



California Department of Corrections and Rehabilitation

# RECIDIVISM RATES FOR OFFENDERS RELEASED THROUGH BOARD OF PAROLE HEARINGS PROCESSES IN FISCAL YEAR 2016-17

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## Recidivism Rates for Offenders Released Through Board of Parole Hearings Processes in Fiscal Year 2016-17

The California Department of Corrections and Rehabilitation's (CDCR) Board of Parole Hearings (BPH) conducts parole suitability hearings for offenders sentenced to life with the possibility of parole (lifers), elderly offenders, and youth offenders. BPH must find an offender suitable for parole unless they pose a current, unreasonable risk to the public. BPH also conducts administrative reviews of nonviolent second strike offenders and must approve them for release unless they pose an unreasonable risk of violence or significant criminal activity.<sup>i</sup> This report discusses the demographics and three-year conviction rates of offenders found suitable for release by BPH after a parole suitability hearing and offenders approved for release after an administrative review (under the criteria at the time of each offender's hearing or review) and who were released in Fiscal Year (FY) 2016-17.<sup>ii</sup> This report supplements the Recidivism Report for Offenders Released from the California Department of Corrections and Rehabilitation in Fiscal Year 2016-17.<sup>iii</sup>

### Demographics and Characteristics

This section briefly discusses the demographics and characteristics of the 710 offenders in the FY 2016-17 release cohort who received a BPH parole suitability hearing (lifer parole, youth parole, or elderly parole) and were found suitable for release. The following bullets summarize key demographics and characteristics provided in Table 1, most of which are commonly associated with low recidivism rates.<sup>iv</sup>

- Most offenders found suitable for parole by BPH were age 40 or over at the time of their release (86.8 percent), and relatively few were under 40 (13.2 percent).
- Nearly all of these offenders were originally committed for crimes against persons (99.9 percent), while one offender was committed for other crimes.
- The largest percent of offenders in this group were found suitable for parole through the youth offender parole hearing process (43.1 percent), meaning the offender was relatively young at the time of the commitment offense. Another 42.1 percent of offenders were found suitable for release through a lifer parole hearing (non-youth offender and non-elderly parole), and 13.4 percent through the elderly parole hearing process.<sup>v</sup>
- All offenders in this group were released to parole, and they mostly consist of indeterminately sentenced lifers (98.7 percent).
- Nearly all offenders in this group were originally committed for a violent offense (99.0 percent), while five offenders were committed for a serious offense and two offenders for a non-serious/non-violent offense.
- Approximately 25 percent of these offenders had a length of stay of less than 20 years during their most recent stay at CDCR. A majority (53.2 percent) had a length of stay between 20 and 29 years, and 21.3 percent had a stay of over 30 years.
- Over 40 percent of this group (42.8 percent) were released to Los Angeles County, followed by San Francisco County (17.5 percent) and San Diego County (9.4 percent).

Table 1. Demographics and Characteristics for Offenders with a BPH Suitability Hearing

<b>All BPH Suitability Hearings</b>		
<b>Demographics and Characteristics</b>	<b>Number</b>	<b>Percent</b>
<b>Total</b>	710	100.0%
<b>Gender</b>		
Male	661	93.1%
Female	49	6.9%
<b>Age at Release</b>		
20 to 24	2	0.3%
25 to 29	5	0.7%
30 to 34	15	2.1%
35 to 39	72	10.1%
40 to 44	106	14.9%
45 to 49	129	18.2%
50 to 54	123	17.3%
55 to 59	122	17.2%
60 and over	136	19.2%
<b>Race/Ethnicity</b>		
Black/African American	238	33.5%
Hispanic/Latino	210	29.6%
White	172	24.2%
Other	72	10.1%
American Indian/Alaskan Native	11	1.5%
Asian/Pacific Islander	7	1.0%
<b>Commitment Offense Category</b>		
Crimes Against Persons	709	99.9%
Other Crimes	1	0.1%
Drug Crimes	0	0.0%
Property Crimes	0	0.0%
<b>Parole Suitability Hearing Type</b>		
Youth Offender Parole Only	306	43.1%
Lifer (Non-Youth Offender & Non-Elderly Parole)	299	42.1%
Elderly Parole Only	95	13.4%
Both Youth Offender & Elderly Parole*	10	1.4%

\*Some offenders were found suitable under both Youth Offender and Elderly Parole Programs.

Table 1. Demographics and Characteristics for Offenders with a BPH Suitability Hearing (continued)

<b>All BPH Suitability Hearings</b>		
<b>Demographics and Characteristics</b>	<b>Number</b>	<b>Percent</b>
<b>Sentence Type</b>		
Indeterminate Term	701	98.7%
Determinate Term	9	1.3%
<b>Serious/Violent Offenders</b>		
Violent	703	99.0%
Serious	5	0.7%
Non-Serious/Non-Violent	2	0.3%
<b>Mental Health Designation (At Release)</b>		
No Mental Health Designation	623	87.7%
Correctional Clinical Case Management System	81	11.4%
Enhanced Outpatient Program	6	0.8%
<b>County of Release</b>		
Los Angeles County	304	42.8%
San Francisco County	124	17.5%
San Diego County	67	9.4%
Alameda County	38	5.4%
Riverside County	29	4.1%
Sacramento County	23	3.2%
Fresno County	22	3.1%
Orange County	18	2.5%
San Bernardino County	12	1.7%
San Joaquin County	9	1.3%
Contra Costa County	8	1.1%
Kern County	8	1.1%
All Other Counties	48	6.8%
<b>Length of Stay</b>		
Less than 10 years	27	3.8%
10 to 14 years	45	6.3%
15 to 19 years	109	15.4%
20 to 24 years	194	27.3%
25 to 29 years	184	25.9%
30 to 34 years	99	13.9%
35 to 39 years	43	6.1%
40 years or more	9	1.3%

## Conviction Rates

### Indeterminate Term (Lifer) Parole Process

BPH conducts parole suitability hearings for offenders sentenced to life with the possibility of parole (commonly referred to as “lifers”) once they have served a certain amount of time based on the sentence imposed by the court. Generally, lifers are released only if the BPH has found them suitable for release, although a court may also order a lifer released. As previously mentioned, a person is suitable for parole unless BPH finds they pose a current, unreasonable risk to the public.

During FY 2016-17, 701 lifers were released from CDCR, all of whom were found suitable for release by BPH. The number of lifers released each year has consistently increased since FY 2007-08. The three-year conviction rate for this group of offenders has remained low, ranging from 1.9 percent in the current FY 2016-17 cohort to 5.3 percent in the FY 2009-10 release cohort.<sup>vi</sup>

As shown in Table 2, only 13 lifers were convicted within three years of release for a three-year conviction rate of 1.9 percent. Compared to the previous FY 2015-16 release cohort, in which lifers had a conviction rate of 3.2 percent, the rate has decreased by 1.3 percentage points. Of those convicted, seven lifers were convicted of felony offenses and six were convicted of misdemeanor offenses. Less than one percent (0.9 percent) were convicted of felony crimes against persons (Table 3).

*Table 2. Conviction Rates for Offenders Sentenced to an Indeterminate Term (Lifers)*

Sentence Type	Number Released	One-Year		Two-Year		Three-Year	
		Number Convicted	Conviction Rate	Number Convicted	Conviction Rate	Number Convicted	Conviction Rate
Lifers (Indeterminate Term)	701	0	0.0%	6	0.9%	13	1.9%

*Table 3. Type of Conviction for Offenders Sentenced to an Indeterminate Term (Lifers)*

Lifers (Indeterminate Term) Type of Conviction	FY 2016-17	
	Number	Percent
<b>No Convictions</b>	<b>688</b>	<b>98.1%</b>
<b>All Felonies</b>	<b>7</b>	<b>1.0%</b>
Felony Crimes Against Persons	6	0.9%
Felony Property Crimes	0	0.0%
Felony Drug/Alcohol Crimes	1	0.1%
Felony Other Crimes	0	0.0%
<b>All Misdemeanors</b>	<b>6</b>	<b>0.9%</b>
Misdemeanor Crimes Against Persons	2	0.3%
Misdemeanor Property Crimes	0	0.0%
Misdemeanor Drug/Alcohol Crimes	1	0.1%
Misdemeanor Other Crimes	3	0.4%
<b>Total</b>	<b>701</b>	<b>100.0%</b>

### Elderly Parole Program

Effective January 1, 2021, eligible offenders may receive a parole suitability hearing through the Elderly Parole Program once they are age 50 and have served 20 years of continuous incarceration.<sup>vii</sup> The criteria for parole suitability hearings under the Elderly Parole Program has changed over time. Offenders who received a hearing and were released in FY 2016-17 were required to reach age 60 and serve 25 years of continuous incarceration. Offenders sentenced to either a determinate or indeterminate term are eligible for elderly parole, however the data below only includes those sentenced to an indeterminate term.

In FY 2016-17, 105 offenders were released from CDCR through the Elderly Parole Program. Of those offenders, one was convicted of a felony crime against persons during the three-year follow-up period, for a three-year conviction rate of 1.0 percent.

*Table 4. Conviction Rates for Offenders Released through the Elderly Parole Program*

Parole Suitability Hearing Type	Number Released	One-Year		Two-Year		Three-Year	
		Number Convicted	Conviction Rate	Number Convicted	Conviction Rate	Number Convicted	Conviction Rate
Elderly Parole (Indeterminate Term)*	105	0	0.0%	0	0.0%	1	1.0%

\*Includes 10 offenders found suitable under both the Youth Offender and Elderly Parole Programs.

### Youth Offender Parole Process

BPH conducts youth offender parole hearings for offenders who were under a certain age when they committed their controlling offense (the single crime or enhancement for which the sentencing court imposed the longest term of imprisonment). Due to their age at the time of their commitment offense, these offenders are classified as youth offenders. The age at which a youth offender committed their controlling offense and when they become eligible for a youth offender parole hearing have changed over time. Senate Bill (SB) 260 took effect on January 1, 2014, and created the youth offender parole hearing process for offenders who committed their controlling offense before reaching age 18. SB 261 took effect on January 1, 2016, and expanded hearings to youth offenders who were under the age of 23 when they committed their controlling offense. Most recently, Assembly Bill 1308 took effect on January 1, 2018, and expanded hearings to youth offenders who were under the age of 26 when they committed their controlling offense.<sup>viii</sup>

Youth offenders sentenced to an indeterminate term of less than 25 years to life are eligible for a hearing during their twentieth year of incarceration; youth offenders sentenced to an indeterminate term of 25 years or more to life are eligible during their twenty-fifth year of incarceration. Youth offenders sentenced to a determinate term are eligible for a parole hearing during their fifteenth year of incarceration.

A total of 316 offenders were found suitable for release by BPH and released in FY 2016-17 under the youth offender parole process. Of those offenders, 307 had served an indeterminate term and nine had served a determinate term. Two of the 307 offenders sentenced to an indeterminate (life) term were convicted during the three-year follow-up period for a three-year conviction rate of 0.7 percent. Both offenders were convicted for felony crimes against persons. Although a three-year conviction rate was

not calculated for the offenders sentenced to a determinate term (due to 30 or fewer total releases), none of the nine offenders sentenced to a determinate term, reviewed and found suitable for release by BPH were convicted during the three-year follow-up period.

*Table 5. Conviction Rates for Youth Offenders Released through the Youth Offender Parole Process*

Parole Suitability Hearing Type	Number Released	One-Year		Two-Year		Three-Year	
		Number Convicted	Conviction Rate	Number Convicted	Conviction Rate	Number Convicted	Conviction Rate
Youth Offender Parole (Indeterminate Term)*	307	0	0.0%	1	0.3%	2	0.7%
Youth Offender Parole (Determinate Term)	9	0	N/A	0	N/A	0	N/A
<b>Total</b>	<b>316</b>	<b>0</b>	<b>0.0%</b>	<b>1</b>	<b>0.3%</b>	<b>2</b>	<b>0.6%</b>

\*Includes 10 offenders found suitable under both the Youth Offender and Elderly Parole Programs.



## Nonviolent Second Strike Offender Parole Process

In 2014, CDCR was required by a court order to create and implement a new parole determination process for nonviolent second strike offenders (commonly referred to as NVSS offenders) once they had served 50 percent of their sentence.<sup>ix</sup> BPH began receiving referrals for the new parole process in January 2015.<sup>x</sup> This section discusses the composition and conviction rates of NVSS offenders in the FY 2016-17 release cohort who received an administrative review and approval from BPH and were released. As previously mentioned, NVSS offenders must be approved for release unless BPH finds they pose an unreasonable risk of violence or significant criminal activity.

Please note that second strike offenders are determinately sentenced, meaning their maximum length of stay is set based on the sentence imposed by the court, and this group is separate from the offenders discussed earlier in this report.

### Demographics and Characteristics

Table 6 provides the demographics and characteristics of nonviolent second strike offenders reviewed and approved for release. The bullets below include some key observations, many of which are commonly associated with relatively high recidivism rates.<sup>xi</sup>

- Over half of the 1,489 NVSS offenders released were between the ages of 25 and 39 at the time of release (51.0 percent). The largest group was between ages 30 to 34 at release (18.7 percent), followed by offenders between ages 35 and 39 (17.7 percent).
- The largest percentage of offenders were originally committed to CDCR for property crimes (48.8 percent), followed by other crimes (21.5 percent) and drug crimes (20.3 percent). Less than 10 percent were originally committed for crimes against persons (9.5 percent).
- Most NVSS offenders were originally committed for non-serious, non-violent offenses (81.6 percent), while 18.4 percent were committed for serious offenses.
- Most offenders in this group had a length of stay between one and two years (55.2 percent). Altogether, over 80 percent of NVSS offenders released had a length of stay of less than three years during their most recent stay at CDCR (81.1 percent).

Table 6. Demographics and Characteristics of Nonviolent Second Strikers

<b>Nonviolent Second Strikers</b>		
<b>Demographics and Characteristics</b>	<b>Number</b>	<b>Percent</b>
<b>Total</b>	1,489	100.0%
<b>Gender</b>		
Male	1,375	92.3%
Female	114	7.7%
<b>Age at Release</b>		
20 to 24	94	6.3%
25 to 29	218	14.6%
30 to 34	279	18.7%
35 to 39	263	17.7%
40 to 44	192	12.9%
45 to 49	182	12.2%
50 to 54	133	8.9%
55 to 59	92	6.2%
60 and over	36	2.4%
<b>Race/Ethnicity</b>		
Hispanic/Latino	565	37.9%
White	485	32.6%
Black/African American	369	24.8%
Other	38	2.6%
American Indian/Alaskan Native	17	1.1%
Asian/Pacific Islander	15	1.0%
<b>Commitment Offense Category</b>		
Property Crimes	726	48.8%
Other Crimes	320	21.5%
Drug Crimes	302	20.3%
Crimes Against Persons	141	9.5%
<b>Type of Post-Release Supervision</b>		
Post-Release Community Supervision	1,206	81.0%
Parole	283	19.0%

Table 6. Demographics and Characteristics of Nonviolent Second Strikers (continued)

<b>Nonviolent Second Strikers</b>		
<b>Demographics and Characteristics</b>	<b>Number</b>	<b>Percent</b>
<b>Serious/Violent Offenders</b>		
Non-Serious/Non-Violent	1,215	81.6%
Serious	274	18.4%
<b>Mental Health Designation (At Release)</b>		
No Mental Health Designation	1,182	79.4%
Correctional Clinical Case Management System	256	17.2%
Enhanced Outpatient Program	48	3.2%
Inpatient	2	0.1%
Mental Health Crisis Bed	1	0.1%
<b>County of Release</b>		
Los Angeles County	472	31.7%
Riverside County	150	10.1%
San Bernardino County	125	8.4%
San Diego County	111	7.5%
Sacramento County	97	6.5%
Kern County	68	4.6%
Fresno County	63	4.2%
Orange County	47	3.2%
Santa Clara County	32	2.1%
San Joaquin County	30	2.0%
Tulare County	26	1.7%
Stanislaus County	24	1.6%
All Other Counties	244	16.4%
<b>Length of Stay</b>		
Less than 1 year	169	11.3%
1 year (12 to 23 months)	822	55.2%
2 years (24 to 35 months)	217	14.6%
3 years (36 to 47 months)	106	7.1%
4 years (48 to 59 months)	59	4.0%
5 to 9 years	88	5.9%
10 to 14 years	15	1.0%
15 years or more	13	0.9%

### Conviction Rates

Table 7 provides conviction rates for nonviolent second strike offenders who received an administrative review by BPH and approval for release. The three-year conviction rate was 49.1 percent for NVSS offenders in the FY 2016-17 release cohort. As shown in the previous table, NVSS offenders tend to have characteristics associated with relatively high conviction rates, including a lower age at release, a less serious commitment offense, and a shorter length of stay.

*Table 7. Conviction Rates for Nonviolent Second Strike Offenders*

Nonviolent Second Strikers	Number Released	One-Year		Two-Year		Three-Year	
		Number Convicted	Conviction Rate	Number Convicted	Conviction Rate	Number Convicted	Conviction Rate
NVSS Offenders with BPH Administrative Review and Approval	1,489	311	20.9%	572	38.4%	731	49.1%

Table 8 presents the type of post-release conviction for NVSS offenders. Approximately half were not convicted within three years of release (50.9 percent). Of those convicted during the follow-up period, the highest percentage was convicted of misdemeanor drug/alcohol crimes, followed by those convicted for felony property crimes and misdemeanor property crimes.

*Table 8. Type of Conviction for Nonviolent Second Strike Offenders*

Nonviolent Second Strikers	FY 2016-17	
	Number	Percent
<b>No Convictions</b>	<b>758</b>	<b>50.9%</b>
<b>All Felonies</b>	<b>331</b>	<b>22.2%</b>
Felony Crimes Against Persons	75	5.0%
Felony Property Crimes	124	8.3%
Felony Drug/Alcohol Crimes	50	3.4%
Felony Other Crimes	82	5.5%
<b>All Misdemeanors</b>	<b>400</b>	<b>26.9%</b>
Misdemeanor Crimes Against Persons	78	5.2%
Misdemeanor Property Crimes	102	6.9%
Misdemeanor Drug/Alcohol Crimes	174	11.7%
Misdemeanor Other Crimes	46	3.1%
<b>Total</b>	<b>1,489</b>	<b>100.0%</b>

## Evaluation Design

### Definitions

The State of California defines recidivism as “conviction of a new felony or misdemeanor committed within three years of release from custody or committed within three years of placement on supervision for a previous criminal conviction.” The definition also allows for supplemental measures of recidivism including new arrests, returns to custody, criminal filings, or supervision violations.

The three-year conviction rate is defined as follows:

“An individual convicted of a felony and incarcerated in a CDCR adult institution who was released to parole, released to Post-Release Community Supervision, or directly discharged during Fiscal Year 2016-17 and subsequently convicted of a felony or misdemeanor offense within three years of their release date.”

The conviction rate is calculated using the ratio of the number of offenders in the release cohort who were convicted during the follow-up period to the total number of offenders in the release cohort, multiplied by 100.

$$\text{Conviction Rate} = \frac{\text{Number Convicted}}{\text{Release Cohort}} \times 100$$

### Methods

This report provides conviction rates at one-, two-, and three-year intervals for offenders released from CDCR’s Division of Adult Institutions (DAI) between July 1, 2016 and June 30, 2017 (FY 2016-17). The release cohort includes: 1) offenders who were directly discharged from CDCR; 2) offenders who were released to parole or PRCS for the first time on their current term; and 3) offenders who were released to parole on their current term prior to FY 2016-17, returned to prison on that term, and were then re-released during FY 2016-17.

### Data Sources

Data were extracted from CDCR’s Strategic Offender Management System (SOMS), CDCR’s system of record, to identify offenders released between July 1, 2016 and June 30, 2017. Conviction data were obtained from the California Department of Justice’s Criminal Justice Information System and the California Law Enforcement Telecommunications System. The Board’s Information Technology System (BITS) provided data on BPH suitability hearings and Nonviolent Second Strikers reviewed by BPH.

### Data Limitations

Data quality is important with all analyses performed by CDCR’s Office of Research. The intent of this report is to provide summary (aggregate) information, rather than individual information. The aggregate data are strong when a large number of records (releases) are available for analysis, but are less robust as subgroups are influenced by nuances associated with each case. Therefore, caution should be exercised when interpreting results associated with fewer records. As such, conviction rates are only presented for offender releases (i.e., denominators) equal to or greater than 30.

Conviction rates are fixed at three years, meaning the follow-up period is considered complete and no further analyses are performed. These data are routinely updated in accordance with criminal justice system processing. As data become available, subsequent reports will contain updated data.

## Notes

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<sup>i</sup> To learn more about BPH's processes and how eligibility criteria has changed over time, please visit the Board of Parole Hearings website available at: <https://www.cdcr.ca.gov/bph/parole-suitability-hearings-overview/>

<sup>ii</sup> Please note that these offenders were released from CDCR during FY 2016-17, however the hearing or review in which the offender was found suitable for release may have occurred during a prior fiscal year and under the criteria required at the time of the hearing or review.

<sup>iii</sup> Also referred to as the statewide report, available here: <https://www.cdcr.ca.gov/research/offender-outcomes-characteristics/offender-recidivism/>

<sup>iv</sup> See the statewide report, Section 5.2 Offender Demographics and Characteristics for conviction rate trends regarding age, commitment offense category, serious/violent offenses, and length of stay.

<sup>v</sup> For more information on each type of parole suitability hearing, please see the corresponding sections in this report.

<sup>vi</sup> For more information regarding other release cohorts, please see the recidivism report series: <https://www.cdcr.ca.gov/research/offender-outcomes-characteristics/offender-recidivism/>

<sup>vii</sup> Penal Code section 3055 was amended by AB 3234 in 2020. Effective January 1, 2021, offenders are eligible for a parole suitability hearing when they reach age 50 and have served a minimum of 20 years of incarceration. For more information on changes to eligibility criteria, please visit:

[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=PEN&sectionNum=3055](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=3055). To learn more about the Elderly Parole Program, please visit the BPH website: <https://www.cdcr.ca.gov/bph/elderly-parole-hearings-overview/>

<sup>viii</sup> To learn more about youth offender parole hearings, criteria, and disqualifications, please visit BPH's website: <https://www.cdcr.ca.gov/bph/youth-offender-hearings-overview/>

<sup>ix</sup> To learn more about the parole process for nonviolent second strikers and changes to parole processes implemented after the passage of Proposition 57, please see the BPH website, as well as the Three-Judge Court Report dated December 30, 2014: <https://www.cdcr.ca.gov/bph/nvopr-overview/>

<sup>x</sup> In 2017, CDCR modified the process as a result of Proposition 57. The offenders presented in this report were not released through the parole process implemented after the passage of Proposition 57, although the conviction rates of offenders released through that process will be provided when the data are available.

<sup>xi</sup> See the statewide report, Section 5.2 Offender Demographics and Characteristics for conviction rate trends regarding age, commitment offense category, serious/violent offenses, and length of stay.



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