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# Long Term Inmates and Recidivism Rates

The terms “long term inmates,” and “recidivism” have no agreed upon definitions but for the purposes of this presentation I consider almost all inmates eligible for parole consideration to be long term inmates. According to risk assessment data collected by the Board in 2015, 85% were incarcerated at least fifteen years, and their average age was 52.

## Recidivism Defined

- Arrests or convictions for violent felonies after release from prison (violent recidivism).
- Arrests or convictions for nonviolent felonies after release from prison (general recidivism).
- Re-incarceration or return to jail or prison for any reason after release.

There are many definitions of recidivism. Bureau of Justice Statistics, for example, incorporate six definitions in their analysis of parole release data. Narrow definitions of recidivism, particularly those that emphasize convictions for specific types of violent crimes, yield the lowest numbers and broad definitions of recidivism, particularly those that reflect return to jail or prison for parole violations, yield the highest numbers. In an attempt to simplify the data while also providing a comprehensive analysis, I will refer to the following definitions:

- Arrests or convictions for violent felonies after release from prison.
- Arrests or convictions for nonviolent felonies after release from prison.
- Re-incarceration or return to jail or prison for any reason after release. This includes arrests and convictions for felonies and misdemeanors and parole violations.

## Long Term Inmates and Recidivism Rates

- Of inmates forty-five years of age and older released after fifteen to twenty-five years of incarceration, what are their base rates of recidivism? What percentage are arrested or convicted of violent felonies? Nonviolent felonies? Or return to jail or prison for these and other reasons?

Information regarding recidivism of long term inmates is derived almost exclusively from data collected of inmates discretionarily released by parole release authorities or inmates released only after determined they no longer pose an unreasonable risk of danger to public safety. There is a dearth of data regarding inmates forty-five years of age and older released after 15-25 years of incarceration through non-discretionary parole release (at the conclusion of a determinate sentence, for example).

Most inmates released from prison, including those forty-five and over, are released from terms of less than five years. Long term inmates with demographics similar to those eligible for parole consideration are grossly underrepresented in recidivism research.

## Discretionary Release of Lifers by the Board of Parole Hearings

- Of Lifers discretionarily released by the Board over the course of nearly two decades, less than 1% were arrested or convicted of new felonies and about 10% were arrested for violating parole conditions (Weisberg et al., 2011; Mullane, 2012).

## CDCR's Parolee Recidivism Report of Lifers Released 2006-07 (2013)

| | Lifers Released (N= 83) | Determinately Sentenced Inmates Released Without Discretion (N = 112,000) |
|---|---|---|
| Age at Release | 96% > Age 35 | 50% < Age 35 |
| | | |
| Convicted of New Crimes | 4 (4.8%) | 57,980 (51.5%) |
| Returned to Prison (New Convictions and Parole Violations) | 11 (13.3%) | 75,008 (65.1%) |

In this CDCR study, Lifers released during 2006-07 were followed for three years. Recidivism was defined as convictions for new felonies or misdemeanors (including misdemeanors that did not result in returns to prison) and return to prison for new crimes or parole violations (including parole violations that did not lead to convictions for new crimes). Lifers were one-tenth as likely to be convicted of new felonies and misdemeanors within three years of release compared to determinately sentences inmates released without discretion, and one-fifth as likely to return to prison.

## CDCR'S 2015 Outcome Evaluation Report of Inmates Released 2010-11 (2016)

- Between July 1, 2010 and June 30, 2011, 95,690 offenders were released from CDCR prisons and tracked for three years.
- The three-year return-to-prison rate was 44.6%, which is a 9.7% decrease from the prior year.
- Of those who returned to prison:
  - 68% returned for parole violations.
  - 11% returned for property crimes.
  - 9% returned for crimes against persons.
  - 8% returned for drug crimes.
  - 4% other.

Some of the decrease in the three-year return-to-prison is attributed to implementation of the Public Safety Realignment Act (Realignment) in October 2011. Although each of the offenders in the Fiscal Year 2010-11 group were released pre-Realignment, Realignment was in effect for varying amounts of time during each offender's three-year follow-up period, contributing to a decline in the number of offenders returned for parole violations. This trend is expected to continue in subsequent CDCR outcome evaluation reports.

## CDCR'S 2015 Outcome Evaluation Report of Inmates Released 2010-11 (2016)

- Indeterminately sentenced inmates made-up less than one percent of the release group and had a substantially lower return-to-prison rate (6.3%) than those serving a determinate sentence (43.6%).
- Of 392 Lifers released by the Board, 4.8% returned to prison and less than one percent returned to prison with a new term.
- Of 6 Lifers released due to a court order, all returned to prison for a parole violation within three years of their release.

Each sentence type saw a decline in the three-year return-to-prison rate between FY 2009-10 and FY 2010-11. Offenders serving a determinate term saw the largest decrease at 9.9 percentage points between FY 2009-10 and FY 2010-11 (53.5 percent and 43.6 percent, respectively), followed by second strikers at 8.9 percentage points (60.7 percent and 51.8 percent, respectively) and lifers at 3.1 percentage points (9.4 percent and 6.3 percent, respectively).

Lifers discretionarily released by the Board and parole boards in other states after long term incarceration infrequently commit new crimes and infrequently return to jail or prison. Paroled Lifers compare very favorably to other parolees.

## Discretionary Release of Lifers in Canada (Ruddell et al., 2010)

- Among 1,532 Lifers Granted Full Parole:

| | Four Years After Paroled | Fifteen Years After Paroled |
|---|---|---|
| Violated Conditions of Parole | 11% | 21% |
| Parole Revoked for a Nonviolent Offense | 5% | 9.9% |
| Parole Revoked for a Violent Offense | 2.9% | 5% |

The same is true in Canada. There are nearly 5,000 Lifers incarcerated or conditionally released on parole in Canada. Of these, roughly 10% are serving indeterminate sentences. Parole release decisions are overseen by a national parole release board. Lifers in Canada and the processes governing parole release decisions release mirror those of California. Most Lifers in Canada are convicted of homicide, more than two-thirds have prior criminal records, and one in eight self-report having gang affiliations. 25% have current or past mental health issues.

## Comparing Canadian and California Lifers in Terms of Assessed Risk

| | Low | Moderate | High |
|---|---|---|---|
| Canada | 25% | 50% | 25% |
| California (2015) | 33.6% | 48.6% | 17.6% |

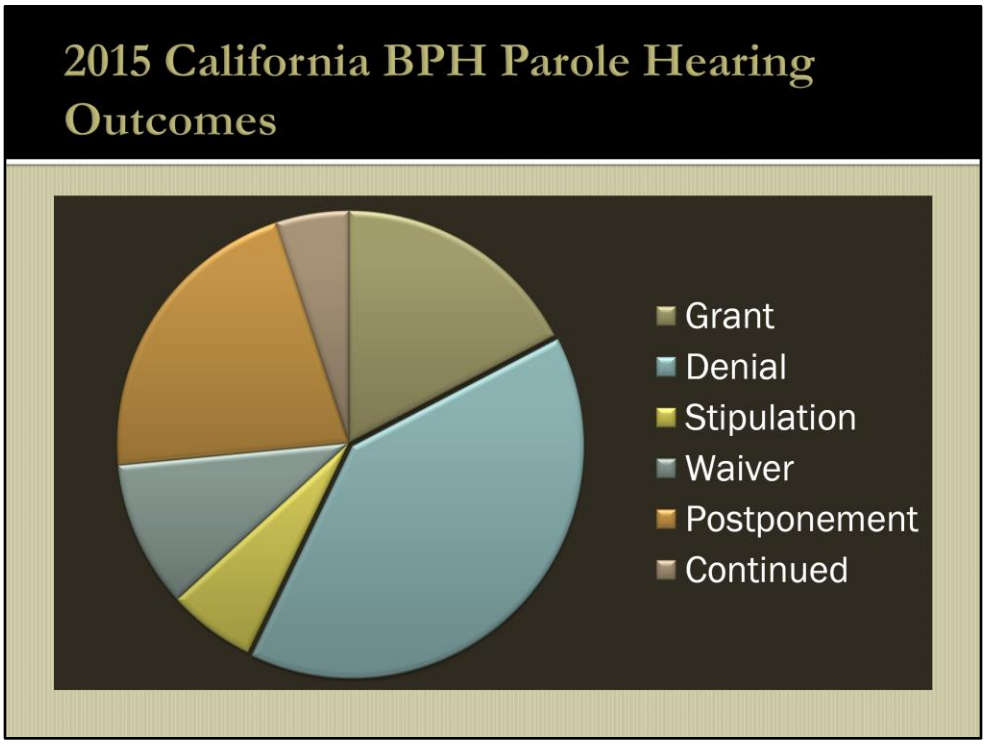
The average Lifer upon admission to prison in Canada is assessed to have high risks and needs and over 80% are classified as high risk upon admission. Lifers serve an average of 15 years in prison (sixty eight percent serve between five and 25 years) and they over time demonstrate reductions in risks and needs. High risk classifications drop to twenty-five percent. Fifty percent are classified medium risk and twenty-five percent are classified low risk. By comparison, the FAD in 2015 assessed 17.6% of Lifers to be high risk, 48.6% moderate risk, and 33.6% low risk.

Comparing California and Canada, California's Lifers tend to be a few years older and incarcerated a bit longer and they are more likely to be assessed low risk. And those who are granted parole return to prison with less frequency.

## Observed Recidivism of Indeterminately Sentenced Long-Term Inmates

| | Long-term Inmates Granted Parole and Discretionarily Released in California (Observed Ranges) |
|---|---|
| Arrests and Convictions for Violent Crimes | Less than 1% |
| Arrests and Convictions for Nonviolent Crimes | 1 –5% |
| Return to jail or prison for arrests, convictions, and parole violations | 5 - 10% |

Based upon observed recidivism of indeterminately sentenced long-term inmates in California and other states and Canada and other countries, of inmates granted parole and discretionarily released in California less than one percent are arrested or convicted for violent crimes within three years of release, 1 – 5% are arrested or convicted for nonviolent crimes, and 5 to 10% return to jail or prison for arrests, convictions, and parole violations.




Therefore, generalizing from existing data, of the 17% of long term inmates the Board granted parole in 2015 it is reasonable to expect most will be successful on parole and fewer than five to ten percent will return to prison within three years. Fewer still will be arrested or convicted of new crimes and very few, if any, will commit violent crimes.

What does the data regarding inmates discretionarily released by the Board tell us about the more than 80 percent of long term inmates who were not granted parole in 2015? Put another way, what is the base rate of recidivism of all long term inmates at the moment they are eligible for parole consideration? Hypothetically speaking, if released without discretion and without consideration of their current dangerousness, how many might we expect would be arrested or convicted of violent felonies? How many would be arrested or convicted for nonviolent felonies? How many would return to prison for these and other reasons?

Applying observed recidivism rates of long-term inmates discretionarily released by the Board to all long term inmates eligible for parole consideration, there are two theories. The first theory is that long term inmates who are not granted parole are virtually indistinguishable from those who are released and their estimated base rates of recidivism mirror those of inmates discretionarily released.

The second theory and the one I believe has garnered greater empirical support is that long term inmates who are granted parole are lower risk and less likely to recidivate

than inmates found to represent an unreasonable risk of danger to public safety. Our 2014 study (Guy, Packer, Kusaj, and Douglas) of the relationship between risk assessment and parole decision making, for example, found inmates granted parole are more likely to accept responsibility for prior misconduct, to possess accurate self-awareness of their risks, to be responsive toward rehabilitative efforts, and to demonstrate prosocial values and behavioral and psychiatric stability. Young, Mukamal, and Favre-Bulle (2016) similarly found inmate age, participation in substance abuse programming, number of rules violations, indicators of truthfulness and deception, and letters from prospective employers differentiated inmates granted and denied parole. Additionally, the Board has observed considerable differences across inmates assessed to be low, moderate, and high risk in terms of risk factor presence, current relevance of identified risks, measures of institutional stability, inmate age and demographics, and personality characteristics. Nonetheless, despite differences between inmates granted and not granted parole, long-term inmates, based upon their demographics and assessed risk characteristics, represent a lower risk group relative to much younger and shorter-term inmates.

## Why Estimate Base Rates of Recidivism of Long Term Inmates Eligible for Parole Consideration?

- Encourages specific risk communication that is easily applied.
- Counters inherent tendencies to overlook group characteristics in favor of case-specific information.
- Challenges inaccurate perceptions and biases that potentially influence decisions about risk and dangerousness.

Observed or estimated base rates of recidivism encourage specific risk communication and informed decision making. The more informed we are of the risk characteristics and estimated recidivism rates of a group, and to the degree we can reliably assess where in individual stands in relation to his or her group, the better equipped we are to make empirically supported inferences regarding an individual's risk.

Observed or estimated base rates of recidivism counter inherent tendencies to make decisions about individuals without sufficiently considering the group characteristics of which the individual belongs. Laypersons and mental health professionals sometimes make inadequate use of recidivism data and overestimate risk relative to known or estimated recidivism frequencies.

Observed or estimated base rates of recidivism challenge misperceptions and biases that potentially influence decisions about risk and dangerousness. It's reasonable to think that individuals who perceive a very high frequency of violence will be more likely to find an inmate dangerous than individuals who perceive a very low frequency of violence, and vice versa.

## Sources of Recidivism Data

- Violent and nonviolent arrests and convictions and re-incarceration of inmates released nationally.
  - Age at release.
  - Commitment offense severity.
  - Violent offenders / Convicted murderers.
- Meta-analysis of studies of homicide offenders.
- Violent reconviction data of convicted murderers and attempted murderers.
- Longitudinal studies that track the frequency of violence across inmates' lifetimes.
- Clinical studies of inmates with similar demographics and risk characteristics.

Moving beyond recidivism data of indeterminately sentenced inmates discretionarily release by parole boards, where else might we look for violent reconviction data in an attempt to understand the relative risk of long term inmates eligible for parole consideration?

- Violent and nonviolent arrests and convictions and re-incarceration of inmates released nationally (Bureau of Justice Statistics) and California (CDCR Outcome Evaluation Reports).
    - Age at release.
    - Commitment offense severity.
    - Violent offenders / Convicted murderers.
    - Length of incarceration
- Meta-analysis of studies of homicide offenders.
- Violent reconviction data of convicted murderers and attempted murderers.
- Longitudinal studies that track the frequency of violence across inmates' lifetimes.
- Clinical studies of inmates with similar demographics and risk characteristics.

## Durose et al. (2014): Characteristics of United States Inmates Released in 2005 (Patterns from 2005-2010)

- Age at Release
  - 36% were 29 or younger.
  - 32% were between the ages 30-39.
  - 32% were 40 years or older at release.
- Commitment Offense Severity
  - 32% were committed for drug crimes.
  - 30% property crimes.
  - 26% violent crimes.
  - 13% public order crimes.

The Bureau of Justice Statistics (or BJS) tracked the recidivism patterns of more than 400,000 persons released in 2005 from state prisons in 30 states. In 2005, these states were responsible for 77% of inmates released from U.S. prisons. A representative sample of inmates released in 2005 was developed for each of the 30 states using data reported by state departments or corrections to BJS' National Corrections Reporting Program.

Of inmates released in 30 states in 2005, more than a third were under age 30 at release, and about a third were age 40 or older. Most were committed for drug or property crimes but about one fourth were committed for violent crimes. An estimated 26% of the released inmates had four or fewer prior arrests, while 43% had 10 or more. Half of the released inmates had three or more prior convictions.

About half of all inmates had prison terms in the range of two to three years, and only 10% served more than seven years.

## Durose et al. (2014): Characteristics of United States Inmates Released in 2005 (Patterns from 2005-2010)

- 76.6% of inmates arrested for any offense within 5 years of release.
  - Among all released inmates, the average number of arrests in the 5-year period was 2.9.
  - 38.4% arrested for property crimes.
  - 38.8% arrested for drug crimes.
  - 58% arrested for public order crimes.
- 28.6% of inmates arrested for violent crime.
  - 0.9% arrested for homicide.
  - 23% arrested for assault and 5.5% for robbery.

Released inmates were tracked for 5 years. The arrest percentages are not cumulative because a released inmate may have been arrested more than once and each arrest may involve more than one charge.

Property crimes include burglary, larceny/motor vehicle theft, fraud/forgery. Drug crimes include possession and trafficking. Public order crimes include weapons violations, driving under the influence, and probation/parole violations.

Durose et al. (2014) analyses are consistent with prior reports and confirm that most inmates released from prison return to prison within three to five years and most are arrested more than once.

## Durose et al. (2014): Characteristics of United States Inmates Released in 2005 (Patterns from 2005-2010)

| Age at Release | Percent Arrested for a New Crime within 3 years | Percent Arrested for a Violent Crime within 3 years |
|---|---|---|
| 24 or younger | 78.2% | 28.6% |
| 25-29 | 73.4% | 24.8% |
| 30-34 | 70.3% | 20.1% |
| 35-39 | 71.8% | 19.5% |
| 40 and older | 62.9% | 14.3% |

Age at Release and Arrests for Violent Crime.

The overwhelming majority of inmates released were arrested for a new crime within 3 years of release. 21.8% were arrested for a violent crime within 3 years.

inmates 40 years or older were about half as likely to be arrested for violent crimes than inmates 24 and younger.

## CDCR'S 2015 Outcome Evaluation Report of Inmates Released 2010-11 (2016)

- Age at Release.
- Of inmates between the ages of 45 and 54 when released from, about 40% returned to prison within three years. About 33% of inmates over the age of 55 when released returned to prison.
- By comparison, of inmates under the age of 30 when released, more than 50% returned to prison within three years.

Although recidivism rates for inmates 40 years and older in California and in other states are still quite high, it's also true that most of these inmates were released from prison terms of less than five years. Within groups of older inmates, it is unknown how many were habitual inmates (i.e., cycled in/out of prison), how many committed their controlling offense later in Life (i.e., relatively short-term incarceration), and how many grew old in prison after many years of incarceration. These subgroups of older inmates likely differ from each other in meaningful ways. An inmate's age at release from prison is a relevant consideration when assessing risk but a more important consideration is the degree to which an inmate has *aged* in prison through long term incarceration. It's aging that matters most.

## CDCR'S 2015 Outcome Evaluation Report of Inmates Released 2010-11 (2016): Non-Discretionary Release

| Years of Incarceration at Release | Number Released | Returned to Prison for New Term or Parole Violation | Felony or Misdemeanor Arrest | Felony or Misdemeanor Conviction |
|---|---|---|---|---|
| 10-15 | 897 | 220 (24.5%) | 417 (47.8%) | 221 (25.3%) |
| 15-20 | 111 | 34 (30.6%) | 55 (50.9%) | 27 (25%) |
| 20-25 | 14 | 3 (NA %) | 3 (NA %) | 1 (NA %) |
| 25+ | 6 | 3 (NA %) | 3 (NA %) | 1 (NA%) |
| Total | 1,028 | 260 (25.3%) | 478 (48.1%) | 250 (25.2%) |

This analysis of three-year rates for arrests, convictions, and returns of long term inmates (excluding those released by the Board) released in fiscal year 2010-11 was not included in the 2015 Outcome Evaluation Report and was provided by CDCR's Office of Research upon request of the board.

A released inmate may be reflected in more than one category. If an inmate returned to prison on a parole violation and he paroled a second time and within three years was arrested and convicted of a new felony, he would be counted in all three categories. Felony or misdemeanor arrests or convictions may or may not have resulted in a return to jail or prison.

Of the 260 (25%) who returned to prison for new terms or parole violations, 105 (40.4%) returned with a new term and 155 (59.6%) returned for a parole violation.

## Durose et al. (2014): Characteristics of United States Inmates Released in 2005 (Patterns from 2005-2010)

- Violent Offenders.
- Compared to inmates incarcerated for a property, drug, or public order offenses, a higher percentage of inmates incarcerated for a violent offense were arrested for another violent crime (33.1%) within five years of release.

- Violent offenders include inmates convicted of murder, voluntary or involuntary manslaughter, rape or sexual assault, robbery, and assault.
- Among violent offenders, the annual recidivism rates of inmates sentenced for homicide or sexual assault were lower than those sentenced for assault or robbery across the 5-year period.
- The percent of homicide offenders arrested for another violent crime was not reported.

## Recidivism Defined as Reconvictions for Violent Felonies

- Of more than 593,000 inmates released from New York prisons between 1985 and 2009, 41% returned to prison, 15% were reconvicted for a felony within three years, and 4.1% were reconvicted for a violent felony (Kim, R., 2013).
- Of inmates released from California prisons, 4% of low risk and 7% of moderate risk inmates (as measured by the California Static Risk Assessment) were reconvicted for a violent felony within three years of release (Turner et al., 2009).

It is worth noting that although Durose et al. (2014) reported that roughly 75% of inmates in the United States are arrested for new crimes within five years of release and 25% are arrested for violent crimes, reconvictions for violent crimes in other large samples are comparatively low. In New York and California, for example, rates of reconviction for violent felonies, even among non-long term inmates, approximates 5% [Kim (2013); Turner (2009)].

## Homicide Offenders Committing Violent Offenses

- Liem (2013) reviewed 22 studies of homicide offenders and concluded "recidivism as measured by committing violent offenses seems to fall between the two extremes, ranging from 2 to 16%."
  - The effects of time in prison on recidivism are not straightforward but imprisonment longer than 10 years generally decreases recidivism.
- Kim (2014) found that of 7,010 murderers and attempted murderers released from New York prisons from 1985 and 2010, 1,623 (23%) returned to prison within three years and 413 (5.9%) returned on new commitments and 180 (2.6%) were convicted of violent crimes.

Marieke Liem in 2013 published a review of 22 studies of homicide offenders and concluded "recidivism as measured by committing violent offenses seems to fall between the two extremes, ranging from 2 to 16%." Recidivism is much higher when measured in parole violations, drug charges, and arrests for nonviolent crimes.

Recidivism variability across samples of homicide offenders is due to many factors, including small sample sizes, varying definitions of homicide, and varying measures of recidivism and duration of follow-up. Those who recidivate are most likely to do so within a few years of release. The effects of time in prison on recidivism are not straightforward but imprisonment longer than 10 years generally decreases recidivism.

## Homicide Offenders Committing Violent Offenses

- New Jersey (Neuilly et al., 2011) In a sample of 320 homicide offenders (60% were convicted murders,70% were discretionarily paroled, and average length of incarceration was 7 years), about half returned to prison and 7% committed a violent offense.
- Roberts et al. (2007) found the rate of violent recidivism to range from 2% for homicide offenders who committed an accidental homicide, versus 16% for those who committed a homicide resulting from an altercation.

## Longitudinal Studies that Track the Frequency of Violent Arrests Across Inmates' Lifetimes

### Sampson and Laub (2003)

Percent Arrested by Age Grouping

| | 17-24 | 25-31 | 32-39 | 40-49 | 50-59 | 60-69 |
|---|---|---|---|---|---|---|
| Total | 84% | 65% | 60% | 44% | 23% | 12% |
| Violent | 33% | 16% | 18% | 14% | 7% | 3% |
| Property | 61% | 27% | 22% | 14% | 8% | 2% |
| Alc/Drug | 35% | 29% | 28% | 21% | 9% | 7% |
| Other | 67% | 49% | 44% | 28% | 13% | 5% |

Sampson and Laub (2003) longitudinally studied one group of inmates from adolescence through adulthood. At intervals of one decade, they reported percentages of inmates who were arrested for various types of offenses. Within one decade, an inmate may have committed multiple types of offenses and he consequently would be represented in multiple categories (i.e., violent offense, alcohol/drug offense). The categories are not mutually exclusive and this is why the individual categories for the types of offenses committed do not add up to the "Total" percentage of inmates who were arrested within a given decade.

Between the ages of 17-24 and 40-49, total crime and violent crime was reduced by ½. Between 40-49 and 50-59, total crime and violent crime was reduced by an additional ½. Higher risk inmates in their forties and fifties sometimes resemble lower risk inmates in their twenties (Sivertson and Carlsson, 2015).

For violent crime, the peak age of offending was in the twenties and the rate of decline was more erratic over time, with some inmates remaining active well into their forties even though the rate of violent offending is low relative to other crime types. Overall, however, violent crime was at about half its peak by the time men reached age 40 and near zero by age 65.

Example: Of inmates who reached the age 50-59, 7% were arrested for violent crimes, 8% were arrested for property crimes, 9% were arrested for alcohol/drug crimes, and 13% were arrested for other types of crimes. Collectively, 23% of inmates within this age group were arrested for one or more of these four categories of crimes.

The average age of onset for violence was 22 and the average age of desistance was 31. Aging

out of crime was the norm – even the most serious delinquents desist. The age/crime curve pattern was the same for delinquents assessed to be low and high risk (high risk offended at a greater rate but they too showed a significant drop in total offending and violence throughout the lifespan). Desistance and aging out of crime appear to reflect a general process.

Interestingly, one of the important findings of Sampson and Laub and replicated elsewhere is that much of the crime committed within this sample can be attributed to a relatively small group of inmates. Like other inmates, this group of "non-desisting" inmates also demonstrated age-related declines in criminality. But even later in life they made-up a disproportionate share of inmates who are arrested for crimes within their respective age group.

## Violent Reconviction Data of Clinical Studies that Combine Crime Severity, Age, and Length of Incarceration

- Manchak, Skeem, and Douglas (2008) followed 400 determinately-sentenced long-term inmates in Washington for one year post-release.
  - Average length of incarceration was 13.7 years.
  - Average age at release was 45.2.
  - 40% had a commitment offense of murder.
  - 80% were low to moderate risk (as assessed by the LSI-R) and 20% were moderate/high or high risk.
- 3.5% of long-term inmates (irrespective of assessed risk) reconvicted for a violent felony within one year.

This sample, although determinately sentenced and serving less time overall, bears many similarities to California's long term inmate population. Most notable is that their assessed risk characteristics closely resemble those of California Lifers.

Manchak et al. (2008) demonstrated a predictive relationship between assessed risk and overall recidivism. Three percent of low risk inmates were convicted of a felony within one year of release compared to 16% of moderate risk and 26% of high risk inmates.

## Risk Categories are Associated with Recidivism But Vary Across Samples with Different Base Rates

| | Washington (2008): Non-violent arrests at four years, post-release. Risk assessed with LSI-R. | California (2016): Return to prison at three years, post-release. Risk assessed with CSRA. |
|---|---|---|
| Low Risk | 14% | 23.6% |
| Moderate Risk | 27% | 35.9% |
| High Risk | 38% | 55.9% |

Some of these differences are undoubtedly due to measurement differences (arrests versus return to prison) and differences in parole practices across jurisdictions (non-parole for some versus mandatory parole for all). Washington supervises 85% (not 100% of released offenders). But some of the differences are also likely due to offender characteristics (age, length of incarceration). The California assessed risk sample was younger and served less time in prison.

The take-away point is that *within* prison samples, low, moderate, and high inmates have different recidivism trajectories – and this has been replicated in numerous studies and reports across many jurisdictions and countries. *Across* samples, however, percentages vary (i.e., the term "low risk" is not synonymous with any particular recidivism observation or estimate).

## Recidivism Base Rate Comparisons at Three Years Post-Release

| | Determinately Sentenced Inmates Released Without Discretion in California and Other States (Observed Ranges) | Long-term Inmates Eligible for Parole Consideration (Estimated Ranges) | Long-term Inmates Granted Parole and Discretionarily Released in California (Observed Ranges) |
|---|---|---|---|
| Arrests and Convictions for Violent Crimes | 20 – 25% | 3 – 15% | Less than 1% |
| Arrests and Convictions for Nonviolent Crimes | 35 – 50% | 10 – 25% | 1 –5% |
| Return to jail or prison for arrests, convictions, and parole violations | 50 – 70% | 20 - 40% | 5 - 10% |

Observed recidivism base rates of determinately sentenced inmates released without discretion and long term inmates granted parole and discretionarily released are reasonably well-established.

Of determinately sentenced inmates released without discretion in California and other states, within three years of release 20 to 25% are arrested for violent crimes (4 to 6% convicted for violent crimes). 35 to 50% are arrested for nonviolent crimes (15 to 30% convicted). And 50 to 70% return to jail or prison for arrests, convictions, and parole violations.

Of long-term inmates granted parole and discretionarily released in California, within three years of release less than one percent are arrested or convicted for violent crimes, 1 – 5% are arrested or convicted for nonviolent crimes, and 5 to 10% return to jail or prison for arrests, convictions, and parole violations.

To estimate recidivism base rates of long term inmates eligible for parole consideration in California requires some degree of extrapolation and inference from comparable inmate groups. After reviewing the data of similarly aged inmates, inmates released from long term incarceration, inmates with similar commitment offense severity, meta-analysis of homicide offenders, studies of murderers, longitudinal studies that track the frequency of violence across inmates' lifetimes, and clinical studies of inmates with similar demographics and risk characteristics, I estimate the base rate of recidivism of

long term inmates eligible for parole consideration to be higher than the observed base rates of inmates discretionarily released by parole boards but considerably lower than the observed rates of younger and shorter-term inmates released in California and nationally.

How much lower? Of long-term inmates eligible for parole consideration, I estimate 20 to 40%, if released without discretion and without consideration of their present dangerousness, would return to jail or prison for arrests, convictions, and parole violations. 10 to 25% would be arrested or convicted of nonviolent crimes and 3 to 15% would be arrested or convicted of violent crimes.

## Incorporating Recidivism Base Rate Information into Risk Classifications

| Rating | Definition | Implications for Violence Recidivism |
|---|---|---|
| Low Risk | Non-elevated risk relative to long-term inmates and to other parolees. | Low-risk examinees are expected to commit violence much less frequently than all other parolees. |
| Moderate Risk | Elevated risk relative to long-term inmates and non-elevated risk relative to other parolees. | Moderate-risk examinees are expected to commit violence more frequently than Low-risk long-term parolees but less frequently than other parolees. |
| High Risk | Markedly elevated risk relative to long-term inmates and average risk relative to other parolees. | High-risk examinees are expected to commit violence more frequently than Low- and Moderate-risk long-term parolees and similarly to other parolees. |

FAD's approach to risk communication is grounded in two assumptions: First, long-term inmates, based upon their demographics and assessed risk characteristics, represent a lower risk group relative to much younger and shorter-term state prison parolees. And, secondly, not all long-term inmates are alike. There is significant variation within the group of long-term inmates eligible for parole consideration.

Long term inmates assessed to be low risk, in terms of estimated recidivism, in most cases resemble inmates granted parole and discretionarily released. Long term inmates assessed to be high risk in most cases resemble determinately sentenced inmates released without discretion. And long term inmates assessed to be moderate risk likely fall somewhere in between.