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A STUDY OF RECIDIVISM AMONG  
INDIVIDUALS GRANTED EXECUTIVE  
CLEMENCY IN PENNSYLVANIA  
1968 - 1981

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PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY

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FIGURES

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PREFACE

ACQUISITIONS

One of the responsibilities of the Pennsylvania Commission on Crime and Delinquency is to collect and analyze information on a variety of criminal justice issues. Some of these issues are identified by the Commission itself through its planning process. Other issues are referred to the Commission by the Governor's Office, legislative committees, individual legislators, criminal justice agencies or other parties. Regardless of the source of referral on a particular issue, Commission staff strive to conduct a detailed and thorough analysis in a totally objective fashion so that policy-makers have all of the information needed to make their policy decisions.

This research report on recidivism among individuals granted executive clemency in Pennsylvania between 1968 and 1981 was requested by the Pennsylvania Board of Pardons, through its Chairman, Lieutenant Governor William W. Scranton, III. We are providing the report to the Board of Pardons in the expectation that it will convey useful information to them in their examination of clemency practices in Pennsylvania and in working toward improvement of the criminal justice system.

George Grode  
Executive Director  
Pennsylvania Commission on Crime and Delinquency

U.S. Department of Justice  
National Institute of Justice  
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## EXECUTIVE SUMMARY

This report analyzes the extent and nature of recidivism (re-arrests) for individuals granted executive clemency in Pennsylvania. The analysis includes 2,043 individuals granted any one of five forms of clemency from 1968 to 1981.

The report highlights significant differences between individuals granted each of the different types of clemency. The re-arrest rates reflect these differences. The recidivism rate for individuals granted commutation of minimum sentence had the highest re-arrest rates (approximately 35%) and the individuals granted pardons had the lowest re-arrest rates (approximately 7%). The re-arrest rate for individuals who had life sentences commuted was 23.5% and the rate for those who had maximum sentences commuted was approximately 26%.

The level of seriousness of the crimes for which the individuals were re-arrested varied significantly. Those pardoned individuals who were re-arrested were primarily re-arrested (69%) for non-Part I offenses, the most frequent being drunk driving. The majority of individuals who were re-arrested following commutation of life, commutation of minimum or commutation of maximum sentences were re-arrested for Part I offenses, with aggravated assault, burglary and theft being the most common of these offenses.

Approximately 18% of the individuals previously granted clemency who were re-arrested and had their cases disposed, were sentenced to state prisons; another 15% were sentenced to county jails. The balance of individuals were either placed on probation (approximately 14%) or given no penalty (approximately 23.4%). None of the previously pardoned individuals for whom disposition information was available were sentenced to a state prison on the new offense.

A final part of the study provides some assessment of the offender's risk to society. We observed several factors which help differentiate a low-risk from a high-risk offender. We found that the number of prior arrests an individual had reflected the greatest difference (31% for those with more than two arrests, compared with 18% for those with two or fewer arrests).

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PURPOSE

The primary objective of this study is to determine the rate of recidivism for persons granted executive clemency in Pennsylvania. Ideally, recidivism should be measured by a system of rates reflecting the total of the offender's involvement with the criminal justice system (rates of rearrest, reconviction, recommitment, parole revocation). Recidivism measures should aim at providing as large a picture of the criminal justice system as possible.

STUDY DESIGN

In preparation for the development of the study design for our project, a review was conducted to determine if any previous research had been completed in this area. We contacted Statistical Analysis Centers in 10 other states, requested information from the National Criminal Justice Reference Service, reviewed reference materials at the Pennsylvania State Library, and requested information from the Library of Congress. The search turned up several limited possibilities.

The Massachusetts Department of Correction has conducted several recidivism studies. In their studies, recidivism is defined as a person's return to a state correctional institution or a local jail for 30 days or more for a new crime or a parole violation. In one study, 3 of the 34 persons (9%) released from drug contract houses recidivated.<sup>1</sup> In another, 36 of 306 residents (12%) released from halfway houses were re-incarcerated.<sup>2</sup> The final Massachusetts report was a five year study of persons paroled or discharged from state correctional institutions in 1973.<sup>3</sup> The study reported that 44% of those released returned to prison over the five year follow-up period (21% in the first year, 32% by the end of year 2, 37% by the end of year 3, 42% by the end of year 4, and the 44% total at the end of 5 years). The study also indicated that criminal career pattern was the strongest indicator of recidivism. A longer criminal record, more property offenses on record, one or more incarcerations, and a younger age were indicators of higher recidivism.

Most of the literature we found, like the Massachusetts reports, was not specifically related to the purpose of our study; recidivism of persons granted clemency. However, a few, such as one conducted by the Missouri Division of Corrections,<sup>4</sup> more closely approached our purpose. The Missouri study involved a 3 year follow-up of 300 inmates released from state facilities in 1972, 1973 and 1974 by parole or commutation. Recidivism was defined as new felony arrests and convictions. Of the 150 inmates released by parole, 44 (29%) recidivated, while 59 (39%) of the 150 inmates released by commutation recidivated. The study reported that the difference in the recidivism rates for the two groups was not statistically significant.

<sup>1</sup>Williams, Lawrence T., An Analysis of Recidivism Among Residents Released from Drug Contract Houses - 1977 and 1978 Releases, Massachusetts Department of Correction publication No. 12034, July 1980.

<sup>2</sup>Williams, Lawrence T., An Analysis of Recidivism Among Residents Released from Mass. Halfway Houses, Inc. - 1977 and 1978 Releases, Massachusetts Department of Correction publication No. 12033, July, 1980.

<sup>3</sup>LeClair, Daniel P., Rates of Recidivism: A 5 Year Follow-up, Massachusetts Department of Correction Publication No. 12573, October 1981.

<sup>4</sup>R. M. Egger & Kathleen Gagliard, Recidivism Rates for Parole and Commuted Inmates: A 3 Year Follow-up in Missouri, Missouri Division of Corrections, August, 1975.

The 1975 Annual Report of the U.S. Attorney General<sup>5</sup> contained information on two Federal studies of recidivism among persons granted a Federal pardon. The first was a study of all 195 persons who received a pardon in Fiscal Year 1965. The study reported that 3% of the 195 (6 people) were convicted of subsequent crimes. The other study, conducted in Fiscal Year 1960, reported that 4% (6 people) of the 149 people granted pardons were subsequently reconvicted of a new crime.

The final study we found was conducted in 1977 by the Pennsylvania Board of Pardons.<sup>6</sup> The study defined recidivism as any new arrest for a group of 439 people who were pardoned from 1968 to and including 1974. Of the 439 people, 42 (9.5%) had no criminal record at all on file at the Central Repository for Criminal Histories at the State Police, 11 (2.5%) were recidivists with new arrests, and 386 (88%) had no new arrest.

When attempting to measure recidivism, a number of questions arise. For example, should all re-arrests be counted in the measurement, or only those leading to conviction? To avoid the necessity of this kind of choice, and to increase flexibility, we intended to use a series of rates for our study. We determined recidivism would be defined as a system of rates with a hierarchy of alternative definitions of recidivism reflecting both degrees of reinvolvement with the criminal justice system (arrest, conviction, return to prison) and the seriousness of new charges. Our hierarchy was intended to be as follows:

- (A) NEW ARREST RATE (no conviction) - Part I crimes against persons  
Part I crimes against property  
Part II offenses  
All other offenses
- (B) NEW CONVICTION RATE (no return to prison) - Part I crimes against persons  
Part I crimes against property  
Part II offenses  
All other offenses.
- (C) RETURN TO PRISON RATE -
  - 1. NEW SENTENCE - Part I crimes against persons  
Part I crimes against property  
Part II offenses  
All other offenses
  - 2. PROBATION/PAROLE REVOCATION
- (D) TOTAL RECIDIVISM RATE (A+B+C)

<sup>5</sup>U.S. Pardon Attorney, "Annual Report, 1975"

<sup>6</sup>Pardons and Recidivism, Pennsylvania Board of Pardons, January, 1977 Memorandum.

A recidivist would appear in only one category (A, B OR C) so that the hierarchy would reflect the actual number of people who recidivated. For example, a person who had a new arrest, a new conviction on that arrest, and was returned to prison on the arrest would be counted in only one category. This one category would always be the most serious; in our example, the person would be counted only in the return to prison category (C). However, we would note in our analysis any instances where a person had more than one contact with the criminal justice system after receiving executive clemency.

The above references in the hierarchy to Part I and Part II offenses utilize the offense classification system used by law enforcement agencies to report to the State Police Uniform Crime Report System. The classification is as follows:

Part I Crimes Against Persons:

- Murder and non-negligent manslaughter
- Negligent manslaughter
- Forcible rape
- Robbery
- Aggravated Assault

Part I Crimes Against Property:

- Burglary
- Larceny - theft
- Motor vehicle theft
- Arson

Part II Offenses:

- |                 |                                      |
|-----------------|--------------------------------------|
| Other assaults  | Weapon Offenses                      |
| Forgery         | Other sex offenses                   |
| Fraud           | Drug abuse violations                |
| Embezzlement    | Offenses against family and children |
| Stolen Property | Vagrancy                             |
| Vandalism       | All other offenses (except traffic)  |

We use this classification in our study because a factor in defining recidivism will be the seriousness of new criminal events. In this way, the reader will be able to determine for himself the relative seriousness of new offenses.

In addition to defining how the rate of recidivism will be calculated, there is also a question of how long a group of possible recidivists should be followed. Ideally, the period of observation should be indefinitely or until death. In practice, such long periods are usually impractical. Instead, a specific period of time is usually selected which can be supported by reliable statistical measures. The problem here is that recidivism is time-dependent; it grows as the follow-up period is extended. Since recidivism is a time-dependent phenomenon, we have allowed for a variable length of follow-up for this study. In this way, recidivism rates will reflect both shorter and longer term failures.

Recidivism can be a function of a large number of factors that have varying degrees of interrelationship. One of the challenges of recidivism research is to sort these various factors into a few manageable categories and to attempt, statistically, to determine the relative contribution of each to the overall level of recidivism. And, while it is not the purpose of this study to closely analyze these interrelationships, we nevertheless take some of these factors into account when we present recidivism rates for the various groups. We will not, however, attempt to analyze and explain the relationship of these factors to recidivism as it is not the primary purpose of this study to determine causes of recidivism.

The two broad areas of these factors to be presented in our study are:

- (1) OFFENDER-RELATED FACTORS: These kinds of factors have nothing to do with correctional treatment or with criminal justice operations. Rather, these factors include prior record, age, etc. They establish a degree of offender risk and we would expect the higher risk offenders to have a higher recidivism rate.
- (2) SYSTEM-RELATED FACTORS: Naturally, if all convicted criminals were imprisoned for life, there would be no recidivism problems. More generally, the more time offenders serve in prison, the less opportunity there is for recidivist acts. Based on the system-related factors, we will divide our study group into sub-groups such as: a) those whose original sentences were only fine and costs, b) those whose original sentences were probation, c) those whose original sentences were to a county jail, etc. Also, offender screening processes can affect recidivism rates and we will control for this factor. For example, the decision to await more favorable conditions for parole release, or release to a community treatment center prior to parole. Parole supervision itself will be a factor to be controlled; those who have been under parole supervision will be separated from those who had no supervision.

The Board of Pardons hears and acts upon applications for clemency of five types:<sup>7</sup>(1) pardon, (2) commutation of death sentence to life imprisonment, (3) commutation of life imprisonment to life on parole, (4) commutation of the minimum sentence of a confined person, and (5) commutation of the maximum sentence of a person whether or not confined. For the purposes of our study, we will expand these categories somewhat and define clemency types as:

- (1) Commutation of life in prison to life on parole
  - (a) the commutation is effective immediately,
  - (b) the person is not released immediately, but is given a parole date in the future (occasionally as much as 5 - 7 years in the future).

<sup>7</sup>See Glossary for more detailed definition of the categories.

## (2) Commutation of Minimum

- (a) the commutation reduces the minimum to some date in the future (the reduced minimum is greater than time already served and shorter than the original minimum). The usual purpose of this action is to accelerate pre-release programming (furloughs, community treatment centers, etc.),
- (b) the Board of Pardons recommends commutation, however, the Parole Board can deny parole (release) for the inmate. We have included this action here, but this type of disagreement is probably more common in the case of commuted life sentences.

## (3) Commutation of maximum

### (4) Special maximum commutation

- (a) commutation after 5 successful years under parole supervision (10 years for life cases).
- (b) commutation after 3 successful years under parole supervision (7 years for life cases).

## (5) Pardon

Several of the above categories contain sub-categories due to policy changes which have occurred over time, and we believe it may be important to control for any effect these changes may have on recidivism. We will also categorize the different types of clemency because certain categories (i.e., pardons) will probably have less risk of recidivating than other categories.

Board of Pardons client case jackets were thought to be readily available from 1967 to 1981. Therefore, we determined that our study would follow persons granted clemency in one of the above categories during the time period 1967 - 1981. From information available from the Board of Pardons, we believed the study would involve about 2,200 people: a) 340 commuted life sentences, b) 330 commuted minimum sentences, c) 100 commuted maximum sentences, d) 630 pardons, and e) 780 special maximum commutations. These 2200 people would be followed to the present time (January, 1982) to yield both short and long term measures of recidivism.

## METHODS OF DATA COLLECTION

Our first task was to identify the population that would be included in our study. We determined that although it would be more time consuming, we should make an effort to follow all persons receiving clemency during the selected time frame rather than following only a selected sample. We chose to do this for several reasons: a) as stated earlier, we were unable to find previously completed studies similar to ours which we could replicate and compare to, b) we did not believe we had a good understanding of the intervening variables which may affect our data if we used a smaller group or what peculiarities we might miss, and c) although 2,200 seemed like a large number of cases, we intended to automate the data and, therefore, this number should not be a significant obstacle in terms of analysis.



Having decided to follow all persons granted clemency from 1967 to 1981, we next set about to identify these people. The Board of Pardons maintains an historical record of their actions by month and year. We reviewed these records and from them obtained certain selected data for the first segment of what would eventually become a complete automated record on each individual receiving clemency. We call this first record the P<sub>1</sub> record and it includes the following:

#### P<sub>1</sub> RECORD<sup>8</sup>

1. Board of Pardons Session (Month and Year)
2. Individual's Complete name
3. Board of Pardons Case number
4. Bureau of Correction number (where appropriate)
5. Board of Probation and Parole number
6. Type of clemency granted

Most of the information contained in the P<sub>1</sub> record is personal identifiers which we needed later to access other sources of information.

The next segment of each individual's record was obtained from the Board of Pardons case files. We labelled this next segment P<sub>2</sub> and it includes the following:

#### P<sub>2</sub> RECORD<sup>9</sup>

1. SID - individual State Identification number based on person's fingerprint classification
2. Date of Birth
3. Sex
4. Race
5. Most serious offense related to the clemency request
6. Offense group
7. Date of the clemency-related offense
8. Most serious disposition of the clemency-related offense
9. Effective date of sentence for the clemency-related offense
10. Sentence terms for the offense

<sup>8</sup> See Appendix A

<sup>9</sup> See Appendix B

11. Number of prior arrests
12. Number of prior convictions
13. Number of prior incarcerations
14. Type of clemency
15. Confinement status at time of clemency request
16. Death indicator
17. State of residency
18. Date recommended for clemency
19. Date clemency granted by Governor
20. Release from institution by clemency action
21. Date released to street.

Some of the information necessary to complete the P<sub>2</sub> records was not included in the Board of Pardons files located at the State Records Center. In many instances, a very important individual identifier (SID) was not in the file. Not having SID would cause problems when we requested criminal histories from the State Police. Therefore, we tried other sources available to us (including Bureau of Correction and Parole Board records) to obtain these SID numbers. However, there are cases where we could not obtain SID and we eventually had to request the State Police to match individuals and records on information other than SID (name, age, race, etc.).

Also, in a number of instances, Board of Pardons records at the Record Center were: a) destroyed (due to established archives policies and procedures), b) totally missing, or c) essential data elements for the P<sub>2</sub> record were not available. Again, in these cases, we reverted to obtaining the data from other sources (e.g., Bureau of Correction and Parole Board files where possible). These kinds of problems with the sources of data (which were unexpected in the design of the study) caused delays in the timely completion of the project, and ultimately forced us to exclude cases from our final analysis.

Based on the data collected in the P<sub>1</sub> and P<sub>2</sub> records, we supplied the State Police with listings requesting criminal histories. As indicated earlier, these requested listings varied in content (e.g., sometimes we supplied complete name and SID; other times, name only, etc.). The State Police were requested to provide us with an up-to-date rap sheet on each person in our study.

From the rap sheets, we originally intended to collect the number of new arrests since clemency, number of new convictions, and number of new incarcerations. However, as we started tabulating the information on the rap sheets, we quickly observed that the records in many instances did not contain dispositions for arrests. Also, it was often impossible to ascertain if a case was still in process, if charges had been dismissed, etc. Therefore, it became necessary for us to revise the information we collected from the

rap sheet; only collecting new arrest information. We labeled the information from the State Police rap sheets the P<sub>3</sub> record and it includes the following:

P<sub>3</sub> RECORD<sup>10</sup>

1. SID or other identifier
2. Number of new arrests after clemency
3. Date of first arrest after clemency
4. Date of most serious arrest after clemency
5. Most serious offense arrested for after clemency
6. Offense group
7. Disposition of the most serious offense after clemency

The data from the rap sheets is our major source of recidivism data. However, we will not know from this source of any arrests occurring outside Pennsylvania. We originally intended to request FBI rap sheets on individuals residing outside Pennsylvania; however, due to the problem in obtaining SIDs and the already lengthy project delay, we decided to forego this part of the project. Instead, we will exclude from our recidivism tables and analysis, those individuals who we know were residing outside Pennsylvania at the time of their clemency request (unless they were under the jurisdiction of the Pennsylvania Board of Probation and Parole following their clemency release).

In addition to the problem of out-of-state arrests, there is a problem regarding the death of members of our population. Since a number of cases involve people born in the early 1900's, it is conceivable we will be dealing with a fairly large proportion of elderly offenders. It would be useful to know how many members of our population died during our study period and under what circumstances. For example, there could be crime-related deaths, and our recidivism data would be even more accurate if we could obtain this information. At the time of the study design, we did not know if we could obtain the death information from Vital Statistics. We decided that we did not have the time to address this issue, and, therefore, did not contact Vital Statistics for the information. However, we will exclude any known deaths (those not crime-related) from the calculation of our recidivism rates. The deaths will be recorded from available criminal justice agency records.

In addition to the rap sheets, another source of recidivism data for our study was collected from Parole Board records. For those individuals under parole supervision after clemency was granted (commuted minimum and commuted life imprisonment cases), we collected data from the Parole Board. We labeled this information P<sub>4</sub> records, and this record includes the following:

<sup>10</sup>See Appendix C

P<sub>4</sub> RECORD<sup>11</sup>

1. SID or other identifier
2. Date released to parole supervision
3. Arrest while under supervision
4. Most serious parole violation
5. Most serious new crime committed
6. Offense group
7. Recommitted to prison for new violation
8. Date of most serious violation
9. Absconded while under supervision
10. Date absconded
11. Method by which placed on supervision

The data from the P<sub>1</sub>, P<sub>2</sub>, P<sub>3</sub>, and P<sub>4</sub> records were tabulated, coded, and entered on the State Police computer for analysis, using available analytical software (Statistical Package for the Social Sciences - SPSS). Due to some of the problems referred to earlier, some cases had to be excluded from analysis. Initially, we identified 2,273 P<sub>1</sub> records. The 2,273 was reduced to 2,229 through the elimination of duplicates (individuals having more than one clemency action). We next determined that 141 of the 2,229 individuals did not have a P<sub>2</sub> record. Further investigation indicated that 126 of the 141 missing P<sub>2</sub> records occurred in 1967. In 1967, 171 individuals were granted clemency and therefore we were missing complete data (P<sub>2</sub> record) on 74% (126 of 171) of the 1967 individuals. Due to the incompleteness of the 1967 data (most of the 1967 records were destroyed at the Records Center due to the retention schedule of records) we determined these individuals should be dropped from any analysis in our study. Therefore, the 2,229 individuals were reduced to our final study population of 2,043 by eliminating the 171 1967 cases and 15 individuals who did not have a P<sub>2</sub> record. The distribution of our final population of 2,043 (complete P<sub>1</sub>, P<sub>2</sub>, and P<sub>3</sub> record) is:

<sup>11</sup>See Appendix D

Clemency Category	Number of Cases Originally Identified for Study 1967-1981	Number of Cases 1967-1981 Minus Duplications	Number of Final Valid Cases 1968-1981	Percentage of Valid Cases 1967-1981
A. Commutation of Life in Prison to Life on Parole	358	344	316	91.9
B. Commutation of Minimum	322	294	292	99.3
C. Commutation of Maximum	27	27	9	33.3
D. Special Maximum Commutation	938	936	828	88.5
E. Pardon	625	625	598	95.7
F. Other	<u>3</u>	<u>3</u>	<u>0</u>	<u>0.0</u>
Total - All Categories	2,273	2,229	2,043	91.7

As may be observed from the above table, our final 2,043 valid cases accounted for 91.7% of the original 2,229 individuals who received clemency from 1967-1981. When 1967 (171 individuals granted clemency) is dropped from the study period, our 2,043 valid cases account for 99.3% of the individuals receiving clemency from 1968-1981.



**FINDINGS AND OBSERVATIONS:**

As used in this report, clemency indicates all categories of commutations and pardons that can be granted by the Governor. Due to some similarities in the categories listed earlier in the report, we determined we should group some of the clemency categories together for analytical purposes as follows: (1) commute life in prison to life on parole and commute life-release post-dated; (2) commute minimum-no immediate release and normal commute minimum, and (3) special maximum commutation 10 and 5 years, special maximum commutation 7 and 3 years, and commute maximum. These groupings were made primarily because we found the differences in policy were insignificant in our analysis. Therefore, the following categories of clemency will appear in our analysis:

1. Commute Life
2. Commute Minimum
3. Commute Maximum (Special Maximum Commutation)
4. Pardon

Although we have grouped certain categories because of similarities, we do not aggregate all the categories in most of our tables. As will be observed, there are substantial differences, for example, between a person granted a pardon and a person granted a commute life, and due primarily to the differences in level of risk of these categories we have chosen to maintain distinctions between the categories in our analysis, and most of our tables shall have the following format in order that like categories are grouped together and yet are separate from unlike categories:

Clemency Category	Explanation
Commute Minimum Commute Life	Generally, individuals in these categories are incarcerated at the time of their request for clemency, and the clemency approval will result in the shortening of their prison term and make them eligible for parole release sooner.
Commute Maximum	Generally, individuals in this category are under parole supervision in the community at the time of their request, and the clemency approval will shorten the existing maximum term so as to end parole sooner.
Pardon	Generally, individuals in this category are not imprisoned or under parole supervision at the time of their request for clemency. The clemency action is a forgiveness and the restoration of rights and privileges that were forfeited at the time of conviction for the offense.

**A. Characteristics of those Granted Clemency**

The following tables present a description of the 2,043 individuals receiving clemency from 1968-1981. In some instances complete P<sub>2</sub> data was not available and therefore the tables in this section often have a footnote indicating the number of cases used for analysis.

Approximately 99% of the individuals in the study received their clemency between 1968 and 1978, with peak years of activity in 1968 (275 clemencies granted) and 1971 (225 clemencies granted). The number of clemencies granted took a dramatic drop in 1979, 1980 and 1981. The average number of clemencies granted during this three year period was 11 per year compared with an average of 176 per year for the preceding 3 year period (1976-1978).

**TABLE 1: NUMBER OF CLEMENCIES GRANTED 1968-1981\***

Year Clemency Granted	Total Clemencies Granted	% of Total Clemencies Granted
1968	275	13.5
1969	193	9.5
1970	133	6.6
1971	225	11.0
1972	159	7.8
1973	160	7.9
1974	159	7.8
1975	174	8.6
1976	174	8.6
1977	185	9.1
1978	168	8.2
1979	17	0.8
1980	13	0.5
1981	2	0.1

\*Based on 2,037 valid cases

During the 14 year period the most frequent category of clemency granted was maximum commutation (40.8% of all clemencies granted) followed by pardon (29.4%), commutation of life in prison to life on parole (15.5%), and commutation of minimum (14.3%).

TABLE 2: TYPE OF CLEMENCY GRANTED 1968-1981\*

Year	Clemency Category			
	Commute Life	Commute Minimum	Commute Maximum	Pardon
1968	30	8	187	50
1969	14	7	126	46
1970	26	4	77	26
1971	45	35	93	52
1972	48	25	50	36
1973	44	28	44	44
1974	31	17	47	64
1975	22	40	39	73
1976	13	37	50	74
1977	22	47	56	60
1978	17	42	52	57
1979	3	0	9	5
1980	0	1	2	10
1981	0	0	1	1
All Years	315	291	833	598

\*Based on 2,037 valid cases

Approximately 44% of the individuals granted clemencies were under some type of street supervision (e.g., parole) at the time of their request for clemency. We would expect this large percentage as the maximum commutation category accounted for 40.8% of all the clemencies granted and these people are mostly under supervision at the time of their request. None of the individuals requesting a pardon were confined at the time of their request, and 90.6% were on the street with no supervision at the time.

TABLE 3: STATUS OF INDIVIDUAL AT TIME OF REQUEST FOR CLEMENCY\*

Clemency Category	STATUS		
	Confined	Street-Supervision	Street-No Supervision
Commute minimum	98.6%	1.0%	0.4%
Commute life	98.8%	1.2%	-0-
Commute maximum	0.1%	99.9%	-0-
Pardon	-0-	9.4%	90.6%

\*Based on 2,042 valid cases

Approximately 61% of those receiving clemency were white, however, we do not know the racial composition of all those applying for clemency and therefore do not know how representative the data is of all applicants for clemency. Most clemency categories are close to a 50-50 split in racial composition with the exception of the pardon category. This category certainly affects the overall racial difference as 80.6% of the 598 individuals in this category were white. While on the other hand, 54.4 percent of the 316 individuals in the commute life category were non-white (the highest non-white category).

TABLE 4: RACE BY TYPE OF CLEMENCY GRANTED\*

Clemency Category	Percent White	Percent Non-White
Commute minimum	53.5	46.5
Commute life	45.6	54.4
Commute maximum	55.1	44.9
Pardon	80.6	19.4

\*Based on 1,900 valid cases

As would be expected from the sex breakdown of persons arrested and convicted, the vast majority of those granted clemency were male. Females receiving clemency were rather equally distributed through the pardon, commute life, and maximum commutation categories.

TABLE 5: SEX BY TYPE OF CLEMENCY GRANTED\*

Clemency Category	Percent Male	Percent Female
Commute Minimum	98.6	1.4
Commute Life	95.9	4.1
Commute Maximum	97.0	3.0
Pardon	95.3	4.7

\*Based on 2,037 valid cases

The individuals granted clemency had an average age of 43.4 years at the time they requested clemency, and it had been an average of 14.8 years since they had committed the offense for which they were requesting clemency. Those serving life sentences had the longest average time between the offense and their clemency request (17.6 years) and those requesting commutation of minimums had the shortest average time (7.7 years).

TABLE 6: COMPARISON OF AGE AT TIME OF ORIGINAL OFFENSE VS. AGE AT TIME OF CLEMENCY REQUEST\*

Clemency Category	Average Age at Time of Clemency Request	Average Age at Time of Clemency Offense	Average Age Difference
Commute Minimum	35.6	27.9	7.7 yrs.
Commute Life	47.6	30.0	17.6 yrs.
Commute Maximum	46.3	30.0	16.3 yrs.
Pardon	41.3	26.5	14.8 yrs.

\*Based on 2,043 valid cases.

Most of those granted clemency did not have extensive prior criminal histories. Almost one-half (43.8%) had no prior arrests before their clemency offense and another 16.2% had only one prior arrest. More than half had no prior convictions (52.9%), or prior incarcerations (66.1%).

Those in the pardon category had the highest proportion of no prior arrests (71.1%), no prior convictions (79.7%), and no prior incarcerations (92.1%).

TABLE 7: PRIOR CRIMINAL HISTORY FOR THOSE GRANTED CLEMENCY

Clemency Category	Number of Individuals	Percent with no Prior		
		Arrests	Convictions	Incarcerations
Commute Minimum	291	29.6%	41.2%	58.1%
Commute Life	314	39.8%	48.1%	55.9%
Commute Maximum	825	30.7%	39.4%	54.0%
Pardon	598	71.1%	79.7%	92.1%

Murder was the most frequent offense originally committed by those granted clemency followed by robbery, and burglary. As might be expected, most of the murders had been committed by those requesting commutation of life sentences.

For those individuals granted pardons, burglary was most often their original offense (15.9% of the cases) followed by drug offenses (10.7%). However, for those granted pardons, 40.9% of their original offenses were included in the all other offenses category. The predominant offenses in this category included gambling, weapons offenses, stolen property, and drunk driving.

TABLE 8: ORIGINAL OFFENSE FOR WHICH CLEMENCY WAS GRANTED\*

Clemency Category	OFFENSE							
	Murder	Robbery	Burglary	All Drug Offenses	Aggrav. Assault	Theft	Sex Offenses	All Other Offenses
Commute Minimum	25.6%	33.8%	14.1%	5.1%	6.9%	2.1%	1.1%	11.3%
Commute Life	98.6%	0.7%	0.2%	0%	0.5%	0	0	0
Commute Maximum	38.2%	28.1%	18.9%	0.8%	1.1%	0.7%	4.8%	7.4%
Pardon	0.8%	7.9%	15.9%	10.7%	9.9%	9.9%	4.0%	40.9%

\*Based on 2,038 valid cases

The most common disposition of the original offense was a sentence to a State Correctional Institution (70.2% of the cases). This was followed by probation at 13.8%, county jail sentences at 8.8%, and all other dispositions (e.g., suspended sentence, fine and cost, etc.) at 7.2%.

A sentence to a state correctional institution was the primary type of disposition of all clemency categories except pardons. For those receiving pardons, probation was by far the most common disposition (47.1% of the cases), followed by other at 23.9%. Most of the other dispositions (73%) were payment of fine and costs only.

TABLE 9: DISPOSITION OF CLEMENCY OFFENSE\*

Clemency Category	Type of Sentence			
	State Correctional Institution	County Jail	Probation	Other
Commute Minimum	94.9%	4.8%	0	0.3%
Commute Life	97.8%	1.3%	0	0.9%
Commute Maximum	94.8%	5.2%	0	0
Pardon	8.7%	20.3%	47.1%	23.9%

\*Based on 2,040 valid cases

B. RECIDIVISM ANALYSIS

The preceding tables and figures have provided a brief description of the 2,043 individuals in our study. We will now proceed to the primary intent of the study: recidivism among these individuals.

As stated earlier in this report we encountered several problems in our attempts to measure recidivism: (1) the SID number was not always available which made it difficult to match-up our 2,043 individuals with criminal histories maintained by the State Police, (2) due to the lack of time we were unable to ascertain if any of our individuals had arrests outside of Pennsylvania, and (3) criminal history rap sheets were often incomplete and sketchy so that we were not always able to tabulate dispositions for the arrests. Faced with these problems, it became necessary for us to exclude some individuals from our analysis as indicated below:

Clemency Category	Number of Individuals	Number Excluded from Recidivism Analysis	% of Cases Included in Recidivism Analysis
Commute Minimum	292	37	87.3%
Commute Life	316	56	82.3%
Commute Maximum	837	209	75.0%
Pardon	598	150	74.9%
All Categories	2,043	452	77.9%

After excluding the above 452 cases we had 1,591 valid cases on which to conduct recidivism analysis. The result of our inquiries to the State Police on the 1,591 individuals at risk was as follows:

- (1) New Criminal Activity - 346 21.7%
  - (2) No Subsequent Activity - 1,245 78.3%
- 1,591 100.0%

As can be seen in Table 10, re-arrest rates by the different types of clemency granted varied significantly. Just as earlier tables highlighted differences between those individuals granted pardons and those granted various forms of commutation, the re-arrest information further highlights the difference. Individuals granted pardon had the lowest re-arrest rate (7.1%) of the clemency types, while individuals who had their minimum sentence commuted had the highest re-arrest rate (35.3%).

TABLE 10: RE-ARREST RATE BY CLEMENCY CATEGORY\*

Clemency Category	# of Individuals at Risk	# With New Arrest	Percent Re-Arrested
Commute Minimum	255	90	35.3%
Commute Life	260	61	23.5%
Commute Maximum	628	163	25.9%
Pardon	448	32	7.1%

\*Based on 1,591 valid cases

We had suggested earlier that the longer an individual is at risk the greater his chance for recidivating. In our study, the highest re-arrest rates occur for those granted clemency in 1969 (30.3%), 1971 (29.4%), and 1970 (28.2%) while the lowest rates (excluding the period 1979-1981) occur from those granted clemency in 1978 (11.3%), 1976 (14.8%), and 1977 (15.9%). These rates reflect the fact that individuals granted clemency more recently have not accumulated as much exposure time and therefore the opportunity for re-arrest. This fact is probably the primary cause of the low re-arrest rates in more recent years.

TABLE 11: RE-ARREST RATES DURING THE 14 YR. STUDY PERIOD BY YEAR GRANTED CLEMENCY

Year Granted Clemency	% Not Re-arrested	% Re-Arrested
1968	73.5	26.5
1969	70.1	29.9
1970	71.6	28.4
1971	73.0	27.0
1972	75.4	24.6
1973	81.4	18.6
1974	79.9	20.1
1975	76.3	23.7
1976	85.6	14.4
1977	84.5	15.5
1978	88.8	11.2
1979	***	***
1980	***	***
1981	***	***
All Years	78.3	21.7

\*\*\* Number at risk is too small for percentages to be of significance

FIGURE 1: PERCENT OF INDIVIDUALS RE-ARRESTED BY YEAR GRANTED CLEMENCY

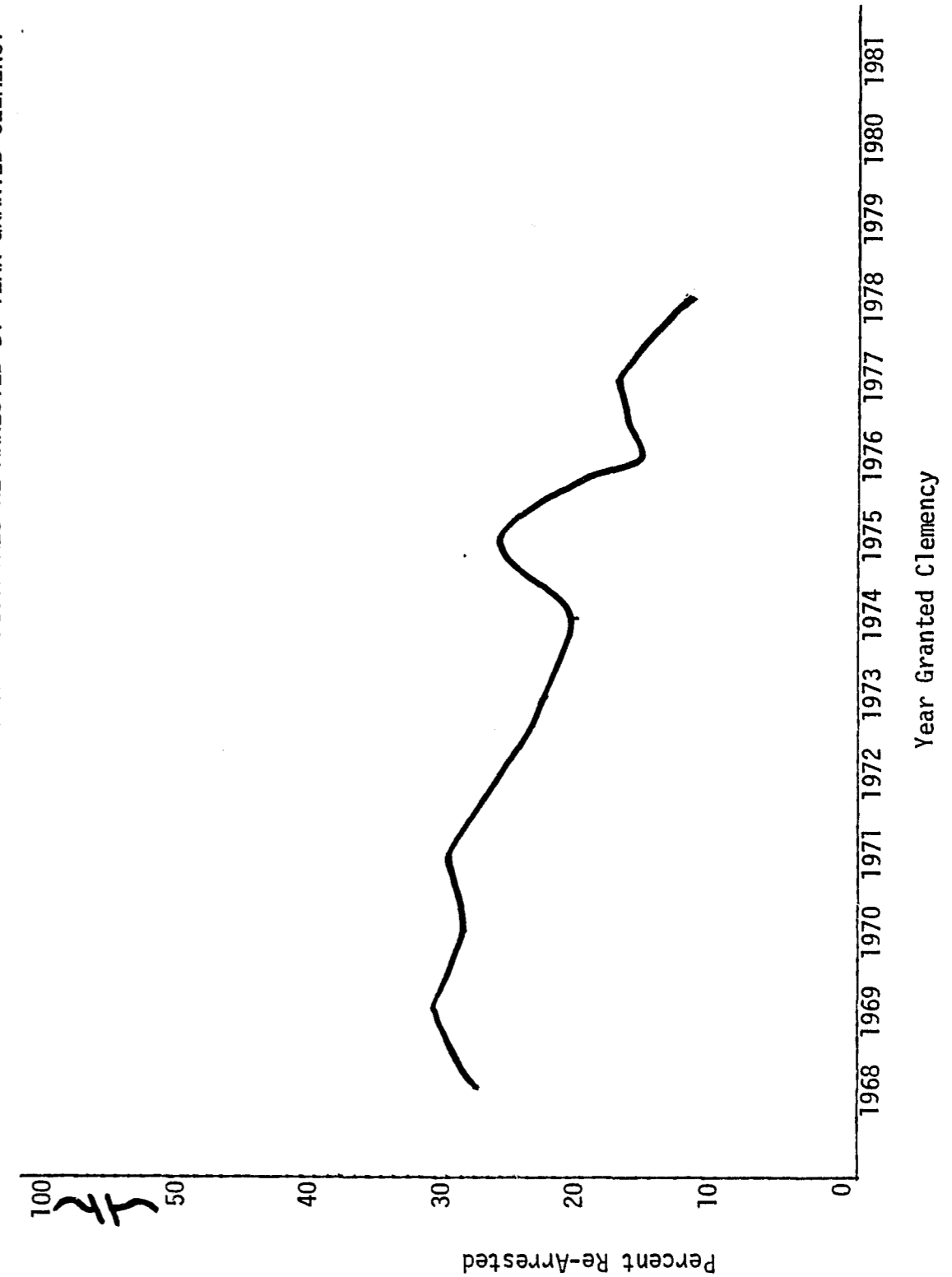
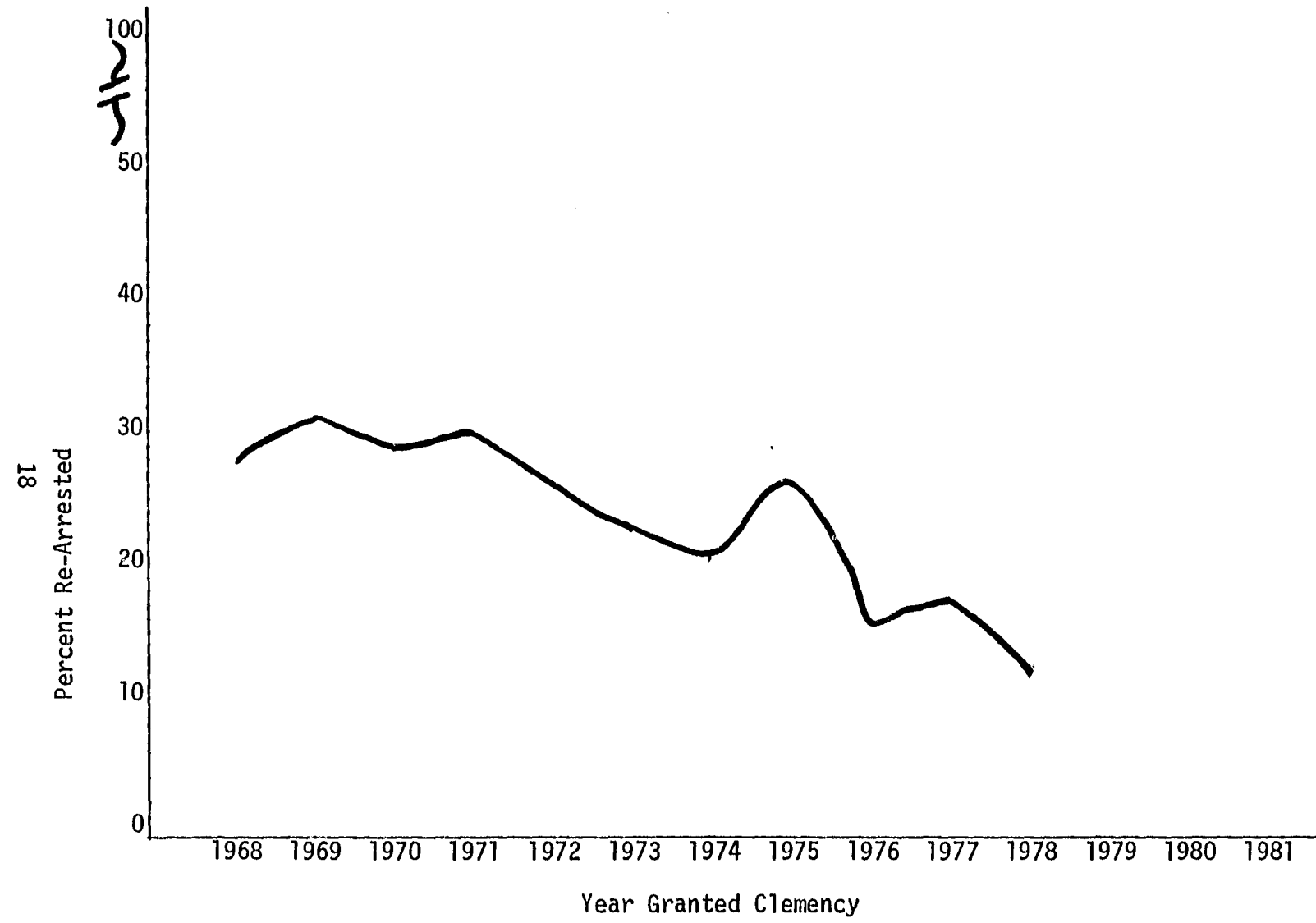


FIGURE 1: PERCENT OF INDIVIDUALS RE-ARRESTED BY YEAR GRANTED CLEMENCY



As indicated, our at risk period for the re-arrest study was 14 years; from January 1, 1968 to January 31, 1982. This means an individual granted clemency in January 1968 was at risk of being re-arrested until January 1982 (or approximately 14 years) while an individual granted clemency on December 1, 1981 was at risk for only 2 months.

In order to observe the short and long term effects of recidivism, a survival analysis methodology was used. This analysis, developed chiefly for epidemiological research, examines the distribution of the incidence of an event as a function of an individual's time at risk. In our case, time at risk began with the date clemency was granted (or for those incarcerated their release date) and ended with an arrest or, for those not arrested, the end of the study period.

The survival analysis uses an actuarial-type life table to show the recidivism rate over time. The results of the analysis of this recidivism function are displayed in Figure 2.

As may be observed, the individuals in the pardon category have the lowest re-arrest rate while those in the commute minimum category have the highest re-arrest rate. Most of the following tables make use of this same survival technique.

Past research indicates that the majority of recidivist acts occur within a three year period. Therefore, we looked at the individuals in our study who were at risk for different lengths of time. We looked first at persons at risk for at least one year and determined the number and percent of those at risk who were re-arrested within the first year following clemency. In like manner we looked at persons at risk for at least three and five years and calculated recidivism rates at the end of those periods of time.

As shown in Table 12, in each time period, commute minimum individuals exhibited the highest re-arrest rates and those granted pardons exhibited the lowest re-arrest rates. Whereas 39% of individuals granted commute minimums who had at least five years of exposure time were re-arrested, only 5.4% of those granted pardons and who had at least five years of exposure time were re-arrested. The table also points out that at least a three year observation period is needed for a good measure of recidivism, and that 5 years are preferable.

TABLE 12: RE-ARREST RATES FOR THOSE AT RISK FOR 1, 3 AND 5 YEAR TIME PERIODS

Clemency Category	One Year			Three Years			Five Years		
	# at Risk	Number Arrested	Percent Arrested	# at Risk	Number Arrested	Percent Arrested	# at Risk	Number Arrested	Percent Arrested
Commute Minimum	251	22	8.8	227	58	25.6	154	60	39.0
Commute Life	256	13	5.1	235	32	13.6	200	34	17.0
Commute Maximum	627	40	6.4	625	94	15.0	533	108	20.3
Pardon	447	7	1.6	436	17	3.9	349	19	5.4

Figure 2

RATE OF SURVIVAL (NON-RECIDIVISM)  
FOR ALL INDIVIDUALS AT RISK

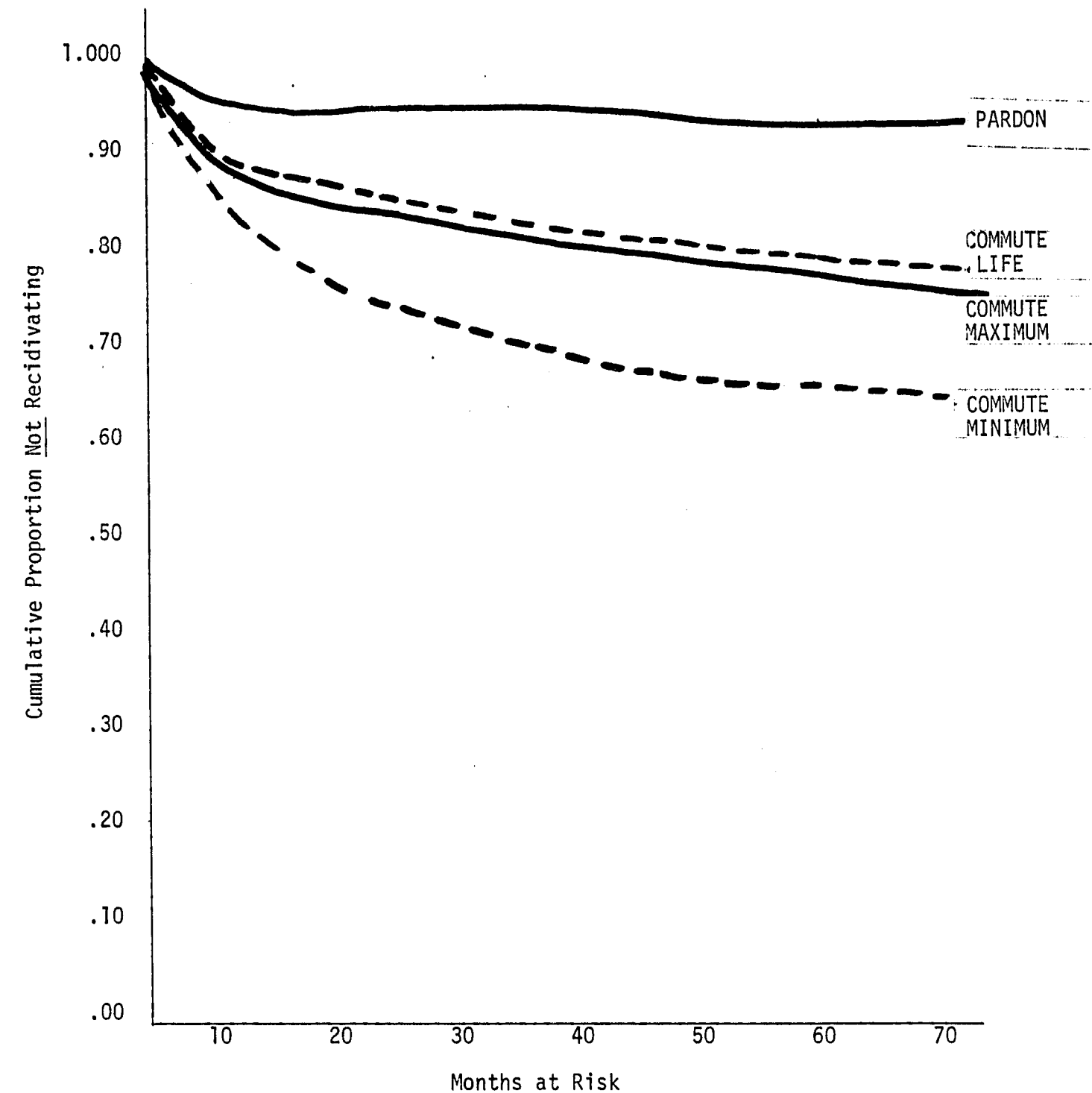




TABLE 13: RE-ARREST RATES FOR INDIVIDUALS ARRESTED DURING THE 14 YEAR STUDY PERIOD

Clemency Category	# At Risk	Number Arrested	For Those Re-Arrested			% Arrested by Year	
			0-1	0-3	0-5	0-10	0-14
Commute Minimum	255	90	24.4	68.9	91.1	100.0	100.0
Commute Life	260	61	21.3	54.1	72.1	98.4	100.0
Commute Maximum	628	163	24.8	58.3	73.5	98.2	100.0
Pardon	448	32	21.9	53.1	78.1	96.9	100.0

As might be expected from observing tables 12 and 13, the average time from the date clemency was granted until the date of first re-arrest was 37.1 months for the 346 individuals. Those individuals granted maximum commutations had the longest period of time before a new arrest (40.4 months).

TABLE 14: AVERAGE TIME FROM DATE CLEMENCY GRANTED TO FIRST RE-ARREST, BY CLEMENCY CATEGORY

Clemency Category	Number Re-Arrested	Average Number of Months Elapsed
Commute Minimum	90	29.3
Commute Life	61	38.9
Commute Maximum	163	40.4
Pardon	32	39.4

We also observed the at risk individuals by the year clemency was granted. With only a few minor exceptions, the average number of months elapsing before the first re-arrest steadily decreased from a high of 51.9 months for the 1968 group to a low of 14.6 months for the 1978 group. The 1968 group was at risk for up to 14 years while the 1979 group was at risk for only up to 3 years.

TABLE 15: AVERAGE TIME FROM DATE CLEMENCY GRANTED TO FIRST RE-ARREST FOR INDIVIDUALS AT RISK

Year Clemency Granted	Number At Risk	Number At Risk Re-Arrested	Average Number of Months Elapsed
1968	196	52	51.9
1969	144	43	42.9
1970	109	31	38.4
1971	178	48	41.2
1972	122	30	44.8
1973	129	24	36.6
1974	134	27	30.2
1975	139	33	28.8
1976	132	19	25.6
1977	148	23	18.0
1978	134	15	14.6
1979	13	***	***
1980	11	***	***
1981	2	***	***
All Years	1,591	346	37.1

\*\*\* Number at risk is too small for averages to be of significance.

In addition to expecting that the longer a group is at risk the greater its chance for recidivating, we would also postulate that the type of clemency received would affect the re-arrest rate for each group. Therefore, some of the deviation in the re-arrest rates may be caused by the clemency category distribution for that particular year.

While special maximum commutations accounted for 39.1% of all the clemencies granted from 1968-1981, they also accounted for 47.0% of all the re-arrests from 1968-1981. On the other hand, pardons accounted for 28.0% of all the clemencies granted but only for 9.3% of all the re-arrests. The commute minimum group also made significant contributions to the recidivism rate (1975 being an example in which this group accounted for 22.9% of the clemencies and 39.4% of re-arrests).

Although the above relationship would seem to indicate that the higher the proportion of individuals receiving pardons in a group, the lower the re-arrest rate would be for the group, this did not necessarily hold true. However, the highest years for recidivism did have the highest proportion of commute maximums granted (1968-1981).

TABLE 16: PROPORTION OF SELECTED CLEMENCY CATEGORIES VS. RE-ARREST RATES

Year Granted Clemency	Number At Risk	Percent Re-Arrested	Distribution of Type of Clemency Granted Each Year (%)	
			Max. Commutations	Pardons
1968	196	26.5	68.0	18.2
1969	144	29.9	65.3	23.8
1970	109	28.4	56.4	19.5
1971	178	27.0	40.9	23.1
1972	122	24.6	30.8	22.6
1973	129	18.6	27.5	27.5
1974	134	20.1	27.3	40.3
1975	139	23.7	21.8	42.0
1976	132	14.4	28.8	42.5
1977	148	15.5	29.2	32.4
1978	134	11.2	31.0	33.9
1979	13	***	***	***
1980	11	***	***	***
1981	2	***	***	***

\*\*\*Number at risk is too small for percentages to be of significance.

Of the 346 individuals re-arrested after clemency, the most common offenses they committed were: aggravated assault 17.3%, theft 12.1%, burglary 9.8%, weapons offenses 8.1%, robbery 6.4%, and drunk driving 6.1%. The most common offenses for those granted a pardon were weapons offenses 15.6%, gambling 12.5%, and drunk driving 12.5%.

As for serious personal crimes, the 1,591 at risk individuals (of whom 346 had new arrests) were arrested for 10 murders, 15 rapes, 22 robberies and 60 aggravated assaults. Forty percent (40%) of the murders were committed by those receiving commuted life clemency and 58% of the aggravated assaults were committed by those receiving maximum commutations.

TABLE 17: NEW OFFENSE FOR THOSE ARRESTED AFTER CLEMENCY GRANTED (Most Serious Arrest)\*

Clemency Category	Murder	Robbery	Burglary	Theft	Assault	Drunk Driving	All Drug Offenses	All Other Offenses
Commute Minimum	3.4%	12.4%	14.6%	12.4%	13.5%	1.1%	7.9%	34.7%
Commute Life	6.5%	6.5%	8.2%	13.1%	16.4%	13.1%	4.9%	44.4%
Commute Maximum	1.3%	4.4%	8.8%	12.5%	21.9%	4.4%	6.9%	39.8%
Pardon	3.1%	0	6.3%	9.4%	9.4%	12.5%	0	59.3%

\*Based on 346 valid cases.

Part I crimes against persons accounted for 36.7% of the new arrests for those granted commutation of minimum, while the category "All Other Offenses" accounted for most of the new arrests for the other clemency categories.

Another way of determining the seriousness of the new crimes is to assign an offense seriousness score to different levels of offenses. In this instance we used a scale from 0-10 in which serious (primarily violent) personal type crimes were given a score from 7-10 (e.g., murder = 10, rape = 9, robbery = 9), serious (but non-violent) property crimes or minor personal crimes were given a score from 4-6 (e.g., drug possession = 5, theft = 4, burglary = 4), and minor (non-violent) victimless or property type crimes were given a score from 0-3 (e.g., gambling = 1, disorderly conduct = 1). The last column in Table 18 shows the results of this classification in which pardon cases, on the average, fall in the lowest classification, while all other categories fall in the middle classification. This is another way of reflecting the less serious nature of offenses committed by those granted pardons.

TABLE 18: UCR OFFENSES FOR THOSE ARRESTED AFTER CLEMENCY GRANTED (Most Serious Arrest)\*

Clemency Category	Part I Crimes Against Persons	Part I Crimes Against Property	All Other Offenses	Mean Classification Score
Commute Minimum	36.7%	27.8%	35.5%	5.23
Commute Life	32.8%	21.3%	45.9%	4.83
Commute Maximum	33.2%	1.2%	65.4%	4.58
Pardon	12.5%	18.8%	68.8%	2.62

\*Based on 346 valid cases.

Only 12.5% of those re-arrested repeated the same offense for which they had received clemency, and most of those who repeated (46.5%) were individuals who received a commutation of minimum. Murder was repeated by 5 individuals, rape by 4, burglary by 13 and robbery by 14.

TABLE 19: RECIDIVISTS WHO REPEATED THE OFFENSE FOR WHICH THEY HAD BEEN GRANTED CLEMENCY, BY CLEMENCY CATEGORY

Clemency Category	Repeated Offense	Not Same Offense
Commute Minimum	22.5%	77.5%
Commute Life	9.8%	90.2%
Commute Maximum	8.8%	91.2%
Pardon	9.4%	90.6%

TABLE 20: RECIDIVISTS WHO REPEATED THE OFFENSE FOR WHICH THEY HAD BEEN GRANTED CLEMENCY, BY OFFENSE

Offense	Repeated Offense	Not Same Offense
Murder	4.0%	96.0%
Rape	36.4%	63.6%
Robbery	16.1%	83.9%
Aggravated Assault	22.2%	77.8%
Burglary	20.6%	79.4%
Drug Offenses	22.2%	77.8%

In the original design of this study we had proposed to also measure recidivism by new convictions and new incarcerations. However, as stated earlier, data was not sufficiently available on the criminal history rap sheets to enable us to determine new conviction and new incarceration rates.

For example, for the 346 individuals re-arrested, the dispositions of the arrest on the rap sheet were unknown in 205 cases (59.2%). Of the 141 known dispositions, 29.8% of the charges were dismissed or the individual was determined to be not guilty, 23.4% were given no penalty dispositions or fines and costs, and 14.2% received probation. Almost a third of the individuals received prison sentences, 17.7% to state correctional institutions and 14.9% to county jails. None of the individuals who were re-arrested following a pardon were subsequently committed to a state correctional institution.

TABLE 21: DISPOSITION OF THE MOST SERIOUS NEW ARREST\*

Clemency Category	Incarceration		Probation	No Penalty	Dismissed or Not Guilty
	SCI	County			
Commute Minimum	26.1%	15.2%	10.9%	26.1%	21.7%
Commute Life	26.9%	19.2%	3.8%	19.2%	30.9%
Commute Maximum	12.0%	14.0%	24.0%	2.0%	48.0%
Pardon	0	11.8%	11.8%	5.9%	70.5%
All Categories	17.7%	14.9%	14.2%	23.4%	29.8%

\*Based on 141 valid cases.

Finally, the average age of those re-arrested was 43.0 years. Also, as observed earlier in the report, the oldest group was in the commute life category (47.5 years) and the youngest group was the commute minimum category (35.3 years).

TABLE 22: AVERAGE AGE AT FIRST ARREST AFTER CLEMENCY\*

Clemency Category	Average Age
Commute Minimum	35.3 years
Commute Life	47.5 years
-----	
Commute Maximum	45.4 years
-----	
Pardon	44.3 years
All Categories	43.0 years

\*Based on 346 valid cases.

C. THE RISK OF GRANTING CLEMENCY

In recognition of the role of public protection in criminal justice, the assessment of an offender's risk to society has long been a primary concern for the system's decision-makers. Judges, institutional classification personnel, and parole boards all go to considerable lengths to assess the amount of risk involved in releasing offenders.

In the preceding section of this report, we observed the failure rate of individuals granted clemency: their recidivism rates. In this section we will not attempt to take a brief look at the risk factors involved in granting clemency.

From the literature survey we conducted, we determined some factors which we believe can be used as a starting point in observing the risk in granting clemency. The 1,591 individuals who were at risk were divided into high and low risk groups based on their "criminal career pattern". The criminal career pattern identifies the three most significant variables found to influence one's chance of recidivating.

The following table identifies the influence of each factor: (a) age at arrest for clemency offense, (b) number of arrests prior to clemency offense arrest, and (c) age at time clemency granted. The most consistently high re-arrest rates are found in the commute minimum group, especially in the high risk group.

Generally speaking, the older the offender and the fewer arrests he has had, the less chance there will be for his being re-arrested after clemency. However, the commute minimum cases appear to be a significant risk in almost all risk factors. On the other hand, most categories of risk in the pardon category seem to be good risks with the number of prior arrests being the highest discriminating factor.

It should be noted that we had a relatively small population (1,591) on which to do this risk assessment and we are not certain how powerful a tool it is in this instance. However, there does appear to be significant differences in the few categories we have presented and the technique should be worthy of validation and further investigation.

In terms of risk in granting clemency we thought it might also be interesting to determine what percentage of arrests the clemency action may have brought about versus what arrests may have occurred regardless of the clemency action. To do this we calculated how many arrests occurred after the clemency date but before the normal expected date of release (e.g., release after minimum served in case of commutation of minimum cases) and compared this with the number of arrests that occurred after the expected date of release (assuming no clemency had been granted).

The two primary groups affected by early release are commutations of minimum and maximum commutations. For both of these groups about one-half of the arrests occurred before what would have been their expected release date. It is impossible

TABLE 23: COMPARISON OF RE-ARREST RATES OF INDIVIDUALS AT RISK BY RISK FACTOR (CRIMINAL CAREER PATTERN)

Clemency Category	Criminal Career Factor	Low Risk Individuals			High Risk Individuals		
		Criteria	# at Risk	% Re-arrested	Criteria	# at Risk	% Re-arrested
I. Commute Life	A. Age at arrest for clemency offense	28 or older	123	17.1%	Less than 28	134	29.1%
	B. Number of arrests prior to clemency offense arrest	Less than 2	41	19.5%	2 or more	113	31.0%
	C. Age at time clemency granted	32 or older	233	21.9%	Less than 32	22	36.4%
II. Commute Minimum	A. Age at arrest for clemency offense	23 or older	155	27.7%	Less than 23	95	48.4%
	B. Number of arrests prior to clemency offense arrest	Less than 2	47	27.7%	2 or more	127	39.4%
	C. Age at time clemency granted	32 or older	136	27.9%	Less than 32	119	43.7%
III. Commute Maximum	A. Age at arrest for clemency offense	28 or older	279	20.1%	Less than 28	297	32.3%
	B. Number of arrests prior to clemency offense arrest	Less than 2	107	20.6%	2 or more	323	29.4%
	C. Age at time clemency granted	48 or older	204	17.6%	Less than 48	366	31.7%
IV. Pardon	A. Age at arrest for clemency offense	No significant differences - all re-arrest rates are between 6.4 and 7.8%.					
	B. Number of arrests prior to clemency offense arrest	Less than 2	58	6.9%	2 or more	85	18.8%
	C. Age at time clemency granted	32 or older	318	6.3%	Less than 32	123	9.4%

for us to state at this time whether or not these arrests would have occurred anyway at a later date regardless of the clemency action.

TABLE 24: ARRESTS BEFORE EXPECTED RELEASE DATE

Clemency Category	Number Arrested	% Arrested Before Expected Release Date	% Arrested After Expected Release Date
Commute Minimum	90	47.8%	52.5%
Max. Commutation	158	54.5%	45.6%
Total	248	52.0%	48.0%

D. RECIDIVISM AMONG CLEMENCY CASES UNDER PAROLE SUPERVISION

As stated previously, we did review Parole Board records for the commute life and commute minimum categories as an addition to our recidivism analysis of new arrests from Pennsylvania State Police rap sheets. However, we again encountered the problem of records being destroyed or of being unable to match individuals. Therefore, of the 608 individuals we attempted to collect P<sub>4</sub> information on, we were able to collect data on only 398 (65.0%).

Of the 398, 380 were released to parole supervision. For those on whom records were found at the Parole Board, 33.3% were found to have been arrested while under parole supervision.

TABLE 25: ARRESTS WHILE UNDER PAROLE SUPERVISION

Clemency Category	Arrested	No New Arrest
Commute Minimum	34.6%	65.4%
Commute Life	32.1%	67.9%
Total	33.3%	66.7%

Most of the 124 individuals arrested while under supervision were arrested for new crimes (86.5%), and they were under supervision an average of 3.3 months before their new arrest.

TABLE 26; MONTHS UNDER PAROLE SUPERVISION PRIOR TO NEW ARREST

Type of Arrest	Number Arrested	Average Months
New Crime	104	3.3
Technical Violation Only	14	3.2
Absconder	6	2.6
All	124	3.3

Aggravated assault was the most common new offense committed by parole violators (13.1%), followed by theft (11.5%) and drunk driving (10.7%):

Offense	Percent of Arrests
Aggravated Assault	13.1%
Theft	11.5%
Technical Violations	11.5%
Drunk Driving	10.7%
Burglary	9.8%
Robbery	6.6%
All Others	36.8%

Finally, of the 124 individuals arrested, 47 (37.3%) were eventually recommitted to prison because of their violation.

APPENDIX A  
BOARD OF PARDONS PERMANENT CALENDAR  
P<sub>1</sub> RECORD

Field Name	Positions	Number of Positions	Explanation & Codes
1. Board of Pardons Sessions	1-4	4	MM/YY
2. Name	5-40	36	Complete Name
3. SID	41-48	8	State Identification # (Fingerprint #)
4. Case Number	49-53	5	Board of Pardons Client Identifier
5. Bureau Number	54-58	5	Bureau of Correction Client Identifier
6. Parole Number	59-63	5	Board of Parole Client Identifier

APPENDIX B  
BOARD OF PARDONS CLIENT FILE

P2 RECORD

Field Name	Positions	Number of Positions	Explanation and Codes
1. DOB	64-67	4	Date of Birth MM/YY
2. S	68	1	SEX: 1=Male 2=Female
3. R	69	1	RACE: 1=White 2=Non-White
4. MSPO	70-72	3	Most serious present offense (Related to clemency request) in order of seriousness.  1A-Murder & Non-Negligent Manslaughter 1B-Negligent Manslaughter 2-Forcible Rape 3-Robbery 4-Assault 5-Burglary 6-Larceny-Theft-Shoplifting 7-Motor Vehicle Theft 8-Other Assaults 9-Arson 10-Forgery & Counterfeiting 11-Fraud 12-Embezzlement 13-Stolen Property-Buying, Receiving, Possessing 14-Vandalism 15-Weapon-Carrying, Possession 16-Prostitution 17-Sex Offenses 18A-Drug Abuse Violations (Sale or manufacture) 18B-Drug Abuse Violations (Possession) 19-Gambling-Lottery 20-Offenses Against Family and Children 21-Driving Under Influence 22-Liquor Law Violations (Except #21 #23) 23-Drunkenness 24-Disorderly Conduct 25-Vagrancy 26-All other offenses

Field Name	Positions	Number of Positions	Explanation and Codes
5. G	73	1	Offense Group: 1 = 1A, 1B, 2, 3, 4 2 = 5, 6, 7, 9 3 = 8, 10-26.
6. DOF	74-77	4	Date of Offense - MM/YY - If a series of offenses-use most recent.
7. D	78	1	Most serious disposition of offense(s) related to the clemency request-in order of seriousness: 1 - Death Sentence 2 - Imprisonment - SCI 3 - Imprisonment - County facility 4 - Mental Hospital Commitment 5 - Probation 6 - No Penalty disposition (e. g., ARD) 7 - Suspended Sentence 8 - Fine and/or cost only 9 - Other (Restitution, etc.)
8. DOS	79-82	4	Effective Date of Sentence - related to the clemency request - MM/YY
9. SENT TERM	83-96	14	Sentence term for the most serious offense related to the clemency request (Use original sentence regardless of intervening clemency approval): MIN - DDD/MM/YY MAX - DDD/MM/YY Not applicable field should be zero filled. 1 Day to 6 mos. = 001/00/00 000/06/00 Indeterminate - Blank in Min Single sentence should be entered in maximum field 10 yrs. probation = 000/00/00 000/00/10 Death = DD in Max Yr. Life = 99 in Max Yr.
10. PA	97-98	2	Number of Prior Arrests (including clemency related offense(s)).
11. PC	99-100	2	Number of Prior Convictions (Including clemency related offense(s)).
12. PI	101	1	Number of Prior Incarcerations (Including clemency related offense(s)). Both SCI and County.
		30	



<u>Field Name</u>	<u>Positions</u>	<u>Number of Positions</u>	<u>Explanation and Codes</u>
13. CC	102	1	Clemency Category: 1 - Commute life in prison to life on parole - action effective immediately 2 - Release Post-dated for commute to life. 3 - Commute minimum- minimum reduction, no immediate release. 4 - Normal commute minimums 5 - Commute maximum 6 - Special maximum commutation- after 10 yrs. for lifers, 5 years for others. 7 - Special maximum commutation - after 7 yrs. for lifers and 3 yrs. for others. 8 - Pardon 9 - Other (death to life, to detainer)
14. ST	103	1	Status at time of Clemency Request: 1 - Confined 2 - Street - under supervision 3 - Street - no supervision 4 - Other
15. D	104	1	Death (After Clemency Granted): 1 - Natural Causes 2 - Crime related 3 - Other
16. SOR	105-106	2	State of Residency at Time of Clemency Request - standard 2 digit Alpha
17. DR	107-110	4	Date Recommended for Clemency by Pardon Board-MM/YY Session Date
18. DG	111-114	4	Date Clemency Granted by Governor-MM/YY (Effective Date)
19. CR	115	1	If Incarcerated at Time of Clemency Request Did Clemency Action Cause Release 1 - Yes (Definite-or should have) 2 - No-Re-enter on another sentence 3 - No-But eligible for release 4 - No-(PBPP Required for Release) Zero fill is not applicable.
20. DRS	116-119	4	If Confined at Time of Clemency Request, Effective Date Released to Street-MM/YY Zero fill if not applicable.

APPENDIX C  
PENNSYLVANIA STATE POLICE RAP SHEET  
P<sub>3</sub> RECORD

<u>Field Name</u>	<u>Positions</u>	<u>Number of Positions</u>	<u>Explanation and Codes</u>
1. NA	120-121	2	Number of new arrests after date clemency granted by Governor.
2. FA	122-125	4	Date of first arrest after clemency.
3. DMS	126-129	4	Date of most serious arrest after clemency.
4. MSO	130-132	3	Most serious offense for which arrested after clemency.
5. G	133	1	Offense group of most serious new arrest 1 = 1A, 1B, 2, 3, 4 2 = 5, 6, 7, 9 3 = 8, 10-26 7 = No subsequent activity on RAP sheet 6 = No record found (no RAP sheet) 8 = RAP sheet destroyed due to death/age 9 = Insufficient data to locate RAP sheet
6. D	134	1	Disposition of the most serious new arrest-in order of seriousness 1 - Death Sentence 2 - Imprisonment - SCI 3 - Imprisonment - county facility 4 - Mental Hospital Commitment 5 - Probation 6 - No Penalty Disposition (e.g., ARD) 7 - Suspended Sentence 8 - Fine and/or Cost Only 9 - Other 10 - Dismissed 11 - Not Guilty 13 - Withdrawn 12 - Unknown

APPENDIX D  
PAROLE BOARD CLIENT FILE

P<sub>4</sub> RECORD

<u>Field Name</u>	<u>Positions</u>	<u>Number of Positions</u>	<u>Explanation and Codes</u>
1. DRS	135-138	4	Date of release to parole supervision MM/YY
2. V	139	1	While under supervision was client arrested for a violation. 1 = Yes 2 = Yes - multiple 3 = No Forty-eight hour detentions are not included.
3. MSV	140	1	Most serious violation 1 = New crime 2 = Technical violation New crime takes priority over technical violation.
4. MSCV	141-143	3	If new crime - most serious offense.
5. G	144	1	Offense group for new offense
6. RTP	145	1	If arrested for a new violation was client recommitted to prison. 1 = Yes 2 = No
7. DOV	146-149	4	Date of the most serious violation MM/YY
8. ABS	150	1	While under supervision did client abscond (and had not been found and arrested) 1 = Yes 2 = No
9. DOA	151-154	4	Date absconded MM/YY
10. RS	155	1	Type of release status 1 = Parole Supervision 2 = Parole to Detainer 3 = Not Paroled 4 = Escaped

GLOSSARY

Clemency

An act of leniency or a disposition to be merciful. It is used in this report to indicate all categories of commutations and pardon use in Pennsylvania.

Commutation

A change of a legal penalty or punishment to a lesser one, alteration, substitution.

Commute Life Imprisonment to Life on Parole

Any prisoner serving life imprisonment may apply to the Board of Pardons for their recommendation for a tangible minimum sentence so as to become eligible for parole consideration. No parole consideration is possible for a life prisoner until his life sentence is commuted. The Governor has the final authority.

Commute Maximum Sentence

Any parolee (out of prison on parole supervision in the community) may apply to the Board of Pardons for their recommendation to have the existing maximum term commuted to a shorter term so as to end parole supervision sooner. The Governor has the final authority.

Commute Minimum Sentence

Any prisoner (not a lifer) serving the minimum sentence given by the court may apply to the Board of Pardons for their recommendation to have the existing minimum term commuted (reduced) to a shorter term so as to become eligible for parole sooner. The Governor has the final authority.

Executive Clemency

The power of the Chief Executive to pardon or commute a criminal sentence.

Pardon

Any individual who has been convicted of a felony may apply to the Board of Pardons to have his conviction(s) pardoned. A pardon is forgiveness from the Governor and restoration of the rights and privileges forfeited on account of the offense. The Governor has the final authority if the Board recommends to him that an applicant be pardoned.

#### Part I Offenses

Those serious crimes that are usually reported to law enforcement agencies consisting of personal crimes (criminal homicide, forcible rape, robbery, and assault) and property crimes (burglary, larceny, motor vehicle theft and arson).

#### Part II Offenses

All other crimes not classified as Part I crimes.

#### Pennsylvania Central Repository

The Records and Identification Division of the Pennsylvania State Police which compiles, maintains, and disseminates criminal histories of individuals arrested and fingerprinted for felonies, misdemeanors, and certain summary offenses.

#### Rap Sheet

A summary of an individual's criminal history, consisting of identification information, arresting agency, dates of arrest, charges and all dispositions arising therefrom.

#### Recidivism

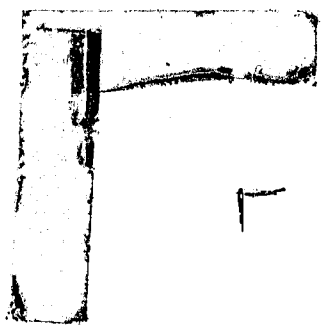
The determination of whether or not a person granted clemency had a new arrest reported to the Criminal History Repository at the Pennsylvania State Police after clemency had been granted.

#### Special Maximum Commutation

When the state parole authority endorses a parolee for reduction of his maximum sentence of the Board of Pardons, the Board can recommend to the Governor that the parole term be shortened. The Governor has the final authority.

#### State Identification Number (SID)

A number assigned by the Pennsylvania State Police to uniquely identify an individual, after arrest fingerprint classification.



**END**