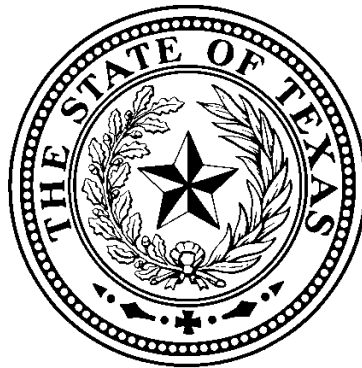


Adult and Juvenile Correctional Population Projections  
Fiscal Years 2004-2009



Legislative Budget Board  
June 1, 2004

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## **Adult and Juvenile Correctional Population Projections Fiscal Years 2004 – 2009**

June 1, 2004

On March 1, 2004, the Legislative Budget Board established a Criminal Justice Data Analysis Team to assume certain projection and data analysis responsibilities that had previously been done by the Criminal Justice Policy Council. 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. This report is provided to the Juvenile Probation Commission, the Texas Youth Commission, and the Texas Department of Criminal Justice so they may incorporate the relevant information into their Legislative Appropriations Requests for the 2006 – 07 biennium.

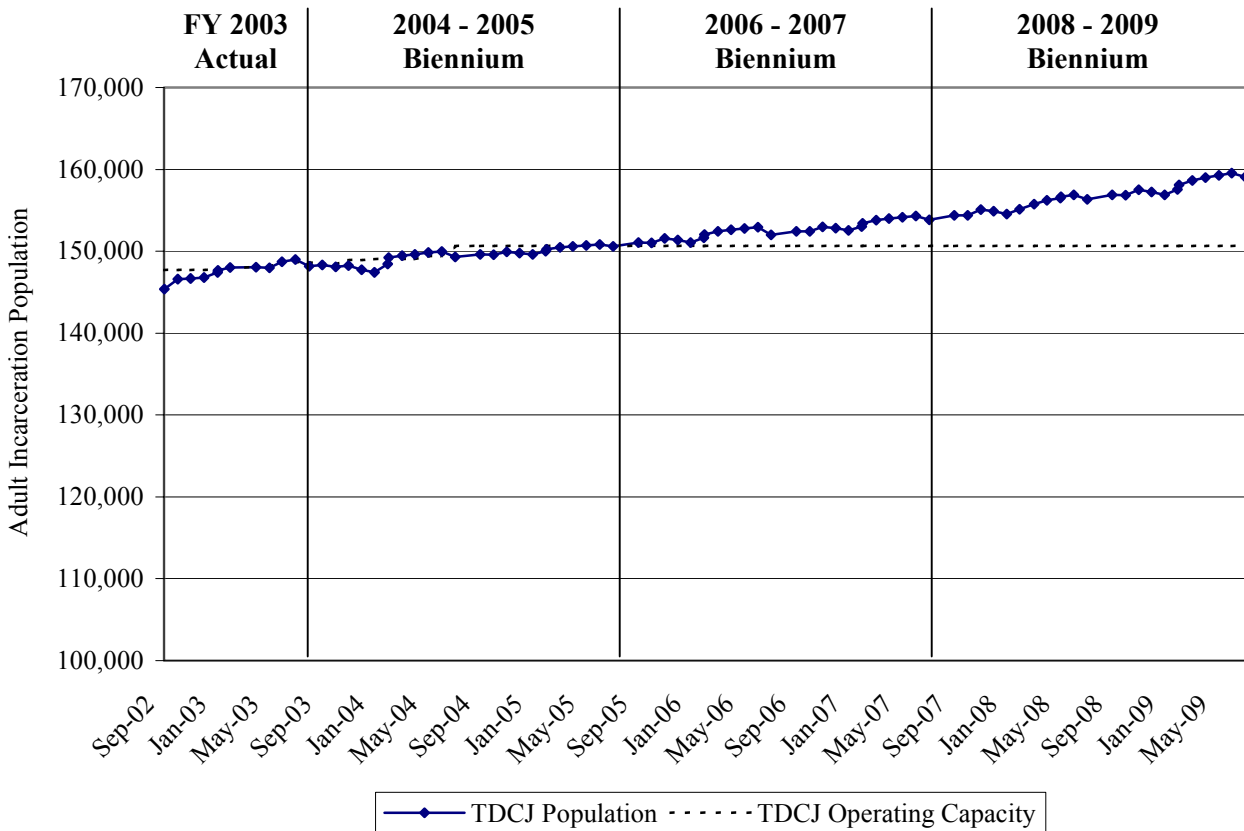
In January 2005, updated projections will be published in preparation for the Seventy-ninth Legislative Session. Enhancements to the current projections will be made by interviewing practitioners and officials in all parts of the criminal justice process to obtain a more in-depth understanding of sentencing and supervision practices impacting criminal justice populations. Additionally, comprehensive data through fiscal year 2004 will be analyzed and incorporated into the updated projections.

John Keel, C.P.A.  
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## **Adult Correctional Population Projections**

## Adult Incarceration Actual and Projected Populations Fiscal Years 2003 - 2009

The adult incarceration population projections for the Texas Department of Criminal Justice (TDCJ) are based on individual and aggregate data compiled by Legislative Budget Board staff from TDCJ data submissions. The modeling approach is based on historical correctional practices that include prison admissions and releases. Admissions are based on the historical growth of direct sentences from the courts and the historical rate at which offenders under community supervision (probationers) and parolees are revoked. The primary driving force behind the projected growth in prison admissions is a continued increase in court sentences directly to prison (on average 3.0 percent annually). Any significant change in projection drivers may impact projected populations. Additional information regarding the projection drivers and model assumptions are detailed in Appendix A.



- By August 2004, the total prison capacity will be 154,486 beds. The operating capacity preferred by TDCJ prison administrators is 97.5 percent of the total capacity and will equal 150,624 beds by August 2004.
- Projected incarceration populations at the end of each biennium are as follows: 150,602 for 2004 – 05; 153,823 for 2006 – 07; and 159,084 for 2008 - 09.

**Adult Incarceration Projected Populations  
Fiscal Years 2004 - 2009**

Fiscal Year	Incarceration Population (End-of-Year)	TDCJ Operating Capacity <sup>2</sup>	Projected Population Exceeding Operating Capacity	
			Number	Percent
2003 <sup>1</sup>	148,153	148,631	-	-
2004	149,310	150,624	-	-
2005	150,602	150,624	-	-
2006	151,983	150,624	1,359	0.9%
2007	153,823	150,624	3,199	2.1%
2008	156,358	150,624	5,734	3.8%
2009	159,084	150,624	8,460	5.6%

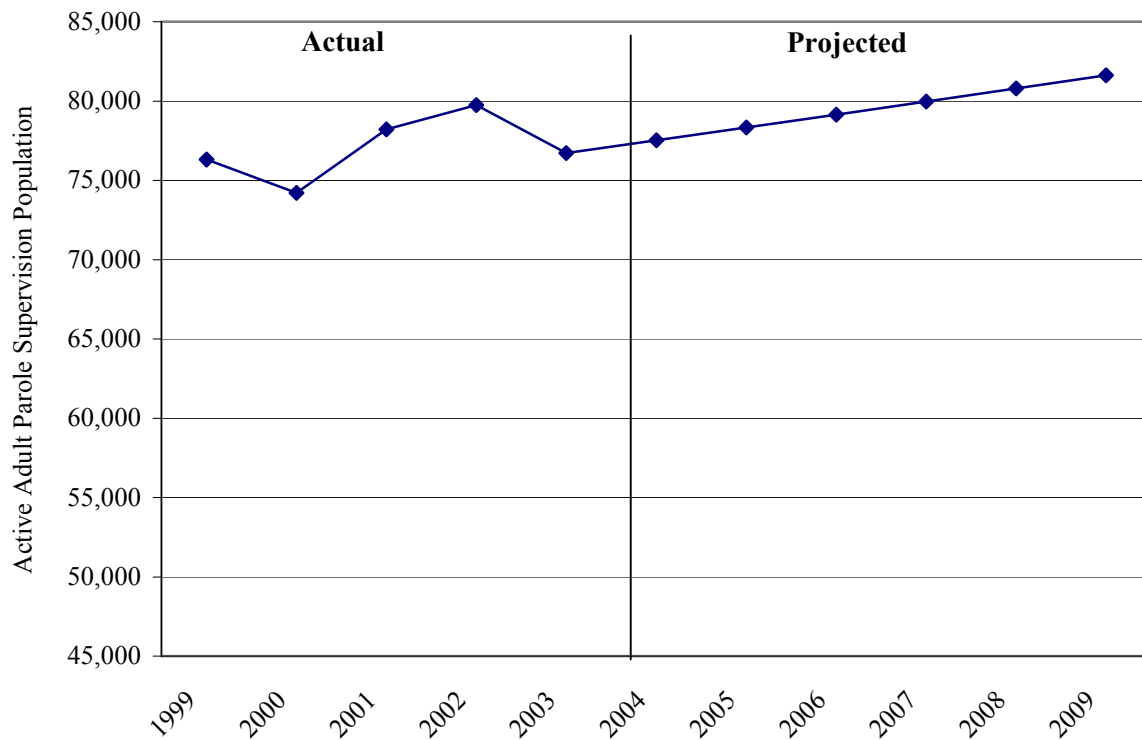
Fiscal Year 2006	End-of-Month Population	Fiscal Year 2007	End-of-Month Population
Sep-05	151,056	Sep-06	152,437
Oct-05	151,038	Oct-06	152,419
Nov-05	151,589	Nov-06	152,970
Dec-05	151,360	Dec-06	152,840
Jan-06	151,075	Jan-07	152,555
Feb-06	151,640	Feb-07	153,021
Mar-06	152,038	Mar-07	153,418
Apr-06	152,415	Apr-07	153,796
May-06	152,617	May-07	153,998
Jun-06	152,767	Jun-07	154,148
Jul-06	152,936	Jul-07	154,316
Aug-06	151,983	Aug-07	153,823
FY 06 Average	151,876	FY 07 Average	153,312

<sup>1</sup> Fiscal Year 2003 data are actual data rather than projected data.

<sup>2</sup> The operating capacity preferred by TDCJ prison administrators is 97.5 percent of the total capacity. By August 2004, the total prison capacity will be 154,486 beds.

## Active Adult Parole Supervision Actual and Projected Populations Fiscal Years 1999 - 2009

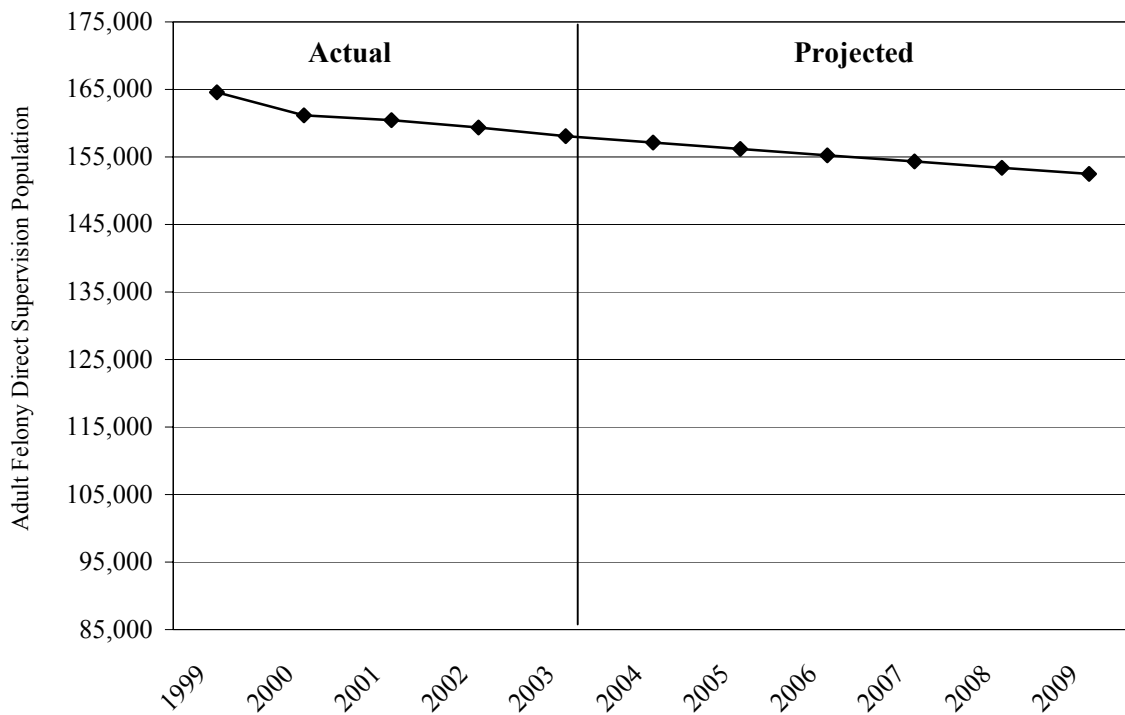
The parole supervision projections are for parolees under active supervision who are released from prison by parole, mandatory supervision, and discretionary mandatory supervision. The projections are based on data collected by TDCJ. The basis for the reported projections is the average percent the parole supervision population has increased between fiscal years 2000 – 03 (i.e., 1.04 percent). The parole supervision population is partially impacted by parole (30 percent) and discretionary mandatory supervision (57 percent) approval rates. Any significant change in projection drivers may impact projected populations. Additional information regarding the projection drivers and model assumptions are detailed in Appendix A.



Fiscal Year	Active Parole Supervision Population (End-of-Month Yearly Average)
2004	77,521
2005	78,323
2006	79,138
2007	79,961
2008	80,792
2009	81,633

## Adult Community Supervision Actual and Projected Populations Fiscal Years 1999 - 2009

The adult community supervision (i.e., adult probation) projections are for felons under direct supervision by 121 local Community Supervision and Corrections Departments (CSCDs) statewide. The projections are based on data collected by TDCJ in the Monthly Community Supervision and Corrections Report (MCSCR). The basis for the reported projections is the average percentage decrease in the adult felony direct community supervision population between fiscal years 2001 and 2004 (i.e., 0.6 percent). Any significant change in projection drivers may impact projected populations. Additional information regarding the projection drivers and model assumptions are detailed in Appendix A.



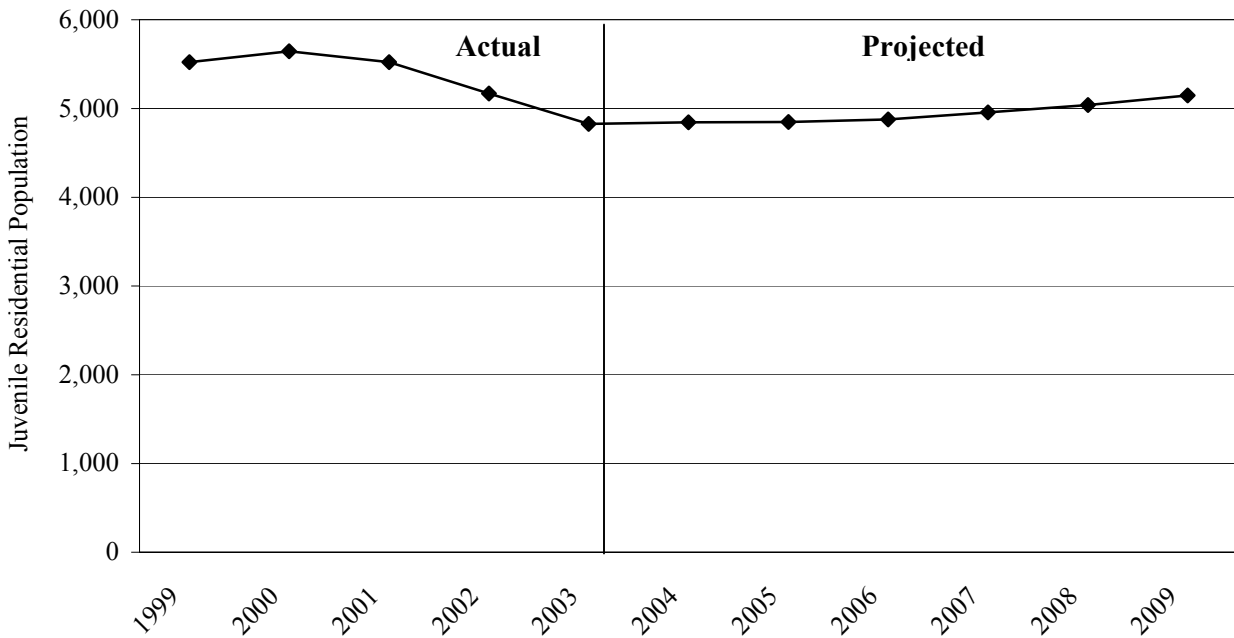
Fiscal Year	Felony Direct Community Supervision Population (End-of-Month Yearly Average)
2004	157,127
2005	156,184
2006	155,247
2007	154,315
2008	153,389
2009	152,469



## **Juvenile Correctional Population Projections**

## Actual and Projected Juvenile Residential Populations Fiscal Years 1999 - 2009

The residential population projections for the Texas Youth Commission (TYC) are based on aggregate data compiled by Legislative Budget Board staff from TYC data submissions. The modeling approach is based on historical correctional practices that include residential intakes and releases. The primary driving force behind the projected growth in the residential population is continued increases in the number of intakes (on average 1.6 percent annually). The overall growth, however, has been affected by a decrease in the average length of stay (18.6 months in fiscal year 2002 to 17.5 months in 2004). Any significant change in projection drivers may impact projected populations. Additional information regarding the projection drivers and model assumptions are detailed in Appendix B.



- Projected TYC residential populations at the end of each biennium are as follows: 4,850 for 2004 – 05; 4,955 for 2006 – 07; and 5,147 for 2008 - 09.
- The Texas juvenile arrest rate has been declining since 1996 and has remained relatively stable since 2000.

**Projected Juvenile Residential Population  
Fiscal Years 2004 - 2009**

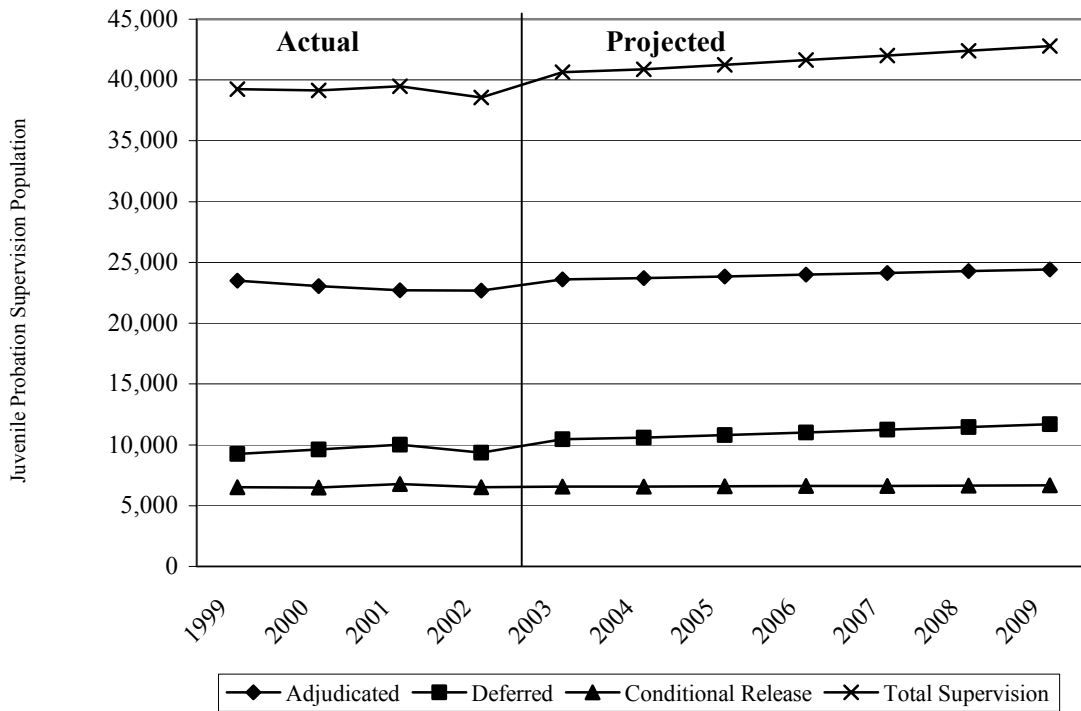
Fiscal Year	TYC Population (End-of-Year)	TYC State-Operated Facility Capacity	Projected Population Exceeding Capacity <sup>1</sup>	
			Number	Percent
2004	4,845	4,420	425	9.6%
2005	4,850	4,576	274	6.0%
2006	4,879	4,576	303	6.6%
2007	4,955	4,576	379	8.3%
2008	5,038	4,576	462	10.1%
2009	5,147	4,576	571	12.5%

Fiscal Year 2006	End-of-Month Population	Fiscal Year 2007	End-of-Month Population
Sep-05	4,785	Sep-06	4,849
Oct-05	4,837	Oct-06	4,904
Nov-05	4,805	Nov-06	4,868
Dec-05	4,779	Dec-06	4,834
Jan-06	4,762	Jan-07	4,837
Feb-06	4,734	Feb-07	4,798
Mar-06	4,748	Mar-07	4,813
Apr-06	4,798	Apr-07	4,866
May-06	4,841	May-07	4,912
Jun-06	4,862	Jun-07	4,934
Jul-06	4,872	Jul-07	4,946
Aug-06	4,879	Aug-07	4,955
FY 06 Average	4,808	FY 07 Average	4,876

<sup>1</sup> The Texas Youth Commission (TYC) received funding to contract for, on average, 733 beds in fiscal year 2004 and 647 beds in fiscal year 2005 in addition to their state-operated facility capacity.

**Actual and Projected Juvenile Probation Supervision Populations  
Calendar Years 1999 – 2003 and Fiscal Years 2004 - 2009**

The juvenile probation supervision projections are for juveniles receiving three types of supervision: adjudicated probation, deferred prosecution, and conditional release from detention. The projections are based on data compiled by the Juvenile Probation Commission in their annual probation activity report. Projected annual growth in adjudicated probation (0.6 percent), deferred prosecution (2.0 percent), and conditional release (0.3 percent) are based on the average percent of population change at the end of the calendar year for years 2001 through 2003. Any significant change in projection drivers may impact projected populations. Additional information regarding the projection drivers and model assumptions are detailed in Appendix B.



<b>Fiscal Year</b>	<b>Adjudicated Probation</b>	<b>Deferred Prosecution</b>	<b>Conditional Release</b>	<b>Total Supervision (End-of-Month Yearly Average)</b>
2004	23,609	10,463	6,566	40,638
2005	23,783	10,710	6,587	41,080
2006	23,926	10,924	6,607	41,457
2007	24,070	11,142	6,627	41,839
2008	24,214	11,365	6,647	42,226
2009	24,360	11,593	6,667	42,620

## **Appendix A: Adult Correctional Population Projection Methodology and Assumptions**

### **Adult Incarceration Population Projection**

**Admissions:** Admissions are based on the historical growth in direct sentences and the historical rate at which probationers and parolees are revoked.

*Direct Court Commitments* -- Direct court commitments to prison are projected based on a continuing increase in the Texas adult male population, the conviction rate of criminal cases, and the percent of direct court commitments to the Texas Department of Criminal Justice (TDCJ). It is projected that direct sentences to TDCJ will increase on average by 3 percent annually. Projected yearly growth rates in direct sentences to TDCJ are as follows: 5.18% in 2005; 2.06% in 2006; 2.13% in 2007; 2.10% in 2008; and 2.10% in 2009.

*Community Supervision and Parole Revocations* -- Admissions attributed to community supervision and parole revocations have remained relatively consistent over the past four years. The historical ratio of felony community supervision (0.118) and parole (0.128) revocations to prison facilities are applied to the projected populations to determine the number of revocation admissions.

*State Jail Admissions* -- Due to recent statutory changes (i.e., House Bill 2668) that affect state jail admissions, comparable historical information is not available for admissions projections. House Bill 2668 implemented on September 1, 2003 requires community supervision for state jail felony drug offenders as long as the possessed amount of drugs is small and the offender has no previous felony convictions. Based on recent population trends, moderate growth (on average 2 percent annually) is projected between fiscal years 2004 – 09.

**Length of Sentence:** Based on actual sentence lengths for various offense types during fiscal years 2002 and 2003.

**Time Served:** Based on the actual amount of time served for various offense types and statutory requirements during fiscal years 2002 and 2003.

**Statutory Rules of Movement:** Based on the laws in effect at the time an offender is sentenced that specify how they can be processed through the prison system. This takes into account when and if offenders are eligible for parole, mandatory supervision, or discretionary mandatory supervision. For the purpose of the reported projections, admissions to TDCJ in fiscal year 2004 and beyond are processed through the prison system under current law. However, inmates in the population prior to fiscal year 2004 are processed through the prison system under the laws in place when the inmates committed their offense of record.

**Offense Distribution:** In order to accurately project future releases from TDCJ, the inmate population and admissions are divided into nine groups based on offenses and the time at which offenders committed their offense of record. The offense and the time at which the offender committed the offense help determine when the offender will be eligible for release and the likelihood that the inmate will be released. The model estimates future admissions and populations, which reflect changes in offense distribution based on actual TDCJ records dating back to fiscal year 1999.

**Parole Release Practices:** The model assumes current parole release practices.

*Parole Approval Rate* -- During fiscal year 2003, the average parole approval rate was 25 percent. During fiscal year 2004, the rate has been higher and is estimated on average at 30 percent for fiscal years 2004 - 09.

*Parole Case Considerations* -- The latest trend in the average number of parole cases considered monthly is 4,900.

*Discretionary Mandatory Supervision (DMS) Approval Rate* -- During fiscal year 2003, the average DMS approval rate was 55 percent. During fiscal year 2004, the rate has been slightly higher and is estimated at 57 percent on average for fiscal years 2004 - 09.

In addition to the assumptions discussed above, there are other adult criminal justice trends that have been considered; however, these factors are not currently incorporated into the projections model. If major shifts occur from the latest trends in the areas listed below, adjustments to projections may become necessary.

*Crime Rate:* The crime rate has declined from its peak in 1988 and has remained steady at a lower level since 2000.

*Adult Population:* The adult population (i.e., 17 and older) is projected to grow by 9.1 percent between 2004 and 2009; an annual growth rate of 1.8 percent.

*Unemployment Rate:* The unemployment rate is projected to decrease steadily from 6.4 in fiscal year 2004 to 5.8 in fiscal year 2009 (Comptroller of Public Accounts, Spring 2004 Economic Forecast).

## **Adult Parole Population Projection**

The basis for the reported projections is the average percent the active parole supervision population has increased during fiscal years 2000 – 03 (i.e., 1.04 percent). Offenders may be released to parole supervision through various methods.

*Parole* is 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 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 assumptions regarding the general adult population and crime rate previously noted apply to this projection as well.

## **Adult Community Supervision Population Projections**

The basis for the reported projections is the average percentage decrease in the adult felony direct community supervision population supervised by the 121 local Community Supervision and Corrections Departments (CSCDs) between fiscal years 2001 and 2004 (i.e., 0.6 percent). The assumptions regarding the general adult population and crime rate previously noted apply to this projection as well.

## **Appendix B: Juvenile Correctional Population Projection Methodology and Assumptions**

### **Juvenile Residential Population Projection**

**Intakes:** Intakes for 2004 are based on the historical growth and decline of the various offense and intake types from fiscal years 2002 to 2003 (i.e., 2.3 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, it is projected that intakes to residential facilities will increase on average by 1.6 percent annually.

**Length of Time Served:** The calculation of releases from the residential population is based on the length of time served by youths by offense groupings. Historically, the overall length of time served has been declining. It was 18.6 months in fiscal year 2002 and during the first six months of 2004, it has been 17.5 months. The time served requirements used in the projections model are based on observed time served by releases for the first six months of fiscal year 2004.

**Rules of Movement:** Juveniles are aged in the projection model based on the time required to be served, their offense, and their intake type. New commitments stay in the model until they are first released on their original stay. The other intake categories reflect the time a juvenile has served for that particular intake only (e.g., technical violations and negative movements serve shorter terms). The model moves juveniles through the TYC system based on whether they receive determinate or indeterminate sentences. Most 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 currently incorporated into the projections model. If major shifts occur from the latest trends in the areas listed below, adjustments to projections may become necessary.

*Juvenile Arrest Rate:* The juvenile arrest rate has been declining since 1996 and has remained relatively stable since 2000.

*Juvenile Population:* Between 1998 and 2003, the annual growth rate of the general juvenile population was 2.8 percent. The growth rate is projected to be 0.3 percent between 2004 and 2009.

### **Juvenile Probation Population Projection**

The projections are based on data compiled by the Juvenile Probation Commission in their annual probation activity report. Projections are developed for each supervision type based on observed trends from calendar years 2001 through 2003. Monthly projections are developed to convert the estimates to fiscal year projections. The assumptions regarding the general juvenile population and juvenile arrest rate previously noted apply to this projection as well.



There are three types of juvenile supervision: adjudicated probation, deferred prosecution and conditional release. Adjudicated probation is a form of community-based supervision for a specified period of time. Deferred prosecution is a voluntary alternative to adjudication with court-imposed conditions and supervision requirements. Conditional release includes juveniles released from detention prior to formal court proceedings. Projections are done for each supervision group separately.

Projected growth in adjudicated probation (i.e., 0.6 percent per year), deferred prosecution (i.e., 2.0 percent growth per year), and conditional release (i.e., 0.3 percent growth per year) are based on the average percent of population change at the end of the calendar year for years 2001 through 2003. Monthly growth was computed to convert the data to fiscal year supervision averages.