Simulation of Impact:
Abolishing Parole for Aggravated Offenders

Special Report

June 29, 1992

143152

143152

Criminal Justice Policy Council
P.O. Box 13332
Austin, Texas 78711
(512) 463-1810

Note From the Director

This is a Special Report by the Criminal Justice Policy Council simulating the impact on the prison population of abolishing parole for aggravated offenders.

Aggravated offenders are those offenders adjudged guilty of capital murder, aggravated kidnapping, aggravated sexual assault, and aggravated robbery according to Section 3(g), Article 42.12, Code of Criminal Procedure. Aggravated offenders can also be those offenders who have used a deadly weapon as defined in Section 1.07 (a) (11), Penal Code, during the commission of a felony offense or during immediate flight therefrom. Aggravated offenders are not eligible for release on parole until their annual calendar time served, without consideration of good time, equal to one-fourth of the maximum sentence or 15 years, whichever is less. In no event shall the aggravated offender be eligible for release on parole in less than two calendar years.

Abolishing parole for aggravated offenders will have no impact until the year 2006. Starting in the year 2006 approximately 3,590 new prison beds will be needed every year to accommodate the prison population growth resulting from this policy alone. At least an additional 880 new prison beds will be needed every year to accommodate the growth between the year 2020 and 2067. Therefore, a maximum of 88,030 beds will be needed to accommodate the prison population growth between 2006 and 2067. This will be the maximum impact expected from this policy. This impact does not include additional capacity that may be needed to meet the demand for prison space under present policies.

A reduction in recidivism for aggravated offenders due to an incapacitation effect may lower this impact by up to 35%. If this is the case, a maximum of 57,200 beds will be needed to accommodate the prison population growth between 2006 and 2067. In addition, aggravated offenders with sentences longer than 30 years will become part of a geriatric population at the care of the Texas Department of Criminal Justice - Institutional Division. The added costs of additional medical and psychiatric services of the geriatric population need to be included in determining the impact of this policy.

Tony Fabelo, Ph.D.
Executive Director

Background: Baseline Projection of Jail Backlog of State Inmates

- **Baseline Projection: Summary**
  - √ The baseline projection was published in May 21,1992 in a report entitled <u>Jail Backlog Projection for Fiscal Year 1992-1998: Update for Texas Attorney General</u>
  - √ The baseline projection shows a jail backlog of state prisoners of 15,590 by August 1992 and 28,552 by August 1998
  - √ The baseline projection assumes a prison release/admission rate of 138 per day, the construction of all newly funded prison and drug treatment bed capacity and the continuation of releases of state prisoners from jails on Parole-in-Absentia (PIA) at an average of 10% of the backlog

Chart 1: Projected Total Jail Backlog of State Felons FY 1992-1998
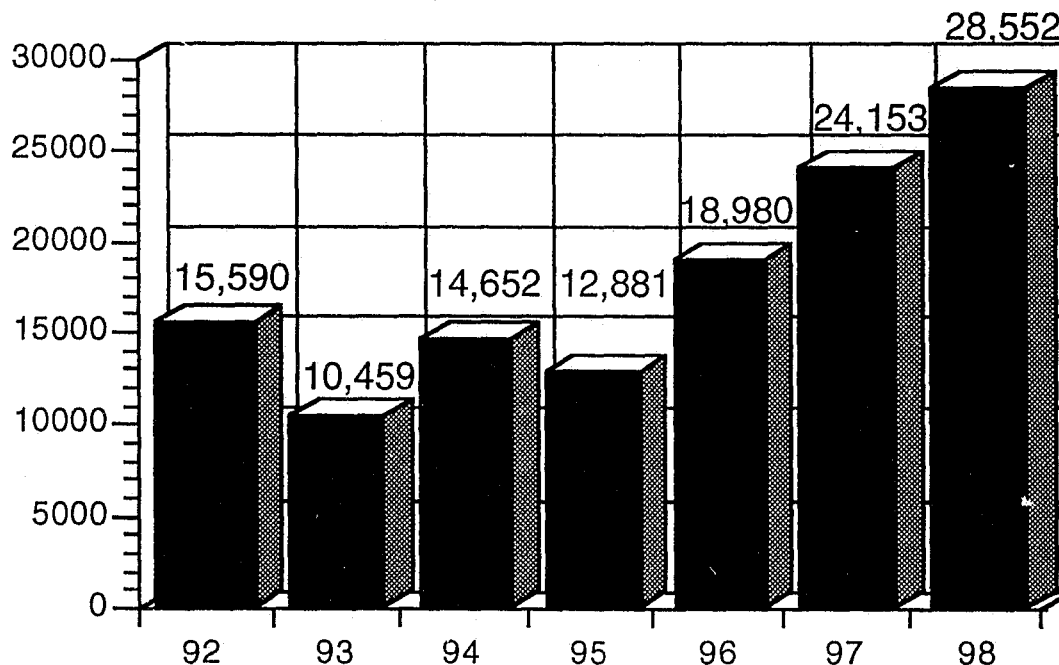
Simulation of Impact: No Parole for
Aggravated Offenders

- **Definition of Aggravated Offenders**
  - √ Aggravated offenders are those offenders adjudged guilty of capital murder, aggravated kidnapping, aggravated sexual assault, and aggravated robbery according to Section 3(g), Article 42.12, Code of Criminal Procedure
  - √ Aggravated offenders can also be those offenders who have used a deadly weapon as defined in Section 1.07 (a) (11), Penal Code, during the commission of a felony offense or during immediate flight therefrom
- **Present Parole Eligibility of Aggravated Offenders**
  - √ Aggravated offenders are not eligible for release on parole until their annual calendar time served, without consideration of good time, equal to one-fourth of the maximum sentence or 15 years, whichever is less
    - In no event shall the aggravated offender be eligible for release on parole in less than two calendar years
- **Policy Simulation**
  - √ All the assumptions of the baseline projection
  - √ Aggravated offenders will not be eligible for parole
  - √ This change in policy will not be applied retroactively to those aggravated offenders in the prison population
    - The policy is assumed to take effect September 1, 1993
  - √ Present sentencing patterns for aggravated offenders will not change during the period of the projection

Overview of Trends

- **Aggravated offenders represent a growing proportion of the prison population**
    - √ Aggravated offenders represented 8% of all prison admissions in 1991 but because they served longer in prison than non-aggravated offenders they represented 30% of the prison population
        - There were 3,590 aggravated offenders admitted to prison in 1991
        - There were 14,316 aggravated offenders in the prison population in 1991
    - √ Aggravated offenders admitted to prison are distributed in the most violent offense categories
        - Aggravated Robbery 42%
        - Homicide 18%
        - All other are Aggravated Assault cases
    - √ Aggravated offenders sentenced to prison in 1991 were sentenced for an average of 13 years
    - √ Aggravated offenders served an average of 4.5 years in prison in 1991 compared to 1.3 years for non-aggravated offenders
    - √ Aggravated offenders have increased as a percentage of the total prison population as seen in Chart 2

Chart 2: Percent of Prison Population Composed of Aggravated Offenders


Legend: ■ 1983   ▨ 1991
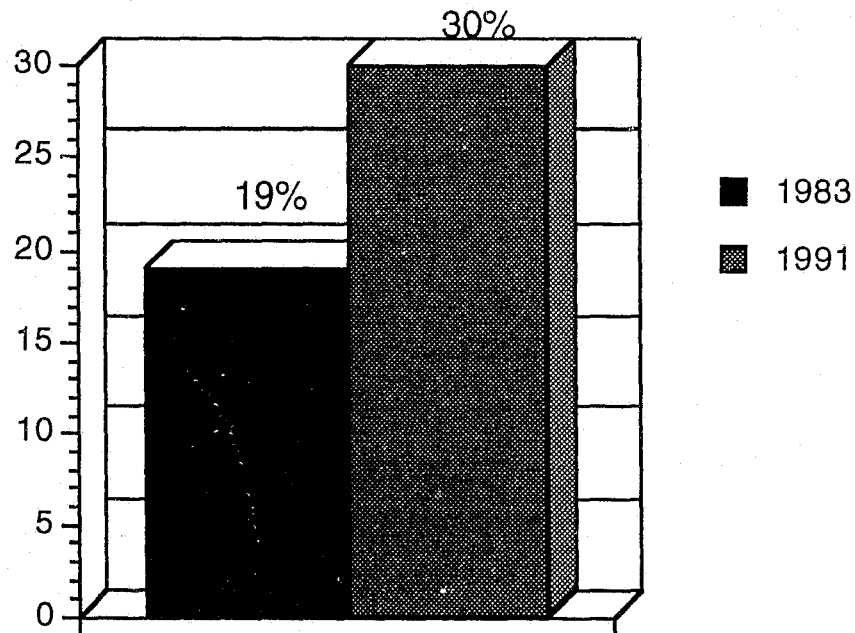
Impact of Abolishing Parole for Aggravated Offenders

* **Chart 3 below illustrates the impact of the policy**
    - √ The average sentence for aggravated offenders in 1991 was 13 years
    - √ The average time served for aggravated offenders released in 1991 was 4.5 years
    - √ Offenders will have to serve an additional 8.4 years in prison before been discharged from prison under the no parole policy
    - √ Offenders presently sentenced to prison for 60 years, who served an average of 15 years in prison, will have to serve an additional 45 years before been discharged from prison

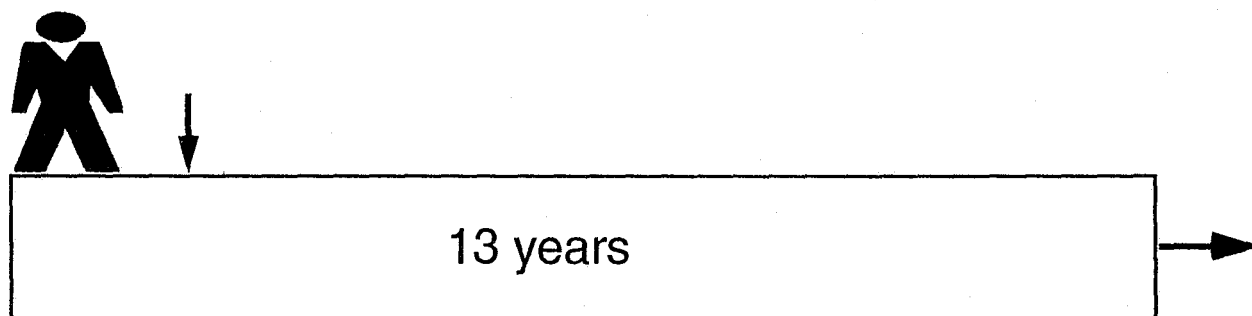**Chart 3: Impact of No Parole for Aggravated Offenders with Average Sentence**

Impact: additional
8.5 years
to be served
if no parole

Sentence in Years
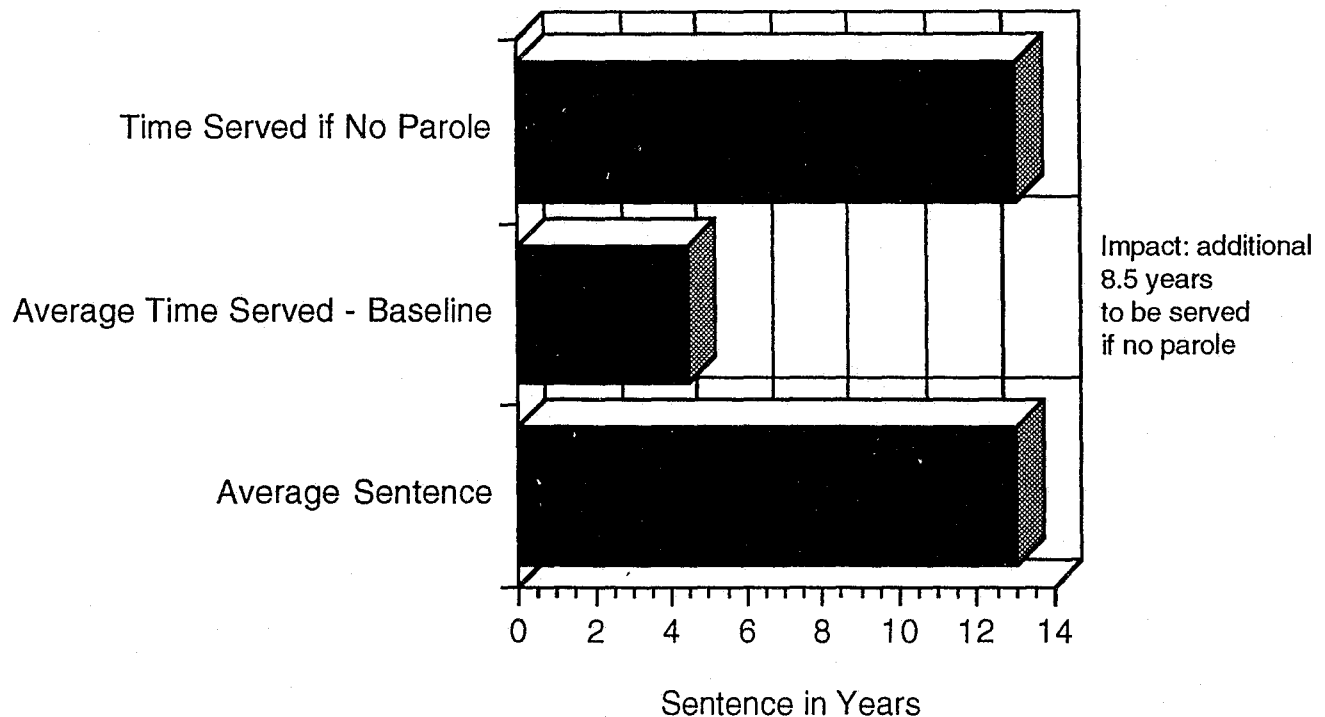
Impact (cont.)

- On the average an aggravated offender will occupy one prison bed for 13.5 years under a no parole policy compared to the present policy in which three aggravated offenders are able to occupy a prison bed in a 13 year period

4.5 years | 4.5 years | 4.5 years
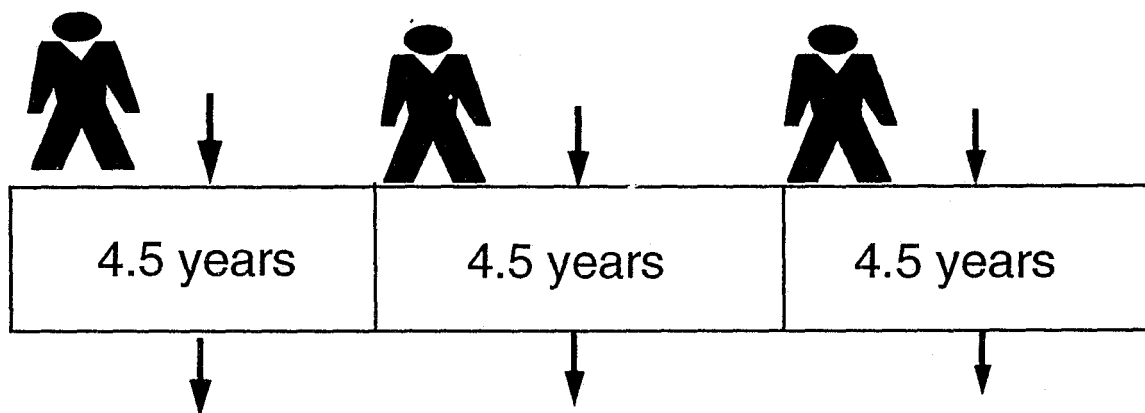
Three aggravated offenders served by one prison bed in 13.5 years under present policies

13 years

One aggravated offender served by one prison bed in 13 years under no parole policy

Impact (cont.)

- **Short-term Impact**
  - √ The no parole policy for aggravated offenders will have no impact until the year 2006
    - During this period there will be a "hardening" of the prison population since the percentage of aggravated offenders in the population will increase
    - During this period there will be enough non-aggravated offenders eligible for release in the prison population to meet the baseline assumed targeted prison releases of 138 per day
    - It is estimated that 13 years after the implementation of the policy the prison population will be composed largely of aggravated offenders and not enough offenders will be eligible to meet the targeted releases of 138 per day
- **Long-term Impact**
  - √ The impact of this policy will continue to be felt beyond the projection years
  - √ Assuming that the number of aggravated offenders sentenced to prison does not increase from the 1991 levels and assuming that present sentencing patterns do not change the following long-term impact is projected
    - 3,590 new prison beds needed to accommodate growth every year between the year 2006 and 2019
    - At least an additional 880 new prison beds needed to accommodate growth every year between the year 2020 and 2067
    - Maximum additional beds needed to accommodate growth between year 2006 and 2067: 88,030
  - √ The impact does not include additional capacity that may be needed to meet demand for prison space under present policies
  - √ A reduction in recidivism for aggravated offenders due to an incapacitation effect may lower this impact by up to 35%
    - Assumption that aggravated offenders sentenced to prison for sentences of more than 15 years are not expected to recidivate due to an incapacitation effect
    - Minimum additional beds needed to accommodate growth between year 2006 and 2067: 57,220

Maximum impact 88,030	⟷	Minimum impact 57,220

Long-term Impact: Related Issues to Consider

- **Offenders that are not eligible for parole tend to behave worse in prison compared to offenders that are granted good time and are eligible for parole**
  - √ This has security cost implications
    - For example, the need for additional administrative segregation beds to handle this population would have to be considered a direct impact of this policy
      - The average daily cost of keeping an inmate in administrative segregation is $54.46 compared to the systemwide daily cost average of $44.21
- **A large number of elderly offenders in prison will increase significantly prison operational costs**
  - √ Aggravated offenders with sentences longer than 30 years will become part of a growing geriatric population at the care of the Texas Department of Criminal Justice - Institutional Division
  - √ The added cost of additional medical and psychiatric services of the geriatric population need to be included in determining the impact of this policy