decrease of intakes. The number of intakes decreased 27.6 percent between fiscal years 2007 and 2008, while the average length of stay decreased from 17.3 months to 14.9 months. The state’s juvenile residential population is projected to increase by 131 offenders from the beginning of fiscal year 2009 until the end of fiscal year 2011 (from a total of 2,413 to 2,544). Under current sentencing practices and statutes, the juvenile residential population is projected to increase to 2,559 by the end of fiscal year 2014.
- **Juvenile Probation Supervision Projections** – The juvenile probation supervision population is projected to increase by 0.8 percent each year through fiscal year 2014. The state’s juvenile supervision population is projected to increase by 2,885 offenders from the beginning of fiscal year 2009 through fiscal year 2011 (from 40,043 offenders to 42,928 offenders). Under current sentencing practices and statutes, the juvenile probation supervision population is projected to average 43,046 by fiscal year 2014.

REPORT HIGHLIGHTS

- According to focus groups conducted with various juvenile justice entities, the limited resource capacity of juvenile probation departments is one of the primary causes of the lack of growth in statewide juvenile probation populations. Subsequently, juvenile probation departments have employed strategies to serve increased numbers of high-risk youth and divert more low-risk youth away from juvenile probation. Focus group participants indicated TYC, or a similar juvenile correctional system, was needed, and it should locate facilities near youths' homes and include family participation. Juvenile justice legislative recommendations most often mentioned were a focus on early prevention and intervention, increased resources for mental health treatment, and increased funding for juvenile probation departments, but with greater discretion and flexibility in utilizing state funds.

CRIME AND ARREST RATES IN TEXAS

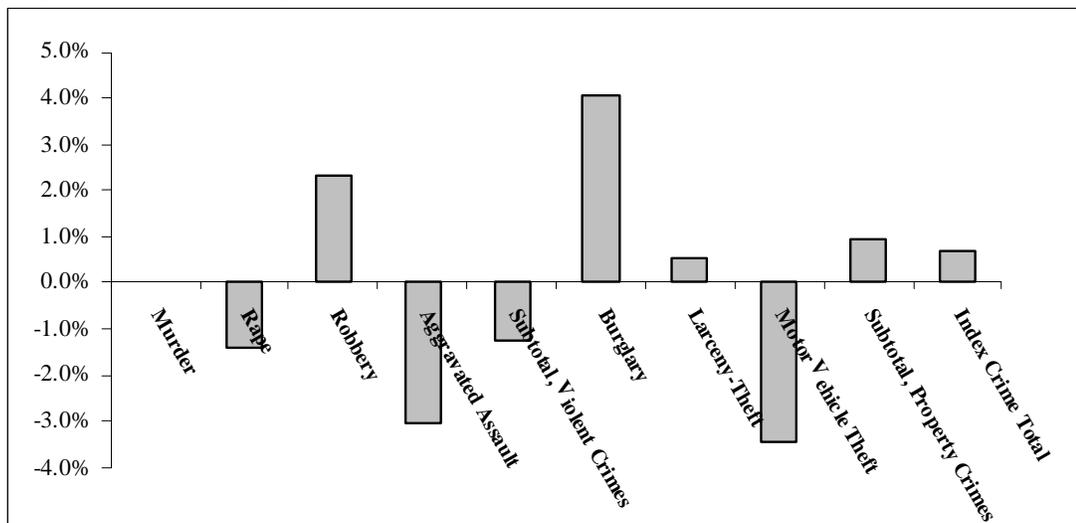
TEXAS CRIME RATE

Table 1: Texas Crime Rate, 2006–2007

INDEX CRIME	2006		2007		PERCENT CHANGE	
	NUMBER	RATE PER	NUMBER	RATE PER	NUMBER	RATE PER
		100,000		100,000		100,000
Murder	1,384	5.9	1,415	5.9	2.2%	0.0%
Rape	8,406	35.8	8,430	35.3	0.3%	-1.4%
Robbery	37,271	158.5	38,777	162.2	4.0%	2.3%
Aggravated Assault	74,622	317.4	73,570	307.8	-1.4%	-3.0%
Subtotal, Violent Crimes	121,683	517.6	122,192	511.2	0.4%	-1.2%
Burglary	215,754	917.8	228,325	955.2	5.8%	4.1%
Larceny-Theft	648,083	2,756.9	662,481	2,771.4	2.2%	0.5%
Motor Vehicle Theft	95,750	407.3	94,026	393.3	-1.8%	-3.4%
Subtotal, Property Crimes	959,587	4,082.0	984,832	4,119.9	2.6%	0.9%
Index Crime Total	1,081,270	4,599.6	1,107,024	4,631.1	2.4%	0.7%

Source: Texas Department of Public Safety, *Crime in Texas 2006 and 2007*.

Figure 1: Percent Change in Crime Rate, 2006–2007



- Both the crime rate and the actual number of crimes increased (0.7 percent and 2.4 percent, respectively) between 2006 and 2007. The Texas State Data Center estimated the 2006 and 2007 Texas population at 23,507,783 and 23,904,380, respectively.
- Serious crimes known to police are reported to the Texas Department of Public Safety by law enforcement agencies in Texas using the Uniform Crime Report (UCR). The UCR provides standardized definitions for each of the index crimes to prevent reporting variations across jurisdictions.

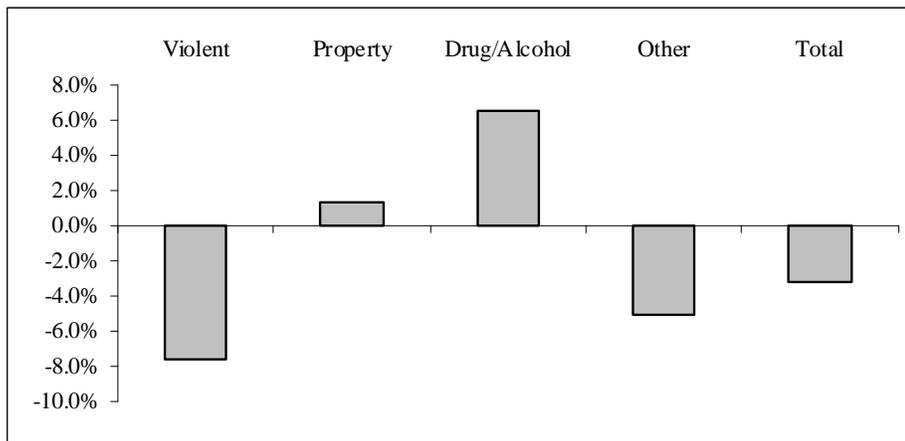
JUVENILE ARRESTS AND JUVENILE ARREST RATE IN TEXAS

Table 2: Texas Juvenile Arrests and Arrest Rate, 2006–2007

OFFENSE CATEGORY	2006		2007		PERCENT CHANGE	
	NUMBER	RATE PER 100,000	NUMBER	RATE PER 100,000	NUMBER	RATE PER 100,000
Violent ¹	24,811	1,011.1	22,921	934.3	-7.62%	-7.60%
Property ²	27,194	1,108.3	27,565	1,123.5	1.36%	1.37%
Drug/Alcohol ³	13,133	535.2	13,988	570.1	6.51%	6.52%
Other ⁴	75,051	3,058.6	71,211	2,902.5	-5.12%	-5.10%
Total	140,189	5,713.2	135,685	5,530.4	-3.21%	-3.20%

Source: Texas Department of Public Safety, *Crime in Texas 2006 and 2007*.

Figure 2: Percent Change in Juvenile Arrest Rate, 2006–2007



- The juvenile arrest rate⁵ decreased 3.20 percent between 2006 and 2007.
- The actual number of arrests decreased 3.21 percent between 2006 and 2007.

¹ Violent offenses include murder, non-negligent manslaughter, forcible rape, robbery, aggravated assault, other assaults, and sex offenses (except prostitution).

² Property offenses include burglary, larceny/theft, motor vehicle theft, forgery and counterfeiting, fraud, embezzlement, stolen property, and vandalism.

³ Drug/alcohol offenses include drug use, drug possession, driving while intoxicated (DWI), liquor law violations, and drunkenness.

⁴ Other offenses include arson, weapons carrying and possession, prostitution and commercial vice, gambling, offenses against children, disorderly conduct, vagrancy, curfew and loitering law violations, runaways, and all other offenses not mentioned above (except traffic).

⁵ The juvenile arrest rate (juveniles age 10–16) was computed by LBB staff by dividing the number of reported juvenile arrests by the juvenile population in the state (ages 10–16), and then multiplying by 100,000. The Texas State Data Center estimated the 2006 and 2007 Texas juvenile population at 2,453,752 and 2,453,398, respectively.

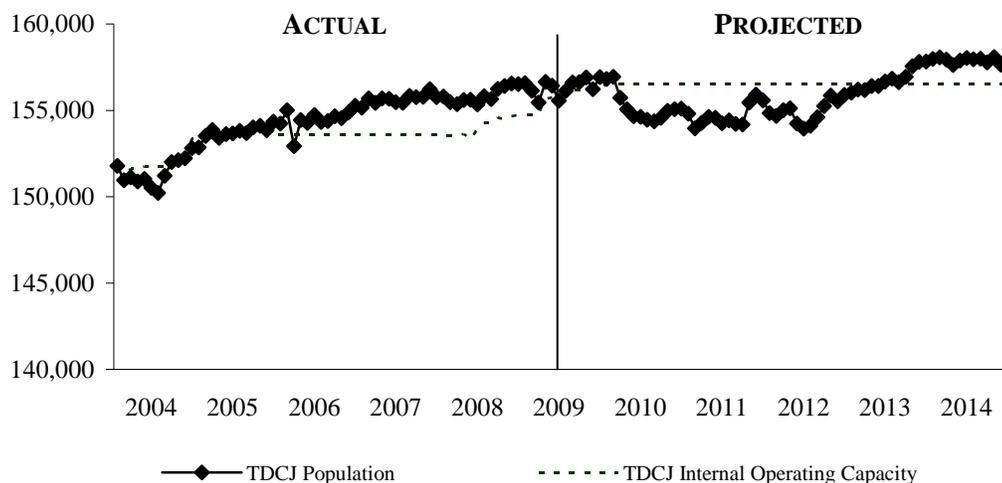
ADULT CORRECTIONAL POPULATION PROJECTIONS

ADULT INCARCERATION ACTUAL AND PROJECTED POPULATIONS FISCAL YEARS 2004–2014

The adult incarceration population projection for the Texas Department of Criminal Justice (TDCJ) is based on a modeling approach that simulates the movement of individual offenders into, through, and out of TDCJ. It 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.

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 discretionary release approval decisions. The January 2009 projection is similar to the June 2008 projection in that it projects a lower incarcerated population than projections in previous years, reflecting a lower increase in TDCJ admissions and higher parole approval rates. The projected incarceration population for TDCJ is provided in Figure 3 along with the TDCJ internal operating capacity. The January 2009 projection incorporates information from fiscal year 2008 and the first three months of fiscal year 2009. The projections incorporate anticipated changes in admissions and releases as a result of the expansion of treatment and diversion programs funded by the Eightieth Legislature, Regular Session, 2007. This projection does not assume any additional changes in treatment and diversion programs. Additional information regarding projections and model assumptions are detailed in Appendix A.

Figure 3: Actual and Projected TDCJ Inmate Population and Operating Capacity, Fiscal Years 2004–2014



- As of December 1, 2008, the total state prison capacity was 158,730 (excludes temporary contracted capacity) and the internal operating capacity was 154,762. The state internal operating capacity preferred by TDCJ prison administrators is 97.5 percent of total beds.
- Projected incarceration populations at the end of each biennium are as follows: 156,928 for 2008–09, 155,589 for 2010–11, and 157,831 for 2012–13.
- Anticipated changes in admissions and releases as a result of the expansion of treatment and diversion programs funded by the Eightieth Legislature, Regular Session, 2007, impacts the projections starting in fiscal year 2008.

**ADULT INCARCERATION ACTUAL AND PROJECTED POPULATIONS
FISCAL YEARS 2004–2014**

Table 3: TDCJ Inmate Population and Operating Capacity, Fiscal Years 2009–2014

FISCAL YEAR	INCARCERATION POPULATION (END-OF-YEAR)	TDCJ STATE OPERATING CAPACITY ¹	PROJECTED POPULATION EXCEEDING STATE OPERATING CAPACITY ²	
			NUMBER	PERCENT
2009	156,928	156,192	736	0.5%
2010	155,107	156,538	-1,431	-0.9%
2011	155,589	156,538	-949	-0.6%
2012	155,891	156,538	-647	-0.4%
2013	157,831	156,538	1,293	0.8%
2014	157,997	156,538	1,459	0.9%

Table 4: TDCJ End-of-Month Populations, Fiscal Years 2009–2011

FISCAL YEAR 2009	END-OF-MONTH POPULATION	FISCAL YEAR 2010	END-OF-MONTH POPULATION	FISCAL YEAR 2011	END-OF-MONTH POPULATION
Sep-08	155,459	Sep-09	156,814	Sep-10	154,806
Oct-08	155,746	Oct-09	156,940	Oct-10	153,961
Nov-08	156,070	Nov-09	155,719	Nov-10	154,282
Dec-08	156,655	Dec-09	155,062	Dec-10	154,628
Jan-09	156,425	Jan-10	154,668	Jan-11	154,560
Feb-09	155,555	Feb-10	154,617	Feb-11	154,247
Mar-09	156,135	Mar-10	154,452	Mar-11	154,414
Apr-09	156,615	Apr-10	154,374	Apr-11	154,218
May-09	156,624	May-10	154,565	May-11	154,178
Jun-09	156,910	Jun-10	154,974	Jun-11	155,445
Jul-09	156,223	Jul-10	155,070	Jul-11	155,915
Aug-09	156,928	Aug-10	155,107	Aug-11	155,589
FY 09 Average	156,279	FY 10 Average	155,196	FY 11 Average	154,686

¹ As of December 1, 2008, the total state prison capacity was 158,730 (not including temporary contracted capacity) and the internal operating capacity was 154,762. The state internal operating capacity preferred by TDCJ prison administrators is 97.5 percent of total bed capacity. The state internal operating capacity will increase to 156,538 when the transfer of Texas Youth Commission beds and the addition of Substance Abuse Felony Punishment Facility (SAFPF) beds are complete. The capacity additions have been taking place during fiscal year 2008 and are expected to be complete in late fiscal year 2009 or early fiscal year 2010.

² As of December 1, 2008, the current contracted capacity was 1,899 beds. TDCJ began contracting for county jail beds on July 1, 2005.

ACTIVE ADULT PAROLE SUPERVISION ACTUAL AND PROJECTED POPULATIONS FISCAL YEARS 2004–2014

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

The model keeps track of individuals released to parole or 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 2009 projection of the adult parole supervision population is higher than previous parole supervision projections for two reasons: higher parole approval rates and lower parole revocation rates. Additional information regarding the projection drivers and model assumptions are detailed in Appendix A.

Figure 4: Actual and Projected Adult Parole Supervision Populations, Fiscal Years 2004–2014

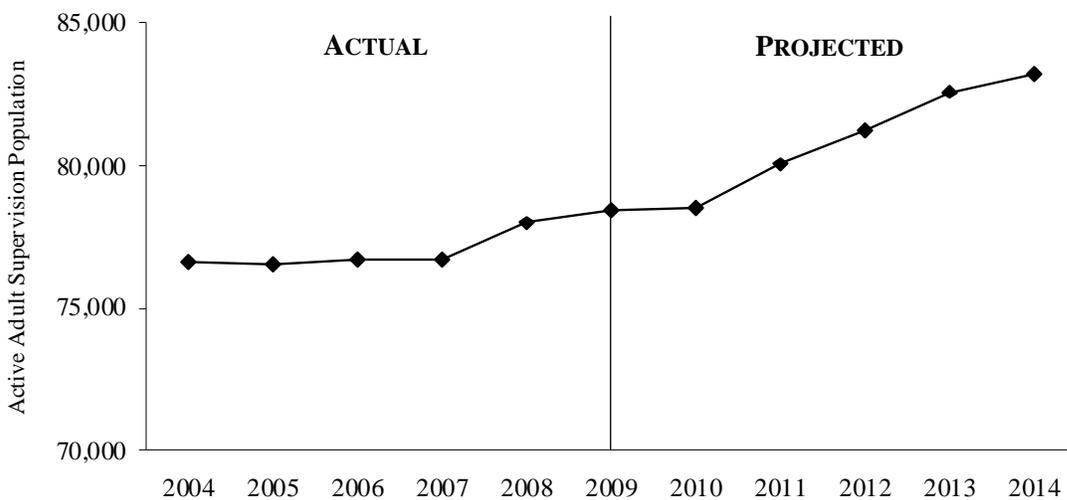


Table 5: Projected Adult Parole Supervision Populations

ACTIVE PAROLE	
FISCAL YEAR	SUPERVISION POPULATION (END-OF-MONTH YEARLY AVERAGE)
2009	78,462
2010	78,496
2011	80,052
2012	81,267
2013	82,602
2014	83,249

ADULT FELONY DIRECT COMMUNITY SUPERVISION ACTUAL AND PROJECTED POPULATIONS FISCAL YEARS 2004–2014

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

From fiscal year 1999 to fiscal year 2005, the adult felony community supervision population decreased before starting to increase in fiscal year 2006. The population continued to increase in fiscal year 2007 and 2008 and is expected to increase in future years based on increased community supervision placements and a decreasing rate of revocation of probationers from community supervision. The increased use of early termination release is anticipated to moderate the future growth of the felony community supervision population. Additional information regarding the projection drivers and model assumptions are detailed in Appendix A.

Figure 5: Actual and Projected Adult Felony Community Supervision Populations, Fiscal Years 2004–2014

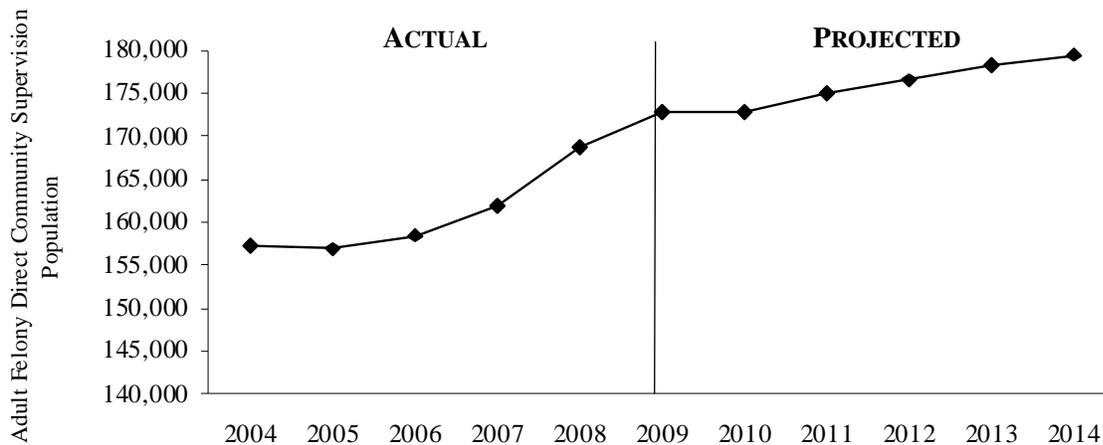


Table 6: Projected Adult Felony Direct Community Supervision Populations

FISCAL YEAR	FELONY DIRECT COMMUNITY SUPERVISION POPULATION (END-OF-MONTH YEARLY AVERAGE)
2009	172,808
2010	172,895
2011	175,075
2012	176,523
2013	178,216
2014	179,503

ADULT MISDEMEANOR COMMUNITY SUPERVISION ACTUAL AND PROJECTED PLACEMENTS FISCAL YEARS 2004–2014

The adult misdemeanor community supervision (i.e., adult probation) placements projection is based on aggregate-level data collected by TDCJ in the Monthly Community Supervision and Corrections Report (MCSCR). The projection is for misdemeanor placements by the 122 local Community Supervision and Corrections Departments (CSCDs) statewide.

The misdemeanor supervision placements are projected to grow at a modest rate. The total number of misdemeanor supervision placements decreased by 8.6 percent from fiscal year 2007 to fiscal year 2008. While this yearly decrease was substantial, the number of yearly misdemeanor placements has averaged 125,384 since fiscal year 2000 and it is anticipated the number of placements will return to approximately 125,000 in future years. Large percentage changes from year to year are not uncommon ranging from a percent change increase of 6.4 percent (fiscal year 2004 to 2005) to a decrease of -9.6 percent (fiscal year 2003 to 2004). Any significant change in projection drivers (e.g., sentencing practices) may impact projected placements. Additional information regarding the projection drivers and model assumptions are detailed in Appendix A.

Figure 6: Actual and Projected Adult Misdemeanor Community Supervision Placements, Fiscal Years 2004–2014

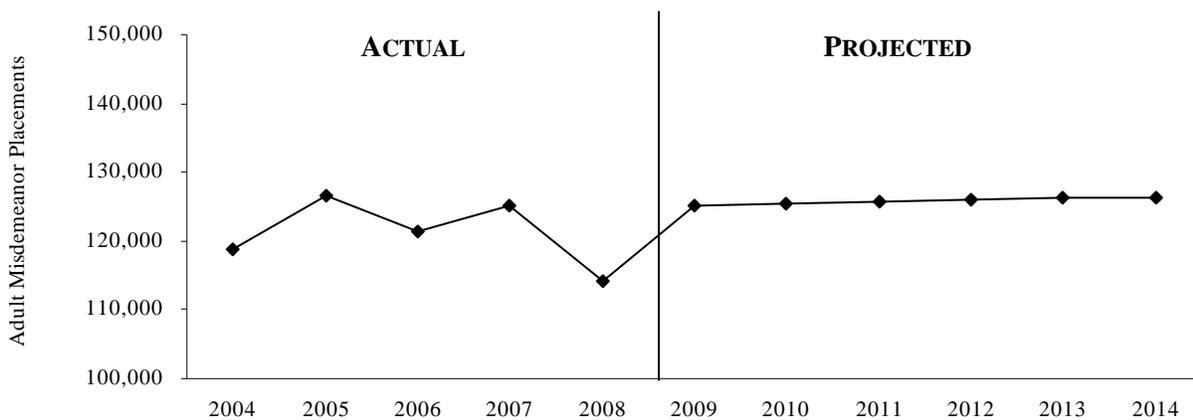


Table 7: Projected Adult Misdemeanor Community Supervision Placements

FISCAL YEAR	MISDEMEANOR COMMUNITY SUPERVISION YEARLY PLACEMENTS
2009	125,158
2010	125,415
2011	125,672
2012	125,929
2013	126,187
2014	126,444

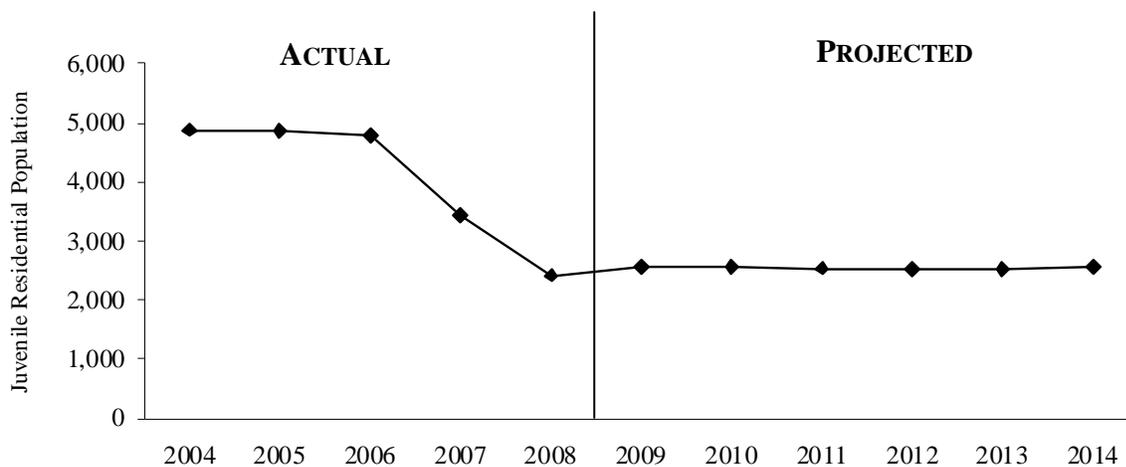
JUVENILE CORRECTIONAL POPULATION PROJECTIONS

JUVENILE RESIDENTIAL ACTUAL AND PROJECTED POPULATIONS FISCAL YEARS 2004–2014

The juvenile residential population projection for the Texas Youth Commission (TYC) is based on a modeling approach resulting from the movement of individual juveniles into, through, and out of TYC. The projection model simulates offender movement based on offense type, age, and historical average lengths-of-stay within TYC. The projection model also reflects recent policy changes that exclude the placement of youth adjudicated for misdemeanor offenses and require the release or transfer of individuals who are 19 years of age or older.

The residential population is projected to be much lower than the population in previous fiscal years. Releases from the residential population decreased from 4,375 in fiscal year 2007 to 3,187 in fiscal year 2008. Additionally, intakes decreased from 2,994 in fiscal year 2007 to 2,169 in fiscal year 2008. Based on 2008 intakes, it is assumed TYC will receive 2,169 intakes per year for fiscal years 2009 through 2014. The model assumes juveniles who were 19 years or older and still in TYC custody as of October 31, 2008 will be released January 1, 2009. It further assumes juveniles will be removed from TYC custody by the time they are 19 years of age. Time served for juveniles by offense changed dramatically following TYC’s reorganization. Additional information regarding projections and model assumptions are detailed in Appendix B.

Figure 7: Actual and Projected TYC Residential Populations, Fiscal Years 2004–2014



- Projected TYC residential populations at the end of each biennium are as follows: 2,563 for 2008–09; 2,544 for 2010–11; and 2,523 for 2012–13.
- The Texas juvenile arrest rate decreased between 2006 and 2007 (3.2 percent).

**JUVENILE RESIDENTIAL ACTUAL AND PROJECTED POPULATIONS
FISCAL YEARS 2004–2014**

Table 8: TYC Population and State-Operated Facility Capacity, Fiscal Years 2009–2014

FISCAL YEAR	TYC POPULATION (END-OF-YEAR)	TYC STATE-OPERATED FACILITY CAPACITY ³	PROJECTED POPULATION EXCEEDING STATE-OPERATED CAPACITY	
			NUMBER	PERCENT
2009	2,563	2,510	53	2.1%
2010	2,560	2,510	50	2.0%
2011	2,544	2,510	34	1.4%
2012	2,527	2,510	17	0.7%
2013	2,523	2,510	13	0.5%
2014	2,559	2,510	49	2.0%

Table 9: TYC End-of-Month Population, Fiscal Years 2009–2011

FISCAL YEAR 2009	END-OF-MONTH POPULATION	FISCAL YEAR 2010	END-OF-MONTH POPULATION	FISCAL YEAR 2011	END-OF-MONTH POPULATION
Sep-08	2,413	Sep-09	2,560	Sep-10	2,576
Oct-08	2,487	Oct-09	2,539	Oct-10	2,543
Nov-08	2,587	Nov-09	2,558	Nov-10	2,535
Dec-08	2,557	Dec-09	2,548	Dec-10	2,533
Jan-09	2,528	Jan-10	2,566	Jan-11	2,523
Feb-09	2,530	Feb-10	2,562	Feb-11	2,535
Mar-09	2,551	Mar-10	2,558	Mar-11	2,534
Apr-09	2,523	Apr-10	2,561	Apr-11	2,548
May-09	2,526	May-10	2,560	May-11	2,574
Jun-09	2,541	Jun-10	2,554	Jun-11	2,551
Jul-09	2,534	Jul-10	2,558	Jul-11	2,550
Aug-09	2,563	Aug-10	2,560	Aug-11	2,544
FY 09 Average	2,528	FY 10 Average	2,557	FY 11 Average	2,546

³ Appropriations for the Texas Youth Commission for fiscal years 2008–09 were based on a state-operated facility capacity of 2,510. TYC also received funding to contract for, on average, 641 beds in fiscal year 2008 and 641 beds in fiscal year 2009 in addition to their state-operated facility capacity. As of October 1, 2008, TYC was continuing to operate 3,145 state beds.

JUVENILE PROBATION SUPERVISION ACTUAL AND PROJECTED POPULATIONS FISCAL YEARS 2004–2014

The juvenile probation supervision population projection is based on a modeling approach resulting from the movement of individual juveniles into, through and out of supervision. The projection is for juveniles receiving three types of supervision: adjudicated probation, deferred prosecution, and supervision prior to disposition.

The juvenile probation supervision population is projected to moderately increase in fiscal year 2009 and then remain relatively level in fiscal years 2010 through 2014. An increase of 2.0 percent in the total supervision population is anticipated from fiscal years 2009 to 2014. The deferred prosecution component of the population is anticipated to grow by 1.0 percent from 2009 to 2014 due to the recent trend of increased intakes to deferred prosecution. Additional information regarding the projection drivers and model assumptions are detailed in Appendix B.

Figure 8: Actual and Projected Juvenile Probation Supervision Populations by Supervision Type, Fiscal Years 2004–2014

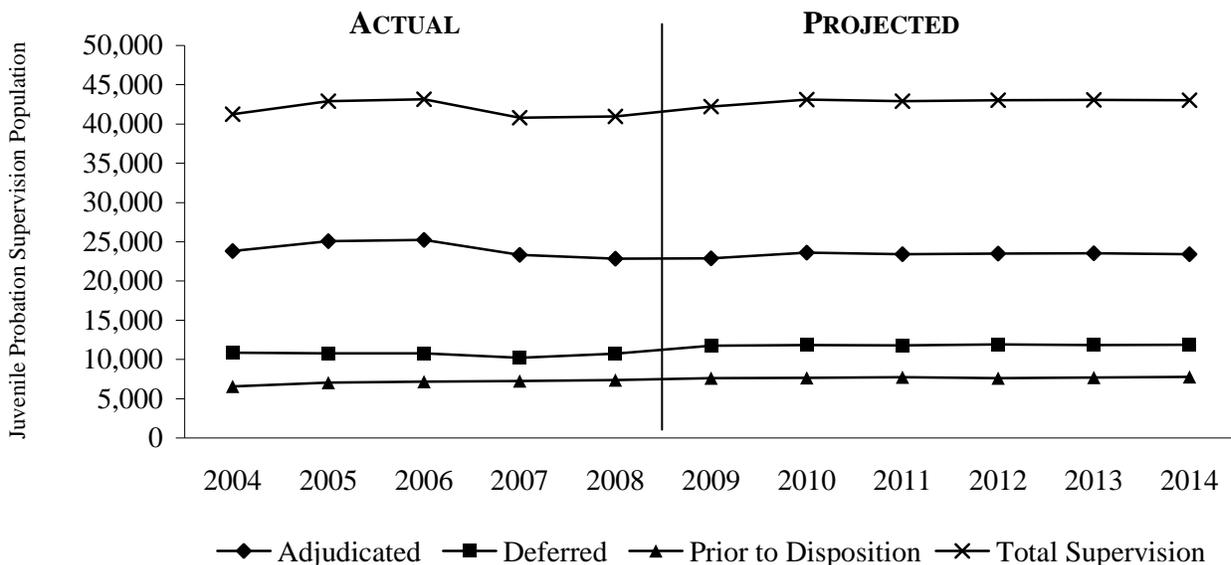


Table 10: Projected Juvenile Probation Supervision Populations by Supervision Type, Fiscal Years 2009–2014

FISCAL YEAR	ADJUDICATED PROBATION	DEFERRED PROSECUTION	SUPERVISION PRIOR TO DISPOSITION	TOTAL SUPERVISION (END-OF-MONTH YEARLY AVERAGE)
2009	22,880	11,757	7,601	42,238
2010	23,619	11,823	7,654	43,096
2011	23,406	11,801	7,721	42,928
2012	23,481	11,896	7,635	43,012
2013	23,541	11,813	7,713	43,067
2014	23,431	11,852	7,763	43,046

QUALITATIVE REVIEW METHODOLOGY AND FINDINGS SUMMARY

QUALITATIVE REVIEW METHODOLOGY AND FINDINGS SUMMARY

REVIEW METHODOLOGY: As part of the correctional population projections methodology, a qualitative review component was conducted for the January 2009 report. The primary goal of the qualitative review was to explore the current state of juvenile justice at the local level. Expected increases in juvenile probation populations did not materialize following the juvenile justice reforms of the Eightieth Legislature, Regular Session, 2007, and this review explores the causes, influences, or factors that may have contributed to the lack of growth. In addition, the current status of the Texas Youth Commission (TYC), the unique relationship between juvenile justice and other public entities, and policy recommendations from focus group participants were explored. Focus groups were conducted with various entities involved in juvenile justice, including juvenile boards, juvenile probation departments, juvenile prosecutors, defense attorneys, law enforcement, and education professionals.

MAJOR REVIEW FINDINGS:

Focus groups were conducted in a similar manner and similar questions were asked of all participants. The following highlights dominant themes among respondents and are separated by major topic areas. See Appendix C for a detailed review of the findings.

JUVENILE PROBATION

- Limited resource capacity is one of the primary causes of the lack of growth in juvenile probation populations. The finite resources available to juvenile probation departments effectively limit the amount of youth who may receive juvenile probation services.
- Juvenile probation departments are employing strategies to address the issues caused by limited resource capacity, primarily through a downward shift of services. Low-risk offenders who may have previously received juvenile probation services are increasingly diverted to alternative programs outside juvenile probation, given deferred prosecution, or receive case dismissals. Alternative programs outside juvenile probation may include but are not limited to community organization programs, first offender programs administered by police departments, and mental health diversions. High-risk youth who may have previously been placed in TYC are increasingly served in local post-adjudication facilities, and youth who would have previously been placed in post-adjudication facilities are increasingly served in the community.

TEXAS YOUTH COMMISSION

- The Texas Youth Commission, or a similar juvenile correctional system, is needed. Long-term secure confinement is necessary for high-risk, high-need youth who have been unsuccessful under juvenile probation or local residential placement.

QUALITATIVE REVIEW METHODOLOGY AND FINDINGS SUMMARY

- TYC facilities need to be closer to juvenile offenders' homes; a system of regionalized TYC facilities would be preferable to the current system. Family involvement is necessary for rehabilitation of youth, and current TYC facility locations are seen as barriers to family participation.
- TYC needs to improve communication and collaboration with local juvenile justice entities, particularly when youth reenter the community from TYC.
- TYC needs to recruit more highly skilled individuals and provide better compensation.

JUVENILE JUSTICE LEGISLATIVE RECOMMENDATIONS

- Early prevention and intervention resources are needed both within and outside the juvenile justice system to prevent entry and/or further progression into the juvenile justice system. Aggressively providing services at the earliest age possible was deemed the most effective tool in preventing juvenile crime. Examples of early prevention and intervention resources include but are not limited to after-school programs, expanded child protective services, and family resources for children with school behavioral problems and truancy issues.
- The presence of youth with mental health issues in the juvenile justice system is increasing, and resources are needed to provide treatment to these youth. Additional funds alone would not alleviate the problem, because adequate local mental health providers and residential facilities are relatively scarce.
- Increased funding for juvenile probation departments is needed, but with greater discretion and flexibility in the utilization of state funds.

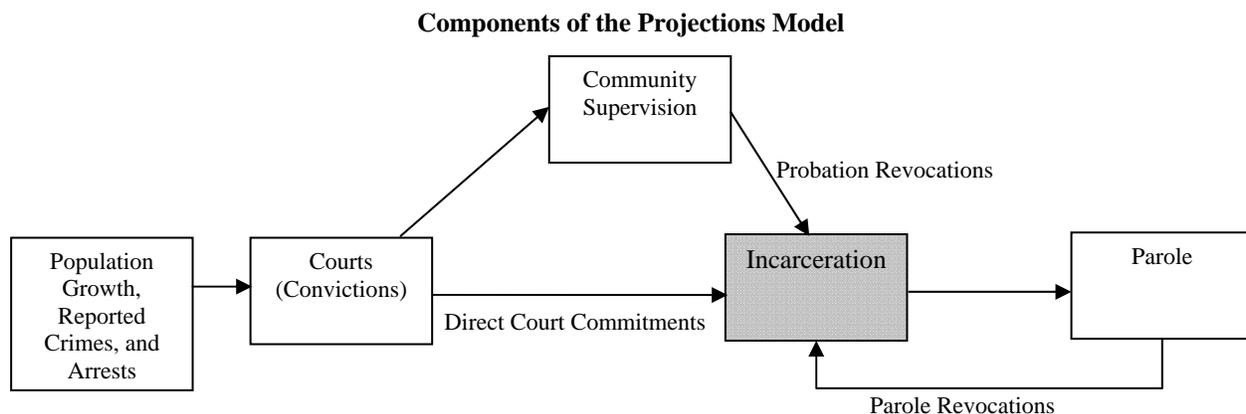
Appendix C provides the review findings in more detail.

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

APPENDIX A: ADULT CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

ADULT INCARCERATION POPULATION PROJECTION

The adult incarceration population projection for the Texas Department of Criminal Justice (TDCJ) is based on a model that simulates the interactions among the major components of the justice system impacting correctional populations as seen in the figure below. The model consists of related components starting with arrests which enter the court system and can result in direct court commitment to prison or placement on felony community supervision (probation). The community supervision component is impacted by the number of felony placements from the court system and the number of revocations to prison from felony community supervision. The incarceration population (which includes offenders in state jail and substance abuse felony punishment facilities) changes as a result of direct court commitments, community supervision (probation) revocations, and parole revocations. The components of the TDCJ projection are further explained in the following sections.



ADMISSIONS: Admissions are based on the historical growth in direct sentences and the rate at which probationers (offenders on community supervision) and parolees are revoked.

DIRECT COURT COMMITMENTS: Projected yearly growth rates in direct court commitments vary according to fluctuations of Texas' at-risk population, felony court activity, and trends in direct sentence admissions to TDCJ. Felonies, the most serious offenses, include murder, robbery, sexual assault, aggravated assault, and many property and drug offenses depending on the amount of property, and the amount and type of drug. The number of felony cases on court dockets has increased every year since 2001, with a 5.9 percent increase in 2007 following an increase of 3.4 percent in 2006. From 1999 to 2007 the average rate of increase in the number of convictions for felony cases was 5.3 percent. Texas currently has 445 district courts to hear felony criminal cases. While the growth in felony court activity and convictions has averaged 5.3 percent per year, the growth in reported offenses and arrests has been much lower. Accordingly, direct court commitments are projected to increase by 5.3 percent each year from fiscal year 2009 through 2014. The 5.3 percent average growth rate in direct court commitments is high compared to other components of the criminal justice system, such as arrests, but is lower

APPENDIX A: ADULT CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

than previous projections reflecting recent trends in court conviction rates and recent increases in felony probation placements.

COMMUNITY SUPERVISION AND PAROLE REVOCATIONS: Projected yearly rates of felony community supervision revocation (7.5 percent) and parole revocation (9.5 percent) are applied to the population projection model to determine the number of revocation admissions. These rates of revocation reflect fiscal year 2008 revocation rates and are lower than in previous years. In fiscal year 2004, when the revocation rates for community supervision and parole were higher at 8.8 percent and 14.8 percent respectively, there were 13,800 community supervision revocations to prison and 11,311 parole revocations to prison.

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

PAROLE APPROVAL RATE – The parole approval rate has averaged 29.1 percent over the last five fiscal years and the first three months of fiscal year 2009. During fiscal year 2008, the average parole approval rate increased slightly to 30.9 percent. For the first three months of fiscal year 2009, the parole approval rate has averaged 28.8 percent. The model is based on an average of 29.1 percent for fiscal years 2009 through 2014.

PAROLE CASE CONSIDERATIONS – During fiscal year 2008, an average of 6,175 parole cases were considered monthly. For the first three months of fiscal year 2009, the monthly average number of cases considered was slightly lower at 5,862. It is anticipated that parole considerations will increase slightly for the remainder of fiscal year 2009 and will increase slightly at varying rates for the remaining fiscal years of the projection, based on the sentence lengths, time served, and parole eligibility of the individual offenders in the incarceration population.

DISCRETIONARY MANDATORY SUPERVISION (DMS) CONSIDERATIONS AND APPROVALS – The DMS approval rate has averaged 50.0 percent in fiscal year 2008 and has averaged 47.4 percent for the first three months of fiscal year 2009. The DMS approval rate has been as high as 60.3 percent in fiscal year 2003 and 58.1 percent in fiscal year 2004. However, the decrease in the discretionary mandatory supervision rate does not have a significant impact on releases because offenders who are approved for parole are approved prior to being considered for DMS approval. As the parole approval rate and parole considerations remain relatively high, the DMS rate is expected to remain low.

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 2008–09. These initiatives included funding for additional substance abuse treatment beds for probationers and incarcerated offenders, additional probation and parole intermediate sanction facility (ISF) beds, probation residential treatment beds, and parole halfway house beds. The January 2009 projection includes additional releases from incarceration as a result of expansions to the In-Prison Therapeutic Community Program (IPTC), contracting for DWI treatment, and parole halfway house beds.

APPENDIX A: ADULT CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

Prison diversion calculations assume appropriate turnover rates for each facility type adjusted by “diversion factor” and the impact of the latest recidivism rates for each program. The diversion factor is assumed to be 50.0 percent of the placements. This means that 50.0 percent of the placements are true diversions from prison while the other 50.0 percent are offenders who would not have been sentenced to prison even without the program. For example, the average time served in the Substance Abuse Felony Punishment Facility (SAFPF) is six months so the 1,500 additional SAFPf beds will be able to serve 3,000 offenders during a year. However, the projection assumes that only 50.0 percent of the 3,000 placements (1,500) are true diversions from prison. The calculation also considers the impact of recidivism. The most recent three-year study of offenders released from SAFPf facilities indicate that 41.3 percent will return to prison. Therefore, when all 1,500 SAFPf beds are operational, it is anticipated that the beds will result in the diversion of 880 prison admissions a year (see example below).

Example: Calculation of Yearly Net Admissions Diversion for SAFPf Beds	
1,500	Substance Abuse Felony Punishment Facility Beds
<u>X 2</u>	<u>Number of Times Bed Turn Over Per Year (6 Month Stay)</u>
3,000	Yearly Placements
<u>1,500</u>	<u>Minus the 50% Assumed to Not Be True Diversions</u>
1,500	After Net Widening Assumption
<u>620</u>	<u>Minus Recidivism Rate of 41.3% (LBB Estimate from Jan.09)</u>
880	Yearly Net Diversions from Adding 1,500 SAFPf Beds

APPENDIX A: ADULT CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

The following assumptions are based on the most recent implementation timeframes from TDCJ. The timeframes of treatment and diversion programs are still subject to change as implementation proceeds. Factors that may further delay the implementation of treatment and diversion capacity include the availability of private facility beds and treatment services and the terms of contracts obtained from the Request for Proposal process. As more information becomes available, the timeframe for expansion of the remaining treatment and diversion programs will become more certain and will be reflected in subsequent projections of the adult incarceration population.

TREATMENT AND DIVERSION PROGRAMS FULLY IMPLEMENTED

- Additional funding for probation outpatient substance abuse counseling
 - Increased funding of \$10 million over the biennium serving approximately 3,000 offenders yearly.
 - The impact of additional funding for substance abuse counseling is assumed to continue the increase in community supervision placements and lower rates of probation revocations throughout the projection.

- In-Prison Therapeutic Community Program (conversion of 1,000 existing beds)
 - 1,000 treatment slots were operational in October 2007 and populated by January 2008.
 - Assumption that the 1,000 treatment slots were gradually filled by parole decisions requiring IPTC treatment; however, many of the offenders completing their IPTC treatment are waiting for placement in Transitional Treatment Centers (TTC) and have yet to be released from IPTC slots.
 - As of December 2008, the number of offenders awaiting placement in the IPTC program was nearly 1,200. The full impact of additional releases will not be realized until the wait for placement in a TTC is eliminated.

- Contracting for 500-bed facility which provides DWI treatment (500 additional beds)
 - Assumption that offenders completing the new program will have a higher parole approval rate than offenders who did not complete the program.
 - Expands TDCJ's capacity by 500 beds.
 - The 500-bed facility with DWI treatment became operational March 1, 2008 with a gradual phase-in as appropriate offender placements were identified.

DELAYED TREATMENT AND DIVERSION PROGRAMS

- Probation Residential Treatment Beds as Alternative to Probation Revocation (800 additional beds)
 - Funding was utilized to support 144 existing beds that were previously funded through Community Corrections and Diversion Program funding. In all the funding has been utilized to provide for 890 beds, with a net increase of 746 beds.
 - Diversion factor assumption of 50.0 percent and recidivism assumption of 39.8 percent.

APPENDIX A: ADULT CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

- As of December 2008, 528 of the 746 net increase beds were operational. It is assumed that 170 of the remaining beds will be operational in January 2009, and 48 of the remaining beds will be operational in October 2009.
- Probation and Parole Intermediate Sanction Facility Placement As Alternative for Technical Revocations (1,400 additional beds)
 - Diversion factor assumption of 50.0 percent and recidivism assumption of 47.1 percent.
 - As of December 2008, 309 of the beds were operational. It is assumed that the remaining 1,091 beds will be added in fiscal year 2010 and will be fully operational by August 1, 2010.
- Substance Abuse Felony Punishment Facilities (SAFPF) as Alternative to Revocation (1,500 additional beds)
 - Diversion factor assumption of 50.0 percent and recidivism assumption of 41.3 percent.
 - As of December 2008, 704 of the 1,500 additional SAFPF beds were operational. It is assumed that the remaining 796 beds will be added later in fiscal year 2009 and will be fully operational by September 2009.
 - As of December 2008, TDCJ had 3,879 total SAFPF beds with 372 offenders on the waiting list. This is a substantial decrease compared to the December 2006 waiting list of 823 offenders.
- Conversion of two Texas Youth Commission (TYC) facilities to TDCJ facilities (606 beds each)
 - The two facilities (John Shero State Juvenile Correctional Facility and Marlin Assessment and Orientation Unit) will result in a TDCJ capacity increase of 1,212 beds.
 - As of December 2008, all but 348 of the 1,212 beds have become operational. TDCJ will add the 348 beds to capacity as they become necessary; however, for the calculations in this document the 348 beds are counted as operational in making capacity calculations and in calculating the demand for temporary contract capacity.
- Parole Halfway Houses (300 beds)
 - As of September 1, 2008 all but 100 of the 300 halfway house beds were operational. It is assumed that the remaining 100 beds will become operational in March 2009.

INTERNAL OPERATING CAPACITY: Appropriations by the Eightieth Legislature, Regular Session, 2007, increased the number of prison beds by 3,212. As of December 31, 2008, the state internal prison capacity was 158,758 and the internal operating capacity (97.5 percent of the state prison capacity) was 154,789. The state internal operating capacity will increase to 156,538 when the transfer of Texas Youth Commission beds, the addition of Substance Abuse Felony Punishment Facility (SAFPF) beds, and 650 beds temporarily off capacity because of staffing shortages are brought into operation.

APPENDIX A: ADULT CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

Incarceration capacity increases include the following initiatives:

- Substance Abuse Felony Punishment Facilities (SAFPF) as Alternative to Revocation (1,500 additional beds with 704 of the beds operational and 796 of the beds becoming operational in fiscal year 2009 and the beginning of fiscal year 2010).
- Contracting for 500-bed facility that provides DWI treatment (500 additional beds currently operational)
- Conversion of two Texas Youth Commission (TYC) facilities to TDCJ facilities (606 beds each for a total of 1,212 beds with 864 of the beds currently operational)

In addition to the assumptions discussed, there are other adult criminal justice trends that have been considered. If major shifts occur from the latest trends in the areas listed below, adjustments to the projection may become necessary.

POPULATION GROWTH: Texas' population is projected to increase by nearly 5 million people over the next ten years and by nearly 10 million people by the year 2025. While the growth in the general population is expected to impact the criminal justice system, it is age-specific trends that are more relevant to the projection of the components of the adult criminal justice system. Criminologists have established a relationship between age and crime, with the bulk of offenses committed by younger adults. The age distribution of offenders in Texas indicates that a disproportionate percentage of arrests are of Texas males ages 17 to 34, and this age specific group has proven to be the best predictor of future court activity. For the years 2006 and 2007, Texas males ages 17 to 34 accounted for 14.0 percent of the entire population of Texas, but accounted for 46.0 percent of all arrests. The projection of future court activity is based on the projected growth of the Texas 17-34 male population as prepared by the Texas State Data Center. The latest projection was released in January 2007. The specific scenario used for court activity projections assumes migration rates to continue at the level experienced for the years 2000 through 2004. According to the Texas State Data Center, the population of males ages 17 to 34 will grow at an annual rate of 2.0 percent between 2009 and 2014.

CRIME RATE: The crime rate declined from its peak in 1988 and has remained steady at a lower level since 2000. In order to measure the variations in crime that are anticipated to have an impact on the components of the Texas criminal justice system, reported offenses and reported arrests are analyzed. Reported offense and arrest data provided by the Texas Department of Public Safety (DPS) indicate that from 1999 to 2007, the average rate of increase in statewide reported crimes and in statewide arrests has been 1.0 percent.

UNEMPLOYMENT RATE: The unemployment rate is projected to decrease from 6.6 percent in fiscal year 2009 to 5.7 percent in fiscal year 2014 (Comptroller of Public Accounts, Fall 2008 Economic Forecast).

APPENDIX A: ADULT CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

ACTIVE ADULT PAROLE POPULATION PROJECTION

The active adult parole population projection is a component of the simulation modeling approach. It 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 their current sentence.

Offenders are placed on parole supervision if they are released from prison by the following forms of release:

Parole is the conditional release of offenders from prison, after approval by two (of three) members of the parole committee, to serve the remainder of their sentence under supervision in the community.

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

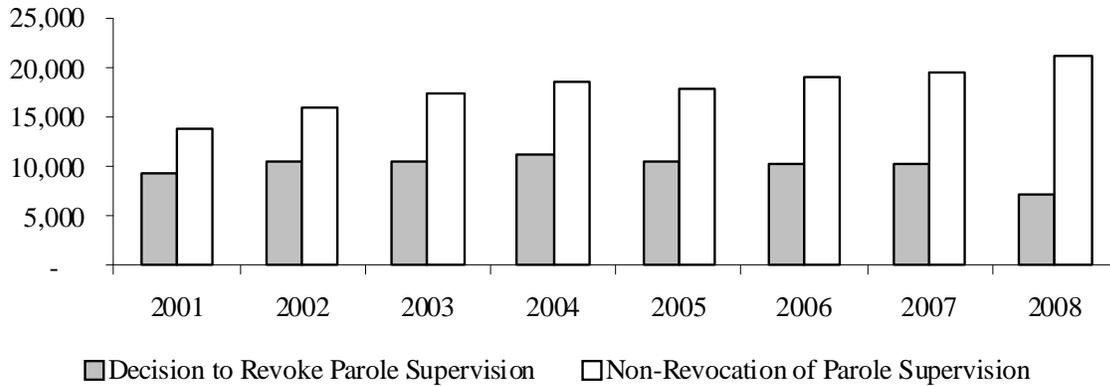
Discretionary Mandatory Supervision (DMS) is the current form of “mandatory” release and requires approval by a parole panel for release of eligible offenders.

The January 2009 projection of the adult parole supervision population, as with the June 2008 projection, is higher than previous parole supervision projections for two reasons. First, starting in fiscal year 2007, parole approval rates for inmates released from prison have increased, resulting in a larger number of offenders added to parole supervision. The projection assumes a parole approval rate of 29.1 percent, which was the average monthly parole approval rate for fiscal years 2007 and 2008. Although parole approval rates have been as low as 26.4 percent (in fiscal year 2006), it is assumed the Board of Pardons and Paroles (BPP) will maintain the current approval rate. A substantial portion of the funds appropriated by the Eightieth Legislature, Regular Session, 2007, to TDCJ was for the expansion of treatment and diversion programs to better prepare parolees for release, including: parole Intermediate Sanction Facility (ISF) beds, parole Halfway House beds, and In-Prison Therapeutic Community Program beds (IPTC). From fiscal year 2007 to fiscal year 2008, the percentage of parole approval votes requiring program participation and completion prior to parole release increased from 49.1 to 54.7 percent.

The second reason for projected adult parole supervision population growth is the decrease in the number of offenders on parole supervision who were revoked for either committing a new offense or violating the terms of parole supervision. The number of parole revocations in fiscal year 2008 was 7,444 after dropping from an average of 10,198 revocations in fiscal years 2001 through 2006, and to 9,381 in fiscal year 2007. Data from BPP indicate the board has increasingly decided to take actions which keep offenders on parole supervision, rather than revoke the offenders to prison (see figure 9). It is assumed that future parole revocation rates will remain low due to the expansion of treatment and diversion programs, such as ISFs and SAFPFs.

APPENDIX A: ADULT CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

Figure 9: Parole Revocation Decisions by Texas Board of Pardons and Paroles



Source: Texas Board of Pardons and Paroles, Annual Reports

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

APPENDIX A: ADULT CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

ADULT FELONY DIRECT COMMUNITY SUPERVISION (PROBATION)

The adult felony direct community supervision population increased and is anticipated to continue increasing as referrals to community supervision increase and as fewer offenders on community supervision are revoked to prison.

FACTORS AFFECTING GROWTH OF THE ADULT FELONY DIRECT COMMUNITY SUPERVISION POPULATION:

INCREASING FELONY DIRECT COMMUNITY SUPERVISION PLACEMENTS – From fiscal year 2007 to 2008 the number of adult felony direct community supervision placements grew by 0.8 percent, after growing by 5.6 percent from fiscal year 2006 to 2007. The growth in placements beginning in fiscal year 2006 is much higher than in previous years. From fiscal year 2000 to fiscal year 2006 the number of adult felony community supervision placements increased by an average of 2.2 percent each year. Projected yearly growth rates in adult felony community supervision placements vary according to fluctuations of Texas' at-risk population, felony court activity, and trends in court sentencing. Taking into account these variables, placements are projected to increase on average by 1.9 percent for fiscal years 2009 and 2010, with slightly lower annual increases through fiscal year 2014.

LOWER REVOCATION RATES FROM COMMUNITY SUPERVISION – Lower probation revocation rates result in fewer probationers being removed from the adult felony direct community supervision population. As an example, in fiscal year 2004, 13,703 probationers were revoked to prison while only 12,717 probationers were revoked to prison in fiscal year 2007. For this projection it is assumed probationers will be revoked to prison at lower rates than observed for fiscal year 2008 due to the anticipated impact of diversion and treatment initiatives funded by the Eightieth Legislature, Regular Session, 2007. The model factors in lower revocations from probation supervision due to the expansion of substance abuse treatment facilities, intermediate sanction facilities, residential substance abuse treatment facilities, and increased probation outpatient substance abuse treatment.

INCREASING EARLY TERMINATIONS – The model assumes a continued increase in early terminations from community supervision. An increase in early terminations will lower the felony direct community supervision population. For this projection it is assumed that early terminations will increase in subsequent years for three reasons: 1) from fiscal year 2004 through fiscal year 2008, early terminations increased from an average of 329 per month to an average of 506 per month; 2) House Bill 1678, as passed in the Eightieth Legislature, Regular Session, 2007, requires judges to review a probationer's record for consideration for early termination on completion of one-half of the original community supervision period or two years of community supervision, whichever is more; and 3) early termination review is a required component for probationers that are part of a progressive sanctions probation system.

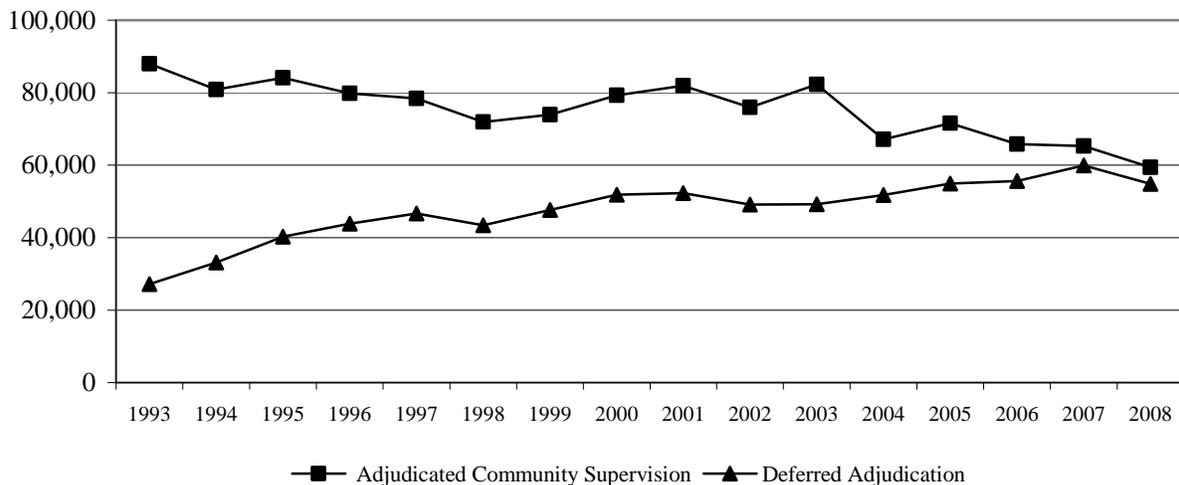
APPENDIX A: ADULT CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

In preparing the projection for the adult felony direct community supervision population, monthly placements and terminations activity from the Monthly Community Supervision and Corrections Report (MCSCR) were analyzed to determine the most recent trends in community supervision. The monthly data provides validation of the results from the model.

ADULT MISDEMEANOR COMMUNITY SUPERVISION PLACEMENT PROJECTION

The adult misdemeanor community supervision placement projection is based on a regression model that takes into account the impact of time on the number of adjudicated community supervision placements and on the number of deferred adjudication placements. The observed values show the steady decrease in the number of adjudicated community supervision placements and the steady increase in the number of deferred adjudication placements (see Figure 10). The combination of decreasing adjudicated community supervision placements and increasing deferred adjudication placements results in a total number of misdemeanor community supervision placements that has averaged approximately 125,000 since fiscal year 2000. It is assumed the total adult misdemeanor community supervision placements will return in fiscal year 2009 to the level that it has averaged since fiscal year 2000, with a slight increase (averaging 257 per year) for fiscal years 2010 through 2014.

Figure 10: Adjudicated and Deferred Misdemeanor Community Supervision Placements



APPENDIX B:
JUVENILE CORRECTIONAL POPULATION PROJECTION
METHODOLOGY AND ASSUMPTIONS

APPENDIX B: JUVENILE CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

JUVENILE RESIDENTIAL POPULATION PROJECTION

The juvenile residential population projection for the Texas Youth Commission (TYC) is based on a modeling approach resulting from the movement of individual juveniles into, through, and out of TYC. The projection model simulates offender movement based on offense type, age, and historical average lengths-of-stay within TYC. The projection model also reflects recent policy changes that exclude the placement of youth adjudicated for misdemeanor offenses and require the release or transfer of individuals who are 19 years of age or older.

INTAKES: Intakes are based on the historical growth and decline of the various offense and intake types from fiscal years 2007 through 2008 (-27.6 percent). Growth or decline for the various offense and intake types was calculated for each subsequent year based on the projected change from the previous year. Overall, the growth in the projected residential population is affected more by the composition of the population than on the growth or decline of the intake population.

Intake types include:

NEW COMMITMENTS — Juveniles committed to TYC for the first time.

RECOMMITMENTS — Juveniles previously committed to TYC who are again committed by the court.

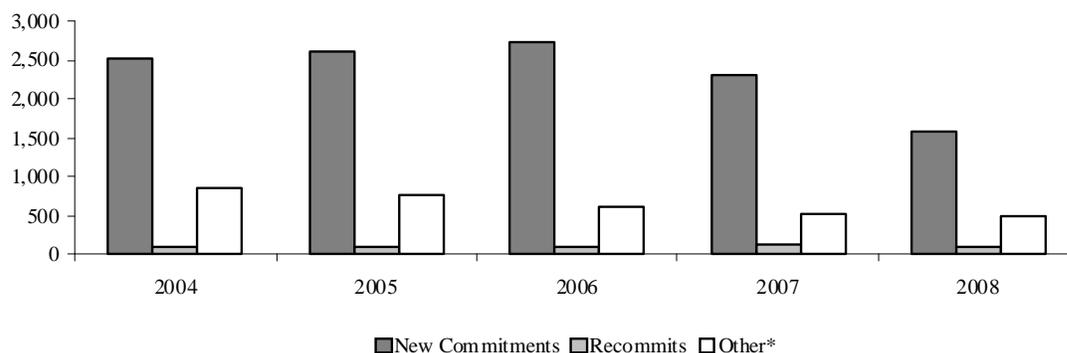
NEW FELONY OFFENSE PAROLE VIOLATORS — Juveniles revoked from parole for a new felony offense.

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

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

Figure 11 provides a breakdown of TYC admissions by intake type (new commitments, recommits, and other) for fiscal years 2004 to 2008. Admissions dropped from 2,994 in fiscal year 2007 to 2,169 in fiscal year 2008.

Figure 11: TYC Admissions by Intake Type, Fiscal Years 2004–2008



*Other includes new felony offense parole violators, misdemeanor and technical parole violators, and negative movements.

APPENDIX B: JUVENILE CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

LENGTH OF STAY: The calculation of releases from the residential population is based on the length of stay by juveniles by offense groupings. Average time served in fiscal year 2007 was 17.3 months, but decreased to 14.9 months in fiscal year 2008. The time served used in the projection model is based on reported time served by releases for fiscal year 2008.

RULES OF MOVEMENT: Juveniles are aged in the projection model based on time served, offense, and intake type. New commitments stay in the model until they are first released. The other intake categories reflect the time a juvenile has served for that particular intake only. The model moves juveniles through the TYC system based on whether they receive determinate or indeterminate sentences. The majority of TYC offenders receive indeterminate sentences.

In addition to the assumptions discussed above, there are other juvenile criminal justice trends that have been considered. These factors are not used in the projection model. If major shifts occur from the latest trends in the areas listed below, adjustments to the projection may become necessary.

JUVENILE ARREST RATE — Texas' juvenile arrest rate decreased 3.2 percent between 2006 and 2007.

GENERAL JUVENILE POPULATION — Between fiscal years 2000 through 2008, the annual growth rate of the general juvenile population was 0.9 percent. The annual growth rate is projected to be 1.2 percent between fiscal years 2009 and 2014.

APPENDIX B: JUVENILE CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

JUVENILE PROBATION POPULATION PROJECTION

The juvenile probation population projection for the Texas Juvenile Probation Commission is based on individual offender information. The data is loaded into a model which simulates the movement of juveniles through supervision based on historical average lengths of probation supervision. Each of the components of the juvenile probation population (adjudicated probation, deferred prosecution, and supervision prior to court disposition) is modeled separately.

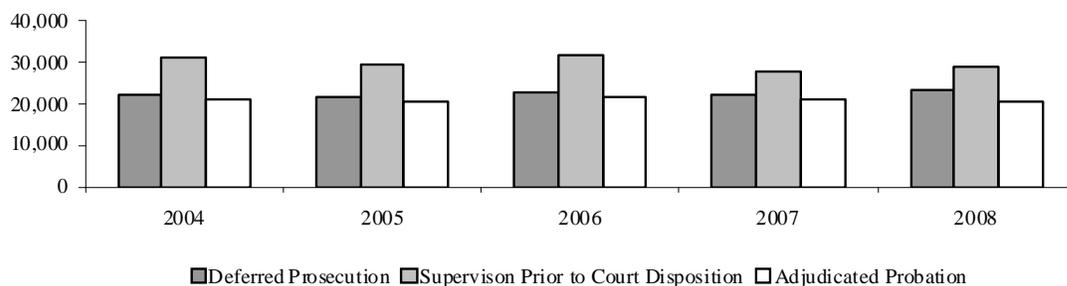
ADJUDICATED PROBATION: This is a type of community supervision ordered by a judge after an adjudication hearing. During adjudicated probation, the offender may be ordered into an intensive supervision program or placed in a non-secure facility. The length of supervision for adjudicated probation is approximately nine months, although some juveniles are supervised up to seven years. It is assumed that the adjudicated probation population will grow at an annual rate of 0.4 percent during the projection period.

DEFERRED PROSECUTION: This is a voluntary probation program in which the offender, the parent, prosecutor, and the juvenile probation department agree on the conditions of supervision. The program may last up to six months. During the probation period, the state can request formal court adjudication if the juvenile violates any of the conditions. On average, an offender spends approximately five months on deferred prosecution, but some may be on other types of supervision for more than five years. It is assumed that the deferred prosecution population will grow at an annual rate of 1.7 percent during the projection period.

SUPERVISION PRIOR TO COURT DISPOSITION: This supervision involves the written orders from a juvenile judge on which the conditions of a juvenile's release from detention or from the department's custody should be based. This is done during a detention hearing or can be authorized by a judge. These conditions are set to make reasonably sure that the juvenile will return to court. The length of supervision prior to court disposition is approximately two months, but it may be as long as five years. It is assumed that the supervision prior to court disposition population will grow at an annual rate of 0.8 percent during the projection period.

INTAKES: The intake records used in the model are actual juvenile records of intakes from fiscal years 2007 and 2008. The records indicate the offense, age, county, and supervision type of each juvenile intake. The model applies the observed number of intakes for fiscal years 2007 and 2008. The most recent year of intake data indicates that deferred prosecution intakes are growing at a faster rate than the other two components of the juvenile probation population. It is assumed that this trend will continue through the projection.

Figure 12: Juvenile Probation Supervision Intakes, Fiscal Years 2004–2008



**APPENDIX C:
QUALITATIVE REVIEW FINDINGS**

APPENDIX C: QUALITATIVE REVIEW FINDINGS

As part of the correctional population projections methodology, a qualitative review component was conducted for the January 2009 report. The purpose of the review was to obtain a more in-depth understanding of the juvenile justice trends originally reported in the June 2008 *Adult and Juvenile Correctional Population Projections* report. The primary goal of the review was to explore the current state of juvenile justice at the local level. Expected increases in juvenile probation populations did not materialize following the juvenile justice reforms of the Eightieth Legislature, Regular Session, 2007, and this review explores the causes, influences, or factors that may have contributed to the lack of growth. In addition, the current state of the Texas Youth Commission (TYC), the unique relationship between juvenile justice and other public entities, and policy recommendations from participants were explored.

METHODOLOGY

A total of 46 focus groups were conducted during the fall of 2008 in the following eight Texas counties: Bexar, Dallas, Collin, El Paso, Harris, Nueces, Travis, and Williamson. These counties were selected to represent large urban and suburban areas in different regions. Each of the focus groups was conducted in a similar format and asked similar questions, relative to participant expertise.

A total of 226 practitioners and decision-makers in juvenile justice, education, and law enforcement participated in the focus groups. Focus group sizes ranged from one to 18 participants, with an average size of approximately five participants.

Focus group sessions were conducted with representatives from each of the following entities:

- Juvenile Board
- Juvenile Probation Department
- Juvenile Prosecutors
- Defense Attorneys
- Law Enforcement
- Educational Professionals

For example, a focus group session was held with a cross section of management and program staff from the juvenile probation department. Similarly, there were separate focus groups for each of the other listed entities.

APPENDIX C: QUALITATIVE REVIEW FINDINGS

SUMMARY OF JUVENILE JUSTICE FOCUS GROUPS

WHY HAVE STATEWIDE JUVENILE PROBATION POPULATIONS REMAINED FLAT SINCE THE EIGHTIETH LEGISLATURE, REGULAR SESSION, 2007?

Following the reforms to the Texas Youth Commission (TYC) and juvenile justice policies implemented by the Eightieth Legislature, Regular Session, 2007, juvenile probation populations were expected to increase. TYC's population was significantly reduced, misdemeanors were no longer eligible for commitment to TYC, and the maximum age that youth could remain in TYC was reduced from 21 to 19. In addition, the General Appropriations Act (2008–09 Biennium) provided \$57.9 million to the Texas Juvenile Probation Commission to address the anticipated population growth of local juvenile probation populations through enhanced community-based services and additional residential placements (Rider 19, Page V-41). The anticipated growth has not occurred statewide, and focus groups indicated several reasons for the lack of juvenile probation population expansion.

LIMITED RESOURCE CAPACITY: A common theme among juvenile probation departments when discussing causes for the lack of population growth was limited resource capacity. Juvenile probation departments typically receive most of their funding from county government and possess a finite amount of funding and resources. The amount of available resources effectively dictates the number of youth who may receive services from juvenile probation. Low-risk offenders who may have previously received services from juvenile probation departments are now diverted to alternative programs outside of juvenile probation, are increasingly given deferred prosecution, or have their cases dismissed.

The problem of resource capacity has been exacerbated by a lack of confidence in TYC and restrictions to TYC eligibility. While TYC is typically used as the last option for criminal youth, local juvenile justice entities are actively further reducing the number of youth sentenced to TYC (see Table 11). This has caused juvenile probation departments to experience a downward shift of services, where youth who previously may have been sentenced to TYC are increasingly served in post-adjudication facilities operated by juvenile probation departments, youth who previously would have been placed in post-adjudication facilities are increasingly supervised in the community, and the lowest-risk youth are pushed downward and not served by the juvenile justice system.

Table 11: TYC New Commitments by Focus Group County and Statewide

County	FY 2006	FY 2007	FY 2008	2006-2008
				% Change
Bexar	248	193	125	-49.6%
Dallas	317	289	190	-40.1%
Collin	18	17	14	-22.2%
El Paso	46	60	25	-45.7%
Harris	630	593	300	-52.4%
Nueces	13	16	7	-46.2%
Travis	105	58	12	-88.6%
Williamson	23	13	4	-82.6%
Statewide	2,738	2,327	1,582	-42.2%

*Source: Texas Youth Commission

APPENDIX C: QUALITATIVE REVIEW FINDINGS

ADJUSTMENT STRATEGIES: To varying degrees, all focus group entities involved in the administration of juvenile justice and who affect the flow of juveniles into the system are aware of resource capacity and self-adjust to current circumstances and resource demand through several strategies described below.

Increased use of the following alternative sentences and dispositions:

- Deferred prosecution
- Case dismissals
- Utilization of community programs outside juvenile probation
- Mental health diversions
- First offender programs operated by local police departments

Adjusted post-adjudication facility policies:

- Increased number of juveniles placed in post-adjudication facilities
- Decreased average length of stay to serve additional youth
- Increased repeat misdemeanor offender placements
 - Misdemeanor offenders are ineligible for TYC, and many who continue to reoffend are repeatedly placed in county-operated post-adjudication facilities.
 - After several placements and all local resources have been exhausted, it is common for the probation of repeat misdemeanants to be terminated due to a lack of further punishment or treatment resources.

Increased collaboration and communication with entities that commonly interact with juveniles to divert youth from the juvenile justice system:

- Work with local school districts to inform them of alternatives to expulsion or referral to juvenile probation
- Seek assistance from community and non-profit organizations to provide services to youth
- Inform law enforcement of options other than arrest or placement in detention (i.e., local Mental Health and Mental Retardation (MHMR), community organizations, release to parent)

Schools also play an important role in the current juvenile probation population trends. However, unlike the resource capacity motives of other juvenile justice entities, schools are increasingly working with delinquent youth to keep them in school for funding purposes. Focus group participants indicated school funding is affected by student attendance, so school districts are employing various strategies to keep youth in school and at their home campuses. These strategies are a growing trend and often were developed prior to and independent of the juvenile justice reforms enacted during the Eightieth Legislature, Regular Session, 2007; several are listed below.

- Actively track dropouts and truants in order to bring them back into school
- Implement campus-level interventions for youth with behavioral problems to prevent expulsion or Disciplinary Alternative Education Program (DAEP) placement
- Relax “Zero-Tolerance” policies in some school districts

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WHAT ISSUES IN JUVENILE JUSTICE WILL BECOME SIGNIFICANT IN THE NEAR FUTURE?

Focus group participants indicated several issues related to juvenile justice may become significant in the near future, but the topics listed below were repeatedly mentioned among all focus groups.

MENTAL HEALTH ISSUES: Youth with mental health issues are increasingly present in the juvenile justice system, and in particular, the proportion of youth with severe mental health issues is increasing. Community-based and residential treatment resources needed to address youth with mental health issues are scarce.

FAMILY ISSUES: Family structures are changing and becoming more unstable. Families of juvenile offenders are younger, and the presence of single-parent households is growing. The growing instability of current family structures make it difficult for the juvenile justice system to address the needs of juvenile offenders.

REPEAT MISDEMEANOR OFFENDERS: Repeat misdemeanor offenders are becoming more difficult for juvenile justice entities to manage. Misdemeanor offenders are aware of their TYC ineligibility, and focus group participants indicated this influenced the continuation of criminal behavior. Repeat misdemeanor offenders may be placed in local residential facilities multiple times but continue to reoffend. Once all local options have been exhausted, judges are either terminating probation or continuing probation until the juvenile offender becomes an adult.

Other issues indicated as significant issues for the future include:

- Truancy – participants stated truancy is a common precursor to more serious criminal activity and should be an important priority for schools and juvenile justice entities
- Increased gang activity
- Increased prescription drug abuse

WHAT POLICY INITIATIVES COULD BE IMPLEMENTED TO IMPROVE TYC?

All focus groups were asked several questions related to TYC, including an open-ended question related to the future of TYC and how ongoing reformation and improvement should occur. Responses were varied and covered specific policies as well as broad organizational recommendations. The policy recommendations below were the most prevalent among the focus groups.

TYC (OR SOMETHING SIMILAR) IS NEEDED: Focus groups generally believed TYC, or a juvenile correctional system similar to TYC, was needed. Long-term secure confinement is necessary for high-risk, high-need youth who have been unsuccessful under juvenile probation or local residential placement. The lack of a long-term secure setting would eliminate a final accountability resource for juvenile offenders – a necessary tool for rehabilitation and compliance. Also related to the need for a long-term secure correctional system, was the need for a clear definition of TYC's purpose and a clarification of what type of youth would be served in TYC. These definitions would allow local juvenile justice entities to better identify youth appropriate for TYC.

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LOCATION/REGIONALIZATION: Focus group participants generally indicated TYC facilities need to be closer to youth's homes, and a system of regionalized TYC facilities would be preferable to the current system. Family involvement was cited as necessary for youth rehabilitation, and current TYC facility locations were perceived as barriers to family participation. Participants also indicated TYC facilities need to be near pools of qualified staff and professionals, particularly mental health practitioners.

Other major policy recommendations among the focus groups were:

- TYC needs to improve communication and collaboration with local juvenile justice entities, particularly when youth reenter the community from TYC.
- TYC's internal programming and treatment need to be enhanced, and specialty treatment programs need to be expanded.
- Reentry resources need to be enhanced and expanded to improve wraparound services for youth and their families. Cooperation and collaboration with local juvenile justice entities is also needed for effective reentry.
- TYC staff needs to be better qualified and adequately compensated.
- Participants indicated the need for reinstatement of TYC eligibility for repeat misdemeanants or the implementation of a "once a felon, always a felon" rule. Repeat misdemeanants are a growing problem for local juvenile justice entities. Misdemeanants are aware they are TYC ineligible and may continue to reoffend after all county resources have been exhausted.

HAVE ADULT CERTIFICATIONS INCREASED SINCE THE EIGHTIETH LEGISLATURE, REGULAR SESSION, 2007?

Focus group participants in most participating counties indicated adult certifications have not significantly increased since the Eightieth Legislature, Regular Session, 2007. Expected increases in adult certifications following the changes in TYC policy and eligibility have generally not materialized. However, participants indicated a possibility of increased certifications in the future if statutory adjustments are not made to the current determinate sentencing statutes. The table below displays the number of statewide certifications from fiscal years 2003–2008, and indicates a decrease in certifications from fiscal year 2006 to fiscal year 2008.

Table 12: Statewide Adult Certifications, Fiscal Years 2003–2008

FISCAL YEAR	STATEWIDE ADULT CERTIFICATIONS
2003	198
2004	155
2005	168
2006	293
2007	231
2008	203

*Source: Office of Court Administration, Annual Reports

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

EARLY PREVENTION AND INTERVENTION: Early prevention and intervention was the most prevalent theme among focus group responses related to legislative priorities. Participants indicated youth need to be assessed and provided services both within and outside of the juvenile justice system as early as possible to prevent entry and/or further progression into the juvenile justice system. Aggressively providing services at the earliest age possible was deemed the most effective tool in preventing juvenile crime. In addition, participants indicated services provided to juvenile offenders need to address the family, social environment, and school life of youth. Addressing juvenile offender needs without wraparound services was seen as relatively futile. Wraparound services involve identifying needs and providing resources to the entire family and community, not just the juvenile offender.

MENTAL HEALTH ISSUES: Focus group participants stressed the increased presence of youth with mental health issues and the related problems and challenges posed to entities that interact with youth. In addition, the proportion of youth with severe mental health issues is growing among juvenile justice populations. Treatment resources needed to address youth with mental health issues are currently scarce, expensive, and greatly needed. However, additional funding alone would not adequately address the need for mental health resources because appropriate contract care providers and residential facilities are scarce.

Several other common responses addressing juvenile justice legislative priorities included:

- **Funding**
 - Funding increases are needed for additional programming and treatment, particularly in the areas of substance abuse, mental health, mentoring, and after-school programs.
 - Local juvenile justice entities desire greater discretion and flexibility in utilizing state funds.
- **Greater discretion and flexibility for schools in dealing with juvenile offenders.**
 - Non-traditional educational programs are needed for juveniles who may not be successful in traditional classroom settings. Vocational programs and alternative class scheduling were mentioned as possible methods of keeping troubled youth in school.

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JUVENILE JUSTICE OPINION SURVEY:

Upon the completion of each focus group, an opinion survey was distributed to all focus group participants. The survey asked participants to indicate whether various components of the Texas juvenile justice system were excellent, good, acceptable, poor, or very poor. An alternative response for “no opinion or don’t know” was also included. The following graph displays the percentages of respondents who deemed various components of the Texas juvenile justice system as acceptable, good, or excellent. This survey was conducted to obtain a general view of focus group participant opinions on juvenile justice in Texas.

Figure 13: Juvenile Justice Opinion Survey: Percentage of Responses of Excellent, Good, or Acceptable

