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Office of the Secretary of Public Safety

October 15, 2009

TO: The Honorable Timothy M. Kaine
Governor

The Honorable Lacey E. Putney
Chairman, House Appropriations Committee

The Honorable Charles J. Colgan, Sr.
Chairman, Senate Finance Committee

The Honorable David B. Albo
Chairman, House Courts of Justice Committee

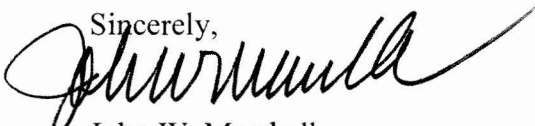
The Honorable Henry L. Marsh, III
Chairman, Senate Courts of Justice Committee

Each year, my office is required 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.

The forecasting process brings together policy makers, administrators and technical experts from all branches of state government to update the forecasts for the adult state-responsible, adult local-responsible, juvenile correctional center, and juvenile detention home populations.

The 2009 forecasting process is now complete and, per the requirements of Item 381(A) of Chapter 781 of the 2009 Acts of Assembly, this report is respectfully submitted for your review.

Please contact my office should you have any questions regarding any aspect of the offender forecasts.

Sincerely,

John W. Marshall

Office of the
Secretary of Public Safety

**REPORT ON THE OFFENDER POPULATION
FORECASTS (FY2010 TO FY2015)**

To The Governor and General Assembly



Commonwealth of Virginia

Richmond, October 15, 2009

Authority

This report has been prepared and submitted to fulfill the requirements of Item 381(A) of Chapter 781 of the 2009 Acts of Assembly. 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, 2009. 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 included in the overall population forecast who may be appropriate for punishment via alternative sanctions. This document contains the Secretary's report for 2009.

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Executive Summary

Forecasts of offenders confined in state and local correctional facilities are essential for criminal justice budgeting and planning in Virginia. 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 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.

To produce the prisoner forecasts, the Secretary of Public Safety utilizes an approach known as “consensus forecasting.” This process brings together policy makers, administrators and technical experts from all branches of state 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 carefully scrutinizes each forecast according to the highest statistical standards. Select forecasts are presented to the Liaison Work Group. The Work Group evaluates the forecasts and provides guidance to the Technical Advisory Committee. It includes deputy directors and senior managers of criminal justice and budget agencies, as well as staff of the House Appropriations and Senate Finance Committees. Forecasts accepted by the Work Group then are presented to the Policy Advisory Committee. Led by the Secretary of Public Safety, the Policy Advisory Committee reviews the various forecasts, making any adjustments deemed necessary to account for emerging trends or recent policy changes, and selects the official forecast for each offender population. The Policy Committee is made up of agency directors, lawmakers and other top-level officials from Virginia’s executive, legislative, and judicial branches, as well as representatives of Virginia’s law enforcement, prosecutor, sheriff, and jail associations. Through the consensus process, a separate forecast is produced for each of the four major correctional populations.

The forecasts, approved in September 2009, were based on all of the statistical and trend information known at the time that they were produced. It is unclear, however, how long the current trends will continue. In particular, the duration of the current economic downturn and the timing and pace of recovery are not known. The depth and length of the economic recession may influence the numbers and types of crimes committed in the Commonwealth. Additionally, with both state and local governments forced to reduce spending, there may be shifts in the prioritization and deployment of law enforcement resources. As budget cuts impact community sanctions and treatment services, there may be a shortage of programs used by judges to divert non-violent offenders away from incarceration and the numbers of those sentenced to secure facilities may rise. For these reasons, there is considerable uncertainty regarding the future growth or decline of Virginia’s correctional populations. The forecast committees will continue to monitor the offender populations monthly in order to identify any changes as quickly as possible.

Adult State-Responsible Inmate Population. The largest of the four forecasts, the adult state-responsible inmate population includes offenders incarcerated in state prisons as well as state inmates housed in local and regional jails around the Commonwealth. For the first time in more than a decade, the population declined in FY2009. At the close of fiscal year (FY) 2009, there were a total of 38,387 state inmates. This is a decrease of 1.1% from the previous fiscal year. Much of the decline can be attributed to a significant drop in the number of offenders committed to the Department of Corrections (DOC). From FY2008 to FY2009, prison commitments fell by 5.3%. This shift is consistent with recent changes in arrest patterns, reductions in felony caseloads in circuit court, and declines in the number of offenders in jail awaiting trial. Given the population decline in FY2009, the forecast approved this year is lower than the one submitted a year ago. The population is expected to reach 39,910 inmates by the end of FY2015; an average annual growth of 0.7% is anticipated over the next six years (see table below). As required by Appropriation language, the forecast has been disaggregated to identify the number of probation violators within the overall population who may be appropriate for alternative sanctions. By the end of FY2015, it is projected that the state-responsible population will include 2,363 technical probation violators; DOC estimates that 53% of these technical violators may be suitable for alternative programs.

Adult Local-Responsible Jail Population. The adult local-responsible jail 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. Following substantial growth of more than 7% in both FY2006 and FY2007, the average local-responsible jail population fell in FY2008 by 1.7%. The decline continued in FY2009, with the population shrinking another 3.0%, to an average of 19,671 for the year. The majority of the decrease in the local-responsible population in FY2009 was in the number of individuals in jail awaiting trial or pending additional charges. Recent declines in drug arrests have contributed to this. Drug arrests dropped more than 6% overall in 2008, while arrests for cocaine offenses plunged nearly 26%. Statewide, felony caseloads in circuit court have also dipped. Thus, the forecast for the local-responsible jail population has been revised downward. The population is projected to fall by 2% in FY2010 and to grow by less than 1% each year thereafter, reaching an average of 20,082 offenders in FY2015 (see table below). Changes in arrests, however, can have an immediate impact on the number offenders in jail. Also, a recent U.S. Supreme Court decision requiring forensic analysts to testify in person could result in delays in criminal trials associated with scheduling difficulties and with the reduction of hours spent by analysts in the lab processing evidence. This may increase the length of time defendants remain in jail awaiting trial. For these reasons, this population will be monitored closely.

Juvenile Correctional Center Population. The juvenile state-responsible offender population refers to the number of juveniles held in the Department of Juvenile Justice (DJJ) correctional facilities. This population has been shrinking since FY2000. Some of the decline can be attributed to a change in the minimum criteria for a juvenile to be committed to DJJ (from a felony or two Class 1 misdemeanor adjudications to a felony or four Class 1 misdemeanor adjudications) beginning July 1, 2000. That policy change, however, cannot explain the persistent downward trend in commitments. At DJJ's Court Serve Units, the point of entry into the juvenile justice system, the total number of juvenile intake cases fell for the fourth straight

year, dropping by 1.4% in FY2009; except for Class 1 misdemeanors, all categories of intakes were down. The average daily population for the month of June 2009 was 882 juveniles. The forecast calls for a continued decline through FY2010. Beginning in FY2011, however, the population of juveniles in state correctional facilities is expected to begin increasing again due to the longer lengths of stay, on average, for juveniles committed today compared to juveniles committed a few years ago. By June 2015, the average daily population is expected to reach 912 juveniles (see table below).

Juvenile Detention Home 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 DJJ is responsible for licensure of these facilities. Between FY2003 and FY2007, there were no significant changes in the detention home population, when it remained between 1,030 and 1,080. In FY2008, however, the average detention home population fell by 4.7%. This was followed by another 7.1% drop in FY2009, resulting in an average population of 939 juveniles for the year. Lower numbers of intakes at DJJ’s Court Service Units and a recent pilot program to reduce detention of low-risk juveniles have contributed to the changes in this population. While individual facilities may be experiencing crowding, detention home capacity statewide has not been fully utilized in recent years. It is anticipated that this population will remain relatively level throughout the next six years. The average population for FY2015 is projected to be 939 juveniles (the same as the FY2009 average population).

For additional information on the offender forecasts, contact Barry R. Green, through the Office of the Secretary of Public Safety, at (804) 786-5351.

2009 Offender Forecasts

Fiscal Year	Adult State-Responsible Inmate Population (June 30)	Technical Probation Violators within the Adult State-Responsible Inmate Population (June 30)*	Adult Local-Responsible Jail Population (FY Average)	Juvenile Correctional Center Population (June Average)	Juvenile Detention Home Population (FY Average)
FY2010	38,429	2,276	19,282	871	958
FY2011	38,597	2,286	19,390	892	958
FY2012	38,857	2,301	19,564	889	953
FY2013	39,176	2,320	19,737	904	949
FY2014	39,531	2,341	19,910	908	944
FY2015	39,910	2,363	20,082	912	939
Average annual change	0.7%	0.6%	0.4%	0.6%	0.0%

* The Technical Probation Violator forecast is a subgroup of, and not in addition to, the Adult State-Responsible Inmate Forecast. The Department of Corrections estimates that 53% of these technical probation violators (shown above) may be suitable for alternative programs.

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. To produce the prisoner forecasts, the Secretary of Public Safety utilizes an approach known as "consensus forecasting." 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. 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 that 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 correctional 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 carefully scrutinizes each forecast according to the highest statistical standards. The forecasts with the best set of statistical properties are recommended by the Technical Advisory Committee for consideration by the Liaison Work Group. Work Group members include deputy directors and senior managers of criminal justice and budget agencies as well as staff of the House Appropriations and Senate Finance Committees. Meeting throughout the development of the forecasts, the Work Group provides guidance to the Technical Advisory Committee, discusses detailed aspects of the projections, and directs technical staff to provide additional data needed for decision making. The diverse backgrounds and expertise of Work Group members promote in-depth discussions of numerous issues and trends in criminal justice in Virginia. After thorough evaluation of each forecast, the Work Group makes recommendations to the Policy Advisory Committee. Led by the Secretary of Public Safety, the Policy Advisory Committee reviews the various forecasts and selects the official forecast for each population. This Committee also considers the effects of emerging trends or recent policy changes, making adjustments to the forecasts as it deems appropriate. The Policy Advisory Committee is made up of agency directors, one or more members of the General Assembly, and other top-level officials from Virginia's executive, legislative, and judicial branches. Each year, a prosecutor, sheriff and police chief are invited to serve on the Committee to represent their respective associations. This year, a representative of the Virginia Association of Regional Jails was added to the Committee.

The forecasting process benefits from rigorous quantitative analysis by the Technical Advisory Committee, detailed scrutiny by the Liaison Work Group, and high-level review by the Policy Advisory Committee. Through the consensus process, a separate forecast is produced for each of the four major correctional populations.

Adult State-Responsible Inmate Population

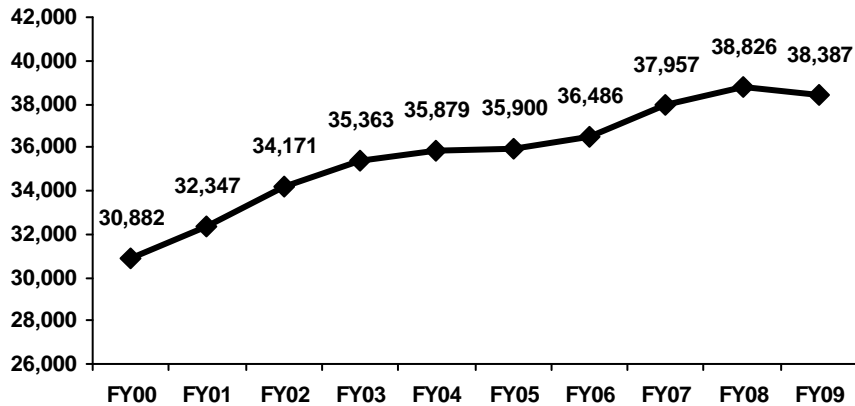
The adult state-responsible inmate population includes offenders incarcerated in state prison facilities as well as those state inmates being housed in the local and regional jails around the Commonwealth. It is the largest of the four major correctional populations. For forecasting purposes, state-responsibility 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 Change

In FY2007 and FY2008, the adult state-responsible inmate population grew at a robust rate, increasing 4.0% and 2.3% in those years, respectively. During FY2009, however, the adult state-responsible inmate population declined, reaching 38,387 at the close of the fiscal year (Figure 1). This is the first drop in the inmate population in more than a decade. The inmate population as a whole decreased by 439 offenders, or 1.1%, over the fiscal year.

Virginia's recent prison population decline is not unlike the experience in other states. According to the Bureau of Justice Statistics (BJS), 16 states reported decreases in their prison populations from January to June 2008, while the rate of growth slowed in 18 other states.

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

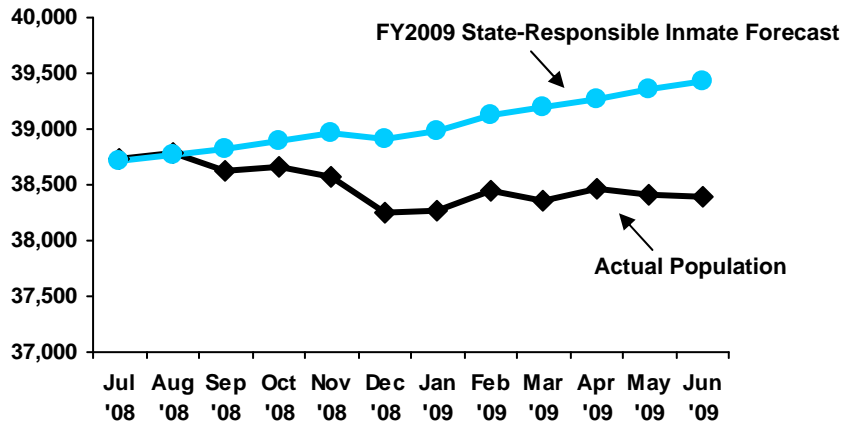


Accuracy of the FY2009 Forecast

The forecast of the state-responsible inmate population adopted in 2008 exceeded the actual population for most of FY2009, and the gap between the forecast and the actual population grew over the course of the year (Figure 2). The forecast projected a growth of 1.6%

for FY2009. As noted above, the actual population declined by 1.1%. At the close of the fiscal year, the forecast exceeded the actual population by approximately 1,000 inmates.

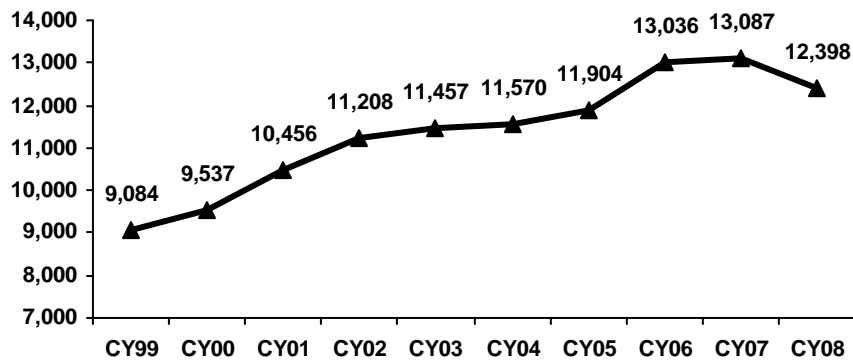
Figure 2
Accuracy of the FY2009 Adult State-Responsible Inmate Forecast



Factors Affecting the Adult State-Responsible Inmate Population

The number of offenders entering the state-responsible inmate population each year is a critical factor affecting population growth. In calendar year (CY) 2008, the most recent year of data available, the courts committed 12,398 offenders to DOC. The number of commitments in CY2008 was 689, or 5.3%, lower than the number of offenders committed in CY2007 (Figure 3). The drop in prison commitments in CY2008 is the principal reason for the dip in the overall inmate population. Prior to CY2008, new commitments to prison had risen every year for more than a decade, with significant growth in CY2006 (9.5%) followed by a slight increase in CY2007 (0.4%).

Figure 3
New Court Commitments (by Calendar Year)



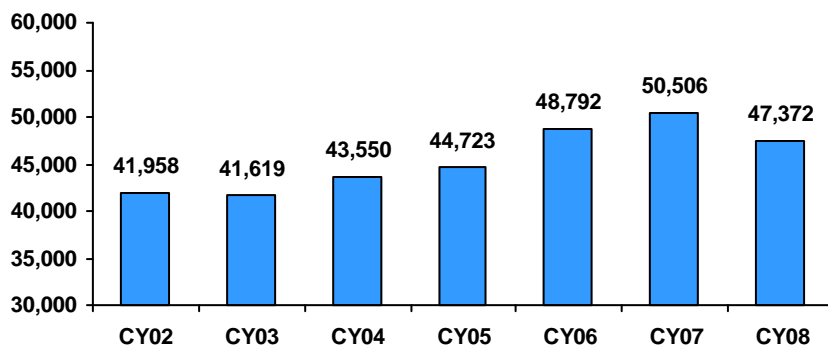
Historical data have been updated to reflect the most recent information available from the new data system known as Virginia CORIS.

There are likely several factors associated with the recent downturn in prison commitments. After strong growth for several years, the arrest rate (arrests per 100,000 population) for drug offenses declined in CY2008 and the number of adult drug arrests fell more than 6% overall. This dramatic shift is being driven by a steep drop in arrests for cocaine offenses, which plunged more than 26%. Federal data suggest reduced availability of cocaine in the United States. Law enforcement efforts (e.g., seizures, crop eradication, and border security) and the drug war in Mexico appear to be impacting the ability of traffickers to deliver drugs to the U.S. Finally, with both state and local governments forced to reduce spending, there may be shifts in the prioritization and deployment of law enforcement resources. For example, law enforcement agencies may freeze personnel vacancies and reduce paid overtime to officers. This may result fewer man-hours on patrol and fewer street arrests in some localities.

The number of adults arrested for property offenses (burglary, larceny and motor vehicle theft) increased in both CY2007 and CY2008, but data from the jails and the courts suggests that the increase has been largely in misdemeanor larceny offenses (for which an offender could not receive a prison sentence unless also convicted of a felony). Arrests of adults for violent offenses (murder/non-negligent manslaughter, forcible rape, robbery and aggravated assault) showed a modest increase (2%) in CY2008; however, these offenses comprise a small share of total adult arrests each year.

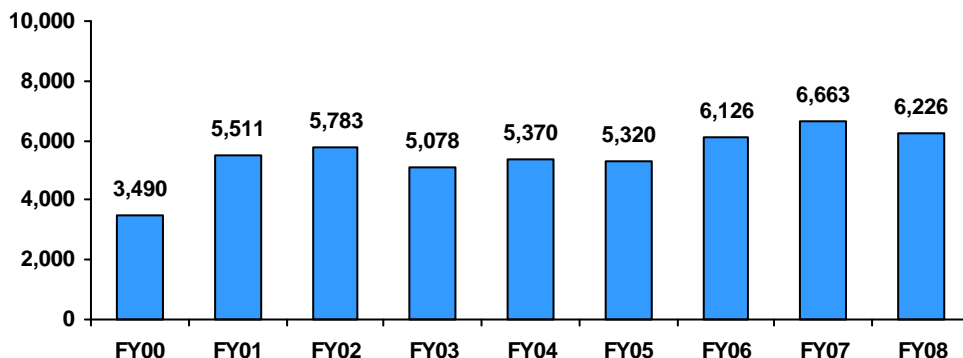
Statewide, court data indicate a declining felony caseload. In CY2008, the number of felony cases commenced in circuit court decreased by 6.7%. Similarly, the number of felony defendants in circuit court dipped by 6.2% (Figure 4). Of the court data examined, only new misdemeanor cases in General District Court continued to rise in CY2008.

**Figure 4
Felony Defendants in Virginia's Circuit Courts**



According to the Virginia Criminal Sentencing Commission, the number of felony offenders brought back to court for technical violations of their community supervision (i.e., those with no new criminal conviction) also appears to have declined recently. Between FY2000 and FY2007, the number of felony offenders brought back to court for technical violations nearly doubled (Figure 5). In FY2008, however, the number of technical violators returned to court subsided, with 7% fewer reported.

Figure 5
Felony Offenders Returned to Court for Technical Violations of Community Supervision



Impact of Truth-in-Sentencing/No-Parole Policy

In 1994, the General Assembly passed legislation to abolish discretionary parole release and to implement a system known as “truth-in-sentencing” in Virginia. Felony offenders must now serve at least 85% of their prison or jail terms. New sentencing guidelines were implemented in 1995. Under these guidelines, variation in sentencing has been reduced and sentences have become more predictable. The recommendations for nonviolent offenders with no prior record of violence are tied to the amount of time those offenders historically served under the parole system. In contrast, for offenders with current or prior convictions of violent crimes (about one in five offenders), built-in guidelines enhancements trigger sentence recommendations that are significantly longer than historical time served in prison under the parole system. Thus, for violent offenders, the length-of-stay in prison is longer today than prior to the enactment of truth-in-sentencing.

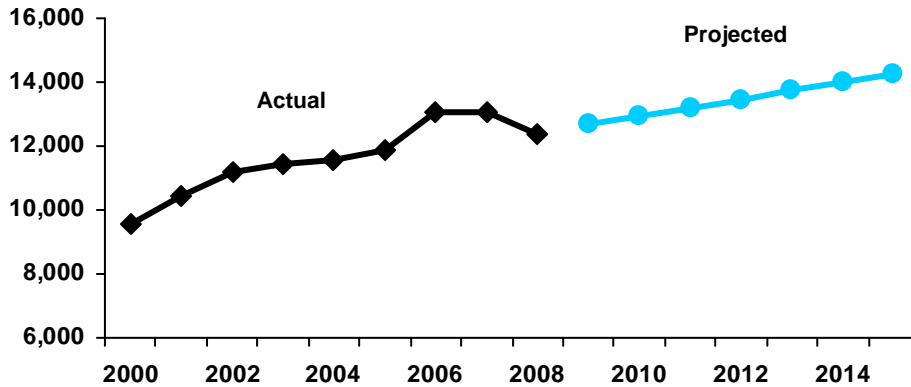
New Commitment Forecast

As noted above, the number of commitments to DOC each year is a critical factor affecting population growth. To aid in the development of the overall inmate forecast, analysts first develop a projection of future commitments to prison. The commitment forecast is the total of six separate commitment forecasts based on 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 across categories.

Because commitments to prison declined in CY2008, the forecast has been revised downward. It is projected that the number of new commitments will grow at an average of 2.0% annually through CY2015 (Figure 6). The commitment forecast was developed using a statistical technique known as time-series forecasting. Time-series forecasting utilizes historical patterns, trends, and seasonal variations to project future values. The decline in commitments in CY2008 is part of the historical data used to develop the forecast. If patterns in new commitments change, this forecast will be less accurate. It is not known how long the current

patterns will continue. For example, with both state and local governments forced to cut budgets, there may be a shortage of programs traditionally used by judges to divert non-violent offenders away from prison. Consequently, the numbers of those sentenced to prison could begin to rise. Commitments to prison will be closely monitored throughout the fiscal year so that any changes can be identified quickly and further analyzed.

Figure 6
New Commitment Forecast (by Calendar Year)



Actual:	Year	Commitments	Change	Forecast:	Year	Commitments	Change
	CY01	10,456	9.6%		CY09	12,691	2.4%
	CY02	11,208	7.2%		CY10	12,925	1.8%
	CY03	11,457	2.2%		CY11	13,194	2.1%
	CY04	11,570	1.0%		CY12	13,466	2.1%
	CY05	11,904	2.9%		CY13	13,734	2.0%
	CY06	13,036	9.5%		CY14	14,002	2.0%
	CY07	13,087	0.4%		CY15	14,270	1.9%
	CY08	12,398	-5.3%				
	Avg. growth		3.4%		Avg. growth		2.0%

Forecasting Methodologies

As with each correctional population, two forecast models are developed for the state-responsible population by two analysts working independently of one another. The Department of Corrections produces one of the state-responsible forecast models and the Department of Planning and Budget (DPB) generates the other.

To develop its forecast, DOC utilizes a computer simulation model designed to mimic the flow of offenders through the system. To accurately simulate the movement of offenders through the system, actual data describing the offenders admitted to, confined in, and released from the state inmate population are compiled and programmed into the simulation model. From 1986 through 2008, DOC generated state-responsible inmate forecasts using a simulation model

developed with software known as Prophet (or Wizard). According to DOC, the drawbacks of this model (it could not be easily modified and it required external contracts for continued software support) lead the agency to discontinue use of it in 2009. DOC purchased a new forecasting software package known as Simul8. It is a standard software package made specifically for creating simulation models. It is flexible in that users can design a simulation model to accurately portray their particular system and it can be easily modified to capture policy changes. Like the Prophet software, the Simul8 model is designed to mimic the flow of individuals through the system over the forecast horizon. The Department of Juvenile Justice (DJJ) has used Simul8 software to forecast the juvenile correctional center population since 2002. In 2009, DOC generated its first forecast using the newly-designed simulation model. The Technical Advisory Committee recommended that the model's first forecast not be adopted as the official state-responsible population projection this year, in order to allow DOC to track the model for a full 12 months and assess its validity. This is the same approach that was followed when DJJ first developed its simulation model in 2002.

DPB projections are developed using statistical techniques that, collectively, are known as time-series forecasting. As described above, time-series forecasting utilizes historical patterns, trends, and seasonal variations to project future values; significant policy changes made in past years can be quantified and included in the statistical model. After careful review, the Technical Committee recommended DPB's forecast of the state-responsible population to be the official forecast.

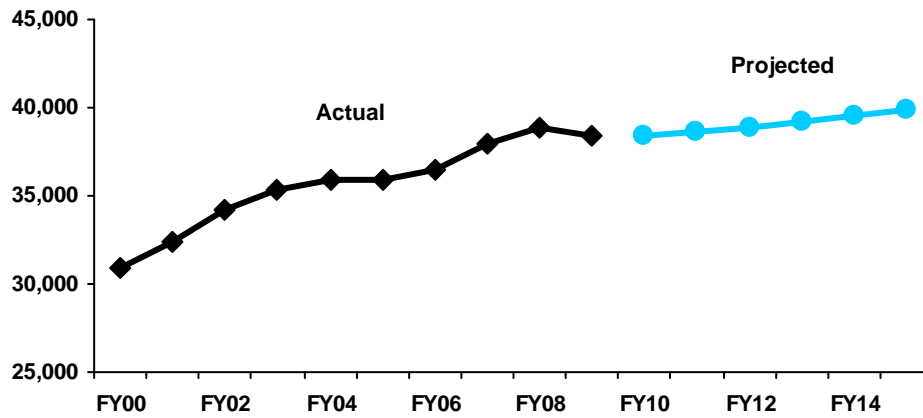
Adult State-Responsible Inmate Forecast

The Liaison Work Group and the Policy Advisory Committee discussed in great detail the potential impact of the current economic recession and associated budget reductions, as well as recent changes in arrest patterns and the declines observed in court caseloads, the number of offenders in jail awaiting trial, and prison commitments. The number of offenders awaiting or pending trial is seen by many as an early indicator of what will happen in the state inmate population in subsequent months, since many of the defendants held in jail eventually will be sentenced to serve a state prison term.

The forecast, approved in September 2009, was based on all of the statistical and trend information known at the time that it was produced. How long the current trends will continue, however, is unclear. In particular, the duration of the economic downturn and the timing and pace of recovery are not known. Many factors may affect the state-responsible inmate population, and several of these have been discussed above. Because of the tremendous uncertainty associated with the offender forecasts, particularly for the latter years of the forecast horizon, the Policy Advisory Committee focused on the forecast through the next biennium (FY2011-FY2012). The forecast committees will monitor the population closely throughout the remainder of the fiscal year.

The number of state-responsible inmates is projected to be 38,857 by the end of FY2012 (Figure 7). This forecast reaches a population of 39,910 by the end of FY2015. The forecast reflects an average annual growth of 0.7% over the next six years.

Figure 7
Adult State-Responsible Inmate Forecast (for June 30 of each year)



Actual:	Year	Population	Change	Forecast:	Year	Population	Change
	FY02	34,171	5.6%		FY10	38,429	0.1%
	FY03	35,363	3.5%		FY11	38,597	0.4%
	FY04	35,879	1.5%		FY12	38,857	0.7%
	FY05	35,900	0.1%		FY13	39,176	0.8%
	FY06	36,486	1.6%		FY14	39,531	0.9%
	FY07	37,957	4.0%		FY15	39,910	1.0%
	FY08	38,826	2.3%				
	FY09	38,387	-1.1%				
	Avg. growth		2.2%		Avg. growth		0.7%

Year	2008 Forecast	Approved 2009 Forecast	Difference
FY2010	40,481	38,429	-2,052
FY2011	41,453	38,597	-2,856
FY2012	42,447	38,857	-3,590
FY2013	43,424	39,176	-4,248
FY2014	44,422	39,531	-4,891
FY2015		39,910	

Figures represent the population as of June 30 for each year reported.

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 0.5% annually, while the female inmate population is projected to grow by 2.9% on average each year.

Figure 8
Adult State-Responsible Inmate Forecast by Gender (for June 30 of each year)

Year	Male Inmates	Change
FY10	35,378	-0.1%
FY11	35,454	0.2%
FY12	35,620	0.5%
FY13	35,844	0.6%
FY14	36,105	0.7%
FY15	36,390	0.8%

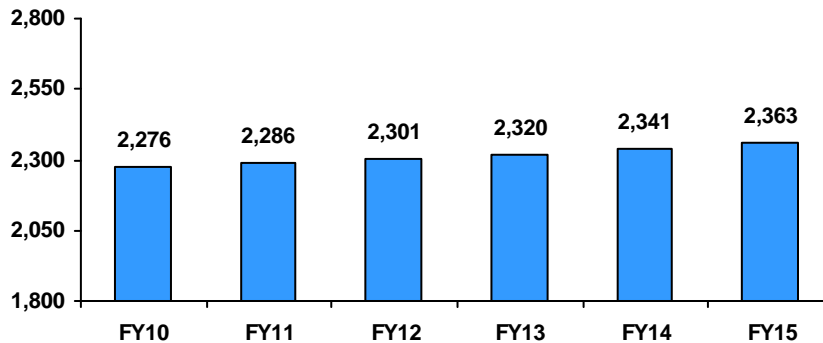
Projected average growth
 FY2010 – FY2015: 0.5%

Year	Female Inmates	Change
FY10	3,051	2.9%
FY11	3,143	3.0%
FY12	3,237	3.0%
FY13	3,332	2.9%
FY14	3,426	2.8%
FY15	3,520	2.7%

Projected average growth
 FY2010 – FY2015: 2.9%

Item 381(A) of Chapter 781 of the 2009 Acts of Assembly requires the Secretary of Public Safety to provide an estimate of the number of technical probation violators within the state-responsible inmate population who may be appropriate for punishment via alternative sanctions. By the end of FY2015, it is projected that the population will include 2,363 technical probation violators (Figure 9). DOC estimates that 53% of technical violators sentenced to the Department may be suitable for alternative programs.

Figure 9
Technical Probation Violator Population Forecast *



* The Department of Corrections estimates that 53% of the technical violators received by the Department may be suitable for alternative programs. DOC concluded 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%).

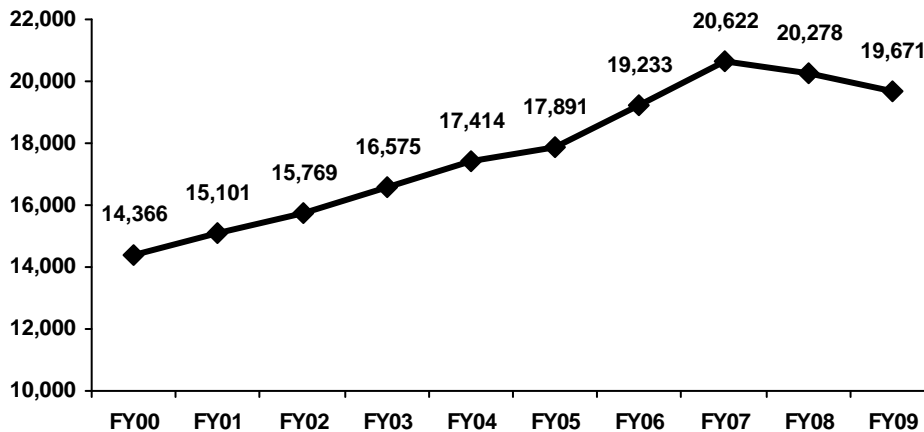
Adult Local-Responsible Jail Population

The adult local-responsible jail 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. During FY2009, local-responsible prisoners on average accounted for approximately 70% of the total jail population. State-responsible offenders and federal prisoners averaged 21% 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 Change

The local-responsible jail population fluctuates seasonally. The population peaks each year during late summer and early fall. Jails record the lowest population levels during the winter months. Due to this significant seasonal variation, the average local-responsible population over the entire fiscal year is most often used for forecasting purposes. Following substantial growth of more than 7% in both FY2006 and FY2007, the average local-responsible jail population dropped by 1.7% in FY2008 (Figure 10). A year-to-year decline in this population was unprecedented. The decline continued in FY2009, however, with the population falling another 3.0% to an average of 19,671.

Figure 10
Adult Local-Responsible Jail Population (Fiscal Year Average)



Local-responsible jail prisoners can be placed into one of four categories: unsentenced awaiting trial, sentenced but pending additional charges, sentenced felons serving a term of 12 months or less, and sentenced misdemeanants. Rates of growth and decline have varied across these four categories. For example, the majority of the growth in FY2007 can be attributed to a

rise in the number of persons awaiting trial and those with additional charges pending; sentenced misdemeanants also increased in FY2007, but this category represents a much smaller share of the local-responsible population (Figure 11). In FY2008, however, all categories declined except sentenced local felons. Nearly all of the decrease in the overall population in FY2008 was due to a drop in the number of individuals awaiting trial or pending charges. In FY2009, with the exception of sentenced misdemeanants, all population categories shrank.

Figure 11
Changes in Local-Responsible Jail Population Categories

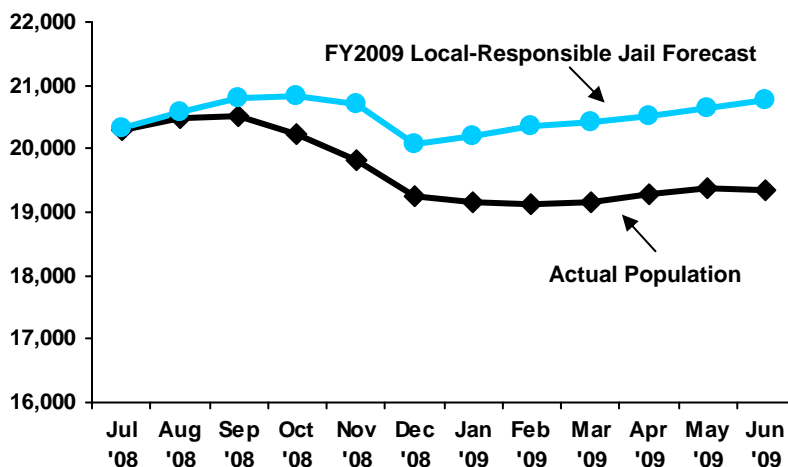
Category	FY2007	Change	FY2008	Change	FY2009	Change
Unsentenced Awaiting Trial	8,926	6.8%	8,771	-1.7%	8,273	-5.7%
Sentence but Pending Additional Charges	5,889	10.1%	5,692	-3.3%	5,531	-2.8%
Sentenced Local Felons	3,112	3.1%	3,136	0.8%	3,067	-2.2%
Sentenced Misdemeanants	2,694	6.8%	2,679	-0.6%	2,800	4.5%
Total Local-Responsible Jail Population	20,622	7.2%	20,278	-1.7%	19,671	-3.0%

Data are based on the average population for each fiscal year reported.

Accuracy of the FY2009 Forecast

Following the decline in the local-responsible jail population during FY2008, the forecast adopted last year projected a very modest growth for FY2009 of 1.2%. The actual population, however, continued to fall. The forecast exceeded the actual population throughout FY2009, and the margin of error grew larger over the course of the year (Figure 12). On average for the year, the forecast was 850 offenders higher than the actual population.

Figure 12
Accuracy of the FY2009 Local-Responsible Jail Forecast



Factors Affecting the Adult Local-Responsible Jail Population

Numerous factors have an impact on the local-responsible jail population, such as arrests, bail release decisions, case processing time in the courts (which affects the time served awaiting trial), and lengths-of-stay for convicted offenders serving a sentence. Shifts in arrest patterns appear to be having a significant impact on the local-responsible population. Despite reductions in the crime rate (crimes per 100,000 population) since the early 1990s, the total number of adults arrested in Virginia has been climbing. Drug arrests comprise the largest share of adult arrests in Virginia (based on arrests for property index offenses, violent index offenses and drug crimes reported to the Federal Bureau of Investigation). The number of adults arrested for drug offenses increased more than 45% between CY2002 and CY2007. In CY2008, however, drug arrests declined, with 6% fewer reported overall. The data reveal that this dramatic shift is being driven by a steep drop in arrests for cocaine offenses, which plummeted by 26% in CY2008. Although marijuana arrests inched 1.4% higher in CY2008, the vast majority of marijuana charges are misdemeanors for which a relatively small percentage of offenders are confined in jail.

As noted in the previous chapter, law enforcement efforts (e.g., seizures, crop eradication, and border security) and the drug war in Mexico appear to be hindering the ability of traffickers to deliver drugs, particularly cocaine and methamphetamine, to the U.S. Moreover, budget reductions at the state and local level may lead to changes in the prioritization and deployment of law enforcement resources, a freeze in hiring, and/or reductions in paid overtime to officers, all of which may result in fewer man-hours on patrol and fewer street arrests in some localities.

The number of adults arrested for property offenses (burglary, larceny and motor vehicle theft) increased in both CY2007 and CY2008, but data from the jails and the courts suggests that the increase has been largely in misdemeanor larceny offenses. Arrests for violent offenses (murder/non-negligent manslaughter, forcible rape, robbery and aggravated assault) increased a modest 2% in CY2008; however, these offenses represent a small share of total adult arrests.

As shown in the previous chapter, the number of felony cases commenced in circuit court fell by 6.7% in CY2008. In contrast, new misdemeanor cases in General District Court continued to rise in CY2008, growing by 2.5%. Misdemeanor offenders are much less likely to be detained while awaiting trial than felony offenders and, once convicted, are less likely than felony offenders to receive an active term of incarceration.

The reduction in technical probation violators, described in the previous chapter, may also be contributing to the decline in the local-responsible jail population. In FY2008, the number of technical violators dropped nearly 7%. Technical violators are considered to be awaiting trial while they await their revocation hearing.

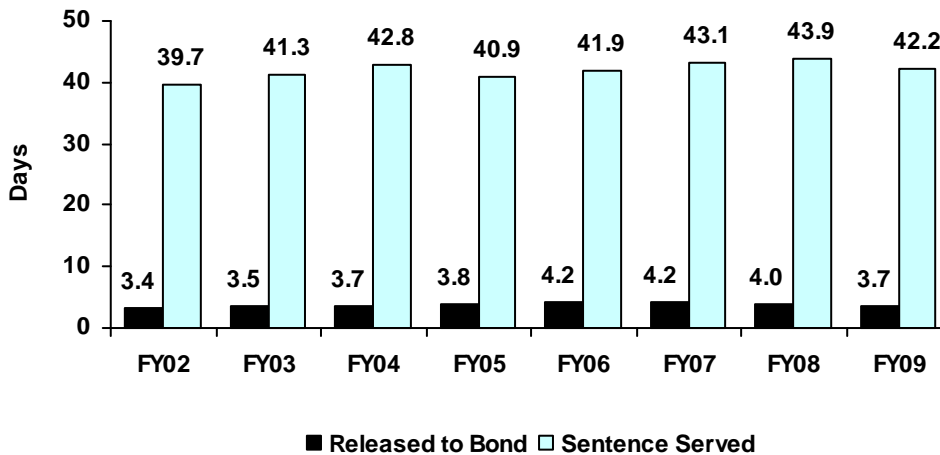
These factors and others have resulted in fewer admissions to Virginia's local and regional jails. In FY2009, the average number of admissions to jail per month fell by nearly 1.0% compared to the same figure for the previous fiscal year (Figure 13).

Figure 13
Admissions to Virginia's Jails (Monthly Average)

Year	Admissions to Jail	Change
FY2002	27,571	2.6%
FY2003	28,217	2.3%
FY2004	29,113	3.2%
FY2005	30,330	4.2%
FY2006	30,966	2.1%
FY2007	32,501	5.0%
FY2008	33,557	3.2%
FY2009	33,254	-0.9%

Along with fewer commitments, the average length of stay in jail has declined. In FY2009, average length of stay in jail from booking to release on bond (for those defendants released while awaiting trial) fell from 4.0 to 3.7 days, or 7.5% (Figure 14). Similarly, the average length of stay in jail for convicted offenders released after serving a sentence dipped from 43.9 to 42.2 days, or 3.9%.

Figure 14
Average Length of Stay in Jail (in Days)



Forecasting Methodology

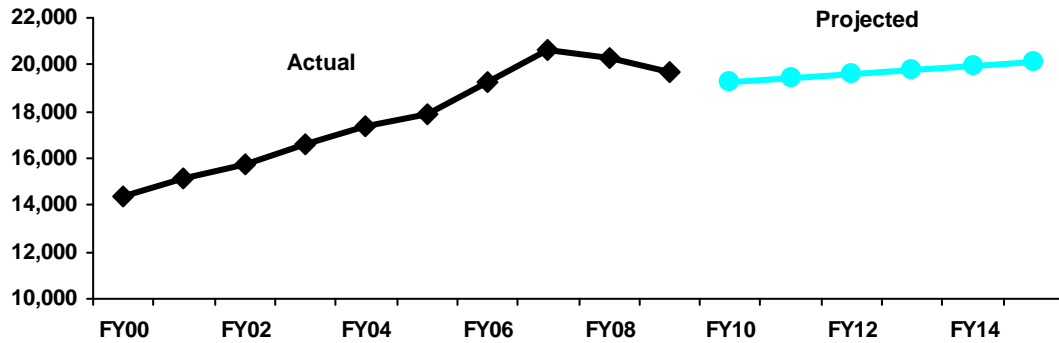
Since 1991, local-responsible population projections have been developed using statistical techniques known as time-series forecasting. Time-series forecasting assumes that there is a pattern in the historical values that can be identified. The goal is to define the pattern, understand the short-term and long-term trends, and pinpoint any seasonal fluctuations. Significant policy changes made in past years can be quantified and included in the statistical model. Time-series forecasting then utilizes the pattern, trend, and seasonal variation identified in the historical data to project future values. Future changes in trends that affect the actual population may not be reflected in the forecast and can result in forecast error.

Adult Local-Responsible Jail Forecast

Two years of decline in the local-responsible jail population (FY2008 and FY2009) has resulted in a significantly lower forecast. In fact, the population is projected to decline another year (FY2010) before it begins to grow again. Following a 2.0% decrease in FY2010, the local-responsible jail population is projected to grow by an average of less than 1% through FY2015 (Figure 15). By FY2014, this forecast is lower than the previous year's forecast by more than 3,000 offenders. In approving this forecast, the Policy Advisory Committee noted the current moratorium on jail construction (with exceptions granted on a case by case basis).

The forecasting committees will be watching this population closely, as changes in arrests or bail decisions, for example, can have an immediate impact on the number offenders in jail. Also, the recent U.S. Supreme Court decision in *Melendez-Diaz v. Massachusetts* may have an impact on this population. The court's ruling requires forensic analysts to testify in person unless such testimony is waived by the defendant. This could result in delays in criminal trials associated with scheduling conflicts that are likely to arise and with the reduction of hours spent by analysts in the lab processing cases. If so, the length of time defendants remain in jail awaiting trial may increase and the awaiting population could begin to rise. For these reasons, this population will be monitored monthly throughout the year.

Figure 15
2009 Adult Local-Responsible Offender Forecast (Fiscal Year Average)



Actual:	Year	Population	Change	Forecast:	Year	Population	Change
	FY02	15,769	4.4%		FY10	19,282	-2.0%
	FY03	16,575	5.1%		FY11	19,390	0.6%
	FY04	17,414	5.1%		FY12	19,564	0.9%
	FY05	17,891	2.7%		FY13	19,737	0.9%
	FY06	19,233	7.5%		FY14	19,910	0.9%
	FY07	20,622	7.2%		FY15	20,082	0.9%
	FY08	20,278	-1.7%				
	FY09	19,671	-3.0%				
	Avg. growth		3.4%		Avg. growth		0.4%

Year	2008 Forecast	Approved 2009 Forecast	Difference
FY10	21,077	19,282	-1,795
FY11	21,532	19,390	-2,142
FY12	22,025	19,564	-2,461
FY13	22,523	19,737	-2,786
FY14	23,007	19,910	-3,097
FY15		20,082	

Figures represent the average population for each fiscal year reported.

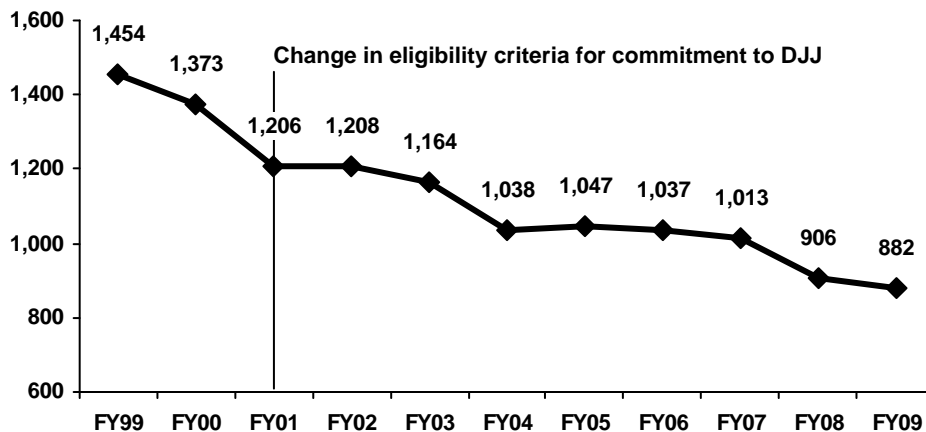
Juvenile Correctional Center Population

The juvenile state-responsible offenders are juveniles who are 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. Approximately 84% of the juveniles committed to the DJJ in FY2009 received 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. The actual length of stay also depends upon the youth's completion of mandatory treatment objectives, such as substance abuse or sex offender treatment, and 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 Change

The average daily population (ADP) for juveniles in correctional centers has been shrinking since 2000 (Figure 16). 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 Class 1 misdemeanor adjudications to a felony or four Class 1 misdemeanor adjudications. That policy change cannot explain the persistent downward trend in commitments. Other factors that impact this population will be discussed in the next section. The average daily population fell from 906 in June 2008 to 882 in June 2009, a decrease of 2.6%.

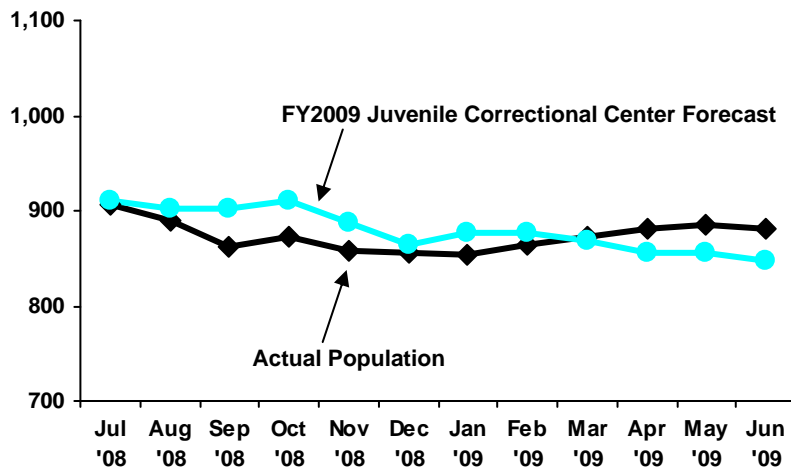
Figure 16
Juvenile Correctional Center Population (Average Daily Population for June of each year)



Accuracy of the FY2009 Forecast

The juvenile correctional center forecast was fairly accurate throughout FY2009 (Figure 17). From July 2008 through February 2009, the forecast ran higher than the actual correctional center population, by average of 21 juveniles. Beginning in March 2009, however, the actual population began to increase and surpassed the forecast. By the end of FY2009, the number of juveniles in correctional centers was 35 higher than the forecasted population.

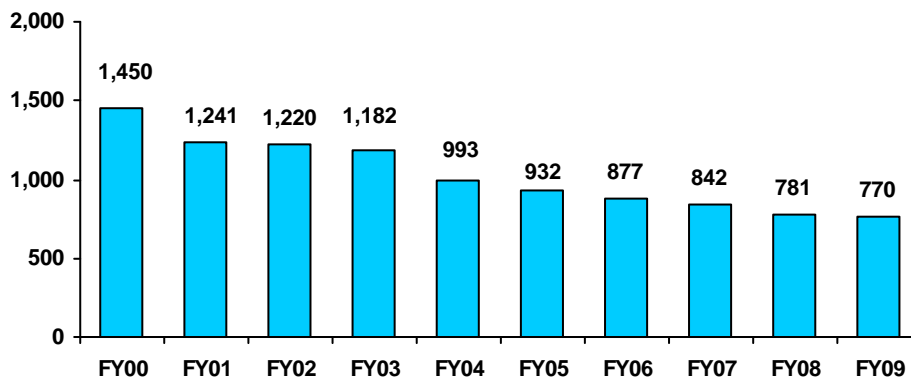
Figure 17
Accuracy of the FY2009 Juvenile Correctional Center Forecast



Factors Affecting the Juvenile Correctional Center Population

As noted above, the population of youth in DJJ facilities has been declining overall for several years. Over the last decade, admissions to juvenile correctional centers have dropped nearly 50% (Figure 18). According to DJJ, some (but not all) of the decline has resulted from the change in criteria for a juvenile to be committed to the Department.

Figure 18
New Admissions to the Department of Juvenile Justice



DJJ's Court Service Units serve as the point of entry into the juvenile justice system. An "intake" occurs when a juvenile is brought before a court service unit officer for one or more alleged law violations. DJJ data reveal that the total number of juvenile intake cases fell for the fourth straight year, dropping by 1.4% in FY2009. Except for Class 1 misdemeanors, all categories of intakes decreased in FY2009.

In addition to the change in commitment criteria, DJJ cites other possible factors for declining admissions, including:

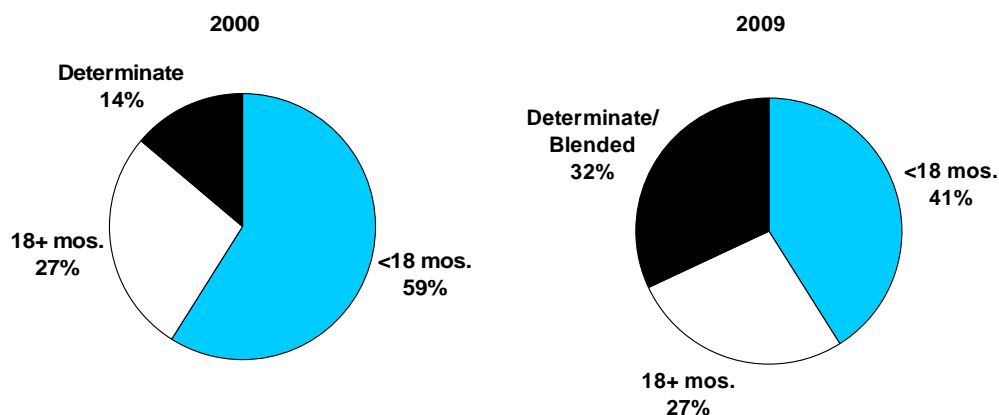
- Focus on alternatives to commitment for offenders with less serious offenses,
- Wider use of graduated sanctions,
- Use of post-dispositional capacity in detention homes, and
- More systematic use by the courts of DJJ's Risk Assessment Instrument (RAI), a tool designed to provide judges with an objective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

Length of stay in DJJ facilities also affects the size of the population. The change in commitment criteria meant that juveniles with a limited misdemeanor record could no longer be committed to DJJ; those juveniles historically had the shortest lengths of stay with Department. By removing juveniles with the shortest lengths of stay, the average length of stay among the remaining juveniles is longer.

The composition of commitments to DJJ has continued to change, however, and juveniles with longer commitment terms now make up a larger share of those received by the Department. There are three categories of juvenile commitments: indeterminate commitments, determinate commitments, and blended sentences. For a juvenile with an indeterminate commitment, DJJ determines how long the juvenile will remain in facility, up to a maximum of 36 months. These juveniles are assigned a length-of-stay range based on guidelines that consider the offender's current offenses, prior offenses, and length of prior record. Failure to complete a mandatory treatment program, such as substance abuse or sex offender treatment, or the commission of institutional offenses, could prolong the actual length of stay beyond the assigned range. For a juvenile given a determinate commitment to DJJ, the judge sets the commitment period to be served (up to age 21), although the juvenile can be released at the judge's discretion prior to serving the entire term. Nonetheless, determinately-committed juveniles remain in DJJ facilities longer, on average, than juveniles with indeterminate commitments to the Department. The average sentence for a juvenile given a determinate commitment to DJJ is approximately 40 months. Finally, a juvenile given a blended sentence will serve up to age 21 at a DJJ facility before being transferred to DOC to serve the remainder of his term in an adult facility. Juveniles with determinate commitments to DJJ and those with blended sentences have increased as a percentage of new admissions from 6.7% in FY1998 to 16.4% in FY2009.

Longer lengths of stay have resulted in a change in the composition of the state's juvenile correctional facilities over time. 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 59% of the population, compared to 41% less than a decade ago (Figure 19).

Figure 19
Juvenile Correctional Center Population by Length-of-Stay Category (on July 1st)



Simulation Forecasting and Forecast Assumptions

Since 2002, DJJ has used a computer simulation model to forecast the juvenile state-responsible offender population. DJJ designed the simulation model using a standard software package called Simul8. The software allows the user to tailor simulations models for specific purposes. 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 programmed into the simulation model.

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

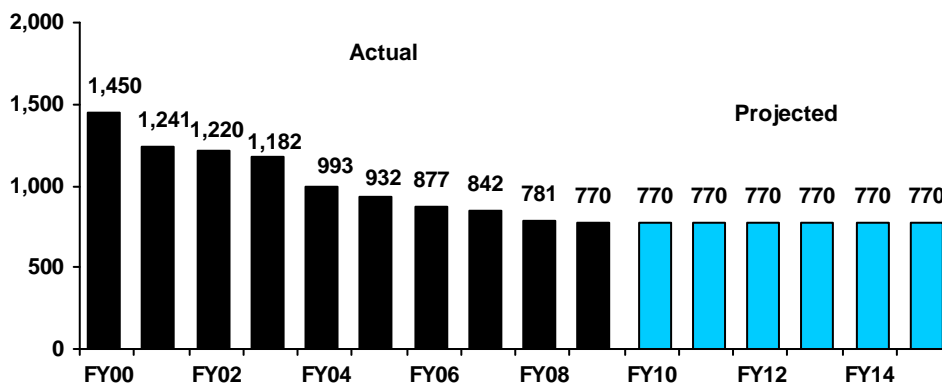
- The number of future admissions will reflect the admission forecast approved by the Policy Advisory Committee (see below);
- Future admissions will have the same characteristics as FY2009 admissions (e.g., offenses, sentence lengths, prior record adjudications, treatment assigned and completed, rate of institutional offenses, etc.);
- Future admissions will be assigned to length of stay categories in the same proportions as FY2009 admissions;
- Juveniles assigned to the Department's mandatory sex offender program will comprise the same percentage of admissions as they did in FY2009; and
- Juveniles determinately committed to the Department will comprise the same percentage of admission as they did in FY2009.

New Admissions Forecast

The admissions forecast is one of the key inputs into DJJ's simulation model. Given the continuing decline in juvenile admissions, however, statistical models based on historical data are not useful tools in projecting future admissions. The Policy Advisory Committee does not believe that a decrease of the magnitude seen in recent years will continue indefinitely. In three of the last four years, the Policy Advisory Committee elected not to use the statistical forecast of juvenile admissions and instead set a level admissions forecast, based on the number of actual admissions during the most recent fiscal year.

The decline in admissions slowed markedly in FY2009. The number of admissions in FY2009 was just 11 fewer than in the previous fiscal year. The Policy Advisory Committee approved an admissions projection that assumes future admissions will equal the number of admissions received in FY2009 (Figure 20).

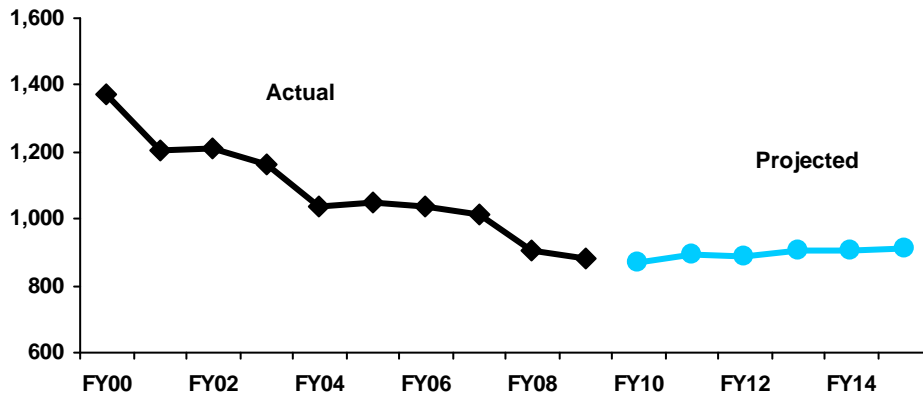
Figure 20
Juvenile Correctional Center Admissions Forecast



Juvenile Correctional Center Forecast

DJJ's simulation forecast model incorporated the new admissions projection and other assumptions described above. The forecast generated by the simulation model suggests that the population in juvenile correctional centers will continue to shrink in the short term (Figure 21). The forecast projects a decline through FY2010 to 871 juveniles. Beginning in FY2011, however, the population of juveniles in state correctional facilities is expected to begin growing again. This turnaround can be attributed to the longer lengths of stay for juveniles committed to DJJ today, compared to those committed just a few years ago. By the end of FY2015, the forecast climbs to 912 juveniles.

Figure 21
Juvenile Correctional Center Forecast (Average Daily Population for June of each year)



Actual:	Year	Population	Change	Forecast:	Year	Population	Change
	FY02	1,208	0.2%		FY10	871	-1.2%
	FY03	1,164	-3.6%		FY11	892	2.4%
	FY04	1,038	-10.8%		FY12	889	-0.3%
	FY05	1,047	0.9%		FY13	904	1.7%
	FY06	1,037	-1.0%		FY14	908	0.4%
	FY07	1,013	-2.3%		FY15	912	0.4%
	FY08	906	-10.6%				
	FY09	882	-2.6%				
	Avg. growth		-3.7%		Avg. growth		0.6%

Potential Impact of Budget Reductions

The Policy Advisory Committee discussed the potential impact of recent budget reductions at both the state and local government levels on the juvenile correctional center population. Budget reductions will likely result in decreased funding for alternative programs and community services for juveniles who come in contact with the criminal justice system. As resources for alternative programs and community services diminish, juvenile court judges may feel they have limited options for placing the juveniles who come before them. This could result in additional commitments to DJJ. Although the forecast projects the decline in the population to continue through FY2010, it is possible that this population could begin to increase during this fiscal year. The Policy Advisory Committee will be closely monitoring the correctional center population during the coming months.

Juvenile Detention Home Population

Local governments or multi-jurisdictional commissions operate secure detention home programs throughout the Commonwealth. The programs provide safe and secure housing for youth accused of felonies or Class 1 misdemeanors. The Board of Juvenile Justice promulgates regulations and is responsible for licensure of these facilities. DJJ, based on funding included in the Appropriation Act, provides up to 50% of the cost of construction of detention homes and provides a portion of the cost of operations. Historically, the vast majority of detention home capacity has been utilized for pre-dispositional detention of juveniles 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 about 15% of detention home capacity.

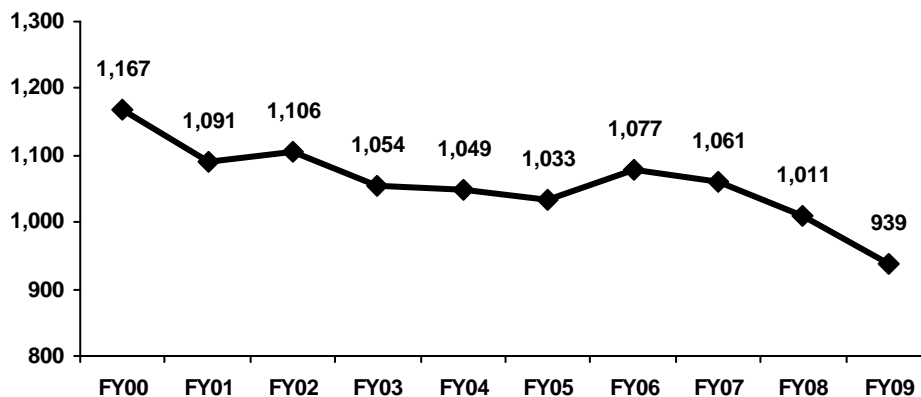
Population Change

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, detention home population figures are reported as a fiscal year average for forecasting purposes.

Between FY2003 and FY2007, there were no significant changes in the detention home population; the population fluctuated between an average of 1,030 and 1,080 for each fiscal year (Figure 22). In FY2008, the average detention home population dropped to 1,011, a 4.7% decrease from the previous year. In FY2009, the population shrank by 7.1% to 939 juveniles.

While individual facilities may be experiencing crowding, detention home capacity statewide has not been fully utilized in recent years. For FY2009, the utilization rate was roughly 70%. This means that, statewide, seven in ten detention home beds were being utilized on average on a given day.

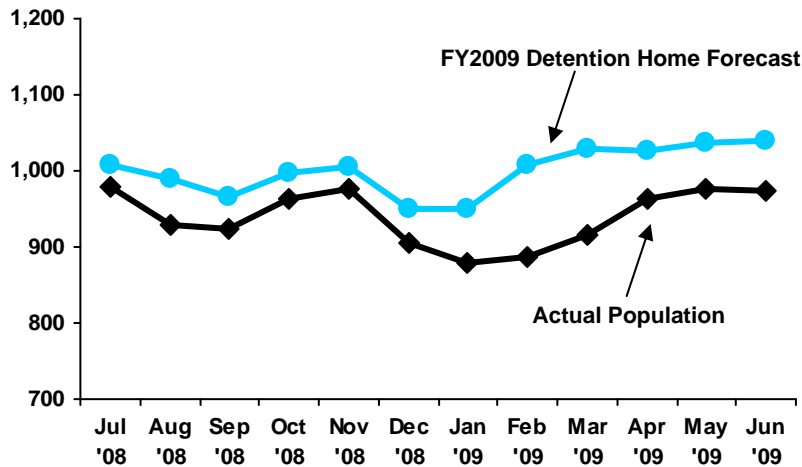
Figure 22
Juvenile Detention Home Population (Fiscal Year Average)



Accuracy of the FY2009 Forecast

The forecast performed reasonably well over the course of FY2009 (Figure 23), although the forecast overprojected the population throughout the fiscal year. The average juvenile detention home population for FY2009 was 939 offenders. This was lower than the fiscal year forecast average of 1,000 juveniles.

Figure 23
Accuracy of the FY2009 Juvenile Detention Home Forecast



Factors Affecting the Juvenile Detention Home Population

Juveniles brought into a court service unit charged with a felony, a Class 1 misdemeanor, violation of a court order, or a violation of probation/parole are eligible for placement in detention homes. There has been a 7.9% decrease in detention-eligible intake cases from FY2005 to FY2009. Since FY2005, detention placements have declined by 15.6%. Lower numbers of intakes at DJJ's Court Service Units and a recent pilot program to reduce detention of low-risk juveniles have contributed to the changes in this population. While individual facilities may be experiencing crowding, detention home capacity statewide has not been fully utilized in recent years.

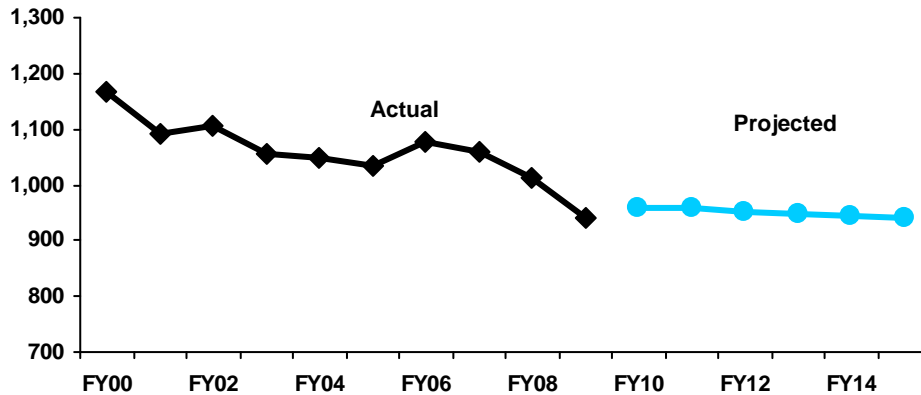
Forecasting Methodology

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. Significant policy changes made in past years can be quantified and included in the statistical model. Time-series forecasting then utilizes the pattern identified in the historical data to project future values.

Juvenile Detention Home Forecast

The forecast for the juvenile local-responsible population is shown in Figure 24. It is anticipated that this population will remain relatively level throughout the next six years; the average population for FY2015 is projected to be 939 juveniles (the same as the FY2009 average population).

Figure 24
Juvenile Detention Home Population Forecast (Fiscal Year Average)



Actual:	Year	Population	Change	Forecast:	Year	Population	Change
	FY02	1,106	1.4%		FY10	958	2.0%
	FY03	1,054	-4.7%		FY11	958	0.0%
	FY04	1,049	-0.5%		FY12	953	-0.5%
	FY05	1,033	-1.5%		FY13	949	-0.5%
	FY06	1,077	4.3%		FY14	944	-0.5%
	FY07	1,061	-1.5%		FY15	939	-0.5%
	FY08	1,011	-4.7%				
	FY09	939	-7.1%				
	Avg. growth		-1.8%		Avg. growth		0.0%

Potential Impact of Budget Reductions

As with the juvenile correctional center population, the Policy Advisory Committee discussed the implications of recent and expected future budget reductions for the juvenile detention home population. Due to decreased funding of alternative programs and community services for youth, the number of detention home placements could rise. This could result in an increase in the detention home population during the next two years. The Policy Advisory Committee will be closely monitoring the detention home population throughout the year.

Continuing Work during FY2010

The annual process for updating the forecasts concluded in September, with the approval of the 2009 forecasts by the Policy Advisory Committee. Nevertheless, work related to the forecast will continue throughout the fiscal year. The forecasts were based on all of the statistical and trend information known at the time that they were produced. It is unclear how long the current trends, particularly those associated with the economy, will continue. While the full impact of budget reductions made during the last 24 months is not yet known, budget cuts have resulted in decreased funding of alternative programs and community services for offenders. With fewer options available, the number of offenders confined in facilities may rise. For these reasons, there is considerable uncertainty regarding the future growth or decline of Virginia's correctional populations. The forecast committees will closely monitor the offender populations in order to identify, and report on, any changes as quickly as possible.

Appendix

❖ **2009 Policy Advisory Committee Members**

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