



State-Responsible Offenders: Population Growth and Possible Responses

Presentation to the House Appropriations Committee
Paul Van Lenten, Jr.

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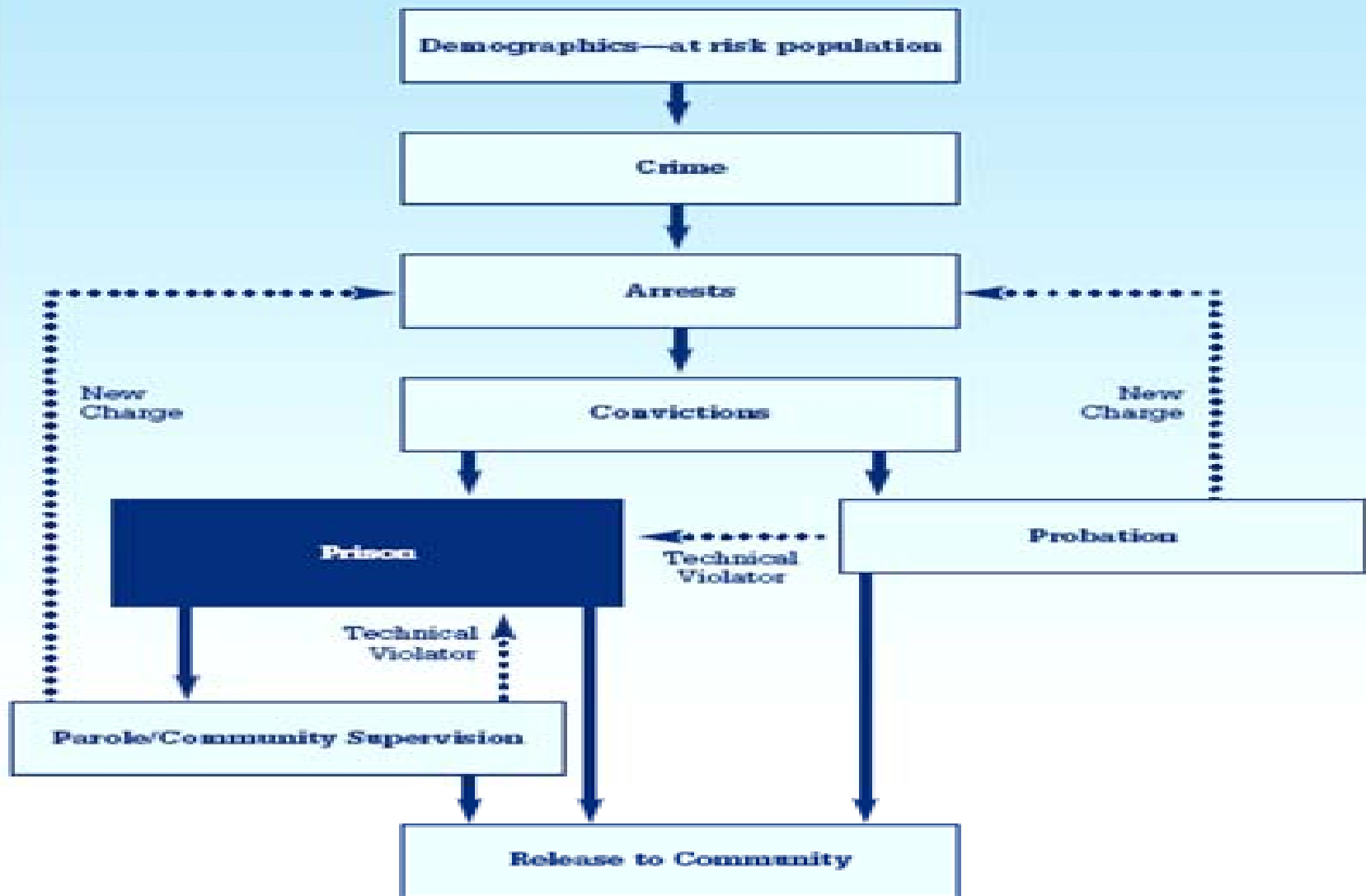


Four Offender Population Forecasts

- **Local-responsible (LR) prisoner population**
 - Prisoners confined in local and regional jails (other than SR)
- **State-responsible (SR) inmate population**
 - Prisoners confined in local and regional jails (other than SR)
 - Population housed in DOC prison facilities
 - State-responsible inmates housed in jails
- **Juvenile detention center (JDC) population**
 - Juveniles housed in locally-operated detention homes
- **Juvenile correctional center (JCC) population**
 - Offenders confined in DJJ facilities

State-Responsible Offender Forecast Components

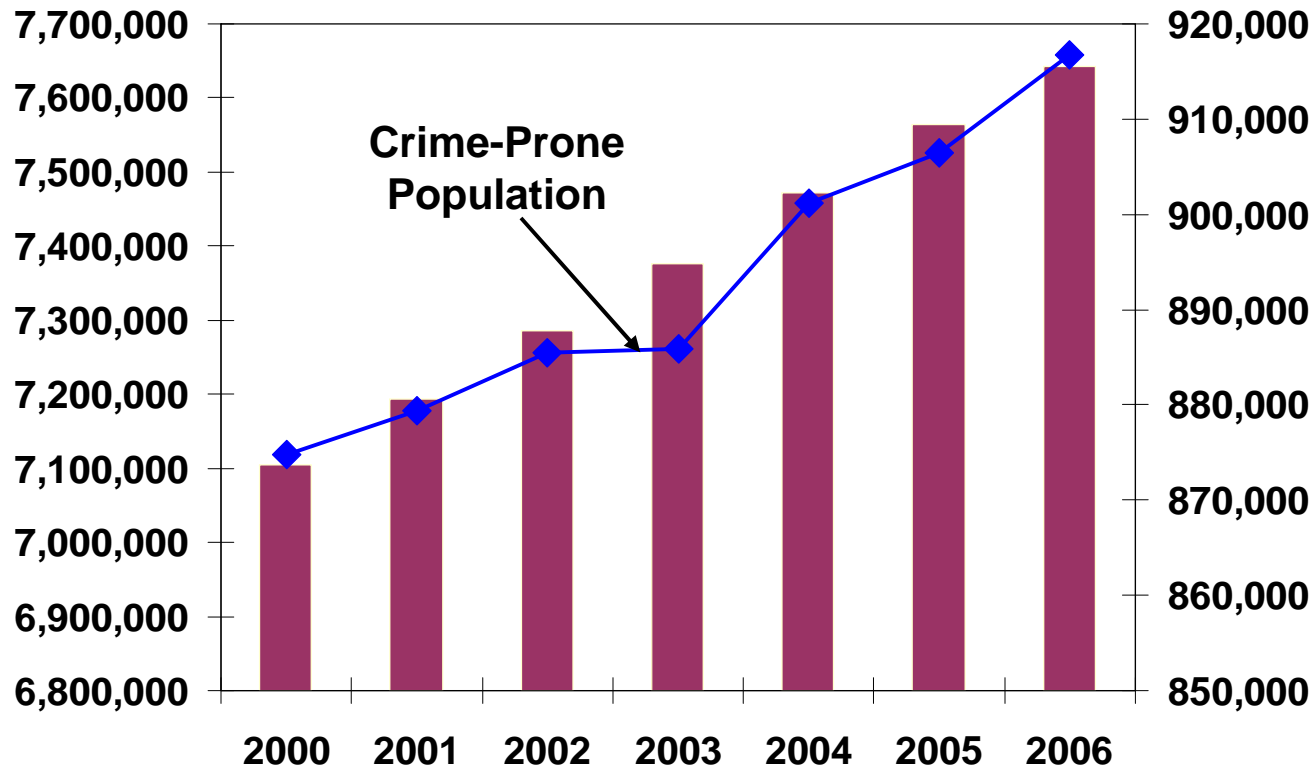
FIGURE 1
Schematic Flow of Prison Population Components





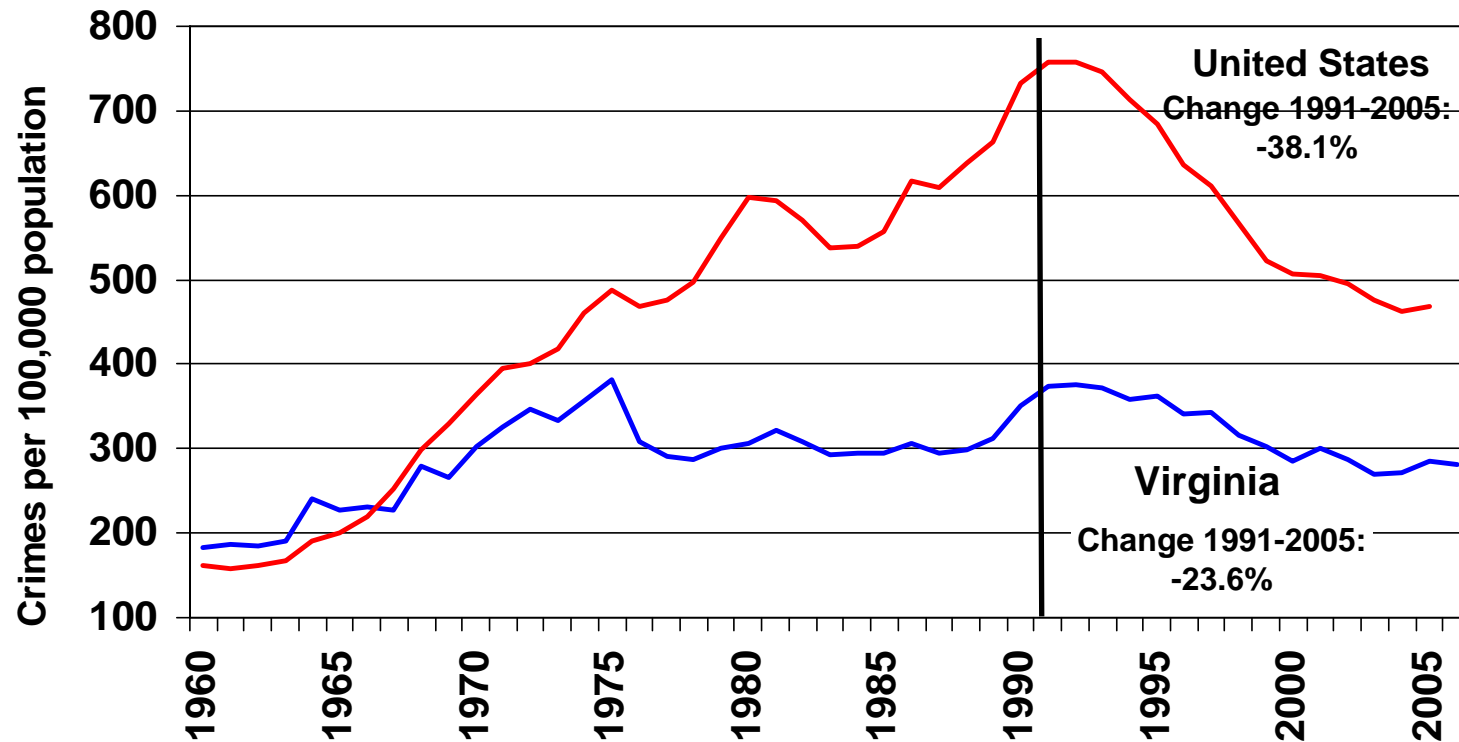
Crime and Arrest Trends in Virginia

Virginia and Crime-Prone Populations 2000-2006



Population	Avg. % Change 2000-2006	% Change 2005-2006
General Population	+1.2%	+1.0%
Crime-Prone	+0.8%	+1.1%

Violent Index Crime Rates in Virginia and the US, 1960 – 2005

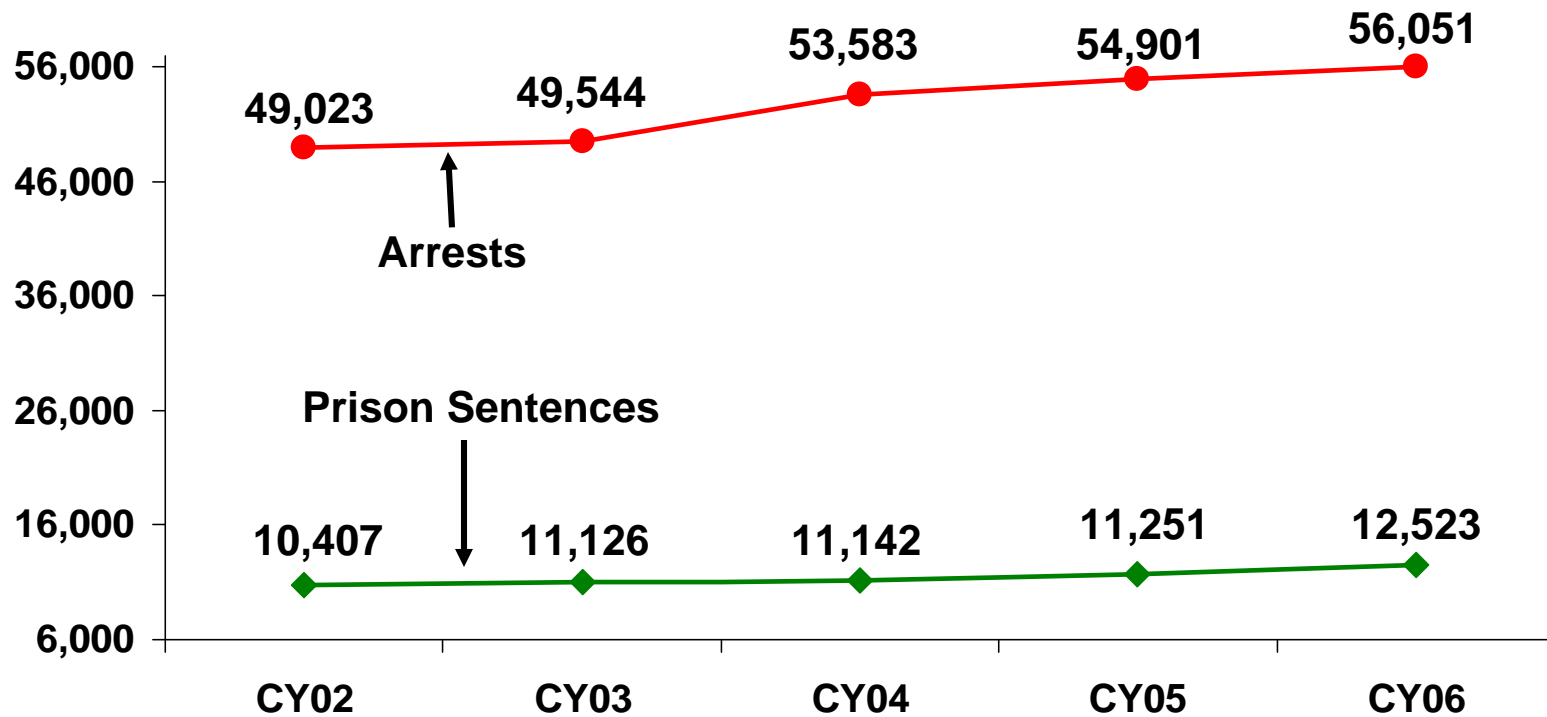


Change 2005 – 2006	Overall Violent Index Crime Rate	Murder	Forcible Rape	Robbery	Aggravated Assault
Virginia	-1.4%	-16.2%	+2.7%	0.0%	-2.4%

Note: Violent index crimes are murder, forcible rape, robbery and aggravated assault.
2006 data are preliminary.

Source: Department of Criminal Justice Services Research Center (July 12, 2007)

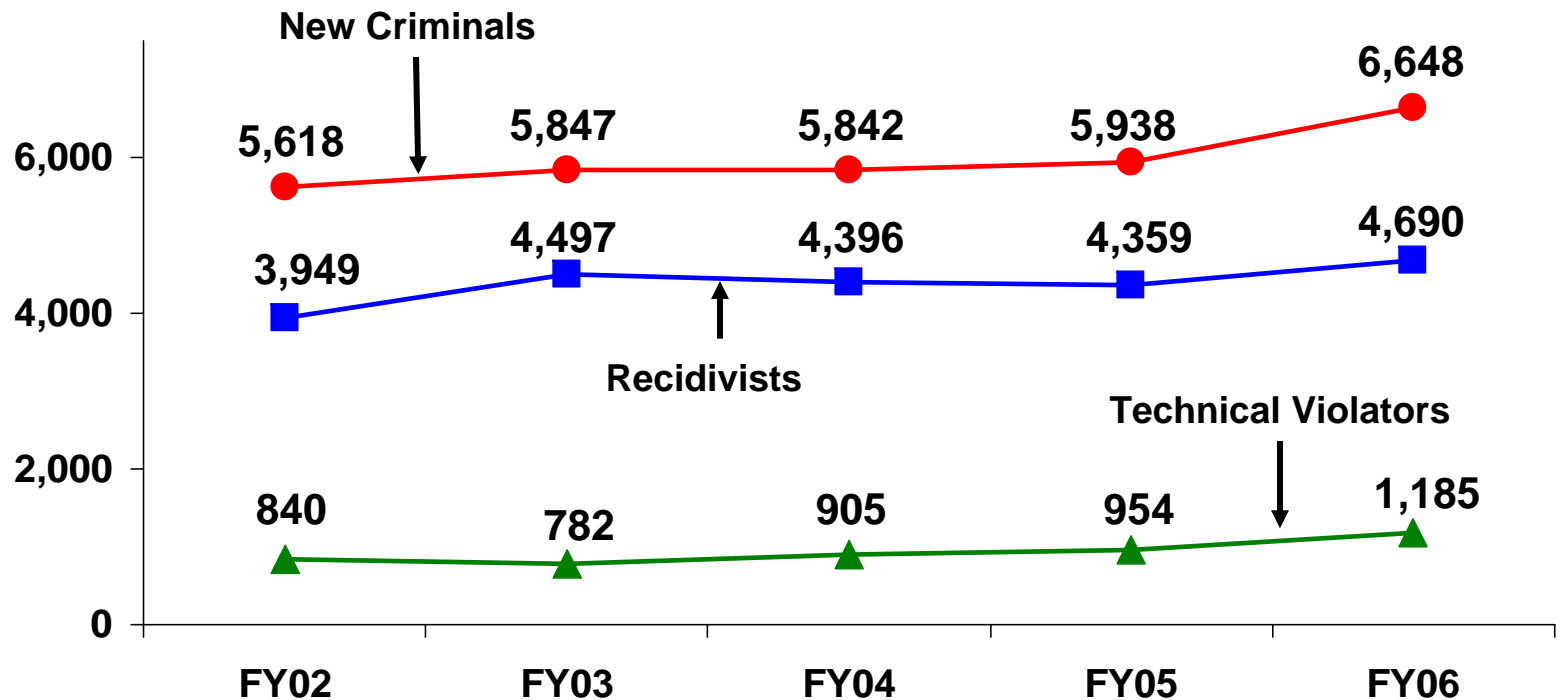
Growth in Arrests and Sentences to Prison



- Between 2000 and 2006, the number of adults arrested on suspicion of having committed a violent, property, or drug crime increased by 14.3 percent
- The number of arrested adults who were sentenced to prison grew by 20.3 percent over this period
 - Only slightly more than 20 percent of arrestees are sentenced to prison

Source: Department of Criminal Justice Services Research Center and Department of Corrections

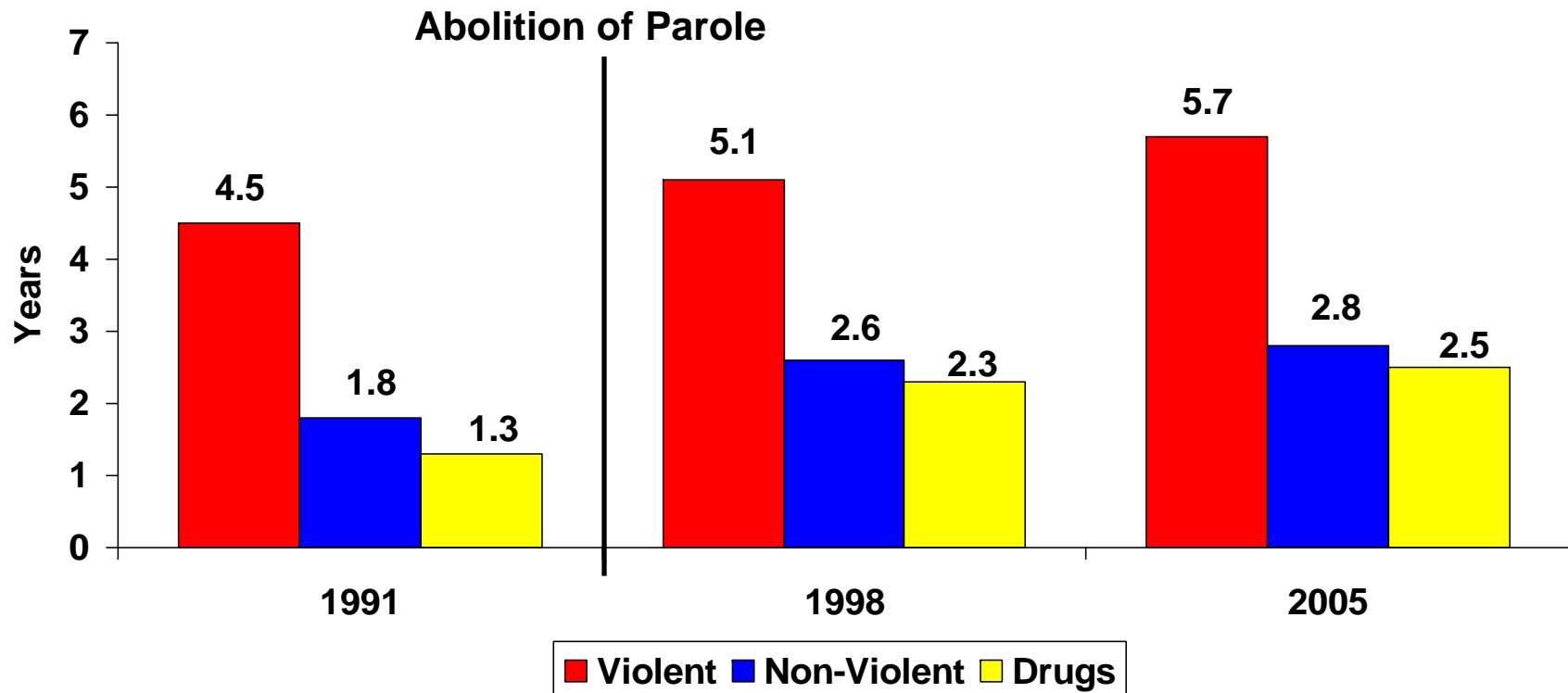
Types of Offenders Sentenced to Prison



- Of those arrestees sentenced to prison, about 53 percent represent people convicted of new crimes
- 47 percent of the people sentenced to prison are for probation revocations
 - 80 – 85 percent of these probation revocations are recidivists who have committed a new crime
 - 15-20 percent of these probation revocations are for technical violations of a person's probation terms, usually for drug use or alcohol consumption. These individuals have not been found guilty of a new crime

Source: Department of Corrections

Average Length of Stay for State-Responsible Releases



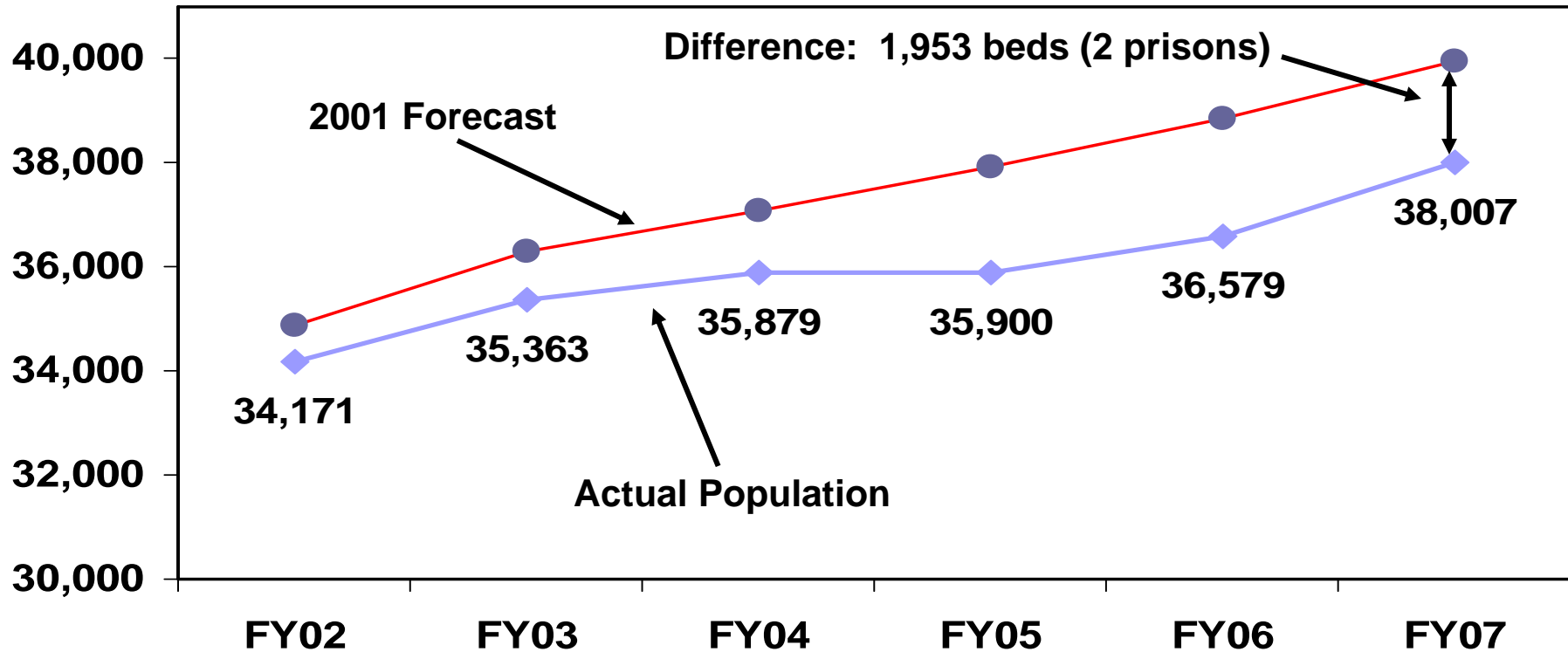
- The average violent crime sentence increased by 26.7 percent between 1991 and 2005
- The average sentence for a non-violent crime increased by 55.6 percent between 1991 and 2005
- The average drug crime sentence increased by 92.3 percent from 1991 to 2005

Note: Data for 1991 based on fiscal year; 1998-2005 data reflect calendar year.
Source: Virginia Department of Corrections (July 24, 2006)



State-Responsible Population Forecast

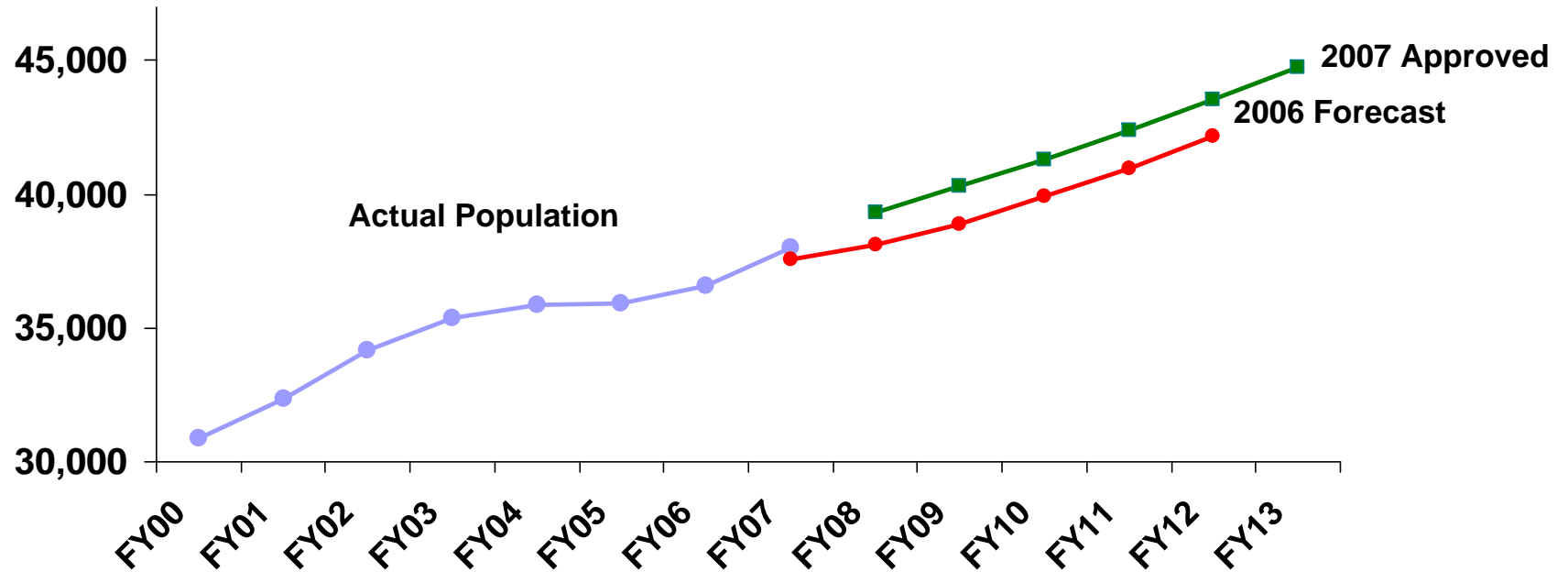
State-Responsible Population Growth and Forecast Accuracy



- The state-responsible offender population forecast is developed for a five-year period, but is updated annually to account for the actual prison population
- While the forecasts are generally accurate over a one-year period, the forecasts are not as accurate when judged over the period for which they were originally developed

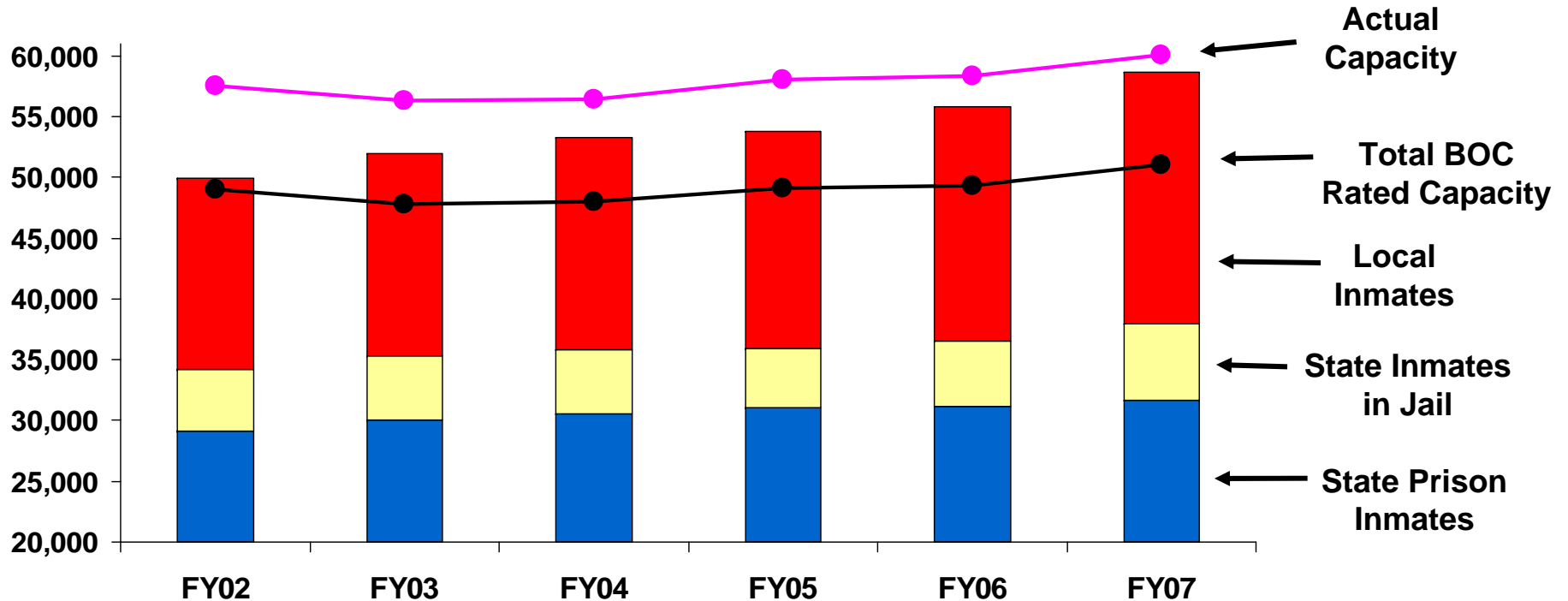
Source: Virginia Department of Corrections

Approved State-Responsible Population Forecast



Fiscal Year*	Approved 2006 Forecast	Approved 2007 Forecast	Difference
2008	38,143	39,347	1,204
2009	38,883	40,305	1,422
2010	39,908	41,292	1,384
2011	40,991	42,399	1,408
2012	42,201	43,559	1,358

State-Responsible and Local Jail Populations and Capacity

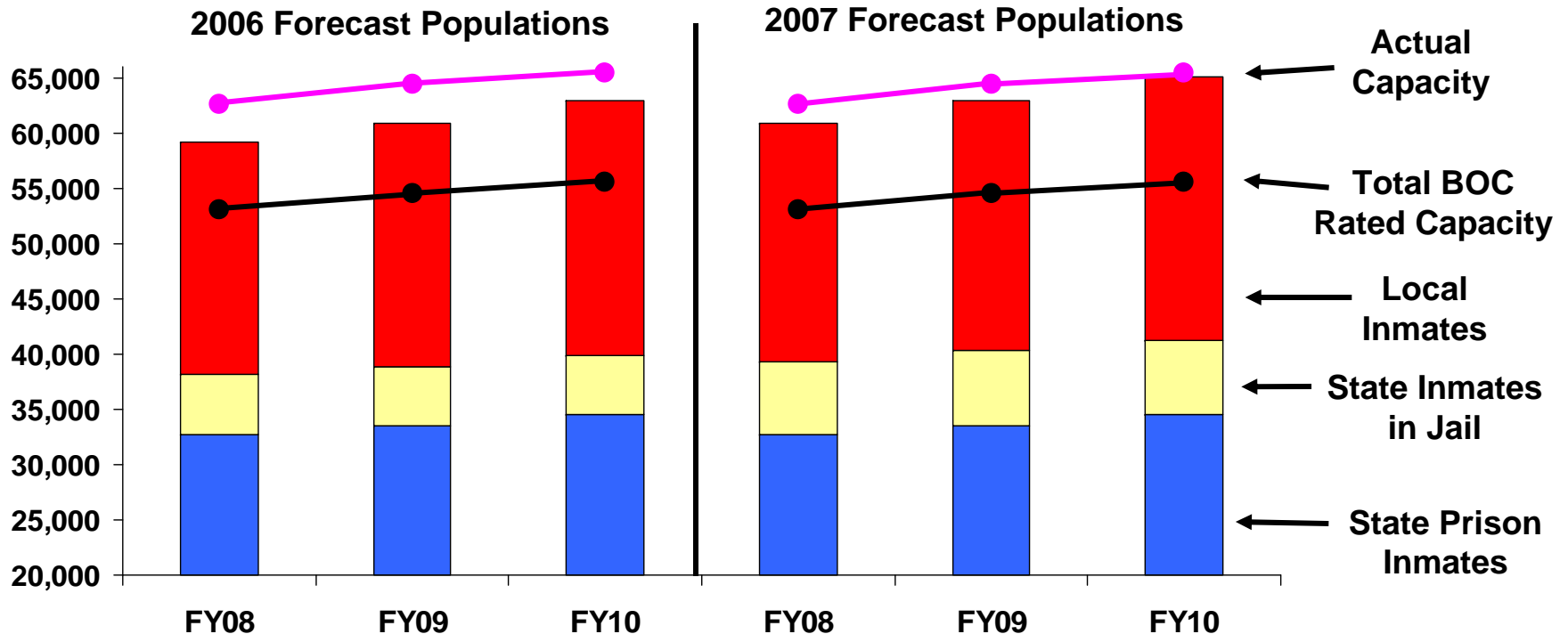


- The State Board of Corrections rates the capacity of all prisons based on the use of double-bunking. The board rates local jail capacity based on the use of single bunk cells
- When total prison and jail capacity is assessed based on the State Board of Corrections' ratings, it would not seem Virginia has enough capacity to house its total inmates
- However, it is well known that many jails use double-bunking. Therefore, in determining actual capacity, it is assumed that 50 percent of local and regional jails use double-bunking. Consequently, Virginia does have sufficient bed space to hold its total inmates

Note: Population data reflect end fiscal year figures. SR in Jail figures have been revised to reflect most recent available data.

Source: Virginia Department of Corrections (July 17, 2007)

State-Responsible and Local Jail Populations and Capacity



- Over the next three fiscal years, an additional 3,818 beds will come on-line in state prisons and jails – meaning regardless which forecast is used, there should be sufficient space for Virginia’s state and local inmates
- However, it appears the Governor may place more faith in the 2006 forecast. The Governor’s budget reduction strategies call for housing 500 out-of-state inmates in 2008 and 1,000 out-of-state inmates in both 2009 and 2010
 - The 2007 forecast does not have sufficient bed space for both Virginia’s offenders and these 1,000 out-of-state inmates. Consequently, the Governor must be relying on the 2006 forecast populations

Source: Virginia Department of Corrections (July 17, 2007)



Possible Responses to Any Prison Construction Needs



Potential Responses to Virginia's Prison Growth

- To mitigate the need for prison construction, additional steps must be taken to reduce the growth in the state-responsible offender population
- Because it is difficult to anticipate the commission of new crimes, strategies to reduce growth in the state-responsible offender population should focus on two populations:
 - Offenders released from prison
 - When released from prison, an offender is placed on probation for some period of time following their release
 - Technical probation violators
 - These offenders may have been released from prison or originally placed on probation rather than incarceration

New Prison Sentences and Actual Probation Revocations

	Probation Revocations*		
	Total (% of NPS)	New Crime (% of Revocations)	Technical (% of Revocations)
FY 2002	4,789 (46.0%)	3,949 (82.5%)	840 (17.5%)
FY 2003	5,279 (47.4%)	4,497 (85.2%)	782 (14.8%)
FY 2004	5,300 (47.6%)	4,396 (82.9%)	905 (17.1%)
FY 2005	5,313 (47.2%)	4,359 (82.0%)	954 (18.0%)
FY 2006	5,875 (46.9%)	4,690 (79.8%)	1,185 (20.2%)

- Between FY 2002 and FY 2006, the number of probation violators who committed new crimes increased by 18.8 percent
- The number of technical probation violators grew by 41.1 percent

*The numbers shown include potentially divertible and non-divertible technical probation violators.



Measures Taken to Reduce Recidivism

- During the 2007 Session, the General Assembly provided \$2.3 million to strengthen programs assisting adult offenders released from prison avoid re-incarceration. This funding included:
 - \$293,184 in added support for the Career Readiness Program, which provides certification of offenders' job skills for employers
 - \$517,639 for more transition specialists to assist offenders with developing job interview skills, securing drivers' licenses, completing applications for social security and Medicaid, and other services
 - \$579,900 to assume funding for the VASAVOR program, which provides reentry services for released violent offenders
 - \$900,000 to support the reentry services provided by the non-profit Offender Reentry and Transitional Services organizations, which cover about 70 percent of Virginia



Implementation of Re-Entry Councils to Reduce Recidivism

- The Department of Social Services has established five local reentry councils to work with soon-to-be released offenders
 - Each local reentry council is composed of representatives from public and private agencies, businesses, community-based providers, and faith-based organizations
 - 25-30 offenders from assigned state correctional centers will be referred to the councils for participation in program offerings
 - A similar group of offenders will be used as a control for comparison purposes
- To mitigate the need for prison construction, additional steps must be taken to reduce the growth in the state-responsible offender population
- The five reentry councils began working with offenders in January 2007 and program services will last 18-24 months, covering both pre-release and post-release services
- The councils' success will be evaluated in six areas: employment, housing, financial obligations, health/mental health/substance abuse services, family and community reintegration, and recidivism



Use of Evidenced-Based Practices to Reduce Recidivism

- The Department of Corrections' Division of Community Corrections has begun implementing various “evidence-based” practices in five of its local probation and parole offices using redirected existing resources
 - These practices include techniques, programs, and policies that have a measurable ability to reduce risk and recidivism
 - Techniques used include motivational interviewing, risk and needs assessments, and transitional therapeutic communities



Possible Strategies to Address Technical Violators

- Technical probation violators are the fastest growing portion of new prison sentences
 - Since 2002, the number of technical probation violators sentenced to prison has increased by 41.1 percent
 - Incarcerated technical probation and parole violators serve a median of 22.4 months in prison
 - Most technical violators are re-incarcerated due to drug and alcohol use
- Strategies to reduce this population's incarceration rate could include:
 - Graduated sanctions to promote participation in drug treatment
 - Better use of diversion programs currently operated by the Department of Corrections
 - Construction of facilities for this population when sentenced to prison



Possible Strategies to Address Technical Violators

- Virginia could consider sentencing technical probation violators to 6 months in a secure facility for their first violation, 12 months for a second violation, and the balance of their original sentence for a third violation in order to promote substance abuse treatment
 - Drug treatment services are provided by the Department of Corrections (DOC) typically nine to 12 months prior to release
- Sentencing technical violators to prison for the period in which they would receive drug treatment services better uses limited prison beds
- Concept provides intermediate level sanctions for technical probation and parole violators and provides an incentive for participation in substance abuse services
 - Average prison sentence for technical probation violators is 22.4 months – offenders should view any shorter sentence alternative positively
 - However, if an offender fails to alter his lifestyle after two revocations, then the total time he or she was incarcerated would exceed the current average length of incarceration
- If this policy were established, DOC has estimated it could eliminate the need for 770 additional prison beds



Possible Strategies to Address Technical Violators

- The Department of Corrections operates four detention programs and five diversion programs, which are housed in facilities operated by the department's Division of Community Corrections
 - The use of these facilities is controlled by the courts – a probation or parole violator must be sentenced to the facilities
- If probation officers could commit technical probation violators to the diversion and detention centers, this could eliminate the need for 153 prison beds
 - Diversion centers also allow offenders to work, so technical probation violators could learn or maintain job skills
 - Working offenders must also pay a portion of the costs of their upkeep
- Implementation of this strategy would require legislative changes
 - General Assembly has previously passed legislation restricting sentencing to judges and prohibiting the use of detention and diversion centers after a period of prison incarceration
 - Added benefit would be a reduction in judicial caseload



Possible Strategies to Address Probation and Parole Violators

- Texas has provided funding for the expansion and development of expanded treatment and diversion programs for offenders in prison and those released on probation or parole
 - The intent of this funding was to better prepare prison inmates for their eventual release and to divert probation and parole violators into less costly settings than prison
- The Virginia Department of Corrections is examining the possibility of constructing a dormitory-style correctional facility for technical probation violators with a private corrections management firm that has been selected to develop prison facilities in Charlotte County
 - This type of facility would be cheaper to construct than a traditional “celled” facility
 - Fewer correctional officers would be needed to secure the facility



Summary of Statistics

- The “crime-prone” population increased by 4.6 percent between 2000 and 2006
- The number of adults arrested for violent, property, and drug crimes between 2000 and 2006 has increased by 26.3 percent
- The number of adults sentenced to prison has increased by 27.1 percent between 2000 and 2005
 - 47 percent of new commitments were probation violators
- Adults committed to prison are serving longer sentences
 - 11.8 percent for violent crimes since 1998
 - 7.7 percent for non-violent crimes since 1998
 - 8.7 percent for drug crimes since 1998
- More commitments and longer sentences increase the projected number of state-responsible offenders
 - Between 2007 and 2013, the number of state-responsible offenders is expected to increase from 38,007 to 44,744 (17.7 percent)
 - Forecast increases rate of prison construction from one facility every two years to construction of a new facility every year
- There are strategies that could be employed to reduce the number of technical probation violators sentenced to prison
 - Graduated sentences for technical probation and parole violators – 770 beds
 - Better use of detention and diversion centers – 153 beds