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Interim Projections: Fiscal Years 1992 - 1998

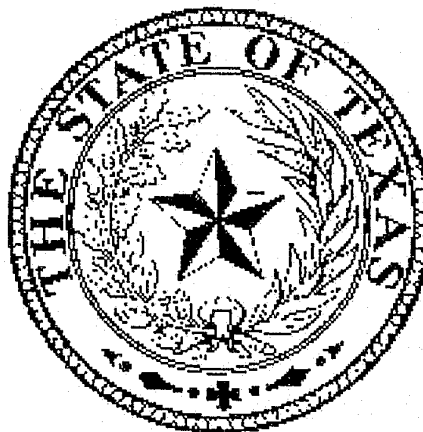Sentencing Dynamics Study

Report 2

March 5, 1992

Criminal Justice Policy Council
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Note From the Director

This is the second report of a series specifically designed to help the Texas Punishment Standards Commission in their policy development. The Commission requested that the Criminal Justice Policy Council simulate the effect of new capacity in reducing the backlog of state inmates in county jails under different parole release policies. The simulations were conducted using the JUSTICE model developed by the Criminal Justice Policy Council, and the fiscal impact of the simulations were estimated using figures calculated by the Legislative Budget Office, Criminal Justice Policy Unit. These are interim projections which will be revised before the next legislative session when new data will be available.

Parole releases from prison determine the number of prison admissions possible unless new capacity is available to increase admissions. When the state prison system instituted a controlled admissions policy in 1987, a target of 150 releases and admissions was established, based on the admission pressure at that time. Prison releases currently fluctuate at a lower rate than the targeted 150 per day which decreases admissions. Therefore, convicted felons who are sentenced to prison and are not admitted because of a lack of prison space remain in a "backlog" of inmates who reside in county jails awaiting transfer to prison. This report presents three simulations projecting the backlog of state inmates in county jails. Simulation One assumes the targeted admission/release policy of 150 a day, Simulation Two assumes 130 daily admissions/releases, and Simulation Three assumes 200 daily admissions/releases.

Tony Fabelo, Ph.D.
Executive Director

Pressure for Correctional Resources Increasing

- **A steady increase in the number of felony convictions in Texas since 1988 has resulted in an increase in the number of offenders sentenced to prison**

    √ Between 1985 and 1991 the number of felony cases convicted in Texas increased by 57.9%, from 56,491 in 1985 to 89,244 in 1990

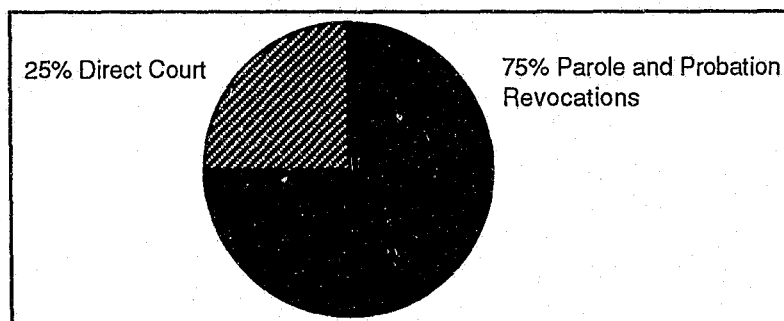   √ Approximately 45% of cases convicted are sentenced to prison

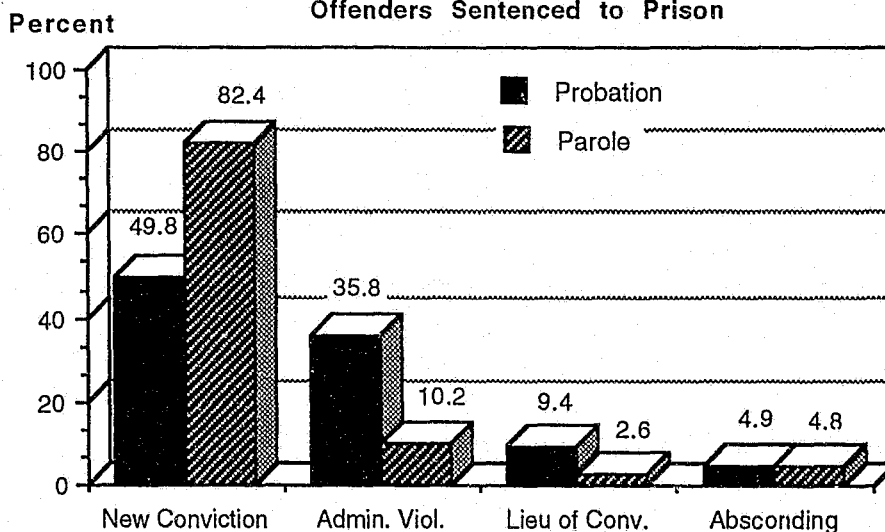Chart 1: Felony Cases Convicted in Texas, 1985-1991
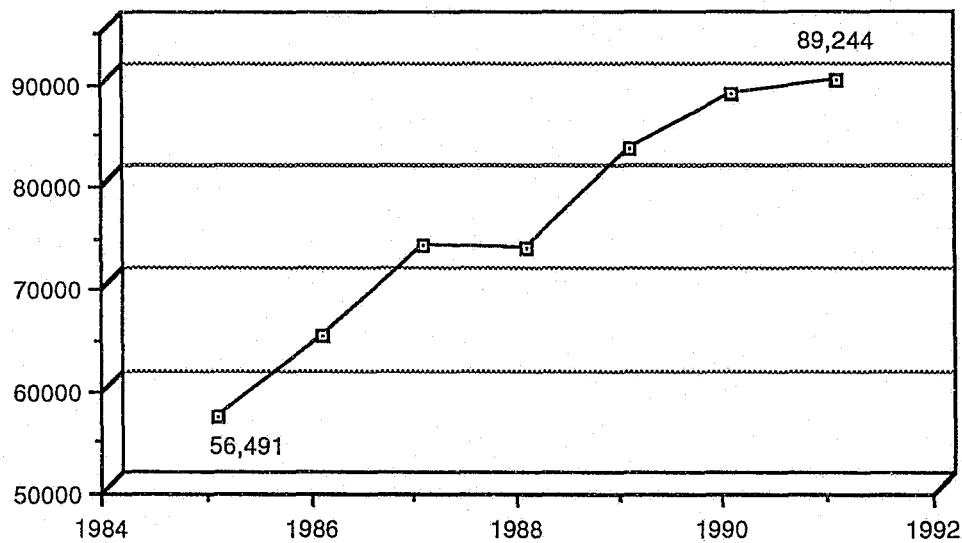
Demand for Prison Space Largely Resulting from the Sentencing of Repeat Offenders

- **Approximately 75% of the offenders sentenced to prison are offenders who have had their parole or probation revoked for a new offense or a technical violation**
  - √ At the end of August 1991, there were 190,425 felony offenders on probation and parole supervision in Texas
  - √ Probationers and parolees are more likely to be convicted and sentenced to prison if arrested for a new offense
  - √ Probationers and parolees can also be revoked to prison for a technical violation of their supervision rules

Chart 2: Type of Admission for Offenders Sentenced to Prison

25% Direct Court

75% Parole and Probation Revocations

Chart 3: Revocation Reason for Offenders Sentenced to Prison

Percent

■ Probation

▨ Parole

	New Conviction	Admin. Viol.	Lieu of Conv.	Absconding
Probation	49.8	35.8	9.4	4.9
Parole	82.4	10.2	2.6	4.8

Demand for Prison Space Outpacing Capacity

- **Prison capacity has not been sufficient to accommodate the demand for prison space resulting from present sentencing practices**
    - √ In 1987, a prison scheduled admissions policy was adopted to limit the number of sentenced felons who were to be accepted for prison admission from each county
    - √ In 1989, a factor-based allocation formula replaced the historically-based scheduled admissions policy
    - √ Releases from prison have been targeted at 150 per day to allow the admission of an equivalent number of convicted felons per day
- **The prison admission pressure has exceeded and is projected to exceed the targeted policy of 150 admissions per day**

Chart 4: Prison Admissions vs. Admission Pressure
Actual 85-91- Projected 92-98
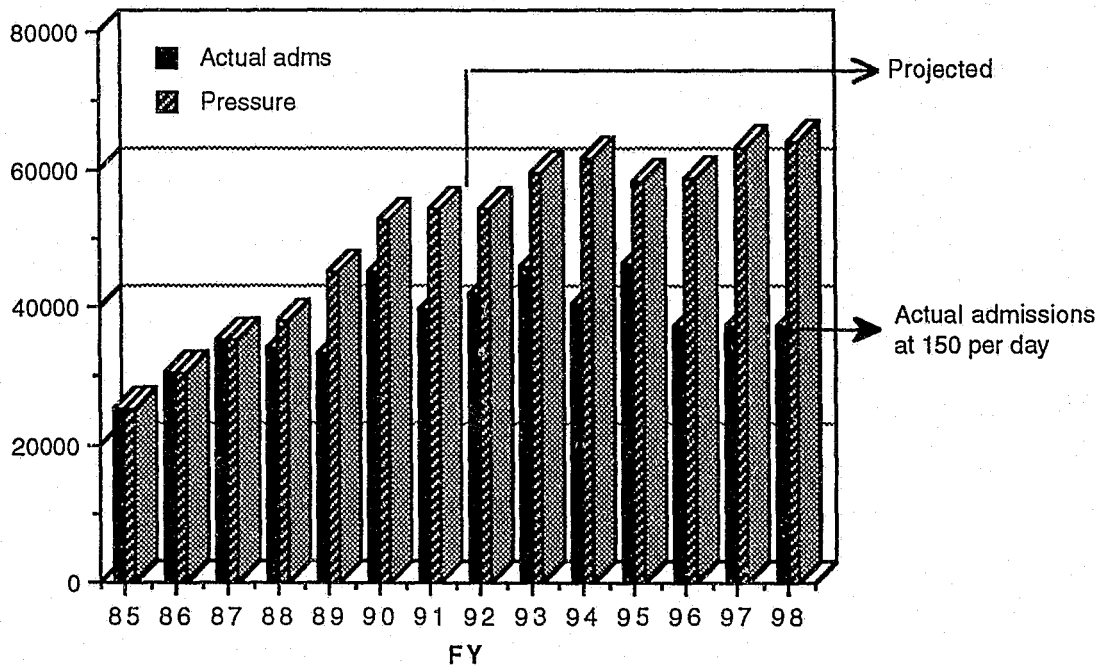
Shortfall in Prison Admissions Resulting in a Jail Backlog

- **Convicted felons sentenced to prison who are not admitted because of lack of space remain in a "backlog" of inmates residing in county jails and awaiting transfer to prison**

  √ The number of parole releases from prison determines the number of prison admissions possible unless new capacity is available to increase the number of admissions

  √ Prison releases have recently fluctuated at a lower rate than the targeted 150 releases per day decreasing admissions below 150 per day

  √ Eligible state inmates can be released on parole directly from jails (Parole-in-Absentia, PIA) relieving some of the backlog pressure

  - In 1991, there were 8,121 inmates released on PIA from county jails

Chart 5: Offenders Awaiting Transfer to Prison in County Jails - Jail Backlog
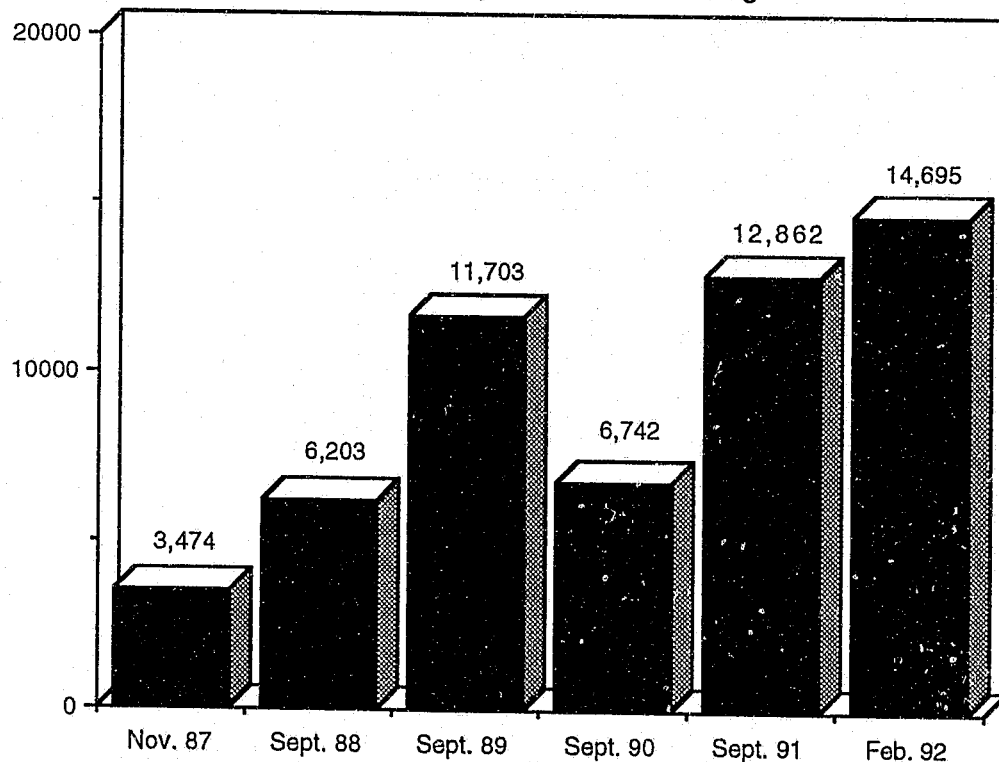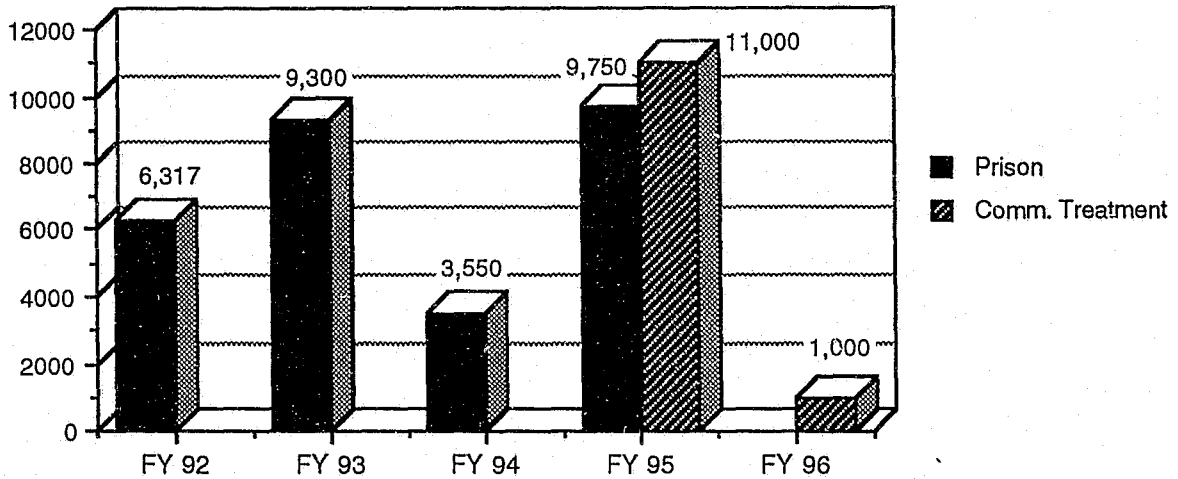
Correctional Bed Capacity Projected to Increase

- **Funds for the construction of approximately 25,000 correctional beds were authorized by Texas voters during the bond election of November 1991**
  - √ Of the 25,000 correctional beds authorized, 12,000 are beds in Community Corrections Drug Treatment Facilities
  - √ The schedule for correctional bed expansion and the projected total correctional bed capacity is shown below
    - The schedule includes beds that were funded prior to the November 1991 bond election

Chart 6: Correctional Bed Expansion Schedule, FY 92 - 96

Chart 7: Correctional Bed Capacity, FY 91 - 98
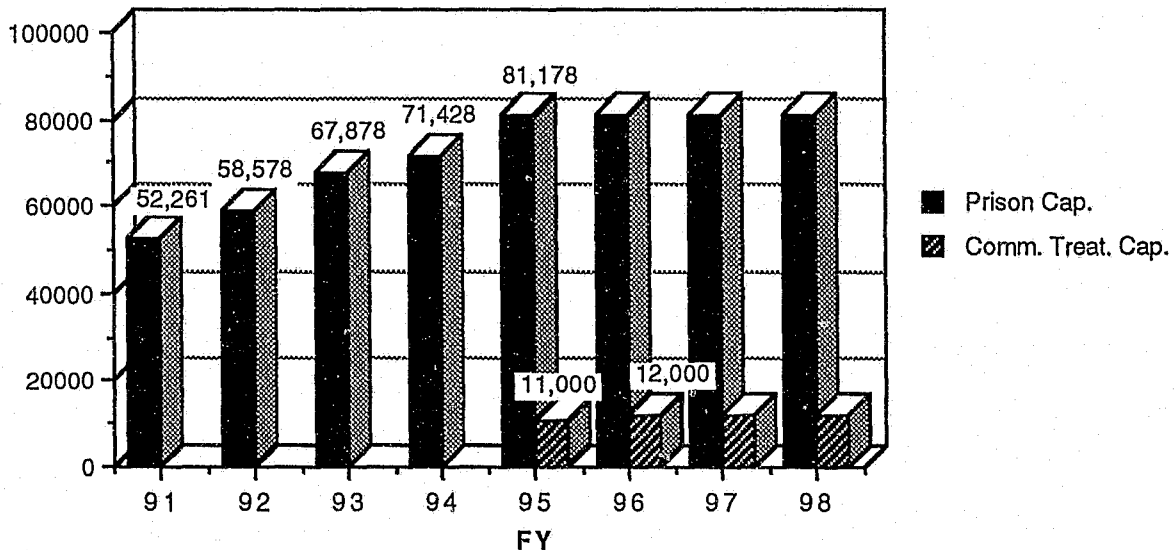
Impact of New Capacity: Simulations Under Different Parole Release Policies

- **Assuming different parole release policies, projections are presented below simulating the impact of new capacity in reducing the jail backlog**
- **The simulations were done using the JUSTICE model developed by the Criminal Justice Policy Council**
- **These are interim projections to be revised before the next legislative session when new data will be available to update the model**
- **The fiscal impact of the different simulations is estimated using figures developed by the Legislative Budget Office**
  - √ These figures assume the following:
    - The state will compensate counties for holding state prisoners in the backlog up to 1995
    - After 1995 the state will construct new prisons to deal with the backlog
  - √ These figures are for comparative purposes only
    - During the appropriations process the Legislative Budget Office will calculate more comprehensive and precise figures following detailed guidelines based on actual policies and programs proposed for specific fiscal years

Assumptions Common to All Simulations

- **Prison capacity and the capacity of the Community Corrections Drug Treatment Facilities will become operational according to the schedule in Chart 6**
  - √ This schedule is based on projections made in January 1992 by the Texas Department of Criminal Justice - Institutional Division
- **Added prison capacity will be used for reducing the backlog as soon as it becomes operational**
  - √ This assumes that the maximum daily processing capacity of the Institutional Division Diagnostic Unit will increase from the present 225 inmates per day to 400 inmates per day by May 1992
- **Residential facilities funded by the Texas Department of Criminal Justice - Community Justice Assistance Division, which become operational in FY 1992, will result in approximately 759 new diversions from prison**
- **Releases from county jails on Parole-in-Absentia will continue at the same rate**
- **The Prison Management Act will not be invoked during the period of the projection to increase parole releases**
- **The community corrections drug treatment beds will operate as follows:**
  - √ The facilities will operate at full capacity
  - √ Offenders will serve an average of nine months in these facilities
  - √ Approximately 50% of offenders placed in these facilities will be diversions from prison (would have gone to prison otherwise)
  - √ Approximately 95% of the offenders placed in the facilities will complete the drug treatment program successfully
  - √ All those completing the program successfully will be ordered by the court to complete their sentences on probation
  - √ All those not completing the program successfully will be ordered by the court to complete their sentences in prison

Simulation 1 and 2: Impact of Release Policies

* **Simulation 1 assumes a prison release/admission rate of 150 a day**
* **Simulation 2 assumes a prison release/admission rate of 130 a day**
* **Release policy is assumed to have taken effect on January 1992**
  √ Chart 8 below shows the projected backlog under both simulations

Chart 8: Projected Jail Backlog of State Prisoners Under Different Release Policies
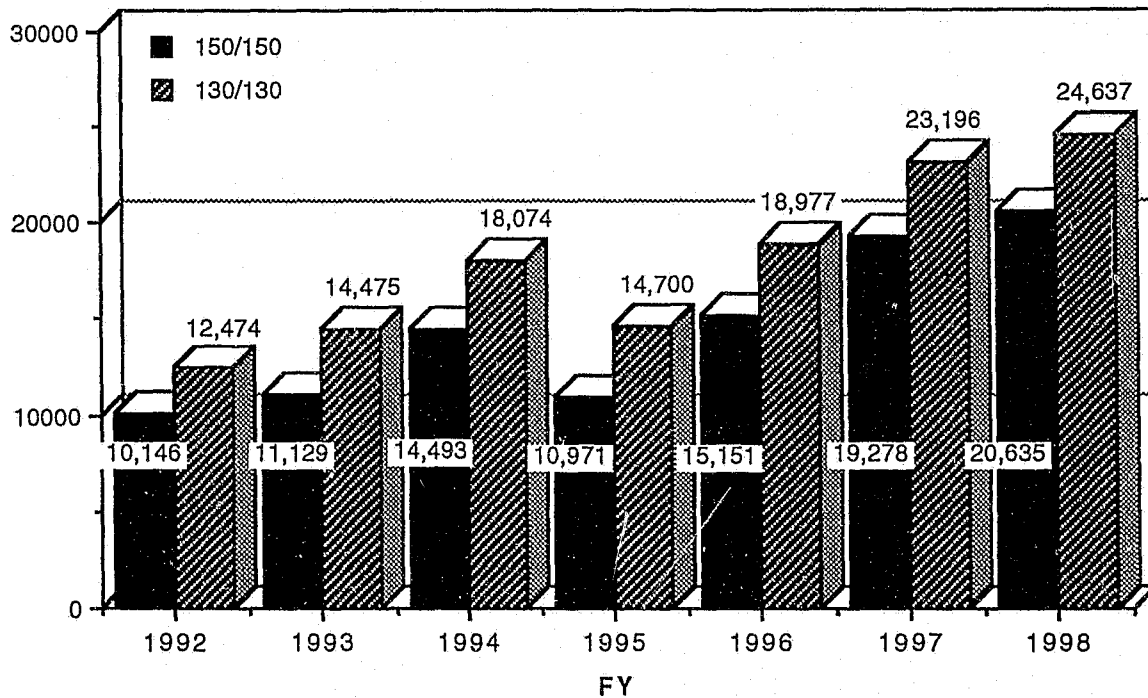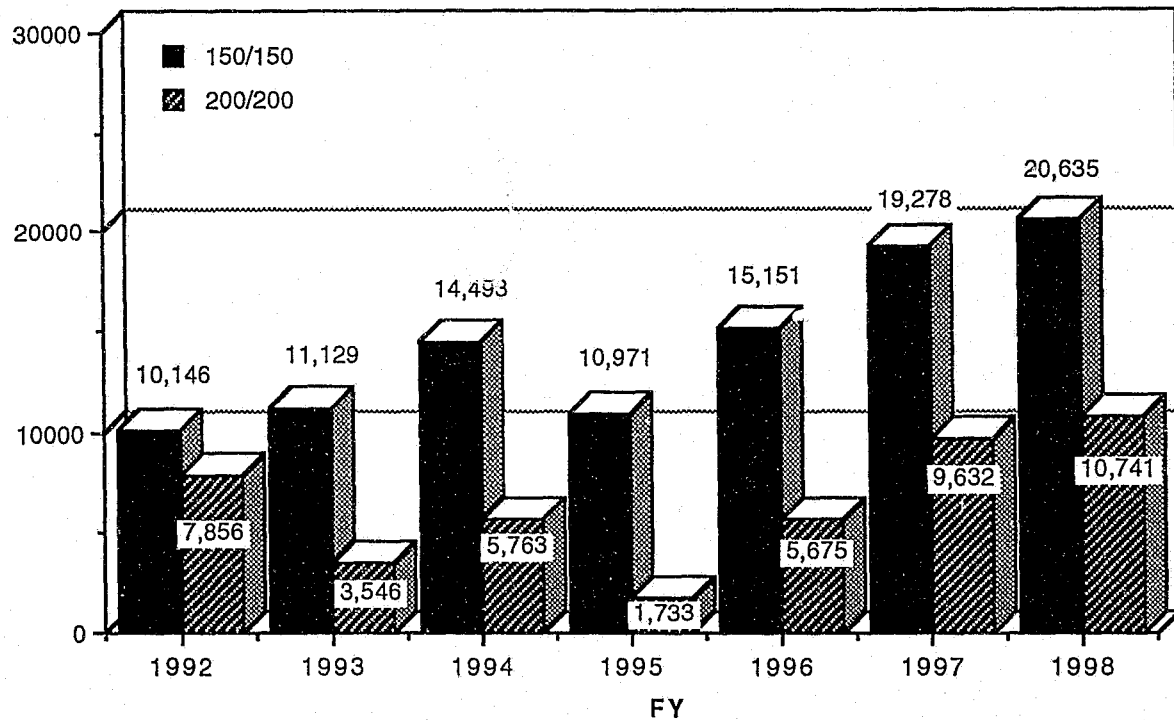

* Average time served for offenders in prison will increase under both simulations
* A larger prison population means that more offenders in the prison population will be eligible for parole
* A 150 or 130 releases per day policy will result in a decrease in the parole rate compared to the present parole rate for the same number of releases per day
* A decrease in parole rate will increase time served in prison.

  √ Present average time served in prison: 20 months
  √ Average under the 150/150 simulation by 1998: 32 months
  √ Average under 130/130 simulation by 1998: 34 months

Simulation 3: Impact of Increasing Releases

- **Simulation 3 assumes a prison release/admission rate of 200 a day**
- **Release policy is assumed to have taken effect on January 1992**
  - √ Chart 9 below shows the projected backlog under this simulation and the 150 release/admission rate simulation

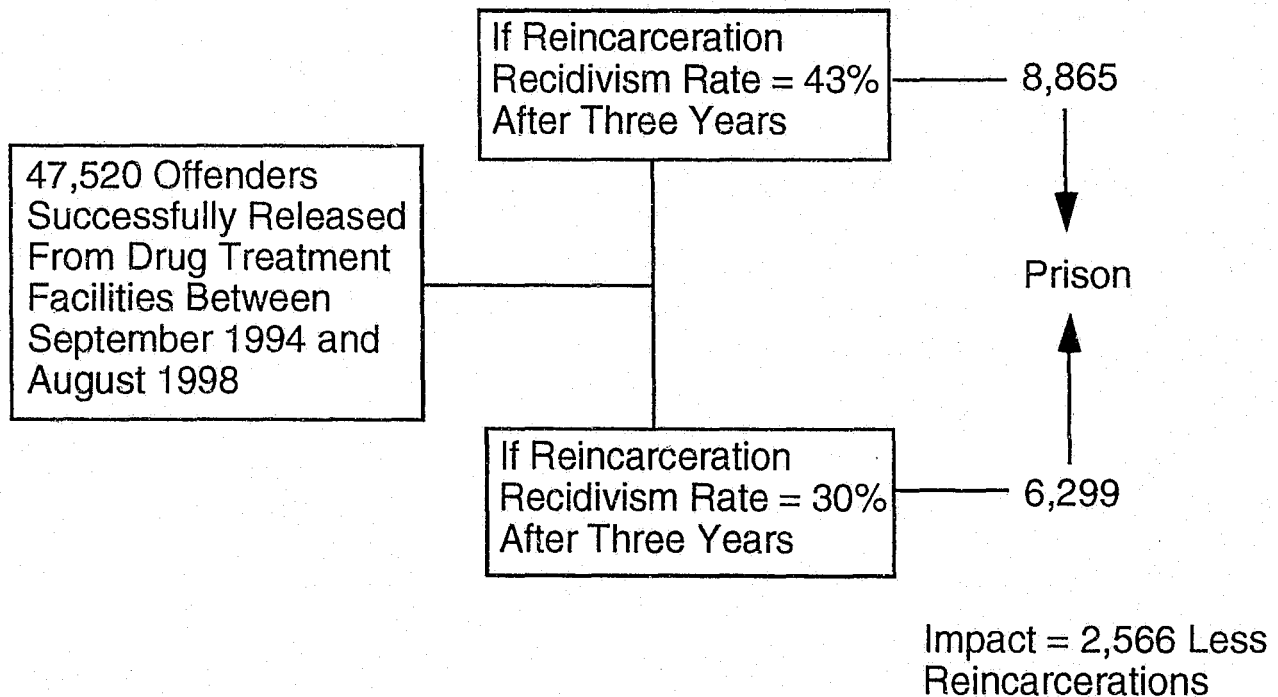**Chart 9: Projected Jail Backlog of State Prisoners Under Different Release Policies**

- Under the 200 prison release/admission simulation average time served for offenders in prison will be maintained at approximately the present average of 20 months

Community Corrections Drug Treatment Facilities: Potential Impact in Reducing Recidivism

- **The reincarceration recidivism rate after three years for offenders released on parole is 43%, and for offenders placed into Intensive Supervision Probation (ISP) is 42.8%**
  - √ In other words, of 100 offenders placed on parole or ISP, almost half of them will be back in prison after three years
- **Chart 10 below depicts the impact of reducing by 30% the recidivism rate for offenders successfully released from Community Corrections Drug Treatment Facilities**
  - √ The reincarceration recidivism rate is assumed to be reduced from 43% to 30% after three years
  - √ The impact shown is only for the period of the projection (to 1998)
 - √ The full impact in the reduction of recidivism will occur by the year 2000

Chart 10

| If Reincarceration Recidivism Rate = 43% After Three Years |

47,520 Offenders Successfully Released From Drug Treatment Facilities Between September 1994 and August 1998

8,865

Prison

| If Reincarceration Recidivism Rate = 30% After Three Years |

6,299

Impact = 2,566 Less Reincarcerations

→ Construction cost saved: $77.1 million
Operational cost saved for this number of offenders: $28.7 million

Summary of Impact: Projected Backlog
Under Different Release Policies

**Chart 11:   Projected Jail Backlog of State Prisoners
Summary - Impact of Different Release Policies**
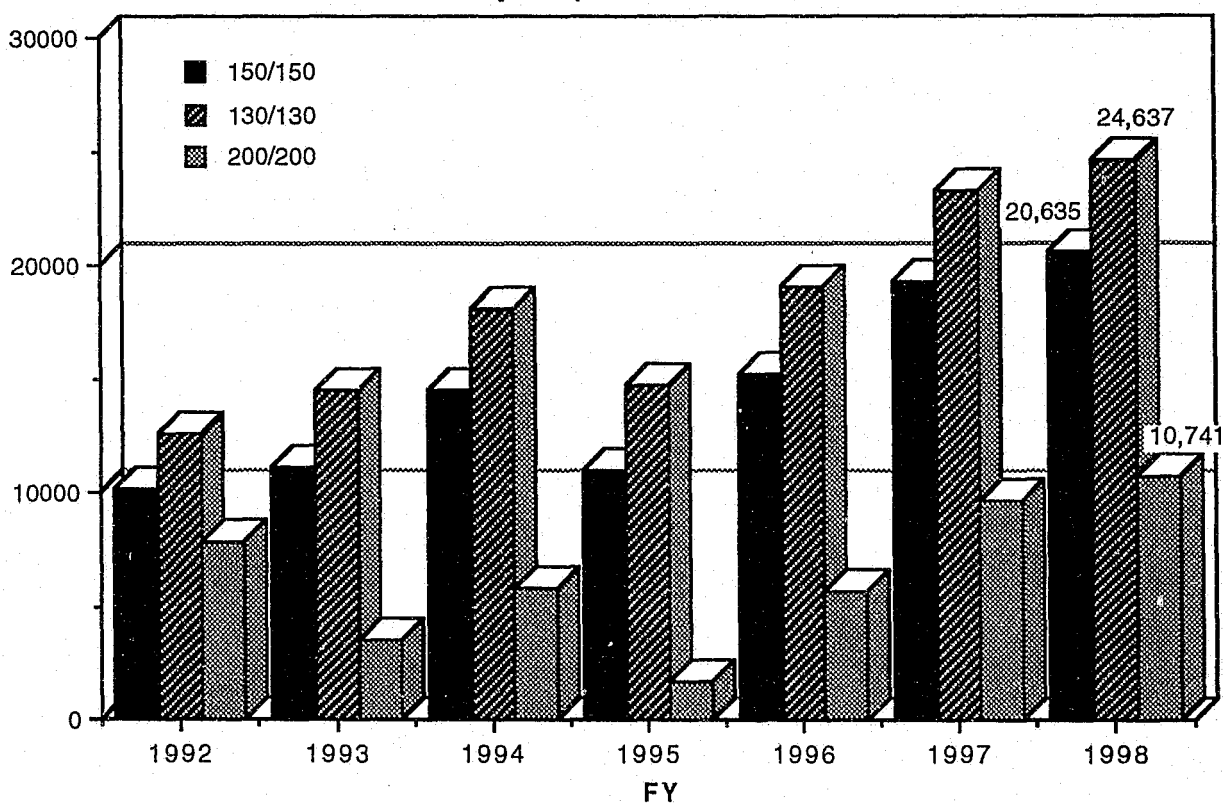
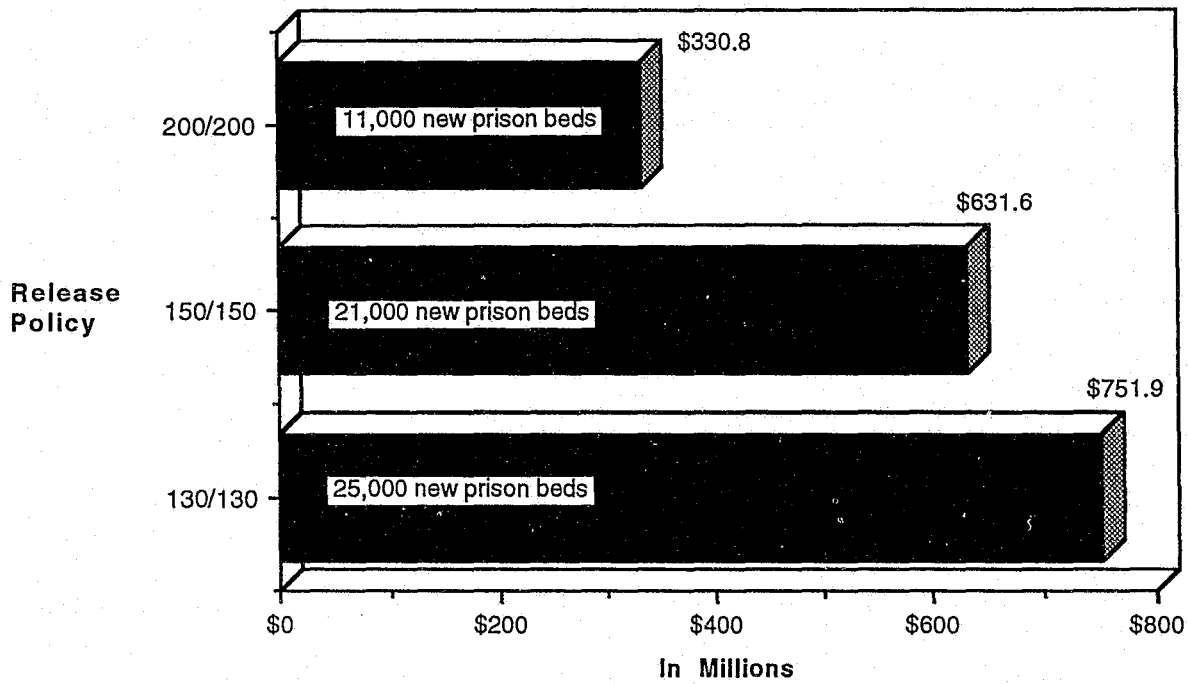# Fiscal Impact: Projected Payment to Counties

Chart 12: Projected Payment to Counties Under the Provisions of H.B. 93 Assuming Different Release Policies
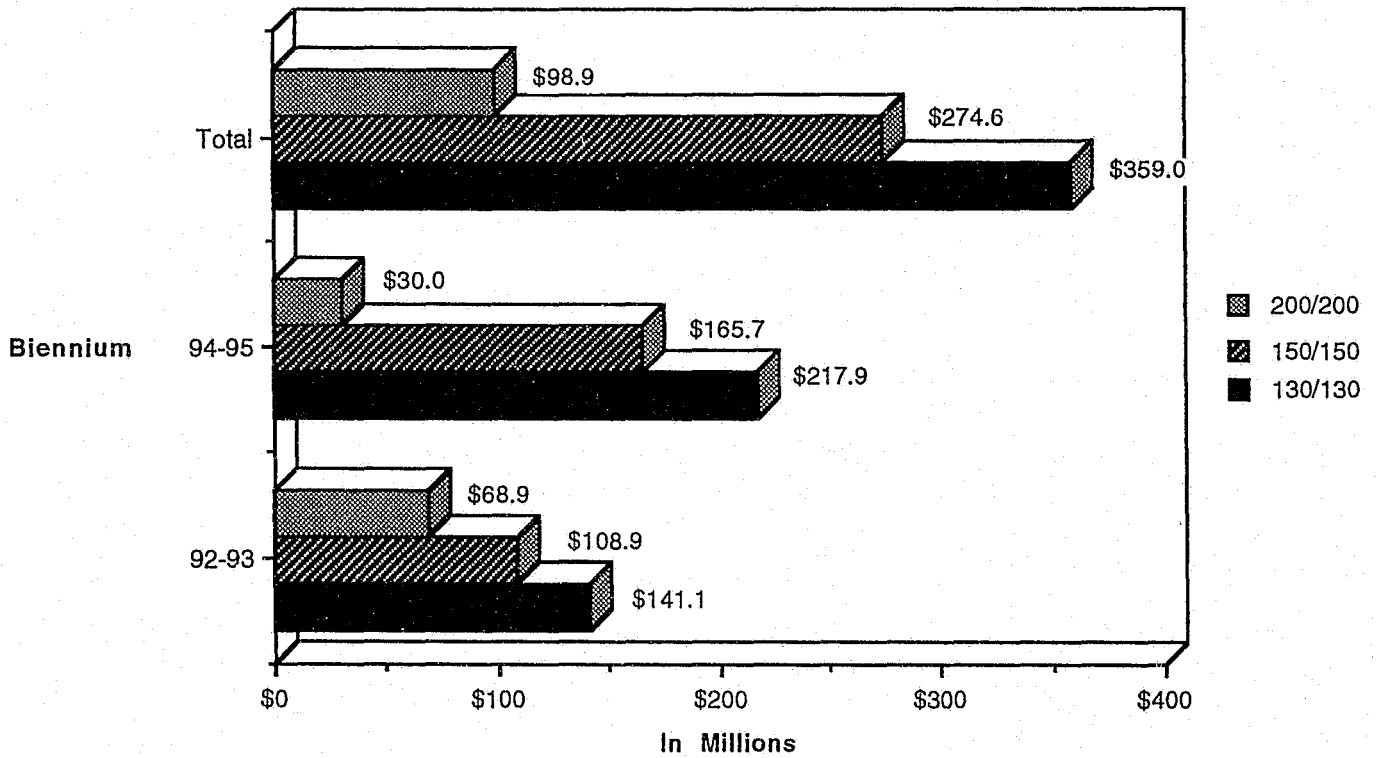
Fiscal Impact: Projected New Capacity

**Chart 13: Projected Additional Capacity Cost in General Revenue
to Deal with Jail Backlog After FY 95**

Release
Policy

200/200	11,000 new prison beds — $330.8
150/150	21,000 new prison beds — $631.6
130/130	25,000 new prison beds — $751.9

$0 $200 $400 $600 $800

In Millions

Fiscal Impact: Additional Operational Cost

**Chart 14: Projected Prison Operational Yearly Cost by FY 1998
(Including Community Justice Drug Treatment Beds)**

Total Operational Base FY 98
- $1,383.8
- $1,487.5
- $1,529.0

New Operational Base**
- $114.1
- $217.8
- $259.3

Operational Base *
- $1,269.7

Legend:
- 200/200
- 150/150
- 130/130

$0 $1000 $2000

In Millions
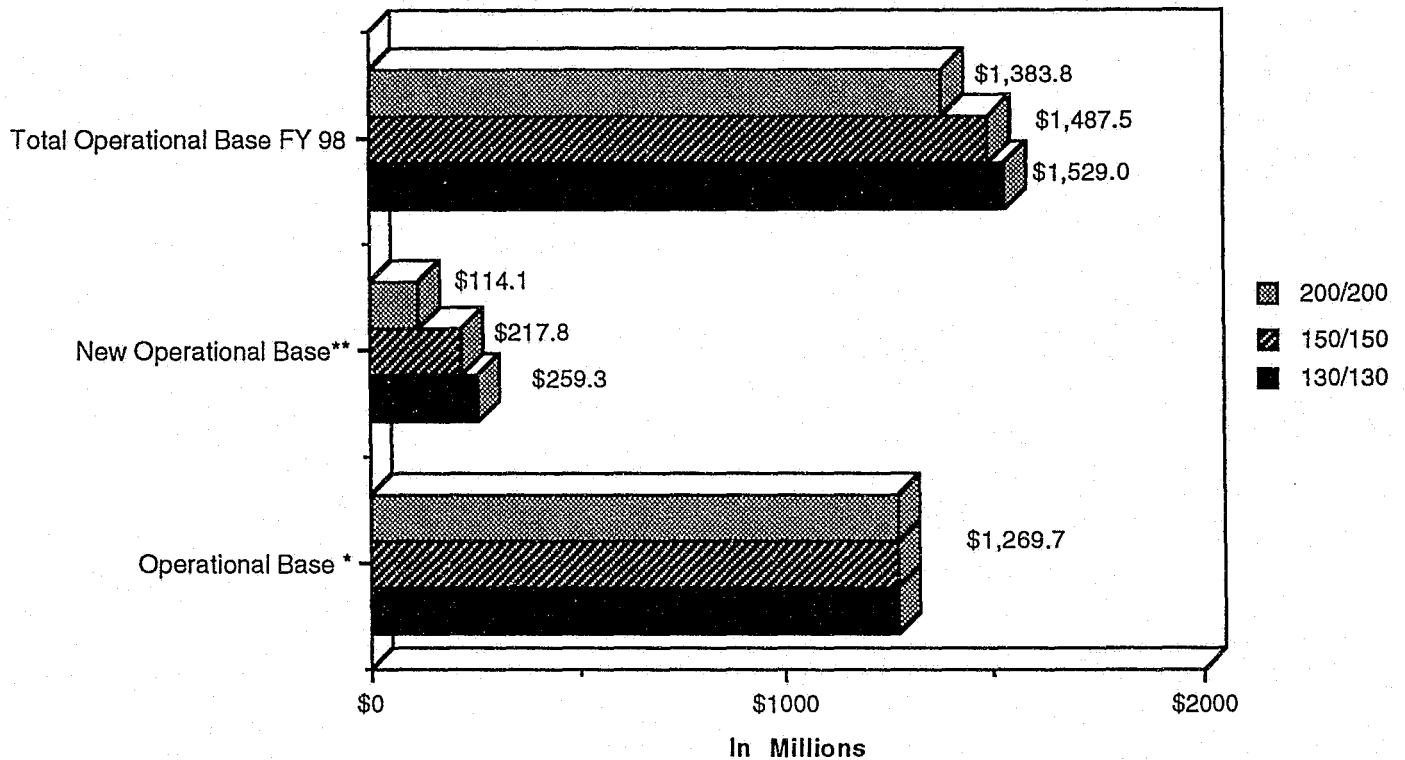
* Annual prison operating cost with all
presently authorized prison construction completed
(including Community Justice Drug Treatment Beds)

** New operational base after building additional capacity
projected in the different scenarios.
Assumes all new capacity will be operational by FY 1998