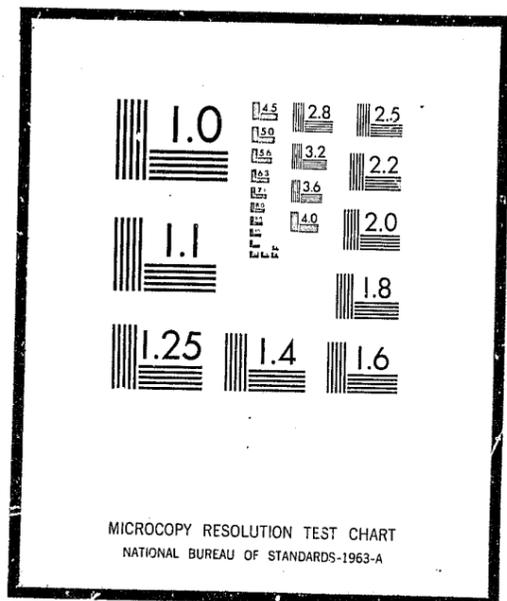


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RESEARCH REPORT NO. 51

*California*  
**EARLY DISCHARGE FROM PAROLE:  
POLICY, PRACTICE, and OUTCOME**

Dorothy R. Jaman  
Lawrence A. Bennett  
John E. Berecochea

013796

RESEARCH DIVISION • DEPARTMENT OF CORRECTIONS • STATE OF CALIFORNIA •

April 1974

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Sacramento, California

April 1974

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EARLY DISCHARGE FROM PAROLE:  
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A Synopsis of Research Report No. 51

A B S T R A C T  
A D M I N I S T R A T I V E

Part of  
013796

EARLY DISCHARGE FROM PAROLE:

POLICY, PRACTICE, and OUTCOME

A provision of the California Penal Code (2943 P.C.), effective in 1963, provided for a discharge from parole prior to expiration of term after two years of uninterrupted supervision. In July 1971, the Adult Authority implemented a resolution (A.A. 284) to discharge selected men after the first year of supervision following release from prison provided the parolee's adjustment was favorable and there was no criminal involvement.

The question was raised whether it was "safe" to discharge men so soon. While unpublished analyses by the Research Division had shown that a parolee was quite unlikely to violate after he had completed his first year on parole without any known criminal involvement, there was still some question about what these men might do if they were discharged from parole.

This study investigated known criminal involvement within one year after parole termination for 341 male felons discharged under A.A. 284 during July-October 1971, as compared with 413 men discharged under 2943 P.C. and 143 discharged at expiration of term with all men having an arrest-free first year of parole. Background characteristics were similar for the three groups except that the men discharged at expiration of sentence had a somewhat less favorable parole prognosis.

#### Findings

1. The group discharged at one year (A.A. 284) had the greatest percent of favorable outcome (96.7%) among the three groups, although differences were not statistically significant.
2. The one year discharge group had a lower unfavorable outcome (long jail sentence or commitment to CRC or prison)— 3.3 percent compared to 5.3 percent for those discharged per 2943 P.C. and 6.3 percent for those discharged at expiration of sentence (the difference between the one year discharge group and the other two groups approaches statistical significance).
3. The one year discharge group had a lower percentage (13.3%) arrested and convicted during the follow-up period. This level is significantly different, statistically, from the comparison groups where the percentages were 16.7 percent for the 2943 P.C. discharges and 25.2 percent for the expiration of term group. The expiration group outcome was also significantly different, in a less favorable direction, from the other two groups.
4. Had they not been discharged under A.A. 284, only nine men (2.6%) would have still been on parole at the time of the offense which occurred within the follow-up period. Five of the nine men were convicted. The most serious sentence was three to six months in jail, and violence was not involved in any of the offenses for which they were convicted.

5. Those discharged after one year arrest-free parole whose commitment offense was homicide, robbery, assault or rape, who had a prior record of prison incarceration, and who had a history of narcotic use did slightly better, though not significantly, than those who had been in on a non-violent offense, had a history of drug use, and had no prior prison commitments.

#### Conclusions

The major hypothesis of the study was strongly upheld, that the incidence of known criminal involvement would not be greater for the men discharged after one year on parole (A.A. 284) than for the other discharges.

Thus, the Adult Authority could safely continue to discharge selected men after one year on parole, providing it was free of criminal involvement.

The minor hypothesis of the study anticipated no statistically significant differences in the one year post-discharge outcome among the three types of discharges. There was no difference among the groups between Favorable and Unfavorable outcome (as defined).

Within the correctional field there has been a constant search for methods, scales or scores that can be used to predict subsequent adjustment. Most suggested approaches have required strenuous data collection efforts and elaborate statistical analyses. In this situation there emerges a clearcut, unambiguous method of identifying a group of individuals who have a high probability (nine times out of ten) of satisfactorily managing to avoid difficulty for the next year and a very low probability of getting into serious difficulty with the law. The straight-forward information needed is whether or not the individual managed to adjust under parole supervision for one year without being arrested or absconding from parole.

Of maximum importance is the relationship of these findings to resource utilization. If a group of people can be identified who no longer require supervision in order to satisfactorily reintegrate into society, and if that group can be removed from the system, the manpower formerly supervising this segment of the population could be better utilized in other activities, perhaps providing closer support during the very difficult, initial transition from prison to parole. During the one year period, July 1971 through June 1972, the granting of the discharge from parole at one year under Adult Authority Resolution 284 was estimated to have resulted in resources worth somewhere between \$350,000 and \$2,600,000 being made available for reallocation.

Across the nation a variety of probation and parole operations have people undergoing supervision for periods of three, five and, even in a few cases, ten years. Do all individuals require this length of supervision to ensure that they are started back toward a socially acceptable adjustment? Probably not. There is no directly comparable data, but it would seem safe to infer that parolees in

other jurisdictions and probationers who meet the same criterion also could be discharged from supervision in advance of the expiration of their sentence, without increasing the threat to society. Even a moderate decrease (10% to 20%) in the supervision caseload of probation and parole systems would result in allowing the reallocation of manpower resources amounting in value to several million dollars.

In California, of the adult defendants (both men and women) granted probation in Superior Courts in 1972, the majority (70%) are expected to be under supervision 33 to 36 months or more; even a greater proportion (nearly 85%) will serve 30 months or more. For terminations from probation during 1972, the average time under supervision was 29 months. From this it could be inferred that there may be a significant number of individuals under supervision who could safely be terminated from probation. Other states have a similar potential for time savings in probation supervision—savings that could be shifted to meet other needs of the system. There is no doubt that the potential savings realizable from a policy of early discharge from probation would be in the tens of millions of dollars—savings available for reallocation in a field constantly viewed as understaffed and underfunded.

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# E A R L Y D I S C H A R G E F R O M P A R O L E :

## P O L I C Y , P R A C T I C E , a n d O U T C O M E

### I N T R O D U C T I O N

In California men convicted of a felony and committed to prison by the courts enter prison with an indeterminate sentence, i.e., with a minimum of so many months or years to a maximum of so many years or life. The Adult Authority periodically reviews the inmate's record and progress. When the Adult Authority thinks it is appropriate, the man's sentence is fixed; about 95% of the sentences include some time on parole.

Once the man is placed on parole, the Adult Authority reviews his record under two conditions -- when he is charged by the parole agent with violating the conditions of parole or when he is considered for a possible discharge prior to the expiration of the sentence. This is a report of a study of men with early discharges from parole and their known criminal involvement within one year thereafter. Because of good behavior or adjustment on parole, the Adult Authority now may grant an early discharge from parole to parolees, providing the legal minimum sentence has been met, that is, the total time in prison plus the time on parole must at least equal the minimum period of the indeterminate sentence. The sanction for an early discharge comes in part from legislative action (Section 2943 of the California Penal Code) and in part from specific statements of policy or resolutions promulgated by the Adult Authority.

Three major ways to terminate parole, other than by return to prison, are:

- . Expiration of term (the sentence set by the Adult Authority)
- . 2943 P.C. (effective July 1965), discharge after two years of uninterrupted supervision, that is, no suspensions
- . Adult Authority Resolution 284 (effective July 1971), discharge at the end of one year, restricted to parolees who have been involved in no incidents after release from prison, that is, no arrests by the police or the parole agent, (nor have they absconded).

Table 1 shows the number of reviews for early discharge and the number actually granted, as well as the number of men discharged at the expiration of their terms. The category of "Other" early discharges will not be discussed in this report; these discharges are for various reasons, -- such as discharge at anytime for hardship cases (e.g., work mobility, illness), yearly review after denial of a 2943 P.C. discharge.

Table 1

Recommendations for Early Discharge  
 - CDC Male Felon Parolees Under California Supervision -  
 Fiscal Year 1971-1972

Reason and Action	Total		July-Sept. 1971		Oct.-Dec. 1971		Jan.-Mar. 1972		Apr.-June 1972	
	No.	%	No.	%	No.	%	No.	%	No.	%
<b>A.A. 284:</b>										
Number reviewed	3,742	--	1,284 <sup>a</sup>	--	916	--	718	--	824	--
Disch. recommended <sup>1</sup>	3,564	95.2	1,206	93.9	877	95.7	700	97.5	781	94.8
Disch. granted <sup>2</sup>	2,999	80.1	1,049	81.7	802	87.6	621	86.5	527	64.0
Rec. disch. granted <sup>3</sup>	2,985	83.8	1,044	86.6	794	90.5	620	88.6	527	67.5
<b>2943 P.C.:</b>										
Number reviewed	1,920	--	608	--	474	--	340	--	498	--
Disch. recommended	1,306	68.0	454	74.7	327	69.0	219	64.4	306	61.4
Disch. granted	1,067	55.6	388	63.8	281	59.3	176	51.8	222	44.6
Rec. disch. granted	1,048	80.2	381	83.9	272	83.2	174	79.5	221	72.2
<b>Other:</b>										
Number reviewed	780	--	187	--	219	--	181	--	193	--
Disch. recommended	622	79.7	155	82.9	172	78.5	152	84.0	143	74.1
Disch. granted	520	66.7	144	77.0	171	78.1	114	63.0	91	47.2
Rec. disch. granted	492	79.1	140	90.3	151	87.8	110	72.4	91	63.6
<b>TOTAL:</b>										
Number reviewed	6,442	--	2,079	--	1,609	--	1,239	--	1,515	--
Disch. recommended	5,492	85.3	1,815	87.3	1,376	85.5	1,071	86.4	1,230	81.2
Disch. granted	4,586	71.2	1,581	76.0	1,254	77.9	911	73.5	840	55.4
Rec. disch. granted	4,525	82.4	1,565	86.2	1,217	88.5	904	84.4	839	68.2
TIME SAVED between original and early discharge dates	9,213 Years <sup>b</sup>		2,960 Years		2,527 Years		1,960 Years		1,766 Years	

<sup>a</sup>A.A. 284 began in July 1971; the large number of cases reviewed is due to a backlog of eligible parolees.

<sup>b</sup>Does not include time saved for 15 men discharged from life parole.

<sup>1</sup>"Discharge recommended" refers to the Parole Agent's recommendation.

<sup>2</sup>The percent of "Discharge granted" is the percent of the number reviewed, disregarding whether or not there was a recommendation to discharge.

<sup>3</sup>The percent of "Rec. disch. granted" is the percentage of the cases recommended for discharge by the Parole Agent who were granted a discharge by the Adult Authority.

During the same time periods the number of discharges from parole because of Expiration of Term were:

Total	July-Sept.	Oct.-Dec.	Jan.-Mar.	Mar.-June
1,564	423	412	393	336

The decision for an early discharge, particularly at the end of one year, has a major impact on the man himself and on the costs of the correctional system. But what about the impact on the community in terms of danger to person or loss of property when the man is freed from the restrictions of parole after only a year of supervision?

This study sought to examine the major hypothesis that men discharged under Adult Authority Resolution 284 (A.A. 284) after one year arrest-free parole supervision would demonstrate the same degree of, or even less, criminal involvement subsequent to their discharge as the men terminated from parole after two years of uninterrupted supervision (2943 P.C.) or at expiration of sentence. The question underlying this hypothesis is whether men can be released from parole supervision after one year on parole without reverting to criminal behavior to the extent that the danger to the community is markedly increased.

The minor hypothesis anticipated that there would be no significant differences in the one year post-discharge outcome among the three types of discharges.

However, before reporting on the study itself, it seems indeed proper to focus some attention on Adult Authority Resolution 284, its origin, its impact upon the California correctional system and the parolees, and as a motive for the conduct of this study.

## HISTORICAL BACKGROUND

The relationships between the California Adult Authority, Department of Corrections, Department of Finance, Governor's Office and Legislature in the years 1970 and 1971 were characterized by considerable pressures toward change. The present study is one outcome of these relationships and the resultant changes. An adequate understanding of the reasons for, meaning, and probable consequences of this study will thus require some reconstruction of that period, and subsequent events.

The California Legislature, especially the Assembly, had become rather interested in the activities of the Adult Authority and Department of Corrections. In particular, the Adult Authority was under considerable pressure to justify the longer prison terms which it had been setting in the mid and late 1960's. Some of this pressure took the form of demands that the Adult Authority base its decisions on an explicitly stated and empirically defensible rationale (California State Assembly, 1970). The Parole and Community Services Division of the Department of Corrections was at the same time attempting to reduce the number of parolees returned to prison by the Adult Authority for parole violations; this was at least partially motivated by the desire to convince the Legislature that it should increase the parole division's budget so that it could expand its Work Unit Program inaugurated in 1965. The Work Unit Program was based on the principle of smaller parole caseloads. The agents were encouraged to develop community-based alternatives for parole violators in order to maintain as many parolees as possible in the community rather than returning them to prison (Parole and Community Services Division, 1970). The Adult Authority was responsive to this effort, but the members were also concerned that the parole division provide more adequate supervision for (1) those violators who were being retained in the community and (2) those who were likely to produce public notoriety should they violate their parole. Included among the latter group were those seen as "violent" or "hardened" criminals. Simultaneously there were other pressures coming from the Department of Finance, Governor's Office, and Legislature to reduce the costs of the State correctional system. These costs are almost entirely expended for the operations of the prison and parole systems of the Department of Corrections and are heavily influenced by the policies and actions of the Adult Authority (Parole Board) in the setting of prison terms, the revocation of parole, and the discharge of parolees.

The idea of discharging parolees who had completed their first year on parole without an arrest grew out of these pressures and counter-pressures and a series of meetings and discussions involving members of the Adult Authority, fiscal staff representing the Department of Finance and the Governor's Office, research consultants from the Legislature and researchers from the Department of Corrections. The primary motive was to reduce the costs of operating the Department of Corrections, but there were other interests and influences at work as well.

Various research projects and special studies of the operations and programs of the State correctional system (summarized in Robison and Smith,

1971), the key conclusions of which were known to the parties involved in the above mentioned meetings and discussions, had indicated that the costs of the State correctional system could be substantially reduced without increasing the risk to society posed by the offenders under its jurisdiction. Some of these conclusions were that prison terms could be reduced without increasing recidivism (Jaman and Dickover, 1969), parolees could be discharged from parole in advance of the completion of their sentence (Robison, Robison, Kingsnorth and Inman, 1971), the best predictor (by far) of recidivism among parolees is their avoidance of criminal involvement while on parole (Robison, Robison, Kingsnorth and Inman, 1971). Parole revocation and discharge recommendations by the parole agents may best be characterized as of doubtful reliability and validity (Robison and Takagi, 1968, p. 27) and as inequitable and unjust with regard to the parolee and wasteful in terms of the resources entrusted to the State correctional system (Robison, Robison, Kingsnorth and Inman, 1971, p. 111), and that variations in return-to-prison rates produced by the correctional system were probably more due to variations in the decision-making process than to the behavior of the parolees (Robison and Takagi, 1968).

The series of meetings, discussions and negotiations which eventually produced the one year discharge policy involved a variety of parties, some of whom were motivated by the desire to reduce (insofar as politically possible) the number of people who would be exposed to what were seen as necessarily punitive correctional systems. There was present also a desire to reduce the arbitrary power of the Adult Authority and Parole and Community Services Division. Finally, there was considerable concern over which of the pertinent governmental entities involved would exercise how much control over the determination and execution of whatever policy, program, or statute would eventually emerge.

These negotiations took place during the period from November 1970 through March 1971 and the resultant policy (Adult Authority Resolution Number 284) was adopted May 18, 1971, and took effect in July 1971. The Resolution (which is included in Appendix A of this report) required that the parole division submit a report to the board on all men who had completed their first year on parole without an arrest or any known criminal involvement (and who were legally eligible for discharge by having served in prison and on parole the mandatory minimum sentence required by their offense of commitment).

The concerns of the Adult Authority were expressed in the formal Resolution which enacted the policy; it was concerned over the "increase in the number of inmates presently on parole", the "reduction of cost to the people of the State of California", "affording greater public protection", and enabling the parole division to "concentrate its personnel and operating funds on those individual parolees most in need of and most likely to benefit from increased supervision". In addition to the requirement that the parole division submit reports on all eligible parolees, the interest of the Adult Authority in reducing the discretion of the parole division may be seen in the requirement that when the parole agent recommends continued supervision rather than discharge "he shall state in detail the benefits and assistance which he anticipates and the program he proposes..."

In passing this resolution (at the time that it was), the Adult Authority may have avoided the passage of a statute which would have mandated a similar policy in such a way that their discretion would be decreased.

The new policy embodied in A.A. 284 (1) established an empirically defensible basis for the selective discharge of people from parole, (2) discharged many people from parole much sooner than they otherwise would have been, (3) freed resources which could reduce the costs of the correctional system or be reallocated to provide more intensive supervision for those parolees regarded as requiring it, (4) promised to reduce the size of the parole population, and (5) placed more controls by the Adult Authority on the parole division.

The parole division initially was not enthusiastic about the proposal and argued against it when it was first presented by the Adult Authority. At the time the one year discharge policy was initiated the same critical pressures brought about an increase in the number of prisoners released to parole. This increase offset the decline in the parole population which the one year discharge policy promised to produce. The Adult Authority agreed to support the parole division in its request to the Department of Finance and Legislature to use the projected savings to get credit (that is, reduce the budgetary parole agent to parolee ratio) for the work done by parole agents on cases (prisoners) about to be released to parole -- a long sought-after goal of the parole division. This attempt was unsuccessful, but the policy could be and was used again to request a reduction in the parole agent to parolee ratio on the basis that the parole division was now required to work with a parolee population which was more difficult to manage because those parolees who were most likely to avoid trouble would be discharged under the policy. The parole division became a staunch supporter of the policy, and its staff recommended discharges for a very high proportion of the eligible parolees.

The researchers who developed the information used by the Adult Authority in their development of the one year discharge policy and the members of the board who were urging the establishment of some such policy considered a number of criteria for deciding who would be discharged and who would not. They included commitment offense, termer status (number of prior commitments to prison), base expectancy score (an actuarial device which is used to predict recidivism while on parole), and other variables. The criterion finally chosen was whether or not the man had completed his first year on parole without an arrest or any known criminal involvement -- a criterion whose validity was strongly suggested by previous research on discharge from parole at two years (Robison, Robison, Kingsnorth and Inman, 1971). As the data presented to the Adult Authority and shown on Table 2 indicate, parolees who are not arrested during their first year on parole are very unlikely to get into any serious criminal difficulty during their second year. No other known variable is capable of identifying so many people with so good a chance of remaining out of criminal difficulty while on parole, and the criterion is very unambiguous in comparison to the criteria normally used in correctional work. As is indicated also by Table 2, termer status does not add appreciably to the predictive power of the criterion.

Table 2

Two Year Parole Outcomes for Men Paroled in 1967 by Parole Outcome during the First Year and Termer Status

Parole outcome during first 12 months and termer status	Parole Outcomes <sup>1</sup> during first 24 months on parole					
	Favorable	Unfavorable or Pending	Returned to prison		Total	
			By board	By Court	Pct.	No.
<u>Arrest free:</u>						
First prison	85%	8%	5%	2%	100%	1,593
Prior prison	85%	7%	5%	3%	100%	834
<u>Other favorable:</u>						
First prison	56%	20%	18%	6%	100%	841
Prior prison	51%	25%	17%	7%	100%	634
<u>Unfavorable and Pending:</u>						
First prison	14%	51%	18%	17%	100%	418
Prior prison	9%	54%	21%	16%	100%	329

<sup>1</sup>Categories of parole outcome:

- Favorable - no arrest by police or parole agent; arrest and release (with or without trial), parolee-at-large for less than six months, bail forfeited, fine, misdemeanor probation, jail sentence of 89 days or less, or any jail all suspended.
- Pending - awaiting trial or sentence and with no previous sentence during parole period.
- Unfavorable - declared criminally insane, death in commission of a crime or from drug overdose, parolee-at-large at least six months or with a felony warrant outstanding, 90 days or more jail sentence, felony probation, suspended prison, commitment to California Rehabilitation Center.

In response to a request from the Adult Authority, a similar analysis was prepared for another cohort of releases, and commitment offense was added to the analysis. The board was concerned that the criterion might not hold up over time and that the criterion might be deficient in identifying certain categories of parolees who might get into serious criminal difficulty even with an arrest-free record of one year. As Table 3 indicates, the parolee's commitment offense did not add appreciably to the predictive power of the criterion; the criterion was equally predictive for parolees who had been committed to prison for the different offense types. The criterion was found to be valid in this additional cohort of releases; that is, it was again effective in predicting a high rate of "favorable" outcomes during the second year on parole.

Table 3

Two Year Parole Outcomes for Parolees who were Arrest-Free During their First Year on Parole by Commitment Offense January through June 1968 Releases

Commitment Offense	Parole Outcomes <sup>1</sup> during first 24 months on parole				
	Discharged and Favorable	Unfavorable or Pending	Returned to prison	Total	
				Pct.	No.
Robbery	89.2%	6.7%	4.1%	100%	341
Assault	90.8%	5.8%	3.5%	100%	87
Burglary	86.3%	10.7%	3.5%	100%	255
Theft	85.0%	10.7%	4.3%	100%	281
Sex	90.0%	8.3%	0.8%	100%	121
Narcotics	85.2%	11.8%	3.1%	100%	229
Other	<u>96.2%</u>	<u>1.5%</u>	<u>2.3%</u>	<u>100%</u>	<u>131</u>
Total	88.1%	8.5%	3.4%	100%	1,445

<sup>1</sup>Categories of parole outcome:

Favorable - no arrest by police or parole agent; arrest and release (with or without trial), parolee-at-large for less than six months, bail forfeited, fine, misdemeanor probation, jail sentence of 89 days or less, or any jail all suspended.

Pending - awaiting trial or sentence and with no previous sentence during parole period.

Unfavorable - declared criminally insane, death in commission of a crime or from drug overdose, parolee-at-large at least six months or with a felony warrant outstanding, 90 days or more jail sentence, felony probation, suspended prison, commitment to California Rehabilitation Center.

The policy was implemented in June of 1971 and parole agents recommended discharge for about ninety percent of the (eligible) parolees. As shown in Table 4, the Adult Authority granted a discharge to more than eighty percent of parolees. The clarity of the criterion undoubtedly contributed to the policy's "positive" reception in its early phase. Two other factors also played a major role. First, the policy was purposefully written to put the burden of proof on the parole agents to show why the person should be kept on parole rather than why the person should be discharged. This was deliberately put into the policy in anticipation of the agent's holding on to those who stayed out of trouble; keeping "well-adjusted" parolees on the caseloads makes the agent's job easier. The required justification for continued supervision on parole was based also on the belief that making the recommendation to continue parole supervision more cumbersome would tend to diminish its use. The high rate of discharge recommendations by the agents was also due to their very early use of the promise of an early discharge to gain the cooperation of the parolees; the high rate of discharge recommendations lent credibility to this bargaining process.

The situation described above began to change in the spring of 1972. The Adult Authority undertook basic revisions in several major policies. The reasons or motives underlying these major changes are not sufficiently clear at this time to attempt an exposition, but their effects upon the one year discharge policy were dramatic.

The revised policy, incorporated into Resolution No. 275 and adopted in October 1972, restricted discharge consideration to selected parolees (See Appendix B, Page 39); the following were excluded:

1. People who have received more than one commitment to a California prison (not while on parole);
2. Those "clinically identified as either violence prone or having a high violence potential", and
3. Those who have a "long-term history of narcotics involvement".

As shown in Table 4 and Figure 1, the number of people reviewed for a one year discharge from parole<sup>1</sup> fell from about 900 in the fall quarter of 1971 to about 200 to 300 per quarter in the fall of 1972 and to less than 200 in the second and third quarters of 1973. The drop in the number of cases reviewed was a direct result of these changes made by the Adult Authority.

<sup>1</sup>The number of cases reviewed in the summer of 1971 was artificially high as this activity included the backlog of people who had been on parole for more than a year without an arrest or known criminal involvement at the time of the adoption of the policy.

Table 4

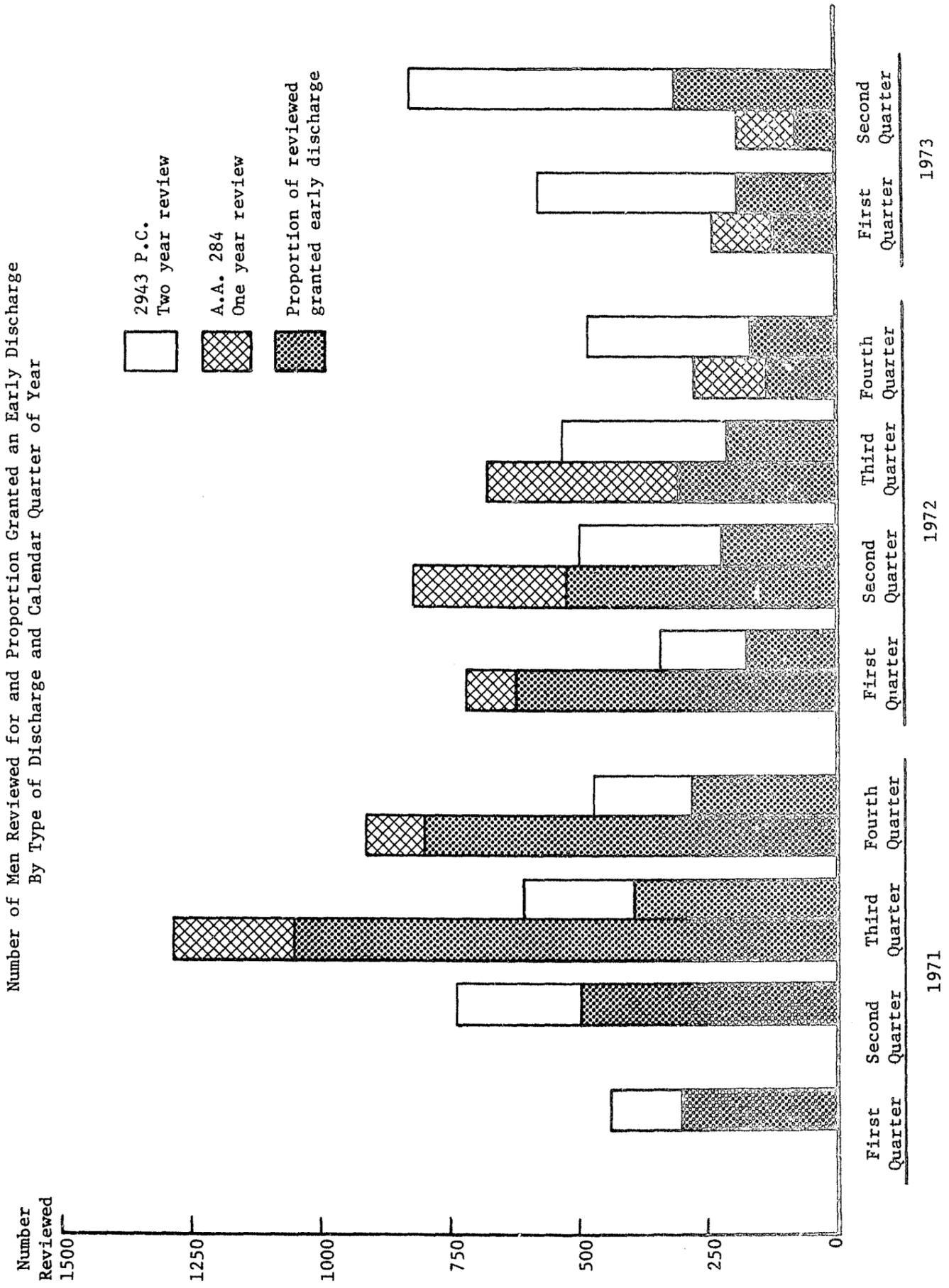
Men Reviewed for and Granted an Early Discharge from California Parole  
By Type of Discharge and Calendar Year Quarter

Year and Quarter	Type of early discharge from California parole <sup>1</sup>					
	Review at one year			Review at two years		
	Number of cases		Percent Discharged	Number of cases		Percent Discharged
	Reviewed	Discharged		Reviewed	Discharged	
1971						
First	--	---	--	437	302	69.1
Second	--	---	--	740	494	66.8
Third	1,284	1,049	81.7	608	388	63.8
Fourth	916	802	87.6	474	281	59.3
1972						
First	718	621	86.5	340	176	51.8
Second	824	527	64.0	498	222	44.6
Third	683	305	44.7	533	209	39.2
Fourth	276	137	49.6	486	166	34.2
1973						
First	237	121	51.1	581	187	32.2
Second	190	76	40.0	826	307	37.2
Third	129	47	36.4	704	293	41.6

<sup>1</sup>Review at one year on parole began in June 1971 under Adult Authority Resolution No. 284, while review at two years became effective in September 1965 under Penal Code Section No. 2943. Other types of early discharges and end-of-term discharges are not shown in this table.

FIGURE 1

Number of Men Reviewed for and Proportion Granted an Early Discharge  
By Type of Discharge and Calendar Quarter of Year



The revised policy did not change the criteria of being arrest-free and having no known criminal involvement, or any of the other elements of the policy, but the proportion of parolees granted a discharge decreased by about fifty percent, from an average of about eighty-five percent in late 1971 to an average of about forty or so percent in 1973. The decline in the rate of discharge actually began in the spring of 1972.

A similar change is found in discharges after two years on parole. Penal Code Section 2943 calls for the discharge of those people who complete two successive years on parole without a serious parole violation and who are sufficiently rehabilitated to be no longer in need of supervision. This judgment of rehabilitation is made by the Adult Authority upon the basis of the information reported to it by the parole division. The review of all parolees who complete two years on parole without a suspension of their parole status is mandated by statute, but the actual discharge is at the discretion of the board (Robison, Robison, Kingsnorth and Inman, 1971).

The proportion of parolees granted a two year discharge during 1971 (Table 4 and Figure 1) was similar to the rates for several prior years (based on spot checks not shown). The discharge rate sharply declined in the spring of 1972. This decline could be due to the effects of the one year discharge policy. That is, it could be that parolees who would have been most likely to be discharged at two years had already been discharged at one year leaving only those people who were poorer candidates for a two year discharge because they had gotten into some kind of criminal difficulty during their first year on parole. However, the decline is also found among the one year discharge cases who were all, by policy, arrest-free. Furthermore, the decline in the discharge rate under the one year discharge policy persisted even after two-thirds of the cases were excluded from review.

A similar pattern is found in another of the Adult Authority's major types of decision -- the decision to grant or deny parole (or discharge from prison). As is shown in Table 5 and Figure 2, the proportion of the prisoners reviewed who were granted a parole (or discharge) date declined precipitously in the spring of 1972. This rate had increased from about one-third in 1969 and before to more than forty percent in 1970 and to a high of about two-thirds in 1971 as a result of strong pressures from the Legislature. The decline in 1972 to the prior level (and lower) could have been due to the release during the earlier high rate period of most of those inmates who could be safely released, but the simultaneous decline in the rates of discharge from parole casts considerable doubt on the adequacy of this explanation. Thus, it would appear that the changes reflected in these rates -- changes which have had the effect of greatly increasing the number of people in prison and on parole -- must have been the result of changes in policy.

The following excerpts from official statements by the Adult Authority indicate that there has indeed been a change in policy.

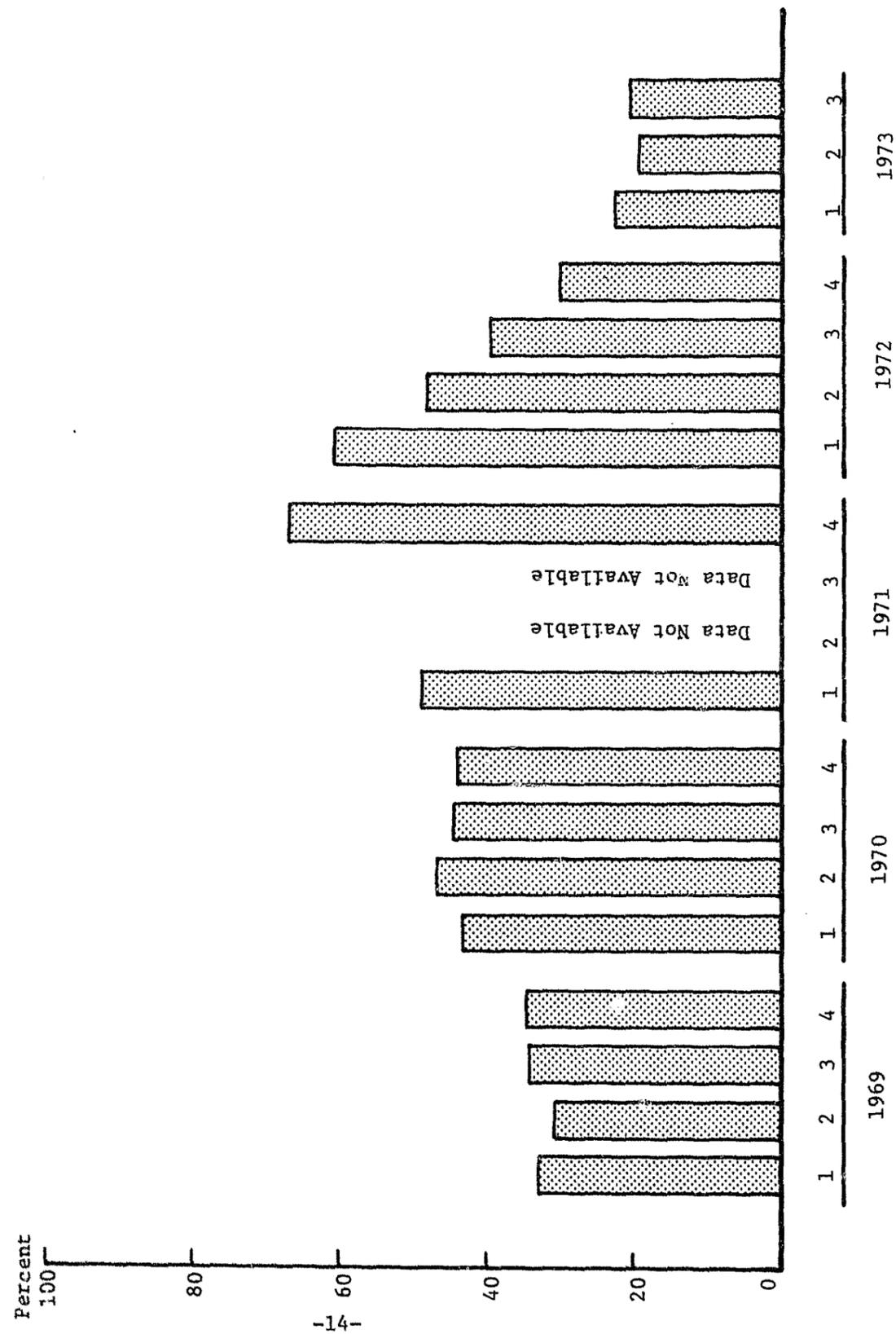
It is anticipated that most parolees will make some mistakes before attaining acceptable social patterns. However, it is not the policy of the Adult Authority to return men to prison as long as it can be reasonably expected that counselling and guidance will be effective tools in assisting them to solve their problems. On the other hand,

Table 5  
Men Reviewed and Granted or Denied a Parole or Discharge Date from  
California Prisons by Calendar Year and Quarter

Year and Quarter	Parole or Discharge from California Prison					
	Number of Cases			Percent of Cases		
	Total	Granted	Denied	Total	Granted	Denied
1969						
First	5,752	1,930	3,822	100.0	33.6	66.4
Second	5,421	1,714	3,707	100.0	31.6	68.4
Third	5,438	1,874	3,564	100.0	34.5	65.5
Fourth	5,670	1,968	3,702	100.0	34.7	65.3
1970						
First	5,613	2,451	3,162	100.0	43.7	56.3
Second	5,090	2,390	2,700	100.0	47.0	53.0
Third	5,572	2,470	3,102	100.0	44.3	55.7
Fourth	5,471	2,407	3,064	100.0	44.0	56.0
1971						
First <sup>1</sup>	5,144	2,514	2,630	100.0	48.9	51.1
Second <sup>1</sup>	---	---	---	---	---	---
Third <sup>1</sup>	---	---	---	---	---	---
Fourth	4,572	3,051	1,521	100.0	66.7	33.3
1972						
First	4,304	2,620	1,684	100.0	60.9	39.1
Second	3,874	1,868	2,006	100.0	48.2	51.8
Third	4,132	1,645	2,487	100.0	39.8	60.2
Fourth	3,681	1,128	2,553	100.0	30.6	69.4
1973						
First	4,190	1,003	3,187	100.0	23.9	76.1
Second	4,731	922	3,809	100.0	19.5	80.5
Third	4,812	978	3,834	100.0	20.3	79.7

<sup>1</sup>Data not available for these quarters.

Figure 2  
 Percentage of Prisoners Reviewed who were Granted a Parole or Discharge Date  
 By Calendar Year and Quarter



when a parolee's conduct deteriorates to a point where it no longer comports with the welfare of the community, the policy is to suspend his parole and return him to prison for further study and orientation. (California Adult Authority, 1952, p. 11).

[Parolees] are subject at any time, for cause, to be taken back within the enclosure of the prison.  
 \*\*\* The Adult Authority has full power to suspend or revoke any parole without notice, and to order returned to prison any prisoner upon parole.  
 \*\*\* No parole can be suspended or revoked without cause, which cause must be stated in the order suspending or revoking the parole. (California Adult Authority, 1972, pp. 8-9).

The following priorities [of the Adult Authority] in order of importance are:

1. The protection of society;
2. The punishment of offenders: to make the punishment fit the criminal rather than the crime;
3. The deterrence of the offenders (by the punishment imposed) and of others (by example of the punishment imposed on the offender);
4. To rehabilitate those who are amenable to and capable of it. (California Adult Authority, Policy Statement No. 24, March 27, 1973).

The first quote is from an informational pamphlet issued by the Adult Authority in 1952. The second is the 1972 version of the pamphlet. The third is from a new Policy Statement (No. 24) first issued in March 1973. The differences in these statements indicate a change in policy with the emphasis shifting from rehabilitation and a prime concern with the offender himself to the protection of society in general and holding the offender strictly accountable for his misbehavior. But in the context of the information which has been presented herein, it seems reasonable to conclude that protecting society and holding the offender strictly accountable for his behavior means, in practice, keeping more people under parole supervision for longer periods of time, including those parolees arrest-free and not criminally involved who are likely to remain so.

The study reported herein had two basic purposes. The first was to confirm the Research Division's expectation and assurances that the subsequent criminal involvement would be minimal for those granted a discharge from parole on the basis of having completed their first year on parole without an arrest or criminal involvement. The second purpose was to test the expectation that people who complete their first year on parole without incident and are discharged would be no more likely to experience criminal involvement subsequent to their discharge than would those who had also completed their first year on parole without incident but who were not discharged until they had completed two years on parole or their entire sentence.

The latter two groups were chosen for study primarily because they represent the two major alternative options open to the Adult Authority. As noted above, all parolees who complete two years on parole without a major violation must be reviewed for early discharge (under Penal Code Section 2943), and all parolees who complete their parole sentence are automatically discharged (under Penal Code Section No. 2940).

Before the present study is reported, two earlier, similar studies will be reviewed.<sup>2</sup>

Initial Follow-up Study. Because the discharge after one year on parole was a new policy, the Adult Authority and others, of necessity, required feedback on the consequences of its utilization. The study sample consisted of the 379 men who were paroled in July-September 1970 and subsequently discharged under A.A. 284 in July-November of 1971. (These same 379 men were used in the second study and with the exception of the 38 men discharged in November, also in the current study of one year after discharge.) The comparison group was comprised of 335 men released from prison in the same time period - July through September 1970 - who had incurred no arrests during their first year on parole and who did not receive an early discharge from parole.

The two groups were basically similar in race, narcotic history, type of last admission, prior commitment record, type of parole supervision, and base expectancy (BE 61A<sup>3</sup>). However, the Discharges had more commitment offenses involving crimes against property. This difference could affect adversely the outcome of the Discharges because there is a higher probability of the recurrence of property offenses. Both groups were followed up six months further, i.e., after the parole termination (Discharges) and after the first year of parole (Comparisons).

The Discharge group showed significantly less known criminal behavior than did the Comparison group (Table 6); eighty-six percent of the Discharges remained clean (no arrests) as opposed to only sixty-six percent of the Comparison group. Violence was much less frequent among the Discharges - eight incidents (three convictions -- 0.8%) contrasted to eighteen incidents (eight conviction -- 2.3%) among the Comparison men.

<sup>2</sup>These studies were conducted by Dorothy R. Jaman and were reported in unpublished administrative papers dated June 1972 and August 1972.

<sup>3</sup>BE 61A is an actuarial base expectancy scale derived from the relationship between characteristics known at admission and post-prison outcome; the higher the score, the greater is the probability of favorable parole outcome. It generally is used to equate roughly groups of parolees on their likelihood of criminal involvement after release from prison.

Table 6

Most Serious Disposition Resulting from Known Criminal Involvement  
Within the Six Months Special Follow-Up  
By Discharge and 1970 Comparison Group

Disposition	1970 Discharge	1970 Comparison
Clean	85.8%	65.7%
Other Favorable	8.2%	17.3%
Pending	5.0%	7.7%
Misc. Unfavorable <sup>1</sup>	<u>1.0%</u>	<u>9.3%</u>
	100.0%	100.0%
Number of men	379	335

<sup>1</sup>Miscellaneous Unfavorable includes returns to prison (none for the Discharges). Of the Comparison group, 3.6% were returned to prison - six men to finish term (TFT) and six men with a new commitment (WNC).

Second Follow-up Study. A criticism of the initial study contended that the 1970 Comparison group was not altogether comparable; it included men denied the one year discharge and also men ineligible for discharge because the legal minimum sentence would not be met. Therefore, a 1969 Comparison group was substituted in the analysis. These 632 men were paroled in July-September 1969, were arrest-free at the end of one year, and the minimum legal sentence had been met, i.e., they could have been discharged had A.A. 284 been in effect.

The two groups were very much alike in background characteristics except that again, property offenders were over-represented among the Discharges. Follow-up, as before, was for six months.

The second study replicated the initial findings: The Discharge group had less known criminal behavior in the follow-up period (Table 7); the eighty-six percent of "Clean" Discharges was significantly greater than the seventy-eight percent for the 1969 Comparison group; the three convictions (0.8%) for violence contrasted to the nine (1.4%) in the Comparison group.

Table 7

Most Serious Disposition Resulting from Known Criminal Involvement  
Within the Six Months Special Follow-Up  
By Discharge and 1969 Comparison Group

Disposition	1970 Discharge	1969 Comparison
Clean	85.8%	77.7%
Other Favorable	8.2%	13.8%
Pending	5.0%	2.2%
Misc. Unfavorable <sup>1</sup>	1.0%	6.3%
	100.0%	100.0%
Number of men	379	632

<sup>1</sup>Miscellaneous Unfavorable includes returns to prison (none for the Discharges). Of the Comparison group, 1.1% were returned to prison - one man to finish term (TFT) and six men with a new commitment (WNC).

## THE CURRENT STUDY

The two studies of a six months follow-up period demonstrated that men discharged after one year of parole became less involved in criminal behavior than did their counterparts who were not discharged. However, prior experience with parole outcome data indicates that follow-up periods of less than one year are too unreliable for evaluative purposes. Thus, the next logical step was to carry out the current study to determine the effects of the one year discharge after a longer follow-up period of one year.

**SAMPLE SELECTION:** The primary concern of this study was the effect on criminal involvement of the one year discharge from parole (under A.A. Resolution 284). All men (N=341) who were released from prison to California parole in July, August, and September 1970 and who were discharged under A.A. 284 from California parole during July through October 1971 formed the basic study population (AX) which was 24% of the discharges under A.A. 284 during the four months period. Their known criminal involvement during the first year after discharge was the criterion.

To assess the effect of the one year discharge, two comparison groups were chosen. In order that the follow-up period might be comparable, the comparison groups were selected from among other discharges in the same time period. The selection process prescribed that the parolee's first year on parole -- no matter when it was -- had been without incident ("clean"), i.e., there had been no police or parole agent arrest nor had the parolee absconded. (The year of "clean" parole is one of the basic criteria for possible discharge under A.A. 284). The men (N=413) discharged under Penal Code Section 2943 are termed "BX" in the study, and those (N=143) discharged at the expiration of term are referred to as the "EX" group. More information about the study groups is shown in Table 8.

**DEFINITION OF TERMS:** Clarification of some of the terms used in this report may be helpful to the reader unfamiliar with terminology used by the California Department of Corrections.

Post Discharge Outcome or known criminal involvement, is expressed in the current study in terms of the most serious disposition received within one year following discharge from parole; should a felony charge have been pending at the end of one year, the ensuing adjudication was recorded.

There are five categories of outcome used in the report:

Clean - no difficulty or booking by authorities.

Favorable - arrest and release (with or without trial), fine, bail forfeited, misdemeanor probation, jail sentence 89 days or less, any jail all suspended.

Unfavorable - jail sentence of 90 or more days, felony probation (5 years), death in commission of a crime.

CRC - commitment to the California Rehabilitation Center in lieu of other dispositions after a misdemeanor or felony conviction.

WNC - commitment to any prison by the court after a new felony conviction.

Table 8  
 Components of the Study Groups  
 - 1971 Discharges -

Month of Discharge	T Y P E O F D I S C H A R G E					
	(AX) A.A. 284		(BX) 2943 P.C.		(EX) Term Expiration	
	Number	Percent	Number	Percent	Number	Percent
July	41	12.0	129	31.2	35	24.5
August	63	18.5	105	25.4	40	27.9
September	94	27.6	78	18.9	36	25.2
October	143	41.9	101	24.5	32	22.4
Total	341	100.0	413	100.0	143	100.0

All 897 men met four criteria:  
 Discharged in July-October 1971;  
 First year on parole was "Clean";  
 Released to California parole;  
 Under California supervision at time of discharge.

During these months, total figures for the three types of discharge were:

(AX) A.A. 284: 1,402 total; 24% in study  
 (BX) 2943 P.C.: 697 total; 59% in study  
 (EX) Expiration: 581 total; 24% in study

Year of Parole:	1964	1965	1966	1967	1968	1969	1970	Total
AX	--	--	--	--	--	--	341	341
BX	--	--	--	--	2	411	--	413
EX	1	1	9	16	43	64	9	143
	1	1	9	16	45	475	350	897

Median Time on Parole: AX - 13 months; BX - 25 months; EX - 33 months.

SOURCES OF DATA: The information on the background characteristics of the parolees was obtained from the routine data collection system of the Research Division as extracted from the cumulative case summary for each felon. The record of prior, pre-discharge, behavior was obtained from the parole agent's reports contained in the minutes of the Adult Authority meetings; it was supplemented with a transcript record of arrests and related information compiled by the Bureau of Identification in the California Department of Justice. (This document is widely known as a "rap sheet".)

The Bureau of Identification record includes a resume of all arrests, charges, and most dispositions as reported by all jurisdictions -- local, state, out-of-state, and federal. Although there may be omissions by the reporting authorities, it is the only central source of known and recorded post-discharge criminal involvement.

METHODOLOGY: It was hypothesized that there would be no statistically significant differences in post-discharge outcome among the three types of discharges; in particular, that the incidence of known criminal involvement would not be greater for the men discharged after one year on parole (A.A.284) than for the other discharges.

Chi-square tests resulting in a p of .05 or less were accepted as significant in all analyses, that is, the observed differences could be expected to occur by chance five or fewer times out of a hundred for a similar population.

Sections of the study are:

- I. The comparison of the three types on ten background characteristics to determine their initial comparability.
- II. The analyses of various aspects of the one year outcome for the 897 men in the study.
- III. Estimation of savings resulting from early discharges.
- IV. A comparison of one year outcome for the 57 offenders among the early discharges whose malefactions occurred during the time they would have been on parole had not the early discharge intervened.
- V. A special analysis of the one year outcome for the A.A.284 discharges using the new criteria adopted by the Adult Authority in October 1972.

FINDINGS:

I. Background Characteristics

Scant information is available about which characteristics of inmates or parolees are related to criminal involvement subsequent to discharge from parole. Therefore, the only feasible approach was to compare the groups on characteristics known at time of release from prison which have been found to be associated with outcome on parole. It necessarily was assumed that differences in these characteristics would be an indication that the groups might differ in their likelihood of post-discharge involvement in criminal activities.

There were no statistically significant differences among the three types of discharge in four of the ten characteristics studied. The groups were essentially alike in ethnic background, narcotic use, parole region and type of supervision to which released (Table 9).

The EX group (Expiration of Term) differed from the early discharges on the remaining six variables which are highly interrelated. The proportion whose last admission to prison was a return to finish term (TFT) was almost double that of early discharges. Consequently, the average number of months served since last admission would be much less for them. The lower average BE score for the EX group would be a function of their smaller percentage of original admissions, the greater number of jail sentences, plus their greater incidence of crimes against property, particularly burglary and forgery or checks. Crimes against property, in turn, generally carry a lesser maximum legal sentence which could account for their lower average age in 1971. In summary, the EX group by its very dissimilarity to the early discharges in characteristics associated with recurrent law violations probably would be more frequently involved in criminal behavior. This assumption is based on statistical data about parole outcome and characteristics of California male felons compiled by the Research Division. For example, among the 1968 and 1969 releases to parole, the percent of men with no difficulty within two years was much less for men whose last admission had been a return to finish term, 17% (1968) and 19% (1969), than for first releases, 35% and 37%, or after a return with a new commitment, 24% and 25%. Also, since the inception of the use in 1961 of BE 61A for California male felons, the higher scores consistently have been associated with the greater percents of favorable outcome; the EX group has the lowest mean BE. Inherent in the BE 61A calculation is a reduction in total score for multiple jail sentences and commitments for burglary, forgery or checks because of their association with unfavorable outcome. Both these characteristics were most prevalent in the EX group.

## II. One Year Outcome for All Discharges

Just as the characteristics of the Expiration of Term (EX) group had seemed to suggest, a much greater percent of these men incurred arrests than did the early discharges, 43% compared to 26% for the A.A. 284 discharges (AX) and 27% for the 2943 P.C. discharges (BX). However, more of the EX men were arrested and subsequently released with or without a trial; in other words, more than one of every five EX men were accused but not convicted. This figure is in contrast to one of every seven men in the BX group, and one of every eleven of the AX group (Table 10).

At the opposite end of the outcome spectrum were the commitments to prison with a new felony conviction. Of the 987 men, only nine men were so returned, about 1%. This figure is about one-tenth of the percent of parolees who receive a new commitment to prison within two years after release from the CDC institutions.

With so few men incurring a prison commitment the only analysis which could be done was to list the most serious offense for which the discharges were convicted. The two EX convictions were relatively innocuous, burglary and possession of narcotics; the four BX men incurred prison terms for assault, possession of a dangerous weapon, burglary, and another burglary. Two of the offenses perpetrated by the three AX men involved violence, manslaughter and robbery, and the other was a forgery.

Table 9  
Comparison of Background Characteristics  
By Type of Discharge

Selected Background Characteristics	TYPE OF DISCHARGE			Statistical Significance of Difference Among Types
	AX- One Year	BX- 2943 P.C.	EX- Expiration	
Number	341	412	143	
<b>ETHNIC BACKGROUND:</b>				
White	.63	.58	.54	} Not Significant
Mexican	.12	.13	.13	
Black	.24	.27	.31	
Other	.01	.02	.02	
	1.00	1.00	1.00	
<b>NARCOTIC USE:</b>				
None	.67	.70	.65	} Not Significant
Opiate	.14	.12	.15	
Marijuana	.15	.16	.16	
Dangerous Drugs	.04	.02	.04	
	1.00	1.00	1.00	
<b>TYPE OF ADMISSION:</b>				
Original Commitment	.74	.72	.65	} p < .05 TFT returns are overly represented in the EX group.
Return to Finish Term (TFT)	.13	.15	.25	
Return w/New Commitment (WNC)	.13	.13	.10	
	1.00	1.00	1.00	
<b>PRIOR RECORD:</b>				
None	.16	.16	.09	} p < .01 EX group has fewer prison records and more jail commitments than expected.
1 or 2 jail/juvenile	.26	.29	.35	
3+ jail/juvenile	.21	.20	.31	
1 prison	.19	.18	.16	
2+ prison	.18	.17	.09	
	1.00	1.00	1.00	
<b>COMMITMENT OFFENSE:</b>				
Person	.46	.50	.31	} p < .01 EX group has fewer crimes against person and more property crimes.
Property	.39	.29	.47	
Other	.15	.21	.22	
	1.00	1.00	1.00	
<b>PAROLE REGION:</b>				
I	.17	.18	.14	} Not Significant
II	.23	.30	.27	
III	.42	.39	.40	
IV	.18	.13	.19	
	1.00	1.00	1.00	
<b>PAROLE SUPERVISION:</b>				
Work Unit	.45	.38	.49	} Not Significant
Conventional	.55	.62	.51	
	1.00	1.00	1.00	
<b>BE 61A SCORE:</b>				
Average	44.2	44.8	40.7	p < .01
<b>MONTHS SERVED IN PRISON: (since last admission)</b>				
Average	41.1	42.2	30.0	p < .01
<b>AGE in 1971:</b>				
Average	36.4	37.4	35.3	p < .01

Table 10

Comparison of One Year Outcome After Discharge  
By Type of Discharge

OUTCOME	TYPE OF DISCHARGE						Statistical Significance of Difference Among Types
	AX-One Year		BX-2943 P.C.		EX-Expiration		
	No.	%	No.	%	No.	%	
<b>MOST SERIOUS DISPOSITION:</b>							
<u>Favorable</u>							
Clean	248	72.7	306	74.1	81	56.6	<p>p &lt; .01</p> <p>EX group differs in following:</p> <p>Least clean</p> <p>Most arrests</p> <p>Most short jail or fine</p>
Other:							
Arrest & Release	48	14.0	38	9.2	26	18.2	
Jail Under 90 Days, fine or probation	34	10.0	47	11.4	27	18.9	
Subtotal	330	96.7	391	94.7	134	93.7	
<u>Unfavorable</u>							
Criminally insane	1	0.3	0	--	0	--	
90-180 days jail	5	1.5	4	1.0	4	2.8	
6+ months jail or suspended prison	2	0.6	11	2.6	2	1.4	
Calif. Rehab. Center	0	--	3	0.7	1	0.7	
Commitment to prison	3	0.9	4	1.0	2	1.4	
Subtotal	11	3.3	22	5.3	9	6.3	
Total	341	100.0	413	100.0	143	100.0	
<b>MONTHS TO OFFENSE:</b>							
No offense	248	72.7	306	74.1	81	56.6	<p>Not Significant</p>
Within first month	4	1.2	12	2.9	6	4.2	
One to Three months	26	7.6	31	7.5	18	12.6	
Four to Six months	20	5.9	26	6.3	15	10.5	
Seven to Nine months	25	7.3	24	5.8	11	7.7	
Ten to Eleven months	18	5.3	14	3.4	12	8.4	
Total	341	100.0	413	100.0	143	100.0	
<b>TYPE OF OFFENSE:</b>							
No Offense	248	72.7	306	74.1	81	56.6	<p>Differences between the three types (convicted and non-convicted combined) are not significant.</p> <p>Differences between convicted and non-convicted are not significant.</p>
<u>Arrested-Not Convicted</u>							
Person	9	2.7	3	0.7	3	2.1	
Property	10	2.9	7	1.7	8	5.6	
Other	29	8.5	28	6.8	15	10.5	
Subtotal	48	14.1	38	9.2	26	18.2	
<u>Arrested &amp; Convicted</u>							
Person	5	1.5	4	1.0	3	2.1	
Property	14	4.1	13	3.1	8	5.6	
Other	26	7.6	52	12.6	25	17.5	
Subtotal	45	13.2	69	16.7	36	25.2	
Total	341	100.0	413	100.0	143	100.0	

Finally, the type of discharge did not appear to have much bearing on length of time before the offenses were committed, although the AX men did have somewhat more time arrest-free.

All the above information is summarized in Table 10 on page 24.

III. Savings Resulting from Early Discharges

"Savings" commonly is determined in time and money even though the unmeasurable cost and effect on human lives may be far more important. In this study, time savings (with restrictions) can be calculated fairly accurately while money savings (based on time savings) must be approximated.

Time saved: When time saved through early discharge from parole was computed from discharge date to expiration of sentence date, the estimated number of months<sup>4</sup> or years saved was somewhat staggering, even when deletions were made for the potential returns to prison.<sup>5</sup> These estimates are:

AX: average of 30.9 months for 290 men = 745.7 years  
 BX: average of 19.8 months for 405 men = 667.3 years

A more conservative and realistic method of computation was to compare the average time served by the early discharges with the average number of months for all discharges in the year prior to the inauguration of the new policy. This procedure yielded these new estimates:

AX: served an average of 13 months on parole. The 1970 total discharges (excluding those with 12 or less months) spent an average of 28.8 months. Estimated saving: 15.8 months per man or 381.8 years.

BX: served an average of 25 months on parole. The 1964 total discharges (excluding those with 24 or less months) averaged 33.9 months on parole. Estimated saving: 8.9 months per man or 300.4 years.

Money Saved: For the fiscal year 1971-1972, the CDC Parole Division estimated \$561 to be the average cost of one year's supervision of a male parolee. Disregarding inflation and rising costs, the approximate monetary savings for each method of calculating time saved for the early discharges in this study would be:

AX: \$418,338 first method; \$214,190 second method  
 BX: \$374,355 first method; \$168,524 second method  
 \$792,693 \$382,714

The total number of the early discharges among the California supervised parolees during the fiscal year 1971-1972 was 2,999 under A.A.284 and 1,067 via 2943 P.C. If the estimated time saved for each type of discharge were used in conjunction with the \$561 per year cost per parolee, the extrapolated monetary savings would be over

<sup>4</sup>For calculation purposes, a life sentence arbitrarily was considered to be 20 years.

<sup>5</sup>Departmental statistical tables show that an average of 9% of a year's releases are returned to prison in the second year of parole, 3% in the third year, 2% in the fourth year, and 1% in the fifth year after release.

two and a half million dollars, \$2,215,221 for the A.A. 284 discharges and \$443,975 for the 2943 P.C. cases.

In any case, resources potentially available for re-allocation were substantial, particularly through discharge after one year on parole. But the Department is not the only monetary saver; it may be conjectured that an ex-felon has a little better chance to obtain employment than does a parolee and thus, the beneficial effects could become widespread.

#### IV. Selected Early Discharge Offenders

Of the 754 men who were granted an early discharge, 224 would have within one year terminated their parole due to sentence expiration. Had they not been discharged, 57 men would have been under parole supervision at the time of their offense, nine AX men (248 A.A.) and 48 BX men (2943 P.C.).

Thus, the discharge after one year of supervision seemingly did not have any truly adverse results. Of the nine AX men who got into difficulty, four were released, and four received a short jail sentence or fine. The most serious sentence was three to six months in jail imposed on the remaining man. Three convictions were for property offenses; the two others were minor misdemeanors.

The 48 BX offenders incurred the gamut of dispositions, although almost one-third (15) of the men were released after their arrest. Two-thirds (22) of those convicted received only a short jail sentence or a fine. One man was sent to the California Rehabilitation Center after an arrest for burglary. Two men were sentenced to prison, one for burglary and one for assault. The 33 offenses for which a conviction ensued included two against person and ten against property; prominent, however, were the seven convictions for drunk driving.

In short, continuation of parole supervision for 224 men might have prevented only two crimes in which there was potential violence. (See Table 11, page 27.)

#### V. Revised Criteria for One Year Discharge

On October 30, 1972, the Adult Authority rescinded their Resolution No. 284, relative to the one year discharge. It was replaced by the one year review embodied in Resolution No. 275, and had very stringent criteria (See Appendix B). In general, only eligible for review and possible discharge were those parolees who were serving their first sentence to prison, who had no history of narcotic use, and were not considered violence-prone; of course, the one year of arrest-free behavior had to be met.

Consequently, the number of men submitted for review and the number of men discharged were curtailed drastically. For example, in the first quarter of 1973, only 237 cases were reviewed; 121 men (51%) were granted a one year discharge. These figures are in sharp contrast to the same period of 1972 when the numbers were 718 reviewed and 621 (89%) discharged.

Would there be any major differences in the one year post-discharge outcome for the 341 men discharged under the then existent 284 A.A. if the data were examined in terms of the current requisites of background characteristics?

Table 11

Outcome of Early Discharges Whose Expiration of Term Was Within the Follow-Up Period

Outcome and Details	AX- A.A.284	BX- 2943 P.C.
	Number	Number
Total	341	413
Expiration Within Twelve Months	36	188
OFFENSE PRIOR TO EXPIRATION DATE:		
Number <sup>1</sup>	9	48
Disposition:		
Arrest and release	4	15
Convicted:	(5)	(33)
Short jail, fine	4	22
3-6 months jail	1	3
6+ months jail	0	5
Calif. Rehab. Center	0	1
Commitment to prison	0	2
Conviction Offense:		
Person	0	2
Property	3	10
Drunk driving	0	7
Other felony	0	6
Misdemeanor	2	8
Total	5	33

<sup>1</sup>The number of offenders in the AX group is too small to permit any valid statistical tests of comparisons between the two discharge groups.

Two of these three characteristics are routinely collected and readily available, prior commitment record and history of narcotic use. The third is a clinical identification in the case summary, i.e., the man had not been clinically identified as either violence-prone or having a high violence potential; therefore, commitment offense instead was used in the analysis, with homicide, robbery, assault, and rape (except statutory) being considered as indicative of violence.

Table 12 presents the outcome data according to the three requisite characteristics which are shown singly and in the four combinations possible. None of the differences in percents of outcome, Clean, Other Favorable, and Unfavorable, even approached statistical significance. In fact, the percent of "clean" was greater in five out of the seven variables for those men who possessed the forbidden characteristic(s) than for the men meeting the criteria.

On the basis of this evidence, it could be concluded that individuals who have a history of narcotic use and/or a history of assault could be as safely released from the control of parole supervision after demonstrating their ability to live an arrest-free life for one year as any other type of parolee. It is the achievement of the arrest-free period that is of greater significance than background characteristics, in this case.

Table 12

Outcome of the One Year Discharges (AX) by Selected Characteristics  
Used in the Revised One Year Discharge Resolution

Characteristics	Number		Percent of One Year Outcome			
			Favorable		Unfavorable	
			Clean	Other	Misc.	Prison
Total Discharges	(1.00)	341	72.7	24.0	2.4	0.9
PRIOR RECORD:						
No prison	(.63)	216	69.9	25.5	3.2	1.4
Some prison	(.37)	125	77.6	21.6	0.8	0.0
NARCOTIC USE:						
None	(.82)	280	73.6	23.6	2.1	0.7
Some	(.18)	61	68.9	26.2	3.3	1.6
COMMITMENT OFFENSE:						
Non-violent	(.64)	218	71.6	25.2	2.7	0.5
Violent	(.36)	123	74.8	22.0	1.6	1.6
PRIOR RECORD & NARCOTIC USE:						
Neither prison nor narcotics	(.52)	179	71.5	25.2	2.2	1.1
Prison and/or narcotics	(.48)	162	74.1	22.8	2.5	0.6
PRIOR RECORD & COMMITMENT OFFENSE:						
No prison and non-violent offense	(.38)	131	66.4	29.0	3.8	0.8
Prison and/or violent offense	(.62)	210	76.7	21.0	1.4	0.9
NARCOTIC USE & COMMITMENT OFFENSE:						
No narcotic use and non-violent offense	(.51)	173	72.8	24.3	2.3	0.6
Narcotics and/or violent offense	(.49)	168	72.6	23.8	2.4	1.2
PRIOR RECORD + NARCOTIC USE + COMMITMENT OFFENSE:						
No prison + no narcotic use + non-violent offense	(.30)	101	68.3	37.7	3.0	1.0
Prison and/or narcotics and/or violent offense	(.70)	240	74.6	22.5	2.1	0.8

Differences in outcomes between groups are not statistically significant.

Definitions: No Prison - no prior court commitment to prison.  
No narcotic use - none or marijuana only.

## SUMMARY AND CONCLUSIONS

In California, male felons enter prison with an indeterminate sentence which at some time during the incarceration is fixed at a set term or sentence by the Adult Authority; about 95% of the sentences include some time on parole. Effective in 1965, a provision of the California Penal Code (2943 P.C.) provided for a discharge from parole prior to expiration of the set term after two years of uninterrupted supervision.

The idea of discharging parolees who had completed their first year on parole developed from discussions and negotiations among representatives from the various segments of government involved in some way with the state correctional system, the Adult Authority, Legislature, Department of Finance, Governor's Office, and the Department of Corrections itself. Their primary motive was to reduce the cost of operating the Department of Corrections. The criterion finally chosen for a recommendation by the parole agent to discharge a man after one year of parole, providing the legal minimum term was met, was that a parolee had remained arrest-free. The resultant policy, implemented in July 1971, was embodied in Adult Authority Resolution No. 284 (A.A. 284).

The question was raised whether it was "safe" to discharge men so soon. Unpublished analyses by the Research Division had shown that a parolee was quite unlikely to violate after he had completed his first year on parole without any known criminal involvement. However, there was still some question about what these men might do if they were discharged from parole.

Two previous studies demonstrated that the men discharged under A.A. 284 in July-November of 1971 had significantly less known criminal behavior than did comparison groups of not-discharged parolees in a similar follow-up period.

The present study investigated known criminal involvement within one year after parole termination for 341 male felons discharged under A.A. 284 during July-October 1971. These men had a greater percent of favorable outcome than did two other groups discharged in the same time period (413 men discharged under 2943 P.C. and 143 at expiration of term). All men in these groups, no matter when released from prison, had an arrest-free first year of parole. The composition of the groups was essentially alike in four of the ten background characteristics, ethnic background, narcotic use, parole region and type of supervision to which released. In general, the men discharged at sentence expiration differed on the remaining background items, younger average age, lower base expectancy score, more property offenders, greater number of jail sentences, and more releases after a return to prison to finish term.

Had they not been discharged under A.A. 284, only nine men (2.6%) would have still been on parole at the time of the offense which occurred within the follow-up period. Five of the nine men were convicted. The most serious sentence was three to six months in jail, and violence was not involved in any of the offenses for which they were convicted.

The minor hypothesis of the study anticipated no statistically significant differences in the one year post-discharge outcome among the three types of discharges. There was no difference among the groups between Favorable and Unfavorable outcome (as defined). However, the Expiration of Term men did differ from the two early discharge groups in that the former had the lowest percent of men with no criminal involvement, the highest percent of arrests and of short jail (or fine) sentences. The major hypothesis was strongly upheld, that the incidence of known criminal involvement would not be greater for the men discharged after one year on parole (A.A. 284) than for the other discharges.

Criminal involvement after discharge from parole was the major focus of the study. However, because reduction in operating costs of the Department of Corrections was a primary justification for the one year discharge policy, the potential monetary savings were calculated; over two million dollars were estimated to be available for reallocation.

In October 1972, the Adult Authority revised and restricted their one year discharge policy; many men with no criminal involvement were excluded from consideration because of a prior prison term, a long-term history of narcotics, or identification as violence prone. However, when the study sample of A.A. 284 discharges was analyzed on the basis of these characteristics, none of the differences in the outcome data approached statistical significance. It was the achievement of the arrest-free period that was of greater significance than background characteristics.

Thus, the Adult Authority could safely continue to discharge selected men after one year on parole, providing it was free of criminal involvement. Both the parolees and the government benefit from such discharges -- the parolees by the reduction of their sentence and the government by the reduction of costs for parole supervision. These savings are well worth the very minimal danger to the community, at least as demonstrated in this study.

Circumstances, community conditions, and people do change over time, however, so if the early discharge program is continued or augmented, there should be an on-going evaluation.

The broader implications of the present findings will be evident to many. Within the correctional field there has been a constant search for methods, scales or scores that can be used to predict subsequent adjustment. Most suggested approaches have required strenuous data collection efforts and elaborate statistical analyses. Unfortunately, many also rely on clinical judgments that reduce the reliability of any resulting index. In this situation there emerges a fairly clear-cut, relatively unambiguous method of identifying a group of individuals who have a high probability (nine times out of ten) of satisfactorily managing to avoid difficulty for the next year and a very low probability of getting into serious difficulty with the law. This method does not depend on past history, either personal or criminal, nor are complex clinical judgments about psychological states required. The straight-forward information needed is whether or not the individual managed to adjust under parole supervision for one year without being arrested or absconding from parole.

Another aspect of these findings relates to resource utilization. The criminal justice system is costly. Many jurisdictions at state and local levels across the nation are unable to afford the personnel necessary to fulfill all duties required of them. This, of course, means that every effort must be made to examine the relative effectiveness of the various ways manpower is used. If, as in this case, a group of people can be identified who no longer require supervision in order to satisfactorily reintegrate into society, and if that group can be removed from the system, the manpower formerly supervising this segment of the population could be better utilized in other activities, perhaps providing closer support during the very difficult, initial transition from prison to parole.<sup>6</sup>

Across the nation a variety of probation and parole operations have people undergoing supervision for periods of three, five and, in even a few cases, ten years. Do all individuals require this length of supervision to insure that they are started back toward a socially acceptable adjustment? Probably not. There is no directly comparative data, but it would seem safe to infer that parolees in other jurisdictions and probationers who meet the same criterion also could be discharged from supervision in advance of the expiration of their sentence, without increasing the threat to society. Even a moderate decrease (10% to 20%) in the supervision caseload of probation and parole systems would result in allowing the reallocation of manpower resources amounting in value to several million dollars.

In California, of the adult defendants (both men and women) granted probation in Superior Courts in 1972, 73 percent had probation terms set at three years or more. This would allow for at least two years of supervision in the community if all defendants served one year in the county jail as a condition of probation. However, 53 percent received probation without any jail sentence and of the remainder, slightly over one-third (36%) were required to serve less than six months. Thus, for those granted probation in 1972, the majority (70%) are expected to be under supervision 33 to 36 months or more; even a greater proportion (nearly 85%) will serve 30 months or more. When one looks at terminations from probation during 1972, the average time under supervision was 29 months, even though nearly 60 percent were given early terminations. While these data must be viewed as only indicative of general trends because of the lack of consistent information from Los Angeles County, it seems clear that there may be a significant number of individuals under supervision who could safely be terminated from probation.

Other states have a similar potential for time savings in probation supervision -- savings that could be shifted to meet other needs of the system. To take one state, Wisconsin, as an example, of probationers terminated in 1972, over 29 percent had been under supervision for two years or more. Of this group, 96 percent were viewed as successful. Based on the total 3,162 terminations, the potential savings could amount to 1,256 man-years of

<sup>6</sup>However, see Berecochea, Himelson and Miller (1972) for a discussion of the statistical bases for the belief that the risk of parole failure is high during the early (transitional) period.

<sup>7</sup>Crime and Delinquency in California, 1972, State of California, Department of Justice, Bureau of Criminal Statistics, August, 1973.

probation supervision.<sup>8</sup> The amount of savings that might be made available for reallocation would be a function of per capita costs of supervision or size of caseload, plus salary and support (equipment, travel, etc.) costs. In any event, there is no doubt that the potential savings realizable from a policy of early discharge from probation would be substantial, just as it is from the policy of early discharge from parole.<sup>9</sup>

<sup>8</sup>1972 Probation and Parole Terminations, Wisconsin Division of Corrections, Bureau of Planning, Development and Research, Statistical Bulletin C-56, October, 1973.

<sup>9</sup>On a somewhat more conjectural level and in order to avoid an incorrect inference from this presentation, there is nothing in this study (or any other known study) which would preclude the discharge from parole of those who do not meet the criterion of remaining arrest-free during their first year on parole. Indeed, nothing in this (or any other known) study indicates that parole supervision is effective in controlling criminal behavior of the parolee. Rather, the data provided in this and other studies indicate that parolees who remain free of criminal involvement for a year (or more) are not likely to subsequently become criminally involved, be they continued on parole or discharged.

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Appendix A

Types of Discharge: Definitions

Resolution No. 284  
Adopted: May 18, 1971

RESOLUTION OF THE ADULT AUTHORITY  
SUBJECT: ONE YEAR DISCHARGE CONSIDERATION

WHEREAS, the adoption and implementation of new paroling policies and procedures has resulted in a dramatic reduction of the number of male inmates incarcerated in institutions of the California Department of Corrections, and a corresponding increase in the number of inmates presently on parole; and

WHEREAS, research conducted by members of the California Department of Corrections, at the request of the Adult Authority, indicates that there is a reasonable probability that a substantial number of those inmates presently on parole, and to be paroled in the future, could be discharged from parole at the end of the first year following release upon parole without increasing the danger to the people of the State of California, with a resulting decrease in the caseloads of the parole agents and/or reduction of cost to the people of the State of California; and

WHEREAS, it is the desire and intent of the Adult Authority to assist the Department of Corrections to reduce its operating costs and reduce the caseloads of its parole agents, thereby increasing the efficiency and effectiveness of the supervision of paroled inmates and affording greater public protection; and

WHEREAS, the adoption of a carefully controlled policy of earlier discharge from parole supervision should enable the Parole and Community Services Division of the Department of Corrections to concentrate its personnel and operating funds on those individual parolees most in need of, and most likely to benefit from, increased supervision.

NOW THEREFORE BE IT RESOLVED, that

1. The Parole and Community Services Division of the California Department of Corrections be directed to submit a written report to the Adult Authority in respect to each parolee who is legally eligible for discharge and has conducted himself arrest free, for one calendar year, or more, immediately following his release on parole, and without known involvement in criminal activities.
2. Said report shall include, but not be limited to, the following:
  - A. The type of supervision afforded from the date of release until the date of said report.
  - B. A summary of all contacts made with the parolee and the purpose and result thereof.

- C. An itemization of all problems encountered by the parolee, and the resolution thereof.
  - D. A statement of the benefits, if any, derived by the parolee as a result of parole supervision.
  - E. A statement by the parole agent as to whether continued supervision, in his opinion, would be of substantial assistance or benefit to the parolee.
  - F. In the event that the parole agent is of the opinion the continued supervision is indicated, he shall state in detail the benefits and assistance which he anticipates and the program which he proposes, including but not limited to the frequency, type and purpose of all contemplated contacts. The reporting agent shall include in his report all items which he feels are of relevance in determining whether continued supervision would be of benefit in the protection of the public or of assistance to the parolee in adjusting to his life in free society in becoming a law abiding, contributing and self-supporting member of society.
- 3. Said report shall be presented to the Adult Authority at the first Parole and Community Services Division calendar following the expiration of one full calendar year after the inmate has been released on parole.
  - 4. The effective date of this resolution shall be the first day of July 1971.

2943P.C. (California Penal Code Article 3, Section 2943)

"Notwithstanding any other provision of law, when any person (other than a person imprisoned under a life sentence) has been released on parole from the State prison, and has been on parole continuously for two years since release from confinement, the Adult Authority, in the case of a male prisoner, and the California Women's Board of Terms and Parole, in the case of a female prisoner, shall within 30 days, determine whether or not, by the standard of his rehabilitation, such person's term of imprisonment shall terminate on the expiration of such 30 day period. The authority or board shall make a written record of its determination and transmit a copy thereof to the parolee. If the authority or board so determines that such person's term shall be terminated, he shall be deemed completely discharged at the end of such 30 day period."

Expiration of Term (California Penal Code Article 3, Section 2940)

"Where the Adult Authority is authorized to fix and re-fix the term of imprisonment of a prisoner, such prisoner shall be discharged from custody upon the completion of said term so fixed or re-fixed and if the Adult Authority fails to fix the term of imprisonment the prisoner shall be discharged upon completion of the maximum punishment provided by law for the offense for which the prisoner was convicted."

## Appendix B

## Revised Criteria for Discharge after One Year of Parole

Resolution No. 275

Revised and Reissued: October 30, 1972

## RESOLUTION OF THE ADULT AUTHORITY

## SUBJECT: MANDATORY REVIEW OF TERMS OF SENTENCES OF MEN ON PAROLE

WHEREAS, Section 2943 of the Penal Code defines legislative intent that terms of imprisonment be periodically reviewed for discharge of sentence based upon a standard of rehabilitation; and

WHEREAS, said Section 2943 of the Penal Code specifically provides that if the Adult Authority so determines that such a person's sentence shall be terminated, he shall be deemed completely discharged at the end of such thirty (30) day period following the completion of two (2) years of continuous parole after release from confinement; and

WHEREAS, the best interests of both the public and the offender will be served by discharging men from parole supervision at the most optimum time, consistent with legal requirements, the protection of society and the rehabilitation of the inmate; and

WHEREAS, it is the intent of the Adult Authority to discharge offenders from parole supervision when it has been determined that the safety of the public and the welfare of the individual no longer require such supervision; and

WHEREAS, the requirements and guides for reviewing the adjustment of men under parole supervision are set forth in several different documents;

NOW THEREFORE BE IT RESOLVED, that the following principles and policies are established by the Adult Authority relative to the review of those cases of men on parole to determine whether their terms of sentences should be discharged.

## I. FIXING TERMS OF SENTENCE PRIOR TO RELEASE ON PAROLE.

It has been and shall continue to be the policy of the Adult Authority to fix terms of sentences at the time the determination is made to release the inmate on parole except in the following types of cases:

- A. Men serving terms of natural life.
- B. In certain cases where the Adult Authority determines that the best interest of both society and the offender would be served by granting parole and allowing the term of sentence to remain at maximum. Such cases will be subject to periodic review for possible termination of sentence pursuant to other sections of this Resolution.

## II. MANDATORY REVIEW OF PAROLE ADJUSTMENT FOR DISCHARGE CONSIDERATION OF MEN SERVING INDETERMINATE SENTENCES.

The cases of all men on parole who are serving indeterminate sentences will be reviewed periodically to determine whether or not the case work factors and the offender's total adjustment warrant a termination of the sentence. Such reviews shall be in accordance with the following policies:

Review of Cases of Men on Parole for One Year.

1. The Parole and Community Services Division of the California Department of Corrections shall submit a written report to the Adult Authority on each parolee who is legally eligible for discharge and who meets the following criteria:
  - a. Is classified in the legal data section as a "First Termer".
  - b. Has not been clinically identified as either violence prone or having a high violence potential.
  - c. Does not have a long-term history of narcotics involvement.
  - d. Has not been arrested during the last calendar year or more following his release on parole excepting as follows:
    - 1) The arrest was occasioned by an act committed prior to his release on parole.
    - 2) The arrest was for suspicion only and later determined by the Booking Agency "Not deemed arrested".
    - 3) The investigation resulting from the arrest clearly proved that the parolee was not involved in any criminal activity.
  - e. Has not been known to have been involved in any criminal activity.
2. Said report shall include, but not be limited to, the following:
  - a. The type of supervision afforded from the date of release until the date of said report.
  - b. A summary of all contacts made with the parolee and the results thereof.
  - c. An itemization of all problems encountered by the parolee and the resolution thereof.
  - d. A statement of the benefits, if any, derived by the parolee as a result of parole supervision.

Appendix B

- e. A statement by the parole agent as to whether continued supervision, in his opinion, would be of substantial assistance or benefit to the parolee, or to the safety of the social order.
  - f. In the event the parole agent is of the opinion that continued supervision is indicated, he shall state in detail the benefits and assistance which he anticipates and program which he proposes, including but not limited to the frequency, type and purpose of all contemplated contacts. The reporting agent shall include in his report all items which he feels are of relevance in determining whether continued supervision would be of benefit in the protection of the public or of assistance to the parolee in adjusting to his life in free society in becoming a law-abiding, contributing and self-supporting member of society.
  - g. A statement by the parole agent that the CII and local police agencies have been contacted to verify that no arrests have occurred during the last one-year period.
3. A report of all cases of parolees qualified for such a review shall be presented to the Adult Authority at the first Parole and Community Services Division Calendar following the expiration of one full calendar year after the offender has been released on parole.

(This Resolution was effective immediately and superseded Adult Authority Resolution No. 284, adopted May 13, 1971.)

**END**