Ohio Prison Population Projections and Intake Estimates
FY 2008 - FY 2016

Prepared by:

Bureau of Research
Office of Policy and Offender Reentry
Ohio Department of Rehabilitation and Correction

Report Author: Brian Martin
June 2007

Introduction

This report presents the latest long-term prison population forecast for the period covering FY 2008-FY 2016. These projections are based on revised intake estimates and a comprehensive update of major population parameters last revised in February 2006. They rely on the latest available admission and stock population summaries, recidivism and violation patterns, and parole hearing data. The projections also incorporate the population impact of the Supreme Court's *Foster* ruling, as well as the impact of recently enacted sex offender legislation (HB 95 and SB 260), and additional penalty enhancements currently being proposed under SB 10 (Adam Walsh Act requirements) and SB 97 (sex offender registration penalties). The discussion below provides a summary of key population and intake trends, the current forecast and intake assumptions, and the legislative and *Foster* impact analyses.

Recent Patterns and Forecast Summary

Figure 1 presents a line graph of actual and projected population levels from January 2005 through July 2010. Female levels are shown separately. The trend line shows uninterrupted expansion of the prison population since the first quarter of 2005, increasing by over 5,600 inmates (13%) in just over two years. Two months ago, the total population count surpassed the July 1998 record number of 49,071 inmates, though the rate of growth has slowed noticeably so far this year. The number of female inmates increased by almost 800, or 25%, over the same period. Population growth continues to be driven largely by record levels of court intake, up over 11% during CY 2006. Intake patterns are discussed in more detail below.

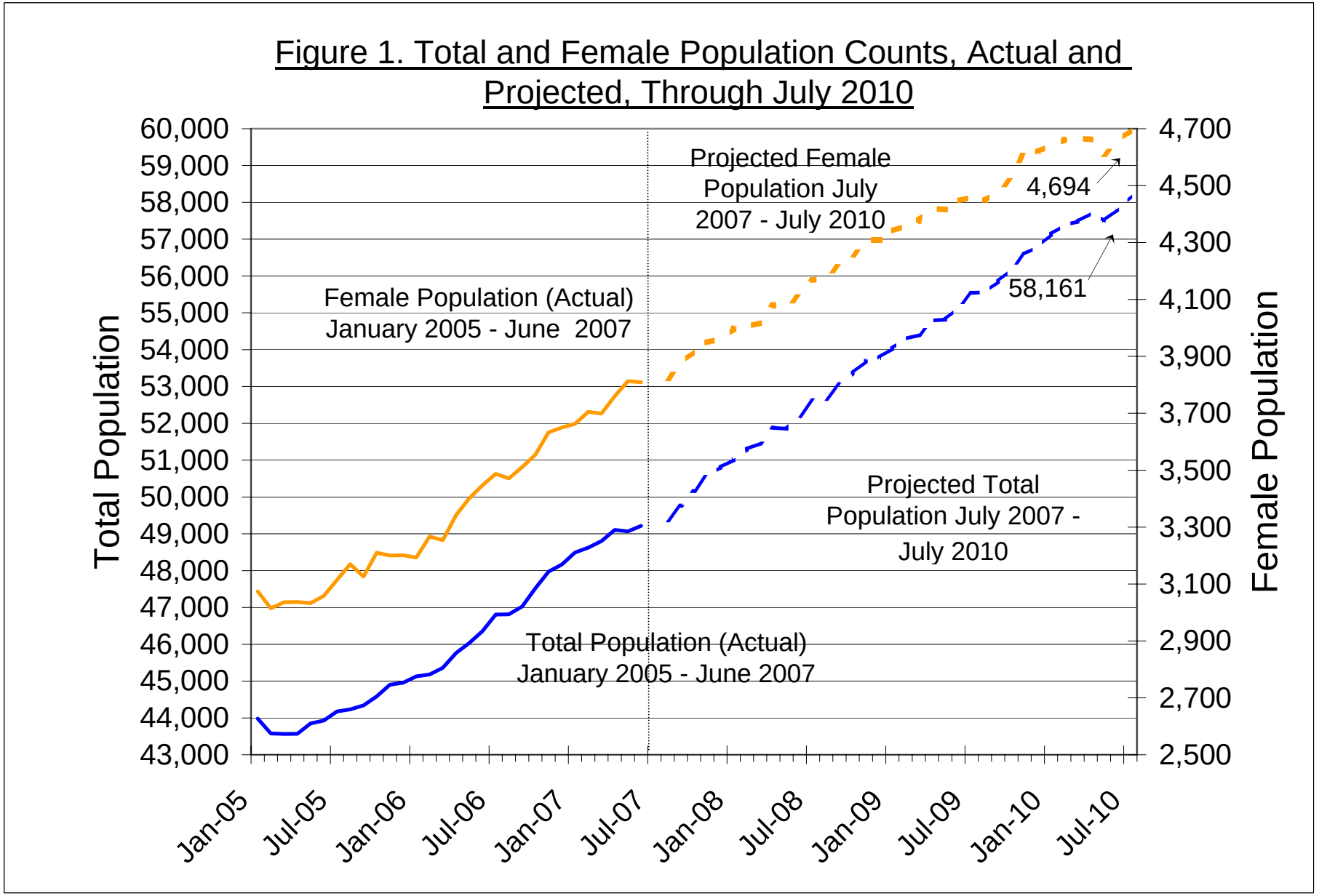
Figure 1. Total and Female Population Counts, Actual and Projected, Through July 2010
Total Population
Female Population
60,000
59,000
58,000
57,000
56,000
55,000
54,000
53,000
52,000
51,000
50,000
49,000
48,000
47,000
46,000
45,000
44,000
43,000
4,700
4,500
4,300
4,100
3,900
3,700
3,500
3,300
3,100
2,900
2,700
2,500
Jan-05
Jul-05
Jan-06
Jul-06
Jan-07
Jul-07
Jan-08
Jul-08
Jan-09
Jul-09
Jan-10
Jul-10
Projected Female Population July 2007 - July 2010
4,694
58,161
Female Population (Actual) January 2005 - June 2007
Projected Total Population July 2007 - July 2010
Total Population (Actual) January 2005 - June 2007

Table 1 presents projected annual levels, by sex, for the entire forecast period, January 1, 2008 through July 1, 2016. Year-end numbers for FY 2008-FY 2009 are shown in bold. The forecast model reveals strong future growth in the prison population, *if present crime, justice system, and sentencing patterns hold, no extra diversionary beds become available, and key proposed legislation is enacted*: over **51,000** inmates by January 1, 2008, with increases to **52,626** by July 2008 and **55,543** by July 2009. This represents a total increase of about 13% over the next two years. Female population levels are expected to grow by 17% over the same period, to 4,460 inmates by July 2009. **These numbers are significantly higher than projections released in October 2006, ranging from a difference of 1,100 to 2,000 over the next two years.** The female projection is about 200-300 higher annually across the entire forecast period.

Table 1. ODRC Prison Population Projections, by Sex, for January 1, 2008- July 1, 2016

Date	Male	pct change	Female	pct change	Total	pct change
5/29/2007*	45,407		3,809		49,216	
1/1/2008	47,012	1.035	3,998	1.050	51,010	1.036
7/1/2008	**48,458**	**1.031**	**4,168**	**1.043**	**52,626**	**1.032**
7/1/2009	**51,083**	**1.054**	**4,460**	**1.070**	**55,543**	**1.055**
7/1/2010	53,467	1.047	4,694	1.052	58,161	1.047
7/1/2011	55,376	1.036	4,806	1.024	60,182	1.035
7/1/2012	57,197	1.033	4,957	1.031	62,154	1.033
7/1/2013	59,105	1.033	5,069	1.023	64,174	1.032
7/1/2014	60,779	1.028	5,195	1.025	65,974	1.028
7/1/2015	62,562	1.029	5,421	1.044	67,983	1.030
7/1/2016	64,499	1.031	5,559	1.025	70,058	1.031

*Actual population from 5/29/2007 Weekly Count Sheet

Intake Estimates

ODRC received 28,714 commitments from court in CY 2006, an increase of 11% over CY 2005 and 1,900 more than expected at the start of the year (see February 2006 report). Female commitments grew sharply by 19% (3,787, or 13.2% of the total intake). Total admission increases have averaged 5.6% since 1998, regularly exceeding patterns anticipated in previous projection models. Following flat growth in February-March and a small dip in April, admissions growth to date in 2007 is currently at 3.2% over 2006, slightly below the four percent rate assumed in the current model for the entire year. This has produced relatively flat population growth over the last two months. Intake patterns, however, appear to have rebounded in May, up five percent from one year ago.

Table 2 presents the admissions forecast on which the current population projections are based. The four percent increase expected in 2007 assumes a resurgence of moderately strong intake in the second half of the year, similar to the unbalanced intake patterns experienced in 2005-06. Increases of 3.1%, 2.4%, and 2.4% are expected over the next three years, resulting in over 32,000 commitments by CY 2010. Female commitments are expected to rise by nearly six percent this year (13.4% of the total), followed by slightly slower growth than males during 2008-2010.

The growth assumptions used in this model are based partly on a sharp increase in criminal case filings in Ohio common pleas courts, one of the more reliable leading indicators of future growth in prison admissions. According to the *2006 Ohio Courts Summary*, filings are up seven percent in 2006 statewide as well as in the three largest counties. This follows a 4.4% increase in 2005. Although felony disposition data are unavailable for Ohio, the latest UCR data show an overall increase of 2.1% in reported violent crime in the Midwest in 2006, compared to an increase of 1.3% nationwide. Among large Ohio cities, Cleveland experienced disproportionate increases, though the pattern is less definitive elsewhere. In short, recent trends in court processing and underlying violent crime both point to upward pressure in admissions.

These trends could worsen under the changing age structure of Ohio's general population. Demographic projections show steadily increasing growth through 2015 among the traditionally crime-prone 15-29 age groups. At the same time, the imprisonment rate for males in this group (the rate of prison admissions per 100,000 persons) has grown by over 30% since 2000. Analysis of projected demographic changes using recent imprisonment rates and basic ratio methods suggest annual growth rates in prison admissions in the range of four percent over the next several years. This upward pattern is consistent with results from statistical models based on extrapolating from past intake levels, which indicate even stronger growth.

Table 2. ODRC New Court Admission Estimates, by Sex, CY 2007-CY 2016

Date	Male	Percent Change	Female	Percent Change	Total	Percent Change
CY 2006*	24,927		3,787		28,714	
CY 2007	25,861	3.75	4,001	5.65	29,862	4.00
CY 2008	26,714	3.30	4,080	1.97	30,794	3.12
CY 2009	27,382	2.50	4,162	2.01	31,544	2.44
CY 2010	28,066	2.50	4,245	1.99	32,311	2.43
CY 2011	28,628	2.00	4,330	2.00	32,958	2.00
CY 2012	29,200	2.00	4,417	2.01	33,617	2.00
CY 2013	29,784	2.00	4,505	1.99	34,289	2.00
CY 2014	30,380	2.00	4,595	2.00	34,975	2.00
CY 2015	30,988	2.00	4,687	2.00	35,675	2.00
CY 2016	31,607	2.00	4,781	2.01	36,388	2.00

* Actual Commitments to ODRC

Foster Ruling and Legislative Impact

Sentencing patterns since the implementation of SB 2 have been largely stable overall, especially among lower felony levels. In combination with elevated parole rates in recent years, this has worked to partly offset the population impact of increasing admissions. The most recently available sentencing data under the Supreme Court's *Foster* ruling, however, point to an emerging trend toward overall longer terms since the effective date of the decision.[1] Table 3 shows the change in average aggregate sentences in months (net of jail credit) in the periods immediately before and after the *Foster* decision in February 2006. The increases range from one to four months across felony levels, except among female F1 offenders, for whom average stays have increased 15 months since April 2006.

[1] The Ohio Supreme Court, in *State v. Foster, et al.*, ruled that judicial fact-finding in the imposition of sentencing decisions is unconstitutional, thus allowing maximum or consecutive sentences without stated justification.

While it is possible that these changes are attributable to changing aspects of criminal behavior and offender backgrounds and other unknown sources, this is the first significant, broad-based increase after several years of flat or modest declines in sentence lengths. The increases are even larger when comparing the pre-Foster numbers to those from just the first three months of 2007 (not shown). Among males, the aggregate, gross impact of the upward shift reported in Table 3 would be an additional 2,800 beds (based on CY 2006 commitments) over the entire forecast period.

Table 3. Change in Average Expected Length of Stay (in months, after jail credit) among New Court Commitments, January 2005-March 2007

	Jan 2005-Feb 2006 (Pre-Foster)		Apr 2006-Mar 2007 (Post-Foster)			
Felony	Males	Females	Males	**Increase**	Females	**Increase**
F1	91.0	64.9	94.6	**3.6**	79.9	**15.0**
F2	41.5	35.2	43.9	**2.4**	36.0	**0.8**
F3	22.5	18.3	24.3	**1.8**	22.0	**3.7**
F4	9.4	8.8	10.3	**0.9**	10.3	**1.5**
F5	6.2	5.6	6.9	**0.7**	6.5	**0.9**

In addition to *Foster*, the projections also incorporate the anticipated impact of several penalty enhancements to sex offenses recently proposed or enacted by the legislature.[2] These measures are expected to produce inflationary effects on prison population, mostly by imposing mandatory minimums or shifting penalties to higher felony levels, thus increasing sentence terms. SB 260, enacted earlier this year, increases penalties for rape offenses involving young victims by imposing new parole-eligible life terms or life term enhancements, depending on various circumstances of the offense. HB 95, enacted last year, would have an impact sooner by establishing mandatory minimum prison terms for certain GSI and sexual battery offenses, thereby increasing commitments.

The projections also reflect the population impact of two other major pieces of sex offender legislation currently under consideration, SB 10 (Adam Walsh Act requirements) and SB 97 (increased penalties for sex offender registration violations). In the near term, SB 10 would increase the population by shifting certain GSI offenders from the F3 to the F1 penalty range. Under SB 97, many registration offenders would face increased penalties, depending on the severity of their underlying offense. The bill would also require three-year mandatory terms for all categories of repeat violators.[3]

[2] Detailed impact analyses of these bills have been reported separately in a series of internal memos prepared by Steve Van Dine, Chief, Bureau of Research.

[3] The current projections do not incorporate the impact of violations and possible subsequent commitments to DRC among juvenile sex offenders under proposed registration requirements in the Adam Walsh Act.

It is important to emphasize that the combined impact of these measures, while substantial, would mostly occur well beyond the next biennium. The current forecast model indicates that the net impact would yield 600-700 additional inmates in four years and over 2,200 by 2016. The impact over the entire forecast period would be reducible by 900-1,200 if SB 10 and SB 97 are excluded from consideration.

Summary and Conclusions

- The prison population continues to experience strong upward pressure from new court commitments, which increased by 11% in 2006. The current forecast assumes increases of less than three percent per year in the next biennium, yielding a population of over 55,000 inmates by July 2009.

- The projections demonstrate that sustained population pressure from new court commitments will be compounded by the impact on time served from *Foster* and new sex offender legislation. These are the first projections released since the implementation of SB 2 that reflect inflationary pressure from both intake and increasing length of stay.

- The projections are based on the most recently available recidivism data and assume no changes in return rates over the forecast period. The recidivism data show gradually increasing one-year rates of return for new crimes over the past several years. By contrast, the rate of return for technical violations of supervision has been declining, driven largely by a graduated sanctions policy, early terminations, and an increasingly limited use of jail holds and violation hearings. These strategies have resulted in historically low levels of incarcerated technical violators (currently about two percent of total population). Any significant reversal of these practices would exacerbate the expected growth pattern outlined above.