



California Department of Corrections and Rehabilitation

# RECIDIVISM RATES FOR INDIVIDUALS RELEASED THROUGH BOARD OF PAROLE HEARINGS PROCESSES IN FISCAL YEAR 2020-21

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## Recidivism Rates for Individuals Released Through Board of Parole Hearings Processes in Fiscal Year 2020-21

The California Department of Corrections and Rehabilitation’s (CDCR) Board of Parole Hearings (BPH) conducts parole suitability hearings for incarcerated individuals sentenced to life with the possibility of parole, individuals released through the elderly parole process and the youth parole process and indeterminate sentenced nonviolent individuals. BPH must find an individual suitable for parole unless they pose a current, unreasonable risk to the public. BPH also conducts administrative reviews of nonviolent individuals and must approve them for release unless they pose an unreasonable risk of violence or significant criminal activity.<sup>i</sup> This report provides the demographics and characteristics, three-year conviction rates, and type of post-release conviction for individuals found suitable for release by BPH after a parole suitability hearing, as well as individuals approved for release after an administrative review (under the criteria at the time of each individual’s hearing or review) and released from CDCR in Fiscal Year (FY) 2020-21.<sup>ii</sup>

This report supplements the *Statewide Recidivism Report for Individuals Released from the California Department of Corrections and Rehabilitation in Fiscal Year 2020-21*. The statewide recidivism report provides detailed information regarding evaluation design, methodology, and data limitations.<sup>iii</sup> Recidivism rates for the FY 2020-21 release cohort should be interpreted with caution, as they were heavily influenced by the COVID-19 pandemic.<sup>iv</sup>

### Summary of Conviction Rates

Three-Year Conviction Rates for Individuals Released through a BPH Parole Suitability Hearing or Administrative Review in FY 2020-21

| BPH Process                           | Number Released | Three-Year       |                 |
|---------------------------------------|-----------------|------------------|-----------------|
|                                       |                 | Number Convicted | Conviction Rate |
| <b>BPH Parole Suitability Hearing</b> |                 |                  |                 |
| Indeterminate Term                    | 1,088           | 41               | 3.8%            |
| Elderly Parole Process                | 272             | 9                | 3.3%            |
| Youth Parole Process                  | 637             | 25               | 3.9%            |
| Nonviolent Parole Hearing             | 143             | 6                | 4.2%            |
| <b>Subtotal*</b>                      | <b>1,204</b>    | <b>46</b>        | <b>3.8%</b>     |
| <b>BPH Administrative Review</b>      |                 |                  |                 |
| Nonviolent Parole Process             | 823             | 303              | 36.8%           |
| <b>Subtotal</b>                       | <b>823</b>      | <b>303</b>       | <b>36.8%</b>    |

*\*Individuals may receive more than one type of hearing but are included once in the subtotal.*

## Conviction Rates for Individuals with a Parole Suitability Hearing

### Indeterminate Term Parole Process

The three-year conviction rate for individuals sentenced to an indeterminate term remains substantially lower than rates for most other sentence types

BPH conducts parole suitability hearings for individuals sentenced to an indeterminate term once they have served a certain amount of time based on the sentence imposed by the court. Generally, individuals sentenced to an indeterminate term are released only if BPH has found them suitable for release.<sup>v</sup> As previously mentioned, a person is suitable for release unless BPH finds they pose a current, unreasonable risk to the public.

During FY 2020-21, 1,088 individuals sentenced to an indeterminate term were released after being found suitable for parole by BPH. In general, the number of individuals released each year has consistently increased since FY 2007-08, and the FY 2020-21 release cohort is the largest to date. This group includes all individuals with an indeterminate sentence and excludes 116 individuals sentenced to a determinate term and released through the youth parole and elderly parole process.

The three-year conviction rate for individuals with an indeterminate term is 3.8 percent. The recidivism rate for this group of individuals has remained low, ranging from 5.3 percent with the FY 2009-10 cohort to 1.9 percent for the FY 2017-18 release cohort.<sup>vi</sup> Individuals sentenced to an indeterminate term consistently have lower three-year conviction rates than individuals serving other sentence types (e.g., determinate term, second strike). The three-year conviction rate for all individuals released from CDCR in FY 2020-21 is 39.5 percent, compared to 3.8 percent for individuals sentenced to an indeterminate term.<sup>vii</sup> The difference is partially attributed to the demographics/characteristics of individuals with an indeterminate term that are associated with lower recidivism rates (e.g., older age groups, longer lengths of stay) and the programming received while in prison (Appendix). In comparison to the previous FY 2019-20 release cohort, the rate for individuals with an indeterminate term increased by less than one percentage point (from 3.0 to 3.8 percent), which is consistent with a slight increase in the statewide conviction rate (39.5 percent).<sup>viii</sup>

Of the 41 individuals convicted during the follow-up period, 22 were convicted of felony offenses (53.7 percent) and 19 were convicted of misdemeanor offenses (46.3 percent), as shown in Table 2.<sup>ix</sup> Misdemeanor drug/alcohol crimes comprised the largest percentage of all convictions (22.0 percent), followed by felony crimes against persons (19.5 percent). Felony other crimes and felony property crimes each comprised 17.1 percent of the total convictions.

Table 1. Conviction Rates for Individuals Sentenced to an Indeterminate Term

| Sentence Type                     | Number Released | One-Year         |                 | Two-Year         |                 | Three-Year       |                 |
|-----------------------------------|-----------------|------------------|-----------------|------------------|-----------------|------------------|-----------------|
|                                   |                 | Number Convicted | Conviction Rate | Number Convicted | Conviction Rate | Number Convicted | Conviction Rate |
| Life Term (Indeterminate Term)*   | 837             | 5                | 0.6%            | 14               | 1.7%            | 30               | 3.6%            |
| Third Strike (Indeterminate Term) | 251             | 0                | 0.0%            | 3                | 1.2%            | 11               | 4.4%            |
| <b>Total</b>                      | <b>1,088</b>    | <b>5</b>         | <b>0.5%</b>     | <b>17</b>        | <b>1.6%</b>     | <b>41</b>        | <b>3.8%</b>     |

\*Please note that one of the 837 individuals in the indeterminate term group was sentenced to a determinate term and referred to BPH for a suitability hearing after commutation by the Governor.

Table 2. Type of Conviction for the 41 Individuals Convicted During the Three-Year Follow-Up Period

| Indeterminately Sentenced Individuals<br>Type of Conviction | FY 2020-21 |               |
|---|------------|---------------|
|   | Number     | Percent       |
| <b>All Felonies</b>   | <b>22</b>  | <b>53.7%</b>  |
| Felony Crimes Against Persons                               | 8          | 19.5%         |
| Felony Property Crimes                                      | 7          | 17.1%         |
| Felony Drug/Alcohol Crimes                                  | 0          | 0.0%          |
| Felony Other Crimes   | 7          | 17.1%         |
| <b>All Misdemeanors</b>                                     | <b>19</b>  | <b>46.3%</b>  |
| Misdemeanor Crimes Against Persons                          | 5          | 12.2%         |
| Misdemeanor Property Crimes                                 | 0          | 0.0%          |
| Misdemeanor Drug/Alcohol Crimes                             | 9          | 22.0%         |
| Misdemeanor Other Crimes                                    | 5          | 12.2%         |
| <b>Total Convicted</b>                                      | <b>41</b>  | <b>100.0%</b> |

### Elderly Parole Program

Elderly Parole Program participants have a 3.3 percent conviction rate, consistent with the longstanding trend of low recidivism rates among older age groups

The criteria for parole suitability hearings under the Elderly Parole Program have changed over time. Effective January 1, 2021, eligible individuals may receive a parole suitability hearing through the Elderly Parole Program once they are age 50 and have served 20 years of continuous incarceration, although exceptions apply.<sup>x</sup> For the first half of FY 2020-21 (July 1, 2020 to December 31, 2020) individuals were required to reach age 60 and serve 25 years of continuous incarceration in order to receive a parole suitability hearing. During the second half of FY 2020-21 (January 1, 2021 to June 30, 2021) individuals were only required to reach age 50 and have served 20 years of continuous incarceration to receive a hearing. Individuals sentenced to either a determinate or an indeterminate term are eligible for elderly parole.<sup>xi</sup>

As shown in Table 3, in FY 2020-21, 272 individuals were released from CDCR through the Elderly Parole Program. The three-year conviction rate is 3.3 percent, with a total of nine convictions. The convictions include felony other crimes (three individuals), felony crimes against persons (one individual), felony property crimes (one individual), misdemeanor drug/alcohol crimes (two individuals), and misdemeanor other crimes (two individuals).

*Table 3. Conviction Rates for Individuals 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) | 194             | 1                | 0.5%            | 5                | 2.6%            | 7                | 3.6%            |
| Elderly Parole (Third Strike)       | 73              | 0                | 0.0%            | 1                | 1.4%            | 2                | 2.7%            |
| Elderly Parole (Determinate Term)   | 5               | 0                | N/A             | 0                | N/A             | 0                | N/A             |
| <b>Total</b>                        | <b>272</b>      | <b>1</b>         | <b>0.4%</b>     | <b>6</b>         | <b>2.2%</b>     | <b>9</b>         | <b>3.3%</b>     |

\*Includes 60 individuals found suitable under both the Youth and Elderly Parole Programs.

### Youth Parole Process

Despite changes to the Youth Parole Process over recent years, the three-year conviction rate remains low at 3.9 percent

BPH conducts youth parole hearings for individuals 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 individuals are classified as “youth offenders.” The age at which a youth commits their controlling offense and when they become eligible for a youth parole hearing has changed over time. Senate Bill (SB) 260 took effect on January 1, 2014, and created the youth parole hearing process for individuals who committed their controlling offense before reaching age 18. SB 261 took effect on January 1, 2016, and expanded hearings to youth 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 who were under the age of 26 when they committed their controlling offense.<sup>xii</sup>

Youth sentenced to an indeterminate term of less than 25 years are eligible for a hearing during their twentieth year of incarceration; youth sentenced to an indeterminate term of 25 years or more are eligible during their twenty-fifth year of incarceration. Youth sentenced to a determinate term are eligible for a parole hearing during their fifteenth year of incarceration. Most individuals belong to older age groups at the time of their release, contributing to lower rates observed among individuals released through the youth parole process.<sup>xiii</sup>

A total of 637 individuals were found suitable for release by BPH under the youth parole process. Of those, 526 individuals served an indeterminate term and 111 served a determinate term. Of the 526 individuals sentenced to an indeterminate term, 20 were convicted during the follow-up period for a three-year conviction rate of 3.8 percent. Individuals who served a determinate term had a three-year conviction rate of 4.5 percent.

Of the 25 individuals convicted, 14 individuals were convicted of felonies and 11 were convicted of misdemeanors. Specifically, seven individuals were convicted of felony crimes against persons, four were convicted of felony property crimes, and three were convicted of felony other crimes. An additional seven individuals were convicted of misdemeanor drug/alcohol crimes, two were convicted of misdemeanor crimes against persons, and two were convicted of misdemeanor other crimes.

Table 4. Conviction Rates for Individuals Released through the Youth 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 Parole (Indeterminate Term) | 526             | 4                | 0.8%            | 9                | 1.7%            | 20               | 3.8%            |
| Youth Parole (Determinate Term)   | 111             | 1                | 0.9%            | 3                | 2.7%            | 5                | 4.5%            |
| <b>Total</b>                      | <b>637</b>      | <b>5</b>         | <b>0.8%</b>     | <b>12</b>        | <b>1.9%</b>     | <b>25</b>        | <b>3.9%</b>     |

\*Includes 60 individuals found suitable under both the Youth and Elderly Parole Programs.

### Nonviolent Parole Hearings for Indeterminately Sentenced Individuals

The three-year conviction rate decreased between FY 2019-20 and 2020-21 with low conviction rates observed with both release cohorts

As an amendment to Proposition 57, a nonviolent parole hearing process for indeterminately sentenced individuals was enacted by regulations filed by CDCR, effective January 1, 2019. BPH began receiving referrals of individuals convicted of certain nonviolent offenses in January 2019, and hearings began in June 2019. Individuals eligible for a nonviolent parole hearing include those serving an indeterminate term (usually a third strike sentence) for a nonviolent offense, for which they have completed the full term of their primary offense. The full term of their primary offense is determined by the maximum term applicable by statute to the underlying nonviolent offense.<sup>xiv</sup>

A total of 143 individuals serving a third strike sentence were found suitable for release through a nonviolent parole hearing. Of these, six individuals were convicted during the follow-up period for a three-year conviction rate of 4.2 percent. The conviction rate decreased by 1.9 percentage points between FY 2019-20 and 2020-21 (6.1 percent and 4.2 percent, respectively). Of the six individuals with a conviction, three individuals were convicted of felony property crimes, two were convicted of misdemeanor drug/alcohol crimes, and one was convicted of misdemeanor crimes against persons.

Table 5. Conviction Rates for Individuals Released through a Nonviolent Parole Hearing

| Sentence Type                     | Number Released | One-Year         |                 | Two-Year         |                 | Three-Year       |                 |
|-----------------------------------|-----------------|------------------|-----------------|------------------|-----------------|------------------|-----------------|
|                                   |                 | Number Convicted | Conviction Rate | Number Convicted | Conviction Rate | Number Convicted | Conviction Rate |
| Third Strike (Indeterminate Term) | 143             | 0                | 0.0%            | 1                | 0.7%            | 6                | 4.2%            |

## Conviction Rates for Individuals with an Administrative Review

### Nonviolent Parole Process for Determinately Sentenced Individuals

Higher rates of recidivism among individuals released through the NVPP administrative review process may be partially attributed to the demographics and characteristics of this group

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

This section describes the conviction rates of the 823 NVPP individuals in the FY 2020-21 release cohort who received an administrative review and approval from BPH and were released.<sup>xv</sup> These individuals are determinately sentenced, meaning their maximum length of stay is based on the sentence imposed by the court, and this group is separate from the indeterminately sentenced individuals discussed earlier in this report.

The three-year conviction rate for the 823 individuals released through the NVPP administrative process is 36.8 percent. As shown in the Appendix, individuals who receive an administrative review through NVPP generally have a higher recidivism rate, as they typically have characteristics associated with higher rates (e.g., committed for less serious drug and property crimes, shorter lengths of stay).<sup>xvi</sup> The three-year conviction rate for individuals released under NVPP in FY 2020-21 (36.8 percent) is less than a percentage point higher than the rate for individuals released in FY 2019-20 (36.0 percent) and is consistent with the slight increase observed in the statewide recidivism rate.<sup>xvii</sup>

Table 6. Conviction Rates for Individuals Released through the Nonviolent Parole Process

| Nonviolent Parole Process                                    | Number Released | One-Year         |                 | Two-Year         |                 | Three-Year       |                 |
|--|-----------------|------------------|-----------------|------------------|-----------------|------------------|-----------------|
|  |                 | Number Convicted | Conviction Rate | Number Convicted | Conviction Rate | Number Convicted | Conviction Rate |
| NVPP Individuals with BPH Administrative Review and Approval | 823             | 87               | 10.6%           | 210              | 25.5%           | 303              | 36.8%           |

Table 7 below presents the type of post-release conviction for individuals released under NVPP. Of the 303 individuals convicted during the follow-up period, 57.1 percent were convicted of a felony and 42.9 percent were convicted of a misdemeanor crime. The most prevalent post-release conviction type is felony other crimes (18.8 percent), followed by felony property crimes (17.5 percent), and misdemeanor drug/alcohol crimes (15.5 percent).

*Table 7. Type of Conviction for the 303 Individuals Convicted During the Three-Year Follow-Up Period*

| Nonviolent Parole Process          |            | FY 2020-21    |  |
|------------------------------------|------------|---------------|--|
| Type of Conviction                 | Number     | Percent       |  |
| <b>All Felonies</b>                | <b>173</b> | <b>57.1%</b>  |  |
| Felony Crimes Against Persons      | 44         | 14.5%         |  |
| Felony Property Crimes             | 53         | 17.5%         |  |
| Felony Drug/Alcohol Crimes         | 19         | 6.3%          |  |
| Felony Other Crimes                | 57         | 18.8%         |  |
| <b>All Misdemeanors</b>            | <b>130</b> | <b>42.9%</b>  |  |
| Misdemeanor Crimes Against Persons | 36         | 11.9%         |  |
| Misdemeanor Property Crimes        | 30         | 9.9%          |  |
| Misdemeanor Drug/Alcohol Crimes    | 47         | 15.5%         |  |
| Misdemeanor Other Crimes           | 17         | 5.6%          |  |
| <b>Total Convicted</b>             | <b>303</b> | <b>100.0%</b> |  |

## Appendix

### Demographics and Characteristics for Individuals with a BPH Suitability Hearing

Table 8 presents the demographics and characteristics of the 1,204 individuals in the FY 2020-21 release cohort who received a BPH parole suitability hearing (indeterminately sentenced individuals, youth parole process, or elderly parole process) and were found suitable for release. Overall, most individuals 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 the age of 40, as shown in Table 8. Most individuals were initially committed for crimes against persons (86.3 percent), followed by property crimes (9.0 percent), other crimes, and drug crimes (3.0 percent and 1.7 percent, respectively).<sup>xviii</sup>

Many individuals in this group were found suitable for parole through the youth parole hearing process (47.9 percent), meaning the individual was relatively young at the time of their commitment offense. Over 15 percent of individuals were found suitable for release through the elderly parole process, 14.7 through a life term parole hearing (non-youth and non-elderly parole), and 5.0 percent under both the youth and elderly parole programs.<sup>xix</sup> An additional five percent were indeterminately sentenced third strike individuals found suitable for parole. A large proportion of the cohort were sentenced to an indeterminate term (90.3 percent), and 78.8 percent were initially committed for a violent offense.

Over one-quarter of the individuals presented in Table 8 had a length of stay of less than 20 years (28.7 percent). More than half had a length of stay of 20 to 29 years (52.2 percent), and 19.2 percent had a stay of 30 years or more. Many of the demographics and characteristics presented in Table 8 are typically associated with lower rates of recidivism (e.g., older age groups and longer lengths of stay for more serious and violent offenses).<sup>xx</sup>

Table 8. Demographics and Characteristics for Individuals 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>                                    | 1,204         | 100.0%         |
| <b>Gender</b>                                   |               |                |
| Male  | 1,135         | 94.3%          |
| Female  | 69            | 5.7%           |
| <b>Age at Release</b>                           |               |                |
| 25 to 29  | 7             | 0.6%           |
| 30 to 34  | 55            | 4.6%           |
| 35 to 39  | 102           | 8.5%           |
| 40 to 44  | 167           | 13.9%          |
| 45 to 49  | 179           | 14.9%          |
| 50 to 54  | 168           | 14.0%          |
| 55 to 59  | 174           | 14.5%          |
| 60 and over                                     | 352           | 29.2%          |
| <b>Race/Ethnicity</b>                           |               |                |
| Black/African American                          | 432           | 35.9%          |
| Hispanic/Latino                                 | 395           | 32.8%          |
| White   | 233           | 19.4%          |
| Asian   | 17            | 1.4%           |
| American Indian/Alaskan Native                  | 10            | 0.8%           |
| Pacific Islander                                | 1             | 0.1%           |
| Other   | 116           | 9.6%           |
| <b>Commitment Offense Category</b>              |               |                |
| Crimes Against Persons                          | 1,039         | 86.3%          |
| Property Crimes                                 | 108           | 9.0%           |
| Other Crimes                                    | 36            | 3.0%           |
| Drug Crimes                                     | 21            | 1.7%           |
| <b>Parole Suitability Hearing Type</b>          |               |                |
| Youth Parole Only                               | 577           | 47.9%          |
| Elderly Parole Only                             | 187           | 15.5%          |
| Life Term (Non-Youth & Non-Elderly Parole)      | 177           | 14.7%          |
| Nonviolent Parole Hearing                       | 118           | 9.8%           |
| Third Strike (Non-Youth & Non-Elderly Parole)   | 60            | 5.0%           |
| Both Youth & Elderly Parole                     | 60            | 5.0%           |
| Both Nonviolent Parole Hearing & Elderly Parole | 25            | 2.1%           |

Table 8. Demographics and Characteristics for Individuals with a BPH Suitability Hearing (continued)

| <b>All BPH Suitability Hearings</b>           |               |                |
|---|---------------|----------------|
| <b>Demographics and Characteristics</b>       | <b>Number</b> | <b>Percent</b> |
| <b>Total</b>                                  | 1,204         | 100.0%         |
| <b>Sentence Type</b>                          |               |                |
| Indeterminate Term                            | 836           | 69.4%          |
| Third Strike (Indeterminate Term)             | 251           | 20.8%          |
| Determinate Term                              | 101           | 8.4%           |
| Second Strike                                 | 16            | 1.3%           |
| <b>Serious/Violent Offense</b>                |               |                |
| Non-Serious/Non-Violent                       | 79            | 6.6%           |
| Serious                                       | 176           | 14.6%          |
| Violent                                       | 949           | 78.8%          |
| <b>Mental Health Designation (At Release)</b> |               |                |
| No Mental Health Designation                  | 1,003         | 83.3%          |
| Correctional Clinical Case Management System  | 181           | 15.0%          |
| Enhanced Outpatient Program                   | 19            | 1.6%           |
| Psychiatric Inpatient Program                 | 1             | 0.1%           |
| <b>County of Release</b>                      |               |                |
| Los Angeles County                            | 546           | 45.3%          |
| San Francisco County                          | 75            | 6.2%           |
| Alameda County                                | 73            | 6.1%           |
| Sacramento County                             | 66            | 5.5%           |
| San Diego County                              | 61            | 5.1%           |
| Riverside County                              | 48            | 4.0%           |
| San Bernardino County                         | 47            | 3.9%           |
| Orange County                                 | 40            | 3.3%           |
| Fresno County                                 | 34            | 2.8%           |
| Santa Clara County                            | 29            | 2.4%           |
| San Joaquin County                            | 24            | 2.0%           |
| Yolo County                                   | 21            | 1.7%           |
| All Other Counties                            | 140           | 11.6%          |
| <b>Length of Stay</b>                         |               |                |
| Less than 10 years                            | 57            | 4.7%           |
| 10 to 14 years                                | 137           | 11.4%          |
| 15 to 19 years                                | 151           | 12.5%          |
| 20 to 24 years                                | 399           | 33.1%          |
| 25 to 29 years                                | 229           | 19.0%          |
| 30 to 34 years                                | 128           | 10.6%          |
| 35 to 39 years                                | 76            | 6.3%           |
| 40 years or more                              | 27            | 2.2%           |

## Demographics and Characteristics for Individuals with an Administrative Review

Table 9 below summarizes the demographics and characteristics of NVPP individuals with an administrative review and approval from BPH and were released. Nearly half of the 823 individuals released after a NVPP administrative review were under the age of 40 at the time of release (49.3 percent). The largest group were ages 35 to 39 at release (17.1 percent), followed by individuals between the ages of 40 and 44 (16.9 percent). The largest percentage of these individuals were initially committed to CDCR for property crimes (46.3 percent), followed by drug crimes (19.2 percent), crimes against persons (18.2 percent) and other crimes (16.3 percent).

Most individuals released under NVPP were committed for a non-serious/non-violent offense (59.5 percent), while 39.1 percent were committed for a serious offense, and 1.3 percent were originally committed for a violent offense.<sup>xxi</sup> A large portion of individuals had a length of stay between one year and two years (31.3 percent). Over 75 percent of NVPP individuals had a length of stay of less than four years during their most recent stay at CDCR (76.3 percent). Many of the characteristics associated with the NVPP group (e.g., large proportions of individuals with shorter lengths of stay for non-serious/non-violent property and drug offenses) are typically associated with high rates of recidivism.<sup>xxii</sup>

Table 9. Demographics and Characteristics of Individuals Released through the Nonviolent Parole Process

| <b>Nonviolent Parole Process</b>        |               |                |
|---|---------------|----------------|
| <b>Demographics and Characteristics</b> | <b>Number</b> | <b>Percent</b> |
| <b>Total</b>                            | 823           | 100.0%         |
| <b>Gender</b>                           |               |                |
| Male                                    | 772           | 93.8%          |
| Female                                  | 51            | 6.2%           |
| <b>Age at Release</b>                   |               |                |
| 20 to 24                                | 24            | 2.9%           |
| 25 to 29                                | 110           | 13.4%          |
| 30 to 34                                | 131           | 15.9%          |
| 35 to 39                                | 141           | 17.1%          |
| 40 to 44                                | 139           | 16.9%          |
| 45 to 49                                | 97            | 11.8%          |
| 50 to 54                                | 92            | 11.2%          |
| 55 to 59                                | 54            | 6.6%           |
| 60 and over                             | 35            | 4.3%           |
| <b>Race/Ethnicity</b>                   |               |                |
| Hispanic/Latino                         | 328           | 39.9%          |
| White                                   | 247           | 30.0%          |
| Black/African American                  | 206           | 25.0%          |
| American Indian/Alaskan Native          | 11            | 1.3%           |
| Asian                                   | 8             | 1.0%           |
| Pacific Islander                        | 3             | 0.4%           |
| Other                                   | 20            | 2.4%           |
| <b>Commitment Offense Category</b>      |               |                |
| Property Crimes                         | 381           | 46.3%          |
| Drug Crimes                             | 158           | 19.2%          |
| Crimes Against Persons                  | 150           | 18.2%          |
| Other Crimes                            | 134           | 16.3%          |
| <b>Type of Post-Release Supervision</b> |               |                |
| Post-Release Community Supervision      | 490           | 59.5%          |
| Parole                                  | 333           | 40.5%          |
| <b>Serious/Violent Offense</b>          |               |                |
| Non-Serious/Non-Violent                 | 490           | 59.5%          |
| Serious                                 | 322           | 39.1%          |
| Violent                                 | 11            | 1.3%           |

Table 9. Demographics and Characteristics of Individuals Released through the Nonviolent Parole Process (continued)

| <b>Nonviolent Parole Process</b>              |               |                |
|---|---------------|----------------|
| <b>Demographics and Characteristics</b>       | <b>Number</b> | <b>Percent</b> |
| <b>Total</b>                                  | 823           | 100.0%         |
| <b>Mental Health Designation (At Release)</b> |               |                |
| No Mental Health Designation                  | 655           | 79.6%          |
| Correctional Clinical Case Management System  | 141           | 17.1%          |
| Enhanced Outpatient Program                   | 26            | 3.2%           |
| Mental Health Crisis Bed                      | 1             | 0.1%           |
| <b>Sentence Type</b>                          |               |                |
| Second Strike                                 | 754           | 91.6%          |
| Determinate Term (Excluding Second Strike)    | 69            | 8.4%           |
| <b>County of Release</b>                      |               |                |
| Los Angeles County                            | 227           | 27.6%          |
| Riverside County                              | 93            | 11.3%          |
| San Diego County                              | 73            | 8.9%           |
| San Bernardino County                         | 61            | 7.4%           |
| Sacramento County                             | 55            | 6.7%           |
| Kern County                                   | 45            | 5.5%           |
| Orange County                                 | 24            | 2.9%           |
| Santa Clara County                            | 24            | 2.9%           |
| Fresno County                                 | 21            | 2.6%           |
| Stanislaus County                             | 21            | 2.6%           |
| Ventura County                                | 16            | 1.9%           |
| Shasta County                                 | 15            | 1.8%           |
| All Other Counties                            | 148           | 18.0%          |
| <b>Length of Stay</b>                         |               |                |
| Less than 1 year                              | 44            | 5.3%           |
| 1 year (12 to 23 months)                      | 258           | 31.3%          |
| 2 years (24 to 35 months)                     | 202           | 24.5%          |
| 3 years (36 to 47 months)                     | 124           | 15.1%          |
| 4 years (48 to 59 months)                     | 64            | 7.8%           |
| 5 to 9 years                                  | 101           | 12.3%          |
| 10 to 14 years                                | 25            | 3.0%           |
| 15 years or more                              | 5             | 0.6%           |

## Notes

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<sup>i</sup> To learn more about individuals eligible for parole suitability hearings and how the criteria have changed over time, visit the Board of Parole Hearings website available at: <https://www.cdcr.ca.gov/bph/parole-suitability-hearings-overview/>

<sup>ii</sup> The individuals included in this report were released from CDCR during FY 2020-21; however, the hearing or review in which the individual 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> Data were extracted from CDCR's Strategic Oversight Management System (SOMS), CDCR's system of record, to identify individuals released between July 1, 2020, and June 30, 2021. Conviction data were obtained from the California Department of Justice (DOJ) Criminal Justice Information System and the California Law Enforcement Telecommunications System. BPH provided BPH suitability hearings and individuals reviewed by BPH under the Nonviolent Parole Process from Information Technology System (BITS).

<sup>iv</sup> For more information regarding COVID-19, releases, and departmental updates, see CDCR's COVID-19 webpage: <https://www.cdcr.ca.gov/covid19/>

<sup>v</sup> Individuals may also be released through the courts, however, there were not any court ordered releases in FY 2020-21.

<sup>vi</sup> For more information regarding the FY 2011-12 and other release cohorts, see the recidivism report series at <https://www.cdcr.ca.gov/research/offender-outcomes-characteristics/offender-recidivism/>

<sup>vii</sup> See the *Statewide Recidivism Report for Individuals Released from the California Department of Corrections and Rehabilitation in Fiscal Year 2020-21* for more information regarding the statewide recidivism rates: <https://www.cdcr.ca.gov/research/offender-outcomes-characteristics/offender-recidivism/>

<sup>viii</sup> See the *Statewide Recidivism Report for Individuals Released from the California Department of Corrections and Rehabilitation in Fiscal Year 2020-21* for more information regarding impacts of property and violent crime rates, as well as the COVID-19 pandemic on recidivism rates: <https://www.cdcr.ca.gov/research/offender-outcomes-characteristics/offender-recidivism/>

<sup>ix</sup> Examples of other felony crimes include carrying a concealed dirk/dagger, evading a peace officer, and felon in possession of a firearm. Other misdemeanor crimes include driving without a license/with a suspended license, presenting false identification or information to a peace officer and contempt of court.

<sup>x</sup> Penal Code section 3055 was amended by AB 3234 in 2020. Effective January 1, 2021, individuals 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, 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, visit the BPH website: <https://www.cdcr.ca.gov/bph/elderly-parole-hearings-overview/>.

<sup>xi</sup> There are currently two elderly parole programs (statutory and court-ordered), each of which have exclusionary criteria: 1. Statutory Elderly Parole Program (enacted in 2021): Determinately and indeterminately sentenced persons who are at least 50 years old and have served 20 years of continuous incarceration are eligible to receive a parole hearing under the statutory elderly parole program. A person is excluded from this program if they are: (1) sentenced to Life Without Parole (LWOP) or death; (2) sentenced under California's "Three Strikes" law for a second or third strike, or (3) convicted of first-degree murder of a peace officer. 2. Court-Ordered Elderly Parole Program: Determinately and indeterminately sentenced persons who are at least 60 years old and have served 25 years of continuous incarceration are eligible to receive a parole hearing under the court-ordered elderly parole program. Persons sentenced to LWOP or death are excluded. However, unlike the statutory elderly parole program, persons sentenced under California's Three Strikes law for a second or third strike and persons convicted of first-degree murder of a peace officer are not excluded from the court-ordered program.

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

<sup>xiii</sup> Although most individuals released through the youth parole process belong to younger age groups at the time of their offense (associated with higher rates of recidivism), most have served longer sentences and belong to older age groups when released, both of which are associated with lower rates of recidivism.

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<sup>xiv</sup> For more information on nonviolent parole hearings for indeterminate sentenced individuals, see: <https://www.cdcr.ca.gov/bph/nv-suitabilityhearings/> and <https://www.cdcr.ca.gov/blog/proposition-57-indeterminately-sentenced-third-striker-nonviolent-parole-process-frequently-asked-questions/>.

<sup>xv</sup> The number of individuals released through a NVPP administrative review decreased from 1,322 individuals to 823 individuals between FY 2019-20 and 2020-21. This number may continue to decrease as CDCR receives fewer individuals with non-violent offenses and as administrative reviews continue in future years.

<sup>xvi</sup> See the statewide recidivism report, Section 5.2 Demographics and Characteristics for conviction rate trends regarding age, commitment offense category, serious/violent offenses, and length of stay: <https://www.cdcr.ca.gov/research/offender-outcomes-characteristics/offender-recidivism/>

<sup>xvii</sup> See the *Statewide Recidivism Report for Individuals Released from the California Department of Corrections and Rehabilitation in Fiscal Year 2020-21* for more information regarding the statewide recidivism rates: <https://www.cdcr.ca.gov/research/offender-outcomes-characteristics/offender-recidivism/>

<sup>xviii</sup> Examples of other crimes include arson, escape, possession of a weapon, criminal threats, driving under the influence, and false imprisonment.

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

<sup>xx</sup> See the statewide recidivism report, Section 5.2 Demographics and Characteristics for conviction rate trends regarding age, commitment offense category, serious/violent offenses, and length of stay: <https://www.cdcr.ca.gov/research/offender-outcomes-characteristics/offender-recidivism/>

<sup>xxi</sup> Sixteen individuals served consecutive sentences, with the first sentence served for a violent offense and the most recent sentence for a nonviolent offense. These individuals are reported as having a violent offense on the term.

<sup>xxii</sup> See the statewide recidivism report, Section 5.2 Demographics and Characteristics, for conviction rate trends regarding age, commitment offense category, serious/violent offenses, and length of stay: <https://www.cdcr.ca.gov/research/offender-outcomes-characteristics/offender-recidivism/>



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