PAROLE OUTCOME IN CALIFORNIA

THE CONSEQUENCES OF DETERMINATE SENTENCING, PUNISHMENT, AND INCAPACITATION ON PAROLE PERFORMANCE

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for

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SUMMARY OF MAJOR FINDINGS

In 1977, California replaced indeterminate sentencing with a determinate sentencing structure and formally declared that the purpose of imprisonment (and parole) was punishment. Since that time, the prison population has nearly tripled, will increase 500 percent by 1994, and is 170 percent overcrowded.

The rate of inmates favorably completing their parole supervision in two years has dropped from 65 percent to 34 percent.

California's criminal justice system is spending more resources on recycling prisoners released to parole than on new offenders being sentenced directly by the courts.

In 1987, there were 62,729 prison admissions in California. Of this number 31,581 (or 50.3 percent) were parole violators.

Of those who were returned as parole violators, approximately 80 percent were returned without a new prison sentence.

Almost two out of every five parole violations in the nation occur in California.

Although 65 percent of the prison releases were arrested at least once during the two year follow-up period both the volume of arrests and the severity of crimes committed by prison releases during this study declined substantially compared to the two years prior to their commitment to prison.

Nearly 71 percent of all parolees arrested resulted in a conviction. Less than half were convicted for felony level crimes and nearly 30 percent were not convicted for crimes for which they were arrested.

Younger, minority inmates, sentenced for property and drug related crimes with prior contacts with state and county correctional agencies are most likely to be re-arrested. Should the Board so desire, these results could be used to develop a risk screening instrument that would assist the Board in its assessment of inmates appearing before the Board for imposition of parole supervision conditions or revocation hearing dispositions (The Board has no authority to grant parole except in sentences of life imprisonment <u>with</u> the possibility of parole).

Only 2.1 percent of all California arrests occurring during this year period can be attributed to this cohort of released inmates. The number is slightly higher for adult arrests (2.4 percent).

The average length of stay for RTCs who have not received new prison terms and are more than likely have been convicted of a misdemeanor or have been convicted of no new crimes, is 125 days. By comparison, persons sentenced to county jail in California for either a misdemeanor or felony conviction spend an average of 43 days -- about one third the time of the RTCs.

In economic terms, the RTCs are an increasingly expensive entity. Given that over 25,000 RTCs entered CDC last year and spent an average of 125 days, they created an average daily prison population of 8,626 or over 10 percent of the entire prison system. The annualized costs of maintaining such a large parole violation population is estimated at $242 million or $9,582 per RTC.

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I. INTRODUCTION

The use and effectiveness of parole supervision have become increasingly important public policy issues for Californians. The extent to which inmates released from prison are able to refrain from further criminal activities is a direct reflection on the effectiveness of the state's burgeoning prison system and in turn may have important consequences for other state functions and public safety.

In 1977 the California legislature eliminated indeterminate sentencing and replaced it with a determinate sentencing structure. Among other things, that historic legislation (1) eliminated the then Adult Authority's (later renamed the Board of Prison Terms) authority to grant parole release and (2) formally stated that the purpose of imprisonment was punishment (and not rehabilitation). Under determinate sentencing , inmates now receive a fixed sentence which can only be reduced by earning various forms of good-time credits while incarcerated. The Board's powers are generally limited to imposing specific conditions of supervision (such as mandatory drug testing) and determining whether an inmate's parole status should be revoked. Only in those cases where an inmate was sentenced to life with the possibility of parole does the BPT have the authority to grant release from prison.

Thus, this study indirectly reports on the consequences of such a shift in correctional philosophy from rehabilitation and indeterminate sentencing to punishment and determinate sentencing.

California trends in correctional population growth are posing

unique challenges to the state as it attempts to maintain public safety and at the same time implement policies and programs that will help ensure the highest level of success for prisoners released from prison. There has been a steady and dramatic increase in the rate of offenders released from the state's prison system who are being returned to prison for parole supervision violations. Why this is occurring and its effects on public safety and prison population growth are the major issues addressed by this report.

There are two major channels through which person is admitted to state prison. The most common form of admission is called a new court commitment. These admissions represent persons who have been convicted of a felony offense(s) and have received a prison disposition. Unlike those in the second channel, these offenders are not persons who were released from prison to parole and were returned while under the jurisdiction of the California Department of Corrections (CDC). Offenders in this latter group are referred to as parole violator returns.

More narrowly, there are two types of parole violators; those with a new sentence and those without. The latter are returned to prison because they have violated the condition of their parole status (they may or may not have also committed crimes) and not because they have received another felony conviction resulting in another prison disposition. In California, those inmates returned with a new prison term are know as WNTs (With New Term). The other group is referred to as RTCs (Return To Custody).

The significance of whether an inmate successfully completes

parole supervision in California is shown in the following statistics. On a national level, the number of parole violation admissions has increased 284 percent from 20,995 admissions in 1977 to 80,524 admissions in 1987. This rate of increase far exceeded the 97 percent increase in court admissions for the same period of time (114,296 court admissions in 1977 versus 225,627 court admissions in 1987). Approximately one out of every three prison admissions were persons who had failed to complete their parole supervision period.

In California, a similar phenomenon has also occurred, but at a far greater level. In 1987, there were 62,729 admissions received by the CDC, of which 31,581 (or 50.3 percent) were parole violators (Table 1). Of this number 31,581 (or 50.3 percent) were parole violators. In other words, California's criminal justice system has been spending more resources on recycling prisoners released to parole than on new offenders being sentenced directly by the courts. Of those who were returned as parole violators, approximately 80 percent were returned without a new prison sentence. Compared to the 1986 national figures, these data show that almost two out of every five parole violations in the nation occurred in California (Exhibit A).

Moreover, there is no indication whatsoever that these trends are subsiding. In 1988, the number of parole violator admissions increased to 39,763 - an increase of 26 percent from 1987. Since 1977, the proportion of released inmates who returned to prison within two years has more than doubled (from 26 percent to 57

TABLE 1

1987 CALIFORNIA PRISON ADMISSIONS

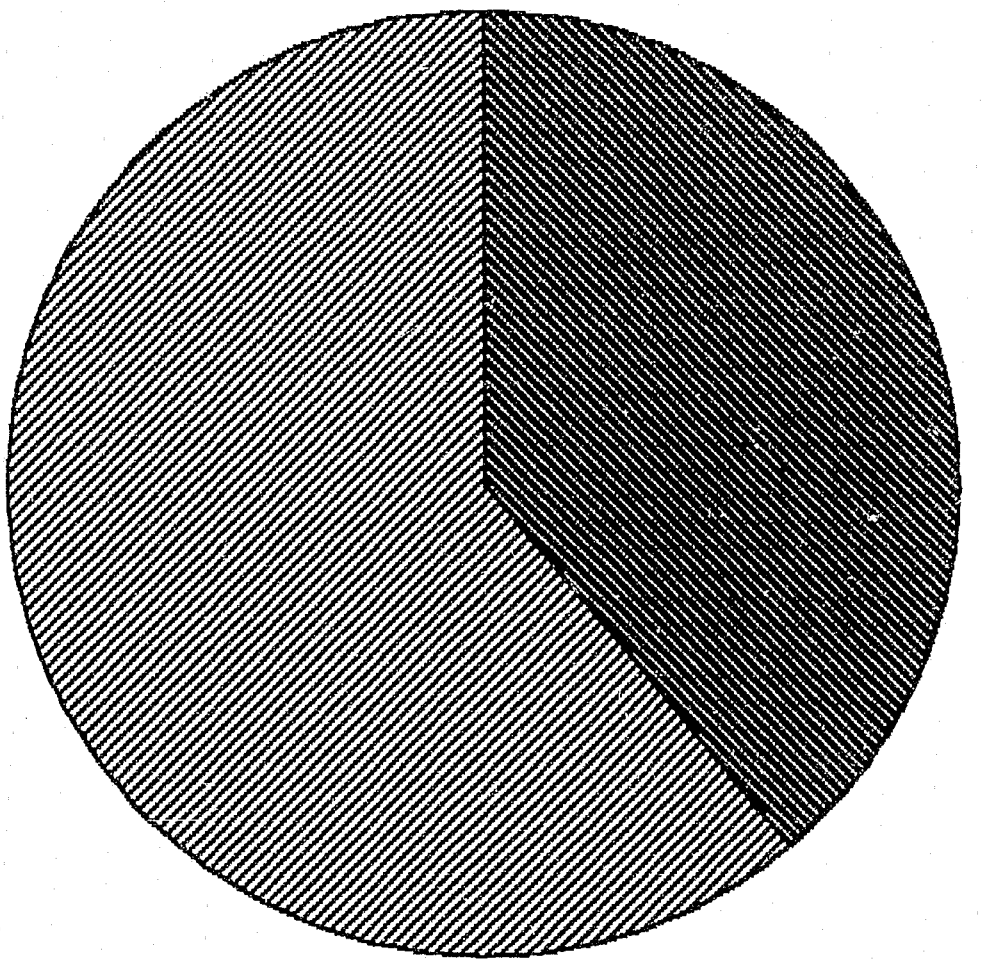
ADMISSION TYPE	N	PERCENT
Felony New Admissions	26,649	42.5%
PV - Returned To Custody	25,204	40.2%
PV - With New Terms	6,377	10.2%
Civil Narcotic Admissions	1,296	2.1%
County Diagnostic Cases	2,513	4.0%
Returned Escapees	690	1.1%
TOTALS	**62,729**	**100.0%**

Source: CDC, California Prisoners and Parolees, 1987.

Note: Percentages may not sum to 100 percent due to rounding.

Exhibit A

Estimated Proportion of
Parole Violators Occurring
in California



Sources: BJS and CDC

percent). The largest gain has been in those released inmates returned as RTC violators (Exhibit B). Nearly 80 percent of all returned parole violators are those without a new prison term. And, since these returnees spend a substantial period of incarceration before being re-released they add to the prison population. The California Legislative Analyst's Office states in its 1989-90 Budget report that parole violators returned to prison to serve revocation sentences are costing the state at least $100 million per year in incarceration costs.

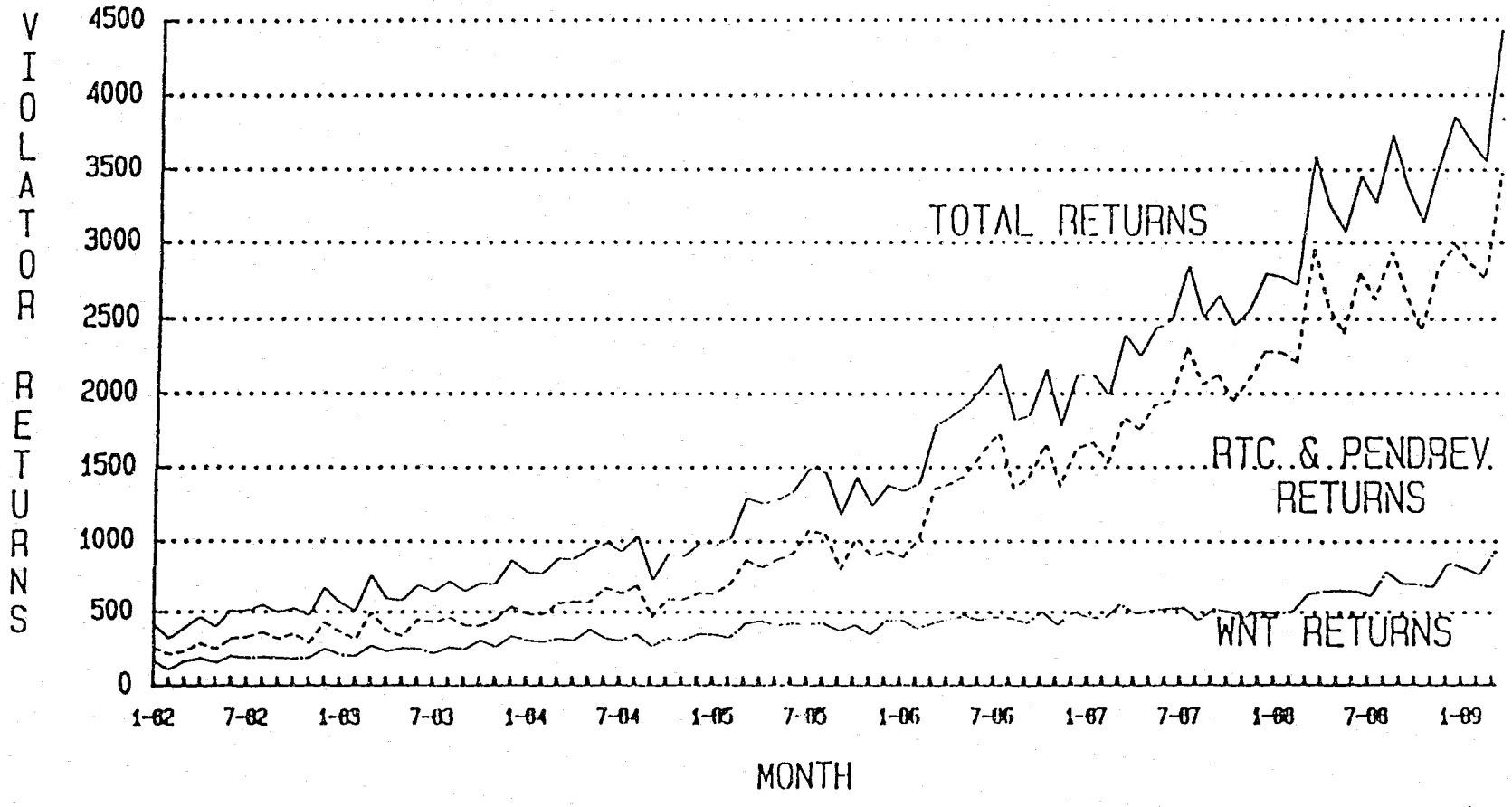
Increases in parole revocations for both violations of the parole process, criminal conduct for which there is good cause to revoke one's status and new court sentences have important secondary effects on local jails and state prison populations. It is well known that the California prison, parole and jail systems are overcrowded. CDC's June 30, 1989 prison population was 82,855. It is now projected to increase to 136,640 by 1994. With a design capacity of 47,120 beds the system is presently operating at 170 percent of its design bed capacity and the situation can only get worse.

Similarly, most of the California jails are above their rated capacity. According to the Board of Corrections, a survey of the California jails in 1988 found a total of 64,332 persons in jails with a total design capacity of 43,994 beds. This imbalance produces a 146 percent crowding ratio. The high CDC revocation rate is exacerbating the crowding problem as well as public safety.

EXHIBIT B

MALE FELON PAROLE VIOLATOR RETURNS

January 1982 through March 1989



These trends have forced state officials to search for effective policies and programs which may help to reduce parole revocations and/or find alternative places to house such offenders. But before such alternative programs can be designed, basic research is needed to understand why so many releases are failing and to identify those factors associated with parole outcome.

The sharp increase in parole violations and their associated impact on jail and prison crowding led to the development of a research proposal submitted to the National Institute of Corrections (NIC) by the BPT in 1986 to learn more about the phenomenon of parole revocations and the factors underlying the growing revocation rates. The BPT is central to this issue as it determines through its hearing officers the existence of parole supervision violations, criminal misconduct and the necessity to return parolees to custody. However, the BPT is not alone in its concern over increasing return to prison rates. The CDC is equally concerned since their agents are responsible for supervision of a rapidly growing population. In fact, the 45,400 person parole population is now projected to more than double over the next five years to over 99,275 by 1994 (CDC, 1989 Spring Projection).

In order to shed some light on these disturbing trends the Board of Prison Terms (BPT) secured funds from the National Institute of Corrections in 1986 to conduct a study on parole outcome. The BPT contracted with the National Council on Crime and Delinquency (NCCD) to complete the following tasks:

(1) develop a research design and sample sizes,

(2) identify specific data collection tasks and instruments,

(3) assist in the collection of the relevant data for the sampled cases, and,

(4) prepare a preliminary report briefly discussing the early findings.

The preliminary analysis simply focused on the level of documented supervision levels provided by CDC agents, the rate of parole revocation, and major reasons for revocation in a few parole offices which were not truly representative of the entire parole division. This initial report was completed in July of 1987.[1]

A Phase II study was then proposed that would involve a truly representative sample of all parolees and would collect detailed arrest and reconviction data which then could be used to conduct a more comprehensive analysis. The major research questions for the current study can be stated as follows:

1. What are the rates of parolee violations and re-arrests while under supervision for CDC parolees?

2. What are the reasons/criteria for revoking parole status and return to prison?

3. What factors are associated with parole outcome?

4. What new policies and procedures could be tried to enhance public safety and also reduce the extent of prison crowding by reducing the rates of parolees being returned to prison?

This study builds upon a previous study completed by the RAND

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[1] Austin, James, Success and Failure On Parole in California: A Preliminary Evaluation. San Francisco, CA:NCCD (1987).

Corporation (1986).[2] In that study RAND found that offenders sent to prison had a significantly higher two year re-arrest rate than similar groups who were placed on probation. Specifically, 72 percent of prisoners released were re-arrested during a two year follow-up period. This recidivism rate was nearly ten percent higher when compared to a 63 percent arrest rate for a sample of probationers who were statistically equivalent on a number of key variables and were also followed for the same two year period. Furthermore, the three year costs for the prisoners were twice as high as for the probation group ($23,400 for prisoners versus $11,600 for probationers). The policy implication of that study was that incarceration was a more expensive and less effective sanction for controlling crime.

The RAND study used statistically matched samples of felony probationers and prisoners sentenced from Alameda and Los Angeles counties. Consequently they were not representative of the state's entire prisoner population. Furthermore, the prisoners reflected only a subset of the total number of offenders sentenced to prison from the two counties. They were selected to ensure they were similar to the probationer profile. Consequently, the RAND prisoner sample was again biased and cannot be used to make statements on the re-arrest rate for all CDC prisoners. The NCCD sample does not contain these unique features and can be used to make more

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[2] Petersilia, Joan, Susan Turner, and Joyce Peterson, Prison Versus Probation in California: Implications for Crime and offender Recidivism. Santa Monica, CA:The Rand Corporation (July 1986).

definitive statements on overall CDC re-arrest rates.

An important limitation imposed by the researchers was that the data used for analysis be restricted to data presently available from BPT, CDC, and BCS automated data systems. Our reasoning for this restriction was twofold. First, there were insufficient funds to do any original data collection and coding beyond the work done on the BCS "rap" sheets. Second, it was our opinion that for the research findings to be of practical value to the state for purposes of routinized decision-making, the analysis should be predicated on data now readily available from state information systems.

II. RESEARCH METHODOLOGY

A major goal for this study was to develop a more representative sample of offenders released from the CDC to parole and to track their behavior for a 24 month follow-up period. In order to reduce the costs associated with the collection and analysis of detailed arrest records and still be capable of producing reliable results, the goal of the sampling strategy was to randomly select approximately 600 individuals paroled during calendar year 1986.

Anticipating incomplete data, it was initially decided to randomly select about 2,000 cases paroled during 1986. This was done by sampling each of the 12 monthly CDC movement files separately to capture our parolees. The resulting sample consisted of 1,971 individuals either paroled or re-paroled during 1986.

This initial sample was then used to merge with other CDC and BPT files and extract information for our sample members.

The safety margin built in to our sample size proved justified. Because of missing data across many key variables in the BPT Master File, about 750 cases were dropped from consideration for inclusion in the final sample. From this remaining group, the final sample of 588 cases was randomly chosen.

To check the representativeness of the final sample, the criminal and demographic attributes of the initial sample were compared with those of the final sample (Tables 2 and 3). This comparative analysis shows that the final sample is representative of the larger samples of 1986 prison releases to parole.

The next task was to collect detailed criminal history information on these cases. This was achieved by receiving such data from two sources. Permission was granted by the Bureau of Criminal Statistics (BCS) to use a CLETS terminal at the Board of Prison Terms offices to print out the criminal history information. We received information on about 75 percent of our 588 parolees. It also came to our attention that criminal history information was being made available by BCS in automated form to agencies engaged in legitimate research. Because of the difficulty and time in coding the CLETS printouts, we formally requested a tape from BCS. The tape had information on 400 of our sample (the tape mostly overlapped with the CLETS system). Between the tape and the CLETS printouts, complete criminal record information for about 432 parolees was obtained. A final check was also made to ensure that

TABLE 2

SAMPLE CHARACTERISTICS

	Initial Random Sample (N=1,971)		Not Selected* (N=1,383)		Final Sample (N=588)	
Sex						
Male	1,816	92.1%	1,268	91.7%	548	93.2%
Female	155	7.9%	115	8.3%	40	6.8%
Race						
White	647	35.4%	432	34.2%	215	37.9%
Black	618	33.8%	432	34.2%	186	32.8%
Hispanic	483	26.4%	338	26.8%	145	25.6%
Other	82	4.5%	61	4.8%	21	3.7%
(Missing Data	141	-	120	-	21	-)
Marital						
Single	434	50.4%	208	47.6%	226	53.3%
Married	215	25.0%	119	27.2%	96	22.6%
Divorced	203	23.6%	107	24.5%	96	22.6%
Other	9	1.1%	3	0.7%	6	1.4%
(Missing Data	1,110	-	946	-	164	-)
Education						
Not HS Grad	482	51.2%	249	52.2%	233	50.2%
HS Grad	307	32.6%	157	32.9%	150	32.3%
Some College	152	16.2%	81	17.5%	71	14.9%
(Missing Data	1,030	-	896	-	134	-)
Age at Parole						
Under 21 years	26	1.7%	13	1.3%	13	2.6%
21-25	403	26.6%	261	25.6%	142	28.9%
26-29	361	23.9%	247	24.2%	114	23.2%
30-39	527	34.8%	362	35.5%	165	33.5%
40-49	146	9.6%	103	10.1%	43	8.7%
over 49	50	3.3%	35	3.4%	15	3.0%
(Missing Data	458	-	362	-	96	-)
Parole Area						
Los Angeles Area	463	38.9%	243	40.4%	220	37.4%
Bay Area	301	25.3%	150	25.0%	151	25.7%
Other	425	35.7%	208	34.6%	217	36.9%
(Missing Data	782	-	782	-	0	-)

* The 'Not Selected' group is the Initial Random Sample less the Final Sample.

Note: Percentages may not sum to 100 percent due to rounding.

TABLE 3

COMMITMENT OFFENSES

Offense Type	Initial Random Sample (N=1,971)		Not Selected* (N=1,383)		Final Sample (N=588)	
VIOLENT	308	25.9%	150	25.0%	158	26.9%
Manslaughter	32	2.7%	14	2.3%	18	3.1%
Rape	29	2.4%	10	1.7%	19	3.2%
Robbery	130	10.9%	75	12.5%	55	9.4%
Assault	111	9.3%	47	7.8%	64	10.9%
Kidnapping	6	.5%	4	.7%	2	.3%
PROPERTY	464	39.0%	239	39.8%	225	38.3%
Burglary	202	17.0%	110	18.3%	92	15.6%
Theft	190	16.0%	98	16.3%	92	15.6%
Motor Vehicle Theft	58	4.9%	26	4.3%	32	5.4%
Arson	14	1.2%	5	.8%	9	1.5%
DRUGS	200	16.8%	106	17.6%	94	16.0%
OTHER FELONY	217	18.3%	106	17.6%	111	18.9%
(Missing Data	782	-	782	-	0	-)
ALL OFFENSES	1,189	100.0%	601	100.0%	588	100.0%

* The 'Not Selected' group is the Initial Random Sample less the Final Sample

Note: Percentages may not sum to 100 percent due to rounding.

the 432 parolees for which complete criminal record data were captured were also representative of the other samples.

III. SAMPLE CHARACTERISTICS

Table 2 shows that the sample represents a cross-section of the parole population in California. As expected, most (64 percent) of these parolees were released to either the Bay Area or Los Angeles. Sacramento, Kern, San Bernadino, San Diego and Stanislaus counties made up the bulk of the 'other' category, with 15 percent released to the rest of California.

Ninety-three percent of the parolees were male and only 7 percent female. Whites, at 38 percent, were represented more than the other ethnic groups, followed closely by blacks and hispanics, at 33 percent and 26 percent respectively. Only a small percentage of other minority groups were present.

The average parolee had completed only 11 years of his education. In fact, just over 50 percent had not completed high school. About 32 percent were high school graduates and another 18 percent had some college education. Our sample showed nobody with a college degree.

Over half of the sample (53 percent) had never been married and an additional 23 percent were single, but divorced, at the time of parole. Only 23 percent were married at their parole date in 1986. The average age of a parolee at the time of parole was 30.6 years and over half of the sample were in their twenties. The percentage dropped off sharply after age 40.

In terms of the offense for which they were sentenced to prison, the vast majority were non-violent property or drug related crimes (Table 3). Burglary and theft represented over 30 percent of all offenses, while "other" and "drugs" constitute the other major offense categories. Within the violent crime category, assault and robbery crimes were the most frequent. Very small percentages of parole releases were originally committed for manslaughter, rape or kidnapping.

The sample's characteristics with respect to their prior criminal history and institutional conduct are shown in Table 4. In summary, the majority of these inmates had a prior commitment to CDC or to local county jails. Significantly, only a quarter of them were graduates of the CYA system. In terms of custody levels at intake and release the vast majority were placed in minimum custody (Level 1) at admission and remained there until release.

IV. TWO YEAR FOLLOW-UP ARREST RATES

One way of assessing parole outcome is to look at an individual's criminal record while on parole. In this context, success is defined as supervision free of any arrests. Another consideration is whether the parolee successfully meets the conditions of his parole. With criminal history and revocation information current through 1988, we were able to observe our cohort of 1986 parolees for a full two year period. We searched each individual's arrest records and revocation file for any activity falling between his parole date and the two year

TABLE 4

PRIOR COMMITMENTS, ARRESTS
AND PRISON BEHAVIOR

	Initial Random Sample (N=1971)		Not Selected* (N=1383)		Final Sample (N=588)	
Number of Prior CDC Commitments						
None	669	43.4%	423	40.3%	246	49.9%
One	503	32.6%	362	34.5%	141	28.6%
Two or more	371	24.0%	265	25.2%	106	21.5%
(Missing Data	428	-	333	-	95	-)
Number of Prior CYA Commitments						
None	1184	76.7%	792	75.4%	392	79.5%
One	258	16.7%	184	17.5%	74	15.0%
Two or more	101	6.6%	74	7.1%	27	5.5%
(Missing Data	428	-	333	-	95	-)
Number of Prior Jail Sentences						
None	346	22.4%	225	21.4%	121	24.5%
One	386	25.0%	261	24.9%	125	25.4%
Two or more	811	52.6%	564	53.7%	247	50.1%
(Missing Data	428	-	333	-	95	-)
Initial Custody Level						
1	898	57.8%	613	58.1%	285	57.3%
2	357	23.0%	245	23.2%	112	22.5%
3	237	15.3%	151	14.3%	86	17.3%
4	61	3.9%	47	4.5%	14	2.8%
(Missing Data	418	-	327	-	91	-)
Custody Level at Release						
1	964	61.1%	664	61.6%	300	59.9%
2	262	16.6%	178	16.5%	84	16.8%
3	248	15.7%	167	15.5%	81	16.2%
4	105	6.7%	69	6.4%	36	7.2%
(Missing Data	392	-	305	-	87	-)
Number of Disciplinary Tickets						
None	457	54.2%	309	54.8%	148	52.9%
One	170	20.1%	111	19.7%	59	21.1%
Two or more	217	25.7%	144	25.5%	73	26.1%
(Missing Data	1127	-	819	-	308	-)
Program Participation						
None	473	56.0%	316	56.0%	157	56.1%
Average	163	19.3%	108	19.2%	55	19.6%
Above Average	208	24.6%	140	24.8%	68	24.3%
(Missing Data	1127	-	819	-	308	-)

* The 'Not Selected' group is the Initial Random Sample less the Final Sample.

Note: Percentages may not sum to 100 percent due to rounding.

anniversary of that parole date.

Table 5 covers the 24 month follow-up period, showing both the proportion of inmates re-arrested and the types of crimes committed. In the following discussion, note that the type of offense refers only to the primary offense for each arrest, even though many of the arrests have multiple charges. Hence, when we talk about number of offenses, we are also talking about number of arrests.

Nearly 65 percent of the cohort were re-arrested during this time period. This figure is slightly lower than the RAND study figure of 72 percent cited earlier. A small percentage (5 percent) were arrested at least five times. Of interest is that only 23.1 percent of the cohort (ie. 100 out of 432 people) were responsible for about 58 percent of the total number of arrests. In terms of the types of offenses committed, violent crimes amounted to 13.1%, with robbery and assault accounting for the bulk of this category. As expected, property crimes were the most common offenses charged, with drug arrests close behind. These two categories accounted for over half (54.2%) of all the arrest activity. Other arrests (felonies, misdemeanors, etc.) made up the remaining 32.7%.

It should be noted that the types of crimes these offenders committed were less severe than their original commitment crimes (Table 6). For example, the proportion of violent crimes drops by nearly 50 percent. Increases were observed for drug and especially the "other" category. Furthermore, the absolute volume of arrests attributed to this group two years prior to their incarceration

TABLE 5

NUMBER OF OFFENSES COMMITTED
IN 2 YEAR FOLLOW-UP PERIOD

NUMBER OF OFFENSES	FREQUENCY	PERCENTAGE
0	149	34.5%
1	97	22.4%
2	86	19.9%
3	55	12.7%
4	22	5.1%
5 or more	23	5.3%
(Missing Data	156	-)
TOTALS	432	100.0%

TYPES OF OFFENSES COMMITTED
IN 2 YEAR FOLLOW-UP PERIOD

OFFENSE TYPE	FREQUENCY	PERCENTAGE
VIOLENT	86	13.1%
Homicide	6	.9%
Rape	3	.5%
Robbery	34	5.2%
Assault	40	6.1%
Kidnapping	3	.5%
PROPERTY	212	32.2%
Burglary	75	11.4%
Theft	115	17.5%
Motor Vehicle Theft	22	3.3%
DRUGS	145	22.0%
OTHER FELONY	59	9.0%
OTHER MISDEMEANOR	138	21.0%
OTHER	18	2.7%
(Missing Data	8	-)
ALL OFFENSES	658	100.0%

Note: Percentages may not sum to 100 percent due to rounding.

TABLE 6

COMPARISON OF COMMITMENT AND POST-COMMITMENT CRIME TYPES

Offens Type	Commitment Offense	Follow-up Offense	Percent Change
Violent Crimes	26.9%	13.1%	-51.3%
Property Crimes	38.3%	32.2%	-15.9%
Drug Crimes	16.0%	22.0%	+37.5%
Other	18.9%	32.7%	+73.0%
TOTAL Arrests	1,469	666	-54.7%

Note: Percentages may not sum to 100 percent due to rounding.

declined by over 50 percent. In other words, there are clear indications that these offenders were not only reducing their level of involvement in crime but were also becoming less involved in violent crimes.

Because parolees can also be returned to prison without an arrest, it is important to take into account parole revocations to gain a fuller picture of parole outcome. As shown in Exhibit C, the proportion of inmates who survived their two year follow-up period without incurring either a re-arrest or parole revocation now dropped to 26.8 percent. This lower figure is explained by the fact that 7.7 percent were returned to custody without evidence of an arrest.

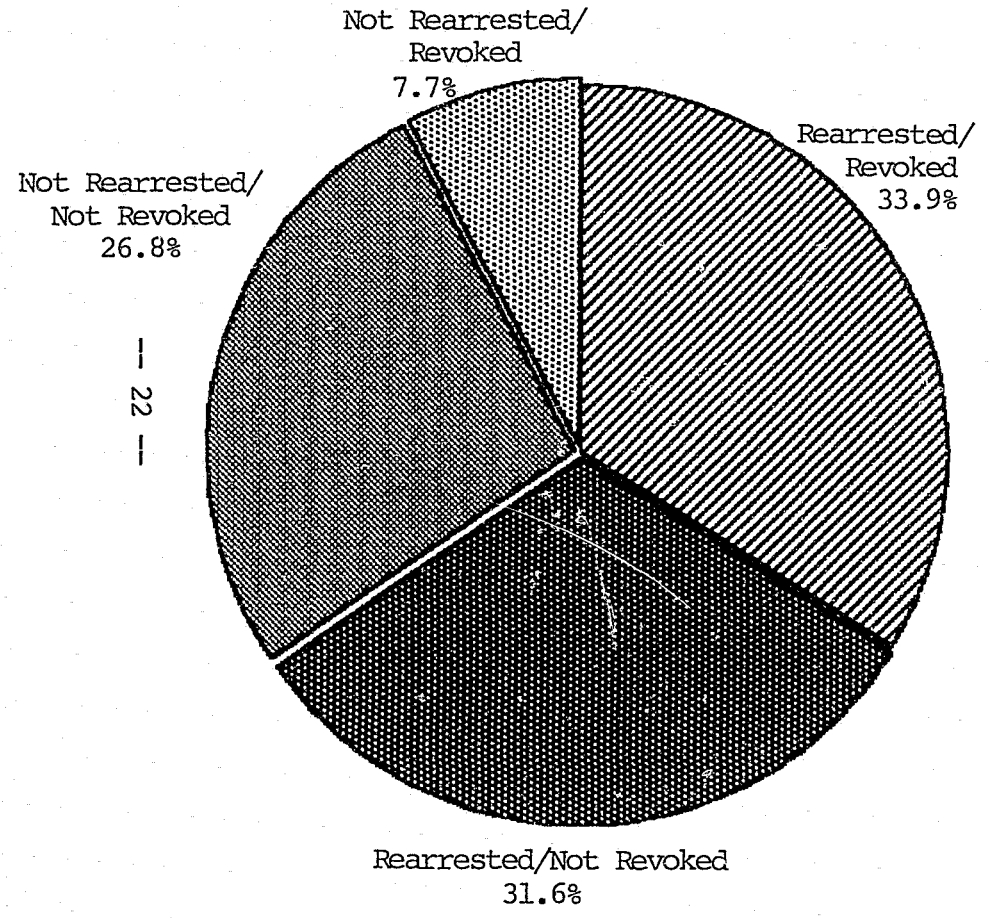
Exhibit C also provides a breakdown of the court dispositions for only the rearrest cases. Nearly 71 percent of all arrests resulted in a conviction although less than half were convicted for felony level crimes. Nearly 30 percent were not convicted of the crimes for which they were arrested.

These findings are significant when one considers that state prisons have been traditionally reserved for persons convicted of felony level crimes. Even then, only about one third of all felony convictions resulted in a prison term. Exhibit C shows that a substantial percentage of arrested parolees were being returned to prison for non-felony convictions.

Based on these arrest rates, it was also possible to estimate the proportion of arrests occurring in California during this two year period which could be attributed to this cohort of released prisoners (see Table 7). This ratio was estimated by using CDC data

EXHIBIT C

Rearrests and Revocations



Rearrest Dispositions

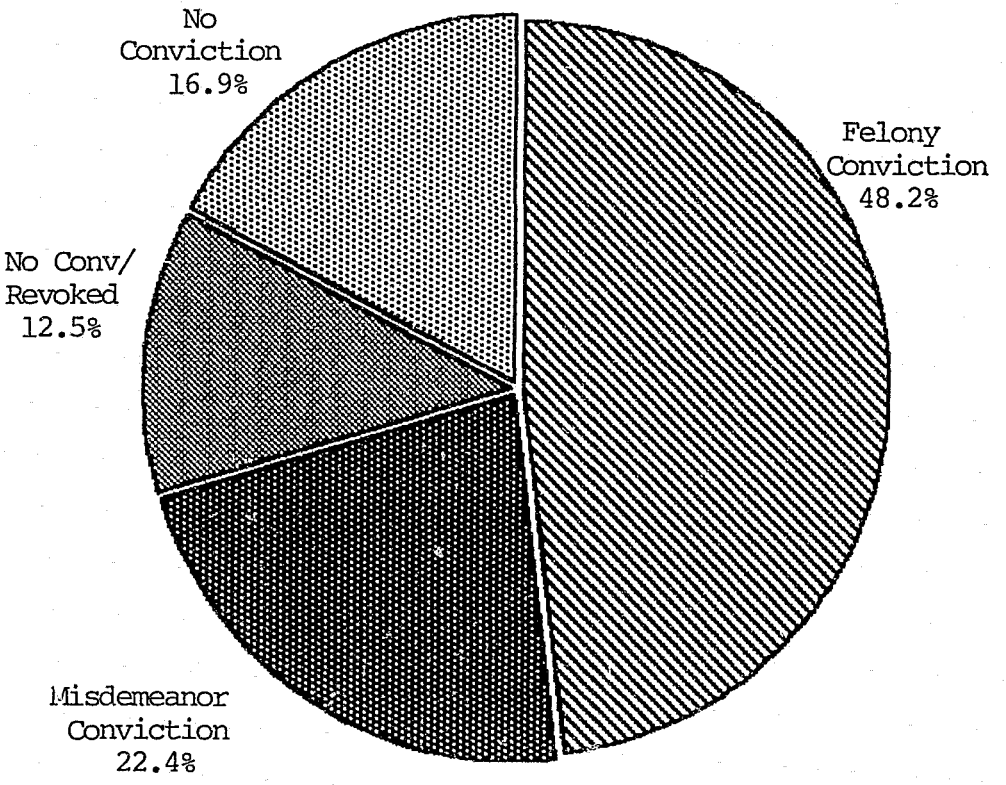


TABLE 7

IMPACT OF ANNUAL PAROLE RELEASES ON CALIFORNIA ARRESTS

A.	Total number of Releases to Parole, 1986	50,512*
B.	Percent of Parolees Rearrested over two year period	65.5%
C.	Number of Parolees rearrested over two year period	33,085
D.	Mean number of arrests by Parolees rearrested in two year period	2.35
E.	Total number of Adult and Juvenile arrests in California	3,704,779**
	Percentage of arrests caused by Parolees	2.1%
F.	Total number of Adult Only arrests in California	3,245,626**
	Percentage of arrests caused by Parolees	2.4%

Source: * California Prisoners and Parolees, 1987, CDC

** Crime and Delinquency, 1988: Advance Release, Office of the Attorney General

These figures were computed by prorating total arrests for 1986-1988 to reflect an average two year arrest figure.

on the total number of prison releases to parole (approximately 50,500 initial releases and re-releases) and applying the proportion of cases arrested (65.5 percent) and the average number of arrests per re-arrested parolee (2.35 arrests) to the full universe of CDC releases noted above. We then compared this figure with the total number of misdemeanor and felony arrests (both total and adult only arrests) that occurred during the two year follow-up period. The results show that only 2.1 percent of all California arrests occurring during this year period can be attributed to this cohort of released inmates (see Exhibit D). The number is slightly higher for adult arrests (2.4 percent).

The policy implication of this finding (along with other research studies) is that relatively moderate extensions or reductions in the length of imprisonment (in the range of 30-120 days) will have a minimal impact on a state's crime rates.[3] This is especially likely given that released prisoners are placed under a far greater level of surveillance than the typical citizen. Consequently, they are far more likely to be arrested than non-parolees.

This finding directly mirrors the results of a recently published U.S. Department of Justice study which reported that less than three percent of all index crime arrests can be attributed to released prisoners.[4]

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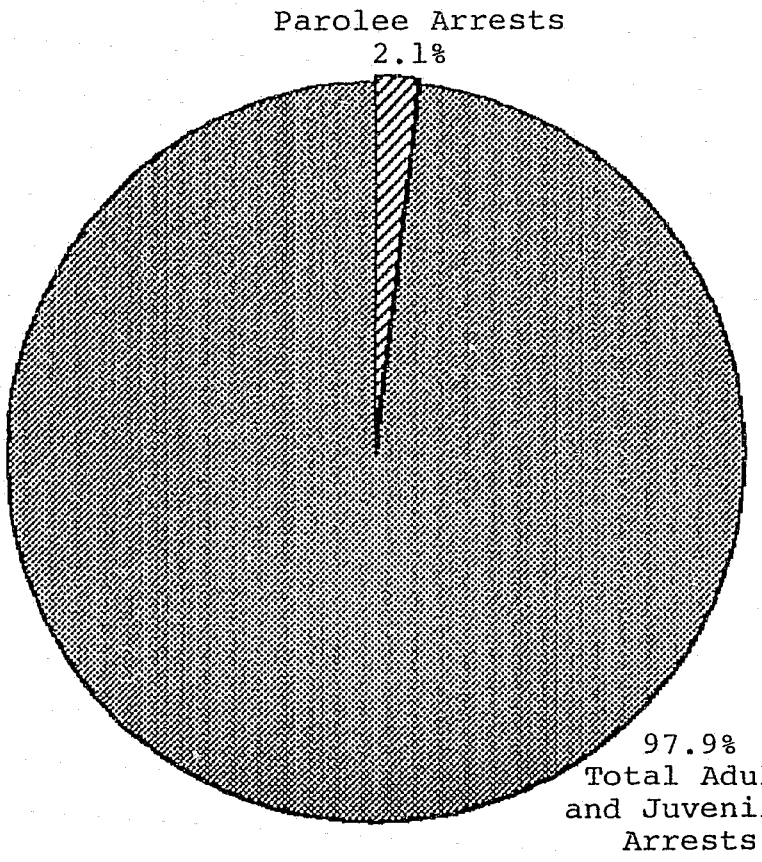
[3] See Austin, James "Using Early Release to Relieve Prison Crowding:A Dilemma in Public Policy", Crime and Delinquency,Vol 32, No.4, (1986): 404-503.

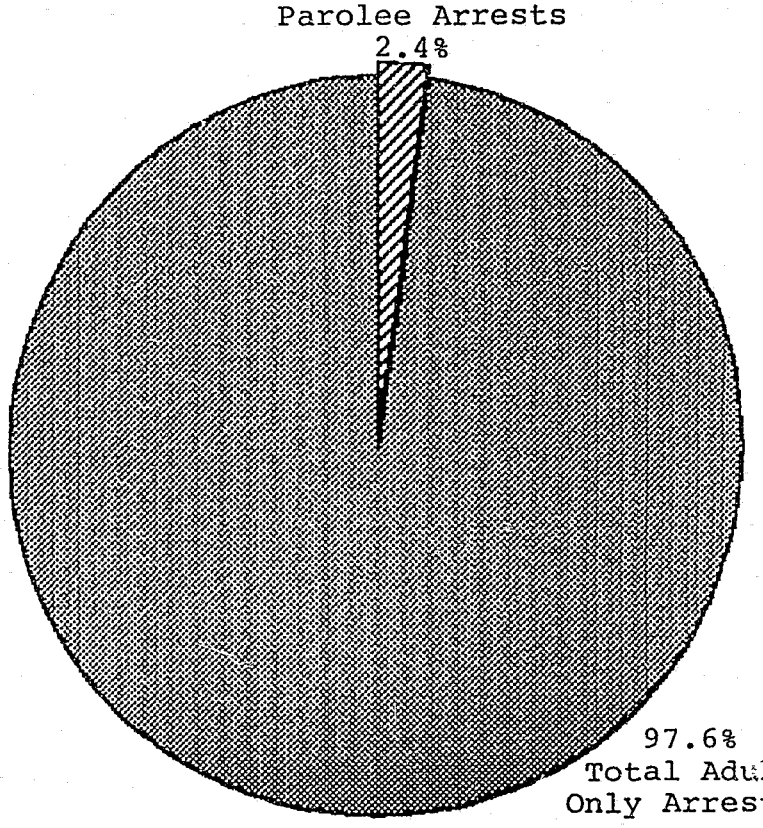
[4] Recidivism of Prisoners Released in 1983. Bureau of Justice Statistics: Special Report, (April 1989): U.S. Department of Justice.

EXHIBIT D

Adult and Juvenile Arrests



Adult Only Arrests



V. FACTORS PREDICTIVE OF RE-ARREST

Having described the prevalence and frequency of arrests and parole revocations for this cohort, the next phase of analysis seeks to identify variables that might be predictive of re-arrest, felony and misdemeanor convictions. Such an analysis could be useful to the BPT for determining what conditions of parole supervision should be imposed and to better understand the dynamics of parole success.

To complete this phase of work, we conducted a bi-variate analysis of all the inmate background variables and available measures of misconduct against the dependent variable of re-arrest. The results shown in Table 8 have two implications. First, very few of the variables tested proved to have a significant relationship with re-arrest or reconviction. Of the 50 some variables examined less than ten proved to have any relationship with outcome.

Secondly, of those which did prove to be significant, most of then reflected the inmate characteristics as opposed to correctional intervention variables (e.g., length of incarceration, disciplinary tickets, etc.). However, one variable reflecting program participation proved to be related to recidivism. That variable is captured on the CDC classification data system. Unfortunately, the number of cases for which such data exists is less than half of the cohort sample. Those cases probably represent inmates whose period of imprisonment was so short that reclassification and program participation data were not captured.

TABLE 8

VARIABLES PREDICTIVE OF
PAROLE FAILURE

	Rearrested one or more times		Convicted of one or more Misdemeanors		Convicted of one or more Felonies	
Age						
Under 26 years	137	71.0%	66	34.4%	49	25.4%
Over 25 years	104	59.8%	46	28.9%	32	19.9%
Race						
White	87	51.5%	43	25.4%	33	19.5%
Black	87	77.0%	50	44.3%	20	17.7%
Hispanic	76	71.7%	29	27.4%	27	25.5%
Other	2	28.6%	1	14.3%	2	28.6%
Prior Juvenile Incarcerations						
None	236	64.3%	106	30.2%	79	22.3%
One or more	44	80.0%	23	47.9%	15	30.0%
Prior Jail Sentences						
None	42	42.9%	14	14.7%	12	12.5%
One or more	199	74.0%	98	38.3%	69	26.7%
Prior Adult Prison Incarcerations						
None	207	62.5%	90	28.1%	77	23.8%
One or more	76	80.9%	41	50.0%	19	22.6%
Prior Adult Convictions						
None	49	49.5%	23	23.7%	15	15.5%
One or more	233	71.9%	108	35.6%	81	26.2%
Prior Adult Probations						
None	83	58.0%	38	27.5%	93	35.5%
One or more	198	70.7%	23	16.7%	72	26.9%
Commitment Offense						
Violent	68	57.1%	30	27.0%	17	15.0%
Property	125	74.9%	62	38.8%	48	30.0%
Drug	48	70.6%	24	36.9%	12	18.2%
Other Felony	32	55.2%	13	23.6%	14	24.6%

Note: Percentages may not sum to 100 percent due to rounding. The number of cases shown only reflects parolees with a rearrest or conviction.

The other items that did prove to be significant were as follows:

Age at Release
Race
Commitment Offense
Prior Jail Commitments
Prior CYA Commitments
Prior Prison Commitments
Prior Probations
Prior Convictions

These variables and the nature of their relationships indicated that younger, minority inmates, committed for property and drug related crimes with prior contacts with state and county correctional agencies, are most likely to be re-arrested. Should the Board so desire, these results could be used to develop a risk screening instrument that would assist the Board in its assessment of inmates appearing before the Board for revocation hearings. An example of such an instrument is shown below.

Using all of the predictive variables except race, NCCD has developed a risk screening instrument that can assist the Board in its assessment of inmates appearing before the Board for either release or revocation hearings. This instrument assigns a score for each of the variables and the sum of all of these scores determines an inmate's risk factor.

Since some variables are stronger predictors of parole outcome than others, a weight is assigned accordingly. These weights are reflected in the scores. For example, age is probably the single strongest predictor of parole outcome. Hence, the score for the age variable has a higher possible value than the other scores. This weightier variable, to a certain extent, drives the model. The possible scores for each risk variable are shown below:

RISK VARIABLE	SCORE
Age at Release	
Under 25	7
25 to 29	6
30 to 34	5
35 to 39	4
40 to 49	2
over 49	0
Commitment Offense	
Property or Drug	2
Violent or Other Felony	0
Prior Jail Sentences	
One or More	2
None	0
Prior Adult Prison Incarcerations	
One or More	2
None	0
Prior Juvenile Incarcerations	
One or More	1
None	0
Prior Adult Convictions	
One or More	1
None	0
Prior Adult Probations	
One or More	1
None	0

By inspection, it is seen that the minimum possible score is zero and the maximum possible score is sixteen. Zero represents the lowest and sixteen represents the highest risk of re-arrest within a two year period. NCCD then inspected the two year re-arrest rates to develop the following risk categories:

SCORE	RISK	PERCENT RE-ARRESTED	PERCENT OF CASES (N)
0 - 5	Good	16.6	4.1 (18)
6 - 9	Moderate	45.4	22.2 (97)
10 - 11	Marginal	66.1	28.4 (124)
12-16	Poor	78.7	45.2 (197)

Inmates with a final score of five or less are least likely to violate parole and those with a score of twelve or higher are very likely to violate parole. The "Percent Re-arrested" column above shows very clearly the odds for re-arrest for each category. This shows that the "poor" risk group is almost 5 times as likely to violate than the "good" risk group. The division line between the middle categories is somewhat of a grey area and probably warrants a closer look at the components that make up the final score.

Only a small percentage of cases (4.1%) scored were "good" risks. In fact, almost 2 out of 3 parolees scored ten or higher, which lands them in one of the poorer risk categories.

VI. POLICY IMPLICATIONS

The results of this study raise a number of questions. First and foremost, California now leads the nation in the rate of parole violations. This did not use to be the case. As reported earlier in the Phase I report, not long ago California's rate of favorable parole outcome was substantially higher. BPT officials indicate that this new trend is wholly consistent with the state's explicit policy of emphasizing punishment and incarceration rather than treatment or rehabilitation of offenders.

This model may not be cost-effective. Table 9 reports the average length of stay for RTCs as reported by CDC. Bear in mind that these individuals have not received new prison terms and more than likely have been convicted of a misdemeanor or have been

TABLE 9

COMPARISON OF TIME SERVED FOR REVOKED PAROLEES AND OFFENDERS SENTENCED TO JAIL

1988

Average Time Imposed For Revoked Parolees *	201 days
Average Length of Time Served For Revoked Parolees *	125 days
Average Length of Time Served For Offenders Sentenced to Jail **	43 days

Sources: * Offender Information Services Branch California Department of Corrections
** 1988 Jail Profile Data Summary, Board of Corrections

convicted of no new crimes. For these individuals the average length of time imposed by the BPT is 201 days. Because some RTCs can earn work incentive credits, this number is reduced to 125 days of actual time served in CDC facilities.[5] By comparison, persons sentenced to county jail in California for either a misdemeanor or felony conviction spend an average of 43 days -- about one third the time of the RTCs.

In economic terms, the RTCs are an increasingly expensive entity. Given that over 25,000 RTCs entered CDC last year and spent an average of 125 days, they created an average daily prison population of 8,626 or over 10 percent of the entire prison system. This figure does not account for those with pending revocation hearings who are also in CDC facilities.[6] The annualized costs of maintaining such a large parole violation population is estimated at $242 million or $9,582 per RTC (Table 10).

However, some BPT officials argue that the current policy of increased parole revocations is actually cost-effective. Such an argument assumes that most parole revocations not involving a new prison term would create even a greater jail crowding than exists now if the Board did not revoke them. Prosecutors would be forced to try cases they now rely upon the BPT to revoke more quickly and with a lower level of proof. And be being able to revoke an

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[5] This figure excludes any time spent in local county jails awaiting a BPT action.

[6] This figure was estimated last year in the Phase 1 Study at about three percent of the entire prison population or about 1,800 inmates.

offender for up to 12 months, they are able to inflict a far greater level of punishment and incapacitate the offender for a longer period of time than would occur at the county jail. These actions would also reduce risk to the public safety if one embraces the presumed benefit of deterrence and incapacitation. However, if the state is interested in reducing the rate of return to prison, and the costs associated with current parole return rates, as well as reducing the state's prison crowding crisis, what options are available? Our data suggest that the most promising group of offenders to focus on would be the RTCs who are not being convicted of new felonies and do not contribute significantly to the state's crime rate.

One option would entail enhancing parole supervision for persons objectively identified as having a high risk of failure. This would necessitate further development of an objective and valid risk instrument based on some of the factors found in this study (as well as others) which could be used to identify high risk cases and supervise them more closely than at present.

But needed more than that is a change in legislative or administrative priorities which would encourage correctional officials to retain these individuals on parole supervision, rather than returning them to CDC for another brief period of imprisonment. This may not be an easy or particularly attractive decision to public officials. But, given that prison releases are becoming less involved in serious criminal activities it may be prudent to free up limited prison space for other new commitments

who pose a far greater risk to public safety than do these individuals.

TABLE 10

ESTIMATED IMPACT OF RTC ON PRISON COSTS

A. 1988 Parolees Returned to Custody	25,204
B. Average Length of Stay	125 days
C. Estimated RTC Prison Population	8,626
D. Annualized Prison Operating Costs [1/]	$172.5 million
E. Annualized Construction Costs [2/]	$69.0 million
F. Total Annualized Costs	$241.5 million
G. Total Costs Per RTC (F/A)	$9,582

1/ Estimate $20,000 per year cost figure

2/ Estimate $8,000 per year which includes construction and interest payments prorated over 20 year period.