Data and the Legislative Session

How the Texas Juvenile Justice Department Population and Expenditure Data are Used by Legislative Budget Board Staff

PRESENTED TO THE TEXAS JUVENILE JUSTICE DEPARTMENT’S 2017 DATA COORDINATORS CONFERENCE

LEGISLATIVE BUDGET BOARD STAFF

SEPTEMBER 2017
Legislative Budget Board Members

The ten-member Legislative Budget Board was created by statute in 1949. The composition is specified by statute and is co-chaired by the Lieutenant Governor and the Speaker of the House.
The Legislative Budget Board (LBB) is a permanent joint committee of the Texas Legislature. Responsibilities of LBB Staff include:

- Develop budget and policy recommendations for legislative appropriations;
- Complete fiscal analyses for proposed legislation; and
- Conduct evaluations and reviews to improve the efficiency and performance of state and local operations.
Criminal Justice Data Analysis Team

On March 1, 2004, the LBB established the Criminal Justice Data Analysis (CJDA) team to assume certain criminal justice policy analysis responsibilities, and these responsibilities were codified in the Texas Government Code, Section 322.019, by the Seventy-ninth Legislature, Regular Session, 2005.

CJDA team core functions include:

- Project various adult and juvenile correctional populations;
- Calculate recidivism rates for certain adult and juvenile correctional populations;
- Calculate cost per day information for criminal and juvenile justice populations;
- Perform fiscal and criminal justice population impact analysis of proposed legislation; and
- Conduct interim research projects.
What role do the data reported by the juvenile probation departments to TJJD serve in generating the juvenile probation supervision population projections?
# Juvenile Correctional Population Projections: Overview

<table>
<thead>
<tr>
<th>Purpose:</th>
<th>June 2016 Projections</th>
<th>January 2017 Projections</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Inform Agencies’ Legislative Appropriation Requests</td>
<td></td>
<td>May inform updates to LBB Recommendations for the committee substitutes to the General Appropriation Bills as Introduced</td>
</tr>
<tr>
<td>• Inform LBB Recommendations for the General Appropriation Bills as Introduced</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Based on individual level data through:</th>
<th>Fiscal Year 2015</th>
<th>Fiscal Year 2016</th>
</tr>
</thead>
</table>

- Projections (June and January) are based on current laws, policies, and practices. Subsequent shifts in these factors are considered and may be incorporated into future LBB projections.

- The LBB simulation model incorporates these factors into the population projections and tracks an individual movement into, through, and out of the juvenile justice system.
Juvenile Correctional Population Projections: Populations

• Probation
  o Adjudicated Probation
  o Deferred Prosecution
  o Conditional Pre-Disposition
Juvenile Correctional Population Projections: Juvenile Probation Department Data

- Juvenile Probation Department Staff Enter Data
- Data Coordinators Ensure Data are Accurate and Submitted to TJJD Consistent with Reporting Requirements
- TJJD Submits Data to LBB
Juvenile Correctional Population Projections: Probation Supervision Populations

Fiscal Years 2012 to 2022

Sources: Legislative Budget Board; Texas Juvenile Justice Department.
Juvenile Correctional Population Projections: Probation Supervision Populations

<table>
<thead>
<tr>
<th>YEAR</th>
<th>ADJUDICATED PROBATION</th>
<th>DEFERRED PROSECUTION</th>
<th>CONDITIONAL PRE-DISPOSITION</th>
<th>TOTAL SUPERVISION</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>11,792</td>
<td>5,841</td>
<td>2,966</td>
<td>20,599</td>
</tr>
<tr>
<td>2018</td>
<td>11,500</td>
<td>5,542</td>
<td>3,086</td>
<td>20,128</td>
</tr>
<tr>
<td>2019</td>
<td>11,624</td>
<td>5,483</td>
<td>3,098</td>
<td>20,205</td>
</tr>
<tr>
<td>2020</td>
<td>11,811</td>
<td>5,327</td>
<td>3,046</td>
<td>20,184</td>
</tr>
<tr>
<td>2021</td>
<td>11,710</td>
<td>5,317</td>
<td>3,029</td>
<td>20,056</td>
</tr>
<tr>
<td>2022</td>
<td>11,569</td>
<td>5,261</td>
<td>3,057</td>
<td>19,887</td>
</tr>
</tbody>
</table>

Sources: Legislative Budget Board; Texas Juvenile Justice Department.

**Publication Source:** Adult and Juvenile Correctional Population Projections, January 2017

**A.1.2. Strategy:** BASIC PROBATION SUPERVISION

**Output (Volume):**

**Publication Source:** SB1, Conference Committee Report, General Appropriations Bill (2018-2019 State Budget), May 2017
LBB staff conducted a qualitative review to explore juvenile justice trends and provide context and depth to the quantitative correctional population projections. Staff conducted focus groups and interviews with juvenile justice practitioners through site visits and by attending professional conferences. Participants included:

• Judges;

• Prosecutors;

• Juvenile probation staff; and

• State agency personnel.
Juvenile Recidivism and Revocation Rates

What role do the data reported by the juvenile probation departments to TJJD serve in calculating the juvenile recidivism and revocation rates?
Juvenile Recidivism and Revocation Rates: Overview

• Recidivism is defined as a return to criminal or delinquent activity after previous criminal or delinquent involvement.

• There are many different indicators of recidivism. These indicators include:
  o Rearrest/Rereferral
  o Adjudication/Conviction
  o Incarceration/Reincarceration
  o Revocation

• Rearrest/rereferral, adjudication/conviction, reincarceration/incarceration, and revocation are used to indicate recidivism.

• Each cohort is followed for three years.

NOTES: Rearrest is an indicator used in both the criminal and juvenile justice systems while rereferral is used only in the juvenile justice system. Adjudication includes individuals that have been adjudicated or readjudicated. Conviction includes individuals that have been convicted or reconvicted. Incarceration is an indicator for both criminal and juvenile justice system probation supervision populations.
Juvenile Recidivism and Revocation Rates: Populations

• Probation
  o Local Secure Residential
  o Adjudicated Probation
  o Deferred Prosecution
Juvenile Recidivism and Revocation Rates: Juvenile Probation Department Data

Juvenile Probation Department Staff Enter Data

Data Coordinators Ensure Data are Accurate and Submitted to TJJD Consistent with Reporting Requirements

TJJD Submits Data to LBB
Criminal and Juvenile Justice Recidivism and Revocation Rates: Report Highlights

### Fiscal Year 2013

<table>
<thead>
<tr>
<th>Juvenile Populations</th>
<th>Rearrest/ Rereferral %</th>
<th>Readjudication %</th>
<th>Incarceration/Reincarceration %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deferred Prosecution Supervision</td>
<td>42.5</td>
<td>11.1</td>
<td>1.6</td>
</tr>
<tr>
<td>Adjudicated Probation Supervision</td>
<td>63.1</td>
<td>27.8</td>
<td>10.3</td>
</tr>
<tr>
<td>Local Secure Residential Facility</td>
<td>73.9</td>
<td>45.6</td>
<td>22.0</td>
</tr>
</tbody>
</table>

### Fiscal Year 2016 Felony Revocation Rates

<table>
<thead>
<tr>
<th>Juvenile Populations</th>
<th>Felony Revocation Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deferred Prosecution Supervision</td>
<td>0.3%</td>
</tr>
<tr>
<td>Adjudicated Probation Supervision</td>
<td>5.7%</td>
</tr>
</tbody>
</table>

**Notes:** Rearrest is an indicator used in both the criminal and juvenile justice systems while rereferral is used only in the juvenile justice system. Adjudication includes individuals that have been adjudicated or readjudicated. Conviction includes individuals that have been convicted or reconvicted. Incarceration is an indicator for both criminal and juvenile justice system probation supervision populations. The readjudication rate includes individuals that have been adjudicated, readjudicated, or convicted.

**Sources:** Legislative Budget Board; Texas Department of Criminal Justice; Texas Department of Public Safety; Texas Juvenile Justice Department.
What role do the data reported by the juvenile probation departments to TJJD serve in calculating the juvenile justice system correctional costs per day?
Juvenile Justice System Correctional Costs Per Day: Overview

The statewide juvenile justice costs per day per person are calculated for various juvenile justice correctional populations. The costs per day are used in funding determinations and to provide a basis of comparison among correctional facilities, correctional programs, and previously published costs per day.

• Uniform costs are assessments of the total costs of operating a correctional facility or program and are reported as costs per day per person.

• Costs per day were calculated for various Texas Juvenile Justice Department (TJJD) populations and programs for fiscal years 2015 and 2016.
Juvenile Justice System Correctional Costs Per Day: Juvenile Probation Department Data

Juvenile Probation Department Staff Enter Data

Data Coordinators Ensure Data are Accurate and Submitted to TJJD Consistent with Reporting Requirements

TJJD Completes Uniform Cost Project Data Forms and Submits Data Forms to LBB
Juvenile Justice System Correctional Costs Per Day: Probation Related Costs

• Probation
  • NonResidential
    o Prevention and Intervention
    o Basic Supervision
    o Community Programs
    o Special Needs Diversionary Program
    o Commitment Diversion
    o Mental Health
  • Residential
    o Detention/Pre-adjudication
    o Post-adjudication
    o Commitment Diversion
    o Mental Health
Criminal and Juvenile Justice Uniform Cost Per Day: Report Highlights

<table>
<thead>
<tr>
<th>TJJD Population</th>
<th>Fiscal Year 2015</th>
<th>Fiscal Year 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NonResidential</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prevention and Intervention</td>
<td>---</td>
<td>$9.12</td>
</tr>
<tr>
<td>Juvenile Probation Supervision</td>
<td>$14.69</td>
<td>$14.39</td>
</tr>
<tr>
<td>Community Programs</td>
<td>$18.96</td>
<td>$18.66</td>
</tr>
<tr>
<td>Special Needs Diversionary Program</td>
<td>$12.40</td>
<td>$11.60</td>
</tr>
<tr>
<td><strong>Residential</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Detention/Pre-adjudication</td>
<td>$235.13</td>
<td>$242.39</td>
</tr>
<tr>
<td>Post-adjudication</td>
<td>$190.72</td>
<td>$166.81</td>
</tr>
</tbody>
</table>

NOTES: The costs per day for juvenile probation supervision represents a total cost per day and includes both the state and local cost of supervision. For fiscal year 2015, a total cost could not be calculated because local expenditure data were not available for certain costs per day. In these instances, only state costs per day were reported.

SOURCES: Legislative Budget Board; Texas Juvenile Justice Department.
What is a Fiscal Note?

A fiscal note is a written estimate of the fiscal implications that may result from the implementation of a bill or joint resolution.

Types of Fiscal Implications:

- costs, savings, revenue gains, or revenue losses (can be a combination)

A fiscal note is a tool to help legislators better understand how a bill might impact the state budget as a whole, individual state agencies, and in some instances, local governments.

Types of Fiscal Notes:

- Fiscal Implication (Costs/Savings/Gains/Losses)
- No Significant Fiscal Implication (NSFI)
- No Fiscal Implication (NFI)

A fiscal note estimate is generated for a five year period but may be extended depending on the terms of the legislation.
What is an Impact Statement?

An impact statement provides specific analysis relevant to a particular subject area; the statement’s content addresses factors other than what would be contained in a fiscal note.

Types of Impact Statements:

- Actuarial Impact Statement
- Criminal Justice Policy Impact Statement
- Equalized Education Funding Impact Statement
- Higher Education Impact Statement
- Open Government Impact Statement
- Tax/Fee Equity Notes
- Water Development Policy Impact Statement

Rules: Under Senate rules, the director of the LBB determines whether an impact statement is required (fiscal note coordinators make the requests on behalf of the director). Under House rules, the committee chair makes the determination.
Who is involved in the fiscal note process?

Fiscal Note Coordinator
• Makes fiscal note assignments to LBB staff and to state agencies, notifies analysts when bills are set for hearing, serves as liaison to legislative committees, reviews and edits fiscal notes, obtains approvals as necessary, and submits completed fiscal notes to committees

Primary Analyst
• Generates the content of the fiscal note, responsible for the analysis and methodology
• Initiates coordination with secondary analysts

Secondary Analyst
• Follows-up with and provides input to the primary analyst

Manager
• Reviews and approves content

Director
• Approves final product
What role do the data reported by the juvenile probation departments serve in producing fiscal notes?
Committee Sets Bill For Hearing

TJJD Is Notified A Bill is Set For Hearing and a Response Has Been Requested

LBB Staff Review All Data Received and Generate the State Impact Section of a Fiscal Note

Committee Sets Bill For Hearing

Local Government Entities Contacted for an Assessment of the Fiscal Implications associated with Implementation

LBB Staff Review All Data Received and Generate the Local Government Impact Section of a Fiscal Note
Example: Fiscal Notes

Fiscal Implication

LEGISLATIVE BUDGET BOARD
Austin, Texas
FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION
May 24, 2015
TO: Honorable Joe Straus, Speaker of the House, House of Representatives
FROM: Ursula Parks, Director, Legislative Budget Board
IN RE: HB110 by Thompson, Sanfrin (Relating to certain criminal and civil consequences of trafficking of persons, compelling prostitution, and certain other related criminal offenses; to the prevention, prosecution, and punishment of those offenses, and to compensation paid to victims of those offenses.), As Passed 2nd House

Estimated Two-year Net Impact to General Revenue Related Funds for HB110, As Passed 2nd House: a negative impact of ($1,478,878) through the biennium ending August 31, 2017.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Probable Net Positive/Negative Impact to General Revenue Related Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016</td>
<td>($742,788)</td>
</tr>
<tr>
<td>2017</td>
<td>($735,788)</td>
</tr>
<tr>
<td>2018</td>
<td>($735,788)</td>
</tr>
<tr>
<td>2019</td>
<td>($735,788)</td>
</tr>
<tr>
<td>2020</td>
<td>($735,788)</td>
</tr>
</tbody>
</table>

All Funds, Five-Year Impact:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Probable Reduction (Cost) from General Revenue Fund</th>
<th>Change in Number of State Employees from FY 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016</td>
<td>($742,788)</td>
<td>11.0</td>
</tr>
<tr>
<td>2017</td>
<td>($735,788)</td>
<td>11.0</td>
</tr>
<tr>
<td>2018</td>
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<td>11.0</td>
</tr>
<tr>
<td>2020</td>
<td>($735,788)</td>
<td>11.0</td>
</tr>
</tbody>
</table>

Fiscal Analysis

The bill would revise multiple codes relating to certain criminal and civil consequences of trafficking of persons, compelling prostitution, and certain other related criminal offenses; to the prevention, prosecution, and punishment of those offenses, and to compensation paid to victims of those offenses.

No Significant Fiscal Implication

LEGISLATIVE BUDGET BOARD
Austin, Texas
FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION
April 24, 2015
TO: Honorable René Oliveira, Chair, House Committee on Business & Industry
FROM: Ursula Parks, Director, Legislative Budget Board
IN RE: SB859 by Eltife (Relating to partnerships and limited liability companies.), As Engrossed

No significant fiscal implication to the State is anticipated.

The bill would amend the Business Organizations Code to require the Secretary of State to clarify certain provisions relating to company or partnership agreements. Additionally, the bill would change the Domestic Limited Liability Partnership registration process.

The Secretary of State indicates the provisions of the bill could be implemented within existing resources.

The provision that would change the registration requirements for domestic limited liability partnerships would take effect January 1, 2016. Otherwise, the bill would take effect September 1, 2015.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 307 Secretary of State
LBB Staff: UP, CL, EP, CM
Key Features of Fiscal Note Analysis

• All analysis is relative to current law.
  o How would the bill change current law?
  o What is the agency being asked to do?
  o How would revenue change compared to current law?
• The fiscal note does not address year-to-year changes that would happen irrespective of the legislation.
• Analysis is generally limited to only those parts of the bill that would create a fiscal impact. (For example, estimates do not include costs due to inflation.)
• Estimates should only include direct impacts; secondary impacts are excluded from fiscal note estimates, but in some cases may be referenced in the text.
• Legislation that is permissive is treated as directive; e.g., “may” is treated as “shall.” We consider “may” to be an authorization to expend funds, and our approach is reasonable to ensure the fiscal note provides a full examination of probable cost.
Identifying Fiscal Issues

Examples of examined issues include:

- Fiscal Issues: Costs, Savings, Revenue Gains, Revenue Losses
- Full-time Equivalent (FTE) positions: Number and types
- Costs/Revenue change over time: Factors in the legislation or assumptions about program growth
- One-time start-up costs
- People/Entities subject to the program
- Time lag before full effects
- More/Fewer agencies working on the program: Raising more revenue/saving money
Fiscal Notes, Impact Statements, and the CJDA Team

Which fiscal notes are members of the CJDA team responsible for generating?

- Criminal and juvenile justice related bills, for example:
  - bills proposing changes to felony punishments (modifications to existing felonies, creation of new felonies, or increasing a misdemeanor to a felony)
  - bills proposing modifications to release eligibility or consideration

Who is responsible for generating Criminal Justice Impact Statements?

- CJDA team members are responsible for generating criminal justice impact statements.
Fiscal Notes, Impact Statements, and the CJDA Team

General Steps for Generating Fiscal Notes and Criminal Justice Impact Statements

1. Read the bill.

2. Identify the provisions associated with fiscal issues.

3. Read the associated sections of statute the bill is proposing be modified.

4. Read all other sections of statute referenced.

5. Identify those individuals currently in the system who meet the criteria outlined in the bill’s provisions.

6. Apply the bill’s provisions to the most recent cohort of individuals meeting the criteria. Review any relevant state agency responses.


These steps are repeated each time a request for a fiscal note is received.
What change is the bill proposing?

- Modifying the Age of Criminal Responsibility so individuals who are 17 at offense would be considered juveniles and would be under the jurisdiction of juvenile courts and the juvenile justice system instead of the adult criminal justice system

What populations will be affected by the proposed change?

- Individuals who were 17 at offense (misdemeanor or felony)
  
  Under Current Law
  
  - Sentenced to a term of incarceration within an adult state correctional institution
  
  - Placed under the supervision of an adult community supervision and corrections department
  
  Under Proposed Law
  
  - Sentenced to a term of incarceration within a juvenile state residential facility
  
  - Placed under the supervision of a juvenile probation department
What is the state cost or savings associated with the proposed change?

State Impact

- Savings are estimated based on the state costs per day for adults in TDCJ correctional institutions and under adults community supervision. Adult parole supervision savings would not be realized within the first five years following passage.

- Costs are estimated based on the state costs per day for juveniles in TJJD state residential facilities, on juvenile parole supervision, on juvenile probation supervision, and in juvenile detention.

\[
= \text{Adult System Savings} - \text{Juvenile System Costs} \\
= (\text{adult probation supervision} + \text{TDCJ correctional institutions} + \text{adult parole supervision}) - (\text{juvenile detention} + \text{juvenile probation supervision} + \text{TJJD state residential facility} + \text{juvenile parole supervision})
\]

This analysis does not include potentially significant costs associated with probation programming such as mental health, substance abuse, or other specialized services, including placement in residential post-adjudication facilities.
Local Government Impact

- This bill would have a significant fiscal impact on local jurisdictions beginning in fiscal year 2020. None of the counties responding indicated they expected to see significant Prison Rape Elimination Act related compliance savings as a result of implementing the provisions of the bill.

- Examples include:
  - Lubbock County estimates an overall increase in referrals of 24 percent and an increase in felony referrals of 34 percent. These estimates do not include increases in referrals from 28 surrounding counties who use Lubbock County's facilities for pre-adjudication services. The county is also concerned that an individual over 18 years of age detained in a juvenile facility for a violation of juvenile probation could lead to a violation of the federal Prison Rape Elimination Act, which requires individuals over 18 to be housed separately from those under 18.
  - El Paso County estimates a $15,441,715 expense in the 2020-21 biennium. This estimate includes the construction of a 40 bed detention/challenge facility.
  - Travis County estimates a five-year impact of $13,449,282. No estimated costs in this total are included for the 2018-19 biennium.
Resources

**Fiscal Notes** – A resource page Fiscal Note related resources.
http://www.lbb.state.tx.us/Fiscal_Notes.aspx

**For Committees** – A guide to Fiscal Notes for Committee Staff.
Guide to Fiscal Notes (Committee Staff)
http://www.lbb.state.tx.us/Fiscal_Notes/Guide%20to%20Fiscal%20Notes%20Committee%20Staff.pdf

**For Agencies** – A guide to Fiscal Notes for State Agency Staff.
Guide to Fiscal Notes (Agencies)
http://www.lbb.state.tx.us/Fiscal_Notes/Guide%20to%20Fiscal%20Notes%20Agencies.pdf

**Texas Legislative Council** – A link to the Texas Legislature Online and the ability to search for bills, committee meetings, and much more.
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http://www.legis.texas.gov/
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Contact the LBB
Legislative Budget Board
www.lbb.state.tx.us
512.463.1200