

**ADULT AND JUVENILE CORRECTIONAL POPULATION PROJECTIONS
FISCAL YEARS 2008–2013**



**LEGISLATIVE BUDGET BOARD
JUNE 2008**

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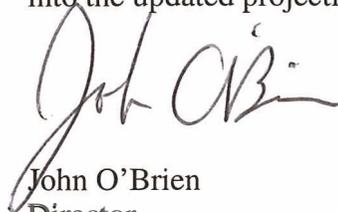
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ADULT AND JUVENILE CORRECTIONAL POPULATION PROJECTIONS FISCAL YEARS 2008-2013

June 2008

One responsibility of the Legislative Budget Board Criminal Justice Data Analysis Team is to conduct periodic, long-term adult and juvenile correctional population projections to serve as a basis for biennial funding determinations. This report is provided to the Texas 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 2010–11 biennium.

In January 2009, updated projections will be published in preparation for the Eighty-first 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 2008 will be analyzed and incorporated into the updated projections.



John O'Brien
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TABLE OF CONTENTS

| | |
|--|-----------|
| ADULT CORRECTIONAL POPULATION PROJECTIONS | 1 |
| Adult Incarceration Actual and Projected Populations | 2 |
| Active Adult Parole Supervision Actual and Projected Populations | 4 |
| Adult Felony Direct Community Supervision Actual and Projected Populations..... | 5 |
| Adult Misdemeanor Community Supervision Actual and Projected Placements | 6 |
| | |
| JUVENILE CORRECTIONAL POPULATION PROJECTIONS | 7 |
| Juvenile Residential Actual and Projected Populations..... | 8 |
| Juvenile Probation Supervision Actual and Projected Populations | 10 |
| | |
| APPENDIX A: ADULT CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS | 11 |
| Adult Incarceration Population Projection..... | 12 |
| Active Adult Parole Population Projection..... | 16 |
| Adult Felony Direct Community Supervision Population Projection | 17 |
| Adult Misdemeanor Community Supervision Placements Projection..... | 18 |
| | |
| APPENDIX B: JUVENILE CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS | 19 |
| Juvenile Residential Population Projection | 20 |
| Juvenile Probation Population Projection..... | 21 |

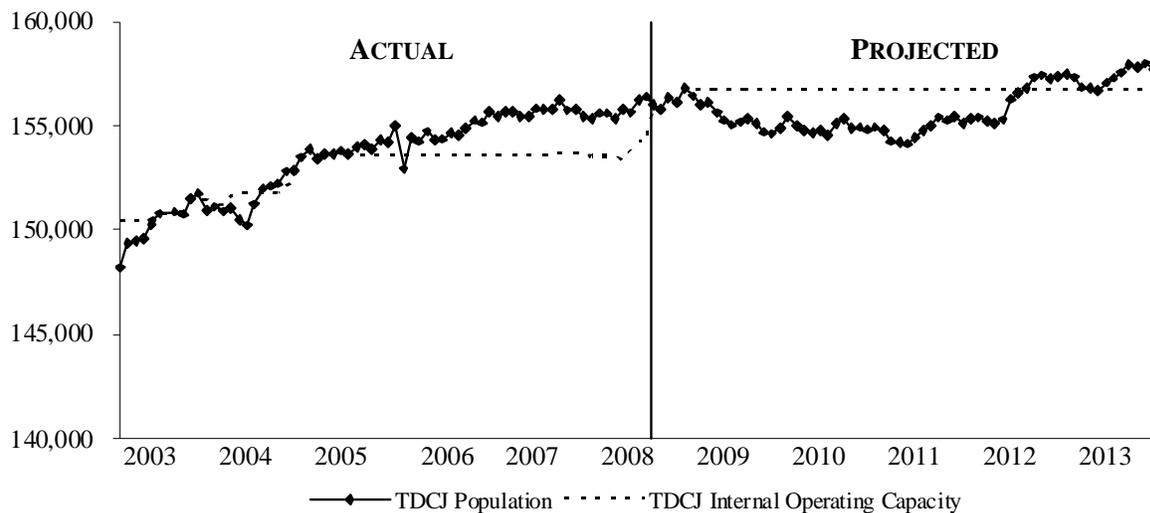
ADULT CORRECTIONAL POPULATION PROJECTIONS

ADULT INCARCERATION ACTUAL AND PROJECTED POPULATIONS FISCAL YEARS 2003–2013

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

The major drivers of the projected adult incarceration population are future admissions and releases. Admissions are based on Texas' at-risk populations, court conviction rates, and probation and parole revocations. Future releases are largely driven by release approval decisions. The June 2008 projection is similar to the January 2008 projection in that it projects a lower incarcerated population than projections in prior years, reflecting a lower increase in TDCJ admissions and higher parole approval rates. The projected incarceration population for TDCJ is provided in Figure 1 along with the TDCJ internal operating capacity. The June 2008 projection incorporates information from fiscal year 2007 and the first half of fiscal year 2008. The June 2008 projection also incorporates anticipated changes in admissions and releases as a result of the expansion of treatment and diversion programs for fiscal years 2008 through 2009 funded by the Eightieth Texas Legislature, 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 1: Actual and Projected TDCJ Inmate Population and Internal Operating Capacity, Fiscal Years 2003-2013



- As of May 1, 2008, the total state prison capacity was 158,217 beds (not including temporary contract capacity) and the internal operating capacity was 154,262 beds.
- Projected incarceration populations at the end of each biennium are as follows: 154,618 for 2008–09, 155,149 for 2010–11, and 157,701 for 2012–13.

**ADULT INCARCERATION PROJECTED POPULATION
FISCAL YEARS 2008–2013**

Table 1: TDCJ Inmate Population and Operating Capacity, Fiscal Years 2008-2013

| FISCAL YEAR | INCARCERATION POPULATION (END-OF-YEAR) | TDCJ STATE OPERATING CAPACITY ¹ | PROJECTED POPULATION EXCEEDING OPERATING CAPACITY ² | |
|-------------|--|--|--|---------|
| | | | NUMBER | PERCENT |
| 2008 | 156,137 | 156,759 | (622) | -0.4% |
| 2009 | 154,618 | 156,759 | (2,141) | -1.4% |
| 2010 | 154,837 | 156,759 | (1,922) | -1.2% |
| 2011 | 155,149 | 156,759 | (1,610) | -1.0% |
| 2012 | 157,351 | 156,759 | 592 | 0.4% |
| 2013 | 157,701 | 156,759 | 942 | 0.6% |

Table 2: 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 | 156,816 | Sep-09 | 154,864 | Sep-10 | 154,926 |
| Oct-08 | 156,424 | Oct-09 | 155,446 | Oct-10 | 154,761 |
| Nov-08 | 156,019 | Nov-09 | 154,989 | Nov-10 | 154,262 |
| Dec-08 | 156,117 | Dec-09 | 154,812 | Dec-10 | 154,228 |
| Jan-09 | 155,643 | Jan-10 | 154,658 | Jan-11 | 154,130 |
| Feb-09 | 155,272 | Feb-10 | 154,767 | Feb-11 | 154,467 |
| Mar-09 | 155,050 | Mar-10 | 154,582 | Mar-11 | 154,794 |
| Apr-09 | 155,181 | Apr-10 | 155,114 | Apr-11 | 155,038 |
| May-09 | 155,334 | May-10 | 155,345 | May-11 | 155,418 |
| Jun-09 | 155,130 | Jun-10 | 154,894 | Jun-11 | 155,275 |
| Jul-09 | 154,713 | Jul-10 | 154,930 | Jul-11 | 155,445 |
| Aug-09 | 154,618 | Aug-10 | 154,837 | Aug-11 | 155,149 |
| FY 09 Average | 155,526 | FY 10 Average | 154,936 | FY 11 Average | 154,824 |

¹ The state operating capacity preferred by TDCJ prison administrators is 97.5 percent of bed capacity. As of May 1, 2008, the state prison capacity was 158,217 beds and their internal operating capacity was 154,262. The state internal operating capacity will increase to 156,759 when the addition of DWI beds, the transfer of Texas Youth Commission beds, and the addition of Substance Abuse Felony Punishment Facility (SAFPF) beds is complete. The capacity additions are taking place during fiscal year 2008 and are expected to be complete in late fiscal year 2008 or early fiscal year 2009.

² As of May 1, 2008, the current contracted capacity was 1,916 beds. TDCJ began contracting for county jail beds on July 1, 2005.

ACTIVE ADULT PAROLE SUPERVISION ACTUAL AND PROJECTED POPULATIONS FISCAL YEARS 2003–2013

The active adult parole population projection is a component of the discrete-event simulation modeling approach. Individual offenders included in the parole model are released from prison by parole, mandatory supervision, 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 simulation 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 June 2008 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 2: Actual and Projected Adult Parole Supervision Populations, Fiscal Years 2003-2013

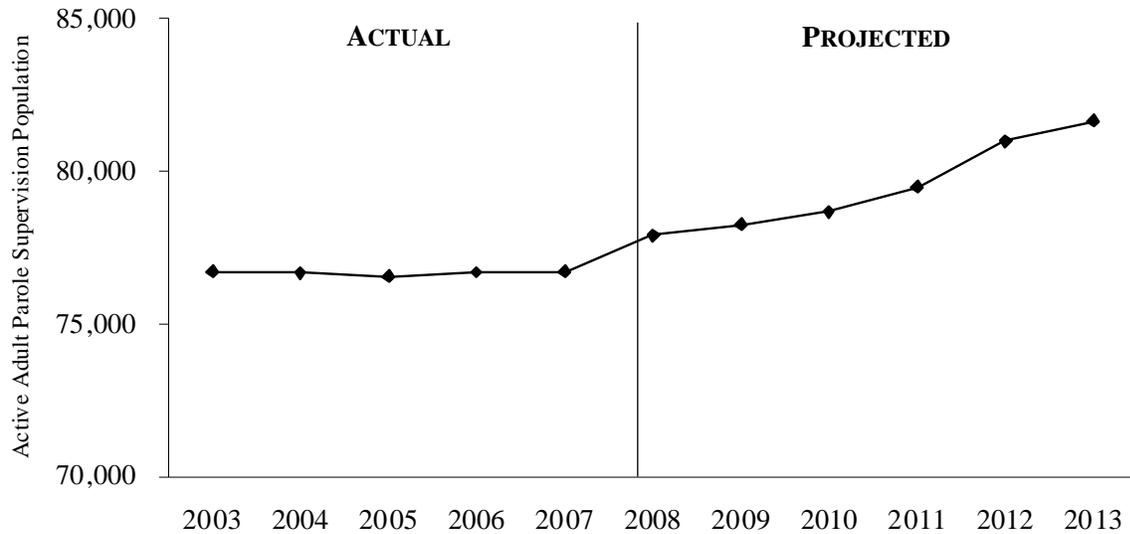


Table 3: Projected Adult Parole Supervision Populations

| FISCAL YEAR | ACTIVE PAROLE SUPERVISION POPULATION (END-OF-MONTH YEARLY AVERAGE) |
|-------------|--|
| 2008 | 77,899 |
| 2009 | 78,267 |
| 2010 | 78,666 |
| 2011 | 79,502 |
| 2012 | 80,973 |
| 2013 | 81,650 |

ADULT FELONY DIRECT COMMUNITY SUPERVISION ACTUAL AND PROJECTED POPULATIONS FISCAL YEARS 2003–2013

The adult felony direct community supervision (i.e., adult probation) population projection is also a component of the discrete-event simulation modeling approach. 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 discrete-event simulation 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 direct community supervision population declined 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 declining rate of revocation of probationers from community supervision. A factor that is anticipated to moderate the future growth of the felony community supervision population is the increased use of early termination release. As more probationers are released from community supervision on early termination release, the growth in the population from increased placements and decreased revocations will be moderated. Additional information regarding the projection drivers and model assumptions are detailed in Appendix A.

Figure 3: Actual and Projected Adult Felony Direct Community Supervision Populations, Fiscal Years 2003-2013

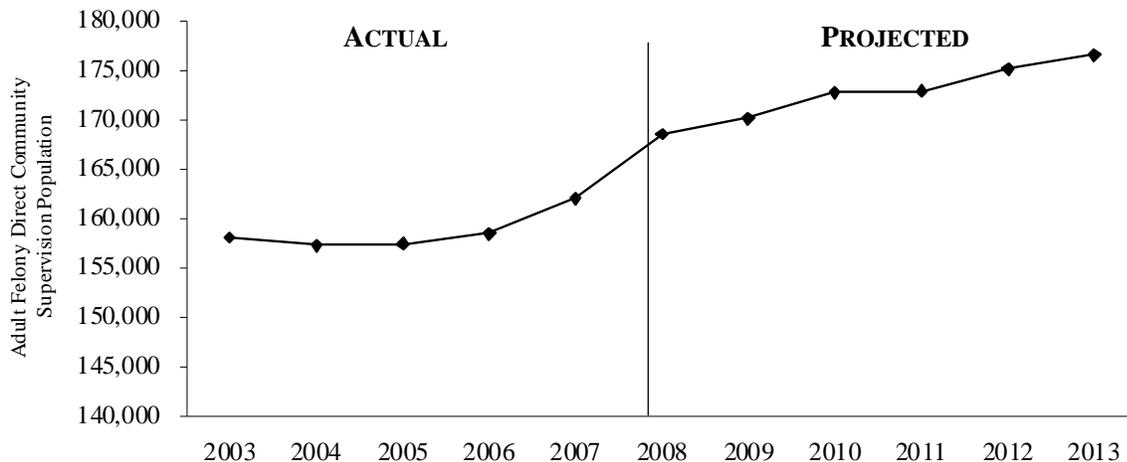


Table 4: Projected Adult Felony Direct Community Supervision Populations

| FISCAL YEAR | FELONY DIRECT COMMUNITY SUPERVISION POPULATION (END-OF-MONTH YEARLY AVERAGE) |
|----------------|--|
| 2008 | 168,532 |
| 2009 | 170,065 |
| 2010 | 172,737 |
| 2011 | 172,864 |
| 2012 | 175,070 |
| 2013 | 176,532 |

**ADULT MISDEMEANOR COMMUNITY SUPERVISION ACTUAL AND PROJECTED PLACEMENTS
FISCAL YEARS 2003–2013**

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 122 local Community Supervision and Corrections Departments (CSCDs) statewide.

The misdemeanor supervision placements are projected to grow at a modest rate. The current projection is based on the average annual percentage change in adult misdemeanor community supervision placements for fiscal year 2005 through fiscal year 2007 (1.8 percent). 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 4: Actual and Projected Adult Misdemeanor Community Supervision Placements, Fiscal Years 2003–2013

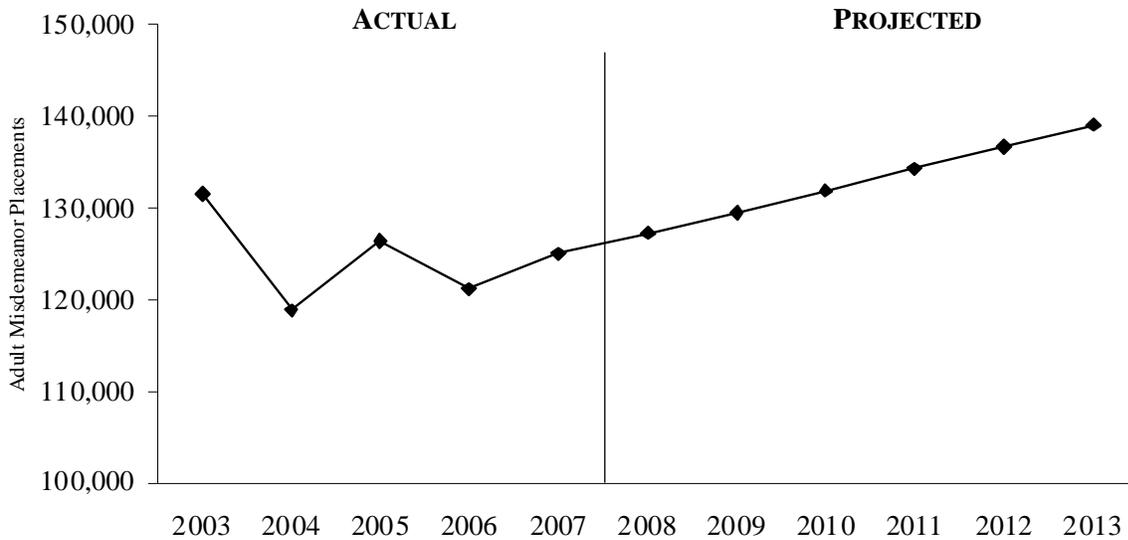


Table 5: Projected Misdemeanor Community Supervision Placements

| FISCAL YEAR | MISDEMEANOR COMMUNITY SUPERVISION YEARLY PLACEMENTS |
|-------------|---|
| 2008 | 127,279 |
| 2009 | 129,565 |
| 2010 | 131,892 |
| 2011 | 134,260 |
| 2012 | 136,672 |
| 2013 | 139,126 |

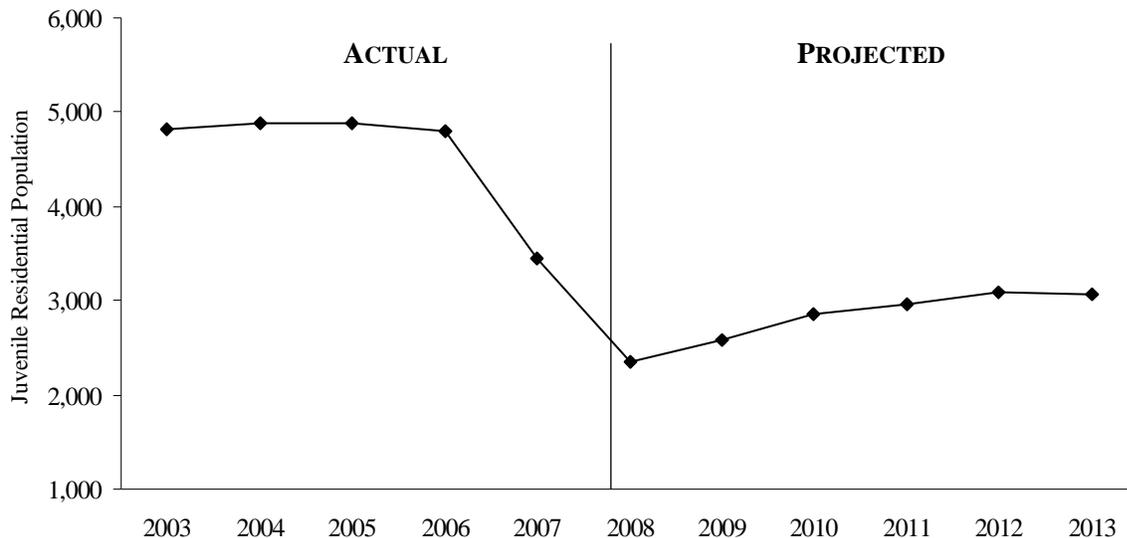
JUVENILE CORRECTIONAL POPULATION PROJECTIONS

JUVENILE RESIDENTIAL ACTUAL AND PROJECTED POPULATIONS FISCAL YEARS 2003–2013

The juvenile residential population projection for the Texas Youth Commission (TYC) is based on a discrete-event simulation 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 persons 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 of previous fiscal years. Reflecting policy changes made during the Eightieth Legislative Session, 2007, releases from the residential population increased from 3,554 in fiscal year 2006 to 4,375 in fiscal year 2007. Conversely, intakes decreased from 3,462 in fiscal year 2006 to 2,994 in fiscal year 2007. For this projection, it is assumed that 2,090 intakes per year will be sent to TYC for fiscal years 2008 through 2013. The 2,090 intakes are based on an extrapolation of the first seven months of intakes for fiscal year 2008. The model assumes individual juveniles who were age 19 and over and still in TYC custody as of March 31, 2008 will be released in the next two months. It is further assumed individual juveniles will be removed from TYC custody by the time they are 19 years of age. Time served requirements for juveniles by offense have changed dramatically following TYC's reorganization, and any subsequent change in those practices may impact projected populations. Additional information regarding projections and model assumptions are detailed in Appendix B.

Figure 5: Actual and Projected TYC Residential Populations, Fiscal Years 2003–2013



- Projected TYC residential populations at the end of each biennium are as follows: 2,589 for 2008–09; 2,960 for 2010–11; and 3,073 for 2012–13.
- Texas juvenile arrest rate decreased between calendar years 2005 and 2006 (1.3 percent) following a decrease between calendar years 2004 and 2005 (8.3 percent).

**JUVENILE RESIDENTIAL PROJECTED POPULATION
FISCAL YEARS 2008–2013**

Table 6: TYC Population and State-Operated Facility Capacity, Fiscal Years 2008–2013

| FISCAL YEAR | TYC POPULATION (END-OF-YEAR) | TYC STATE-OPERATED FACILITY CAPACITY ³ | PROJECTED POPULATION EXCEEDING STATE-OPERATED CAPACITY | |
|-------------|------------------------------|---|--|---------|
| | | | NUMBER | PERCENT |
| 2008 | 2,348 | 2,510 | (162) | -6.5% |
| 2009 | 2,589 | 2,510 | 79 | 3.1% |
| 2010 | 2,849 | 2,510 | 339 | 13.5% |
| 2011 | 2,960 | 2,510 | 450 | 17.9% |
| 2012 | 3,096 | 2,510 | 586 | 23.3% |
| 2013 | 3,073 | 2,510 | 563 | 22.4% |

Table 7: 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 | 2,301 | Sep-09 | 2,613 | Sep-10 | 2,823 |
| Oct-08 | 2,259 | Oct-09 | 2,665 | Oct-10 | 2,854 |
| Nov-08 | 2,245 | Nov-09 | 2,721 | Nov-10 | 2,853 |
| Dec-08 | 2,221 | Dec-09 | 2,774 | Dec-10 | 2,880 |
| Jan-09 | 2,239 | Jan-10 | 2,773 | Jan-11 | 2,876 |
| Feb-09 | 2,272 | Feb-10 | 2,793 | Feb-11 | 2,854 |
| Mar-09 | 2,300 | Mar-10 | 2,800 | Mar-11 | 2,848 |
| Apr-09 | 2,335 | Apr-10 | 2,798 | Apr-11 | 2,846 |
| May-09 | 2,434 | May-10 | 2,800 | May-11 | 2,873 |
| Jun-09 | 2,503 | Jun-10 | 2,810 | Jun-11 | 2,903 |
| Jul-09 | 2,540 | Jul-10 | 2,844 | Jul-11 | 2,944 |
| Aug-09 | 2,589 | Aug-10 | 2,849 | Aug-11 | 2,960 |
| FY 09 Average | 2,353 | FY 10 Average | 2,770 | FY 11 Average | 2,876 |

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 May 1, 2008, TYC was continuing to operate 3,145 state beds.

JUVENILE PROBATION SUPERVISION ACTUAL AND PROJECTED POPULATIONS CALENDAR YEAR 2003 AND FISCAL YEARS 2004–2013

The juvenile probation supervision projection is based on aggregate-level data compiled monthly by the Texas Juvenile Probation Commission (TJPC). 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. Anticipated annual growth in adjudicated probation (0.03 percent), deferred prosecution (1.13 percent), and supervision prior to disposition (2.83 percent) are based on annual average percent change for fiscal year 2004 through fiscal year 2007. Any significant change in projection drivers (e.g., sentencing practices) may impact actual populations. Additional information regarding the projection drivers and model assumptions are detailed in Appendix B.

Figure 6: Actual and Projected Juvenile Probation Supervision Populations by Supervision Type, Calendar Year 2003 and Fiscal Years 2004–2013

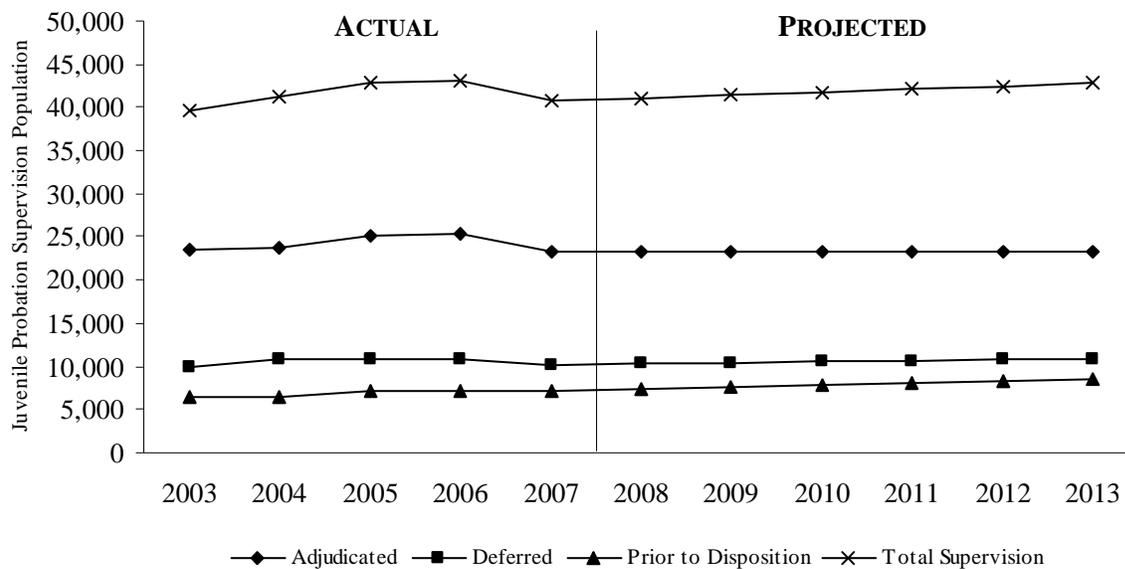


Table 8: Projected Juvenile Probation Supervision Populations by Supervision Type, Fiscal Years 2008–2013

| FISCAL YEAR | ADJUDICATED PROBATION | DEFERRED PROSECUTION | SUPERVISION PRIOR TO DISPOSITION | TOTAL SUPERVISION (END-OF-MONTH YEARLY AVERAGE) |
|-------------|-----------------------|----------------------|----------------------------------|---|
| 2008 | 23,327 | 10,338 | 7,446 | 41,111 |
| 2009 | 23,335 | 10,455 | 7,656 | 41,446 |
| 2010 | 23,342 | 10,573 | 7,873 | 41,788 |
| 2011 | 23,350 | 10,693 | 8,096 | 42,139 |
| 2012 | 23,357 | 10,814 | 8,325 | 42,496 |
| 2013 | 23,365 | 10,936 | 8,560 | 42,861 |

**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 discrete-event simulation modeling approach resulting from the movement of individual offenders into, through, and out of TDCJ. Discrete-event simulation focuses on the modeling of a system as it evolves over time as a dynamic process. The model simulates the flow of entities through a system and imitates offender movement based on offense type, sentence length, and time credited to current sentence.

ADMISSIONS: Admissions are based on the historical growth in direct sentences and the 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 populations, felony court activity, and trends in direct sentence admissions to TDCJ. Overall, direct sentences are projected to increase on average by 6.0 percent each year from fiscal year 2008 through 2013. The 6.0 percent average growth rate in direct court commitments to prison is higher than in the January 2008 projection but lower than previous projections reflecting recent trends in court conviction rates and recent increases in felony probation placements.

One reason for the lower projected growth rate in direct court commitments is the increase in felony probation placements. Statewide felony convictions continue to increase, which reflects the growth in Texas' at-risk populations and the increase in the number of district courts and in disposition activity. However, the percentage of felony dispositions resulting in probation placement is increasing and the percentage of dispositions resulting in direct court admissions to incarceration is declining. For example, in fiscal year 2007 there were 59,747 felony probation placements, compared to 56,576 in fiscal year 2006 and 56,415 in fiscal year 2005.

COMMUNITY SUPERVISION AND PAROLE REVOCATIONS — Projected yearly rates of felony community supervision revocations (7.5 percent) and parole revocations (9.7 percent) are applied to the population projection model to determine the number of revocation admissions. The felony community supervision revocation rate for the first six months of fiscal year 2008 is applied to the projected community supervision population, and the parole revocation rate for the first seven months of fiscal year 2008 is applied to the parole population. These revocation rates are lower than in previous fiscal 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.

APPENDIX A: ADULT CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

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

PAROLE APPROVAL RATE — The parole approval rate has averaged 28.7 percent over the last five fiscal years and first seven months of fiscal year 2008. During fiscal year 2007, the average parole approval rate increased slightly to 29.9 percent. The model is based on an average of 28.7 percent for fiscal years 2008 through 2013.

PAROLE CASE CONSIDERATIONS — During fiscal year 2007, an average of 6,199 parole cases were considered monthly. For the first three months of fiscal year 2008, the monthly average number of cases considered was 6,099. The model indicates a slight increase in parole considerations for fiscal years 2008 through 2013 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 52.2 percent over the last three fiscal years after averaging 60.6 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 it is a result of: 1) a change in policy which allowed some offenders eligible for DMS to be released without a vote and 2) an increasing proportion of offenders who receive parole approval and are released prior to being considered for DMS approval. As a higher percentage of offenders are approved for parole release, the likelihood of approval of DMS would decrease. The model is based on an average of 52.2 percent for fiscal years 2008 through 2013.

TREATMENT AND DIVERSION PROGRAMS: The Eightieth Texas Legislature, 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 funding for mental health services for offenders, additional probation and parole intermediate sanction facility (ISF) beds, probation residential treatment beds, and parole halfway house beds. The June 2008 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. Diversion calculations assume appropriate turnover rates for each facility type. For example, substance abuse treatment beds (i.e., SAFPF beds) are assumed to turn over twice per year meaning 1,500 beds can serve 3,000 offenders during the year.

The following assumptions are based on the most recent implementation timeframes from TDCJ. The assumptions concerning the implementation timeframe of treatment and diversion programs are in many cases later than the assumptions used in the May 2007 Conference Committee

APPENDIX A: ADULT CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

diversion treatment program scenario and 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 treatment and diversion programs will become more certain and will be reflected in subsequent projections of the adult incarceration population (i.e., January 2009).

- Probation Residential Substance Abuse and Mentally Ill Treatment Beds as Alternative to Probation Revocation (800 Additional Beds)
 - Diversion factor assumption of 50 percent.
 - Assumption that 207 probation residential beds are operational in February 2008; increasing to 370 beds by June 2008, and the remaining beds are expected to become operational in fiscal year 2009.
- Probation and Parole Intermediate Sanction Facility Placement As Alternative for Technical Revocations (1,400 Additional Beds)
 - Diversion factor assumption of 50 percent.
 - Assumption that 248 parole ISF beds are operational starting in March 2008 and the remaining 1,152 ISF probation and parole beds added on September 1, 2008.
- Additional funding for probation outpatient substance abuse counseling
 - Increased funding of \$10 million over the biennium serving approximately 3,000 offenders yearly.
 - The projection does not include any adjustment regarding the potential impact of this increase in funding on prison diversions.
- Substance Abuse Felony Punishment Facilities (SAFPF) as Alternative to Revocation (1,500 Additional Beds)
 - Diversion factor assumption of 50 percent.
 - This includes funding for the aftercare component upon release – through residential transitional treatment centers (TTC) and outpatient counseling.
 - TDCJ currently has 3,250 SAFPF beds located at seven facilities. As of December 2007, there were 356 offenders on the SAFPF waiting list. The waiting list for December 2006 was 823 offenders.
 - Assumption that 120 beds are operational on March 15, 2008, with the number of beds increasing to 1,052 starting in May 2008. Assumption that all 1,500 SAFPF treatment beds are operational September 1, 2008.
- In-Prison Therapeutic Community Program (conversion of 1,000 treatment beds)
 - Based on TDCJ appropriation request (beds from existing capacity).
 - 1,000 treatment slots are operational in October 2007.
 - Assumption that the 1,000 treatment slots will be gradually filled by parole votes requiring IPTC treatment resulting in increased future releases.

APPENDIX A: ADULT CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

- Contracting for 500 bed facility which provides DWI treatment (500 Additional Beds)
 - Assumption that offenders completing the new program will have a higher approval rate than offenders who did not complete the program.
 - This includes funding for the aftercare component upon release – through transitional treatment centers (TTC) and outpatient counseling.
 - This expands TDCJ’s capacity by 500 beds.
 - Assumption that the 500 bed facility with DWI treatment is operational on March 1, 2008 with a gradual phase-in over the next several months as appropriate placements are identified.

- 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.
 - Assumption that one of the two TYC facilities is operational by February 2008 and the second is operational in April 2008.

- Parole halfway houses (300 beds)
 - Assumption that 200 halfway house beds are operational on September 1, 2007, with 100 halfway house beds added on November 1, 2008.

The availability of expanded treatment and diversion capacity in fiscal years 2008 and 2009 will impact the current projection and future projections of the adult incarceration population by reducing prison admissions and by increasing prison releases. As treatment and diversion beds become available, the projection is lowered by increased releases from the incarceration population and decreased admissions. Using findings from prior research in this area, the diversion rate assumption for these programs was estimated at 50 percent, meaning 50 percent of those placed in diversion beds would have been revoked or sentenced to prison if the facilities were not available.

INTERNAL OPERATING CAPACITY: Appropriations funded by the Eightieth Texas Legislature, 2007, increase the number of prison beds by 3,212. As of May 1, 2008, the state prison capacity was 158,217 and their internal operating capacity (97.5 percent of the state prison capacity) was 154,262. The state internal operating capacity will increase to 156,759 when the addition of DWI beds, the transfer of Texas Youth Commission beds, and the addition of Substance Abuse Felony Punishment Facility (SAFPF) beds is complete.

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)
- Contracting for 500 bed facility which provides DWI treatment (500 additional beds)
- Conversion of two Texas Youth Commission (TYC) facilities to TDCJ facilities (606 beds each)

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

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

UNEMPLOYMENT RATE: The unemployment rate is projected to increase slightly from 4.7 percent in fiscal year 2008 to 4.9 percent in fiscal year 2013 (Comptroller of Public Accounts, Fall 2007 Economic Forecast).

ACTIVE ADULT PAROLE POPULATION PROJECTION

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

The June 2008 projection of the adult parole supervision population is higher than previous parole supervision projections for two reasons. First, parole approval rates for inmates released from prison has increased, resulting in a larger number of persons added to parole supervision starting in fiscal year 2007. The projection assumes a continued parole approval rate of 28.7 percent and an increase in parole considerations which will result in an increased parole supervision population. Second, the projection also takes into account the observed decrease in parole revocation admissions to prison. The number of parole revocations in fiscal year 2007 was 9,381 after averaging 10,858 revocations in fiscal years 2000 through 2006. Additional decreases in parole supervision revocations are included in the model as a result of the expansion of treatment and diversion programs for fiscal years 2008 and 2009 funded by the Eightieth Texas Legislature, 2007.

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.

APPENDIX A: ADULT CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

Analysis of the monthly data was used to validate the growth rates used in the projection of the active adult parole supervision population.

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

ADULT FELONY DIRECT COMMUNITY SUPERVISION POPULATION PROJECTION

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

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

INCREASING FELONY DIRECT COMMUNITY SUPERVISION PLACEMENTS – From fiscal year 2006 to 2007 the number of adult felony direct community supervision placements grew by 6 percent. Additionally, placements for the first six months of fiscal year 2008 are 3 percent higher than the first six months of fiscal year 2007. The growth in placements in fiscal years 2006 and 2007 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 1 percent each year. Projected yearly growth rates in adult felony direct community supervision placements vary according to fluctuations of Texas’ at-risk populations, felony court activity, and trends in court sentencing. For this projection, placements are projected to increase on average by 3 percent each year during fiscal years 2008 through 2013.

APPENDIX A: ADULT CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

LOWER REVOCATION RATES FROM COMMUNITY SUPERVISION – Lower revocation rates for probation result in fewer probationers being subtracted from the adult felony direct community supervision population. As an example, in fiscal year 2004, 13,800 probationers were revoked to prison while only 12,811 probationers were revoked to prison in fiscal year 2007. Since fiscal year 2004 the rate at which probationers are revoked to prison has decreased. For this projection it is assumed probationers will be revoked to prison at the rate observed for fiscal year 2007.

INCREASING EARLY TERMINATIONS – The simulation 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 have increased from an average of 329 per month to an average of 452 per month; 2) House Bill 1678, as passed in the Eightieth Legislative Session, 2007, requires judges to review a probationer's record for consideration of 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.

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 simulation model.

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

ADULT MISDEMEANOR COMMUNITY SUPERVISION PLACEMENT PROJECTION

The basis for the adult misdemeanor community supervision placement projection is the average annual percent increase of adult misdemeanor placements supervised by the 122 local Community Supervision and Corrections Departments (CSCDs) during fiscal years 2005 through 2007 (1.8 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**

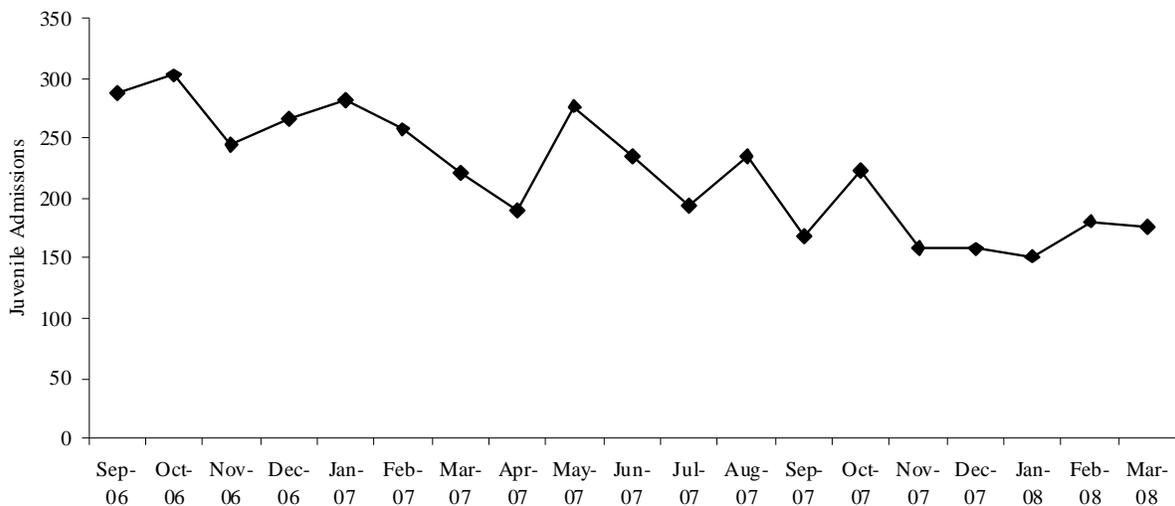
APPENDIX B: JUVENILE CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

JUVENILE RESIDENTIAL POPULATION PROJECTION

The juvenile residential population projection for the Texas Youth Commission (TYC) is based on a discrete-event simulation 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 excludes the placement of persons adjudicated for misdemeanor offenses and individuals who are 19 years of age or older.

INTAKES: In previous projections, intakes were based on the historical growth and decline of the various offense and intake types from previous fiscal years. Reflecting the most recent trend in TYC intakes, the number of intakes assumed for fiscal years 2008 through 2013 is expected to be much lower than previous fiscal years (see Figure 7). For the first seven months of fiscal year 2008, there have been 1,219 intakes. Assuming intakes continue at the same rate for the remainder of fiscal year 2008, 2,090 total intakes can be expected. For this projection, it is assumed that 2,090 intakes per year will be sent to TYC for fiscal years 2008 through 2013.

Figure 7: Texas Youth Commission Admissions, Fiscal Years 2007–2008



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.

APPENDIX B: JUVENILE CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

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).

LENGTH OF STAY: The average length of stay in TYC for juveniles released in fiscal year 2006 was 17.9 months, 17.3 months in fiscal year 2007, and 14.9 months in fiscal year 2008. The juvenile residential population projection assumes a length-of-stay lower than the 14.9-month length-of-stay observed in fiscal year 2008, reflecting the new policy of releasing or transferring individuals by the time they reach 19 years of age.

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. 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 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 between calendar years 2005 and 2006 (1.3 percent) following a decrease between calendar years 2004 and 2005 (8.3 percent).

JUVENILE POPULATION — Between fiscal years 2000 through 2007, the annual growth rate of the general juvenile population was 1.08 percent. The annual growth rate is projected to be 0.78 percent between fiscal years 2008 and 2013.

JUVENILE PROBATION POPULATION PROJECTION

The juvenile probation population projection is based on data reported to the LBB on a monthly basis by the Texas Juvenile Probation Commission and data compiled by the Juvenile Probation Commission in their annual probation activity report. 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 supervision prior to disposition. Adjudicated probation is a form of community-based supervision for a specified period. Deferred prosecution is a voluntary alternative to adjudication

APPENDIX B: JUVENILE CORRECTIONAL POPULATION PROJECTION METHODOLOGY AND ASSUMPTIONS

with court-imposed conditions and supervision requirements. Supervision prior to disposition includes juveniles under temporary supervision pending a disposition or court action, and juveniles conditionally released from detention. A separate projection is done for each supervision group.

Projected growth in adjudicated probation (0.03 percent per year), deferred prosecution (1.13 percent growth per year), and supervision prior to disposition (2.83 percent growth per year) is based on annual average percent change from fiscal year 2004 to fiscal year 2007.