Office of the
Secretary of Public Safety

REPORT ON THE OFFENDER POPULATION FORECASTS (FY2007 TO FY2012)

To The Governor and General Assembly

Commonwealth of Virginia

Richmond, October 15, 2006

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Authority

This report has been prepared and submitted to fulfill the requirements of Item 377(A) of Chapter 3 of the 2006 Acts of Assembly (Special Session I). This provision requires the Secretary of Public Safety to present revised offender population forecasts to the Governor, the Chairmen of the House Appropriations and Senate Finance Committees, and the Chairmen of the House and Senate Courts of Justice Committees by October 15, 2006. Specifically, the Secretary must present updated forecasts for the adult state-responsible, adult local-responsible, juvenile state-responsible and juvenile local-responsible offender populations. In addition, the Secretary must ensure that the adult state-responsible offender forecast includes an estimate of the number of probation violators who may be appropriate for punishment via alternative sanctions. This document contains the Secretary's report for 2006.

Executive Summary

In Virginia, forecasts of prisoners confined in state and local correctional facilities are essential for criminal justice budgeting and planning. The forecasts are used to estimate operating expenses and future capital needs and to assess the impact of current and proposed criminal justice policies. The Secretary of Public Safety oversees the forecasting process and, as required by language in the Appropriation Act, presents updated forecasts annually to the Governor, the Chairmen of the House Appropriations and Senate Finance Committees, and the Chairmen of the House and Senate Courts of Justice Committees.

The Secretary of Public Safety utilizes an approach known as "consensus forecasting" to produce and validate the prisoner forecasts. This open, participative forecasting process brings together policy makers, administrators and technical experts from numerous state agencies across all branches of state government and includes representatives from local government. The process is structured through committees. The Technical Advisory Committee is composed of experts in statistical and quantitative methods from several agencies. While individual members of this Committee generate the various prisoner forecasts, the Committee as a whole scrutinizes each forecast carefully according to the highest statistical standards. Selected forecasts are recommended by the Technical Advisory Committee for consideration at the next level. The Policy Advisory Committee reviews the recommended forecasts and sets the official forecast for each prisoner population. This Committee also can approve adjustments to the recommended forecasts to account for emerging trends or recent policy changes. Members of the Policy Advisory Committee represent Virginia's executive, legislative, and judicial branches, prosecutors, and local and state law enforcement agencies. This year, the Secretary expanded the membership by extending invitations to the chairmen of key General Assembly committees.

To facilitate and streamline the exchange of information between the two committees this year, the Secretary established the Policy-Technical Liaison Work Group. Chaired by the Deputy Secretary of Public Safety, Work Group members include deputy directors and senior managers of criminal justice and budget agencies as well as staff of the General Assembly's House Appropriations and Senate Finance Committees. The Work Group provided guidance and oversight for the Technical Advisory Committee, discussed detailed aspects of the forecasts, and directed technical staff to provide additional data as needed. This proved to be a critical point in the forecast process. The diverse backgrounds and expertise of Work Group members promoted in-depth discussions of numerous issues in criminal justice in Virginia.

Through the consensus process, a separate forecast is produced for each of the four major populations confined in state and local correctional facilities. Each of these is discussed in turn below.

Adult State-Responsible Offender Population. The largest of the four populations forecasted, the adult state-responsible offender population includes inmates incarcerated in state prisons as well as those state inmates being housed in the local and regional jails around the Commonwealth. The number of inmates grew by 1.9% in FY2006 to 36,579. The population is expected to increase to 42,201 by the end of FY2012. This forecast anticipates an average

annual growth of 2.4% over the next six years. This rate is slightly higher than the actual growth recorded in the last year due to 1) an increase in the number of new court commitments convicted of violent crimes who are expected to enter the Department of Corrections (DOC) in the future, 2) longer sentences recorded in FY2005 for certain types of offenders, and 3) lower parole grant rates for those prison inmates sentenced prior to the abolition of parole who are serving out their sentences under the old parole laws. As required by Appropriation language, the forecast has been disaggregated to identify the number of probation violators within the overall population forecast who may be appropriate for punishment via alternative sanctions. By the end of FY2012, it is projected that 3,039 technical probation violators will be confined within the state-responsible inmate population. Based on a detailed study completed by DOC, it is estimated that approximately 53% of technical violators who are sentenced to the Department may be suitable for alternative programs.

Adult Local-Responsible Offender Population. The adult local-responsible offender population is defined as the number of persons confined in local and regional jails across the Commonwealth excluding all state and federal inmates and ordinance violators (for whom the state does not provide per diem payments). In FY2006, on average, local-responsible prisoners made up 72% of the total jail population. The average local-responsible offender population grew by 7.6% in FY2006, increasing from 17,891 to 19,243. This population has grown significantly faster than any other correctional population in Virginia. The most substantial growth has been in the number of prisoners in jail awaiting trial. Recent regulation of bail bondsmen and bail enforcement agents may have been a factor in the disproportionate growth in the awaiting trial category. As a whole, the local-responsible offender population is projected to increase to an average of 24,846 in FY2012. This forecast, which anticipates an average growth of 4.4% annually, is higher than the forecast adopted in 2005 due to the dramatic growth seen in FY2006.

Juvenile State-Responsible Offender Population. The juvenile state-responsible offender population comprises all juveniles committed to the Department of Juvenile Justice (DJJ) as wards and housed in the Department's juvenile correctional facilities statewide. This population has declined steadily since 2000. Some of the decline is attributed to a change in the minimum criteria for a juvenile to be committed to DJJ (from a felony or two misdemeanor adjudications to a felony or four misdemeanor adjudications) beginning July 1, 2000. The change had an immediate impact on the number of juveniles committed to the state; however, the Department cannot attribute the continued decline in commitments through FY2005 and FY2006 to that policy change. During FY2006, the average daily population fell below 1,000 for the first time. The average daily population for the month of June 2006 was 1,033. After careful deliberation, the Policy Advisory Committee approved continued use of the forecast adopted in 2005 as the official forecast for this population. The juvenile correctional center population is projected to level off at 1,009 by the end of FY2012.

Juvenile Local-Responsible Offender Population. The juvenile local-responsible offender population encompasses all juveniles held in locally-operated detention homes around the Commonwealth. The state provides partial funding for detention home construction and operations and DJJ acts as the regulatory agency responsible for licensure of these facilities. Since FY2003, there have not been any significant changes in the detention home population.

The population has fluctuated between an average of 1,030 and 1,060 for the fiscal year. While individual facilities may be experiencing crowding, detention home capacity statewide has not been fully utilized in recent years. For FY2006, the utilization rate was 74%. The forecast anticipates modest growth in this population, with the number of juveniles in detention homes averaging 1,079 in FY2012.

2006 Offender Forecasts

Fiscal Year	Adult State-Responsible Offender Population (June 30)	Technical Probation Violators within the Adult-State Responsible Population (June 30)*	Adult Local-Responsible Offender Population (FY Average)	Juvenile State-Responsible Offender Population (June Average)	Juvenile Local-Responsible Offender Population (FY Average)
FY2006 (actual)	36,579	2,541 (12/31/2005)	19,243	1,033	1,060
FY2007	37,547	2,621	20,268	1,016	1,112
FY2008	38,143	2,698	21,002	997	1,087
FY2009	38,883	2,847	22,005	1,004	1,081
FY2010	39,908	2,872	23,022	1,007	1,080
FY2011	40,991	2,919	23,970	1,009	1,079
FY2012	42,201	3,039	24,846	1,009	1,079
Average annual change	2.4%	3.0%	4.4%	-0.4%	0.3%

*** The Department of Corrections estimates that approximately 53% of technical violators who are sentenced to the Department may be suitable for alternative programs.**

For additional detail regarding any of the prisoner forecasts, contact Clyde Cristman, Deputy Secretary of Public Safety, at (804) 786-5351.

Virginia's Offender Forecasting Process

Each year, the Secretary of Public Safety oversees the offender forecasting process. These forecasts are essential for criminal justice budgeting and planning in the Commonwealth. They are used to estimate operating expenses and future capital needs for state prisons, local and regional jails, and juvenile correctional facilities. In addition, the forecasts provide critical information for assessing the impact of current and proposed criminal justice policies. The Secretary utilizes an approach known as "consensus forecasting" to produce and validate the prisoner forecasts. First implemented in Virginia in the late 1980s, consensus forecasting is an open, participative approach that brings together policy makers, administrators and technical experts from many state agencies across all branches of state government. Representatives of local government are also engaged. The objective is to ensure that key policy makers and administrators in the criminal justice system have input into the forecast. Moreover, the process is intended to promote general understanding of the forecast and the assumptions which drive it.

The process is structured through committees. The Technical Advisory Committee is composed of experts in statistical and quantitative methods from several agencies. Analysts from particular agencies are tasked with developing prisoner forecasts. At least two forecast models are developed for each of the four major corrections populations. Confidence in the forecast can be bolstered if the different methods used by multiple agencies converge on the same future population levels. While individual members generate the various prisoner forecasts, the Committee as a whole scrutinizes each forecast carefully according to the highest statistical standards. The forecasts with the best set of statistical properties are recommended by the Technical Advisory Committee for consideration at the next level. The Policy Advisory Committee reviews the recommended forecasts and sets the official forecast for each offender population. This Committee also considers the effects of emerging trends or recent policy changes, making adjustments as it deems appropriate. Members of the Policy Advisory Committee represent Virginia's executive, legislative, and judicial branches. A prosecutor, sheriff and police chief also serve on the Committee. This year, the Secretary expanded the membership by extending invitations to the chairmen of key General Assembly committees.

To facilitate and streamline the exchange of information between the two committees this year, the Secretary established the Policy-Technical Liaison Work Group. Chaired by the Deputy Secretary of Public Safety, Work Group members include deputy directors and senior managers of criminal justice and budget agencies as well as staff of House Appropriations and Senate Finance Committees. Meeting throughout the development of the forecasts, the Work Group provided guidance and oversight for the Technical Advisory Committee, discussed detailed aspects of the projections, and directed technical staff to provide additional data needed for decision making. After thorough review of each forecast, the Work Group made recommendations to the Policy Advisory Committee. This proved to be a critical point in the forecast process. The diverse backgrounds and expertise of Work Group members promoted in-depth discussions of numerous issues in criminal justice in Virginia.

In Virginia, the forecasting process benefits from rigorous quantitative analysis by the Technical Advisory Committee, detailed scrutiny by the Policy-Technical Liaison Work Group, and high-level review by the Policy Advisory Committee.

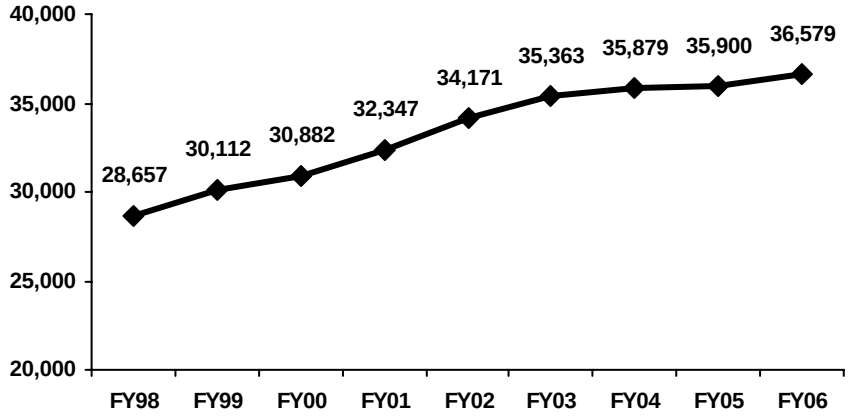
Adult State-Responsible Offender Population

The adult state-responsible offender population includes inmates incarcerated in state prison facilities as well as those state inmates being housed in the local and regional jails around the Commonwealth. It is the largest of the four major prisoner populations. For forecasting purposes, state-responsibility begins on the day an offender is sentenced to prison or, if there are multiple cases, the day the offender is sentenced in the final case.

Population Growth

At the end of FY2006, the adult state-responsible prisoner population had reached 36,579 inmates (Figure 1). Local and regional jails held 5,441 of the state inmates on that date. The inmate population as a whole grew by 679 offenders, or 1.9%, during FY2006. While this rate of growth is higher than the growth recorded in FY2004 and FY2005 (when the population grew at 1.5% and 0.1%, respectively), it remains lower than the 4.3% average annual growth experienced from FY1999 through FY2003. By comparison, the total prison population in the United States increased by 1.3% in 2005. According to recent statistics, Virginia ranks 15th of the 50 states in its prison incarceration rate per capita.

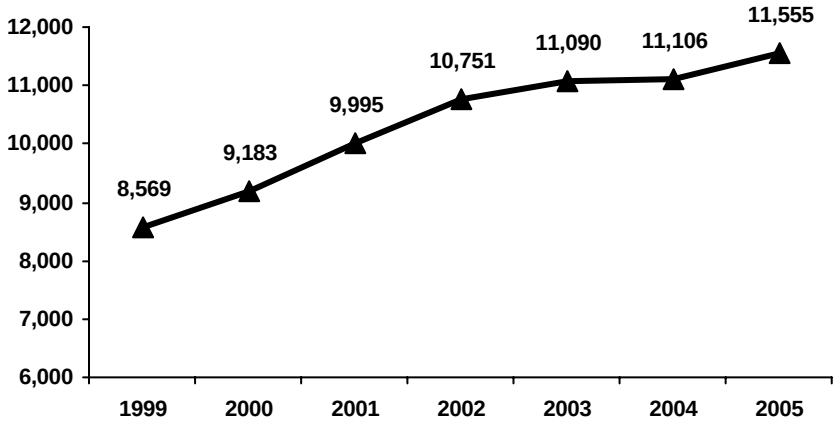
Figure 1
Adult State-Responsible Offender Population (as of June 30)



New Court Commitments to Prison

The number of offenders entering the state-responsible inmate population each year is a critical factor affecting population growth. In 2005, the courts committed 11,555 offenders to Virginia's Department of Corrections (DOC). This is an increase of 449, or 4%, over 2004 commitments (Figure 2). DOC classifies offenders based on the type of crime that has resulted in the commitment to prison. In 2005, approximately half (49%) of new commitments were sentenced to prison for an offense classified by DOC as nonviolent. More than one-quarter (27%) of 2005 commitments were sentenced for a violent crime, while less than one-quarter (24%) of commitments were based on a drug offense. The distribution of commitments by offense type has been relatively stable, particularly in the last three years.

Figure 2
New Court Commitments (by Calendar Year)

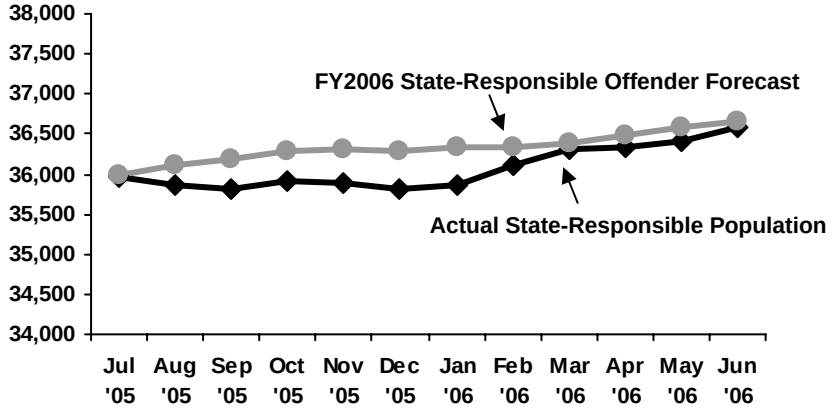


One notable trend in new commitments has been the dramatic growth in the number of female offenders sentenced to DOC each year. The number of female commitments has grown from 948 in 1999 to 1,488 in 2005, an increase of nearly 57%. By contrast, the number of men committed to DOC each year rose by 32%, from 7,621 in 1999 to 10,067 in 2005. Gender is an important element of the forecast since women are much more likely to be convicted of nonviolent crimes than their male counterparts, resulting in shorter sentences (and lengths of stay) on average for female inmates. Because separate facilities are required for females, the inmate forecast is disaggregated by gender.

Accuracy of the 2005 Forecast

The forecast of the state-responsible inmate population adopted in 2005 proved to be highly accurate during FY2006 (Figure 3). The forecast projected an inmate population of 36,667 for the end of FY2006. The forecast was higher than the actual population at the end of the fiscal year by 88 inmates, or 0.2%.

Figure 3
Accuracy of the 2005 Adult State-Responsible Offender Forecast



Impact of Truth-in-Sentencing/No Parole

In 1994, the General Assembly passed legislation to abolish parole for offenders committing felonies on or after January 1, 1995, and to implement a system known as "truth-in-sentencing" in Virginia. This means that felony offenders must now serve at least 85% of their prison or jail terms. New sentencing guidelines were implemented in 1995. Under these guidelines, recommendations for nonviolent offenders with no prior record of violence are tied to the amount of time those offenders historically served under the old parole system. For offenders with current or prior convictions of violent crimes, built-in guidelines enhancements trigger recommendations that are up to six times longer than historical time served in prison under parole. The longer sentence recommendations apply in one in five felony cases.

As a result of truth-in-sentencing provisions, growth in the inmate population is more predictable, largely insulated from the impact of swings in parole grant rates. It is important to note that, although parole was abolished for offenders committing new felonies on or after January 1, 1995, inmates in prison on that date remained eligible for parole release. Overall, the length-of-stay in prison is longer today than prior to enactment of truth-in-sentencing. For example, offenders in prison for a violent crime who were released in 2005 served an average of 5.7 years, compared to an average time-served of 4.5 years for those released in 1991. Many offenders, however, have received very lengthy sentences under the no-parole policy and remain incarcerated. These offenders are not yet included in the time-served data for released offenders.

Simulation Forecasting and Forecast Assumptions

The adult state-responsible offender forecast is generated through computer simulation software utilized by DOC since 1986. This software is designed to mimic the flow of offenders through the system, simulating how offenders enter and leave the system, including the timing of releases. To accurately simulate the movement of offenders through the system, actual data describing the offenders admitted to prison and the factors affecting their lengths-of-stay are compiled and programmed into the simulation model.

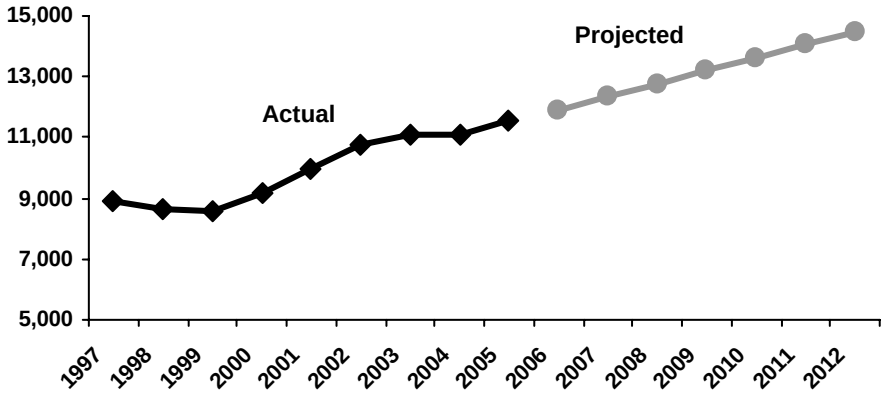
Use of simulation forecasting requires several assumptions to be made regarding commitments and releases. Following are the important assumptions approved by the Policy Advisory Committee and incorporated into DOC's simulation model for this year's forecast:

- The number of future commitments to DOC will reflect the forecast approved by the Policy Advisory Committee (see below).
- The portion of commitments who are technical probation violators will reflect the forecast approved by Policy Advisory Committee (see below).
- Future admissions will have the same characteristics as CY2005 admissions in terms of offenses, sentences lengths, jail credits, good-time earning potential, etc.
- All new commitments will fall under truth-in-sentencing/no-parole laws by 2007.
- Inmates will continue to earn sentence credits at the same rates as in CY2005.
- For inmates serving out their sentences under the parole system, the average parole grant rate will be 5.6%. This is the actual grant rate for FY2006, which was slightly lower than in previous years (e.g., the grant rate was 8.1% in FY2005).

New Court Commitment Forecast

The new court commitment assumption is the most significant factor driving the long-term forecast of the state-responsible population. The commitment forecast is the total of six separate commitment forecasts developed by offense type and gender (nonviolent-male, violent-male, drug-male, nonviolent-female, violent-female, and drug-female). Generating commitment forecasts by offense type and gender accounts for differences in short and long-term trends from group to group. In total, new court commitments to prison are projected to grow by an average of 3.3% annually from 2006 through 2012 (Figure 4). This is comparable to the 3.4% average annual growth experienced from 1998 through 2005.

Figure 4
Adult State-Responsible New Commitment Forecast (by Calendar Year)



Actual:	Year	Commitments	Change
	1998	8,659	-2.5%
	1999	8,569	-1.0%
	2000	9,183	7.2%
	2001	9,995	8.8%
	2002	10,751	7.6%
	2003	11,090	3.2%
	2004	11,106	0.1%
	2005	11,555	4.0%
		Avg. growth	3.4%

Forecast:	Year	Commitments	Change
	2006	11,886	2.9%
	2007	12,345	3.9%
	2008	12,769	3.4%
	2009	13,198	3.4%
	2010	13,622	3.2%
	2011	14,059	3.2%
	2012	14,487	3.0%
		Avg. growth	3.3%

Technical Probation Violator Commitment Forecast

In 2005, DOC was required by language in the Appropriation Act to identify how many technical probation violators are received by the Department annually. This year, Appropriation language requires that the adult state-responsible offender forecast include an estimate of the number of probation violators who may be appropriate for punishment via alternative sanctions. To fulfill the legislative requirement, DOC completed a special study of probation violators to

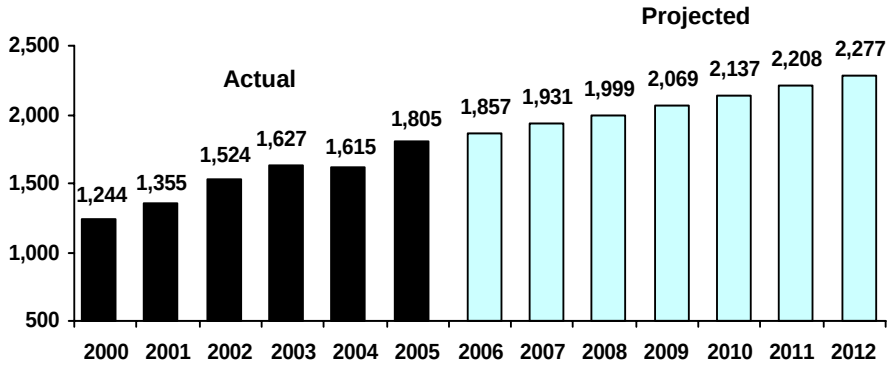
1) split out probation violators from total new commitments to DOC, 2) categorize incoming probation violators based on the reason for the revocation (technical violations versus conviction for a new crime), and 3) determine the number of technical probation violators who may be appropriate for alternative sanctions, including return-to-custody facilities.

DOC found that 29% of new commitments in 2005 were probation violators who had been convicted of a new crime, while 16% were solely technical violators. From this data, DOC developed a forecast of technical probation violators sentenced to prison through 2012 (Figure 5). The rate of growth in technical violators committed to DOC is assumed to be equal to the rate of growth in the approved new commitment forecast.

Based on a detailed examination of technical probation violators, DOC estimates that approximately 53% of technical violators who are received by the Department may be suitable for alternative programs. DOC concluded that approximately 47% are likely not good candidates for alternatives due to convictions for violent offenses (22%), mental health issues (15%) or medical conditions (10%).

Probation violators are counted in the total number of new commitments to DOC. DOC, however, has refined its simulation model to account for technical probation violators entering prison. In 2005, for the first time, the forecast dissected technical violators from the overall number of new commitments and programmed the simulation model to forecast this group separately from other new commitments. Since technical violators have a shorter average length-of-stay than other commitments to DOC, this refinement of the simulation model should improve the accuracy of the state-responsible inmate forecast.

Figure 5
Technical Probation Violator Commitment Forecast *

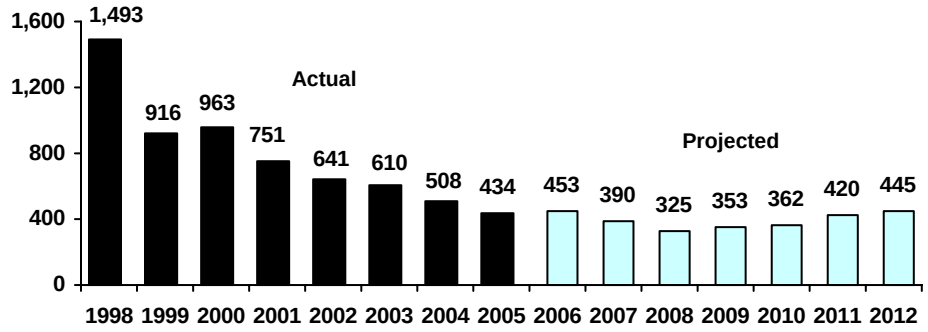


*** The Department of Corrections (DOC) estimates that approximately 53% of technical violators who are received by the Department may be suitable for alternative programs. DOC determined that approximately 47% of technical violators admitted are likely not good candidates for alternatives due to convictions for violent offenses (22%), mental health issues (15%) or medical conditions (10%).**

Parole and Post-Release Supervision Violator Admissions

Although parole was abolished for offenders committing felonies on or after January 1, 1995, inmates who had been sentenced under the parole system remained eligible for discretionary parole release. Offenders on parole who violate the conditions of supervision can be returned to DOC by the Virginia Parole Board. It was anticipated, however, that the new law would result in a gradual decline in the number of parole violators returning to prison. The number of parole violators returning to DOC has dropped from 1,493 in 1998 to 434 in 2005 (Figure 6). In 2000, however, the General Assembly modified § 19.2-295.2 to require a judge who does not suspend at least six months of an offender's sentence to impose a term of post-release supervision lasting six months to three years which, unless otherwise specified, is administered by the Parole Board. Failure on post-release supervision can result in return to DOC in the same manner as revocation of parole. This year, the forecast of parole violators returned to prison (Figure 6) also includes estimates of post-release supervision violators expected to return.

Figure 6
Parole and Post-Release Supervision Violator Admissions

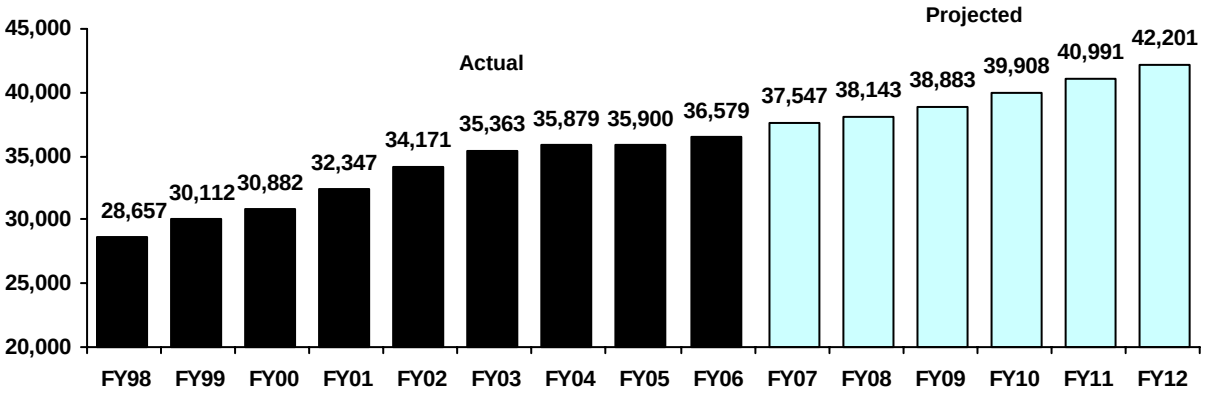


Note: Projected figures include estimates of post-release supervision violators expected to return to prison. Data for 1998-2005 does not include post-release supervision violators.

2006 Adult State-Responsible Offender Forecast

The forecasts of new court commitments, technical probation violators committed, and returning parole and post-release supervision violators discussed above are all crucial inputs for DOC's simulation forecast model. The resulting population forecast, approved by the Policy Advisory Committee, is shown in Figure 7. The state-responsible population is expected to reach 42,201 by the end of FY2012. This forecast projects an average annual growth of 2.4%. This is slightly higher than the growth rate experienced in the last fiscal year (1.9% in FY2006). This marginally higher growth rate can be attributed to assumptions regarding new commitments (particularly the forecast of violent offenders to be committed to DOC), longer sentences observed in 2005 for certain categories of new commitments (which are assumed to hold for future admissions as well), and the lower parole grant rate observed in 2005 for those offenders serving out their sentences under the parole system (which is expected to remain constant for the six-year forecast horizon).

Figure 7
2006 Adult State-Responsible Offender Forecast (as of June 30)



Actual:

Year	Population	Change
FY99	30,112	5.1%
FY00	30,882	2.6%
FY01	32,347	4.7%
FY02	34,171	5.6%
FY03	35,363	3.5%
FY04	35,879	1.5%
FY05	35,900	0.1%
FY06	36,579	1.9%
	Avg. growth	3.1%

Forecast:

Year	Population	Change
FY07	37,547	2.5%
FY08	38,143	1.6%
FY09	38,883	1.9%
FY10	39,908	2.6%
FY11	40,991	2.7%
FY12	42,201	3.0%
	Avg. growth	2.4%

To assist DOC in facility planning, the state-responsible inmate forecast is disaggregated by gender. Higher growth rates for the female inmate population over the male population are expected to persist (Figure 8). Over the next six years, the male inmate population is projected to increase by an average of 2.1% annually. The female inmate population is projected to grow at more than twice that rate, with 5% growth anticipated on average each year.

Figure 8
2006 Adult State-Responsible Offender Forecast by Gender (as of June 30)

Fiscal Year	Males	Percent Change
FY07	34,340	1.8%
FY08	34,744	1.2%
FY09	35,307	1.6%
FY10	36,090	2.2%
FY11	37,031	2.6%
FY12	38,110	2.9%

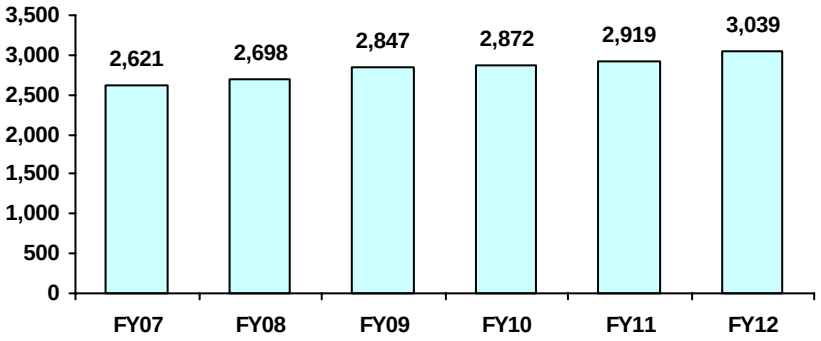
Projected average growth FY2007 – FY2012: 2.1%

Fiscal Year	Females	Percent Change
FY07	3,207	10.8%
FY08	3,399	6.0%
FY09	3,576	5.2%
FY10	3,818	6.8%
FY11	3,960	3.7%
FY12	4,091	3.3%

Projected average growth FY2007 – FY2012: 5.0%

Item 377(A) of Chapter 3 of the 2006 Acts of Assembly (Special Session I) requires the Secretary to ensure that the adult state-responsible offender forecast includes an estimate of the number of probation violators who may be appropriate for punishment via alternative sanctions. With the refinements added to DOC's simulation model in 2005, the forecast can be disaggregated to show the expected number of technical probation violators within the overall state inmate population. The number of confined technical violators is projected to increase to 3,039 by the end of FY2012 (Figure 9). As noted above, DOC estimates that 53% of technical violators entering the Department may be suitable for alternative programs. This information is submitted to fulfill the requirement of this Item.

Figure 9
Technical Probation Violator Population Forecast *



*** The Department of Corrections (DOC) estimates that approximately 53% of technical violators who are received by the Department may be suitable for alternative programs. DOC determined that approximately 47% of technical violators admitted are likely not good candidates for alternatives due to convictions for violent offenses (22%), mental health issues (15%) or medical conditions (10%).**

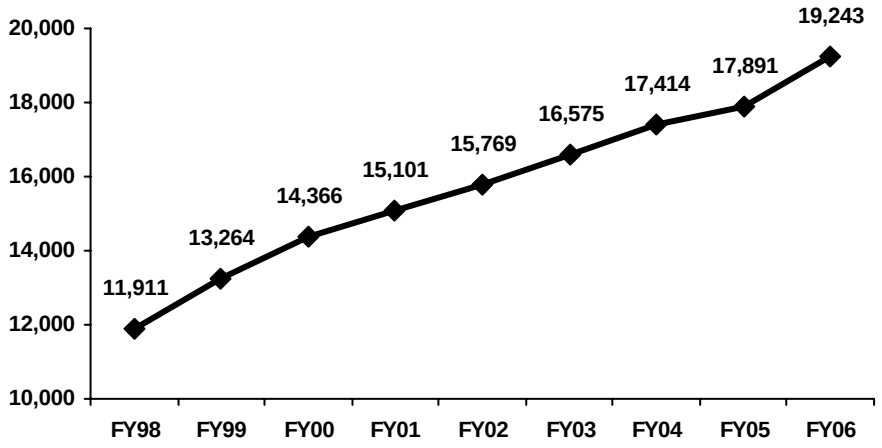
Adult Local-Responsible Offender Population

The adult local-responsible prisoner population is defined as the number of persons confined in local and regional jails across the Commonwealth, excluding state and federal inmates and ordinance violators (for whom the state does not provide per diem payments). For FY2006, local-responsible prisoners accounted for approximately 72% of the total jail population on average. State-responsible offenders and federal prisoners averaged 20% and 7% of the total jail population, respectively. Less than 2% of all offenders in jail were identified as ordinance violators. Jail data is derived from the Compensation Board's Local Inmate Data System (LIDS), which contains information on all persons entering and exiting local and regional jails throughout Virginia.

Population Growth

The local-responsible population fluctuates seasonally. The population peaks during the spring and summer months. Jails record the lowest population levels during the winter months, particularly December and January. Due to this significant seasonal variation, the average local-responsible population for the fiscal year is most often used for forecasting purposes. In FY2006, the average local-responsible population was 19,243 prisoners. The population grew by 1,352 prisoners, or 7.6%, FY2005 to FY2006 (Figure 10). This is the largest percent growth in the local-responsible population since FY2000.

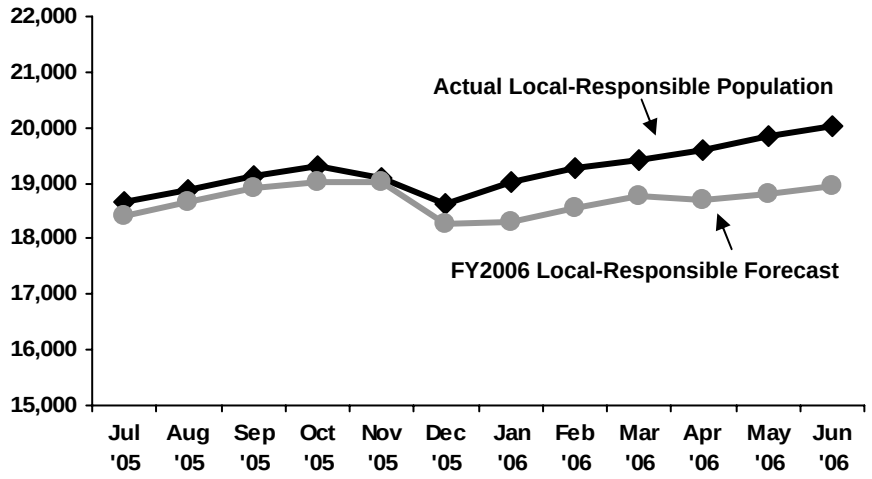
Figure 10
Adult Local-Responsible Offender Population (FY Average)



Accuracy of the 2005 Forecast

The forecast adopted in 2005 tracked the actual local-responsible jail population extremely well for the first half of the fiscal year (Figure 11). In the latter half of the fiscal year, however, the actual population began to increase faster than was anticipated by the forecast. The forecast for FY2006 projected an average population of 18,697 for the year. This underestimated the actual population by an average of 546 prisoners, or 2.8%. By June 2006, this forecast difference reached 1,099 prisoners.

Figure 11
Accuracy of the Local-Responsible Offender Forecast in FY2006



The 2005 forecast anticipated that the overall local-responsible jail population would grow by 4.5% in FY2006 (Figure 12). The actual growth (7.6%) in the population was not expected. Of the four categories of local-responsible offenders, two accounted for most of the growth. The largest group of prisoners in jail, defendants who have not been sentenced on any charges and are awaiting trial, comprised 43% of the average local-responsible population in FY2006. The second largest group in the local population, defendants who have been sentenced on at least one charge but are awaiting trial on other charges, accounted for another 28% of the average population. Growth in the number of offenders in the two awaiting trial categories was driving the significant increases in the jail population in FY2006. The number of offenders in the unsentenced awaiting trial category increased by 8.2%, while the number of offenders sentenced but pending additional charges jumped 10.3%. The two groups of sentenced offenders (local-responsible felons and misdemeanants) together represented only about one in four local-responsible offenders in FY2006 and changes in these two groups had less of an impact.

Figure 12
Growth in the Local-Responsible Offender Population by Category

Category	FY2005	FY2006	Change
Unsentenced Awaiting Trial	7,720	8,355	8.2%
Sentenced - Awaiting Trial on Additional Charges	4,850	5,349	10.3%
Sentenced Local-Responsible Felons	2,828	3,018	6.7%
Sentenced Misdemeanants	2,492	2,522	1.2%
Total Local-Responsible Population	17,891	19,243	7.6%
Forecasted Local-Responsible Population (2005 Projection)		18,697	4.5%

Factors Affecting Awaiting Trial Populations

It is likely that several factors contributed to the growth in the average daily population of persons awaiting trial in Virginia's local and regional jails. First, the number of persons entering jails has been increasing. The total number of persons booked into jails statewide has risen an average of about 3% per year since FY2002, topping more than 308,000 in FY2006. Moreover, the average length-of-stay in jail while awaiting trial and sentencing (for those who remain confined awaiting trial) has increased 7.9% since FY01, climbing from 26.7 days to 28.8 days. An increase of this magnitude, while seemingly small, has a significant effect given the number of commitments to jail each year. Case processing time affects the awaiting trial population. According to the Supreme Court of Virginia *State of the Judiciary* reports, felony case processing time appears to have increased since 2003. Misdemeanor cases in circuit are also taking longer to process today than in 2003. It is worth noting that, according to the Department of Forensic Science, the end-of-year backlog in forensic cases awaiting testing jumped nearly 71% in 2003 to 2004 alone. By expanding its staff, the Department was able to reduce the case backlog by 13.8% in 2005.

Recent regulation of bail bondsmen and bail enforcement agents may have had a significant impact on the awaiting trial prisoners. The 2003 General Assembly adopted legislation to prohibit felons from acting as property bail bondsmen and to require the State Corporation Commission to begin licensing surety bail bondsmen (effective October 1, 2003). The 2004 General Assembly enacted legislation giving the Department of Criminal Justice Services (DCJS) full regulatory authority of property and surety bail bondsmen (effective July 1, 2005). The legislation also added further restrictions on who may become a licensed bail bondsman and created the new crime of bonding for profit without a license. Additionally, the 2004 General Assembly passed legislation requiring DCJS to regulate bail enforcement agents (bounty hunters) and to prohibit certain persons from acting as bail enforcement agents (effective October 1, 2005). These regulations may been a factor in the disproportionate growth in the number of persons in jail awaiting trial. It has been estimated that, with the implementation of licensure, the number of bail bondsmen operating in the state has dropped from approximately 1,300 to under 400. The Policy Advisory Committee has requested that monitoring of this continue during FY2007.

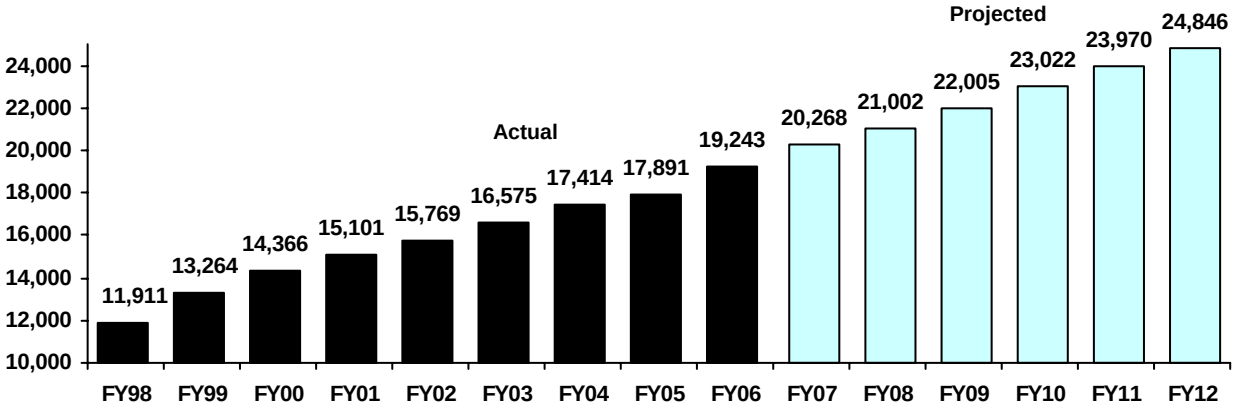
Forecasting Methodology

Local-responsible population projections are developed using techniques that, collectively, are known as time-series forecasting. Time series methodology has been used in Virginia to forecast local-jail populations since 1991. Time-series forecasting assumes that there is a pattern in the historical values that can be identified, such as short and long-term trends and seasonal fluctuations. Time-series forecasting then utilizes the pattern identified in the historical data to project future values.

2006 Adult Local-Responsible Offender Forecast

The adult local-responsible offender population is expected to reach an average of 24,846 in FY2012. The forecast projects an average annual growth of 4.4% per year. In the first year of the forecast (FY2007), however, a slightly higher growth of 5.3% is expected. While this first-year growth is less than the growth in the population recorded in FY2006, it does match the average growth over the last two years. Due to the significant increase in the local-responsible population in FY2006, the revised forecast is substantially higher than the forecast adopted in 2005. By FY2011, the 2006 forecast is higher than the previous year's forecast by more than 1,500 prisoners. In approving this forecast, the Policy Advisory Committee noted the current moratorium on jail construction (with exceptions granted on a case by case basis) and the ability of the General Assembly to respond annually to changes in necessary per diem payments to localities for support of jails.

Figure 13
2006 Adult Local-Responsible Offender Forecast (FY Average)



Actual:

Year	Population	Change
FY99	13,264	
FY00	14,366	8.3%
FY01	15,101	5.1%
FY02	15,769	4.4%
FY03	16,575	5.1%
FY04	17,414	5.1%
FY05	17,891	2.7%
FY06	19,243	7.6%
	Avg. growth	5.5%

Forecast:

Year	Population	Change
FY07	20,268	5.3%
FY08	21,002	3.6%
FY09	22,005	4.8%
FY10	23,022	4.6%
FY11	23,970	4.1%
FY12	24,846	3.7%
	Avg. growth	4.4%

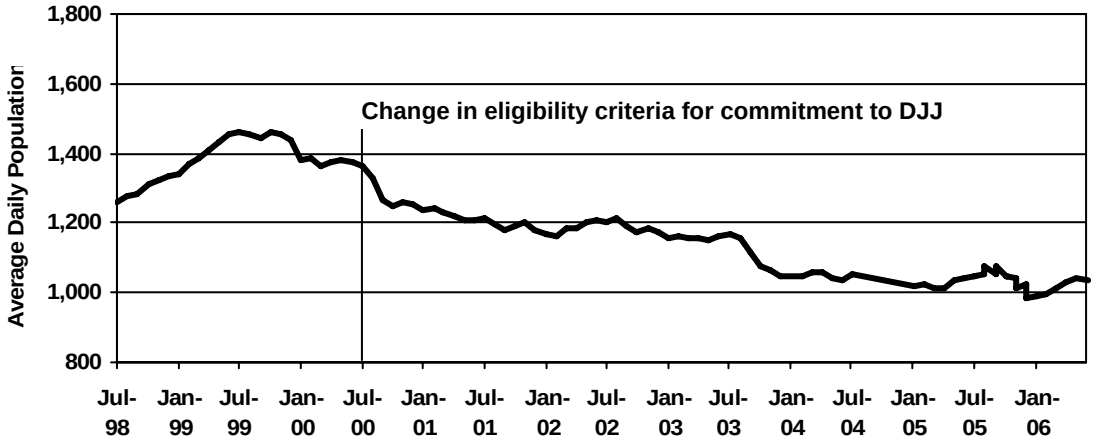
Juvenile State-Responsible Offender Population

The juvenile state-responsible offenders are those juveniles committed to the Department of Juvenile Justice (DJJ) as wards. These juveniles are housed in the Department's juvenile correctional facilities around the state. Virginia's juvenile justice system differs substantially from the adult system. While Virginia has moved to a more determinate sentencing system for its adult offenders, sentences in the juvenile system remain largely indeterminate. The Juvenile and Domestic Relations District Courts commit only a small percentage of juvenile offenders with a determinate, or fixed length, sentence. Over 90% of the juveniles committed to the DJJ receive an indeterminate sentence. This means that the DJJ, rather than a judge, determines the length of the juvenile's commitment to the state. The projected length of stay is dependent upon the youth's current offenses, prior offenses, and length of prior record. However, the actual length of stay will also depend upon the youth's completion of mandatory treatment objectives (such as substance abuse or sex offender treatment) and upon the youth's behavior within the institution. For the remaining juveniles committed to the Department, the judge sets a determinate sentence, which he or she can review at a later date. Even juveniles committed to DJJ with a determinate sentence can be released at the judge's discretion prior to serving the entire term.

Population Decline

The average daily population (ADP) for juveniles in correctional centers has declined steadily since 2000 (Figure 14). During FY2006, the ADP fell below 1,000 for the first time. The average daily population for the month of June 2006 was 1,037. Some of the decline in the juvenile correctional center population can be attributed to a change in the minimum criteria for a juvenile to be committed to the Department. Beginning July 1, 2000, the criteria for commitment changed from a felony or two misdemeanor adjudications to a felony or four misdemeanor adjudications. This change had an immediate impact on the number of juveniles committed to the Department and on the population of juveniles in DJJ's correctional centers. Recent declines cannot be directly attributed to that change in legislation.

Figure 14
Historical Juvenile State-Responsible Offender Population



New Admissions to Juvenile Correctional Centers

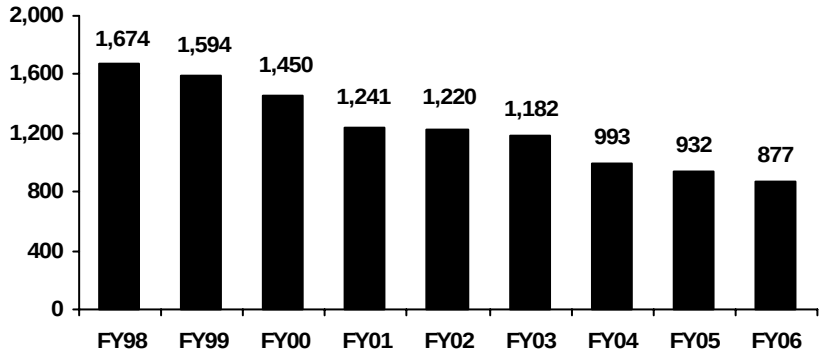
Admissions to juvenile correctional centers have decreased nearly 48% since FY1998 (Figure 15). In addition to the change in commitment criteria noted above, DJJ cites several possible reasons for the general trend:

- Focus on alternatives to commitment for offenders with less serious offenses,
- Wider use of graduated sanctions,
- Use of post-dispositional detention, and
- More systematic use by the courts of DJJ's Risk Assessment Instrument (RAI), a tool designed to provide judges with an objective measure of a juvenile's risk for reoffending.

The first step into the juvenile justice system is typically referred to as an "intake." An intake occurs when a juvenile is brought before a court service unit officer for one or more alleged law violations. This process of initial acceptance and screening is used to determine appropriateness of release or referral to formal action via petition. One case can involve multiple intake complaints. The total number of intakes at juvenile court service units decreased 4.4% between FY2002 and FY2006. Between FY2005 and FY2006, however, intakes for person felonies increased by 8.3%, while intakes for other felonies rose by 5.6% (overall, felony intake cases increased by 6.5%). Class 1 misdemeanor intake cases decreased by 2.3%. It is unclear why admissions continue to decline while serious intakes at the CSUs increased last year.

Determinate commitments to DJJ (including DJJ/DOC blended sanctions, allowed by *Code* since 2003) have increased as a percentage of new admissions from 6.7% in FY1998 to 11.8% in FY2006. These juveniles remain in DJJ longer on average than juveniles with indeterminate commitments to the Department.

Figure 15
New Admissions to the Department of Juvenile Justice



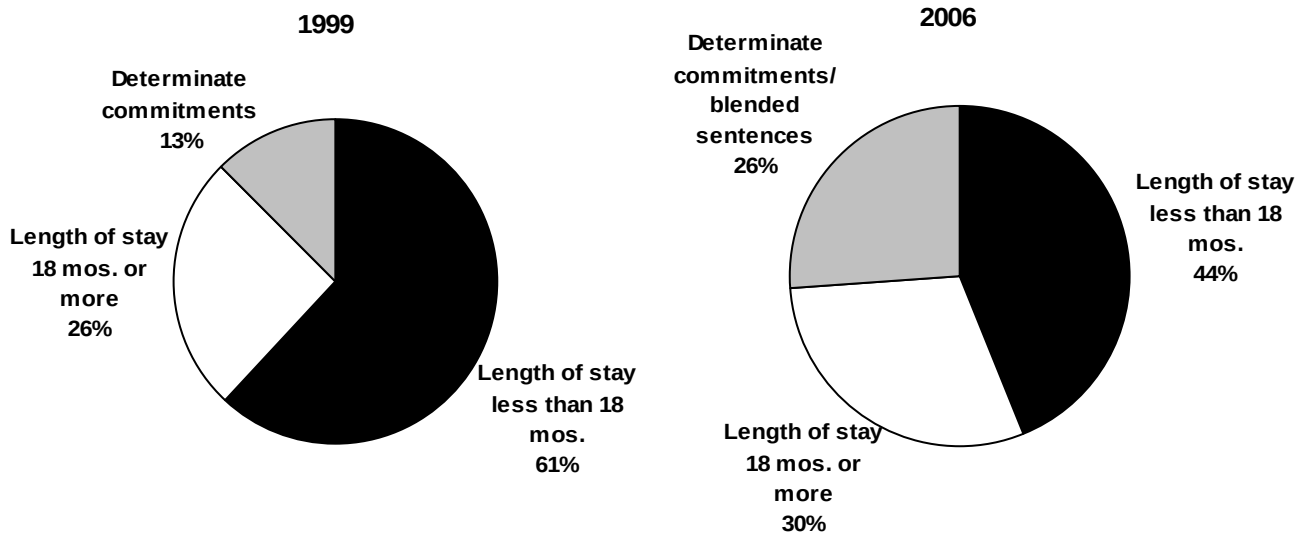
Longer Lengths-of-Stay

All indeterminately committed wards are assigned a length of stay range by DJJ based on guidelines that consider the offender's committing offenses, prior offenses, and length of prior

record. The length of stay range includes an early release date and late release date (for example, a 3-6 months length of stay is assigned to misdemeanants). Typically, wards will not be released before the early release date without the express approval of the Director. Reasons such as not completing mandatory treatment, such as a sex offender treatment program, or committing institutional offenses could prolong the actual length of stay beyond the assigned range. Under §16.1-285.1, serious offenders can be determinately committed to DJJ until age 21. These wards have a fixed sentence and are not impacted by DJJ's length of stay policy.

Although the number of admissions to DJJ has been declining, the juveniles who are committed are staying with DJJ for longer periods of time. Since FY1999, juveniles with determinate commitments or DJJ/DOC blended sentences have increased as a percent of total commitments. The average sentence for a juvenile given a determinate commitment to DJJ is approximately 40 months. Juveniles assigned to the Department's mandatory sex offender program are likely to remain with DJJ for 24 to 36 months. Longer lengths of stay have resulted in a change in the composition of the state's juvenile correctional facilities. Juveniles with a longer expected length-of-stay (i.e., juveniles likely to stay 18 months or more on an indeterminate commitment, juveniles with a determinate commitment and those with a DJJ/DOC blended sentence) now make up approximately 56% of the population (Figure 16).

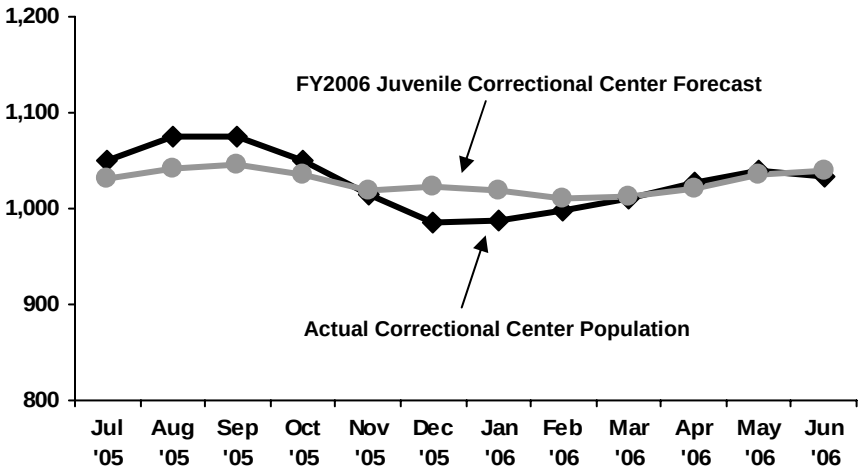
Figure 16
Juvenile Correctional Center Populations on July 1st



Accuracy of the 2005 Forecast

As with the adult state-responsible forecast, the juvenile state-responsible forecast adopted in 2005 was highly accurate for FY2006 (Figure 17). The forecast projected an average daily population in juvenile correctional centers of 1,039 juveniles for the month of June 2006, only 2 more than the actual population. This is a forecast difference of 0.2%.

Figure 17
Accuracy of the Juvenile State-Responsible (Correctional Center) Population in FY2006



Simulation Forecasting

The simulation model used for forecasting the juvenile state-responsible offender population was designed by DJJ using a standard software package. The software allows the user to tailor simulations models for specific purposes. DJJ began using the simulation model in 2002. This software is designed to mimic the flow of offenders through the system, simulating how offenders enter and leave the system, including the timing of releases. To accurately simulate the movement of offenders through the system, actual data describing the offenders admitted and the factors affecting their lengths-of-stay are compiled and programmed into the simulation model.

Use of simulation forecasting requires several assumptions to be made regarding commitments and releases. Following are the important assumptions approved by the Policy Advisory Committee and incorporated into DJJ's simulation model for this year's forecast:

- The number of future admissions will reflect the admission forecast approved by the Policy Advisory Committee (see below).
- Future admission will have the same characteristics as FY2005 and FY2006 admissions on average (e.g., offenses, sentence lengths, prior record adjudications, treatment assigned and completed, rate of institutional offenses, etc.).
- Future admissions will be assigned length-of-stay categories that reflect the average of actual experience during FY2005 and FY2006.
- Juveniles who will be assigned to the Department's mandatory sex offender program will comprise 6.5% of future admissions. This percentage is based on the average recorded for FY2005 and FY2006.
- Juveniles determinately committed to the Department will comprise 12% of future admissions. This percentage is based on the average experienced during FY2005 and FY2006.

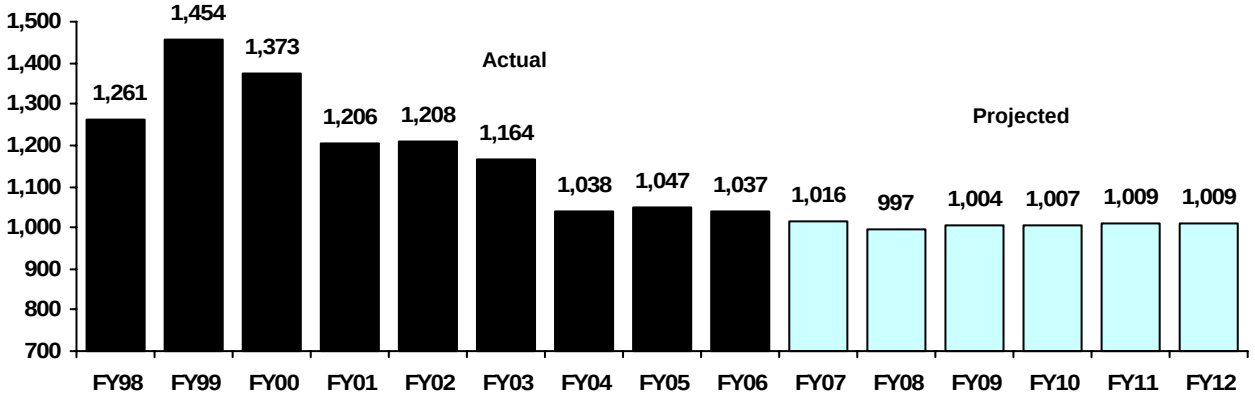
New Admissions Forecast

The admissions forecast is one of the key inputs into the population simulation model. Given the continuing decline in juvenile admissions, however, statistical models based on historical data are not useful tools in projecting future admissions. In each of the last two years, the Policy Advisory Committee elected not to use the statistical forecast of juvenile admissions, and instead set a level admissions forecast. The Policy Advisory Committee does not believe that a decrease of the magnitude seen in recent years will continue throughout the six-year forecast horizon. The Committee, therefore, approved a flat admissions forecast to be used in this year's forecast. The admissions forecast was set at the level experienced in FY2006 (877 juveniles) for each year of the forecast (FY2007 through FY2012).

2006 Juvenile State-Responsible Offender Forecast

DJJ's simulation forecast model was based on the new admissions forecast and other assumptions described above. The forecast generated by the simulation model suggested that the population in juvenile correctional centers would decline to 954 in June of 2012. The Policy Advisory Committee felt strongly that this population would not drop to such unprecedented levels. As an alternative, the Committee reviewed the forecast adopted in 2005, which had proven to be extremely accurate during FY2006. The forecast approved in 2005 projects the correctional center population to level off at 1,009 juveniles in June of 2012. There was strong consensus during discussion among Committee members favoring this forecast. The Committee approved continued use of the 2005 forecast as the official forecast this year (Figure 18).

Figure 18
Juvenile State-Responsible Offender Forecast (June Average)



Actual:

Year	Population	Change
FY99	1,454	15.3%
FY00	1,373	-5.6%
FY01	1,206	-12.2%
FY02	1,208	0.2%
FY03	1,164	-3.6%
FY04	1,038	-10.8%
FY05	1,047	0.9%
FY06	1,037	-1.0%
	Avg. growth	-2.2%

Forecast:

Year	Population	Change
FY07	1,016	-1.6%
FY08	997	-1.9%
FY09	1,004	0.7%
FY10	1,007	0.3%
FY11	1,009	0.2%
FY12	1,009	0.0%
	Avg. growth	-0.4%

Juvenile Local-Responsible Offender Population

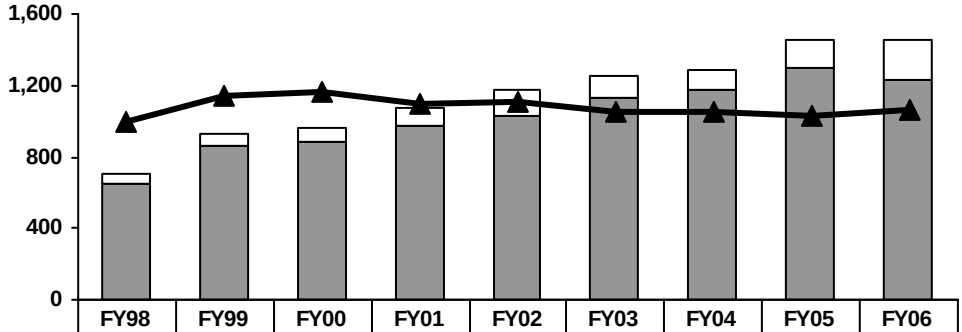
Local government or multi-jurisdictional commissions operate all but one of the secure detention home programs in the Commonwealth. The programs provide safe and secure housing for youth accused of felonies or Class 1 misdemeanors. DJJ acts as the regulatory agency responsible for licensure of these facilities and also provides partial funding for construction and operations. Historically, the vast majority of detention home capacity has been utilized for pre-dispositional detention. Juveniles are detained pending adjudication, disposition or placement. Post-dispositional detention may serve as an alternative to state commitment and is used by the courts primarily for offenders with less serious offenses who require treatment in a secure setting. Post-dispositional confinement cannot exceed 180 days. Post-dispositional utilization typically represents less than 16% of detention home utilization. When approved by the General Assembly, the Commonwealth will provide 25% of the capital costs of detention home construction. No other payments from the state are provided to localities for operation of juvenile detention homes.

Juvenile Local-Responsible Offender Stabilization

The seasonal admissions pattern and the short lengths of stay give rise to a prominent seasonal pattern in the population movement. Due to this significant seasonal variation, the Policy Advisory Committee approved a change in the reporting of the detention home population for forecasting purposes. This year, detention home population figures are reported as a fiscal year average and not as a June average, as in previous years.

Since FY2003, there have not been significant changes in the detention home population. The population has fluctuated between an average of 1,030 and 1,060 for the fiscal year (Figure 19). In recent years, overall statewide capacity in juvenile detention homes has not been fully utilized. For FY2006, the utilization rate was 74%. This means that, statewide, three in four detention home beds were being utilized on average at a given time.

Figure 19
Juvenile Local-Responsible Offender Population (FY Average)

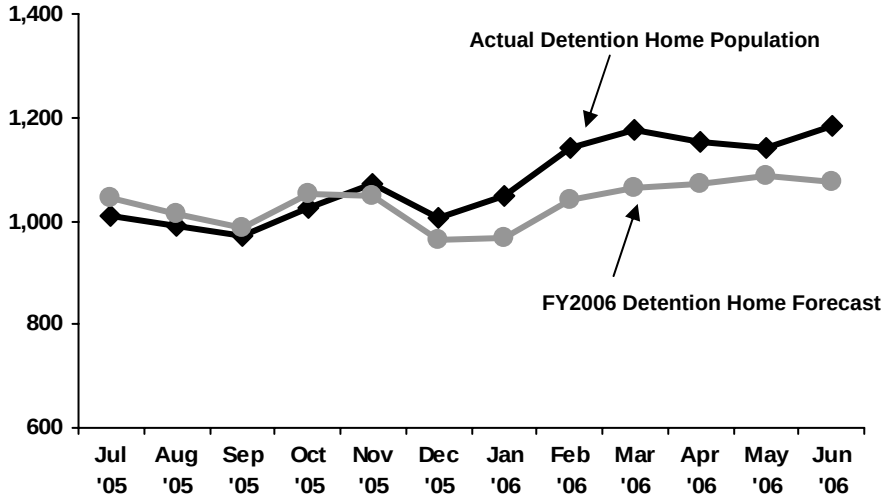


	FY98	FY99	FY00	FY01	FY02	FY03	FY04	FY05	FY06
Post-dispositional Capacity	63	76	76	104	137	123	122	149	228
Pre-dispositional Capacity	645	856	883	974	1,033	1,135	1,170	1,303	1,228
Actual Population (FY Avg)	994	1,138	1,167	1,091	1,109	1,054	1,049	1,033	1,060

Accuracy of the 2005 Forecast

The forecast adopted in 2005 has performed reasonably well. For FY2006, the forecast projected an average population of 1,035 juveniles in detention homes statewide. The forecast fell short of the actual population, which averaged 1,060 for the fiscal year (Figure 20). This is a forecast difference of 25, or 2.4%. While the forecast tracked the actual population very closely during the first half of the fiscal year, the actual population began to exceed the forecast in December 2005, a pattern which continued through the remainder of the fiscal year.

Figure 20
Accuracy of the Juvenile Local-Responsible Offender Forecast in FY2006



Changes in Juvenile Intakes at Court Service Units

Juveniles brought into a court service unit charged with a felony or a Class 1 misdemeanor are eligible for placement in detention. Overall, the number of intakes at juvenile court service units declined between FY2002 and FY2005 and then leveled off between FY2005 and FY2006 (Figure 21). The number of intakes for offenses that qualify for detention increased only slightly (0.2%) last year. However, the number of intakes for felony offenses increased for the first time in four years. This reverse in the trend could not have been anticipated and likely contributed to underforecasting of the detention home population in FY2006.

Figure 21
Juvenile Intakes at Court Service Units

Type of Intake	FY2002	FY2003	FY2004	FY2005	FY2006
Person Felonies	3,479	3,388	3,322	3,498	3,789
Other Felonies	8,665	8,135	7,979	7,570	7,996
Class 1 Misdemeanors	28,121	26,965	28,004	27,869	27,223
Other Intake Cases	27,869	27,258	27,228	26,190	26,135
Total	68,134	65,746	66,533	65,127	65,143

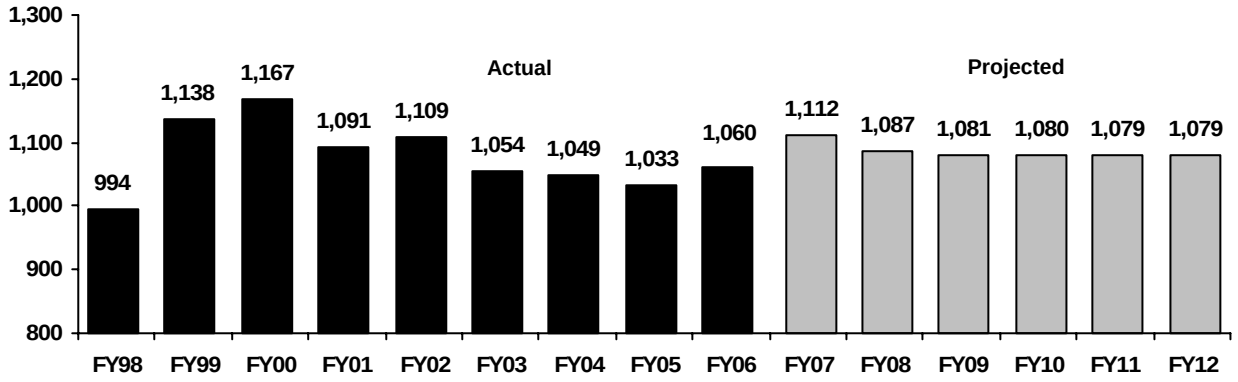
Forecasting Methodology

Juvenile local-responsible offender projections are developed using time series forecasting techniques. These same statistical techniques are used to forecast the adult local-responsible offender population. Time-series forecasting assumes that there is a pattern in the historical values that can be identified, such as short and long-term trends and seasonal fluctuations. Time-series forecasting then utilizes the pattern identified in the historical data to project future values.

2006 Juvenile Local-Responsible Offender Forecast

The forecast for the juvenile local-responsible population is shown in Figure 22. The forecast accounts for the growth from FY2005 to FY2006 and projects one more year of growth before the population is expected to level off. The forecast predicts that the average population in detention homes will increase from 1,060 in FY2006 to 1,112 in FY2007. This is an increase of 52 juveniles, or 4.9%. Because of the increases and decreases in the actual population over time and the lack of a distinguishable trend, the forecast beyond FY2007 reflects the long-term average population level.

Figure 22
2006 Juvenile Local-Responsible Offender Forecast (FY Average)



Actual:

Year	Population	Change
FY99	1,138	14.5%
FY00	1,167	2.5%
FY01	1,091	-6.5%
FY02	1,109	1.6%
FY03	1,054	-5.0%
FY04	1,049	-0.5%
FY05	1,033	-1.5%
FY06	1,060	2.6%
	Avg. growth	1.0%

Forecast:

Year	Population	Change
FY07	1,112	4.9%
FY08	1,087	-2.2%
FY09	1,081	-0.6%
FY10	1,080	-0.1%
FY11	1,079	-0.1%
FY12	1,079	0.0%
	Avg. growth	0.3%

Continuing Work during FY2007

The annual process for updating the forecasts concluded in September, with the approval of the 2006 forecasts by Policy Advisory Committee. Nevertheless, work related to the forecast continues throughout the fiscal year, and the Office of the Secretary of Public Safety will continue to oversee these efforts. To assist the Secretary's Office, the Technical Advisory Committee will examine and provide analysis in several areas, discussed below.

Forecast Accuracy

The Technical Advisory Committee will submit quarterly accuracy reports for each population to the Secretary's Office. The Department of Corrections will report on the state-responsible offender forecast, the Department of Criminal Justice Services on the local-responsible offender forecast, and the Department of Juvenile Justice on the state and local juvenile offender forecasts. The Department of Planning and Budget will collect the quarterly reports and submit an aggregate report to the Secretary of Public Safety.

Probation Violators

Due to the significant interest in technical probation violators in recent years, efforts to identify and track these offenders will continue. The Virginia Criminal Sentencing Commission will provide data to the Department of Corrections on felony probation violators returned to circuit court, and the data shall include the reason(s) for the revocation and the disposition for each case. The Department of Corrections will obtain criminal conviction information from the State Police to assist in the study of probation violators sentenced to the Department

Population of Prisoners in Jail Awaiting Trial

The number of local-responsible prisoners in jail has grown significantly faster than any other correctional population in Virginia. The most substantial growth has been in the number of prisoners in jail awaiting trial. Recent regulation of bail bondsmen and bail enforcement agents may have been a factor in the disproportionate growth in the awaiting trial category. The Technical Advisory Committee will continue to investigate the population of prisoners in local and regional jails who are confined awaiting trial and the underlying factors contributing to the recent growth.

Aging Offender Populations

With the aging of the baby-boom generation, the number of older offenders confined in correctional facilities has begun to rise. Older offenders have a variety of special needs in a correctional setting. The Department of Corrections and the Department of Criminal Justice

Services will monitor and report on trends in the population of older offenders confined in state and local facilities within the Commonwealth.

Policy Changes and Initiatives Affecting the Prisoner Populations

Members of the Technical Advisory Committee will identify significant policy or program changes within their respective agencies that may have affected any of the prisoner populations in the past or that may impact one of the populations in the future. As these items are brought forward, the Technical Advisory Committee will evaluate each policy or program change to determine if and how it should be addressed in the development of next year's prisoner forecasts.

Appendix A: Committee and Work Group Members

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Gene M. Johnson, Director
Virginia Department of Corrections

The Honorable Ryan T. McDougle
Senate of Virginia

The Honorable B. J. Roberts
Sheriff - City of Hampton
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