



California Department of Corrections and Rehabilitation

# RECIDIVISM RATES FOR OFFENDERS RELEASED THROUGH BOARD OF PAROLE HEARINGS PROCESSES IN FISCAL YEAR 2017-18

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Produced by:

Kevin Grassel, Information Technology Specialist III  
Kendra Jensen, Research Specialist III  
Christine Kavanagh, Research Data Analyst I

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## Recidivism Rates for Offenders Released Through Board of Parole Hearing Processes in Fiscal Year 2017-18

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, youth offenders, and indeterminately-sentenced nonviolent 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 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 released in Fiscal Year (FY) 2017-18.<sup>ii</sup> This report supplements the Recidivism Report for Offenders Released from the California Department of Corrections and Rehabilitation in Fiscal Year 2017-18.<sup>iii</sup>

### Demographics and Characteristics

This section briefly discusses the demographics and characteristics of the 772 offenders in the FY 2017-18 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 (86.4 percent), and relatively few were under 40 (13.7 percent).
- Nearly all of these offenders were originally committed for crimes against persons (99.5 percent), while two offenders were committed for other crimes and two were committed for property crimes.
- The largest percent of offenders in this group were found suitable for parole through the youth offender parole hearing process (49.0 percent), meaning the offender was relatively young at the time of their commitment offense. Another 32.6 percent of offenders were found suitable for release through a lifer parole hearing (non-youth offender and non-elderly parole), and 15.8 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 (98.1 percent).
- Nearly all offenders in this group were originally committed for a violent offense (98.2 percent), while fourteen offenders were committed for a serious offense.
- Over 25 percent of these offenders had a length of stay of less than 20 years during their most recent stay at CDCR (27.8 percent). Approximately half (47.9 percent) had a length of stay between 20 and 29 years, and 24.2 percent had a stay of 30 years or more.
- Over 40 percent (40.8 percent) were released to Los Angeles County, followed by San Francisco County (14.2 percent) and San Diego County (12.6 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>	772	100.0%
<b>Gender</b>		
Male	714	92.5%
Female	58	7.5%
<b>Age at Release</b>		
25 to 29	4	0.5%
30 to 34	24	3.1%
35 to 39	78	10.1%
40 to 44	117	15.2%
45 to 49	141	18.3%
50 to 54	141	18.3%
55 to 59	98	12.7%
60 and over	169	21.9%
<b>Race/Ethnicity</b>		
Black/African American	271	35.1%
Hispanic/Latino	228	29.5%
White	172	22.3%
Other	74	9.6%
Asian/Pacific Islander	15	1.9%
American Indian/Alaskan Native	12	1.6%
<b>Commitment Offense Category</b>		
Crimes Against Persons	768	99.5%
Other Crimes	2	0.3%
Property Crimes	2	0.3%
<b>Parole Suitability Hearing Type</b>		
Youth Offender Parole Only	378	49.0%
Lifer (Non-Youth Offender & Non-Elderly Parole)	252	32.6%
Elderly Parole Only	122	15.8%
Both Youth Offender & Elderly Parole*	20	2.6%

\*Some offenders were found suitable under both the 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	757	98.1%
Determinate Term	15	1.9%
<b>Serious/Violent Offenders</b>		
Violent	758	98.2%
Serious	14	1.8%
<b>Mental Health Designation (At Release)</b>		
No Mental Health Designation	671	86.9%
Correctional Clinical Case Management System	92	11.9%
Enhanced Outpatient Program	9	1.2%
<b>County of Release</b>		
Los Angeles County	315	40.8%
San Francisco County	110	14.2%
San Diego County	97	12.6%
Alameda County	41	5.3%
Sacramento County	35	4.5%
Riverside County	25	3.2%
Orange County	23	3.0%
Fresno County	22	2.8%
San Joaquin County	13	1.7%
Monterey County	12	1.6%
San Bernardino County	12	1.6%
Contra Costa County	11	1.4%
All Other Counties	56	7.3%
<b>Length of Stay</b>		
Less than 10 years	44	5.7%
10 to 14 years	58	7.5%
15 to 19 years	113	14.6%
20 to 24 years	210	27.2%
25 to 29 years	160	20.7%
30 to 34 years	109	14.1%
35 to 39 years	57	7.4%
40 years or more	21	2.7%

## 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 BPH has found them suitable for release, although a court may also order a lifer released. As previously mentioned, a person is suitable for release unless BPH finds they pose a current, unreasonable risk to the public.

During FY 2017-18, 757 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. This group includes all offenders with an indeterminate sentence and excludes 15 offenders sentenced to a determinate term and released through the youth parole.

The three-year conviction rate for this group of offenders has remained low, ranging from 1.9 percent in the FY 2016-17 cohort to 5.3 percent in the FY 2009-10 release cohort.<sup>vi</sup> As shown in Table 2, only 15 lifers were convicted within three years of release for a three-year conviction rate of 2.0 percent. Compared to the previous FY 2016-17 release cohort, the rate has increased by less than one percentage point (from 1.9 to 2.0 percent). Of those convicted, five lifers were convicted of felony offenses and ten were convicted of misdemeanor offenses. Less than one percent (0.1 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)	757	2	0.3%	8	1.1%	15	2.0%

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

Lifers (Indeterminate Term)		FY 2017-18	
Type of Conviction	Number	Percent	
<b>No Convictions</b>	<b>742</b>	<b>98.0%</b>	
<b>All Felonies</b>	<b>5</b>	<b>0.7%</b>	
Felony Crimes Against Persons	1	0.1%	
Felony Property Crimes	0	0.0%	
Felony Drug/Alcohol Crimes	2	0.3%	
Felony Other Crimes	2	0.3%	
<b>All Misdemeanors</b>	<b>10</b>	<b>1.3%</b>	
Misdemeanor Crimes Against Persons	1	0.1%	
Misdemeanor Property Crimes	1	0.1%	
Misdemeanor Drug/Alcohol Crimes	5	0.7%	
Misdemeanor Other Crimes	3	0.4%	
<b>Total</b>	<b>757</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 2017-18 were required to reach age 60 and serve 25 years of continuous incarceration. Offenders sentenced to either a determinate or an indeterminate term are eligible for elderly parole, however the data below only includes those sentenced to an indeterminate term.

In FY 2017-18, 142 offenders were released from CDCR through the Elderly Parole Program. Of those offenders, one was convicted of a misdemeanor crime against persons during the three-year follow-up period, for a three-year conviction rate of less than one percent (0.7 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)*	142	1	0.7%	1	0.7%	1	0.7%

\*Includes 20 offenders found suitable for release 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 398 offenders were found suitable for release by BPH and released in FY 2017-18 under the youth offender parole process. Of those offenders, 383 had served an indeterminate term and 15 had served a determinate term. Seven of the 383 offenders sentenced to an indeterminate (life) term were convicted during the three-year follow-up period for a three-year conviction rate of 1.8 percent. Although a three-year conviction rate was not calculated for the fifteen offenders sentenced to a

determinate term (due to 30 or fewer total releases), only two of the fifteen offenders reviewed and found suitable for release by BPH were convicted during the three-year follow-up period. Over half of the nine offenders were convicted of misdemeanor drug/alcohol crimes.

*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)*	383	1	0.3%	4	1.0%	7	1.8%
Youth Offender Parole (Determinate Term)	15	0	N/A	2	N/A	2	N/A
<b>Total</b>	<b>398</b>	<b>1</b>	<b>0.3%</b>	<b>6</b>	<b>1.5%</b>	<b>9</b>	<b>2.3%</b>

\*Includes 20 offenders found suitable for release under both the Youth Offender and Elderly Parole Programs.



## Nonviolent Offender Parole Review Process for Determinately-Sentenced Individuals

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 NVSS parole process in January 2015.<sup>x</sup> During FY 2017-18, 553 offenders received a review through the NVSS parole process.

After the passage of Proposition 57, The Public Safety and Rehabilitation Act of 2016, CDCR enacted the nonviolent offender parole process (NVPP) through emergency regulations. BPH began receiving referrals for the NVPP process on July 1, 2017. The NVPP process replaced the NVSS process, and 910 offenders received a review through the new NVPP process. In contrast to other BPH processes, determinately-sentenced offenders referred for NVSS or NVPP receive an administrative review and no hearing is conducted. As previously mentioned, NVPP/NVSS offenders must be approved for release unless BPH finds they pose an unreasonable risk of violence or significant criminal activity.

This section discusses the composition and conviction rates of the 1,463 NVSS/NVPP offenders in the FY 2017-18 release cohort who received an administrative review and approval from BPH and were released. Please note these 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 NVSS/NVPP 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 1,463 NVSS/NVPP offenders released were under the age of 39 at the time of release (51.1 percent). The largest group was between ages 35 and 39 at release (16.9 percent), followed by offenders between ages 30 and 34 (15.7 percent).
- The largest percentage of offenders were originally committed to CDCR for property crimes (54.5 percent), followed by drug crimes (22.4 percent) and other crimes (14.4 percent). Less than 10 percent were originally committed for crimes against persons (8.7 percent).
- Most NVSS/NVPP offenders were originally committed for non-serious/non-violent offenses (70.5 percent), while 29.0 percent were committed for serious offenses and less than one percent were committed for violent offenses.<sup>xii</sup>
- Most offenders in this group had a length of stay between one and two years (44.8 percent). Altogether, over 80 percent of NVSS/NVPP offenders released had a length of stay of less than four years during their most recent stay at CDCR (83.8 percent).

Table 6. Demographics and Characteristics of Nonviolent Parole Process

<b>Nonviolent Parole Process</b>		
<b>Demographics and Characteristics</b>	<b>Number</b>	<b>Percent</b>
<b>Total</b>	1,463	100.0%
<b>Gender</b>		
Male	1,341	91.7%
Female	122	8.3%
<b>Age at Release</b>		
20 to 24	64	4.4%
25 to 29	207	14.1%
30 to 34	230	15.7%
35 to 39	247	16.9%
40 to 44	186	12.7%
45 to 49	188	12.9%
50 to 54	168	11.5%
55 to 59	98	6.7%
60 and over	75	5.1%
<b>Race/Ethnicity</b>		
Hispanic/Latino	545	37.3%
White	453	31.0%
Black/African American	379	25.9%
Other	45	3.1%
Asian/Pacific Islander	26	1.8%
American Indian/Alaskan Native	15	1.0%
<b>Commitment Offense Category</b>		
Property Crimes	797	54.5%
Drug Crimes	328	22.4%
Other Crimes	210	14.4%
Crimes Against Persons	128	8.7%
<b>Type of Post-Release Supervision</b>		
Post-Release Community Supervision	1,029	70.3%
Parole	434	29.7%
<b>Parole Suitability Hearing Type</b>		
Nonviolent Parole Process	910	62.2%
Nonviolent Second Strikers	553	37.8%

Table 6. Demographics and Characteristics of Nonviolent Parole Process (continued)

<b>Nonviolent Parole Process</b>		
<b>Demographics and Characteristics</b>	<b>Number</b>	<b>Percent</b>
<b>Serious/Violent Offenders</b>		
Non-Serious/Non-Violent	1,032	70.5%
Serious	424	29.0%
Violent	7	0.5%
<b>Mental Health Designation (At Release)</b>		
No Mental Health Designation	1,128	77.1%
Correctional Clinical Case Management System	278	19.0%
Enhanced Outpatient Program	51	3.5%
Inpatient	3	0.2%
Mental Health Crisis Bed	3	0.2%
<b>Sentence Type</b>		
Second Strikers	1,308	89.4%
Determinate Term (Excluding Second Strikers)	153	10.5%
Resentenced to Misdemeanor	2	0.1%
<b>County of Release</b>		
Los Angeles County	464	31.7%
Riverside County	175	12.0%
San Diego County	113	7.7%
San Bernardino County	100	6.8%
Sacramento County	97	6.6%
Kern County	67	4.6%
Orange County	46	3.1%
Fresno County	43	2.9%
Santa Clara County	33	2.3%
Stanislaus County	33	2.3%
Tulare County	26	1.8%
Yolo County	22	1.5%
All Other Counties	244	16.7%
<b>Length of Stay</b>		
Less than 1 year	152	10.4%
1 year (12 to 23 months)	656	44.8%
2 years (24 to 35 months)	268	18.3%
3 years (36 to 47 months)	151	10.3%
4 years (48 to 59 months)	78	5.3%
5 to 9 years	124	8.5%
10 to 14 years	20	1.4%
15 years or more	14	1.0%

## Conviction Rates

Table 7 provides conviction rates for nonviolent offenders who received an administrative review by BPH and approval for release. The three-year conviction rate was 43.0 percent for NVSS/NVPP offenders in the FY 2017-18 release cohort. As shown in the previous table, NVSS/NVPP 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 Parole Process Offenders*

Nonviolent Parole Process	Number Released	One-Year		Two-Year		Three-Year	
		Number Convicted	Conviction Rate	Number Convicted	Conviction Rate	Number Convicted	Conviction Rate
NVPP Offenders with BPH Administrative Review and Approval	1,463	277	18.9%	526	36.0%	629	43.0%

Table 8 presents the type of post-release conviction for NVSS/NVPP offenders. Most NVSS/NVPP offenders were not convicted within three years of release from CDCR (57.0 percent). Of those convicted during the follow-up period, the highest percentage were 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 Parole Process Offenders*

Nonviolent Parole Process	FY 2017-18	
Type of Conviction	Number	Percent
<b>No Convictions</b>	<b>834</b>	<b>57.0%</b>
<b>All Felonies</b>	<b>281</b>	<b>19.2%</b>
Felony Crimes Against Persons	68	4.6%
Felony Property Crimes	102	7.0%
Felony Drug/Alcohol Crimes	40	2.7%
Felony Other Crimes	71	4.9%
<b>All Misdemeanors</b>	<b>348</b>	<b>23.8%</b>
Misdemeanor Crimes Against Persons	70	4.8%
Misdemeanor Property Crimes	79	5.4%
Misdemeanor Drug/Alcohol Crimes	155	10.6%
Misdemeanor Other Crimes	44	3.0%
<b>Total</b>	<b>1,463</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 2017-18 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, 2017, and June 30, 2018 (FY 2017-18). 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 2017-18, returned to prison on that term, and were then re-released during FY 2017-18.

### 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, 2017, and June 30, 2018. Conviction data were obtained from the California Department of Justice (DOJ) 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, as well as offenders reviewed by BPH under the Nonviolent Offender Parole Process.

### 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

<sup>i</sup> To learn more about offenders eligible for parole suitability hearings and how the criteria have 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 2017-18, 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 the FY 2009-10 and other release cohorts, please see the recidivism report series at <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:

<https://www.cdcr.ca.gov/bph/nvopr-overview/>

<sup>x</sup> In 2017, CDCR modified the process as a result of Proposition 57. A portion of the cohort presented in this report was released through the parole process implemented after the passage of Proposition 57.

<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.

<sup>xii</sup> These offenders are not included in the Lifer analysis of this report because the most recent term served was eligible for the NVPP process. Twelve offenders served consecutive sentences with the first sentence served for a violent offense and the most recent sentence for a nonviolent offense. These offenders are reported as having a violent offense on the term. Five offenders served consecutive sentences with the first being indeterminate (life). The five lifers were recommended for release by BPH through a parole suitability hearing prior to serving the nonviolent consecutive sentence and were later released through the NVPP process.



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