CDCR'S LIFER REPORT SERIES

LIFER PAROLEE RECIDIVISM REPORT

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LIFER PAROLEE RECIDIVISM REPORT

This report focuses on the recidivism of individuals who were released to California Department of Corrections and Rehabilitation (CDCR) parole after serving a sentence of *life with the possibility of parole*, hereafter referred to as "lifer parolees" or "lifers."[1] It provides an in-depth recidivism analysis of lifer parolees who were released during fiscal year 2006-07 and followed for a period of three years. These analyses expand on those which were first presented in the CDCR *2011 Adult Institutions Outcome Evaluation Report*[2] by further exploring information related to the circumstances surrounding the infractions of those who recidivated within the three-year follow-up time frame.

In order to provide a broad context to the overall performance of lifers on parole, lifers who have been released to parole are compared to their counterparts who were released after having served a determinate sentence in prison. Accordingly, we employ a recent historical cohort for each group because we seek to examine not only those offenders who have successfully reintegrated into the community, but also those who have recidivated and may now be in custody.

Defining Recidivism

Since there is no single definition of recidivism agreed upon by all correctional experts, we compare the parole performance of each group through two different lenses of recidivism. First we compare the two groups by setting forth the rates at which they were convicted of new crimes, whether misdemeanors or felonies. We then compare the two groups by measuring the rates at which they returned to prison, whether for new crimes or for parole violations. These two measures partially overlap in that they both capture recidivists who returned to prison after being convicted of new crimes. The former measure, however, also includes misdemeanants who did not return to prison; the latter measure, on the other hand, includes parole violators who were never convicted in a court of law for the offenses that resulted in their return to prison. Both measures show

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[1] See R. Weisberg, D. A. Mukamal, and J. D. Segall, *Life In Limbo: An Examination of Parole Release For Prisoners Serving Life Sentences With The Possibility Of Parole In California*, 2011.
Retrieved March 6, 2012, from http://blogs.law.stanford.edu/newsfeed/files/2011/09/SCJC_report_Parole_Release_for_Lifers.pdf. This report, produced by the Stanford Criminal Justice Center, is a valuable bulletin on California's lifer population.

[2] The full report may be downloaded at: http://www.cdcr.ca.gov/adult_research_branch/Research_Documents/ARB_FY_0607_Recidivism_Report_(11-23-11).pdf.

that lifers recidivate at markedly lower rates than those who serve determinate sentences.

Because we track performance for three years, our most recent available data involves a cohort of offenders who were released in fiscal year 2006-07. Of this group, the vast majority – over 112,000 offenders -- were released after having served a determinate sentence. A much smaller group – 83 offenders – were released after having served an indeterminate sentence.

Demographic and Offender Characteristics

Tables 1a and 1b show the characteristics for those released from CDCR in fiscal year 2006-07. Nearly 90 percent of the determinant sentence releases were males while approximately 95 percent of the indeterminate sentence releases were male. Black/African American and those categorized as "Other" account for a higher proportion of indeterminately sentenced releases than those with a determinate sentence. Conversely, White and Hispanic/Latino offenders make up a small proportion of the indeterminately sentenced released than those with a determinate sentence.

The indeterminate sentence population was much older than those with a determinate sentence. The indeterminate sentence population had no one younger than 30 years old and nearly a quarter of the population was 55 or older. Approximately 35 percent of the determinate sentence population were younger than 30 years old and only 2.7 percent were 55 or older.

Both the determinate and indeterminate sentence releases had few felons with developmental disabilities. Both populations contained few sex offenders, although felons with a determinate sentence (6.8 percent) had higher proportion than those with an indeterminate sentence (3.6 percent). All 83 felons with an indeterminate sentence were committed for a crime against a person. Nearly 23 percent of the felons with a determinate sentence committed a crime against a person.

Indeterminately sentenced felons committed for Murder Second (44.6 percent), Kidnapping (32.5 percent), Attempted Murder First (14.5 percent), Murder First (7.2 percent), and Assault with a Deadly Weapon (1.2 percent).

Table 1a. FY 2006-07 Characteristics

Characteristic	DETERMINATE SENTENCE		INDETERMINATE SENTENCE		TOTAL	
	Number	%	Number	%	Number	%
Total	112,590	100.0%	83	100.0%	112,673	100.0%
Sex						
Male	100,696	89.4%	79	95.2%	100,775	89.4%
Female	11,894	10.6%	4	4.8%	11,898	10.6%
Race/Ethnicity						
White	36,145	32.1%	23	27.7%	36,168	32.1%
Hispanic/Latino	42,453	37.7%	19	22.9%	42,472	37.7%
Black/African American	29,030	25.8%	28	33.7%	29,058	25.8%
Other	4,962	4.4%	13	15.7%	4,975	4.4%
Age at Release						
18-19	735	0.7%	0	0.0%	735	0.7%
20-24	15966	14.2%	0	0.0%	15966	14.2%
25-29	22,721	20.2%	0	0.0%	22,721	20.2%
30-34	17,777	15.8%	4	4.8%	17,781	15.8%
35-44	34,671	30.8%	30	36.1%	34,701	30.8%
45-54	17,716	15.7%	29	34.9%	17,745	15.7%
55+	3,004	2.7%	20	24.1%	3,024	2.7%
Developmental Disability						
Yes	1,682	1.5%	1	1.2%	1,683	1.5%
No	110,908	98.5%	82	98.8%	110,990	98.5%
Sex Offenders						
Yes	7,633	6.8%	3	3.6%	7,636	6.8%
No	104,957	93.2%	80	96.4%	105,037	93.2%
Offense Category						
Crimes Against Person	25,741	22.9%	83	100.0%	25,824	22.9%
Property Crimes	37,976	33.7%	0	0.0%	37,976	33.7%
Drug Crimes	35,753	31.8%	0	0.0%	35,753	31.7%
Other Crimes	13,120	11.7%	0	0.0%	13,120	11.6%

Table 1b. FY 2006-07 Characteristics (Continued)

Characteristic	DETERMINATE SENTENCE		INDETERMINATE SENTENCE		TOTAL	
	Number	%	Number	%	Number	%
Offense						
Murder First	0	0.0%	6	7.2%	6	0.0%
Murder Second	3	0.0%	37	44.6%	40	0.0%
Manslaughter	470	0.4%	0	0.0%	470	0.4%
Vehicular Manslaughter	234	0.2%	0	0.0%	234	0.2%
Robbery	4,958	4.4%	0	0.0%	4,958	4.4%
Assault with a Deadly Weapon	5,604	5.0%	1	1.2%	5,605	5.0%
Attempted Murder First	4	0.0%	12	14.5%	16	0.0%
Attempted Murder Second	324	0.3%	0	0.0%	324	0.3%
Other Assault/Battery	9,206	8.2%	0	0.0%	9,206	8.2%
Rape	354	0.3%	0	0.0%	354	0.3%
Lewd Act with Child	1,790	1.6%	0	0.0%	1,790	1.6%
Oral Copulation	195	0.2%	0	0.0%	195	0.2%
Sodomy	49	0.0%	0	0.0%	49	0.0%
Sexual Penetration with Object	101	0.1%	0	0.0%	101	0.1%
Other Sex Offenses	2,246	2.0%	0	0.0%	2,246	2.0%
Kidnapping	203	0.2%	27	32.5%	230	0.2%
Burglary First	3,389	3.0%	0	0.0%	3,389	3.0%
Burglary Second	7,281	6.5%	0	0.0%	7,281	6.5%
Grand Theft	3,447	3.1%	0	0.0%	3,447	3.1%
Petty Theft with Prior	6,212	5.5%	0	0.0%	6,212	5.5%
Receiving Stolen Property	5,130	4.6%	0	0.0%	5,130	4.6%
Vehicle Theft	7,839	7.0%	0	0.0%	7,839	7.0%
Forgery/Fraud	3,579	3.2%	0	0.0%	3,579	3.2%
Other Property Offense	1,099	1.0%	0	0.0%	1,099	1.0%
CS Possession	19,344	17.2%	0	0.0%	19,344	17.2%
CS Possession for Sale	9,929	8.8%	0	0.0%	9,929	8.8%
CS Sales	3,126	2.8%	0	0.0%	3,126	2.8%
CS Manufacturing	888	0.8%	0	0.0%	888	0.8%
Other CS Offense	715	0.6%	0	0.0%	715	0.6%
Hashish Possession	52	0.0%	0	0.0%	52	0.0%
Marijuana Possession for Sale	1,103	1.0%	0	0.0%	1,103	1.0%
Marijuana Sale	450	0.4%	0	0.0%	450	0.4%
Marijuana Other	146	0.1%	0	0.0%	146	0.1%
Escape/Abscond	169	0.2%	0	0.0%	169	0.1%
Driving Under the Influence	2,576	2.3%	0	0.0%	2,576	2.3%
Arson	289	0.3%	0	0.0%	289	0.3%
Possession of a Weapon	6,148	5.5%	0	0.0%	6,148	5.5%
Other Offense	3,938	3.5%	0	0.0%	3,938	3.5%

Only 5.2 percent of the determinately sentenced population committed these same offenses, with the vast majority of them being Assault with a Deadly Weapon.

New Convictions

For this measure, we define a recidivist as an individual who, after serving a felony sentence in a CDCR adult institution, was released to parole between July 1, 2006 and June 30, 2007, and subsequently convicted of a misdemeanor or a felony. The recidivism rate is calculated using the ratio of the number of offenders who were returned to prison during the follow-up period to the total number of offenders in the recidivism cohort, multiplied by 100. Results presented are cumulative over one, two, and three years.

As Table 2 and Figure 1 show, more than half of the offenders who were released after having served determinate sentences were subsequently convicted of new crimes within three years of release, a much higher rate than that seen in the lifer cohort. Indeed, the re-conviction rate of lifers was approximately one-tenth the rate of those who served determinate sentences. Of the 83 lifers released in the fiscal year 2006-07 cohort, only 4 were convicted of new crimes within 3 years of release.

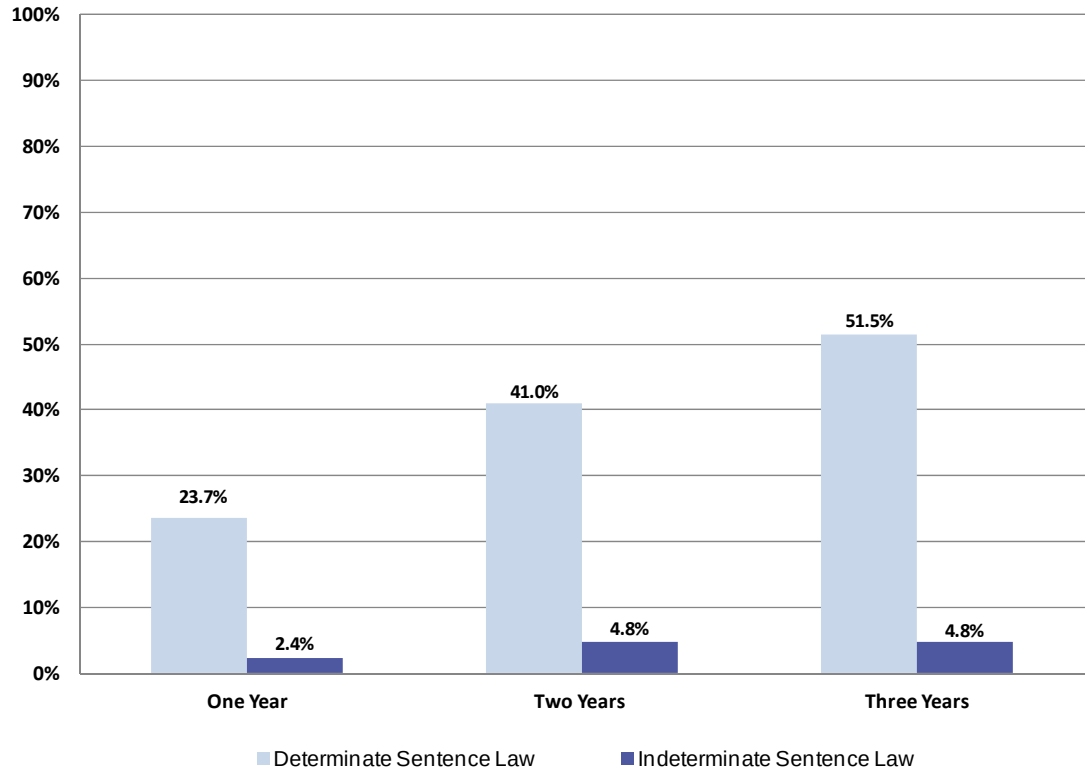
Table 2. FY 2006-07 Three-Year Conviction Recidivism Rates by Sentence Type

FY 2006/07 Release Cohort
Convictions

		One Year		Two Years		Three Years	
Sentence Type	Number Released	Number Convicted	Recidivism Rate	Number Convicted	Recidivism Rate	Number Convicted	Recidivism Rate
Determinate Sentence Law*	112,590	26,657	23.7%	46,106	41.0%	57,980	51.5%
Indeterminate Sentence Law	83	2	2.4%	4	4.8%	4	4.8%

* Those who have a Department of Justice automated criminal history record

Figure 1. FY 2006-07 Three-Year Conviction Recidivism Rates by Sentence Type



Returns to Prison[3]

For this measure, we define a recidivist as an individual who, after serving a felony sentence in a CDCR adult institution, was released to parole between July 1, 2006 and June 30, 2007, and subsequently returned to CDCR for a parole violation or a new conviction. The recidivism rate is calculated using the ratio of the number of offenders who were returned to prison during the follow-up period to the total number of offenders in the recidivism cohort, multiplied by 100. Results presented are cumulative over one, two and three years.

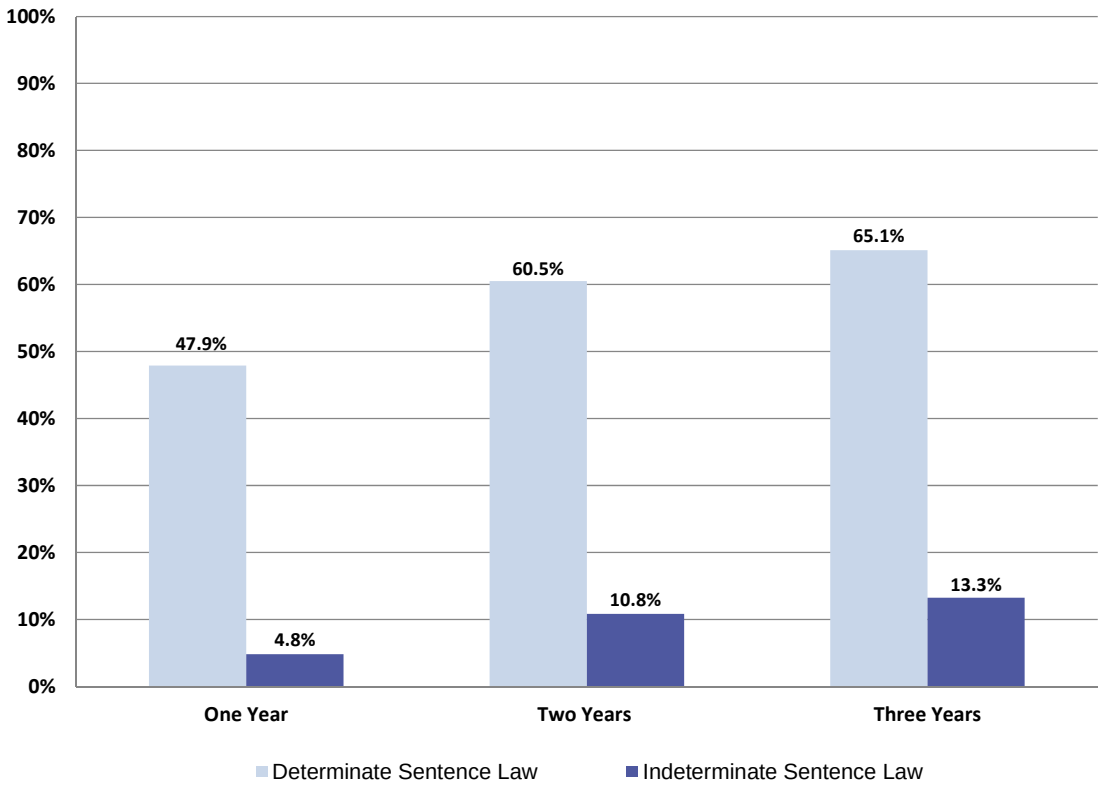
The recidivism rates for both groups are higher under this measure because it includes returns to prison for technical parole violations. Beyond that, we see again that lifers recidivate at a much lower rate than those who received determinate sentences. After three years, 65 percent of determinately sentenced inmates are returned to prison, while only 13 percent of lifers are returned to prison. Of the 83 lifers released in the fiscal year 2006-07 cohort, only 11 were returned to prison within 3 years of release (see Table 3 and Figure 2).

[3] These numbers differ from what was reported in the *2011 Adult Institutions Outcome Evaluation Report* because three individuals were erroneously included in the report as lifer parolees.

Table 3. FY 2006-07 Three-Year Return to Prison Recidivism Rates by Sentence Type

		One Year		Two Years		Three Years	
Sentence Type	Number Released	Number Returned	Recidivism Rate	Number Returned	Recidivism Rate	Number Returned	Recidivism Rate
Determinate Sentence Law	115,170	55,163	47.9%	69,683	60.5%	75,008	65.1%
Indeterminate Sentence Law	83	4	4.8%	9	10.8%	11	13.3%

Figure 2. FY 2006-07 Three-Year Return to Prison Recidivism Rates by Sentence Type



Conclusion

Examination of lifer parolee recidivism rates for a fiscal year cohort that was followed for a period of three years from release to parole shows that lifer parolees receive fewer new convictions within three years of being released to parole (4.8 vs. 51.5 percent, respectively). They also have a markedly lower return to prison recidivism rate than non-lifer parolees (13.3 vs. 65.1 percent, respectively).

Next Steps

This report is part of a series that identifies and examines additional attributes that contribute to the parole performance of released lifers. Future reports will be forthcoming as additional data become available, more time elapses to expand the parole follow-up period, and interest is expressed regarding particular aspects of lifer parolees.