Office of the
Secretary of Public Safety and Homeland Security

REPORT ON THE OFFENDER POPULATION FORECASTS (FY2021 TO FY2026)

To The Governor and General Assembly

Commonwealth of Virginia

Richmond, October 2020

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Commonwealth of Virginia

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Office of the Secretary of Public Safety and Homeland Security

October 30, 2020

TO: The Honorable Ralph S. Northam
Governor

The Honorable Luke E. Torian
Chairman, House Appropriations Committee

The Honorable Janet D. Howell
Chairwoman, Senate Finance and Appropriations Committee

The Honorable Charniele L. Herring
Chairwoman, House Courts of Justice Committee

The Honorable John S. Edwards
Chairman, Senate Judiciary Committee

Each year, the Office of the Secretary of Public Safety and Homeland Security is required to present revised offender population forecasts to the Governor, as well as the Chairmen/ Chairwomen of the House Appropriations Committee, the Senate Finance and Appropriations Committee, the House Courts of Justice Committee, and the Senate Judiciary Committee.

To revise the forecasts, my office brought together policy makers, administrators, and technical experts from all branches of state government for a series of meetings over the course of the summer and early fall. The COVID-19 pandemic brought with it many challenges. In light of these challenges, the 2020 forecasting process was modified, as described in this report. The pandemic, and the policies and procedures implemented to reduce the spread of the virus, significantly impacted Virginia's confined offender populations during 2020. You will find these impacts are documented throughout the report.

As required by the Appropriation Act, this report is respectfully submitted for your consideration. Please contact my office should you have questions regarding any aspect of the offender forecasts.

Sincerely,

Brian J. Moran

Authority

This report has been prepared and submitted to fulfill the requirements of Item 391 of Chapter 1289 of the Acts of Assembly of 2020. This provision requires the Secretary of Public Safety and Homeland Security to present, by October 15 of each year, revised six-year state and local juvenile and state and local responsibility adult offender population forecasts to the Governor, as well as the Chairmen/Chairwomen of the House Appropriations Committee, the Senate Finance and Appropriations Committee, the House Courts of Justice Committee, and the Senate Judiciary Committee. In addition, the Secretary must ensure that the adult state-responsible population forecast includes an estimate of the number of probation violators in the overall population who may be appropriate for punishment via alternative sanctions. This document contains the Secretary's report for 2020.

Table of Contents

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Executive Summary

Forecasts of persons confined in state and local correctional facilities are essential for criminal justice budgeting and planning in Virginia. The forecasts are typically 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 and Homeland Security oversees the forecasting process and, as required by the Appropriation Act, presents updated forecasts annually to the Governor and the Chairmen/Chairwomen of the House Appropriations Committee, the Senate Finance and Appropriations Committee, the House Courts of Justice Committee, and the Senate Judiciary Committee.

To produce the offender forecasts, the Secretary's Office 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.

Since 2006, the consensus forecasting process has involved three committees or work groups: the Technical Advisory Committee, the Secretary's Work Group, and the Policy Committee. The Technical Advisory Committee is composed of experts in statistical and quantitative methods from several agencies. Analysts from particular agencies are tasked with developing offender forecasts. Select forecasts are recommended by the Technical Advisory Committee for consideration by the Secretary's 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. Normally 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. After thorough evaluation of each forecast, the Work Group makes recommendations to the Secretary's Policy Committee. Led by the Secretary, the Policy 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 and makes adjustments to the forecasts as it deems appropriate. The Policy Committee is made up of agency directors, members of the General Assembly, and top-level officials from Virginia's executive, legislative, and judicial branches. Each year, at least one prosecutor, sheriff, police chief, and jail administrator are invited to serve on the Policy Committee to represent their respective associations. Through the consensus process, a forecast is produced and approved for each of the four major offender populations.

Due to the COVID-19 pandemic, the Secretary of Public Safety and Homeland Security opted to abbreviate the forecasting process for 2020, while still maintaining a consensus approach. The Secretary directed the Technical Advisory Committee to examine criminal justice trends in the Commonwealth and present detailed trend information directly to the Policy

Committee. The Policy Committee held a virtual meeting on September 1, 2020. As a result of COVID-19 and response policies implemented specifically to reduce the spread of the virus, Virginia experienced dramatic reductions in the confined offender populations beginning in March 2020, and, in September, it remained unclear as to when, and to what extent, the populations would return to pre-pandemic levels or trends. The full impact of the COVID-19 pandemic on the confined populations may not yet be known. Forecasting criminal justice populations in such circumstances would be particularly challenging. The Policy Committee recognized that it would be unlikely to have a high degree of confidence in any statistical projections produced this year.

After much discussion, Policy Committee members developed a consensus regarding the following: 1) the confined offender populations would not stay at the exceptionally low levels seen in March-August 2020, 2) the forecasts adopted in 2019 should be retained and used for the 2020 forecasting cycle, and 3) adjustments should be made for the first year of the forecast horizon (FY2021) based on the best available data. For a complete discussion of the methodologies used to develop the forecasts adopted in 2019, approved for continued use by the 2020 Policy Committee, see Appendix C, which contains a complete copy of the 2019 report. The approved forecast for each population is summarized below.

Adult Local-Responsible Jail Population. The 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. The local-responsible jail population has fluctuated over the last decade. Between FY2010 and FY2014, the local-responsible jail population grew by an average of 1.2% annually, to 19,407 individuals. The population then decreased in both FY2015 and FY2016, when the population fell to an average of 18,335. The trend reversed again and, with growth in both FY2017 and FY2018, the population climbed to 19,721. The population declined slightly in FY2019 and this modest downward trend continued into the first half of FY2020. By February 2020, the average population for the month was 19,439. The local-responsible jail population fell by nearly 5,200 individuals between February and June 2020, as a result of COVID-19 and the introduction of state and local policies to address the virus. Based on preliminary figures, the local-responsible jail population averaged 14,222 in June 2020. The forecast approved by the Policy Committee projects the population to grow during the remainder of the fiscal year, resulting in an average population for FY2021 of 18,299. For the remaining years of the forecast, the Policy Committee retained the forecast adopted in 2019, which anticipates the local-responsible jail population will remain level from FY2022 through FY2026, with an average population of 19,469 in the final year of the forecast horizon (see table on page viii).

Adult State-Responsible Inmate Population. The largest of the forecasted populations, the state-responsible inmate population includes offenders incarcerated in state prisons, as well as state-responsible offenders housed in local and regional jails around the Commonwealth. Beginning in January 2012, the state-responsible population grew from 37,608 to 39,286 in October 2014. However, the population began to gradually decline thereafter, reaching 36,504 in February 2020. Between February and June 2020, the state-responsible population fell by nearly 2,800 inmates. According to preliminary figures, the number of state-responsible inmates was 33,705 as of June 30, 2020. This sudden, dramatic decrease occurred as a result of the COVID-

19 pandemic and policies put in place to reduce the spread of the virus. For example, from mid-March to mid-May, an emergency order issued by the Chief Justice of the Supreme Court of Virginia suspended all non-essential and non-emergency proceedings in the state courts. During that time, significantly fewer sentencing hearings were held, resulting fewer offenders being sentenced to a prison term. Based on the approved forecast, the population is expected to rebound to 35,987 by the end of FY2021. For the years after FY2021, the Policy Committee approved the continued use of the forecast adopted in 2019. Under that forecast scenario, the state-responsible inmate population is projected to reach 37,723 offenders by the end of FY2026 (see table on page viii). 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 punishment via alternative sanctions. By the end of FY2026, it is projected that the state-responsible population will include 2,586 technical probation violators (i.e., offenders who violated the rules of probation but have not been convicted of a new crime).[1]

Juvenile Direct Care Population. Juvenile offenders committed to the state are held in facilities operated by the Department of Juvenile Justice (DJJ) or they are placed in re-entry, community placement, or other programs; collectively, these make up DJJ's total direct care population. The number of juveniles in the direct care population has been falling overall since FY2000. Statutory changes, use of validated risk assessment instruments, and continued decline in the number of juvenile intake cases at Court Services Units have contributed to the long-term downward trend. Between FY2017 and FY2019, the direct care population began to level off, with the average population ranging from 335 to 338 during these years. As with the adult confined populations, the juvenile direct care population declined significantly after February 2020, dropping from 344 to 262 by June 2020. Based on the approved forecast, this population will increase over the remaining months of the fiscal year such that the average population for FY2021 is projected to be 340 juveniles. Beginning in FY2022, this population is expected to increase slightly each year. Based on the forecast adopted in 2019 and approved for continued use for the remaining years of the forecast horizon, the average population is projected to be 359 juveniles in FY2026 (see table on page viii).

Juvenile Detention Center (JDC) Population. Juveniles held in local or commission-operated juvenile detention centers around the Commonwealth make up the juvenile local-responsible population. The detention center population declined from an average of 757 in FY2011 to an average of 521 in FY2019. Lower numbers of intakes at Court Services Units and procedures to reduce detention of low-risk juveniles have been important factors in the downward trend. Historically, the majority of the detention center population has been comprised of juveniles in pre-dispositional status (pending adjudication, disposition, or placement). While the overall average population for FY2020 was 452, the monthly population figures decreased significantly between February and June 2020 (from 498 to 344 juveniles). For this population, the Policy Committee opted to continue using the forecast adopted in 2019 without an adjustment for FY2021. Thus, the average detention center population is projected to remain at 457 juveniles through the forecast horizon (see table on page viii).

[1] The proportion of Technical Probation Violators declines as criminal histories are updated with new conviction information; as such, these Technical Probation Violator Forecasts should be considered maximums and are expected to decline by more than one-third as additional conviction information is received.

Offender Population Forecasts
FY2021 – FY2026

Fiscal Year	Adult Local-Responsible Jail Population (FY Average)	Adult State-Responsible Offender Population (June 30)	Technical Probation Violators within the Adult State-Responsible Offender Population (June 30)*	Juvenile Direct Care Population (FY Average)	Juvenile Detention Center Population (FY Average)
FY2021	18,299	35,987	2,394	340	457
FY2022	19,470	37,613	2,452	349	457
FY2023	19,469	37,720	2,491	355	457
FY2024	19,469	37,699	2,528	358	457
FY2025	19,469	37,680	2,569	359	457
FY2026	19,469	37,723	2,586	359	457

*** The Technical Probation Violator forecast is a subgroup of, and not in addition to, the Adult State-Responsible Offender Forecast.**

Since the proportion of violators identified as technical violators declines as criminal histories are updated with new conviction information, this forecast should be considered a maximum.

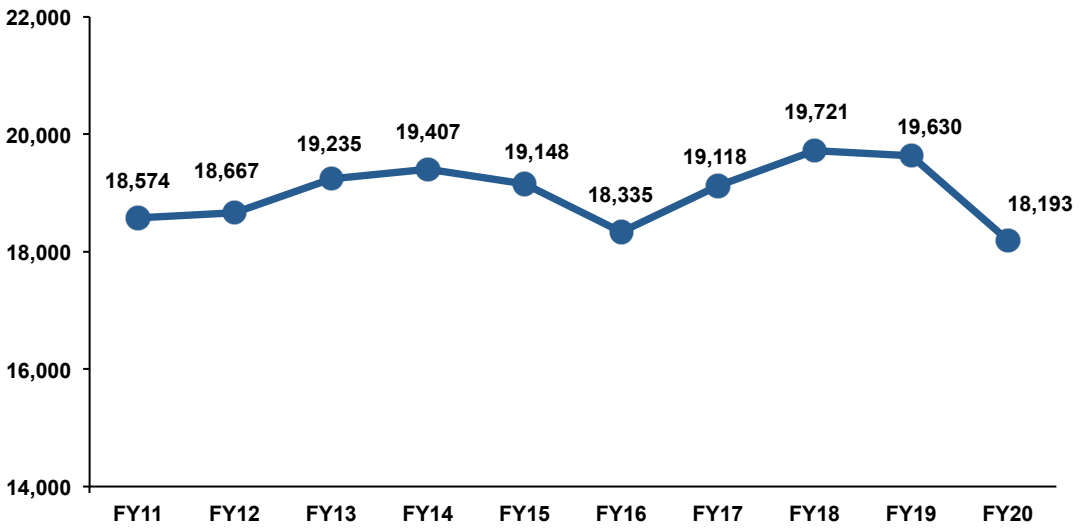
Based on previous study, the Department of Corrections has estimated that 53% of technical violators sentenced to a state-responsible term may be suitable for alternative sanctions.

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. Because jail populations fluctuate daily (with higher numbers on weekends) and seasonally (with peaks during late summer and early fall and lows during the winter months), the average daily population traditionally is used for reporting and forecasting purposes.

The local-responsible jail population has fluctuated over the last decade. Between FY2010 and FY2014, the local-responsible jail population grew by an average of 1.2% annually, to 19,407 individuals. The population then decreased in both FY2015 and FY2016, when the population fell to an average of 18,335. The trend reversed again and, growing in both FY2017 and FY2018, the population climbed to 19,721. The population declined slightly in FY2019 and this modest downward trend continued into the first half of FY2020 (Figure 1).

Figure 1
Local-Responsible Jail Population, FY2011-FY2020



Figures reflect the average daily population for each fiscal year. FY2020 figure is preliminary.

By February 2020, the average population for the month was 19,439. The local-responsible jail population fell by nearly 5,200 individuals between February and June 2020, as a result of COVID-19 and the introduction of state and local policies to address the virus (Figure 2). Based on preliminary figures, the local-responsible jail population averaged 14,222 in June 2020. These data are current as of September 28, 2020.

The table in Figure 2 also shows the FY2020 forecast for the local-responsible jail population. This forecast was submitted to the Governor and the General Assembly in October 2019. The forecast had an average absolute percent error of 9.4% for FY2020. Prior to the impact of COVID-19 in March 2020, however, the forecast had been extremely accurate, with an average absolute percent error of only 0.5%. For March 2020 through June 2020, when the population declined dramatically, the average absolute error percent was 27.0%. After the low in June, the local-responsible jail population increased in both July and August 2020.

Figure 2
Local-Responsible Jail Population and FY2020 Forecast by Month

Month	Actual Population	Forecast	Error	Percent Error	Absolute Percent Error
Jul-2019	19,756	19,754	-2	0.0%	0.0%
Aug-2019	19,795	19,902	107	0.5%	0.5%
Sep-2019	19,936	19,960	24	0.1%	0.1%
Oct-2019	19,918	19,881	-37	-0.2%	0.2%
Nov-2019	19,577	19,447	-130	-0.7%	0.7%
Dec-2019	18,900	18,798	-102	-0.5%	0.5%
Jan-2020	19,297	19,044	-253	-1.3%	1.3%
Feb-2020	19,439	19,277	-161	-0.8%	0.8%
Mar-2020	18,280	19,196	915	5.0%	5.0%
Apr-2020	14,936	19,328	4,391	29.4%	29.4%
May-2020	14,265	19,403	5,138	36.0%	36.0%
Jun-2020	14,222	19,579	5,358	37.7%	37.7%
FY2020 Avg	18,193	19,464	1,271	8.8%	9.4%
Jul-2020	14,529	19,580	5,051	34.8%	34.8%
Aug-2020	15,186	19,581	4,395	28.9%	28.9%

Figures reflect the average daily population for each month. Data for June 2020-August 2020 are preliminary.
The forecast shown in the table was submitted to the Governor and General Assembly in October 2019.

The local-responsible jail population is comprised of four subpopulations: pretrial defendants, sentenced offenders with pending charges remaining, local-responsible felons, and sentenced misdemeanants. All four subpopulations showed substantial drops between February and May 2020, presumably due to the impact of COVID-19 (Figure 3). The greatest change was for sentenced misdemeanants, which dropped 68% during this period. Based on preliminary data, between May and August, the subpopulations ceased to decline, and most actually increased. Again, the change was greatest for sentenced misdemeants, which grew by 58%. The total local-responsible jail population increased 6% between May and August 2020, according to preliminary data.

Figure 3
Change in the Local-Responsible Jail Subpopulations, CY2020

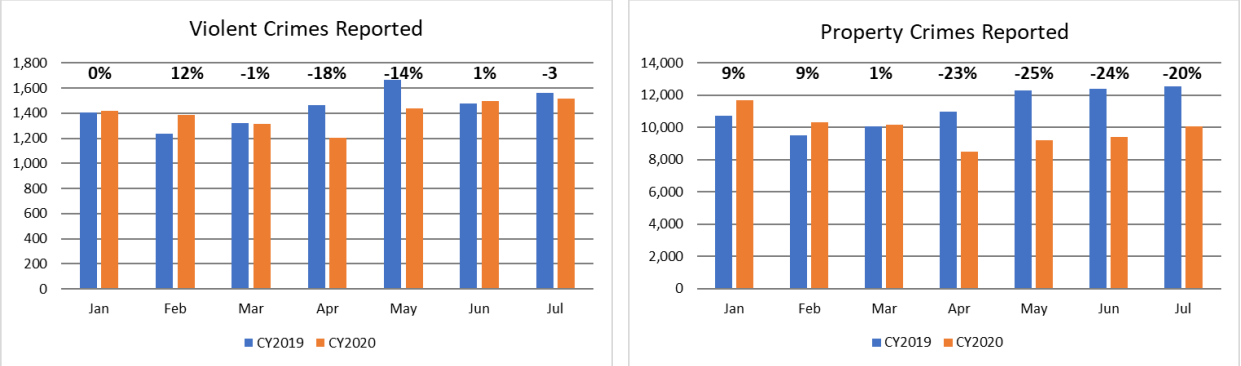
	Local-responsible Jail Subpopulations				
Month	Pretrial	Pending Charges	Local Felons	Misdemeanants	Total
Jan-2020	11,910	3,521	2,491	1,374	19,297
Feb-2020	11,871	3,542	2,540	1,485	19,439
Mar-2020	11,299	3,394	2,412	1,176	18,280
Apr-2020	9,620	2,976	1,717	623	14,936
May-2020	9,691	2,765	1,373	436	14,265
Jun-2020	9,754	2,674	1,328	465	14,222
Jul-2020	9,897	2,669	1,377	587	14,529
Aug-2020	10,383	2,697	1,417	689	15,186
Jan to May 2020	*-19%*	*-21%*	*-45%*	*-68%*	*-26%*
May to Aug 2020	*+7%*	*-2%*	*+3%*	*+58%*	*+6%*

Figures reflect the average daily population for each period reported. Data for Jun-2020 through Aug-2020 are preliminary.

Factors Affecting the Population

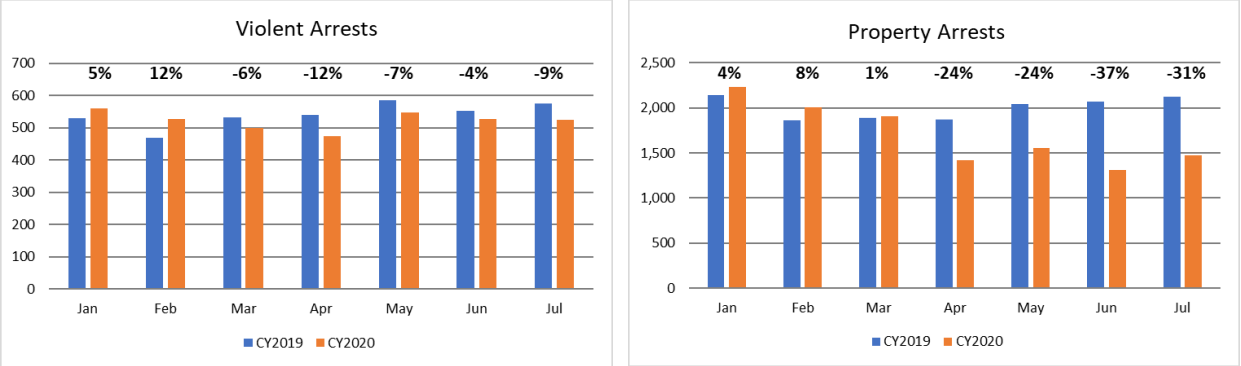
Appendix C, which contains the 2019 offender forecasting report, includes a detailed discussion of the factors that have impacted the adult local-responsible jail population over the long term. For FY2020, the primary factor impacting the population has been the COVID-19 pandemic and state and local policies implemented specifically to reduce the spread of the virus. However, preliminary data reflect a similar trend in the number of crimes reported to law enforcement, as well as arrests. As Figure 4 shows, beginning in April 2020, reported crimes dropped substantially compared to the same month of 2019. For violent crimes, the impact was reduced after May 2020. For property crimes, however, the impact has continued.

Figure 4
Crimes Reported to Law Enforcement in CY2019 & CY2020 (Preliminary), by Month



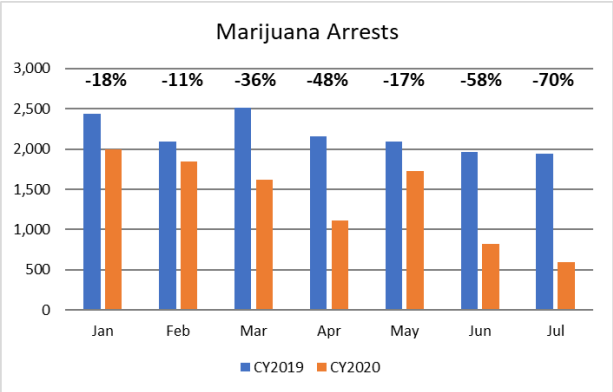
Similarly, Figure 5 shows that, beginning in March 2020, adult arrests for violent offenses dropped substantially compared to March 2019. Beginning in April 2020, adult arrests for property offenses dropped compared to the same month the year before. As with reported crimes, the impact on arrests for violent crimes has been less than the impact on property crime arrests.

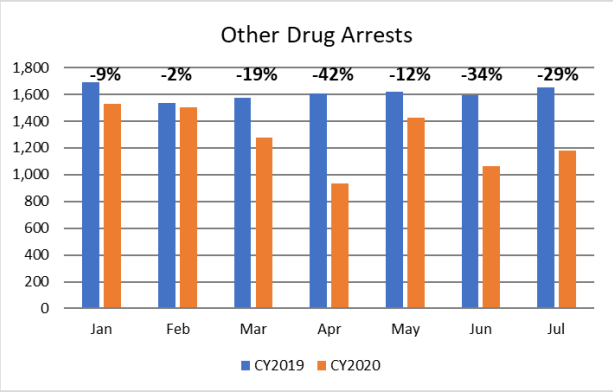
Figure 5
Adult Violent and Property Arrests in CY2019 & CY2020 (Preliminary), by Month



Drug arrests have also been impacted by COVID-19. As Figure 6 shows, although drug arrests were already down slightly in January and February, starting in March 2020, reported drug arrests dropped substantially from the same month of 2019. This impact was shown both for marijuana arrests and for arrests involving other drugs.

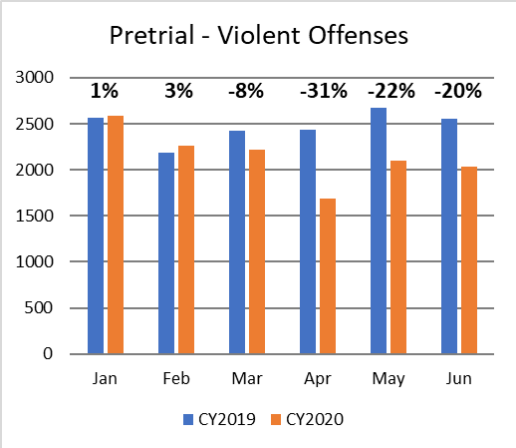
Figure 6
Adult Drug Arrests in CY2019 & CY2020 (Preliminary), by Month

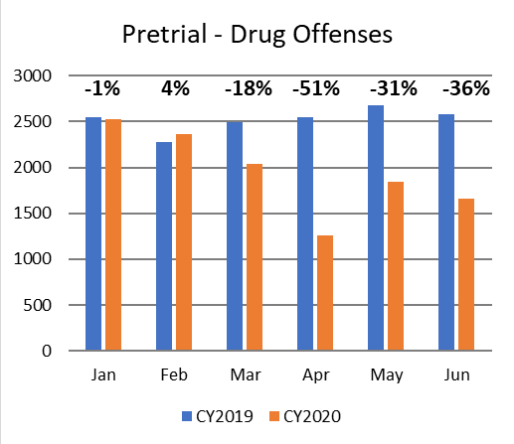


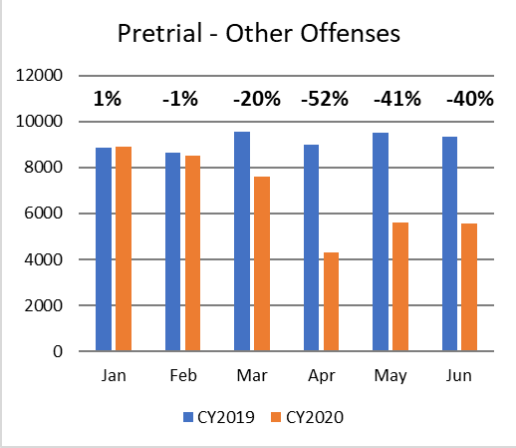


The local-responsible jail population is driven largely by crime and arrest trends. The sharp drop in crimes, arrests, and the jail population in March and April 2020 highlight the strength of that connection. Figure 7 shows that the drop in pretrial commitments to jail, grouped by most serious offense, is similar to the drop in violent, drug, and property arrests (i.e., a substantial drop in March/April continuing through June).

Figure 7
Pretrial Commitments to Jail by Most Serious Offense in CY2019 & CY2020 (Preliminary), by Month





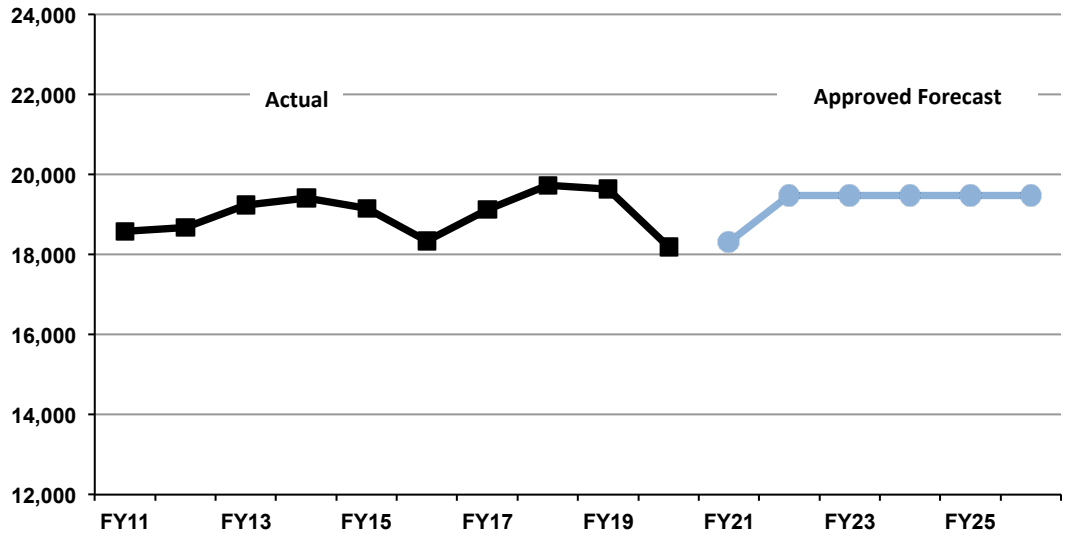


Forecast of the Local-Responsible Jail Population

The Secretary's Offender Forecasting Policy Committee concluded that the local-responsible jail population would not stay at the exceptionally low levels seen in March-August 2020. Given the challenges of forecasting populations while in the midst of highly unusual circumstances such as a pandemic, the Policy Committee recognized that it would be unlikely to have a high degree of confidence in any statistical projections produced this year. As a result, the Policy Committee determined that the forecast submitted to the Governor and General Assembly in 2019 should be retained and used for the 2020 forecasting cycle, with an adjustment made for the first year of the forecast horizon (FY2021) based on the best available data.

The local-responsible jail population forecast submitted to the Governor and General Assembly in 2019, with the adjustment for FY2021, is shown in Figure 8. For a complete discussion of the methodologies used to develop this forecast, see Appendix C, which contains a complete copy of the 2019 report. The Policy Committee reviewed the best available data and adjusted the projection for FY2021. Using this adjustment, the average population for FY2021 is projected to grow to 18,299. This figure is equivalent to the March 2020 average daily population (as measured on September 1, 2020, when the Policy Committee held its virtual meeting).[2] In FY2022, the population is expected to return to the trendline projected previously, reaching an average daily population of 19,470, an increase of 6.4%. From that point, the population is projected to remain essentially flat through FY2026.

Figure 8
Approved Local-Responsible Jail Population Forecast, FY2021-FY2026
Originally Submitted to the Governor and General Assembly in 2019 with Adjusted Forecast for FY2021



Figures reflect the average daily population for each fiscal year. FY2020 figure is preliminary.

[2] More recent data indicate that the March 2020 average daily population has been revised to 18,280.

Figure 8 (continued)
Approved Local-Responsible Jail Population Forecast, FY2021-FY2026

Originally Submitted to the Governor and General Assembly in 2019 with Adjusted Forecast for FY2021

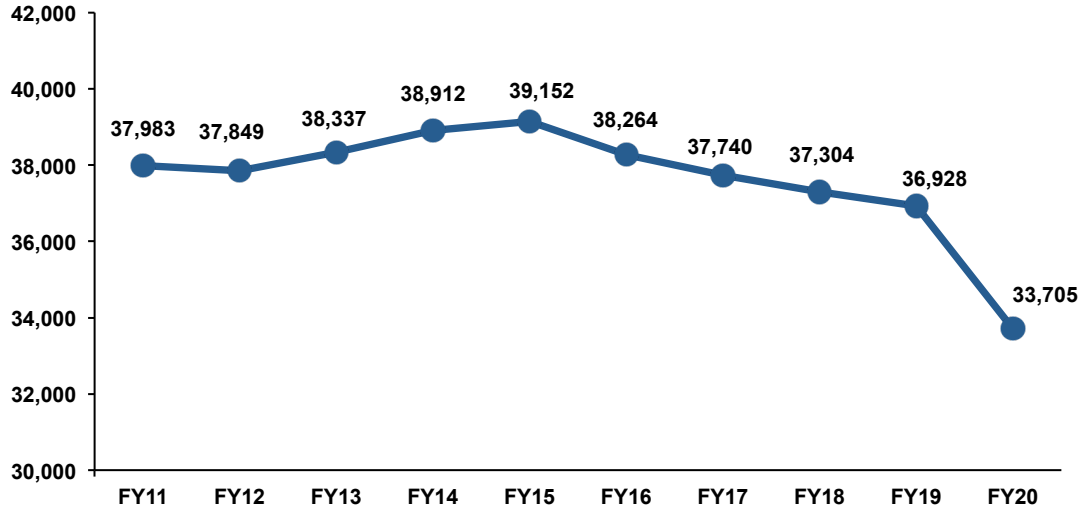
Fiscal Year	Historical	Forecast	Change	Percent Change
FY2011	18,574			
FY2012	18,667		93	0.5%
FY2013	19,235		568	3.0%
FY2014	19,407		172	0.9%
FY2015	19,148		-259	-1.3%
FY2016	18,335		-813	-4.2%
FY2017	19,118		783	4.3%
FY2018	19,721		603	3.2%
FY2019	19,630		-91	-0.5%
FY2020	18,193		-1,437	-7.3%
FY2021		18,299	106	0.6%
FY2022		19,470	1,171	6.4%
FY2023		19,469	-1	0.0%
FY2024		19,469	0	0.0%
FY2025		19,469	0	0.0%
FY2026		19,469	0	0.0%

Adult State-Responsible Confined Population

The largest of the forecasted populations, the adult state-responsible inmate population includes offenders incarcerated in state prisons, as well as state-responsible offenders housed in local and regional jails around the Commonwealth. For forecasting purposes, state-responsibility begins on the day an offender receives a state sentence (i.e., a sentence of one year or more for a felony offense). If the offender has multiple court cases, state-responsibility starts on the most recent sentencing date that occurs prior to the offender's classification by the Virginia Department of Corrections (DOC). To calculate the total number of state-responsible inmates, two data sources are used. The first source is the Facility Population Summary Report for the last day of each month. The second source is the Local Inmate Data System (LIDS-CORIS) maintained by the State Compensation Board (SCB). The LIDS-CORIS system contains data on all individuals held in jails and the reason for the confinement. This information is used to determine the number of state inmates in jail on the last day of each month. The LIDS-CORIS system is complex, as offenders in jails can proceed through many statuses over time. Thus, for individuals held in the jails, it is not just a matter of reporting head count figures, but also determining the legal status of the offender on the last day of the month. This process can be complicated as offenders may have multiple legal actions occurring, and court records need to be received and interpreted to determine the individual's status. Due to the dynamic nature of this jail data, it takes some time for it to stabilize. Based on a review by the Technical Advisory Committee, these data may take three to five months to mature. Thus, the most recent population figures are considered preliminary.

Beginning in January 2012, the state-responsible population grew from 37,608 to 39,286 in October 2014. However, the population began to gradually decline thereafter, reaching 36,504 in February 2020. Between February and June 2020, the state-responsible population fell by nearly 2,800 inmates. According to preliminary figures, the number of state-responsible inmates was 33,705 as of June 30, 2020 (Figure 9). This sudden, dramatic decrease occurred as a of result of the COVID-19 pandemic and policies intended to reduce the spread of the virus.

Figure 9
State-Responsible Inmate Population, FY2011-FY2020



Figures reflect the June 30 population for each fiscal year. FY2020 figure is preliminary.

The table in Figure 10 shows the FY2020 forecast for the state-responsible inmate population. This forecast was submitted to the Governor and the General Assembly in October 2019. The forecast had an average absolute percent error of 2.2% for FY2020. Prior to the impact of COVID-19 in March 2020, however, the forecast had been extremely accurate, with an average absolute error of only 0.2%. For March 2020 through June 2020, when the population declined dramatically, the average absolute error was 6.3%. Preliminary data suggest that the state-responsible population continued to decline into July and August 2020.

Figure 10
State-Responsible Inmate Population and FY2020 Forecast by Month

Month	Actual Population	Forecast	Error	Percent Error	Absolute Percent Error
Jul-2019	36,787	36,844	57	0.2%	0.2%
Aug-2019	36,811	36,765	-46	-0.1%	0.1%
Sep-2019	36,676	36,646	-30	-0.1%	0.1%
Oct-2019	36,714	36,711	-3	0.0%	0.0%
Nov-2019	36,715	36,571	-144	-0.4%	0.4%
Dec-2019	36,504	36,509	5	0.0%	0.0%
Jan-2020	36,421	36,503	82	0.2%	0.2%
Feb-2020	36,504	36,558	57	0.2%	0.2%
Mar-2020	35,992	36,709	722	2.0%	2.0%
Apr-2020	34,968	36,821	1,859	5.3%	5.3%
May-2020	34,117	36,848	2,739	8.0%	8.0%
Jun-2020	33,705	36,994	3,307	9.8%	9.8%
FY2020 Avg			717	2.1%	2.2%
Jul-2020	33,532	37,041	3,509	10.5%	10.5%
Aug-2020	33,219	37,112	3,893	11.7%	11.7%

Figures reflect the end-of-month population for each month. Data for Jun-2020 through Aug-2020 are preliminary.
The forecast shown in the table was submitted to the Governor and General Assembly in October 2019.

Factors Affecting the Population

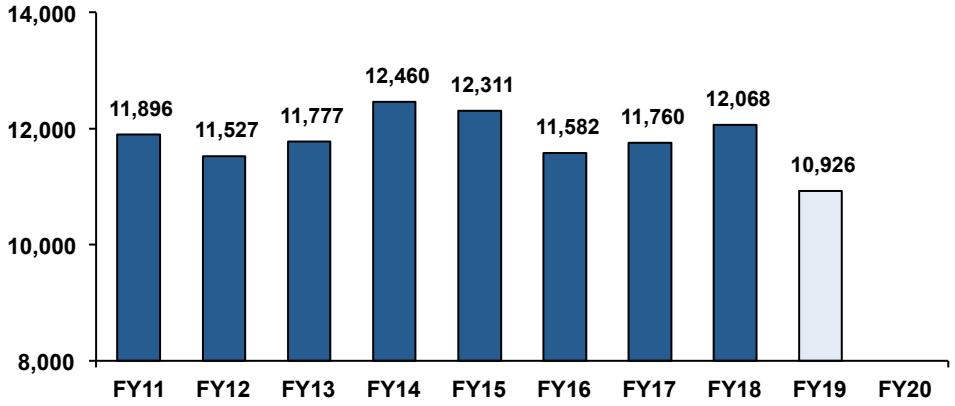
A number of factors affect the state-responsible inmate population. These include: the number and types of felony crimes reported to law enforcement, the number and types of arrests for felony offenses, charging practices of local Commonwealth's attorneys, the number of offenders convicted in Virginia's circuit courts, and the sentencing practices of circuit court judges. Appendix C, which contains the 2019 offender forecasting report, includes a detailed discussion of the factors that have impacted the state-responsible inmate population over the long term. For FY2020, the primary factor impacting the population has been the COVID-19 pandemic and state and local policies implemented specifically to reduce the spread of the virus. However, preliminary crime and arrest data indicate a significant drop in both offenses reported and the number of adults arrested in the first half of 2020 compared to the same months in 2019 (please see discussion of crime and arrest data in the previous chapter).

One of the principal drivers of change in the state-responsible inmate population is the number of offenders entering the population each year. After peaking in FY2007, the number of new commitments to DOC fell each year through FY2012. The drop in commitments during those years is the principal reason for the downward trend in the overall population during that time period. Likewise, the growth in the population in FY2013 and FY2014 is due, in large part, to increases in the number of commitments, which grew by 2.2% and 5.8% in FY2013 and FY2014, respectively (Figure 11). New commitments declined by an annual average of 1.9%

from FY2014 through FY2016 before increasing by an annual average of 1.6% from FY2016 to FY2018.

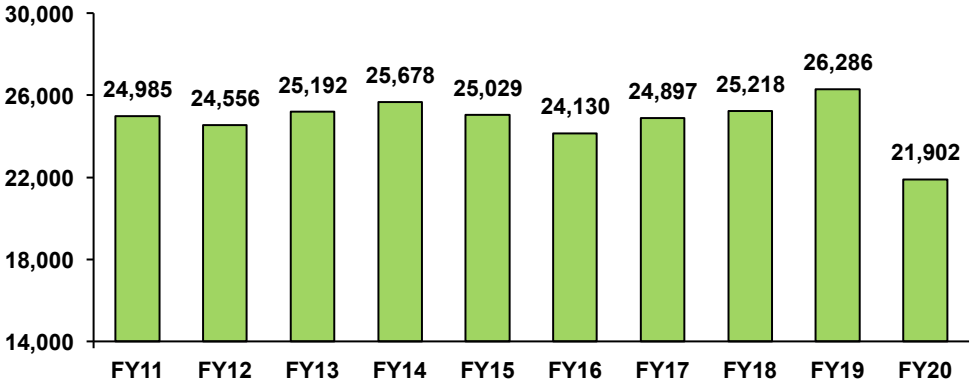
The Technical Committee has encountered a data lag affecting development of the state-responsible inmate forecast. Data on new commitments entering the state-responsible population have become increasingly backlogged. Thus, the most recent new commitment information available for analysis is data for FY2018. As of September 1, 2020, commitment data for FY2019 remains incomplete, while commitment data for FY2020 are unavailable.

Figure 11
State-Responsible New Court Commitments



According to the Virginia Criminal Sentencing Commission, however, the number of felony sentencing events in circuit courts around the Commonwealth fell sharply during FY2020 (Figure 12). While the FY2020 data should be considered preliminary, the data suggest that felony sentencing events decreased by nearly 17% during the fiscal year. This significant decrease occurred as a result of the COVID-19 pandemic and court policies established to try to limit the potential spread of the virus amongst defendants, court personnel, and visitors in local courthouses. From mid-March to mid-May, an emergency order issued by the Chief Justice of the Supreme Court of Virginia suspended all non-essential and non-emergency proceedings in the state's courts. During that time, significantly fewer sentencing hearings were held, resulting in fewer offenders being sentenced to a prison term. Since mid-May 2020, courts have begun hearing cases once more; however, additional data is needed to determine if the majority of courts have returned to hearing their pre-COVID caseload.

Figure 12
Felony Sentencing Events in Circuit Court



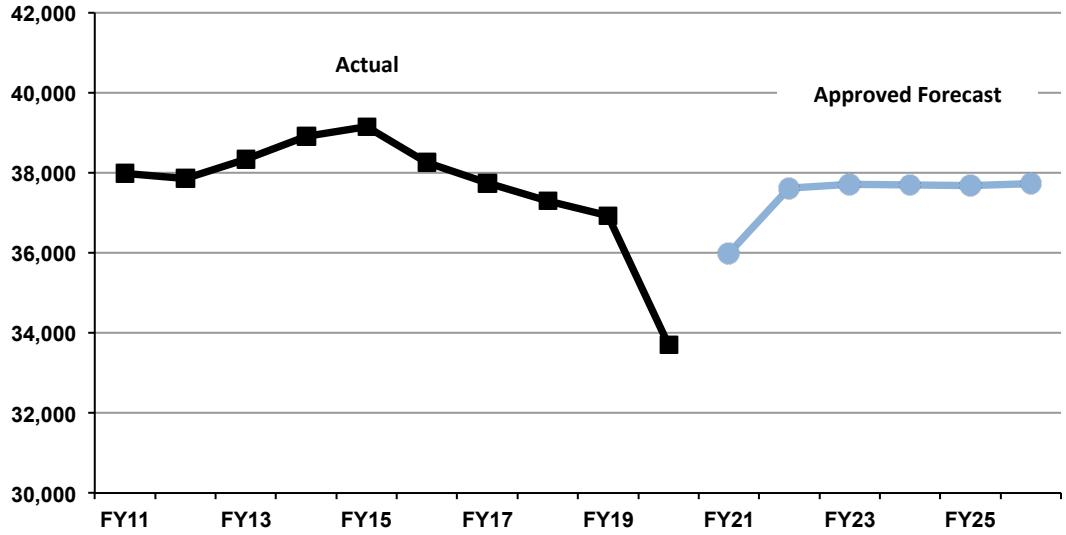
FY2020 data are preliminary.

Forecast of the State-Responsible Inmate Population

As discussed in the previous chapter, the Secretary's Offender Forecasting Policy Committee concluded that the confined populations, including the state-responsible inmate population, would not stay at the exceptionally low levels seen in March-August 2020. Due to the significant challenges of forecasting populations during the COVID-19 pandemic, the Policy Committee recognized that it would not have a high degree of confidence in any statistical projections produced this year. As a result, the Policy Committee determined that the forecast submitted to the Governor and General Assembly in 2019 should be retained and used for the 2020 forecasting cycle, with an adjustment made for the first year of the forecast horizon (FY2021) based on the best available data.

The state-responsible inmate population forecast submitted to the Governor and General Assembly in 2019, with the adjustment for FY2021, is shown in Figure 13. For a complete discussion of the methodologies used to develop this forecast, see Appendix C, which contains a complete copy of the 2019 report. The Policy Committee reviewed the best available data and adjusted the projection for FY2021. With that adjustment, the population is projected to increase to 35,987 by June 30, 2021. This figure is equivalent to the March 31, 2020, population (as presented to the Policy Committee on September 1, 2020).[3] Beginning in FY2022, the population is expected to return to the trendline projected previously. The approved forecast anticipates that the population will increase to 37,613 by the end of FY2022, with very little growth thereafter. By the end of FY2026, the population is expected to be 37,723.

Figure 13
Approved State-Responsible Inmate Population Forecast, FY2021-FY2026
Originally Submitted to the Governor and General Assembly in 2019 with Adjusted Forecast for FY2021



Figures reflect the June 30 population for each fiscal year. FY2020 figure is preliminary.

[3] More recent data indicate that the March 31, 2020, population has been revised to 35,992.

Figure 13 (continued)
Approved State-Responsible Inmate Population Forecast, FY2021-FY2026
Originally Submitted to the Governor and General Assembly in 2019 with Adjusted Forecast for FY2021

Fiscal Year	Historical	Forecast	Change	Percent Change
FY2011	37,983			
FY2012	37,849		-134	-0.4%
FY2013	38,337		488	1.3%
FY2014	38,912		575	1.5%
FY2015	39,152		240	0.6%
FY2016	38,264		-888	-2.3%
FY2017	37,740		-524	-1.4%
FY2018	37,304		-436	-1.2%
FY2019	36,928		-376	-1.0%
FY2020	33,705		-3,223	-8.7%
FY2021		35,987	2,282	6.8%
FY2022		37,613	1,621	4.5%
FY2023		37,720	107	0.3%
FY2024		37,699	-21	-0.1%
FY2025		37,680	-19	-0.1%
FY2026		37,723	43	0.1%

The state-responsible inmate forecast is disaggregated by gender below (Figure 14).

Figure 14
State-Responsible Inmate Forecast by Gender
(for June 30 of each year)

Year	Males	Change
FY21	33,074	6.3%
FY22	34,311	0.7%
FY23	34,413	0.3%
FY24	34,376	-0.1%
FY25	34,316	-0.2%
FY26	34,313	-0.0%

Year	Females	Change
FY21	2,913	12.8%
FY22	3,302	2.3%
FY23	3,307	0.2%
FY24	3,323	0.5%
FY25	3,364	1.2%
FY26	3,410	1.4%

As required by Item 391 of Chapter 1289 of the Acts of Assembly, of 2020, the forecast has been disaggregated to identify the number of probation violators within the overall population who may be appropriate for punishment via alternative sanctions. By the end of FY2026, it is projected that the state-responsible population will include 2,586 technical probation violators (Figure 15 below). Technical violators are offenders who violated the rules of probation but have not been convicted of a new crime. However, this forecast should be considered a maximum, as DOC will continue to analyze this subpopulation**.** As the criminal history repository is updated with new conviction information, the proportion of violators identified as technical violators (i.e., those with no new convictions) will decrease.

Based on a previous study, DOC has estimated that 53% of technical violators with a state-responsible sentence may be suitable for alternative sanctions such as its Detention and Diversion Center Programs. DOC concluded that approximately 47% of technical violators entering DOC are likely not good candidates for such alternatives due to convictions for violent offenses (22%), mental health issues (15%), or medical conditions (10%).

Figure 15
Technical Probation Violator Population Forecast

Year	Forecast
FY21	2,394
FY22	2,452
FY23	2,491
FY24	2,528
FY25	2,569
FY26	2,586

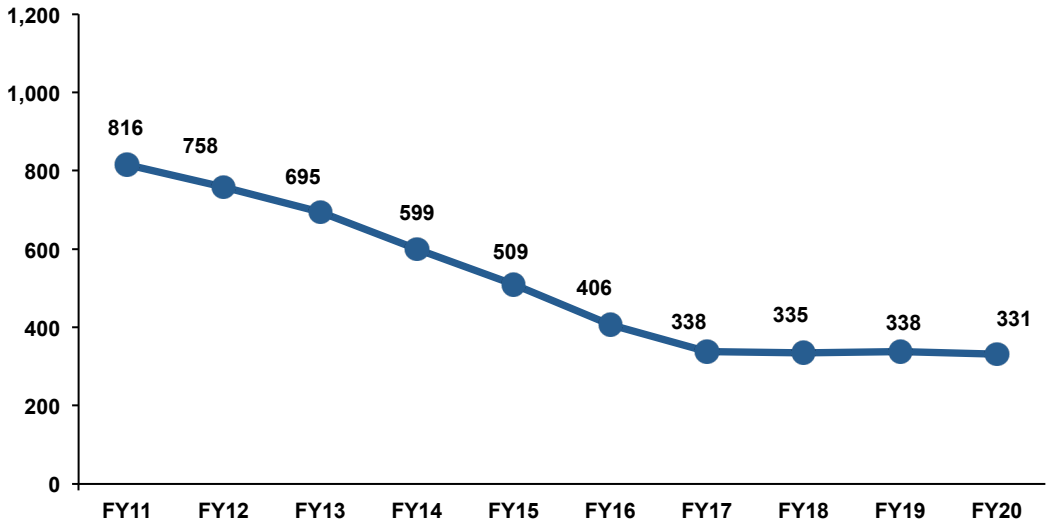
The Technical Probation Violator forecast is a subgroup of, and not in addition to, the State-Responsible Inmate Forecast.

Juvenile Direct Care Population

Juvenile state-responsible offenders are committed by a court to Virginia's Department of Juvenile Justice (DJJ). They are housed in juvenile correctional facilities around the state or they are placed in re-entry, community placement, or other programs; collectively, these make up DJJ's direct care population. 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, dispositions involving commitment in the juvenile justice system remain largely indeterminate. In FY2020, 71% of commitment orders to DJJ were for an indeterminate period of confinement.[4] This means that DJJ, rather than a judge, determines the length of the juvenile's commitment which is governed by guidelines approved by the Board of Juvenile Justice. The courts commit a smaller percentage of juvenile offenders to DJJ with a determinate, or fixed length, sentence; a juvenile given a determinate commitment may be reviewed by the judge at a later date and may be released at the judge's discretion prior to serving the entire term. In Virginia, juveniles tried and convicted as adults in circuit court may also be committed to DJJ, at the judge's discretion.

The number of juveniles in the direct care population has declined overall since FY2000. Statutory changes, use of validated risk assessment instruments, and continued decline in the number of juvenile intake cases at Court Services Units have contributed to the long-term downward trend. Between FY2017 and FY2019, the direct care population began to level off, with the average population ranging from 335 to 338 during these years (Figure 16). In FY2020, the average population for the fiscal year decreased to 331. As with the adult confined populations, the juvenile direct care population declined significantly after February 2020. The population decreased from 344 in February 2020 to 262 in June due to the COVID-19 pandemic and state and local response measures. The decline continued into July and August 2020.

Figure 16
Juvenile Direct Care Population, FY2011-FY2020



Figures reflect the average daily population for each fiscal year.

[4] An individual juvenile may be admitted to direct care with more than one commitment order. In FY2020, 71% of juveniles admitted to direct care had indeterminate commitments only (this excludes any juveniles that came in with both indeterminate and determinate sentences or with both indeterminate and blended sentences; it is strictly juveniles with only indeterminate commitment orders).

Figure 17 presents the actual direct care population and the FY2020 forecast originally presented to the Governor and General Assembly in October 2019. The forecast of this population, which had been extremely accurate through February of 2020, ended the year with an average absolute percent error of 7.6%.

Figure 17
Juvenile Direct Care Population and FY2020 Forecast

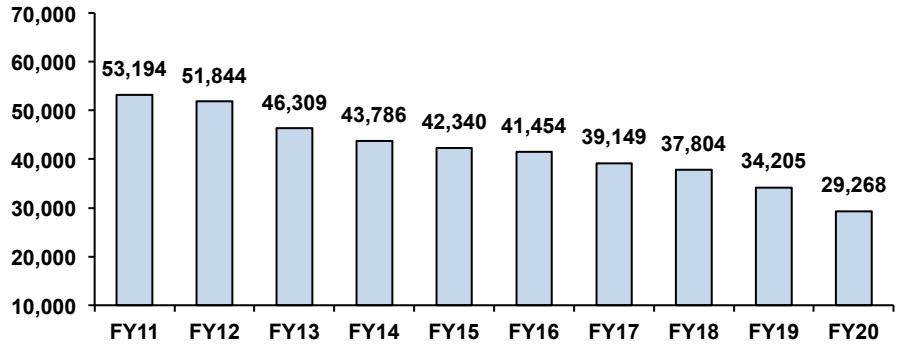
Month	Actual Population	Forecast	Error	Percent Error	Absolute Percent Error
Jul-2019	347	340	-7	-2.0%	2.0%
Aug-2019	351	346	-5	-1.4%	1.4%
Sep-2019	350	346	-4	-1.1%	1.1%
Oct-2019	348	348	0	0.0%	0.0%
Nov-2019	346	352	6	1.7%	1.7%
Dec-2019	342	347	5	1.5%	1.5%
Jan-2020	345	352	7	2.0%	2.0%
Feb-2020	344	349	5	1.5%	1.5%
Mar-2020	340	356	16	4.7%	4.7%
Apr-2020	317	354	37	11.7%	11.7%
May-2020	281	359	78	27.8%	27.8%
Jun-2020	262	356	94	35.9%	35.9%
FY2020 Avg	331	350	19.3	6.9%	7.6%
Jul-2020	254	352	98	38.5%	38.5%
Aug-2020	247	354	107	43.4%	43.4%

Figures reflect the average daily population for each month.

Factors Affecting the Population

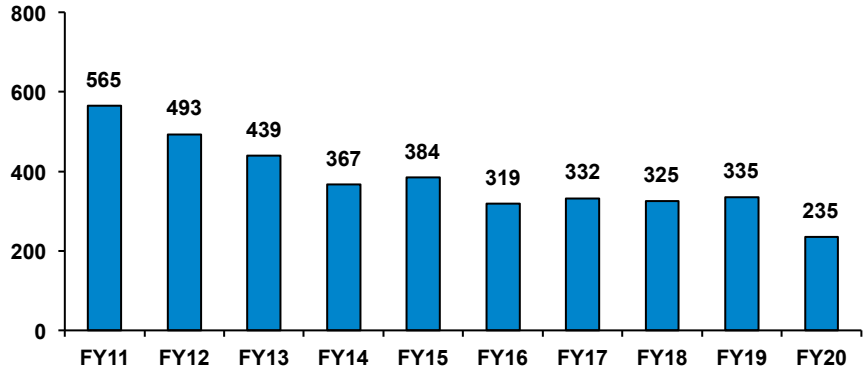
There has been a long-term downward trend in the number of juveniles in direct care. As noted above, statutory changes, use of validated risk assessment instruments, significant decline in the number of juvenile intake cases at Court Services Units are among the factors contributing to the smaller population. The forecast report submitted in 2019, contained in its entirety in Appendix C, includes a detailed discussion of the factors that have impacted the direct care population over the long term. While the number of juvenile intake cases at Court Services Units (the point of entry into the juvenile justice system) has declined, the percentage decrease in intakes in FY2020 was much larger than in any other year in the past decade (Figure 18). In FY2020, juvenile intake cases fell by 14.4%. The extent to which the COVID-19 pandemic contributed to this atypical drop in intakes cannot be quantified.

Figure 18
Juvenile Intake Cases at Court Services Units



FY2020 admissions to DJJ's direct population fell by an even greater percentage than intake cases. The number of admissions to direct care dropped by 29.6% in FY2020 compared to the previous fiscal year (Figure 19). The extent to which the decision making of juvenile court judges and other stakeholders has contributed to this substantial decrease is not definitively known. However, this decline in admissions is the primary driver in the falling population in FY2020.

Figure 19
Juvenile Direct Care Admissions



Forecast of the Juvenile Direct Care Population

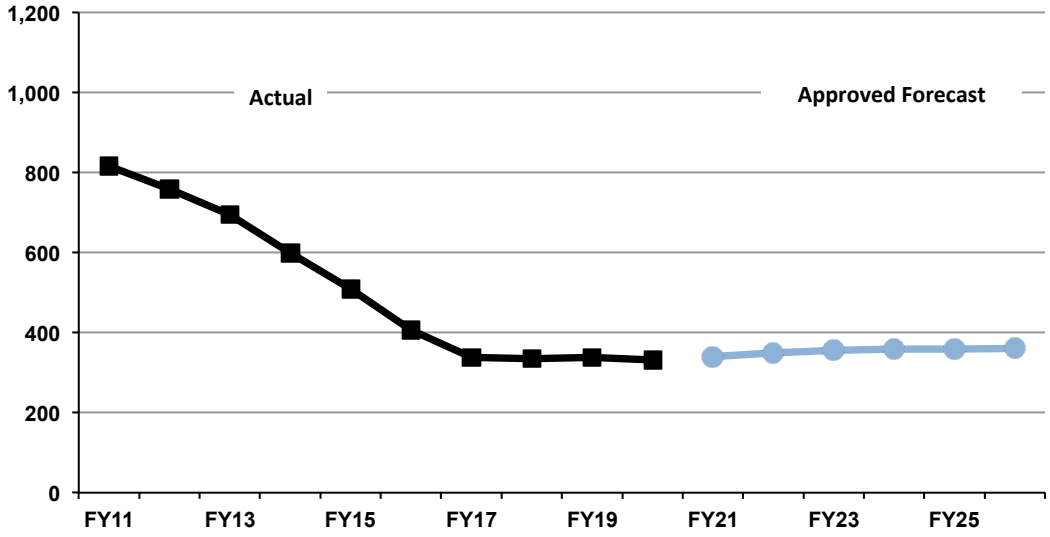
As discussed in the previous chapters of this report, the Secretary's Offender Forecasting Policy Committee concluded that the confined offender populations would not stay at the exceptionally low levels seen in March-August 2020. Because of the significant challenges of forecasting populations during a period of unprecedented change in the populations, the Policy Committee determined that the forecast submitted in 2019 should be retained and used for the 2020 forecasting cycle, with an adjustment made for the first year of the forecast horizon (FY2021) based on the best available data.

The direct care population forecast submitted to the Governor and General Assembly in 2019, with the adjustment for FY2021, is shown in Figure 20. The Policy Committee did not change the admissions forecast model approved in 2019, which set a flat forecast calculated by averaging the actual DJJ admissions for three previous fiscal years (FY2017, FY2018, and FY2019). Under this admissions forecast, it is assumed that admissions will remain level at 331 per year from FY2021 through FY2026. For a complete discussion of the methodologies used to develop the admissions and the population forecast, see Appendix C for a complete copy of the 2019 report.

Based on the approved forecast, the direct care population is expected to grow to an average of 340 for FY2021. This figure is equivalent to the March 2020 average daily population (as measured on September 1, 2020, when the Policy Committee held its virtual meeting). In FY2022, the population is expected to return to the trendline projected previously, which anticipated slow growth for the remainder of the forecast horizon. By FY2026, the direct care population is expected to reach an average of 359 juveniles (Figure 20).

Figure 20
Approved Direct Care Population Forecast, FY2021-FY2026

Originally Submitted to the Governor and General Assembly in 2019 with Adjusted Forecast for FY2021



Figures reflect the average daily population for each fiscal year.

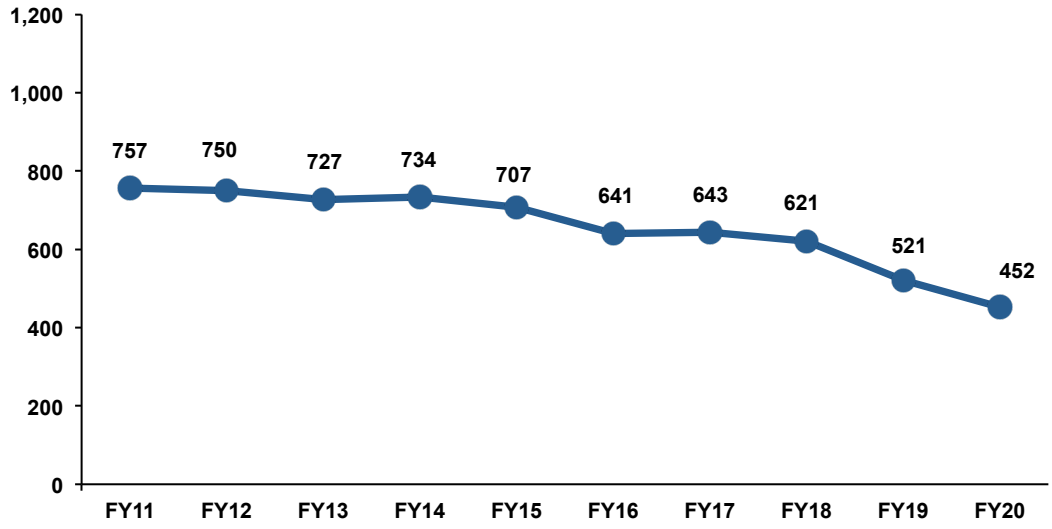
Fiscal Year	Historical	Forecast	Change	Percent Change
FY2011	816			
FY2012	758		-58	-7.1%
FY2013	695		-63	-8.3%
FY2014	599		-96	-13.8%
FY2015	509		-90	-15.0%
FY2016	406		-103	-20.2%
FY2017	338		-68	-16.7%
FY2018	335		-3	-0.9%
FY2019	338		3	0.9%
FY2020	331		-7	-2.1%
FY2021		340	9	2.7%
FY2022		349	9	2.6%
FY2023		355	6	1.7%
FY2024		358	3	0.8%
FY2025		359	1	0.3%
FY2026		359	0	0.0%

Juvenile Detention Center Population

Local governments or multi-jurisdictional commissions operate secure juvenile detention centers (JDCs) throughout the Commonwealth. The Board of Juvenile Justice promulgates regulations and the Director of the Department of Juvenile Justice is responsible for the certification of these facilities. A judge may order a juvenile to be held in pre-dispositional detention pending adjudication, disposition, or placement. To be eligible for pre-dispositional detention, there must be probable cause establishing that the juvenile committed an offense that would be a felony or a Class 1 misdemeanor offense if committed by an adult, violated the terms of probation or parole for such offense, or knowingly and intentionally possessed or transported a firearm. To be eligible for post-dispositional detention, the juvenile must be 14 years or older and been found to have committed a non-violent juvenile felony or Class 1 or Class 2 misdemeanor offense. A judge may order an adjudicated juvenile to be held in post-dispositional detention up to 30 days or, if the juvenile detention center operates a post-dispositional detention program, up to 6 months. Historically, the majority of the JDC population has been comprised of juveniles in pre-dispositional status (pending adjudication, disposition, or placement).

The detention center population declined from an average of 757 in FY2011 to an average of 521 in FY2019 (Figure 21). Lower numbers of intakes at Court Services Units and procedures to reduce detention of low-risk juveniles have been important factors in the downward trend. While the overall average population for FY2020 was 452, the monthly population figures decreased significantly between February and June 2020 (from 498 to 344 juveniles). By August 2020, this population had increased slightly to 351.

Figure 21
Juvenile Detention Center Population, FY2011-FY2020



Figures reflect the average daily population for each fiscal year.

Figure 22 presents the actual detention center population and the FY2020 forecast originally presented to the Governor and General Assembly in October 2019. The forecast of this population, which had been relatively accurate through February of 2020, became substantially less accurate when the population began its dramatic decline in March 2020. Overall, the forecast ended the year with an average absolute percent error of 11.9%.

Figure 22
Juvenile Detention Center Population and FY2020 Forecast

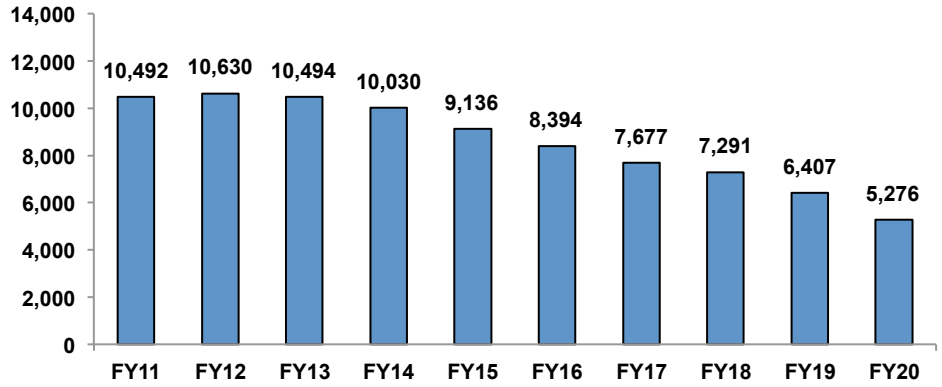
Month	Actual Population	Forecast	Error	Percent Error	Absolute Percent Error
Jul-2019	464	474	10	2.2%	2.2%
Aug-2019	482	464	-18	-3.7%	3.7%
Sep-2019	492	453	-39	-7.9%	7.9%
Oct-2019	515	467	-48	-9.3%	9.3%
Nov-2019	513	465	-48	-9.4%	9.4%
Dec-2019	459	435	-24	-5.2%	5.2%
Jan-2020	481	435	-46	-9.6%	9.6%
Feb-2020	498	456	-42	-8.4%	8.4%
Mar-2020	461	458	-3	-0.7%	0.7%
Apr-2020	370	453	83	22.4%	22.4%
May-2020	345	457	112	32.5%	32.5%
Jun-2020	344	453	109	31.7%	31.7%
FY2020 Avg	452	456	3.8	2.9%	11.9%
Jul-2020	343	474	131	38.3%	38.3%
Aug-2020	351	464	113	32.1%	32.1%

Figures reflect the average daily population for each month.

Factors Affecting the Population

Many of the same factors that drive the direct care population, including juvenile intake cases at Court Services Units, also impact the detention center population. As described in the previous chapter, the number of juvenile intake cases at the state's court services units has declined significantly since FY2011. Reflecting this downward trend in intakes, detention center admissions (the first admission of a continuous detention stay, excluding transfers[5]) has declined, particularly after FY2012 (Figure 23). Detainments fell by 18% in FY2020, the largest year-to-year drop in last decade.

Figure 23
Juvenile Detention Center Admissions –
Distinct Detainments (excluding Transfers)

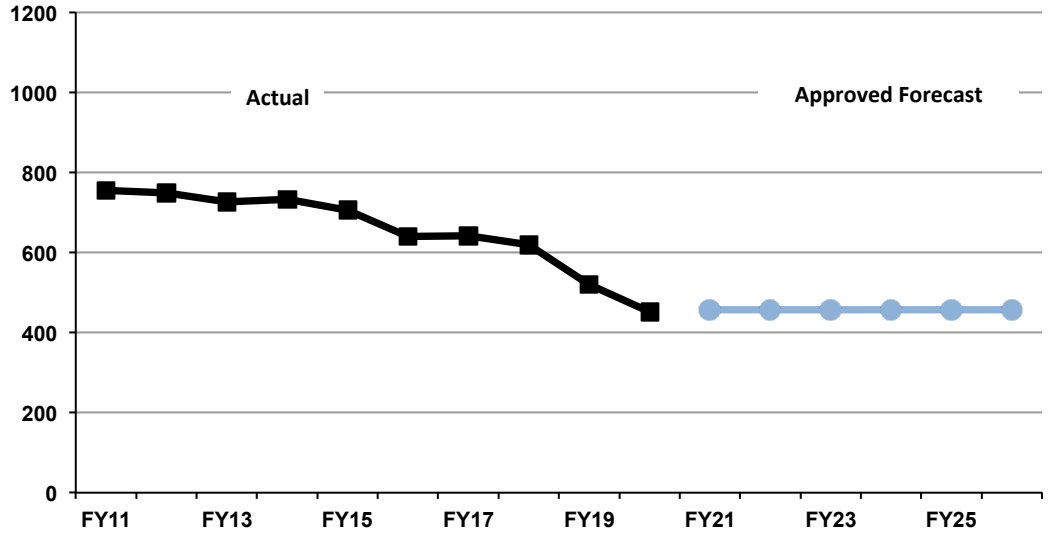


[5] A new detainment is not counted if a juvenile is transferred to another JDC or has a change in dispositional status before being released. An individual juvenile may have more than one detainment in a fiscal year.

Forecast of the Juvenile Detention Center Population

As discussed in the previous chapters of this report, the Secretary's Offender Forecasting Policy Committee concluded that the confined offender populations would not stay at the exceptionally low levels seen in March-August 2020. The Policy Committee acknowledged the significant challenges of forecasting populations during the COVID-19 pandemic. Thus, the Policy Committee determined that the detention center forecast submitted in 2019 should be retained and used for the 2020 forecasting cycle. Unlike the other confined offender populations, the Policy Committee opted to continue using the previous-submitted forecast for the detention center population without an adjustment for FY2021. The approved direct care population forecast is shown in Figure 24. The average detention center population is projected to remain at 457 juveniles through the forecast horizon. For a complete discussion of the methodologies used to develop this forecast, see Appendix C for a complete copy of the 2019 report.

Figure 24
Approved Detention Center Population Forecast, FY2021-FY2026
Originally Submitted to the Governor and General Assembly in 2019 (No Adjustment to FY2021 Forecast)



Figures reflect the average daily population for each fiscal year.

Fiscal Year	Historical	Forecast	Change	Percent Change
FY2011	756			
FY2012	749		-7	-0.9%
FY2013	726		-23	-3.1%
FY2014	733		7	1.0%
FY2015	706		-27	-3.7%
FY2016	640		-66	-9.3%
FY2017	642		2	0.3%
FY2018	620		-22	-3.4%
FY2019	520		-100	-16.1%
FY2020	452		-68	-13.1%
FY2021		457	5	1.1%
FY2022		457	0	0.0%
FY2023		457	0	0.0%
FY2024		457	0	0.0%
FY2025		457	0	0.0%
FY2026		457	0	0.0%

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Appendices

Appendix A
Legislative Directive

Item 391 of Chapter 1289 of the Acts of Assembly of 2020 (Appropriation Act)

Authority: Title 2.2, Chapter 2, Article 8, and § 2.2-201, Code of Virginia.

A. The Secretary of Public Safety and Homeland Security shall present revised six-year state and local juvenile and state and local responsibility adult 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 of each year. The secretary shall ensure that the revised forecast for state-responsible adult offenders shall include an estimate of the number of probation violators included each year within the overall population forecast who may be appropriate for alternative sanctions.

B. The secretary shall continue to work with other secretaries to (i) develop services intended to improve the re-entry of offenders from prisons and jails to general society and (ii) enhance the coordination of service delivery to those offenders by all state agencies. The secretary shall provide a status report on actions taken to improve offender transitional and reentry services, as provided in § 2.2-221.1, Code of Virginia, including improvements to the preparation and provision for employment, treatment, and housing opportunities for those being released from incarceration. The report shall be provided to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than November 15 of each year.

C. Included in the appropriation for this item is $500,000 the first year and $500,000 the second year from the general fund for the Commonwealth's nonfederal cost match requirement to accomplish the United States Corps of Engineers Regional Reconnaissance Flood Control Study for both the Hampton Roads and Northern Neck regions as authorized by the U.S. Congress. Any balances not needed to complete these studies may be used to conduct a comparable study in the Northern Virginia region.

D. The Secretary shall report on the requirements of Item 381 H. of Chapter 854, 2019 Acts of Assembly, by November 15, 2020.

E.1. The Secretary of Public Safety and Homeland Security shall continue the expanded work group established in Item 381 of Chapter 854, 2019 Acts of Assembly. The expanded work group shall examine the workload impact, as well as other fiscal and policy impacts, on the Commonwealth's public safety and judicial agencies as a whole. The Executive Secretary of the Supreme Court shall submit the recommendations of the working group to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by November 15, 2020. All state agencies and local subdivisions shall provide assistance as requested by the working group.

2. The expanded workgroup shall include representatives of the Supreme Court, the State Compensation Board, staff of the House Appropriations and Senate Finance and Appropriations Committees, Department of Criminal Justice Services, Commonwealth's Attorneys, local governments, and other stakeholders deemed appropriate by the Secretary.

3. Prior to the preparation of the November 15, 2020 report, each Commonwealth's Attorney's office in a locality that employs body worn cameras, in conjunction with the law enforcement agency using body worn cameras, shall report to the Compensation Board and the workgroup the following information on a quarterly basis, in a format prescribed by the Board:

a. The number of hours of body worn camera video footage received from their law enforcement agencies. The number of hours should additionally be broken down into corresponding categories of felonies, misdemeanors and traffic offenses. Any recorded event that results in charges for two or more of the above categories shall be reported in the most serious category;

b. The number of hours spent in the course of redacting videos; and

c. Any other data determined relevant and necessary by the workgroup for this analysis.

Appendix B
2020 Committee Members

2020 Policy Committee Members

The Honorable Brian J. Moran, Chair
Secretary of Public Safety and Homeland Security

Valerie Boykin
Director
Virginia Department of Juvenile Justice

Tonya Chapman
Chairwoman
Virginia Parole Board

Harold Clarke
Director
Virginia Department of Corrections

The Honorable Vanessa R. Crawford
Sheriff, Petersburg City

Robyn deSocio
Executive Secretary
Compensation Board

Shannon Dion
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Timothy Doss
Superintendent
Middle Peninsula Regional Security Center

Linda Jackson
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Virginia Department of Forensic Science

June Jennings
Deputy Secretary of Finance

Alison Land
Commissioner
Virginia Department of Behavioral Health and Developmental Services

Cyril Miller
Director
Judicial Planning Department, Supreme Court of Virginia

The Honorable Gabriel A. Morgan, Sr.
Sheriff
City of Newport News

Colonel Gary T. Settle
Superintendent
Virginia State Police

William C. Smith
Chief of Police
City of Richmond Police Department

Banci Tewolde
Associate Director, Public Safety
Virginia Department of Planning and Budget

Reginald Thompson
Senior Budget and Policy Analyst
Virginia Department of Planning & Budget

Timothy Trent
Superintendent
Blue Ridge Regional Jail Authority

The Honorable Emmett Hanger
Senate of Virginia

The Honorable Janet D. Howell
Senate of Virginia

The Honorable Louise Lucas
Senate of Virginia

The Honorable Paul Krizek
Virginia House of Delegates

The Honorable Luke E. Torian
Virginia House of Delegates

2020 Technical Advisory Committee Members

Meredith Farrar-Owens, Chair
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Virginia Criminal Sentencing Commission

Erik Beecroft, Ph.D.
Methodologist
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Data Manager
Virginia Department of Juvenile Justice

Lawrence Getzler
Chief Economic Analyst
Virginia Department of Planning and Budget

Kari B. Jackson
LIDS Analyst
Compensation Board

Warren McGehee
Manager, Statistical Analysis and Forecast Unit
Virginia Department of Corrections

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Appendix C
Report on the Offender Population Forecasts (FY2020 to FY2025)
Submitted October 15, 2019

Office of the
Secretary of Public Safety and Homeland Security

REPORT ON THE OFFENDER POPULATION FORECASTS (FY2020 TO FY2025)

To the Governor and General Assembly

Commonwealth of Virginia

Richmond, October 15, 2019

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Office of the Secretary of Public Safety and Homeland Security

October 15, 2019

TO: The Honorable Ralph S. Northam
Governor

The Honorable S. Chris Jones
Chairman, House Appropriations Committee

The Honorable Emmett W. Hanger, Jr.
Co-Chairman, Senate Finance Committee

The Honorable Thomas K. Norment, Jr.
Co-Chairman, Senate Finance Committee

The Honorable Robert B. Bell
Chairman, House Courts of Justice Committee

The Honorable Mark D. Obenshain
Chairman, Senate Courts of Justice Committee

Each year, the Secretary of Public Safety and Homeland Security 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.

To revise the forecasts, my office brought together policy makers, administrators, and technical experts from all branches of state government for a series of meetings over the course of the summer and early fall. Using a consensus approach, with input from all those who participated in the process, a forecast for each of the four offender populations was adopted.

The 2019 forecasting process is complete and, as required by the Appropriation Act, this report is respectfully submitted for your consideration. Please contact my office should you have questions regarding any aspect of the offender forecasts.

Sincerely,

Brian J. Moran
Secretary of Public Safety and Homeland Security

Authority

This report has been prepared and submitted to fulfill the requirements of Item 381 of Chapter 854 of the Acts of Assembly of 2019. This provision requires the Secretary of Public Safety and Homeland Security to present revised six-year state and local juvenile and state and local responsibility adult 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 of each year. In addition, the Secretary must ensure that the adult state-responsible population forecast includes an estimate of the number of probation violators in the overall population who may be appropriate for punishment via alternative sanctions. This document contains the Secretary's report for 2019.

Table of Contents

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Executive Summary

Forecasts of persons 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 and Homeland Security 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 offender forecasts, the Secretary's Office utilizes an approach known as "consensus forecasting." This process brings together policy makers, administrators, and technical experts from all branches of state government. The Technical Advisory Committee is composed of experts in statistical and quantitative methods from several agencies. While individual members of this Committee generate the offender forecasts, the Committee as a whole carefully scrutinizes each forecast according to the highest statistical standards. Selected forecasts are presented to the Secretary's Work Group. The Work Group evaluates the forecasts and provides guidance to the Technical Advisory Committee. The Work Group 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 Secretary's Policy Committee. Led by the Secretary, the Policy 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 lawmakers, agency directors, and other top officials. Representatives of Virginia's police, sheriff, and jail associations are invited to participate. Through the consensus process, a forecast is produced for each of the four major offender populations.

The forecasts, approved in September 2019, were based on the statistical and trend information known at the time that they were produced. A new jail data system, known as LIDS-CORIS, was implemented in June 2013. Challenges encountered after the launch of LIDS-CORIS were addressed by the developer and resulted in a series of revisions to the data used to produce the adult state-responsible and local-responsible forecasts. Improvements in the LIDS-CORIS system and support programming, led to subsequent updates of the data in June 2015 and September 2016. In order to ensure the utmost accuracy of the forecasting data, the Technical Advisory Committee closely examined the time lag needed for LIDS-CORIS data to mature and stabilize. Based on that review, only data through March 2019 were selected to generate the local-responsible population forecast; similarly, data through March 2019 were used to produce the adult state-responsible population forecast presented in this report. Another data lag affects the development of the adult state-responsible population forecast. The backlog of data on new commitments entering the state-responsible population has reached 15 months. Thus, the most recent new commitment information available for analysis is through March 2018. These data lags increase the degree of uncertainty surrounding the adult offender forecasts. Moreover, the backlog in drug cases pending analysis by the Department of Forensic Science (DFS) has continued to grow due to the combination of the increasing number of drug cases that are submitted to DFS and the increase in the average number of days that are required to complete analysis. It is likely that the backlog has delayed criminal drug case processing times and, once the backlog is

resolved, there could be a large rise in offenders being convicted and sentenced. This possibility adds to the uncertainty surrounding the adult offender forecasts this year.

Adult State-Responsible Confined Population. The largest of the forecasted populations, the state-responsible (SR) confined population includes offenders incarcerated in state prisons, as well as SR offenders housed in local and regional jails around the Commonwealth. After peaking at 39,158 in June 2008, the SR population averaged an annual decline of 327 (0.8%) through June 2012. Much of the decline during that period can be attributed to a decrease in the annual number of SR new court commitments. This shift was consistent with observed changes in arrest patterns, a decline in felony sentencing events in circuit court, and a return to pre-2004 levels in the backlog of drug cases awaiting analysis at the Department of Forensic Science. Between June 2012 and June 2015, the SR population grew by an annual average of 304 (0.8%), reaching 39,171 offenders in October 2014 before declining to 38,761 by the end of June 2015. The population continued to decrease in each of the following three years to 37,304 by the end of June 2018. A decline in the population of roughly 1.1% is expected for FY2019, based on data available at the time of this report. According to the approved forecast, the total SR population is projected to increase by an average of 0.3% annually during the next six years, reaching 37,680 offenders by the end of FY2025 (see table on following page). On average, the 2019 forecast is lower than the forecast adopted last year by an annual average of 105 offenders. 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 punishment via alternative sanctions. By the end of FY2025, it is projected that the state-responsible population will include 2,569 technical probation violators (i.e., offenders who violated the rules of probation but have not been convicted of a new crime).[1]

Adult Local-Responsible Jail Population. The 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 in FY2006 and FY2007, the average local-responsible jail population declined each succeeding year through FY2010. In FY2011, the local-responsible jail population began to rise, with growth averaging 1.2% annually through FY2014. This period of growth did not continue, as the local-responsible jail population decreased by 1.3% in FY2015 and then 4.2% in FY2016. The trend reversed again in FY2017 and FY2018, when the population increased 4.3% and 3.2% respectively. Although data for the most recent fiscal year are not yet finalized, the population is expected to decline by 0.3% in FY2019. Under the approved forecast, the local-responsible jail population is projected to remain level from FY2020 through FY2025 (see table below), with an average local-responsible population of 19,469 in the final year of the forecast horizon. This is lower than the local-responsible forecast submitted to the Governor and General Assembly last year.

Juvenile Direct Care Population. Juvenile offenders committed to the state are held in facilities operated by the Department of Juvenile Justice (DJJ) or they are placed in re-entry, community placement, or other programs; collectively, these make up DJJ's total direct care population. The number of juveniles in the direct care population has been falling overall since FY2000. Some of the early decline may be attributed to a change in the minimum criteria for a

[1] The proportion of Technical Probation Violators declines as criminal histories are updated with new conviction information; as such, these Technical Probation Violator Forecasts should be considered maximums and are expected to decline by more than one-third as additional conviction information is received.

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, as well as subsequent statutory changes discussed later in this report. These policy changes alone cannot explain the persistent downward trend in commitments. At court services units, the point of entry into the juvenile justice system, the total number of juvenile intake cases has continued to decline; between FY2010 and FY2019, juvenile intake cases at court services units declined by 39.8%. In addition, DJJ has implemented procedures that include the use of validated risk assessment instruments in numerous aspects of community and facility operations in order to reserve juvenile correctional beds for those who represent the greatest risk to public safety. In FY2019, the total direct care population averaged 338, an increase of less than 1% from the previous year. The forecast for the direct care population anticipates a 3.5% increase (12 juveniles) in FY2020, followed by a decrease of two juveniles in FY2021. Beginning in FY2022, this population is expected to increase slightly each year, in part due to the larger number of juveniles admitted with determinate sentences and, thus, longer lengths-of-stay. For FY2025, the average population is projected to be 359 juveniles (see table below).

Juvenile Detention Center (JDC) Population. Juveniles held in local or commission-operated juvenile detention centers around the Commonwealth make up the juvenile local-responsible population. The JDC population declined from an average of 1,010 in FY2008 to an average of 727 in FY2013. Lower numbers of intakes at court services units and procedures to reduce detention of low-risk juveniles have contributed to the downward trend. The population increased slightly to 733 in FY2014 due to longer lengths-of-stay but decreased to an average of 520 by FY2019 due to the decline in the number of juveniles detained (admissions). The average JDC population is projected to drop to 457 juveniles in FY2020, with a continued flat forecast of 457 due to uncertainty associated with admissions and average length-of-stay (see table below).

Offender Population Forecasts
FY2019 – FY2025

Fiscal Year	Adult State-Responsible Offender Population (June 30)	Technical Probation Violators within the Adult State-Responsible Offender Population (June 30)*	Adult Local-Responsible Jail Population (FY Average)	Juvenile Direct Care Population (FY Average)	Juvenile Detention Center Population (FY Average)
FY2019	36,892 (Projected)	1,894 (Projected)	19,662 (Projected)	338 (Actual)	520 (Actual)
FY2020	36,991	2,234	19,464	350	457
FY2021	37,287	2,394	19,464	348	457
FY2022	37,613	2,452	19,470	349	457
FY2023	37,720	2,491	19,469	355	457
FY2024	37,699	2,528	19,469	358	457
FY2025	37,680	2,569	19,469	359	457

*** The Technical Probation Violator forecast is a subgroup of, and not in addition to, the Adult State-Responsible Offender Forecast.**

Since the proportion of violators identified as technical violators declines as criminal histories are updated with new conviction information, this forecast should be considered a maximum.

Based on previous study, the Department of Corrections has estimated that 53% of technical violators sentenced to a state-responsible term may be suitable for alternative sanctions.

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Virginia's Offender Forecasting Process

Each year, the Secretary of Public Safety and Homeland Security 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's Office 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 offender forecasts. Typically, two forecast models are developed for each of the adult and juvenile populations by two analysts from separate agencies working independently of one another. Confidence in the forecast can be bolstered if different methods used by multiple agencies converge on the same future population levels. While individual members generate the various prisoner forecasts, the Technical Advisory Committee as a whole carefully scrutinizes each forecast according to the highest statistical standards. Select forecasts are recommended by the Technical Advisory Committee for consideration by the Secretary's 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 Virginia's criminal justice system. After thorough evaluation of each forecast, the Work Group makes recommendations to the Secretary's Policy Committee. Led by the Secretary, the Policy 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 Committee is made up of agency directors, members of the General Assembly, and top-level officials from Virginia's executive, legislative, and judicial branches. Each year, at least one sheriff, police chief, and jail administrator are invited to serve on the Policy Committee to represent their respective associations.

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

Forecasting Methodologies

Members of the Technical Advisory Committee use two types of methodologies to develop offender forecasts: time series forecasting and computer simulation modeling. Time series forecasting is a set of statistical techniques that apply specifically to the analysis of data points that occur over time. 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 included in the statistical model and the impacts quantified. Time series models then use the pattern, trend, and seasonal variation identified in the historical data to project future values. Models developed from the same data can differ based on the statistical parameters included, external factors tested (factors that may be correlated with population changes), how many years of historical data are included in the analysis, etc. To develop time series models, analysts often withhold the most recent data points (e.g., the last 12 months) and try out various models on the remaining data. When a particular model is identified, the model is then used to project values for the period of data withheld from the model development. The projected values are compared to the actual values during the holdout period to assess the model's accuracy. Models can then be compared based on a variety of accuracy statistics so that the model with the best set of statistical properties can be selected. For example, the Technical Committee compares models based on what are known as "fit statistics," which measure how accurately a model estimates the actual historical population data. Analysts then re-run the selected model using all of the historical data, including data originally withheld during the model development stage. This is done to ensure that the most recent available data are included when generating the actual forecast. Analysts on the Technical Advisory Committee typically follow this process when developing offender forecasts using time series techniques.

Examples of time series forecasting techniques include exponential smoothing and Auto-Regressive Integrated Moving Average (ARIMA) modeling. These methods are used to develop a model where the prediction is a weighted linear sum of recent past observations or lags. For exponential smoothing forecasting methods, prediction is a weighted sum of past observations, but the model explicitly uses an exponentially decreasing weight for past observations. ARIMA models have two distinct components that can be used separately or in combination. The autoregressive (AR) model specifies that the output variable depends linearly on its own previous values. The moving-average (MA) model specifies that the output variable depends linearly on the current and various past values of the errors (residuals) of the previous forecasted time periods. The integrated aspect (I) of the ARIMA model specifies the steps taken to make the time series stationary, a condition necessary to achieve unbiased results in the ARIMA model. The purpose of each of these features is to make the model fit the historical data as well as possible. Depending on the parameters kept in the model, the effect may be that recent values are weighted more heavily in generating a forecast than observations in the distant past, or the observations may be weighted more equally over the entire period of historical data. These differences, and others, impact the forecasts produced from the models.

The Department of Corrections (DOC) and the Department of Juvenile Justice (DJJ) use computer simulation modeling to forecast the adult state-responsible inmate population and the state's juvenile direct care population, respectively. Computer simulation models are designed to

mimic the flow of offenders through a system over the forecast horizon. Both DOC and DJJ use Simul8 forecasting software for this purpose. Simul8 is a standard software package made specifically for creating simulation models. It is flexible in that users can structure a simulation model to accurately portray their particular system and it can be easily modified to capture policy changes. Simul8 models can also be adapted to produce forecasts of important subpopulations. To accurately simulate the movement of offenders through a system, data describing the offenders admitted to, confined in, and released from the population are compiled and programmed into the simulation model as inputs. Thus, use of simulation forecasting requires assumptions to be made. These assumptions typically include:

- the number of future commitments/admissions expected,
- the categories (types) of future commitments/admissions,
- the sentence lengths of future commitments/admissions,
- the rate at which future commitments/admissions will earn available sentence credits,
- the length of time individuals in the existing population will serve before release, and
- how confined individuals will be released in the future, if more than one release/exit type is possible (e.g., the number of inmates estimated to die in custody).

Due to the lag in available new commitment data, DOC's computer simulation can also be used to test a variety of new commitment forecast scenarios. By running the model with different new commitment scenarios, the Technical Committee can compare the state-responsible population forecasts generated by the simulation model to the actual known population for recent months. This type of testing is often helpful in assessing the various new commitment projections under consideration.

Members of the Technical Advisory Committee from particular agencies are assigned the task of generating the offender forecasts. Models are developed by at least two analysts from different agencies working independently of one another. Each analyst presents his/her forecast model to the Committee, and Committee members carefully scrutinize each forecast. The forecasts selected by the Technical Advisory Committee are proposed to the Secretary's Liaison Work Group, which then will select the forecasts to recommend to the Secretary's Policy Committee.

Adult State-Responsible Confined Population

The largest of the forecasted populations, the adult state-responsible (SR) confined population includes offenders incarcerated in state prisons, as well as SR offenders housed in local and regional jails around the Commonwealth. For forecasting purposes, state-responsibility begins on the day an offender receives an SR sentence (i.e., a sentence of one year or more for a felony offense). If the offender has multiple court cases, state-responsibility starts on the most recent sentencing date that occurs prior to the offender's classification by the Department of Corrections (DOC).

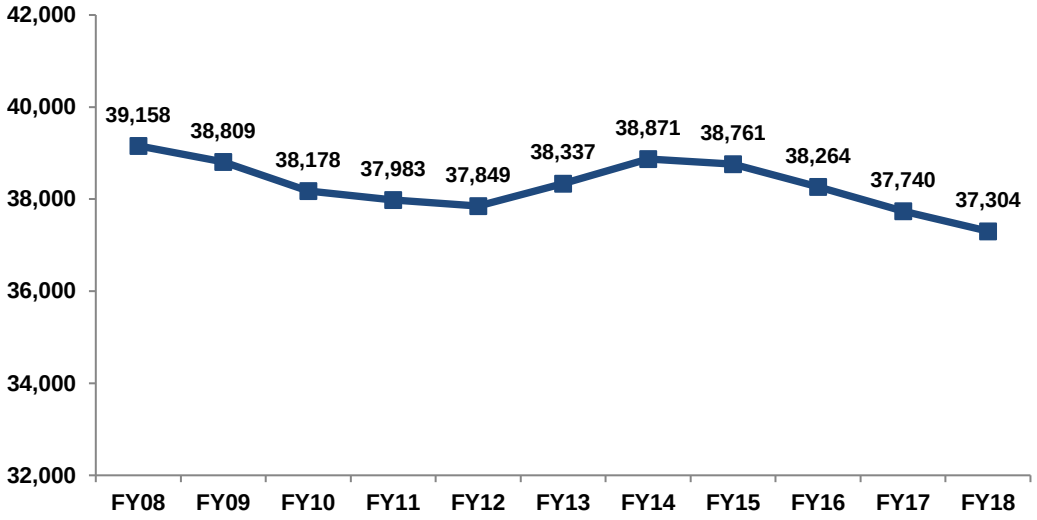
The SR confined population is a combination of the number of SR offenders in DOC facilities as listed in the DOC Facility Population Summary Report for the last day of each month plus the number of SR offenders in local and regional jails reported to the State Compensation Board (SCB). Jail data that is reported to the SCB (in the LIDS-CORIS system) is complex as offenders in jails can proceed through many statuses such as awaiting trial, awaiting sentencing, serving a local-responsible or local ordinance sentence, or serving a state-responsible sentence. Thus, for individuals held in the jails, it is not just a matter of reporting head count figures, but also determining the legal status of the offender on the last day of the month. This process can be complicated as offenders may have multiple legal actions occurring and court records need to be received and interpreted to enter in the final statuses. Due to the dynamic nature of this jail data, it takes some time for it to stabilize. Based on a review by the Technical Advisory Committee regarding the time lag needed for LIDS-CORIS data to mature and stabilize, only data through March 2019 were used to generate the adult state-responsible confined population forecast presented in this section.

Population Change

After peaking at 39,158 in June 2008, the SR population averaged an annual decline of 327 (0.8%) through June 2012 (Figure 1). Much of the decline between June 2008 and June 2012 can be attributed to a decrease in the annual number of SR New Court Commitments (NCC), which dropped by an average of 372 (3.0%) per year during this time. This shift was consistent with observed changes in arrest patterns, a decline in felony sentencing events in circuit court, and a return to pre-2004 levels in the backlog of drug cases awaiting analysis at the Department of Forensic Science. After June 2012, the SR population increased by annual average of 304 (0.8%) through June 2015. During this same time period, the female SR population grew by an annual average of 159 (5.4%). However, the total population declined by 1%-2% in each of the following two years, reaching 37,304 by the end of June 2018. The female SR population decreased by 184 (5.6%), reaching 3,116 in June 2018.

Population figures for June 2019 are not shown in this section, as data for that time period are not considered mature.

Figure 1
Adult State-Responsible Confined Population (on June 30 of each year)



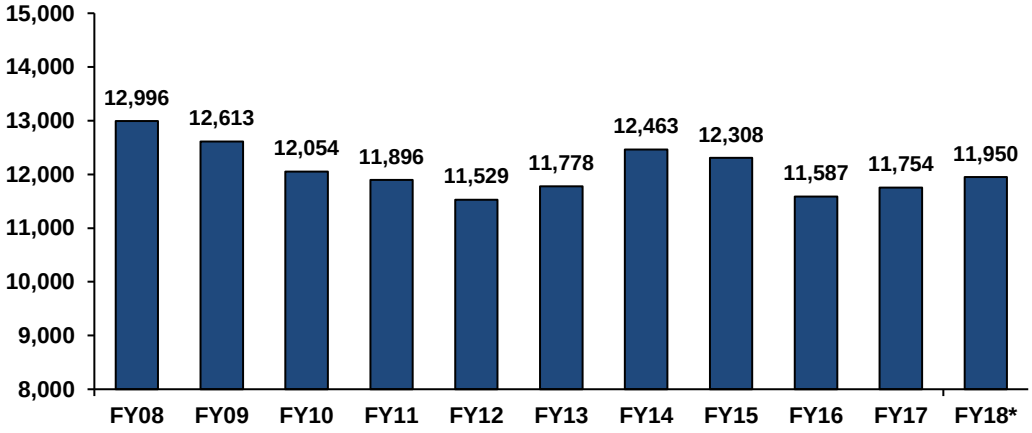
Based on improvements in the LIDS-CORIS data system and associated computer programming, along with corrections and updates entered into the system by jail staff, the Compensation Board has released revised figures for the number of state-responsible confined offenders held in jails. Figures for the state-responsible confined population have been revised accordingly and, therefore, are not comparable to those provided in previous offender forecasting reports. All Compensation Board data were updated through August 21, 2019

Factors Affecting the Population

The number of offenders entering the SR confined population each year is a critical factor affecting population growth. After peaking in FY2007, the number of SR NCC fell each year through FY2012 (Figure 2). The drop in commitments during those years is the principal reason for the downward trend in the overall population during that time period. Likewise, the growth in the SR population in FY2013 and FY2014 is due, in large part, to increases in the number of SR NCC, which grew by 2.2% and 5.8% in FY2013 and FY2014, respectively. The SR NCC declined by an annual average of 1.9% from FY2014 through FY2016 before increasing by an annual average of 1.6% from FY2016 to FY2018.

The Technical Committee encountered a data lag affecting development of the forecast. Data on new commitments entering the state-responsible population have become increasingly backlogged. Thus, the most recent new commitment information available for analysis is data for April 2017 – March 2018. These data lags increase the degree of uncertainty surrounding the adult offender forecasts.

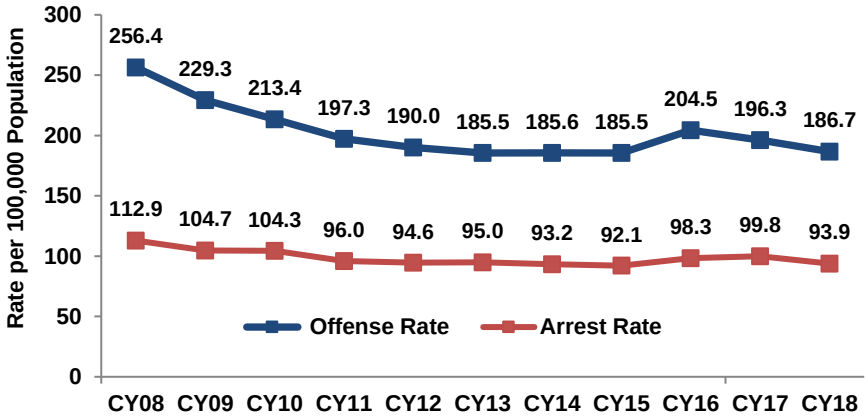
Figure 2
State-Responsible New Court Commitments



***Preliminary data through September 13, 2019**

There are numerous factors that may have an impact on the number and types of offenders sentenced to an SR term of incarceration. Both the offense rate and arrest rate (per 100,000 population) for violent index crimes (murder/non-negligent manslaughter, forcible rape, robbery and aggravated assault) declined from CY2008 through CY2013. The offense rate remained stable through CY2015, while the decline in the arrest rate slowed. Following a CY2016 increase, CY2017-CY2018 has shown a decreasing trend in offense and arrest rates toward CY2015 levels (Figure 3).

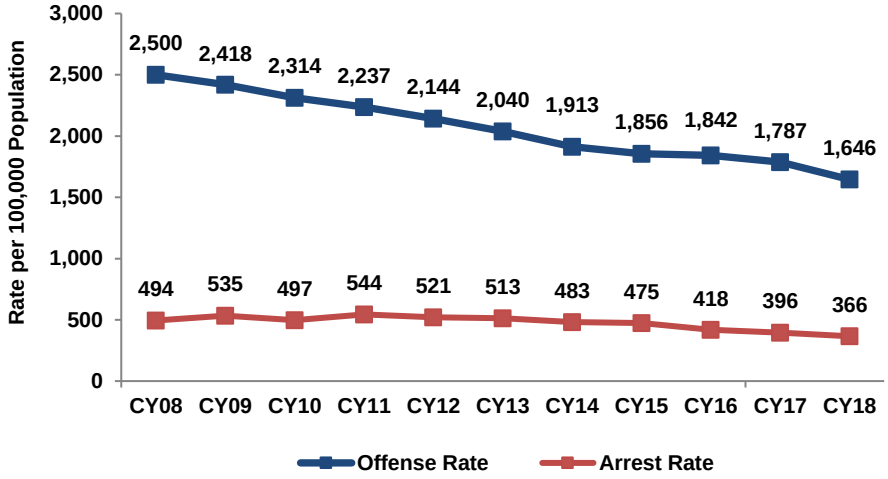
Figure 3
Violent Index Crime Offense Rates & Arrest Rates in Virginia



Violent index crimes are murder/non-negligent manslaughter, forcible rape, robbery and aggravated assault.

The offense rate (per 100,000 population) for property index crimes (burglary, larceny and motor vehicle theft) has declined by roughly one third (34%) since CY2008 (Figure 4). The arrest rate (per 100,000 population) for property index crimes increased by less than 1% from CY2008 through CY2010, and declined by 33% from CY2011 through CY2018. Larceny arrests account for the vast majority of arrests for property offenses.

Figure 4
Property Index Crime Offense Rates & Arrest Rates in Virginia

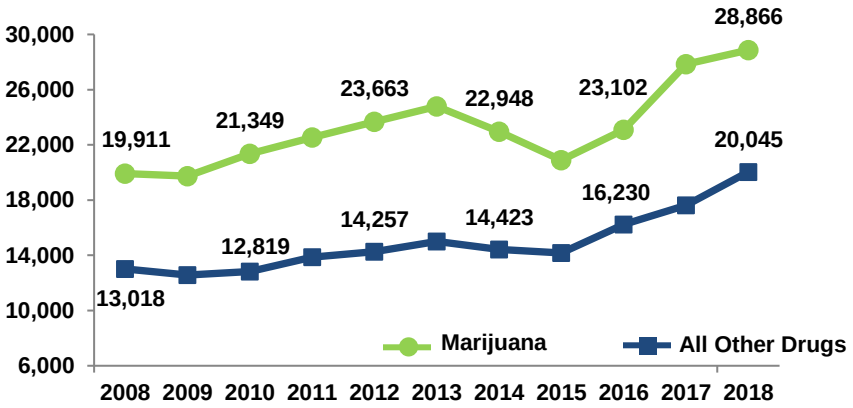


Property index crimes are burglary, larceny, and motor vehicle theft.

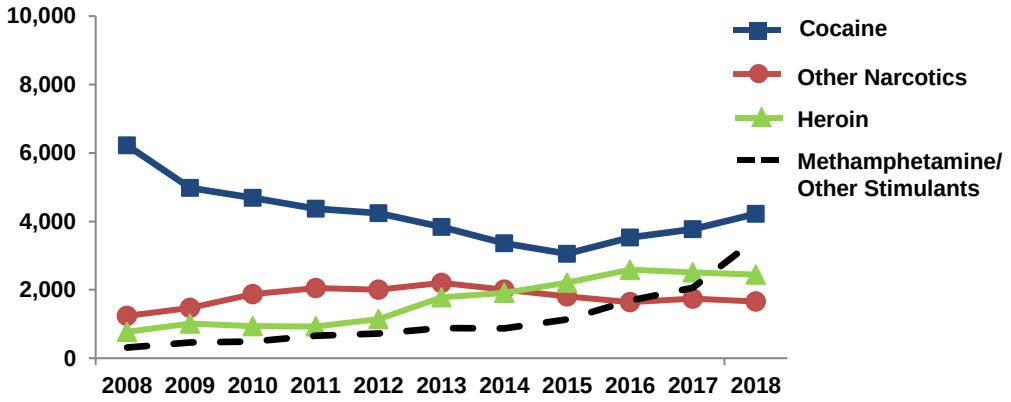
Overall, the number of adults arrested for drug offenses grew from the early 2000s through 2007. In 2008 and 2009, Virginia experienced a decline in the number of drug arrests. These decreases were largely attributable to substantial reductions in persons arrested for cocaine offenses. Federal data suggest reduced availability of cocaine in the United States during that time. Law enforcement efforts (e.g., seizures, crop eradication, and border security) and the drug war in Mexico appear to have impacted the ability of traffickers to deliver drugs to the U.S. During 2010 through 2013, however, the rate of decline in cocaine arrests slowed and the total number of drug arrests rose. Much of the increase during this period was associated with larger numbers of marijuana arrests (Figure 5 upper panel). The vast majority of marijuana arrests are for misdemeanor-level offenses for which an offender could not receive a prison sentence unless also convicted of a felony. In contrast, many of the arrests involving drugs other than marijuana are for felony-level offenses. For example, possession of cocaine, heroin, methamphetamine or other Schedule I or II drug is a Class 5 felony in Virginia. While cocaine arrests continued to fall, arrests for other Schedule I or II drugs increased during 2010-2015 (Figure 5 lower panel). In 2017, there were increases in arrests across all categories except for heroin. In 2018, there were increases in arrests across all categories except for heroin (-2.3%) and the other narcotic category (-4.7%).

Figure 5
Number of Adult Arrests for Drug Crimes in Virginia (by Calendar Year)

Total Drug Arrests: Marijuana versus All Other Drugs



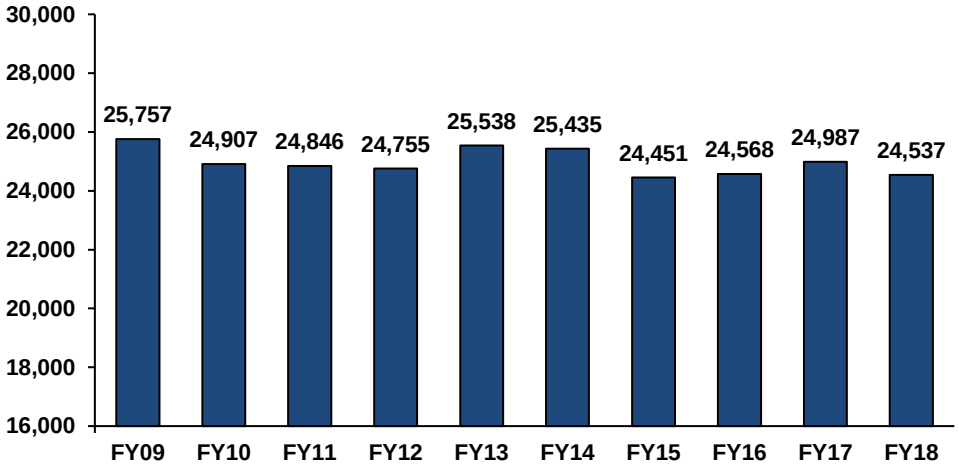
Arrests for Cocaine, Heroin, Other Narcotics & Methamphetamine/Other Stimulants



Other Narcotics include opiates other than heroin, along with morphine and other drugs that dull the senses and may become addictive after prolonged use.

Offenders convicted of felonies are sentenced in Virginia's circuit courts. According to the Virginia Criminal Sentencing Commission, the number of felony sentencing events declined after FY2008, which contributed to the downturn observed in commitments to DOC. After peaking in FY2008, the number of felony sentencing events fell each year through FY2012 (Figure 6). In contrast, felony sentencing events increased by 3.2% in FY2013, which was followed by a 0.4% decrease in FY2014. Felony sentencing events declined in FY2015 and remained relatively flat thereafter. However, the composition of felony sentencing events by offense type has shifted. Sentencing events in which the most serious offense is a felony property crime have decreased for the last several years, while events with a drug crime as the most serious offense have increased. The largest increase in felony drug cases has been those involving a Schedule I or II drug such as cocaine or heroin. Possession cases are less likely to result in a prison sentence than distribution cases.

Figure 6
Felony Sentencing Events in Circuit Court

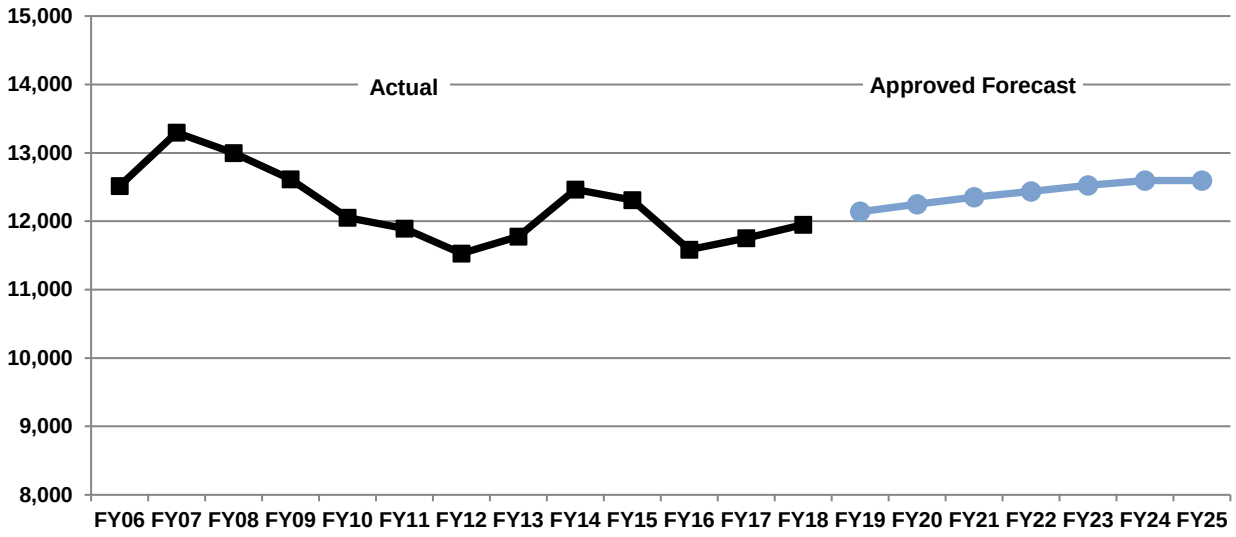


New Commitment Forecast

As noted previously, the number of SR NCC sentenced each year is a critical factor affecting population growth. To aid in the development of the population forecast, analysts first develop a projection of future SR NCC. This forecast is the total of six separate forecasts based on gender and the type of offense for which the offender was sentenced. Generating commitment forecasts by gender and offense type can account for differences in short and long-term trends across categories. New commitment forecasts are developed using statistical time-series forecasting techniques. These are described in the *Forecasting Methodologies* section of this report.

The SR NCC forecast approved by the Secretary's Policy Committee this year anticipates an average annual increase in commitments through FY2024 of less than 1% per year (once these data are finalized) (Figure 7). Due to the increases seen in the SR NCC in FY2017 and FY2018, the 2019 SR NCC forecast is higher than the forecast approved last year by approximately 855 per year for the five years that the forecasts overlap (FY2020 through FY2024).

Figure 7
Forecast of State-Responsible New Commitments



Actual:	Year	Commitments	Change
	FY12	11,529	-3.1%
	FY13	11,778	2.2%
	FY14	12,463	5.8%
	FY15	12,308	-1.2%
	FY16	11,587	-5.9%
	FY17	11,754	1.4%
	FY18	11,950	1.7%
		Avg. change FY13-FY18	0.1%

Forecast:	Year	Commitments	Change
	FY19	12,140	1.6%
	FY20	12,249	0.9%
	FY21	12,353	0.9%
	FY22	12,435	0.7%
	FY23	12,525	0.7%
	FY24	12,598	0.6%
	FY25*	12,598	0.0%
		Avg. change FY19-FY25	0.8%

***An FY25 new commitment estimate was not approved through the committee process, so this figure is flatlined from the FY24 estimate to allow for simulation input.**

Assumptions for Department of Corrections' Simulation Model

DOC utilizes a computer simulation model to develop its forecast of the adult state-responsible confined population. A description of simulation modeling can be found in the *Forecasting Methodologies* section of this report. Use of simulation forecasting requires several assumptions regarding commitments and releases. The important assumptions incorporated into DOC's simulation model include those listed below.

- The number of future commitments is based on the new commitment forecast approved by the Policy Committee (see above);
- Future commitments will have the same characteristics (e.g., gender, offense type, sentence length) as recent commitments to the Department;
  - For male commitments, characteristics of the April 2017 – March 2018 SR NCC were used for the simulation model.
  - For female new commitments, two years of data are typically used because of the smaller number of female commitments and the variability of the data.

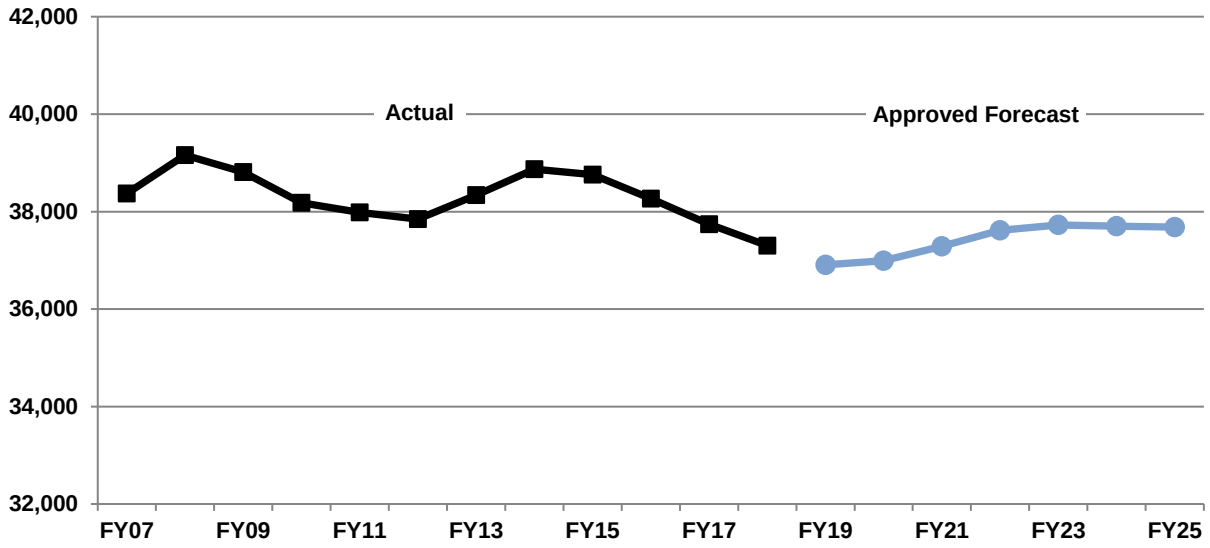
Characteristics of the April 2016 – March 2018 female SR NCC were used for the simulation model.

- Future parole violator admissions are projected based on the trend observed during the most recent three years of available data (i.e., the average annual change over the last three fiscal years is applied for each year of the forecast horizon);
- Due to declining numbers, characteristics of parole violators, such as length of stay, are based on analysis of five years of data;
- For truth-in-sentencing/no-parole offenders, release dates are computed based on the sentence and the rate at which offenders earn sentence credits;
- For discretionary parole releases, parole grant rates by gender and crime type are based on the most recent year of available data (since release rates have been declining over time);
- For parole-eligible confined offenders not released by the model to discretionary parole, the release date is assumed to be the offender's mandatory parole release date;
- For indeterminate sentences to DOC's youthful offender program, expected length-of-stay is assumed to be 38.8 months (based on releases of these offenders in FY2019);
- To account for offenders who die in custody, three-year average rates are applied (for male confined offenders these rates are disaggregated by race and age groups);
- Offenders with sentences of life or death and offenders given sentences pursuant to §19.2-297.1 (three strikes provision) will remain confined throughout forecast horizon and, based on there being zero offenders sentenced to death since FY2011, no new offenders will enter death row during the six-year forecast period; and
- The proportion of offenders who exit the state-responsible population in other ways (e.g., pardon), and their associated length-of-stay, is based on the most recent 12 months of available data.

Forecast of the Adult State-Responsible Confined Population

The Secretary's Policy Committee examined the SR population forecasts produced by the DOC simulation model and the Department of Planning and Budget (DPB) time series model (see the *Forecasting Methodologies* section of this report for a description of these techniques). In the first few years of the 2019 SR population forecast, the current confined SR population has the largest impact on the future SR population. Approximately two to three years into the forecast horizon, projected admissions have a larger impact on the population forecast. As discussed earlier in this report, admissions data information is lagging and the expected length of stay (LOS) for the most recent SR New Court Commitments is slightly lower than previous years. It is not known if this lower LOS is an anomaly or a shift. VCSC sentencing guidelines data do not show a shift toward lower sentences in recent years. There have been increases in arrest rates, and there has been an increase in the number violent and drug offenders awaiting trial. Given these factors and the uncertainty as to when the backlog of cases at the Department of Forensic Science might begin to fall, the Policy Committee approved a hybrid forecast using the DOC simulation model for the male forecast and an average of the DOC simulation model and the DPB time-series model for the female forecast. This hybrid forecast compensates for the data limitations discussed above by applying recently observed population growth rates to the forecast. Based upon the approved male and female forecasts, the total offender population is projected to increase by an average of 129 (0.3%) per year between the end of FY2019 and the end of FY2025 (Figure 8).

Figure 8
Adult State-Responsible Confined Population Forecast (for June 30 of each year)



Actual:	Year	Population	Change
	FY13	38,337	1.3%
	FY14	38,871	1.4%
	FY15	38,761	-0.3%
	FY16	38,264	-1.3%
	FY17	37,740	-1.4%
	FY18	37,304	-1.2%
	-	-	-
		Avg. change FY13-FY18	-0.3%

Forecast:	Year	Population	Change
	FY19	36,892	-1.1%
	FY20	36,991	0.3%
	FY21	37,287	0.8%
	FY22	37,613	0.9%
	FY23	37,720	0.3%
	FY24	37,699	-0.1%
	FY25	37,680	-0.1%
		Avg. change FY20-FY25	0.4%

For FY2024, the 2019 approved forecast is 138 inmates lower than the forecast submitted last year (Figure 9).

Figure 9
Comparison of 2018 and 2019 Forecasts of the Adult State-Responsible Confined Population

Year	2018 Forecast	2019 Forecast
FY2019	37,177	36,892
FY2020	37,254	36,991
FY2021	37,382	37,287
FY2022	37,525	37,613
FY2023	37,656	37,720
FY2024	37,837	37,699
FY2025		37,680

Figures represent the population on June 30 of each year.

The SR population forecast is disaggregated by gender below (Figure 10). Between FY2012 and FY2017, the number of females in the SR population grew by 11.2%, compared to a 1.1% decrease in the number of SR males during that same period. Based on the approved forecast, the females will continue to grow faster than their male counterparts. The male population is expected to increase by an average of 0.3% per year. The female population is expected to increase by an average of 1.4% per year with most of this growth occurring prior to FY2023.

Figure 10
Adult State-Responsible Confined Population by Gender (for June 30 of each year)

Year	Males	Change
FY20	33,828	0.1%
FY21	34,058	0.7%
FY22	34,311	0.7%
FY23	34,413	0.3%
FY24	34,376	-0.1%
FY25	34,316	-0.2%

Projected average growth FY2020 – FY2025: 0.3%

Year	Females	Change
FY20	3,163	1.8%
FY21	3,229	2.1%
FY22	3,302	2.3%
FY23	3,307	0.2%
FY24	3,323	0.5%
FY25	3,364	1.2%

Projected average growth FY2020 – FY2025: 1.4%

As required by Item 381 of Chapter 854 of the 2019 Acts of Assembly, the forecast has been disaggregated to identify the number of probation violators within the overall population who may be appropriate for punishment via alternative sanctions. By the end of FY2025, it is projected that the state-responsible population will include 2,569 technical probation violators (Figure 11 below). Technical violators are offenders who violated the rules of probation but have not been convicted of a new crime. However, this forecast should be considered a maximum, as DOC will continue to analyze this subpopulation**.** As the criminal history repository is updated with new conviction information, the proportion of violators identified as technical violators (i.e., those with no new convictions) will decrease.

Based on a previous study, DOC has estimated that 53% of technical violators with a state-responsible sentence may be suitable for alternative sanctions such as its Community Corrections Alternative Program. DOC concluded that approximately 47% of technical violators entering DOC are likely not good candidates for such alternatives due to convictions for violent offenses (22%), mental health issues (15%), or medical conditions (10%).

Figure 11
Technical Probation Violator Population Forecast

Year	Forecast
FY20	2,234
FY21	2,394
FY22	2,452
FY23	2,491
FY24	2,528
FY25	2,569

The Technical Probation Violator forecast is a subgroup of, and not in addition to, the State-Responsible Confined Offender Forecast.

Adult Local-Responsible Jail Population

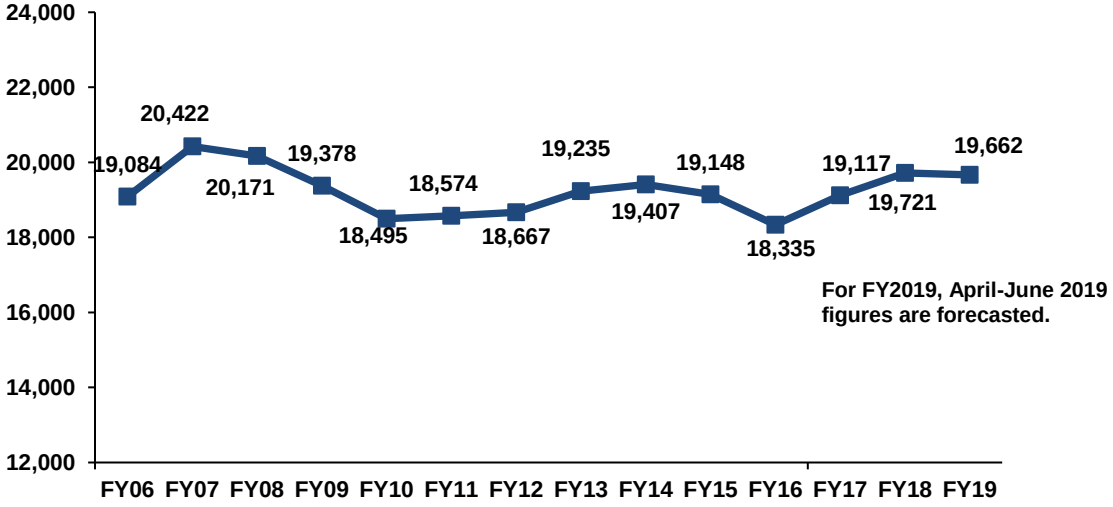
The adult local-responsible jail population is defined as the number of persons confined in local and regional jails across the Commonwealth, excluding state and federal inmates and ordinance violators. Because jail populations fluctuate daily (with higher numbers on weekends) and seasonally (with peaks during late summer and early fall and lows during the winter months), the average daily population traditionally is used for reporting and forecasting purposes.

A new jail data system, known as LIDS-CORIS, was implemented in June 2013. Improvements in the LIDS-CORIS system and support programming, along with corrections and updates entered into the system by jail staff, led to subsequent updates of the data. Thus, the figures in this report are not directly comparable to those provided in previous offender forecasting reports.

Population Change

Following substantial growth in FY2006 and FY2007, the average local-responsible jail population declined each succeeding year through FY2010 (Figure 12). The population grew slowly from FY2011 through FY2014. This was followed by decreases in FY2015 (1.3%) and FY2016 (4.2%). The trend reversed again, with the population increasing by 4.3% in FY2017 and 3.2% in FY2018. In FY2019, the population dropped slightly, an estimated 0.3% (complete data are not available for FY2019; this estimate includes forecasted data for April, May, and June 2019).

Figure 12
Adult Local-Responsible Jail Population (Fiscal Year Average)



Based on improvements in the LIDS-CORIS data system and associated computer programming, along with corrections and updates entered into the system by jail staff, the Compensation Board has released revised figures for the number of local-responsible offenders held in jails. Figures have been updated accordingly and, therefore, are not comparable to those provided in previous offender forecasting reports.

Factors Affecting the 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.

Despite reductions in the crime rate (crimes per 100,000 population) since the early 1990s, the total number of adult arrests in Virginia (based on arrests reported to the Federal Bureau of Investigation) had been climbing from 2007 through 2013. In 2014, the number of adults arrested for violent index offenses (murder/non-negligent manslaughter, forcible rape, robbery and aggravated assault), property index offenses (burglary, larceny and motor vehicle theft), and drug offenses all declined. Shifts in arrest patterns, both in number and types of arrests, can have a significant impact on the local-responsible population, including individuals awaiting trial and the number of sentenced offenders in jail.

Adult arrests for violent index crimes remained flat in 2015, then increased 6.9% in 2016 and 0.5% in 2017, followed by a 4.2% drop in 2018. Since 2013, adult arrests for property index crimes have fallen every year; most recently, property arrests decreased by 12.9% in 2016, 6.8% in 2017, and 3.4% in 2018.

After increasing 43% between 2002 and 2007, adult arrests for drug offenses dropped in 2008 and 2009. Data reveal that this was driven by a steep drop in arrests for cocaine offenses, which fell 65.7% between 2006 and 2015. This is consistent with trends across the country. However, that trend shifted, with arrests for cocaine offenses increasing by 15.7% in 2016, 6.7% in 2017, and 11.9% in 2018. The total number of drug arrests has been rising since 2009 due to increases in arrests for marijuana, heroin and other drugs. For example, between 2009 and 2016, arrests for heroin grew by 155.7%, while arrests for amphetamine and methamphetamine (combined) increased by 263.1%. Marijuana arrests increased 49.5% between 2006 and 2013, decreased 15.7% between 2013 and 2015, and then increased 38.2% between 2015 and 2018. Total adult drug arrests increased 3.9% between 2017 and 2018.

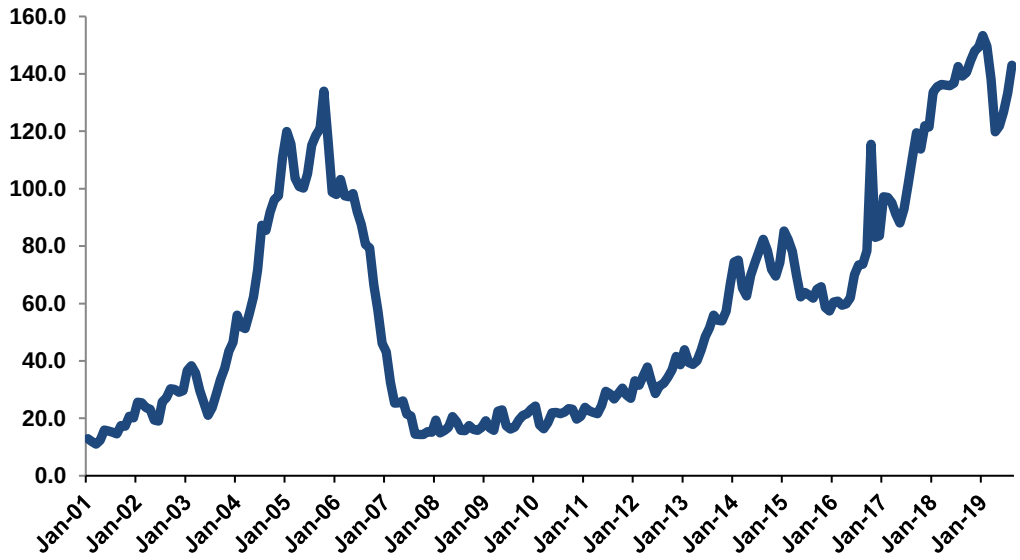
Another drug-related issue that could impact the local-responsible offender population is the ongoing crisis of opioid overdose fatalities. Anecdotal information suggests that some judges are becoming more likely to confine opioid addicts charged with criminal offenses in an effort to prevent them from having a fatal overdose. If this happens in large numbers, it could contribute to a rise in the awaiting-trial population. However, at this time, there is no official confirmation of this practice.

One factor that likely has had an impact on the awaiting trial population in the last fifteen years is the backlog of drug cases awaiting analysis at the Department of Forensic Science (DFS). Beginning in 2003, the average number of days to complete a drug analysis rose sharply (Figure 13). The backlog is suspected to have resulted in delays in criminal case processing for those offenders charged with drug crimes. The effect of these delays could be seen in the dramatic rise from FY2004 through FY2007 in the number of persons in jail awaiting trial and those in jail with additional charges pending. Once given additional resources, DFS was able to swiftly reduce the backlog of drug cases. With analysis for thousands of drug cases completed, a large number of open court cases could be concluded, and the offenders convicted and sentenced. Consequently,

the number of offenders in jail awaiting trial declined and several categories of sentenced offenders increased through FY2008.

Since FY2013, the average number of days to complete a drug analysis has been increasing and the drug case backlog has been rising once again. DFS faces a number of challenges contributing to this trend. Drug case submissions have been increasing by about 10% per year for the past two years and is on track to increase again in 2019. The complexity of the drug samples has also increased; as submissions of marijuana and cocaine dropped, submissions of illicit synthetic opioids, cannabimimetic agents, and a wide range of other synthetic drugs increased. Increased safety measures for the handling of dangerous substances, such as carfentanil, have also added to the time needed to test drug samples. Finally, when DFS hires new analysts, the training and certification process takes many months; thus, new analysts are not available to take on the more complex types of cases for some time.

Figure 13
Department of Forensic Science
Average Days to Complete Drug Analysis

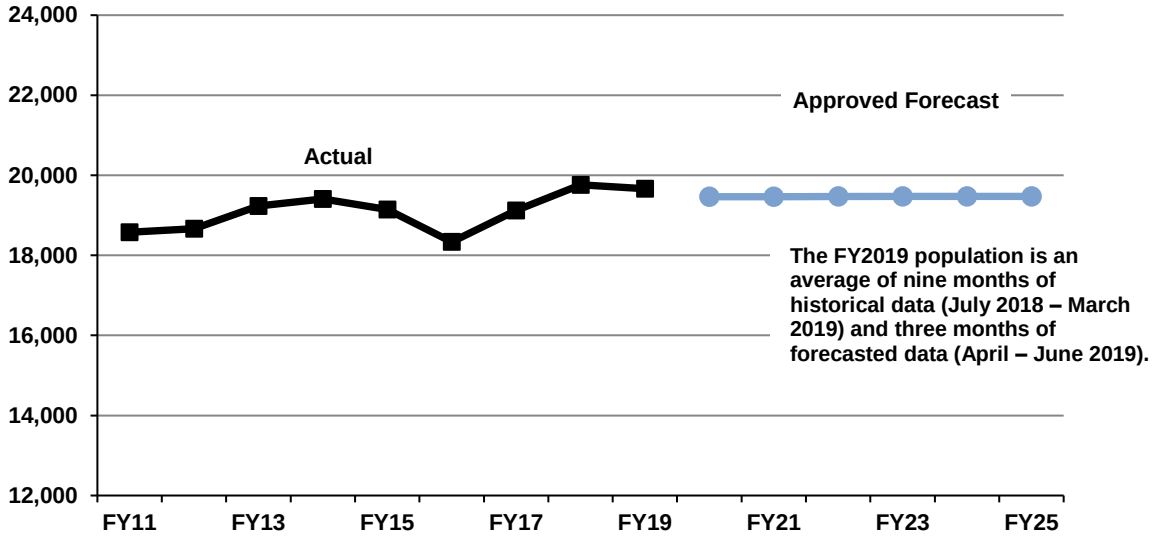


Forecast of the Adult Local-Responsible Jail Population

Forecasts of the local-responsible jail population were produced by the Department of Criminal Justice Services (DCJS) and DPB. Both agencies used time series techniques to forecast this population (time series forecasting techniques are described in the *Forecasting Methodologies* section of this report). Both agencies used March 2019 as the last month of historical population data, to account for time needed for the LIDS-CORIS data to mature. Both models fit the historical data well, although the DCJS model yielded better statistical accuracy, as determined by the Technical Advisory Committee. Upon review, the Policy Committee approved the DCJS model as the official forecast.

The local-responsible jail population is expected to decrease by 1.0% from an average of 19,662 in FY2019 (using projections for April, May, and June 2019 data) to an average of 19,464 in FY2020. The population is projected to remain essentially flat in the following years, with a projected average daily population of 19,469 in FY2025 (Figure 14). In comparison, in the forecast submitted to the Governor and General Assembly last year, the population was projected to reach 20,137 in FY2024.

Figure 14
Local-Responsible Jail Population Forecast (Fiscal Year Average)



Actual:	Year	Population	Change
	FY13	19,235	3.0%
	FY14	19,407	0.9%
	FY15	19,148	-1.3%
	FY16	18,335	-4.2%
	FY17	19,117	4.3%
	FY18	19,721	3.2%
	FY19*	19,662	-0.3%
		Avg. change	0.8%

Forecast:	Year	Population	Change
	FY20	19,464	-1.0%
	FY21	19,464	0.0%
	FY22	19,470	0.0%
	FY23	19,469	0.0%
	FY24	19,469	0.0%
	FY25	19,469	0.0%
		Avg. change	-0.2%

Figures represent the average population for each fiscal year.

***The FY2019 population is an average of nine months of historical data (July 2018 – March 2019) and three months of forecasted data (April – June 2019).**

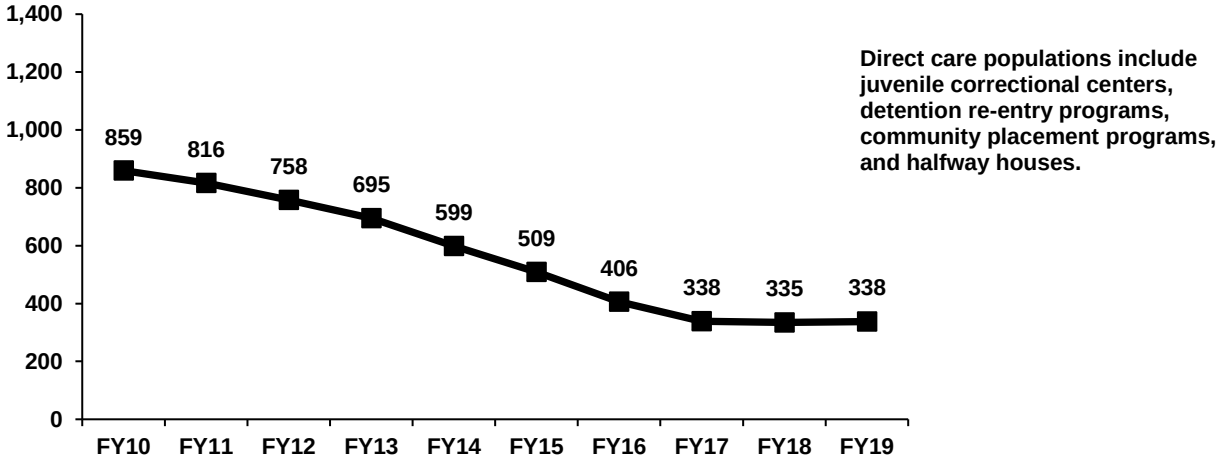
Juvenile Direct Care Population

Juvenile state-responsible offenders are committed by a court to Virginia's Department of Juvenile Justice (DJJ). They are housed in juvenile correctional facilities around the state or they are placed in re-entry, community placement, or halfway house programs;[2] collectively, these make up DJJ's direct care population. 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, dispositions involving commitment in the juvenile justice system remain largely indeterminate. In FY2019, 73.8% of commitment orders to DJJ were for an indeterminate period of confinement.[3] This means that DJJ, rather than a judge, determines the length of the juvenile's commitment which is governed by guidelines approved by the Board of Juvenile Justice. The courts commit a smaller percentage of juvenile offenders to DJJ with a determinate, or fixed length, sentence; a juvenile given a determinate commitment may be reviewed by the judge at a later date and may be released at the judge's discretion prior to serving the entire term. In Virginia, juveniles tried and convicted as adults in circuit court may also be committed to DJJ, at the judge's discretion.

Population Change

The juvenile direct care population has been declining since FY2000. Overall, the population fell from an average of 859 juveniles in FY2010 to an average of 338 juveniles in FY2019, a decrease of 60.7% (Figure 15). From FY2010 to FY2013, the decline rate was 19.1%; the downward trend accelerated to 51.4% from FY2013 to FY2017, and then leveled out from FY2017 to FY2019.

Figure 15
Juvenile Direct Care Population (Fiscal Year Average)



[2] DJJ operated halfway houses for the direct care population beginning in July 2012. Due to budget reductions, the halfway houses were closed in January 2014.

[3] In FY2019, 73.8% of the commitment orders received by DJJ were for indeterminate commitments; however, an individual juvenile may be admitted to direct care with more than one commitment order. In FY2019, 73.4% of juveniles admitted to direct care had indeterminate commitments only (this excludes any juveniles that came in with both indeterminate and determinate sentences or with both indeterminate and blended sentences; it is strictly juveniles with only indeterminate commitment orders).

Accuracy of the Forecast Adopted in 2018

The juvenile direct care population projection adopted in 2018 was slightly lower than the actual population for FY2019 (Figure 16).

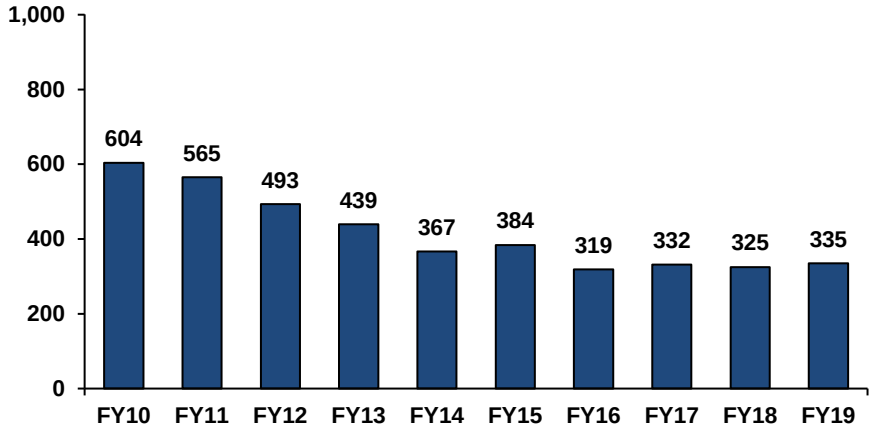
Figure 16
Accuracy of the Juvenile Correctional Center/Direct Care Population Forecast Adopted in 2018

	Actual	Projected	Difference	Percent
FY2019 Average Population	338	334	-4	-1.2%

Factors Affecting the Population

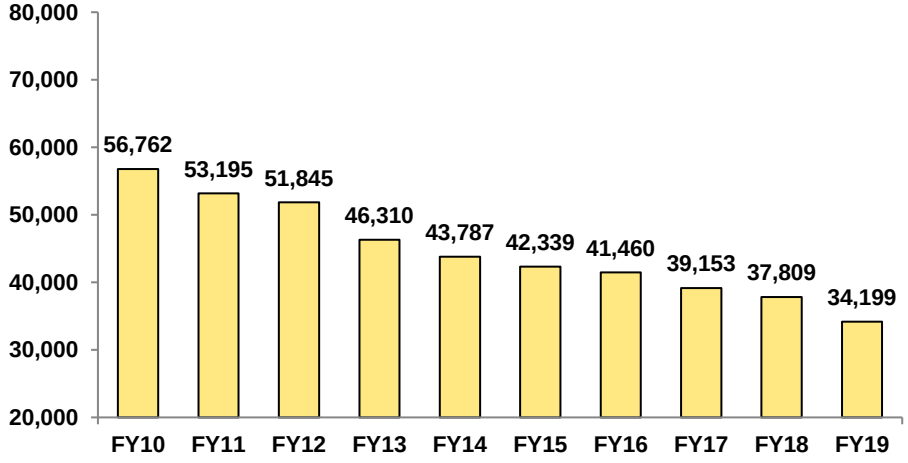
The number of juveniles in direct care has been declining, largely driven by a decrease in the number of admissions (Figure 17). There have been several statutory and policy changes related to juvenile offenders. The General Assembly changed the minimum criteria for a juvenile to be committed to DJJ (from a felony or two Class 1 misdemeanor adjudications to a felony or four Class 1 misdemeanor adjudications) beginning July 1, 2000. In 2002, the General Assembly required DJJ to establish objective guidelines for use by intake officers when deciding whether to place a juvenile in a juvenile detention center at intake. In 2004, DJJ successfully implemented, statewide, the use of the Detention Assessment Instrument (DAI), a validated detention screening tool. In 2004, the General Assembly afforded juveniles the right to counsel in their initial detention hearing. The legislation also provided that, when a juvenile is not detained, but is alleged to have committed an offense that would be a felony if committed by an adult, that juvenile may waive his right to an attorney only after he or she consults with an attorney. Additionally, in 2004 and 2009, the *Code of Virginia* was amended to expand the use of diversion by allowing intake officers greater discretion to divert misdemeanor offenses, and other legal actions such as "child in need of services," and "child in need of supervision" petitions, from going to court. These policy changes alone, however, cannot explain the trend in admissions that persisted through FY2014. Between FY2010 and FY2014, yearly admissions to DJJ dropped by 39.2%. In FY2015, the number of admissions increased for the first time in 15 years. The number of admissions dropped again in FY2016 from 384 to 319, a 16.9% decrease. In FY2017, the number of admissions increased by 4.1% from 319 to 332 and then dropped again in FY2018 to 325, a decrease of 2.1%. In FY2019, the number of admissions increased by 3.1% from 325 to 335. Compared to the sharp downward trend from FY2010 to FY2014, the overall decrease of 8.7% from FY 2014 to FY 2019 could represent a leveling off period.

Figure 17
Admissions to the Department of Juvenile Justice



The state's court services units serve as the point of entry into the juvenile justice system. A "juvenile intake" occurs when a juvenile is brought before a court services unit officer for one or more alleged delinquent offenses, or for "child in need of services," and "child in need of supervision" complaints, or for status offenses.[4] DJJ data reveal that the total number of juvenile intake cases has been falling over the last decade (Figure 18). Between FY2010 and FY2019, juvenile intake cases at court services units declined by 39.8%.

Figure 18
Juvenile Intake Cases at Court Services Units



DJJ procedures and practices may have affected intakes and admissions. DJJ has implemented approaches that include the use of validated, structured decision making tools in numerous aspects of community and facility operations. Critical decision points include the initial decision to detain, the assignment to various levels of community probation or parole supervision, and the classification of committed juveniles within the facility setting. Tools include the DAI, described above, a court services unit risk assessment instrument, and the juvenile correction

[4] Status offenses are acts prohibited by law that would not be an offense if committed by an adult, such as truancy, curfew violation, or running away.

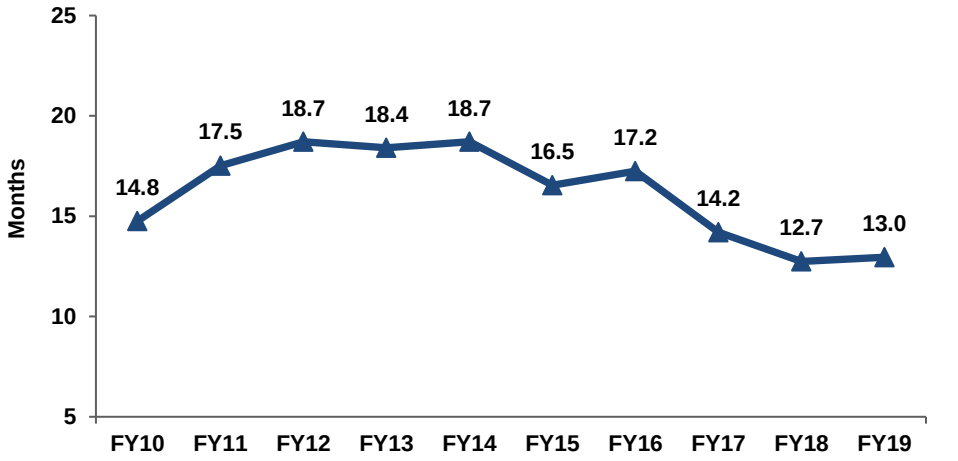
center classification instrument. The DAI is designed to enhance consistency and equity in the detention decisions and to ensure that only those juveniles who represent a serious threat to public safety and those most at risk for failing to appear in court are held in secure pre-trial detention. In 2008, DJJ began the process of implementing an enhanced risk/needs assessment tool, called the Youth Assessment & Screening Instrument (YASI), in the court services units. Finally, DJJ has implemented procedures and practices to address juvenile probation and parole violators. The goal is to enhance consistency and equity in the handling of violators and to ensure that only those juveniles who represent a serious threat to public safety are confined.

The composition of commitments to DJJ has continued to change as well. Many less serious juvenile offenders are no longer committed to DJJ. Thus, juveniles with longer commitment lengths of stay now make up a larger share of those received by DJJ. 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 direct care, up to his or her statutory release date which is 36 continuous months or the juvenile's 21st birthday, whichever occurs first, for most offenses. These juveniles are assigned a length-of-stay range based on the Board of Juvenile Justice's guidelines. The guidelines in use through October 2015 considered the juvenile's current committing offenses, prior offenses, and chronicity of prior delinquency or criminal offense record to project the estimated length of stay. In FY2015, the most commonly assigned length-of-stay categories for court-ordered indeterminate commitments were 12-18 months. Failure to complete a mandatory or recommended 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. The guidelines put in place in October 2015 consider the juvenile's current committing offenses and risk for reoffending, as determined by a YASI assessment, to project the estimated stay. The YASI includes information on the juvenile's contacts with the criminal justice system. The highest range of the new length-of-stay guidelines is 9 to 15 months, compared to a high-end range of 24 to 36 months under the previous length-of-stay guidelines. It is expected that the new length-of-stay guidelines will result in shorter lengths-of-stay for most juveniles committed to DJJ. In FY2019, the most commonly assigned length-of-stay category for court-ordered indeterminate commitments was 6-9 months. However, a juvenile may remain in direct care after the projected range and until his or her statutory release date through a series of case-specific reviews of progress in treatment and behavior in the facilities.

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, juveniles given a determinate commitment remain in DJJ facilities longer, on average, than juveniles with an indeterminate commitment to DJJ. The average assigned length-of-stay for a court-ordered determinate sentence to DJJ is approximately 36 to 42 months. Finally, a juvenile given a blended sentence from a circuit court after transfer from juvenile court for trial as an adult can 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. One juvenile may be subject to more than one commitment order and type of commitment order. Compared to FY2004, the percentage of commitment orders for determinate commitments and blended sentences now make up a larger share of admissions. Together, orders for these two commitment types increased from roughly 11.6% of the total in FY2004 to as high as 26.2% in FY2019.

Along with admissions, the actual lengths-of-stay are a critical factor affecting the direct care population. In FY2014, the average length-of-stay for all commitment types was 18.7 months, compared to 14.8 months in FY2010 (Figure 19). Average length-of-stay decreased to 13.0 months in FY2019.

Figure 19
Average Length-of-Stay in the Juvenile Direct Care Population (in months)

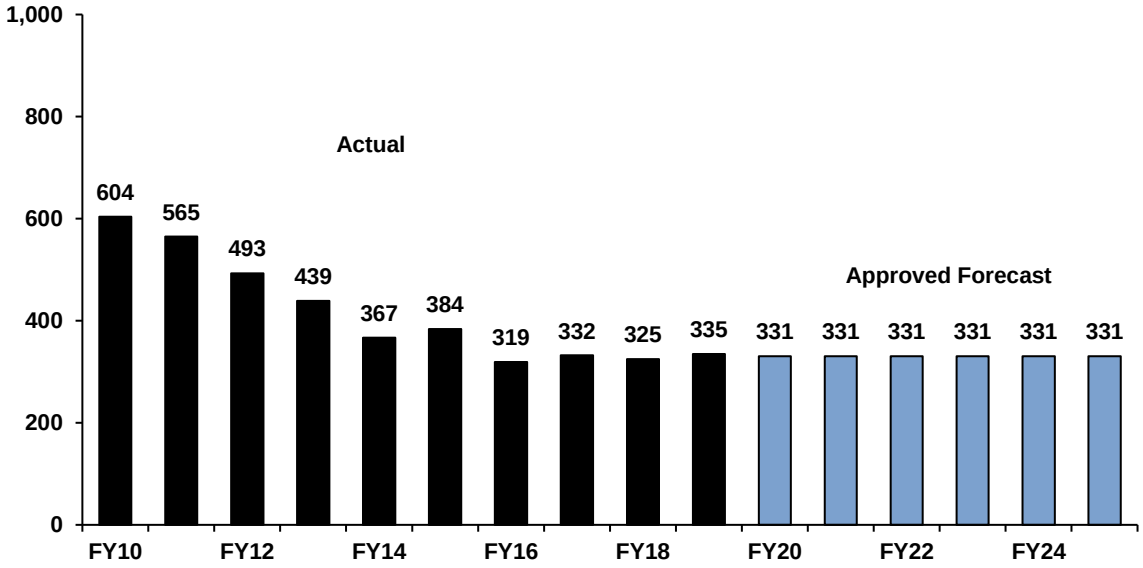


New Admissions Forecast

The admission forecast is one of the key inputs into DJJ's simulation model. Given the long-term downward trend in juvenile admissions, statistical models based on historical data are not always useful tools in projecting future admissions because the models often continue the downward trend to zero, which is not a realistic assumption for future admissions to DJJ. As in previous years, the Policy Committee concluded that the decrease in admissions will not continue indefinitely. In three of the last nine years, the Policy Committee elected not to use the statistical forecast of juvenile admissions and instead set a level admissions forecast equal to the number of actual admissions during the most recent fiscal year(s). In the other years, the Policy Committee utilized the statistical projection for the first year(s) of the forecast horizon and then assumed a flat admissions forecast for the remaining years of the forecast period.

For this year's forecast, the Policy Committee approved a flat forecast calculated by averaging the actual DJJ admissions for the last three fiscal years (FY2017, FY2018, and FY2019) (Figure 20). Under this forecast, it is assumed that admissions will remain level at 331 per year from FY2020 through FY2025.

Figure 20
Juvenile Direct Care Admissions Forecast



Assumptions for Department of Juvenile Justice's Simulation Model

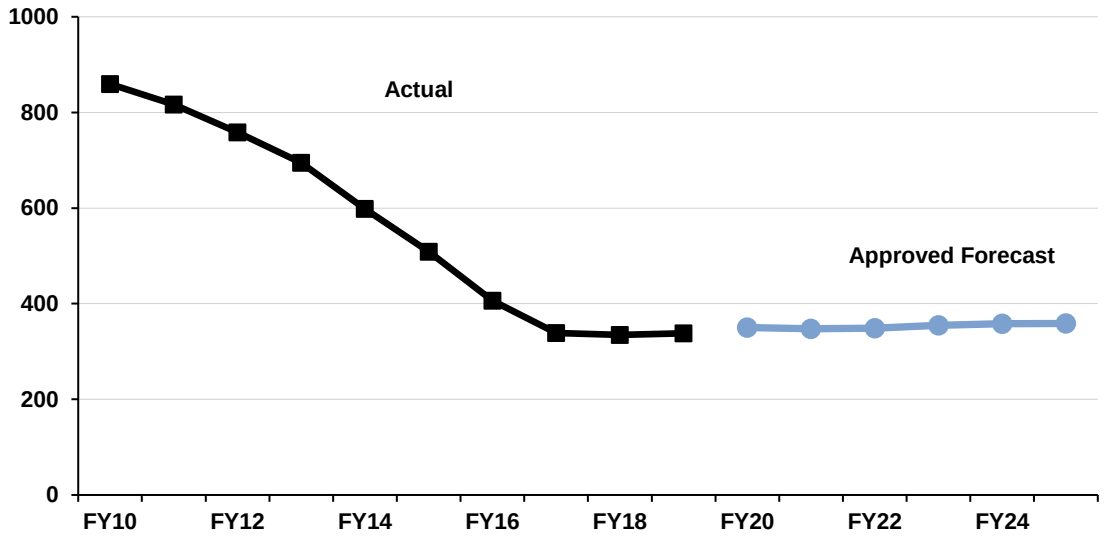
DJJ utilizes a computer simulation model to develop its forecast of the juvenile direct care population. A description of simulation modeling can be found in the *Forecasting Methodologies* section of this report. Use of simulation forecasting requires several assumptions regarding commitments and releases. The following are the important assumptions incorporated into DJJ's simulation model:

- The number of future admissions will reflect the admissions forecast approved by the Policy Committee (see above);
- Future admissions will have the same characteristics (e.g., offenses, prior record adjudications, treatment assignment, institutional offenses, etc.) as admissions in FY2017- FY2019;
- Juveniles given a determinate commitment or blended sentence will comprise the same percentage of admissions as they did during FY2017, FY2018 and FY2019 averaged;
- Juveniles with indeterminate commitments will be assigned length-of-stay categories according to DJJ's new length-of-stay guidelines; based on an average of FY2017, FY2018 and FY2019 admissions characteristics, future admissions will be assigned to one of the new length-of-stay categories.

Juvenile Direct Care Population Forecast

The Policy Committee examined the juvenile direct care population forecasts produced by the DJJ simulation model and the DPB time series model (see the *Forecasting Methodologies* section of this report for a description of these techniques). After reviewing both the DJJ and DPB population projections in detail, the Policy Committee approved the DJJ simulation model forecast. The approved forecast suggests that the population will remain fairly level in the next six fiscal years (Figure 21). The forecast projects a slight increase in FY2020, when the population is expected to reach 350. By FY2025, the average juvenile direct care population is projected to be 359 for the fiscal year.

Figure 21
Juvenile Direct Care Population Forecast (Fiscal Year Average)



Actual:	Year	Population	Change
	FY14	599	-13.9%
	FY15	509	-15.0%
	FY16	406	-20.2%
	FY17	338	-16.7%
	FY18	335	-1.1%
	FY19	338	1.0%
		Avg. Change	-11.0%

Forecast:	Year	Population	Change
	FY20	350	3.6%
	FY21	348	-0.8%
	FY22	349	0.3%
	FY23	355	1.8%
	FY24	358	0.9%
	FY25	359	0.2%
		Avg. Change	1.0%

Figures represent the average population for each fiscal year.

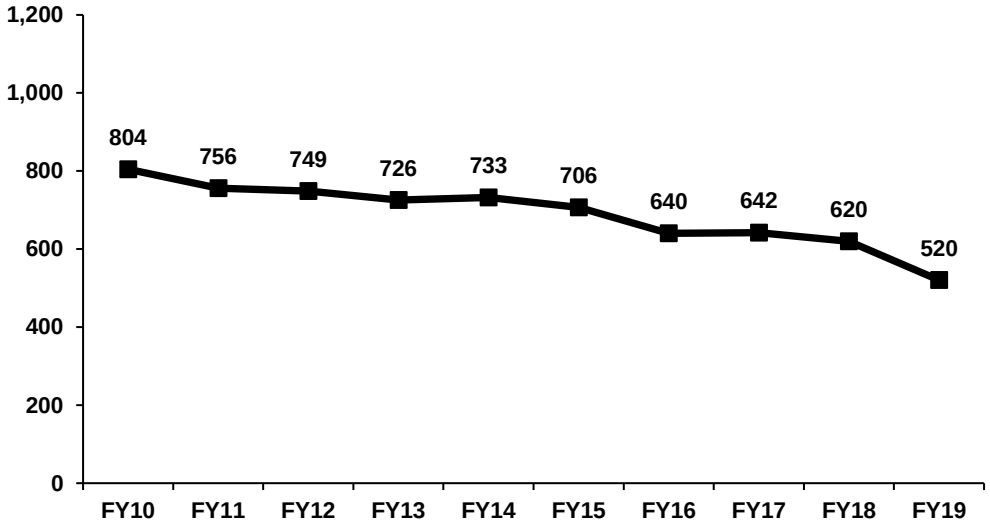
Juvenile Detention Center (JDC) Population

Local governments or multi-jurisdictional commissions operate secure juvenile detention centers throughout the Commonwealth. The Board of Juvenile Justice promulgates regulations and the Director of the Department of Juvenile Justice is responsible for the certification of these facilities. A judge may order a juvenile to be held in pre-dispositional detention pending adjudication, disposition, or placement. To be eligible for pre-dispositional detention, there must be probable cause establishing that the juvenile committed an offense that would be a felony or a Class 1 misdemeanor offense if committed by an adult, violated the terms of probation or parole for such offense, or knowingly and intentionally possessed or transported a firearm. To be eligible for post-dispositional detention, the juvenile must be 14 years or older and been found to have committed a non-violent juvenile felony or Class 1 or Class 2 misdemeanor offense. A judge may order an adjudicated juvenile to be held in post-dispositional detention up to 30 days or, if the juvenile detention center operates a post-dispositional detention program, up to 6 months. Historically, the majority of the JDC population has been comprised of juveniles in pre-dispositional status.

Population Change

Overall, the juvenile detention center population declined by 35.3% between FY2010 and FY2019. The JDC population leveled off from FY2016 to FY2017 and then dropped again in FY2018 and FY2019, reaching an average of 520 juveniles statewide. While individual facilities may be experiencing crowding, JDC capacity statewide has not been fully utilized in recent years.

Figure 22
Juvenile Detention Center Population (Fiscal Year Average)



Accuracy of the Forecast Adopted in 2018

The juvenile detention center population forecast adopted in 2018 was higher than the actual population in FY2019. On average for the year, the forecast was 67 juveniles (or 12.9%) higher than the actual population (Figure 23). The actual population decreased by 16.0% during the fiscal year.

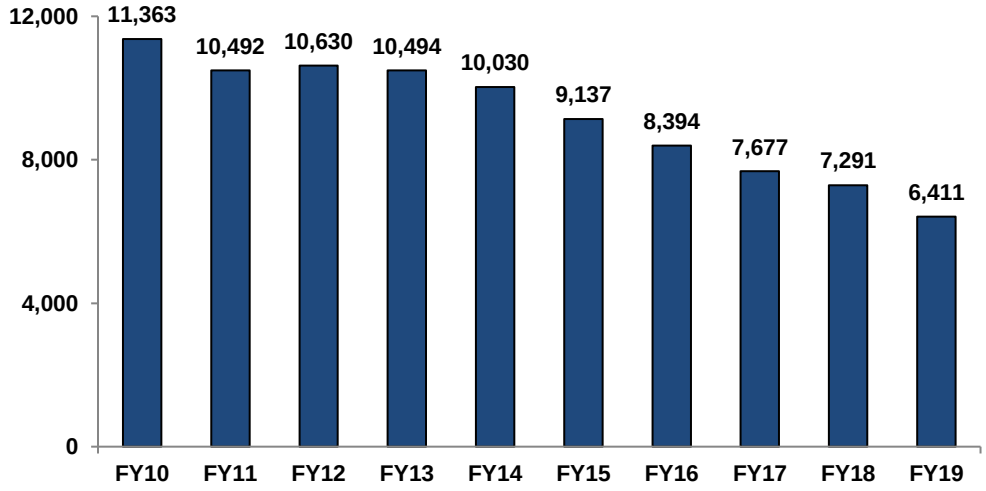
Figure 23
Accuracy of the Juvenile Detention Center Forecast Adopted in 2018

	Actual	Projected	Difference	Percent
FY2019 Average Population	520	587	67	12.9%

Factors Affecting the Population

As described in the previous chapter, the number of juvenile intake cases at the state's court services units has declined significantly since FY2010. Reflecting this downward trend in intakes, JDC admissions (the first admission of a continuous detention stay, excluding transfers)[5] dropped 7.7% between FY2010 and FY2011 (Figure 24). After remaining relatively flat from FY2011 to FY2013, detainments dropped another 36.1% from FY2014 to FY2019.

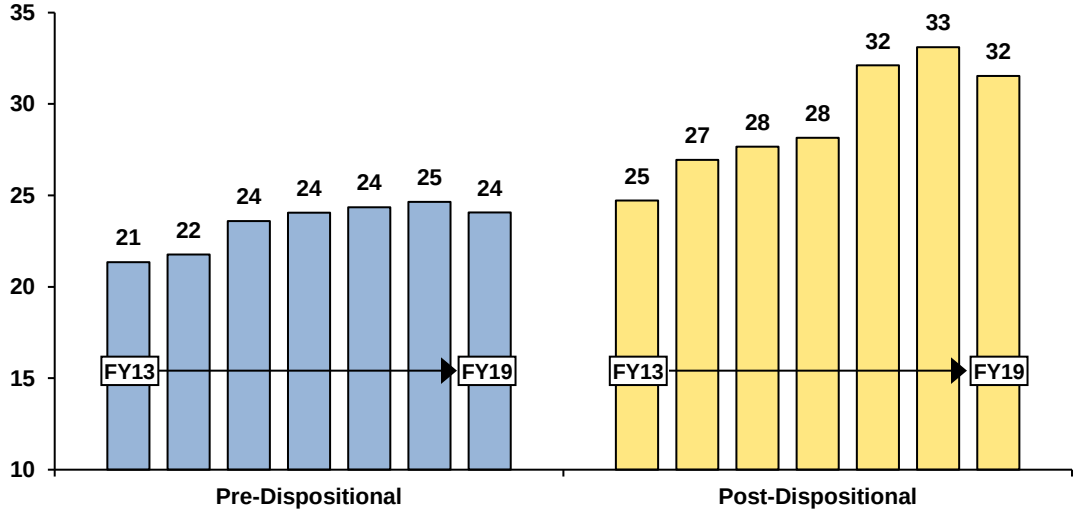
Figure 24
Juvenile Detention Center Admissions – Distinct Detainments (excluding Transfers)



[5] A new detainment is not counted if a juvenile is transferred to another JDC or has a change in dispositional status before being released. An individual juvenile may have more than one detainment in a fiscal year.

Shorter lengths-of-stay for many of the juveniles in JDCs was an important factor in reducing the population between FY2008 and FY2013, during which time the average length-of-stay for the pre-dispositional juveniles fell from 26 to 21 days. Lengths-of-stay for juveniles placed in post-dispositional detention, who account for a smaller share of the population, remained at 24 or 25 days until FY2013. In FY2014, both pre-dispositional and post-dispositional lengths-of-stay increased (Figure 25). This increase in length-of-stay offset the decrease in admissions and resulted in a small increase in the overall population for FY2014. Lengths-of-stay for pre-dispositional and post-dispositional juveniles continued to increase in FY2015. However, this increase was offset by a significant decrease in detainments, resulting in a population decline for the year. The lengths-of-stay for both pre-dispositional and post-dispositional juveniles slightly decreased in FY2019.

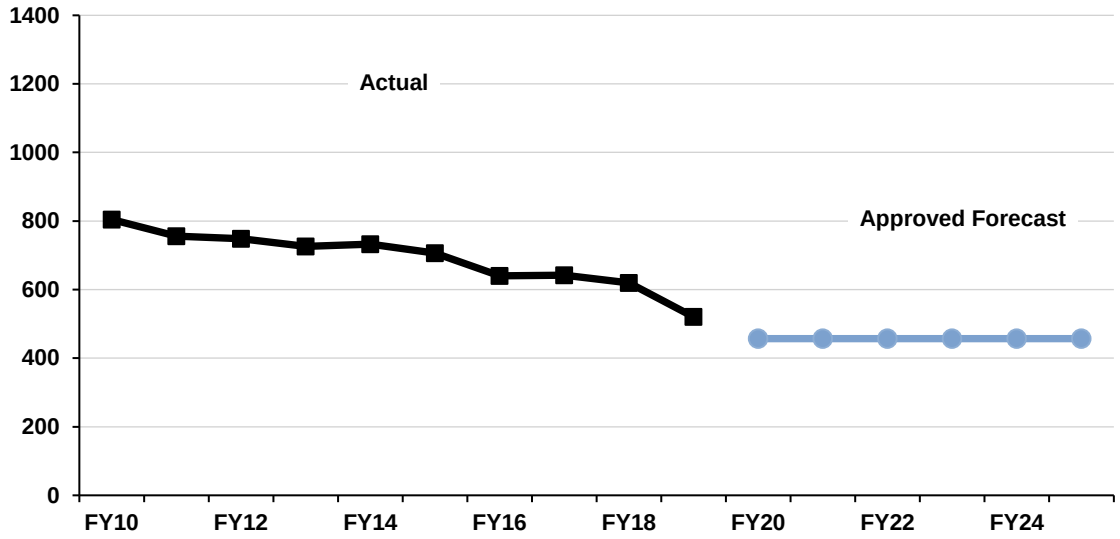
Figure 25
Average Length-of-Stay in Juvenile Detention Centers, FY2013-FY2019
(in days)



Juvenile Detention Center Population Forecast

Forecasts of the juvenile detention population were produced by DJJ and DPB. Both agencies used time series techniques to forecast this population (time series forecasting techniques are described in the *Forecasting Methodologies* section of this report). After careful evaluation of both the DJJ and DPB projections, the Policy Committee approved the use of the DJJ juvenile detention center population forecast for FY2020 and set a flat population forecast from FY2021 through FY2025. Under the approved forecast, the JDC population will continue to fall through FY2020 and then will level off for the remainder of the forecast horizon (Figure 26).

Figure 26
Juvenile Detention Center Population Forecast (Fiscal Year Average)



Actual:	Year	Population	Change
	FY14	733	1.0%
	FY15	706	-3.6%
	FY16	640	-9.3%
	FY17	642	0.3%
	FY18	620	-3.5%
	FY19	520	-16.0%
		Avg. change	-5.2%

Forecast:	Year	Population	Change
	FY20	457	-12.2%
	FY21	457	0%
	FY22	457	0%
	FY23	457	0%
	FY24	457	0%
	FY25	457	0%
		Avg. Change	-2.0%

Figures represent the average population for each fiscal year.

Appendices

Appendix A
Legislative Directive

Item 381 of Chapter 854 of the 2019 Acts of Assembly (Appropriation Act)

Authority: Title 2.2, Chapter 2, Article 8, and § 2.2-201, Code of Virginia.

A. The Secretary of Public Safety and Homeland Security shall present revised six-year state and local juvenile and state and local responsibility adult 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 of each year. The secretary shall ensure that the revised forecast for state-responsible adult offenders shall include an estimate of the number of probation violators included each year within the overall population forecast who may be appropriate for alternative sanctions.

B. The secretary shall continue to work with other secretaries to (i) develop services intended to improve the re-entry of offenders from prisons and jails to general society and (ii) enhance the coordination of service delivery to those offenders by all state agencies. The secretary shall provide a status report on actions taken to improve offender transitional and reentry services, as provided in § 2.2-221.1, Code of Virginia, including improvements to the preparation and provision for employment, treatment, and housing opportunities for those being released from incarceration. The report shall be provided to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than November 15 of each year.

C. Included in the appropriation for this item is $500,000 the first year and $500,000 the second year from the general fund for the Commonwealth's nonfederal cost match requirement to accomplish the United States Corps of Engineers Regional Reconnaissance Flood Control Study for both the Hampton Roads and Northern Neck regions as authorized by the U.S. Congress.

D. The appropriation in this item includes $150,000 the first year from the general fund to fulfill the requirements set forth in §2.2-222.2, Code of Virginia, and to assess and prioritize the systems that require upgrade to ensure the Commonwealth's goals for interoperability. The Secretary of Public Safety and Homeland Security shall submit a report detailing costs associated with the upgrade to achieve statewide interoperability to the Governor, the Chairmen of the House Appropriations and Senate Finance Committees, and the Department of Planning and Budget by November 1, 2019.

Appendix B
Committee and Work Group Members

2019 Policy Committee Members

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Director
Virginia Department of Corrections

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Senate of Virginia

Robyn deSocio
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Compensation Board

Shannon Dion
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Gabriel A. Morgan, Sr.
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City of Newport News

Timothy Doss
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Middle Peninsula Regional Security Center
Saluda, Virginia

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June Jennings
Deputy Secretary of Finance

Delegate Paul Krizek
Virginia House of Delegates

Senator Louise Lucas
Senate of Virginia

Senator Ryan McDougle
Senate of Virginia

Michael Schaefer
Assistant Commissioner of Forensic Services
Virginia Department of Behavioral Health and Developmental Services

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Director, Judicial Planning
Supreme Court of Virginia

Colonel Bobby D. Russell
Superintendent, Western Virginia Regional Jail
Representing the Virginia Association of
Regional Jails

Colonel Gary T. Settle
Superintendent
Virginia State Police

William C. Smith
Interim Chief of Police
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Reginald Thompson
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Secretary of Public Safety and Homeland Security

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Executive Secretary
Compensation Board

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Director
Department of Criminal Justice Services

Caitlin Kilpatrick
Public Safety Analyst
Senate Finance Committee

James Parks
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Virginia Department of Corrections

David Reynolds
Legislative Fiscal Analyst
House Appropriations Committee

Kelly Richards
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Chief of Corrections Operations
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Reginald Thompson
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Virginia Department of Planning and Budget

Angela C. Valentine
Chief Deputy Director
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Chaired by Jae K. Davenport,
Deputy Secretary of Public Safety and Homeland Security

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Chaired by Meredith Farrar-Owens, Director,
Virginia Criminal Sentencing Commission