

Revised HB 86 Prison Population Projections

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Introduction

This report presents revised HB 86 prison population projections for FY 2013 – FY 2021. The projections incorporate estimates of the impact of all major elements of HB 86, including the 80% judicial release provision, and the effect of recent increases in Transitional Control releases. They also represent the results from a simultaneous modeling of these changes, yielding a global projection that reflects the net effect of overlapping provisions. The report includes an overview of both the new projections and revised intake estimates, main forecasting assumptions used, and a discussion of the differences between this forecast and the initial HB 86 projections published in March 2012.

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 4-week moving average. In early January of this year, the population dropped below 50,000 inmates for the first time since April 2008, then extended those declines to briefly dip below 49,500 during the month of August. Total population has since increased by about 300 to 49,781 as of October 29, 2012. This increase is consistent with increases in weekly court intake since July. Intake levels are currently trending at about 400 commitments per week, but have shown more stability during CY 2012 than in past years. While offenders sentenced under HB 86 had begun to approach 50% of all admissions by July 2012, the changing composition of the intake flow has not yielded any additional diversionary impact over the past four months, contrary to expectations. These patterns are discussed in more detail below.

Table 1 presents the updated population projections for the period July 2013 – July 2021. Based on upwardly revised intake assumptions discussed below, inmate population levels are expected to remain virtually unchanged through the end of FY 2013, but then rise gradually by roughly 1,200 to 50,911 by July 2013. **As shown in Table 1, total population is expected to be 49,735 on July 1, 2013, and 50,214 by July 2014.** The model projects a modest rise in female levels, up to 3,900 by 2015, before stabilizing at 3,700-3,800 thereafter. Specifically, the female population is projected to be 3,770 on July 1, 2013, and 3,831 by July 2014.

Intake Assumptions

This forecast is sharply divergent from initial projections done on the expected impact of HB 86 (March 2012). The current model projects a population level by July 2013 that is 1,825 higher than previously projected. The difference is largely due to a combination of overstated assumptions about the diversionary impact of the HB 86 reforms and use of risk reduction sentencing, as well as unexpected developments in community control violator patterns during CY 2012 (discussed below). However, it is also important to keep in mind the substantial increases in prison population that would likely be experienced without the reforms. The final column of Table 1 shows the net savings still likely to be accrued under HB 86, even without the full scale diversionary impact, based on a modified intake stream (i.e., no change in levels of F4/F5 intake) and a resetting of all population parameters back to their pre-HB 86 levels. As shown, the bed savings exceed 1,600 by 2016.

Table 2 presents historical patterns in court intake, 2000-2011. The bolded figures show predicted commitment levels under HB 86, revised upward since March. Actual intake is down approximately 4% so far in CY 2012, compared to the same period in 2011. The model assumes no further declines for the remainder of this calendar year, yielding a predicted total of 19,832 court admissions. Although this would mark the sixth consecutive yearly decline in commitments since 2006, it is still 1,200 higher than levels estimated under the 10% decline assumed previously. Further, the current model is based on estimates of an additional drop of only 1.5% in CY 2013, due to downwardly revised assumptions about the extent to which counties will meet Probation Improvement Grant goals. Since baseline commitment levels are set considerably higher under the new model, the expected commitment estimates are 1,600-1,800 higher annually than previously estimated.

Figures 2-4 show various breakdowns in court commitments by month for the period January 2011-August 2012 in order to help establish an empirical basis for the revised intake assumptions that underlie the current model. Those assumptions take into account the following factors:

- Non-violator F5 admissions, after declining to just 15-17% of total commitments 10-12 months ago, have recently risen back above the 20% level during the 3rd quarter of 2012 (Figure 2).
- First-time, non-violator F4/F5 property and drug commitments, as an approximation of the divertible population under HB 86, appear to have stabilized as early as late 2011, and then rebounded slightly since May 2012 as percentage of total commitments (Figure 3). Further, there are no meaningful differences in the rates at which these low-level offenders have been committed during 2012 when broken down by pre/post HB 86 sentencing status (not shown). These factors suggest that the full diversionary impact of HB 86 was both less extensive and experienced much sooner than anticipated, as courts began to sentence both populations similarly under the new provisions. In other words, even as HB 86 offenders have slowly become the predominant intake population during

2012, there has been no corresponding, additional drop in intake in the 3rd and 4th quarters.

- Trends in community control violator admissions are so far inconsistent (in the aggregate) with declines expected under Probation Improvement incentive funding. Recent increases in these admissions have been concentrated in Cuyahoga County, where the share of the statewide violator population has returned to levels not seen since late 2010. These patterns do not necessarily reflect a greater underlying revocation rate, but rather a larger pool of county probationers at risk for return following dramatic declines in 2010-2011 in the proportion of overall prison commitments from Cuyahoga County.
- Although the underlying rates of violent and property crime are down in 2011 in the Midwest region, preliminary 1st quarter case filing data from the Ohio Supreme Court suggest that the long term decline in criminal case flow through Ohio courts may be stabilizing.

Additional Model Assumptions

- The model assumes that recent increases of approximately 25% so far in 2012 in the number of inmates exiting to Transitional Control status will remain in place across the entire forecast period. These increases are expected to produce an approximate 250 bed reduction.
- A large portion of the projected savings shown in the last column of Table 1 is due to the net impact of the revised *Foster* language on expected length of stay. These smaller, but significant reductions in average sentence term are assumed to endure throughout the forecast period.
- In addition to the revisions in the intake assumptions described above, the projections assume only a very modest utilization of risk reduction sentencing, based on current usage patterns of less than two percent of total HB 86 commitments since January. This has also been revised sharply downward compared to the previous projections.

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

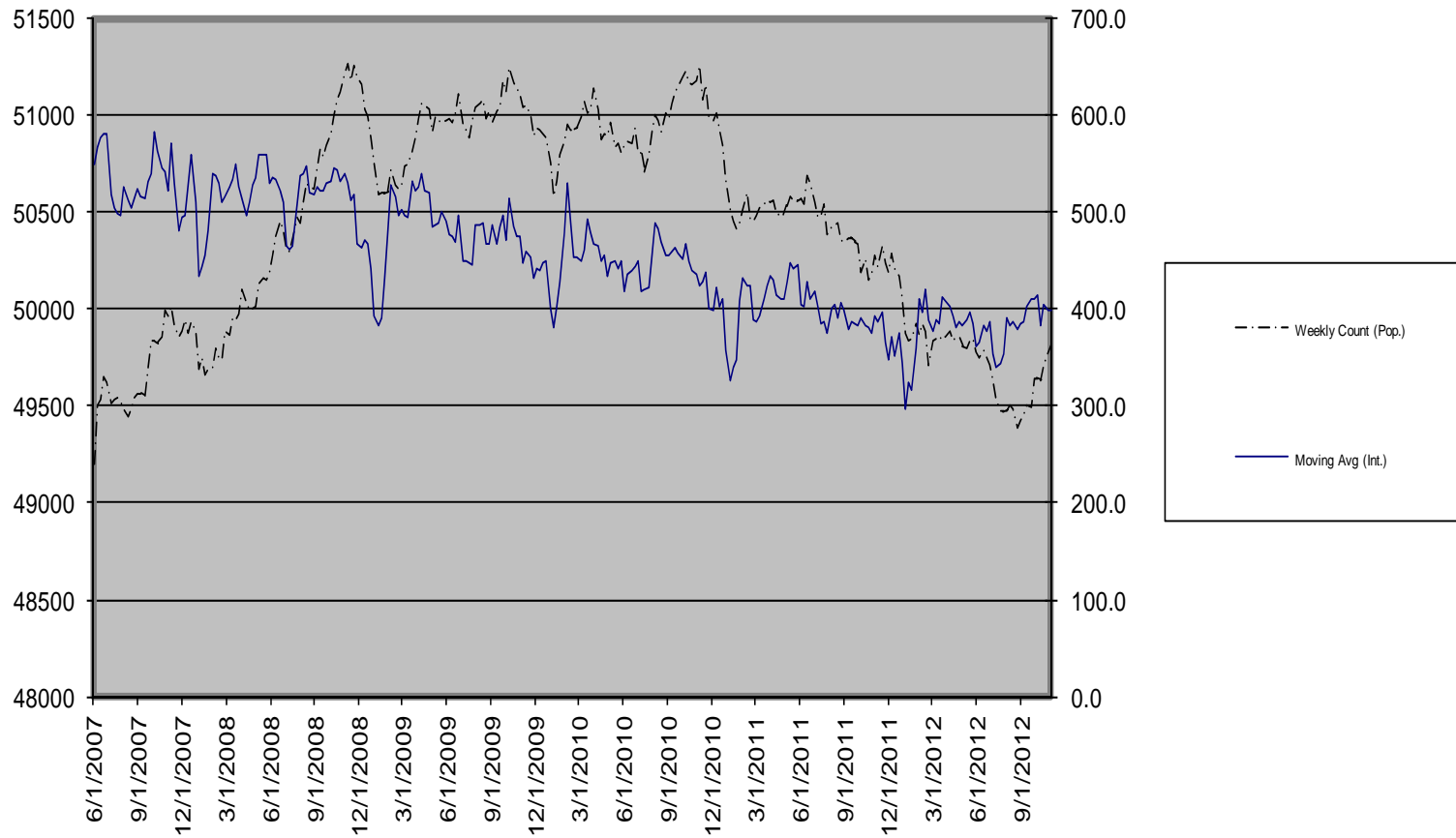


Table 1. ODRC Prison Population Projections, by Sex, for July 1, 2013 - July 1, 2021*

Date	Male	pct change	Female	pct change	Total	pct change	Projection without HB 86 Reforms	Projected Bed Savings
10/29/2012**	45,931		3,850		49,781			
7/1/2013	45,965	1.001	3,770	0.979	49,735	0.999	50,530	-795
7/1/2014	46,383	1.009	3,831	1.016	50,214	1.010	51,104	-890
7/1/2015	46,434	1.001	3,903	1.019	50,337	1.002	51,762	-1,425
7/1/2016	46,525	1.002	3,810	0.976	50,335	1.000	51,980	-1,645
7/1/2017	46,649	1.003	3,718	0.976	50,367	1.001	52,377	-2,010
7/1/2018	46,906	1.006	3,790	1.019	50,696	1.007	52,716	-2,020
7/1/2019	46,986	1.002	3,763	0.993	50,749	1.001	52,891	-2,142
7/1/2020	47,091	1.002	3,729	0.991	50,820	1.001	52,820	-2,000
7/1/2021	47,147	1.003	3,764	1.000	50,911	1.003	53,068	-2,157

**Actual population from 10/29/2012 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	19832	0.959
2013	19535	0.985
2014	19535	1.000
2015	19535	1.000
2016	19535	1.000
2017	19535	1.000
2018	19535	1.000
2019	19535	1.000
2020	19535	1.000
2021	19535	1.000

Figure 2. Percent Distribution of Non-Violator Monthly Commitments by Felony Level, January 2011 - August 2012

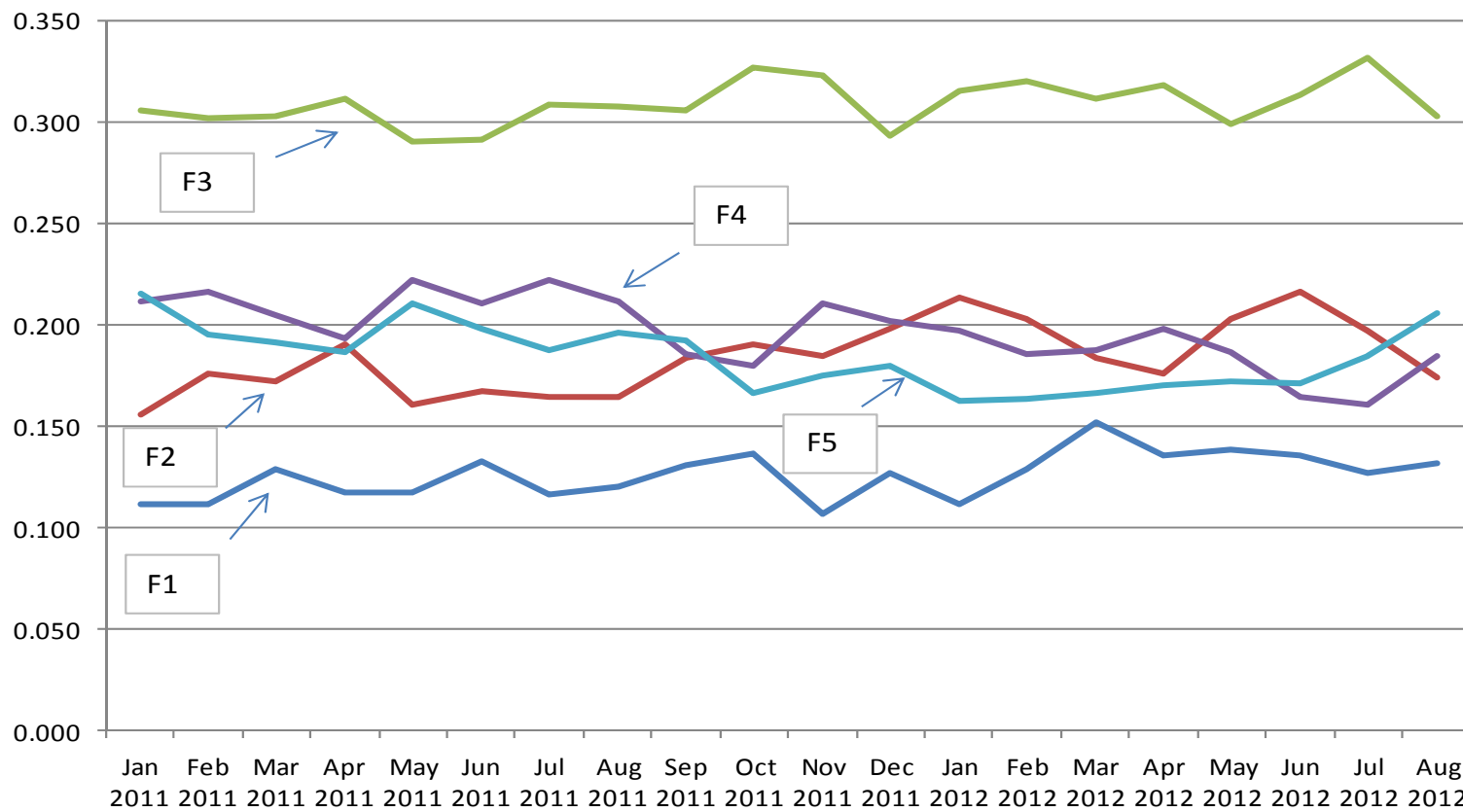


Figure 3. First-time, Non-Violator F4/F5 Property & Drug Offenders as a Percent of All Commitments ,
January 2011 - August 2012

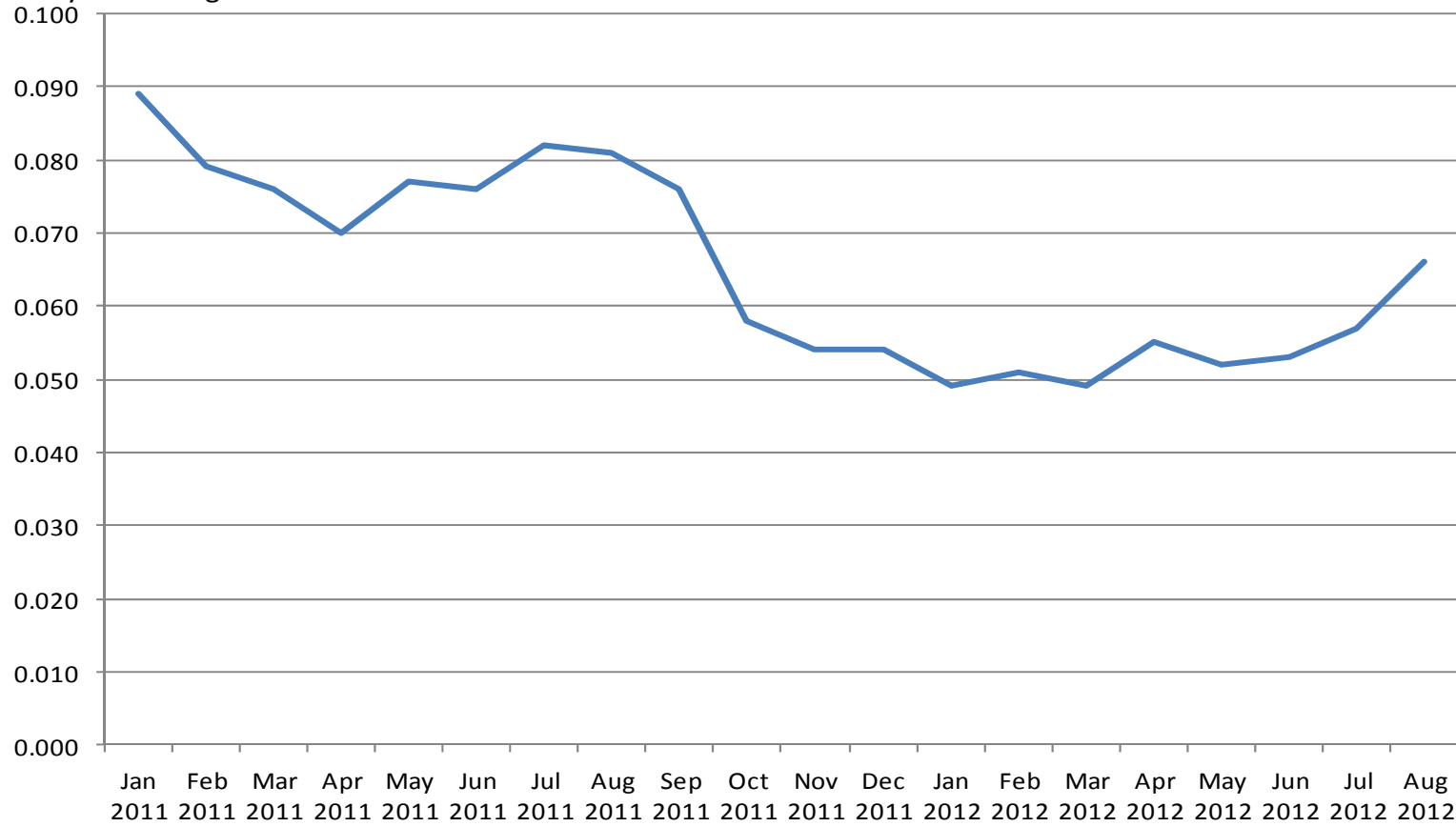


Figure 4. Share of Total Community Control Violators among Top Six Committing Counties, January 2011 - August 2012

