5 Forecasts

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. In order to fulfill the requirements of Item 381 of the 2019 Appropriation Act, the SPSHS presents updated forecasts annually for the juvenile local-responsible (JDC) population, juvenile state-responsible (direct care) population, adult local-responsible (jail) population, and adult state-responsible (prison) population.

To produce the offender forecasts, the SPSHS utilizes an approach known as consensus forecasting. This process brings together policy makers, administrators, and technical experts from all branches of state government to form three committees: the Technical Advisory Committee, the Secretary's Work Group, and the Secretary's Policy Committee. 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 Technical Advisory Committee as a whole carefully scrutinizes each forecast according to the highest statistical standards.

The selected forecasts are presented to the Secretary's Work Group, which 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 are then presented to the Secretary's Policy Committee. Led by the Secretary, the Policy Committee reviews the various forecasts, makes 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 composed of lawmakers, agency directors, and other officials, including representatives of Virginia's prosecutor, police, sheriff, and jail associations. Through the consensus process, a forecast is produced for each of the four major offender populations. The forecasts presented here were approved in October 2019 and were based on the statistical and trend information known at the time that they were produced.

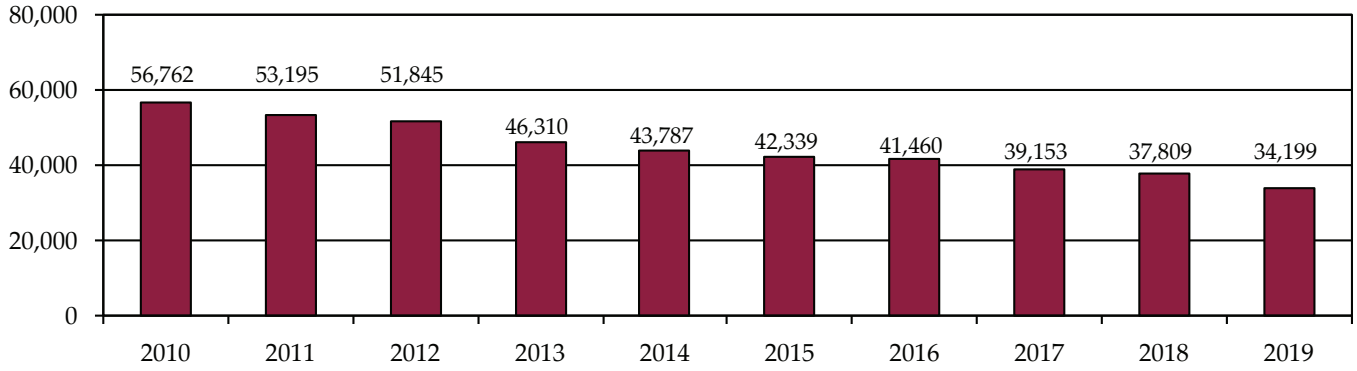
There is always considerable uncertainty regarding the future growth or decline of Virginia's correctional populations. Throughout the coming year, the offender populations will be monitored closely in order to identify any changes as soon as they occur.

Summaries of the juvenile population forecasts are presented in this section. Data may not match the values presented in other sections of the DRG because of different dates of data download. For the full forecast report by the SPSHS, view the"Report on the Offender Population Forecasts (FY 2020 to FY 2025)" on Virginia's Legislative Information System (lis.virginia.gov).

Factors Impacting the Populations

The number of juveniles in direct care has been declining, largely due to a decrease in the number of admissions. 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) effective July 1, 2000. In 2000, the General Assembly required DJJ to establish objective guidelines for deciding whether to place a juvenile in a JDC at intake, and in 2002, the General Assembly required that intake officers use a uniform risk assessment instrument when making these pre-D detention decisions. In 2004, DJJ implemented the statewide use of the DAI, a validated detention screening tool. The 2004 General Assembly enacted a law that 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 the right to an attorney only after consulting 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 lesser offenses such as misdemeanors, CHINS, and CHINSup.

Juvenile Intake Cases, FY 2010-2019*



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These policy changes alone, however, cannot explain the downward trend in admissions that persisted through FY 2014. Between FY 2010 and FY 2014, annual admissions to direct care dropped by 39.2%. In FY 2015, the number of admissions increased for the first time in 15 years. The number of admissions dropped again in FY 2016 from 384 to 319, a 16.9% decrease. In FY 2017, the number of admissions increased by 4.1% from 319 to 332 and then dropped again in FY 2018 to 325, a decrease of 2.1%. In FY 2019, the number of admissions increased by 3.1% from 325 to 335. Compared to the sharp downward trend from FY 2010 to FY 2014, the overall decrease of 8.7% from FY 2014 to FY 2019 could represent a leveling off period.

DJJ's procedures and practices also may affect these populations. DJJ has implemented approaches that include the use of validated, structured decision-making tools in numerous aspects of community and facility operations. The DAI is designed to enhance consistency and equity in the decision to detain 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-D detention. In 2008, DJJ began the process of implementing the YASI, an enhanced risk and needs assessment tool. These tools are used at critical decision points, including the initial decision to detain and the assignment to various levels of community probation or parole supervision. DJJ also has implemented procedures to address juvenile probation and parole violators.

Finally, in 2015, the Board of Juvenile Justice approved a change in the LOS Guidelines. The current LOS Guidelines, which took effect on October 15, 2015, have resulted in shorter LOSs for most juveniles indeterminately committed to DJJ.

In addition to these policy and procedure changes, the total number of juvenile intake cases has fallen over the last decade. Between FY 2010 and FY 2019, intake cases declined by 39.8%.

JDC Population

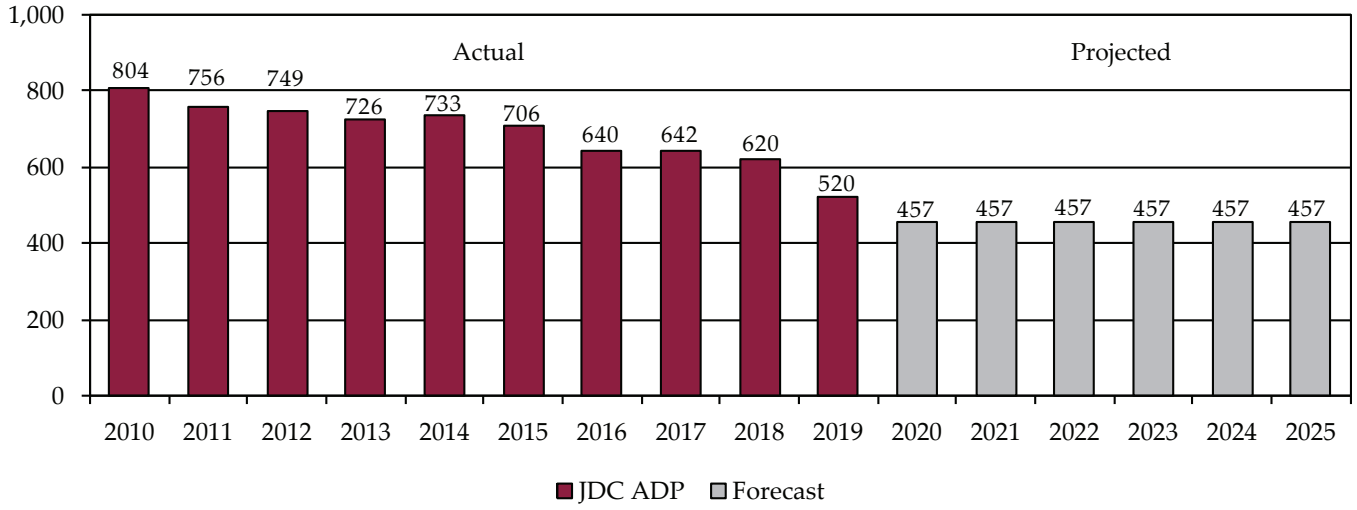
Local governments and multi-jurisdictional commissions operate secure JDCs throughout Virginia. The Board of Juvenile Justice promulgates regulations, and the director of DJJ is responsible for the certification of these facilities. A judge may order an adjudicated juvenile to be held in post-D detention without programs for up to 30 days or, if the JDC operates post-D detention with programs, for up to six months for most offenses. The majority of the JDC population is comprised of juveniles in pre-D status. (See page 8 for pre-D and post-D detention eligibility criteria.)

As mentioned previously, the number of juvenile intake cases has declined significantly since FY 2010. Reflecting this downward trend in intakes, JDC detainments decreased 7.7% between FY 2010 and FY 2011. After remaining relatively flat from FY 2011 to FY 2014, detainments decreased by 36.1% from FY 2014 to FY 2019.

Overall, the JDC ADP declined by 35.3% between FY 2010 and FY 2019. The JDC population leveled off from FY 2016 to FY 2017 and then dropped again in FY 2018 and FY 2019, reaching an average of 520 juveniles statewide. While individual facilities may experience crowding, JDC capacity statewide has not been fully utilized in recent years.

Shorter LOSs for a large number of juveniles in JDCs were an important factor in reducing the population between FY 2010 and FY 2013, during which time the average LOS for the pre-D juveniles fell from 26 to 21 days. LOSs for juveniles placed in post-D detention, who account for a smaller share of the population, remained at 24 or 25 days until FY 2013. In FY 2014, both pre-D and post-D average LOSs increased. This increase in average

JDC ADP and Forecast, FY 2010-2025*



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LOSs offset the decrease in admissions and resulted in a small increase in the population for the FY. LOSs for pre-D and post-D juveniles increased in FY 2015. However, this increase was offset by a significant decrease in detainments, resulting in a decline in the ADP for the FY. The average LOSs for both pre-D and post-D juveniles slightly decreased in FY 2019.

JDC ADP Forecast

JDC projections are developed by both DJJ and DPB using time-series forecasting techniques. After careful evaluation of both the DJJ and DPB projections, the Policy Committee approved the DJJ model as the official forecast of the JDC population for FY 2020 and set a flat population forecast from FY 2021 to FY 2025. Under the approved forecast, the JDC population will continue to fall through FY 2020 and then level off for the remainder of the forecast horizon.

The JDC ADP decreased every year between FY 2010 and FY 2013, increased slightly in FY 2014, and then decreased again through FY 2016. The forecast projects that the ADP will continue to decrease through FY 2020 and then level off for the remainder of the forecast horizon.

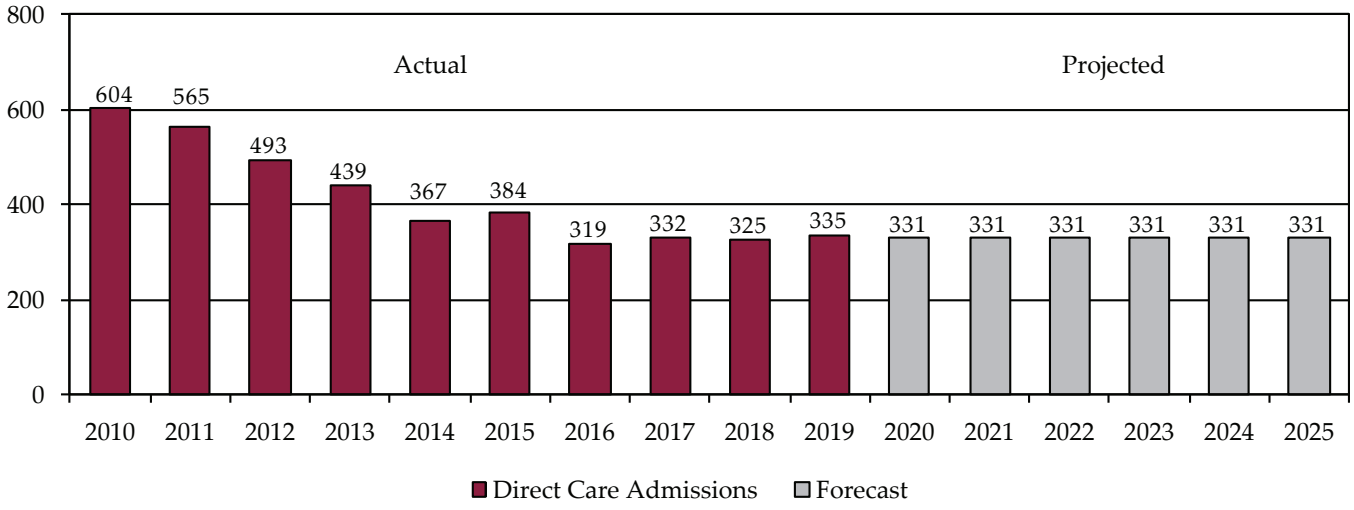
Direct Care Population

State-responsible juveniles are committed by a court to DJJ. Currently, they are housed in JCCs, CPPs, or other alternative placements; collectively, these placements make up DJJ's direct care population. The composition of commitments to DJJ has continued to change. Many juveniles with less serious offenses are no longer committed to DJJ. Thus, juveniles with more serious offenses and longer commitments now comprise a larger share of those in direct care. 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. These juveniles are assigned an LOS range based on guidelines. LOS Guidelines prior to October 15, 2015, considered the juvenile's committing offenses, prior offenses, and length of prior delinquency or criminal offense record. Failure to complete a mandatory or recommended treatment program or the commission of institutional offenses could prolong the actual LOS beyond the assigned range. The current LOS Guidelines, effective October 15, 2015, are based on the committing MSO and the juvenile's risk level, as determined by the YASI. The highest range of the current LOS Guidelines is 9 to 15 months, compared to a high-end range of 24 to 36 months under the previous LOS Guidelines. Actual LOS is dependent on the juvenile's progress in treatment, behavior, and facility adjustment.

For a juvenile given a determinate commitment to DJJ, the judge sets the commitment period to be served (up

Direct Care Admissions and Forecast, FY 2010-2025



to age 21), although the juvenile can be released at the judge's discretion prior to serving the entire term. Nonetheless, determinately committed juveniles remain in DJJ facilities longer, on average, than juveniles with indeterminate commitments to DJJ. The average assigned LOS for a determinate commitment is approximately 36 to 42 months.

Finally, a juvenile tried and convicted as an adult in circuit court can be given a blended sentence; the juvenile can serve up to age 21 at a DJJ facility before being transferred to VADOC to serve the remainder of the term in an adult facility.

A juvenile may be subject to more than one commitment order and type of commitment. Compared to FY 2004, 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 11.6% of the total in FY 2004 to as high as 26.2% in FY 2019. Approximately 73.4% of direct care admissions in FY 2019 were for an indeterminate commitment only.

Along with admissions, actual LOS is a critical factor affecting the direct care population. In FY 2014, the average LOS was 18.7 months, compared to 14.8 months in FY 2010. Average LOS decreased to 13.0 months in FY 2019.

The juvenile direct care population has been declining since FY 2000. Overall, the population fell from an average of 859 juveniles in FY 2010 to an average of 338 juveniles in FY 2019, a decrease of 60.7%. From FY 2010 to FY 2013, the population declined 19.1%; the downward trend accelerated to 51.4% from FY 2013 to FY 2017, and then leveled out from FY 2017 to FY 2019.

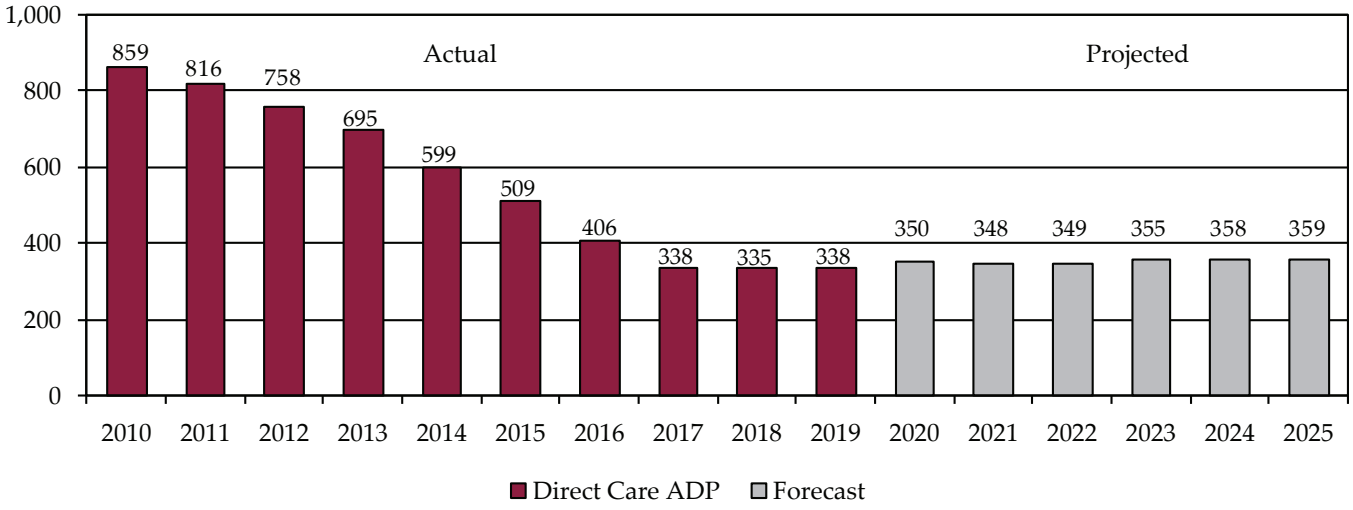
Direct Care ADP Forecast

Direct care ADP forecast models are developed by DJJ and DPB using different techniques. DJJ utilizes a computer model to mimic the flow of juveniles through the system to simulate how juveniles enter and leave the system, including the timing of releases. 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.
- Future admissions will have the same characteristics (e.g., offenses, prior record adjudications, treatment assignments, institutional offenses) as admissions during FY 2017, FY 2018, and FY 2019 averaged.
- Juveniles given a determinate commitment or blended sentence will comprise the same percentage of admissions as they did during FY 2017, FY 2018, and FY 2019 averaged.
- Juveniles with indeterminate commitments will be assigned to LOS categories according to DJJ's current LOS Guidelines and based on an average of FY 2017, FY 2018, and FY 2019 admissions characteristics.

The admissions forecast is one of the key inputs into DJJ's simulation model. 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 FY. In the other years, the Policy Committee utilized the statistical pro-

Direct Care ADP and Forecast, FY 2010-2025



jection for the early years of the forecast horizon and then assumed a flat admissions forecast for the remaining years of the forecast period. For the current forecast, the Policy Committee approved the use of a flat forecast calculated by averaging the actual DJJ admissions for the past three FYs (2017, 2018, and 2019). Under this forecast, it is assumed that admissions will remain level at 331 per year from FY 2020 through FY 2025.

After reviewing both DJJ and DPB's 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 FYs. The forecast projects a slight increase in FY 2020, when the ADP is expected to reach 350. By FY 2025, the total juvenile direct care ADP is projected to be 359.

The direct care ADP decreased from FY 2010 to FY 2017, then leveled off from FY 2017 to FY 2019. The forecast projects that the ADP will increase slightly in FY 2020 and then become somewhat level through FY 2025.