

HB 86 Prison Population Projections and Intake Estimates FY 2012 – FY 2021

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Introduction

This report presents updated prison population projections for the next 10 years. These are the first set of projections that incorporate the anticipated impact of nearly all of the major HB 86 reform measures. In contrast to previous analyses that have addressed the impact of various components of HB 86 separately, this report presents a global forecast of the combined effects of the law and therefore accounts more precisely for potential overlapping impact. In addition to the HB 86-related changes affecting length of stay and population composition, the projections also incorporate the most recently available information on sentencing patterns, recidivism, and parole release rates, requiring the most extensive revisions to model inputs since the late 1990s. The report is organized around three tables below, which include a trend line of recent population and intake levels, results from the current forecast model, and the future intake estimates on which the model is based.

Recent Patterns and Forecast Summary

Figure 1 shows population and court intake patterns over the last five years. Intake levels are expressed in terms of a weekly moving average. In early January of this year, the population dropped below 50,000 for the first time since April 2008, remaining steady at an average of 49,850 over the last two months. The population has declined by about 1,400 since recently peaking at over 51,200 in October 2010. As shown in Figure 1, in CY 2011, levels did not deviate much around a yearly average of 50,400, despite an 11% decline in admissions to 20,682

(2,650 female commitments, or 12.8% of the total). Intake levels have now declined by a total of 28% since CY 2006, driven by a combination of reduced crime, lower recidivism, and expanded community corrections. In recent weeks however, admissions have unexpectedly rebounded modestly and are back above the 410/week average for the first time since July 2011. As discussed below, these levels are not expected to endure once felony HB 86 offenders become the predominant case flow. Less than 10% of total court intake since October 2011 is being sentenced solely under HB 86.

Table 1 presents the updated population projections for the period July 2012 – July 2021. Assuming significant diversionary effects under HB 86, population levels are projected to decline noticeably over the next 15 months, with additional modest decreases over the next 10 years. **The total population is projected to be 49,168 on July 1, 2012, and 47,910 by July 2013.** Additional declines of about 1,300 (down to 46,641) are expected by July 2021. The model projects a much smaller decline among women. The female population is expected to remain stable through the end of this fiscal year, with further declines of roughly 200 over the entire remainder of the forecast period.

Table 1 also presents a comparison to a final set of pre-HB 86 projections produced last December. The purpose is to show what the expected growth pattern would be without any of the reforms in place, and thereby summarize the overall size and timing of the impact of the law over the next several years. The results of this analysis show an expected population impact of 3,045 fewer inmates by July 2013, rising to the 5,300-5,800 impact range during the last five years of the forecast period. The impact by 2015 is approximately 1,000 lower than suggested by earlier analyses, including the CSG Justice Reinvestment report published last year. The smaller estimate is due in part to elimination of overlapping impacts, differences in assumptions used, and a larger than expected drop in admissions during 2011.

Intake Assumptions

Table 2 presents historical patterns in court intake, as well as the revised estimates on which the new projections are based. The bolded figures show predicted commitment levels under HB 86. The projections assume that once new diversionary patterns take hold, overall intake will have declined by 10% to 18,639 during the current calendar year. An additional decline of roughly 7% is assumed in 2013. As is customary, the back-end estimates assume stable intake levels starting in 2014, in part because the long term effects of proposed probation reforms are difficult to gauge.

The first and second year intake estimates are based on an extensive simulation analysis of the FY 2011 commitment database. The entire database was re-analyzed at the offender level by crime and felony status, and then filtered on the basis of prison diversionary elements specified under HB 86. Randomly selected cases were also re-assigned new length of stay estimates based

on three factors: expected changes affecting consecutive sentencing under the *Foster* fix, revised F1/F3 sentencing ranges, and crack/power cocaine equalization reforms. These changes were then incorporated into other sections of the forecast model. In terms of admissions alone, the results of this analysis suggest that intake levels would have been roughly 11% lower during FY 2011 had the reforms been fully in place at the start of year.

The estimates shown in Table 2 incorporate the magnitude of this expected low-level diversionary effect of the law, but spread the reductions over the first two years in order to allow for a more gradual phase-in period. The actual figure of 18,639 is the result of applying half of the diversionary effect in the first year, and then adding 70% of the total reduction in probation violator numbers anticipated separately under county-level Probation Improvement grant initiatives. These reductions are in addition to a 2% structural decline in intake expected during 2012 even without the HB 86 reforms. This is consistent with yet another downturn statewide in criminal case filings of 3%, as reported in recently available Supreme Court statistics. The second year (2013) estimates in Table 2 apply additional reductions that are attributable to the remaining diversionary and probation violator impacts.

Summary, Additional Assumptions and Limitations

- The population is forecasted to decline under HB 86 by nearly 2,000 by July 2013, driven largely by increased prison diversions that are expected to reduce court intake by another 15% over the next two years.
- The projections incorporate all of the major elements of HB 86, with one major exception: **the 80% judicial release provision is not considered**, pending clarification and further analysis of expected patterns of DRC-initiated court petitions.
- The downward growth in population forecasted in this report is less robust than initially estimated due to the offsetting effects of dramatic declines in parole release rates among the remaining pre-SB2 population, which consists almost entirely of life sentence and multiple-conviction 1st degree felony offenders. Expected length of stay among old-law technical parole violators has also increased noticeably. The model assumes that these changes in practice will remain permanent over the forecast period, yielding a net impact of 1,600 extra beds by 2021.

Figure 1. Weekly Population and Commitments (4 week moving average), June 2007 - March 2012

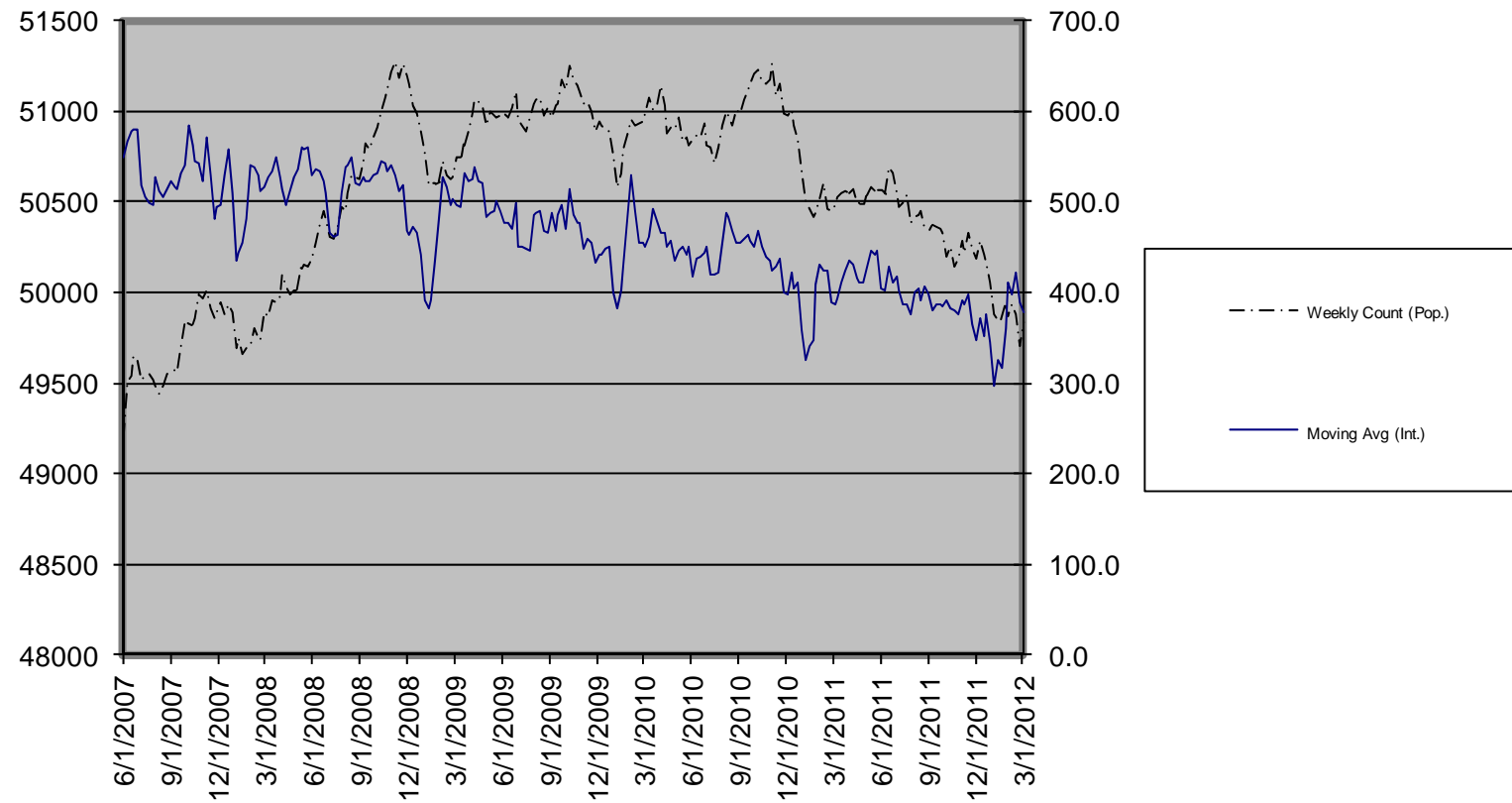


Table 1. ODRC Prison Population Projections, by Sex, for July 1, 2012 - July 1, 2021*

								Final Pre-HB86	
Date	Male	pct change	Female	pct change	Total	pct change	Baseline Projections	Impact	
3/5/2012*	46,020		3,817		49,837				
7/1/2012	45,349	0.985	3,819	1.001	49,168	0.987	50,464	-1,296	
7/1/2013	44,198	0.975	3,712	0.972	47,910	0.974	50,955	-3,045	
7/1/2014	43,788	0.991	3,647	0.982	47,435	0.990	51,572	-4,137	
7/1/2015	43,551	0.995	3,698	1.014	47,249	0.996	52,046	-4,797	
7/1/2016	43,302	0.994	3,628	0.981	46,930	0.993	52,252	-5,322	
7/1/2017	43,387	1.002	3,619	0.998	47,006	1.002	52,539	-5,533	
7/1/2018	43,158	0.995	3,576	0.988	46,734	0.994	52,546	-5,812	
7/1/2019	43,166	1.000	3,608	1.009	46,774	1.001	52,472	-5,698	
7/1/2020	43,112	0.999	3,669	1.017	46,781	1.000	52,590	-5,809	
7/1/2021	42,981	0.996	3,660	1.014	46,641	0.997	(N/A)		
**Actual population from 3/5/2012 Weekly Count Sheet									

Table 2. ODRC New Court Commitments, Actual and Predicted, 2000-2021

Calendar Year	New Court Commitments	Percent Change
2000	19721	
2001	20669	1.048
2002	22411	1.084
2003	23126	1.032
2004	24662	1.066
2005	25841	1.048
2006	28714	1.111
2007	28178	0.981
2008	26993	0.958
2009	25031	0.927
2010	23191	0.927
2011	20682 *	0.892
2012	18639	0.901
2013	17500	0.939
2014	17675	1.010
2015	17851	1.010
2016	17851	1.000
2017	17851	1.000
2018	17851	1.000
2019	17851	1.000
2020	17851	1.000
2021	17851	1.000
* CY 2011 intake is preliminary.		