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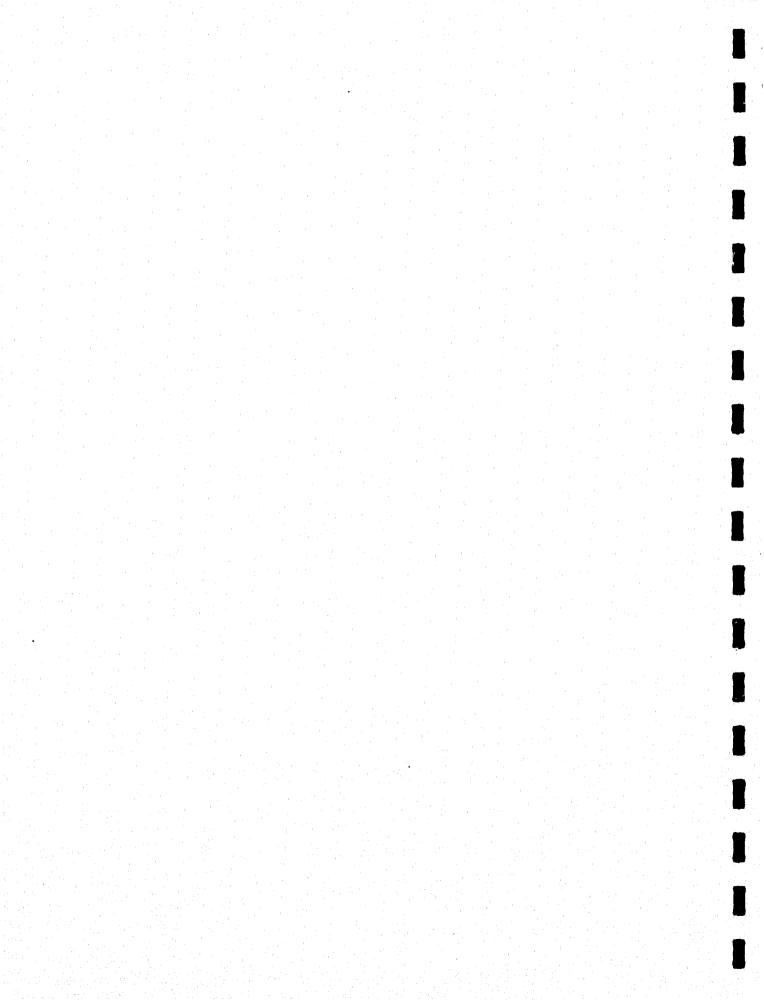
POST RELEASE ARREST EXPERIENCES OF FEDERAL PRISONERS - A SIX YEAR FOLLOWUP

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Parolees and mandatory releasees \(\frac{1}{2} \) under the jurisdiction of the United States Parole Commission (formerly the U.S. Board of Parole) are supervised by United States Probation Officers, who are assigned to each federal judicial district. A parolee or mandatory releasee must abide by a standard list of supervision conditions, including a requirement that he file a written report monthly and report in person at such times as his probation officer may direct. In addition, special condition(s) of supervision, such as participation in a drug or alcohol abuse program or attendance at a mental health outpatient clinic, may be imposed. \(\frac{2}{2} \)

Recent legislation requires the Parole Commission to review the status of each federal parolee and mandatory releasee after two years of continuous supervision, and at least annually thereafter, to determine the 'need' for continued supervision. further supervision is not found warranted, an absolute discharge may be granted, thereby terminating the jurisdiction of the Com-After five years of continuous supervision, the law mission. provides that the Commission shall terminate jurisdiction unless, after a hearing, it makes an affirmative determination that supervision should not be terminated because there is a 'likelihood' that the releasee will engage in conduct violating any criminal Previously, legislative authorization for an absolute discharge from supervision prior to normal expiration of sentence had existed only for persons sentenced as youth offenders. For other cases, administrative regulations had provided only that a parolee

or mandatory releasee might be discharged from active supervision (i.e., no further reporting requirements). Such persons were still subject to the condition that they not violate the law and could be reimprisoned or reinstated to supervision if a new offense came to the attention of the parole board within the maximum term.

relative to termination of jurisdiction, U.S. Probation Officers are instructed to submit a report annually for each releasee under supervision. The report form used requests information relating to the frequency of personal reporting, conduct and response to supervision, and the incidence of any arrest or conviction during the period covered by the report. A space for a specific recommendation by the probation officer relative to termination of jurisdiction is also provided. Annual supervision reports are submitted in addition to any reports of specific violations of the conditions of release that may have been submitted at any time during the period.

Clearly relevant both to decisions concerning termination of jurisdiction and to determinations regarding the allocation of supervision resources (regardless of whether supervision is defined as guidance, support, or surveillance) is an assessment of the likelihood of further criminal conduct. The purpose of this research is to examine the relationship between time (arrest free) after release, alone and in combination with other variables, and the probability of subsequent unfavorable outcome.

To accomplish this, followup information for a six year period after release was obtained through the cooperation of the Federal Bureau of Investigation for a sample of approximately 1800 federal prisoners.

Previous Research

Common in correctional circles is the postulate that it is the first year after release from prison which is the 'most critical'. According to this postulate, if a releasee manages to survive this period without 'difficulty', the chances of his subsequent favorable outcome are much enhanced. Often cited in support of this theory is the President's Commission Task Force Report: Corrections, which - after presenting statistics from the State of Washington parole system - concludes:

The pattern of violation which is shown is common to all jurisdictions. Violations on parole tend to occur relatively soon after release from an institution, nearly half of them within the first six months after offenders are released, and over 60 percent within the first year.

Berecochea et. al., however, have pointed out what may be a substantial weakness in the statistical logic used to support the above postulate. To be meaningful, the probability of unfavorable outcome during any given period must be calculated on the basis of the number of individuals at risk at the beginning of the period. Therefore, a statement that the majority of parole violations occur during the first year after release does not necessarily mean that those who complete the first year of supervision are less likely to 'violate' during the next year. For example, Table IA displays

the parole violation rate over time for a hypothetical state system. Although it appears that a majority of violations occur during the first year, the violation rate of those remaining at risk is actually relatively constant for each of the four six month periods. That is, the violation rate during the first six months is 20% of those released; it is also approximately 20% of those surviving (remaining at risk) in each of the three subsequent periods. Even more misleading are the conclusions which might be drawn from a quick reading of the data presented in Table IB. In this hypothetical system, many parolees reach the end of their sentences within the first two years after release. Thus, although nearly 80% of the total number of parole violations occur during the first year, the violation rate of those actually at risk also remains relatively constant during the four six month periods.

LINSERT TABLE I ABOUT HERE]

Evidence presented by two well-designed empirical studies, each using a relatively large sample and a long followup period, does not support the theory that the first year after release is most critical. Gettfredson and Ballard examined followup information for a random sample of California parolees (N=1810) released in 1956 using an eight year exposure period for each case. Defining unfavorable outcome as 'any new conviction resulting in a sentence of 60 days or more, return to prison as a parole violator, or outstanding absconder warrant', a rate of unfavorable outcome of 25% is reported for the first year. Of those

remaining at risk, the percentage with unfavorable outcome in the second year (24%) is almost identical. After the second year, it appears that the percentage of those at risk who sustain unfavorable outcome in each successive year does decrease. The dashed line in Graph I displays these findings. Kitchener et. al. $\frac{12}{}$ used 'any new conviction for a felony or felony-like offense or return as a parole violator' as the definition of unfavorable outcome in an examination of a sample of federal prisoners (N=936) also released in 1956. All three major forms of release used in the federal system (parole, mandatory release, expiration of sentence) were included. Through use of FBI 'rap sheet' data, an eighteen year followup period for each case was obtained. Curiously, the percent unfavorable outcome of those at risk reported during the second year (22.8%) is actually higher than during the first year (14.5%). Otherwise, their findings - displayed by the solid line in Graph I - appear generally consistent with those of the Gottfredson and Ballard study.

[INSERT FIGURE I ABOUT HERE]

Results which at first glance appear quite different have \$\frac{14}{\sqrt{2}}\$ been published by Bennett and Ziegler, who used Uniform Farole \$\frac{15}{\sqrt{2}}\$ Reports data to obtain two year followup on a 'nationwide sample' of men paroled in 1968 and 1970 (N=108,231), and three year followup on a similar sample paroled in 1969 (N=33,499). They report that of the approximately 54,400 cases in the first sample 'difficulty free' and still on parole after one year, only 12.6% sustained unfavorable outcome (a new sentence of 60 days or more or

return to prison as a parole violator) during the second year. Of the approximately 16,550 cases in the second sample who were 'difficulty free' and still on parole after one year, only 16.1% experienced unfavorable outcome during the next two years (results for the two years are not reported separately). Unfortunately, there are several substantial methodological weaknesses in this study. First, the followup period selected was not applied equally to each individual in the sample. That is, followup terminated when a sample case was discharged from parole regardless of whether or not the two (or three) year period had been completed. example, if the parole of a sample case was terminated (by end of sentence) in the fourteenth month, any unfavorable outcome after the fourteenth month would have not been counted. Consequently. the figures reported are not on the basis of cases at risk and, thus, are subject to the bias discussed in relation to Table IB. Second, since the sample contains only parolees, an unknown (but probably substantial) bias towards overrepresentation of better Third, it is not clear how cases with risk cases is likely. charges pending at the end of the followup period were coded. If, as it appears, cases with pending charges were coded as having favorable outcome, an additional positive bias may be present. Thus, any conclusion that a one year parole period is 'sufficient' does not, in our opinion, appear warranted on the basis of the data presented by these writers.

Approaching this issue from a slightly different perspective, $\frac{18}{}$ Jaman et. al. examined subsequent outcome for two samples

 $(N_1=341,\ N_2=413)$ of California parolees granted discretionary early discharge from parole between July and October 1971. Both samples had been arrest free for the first year of supervision, although the mean total time under supervision differed (13 months vs 25 months). During the year subsequent to discharge, the rates of new arrest (27.3% and 25.9%) and new commitment of 90 days or more (13.3% and 16.7%) for the two samples were similar. Therefore, no significant increase in favorable outcome was noted for the group that averaged an additional year under supervision. However, both samples were restricted to discretionary discharges from parole supervision and, thus, the generalizability of this study is limited.

The Present Study - Sample Selection and Description

From the population of all federal prisoners with maximum sentences of more than one year and one day who were released to the community during the first six months of 1970, a 50% sample \frac{20}{20} \text{ Mail three major forms of release (parole/mandatory release/expiration of sentence) were included. The sample was drawn by including all cases whose prison identification (register) numbers ended in selected digits (i.e., selecting all cases with register numbers ending in odd digits provides a 50% sample). As prison identification numbers are assigned sequentially upon admission, this procedure is assumed to produce a reasonable approximation of random selection. For each sample case, an information sheet containing over sixty items

relating to offense, sentence structure, prior record, and other offender background characteristics had previously been coded by research staff. Table II provides information concerning the commitment offense, type of commitment, number of previous convictions, and number of previous commitments for the cases included in this sample.

[INSERT TABLE II ABOUT HERE]

Data Collection

Followup information for this study was provided through the cooperation of the Federal Bureau of Investigation. As noted, a six year followup period for each sample case was selected, coded from month of release (i.e., for an individual released in March 1970, the followup period extended through March 1976). To obtain the followup data, the names, FBI numbers, and dates of birth of all sample cases were first run through the FBI's CCH (Computerized Criminal History) system, which provides a computer printout equivalent to an FBI record of arrest ('rap sheet'). For those cases not located in the CCH system, manually pulled rap sheet copies were obtained from the FBI's Identification Division.

Followup information was coded on a data sheet (See Appendix I) adopted after a pretest. It is to be noted that coding of rap sheet information for followup purposes is a rather formidable task. Abbreviations used for offenses and dispositions vary with state and local jurisdictions. There may be multiple offenses listed per arrest, or several arrests may be satisfied by a single disposition. Detailed coding instructions (Appendix II) and use

of an FBI booklet of standard arrest abbreviations 27 helped to resolve most, but not all, of the problems encountered. One particularly troublesome problem concerned multiple arrest entries close in time (e.g., on consecutive days) - sometimes by the same police agency, sometimes by different jurisdictions, sometimes for identical charges, sometimes for different charges. In a few cases it was simply impossible to tell whether the subject had been arrested for only one offense and the multiple entries represented different stages in processing, whether the subject had been arrested in one jurisdiction on behalf of another, whether the subject was wanted in more than one jurisdiction for different offenses, or whether the subject was simply very active and unlucky (or inept). To assess our ability to implement the coding procedures reliably, a five percent randomly drawn subsample was recoded by a different coder. For the three variables most pertinent to this research (presence/absence of new arrest or parole violation; year of first new arrest; most serious arrest), a measure of reliability (percentage of cases coded identically) was calculated. The agreement found (100%, 94%, and 88% respectively) was considered quite adequate for purposes of this research. $\frac{28}{}$

It is realized that use of FBI records has certain limitations. For example, some police agencies may not regularly report all arrests to the FBI. Probably the greatest weakness of FBI rap sheet data, however, is missing dispositional information (e.g., dismissals, convictions, sentences). Fortunately,

this latter limitation does not affect the present study due to the choice of an arrest criterion, which will be discussed below. On the positive side, a major advantage in using rap sheet information (as opposed to parole file data) is that a consistent six year followup period can be used for each case, regardless of whether the releasee was under parole (or mandatory release) supervision for all, some, or none of the followup period.

Although a number of potential outcome measures (arrest, conviction, commitment) were coded, the criterion selected for our analysis requires only arrest data. The following definition was established:

Favorable Outcome = no criminal arrest, no parole
(No Arrest) violation warrant, and not deceased while committing a criminal act.

Unfavorable Outcome = any one or more of the above negative (Arrest) indicants during the followup period.

This is a somewhat more conservative definition of favorable outcome $\frac{31}{2}$ than used by either the Kitchener or Gottfredson and Ballard study. It is our belief, however, that for the consideration of policy decisions relating to supervision intensity and/or termination of supervision, an arrest criterion provides an appropriate $\frac{33}{2}$ measure.

Findings and Discussion

By the end of the six year followup period, 1129 cases (62.5% of the sample) had been arrested at least once, either for a criminal charge or parole violation. $\frac{34}{}$ In 738 cases (40.9% of the sample) more than one criminal arrest were recorded. Overall, their were in excess of 2,788 separate criminal arrests noted. $\frac{35}{}$ Clearly, the risk of rearrest for released federal prisoners is quite substantial. Conviction(s) on criminal charges were recorded for 751 cases (41.6% of the sample). For 40.8% of the sample (736 cases) a new commitment of sixty days or more or return to prison as a parole violator was noted. In 497 cases (27.5% of the sample) a new prison commitment was sustained. ble III indicates arrests, convictions, commitments, and parole violations. As noted earlier, FBI rap sheet records frequently lacked dispositional information. For at least 1,319 arrests, involving 714 individuals (39.5% of the entire sample), a pending/ missing disposition was listed. $\frac{36}{}$

[INSERT TABLE III ABOUT HERE]

Table IV displays the most serious arrest offense recorded for each releasee during the followup period. In cases of more than one arrest, or an arrest with more than one charge, the offense with the lowest code number was considered the most serious. It is acknowledged that this seriousness index is relatively crude. That is, while it may be safe to say that the average homicide (01) is more serious than the average vehicle theft (09), there are certain rap sheet offenses (e.g., assault, theft, heroin offenses) for which within-category variations in gravity can be extremely wide (e.g., an assault may represent anything from a minor

fracas to attempted murder) and may likely exceed between-category differences. Also, it is recognized that a police charge at arrest may in some cases bear little relationship to the actual offense committed. Given the minimal specificity provided by the rap sheet record, any attempt to develop a finer index of offense gravity was deemed unwarranted. Nevertheless, it is believed that the information shown provides a useful picture of the most serious allegations made against released federal prisoners during the followup period.

[INSERT TABLE IV ABOUT HERE]

We turn now to an examination of the association between time elapsed after release without arrest and the likelihood of arrest in a subsequent period. The solid line in Graph II displays the proportion of persons at risk (arrest free) at the beginning of each year who sustain an arrest during the year.

It may readily be seen that the rate of arrest for the sample as a whole is highest during the first year (32.2%). However, this does not imply that those who complete the first year without arrest will necessarily continue arrest free. While the arrest rate in the second year (2.16%) is lower, it is still substantial. The rate of arrest continues to decline in the third (13.8%) and fourth (7.4%) years. Thereafter, it

appears relatively stable (5.9% in the fifth and 6.3% in the sixth year). Data using the same criterion measure is available for a similar, although somewhat smaller, sample (N=1138) of federal prisoners released in 1971 using a three year followup period. $\frac{40}{}$ The dashed line in Graph II displays this data. During the first year after release, the rates of arrest for the two samples are for all practical purposes identical. During the second and third years, the 1971 cases appear to experience arrest at a slightly lower rate; nevertheless, the slopes of the lines appear quite similar.

[INSERT GRAPH II ABOUT HERE]

Next, we wished to ascertain whether the relationship shown above was uniform throughout the sample or whether it varied when certain background characteristics were taken into account. Therefore, the sample was subdivided into four 'risk' groups according to a actuarial device (termed a salient factor score) developed for use by the Parole Commission as an aid in parole selection. Appendix III displays this device. Graph III presents the relationships found when the 1970 sample is subdivided in this manner. It is clear that during the first three years, knowledge of salient factor score adds to our ability to estimate the likelihood of arrest in each year. As would be expected, during the first year there is a considerable difference in rate of arrest among the four risk groups. During the second and third years, differing rates of arrest among the very good, good, and

fair risk groups remain, while the distinction between the fair and poor risk groups disappears. For the fourth, fifth, and sixth year, the rate of arrest of those at risk appears similar for all except the very good risk cases, which continue to experience a slightly lower arrest rate. Another way of looking at this is that the very good risk group begins with a relatively low arrest rate which diminishes only slightly over time. Those in the poorer risk groups begin with relatively higher arrest rates, but as time goes on, the arrest rates for the survivors begin to more closely resemble that of the better risk groups until, after three years, the rates of arrest of those at risk in all groups are relatively similar.

[INSERT GRAPH III ABOUT HERE]

Finally, we wished to examine a hypothesis that those who are arrested for the first time late in the followup period tend to be arrested for less serious offenses than those arrested earlier. Mannheim and Wilkins, in their study of English youth institutions (Borstals), reported that in so far as offense seriousness was measured by the severity of the sanction imposed, those who commit offenses early in the followup period tended to commit more serious (more heavily punished) offenses. However, use of the severity of the sanction imposed as a measure of the seriousness of the offense has a serious methodological limitation. That is, the recency of last release from confinement may itself be a powerful factor in sentencing dispositions (i.e., those who 'recidivate' early may be treated more harshly than those who appear to have abstained from criminal activity for a longer period, even though the offense may be the same).

For our test of this hypothesis, the seriousness of the first arrest by year of first arrest was tabulated (Graph IV) using the first seven categories of offenses (i.e., categories eight through sixteen were collapsed as it is believed that the among category seriousness distinctions are overly tenuous). Those arrested during the first year do not appear to have significantly more serious first arrests than those arrested in later years.

[INSERT GRAPH IV ABOUT HERE]

There is, however, another way of observing this phenomena. If we examine the most serious arrest (during the entire follow-up period) by year of first arrest (Graph V), we find that those arrested in the first year do appear more likely to be arrested for serious offenses than those first arrested later on (e.g., 60.7% of those arrested during the first year sustained an arrest during the followup period for burglary or an offense rated as more serious, compared to 46.4% of those first arrested in the second or later years). The difference between any of the remaining years is not statistically significant. It appears that this is due to the overall greater average number of arrests sustained during the followup period by those arrested in the first year. $\frac{43}{}$ When the number of arrests is held constant, the relationship between year of first arrest and most serious arrest disappears. $\frac{44}{}$

[INSERT GRAPH V ABOUT HERE]

Implications

Data presented to this point should leave no doubt that, as a group, federal prisoners released in 1970 show a rather high likelihood of sustaining a new arrest within a six year followup period. It is also clear that the likelihood of a new arrest during a given year is related both to salient factor score and year after release.

[INSERT TABLE V ABOUT HERE]

Assuming that a parole agency wished to use this type of information in establishing standards or guidelines for the differential allocation of supervision resources, a matrix such as shown in Table V might be formulated. This matrix, derived from Graph III, divides the sample into three groups, based upon salient factor score and year (arrest free) after release. Group A contains cases with an estimated arrest likelihood in excess of 25% for that particular year. Group B contains cases with an estimated arrest likelihood in excess of 12.5% but not more than 25%. Group C includes cases with an arrest likelihood of 12.5% or less. For each group, a category of supervision intensity (e.g., maximum, medium, minimum) could be assigned. $\frac{45}{}$ This supervision category would be the normal or customary supervision level designated for that particular group of cases. Exceptions to the classification scheme would fall in two general types. First, assignment to a different level of supervision would be authorized on a case by case basis to accommodate factors not included in the general policy. For

example, a parolee working on an offshore drilling rig might be assigned to less intense supervision than normally indicated, while a parolee experiencing a period of intense emotional stress might logically be assigned more intense supervision. For management and quality control purposes, the probation officer assigned to the case could be required to articulate his reasons for this override of the supervision matrix. Second, there may be specific classes of cases in which a different policy is deemed warranted. For example, cases whose offenses involved violence or large scale criminal activity might, as a matter of general policy, be placed at the highest level of supervision for the first two years, regardless of salient factor score. Similarly, a separate matrix might be developed to aid in the assignment of supervision for those who sustain an arrest yet are continued under supervision. 46/

[INSERT TABLE VI ABOUT HERE]

For purposes of termination of supervision, similar policy guidance could also be useful. Clearly, termination of supervision of all cases arrest free after one year on the assumption that the likelihood of a subsequent new arrest was small would be a decision based upon an erroneous assumption. In fact, during the second year of exposure, the arrest rate is in excess of 12% for all but the very good risk (salient factor score 11-9) group. After three full years arrest free, however, all cases fall into the 12.5% or less arrest likelihood category. Thus, for consideration of termination of supervision a policy such as

described in Table VI might be developed. As with standards for supervision intensity, discretionary departures from the matrix upon the provision of specific written reasons could be permitted. Similarly, supplemental policy could be developed, as required, to cover specific types of situations in which additional factors are deemed pertinent.

Adoption of policy of the above form would have the advantage of enhancing consistency in decisions relative to allocation of supervision resources and/or termination of jurisdiction without removing the opportunity for individual case consideration where pertinent factors not included within the decision-matrix are present. Moreover, administration and quality control monitoring would appear to be relatively convenient and straightforward. Feedback from the application of these policy standards could then be provided to the Parole Commission and Probation Service at periodic intervals so that policy modification, where warranted, could be effected.

It is to be noted that the possible effects of parole supervision (e.g., deterrent or rehabilitative) have not been considered in the above analysis. That is, all cases have been used in the preceding tabulations regardless of whether they were released to a long period of supervision, a short period, or no supervision at all. Clearly, it is possible that the presence/absence, intensity, or style of supervision could affect the rates shown. If further research, preferably using random allocation of cases to different

supervision 'treatments', is able to establish the existence of specific relationships among the above variables, this knowledge could be used to facilitate cost/benefit analyses and enable development of more sophisticated policy matrices.

In addition, variation from whatever policy is adopted might be authorized for a limited proportion of cases (e.g., 10%)chosen randomly from selected matrix classifications for the specific purpose of assessing the effectiveness of the presence/absence, intensity, or style of parole supervision on a continuing basis. Knowledge obtained in this manner, or through other research efforts, could then be translated into action through further refinement of the policy control devices.

Footnotes

- 1. A prisoner denied parole will be released upon expiration of sentence less any institutional good time earned. If more than six months good time is earned, the prisoner is released to mandatory release supervision (as if on parole) for the remainder of his sentence less six months. For example, if a prisoner with a 60 month sentence who is denied parole earns 16 months good time, he will be released after service of 44 months. He would then be under mandatory release supervision for ten months (16 months less 6 months). If a prisoner with six months or less good time is released by expiration of sentence, release is without supervision.
- 2. 28 C.F.R. §2.40 contains the standard conditions of parole/mandatory release supervision and regulations governing addition or modification of conditions.
- 3. The Parole Commission and Reorganization Act of 1976, 18 U.S.C. \$\frac{1}{2}\$\$\frac{1}{2}\$\$\text{01}\$ et. seq. Provisions governing the early termination of jurisdiction are found at \$\frac{1}{2}\$\$\text{211}\$.
- 4. 18 U.S.C. § 5017 (b) & (d), applicable to persons sentenced under the Youth Corrections Act, 18 U.S.C. §5010.
- 5. 28 C.F.R. §2.46(b), 1975.
- 6. 28 C.F.R. \$2.42, 1977.
- 7. Form F-3, United States Parole Commission (January 1977).
- 8. The President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Corrections, Washington, D.C.: U.S. Government Printing Office (1967), p. 68.
- 9. J.E. Berecochea, A.N. Himelson and D.E. Miller, "The Risk of Failure During the Early Parole Period: A Methodological Note", 63 Journal of Criminal Law, Criminology, and Police Science 1 (1972), pp. 93-97.
- 10. D.M. Gottfredson and K.B. Ballard, "The Validity of Two Parole Prediction Scales: An Eight Year Followup Study", Vacaville, California (1965), pp. 29-30.

- 11. In California in 1956, over 85% of prisoners were released by parole (personal communication with D.M. Gottfredson, October 1977).
- 12. H. Kitchener, A.K. Schmidt, and D. Glaser, "How Persistent is Post-Prison Success?", 41 Federal Probation 1 (1977), pp. 9-15.
- 13. The sample studied was derived from that originally selected by Glaser in 1958; see D. Glaser, The Effectiveness of a Prison and Parole System, Indianapolis: Bobbs-Merrill(1964).
- 14. L.A. Bennett and M. Ziegler, "Early Discharge: A Suggested Approach to Increased Efficiency in Parole", 39 Federal Probation 3 (1975),pp. 27-30.
- 15. For a description of the Uniform Parole Reports system, see M.G. Neithercutt, W.H. Mosely, and E.A. Wenk, "Uniform Parole Reports: A National Correctional Data System", National Council on Crime Delinquency Research Center, Davis, California (March 1975).
- 16. Uniform Parole Reports newsletters (Nov. 1970; Oct. 1971; Nov. 1972) indicate approximately 72% of 1968-70 parolees survived the first year without difficulty. However, Bennett & Ziegler report that only about 50% (54,400/108,231; 16,550/33,499) of these cases were actually difficulty free and still under supervision after one year. Thus, it appears that a substantial number of cases (in the order of 20%) were terminated from supervision during the first year other than for parole violation (probably by completion of sentence). This attrition rate is likely to increase as time goes on and, thus, the bias described in Table IB is likely to be substantial.
- 17. For an example of the ability of a parole board to select better risk cases (when the effects of supervision are controlled) see P.B. Hoffman, "Mandatory Release: A Measure of Type II Error", 11 Criminology 4 (1974), pp. 541-554.
- 18. D.R. Jaman, L.A. Bennett, and J.E. Berecochea, "Early Discharge from Parole: Policy, Practice, and Outcome", Research Report 51, Research Division, Department of Corrections, State of California (April 1974).

- 19. The two samples had been released under different discharge procedures. The first sample had been discharged under Adult Authority Resolution 284; the second under an earlier procedure (Penal Code Section 2943).
- 20. A total of 1838 cases were identified by the selection method described. During the original study, twelve cases could not be identified by the FBI from the data available. Of the 1826 subjects used in the original study, there are 16 additional records which the FBI could not locate. Furthermore, the records of four subjects were destroyed because they were over 80 years of age. These cases were excluded, reducing our sample to an N of 1806.
- 21. In the present sample, 45.6% were paroled, 29.3% were released to mandatory release supervision, and 25.1% were released at expiration of sentence with no supervision.
- 22. As the last three digits of the register number designate the institution to which the inmate was initially assigned, the digit used here for identification was the fifth (i.e., the last digit in the personal identification number).
- 23. This coding was performed as part of a study on federal parole decision-making funded by the Law Enforcement Assistance Administration (Grant Number NI-72-0716). For an overall description of this project, see D.M. Gottfredson, L.T. Wilkins, P.B. Hoffman, and S.M. Singer, "The Utilization of Experience in Parole Decision-Making: Summary Report", Washington, D.C.: U.S. Government Printing Office, 2700-00277 (1974); see also S.M. Singer and D.M. Gottfredson, "Development of a Data Base for Parole Decision-Making: Report Number One", Parole Decision-Making Project, National Council on Crime and Delinquency Research Center, Davis, California (1973); and D.M. Gottfredson and S.M. Singer, "Parole Decision-Making Coding Manual: Report Number Two", Parole Decision-Making Project, National Council on Crime and Delinquency Research Center, Davis, California (1973).
- 24. Studies using FBI followup must allow for the possible time lag between the date of arrest and the date an entry for this arrest is posted on the rap sheet. Coding was begun for this sample in February 1977. Given that the last month for which followup information is required is June 1976, this allows a minimum of seven months for the relevant data to be posted.

- 25. Arrests for certain petty offenses (such as drunkenness, gambling, and vagrancy) are not entered into the FBI's CCH system and, for consistency, were not counted if recorded on the Identification Division rap sheet copy. In addition, the offense, 'Driving While Intoxicated', was eliminated from coding for both the CCH and Identification Division rap sheets.
- 26. The Computerized Criminal History (CCH) system was implemented prospectively by the FBI in 1971. Therefore, only those releasees who were rearrested after this date in the federal system or in one of the states which has direct input to CCH would have been added to the system (once entered, the entire rap sheet becomes available). This necessitated using both the CCH and manual Identification Division files.
- 27. Federal Bureau of Investigation, "Standardized Arrest Abbreviations", United States Department of Justice, Washington, D.C. 20535 (undated).
- 28. A Pearson's product moment correlation was also calculated for each of the two non-dichotomous variables. The resulting coefficients were: Year of first new arrest: .876; Most Serious arrest: .997.
- 29. In one jurisdiction (District of Columbia) the police are precluded from sending any arrest records directly to the FBI [in accordance with a decision in <u>Utz v. Cullinane</u>, U.S. Court of Appeals (D.C., 1975)]. However, arrest records for certain cases may be forwarded to the FBI through the U.S. Attorney's office; and in cases of conviction such records may be reported to the FBI by the court or correctional agency.
- 30. Certain petty offenses are excluded; note 25, supra.
- 31. Kitchener, supra note 12.
- 32. Gottfredson and Ballard, supra note 10.
- 33. It can be argued that due to the vagarities of the prosecutorial/court system, an arrest measure provides (for a group) a better indicant of the frequency of actual criminal conduct than would a conviction or commitment measure [see S. Shinnar and R. Shinnar, "The Effects of the Criminal Justice System on the Control of Crime: A Quantitative Approach", 7 Law and Society Review 1 (1975), pp. 592-593].

It is to be noted that we are not recommending that any parolee be revoked for an arrest unsubstantiated by additional information as to guilt. We are only saying that when one is attempting to set policy on a macroscopic level concerning the surveillance and/or provision of services to offenders, an arrest criterion provides a useful measure of the likelihood of contact with the law. In addition, to restrict parole board concern only to charges proved beyond a reasonable doubt (the standard for criminal conviction) would appear inconsistent with the present legislative mandate (18 U.S.C. § 4214) which sets a preponderance of evidence standard for revocation of parole.

- 34. Also included was one person who died during the commission of a criminal act.
- 35. Arrests in excess of five were not coded. There were 186 individuals who sustained five or more arrests.
- 36. There were 49 individuals for whom five or more pending charges were coded.
- 37. For a study of the reasons for deterioration of arrest charges, see Vera Institute of Justice, "Felony Arrests: Their Prosecution & Disposition in New York City's Court", New York (1977).
- 38. Thirty-one individuals are known to have died during the followup period. One died in the commission of a criminal act; five died without ever being arrested and were eliminated from 'cases at risk' during the year in which they died. The remaining 25 had been arrested prior to their death and are thus included in the 'unfavorable arrest outcome' group during the year in which they sustained their first arrest. The number of additional individuals who may have died without coming to the attention of the FBI is unknown.
- 39. Of the 581 individuals with unfavorable arrest outcome during the first year, 339 were arrested during the first six months (18.8% of those at risk) and 242 were arrested during the second six months (16.5% of those at risk). Thus, there does not appear to be much, if any, difference between the first and second six month periods in regard to the likelihood of arrest of those at risk.

- 40. P.B. Hoffman, B. Stone-Meierhoefer, and J.L. Beck, "Salient Factor Score and Releasee Behavior: Three Validation Samples", United States Parole Commission Research Unit, Report 15 (August 1977).
- 41. Id., P.B. Hoffman and J.L. Beck, "Parole Decision-Making:

 A Salient Factor Score", 2 Journal of Criminal Justice 3
 (1974), pp. 195-206; P.B. Hoffman and J.L. Beck, "Salient Factor Score Validation A 1972 Release Cohort", 4 Journal of Criminal Justice 1(1976), pp. 69-76.
- 42. H. Mannheim and L.T. Wilkins, <u>Prediction Methods in Relation</u>
 to Borstal Training, London: Her Majesty's Stationery Office
 (1955), p. 152.
- 43. For example, of those arrested during the first year, 23.8% ended the followup period with only one arrest. For years two through six the respective percentages are: 31.7%; 47.7%; 57.4%; 82.2%; and 75.6%.
- 44. Kolomogorov-Smirnoff chi squares were computed between those arrested during year one and those arrested in later years for: those with exactly one arrest during the followup period, those with exactly two arrests, etc. The chi square values ranged from 1.6 to 4.0 (df=2) with none reaching significance.
- 45. In 1971, the U.S. Parole Board and U.S. Probation Service developed a proposed classification of parolees for differential supervision. Three levels of supervision (maximum, medium, minimum) are described. However, these guidelines for supervision were not empirically derived. Although the Probation Service formally moved to implement these guidelines in 1974, a recent General Accounting Office report indicated a lack of consistent application of these standards in the sample of probation officers studied [Comptroller General of the United States, "Probation and Parole Activities Need to be Better Managed", Report to the Congress (October 1977), pp. 9-10].
- 46. Appendix IV provides data concerning the outcome rates for those who sustained at least one arrest during the followup period. The outcome rates are calculated by year from the time of the first arrest (excluding first arrests leading to commitment in excess of one year) to the end of the period at risk.

47. This argument might be even more relevant to current supervision practices. Since 1970, the number of federal probation officer positions has increased substantially (from 614 positions in 1970 to 1,452 positions in 1976), providing more time, per case, for supervision tasks (personal communication with D. Chamlee, Assistant Chief of Probation, December 1977).

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TABLE I HYPOTHETICAL STATE PAROLE VIOLATION RATES

A. State of Jefferson: Two Year Followup

Period	Number at Risk [Beginning of Period]	Number of Parole Vio- lators During Period	Percent of Total Vio- lators [Number of Vio- lators During Period/ Total Parole Violations]	Percent Parole Vic- lators of those at Risk [Number of Violators During Period/Cases at Risk at Beginning of Period]
1st 6 months	1000	200	33.9%	20.0%
2nd 6 months	800	160	27.1%	20.0%
3rd 6 months	640	130	22.0%	20.3%
.4th 6 months	510	100	17.0%	19.6%

B. State of Madison: Two Year Followup

Period	Number at Risk Beginning of Period	Number of Parole Vio- lators During Period	Percent of To lators [as ca above]	lculated late	cent Parole Viors of those at [as calculated ve]
1st 6 months	1000.	200	44.4%		20.0%
2nd 6 months	750*	150	33.3%		20.0%
3rd 6 months	300**	60	13.3%		20.0%
4th 6 months	200***	40	8.9%		20.0%

Note: Persons discharged from supervision are noted below:

^{* 50} persons discharged by completion of sentence during preceding period;

^{** 300} persons discharged by completion of sentence during preceding period;
*** 40 persons discharged by completion of sentence during preceding period.

TABLE II:
CHARACTERISTICS of the SAMPLE

A. Commitment Offense

Offense	Number	•	Percent	of Sample
Willful Homicade (9), Forcible Rape (6),				
Kidnapping (8)	23		• •	1.3
Robbery	106			5.9
Aggravated Assault	25			1.4
Burglary	55			3.0
Theft or Larceny (Except Vehicle)	191			10.6
Vehicle Theft	578			32.0
Forgery, Fraud, Larceny by Check	168			9.3
Other Fraud	64			3.5
Alcohol Laws Violations	102			5.6
Heroin Drug Law Violation	185		•	10.2
Marijuana Law Violation	76			4.2
Other Drug Law Violation	32			1.8
Counterfeiting	50			2.8
Selective Service Laws Violation	84			4.7
All Others	67			3.7
TOTAL	1.806			

TABLE II (cont'd)

B. Prior Convictions

Prior Convictions	Number	Percent of Sample
None	274	15.2%
1	256	14.2%
2	222	12.3%
3	196	10.8%
4 or more	858	47.5%

C. Prior Incarcerations

Prior Incarcerations	Number Percent of Sample
None	566 31.3%
1	299 16.6%
2	211 11.7%
3	179 9.9%
4 or more	551 30.5%

D. Type of Commitment

Commitment Procedure	Number	Percent of Sample			
New Court Commitment	1,382	76.5%			
Probation Violator	102	5.7%			
Parole/Mandatory release Violator	322	17.8%			

	Number	Percent
A. ARRESTS		
No Difficulty [No New Arrest or Parole/Man-datory Release Warrant]	677	37.5
Criminal Arrest (s)		
One Two Three Four Five or more	352 279 155 107 197	19.5 15.5 8.6 5.9 10.9
Parole/Mandatory Release Warrant Issued	249	13.8
B. DISPOSITIONS		
New Criminal Conviction (s)	751	41.6
New Commitment(s) of Sixty Days or More	608	33.6
New Commitment of Sixty Days or More or Parole/Mandatory Release Violation Warrant Issued	736	40.8
New (Prison) Commitment(s) in excess of One Year	497	27.5

NOTE: The above data do not infer a time sequence as to whether a new arrest or conviction preceded a parole violation or visa versa. Moreover, the number of parole violations should not be taken as representing the favorable or unfavorable outcome rate of parolees/mandatory releasees as not all offenders were released with supervision, and not all those released with supervision had a supervision period for the full six years.

TABLE IV: MOST SERIOUS ARREST DURING SIX YEAR FOLLOWUP

(Crude Seriousness Index)

Offense	Number'	Percent	
Never Arrested	716	39.7	
Homicide (01)	30	1,7	
Kidnapping (02)	9	. 5	
Forcible Rape (03)	31	1.7	
Other Sex Offenses (04)	21	1.2	
Robbery (05)	134	7.4	
Assault (06)	154	8.5	•
Burglary (07)	191	10.6	
Theft or Larceny (08)	179	9.9	
Vehicle Theft (09)	73	4.0	
Forgery or Fraud (10)	75	4.2	
Heroin (12)	40	2.2	
Drugs: unspecified or other than herion or as			
marijuana (13)	47	2.6	
Marijuana (14)	23	1.3	
Weapons (15)	22	1.2	
All Other Offenses (16)	61	3.4	

TABLE V
Sample Supervision Matrix

Year After Release

		First.	Second	Third	Fourth	Fifth	Sixth
	Poor Risk (SFS=0-3)	MAX (A) 49.4	MAX (A) 31.0	MED (B) 18.5	MIN (C) 10.0	MIN (C) 6.7	MIN (C) 10.3
	Fair Risk (SFS=4-5)	MAX (A) 36.4	MAX (A) 28.0	MED (B) 21.4	MIN (C) 7.7	MIN (C) 12.2	MIN (C) 8.8
Ð	Good Risk) (SFS=6-8)	MED (B) 24.2	MED (B) 19.1	MIN (C) 12.2	MIN (C) 8.8	MIN (C) 4.2	MIN (C) 6.2
1	Very Good Risk (SFS=9-11)	MIN (C) 9.1	MIN (C) 9.7	MIN (C) 6.1	MIN (C)	MIN (C)	MIN (C) 2.6

GROUP A = MAX = Maximum Supervision Suggested

GROUP B = MED = Medium Supervision Suggested

GROUP C = MIN = Minimum Supervision Suggested

NOTE: The number noted at the bottom of each cell represents the percentage of those at risk sustaining an arrest during the year.

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TABLE VI

DRAFT FARLY TERMINATION POLICY

Conditions

- A. Cases with a salient factor score of 9-11: Completion of 2 continuous years of 'clean' supervision.
- B. Cases with a salient factor score of 8 or less: Completion of 3 continuous years of 'clean' supervision.
- C. Cases having completed less than the above applicable period of 'clean' supervision.

Recommendation

Terminate jursidiction, unless case-specific reasons for continued supervision are present and documented.

Terminate jurisdiction, unless case-specific reasons for continued supervision are present and documented.

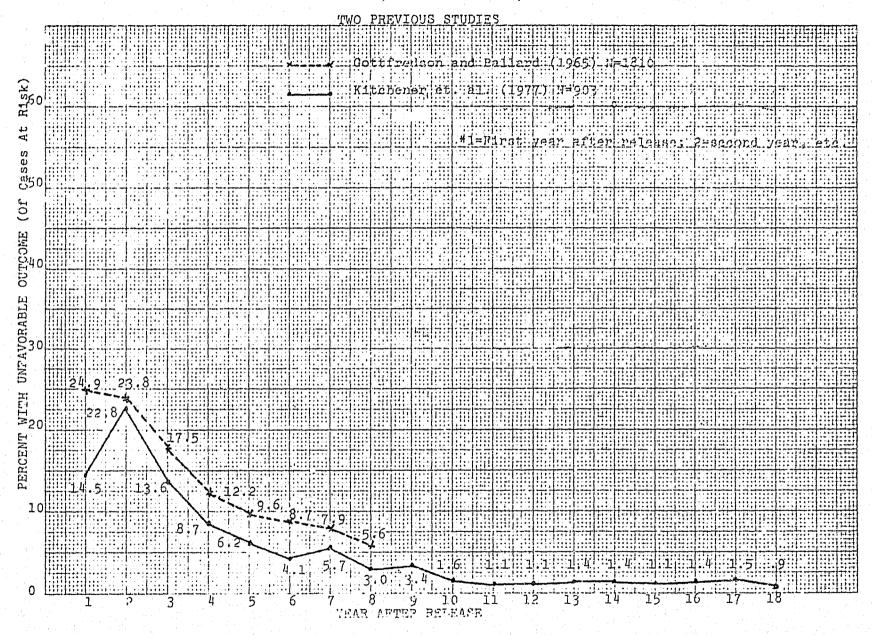
Continue jurisdiction, unless case-specific reasons for termination of supervision are present and documented.*

Definition: 'Clean' supervision is defined as supervision free of any indication of new criminal behavior or serious parele violation. In cases of new criminal arrest, if the underlying circumstances of the arrest indicate substantial evidence of a law violation by the parolee, supervision should normally be continued (even if such arrest does not result in conviction or parole revocation).

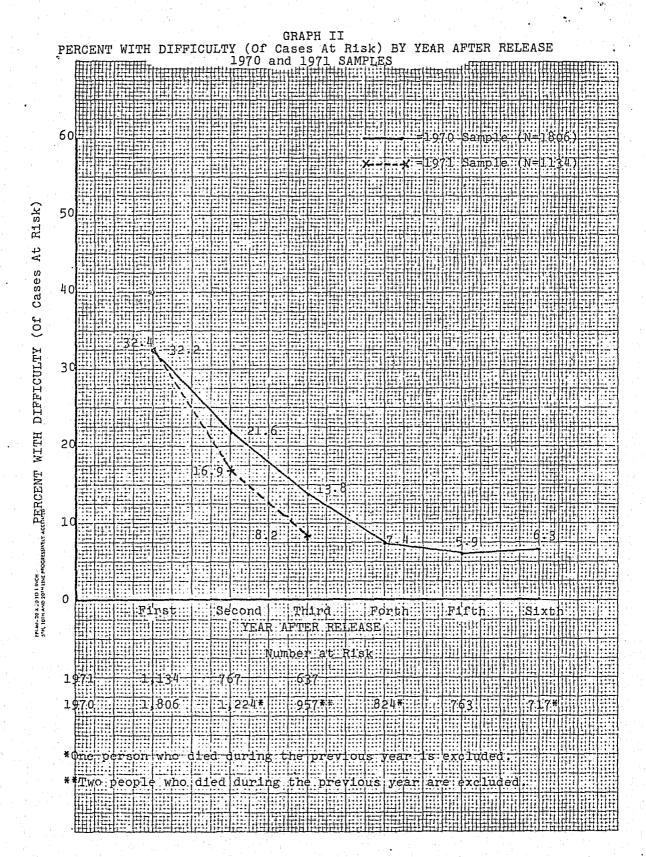
*Note: Cases with pending criminal charge(s) shall not be terminated from jurisdiction until the disposition of such charge(s) is known.

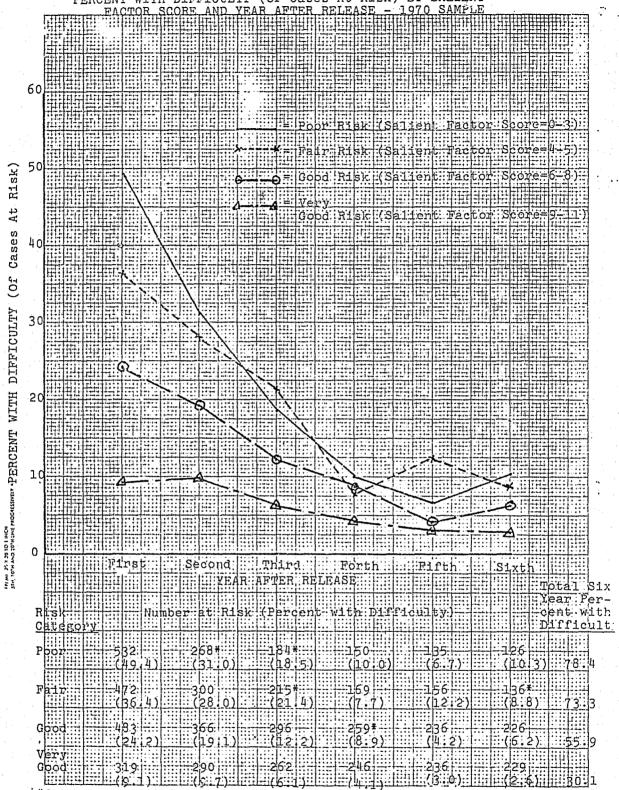
GRAPH I

PERCENT WITH UNFAVORABLE OUTCOME (Of Cases At Risk) BY YEAR AFTER RELEASE *

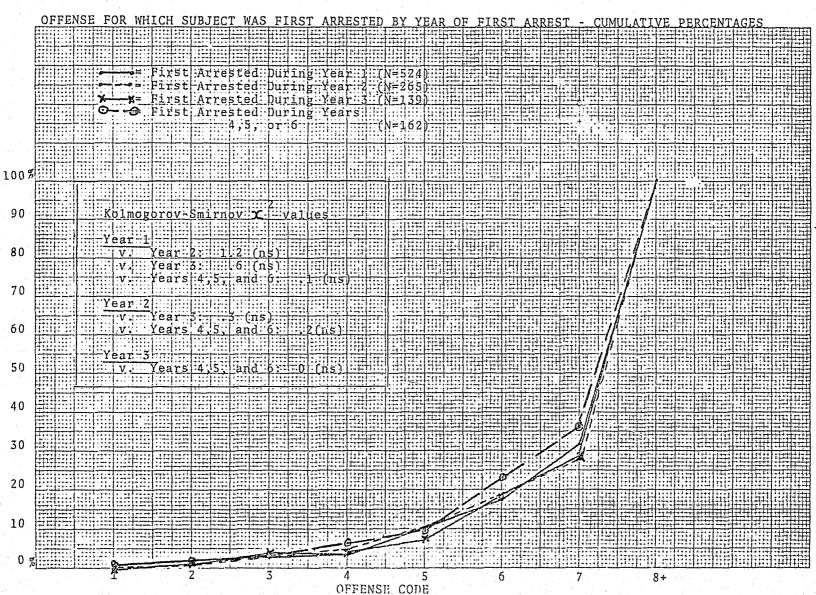


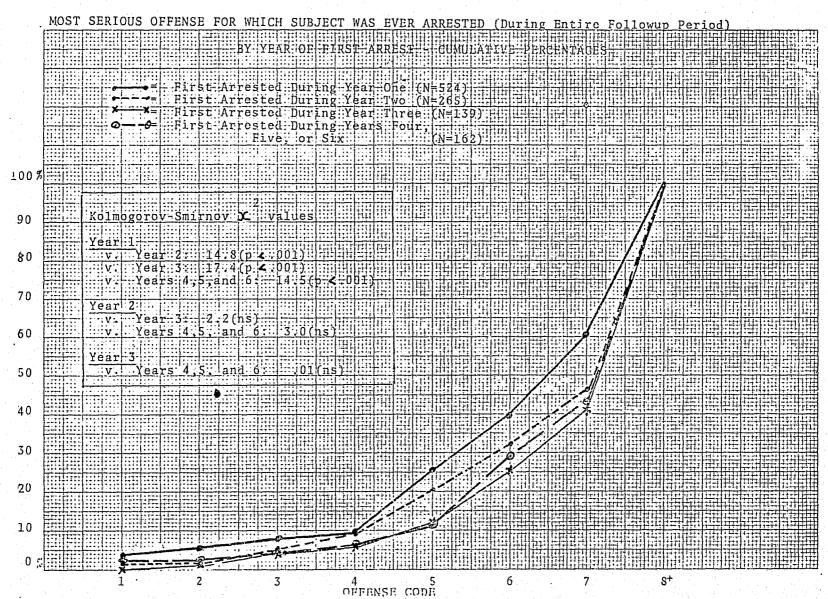
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^{*}One person who died during the previous year is excluded





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APPENDIX I

U.S. PAROLE COMMISSION - BUREAU OF PRISONS

Follow-up Information Shee	t
Register Number (1-8)	
FBI Number (9-16)	
Date of Release (17-20)	
Follow-up Period (21)	
Number of New Arrests During Follow-up Perio	d (22
Number of New Convictions (23)	
Number of Pending (Unresolved) Charges (24)	
First Arrest	
Date (25-28) Offense (29-30)	Disposition (31)
Date (32-35) Second Arrest Offense (36-37)	Disposition (38)
Third Arrest	Disposition (45
Date Offense (43-44)	Disposition (45
Pourth Arrest Offense (50-51)	Disposition (52)
Date (53-56) Greatest Sentence Imposed Offense (57-58)	Disposition (59)
New Conviction Resulting in- Commitment of 60 days or More (NO-0, YES-1)	Date (61-64)
Return to Federal Custody as Parole Violator (Check Ap	propriate Box) (65)
0 No 2 Y	es-No New Conviction
1 No-Warrant Outstanding . 3 Y	es-Following New Conviction
Date (66-69)	
. Death (70) Date of Death (71-74)	
Most Serious Offense (76-76) (After 4th)	Deck (78-80)
	5 0 4

APPENDIX II

U.S. PAROLE COMMISSION - BUREAU OF PRISONS FOLLOW-UP INFORMATION SHEET (Six Year Follow-up of 1970 Cases)

CODING INSTRUCTIONS

Column Number

1-8 Register Number

Enter register number, including the three digit institution code. The number should be "right adjusted". Code '0' in any extra boxes to the left.

9-16 FBI Number

- A. If FBI number includes only numbers, no letters, use the first seven boxes, leaving the eighth box blank.
- B. If FBI number ends in a letter, code the letter in the eighth box.
- C. If FBI number has a letter between the numbers, e.g. 46677J11, code the letter in the eighth box, disregarding the numbers to the right of the letter.

17-20 Date of Release

Code the month and year subject was released from prison. For this sample, months should range from 01-06 (Jan. through June) and the year should always be '70'.

21 Follow-up Period

Code '6'. Follow-up period equals six years from month of release. If an arrest occurs during the follow-up period, you may continue past the follow-up period to code the disposition.

22 Number of New Arrests During Follow-up Period

Code the number of times subject was arrested for new criminal conduct (discounting technical violations of parole or probation) during the follow-up period. The follow-up period extends six years from the month of release. For example, if released January, the arrest should be counted through January, 1976. '0'= none; '5'=five or more.

If subject was charged with multiple offenses on one arrest, count as one arrest.

Do not count arrests for the following: card, dice or lottery playing, misrepresenting age; drunkenness; false alarm; disturbing the peace; curfew, loitering; vagrancy; minor moving and nonmoving traffic violations. Also, drunk driving or driving under the influence (alcohol/drugs) are not counted.

Number of New Convictions During Follow-up Period

Code the number of times subject was convicted during his six year follow-up period for arrests coded above. '0' = none; '9' = nine or more.

If convicted on multiple charges resulting from one arrest, count as one conviction.

Number of Pending or Unresolved Charges

Code the total number of new pending or unresolved charges on arrests during the follow-up period.
'0' = none; '9' = nine or more.

If multiple charges are pending from one arrest, code as one pending charge.

25-28 Date of First Arrest

Code the date of the first arrest noted above. If there was no arrest, code '0000'.

29-30 Offense Associated with First Arrest

Use the following codes. If multiple offenses, code the offense closest to the top of the list below.

- 01 Willful Homicide
- 02 Kidnapping
- 03 Rape, Forcible
- 04 Other Sex Offenses (Not Statutory Rape)

- 05 Robbery
- 06 Assault
- 07 Burglary
- 08 Theft or Larceny (Except Vehicle)/Possession of Stolen Property
- 09 Vehicle Theft
- 10 Forgery/Fraud/Counterfeiting
- 12 Drug Law Violations, Heroin
- 13 Drug Law Violations, Other than Heroin or Marijuana or Unspecified
- 14 Drug Law Violations, Marijuana
- 15 Weapons Violations
- 16 All Others

If no arrest, code '00'

31 Disposition of First Arrest

Use the following codes to note the disposition associated with the first arrest.

If there were multiple charges, and there were different dispositions for each of the charges, code the most serious disposition below.

- 1 No Conviction
- 2 Suspended Sentence
- 3 Fine (includes restitution and/or court costs)
- 4 Probation
- 5 1 59 days Commitment

- 6 60 day 1 year Commitment
- 7 Commitment of Over One Year
- 8 Other (note on code sheet).
- 9 Pending

If there was no arrest, code '0'.

32-35 Date of Second Arrest*

Code date of second arrest.

36-37 Offense Associated with the Second Arrest*

Use the codes provided for Cols. (29-30) to note the offense associated with the second arrest.

38 <u>Disposition of Second Arrest*</u>

Use the codes provided for Col. (31) to note the disposition of the second arrest.

39-42 Date of Third Arrest*

Code the date of the third arrest (If none, code '0000').

43-44 Offense Associated with the Third Arrest*

Use the codes provided for Cols. (29-30) to note the offense associated with the third arrest.

- * Code as instructed for columns associated with the first arrest.
- 45 <u>Disposition of Third Arrest*</u>

Use the codes provided for Col. (31) to note the disposition of the third arrest.

46-49 Date of Fourth Arrest*

Code the date of the fourth arrest (if none, code '0000').

50-51 Offense Associated with the Fourth Arrest*

Use the codes provided for Cols. (29-30) to note the offense associated with the fourth arrest.

52	Disposition of Fourth Arrest*
	Use the codes provided for Col. (31) to note the disposition of the fourth arrest.
53-56	Date of Arrest for which Greatest Sentence was Imposed**
	Code the date of the arrest which was associated with the most severe sentence imposed. Codes provided for Col. (31) are noted in ascending order of severity.
57-58	Offense for which Greatest Sentence was Imposed**
	Use the codes provided for Cols. (29-30) to note the offense which resulted in the greatest sentence imposed. Ignore probation or parole violations.
59	Greatest Sentence Imposed**
	Use the codes provided for Col. (31) to indicate the greatest sentence which was imposed during the follow-up period. Ignore probation or parole violations.
60	New Conviction Resulting in a New Commitment of 60 Days Or More
	If $no = 0$; If $yes = 1$
61-64	Date of First Commitment Listed Above
	Code the date of first commitment of 60 days or more. If none, code '0000'.
65	Return to Federal Custody as Parole Violator
	$\theta = No$
	1 = No but warrant outstanding
	2 = Yes - no new conviction
	3 = Yes, following new conviction

^{*} Code as instructed for columns associated with first arrest.

^{**} If not applicable, code '0' in all columns.

66-69

Date of Return or Outstanding Warrant

Code the date of arrest or warrant issuance first associated with codes 1-3 in column 65.

70

Death

Code '0' if subject was alive or presumed alive at the end of the follow-up period.

Code 'l' if subject <u>died</u> or is presumed to have died before the end of the follow-up period (no criminal act was involved).

Code '2' if subject <u>died</u> or is presumed to have died before the end of the follow-up period while committing a criminal act.

71-74

Date of Death

Code the date of death if Col. (66) - 1-4.

If Col. (66)=0, leave blank.

78-80

Deck Number

Place '508' in these boxes.

SALIENT FACTOR SCORE

Register	Number	Name		
IT.	EM A			
	One prior co Two or three	nvictions (adult or juvenile) = 3 onviction = 2 ee prior convictions = 1 re prior convictions = 0		
IT.	ЕМ В			
	One or two	carcerations (adult or juvenile) $= 2$ prior incarcerations $= 1$ ore prior incarcerations $= 0$		
IT	EM C			
	26 or o 18 - 25	commitment (adult or juvenile): lder = 2 = 1 ounger = 0		•
*IT	EM D	<u> </u>		
	Commitmen checks(s) Commitmen	at offense did not involve auto theft or (forgery/larceny) = 1 at offense involved auto theft [X], or [Y], or both [Z] = 0		
*IT	EM E		<u> </u>	
	new offen violator t Has had par new offen	parole revoked or been committed for a use while on parole, and not a probation his time = 1 role revoked or been committed for a use while on parole [X], or is a probation his time [Y], or both [Z] = 0		
יידו				
		of heroin or opiate dependence = 1		
IT	EM G			
	Verified emp	ployment (or full-time school attendance) l of at least 6 months during the last 2 the community = 1 = 0		
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