

## 1. WHAT IS THE RECIDIVISM RATE OF PEOPLE RELEASED THROUGH A POST-CONVICTION REVIEW PROCESS?

A. The best study I could find on this is a 2013 study published in *The Quarterly Journal of Economics*, "[How Should Inmates Be Released from Prison? An Assessment of Parole Versus Fixed Sentence Regimes.](#)" The study examines the impact both parole and fixed sentencing have on released inmates' recidivism rates. The author, Ilyana Kuziemko of Columbia University, analyzes data from the Georgia Department of Corrections regarding all inmates incarcerated in a state facility over several decades.

The study's findings include:

- Parole boards were able to accurately determine the amount of time a prisoner should face based on his or her recidivism risk: "Parole boards indeed assign longer terms to inmates with greater recidivism risk."
- After 1998, when Georgia required inmates convicted of certain crimes to complete at least 90% of their original sentence with no possibility of parole, affected inmates' prison infractions and recidivism rates both increased substantially. "The results suggest that the hope of an early parole release incentivizes inmates to invest in their own rehabilitation and when such incentives are removed investment falls and recidivism rises."
- The author estimates if the 90% policy were expanded to all prisoners in Georgia, the state's inmate population would increase by 10%. In addition, there would be an increase in crime as a result of higher prisoner recidivism.
- Overall, the author concludes that parole boards are able to effectively set prison time for inmates in a way that reduces recidivism. Furthermore, the study argues that very harsh policies that remove the possibility of parole for a prisoner may reduce the incentive prisoners have to invest in their own rehabilitation, and ultimately increases the recidivism rate.

Incidentally, WSIPP has also found that expanding the capacity to earn good time credits is cost effective and does not increase recidivism:

[https://www.researchgate.net/publication/281558662\\_Increased\\_Earned\\_Release\\_From\\_Prison\\_Impacts\\_of\\_a\\_2003\\_Law\\_on\\_Recidivism\\_and\\_Crime\\_Costs\\_Revised](https://www.researchgate.net/publication/281558662_Increased_Earned_Release_From_Prison_Impacts_of_a_2003_Law_on_Recidivism_and_Crime_Costs_Revised)

B. Another study conducted by the CDCR examines lifer parolee recidivism rates for a fiscal year cohort that was followed for a period of three years from release to parole. The study finds that lifer parolees receive few new convictions within three years of being released (4.8 percent). They also have a markedly lower return to prison recidivism rate than non-lifer parolees). (The latter measure includes returns to prison that stem from either a new conviction or a technical violation).

[https://www.cdcr.ca.gov/Adult\\_Research\\_Branch/Research\\_Documents/FINAL\\_06\\_07\\_Lifer\\_Parolee\\_Recidivism\\_1\\_14\\_13.pdf](https://www.cdcr.ca.gov/Adult_Research_Branch/Research_Documents/FINAL_06_07_Lifer_Parolee_Recidivism_1_14_13.pdf)

- C. This third study also examines data regarding recidivism rates of released lifers and finds that “While data is limited, interim information suggests that the incidence of commission of serious crimes by recently released lifers has been minuscule, and as compared to the larger inmate population, recidivism risk—at least among those deemed suitable for release by both the Board and the Governor—is minimal.”

This study can be found here: <https://law.stanford.edu/wp-content/uploads/sites/default/files/publication/259833/doc/slspublic/SCJC%20Lifer%20Parole%20Release%20Sept%202011.pdf>

## **2. ARE THERE BENEFITS TO RELEASING INCARCERATED INDIVIDUALS WHEN THEY ARE NO LONGER A RISK TO THE COMMUNITY BUT HAVEN'T SERVED ALL OF THEIR CONFINEMENT TERM?**

Many studies highlight the fiscal cost/inefficiency of incarcerating older people who pose little threat to public safety. One important benefit of not doing so is avoiding this unnecessary cost to taxpayers. These studies include the following:

- National Institute of Corrections, [\*Correctional Health Care: Addressing the Needs of Elderly, Chronically Ill and Terminally Ill Inmates\*](#) (Washington D.C.: National Institute of Justice, 2004). This study explains why incarcerating people over 55 is far costlier than incarcerating younger people.
- National Research Council, [\*The Growth of Incarceration in the United States: Exploring Causes and Consequences. Committee on Causes and Consequences of High Rates of Incarceration\*](#), Jeremy Travis, Bruce Western, and Steven Redburn, editors. Committee on Law and Justice, Division of Behavioral and Social Sciences and Education (Washington, DC: The National Academies Press).
  - This comprehensive study reviews the relevant literatures and concludes that *“The deterrent value of long sentences is minimal, as the decision to commit a crime is more likely influenced by the certainty and swiftness of punishment than by the severity of the criminal sanction. Research on criminal careers shows that recidivism rates decline markedly with age. Prisoners serving long sentences necessarily age as they serve their time and their risk of re-offending declines over time. Accordingly, unless sentencing judges can specifically target very high-rate or extremely dangerous offenders, imposing long prison sentences is an inefficient way to prevent crime. Finally, the evidence is clear that long prison sentences incur substantial costs to state and federal budgets and will likely add significant future costs as the prison population ages.”* (p. 345)
  - As a result, “statutes mandating lengthy prison sentences cannot be justified on the basis of their effectiveness in preventing crime.” (pp. 155-6).
  - This study also emphasizes the harm caused by incarceration to individuals, families and communities. These “pains of imprisonment” are particularly acute

for those serving long and life sentences.

- Courtney Leigh, Sarah Eppler-Epstein, Elizabeth Pelletier, Ryan King and Serena Lei, *A Matter of Time: The Causes and Consequences of Rising Time Served in America's Prisons* (Washington D.C.: Urban Institute, 2017).
  - This research project shows why states will have to release some of those sentenced to very long prison terms, and reduce the number of long and life sentences in the future, in order to avoid future prison construction. It also highlights some of the human costs associated with long and life prison sentences.
- For a a brief overview of several other studies that highlight the cost and inefficiency of incarcerating older people, see <https://www.themarshallproject.org/2015/03/20/too-old-to-commit-crime>

### **3. VARIOUS QUESTIONS FOCUS ON HOW BEST TO CONDUCT POST-SENTENCE REVIEW FOR PEOPLE WHO HAVE ALREADY SERVED A SIGNIFICANT NUMBER OF YEARS BEHIND BARS.**

The Robina Institute has developed a publication that offers 10 detailed suggestions for improving parole release processes. One of these recommendations is that people who have served 15 or more years in prison be eligible for consideration for release. This document can be found here:

<https://robinainstitute.umn.edu/publications/improving-parole-release-america>

This article discusses the ethical issues involved in risk assessment/risk prediction: Michael Tonry, "[Legal and Ethical Issues in the Prediction of Recidivism](#)", 26 Fed. Sent'g Rep. 167, 167 (2014).

This Sentencing Project Report provides a useful overview of how and why many people sentenced to life with the possibility of parole are spending more time behind bars before being released - or are never released:

<http://www.sentencingproject.org/wp-content/uploads/2017/01/Delaying-a-Second-Chance.pdf>

### **4. OTHER STUDIES THAT MAY BE USEFUL:**

- This study shows that mandatory sentences generally do not achieve their intended goals but have a variety of negative, unintended consequences: Michael Tonry, "The Mostly Unintended Effects of Mandatory Penalties: Two Centuries of Consistent Findings," *Crime & Justice* 38: 65-114. Available at

<https://www.journals.uchicago.edu/doi/10.1086/599368>

- A number of studies show that there are a range of effective and cost-effective ways to reduce recidivism by expanding prison programming and by emphasizing prevention in the community. See:
  - Elizabeth Drake, [\*Inventory of evidence based and research-based programs for adult corrections\*](#) (Olympia: Washington State Institute for Public Policy, 2013).
  - J. Heckman, L Malofeeva, R. Pinto and P. Savelyev, *Understanding the Mechanisms Through which an Influential Early Childhood Program Boosted Adult Outcomes* (Chicago: University of Chicago Press, 2010). This study shows that expanding access to early childhood education has a variety of positive effects, including reducing crime.
- Finally, a number of studies have examined crime trends in states that have reduced their prison populations. These studies show that reducing prison populations has not endangered public safety. In fact, states that have reduced their prison populations the most have enjoyed some of the largest drops in crime.
  - PEW Charitable Trust, [\*Prisons and Crime: A Complex Link\*](#) (Washington D.C.: PEW Charitable Trust, Public Safety Performance Project, 2014).
  - The Sentencing Project, [\*Fewer Prisoners, Less Crime: A Tale of Three States\*](#)
  - Magnus Lofstrom and Steven Raphael, "[\*Prison Downsizing and Public Safety: Evidence from California\*](#)," *Criminology & Public Policy* 15, 2: 349-65 (2016).
  - Magnus Lofstrom and Steven Raphael, "[\*Incarceration and Crime: Evidence from California's Public Safety Realignment Reform\*](#)," *The ANNALS of the American Academy of Political and Social Science* 664: 196–220 (2016).
  - Jody Sundt, Emily J. Salisbury and Mark G. Harmon, "[\*Is Downsizing Prisons Dangerous? Effect of California's Realignment Act on Public Safety\*](#)," *Criminology & Public Policy* 15: 315–341 (2016).